

TOWN OF MAGGIE VALLEY PLANNING BOARD RULES OF PROCEDURE

ARTICLE I MAGGIE VALLEY PLANNING BOARD

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

ARTICLE II POWERS OF THE BOARD

- 2.1 PURPOSE:** The powers and duties of the Board are as follows:
- a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions.
 - b. Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the Planning Board's recommendation to the Town Council for the development of the town including, among other things, the general location, character and extent of streets, bridges, playgrounds, parks, and other public ways, grounds and open space; the general location and extent of public utilities; whether publicly or privately owned or operated, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, and the most desirable pattern of land use within the area.
 - c. Prepare and recommend ordinances promoting orderly development of the area in accordance with the adopted land use plan including a zoning ordinance and subdivision regulations. The Board may initiate, from time to time, proposals for amendment of the zoning ordinance and of subdivision regulations based upon its studies. In addition, it shall review and make recommendations to the Town Council concerning all proposed amendments to the zoning ordinance and subdivision regulations.
 - d. Determine whether specific proposed development conforms to the principles and requirements of the comprehensive plan of the area and to make recommendations concerning them.
 - e. Issues preliminary and final plat approval or as stated in the Subdivision Ordinance.
 - f. Keeps the Town Council and general public informed and advised on matters relating to the planning process.
 - g. Makes recommendations deemed fit for improving development of the area.
 - h. Exercises other powers and performs other duties as are authorized or required elsewhere in the N.C. General Statutes, or by the Town Council.

ARTICLE III MEMBERSHIP

- 3.1 COMPOSITION:** A planning board, consisting of five (5) members, is hereby established in accordance with G.S. 160D-301. All Five (5) members, appointed by the Town Council, shall be citizens and reside within the town limits of Maggie Valley. Members shall serve without compensation but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the board.
- 3.2 TENURE:** Members of the board shall be appointed to serve terms of three (3) years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.
- 3.3 ATTENDANCE:** Any member of the board who misses three (3) consecutive regular meetings, or four (4) of the regular meetings in a calendar year, shall lose his or her status as a member of the board, and shall be replaced by the Town Council. Absence due to a sickness, death, or other emergencies of like nature shall be recognized as excused absences and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced by the Town Council.
- 3.4 CONDUCT:** Board members should not indicate positions regarding requests prior to receiving information received at the meeting. When 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 misrepresentation of information or inflammatory, hostile, or threatening language or behavior toward others, including, but not limited to, elected officials, staff, or other Board members, will be removed from the meeting. Any member who engages in the aforementioned behavior is subject to dismissal by the Town Council.

**ARTICLE IV
OFFICERS & STAFF**

- 4.1 OFFICERS:** Following annual appointments, the Board shall elect one (1) member to serve as chair to preside over meetings and shall elect one (1) vice chair to perform the duties of the chair when the chair is unable. Terms shall be one (1) year, with eligibility for reelection.
- 4.2 GENERAL DUTIES OF STAFF:** The Town Planner or designee(s) shall serve as liaison staff to the Board and shall: keep the minutes and records of the Board; prepare the agenda for 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: The Board shall establish a regular meeting schedule and shall meet at least monthly and more often as it shall determine and require. Regular meetings will be held the third Tuesday of each month at 5:30 PM in the Town Hall Board Room.
 - b. Special: Special meetings may be called only by the 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 staff, may cancel a regular meeting by giving notice to all Board members and the public 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 Town Council, 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, staff, and the Chair of the body with whom a joint meeting is to be held.
- 5.2 PUBLIC ACCESS & NOTIFICATION:** All meetings of the Board shall be open to the public, with reasonable notice of the time and place given to the public, in accord with Chapter 143, Article 33C of the N.C. General Statutes. All

records, files, and accounts shall be public records.

- 5.3 QUORUM:** A majority of the voting members of the Board shall constitute a quorum. A majority is more than half (50%). A member who has withdrawn or been excused from an agenda item 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. Social gatherings shall not be deemed as official meetings so long as there is no discussion of public business. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

ARTICLE VI ORDER OF BUSINESS

6.1 AGENDA:

- a. Program: Items of business at all meetings shall appear on the agenda. The agenda shall be set by the Chair in coordination with staff; any changes to the agenda shall be made by the Chair.
- b. Requests: All items on the agenda should be presented to staff at least seven (7) days prior to a regular meeting.
- c. Order of Business: The order of business for a regular meeting shall be as follows:
 - Pledge of Allegiance
 - Roll call and determination of quorum
 - Disclosure of conflicts and approval of agenda
 - Chair asks members to declare potential conflicts of interest that they have or that they feel another member has, stating the believed nature
 - Approval of minutes of previous meeting(s)
 - Public comment (if allowed by majority vote of the board)
 - New business
 - Old business
 - 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/Owner/Agent (Not to exceed 15 minutes unless deemed appropriate by the Chair)
- Opportunity for comment at the discretion of the Board

6.3 OPPORTUNITY FOR COMMENT: Comments may be accepted from members of the public by vote of the majority of the Board for all decisions other than administrative decisions. Examples of decisions allowing public comment include but are not limited to:

1. Text Amendments
2. Rezoning
3. Conditional Zonings

The length of time allocated for comments shall be three minutes per speaker and may be extended by vote of the majority of the Board.

ARTICLE VII CONFLICT OF INTEREST

- 71 DEFINITION:** Conflicts of interest shall include, but are not limited to, a close familial, business or other associational relationship with a person affected by the matter before the Board, or a direct positive or negative financial interest in the outcome of the matter.
- 72 DISCLOSURE:** Before adopting the agenda, the Chair will ask members to announce any conflicts of interest. When a member believes they may have a conflict of interest related to a specific matter, they shall declare it prior to any consideration of the matter. When a member believes another member may have a conflict of interest related to a specific matter, they 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.
- 73 EXCUSAL:** The excusal of a member due to a conflict of interest shall not constitute an absence in accordance with Section 3.3 and shall not affect the determination that a quorum is present as outlined in Section 5.3.
- 74 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 comment of matters for review by the Board by leaving the stage.

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 regularly scheduled meeting.
- 8.2 VOTING:**
- a. Procedure: Voting shall be done by a show of hands. 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.

- c. Record: In the case of a divided vote on any question on which the Board is required to act, the record shall include the vote of each member.

8.4 DECISIONS:

- a. Consistency: All decisions by the Board shall be in accordance with the Unified Development Ordinance, provided that the Board may make interpretations of the Unified Development 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 Unified Development Ordinance, and the direction of the Town Council. If no specific time period controls a decision, the Board shall make a decision as quickly as is reasonable under the circumstances.
- c. Record: The Board shall keep a record of its meetings, including attendance of its members, its resolutions, findings, recommendations, and actions

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 staff and Board 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 staff.
- c. External:
 - i. Official Inquiries: Members that receive official inquiries shall direct those inquires to staff.
 - ii. Mobile/Digital Platforms: Members shall avoid discussing Board business in such forums. (Such actions may, become evidence in quasi-judicial or legal proceedings.)
 - iii. Contact: Contact with interested parties (i.e., those with a pending or submitted application or business before the Board), concerning the subject or contents of a pending or submitted application or request, outside of publicized meetings should be avoided.
 - iv. Board members shall not accept any gift, meal, or any other thing of value from any party involved in a request.
- d. Confidential Information: In the event that 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 confidential. Board members shall not discuss, disclose, or distribute any confidential material at an open meeting or with or to members of the public.

**ARTICLE IX
ADOPTION & AMENDMENT**

9.1 REVIEW OF RULES: These Rules of Procedure shall be reviewed as needed by the Board.

Most recently amended the 16th day of July 2024

Chairman, Eric Helfers

Attest:

Assistant Town Planner, Noah Taylor