RULES OF PROCEDURE
WAXHAW PLANNING BOARD

ARTICLE 1
ESTABLISHMENT

1.1. The Waxhaw Planning Board, having been created by the Waxhaw Town Board of Commissioners 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 and other applicable regulations.

ARTICLE 2
DUTIES AND POWERS

2.1 The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the residents of the Town of Waxhaw.

2.2 The purposes of the Planning Board are as follows:

a. To make studies of the Town and its environs;

b. To determine objectives to be sought in the development of the areas under study;

c. To prepare and recommend plans for achieving these objectives;

d. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

e. To keep the Town Board advised as to these matters.

f. To review and make recommendations to the Waxhaw Board of Commissioners (hereinafter referred to as the "Town Board") regarding proposed changes to the Unified Development Ordinance and the Waxhaw 2030 Comprehensive 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 review and approve preliminary subdivision plats.

i. To elect officers from its membership.

j. To perform any other related duties contained in the Unified Development Ordinance or as directed by the Town Board.

ARTICLE 3
APPOINTMENT AND TERMS

3.1. 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 Town Board for designated terms. The alternate members of the Board shall be requested to attend all regular and special meetings and shall be able to cast a vote when a regular member of the Board is absent or if any Board member has a conflict of interest.

3.2 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 Town Board in an expeditious manner for the duration of the unexpired term.

3.3. The Town Clerk shall be responsible for maintaining a current list of Planning Board members, including the effective date of their appointment and the expiration date of their term. The Clerk shall keep the Town Board informed as to when any term is to expire at least (60) days prior to expiration date.

ARTICLE 4
ELECTION OF OFFICERS

4.1 A Chairman and Vice-Chairman shall be elected by the regular Planning Board members. Elections shall occur at the Planning Board's Annual Meeting which shall occur at a time established by the Planning Board and should be held every twelve months. Each officer shall serve for a one (1) year term and may be elected for up to two (2) consecutive terms, to the same office, by a simple majority. Elections beyond two consecutive terms must be by unanimous vote of those present. Each officer shall serve until relieved of his duties as herein provided.

4.2 The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed 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/she shall have the same powers and duties as the Chairman.

ARTICLE 5
SECRETARIAL SERVICES

5.1 The Town Board shall arrange to have secretarial duties performed for the Planning Board. Said person(s) (hereafter referred to as "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 Town of Waxhaw Planning and Community Development Department.

ARTICLE 6
RULES OF CONDUCT FOR MEMBERS

6.1 Members of the Planning Board may be removed by the Town Board 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. If any member is absent for three (3) consecutive meetings, the Chairman may direct the Secretary to notify such members in writing of his/her absences and if such member fails to attend the next meeting, the Planning Board, by majority vote of the remaining members, may request that the position be vacated and also request that a replacement be made by the Town Board.

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 a particular issue under the following circumstances:

1. If the member has a direct financial interest in the outcome of the matter at hand; or

2. If the matter at hand involves the member's own official conduct; or

3. If the member has such close personal ties to the applicant that he/she 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/she may have a conflict of interest on a particular issue, he/she 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/herself from further deliberations on said matter. If a member is excused from voting, he/she shall seat himself/herself in the audience and not participate in any further discussion on said matter or (at his/her discretion) he/she shall remove himself/herself 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 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 a member may receive and/or seek general technical information pertaining to the case from the Secretary, Zoning/Planning Administrator and/or planning staff 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 each month on the third Monday night beginning at 6:30 p.m. in a work session (if it is determined one is needed by the Board) and immediately following the work session the regular meeting will begin. The Chairman may at any time call for a separate work session by signing a written notice stating the time and place of the work session and the subjects to be considered provided that at least forty-eight (48) hours notice of the time and place of the meeting is given.

Meetings of the Planning Board shall be held in the auditorium of the Museum of the Waxhaws located at 8215 Waxhaw Highway; provided that meetings may be held at any other convenient place in the Waxhaw town limits if directed by the Chairman in advance of the meeting. Each member shall be notified of each meeting by the Secretary or other person so designated by the Chairman. Once the need has arisen for the Planning Board to meet, the Chairman shall call a meeting in a manner as expeditiously as possible, provided that at least forty-eight (48) hours-notice of the time and place of the meeting is given.

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 Planning Board members present at a duly convened meeting shall be eligible to vote. Members that have been excused from voting per section 6.3 of the Rules of Procedure are not eligible to vote.

8.2 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 a second to the motion.

8.3 The Chairman shall be able to vote on all issues unless absent or found to have a conflict per Section 6.3.

8.4 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) Open Meeting

(b) Determination of Quorum

(c) Work Session (if needed)

(d) Unfinished Business

(e) New Business

(f) Other Business

(g) Approval of Minutes of Previous Meeting

(h) 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 with backup documents in the packet. All items must be in the office of the Secretary by noon on Monday two weeks before the scheduled meeting. Business which is not identified on the agenda will not be considered unless deemed an emergency and approved by the majority vote of the Planning Board.

8.7 The policy of the Waxhaw Planning Board is to allow public comments on any item on the agenda. Public comment is limited to residents of the Town or persons having a material interest in the Town. The time limit is three minutes and will be strictly adhered to at all times. If a group or organization is present to speak on any agenda item, only two designated representatives will be allowed to address the Board members. Once a recommendation has been made, no additional comments will be permitted.

ARTICLE 9
APDOPTION AND AMENDMENTS

9.1 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 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.

Amended the 21st day of January, 2014.

Chairman David Godfrey

ATTEST:

Lori Oakley

Lori Oakley, Zoning Administrator

(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 and 2010).