

PLANNING BOARD RULES OF PROCEDURE

2022

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I. Purpose

The purpose of the Town of Woodfin Planning Board shall be set forth in Article 3 of Chapter 160D and amendments and supplements thereto, and those powers and duties delegated to the Planning Board by the Town of Woodfin Board of Commissioners or assigned by ordinance.

II. Membership

- a. Composition - In accordance with G.S. 160D-301, the Planning Board shall consist of five (5) regular members, and two (2) alternate members. All members shall reside in the Town of Woodfin.
- b. Terms - The term of membership shall be three years beginning July 1 in the year of appointment. Provided, that in the appointment of the initial Planning Board, three (3) members shall be appointed for a term of three (3) years and two (2) members shall be appointed for a term of two (2) years. A member shall continue to serve until a replacement member is appointed and takes office. No member shall serve more than two successive three (3) year terms. To the extent feasible, the terms of members shall be staggered. Vacancies shall be filled by appointment by the Board of Commissioners, with the appointee serving the balance of the replaced member's term.
- c. Attendance - Should a Board member fail to attend three (3) consecutive regular meetings of the Board and should there be no adequate excuse for said absences, the Chairman, with concurrence of the majority of the entire Board shall recommend to the Planning Director that a vacancy be declared, and the position be filled.
 - i. A member who will be unable to attend a regular meeting must contact the Chairperson and Planning Director at least twenty-four (24) hours before the scheduled meeting with the reason on why they are unable to attend. If asked, the member must relinquish the position.
 - ii. Attendance shall be recorded as: Present, Tardy (more than 15 minutes late), Excused absence (24-hour notice or emergency), or Unexcused Absence.

III. Officers

- a. Chairperson - The Chair shall be appointed by the Board of Commissioners for one (1) year, and until a successor is elected, beginning June 1. Each June thereafter, the Board shall hold an organizational meeting and shall elect a chair from its members. The Chair may be reappointed for subsequent terms if elected by majority vote of the membership of the Board. The Chair shall preside at all meetings of the Board, appoint any standing Committees, and have all the duties normally conferred on such an office. The Chair is a voting member of the Board.
 - i. The Chairperson's signature authenticates the acts, orders, or procedures of the Commission in its entirety when such signature is required.
 - ii. The Chairperson shall vote on all matters before the Board and shall have no extraordinary voting powers in the case of a tie vote.
- b. Vice Chairperson - The Vice Chair shall be elected by a majority the Planning Board members. The Vice Chair shall serve as Acting Chairperson in the Chairperson's absence and at such times shall have the same powers and duties as the Chairperson. The Vice Chair is a voting member of the Board. Each June, the Board shall hold an organizational

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meeting and shall elect a vice-chair from its members. The Vice Chairperson may be reappointed for subsequent terms if elected by majority vote of the membership of the Board.

- c. Secretary - The Town Clerk, or Designee, shall serve as Secretary. The secretary shall keep the minutes of each Board meeting in a permanent volume. The secretary shall also provide notice of meeting, attend to correspondence of the Board, and provide technical assistance to the Board. The Secretary is not a voting member of the Board.
- d. Vacancies - Vacancies in the office of Chairperson or Vice Chairperson shall be filled immediately for the unexpired term by the regular election procedures.

IV. Conflicts of Interest

- a. Definition - Conflicts of interest shall include, but are not limited to, (a) a close familial business or other associated relationship with the person affect by the matter before the Board, or (b) a financial interest in the outcome of the matter.
- b. Declaration - As business items are introduced, the Chairperson will ask members to announce any conflicts of interest. When a member believes they have a conflict of interest related to matter, they shall declare so before any consideration of the matter.
- c. Recusal - The excuse of a member due to a conflict of interest shall not constitute an absence from the meeting, therefore does not affect the determination that a quorum is present.
- d. Participation - An excused member may remain in the meeting room, but shall not participate in the discussion of, and shall not vote on the matter.

V. Meetings

- a. Regular Meetings - Regular meetings of the Board shall be held on the first Tuesday of each month at Woodfin Town Hall, provided, however, that meetings may be held at some other convenient place in the Town if directed by the Chairperson in advance of the meeting. Meeting time shall be 6:00 PM.
- b. Special meetings - Special meeting can only be called by the Chairperson or Vice Chairperson provided that at least forty-eight (48) hours' notice of the time such a meeting shall be given to each member by the staff.
- c. Open meetings law - All regular meetings, special meetings, and hearings of this Board shall be open to the general public; however, this does not prohibit or restrict the Board from adjourning on a motion for executive session provided such is consistent with the provision of the Open Meetings Law. All records, files, and accounts shall be public records as provided in the North Carolina General Statutes.
- d. Cancellation - Whenever there is no business for a meeting of the Board, the Chair, in consultation with the Planning Director or designee, may cancel a regular by giving notice to all members not less than forty-eight (48) hours' notice of the scheduled meeting.
- e. Public Notice - Public notice shall be given for all Board meetings in accordance with G.S.143-318.
- f. Quorum - Shall be three (3) voting members of the Board. If quorum is not met, no official business or action can be conducted.

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- g. Voting - All members must vote on every issue unless excused by the Board for a conflict of interest. The vote of a majority of the members present and voting shall decide issues before the Board. A simple majority vote of those present and voting members shall be sufficient to decide matters brought to the Board. A tie vote of those members shall cause the motion in question to fail.
- h. Order of Business - Items shall be placed on the agenda according to the Order of Business, which is as follows for regular meetings:
 - i. Roll Call (determinations of quorum)
 - ii. Approval of minutes of previous meeting(s)
 - iii. Public Hearings
 - iv. Development plans, subdivisions, review/approvals
 - v. Old Business
 - vi. New Business
 - vii. Administrative/Staff Reports
 - viii. Subcommittee Reports
 - ix. Adjourn

VI. Powers and Duties

A planning board may be assigned the following powers and duties:

- a. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
 - i. To facilitate and coordinate citizen engagement and participation in the planning process.
 - ii. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - iii. To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
 - iv. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
 - v. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
 - vi. To perform any other related duties that the governing board may direct. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

VII. Board Actions

The Board shall take one of the following actions on all agenda items except those informational items presented by the Chairperson and/or Secretary.

- a. Approval - A favorable recommendation rendered by the Board to a request. The petitioner will be informed of the date Town Commissioners will address the request and the Board shall forward its favorable recommendation.

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- b. Denial - An unfavorable recommendation rendered by the Board to a request. The Board must state the reason(s) for said denial and inform the petitioner of their right to appeal that recommendation.
- c. Continuance - a specified period of delay of action on a request adopted by the Board. The Board must state the reason(s) for the continuance and by this action, charge the Planning Department with placing the request on an agenda for the specified meeting.
- d. Tabling - Action on a request delayed by the Board for an unspecified period of time. The Board must state the reason(s) for tabling the request and indicate formal proceedings for having said request placed on the agenda of a meeting.
- e. Withdrawal - Acceptance of the petitioner’s request to withdraw consideration of a request prior to the Board’s review.

VIII. Decisions

- a. Consistency - All decisions by the Board shall be in accordance with the Zoning Ordinance or Subdivision Ordinance, provided that the Board may make interpretations of either Ordinance as necessary in performing its duties and responsibilities.
- b. Time Allotted - All decisions by the Board shall be made in accordance with authority, including but not limited to: North Carolina General Statutes, the Zoning Ordinance, the Subdivision Ordinance, and the Board of Commissioners. If no specific time period controls a decision, the Board shall make a decision as quickly as is reasonable under the circumstances.

IX. Adoption and Amendment

- a. Review of Rules - These Rules of Procedure shall be reviewed as needed, or at least every two years, by the Board with recommendations provided to the Board of Commissioners, if required. Any amendments shall be presented in writing at a regular or special meeting at which the vote is taken. An affirmative vote of at least three members is required for amendment.