

February 2, 2016

The Union County Planning Board met in regular session on Tuesday, February 2, 2016, at 7:00 p.m. in the Board of Commissioners Formal Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112.

PRESENT: Everette Medlin, Chris Duggan, Don Fisher, Patrick Harrison, Sean Maher, Roger Stanton, Robert Traficanti, Russell Wing

ABSENT: Clint Laster

ALSO PRESENT: Richard Black, Lee Jenson, Brian Matthews

ITEM NUMBER ONE

Call to Order

Chairman Everette Medlin called the meeting to order.

Motion was made by Sean Maher and seconded by Chris Duggan to make Alternate Member Patrick Harrison a voting member at this time.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

There were no additions or deletions to the agenda.

ITEM NUMBER THREE

Approval of the Agenda

Motion was made by Don Fisher and seconded by Patrick Harrison to approve the agenda. The vote was 7 to 0.

ITEM NUMBER FOUR

Approval of the December 1, 2015 Minutes

Motion was made by Russell Wing and seconded by Sean Maher to approve the December 1, 2015 Minutes. The vote was 7 to 0.

ITEM NUMBER FIVE

Union County Development Ordinance Text Amendments

- 1) **Section 85.020 Planning Board** – (A) Appointments and Terms (B) Meetings (C) Quorum and Voting (D) Officers (E) Powers and Duties (F) Advisory Committees – **2) Section 85.030 Board of Adjustment** – (A) Appointments and Terms (B) Meetings (C) Quorum and Voting (D) Officers (E) Powers and Duties (F) Quasi-Judicial Role

Richard Black came up to speak to the Board and discuss the Text Amendments and Rules of Procedure.

- 2) **Article 85 Administration**
- 3) Section 85.010 Board of Commissioners 85-1
- 4) Section 85.020 Planning Board
85-1
- 5) Section 85.030 Board of Adjustment
85-4
- 6) Section 85.040 Executive Director, Planning Division Director and Administrator
85-7
- 7) Section 85.050 Technical Review Committee
85-7
- 8)
- 9) Section 85.010 Board of Commissioners
- 10) 85.010-A Powers and Duties
- 11) The Board of Commissioners is responsible for performing those duties expressly identified in this or any other county ordinance and for acting on all applications before it. In addition, the Board of Commissioners is responsible for:
 - 12) 1. Making appointments to the planning board and board of adjustment;
 - 13) 2. Assigning tasks to the administrator or the planning department staff;
 - 14) 3. Creating planning and land-use related study committees and appointing persons to such committees; and
 - 15) 4. Referring matters to the planning board and planning department for study.
- 16) Section 85.020 Planning Board
- 17) 85.020-A Appointments and Terms
- 18) 1. The Board of Commissioners has created a planning board pursuant to NCGS 153A-321.
- 19) 2. The planning board must consist of 7 regular members and 2 alternates, all appointed at large by the Board of Commissioners. All regular and alternate members must reside in Union County, and no more than 2 members may reside in the same municipality.
- 20) 3. All regular and alternate members must be appointed for 3-year terms, which must be staggered so that all terms will not expire simultaneously. ~~A member may be appointed for a second successive term, but after 2 consecutive terms a member is ineligible for reappointment until one calendar year has elapsed from the date of completion of the second term.~~
- 21) 4. In cases where an individual is appointed to serve the unexpired portion of a board member's term, the appointment must be limited to the remainder of the unexpired term. ~~That period does not count as a regular term for that member.~~
- 22) 5. ~~Regular~~The Board of Commissioners may remove a regular planning board ~~members may be removed~~member by simple majority vote ~~of the planning board at any time~~ for failure to attend 3 consecutive meetings or for failure to attend 30% or more of the meetings within any 12- month period or for any other good cause related to performance of duties. ~~Alternate members may be removed for repeated~~The Board of Commissioners may remove an alternate planning board member by simple majority vote for repeated failure to attend or participate in meetings when requested to do so in ~~accord-~~accordance with regularly established procedures. The planning board may recommend removal of a member to the Board of Commissioners. Upon request of any member considered for removal, the Board of Commissioners must hold a hearing on removal before it becomes effective.
- 23) 6. If a regular or alternate planning board member moves outside the county, that ~~mem-ber~~member will be deemed to have resigned from the planning board. The planning board is responsible for performing those duties expressly identified in this ordinance or assigned by the Board of Commissioners and for acting on all applications before it. In addition, the planning board is authorized to:
 - 24) a. Make studies and recommend to the Board of Commissioners plans, goals, and objectives relating to the growth, development and redevelopment of the county;
 - 25) b. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner; and

- 26) c. Adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.
- 27) 7. Alternates may sit in lieu of any regular member and, when so seated, have the same powers and duties as any regular planning board member. Alternate members are ~~au~~-~~thorized~~authorized to vote only in the absence of a regular member.
- 28) ~~85.020-B~~ ~~Meetings~~
- 29) ~~1. The planning board must establish a regular meeting schedule to ensure expeditious review of matters within its jurisdiction.~~
- 30) ~~2. The planning board must conduct its meetings so as to obtain necessary information and promote the full and free exchange of ideas.~~
- 31) ~~3. Minutes must be kept of all planning board proceedings.~~
- 32) ~~4. All planning board meetings must be open to the public, and whenever feasible the agenda for each meeting must be made available to the public before the meeting.~~ 85.020-C Quorum and Voting
- 33) ~~1.~~1. A quorum of the planning board is necessary for the planning board to take official ~~ac~~-~~tion~~action.
- 34) 2. A quorum of the planning board consists of 4 members (which may include alternate members sitting in lieu of regular members).
- 35) 3. A member who has withdrawn from the meeting without being excused in accordance with §85.020-~~C~~B5 or §85.020-~~C~~B6 must be counted as present for purposes of determining whether a quorum is present.
- 36) 4. Once a planning board member is physically present at a planning board meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the planning board member has been excused from voting in accordance with §85.020-~~C~~B5 or has been allowed to withdraw from the meeting in accordance with §85.020-~~C~~B6.
- 37) 5. A planning board member may be excused from voting on a particular issue by simple majority vote of the remaining members present under the following circumstances:
- 38) a. If the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the subject board member;
- 39) b. If the matter at issue involves the planning board member's own official conduct; or
- 40) c. If a planning board member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- 41) 6. A planning board member may be allowed to withdraw from the remainder of a meeting by simple majority vote of the remaining members present for any good and sufficient reason other than the planning board member's desire to avoid voting on matters to be considered at that meeting.
- 42) 7. A motion to allow a member to be excused from voting on a matter or to withdraw from the remainder of a meeting is in order only if made by or at the initiative of the subject board member.
- 43) 8. A roll call vote must be taken upon the request of any planning board member.
- 44) ~~85.020-D~~ ~~Officers~~
- 45) ~~1. Each year during the first meeting at which newly appointed members are seated, the planning board must elect a regular member to serve as the chair to preside over plan-ning board meetings and another regular member to serve as vice chair. The individuals elected to these positions must serve in these capacities until new officers are elected the following year. At the first meeting before the election of a chair, the planning division director must temporarily preside over the meeting until the chair is elected.~~
- 46) ~~2. Vacancies in either the chair or vice chair positions must be filled for the remainder of the unexpired term. If an officer voluntarily resigns before or during a planning board meeting, a new officer election must be held during the next regularly scheduled plan-ning board meeting in accordance with §85.020-D1.~~
- 47) ~~3. All regular and alternate members of the planning board may nominate and vote for officer candidates, but only regular board members may be nominated and elected.~~
- 48) ~~4. The planning board chair and vice chair may take part in all deliberations and vote on all issues.~~
- 49) ~~85.020-E~~ ~~Powers and Duties~~
- 50) The planning board is responsible for performing those duties expressly identified in this ordinance or assigned by the Board of Commissioners and for acting on all applications be fore it. In addition, the planning board is authorized to:
- 51) 1. Make studies and recommend to the Board of Commissioners plans, goals and objec-tives relating to the growth, development and redevelopment of the county;

- 52) ~~2. ——— Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner; and~~
- 53) ~~3. ——— Adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.~~
- 54) ~~85.020 F~~ 82.020-C Meetings; Advisory Committees
- 55) 1. ——— All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the planning board in accordance with this ordinance, as it may be amended from time to time.
- 56) ~~1-2.~~ The Board of Commissioners is authorized to appoint one or more individuals to assist the planning board in carrying out its responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Board of Commissioners may appoint advisory committees to consider the transportation plan, housing plans, economic development plans, etc.
- 57) ~~2. ——— Members of advisory committees may sit as nonvoting members of the planning board when such issues are being considered and lend their talents, energies, and expertise to the planning board. However, formal recommendations to the Board of Commissioners must be made by the planning board.~~
- 58) ~~3. ——— The planning board may appoint standing or ad hoc subcommittees of its own members to consider particular issues or types of issues and may also appoint ad hoc advisory committees consisting of non-planning board members to assist it in its work.~~
- 59) Section 85.030 Board of Adjustment
- 60) 85.030-A Appointments and Terms
- 61) 1. The Board of Commissioners has created a board of adjustment pursuant to NCGS 153A-345.
- 62) 2. The board of adjustment must consist of 5 regular members and 2 alternates, all appointed at large by the Board of Commissioners. All regular and alternate members must reside in Union County, and no more than 2 members may reside in the same municipality.
- 63) 3. All regular and alternate members must be appointed for 3-year terms, which must be staggered so that all terms will not expire simultaneously. A member may be appointed for a second successive term, but after 2 consecutive terms a member is ineligible for reappointment until one calendar year has elapsed from the date of completion of the second term.
- 64) 4. In cases where an individual is appointed to serve the unexpired portion of a board member's term, the appointment must be limited to the remainder of the unexpired term. That period does not count as a regular term for that member.
- 65) 5. Regular board of adjustment members may be removed by simple majority vote of the Board of Commissioners at any time for failure to attend 3 consecutive meetings or for failure to attend 30% or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of any member considered for removal, the Board of Commissioners must hold a hearing on removal before it becomes effective.
- 66) 6. If a regular or alternate board of adjustment member moves outside the county, that member will be deemed to have resigned from the planning board.
- 67) 7. Alternates may sit in lieu of any regular member and, when so seated, have the same powers and duties as any regular board of adjustment member. Alternate members are authorized to vote only in the absence of a regular member.
- 68) 8. Within one year of appointment, each new regular and alternate member of the board of adjustment must undergo training pursuant to a course of study approved by the planning division director. Failure to attend such training constitutes grounds for re-removal for cause pursuant to §85.030-A5.
- 69) 85.030-B Meetings
- 70) 1.
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- 72)** Document comparison by Workshare Compare on Thursday, Januar

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Section 85.030 Board of Adjustment

85.030-A Appointments and Terms

1. The Board of Commissioners has created a board of adjustment pursuant to NCGS 153A-345.
2. The board of adjustment must consist of 5 regular members and 2 alternates, all appointed at large by the Board of Commissioners. All regular and alternate members must reside in Union County, and no more than 2 members may reside in the same municipality.
3. All regular and alternate members must be appointed for 3-year terms, which must be staggered so that all terms will not expire simultaneously. ~~A member may be appointed for a second successive term, but after 2 consecutive terms a member is ineligible for reappointment until one calendar year has elapsed from the date of completion of the second term.~~
- ~~4.~~ 4. In cases where an individual is appointed to serve the unexpired portion of a board member's term, the appointment must be limited to the remainder of the unexpired term. ~~That period does not count as a regular term for that member.~~
- ~~5.~~ 5. ~~Regular~~ The Board of Commissioners may remove a regular board of adjustment ~~members may be removed~~ member by simple majority vote ~~of the Board of Commissioners at any time~~ for failure to attend 3 consecutive meetings or for failure to attend 30% or more of the meetings within any 12-month period or for any other good cause related to performance of duties. ~~Alternate members may be removed~~ The Board of Commissioners may remove an alternate board of adjustment member by simple majority vote for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. The board of adjustment may recommend removal of a member to the Board of Commissioners. Upon request of any member considered for removal, the Board of Commissioners must hold a hearing on removal before it becomes effective.
- ~~6.~~ 6. If a regular or alternate board of adjustment member moves outside the county, that member will be deemed to have resigned from the board of adjustment.
- ~~7.~~ 7. Alternates may sit in lieu of any regular member and, when so seated, have the same powers and duties as any regular board of adjustment member. Alternate members are authorized to vote only in the absence of a regular member.
- ~~8.~~ ~~Within one year of appointment, each new regular and alternate member of the board of adjustment must undergo training pursuant to a course of study approved by the planning division director. Failure to attend such training constitutes grounds for removal for cause pursuant to §85.030-A5.~~

85.030-B Meetings

- ~~1.~~ ~~The board of adjustment must establish a regular meeting schedule to ensure expeditious consideration of matters within its jurisdiction.~~

~~2-1.~~ The board of adjustment must conduct its hearings in accordance with the quasi-judicial procedures of §85.030-F. ~~Effective October 6, 2014, page 85-4 Amendments through 11-03-2014 Article 85-Administration Section 85.030-Board of Adjustment-E.~~

~~3-2.~~ All board of adjustment meetings must be open to the public, and whenever feasible the agenda for each meeting must be made available to the public before the meeting.

85.030-C Quorum and Voting

~~1-1.~~ A quorum of the board of adjustment is necessary for the board of adjustment to take official action.

~~2-2.~~ A quorum of the board of adjustment consists of 3 members (which may include alternate members sitting in lieu of regular members).

~~3-3.~~ Unless otherwise expressly stated in this ordinance, once a member is physically present at a meeting, they must be considered present for purposes of determining whether a quorum exists unless the member is unable to vote for the reasons stated in §85.030-C5 or they have been allowed to withdraw from the meeting in accordance with §85.030-C6.

~~4-4.~~ Once a member is physically present at a board meeting, any subsequent failure to vote must be recorded as an affirmative vote unless the member is unable to vote for the reasons stated in §85.030-C5 or they have been allowed to withdraw from the meeting in accordance with §85.030-C6.

~~5-5.~~ Members must recuse themselves and not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision-maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion before hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of a matter. If an objection is raised about a member's participation and that member does request recusal, the remaining members must rule on the objection by simple majority vote.

~~6-6.~~ A board of adjustment member may be allowed to withdraw from the remainder of a meeting by simple majority vote of the remaining members present for any good and sufficient reason other than the board of adjustment member's desire to avoid voting on matters to be considered at that meeting or the impermissible conflicts described §85.030-C5.

~~7-7.~~ A roll call vote must be taken upon the request of any board of adjustment member.

85.030-D Officers-D Powers and Duties

~~1.— Each year during the first meeting at which newly appointed members are seated, the board of adjustment must elect a regular member to serve as the chair to preside over planning board meetings and another regular member to serve as vice chair. The individuals elected to these positions must serve in these capacities until new officers are elected the following year. At the first meeting before the election of a chair, the board of adjustment's attorney must temporarily preside over the meeting until the chair is elected.~~

- ~~2. Vacancies in either the chair or vice chair positions must be filled for the remainder of the unexpired term. If an officer voluntarily resigns before or during a board of adjustment meeting, a new officer election must be held during the next regularly scheduled board of adjustment meeting in accordance with §85.030 D1. Effective October 6, 2014 page 85-5 Amendments through 11.03.2014 Article 85 | Administration Section 85.030 | Board of Adjustment~~
- ~~3. All regular and alternate members of the board of adjustment may nominate and vote for officer candidates, but only regular board members may be nominated and elected.~~
- ~~4. The board of adjustment chair and vice chair may take part in all deliberations and vote on all issues.~~

85.030-E Powers and Duties

The board of adjustment is responsible for performing those duties expressly identified in this or any other county ordinance and for acting on all applications before it. In addition, the board of adjustment is authorized to adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

85.030-F-E Quasi-Judicial Role

1. The board of adjustment acts in a quasi-judicial capacity. However, it is not intended that its proceedings be conducted as formally as those before the courts.
2. The chair of the board of adjustment, any member temporarily acting as chair or the clerk of the board of adjustment must administer oaths to all witnesses and make rulings necessary to preserve fairness, order, or proper decorum in any matter before the board of adjustment.
3. Any member of the board of adjustment or any interested party may object to, and the chair may exclude, any evidence, testimony, or statement that is deemed incompetent, irrelevant, immaterial, or unduly repetitious and therefore fails to reasonably address the issues before the board of adjustment.
4. All interested parties have a right to know all the evidence being considered as part of the board of adjustment's decision. Hence, the board of adjustment may consider only evidence presented at the evidentiary hearing on the application, and it is improper for the applicant or any other interested party to communicate with board of adjustment members about the application outside of the public hearing.
5. Decisions of the board of adjustment must be based solely on evidence that is properly in the hearing record, and written findings of fact must be prepared and supported by competent, substantial and material evidence.
6. Written decisions of the board of adjustment must be signed by the chair or other duly authorized member. The decision must be delivered to the applicant, the property owner, and any other person who before the effective date of the decision submitted a written request for a copy of the decision. Decisions may be delivered by personal delivery, electronic mail or first-class mail.

7. Board of adjustment decisions become effective on the date the decision is filed with the administrator.

85.030-G-F Evidence and Testimony

1. Interested Parties

- a. Any interested party may present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.
- b. Any member of the board of adjustment may question any interested party. ~~Effective October 6, 2014, page 85-6 Amendments through 11-03-2014, Article 85 | Administration Section 85-040 | Executive Director, Planning Division Director and Administrator~~
- c. Persons other than interested parties may make competent, relevant, and material comments.

2. Subpoenas

- a. The board of adjustment may subpoena witnesses and compel the production of evidence. Persons with standing under NCGS 160A-~~939~~393 (d), may request a subpoena by making a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair ~~must~~shall issue requested subpoenas in those cases where testimony or evidence is deemed to be relevant, reasonable in nature and scope, and not oppressive.
- b. The chair is authorized to rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment.
- c. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or other party requesting the subpoena may apply to the general court of justice for an order requiring that its order be obeyed, and the court will have jurisdiction to issue those orders after notice to all proper parties.
- ~~d. No testimony of any witness before the board of adjustment, pursuant to a subpoena issued in exercise of the power conferred by this subsection, may be used against the witness in any civil or criminal action, other than a prosecution for false testimony committed on the examination.~~
- ~~d.~~ ~~e.~~ Anyone who, while under oath during a proceeding before the board of adjustment, willfully offers false testimony, is guilty of a class 1 misdemeanor.

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Motion was made by Chris Duggan and seconded by Russell Wing to approve the Text Amendment Agenda Item #5 Section 1) 85.020 Planning Board and Agenda Item #6 Planning Board Rules of Procedure. The vote was 7 to 0.

ITEM NUMBER SIX

Amend Union County Planning Board Rules of Procedure – Rule 1 Regular Meetings, Rule 3 Organizational Meeting, Rule 4 Agenda, Rule 5 Public Address to the Board, Rule 12 Adoption by Majority Vote, Rule 17 Duty to Vote, Rule 18 Quorum, Rule 20 Minutes, Rule 21 Appointments, Rule 22 Powers and Duties

Rule 1. Regular Meetings

Ordinance Section 22

- a) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action ~~in conformity with Section 66.~~to ensure expeditious review of matters within its jurisdiction.
- b) ~~Since the planning board does not exercise the broad quasi-judicial, discretionary authority of the board of adjustment, it need not conduct its meeting strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, VI of this ordinance. However, it~~The planning board shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas. All planning board members and alternates can be involved in the discussion of matters before the planning board.
- c) The requests for Work Sessions, in addition to regular meetings are normally handled during the regular monthly meetings.

Rule 3. Organizational Meeting

Ordinance Section 24

4. Each year during the first meeting at which newly appointed members are seated, the planning board ~~shall~~must elect ~~one of its~~a regular ~~members~~member to serve as the ~~chairman and~~chair to preside over ~~the~~planning board ~~meeting~~meetings and ~~one~~another regular member to serve as vice ~~chairman.~~ ~~The person so designated shall~~chair. ~~The individuals elected to these positions~~must serve in these capacities until new officers are elected the following year. ~~Officer elections shall follow the seating of newly appointed members. At their~~At the first meeting, ~~prior to~~before the election of a ~~chairman~~chair, the Planning Division Director ~~shall~~must temporarily preside over the meeting until the ~~chairman takes over~~chair is elected.
- b) Vacancies in either ~~office shall~~the chair or vice chair positions must be filled for the ~~remainder of the~~remainder of unexpired term. ~~Voluntary resignation by an officer, upon written notification to the Planning Division Director and/or a resignation declaration~~If an officer voluntarily resigns before or during ~~an ongoing~~a ~~planning~~planning board meeting, ~~shall require~~at a new ~~officer~~officer election ~~at~~must be held during the next regularly scheduled ~~planning~~planning board meeting ~~following the procedures specified in section~~in accordance with Rule 3(a).
- c) All regular and alternate members of the board may nominate and vote for the board officer candidates, but only regular board members shall be nominated and elected.
- d) ~~Chairman~~The planning board chair and vice chair may take part in all deliberations and vote on all issues.
- a) A resignation of a board member has to be reported to the board ~~and recorded.~~ ~~A vote must be taken by the Board acknowledging receipt of the resignation.~~ Staff will notify the Board of County Commissioners that the resignation has been received.

The interpretation of the above ~~ordinance~~Rule 3(b) is that the replacement is only for the vacant position.

All new members must take an oath of office.

Rule 4. Agenda

Ordinance Section 22 (d)

All board meetings shall be open to the public, and whenever reasonable the agenda for each board meeting shall be made available in advance of the meeting.

a) Proposed Agenda. The board's (clerk) (secretary) or planning staff shall prepare a proposed agenda for each meeting. A request to have an agenda item of business placed on the agenda must be received at least 1845 days before the meeting ~~except conditional zonings which require an additional 14 days~~. Any board member may, by a timely request, have an item placed on the proposed agenda. An agenda package shall be prepared that includes, each item of business placed on the proposed agenda, and as much background information on the subject as is available and feasible to reproduce. Each board member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection. ~~The Chairman approves the agenda before packet is mailed to the Planning Board.~~

5. Adoption of the Agenda. As its first order of business at each meeting the board shall discuss and revise the proposed agenda and adopt an agenda for the meeting. The board by majority vote may add items or subtract items from the proposed agenda.
6. Discussion of Agenda Items. The board designates all agenda items for discussion and possible action. This allows the board to discuss all agenda items before or after any motion is made.
7. Withdrawal of Agenda Items. An agenda item filed with Planning Staff before the cut-off date may be withdrawn by the applicant at any time before notice of the upcoming Planning Board meeting is provided. After that time, the applicant may file a request to withdraw an agenda item with the Planning Director. The Planning Board shall decide on the date scheduled for the meeting, whether to allow the withdrawal.

For a withdrawn agenda item to be placed on a future Planning Board agenda, the applicant requesting the agenda item must submit a new request which meets all submittal requirements.

Rule 5. Public Address to the Board

Any individual or group who wishes to address the board shall make a request to be on the agenda to the board's clerk, secretary or planning staff. However, the board shall determine at the meeting whether it will hear the individual or group. ~~Public comments are normally held to a limit of a total of thirty minutes on each agenda item, with each side being allowed a total of fifteen minutes.~~ Sign up sheets may be required if there is a large demand for time and each speaker may be limited on his/her individual time allowance.

Rule 12. Adoption by Majority Vote

~~Ordinance Section 23 (b)~~

All actions of the planning board shall be taken by majority vote, a quorum being present.

~~When the Board has passed a general motion for an ordinance change, the agenda item for the next month is strictly for a vote on the wording.~~

Rule 17. Duty to Vote.

~~Ordinance 23 (c) (d) (e) (f) (g)~~

~~(c) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with the subsection (d) or has been allowed to withdraw from the meeting in accordance with subsection (e)~~

~~(d) A member may be excused from voting on a particular issue by majority vote of the remaining member present under the following circumstances:~~

- ~~1) If the member has a direct financial interest in the outcome of the matter at issue; or~~
- ~~2) If the matter at issue involves the member's own official conduct; or~~
- ~~3) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.~~

~~(e) A member may be allowed to withdraw from the entire remainder of the meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.~~

~~(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.~~

~~(g) A roll call vote shall be taken upon the request of any member.~~

Planning board members' duty to vote shall be governed by the provisions of Section 85.020 of the Union County Development Ordinance, as such ordinance may be modified from time to time by the Board of Commissioners.

Rule 18. Quorum

~~Ordinance 23 (a)~~

~~A~~The rules governing a quorum for the planning board ~~shall consist of four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action~~are found in Section 85.020 of the Union County Development Ordinance, as such ordinance may be modified from time to time by the Board of Commissioners.

Rule 20. Minutes

~~Ordinance 22 (c)~~

Minutes shall be kept of all board proceedings.

~~Full and accurate minutes of the board proceedings shall be kept and all~~All meetings are to be recorded.

~~All minute corrections must be called into the Planning Director and checked against the recording of the meeting.~~

Rule 21. Appointments

(a) Members of advisory committees may sit as nonvoting members of the planning board when such issues are being considered and lend their talents, energies, and expertise to the planning board. However, formal recommendations to the Board of Commissioners must be made by the planning board.

~~Ordinance 26 (d)~~

(b) The planning board may appoint ~~such~~ standing or ad hoc subcommittees of its own members to consider particular issues or types of ~~issue or~~issues and may also appoint ad hoc advisory committees consisting of non-planning board members to assist it in its work.

These subcommittees must conform to the public meetings laws.

Rule 22. Powers and Duties

The planning board is responsible for performing those duties expressly identified in the Union County Development Ordinance or assigned by the Board of Commissioners and for acting on all applications before it. In addition, the planning board is authorized to:

- [\(h\) Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the county;](#)
- [\(i\) Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner; and](#)
- [\(j\) Adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.](#)

Rule 22.23. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting.

Rule 23.24. Reference to Robert's Rules of Order

The Board shall refer to Suggested Rules of Procedure for Small Local Government Boards by A. Fleming Bell, II and to the current edition of *Robert's Rules of Order, Newly Revised*, to answer procedural questions not resolved in these rules as long as the RONR and the Suggested Rules does not conflict with North Carolina law or with the spirit of the rules.

Rule 24.25. Closed Sessions

The Board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session.

Document comparison by Workshare Compare on Monday, January 25, 2016 4:04:48 PM

Input:	
Document 1 ID	file:///C:/Users/cmayer/Documents/Growth Management/Planning/Planning Board Rules of Procedure (original).doc
Description	Planning Board Rules of Procedure (original)
Document 2 ID	file:///C:/Users/cmayer/Documents/Growth Management/Planning/Planning Board Rules of Procedure revised (CAM edits).doc
Description	Planning Board Rules of Procedure revised (CAM edits)
Rendering set	Standard

Legend:
<u>Insertion</u>
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Moved deletion	
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Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	54
Deletions	62
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	116

Motion was made by Chris Duggan and seconded by Russell Wing to approve the Text Amendment Agenda Item#5 Section 2) 85.030 Board of Adjustment conditioned upon review and approval by the Board of Adjustment and removal of section 85.030 F (2) D or criminal subpoenas. The vote was 7 to 0.

ITEM NUMBER SEVEN

Planning Staff Report

Richard Black discussed with the Board the Critical Intersection Analysis Project that was getting started.

ITEM NUMBER EIGHT

Brief Comments

ITEM NUMBER NINE

Adjournment

The meeting adjourned at 8:15 p.m.