

## Amy Harvey

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**From:** Roger Stancil  
**Sent:** Wednesday, June 20, 2018 12:42 PM  
**To:** Allen Buansi; Donna Bell; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Town Council; Michael Parker; Nancy Oates; Pam Hemminger; Rachel Schaevitz; Ross Tompkins  
**Cc:** Amy Harvey; Beth Vazquez; Carolyn Worsley; Catherine Lazorko; Christina Strauch; Dwight Bassett; Flo Miller; Lindsey Bineau; Mary Jane Nirdlinger; Rae Buckley; Ralph Karpinos; Ran Northam; Sabrina Oliver; Roger Stancil; Sabrina Oliver  
**Subject:** Additional Council Questions: Item 11: Advisory Board Voting

**Council Question:** Can you provide a copy of the referred-to updated statute that implicates the quorum requirements for the Planning Commission, HDC and CDC?

**Staff Response:** *The applicable statute is N.C.G.S. 143-318.10, and is provided below, with the appropriate section highlighted. Per guidance from the Town Attorney, a "majority of the members of a public body" is equal to half of the body plus one member.*

### **N.C.G.S.**

#### **§ 143-318.10. All official meetings of public bodies open to the public.**

(a) *Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.*

(b) *As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.*

(c) *"Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.*

(d) *"Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a **majority of the members of a public body** for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.*

(e) *Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8.)*

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**From:** Roger Stancil

**Sent:** Tuesday, June 19, 2018 6:52 PM

**To:** Allen Buansi <abuansi@townofchapelhill.org>; Donna Bell <dbell@townofchapelhill.org>; Hongbin Gu <hgu@townofchapelhill.org>; Jeanne Brown <jbrown2@townofchapelhill.org>; Jess Anderson <janderson@townofchapelhill.org>; Karen Stegman <kstegman@townofchapelhill.org>; Town Council <mayorandcouncil@townofchapelhill.org>; Michael Parker <mparker@townofchapelhill.org>; Nancy Oates <noates@townofchapelhill.org>; Pam Hemminger <phemminger@townofchapelhill.org>; Rachel Schaevitz <rschaevitz@townofchapelhill.org>; Roger Stancil <rstancil@townofchapelhill.org>; Ross Tompkins <rtompkins@townofchapelhill.org>

**Cc:** Amy Harvey <aharvey@townofchapelhill.org>; Beth Vazquez <b vazquez@townofchapelhill.org>; Carolyn Worsley <cworsley@townofchapelhill.org>; Catherine Lazorko <clazorko@townofchapelhill.org>; Christina Strauch <cstrauch@townofchapelhill.org>; Dwight Bassett <dbassett@townofchapelhill.org>; Flo Miller <fmiller@townofchapelhill.org>; Lindsey Bineau <lbineau@townofchapelhill.org>; Mary Jane Nirdlinger <mnirdlinger@townofchapelhill.org>; Rae Buckley <rbuckley@townofchapelhill.org>; Ralph Karpinos <rkarpinos@townofchapelhill.org>; Ran Northam <rnortham@townofchapelhill.org>; Roger Stancil <rstancil@townofchapelhill.org>; Sabrina Oliver <soliver@townofchapelhill.org>

**Subject:** Council Questions: Item 11: Advisory Board Voting

**Council Question:** Can these things be pulled out of the LUMO so that changes can be more easily made in the future?

**Staff Response:** *It is possible to remove the voting requirements of each Commission from the LUMO and host them in each Commission's respective rules of procedures. To do this, a public hearing for this change would have to be re-advertised and would require a new recommendation from the Planning Commission. The Town Attorney does not recommend this action. In such a scenario the Council could set a new voting policy for how Commissions may vote and a process for how such voting procedures could be changed.*

**Council Question:** When we are referring to votes on applications are we only referring to those where the Commission has actual decision-making authority or those where a recommendation is being made?

**Staff Response:** *The Planning Commission is recommending that its revised voting procedures apply to both decisions and recommendations. The Community Design Commission and Historic District Commission are recommending that their revised voting procedures apply to decision items only, with recommendations continuing to be decided through a simple majority of quorum.*

**Council Question:** If the text amendment passes, would a commission that begins a meeting with a bare quorum and a member must recuse himself/herself due to a conflict of interest, thus leaving the commission without a quorum, must the item be postponed until a meeting when a full quorum is present, or can it be voted on by the remaining members, who do not make up a quorum?

**Staff Response:** *A board member who is not able to participate in voting on a particular matter because of a conflict of interest would still count toward a quorum for purposes of the meeting continuing. If a quorum is present, the meeting can go on, the matter can be voted upon, and a decision can be made, if there are sufficient votes to make a decision.*