

Adopted February 13, 2014

RULES OF PROCEDURE FOR THE ASHEVILLE AREA RIVERFRONT
REDEVELOPMENT COMMISSION

ARTICLE I. NAME AND ENABLING AUTHORITY

- A. The name of this commission shall be the Asheville Area Riverfront Redevelopment Commission (herein "Commission").
- B. The Asheville Area Riverfront Redevelopment Commission was established by City of Asheville Ordinance Number 09-237, adopted November 10, 2009, which Ordinance, as amended, is codified beginning at Sec. 2-185.20 of the Asheville City Code. The statutory authority is N.C.G.S. 160A-146.

ARTICLE II. PURPOSE. The purpose of the Asheville Area Riverfront Redevelopment Commission is to carry out the duties and responsibilities prescribed by the Asheville City Council by ordinance as set out in City Code Sec. 2-185.21, and includes: developing, recommending, and monitoring plans and policies for the continued development and sustainability of the Riverfront and Regional Riverfront districts; performing River District Design Review for major works; recommending effective public resource management and private sector investment in both districts; and cooperating with other organizations and members of the Riverfront and Regional Riverfront communities.

ARTICLE III. MEMBERSHIP AND APPOINTMENT; REFERENCE

- A. The Asheville Area Riverfront Redevelopment Commission shall consist of fourteen members as provided in City Code Sec. 2-185.20(c)(1). The number of members is subject to change, as the ordinance is amended.
- B. Eligibility for appointment, manner of appointment and removal, and term of appointment are as provided in City Code Sec. 2-185.20(c).
- C. As used herein, "appropriate board" shall mean, (i) when referring to appointments or membership, the board that appoints the member; (ii) when referring to area or property, the governing board of the political division with regulatory jurisdiction over the area or property.

ARTICLE IV. OFFICERS AND DUTIES

- A. Chair. A chair and vice chair shall be selected annually by the Commission from among its members.

1. The chair shall preside over meetings of the Commission, shall call the meetings to order, shall declare a quorum, shall carry out the agenda for meetings, and shall state and put to a vote all motions properly before the Commission, may establish committees and appoint members to said committees, and shall perform and carry out other duties as necessary and pertinent to the office.
 2. Subject to these rules and applicable law, the chair shall rule on all points of order.
 3. The chair may declare a recess, and may adjourn meetings (unless a member objects in which case the question of adjournment shall be put to a vote of the Commission).
 4. The chair may sign any resolutions or other documents adopted or approved by the Commission.
 5. The chair is to meet with City staff on a regular basis and work with staff to: a) set meeting agendas; b) consider administrative issues; c) create and present an annual report to Asheville City Council and the Buncombe County Board of Commissioners; and d) other responsibilities as determined by the Commission.
- B. Vice Chair. The vice chair shall serve as the chair in the absence or at the request of the chair, during which time he or she shall have the same powers and duties as the chair.
- C. Temporary Chair. Whenever the chair and vice chair are absent or otherwise unable to serve, the Chair of the Rules Committee shall serve as chair until the chair or vice chair are able to resume their duties.
- D. Secretary. The City Manager shall designate an employee of the City to serve as Secretary to the Commission, and shall otherwise provide staff support for the Commission. The secretary shall prepare agendas for and coordinate all meetings of the Commission, shall keep the minutes of the meetings, and shall perform such other ministerial duties as may be required by the Commission, City Manager or supervising City department head. Subject to the direction of the Asheville City Clerk, the secretary shall keep and maintain the records for the Commission.

ARTICLE V. MEETINGS

- A. Regular Meetings. The Commission shall establish its regular meeting schedule annually by resolution adopted at the first meeting of every calendar year. In the absence of such a resolution, the regular meetings of the Commission shall be held on the second Thursday of every month,

beginning at 4:00 p.m. in the Chamber of Commerce Board Room at 36 Montford Avenue or such other time and location as the Commission shall determine pursuant to the NC Open Meetings Law. The location, time, and minutes of all meetings shall be posted on the Commission website.

- B. Special / Emergency Meetings. Subject to the provisions of Article 33C of N.C.G.S. Chapter 143 (the Open Meetings Law), special or emergency meetings may be called at any time by the chair or vice chair, or by any two Commission members. Written notice of special meetings (which may be provided by electronic means) shall be delivered to the other members of the Commission at least 48 hours prior to the time set for the special meeting. Delivery shall be deemed complete upon leaving the notice at an address provided by the member. Compliance with this notice provision may be waived by the person to whom notice is due.
- C. Quorum. A quorum shall consist of a majority of the membership of the Commission, excluding vacant seats. Recusal of members from participation with respect to certain items due to a conflict of interest or (in the case of City Council members) other official duties, shall not destroy a quorum; provided, that in no case shall action be taken (other than continuation or adjournment of the meeting) by less than six members.
- D. Attendance. Commission members are required to attend 75% of the commission meetings during a 12-month time period including special meetings. Absences in excess of this requirement may only be excused for good cause which shall be determined by the appropriate board. Examples of good cause include, but are not limited to, a death in the family, court appearance, or planned vacation. The Commission shall submit a report on the attendance of its members at least once annually, to the appropriate board and may recommend removal of members, based on non-attendance.
- E. Conflicts of Interest. Recognizing that members of the Riverfront Redevelopment Commission are appointed to said commission because of their interest in the Riverfront and Regional Riverfront districts, members of the Commission shall in all cases be governed by N.C.G.S. 160A-381(d).

In cases where a project or application is before the Commission for recommendation and a Commission member has an interest in the matter within the meaning of N.C.G.S. 160A-381(d), the member shall be excused from the Commission for that item, shall remove him or herself from the Commission dais or table, and may not participate as a Commission member in the deliberation or vote on that item. The excused member may participate in the presentation of the item in his or

her capacity as applicant or applicant's representative, or as a member of the public.

F. Agenda. The agenda for regular meetings of the Commission shall be as follows:

1. Call to order
2. Call of roll
3. Old business
4. New business
5. Other business
6. Informal discussion and public comment
7. Adjournment

The order of the agenda may be changed at any time by the Chair or the Commission by general consent.

G. Hearings.

1. General. The Commission shall conduct hearings on such matters as the local ordinance provides, or as the appropriate board may direct. The Commission may, on its own motion, schedule and conduct hearings on matters of interest or concern to it, and may prescribe the format for such hearings and presentations.
2. Notice. The Commission shall cause notice of its hearings to be provided in the manner required by the local ordinance and State law. For hearings required by local ordinance or State law, the Secretary shall provide a written certification that notice has been provided as required.

H. Voting. A majority vote of a quorum of the Commission (as defined above) shall be required in order to take any action; provided, that a meeting may be continued or adjourned, or the consideration of an agenda item continued, by a majority of members present.

A tie vote shall cause the motion in question to fail. If a motion is stated in the negative (i.e., "I move to deny approval to XYZ project"), a tie vote shall be considered the same as if the motion had been stated in the affirmative.

I. Recommendations by the Commission.

1. Recommendations. For those projects within the Riverfront and Regional Riverfront districts that a recommendation of the Commission is required by local ordinance or requested by the

appropriate board, the Commission may (1) recommend a project or application, (2) recommend a project or application with conditions, or (3) refuse recommendation of a project or application. If the Commission refuses to recommend the project or application, the reasons shall be stated in writing (which may take the form of approved minutes from the meeting where the action occurred). Written decisions (where required) shall be issued within 35 days of the action.

2. Continuation of items; time limits. The Commission may continue its consideration of a project or application in order to (1) allow for submission of more complete or additional information by the applicant or staff; (2) in order to provide additional time for completion of a public hearing; (3) for other reasons not constituting an unreasonable delay.

In no case may the Commission's recommendation or denial of recommendation on an application be delayed more than 120 days after the first date on which formal action was scheduled, without the consent of City Council. This period shall not include delays caused or consented to by the applicant.

If the Commission fails to act on a project or application within the time periods (or extensions thereof) prescribed in this subsection, the Commission's consideration of such application (where such consideration is required) shall be deemed complete, and the action shall proceed as if it had received a favorable recommendation, but with a report of "no recommendation."

ARTICLE VI. BUDGET. Pursuant to Asheville City Code Sec. 2-185.22, the budget of the Commission is provided by the Asheville City Council and is allocated as part of the City budget, to be managed by City staff.

ARTICLE VII. COMMITTEES

A. Standing Committees

1. Rules Committee. The Rules Committee shall consist of the current Commission Chairperson, current Vice Chairperson & immediate Past Chairperson if available; and shall meet as necessary to review the operation of these rules and recommend changes when appropriate.
2. Nominating Committee. The Nominating Committee shall consist of not more than three members of the Commission, including and appointed by

the current Commission Chairperson, and shall meet to solicit and select nominations for the annual election of officers and committee members.

3. Planning & Design Review Committee (P&DRC).

- (a) *Composition.*

The Commission's P&DRC shall consist of five members: the Commission' design review professional, as appointed by Asheville City Council, who serves as P&DRC Chair; one Commission member who is a Property or Business Owner in the regional riverfront; one Commission member who is a RiverLink appointee; and two design professionals that are not members of the Commission.
- (b) *Appointment process.*

The Commission's design review professional seat is appointed via City Council; the remaining committee members are appointed by vote of the entire Commission, after the Nominating Committee has made an official recommendation to the Commission. Design professionals that are interested in serving on the P&DRC are encouraged to contact the current Commission Chairperson for more information. Potential candidates shall provide their qualifications to the Commission Chairperson.
- (c) *Terms of office.*

The design review professional appointed to the Commission by Council shall serve as P&DRC Chairperson while a member of the Commission. The property/business owner representative Commission member and the RiverLink representative Commission member shall serve while members of the Commission, or until removed by the Commission Chairperson. To stagger P&DRC terms overall, the initial terms of the non- member design professional appointees shall be the following: the first non-Commission member appointee shall serve a 1 year term starting January 1, 2014. The second non-Commission member design professional shall serve a two year term starting January 1, 2014. After the terms of the initial appointments have been expired, the non-Commission member appointee terms shall move to three years in length, with no limit to the

number of terms served.

- (d) *Purpose.*
The purpose of the P&DRC is to assist the Commission with carrying out the River District Design Review powers and duties assigned to the AARRC under section 7-3-10 and as outlined in section 7-5-18 of the Unified Development Ordinance.
- (e) *Meetings.*
The P&DRC shall adopt a regular meeting schedule. Special meetings may be called by the subcommittee Chairperson or, in her/his absence, by the subcommittee Vice Chairperson .
- (f) *Selection of officers.*
Asheville City Council shall appoint the P&DRC Chairperson. The P&DRC shall select annually from its members, a Vice Chairperson.
- (g) *Attendance.*
The failure of any P&DRC member to attend 75 percent or more of the meetings of the P&DRC held during a 12-month period, without an excused absence being approved by the Chairperson of the P&DRC, shall be grounds for removal by the Chairperson of the Commission.
- (h) *Voting.*
A quorum shall be constituted by a simple majority of P&DRC members, excluding vacancies. The Chair or the presiding member of the P&DRC shall vote on all matters of business considered by the committee, unless recused by a majority vote of the P&DRC.
- (i) *Transaction of business.*
The P&DRC shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the P&DRC for a specific purpose.

ARTICLE VIII. PARLIAMENTARY AUTHORITY. Unless provided otherwise by these rules, City ordinance or State law, the parliamentary authority for the Commission shall be *Robert's Rules of Order (Newly Revised)*.

ARTICLE IX. AMENDMENT. These rules may be amended at any time by a majority vote of the entire Commission, including vacant seats.