

**RULES OF PROCEDURE
MINERAL SPRINGS PLANNING BOARD**

**ARTICLE 1
ESTABLISHMENT**

- 1-1** The Mineral Springs Planning Board, having been created by the Mineral Springs Town Council under the authority of NCGS 160D-3-1, shall be hereafter referred to as the "Planning Board".
- 1-2** The Planning Board shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings regulations.

**ARTICLE 2
DUTIES AND POWERS**

- 2-1** The Planning Board shall serve in an advisory capacity to the Mineral Springs Town Council (hereinafter referred to as the "Town Council"), providing recommendations to the Town Council pertaining to Zoning Map or Text Amendments and Major Subdivision Preliminary Plats.
- 2-2** The Town Council may request the Planning Board to advise them on other matters as designated in NCGS 160D-3-1 including:
 - a. To make studies of the Town and surrounding areas;
 - b. To determine objectives to be sought in the development of the Town and propose and recommend plans for achieving these objectives;
 - c. To develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - d. To designate redevelopment areas.
 - e. To provide the Town Council with regular updates on the actions of the Planning Board.
 - f. To review and make recommendations to the Town Council regarding proposed changes to the Mineral Springs Development Ordinance and Mineral Springs Land Use Plan.
 - g. To adopt a set of Rules of Procedure, as provided herein, not inconsistent with any North Carolina General Statute or any Town ordinance.
 - h. To elect officers from its membership.

- i. To perform any other related duties contained in the Mineral Springs Development Ordinance or as directed by the Town Council.

**ARTICLE 3
APPOINTMENT AND TERMS**

3-1 The Planning Board shall consist of seven (7) regular members, all of whom are residents of the Town of Mineral Springs and who have been duly appointed by the Town Council for designated terms. The terms of office of the members of the Planning Board shall be for overlapping terms of three (3) years. Initial appointment of the members shall be as follows:

Three (3) regular members shall be appointed by the Town Council for a one-year term; three (3) for two-year terms; and three (3) for three-year terms. Thereafter, members shall be appointed for three (3) years each. Nothing herein contained shall be so interpreted as to forbid any member from being appointed to succeed himself.

3-2 If a vacancy on the Planning Board occurs by reason of death, resignation, change of residence, Town Council removal, or any other cause, the seat shall be filled by the Town Council in an expeditious manner for the duration of the unexpired term.

**ARTICLE 4
ELECTION OF OFFICERS**

4-1 A Chairman shall be elected by the regular Planning Board members and shall serve for a one (1) year term but may be re-elected by the Planning Board for successive terms to the same office. Elections shall take place each year at the first meeting held after July 1. The Chairman shall serve until their successors are elected.

4-2 A Vice-Chairman shall be elected by the regular Planning Board members and shall serve for a one (1) year term but may be re-elected by the Planning Board membership for successive terms to the same office. Elections shall take place each year at the first meeting held after July 1. Each officer shall serve until relieved of his duties as herein provided.

4-3 The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Planning Board. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.

**ARTICLE 5
SECRETARIAL SERVICES**

- 5-1** The Town Council shall arrange to have secretarial duties performed for the Planning Board. Said persons (hereafter referred to as the "Secretary"), subject to the direction of the Chairman, shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the Planning Board. These shall show the record of all important facts pertaining to each meeting, every resolution acted upon by the Planning Board, and all votes of members of the Planning Board upon any resolution or upon the final determination of any question, indicating the names of members absent. The Planning Board minutes and records shall be kept at the office of the Town Clerk.

**ARTICLE 6
RULES OF CONDUCT FOR MEMBERS**

- 6-1** Members of the Planning Board may be removed by the Town Council for cause, including violation of the rules stated below herein.
- 6-2** In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. Any member of the Planning Board who misses more than three (3) consecutive regular meetings or more than half of the regular meetings in a calendar year may lose his or her status as a member of the Planning Board as decided by the Town Council and replaced by the Town Council. Absences due to sickness, death, or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Board; except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.
- 6-3** No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board which may result in a private benefit to themselves, their immediate relatives or their business interest. A member may be excused from voting on a particular issue under the following circumstances:
1. If the matter at hand involves the member's own official conduct; or
 2. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

If a Planning Board member determines that he may have a conflict of interest on a particular issue, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining Planning Board members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he shall seat himself in the audience and not

participate in any further discussion on said matter or (at his discretion) he shall remove himself from the meeting room during all deliberations pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

A challenge to 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 Planning Board. Such a challenge may be an appeal for a review of the findings of the Planning Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning Board. The Planning Board shall hear all evidence. In order to find that a member does have a conflict of interest, a majority vote of the remaining members shall be required.

- 6-4** Prior to a Planning Board meeting, Planning Board members are permitted to listen to comments regarding a pending case but shall refrain from responding with opinions or views; provided, however, that members may receive and/or seek general technical information pertaining to the case from the Secretary, Land Use Administrator, or Town Attorney prior to the Planning Board meeting at which the case is to be heard.

ARTICLE 7 MEETINGS

- 7-1** Meetings of the Planning Board shall be held the fourth Tuesday of the month at 7:00 p.m. at the Mineral Springs Town Hall, 3506 South Potter Road; provided that meetings may be held at any other convenient place in the Mineral Springs area if directed by the Chairman in advance of the meeting. If the fourth Tuesday of the month falls on a federal and/or town holiday, that month's meeting shall take place on the third Tuesday of the month at 7 p.m. Each member shall be notified of each meeting at least forty-eight (48) hours in advance of the meeting by the Secretary or other person so designated by the Chairman. Special meetings may be called for by the Chairman provided that at least forty-eight (48) hours notice is given by the Secretary.
- 7-2** A quorum of the Planning Board shall be required to open any meeting and to conduct business. A quorum shall consist of at least four (4) Planning Board members.

ARTICLE 8 VOTING; CONDUCT OF MEETINGS

- 8-1** Only unexcused Planning Board members present at a duly convened meeting shall be eligible to vote.
- 8-2** A vote may be taken on a matter once a motion has been made and seconded.

- 8-3** The Chairman shall not be able to make or second a motion but may otherwise vote on all other issues.
- 8-4** Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by a duly made motion and second.
- 8-5** It is the duty of all Planning Board members present at a meeting to vote on all issues coming before the Planning Board unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having cast a "yea" vote.
- 8-5** All meetings shall be open to the public. The order of business at meetings shall generally be as follows:
- (a) Opening Meeting
 - (b) Determination of Quorum (Need 4 present to make decisions and vote)
 - (c) Approval of Minutes of Previous Meetings
 - (d) Unfinished Business
 - (e) New Business
 - (f) Other Business
 - (g) Adjournment

The Chairman shall have the authority to amend the order of business at any meeting.

- 8-6** Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a majority vote of the Planning Board.

ARTICLE 9 ADOPTION AND AMENDMENTS

- 9-1** These rules shall at all times be consistent with all other ordinances of the Town of Mineral Springs and the State of North Carolina. These Rules, within the limits allowed by law, may be amended by an affirmative vote of a majority of the Planning Board membership. Any such amendment shall be presented in writing at a meeting preceding the meeting at which the vote is taken.

July 23, 2019

DATE OF ADOPTION

CHAIRMAN

Attest:

PLANNING DIRECTOR