

Kenton County Planning Commission**Administrative Policy 10:
Due Process; Regular Meeting Agenda; Rules of
Order****Due Process**

The Kenton County Planning Commission is committed to a public hearing process that affords applicants ample opportunity to present their requests and interested persons ample time to provide feedback regarding them. This commitment could be administered easily if each month's agenda contained the same number of requests or a lesser/greater number of requests that would consume the same approximate amount of time. Because each of its monthly agendas is unique in number and complexity, and because of its commitment to due process, the Kenton County Planning Commission is committed to adjourning its monthly public hearings by 11 PM or as soon thereafter as possible. In the event that the Commission is in session at 11 PM, the chair shall call for a vote which shall determine whether members wish to complete or recess and continue the hearing agenda the following Tuesday at 6:15 PM. Nothing in this policy shall require the Commission to recess and continue a hearing promptly at 11 PM if it can be concluded in a timely manner, offering all parties an opportunity to be heard at a reasonable hour.

Agenda

The order of business during regular meetings shall be as follows.

(1) Call to Order

- (a) Welcome.
- (b) Pledge of allegiance; invocation/prayer.
- (c) Roll call; determination of a quorum.
- (d) Review of public hearing procedures and safety precautions for the room.

(2) Administrative Reviews

- (a) This month's agenda. (The Commission may agree by majority vote to consider an item out of order or to withdraw or table an item. Without such action, the Chairperson shall pursue the agenda in the order presented.)
- (b) Last month's minutes.
- (c) Report of Receipts and Expenditures.
- (d) Subdivision reviews. (The Commission's staff shall present a report of actions taken since the last meeting in accordance with provisions of the Kenton County Subdivision Regulations.)
- (e) Public Facilities. (****NOTE**** - *Public Facilities may be considered for the Public Hearing and moved to item (f) under the Public Hearing portion of the agenda.*)

(3) Public Hearing

- (a) Telecommunications facilities. (*****NOTE** - related items in (a) through (e) can be reordered on the agenda at the discretion of staff or the KCPC presiding officer to be heard together.***)
- (b) Map amendments.
- (c) Stand-alone stage 1 development plans
- (d) Text amendments.
- (e) Waivers to subdivision regulations or appeals of decisions made by the Commission's staff.

Procedurally, the Chairperson shall read the item to be presented for hearing. The Commission's staff shall then present factual information pertaining to the submitted request. This shall be followed by the recommendation of the Northern Kentucky Area Planning Commission (NKAPC), along with supporting information and comprehensive plan documentation. Members and legal counsel may then question NKAPC representatives regarding its factual information or recommendation.

The Chairperson shall then request all individuals who wish to speak and who have not registered to do so to identify themselves and state if they support, oppose, or are neutral regarding the proposed change. Only those individuals who have registered to speak, whether before the hearing or at the Chairperson's call, shall be allowed to comment.

The Chairperson shall then call on the applicant to present the request. The applicant's presentation shall be limited to 30 minutes unless additional time is permitted by the Chairperson. Other proponents may address the Commission following the applicant's presentation.

The Chairperson shall then call on opponents to present their case. Opponents shall be limited to 30 total minutes unless additional time is permitted by the Chairperson. Opponents shall be encouraged to select a spokesperson to present group concerns; group spokespersons shall be given the first opportunities to speak to the Commission. The Chairperson may rule out of order speakers who present redundant arguments and/or who speak simply to express a personal opposition to the proposal.

The Chairperson shall then provide five minutes each for the applicant and opponents to summarize their cases. The Chairperson shall provide a final five minutes for all opponents to summarize their case.

All items used during these presentations shall be marked as exhibits, made a part of the permanent record, and left with the Commission.

After all evidence is heard, the Chairperson shall recess the hearing and call for general discussion by the Commission. This time shall provide Commission members an opportunity to determine if they have all the information necessary for resolution of the request. If members determine they would like further information or would like to seek additional analysis by staff, the Chairperson shall reopen the hearing and allow members to question applicants, opponents, and/or staff. Testimony during this time shall be limited to that which is requested by members and authorized by the Chairperson. Once

all members' questions have been answered, the Chairperson shall close the hearing and call for a motion.

When action is timely for zoning map or text amendments, the appropriate motion would be to recommend approval, approval with conditions, or disapproval of the request. In the case of stage I development plans, the appropriate motion would be to approve, approve with conditions, or disapprove the request. In the case of subdivision waiver requests or appeals of staff decisions on plats, the appropriate motion would be to uphold or overturn the staff's action(s). All motions shall be accompanied by the reasons/bases for the motion. All public hearing issues shall be resolved by a roll call vote.

The Commission may table a final decision, specifying the date that the decision will be rendered. In the event of a tie vote on a zoning map or text amendment, the application shall be subject to further consideration by the Commission during its next Regular meeting. If the tie vote is not broken at that time, the application shall be forwarded to the legislative body without recommendation. The Commission may also move that no additional evidence will be heard.

- (4) Unfinished business
 - (a) Reports from committees.
 - (b) Reports from legal counsel.
 - (c) Reports/announcements from staff
 - (d) Correspondence
- (5) New business
- (6) Public comments/requests
- (7) Adjourn

Rules of Order

Meetings of the Commission should be businesslike and efficient, lasting no more than is necessary to conduct the business included on the agenda. The tone shall be one of mutual respect. Decisions are made by a majority vote of Commission members.

Members may speak only when recognized by the Chairperson. When speaking, members should address the group as a whole. Private conversations are discouraged during the course of the meeting because they can be disruptive and cause the meeting to run longer than necessary.

The Chairperson and members shall utilize the following rules of order.

- (1) There may be only one main motion on the floor at a given time. (A main motion concerns business to be carried out by the Commission.)
- (2) The motion should be stated clearly and concisely beginning with: "I move that..."

- (3) The motion dies if it is not seconded.
- (4) If the motion is seconded, the Chairperson should repeat it to establish the exact wording and allow the maker of the motion to assert if the Chairperson is correct or if different words should be used. The Chairperson should then instruct the secretary to record the motion and to read it back to the members. When the secretary has read back the motion as recorded, the Chairperson should call for discussion.
- (5) If members are opposed or desire clarification or discussion, the Chairperson calls for comments. Discussion should be permitted to go back and forth between favoring and opposing opinions until all relevant comments have been heard.
- (6) A member may offer a friendly amendment during discussion, stating it in the exact wording to be recorded. The Chairperson should then ask the members making and seconding the motion if they accept the amendment. If they do not, discussion continues on the original motion. If those making and seconding the motion accept the amendment, it should be repeated by the Chairperson, recorded, and read back from the minutes by the secretary. The discussion then continues on the motion as amended, which becomes the motion on the floor.
- (7) The maker of a motion may withdraw it at any time before the vote.
- (8) The vote shall be taken when discussion is completed. The Chairperson may call for the vote (Call the Question) or a member may do so. (Calling the Question is a procedural motion; see below.)
- (9) The vote is taken, counted, and recorded in the minutes.
- (10) When appropriate and before moving on, the motion should be implemented. The Chairperson should state what is needed to carry out the motion, who is going to take responsibility, by what time, and when they are to report back to the Commission.
- (11) Motions regarding points of procedure are in order at any time and must be dealt with immediately, before going on with the meeting. A procedural motion must be seconded and voted on by the Commission. This should be done quickly so as not to distract from the main business at hand. Procedural motions may be made to:
 - (a) refer another motion (to committee or wherever);
 - (b) adjourn;
 - (c) recess;
 - (d) overrule the Chairperson;
 - (e) call the question (call for a vote); or
 - (f) call for a straw poll (a non-binding vote that assesses the feeling of the group).

- (12) Points of order are suggestions from members as to how to carry out the business better. A point of order is ruled on immediately by the Chairperson. This ruling may be challenged and the point made into a motion. Typical points of order follow.
 - (a) Point of Personal Privilege: it's too hot, too stuffy, can't hear the speaker, etc.; and
 - (b) Point of Order: reminding the Chairperson of the Rules of Order, etc.
- (13) The Chairperson is elected by the members and has a mandate to carry out the will of the Commission as regards the procedure of the meeting. The chair speaks with the authority of the group, for the group.
- (14) The Chairperson cannot make motions. If the Chairperson feels the need to make a motion, authority should be transferred to another member for the duration of that item of business.
- (15) The Chairperson should oversee the process of the meeting to insure that the following criteria are met:
 - (a) that the business moves along quickly—the Chairperson should keep track of time (a timekeeper may be appointed by the Chairperson if needed);
 - (b) that the agenda is followed;
 - (c) that each item of business is addressed;
 - (d) that each member who wishes to participate is encouraged and given that opportunity;
 - (e) that no one dominates the meeting and speaks excessively at the expense of the others;
 - (f) that the meeting is carried out in accordance with the rules and procedures agreed upon by the Commission;
 - (g) that the process is clear, understandable, accessible, and transparent to members; and
 - (h) that an atmosphere and tone of mutual respect is maintained.