

**BY-LAWS
GASTON COUNTY PLANNING BOARD**

ARTICLE 1

Purpose

The Gaston County Planning Board was created by the Board of Commissioners on December 15, 1977, to serve as a general advisory board to the Commissioners in planning and land use related matters. Over the past two decades, Planning Board duties have expanded to include duties such as: serving as regulatory and appeals board for several County Ordinances; working with the County's water and sewer programs; and other duties assigned by the Board of Commissioners.

The purpose of the Planning Board is to serve as an advisory Board to the elected Board of Commissioners, and provide comprehensive, technical advice to the Commissioners on an array of land use, development, growth, and other related issues.

General Rules

The Planning Board shall be governed by N. C. General Statutes 153A-321 and 322 and by the terms of Gaston County Planning Ordinance enacted December 15, 1977, as amended.

ARTICLE 2

Structure

The Planning Board shall consist of 10 members, seven (7) members representing the townships in the same manner as the Board of Commissioners, one member from Home Builder's Association, one member from Conservation District Board and one member from Gaston County Board of Education.

Appointment and Term of Office

All appointments to the Planning Board are made by the Board of Commissioners. Nominations for township appointments are made by the Commissioner serving from the township, with appointment by the full Board of Commissioners. *The township appointee shall reside in the same township as the appointing Commissioner unless an appointee cannot be found within 60-days.* Nominations for the Home Builders Association, Conservation District Board and the Gaston County Board of Education positions are made by the respective board of the organization, with appointment made by the Board of Commissioners.

Township appointees serve a three year term, with the Home Builders Association, Conservation District Board, and Board of Education representative serving at the pleasure of the respective board. Should a vacancy occur during a term of office, the Chairman of the Planning Board shall notify the Board of Commissioners, in accordance with their current policy for filling appointment, requesting appointment of a person to fill the vacant position. The new appointment shall be appointed to fill the unexpired term of the vacancy, and then would be eligible for reappointment to the Board.

All Planning Board members are required to be sworn in by taking the Oath of

Office.

Attendance

It is essential for the proper operation of the Planning Board and the conducting of its business, that member attend on a regular basis, so that decisions and recommendations to the Board of Commissioners can be made from a broad and diverse base. Members not attending three (3) meetings in succession or maintain an attendance level of 60% per calendar year will be requested to resign from the Board. Upon attaining either of the aforementioned levels of non-attendance, the Chairman shall forward a letter to the member requesting a letter of resignation or mitigating circumstances which have not allowed the member to be in attendance. In the case of sickness or occurrences beyond the control of the member, the Board may waive the attendance rule on an individual basis. Upon receipt of the letter of resignation, no response from the member or need for another member, the Chairman shall follow the procedure for filling vacancies.

ARTICLE 3

Officers

The Planning Board shall elect a Chairman and Vice Chairman during its March meeting. The officers shall serve a one year term, with reappointment to the office at the pleasure of the Board. Should the Chairman be unable to complete the term of office, the Vice Chairman shall assume the Chair and complete the term of office. The Board shall then elect a new person to fill the remaining term of the Vice Chairman. Should the Vice Chairman's position become vacant during the term of office, the Board will elect another person to fill the remaining term of office.

The Planning Director or his designee shall serve as the recording secretary for the Planning Board.

In the event that both the Chairman and Vice Chairman are absent from the same meeting, the Board shall then the Board shall elect from its membership, a Chairman to preside at the meeting.

Technical Review Committee

The Unified Development Ordinance (UDO) requires a member of the Planning Board to serve on the Technical Review Committee to review site development proposals. Each March the Planning Board shall appoint a member to serve on this committee for a term of one year.

Duties

Chairman: The Chairman shall preside at all meetings and public hearings of the Planning Board; shall decide on all matters of order and procedure; shall speak for the Board regarding Board actions, policies and recommendations, shall appoint any committees found necessary to investigate any matters before the Planning Board or to perform any of its duties; shall authorize special meetings of the Board, and shall have authority to cancel regular meetings pending no business to be considered.

Vice-Chairman: The vice-chairman shall assume the duties of the Chairman in his absence.

Recording Secretary: The secretary shall keep the Minutes of the Planning Board, shall send out mail notices of regular meetings of the Planning Board within a reasonable time in advance of the meetings, shall give 48 hour phone notice of special

meetings; carry on routine correspondence, and maintain the files of the Board.

ARTICLE 4

Meetings

Regular Meetings: The Planning Board shall meet on a regular monthly basis, on the fourth Thursday of each month generally following the zoning public hearings, which begin at 6:00 PM in the Gaston County Courthouse.) The meeting date, time and/or location may be changed by the Board, with the Chairman having authority to change either for a particular meeting, with adequate notice to the Board members.

Special Meetings: Special meetings of the Planning Board may be called at any time by the Chairman, provided that at least 48 hours notice is given to each member, and sunshine list notification requirements under State and local laws, policies or ordinances. A special meeting shall be held to consider one or more specific items which would need action prior to a regular Board meeting. A special meeting is not intended to take the place of a regular meeting.

Cancellation of Meetings: Whenever there is no business for the Planning Board, the Chairman may dispense with a regular meeting by giving notice to all members not less than 48 hours prior to the time set for the meeting, and sunshine list notification requirements under State and local laws, policies or ordinances..

Recess of Meeting to Time, Place Certain: In the event the Planning Board finds it necessary to continue a meeting to complete the agenda, the Board may Recess the Meeting to a time and place certain. This Recessed Meeting shall only consider items which were on the original agenda or a continuation of an agenda item. No new business shall be conducted during a Recessed Meeting. Recessed Meeting notification shall follow the State and County policy for Open Meetings Law.

Quorum

Unless otherwise required by Federal, State or local ordinance, laws or policies, the quorum shall be a simple majority of the voting members of the Planning Board. At any time when the membership is less than the required quorum, the Board shall not be able to conduct business or take action. Items not considered by the Board shall be carried over to the next regularly scheduled meeting, or to a special meeting scheduled under this policy.

Vote

Unless otherwise specified by Federal, State, or local law, ordinance or policy, matters will be determined by a simple majority of the voting members present at the meeting, provided that a quorum has been maintained.

Conduct of Meetings

1. All meetings shall be open and accessible to the general public. The order of business at regular meetings shall be as follows:
2. Call to order
3. Consideration of minutes of previous meeting
4. Consideration of zoning matters
5. Consideration of subdivision/manufactured home park
6. Consideration of road name/road name changes

7. Unfinished business
8. Staff reports
9. New business
10. Adjournment

The Board may change the order of the agenda items during the meeting and/or add/delete agenda items as it sees necessary.

Items on the agenda, with the exception of the zoning matters, shall follow the below format:

1. Chairman announces the item for consideration
2. Staff reviews the item and provides any comment
3. Board questions to staff on the report (if needed)
4. Chairman requests public comment into the item
5. Board discussion and questions to either the public or staff, as needed
6. Motion for Board action, with second
7. Board discussion on the motion, if needed
8. Board vote on the motion.
9. The Board will follow in general the procedures outlined in Roberts Rules of Order, as the outlined for the general conduct of the meeting. During the meeting the Chair will rule on all points of order, with all questions concerning items reviewed by the Board being addressed to the Chairman during the meeting.

ARTICLE 5

Records

The recording secretary shall maintain a copy of the official minutes of the Planning Board, which are public record and open to public inspection in accordance with the Open Meeting Law and County Policy. In addition, the recording secretary or appropriate staff shall maintain, as a part of the project files, all studies, plans, reports and recommendations provided to the Board as evidence in a matter, along with actions made by the Planning Board in the discharge of its duties and responsibilities.

ARTICLE 6

Change of By-Laws

Changes or amendments to the by-laws of the Planning Board shall require an affirmative vote of three-fourths (3/4) of the voting members of the Board. Upon change in the by-laws of the Planning Board, notice shall be provided to the Clerk of the Board of Commissioners. Proposed changes in the by-laws shall be presented at a regular meeting or work session of the Board, and shall be acted upon no sooner than the first regular meeting subsequent to meeting in which said changes were presented.

L.E. Alford, Chairman

Date

I, David L. Williams Director of Planning & Development Services in the role of Recording Secretary of the Gaston County Planning Board, do hereby certify that the above is a true and accurate copy of the By-Laws of the Gaston County Planning Board as approved on the 12th day of August 2010.

David L. Williams

August 12, 2010

Date

I, Martha M. Jordan, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and correct copy of action taken by the Gaston County Board of Commissioners during its rescheduled meeting of August 12, 2010.



Martha M. Jordan, Clerk to the County Commission

GASTON COUNTY BOARD OF COMMISSIONERS BOARD ACTION

REQUESTED ACTION:

To Accept Planning Board By-Laws per Resolution 2009-313 dated 9/29/09.

COMMISSION SPONSOR: Chairman Mickey Price

STAFF CONTACT: Sam Shames, Assistant County Attorney 704.866.3140 sam.shames@co.gaston.nc.us

BACKGROUND:


The County Commission requested that board appointed committees submit their by-laws to be accepted for information.

POLICY IMPACT: N/A

FISCAL IMPACT ANALYSIS: N/A

Is Item Included in Current Budget? Yes No N/A


See Attached Budget Change Request for Recommended Sources of Funds, if Applicable.



Wilson L. Bradley, III
Finance Director



Bryant Morehead
Budget Administrator



Recommends Approval
Jan Winters, County Manager

ATTACHMENTS: Planning Board By-Laws

DO NOT TYPE BELOW THIS LINE

I, Martha M. Jordan, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:



NO.	DATE	M1	M2	CARPENTER	PHILBECK	KEIGHER	LOFTIS	PRICE	TORBETT	FRALEY	VOTE
2010-259	8/12/2010	MP	TP								U

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