

**TOWN OF DAVIDSON PLANNING BOARD
RULES OF PROCEDURE**

**ARTICLE I
DAVIDSON PLANNING BOARD**

- 1.1 BOARD:** The official name of this Board shall be the Town of Davidson Planning Board which shall herein be referred to as the Board.

**ARTICLE II
AUTHORITY AND RESPONSIBILITY**

- 2.1 PURPOSE:** The Board shall have the following duties and responsibilities:
- 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.
 - b. To facilitate and coordinate citizen engagement and participation in the planning process.
 - c. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - d. 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.
 - e. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
 - f. 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.
 - g. To perform any other related duties that the governing board may direct.

**ARTICLE III
MEMBERSHIP**

- 3.1 COMPOSITION:** In accordance with G.S. 160D-301, the Planning Board shall consist of a total of no fewer than three members. All members shall reside in the Town of Davidson or its planning jurisdiction. The number of members shall be determined by the Board of Commissioners. The number of members who reside in the Extra-territorial Jurisdiction Area (ETJ) shall be determined by the Board of Commissioners in accordance with G.S 160D-307 and applicable state statutes.
- 3.2 APPOINTMENT:** All members shall be appointed by the Board of Commissioners according to their Rules of Procedure. According to statute, ETJ

members shall be appointed by the Mecklenburg County Board of Commissioners upon recommendation by the Town of Davidson Board of Commissioners.

3.3 TERMS:

- a. General: The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Members may be re-appointed for subsequent terms. All mid-term vacancies will be appointed according to the Board of Commissioners' Rules of Procedure.
- b. Limits: It shall be the policy of the Town of Davidson Board of Commissioners that terms of membership on Advisory Boards or Commissions are as follows: Persons serving two (2) consecutive three (3) year terms or six (6) total consecutive years shall be ineligible for consideration for reappointment. Time served in midterm appointments are not counted in the six consecutive total years. That person would be eligible to reapply following a one (1) year absence from serving. The board of commissioners shall have discretion to waive term limits for a particular position on an advisory board or commission.

3.4 ATTENDANCE:

- a. Notice: A member who will be unable to attend a regular meeting of the Board must contact the Chair or Planning Director/liaison at least 24 hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged.
- b. Record: Attendance shall be recorded as Present, Tardy (more than 15 minutes late), Excused Absence (either 24-hour or emergency notice), or Unexcused Absence.
- c. Forfeiture: For reasons other than excused absences, sicknesses, extenuating circumstances, or other granted leaves of absence, if any member of the board attends fewer than 75% of the regular and special meetings held by the board during any twelve (12) month period, the member may be asked by the Chair in consultation with the Planning Director to forfeit their membership on the board. If asked, the member must relinquish the position.

3.5 ADDITIONAL ROLES: All Planning Board members are eligible members of the Board of Adjustment and will serve on a rotating basis for cases or sets of cases (if multiple cases are heard at a single meeting). Those not scheduled to serve shall serve as alternates.

3.6 CONDUCT: When participating in a meeting or conducting Board business (whether in person, via email or other communication methods), members shall conduct themselves in a respectful, ethical, and professional manner. Any member who engages in intentional misrepresentation of information or inflammatory, hostile or threatening language or behavior toward others, including but not limited to elected officials, staff or another Board member, will be removed from the meeting. Any member who engages in the aforementioned

behavior is also subject to dismissal from the Board by the Chair and/or Planning Director.

ARTICLE IV OFFICERS & STAFF

4.1 OFFICERS:

- a. Chair: The Chair shall be appointed by the Board of Commissioners for a one (1) year term, and may be re-appointed for subsequent terms. The Chair shall preside at all meetings of the Board, appoint all standing Committees, and have all the duties normally conferred on such an office. The Chair is a voting member of the Board.
- b. Vice-Chair: A Vice-Chair shall be elected by a majority of the Board for a one (1) year term, and may be re-elected for subsequent terms. The Vice-Chair shall serve in the absence of the Chair. If both the Chair and the Vice-Chair are absent, another member designated by a majority vote of the Board members present shall preside.

- 4.2 GENERAL DUTIES OF STAFF:** The Planning Director or his/her designee(s) shall serve as liaison staff to the Board and shall: Keep the minutes and records of the Board; prepare the agenda for regular and special meetings; provide notice of meetings; attend to correspondence of the Board; and provide technical assistance to the Board.

ARTICLE V MEETINGS

5.1 MEETINGS:

- a. Regular: Regular meetings of the Board shall be held once a month in the Davidson Town Hall, or as otherwise permitted in a public manner, at a regular date and time determined by the Board from time to time. The Board shall adopt an annual schedule of regular meetings prior to the end of each calendar year or as soon thereafter as a quorum is established.
- b. Special: Special meetings may be called only by the Chair or Vice Chair provided that at least forty-eight (48) hours' notice of the time of such a meeting shall be given to each member by the staff. Communication of such notice may be by any reasonable means selected by the staff, including but not limited to U. S. postal system, telephone (including voice mail messages), E-mail, and physical delivery. Staff shall maintain a roster containing contact information for each Planning Board member.
- c. Adjourned or Continued: The Board may adjourn to a regular meeting or continue a meeting to a specified date and time without the meeting's becoming a special meeting and without further notice to members of the public being required.
- 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 meeting by giving notice to all members not less than 48 hours prior to the time of the scheduled meeting.

- e. Work Sessions, Joint Meetings: The Board may hold work sessions, informal meetings or committee meetings, including joint meetings with the Board of Commissioners, with other advisory bodies of the Town, or with governing or advisory bodies of other governmental units, in order to consider or deliberate over business within its purview. Such meetings are official meetings of the Board and require noticing per applicable notice requirements. The time and place of joint meetings is decided by the Chair, the Planning Director, and the Chair of the body with whom a joint meeting is to be held.
- f. Social Gatherings: Genuine social gatherings of a majority of the Board are, by law, exempt from constituting an official meeting unless called or held to evade the spirit and purposes of the North Carolina Open Meetings Law (G.S. 143-318.9 et seq.).

5.2 PUBLIC ACCESS & NOTIFICATION: All regular meetings, special meetings, and hearings of this Board shall be open to the public as provided in the North Carolina Open Meetings Law. All records, files, and accounts shall be public records as provided in the North Carolina General Statutes.

5.3 QUORUM: A majority of the voting members of the Board present in person or by two-way verbal communication shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting shall be counted as present for the purpose of determining whether or not a quorum is present provided that more than one-third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted.

5.4 AUXILIARY RULES: Unless otherwise stated herein, the Board shall conduct its meeting in accordance with the provisions of Rules 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, and 19 of the *Suggested Rules of Procedure for Small Local Government Board* published by the UNC School of Government. The Chair, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.

ARTICLE VI ORDER OF BUSINESS

6.1 AGENDA:

- a. Program: Items of business at the regular meeting shall appear on the agenda. The agenda shall be set by the Chair in coordination with the Planning Director or designee; any changes to the agenda shall be made by the Chair.
- b. Requests: All items on the agenda should be presented to the Chair and Planning Director or designee at least seven (7) days prior to the regular meeting.
- c. Order of Business: The general order of business shall be as follows:

- Roll call and determination of quorum
- Approval of minutes of previous meeting
- Notice of changes to the agenda
- Old business
- New business
- Staff reports
- Adjournment

- 6.2 ORDER OF REVIEW:** The order of business for review and consideration of applications and other matters before the Board shall be as follows:
- Presentation and/or Recommendation by staff
 - Presentation by Applicant (Not to exceed 15 minutes)
 - At the discretion of the Chair, and subject to the Chair’s right to curtail further discussion, comments may be accepted from members of the public. The Chair, in consultation with the Board, may establish the manner and time allotted for each speaker during public comment.
- 6.3 TIME ALLOCATED:** The length of time allocated for public comment may be extended by a majority vote of the Board.

ARTICLE VII CONFLICT OF INTEREST

- 7.1 DEFINITION:** Conflicts of interest shall include, but are not limited to, (a) a close familial, business or other associational relationship with a person affected by the matter before the Board, or (b) a financial interest in the outcome of the matter.
- 7.2 DECLARATION:** As business items are introduced, the Chair will ask members to announce any conflicts of interest. When a member believes that he or she has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. When a member believes another member has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. The member shall state the nature of the conflict to the Board, and the Board shall take action by a majority vote in determining whether or not to excuse the member from participation during consideration of and voting on that matter.
- 7.3 RECUSAL:** The excuse of a member due to a conflict of interest shall not constitute an absence in accordance with Section 3.5 and shall not affect the determination that a quorum is present.
- 7.4 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. An excused member may participate as a non-Board member in the presentation of matters for review by the Board.

**ARTICLE VIII
ACTION BY BOARD**

- 8.1 ACTIONS:** All actions of the Board shall be in the form of a motion, duly seconded, and voted upon by all members present. If no quorum is present, the only motion permitted is a motion to adjourn, including a motion to adjourn to a specified date and time which may be other than the regular meeting date and time.
- 8.2 VOTING:**
- a. Procedure: Voting shall be done by a show of hands. Voting by proxy is not permitted. If there is a tie vote, the motion fails.
 - b. Assignment: Affirmative votes from a majority of the members present and voting shall be required to adopt any motion. The abstention of any member who is physically present or has withdrawn without being excused by the Board due to a conflict of interest or other declared reason shall be recorded as an affirmative vote.
- 8.4 DECISIONS:**
- a. Consistency: All decisions by the Board shall be in accordance with the Planning Ordinance; provided that the Board may make interpretations of the Planning Ordinance as necessary in performing its duties and responsibilities.
 - b. Time Allotted: All decisions by the Board shall be made in accordance with the time limits applicable to that decision as determined by a controlling authority, including but not limited to: The General Statutes, the Planning Ordinance and the direction of 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.
- 8.5 COMMUNICATIONS:**
- a. Public Representation: Only the Chair, or a member designated by the Chair, shall speak officially for the Board. Board members may speak publicly as private citizens on planning matters; however, courtesy demands that they indicate in such cases that they are presenting their own opinions. No member of the Town staff has any authority either direct or implied to speak for the Board or to bind it in any way.
 - b. Internal: Email shall serve as the primary means of communication between the Chair/Director or designee and members. Content related to board agenda items should be limited to clarifying questions; discussion of Board business is prohibited. Questions, suggestions, or concerns should be relayed directly to the Chair/Director.
 - c. External:
 - i. Official Inquiries: Members that receive official inquiries shall direct those inquires to the Chair and Planning Director.

- ii. **Mobile/Digital Platforms:** Members shall avoid discussing Board business in such forums. If participation is elected, members should engage such arenas with caution and only to clarify facts regarding a topic. This is because such actions may, in certain contexts, become evidence in quasi-judicial or legal proceedings.
- iii. **Contact:** Contact with interested parties (i.e., those with an application or business before the Board), concerning the subject or contents of a pending application or request, outside of publicized meetings should be avoided. Board members shall not accept any gift, meal, or any other thing of value from any party involved in a request. Board members should not indicate their position regarding requests prior to receiving all information received at publicized meetings.
- d. **Confidential Information:** In the event that any confidential material is distributed with the agenda, such as a memorandum from the Town Attorney advising the Board on a legal issue, such information shall be marked as confidential. Board members shall not discuss, disclose, or distribute any confidential material at any open meeting or with or to any members of the public.

**ARTICLE IX
ADOPTION & AMENDMENT**

- 9.1 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.