

CHAPTER 5 ESTABLISHING A PLANNING BOARD

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CHAPTER 5

ESTABLISHING A PLANNING BOARD

SECTION 1. ESTABLISHMENT OF PLANNING BOARD

The Village Council of the Village of Sugar Mountain hereby establishes the Sugar Mountain Planning Board under the authority granted by the General Statutes of the State of North Carolina, Chapter 160A-361. The Board shall constitute, function, and may be referred to as the Sugar Mountain Planning Board.

SECTION 2. COMPOSITION AND VACANCIES

The Planning Board hereinafter referred to as the ("Board") shall consist of eight (8) members. Five (5) members of the Board shall be residents of the Village of Sugar Mountain. Three (3) members shall be residents of Sugar Mountain's extraterritorial Jurisdiction. The initial appointments to the Board shall be made as follows: Three (3) resident members shall be appointed by the Village Council for a term of three (3) years, and two (2) resident members shall be appointed by the Village Council for a term of two (2) years. As the terms of these five (5) members expire, new appointments for terms of three (3) years shall be made by the Village Council. Two (2) Extraterritorial Jurisdiction members shall be appointed for three (3) years, and one (1) extraterritorial jurisdiction member shall be appointed for two (2) years. The first appointment of the extraterritorial jurisdiction members shall be appointed by the Avery County Board of Commissioners. As the terms of these three (3) members expire, new appointments for terms of three (3) years shall be made by the Village Council. *(Amended 1/5/1993)*

In the event of a vacancy on the Planning Board, the Village Council shall appoint a new member to fill the unexpired term of vacated position.

All members of the Planning Board shall have equal rights, privileges, and duties with the exception that the five (5) resident members of the Board shall vote on matters concerning both the corporate area and the extraterritorial jurisdiction area of the Village of Sugar Mountain. The three (3) extraterritorial jurisdiction Board member shall only vote on matters concerning the extraterritorial area of Sugar Mountain. *(Amended 2/6/1990)*

The Sugar Mountain Zoning Administrator shall serve as a nonvoting, "ex-officio" member of the Planning Board.

SECTION 3. ORGANIZATION, RULES, MEETINGS AND RECORDS

The Planning Board shall meet and elect a chairman and vice-chairman from among its regular members, both of whom shall serve for terms of one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be a municipal officer or employee of the Village or a member of the Board, and who shall hold office during the term of the chairman and/or until a successor secretary shall have been appointed. The Board may create and fill other offices as it may determine.

The Board shall adopt rules for the transaction of its business which are consistent with this ordinance as well as the General Statutes of the State of North Carolina, and shall keep a record of its members' attendance, and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall schedule at least one (1) meeting monthly and all of its meetings shall be open to the public. There shall be a quorum of three (3) Board members for the purpose of taking any official action required by this Ordinance. *(Amended 1-5-1993)*

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SECTION 4. EXPENDITURES, INCURRING INDEBTEDNESS, DONATIONS

The expenditures of the Planning board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the Village Council, and no indebtedness for which the Village shall be liable shall be contracted or incurred by the said Board unless an appropriation is made by the Village Council for such purpose, as authorized by law, and then only to the extent of such appropriation. The Board shall have the right to accept gifts and donations for the exercise of its functions, and may expend the money received from such gifts and donations in a manner which, in the judgment of the Board, is consistent with the best interest of the planning program.

SECTION 5. POWERS AND DUTIES

The Board shall have the power to perform the following duties:

- (1) Make studies of the area within its jurisdiction and surrounding areas.
- (2) Determine objectives to be sought in the development of the study area.
- (3) Prepare and adopt plans for achieving these objectives.
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- (5) Advise the Village Council concerning the use and amendment of means for carrying out plans.
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Village Council may direct.
- (7) The Planning Board shall review and make recommendations to the Village Council upon the extent, location, and design of all public structures and facilities; on the acquisition and disposal of public properties; on the opening, abandonment, widening, extension, narrowing or other change to streets and other public ways' and on the construction, extension, expansion or abandonment of utilities. The Planning Board shall work with and coordinate other boards and advisory groups as directed by the Village Council.
- (8) Perform any other related duties that the Village Council may direct.

SECTION 6. REPEAL AND EFFECTIVE DATE

Any ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance shall be in full force and effect as an ordinance of the Village of Sugar Mountain from and after the date of its adoption by the Sugar Mountain Village Council.

SECTION 7. VALIDITY

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue in full force and effect.

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SECTION 8.

ADOPTION

This Ordinance is subject to enforcement under Chapter 22 of this Code of Ordinances. (Amended 1-7-1992)

ADOPTED AND PASSED by the Village Council of the Village of Sugar Mountain, North Carolina, this the 4th day of February, 1986.

Marjory C. Unrath
Mayor

ATTEST:

Village Clerk

Approved as to form:

Gerald R. McKinney
Village Attorney

SEAL

CHAPTER 5 ESTABLISHING A PLANNING BOARD

BY-LAWS SUGAR MOUNTAIN VILLAGE PLANNING BOARD

ARTICLE I. PURPOSE

The Sugar Mountain Planning Board has been established by the Sugar Mountain Village Council for the purpose of performing the duties set forth in the General Statutes of North Carolina, Chapter 160-A-360, and those powers and duties delegated to the Planning Board by the Sugar Mountain Village Council in an Ordinance passed on February 4, 1986, in accordance with the General Statutes.

ARTICLE II. MEMBERSHIP AND TERM OF OFFICE

- Section 1. The Sugar Mountain Planning Board shall consist of five (5) members.
- Section 2. The Planning Board shall be appointed by the Sugar Mountain Village Council. All members shall be residents and/or property owners of the Village of Sugar Mountain.
- Section 3. All members of the Planning Board shall have equal rights, privileges, and duties except as stated in Article III, Section 3.
- Section 4. The initial appointments to the Board shall be made as follows: Three (3) members shall be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of two (2) years. As the terms of these five (5) members expire, new appointments for terms of three (3) years shall be made by the Village Council. (Amended 1-5-1993)
- Section 5. In the event of a vacancy on the Planning Board, the Village Council shall appoint a new member to fill the unexpired term of the vacated position.
- Section 6. The Sugar Mountain Zoning Administrator shall serve as a non-voting, "ex-officio" member of the Planning Board.
- Section 7. All members should attend Planning Board meetings regularly. If a member misses more than three (3) consecutive meetings, he/she may be replaced at the discretion of the Sugar Mountain Village Council.

ARTICLE III. CONFLICT OF INTEREST

- Section 1. Planning Board members shall participate in all discussions and vote on all issues to come before the Board except when a member is subject to any of the following conflicts of interest. When a Board member is subject to a conflict of interest as defined in this section, the member shall be excused from participating as a Board member during the discussion and any vote taken on the issue in which the conflict exists. A conflict of interest shall include the following:
 - (a) A Board member is in a position to benefit financially from the outcome of a particular decision, including a direct or indirect financial benefit.
 - (b) A Board member is directly related to or is a business associate with a person involved in a specific decision before the Board.

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- (c) Any circumstance which would cause a Board member to present a personal bias and prevent the member from reaching an impartial decision. (New Article III Added 5-1-1990)

ARTICLE IV.

OFFICERS AND THEIR DUTIES

- Section 1. The officers of the Planning Board shall consist of a chairman, a vice-chairman, and a secretary elected by the Planning Board.
- Section 2. The chairman shall preside at all meetings and hearing of the Planning Board and shall have the duties normally conferred by the parliamentary usage of such office, which includes the appointment of committees and authorizing of and certifying of the expenditure of funds (postage, phone calls, etc.)
- Section 3. The chairman shall be one of the members of the Board. He shall have the privilege of discussing all matters before the Board, making motions or seconds, but the Chairman shall only vote to break a tie.
- Section 4. The vice-chairman shall act for the chairman in his absence and shall be a member of the Board.
- Section 5. The secretary shall keep the minutes and records of the Board, prepare agenda of regular and special meetings with the chairman, provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board, and to such other duties as are normally carried out by the secretary.
- Section 6. Staff of the Village of Sugar Mountain may provide technical and clerical assistance to the Officers of the Planning Board in performing their duties. Specific arrangements for this assistance shall be coordinated by the Planning Board officers and the Zoning Administrator.

ARTICLE V.

ELECTION OF OFFICERS

- Section 1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held once each year, and the election shall follow immediately thereafter.
- Section 2. A candidate receiving a majority vote of the members present (providing there is a quorum present) at the organizational meeting of the Planning Board shall be declared elected and shall serve for one (1) year or until his/her successor shall take office.
- Section 3. Vacancies in offices shall be filled immediately by regular election procedure.

ARTICLE VI.

MEETINGS

- Section 1. The Planning Board shall schedule a regular monthly meeting. The Board will establish a meeting date, time and place for its regular monthly meeting at its organizational and/or annual meeting to conform to the convenience of its members.

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All members shall be notified of any change in the regular monthly meeting scheduled.

- Section 2. The Board chairman, secretary, or support staff shall notify all Board members when it is necessary to cancel any scheduled or special Planning Board meeting.
- Section 3. A quorum of Board members shall be present in order to transact any business or take any action. A quorum shall consist of three (3) members. A record of members present should be maintained. (Amended 1-5-1993)
- Section 4. Special meetings of the Planning Board may be called by the chairman. It shall be the duty of the chairman to call such a meeting when requested to do so by a majority of the members of the Board. Notice of such a meeting shall specify the purpose of the meeting and no other business may be considered without unanimous consent of the Board. All Planning Board members shall be notified of the meeting at least forty-eight (48) hours in advance of such special meeting.
- Section 5. The Board shall keep a record of its meetings, members present, business transacted, and decisions made. All records of the Board shall be maintained in the Sugar Mountain Village Office.
- Section 6. All meetings and records of the Planning Board shall be open to the public.

ARTICLE VII.

ORDER OF BUSINESS

- Section 1. The order of business at regular monthly Planning Board meetings shall be as follows:

CALL TO ORDER

- (1) Approval of Agenda
- (2) Approval of Minutes
- (3) Old Business
- (4) New Business
- (5) Other Business
- (6) Adjournment

- Section 2. The order of business at special meetings of the Planning Board shall be as follows:
- (a) Business as announced in the notice of the special meeting
 - (b) Adjournment

ARTICLE VIII.

HEARINGS

- Section 1. In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- Section 2. Notice of the time, date, place and purpose of such hearings shall be published in the Avery Journal/Watauga Democrat at least ten (10) days before the date of the public hearing.

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Section 3. The case before the Board shall be presented in summary by the chairman or a designated member of the Board, and parties in interest shall have privileges of the floor as designated by the chairman.

Section 4. A record shall be kept of those speaking before the Board.

ARTICLE IX. AMENDMENTS

These by-laws and rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) members of the Board, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. (Amended 4-20-1990)

ARTICLE X. ADOPTION

The Sugar Mountain Planning Board hereby adopts the by-laws as presented in the foregoing articles.

ADOPTED this 21st day of March, 1986.

Chairman

Mayor

APPROVED AS TO FORM:

Secretary

Gerald R. McKinney
Village Clerk