



RULES OF PROCEDURE

WAXHAW PLANNING BOARD

I. Preface

The following Rules of Procedure are adopted by the Waxhaw Board of Commissioners for the Waxhaw Planning Board, hereafter referred to as the “Planning Board,” to facilitate the exercise of its duties and powers as a “planning agency” as set forth in the North Carolina General Statutes and the Ordinance to Establish a Planning Board (Waxhaw, North Carolina Code of Ordinances §30.02) as adopted by the Waxhaw Board of Commissioners, hereafter referred to as the “Board of Commissioners” on November 1, 2005.

The Planning Board shall be considered a “public body” and is subject to all the rules and regulations for public bodies as dictated by the North Carolina’s open meetings law (G.S. 143-318.9 to 143-318.18) and other applicable regulations. In instances where the Rules of Procedure conflict with any Federal or North Carolina State Statute, or Waxhaw Ordinance, said statutes and ordinances shall govern.

II. Duties and Powers

The primary objective of the Planning Board is to work in coordination with the Board of Commissioners, Board of Adjustments, citizens, and local, regional, state and federal agencies to develop and maintain a consistent and effective planning program to mitigate potential problems and prepare for quality growth for the benefit of current and future residents of the Town of Waxhaw.

The duties and powers of the Planning Board are as follows:

- A. To be informed of the principles and practices of planning;
- B. To make studies, as assigned by the Board of Commissioners, of the Town and its relation to surrounding municipalities, Union County, and region;
- C. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner at the direction of the Town Board. These are to be included in their Work Plan for the upcoming year.
- D. To review and make recommendations to the Board of Commissioners regarding proposed changes to the Unified Development Ordinance, Comprehensive Plan, and other planning ordinances and documents as assigned by the Board of Commissioners;

- E. To review and recommend approval of preliminary subdivision plats that are not approved by Town Planning Staff, based on their reading and understanding of the applicable sections of the Comprehensive Plan and Unified Development Ordinance;
- F. To adopt and abide by a set of Rules of Procedure prepared by the Board of Commissioners, as provided herein, not inconsistent with any North Carolina State Statute or Waxhaw Ordinance;
- G. To perform any other related duties contained in the Unified Development Ordinance or as directed by the Board of Commissioners.

III. Appointment and Terms

- A. Members: The Planning Board shall consist of seven (7) regular members and two (2) alternate members, all of whom are residents of the Town of Waxhaw and who have been duly appointed by the Board of Commissioners for a designated term.
- B. Terms: All appointed members shall serve a term for three years, except for the initial appointments, where two members shall be appointed for one-year terms, two members shall be appointed for two-year terms and three members shall be appointed for three-year terms. Vacancies shall be filled for the unexpired portions of the terms in the same manner as the initial appointment. The term for each newly appointed member shall begin October 1 in the year appointed and shall terminate on September 30 in the final year of the member's term.
- C. Swearing In: All members (regular and alternate) will be sworn in by a representative of the Board of Commissioners within thirty (30) days of being appointed to serve on the Planning Board and prior to the first Planning Board meeting of their term.
- D. Meeting Attendance: In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members (regular and alternate) to attend regular and special meetings. In order to be assured of a quorum, those members who know that they will not be able to attend a meeting should notify the Chair and Secretary of their impending absence prior to the meeting. If a member fails to attend three (3) consecutive meetings or a minimum of seventy percent (70%) of all meetings in any fiscal year, the Planning Board may request that the Board of Commissioners determine such position vacated. The Planning Board may further recommend removal of a member for duly cited causes and the request must be in writing signed by the Chairman or Vice-Chairman.
- E. Voting: Alternate members shall be able to cast a vote when a regular member of the Planning Board is absent or if any regular member has a conflict of interest.
- F. Removal: Members of the Planning Board may be removed by the Board of Commissioners for cause including but not limited to excessive absenteeism.
- G. Vacancy: If a vacancy on the Planning Board occurs by reason of death, resignation, change of residence, Town Board removal, or any other cause, the seat shall be filled by the Board of Commissioners as soon as possible, but at least within sixty (60) days for the duration of the unexpired term.

- H. Appointment Notification: The Town Clerk shall notify newly appointed members of their appointment and be responsible for maintaining a current list of Planning Board members, including effective date of their appointment and the expiration date of their term. The Clerk shall keep the Board of Commissioners informed as to when any term is to expire at least sixty (60) days prior to the expiration date.

IV. Officers

- A. Selection of Officers: The Chair and Vice Chair of the Planning Board shall be selected from members of the Planning Board and appointed by the members of the Planning Board. The Chair and Vice Chair shall serve for a two (2) year term and may serve up to two (2) consecutive terms in the same office. The Secretary shall be selected by the Town manager and be an employee of the Town. Each officer shall serve until relieved of his or her duties as herein provided.
- B. Chair: The Chair shall have the following responsibilities and powers:
- a. To preside at all meetings and public hearings of the Board;
 - b. To decide all points of order and procedure;
 - c. To call special meetings of the Planning Board with proper notification;
 - d. To exercise full voting rights on all matters under consideration;
 - e. To certify decisions of the Planning Board;
 - f. To serve (or designate someone to serve) as a liaison with the Board of Commissioners and planning staff;
 - g. To prepare and present reports as requested by the Board of Commissioners;
 - h. To call a brief recess at any time; and,
 - i. To adjourn in case of an emergency.
- C. Vice Chair: The Vice Chair shall serve as acting Chair in the absence of the Chair or in case of the Chair declaring a conflict of interest. At such times the Vice Chair shall have the same powers and duties as the Chair. If the Chair is not able to serve an entire term of office, the Vice Chair shall assume the responsibility of Chair until the term of office ends.
- D. Secretary: The Secretary shall have the following duties:
- a. To take attendance and assist the Chair in determining quorum;
 - b. To notify members of excessive absences;
 - c. To attend and keep record of the actions of the Planning Board during meetings;
 - d. To work with the Chair and planning staff to prepare the meeting notification, agenda and supporting documentation for each meeting;

V. Meetings

- A. Regular Meetings: Meetings of the Planning Board shall be held each month on the third Monday night beginning at 6:30 p.m. Meetings will be held in the Waxhaw Police Department Community Room (3620 Providence Road South). The Chair may convene a meeting in any other convenient location provided it is within Waxhaw town limits and

determined forty-eight (48) hours in advance of the meeting. All meetings shall be open to the public.

- B. Work Session: If the Board determines that a work session is needed, it can be either held during the regular meeting or a separate work session may be called by the Chair or two members at any time by signing a written notice stating the time and place of the work session. The notice must include the subjects to be considered and be provided at least forty-eight (48) hours in advance of the meeting.
- C. Special Meeting: A special meeting may be called by the Chair or two members at any time by signing a written notice stating the time and place of the special meeting. The notice must include the subjects to be considered and be provided at least forty-eight (48) hours in advance of the meeting.
- D. Meeting Notification: Each member shall be notified of each meeting by the Secretary or another person designated by the Chair. Once the Chair has determined a meeting is necessary, notification will be sent in a manner as expeditiously as possible and at least forty-eight (48) hours in advance of the meeting.
- E. Cancellation: Whenever there is no business to come before the Planning Board, the Chair, in consultation with the Secretary, may dispense with the regular meeting by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting.
- F. Prior Communication: Prior to a Planning Board meeting, members are permitted to listen to comments regarding a pending case but should refrain from responding with opinions or views until the Planning Board meeting. A member may seek and receive general technical information pertaining to the case from the Zoning/Planning Administrator, and/or Town staff prior to the Planning Board meeting at which the case is to be heard.
- G. Agenda: Items of business for discussion at the meeting shall appear on the agenda with supporting documents in the packet. All items must be to the Secretary by noon on Monday two weeks before the scheduled meeting. Business which is not identified on the agenda will not be considered
- H. Quorum: 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.
- I. Voting: Only Planning Board members present at a duly convened meeting shall be eligible to vote. Members that have been excused from voting due to conflict of interest are not eligible to vote. Any non-excused member who abstains from voting shall be counted as having cast a "yea" vote. The Chair shall determine if voting 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. The Chair shall be able to vote on all issues unless absent from the meeting or found to have a conflict of interest.
- J. Order of Business: The order of business at meetings shall generally be as follows:
 - a. Call to Order/Attendance/Determination of Quorum
 - b. Approval of Minutes of Previous Meeting
 - c. Approval of Agenda
 - d. Work Session (if needed)

- e. Unfinished Business
- f. New Business
- g. Other Business
- h. Adjournment

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

- K. Procedural Motions: Action by the Board shall proceed by a motion (a second is not required). Any member, including the Chair, may make a motion. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending. The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:
- a. The member who makes the motion is entitled to speak first;
 - b. A member who has not spoken on the issue shall be recognized before someone who has already spoken; and,
 - c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Other motions that the Chair can take include:

- d. Dividing a complex motion into parts for consideration as multiple motions;
 - e. Requesting additional information from staff, presenters, or fellow Board members;
 - f. Defer consideration until the next meeting of the Planning Board;
 - g. Refer to committee for further discussion prior to the next meeting of the Planning Board;
 - h. Amending the motion with approval of the member introducing the motion;
 - i. Requesting a return to the agenda if the motion is out of order; and,
 - j. Calling for a brief recess.
- L. Public Notification: All regular and special meetings of the Planning Board shall be open to the public. The Town Clerk shall maintain a schedule showing the time and place of regular meetings. Notice of any special meeting shall be posted at least forty-eight (48) hours prior to that meeting in a conspicuous location in accordance with governing law.
- M. Minutes: The minutes of the Planning Board shall be taken by the Secretary (or person designated by the Chair in absence of the Secretary) and known as unofficial minutes until approved by the Planning Board at the following meeting, at which time they become official minutes. The minutes shall be public record and kept on file in the office of the Planning Department and available for inspection during regular business hours.

VI. Conflict of Interest

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 a particular issue under the following circumstances:

- A. If the member has a direct financial or personal interest in the outcome of the matter at hand; or,
- B. If the matter at hand involves the member's own official conduct; or,
- C. If the member has such close personal ties to the applicant (personal or professional) that he/she cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest; or,
- D. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the board.

If a Planning Board member determines that he/she may have a conflict of interest on a particular issue, he/she shall declare the nature of such conflict. A challenge to the existence of an undisclosed conflict of interest may be made by any interested party or Planning Board member. The Planning Board shall hear evidence and vote upon the matter, with the member at issue abstaining from the vote. In order to find that a member does have a conflict of interest, a majority vote of the Planning Board shall be required. If a conflict is determined, the Chair shall excuse the member from further participation in the matter, including voting, and the excused member will sit in the audience or leave the room for the conflicted matter. The Chair will call an alternate Planning Board member to take the conflicted member's position for deliberation and voting on the matter. Upon completion of the conflicted matter, the original Planning Board member will resume his or her position.

VII. Committees

The Chair, representing the Planning Board, may make recommendations to the Board of Commissioners to form subcommittees or task forces to investigate specific matters that have arisen in the course of the work of the Planning Board.

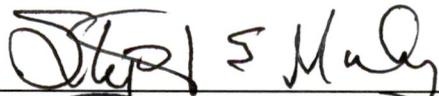
VIII. Voting Reports

Any matter that comes before the Planning Board for a vote shall have a report or other reasoning supporting their decision or recommendation, including any minority view if provided by such member(s). This information must be provided prior to the Board of Commissioner meeting involving the issue.

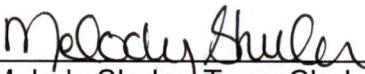
IX. Adoption and Amendments

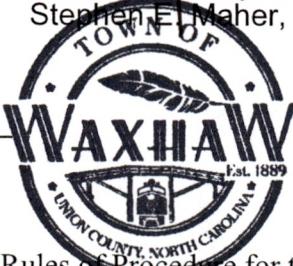
These rules shall at all times be consistent with all other ordinances of the Town of Waxhaw and the State of North Carolina. These Rules, within the limits allowed by law, may be amended at the written request of the Planning Board and by an affirmative vote of a majority of the Board of Commissioners.

Effective Date: These Rules of Procedure shall become effective on April 25, 2017.



Stephen E. Maher, Mayor

ATTEST: 
Melody Shuler Town Clerk



(The adoption of the revised policy on Rules of Procedure for the Waxhaw Planning Board replaces the Rules adopted in 1997, revised in 2002, 2006, 2009, 2010 and 2014).