



Town of North Wilkesboro

Planning Board

Rules of Procedure

I. General Rules

The Planning Board of the Town of North Wilkesboro, North Carolina, hereinafter referred to as the "Board," shall be governed by Chapters of the General Statutes of North Carolina and Chapter Two (2) of the Code of Ordinances of the Town of North Wilkesboro, North Carolina, adopted by the Board of Commissioners on January 7, 1992 and effective on March 1, 1992, and subsequent amendments thereto and the Town's Zoning Ordinance.

II. Officers and Duties

A. Chair. The Chair shall be elected by the Planning Board from among its members for a one-year term of office and may not serve as chairman for more than two consecutive one-year terms, beginning in the month of June. The Chair shall decide all matters of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the Planning Board or to perform any of its duties.

B. Vice-Chair. A Vice-Chair shall be elected by the Planning Board from among its members for a one-year term of office and may not serve as chairman for more than two consecutive one-year terms, beginning in the month of June. The Vice-Chair shall serve as acting Chair in the absence of the Chair and at such times the Vice-Chair shall have the same powers and duties as the Chair.

C. Method of Election. Annually, at the first regular meeting in the month of June, the Board shall elect a Chair and Vice-Chair. If such a regular meeting is canceled or a quorum lacking, then the election shall be held within 36 days thereafter at a regular or special meeting. The Chair shall call for nominations for Chair which shall be verbal and seconded by Board members. Any number of members may be nominated. The Chair shall close nominations and call for a show of hands on each nominated member unless a member moves that a written and secret ballot be used. This alternative method of election shall be used if such motion passes by a simply majority of all taken, or counted by the Chair in the event of a secret ballot, the Chair shall declare the member who has been elected. A quorum shall be present for election. The newly elected member shall immediately assume the Chair. The same procedure shall be followed for the election of the Vice-Chair. Whenever the office of Chair or Vice-Chair becomes vacant during the twelve-month term of office, the same procedure shall be used

to fill the vacancy occurs, provided at least two-thirds of the entire membership of the Board is present.

D. Executive Secretary. The Director of Planning and Inspections shall serve as Executive Secretary of the Board. The Secretary, subject to the direction of the Chair and the Board, shall keep all records, shall supervise the correspondence and other clerical work of the Board. The Secretary shall insure that minutes of each Board meeting are recorded. These shall include all important facts pertaining to every meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or other matter, indicating the names of members absent or abstaining from voting. The Secretary shall keep all records of the Planning Board's recommendations, transactions, findings and determinations in the Office of Planning and Inspections. All records shall be public and readily available to review.

E. Members. The Planning Board of the Town of North Wilkesboro shall consist of eight members appointed by the Board of Commissioners. Four of the members shall be from the town's extraterritorial jurisdiction. Every decennial census the calculation of the board must be verified to ensure proper representation is established with the board members. Proportional representation shall be provided by appointing member representation of residences of the extraterritorial jurisdiction and of the town limits.

All in-town members and successors may be recommended by the planning board and appointed by the board of commissioners and all ETJ members and successors may be recommended by the planning board and appointed by the Wilkes County Board of Commissioners.

Vacancies of in-town members occurring for reasons other than expiration of terms shall may be recommended by the planning board and shall be filled by the board of commissioners; as such vacancies occur, for the period of the unexpired term. The board of commissioners may establish reasonable procedures to solicit, review, and make appointments. Vacancies of ETJ members occurring for reasons other than expiration of terms may be recommended by the planning board and shall be filled by the Wilkes County Board of Commissioners, as such vacancies occur, for the period of the unexpired term. The county shall make the appointments within 90 days following the receipt of a request from the Town that the appointments be made. A vacancy shall exist on the planning board if a member is absent (unexcused) from three consecutive regular meetings or thirty-three percent or more of the planning board's regular meetings within a one-year period.

Members shall be limited to two consecutive full five year terms. When a member is appointed to fill an unexpired seat, the member will serve the balance of that term and up to one additional five-year term.

All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.

III. Meetings

A. General. Meetings shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes of North Carolina.

B. Regular meetings. Regular meetings of the Board shall be held on the second Thursday of every month. Regular meetings may be established at some other time at the discretion of the Board. The meetings shall be held in the Municipal Building or any other location within the Town or the area of its extraterritorial jurisdiction.

C. Special meetings. Special meetings of the Board may be called at any time by the Chair. Notice of the time and place of special meetings shall be given by the Executive Secretary to each member of the Board at least 48 hours in advance of any such meeting.

D. Cancellation of meetings. Whenever there is no business for the Planning Board, the Chair may cancel a regular meeting.

E. Conduct of meetings. Meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised. The order of business at meetings shall be:

- (1) Call to order and determination of quorum.
- (2) Changes to and Approval of Agenda
- (3) Approval of minutes of previous meetings(s).
- (4) Discussion and recommendation of matters which public hearings were held, or previously held and continued, in a working session
- (5) Public hearings pertaining to zoning map amendments or other matters requiring such hearings.
- (6) Reports of committees.
- (7) Other unfinished business.
- (8) Other new business
- (9) Director's report
- (10) Adjournment

Items of business at the regular meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a majority of the Planning Board in session at the time.

F. Zoning Map and Development Ordinance Text Amendments. The procedure for considering such amendments shall be:

(1) Applications for zoning map amendments and Development Ordinance text amendments shall be submitted to the Planning and Inspections Department at least twenty-one (21) days prior to a regular Board meeting.

(2) The administrative procedures for review and consideration of zoning map and Zoning Ordinance text amendments are specified in the Zoning Ordinance and G.S. 160D-601 and 160D-602. In addition to the notice and posting requirements stated therein, a retail advertisement shall be published in a local newspaper of general circulation once prior to the Board meeting at which such amendment is scheduled to be considered. The advertisement shall be no less than seven (7) calendar days before the date of the Board meeting.

(3) The recommendations of the planning staff shall be delivered to Board members at least 72 hours prior to the meeting at which such amendments will be considered.

(4) At the conclusion of the public hearing regarding such amendment, the Board shall determine whether:

- (a) to recommend that Board of Commissioners approve the requested amendment;
- (b) to recommend that Board of Commissioners deny the requested amendment;
- (c) to recommend that Board of Commissioners approve an amended request;
- (d) to defer its recommendation; or
- (e) to refer the request to Board of Commissioners without recommendation in the event of a tie vote.

(5) All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum except as stated in Section I, Conflicts of Interest. Only members present at the time a vote is taken shall be eligible to vote. If an issue before the Planning Board is carried over from one meeting to another, a member may be able to vote on the issue if they did not attend the previous meeting at which item was discussed at their discretion.

G. Contacts outside public hearings. The public hearing is the primary place where petitioners, opponents, and others interested in matters considered by the Board should present information concerning such matters. Contact between interested parties and Board members outside of public hearings is discouraged. When such contact occurs, members should disclose the content of the contact at the next regular meeting.

H. Quorum Determination. A majority of the Board membership, excluding vacancies, shall constitute a quorum. A quorum shall be present for the Board to take any official action.

I. Conflict of Interest. Members of the board shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. If any board member has a financial or close familial, business, or other associational relationship interest in a matter before the board, that member shall ask the chair to be recused from participating in the hearing, discussion, and voting on the matter. If any Board member has any of the above conflicts regarding the subject matter before the Board, that member shall ask the Chair to be recused from participating in the hearing, discussion, and voting on the matter. Recused members shall vacate their seats while the matter is being considered. No Board member should accept any gift, meal, or any other thing of value from any party involved in a matter before the Board. Board members should not indicate their positions regarding matters before the body prior to receiving all the evidence presented at the public hearing. A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection as required by G.S. 160D-109(e). The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of any conflict of interest.

J. Absence and Attendance. It shall be the duty of all Planning Board members to inform the Planning and Development Department of any anticipated absence and notification shall be immediately after receipt of the agenda. A regular member who misses three (3) consecutive regular meetings or 33% or more of the regular meetings in a calendar year loses his status as a voting member of the Board until reinstated or replaced by the Town Board, or the Wilkes County Board of Commissioners if an extraterritorial member. Absences due to sickness, death or other emergencies of like nature shall be regarded as proved absences and shall not affect the member's status on the Board; except that in the event of a long illness or other such case for prolonged absence the member may be replaced.

K. Resignation. If a member of the Board moves outside the zoning jurisdiction, or the extraterritorial member moves outside the extraterritorial area that shall

constitute a resignation from the Board effective upon the date a replacement is appointed.

IV. Standing Committees

A. General. In addition to ad hoc committees the Chair finds necessary to appoint from time to time for investigating matters that come before the Planning Board, the following standing committees are established:

- (1) Comprehensive Planning Committee: This Committee shall advise the Board regarding the development of a Comprehensive Plan, or element thereof, small area plans or other policy documents pertaining to the physical development of the city's planning area.
- (2) Ordinance Review Committee: This Committee shall advise the Board regarding amendments to the Development Ordinances.

B. Appointment. The Chair shall appoint at least three Board members to each standing committee.

C. Meeting. The standing committees shall meet as necessary to advise the Board concerning matters referred to committee by the Chair and/or Executive Secretary.

V. Amendments.

These rules may within the limits allowed by law be amended at any time by an affirmative vote of the majority of those members present and provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Amended

The image shows two handwritten signatures in blue ink. The signature on the left is more stylized and cursive, while the signature on the right is more legible and appears to be 'J.M.H.' followed by a flourish.

Chair

Executive Secretary