

RULES OF PROCEDURE
LINCOLNTON PLANNING BOARD

ARTICLE I
Planning Board

- 1-1** The official name of the Planning Board shall be the Lincolnton Planning and Zoning Board, hereafter referred to as the "Planning Board."

ARTICLE II
Objective and Purpose

- 2-1** The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the people of the City of Lincolnton and its extraterritorial jurisdiction.

- 2-2** The purposes of the Planning Board are:

- (a) To make studies of the City and its extraterritorial jurisdiction;
- (b) To determine objectives to be sought in the development of the areas under study;
- (c) To prepare and adopt 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 advise the City Council the use and amendment of means for carrying out these plans; and
- (f) To exercise any functions in the administration and enforcement of various means for carrying out plans that the City Council may direct; and,
- (g) To perform any other related duties that the City Council may direct.

ARTICLE III
Membership

- 3-1** Members of the Planning Board shall be appointed by the Lincolnton City Council and Lincoln County Board of Commissioners for three (3) year terms on a staggered basis. The Planning Board shall consist of seven (7) members. Six (6) members shall be residents of the City of Lincolnton and shall be appointed by the Lincolnton City Council; one (1) member shall be a resident of the City of Lincolnton's extraterritorial jurisdiction and shall be appointed by the Lincoln County Board of Commissioners.
- 3-2** If a vacancy occurs on the Planning Board by reason of death, resignation, change of residence, or any other cause, it shall be filled by a City Council or Board of Commissioners appointment for the duration of the unexpired term.

ARTICLE IV
Election of Officers

- 4-1** Annually, at the regular meeting of the Planning Board held in the month of January, a Chairperson and Vice-Chairperson shall be elected. These officers shall be elected for a term of one year and may be re-elected for successive terms to the same office. Members shall be notified of the date, time and place of the election of officers, at least seven (7) days prior to the regular January meeting. Each officer shall serve until relieved of his/her duties as herein provided.
- 4-2** The Chairperson shall preside at all meetings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chairperson shall have the privilege of directing discussion on all matters before the Planning Board and, as needs arise, place time limitations on individual presentations before the Planning Board.
- 4-3** In the event of the absence of both the Chairperson and Vice-Chairperson from a meeting of the Planning Board, the members present may elect a temporary Chairperson for that meeting and proceed with the order of business.
- 4-4** Minutes of each Planning Board meeting shall be taken. Copies of all approved minutes shall be kept on file in the office of the Planning and Zoning Administrator and Secretary and shall be made available to the public during normal business hours.

ARTICLE V
Meetings

- 5-1** Regular meetings of the Planning Board shall be held on the third Tuesday of each month at 4:00 P.M. in the Lincolnton City Hall; provided that meetings may be held at another convenient place in the City or its extraterritorial jurisdiction if directed by the Chairperson in advance of the meeting. On days when a Board of Adjustment meeting takes place, the Planning Board meeting shall immediately follow the Board of Adjustment meeting. Each member shall be notified of each regular meeting by the Zoning Administrator (or his/her designee).
- 5-2** Special meetings may be called only by the Chairperson, provided that at least seven (7) days' notice of the time and location of such meeting shall be given to each member.
- 5-3** Whenever there are no rezoning requests, petitions for zoning text changes or other business for the Planning Board, or whenever so many members notify the Secretary of their inability to attend that a quorum will not be available, the Chairperson may dispense with a regular meeting by having the Secretary give written or oral notice to all members at least one week prior to the time set for the meeting. The Secretary or Zoning Administrator (or his/her designee) shall post notice at the meeting site that said meeting has been cancelled.
- 5-4** Four (4) members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.
- 5-5** The Chairperson shall decide all points of procedure unless otherwise directed by a majority of the Planning Board in session at the time.
- 5-6** All regular and special meetings of the Planning Board shall be open to the public.

ARTICLE VI
Attendance

- 6-1** 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 Planning Board meetings, the Chairperson may direct the Secretary to notify such member in writing of his/her absences and if such member fails to attend the next regular meeting, the Planning Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be made by the City Council or Lincoln County Board of Commissioners.

ARTICLE VII
Order of Business

7-1 The order of business shall be as follows:

- (a) Roll Call and Determination of Quorum
- (b) Approval of Previous Minutes
- (c) Old Business
- (d) New Business
- (e) Adjournment

7-2 Items of business at the regular meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a unanimous vote of the Planning Board membership present at that meeting.

ARTICLE VIII
Conflict of Interest

8-1 In order to preserve public confidence in the integrity of the governmental process, it shall be the duty of Planning Board members to avoid conflicts of interest. Therefore no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the board in any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For the purposes of this section, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half and in-law relationships.

A Planning Board member who determines there exists a conflict of interest shall declare the existence of such conflict and shall remove him/herself from the meeting chamber when said matter is under consideration.

8-2 This provision does not prohibit participation in legislative and advisory decisions that will have similar effect on all citizens of Lincolnnton or in which the financial interest is so insignificant or remote that it is unlikely to affect the members official action in any way.

8.3 Any Board member may seek an opinion from the city attorney as to the applicability of this section to a particular decision or set of facts.

8-4 A challenge of 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 Board. Such a challenge may be an appeal for a review of the finding of the Board or may be for the

purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. The Board shall hear all evidence and by majority vote of the membership present (excluding that member in question), shall make the final determination as to the existence of a conflict in interest. If the Board determines that a member has an impermissible conflict of interest pursuant to this section, that member is disqualified from all participation in the matter and must leave the meeting chamber.

- 8-5** By majority vote the Board may seek the opinion of the city attorney as to the applicability of this section to a particular decision or set of facts.

ARTICLE IX Action By the Planning Board

- 9-1** All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum. The Chairperson shall not have the authority to introduce or second any motion.
- 9-2** Any member present (not having a conflict of interest) who abstains from voting shall be considered to have voted "yes" on such matter.
- 9-3** Voting shall be done by voice or a show of hands. Only members present at the time a vote is taken shall be eligible to vote on that matter.
- 9-4** All members of the Planning Board have the right to vote on all matters except as specified in Sections 8-1, 8-2, 10-1, and 10-2.

ARTICLE X Adoption And Amendment

- 10-1** These Rules of Procedure may be adopted by a majority vote of the Planning Board membership.
- 10-2** The Rules of Procedure, within the limits set by law, may be amended by an affirmative vote of the membership present at a regular or special meeting provided that such proposed amendment shall have first been submitted to all Planning Board members at least seven (7) days prior to the meeting at which the proposed amendment is to be discussed.
- 10-3** Annually, at the regular meeting of the Planning Board held in the month of January, these by-laws shall be reviewed and proposals for updates and amendments be presented.

ADOPTED: FEBRUARY 17, 1998

REVISED MARCH 16, 2021