



CITY OF HENDERSONVILLE
ENVIRONMENTAL SUSTAINABILITY BOARD
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC
28792

Thursday, June 17, 2021 – 4:00 PM



AGENDA

1. CALL TO ORDER

A. Roll Call - *Beth Stang, Chairperson*

2. CONSIDERATION OF AGENDA

3. AGENDA ITEMS

A. Adoption of ESB Minutes from May 20th, 2021 - *Michael Huffman, Staff Liaison*

B. New Charters and Procedures Review and Approval - *All Board Members*

C. Working to Be Plastic Free DRAFT Resolution - *Gray Jernigan, Board Member*

4. SUB-COMMITTEE UPDATES

A. Bee City Update - *Kim Bailey, Board Member*

B. Plastic and Recycling Update - *Gray Jernigan, Board Member*

C. EAC Update - *Neil Brown, Board member*

D. City Council Update - *Lyndsey Simpson, Councilwoman*

5. DISCUSSION ITEMS

A. Old Business

6. NEW BUSINESS

A. Proposed Residential Development at 1741 HAYWOOD RD

7. ADJOURNMENT

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance

or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.



CITY OF HENDERSONVILLE
ENVIRONMENTAL SUSTAINABILITY BOARD
 City Hall | 160 6th Ave. E. | Hendersonville NC 28792
 Thursday, May 20, 2021 – 4:00 PM



MINUTES

1. CALL TO ORDER

A. Roll Call - *Beth Stang, Chairperson*

EnterTextHere

PRESENT

Chair Beth Stang
 Board Member Gray Jernigan
 Board Member Kim Bailey
 Board Member Neil Brown
 Staff Liason Mike Huffman

ABSENT

Secretary Geri Conley

Councilmember Lyndsey Simpson
 Board Member Roger Bass

Also present - Gracie Erwin and Drew Finley

2. CONSIDERATION OF AGENDA

Approval of Agenda for May 20th meeting

Motion made by Board Member Brown, Seconded by Board Member Jernigan.

Voting Yea: Chair Stang, Board Member Jernigan, Board Member Bailey, Board Member Brown

AGENDA ITEMS

1. Adoption of ESB Minutes from April 15th, 2021 - *Michael Huffman, Staff Liason*

Kim B. amend minutes to reflect- updates to species list and link to suppliers has been submitted but not uploaded/updated online, awaiting approval from City Attorney

Motion made by Board Member Brown, Seconded by Board Member Bailey.

Voting Yea: Chair Stang, Board Member Jernigan, Board Member Bailey, Board Member

Brown
Voting Abstaining: Staff Liason Huffman

2. Board Recommendations for New Charter and Procedures - *All Board Members*

Vote on recommendations to the Charters/Rules

Motion made by Board Member Brown, Seconded by Board Member Bailey.

Voting Yea: Chair Stang, Board Member Jernigan, Board Member Bailey, Board Member Brown

SUB-COMMITTEE UPDATES

3. City Council Update - *Lyndsey Simpson, Councilwoman*

4. Bee City Updates - *Kim Bailey, Board Member*

5. Plastic Reduction and Recycling Update - *Gray Jernigan, Board Member*

Presented to CC about working to be plastic free. Positive response from CC.

Nearing completion of logo for program

Creating a 2nd tier logo

Gray asked permission to work w/ Lyndsey on packet

DISCUSSION ITEMS

Budget - \$1300 remaining for this FY.

Motion made to reallocate all remaining funds to Bee City initiatives

Motion made by Board Member Jernigan, Seconded by Board Member Brown.

Voting Yea: Chair Stang, Board Member Jernigan, Board Member Bailey, Board Member Brown

Voting Abstaining: Staff Liason Huffman

NEW BUSINESS

6. Updates to notices and future meeting locations - *Michael Huffman, Staff Liason*

ADJOURNMENT

EnterTextHere

Motion made by Board Member Brown, Seconded by Chair Stang.

Voting Yea: Chair Stang, Board Member Jernigan, Board Member Bailey, Board Member Brown

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

ENVIRONMENTAL SUSTAINABILITY BOARD

CHARTER AND RULES OF PROCEDURE

The Board shall provide input and guidance for the City Council's strategic objective to subject to such limitations as may be imposed by state law or by ordinances of the city. The terms of the charter shall govern the activities of the Board. However, to the extent that this Charter conflicts with North Carolina Law, North Carolina shall control.

ARTICLE I. NAME. Environmental Sustainability Board

ARTICLE II. PURPOSE. The purpose of this Board is to serve in an advisory role to the City Council in matters pertaining to policies and practices regarding environmental sustainability in the City of Hendersonville and shall be embodied for the following purposes: Advise, deliberate and make recommendations to the City Council to help facilitate the implementation of the Comprehensive Plan as it relates to environmental sustainability in the City; Recommend to City Council an overall **policy for continued sustainability and assist with citizen-led efforts in furtherance thereof**; Provide City Council with representative community participation in preparing and implementing plans and reports **concerning environmental sustainability in the City of Hendersonville**; Promote, facilitate, and act as liaison to educate citizens on environmental sustainability issues affecting the City of Hendersonville. **Activities may include the following:**

- **Recommend requirements and procedures for waste reduction and other sustainable practices at festivals and/or special events**
- **Assist staff in researching effectiveness and costs of sustainable practices and make reports to City Council of any recommendations.**
- **Review programs and activities other communities have implemented that would be effective in Hendersonville.**
- **Participate in community outreach at public events to educate citizens on environmental issues and related City programs.**
- **Collect feedback from citizens on new or proposed efforts to determine effectiveness.**

ARTICLE III. JURISDICTION. The Board shall exercise its purpose with regards to matters and issues within the corporate limits of the City of Hendersonville.

ARTICLE IV. MEMBERSHIP AND DUTIES

Section 1. Membership and Appointment. All appointments shall be made by the City of Hendersonville City Council. The Board shall consist of nine (9) members and with a City Council Member serving as liaison. The City Council liaison is not considered a member for purposes of quorum or voting. The City Manager shall appoint a staff liaison to the Board who shall assist the Board with carrying out their duties and responsibilities. The Chairman shall be chosen annually by the Board from among those members who are residents of the City of Hendersonville.

Membership shall be composed from the following membership categories:

- (5) Residents of the City of Hendersonville.
- (4) At-Large Members
 - (1) City Council Liaison – Non-voting.

Staff Liason City staff shall be assigned to the Environmental Sustainability board, acting as the Secretary and liaison between the Board, City Departments, and the City Council and shall have the charge of correspondence, minutes, notifying members of meetings, and other information.

The Treasurer (will be same as Staff) shall perform such duties as are customary with treasurers of small government boards, including keeping and rendering to the Board accurate account of money held or controlled by the Board. At all times the Treasurer shall take such actions with respect to money held or controlled by the Board as the City Finance Director may prescribe. ***

Section 2. Terms of Service. Board members shall be appointed to staggered three-year terms by the City Council annually in June. No member shall serve more than two consecutive full three-year terms. Members shall serve without compensation. At the end of a member's term they must take a one-year hiatus before seeking reappointment to the Board.

Upon adoption of this Charter revision, any Board members seeking reappointment will be considered as new members for purposes of term limits and will begin any term appointment as a new member. At initial appointment for this Board, City Council shall hereby implement staggered terms for members, meaning that three (3) Regular Members of the Board membership shall be appointed for an initial term to run from July 1, 2021 to June 30, 2024, two (2) Regular Members of the Board membership shall be appointed for an initial term to run from July 1, 2021 to June 30, 2023, two (2) At-Large Members of the Board membership shall be appointed for an initial term to run from July 1, 2021 to June 30, 2024, and two (2) At-Large Members of the Board membership shall be appointed for an initial term to run from July 1, 2021 to June 30, 2023. Thereafter appointments shall be for 3-year terms unless filling an unexpired term. City Council will appoint the City Council Liaison to this Board.

Section 3. Attendance. Any member who misses more than three consecutive regular meetings or more than one-half the regular meetings actually held in a calendar year shall cease to be a Board member.

Section 4. Vacancies and Reasons for Dismissal. All members serve at the pleasure of the City of Hendersonville City Council. Members may be dismissed for any reason, with or without cause. Vacancies shall be filled at the earliest convenience of the City Council. A vacancy of the chair or vice chair shall be elected by a majority of the Board at the next regularly scheduled meeting. Notwithstanding the foregoing, at any meeting where both the Chair and Vice Chair are absent, the Board shall elect from those members present a member to preside at that meeting.

Section 5. Resignations. Any member who feels they can no longer serve or otherwise fulfil the duties of a member may resign from the Board. Such resignation must be in writing and delivered to the secretary. The secretary shall promptly send a copy of the written resignation to the City Clerk.

ARTICLE V. MEETINGS

Section 1. Meetings to Be Open to the Public. All meetings of the Board shall be open to the public, and any person may attend its meetings. Except as permitted below, all meetings of the Board shall be open to the public and any person may attend its meetings. For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board's members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. No meeting shall occur except as part of a duly called and advertised meeting. For the avoidance of doubt informal gatherings of a majority of the members where business of the Board is discussed are strictly prohibited.

Section 2. Regularly Scheduled Meetings. The Board shall hold regular meetings monthly. The Board shall annually adopt a regular meeting schedule showing the dates, times and places of its regular meetings for the year.

- a) **Notice of Regular Meeting Schedule.** The Board shall ensure that a copy of its current regular meeting schedule, complete with the date, time, and place of each regular meeting, is filed with the City Clerk and posted on the City's website, and the Board's webpage if they have one.
- b) **Change to Regular Meeting Schedule.** The Board may revise its regular meeting schedule to change the date, time or place of a particular regular meeting or all regular meetings within a specified period. The Board shall ensure that the revised regular meeting schedule is filed with the City Clerk at least seven (7) consecutive calendar days before the first meeting held pursuant to the revised schedule. The Board shall also have the revised schedule posted on the City's website and the Board's webpage if they have one.

Section 3. Special Meetings. The chair or the majority of the members of the Board may at any time call a special meeting of the Board by signing a notice stating the date, time and place of the special meeting and the subjects to be considered. Alternatively, a special meeting may be called by vote of the Board in open session during a regular meeting or another duly called special meeting if on the special meeting agenda.

- 1) **Notice to the public.** At least 48 hours before a special meeting, the Board shall cause written notice of the meetings date, time, place and purpose(s) to be:
 - i Posted on the Board's principal bulletin Board or, if the Board has no such bulletin Board, at the door of the Board's usual meeting room.
 - ii Mailed or delivered to each newspaper, wire service, radio station and television station and person who has filed a written request for notice with the secretary;

- 2) **Notice to Board Members.** For all meetings called by the chair, or a majority of the members, notice of the meeting date, time, place and purpose(s) shall be mailed, emailed, or delivered to all members of the Board at least 48 hours before the meeting. If the special meeting was called at another duly held meeting of the Board, and one or more members were absent, the chair shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.
- 3) **Business Conducted at a Special Meeting.** Only the business that is specified in the notice of the meeting may be transacted during a special meeting.

Section 4. Organizational Meeting. On the date and at the time of the regular meeting in July or as soon thereafter as possible, the Board shall elect a chair and vice chair as its first order of business. The second order of business shall be to adopt an annual scheduled of meetings for the upcoming calendar year.

Section 5. Electronic Board Meetings and Member Participation. No member who is not physically present may participate in a meeting of the Board by electronic means except in accordance with this rule.

- 1) **Electronic Meetings Generally.** Provided a quorum is present, in person, at a meeting, Board members may participate in a meeting electronically provided. Any member wishing to participate electronically in a meeting shall be required to give the Chair and the Secretary at least thirty-six (36) Hours before the start of the meeting. When one or more members are participating remotely, the following rules shall apply:

(a) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(b) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Board members and any person who addresses the Board and
- ii to be heard by other Board members.

(c) *Voting.* The Board shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Board maintains electronic communication with that member.

(d) *Minutes.* The minutes shall which members took part electronically, and when such members joined or left the electronic meeting.

- 2) **Electronic Meetings During a State of Emergency Declared by the Governor or General Assembly.** During any state of emergency declared by the Governor or General Assembly pursuant to G.S. 166A-19.20, a meeting of the Board shall comply with the requirements of this paragraph if the Board falls within the emergency area and at least one Board member attends the meeting by conference call, conference video, or other electronic means.

(a) *Notice.* The public notice for any regular, special, emergency, or recessed meeting that is subject to this paragraph shall specify how the public can access the electronic meeting in real time.

(b) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(c) *Meeting Materials.* All documents considered during the meeting shall be furnished to each Board member.

(d) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Board members and any person who addresses the Board and
- ii to be heard by other Board members.

(e) *Quorum.* A member who attends by electronic means counts as present for quorum purposes, but only while the Board maintains electronic communication with that member.

(f) *Voting.* The Board shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Board maintains electronic communication with that member.

(g) *Acting by Reference.* The Board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

(h) *Minutes*. The minutes shall indicate that the meeting was conducted by electronic means, which members took part electronically, and when such members joined or left the electronic meeting.

(i) *Live Streaming*. The meeting shall be streamed live online so that live audio (and video, if any) are available to the public. If the Board meets by conference call, the public shall have an opportunity to dial in or stream the audio live and listen to the electronic meeting.

(j) *Public Hearings*. Although it may conduct any public hearing mandated or permitted by law, the Board shall allow the public to submit written comments on the hearing's subject matter between the publication of any required notice and twenty-four hours after the hearing.

Section 6. Cancellation of Meetings. Whenever there is no business for the Board the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. However, in the case of a special meeting called by a majority of the Board, the chair may cancel the meeting only upon the concurrence of a majority of the Board. The majority concurring in the cancellation need not be the same majority that called the special meeting.

Section 7. Recessed Meetings

(a) *Calling Recessed Meetings*. When conducting a properly called regular, special, or emergency meeting, the Board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Article XI, Section 5 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.

(b) *Notice of Recessed Meetings*. If the Board's website is maintained by one or more Board employees, notice of the recessed meeting's date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

Section 8. Order of Business Items shall be placed on a regular-meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the previous meeting minutes,
- public comment,
- public hearings,
- administrative reports,
- Board reports,
- unfinished business, and
- new business.

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business.

Section 9. Agenda

(a) Proposed Agenda. The Secretary shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any Board member may, by a timely request, have an item placed on the proposed agenda. Each Board member shall receive a copy of the proposed agenda and any attachments and they shall be available for public inspection and/or distribution when they are distributed to the Board members.

(b) Adoption of Agenda. As its first order of business at each meeting, the Board shall, as specified in Article 8, discuss, and revise the proposed agenda and adopt an agenda for the meeting. The Board may by majority vote add items to or subtract items from the proposed agenda, except that the Board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the Board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Board members.

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

Section 10. Meeting Minutes. Minutes Required for All Meetings. The Board shall keep full and accurate minutes of its meetings, including any closed sessions. To be "full and accurate," the minutes must record all actions taken by the Board, as well as the Board's compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record Board member discussions, though the Board in its discretion may decide to incorporate such details into the minutes.

- a) Record of "Ayes" and "Noes." At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.

Section 11. Public Input. Public input at all Board meetings shall have a three-minute limit per speaker. The Chair reserves the right to alert time limits for public comment periods.

Section 12. Broadcasting and Recording Meetings. Any person may photograph, film, tape-record, or otherwise reproduce any part of a Board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.

- a) **Advance Notice.** Any radio or television station that plans to broadcast any portion of a Board meeting shall so notify the secretary no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.
- b) **Equipment Placement.** The Board chair or an appropriate staff member may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Board chair or staff member determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the chair or staff member may require the pooling of the equipment and the personnel operating it.
- c) **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Board grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site.

ARTICLE VI. VOTING

- a) **Duty to vote.** It is the duty of each member, including the chair, to vote unless otherwise excused. The Board may excuse members from voting on any matter involving their own financial interest, official conduct, or when a member has indicated an inability to be impartial in any matter before the Board.
- b) **Abstentions.** Should a member fail to vote on any matter before the Board, without having been excused from such vote, such abstention will count as an affirmative vote.

ARTICLE VII. REQUIRED OFFICERS

Section 1. Presiding Officer. The presiding officer of each meeting of the Board shall be the chair of the Board. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Board, the vice chair shall preside. In the event that neither the chair nor the vice chair is available, the members of the Board, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.

Section 2. Selection of the Chair and Vice Chair. The chair shall be a resident of the City of Hendersonville and shall be selected by majority vote of the Board the City Council indicates to the Board that the City Council will appoint said chair, in which case the appointment shall be made by the City Council. The vice chair shall be elected by a majority vote of the Board. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Board, the vice chair shall preside. In the event that neither the chair nor the vice chair is available, the members of the Board, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.

Section 3. Powers and Duties of the Chair and Vice Chair. The chair shall preside at all meetings of the Board but shall also have the right to engage in discussion and vote on any matter before the Board unless otherwise excused. The chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The vice chair shall have all powers and perform all the duties of the chair in his or her absence.

Section 4. Duties of the Chair.

- (a) Presiding Officer. The chair shall preside at meetings of the Board.
- (b) Voting by the Chair. The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
- (c) Recognition of Members. A member must be recognized by the chair (or other presiding officer) in order to address the Board.
- (d) Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during Board meetings. To that end, the chair may
 - (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
 - (3) entertain and answer questions of parliamentary procedure;
 - (4) call a brief recess at any time; and
 - (5) adjourn in an emergency.

Section 5. Duties of the Secretary. The City Manager shall assign a staff person to the Board who shall serve as the secretary of the Board and shall perform the following:

- a) The secretary shall ensure that all meetings of the Board are properly noticed.
- b) The secretary shall maintain the sunshine list that is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Board.
- c) The secretary shall take and record the actions of the Board and draft minutes of the meetings accordingly. Minutes shall be sent to Board members prior to their next regularly scheduled meeting. The secretary shall also forward a copy of the minutes as they are approved to the Clerk to the City Council and post on the City's website

- d) The secretary shall be responsible for maintaining an accurate list of members of the Board, submitting to the City Clerk a quarterly attendance report for its members and notifying the City Clerk of any resignations of any of its members, or any other change in membership of the Board.
- e) The secretary shall serve as the Treasurer.

Section 6. Schedule for Elections. Election of the Chair, and Vice-Chair shall take place annually at the organizational meeting of the Board.

ARTICLE VIII. REFERENCE TO ROBERT'S RULES OF ORDER NEWLY REVISED. The Board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the presiding officer shall make a ruling on the issue subject to appeal to the Board under Article XI, Section 5 (Motion 1).

ARTICLE IX. REPORTS.

Section 1. Annual Report. The Board shall make a report to the City of Hendersonville City Council at least annual. This report must be submitted no later than May 31st of each year.

Section 2. Public Records Law. The Board shall abide by North Carolina Public Records Law N.C.G.S. Chapter 132.

ARTICLE X. ACTION BY THE BOARD.

Section 1. Quorum. A majority of the members shall constitute a quorum. No action of the Board may be taken at any meeting where less than the required quorum is present, except to adjourn the meeting.

Section 2. Motions and Voting. Action of the Board may be taken upon a motion made by any member, including the chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.

Section 3. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Section 4. Substantive (or Main) Motions

A substantive motion is not in order when any other motion is pending. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Article XI, Section 5 (Motion 13).

Section 5. Procedural Motions

(a) Certain Motions Allowed. The Board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

When several procedural motions are pending, voting shall begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest-priority motion shall be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the Board is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Article V Section 8. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the Board's actual membership, excluding any vacant seats. The Board may not suspend provisions in these rules that restate state law requirements.

Motion 7. To Defer Consideration. The Board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Board votes to revive it pursuant to Motion 12 within 100 days of

deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 8. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 9. To Postpone to a Certain Time. This motion may be employed to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 10. To Refer a Motion to a Board. The Board may vote to refer a substantive motion to a Board for study and recommendations. While the substantive motion is pending before the Board, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the Board fails to report on the motion within sixty days of the referral date, the Board shall take up the motion if asked to do so by the member who introduced it.

Motion 11. To Amend

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

Motion 12. To Revive Consideration. The Board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within 100 days of its vote to defer consideration.

Motion 13. To Reconsider. The Board may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Board's deliberation on a pending matter.

Motion 14. To Rescind. The Board may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

Motion 15. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the Board's total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Board's next organizational meeting, whichever occurs first.

Section 6. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

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

Section 7. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Section 8. Changing a Vote

A member may change the member's vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Section 10. Appointing Sub Committees. Subcommittees may only be appointed by vote of the Board members at a regular meeting. The Board by vote shall also establish the purpose of which subcommittees are established and the subcommittees should only conduct business that is within the purpose so adopted. All meetings of subcommittees shall be considered special meetings and shall be conducted in accordance with Article 5, Section 3. Special Meetings.

ARTICLE XI. ANNUAL REPORT

Section 1. Annual Report. The Board shall make a report to the City of Hendersonville City Council at least annual. This report must be submitted no later than November 1st of each year.

ARTICLE XII. REFERENCE TO ROBERT'S RULES OF ORDER

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

ARTICLE XII. AMENDMENTS. The Board may amend these bylaws by action of the Board; provided however, that amendments shall not be effective until they are approved by the Hendersonville City Council.

Originally approved by the City Council on this first day of July 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

DRAFT

**RESOLUTION TO DECLARE THAT THE CITY OF HENDERSONVILLE IS
WORKING TO BE PLASTIC FREE
AND ESTABLISH A VOLUNTARY PLASTIC REDUCTION PROGRAM**

WHEREAS, the City of Hendersonville is diligent in its efforts to preserve the beautiful environment that enhances our residents' quality of life supports the tourism industry which is so vital to our local economy; and

WHEREAS, single use plastic items are detrimental because they do not fully degrade in our waterways or on land and they introduce unsafe chemicals into our environment; and

WHEREAS, the expansive usage of single use plastic items and their disposal challenges create unsightly litter; and

WHEREAS, single use plastic items are difficult to recycle and frequently contaminate material that is processed through municipal recycling and composting programs; and

WHEREAS, reusable and compostable items are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, City Council acknowledges that some businesses and organizations have taken affirmative steps to reduce the use of single use plastic items and recognizes their proactive efforts; and

WHEREAS, numerous studies have shown the negative environmental and health effects of plastics and the chemicals used to produce them; and

WHEREAS, numerous studies have documented the prevalence of single use plastic items littering the environment, blocking storm drains, becoming entangled in tree tops, and fouling waterways; and

WHEREAS, plastic bags and other plastic products are a substantial source of aquatic debris, responsible for the deaths of tens of thousands of aquatic animals each year; and

WHEREAS, studies have shown the presence of micro plastics in terrestrial and aquatic life systems throughout the entire planet, resulting in a wholesale contamination of the food supply due to the proliferation of plastic litter and plastic breakdown products; and

WHEREAS, plastic bags and film cause operational problems at recycling processing facilities, landfills, and transfer stations, and contribute to litter throughout the WNC region; and

WHEREAS, the City of Hendersonville and nonprofit partners installed a “Trash Trout” litter collection device in Mud Creek in [YEAR], and to date has been able to remove [XX] points of litter, approximately 80% of which is comprised of single use plastic items; and

WHEREAS, the City of Hendersonville Environmental Sustainability Board has identified single use plastic litter as a priority and is working in partnership with the nonprofit organization MountainTrue to develop an implement a voluntary plastic reduction program for local businesses and organizations; and

WHEREAS, numerous states and cities throughout the United States have enacted voluntary and mandatory restrictions on single-use plastic items, resulting in dramatic decreases in plastic waste; and

WHEREAS, the City of Hendersonville, NC strives to protect the natural environment, the economy and the health of its residents and visitors of the city.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the City of Hendersonville is Working To Be Plastic Free and directs the Environmental Sustainability Board with the support of City staff and in partnership with MountainTrue to implement a voluntary plastic reduction program to encourage local businesses and organizations to reduce and eliminate single use plastic items from their operations.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of ____ 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney