

TOWN OF MCADENVILLE, NC

MCADENVILLE PLANNING BOARD REGULAR MEETING AGENDA THURSDAY MAY 27, 2021 @ 6 PM 163 Main St, McAdenville, NC 28101

1. CALL TO ORDER

2. OATH OF OFFICE: The Town Clerk will swear in Planning Board members for the renewal of terms indicated below:

- A. Kevin Lamp, (3) year term of May 2021 to May 2024
- B. David Elkins, (3) year term of May 2021 to May 2024

3. APPROVAL OF PREVIOUS MEETING MINUTES: April 22, 2021

4. OLD BUSINESS:

A. RULES OF PROCEDURES:

Review and adoption consideration of the updated Rules of Procedure for the McAdenville Planning Board and the McAdenville Zoning Board of Adjustment.

B. Election of Officers:

The Board will elect a Chair and Vice-Chair.

C. 160D-Land Use Planning:

Continued discussion on the required Land Use Plan for McAdenville.

5. NEW BUSINESS: No items presented for discussion.

6. BOARD GENERAL DISCUSSION: This is an opportunity for the board to ask questions for clarification, provide information to staff, or place a matter on a future agenda.

ADJOURN

The McAdenville Planning Board meets on the 4th Thursday of each month at 6 PM when agenda items are present. Questions or comments related to this agenda should be directed to the Board Secretary at 704-824-3190 or k.carver@townofmcadenville.org.

**McADENVILLE PLANNING BOARD
REGULAR MEETING MINUTES
VIA ZOOM WEBINAR
Thursday April 22, 2021 @ 6:00 P.M.**

PRESENT:

Chairman, Kevin Lamp and Board Members: William Clark, Denise Palm-Beck, Andy Westmoreland, and David Elkins. Also, present: Town Administrator/Clerk, Lesley Dellinger and Board Secretary, Kim Carver. *Absent were Vice Chairman, Dennis Terry and ETJ Representative Ricky Floyd.*

CALL TO ORDER:

Chairman Kevin Lamp called the meeting to order at 6:18pm immediately following the joint Public hearing on Planning Board's recommendation to Council for proposed text amendments to the McAdenville UDO.

APPROVAL OF MINUTES:

The minutes from the Regular Meeting of March 25th, 2021 were approved by motion of David Elkins, second by William Clark with unanimous vote.

Rules and Procedure Updates:

Following discussion, motion to continue the adoption of the Rules and Procedures for the Planning Board and Zoning Board of Adjustments to the next Board meeting schedule for May 27, 2021 was made by Denise-Palm Beck, seconded by Andy Westmoreland with unanimous vote.

Board Member Term Renewals/Election:

Chairman Kevin Lamp ask Town Staff if there were any recommendations on filling the open seat for the ETJ membership since Ricky Floyd will not be renewing his term. Secretary Kim replied that Gaston County is currently advertising the vacancy on their website and no applications have been submitted thus far. Kim added that if the ETJ seat is not filled it can remain vacant until someone is willing to serve. Also, members Kevin Lamp and David Elkins will be up for term renewals in May. Both members indicated they do wish to seek appointment for another term. Chairman Kevin called for a motion to recommend to Council these two term renewals. William Clark made the motion to recommend to Town Council term renewals for Kevin Lamp and David Elkins. The motion was seconded by Andy Westmoreland, and unanimously passed.

BOARD GENERAL DISCUSSION:

Board Secretary Kim Carver gave notice to the Board of the 160D requirement for the Town to adopt a Land Use Plan by July 1, 2022. Administrator Lesley Dellinger stated that Centralina Regional Council (CRC) provided a quote of \$38,500.00 to assist with a land use plan. This cost would be almost half of the Town's budgeted amount for Professional Services of \$80,000. Lesley added that she is working diligently to get the quote lowered or find an alternative company to provide assistance to the Board. In order for the Town to retain its authority in adopting and applying zoning regulations it must adopt a land use plan, without it we lose control of all the regulations the Board has worked so hard to put in place. Lesley is awaiting further

publication from UNC School of Government that will detail the minimum requirements to implement a land use plan.

Chairman Lamp ask staff if it would be advisable to look at Cramerton's land use plan as an example. Administrator Lesley responded by saying the point of the land use plan is to publish your Town's future development and to engage the public for input. It involves great detail to provide policies, goals, maps, and strategies for future growth in the Town. Lesley added that the Town does not own any land; Pharr owns the majority of land in Town, and she hopes to work with Pharr to address future development plans they have that can impact the land use plan. It would be a huge help and cost savings to the Town if Pharr will share that information and work with us. This information would assist in creating a map which will get things started for the land use plan. This will be a big project forthcoming for the Board. Lesley also relayed to the Board that beginning in May meetings will resume in the Council's chambers at 6:00pm.

Chairman Lamp ask if there was any further business up for discussion or items to be added to next month's agenda. With no other items for discussion, Kevin asks to adjourn the meeting.

ADJOURN:

Andy Westmoreland made the motion to adjourn at 6:37pm, seconded by David Elkins with unanimous vote.

NEXT SCHEDULED MEETING:

The next meeting is scheduled for May 27, 2021 @ 6:00pm in the Town Council Chambers.

Kevin Lamp, Chairman

Kim Carver, Planning Secretary

RULES OF PROCEDURE
ZONING BOARD OF ADJUSTMENT
TOWN OF MCADENVILLE, NORTH CAROLINA

I. GENERAL RULES

The Zoning Board of Adjustment (hereinafter referred to as the "Board") shall be governed by the terms of Chapter 160D-302 & 160D-406 of the General Statutes of North Carolina and by the Town of McAdenville Unified Development Ordinance. All members of the Board shall thoroughly familiarize themselves with these laws.

II. OFFICERS AND DUTIES

A. MEMBERSHIP

There shall be five (5) regular members of the Board of Adjustment and two (2) alternate members. Four (4) members and two (2) alternate members shall be residents of the Town of McAdenville and appointed by the McAdenville Town Council; one (1) regular member shall be resident of the Town of McAdenville's extraterritorial jurisdiction and appointed by the Gaston County Board of Commissioners. The members appointed by the Town Council will serve for three (3) year staggered terms. The member appointed by the Gaston County Board of Commissioners will serve for a (3) year term. The alternate members of the Board shall be requested to attend all regular and special meetings and shall be able to cast a vote on an application for a variance, interpretation, or appeal when a regular member of the Board is absent or if such Board member has a conflict of interest. The alternate members shall have full voting privileges on the adoption or amendment of these rules or procedure and other procedural aspects of the Board's business.

B. ELECTIONS

A Chairman and a Vice-Chairman shall be elected by the full membership (including alternate member) of the Board annually at the regular meeting of the Board held in the month of May. These officers shall be elected for terms of up to one (1) year in length and may be reelected 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 May meeting. Each officer shall serve until relieved of his duties as herein provided.

C. OFFICER'S DUTIES

1. The Chairman shall decide upon all points of order and procedure, subject to the rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman

shall appoint any committees found necessary to investigate any matters before the Board.

2. The Vice Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman. In the absence of the Chairman and Vice Chairman, a temporary Chairman shall be elected by the remaining members of the Board.

3. A Secretary shall be appointed by the Chairman of the Board, either from within or outside its membership, to hold office during the term of the Chairman and/or until a successor Secretary shall have been appointed. The Secretary shall be eligible for reappointment. The Secretary shall be responsible for taking minutes at all Board meetings. These minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. The Secretary, subject to the direction of the Chairman and the Board, shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board of its decision on such cases, and generally supervise the clerical work of the Board. A copy of the minutes of all meetings of the Board of Adjustment shall be maintained in the office of the Secretary.

III. RULES OF CONDUCT FOR MEMBERS

- A. Members of the Board may be removed for cause, including violation of the rules stated below herein.
- B. For the Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for two (2) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of his absences and if such member fails to attend the next regular meeting, the Board of Adjustment, by a majority vote of the remaining members, may request that the position be vacated, and a replacement be made.
- C. Should any member of the Board be financially or otherwise closely associated with any issue that comes before the Board, said member shall make public said possible conflict, the nature of the conflict and ask for a determination by the Board. A majority vote of those regular members without such conflict shall determine if such conflict does exist. A member of the Board may raise the question of conflict of interest of another member regarding a specific issue that is before the Board. Similarly, any interested

party may challenge the existence of a conflict of interest or ask for the determination of an undisclosed conflict of interest.

- D. Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict has been determined. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
- E. Any regular Board member (or alternate member who has replaced an absent or excused voting member) present at a meeting who abstains from voting on a matter without first having been excused from voting, shall be declared to have votes "Yea" on such matter.
- F. No Board member shall vote on any matter deciding a variance, interpretation, or appeal unless he shall have attended the entire evidentiary hearing on that application. If an evidentiary hearing is continued from one meeting date to another, an alternate member may replace a regular member only if the alternate member attended all previous evidentiary hearing sessions concerning that application.
- G. No Board member shall discuss any case with any parties thereto prior to the evidentiary hearing on that case; provided however, that members may receive and/or seek information pertaining to the case from its Secretary, the Zoning Administrator, or Zoning Enforcement Officer prior to the hearing.
- H. Members of the Board may not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

IV. MEETINGS

A. Regular Meetings

Regular meetings of the Board shall be held on the 4th Thursday of each month at 6:00 p.m. or following the McAdenville Planning Board meeting, whichever comes later, in McAdenville's Town Hall; provided, however that meetings may be held at any convenient place and time in the McAdenville area if directed by the Chairman in advance of the meeting. Each member (including the alternate members) shall be notified of each meeting by the Secretary to the Board.

B. Special Meetings

Special meetings of the Board may be called at any time by the Chairman. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given by the Secretary to each member of the Board including the alternate member.

C. Cancellation of Meetings

Whenever there is no business for the Board, or whenever so many members notify the Secretary of their inability to attend that a quorum will not be available, the Chairman may dispense with a regular meeting by having written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

All regular and special meetings of the Board of Adjustment shall be open to the public. Public notice of all regular meetings shall be made by posting a Board of Adjustment agenda in a conspicuous location accessible to the public within the Town Hall in accordance with all applicable local and State notification requirements. The notice shall remain posted until the meeting has been concluded. Notice of all special meetings shall be posted in at least forty-eight (48) hours before the meeting.

D. Quorum

The Board shall not pass upon any question relating to an appeal from a decision, order, requirement or determination of the Zoning Administrator, or an application for a variance when there are less than four (4) voting members present. No more than five (5) regular and alternate members may vote on any matters for which an evidentiary hearing was required.

To approve any change in these rules of procedure, a quorum of at least four (4) regular and alternate members shall be required.

E. Conduct of Meetings

All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- (a) Determination of Quorum
- (b) Approval of Minutes of Previous Meetings
- (c) Hearing of Cases
- (d) Consideration and Determination of Cases Heard
- (e) Reports of Committees
- (f) New Business
- (g) Adjourn

V. APPEALS, APPLICATIONS, EVIDENTIARY HEARINGS

A. Types of Appeals

The Board shall hear and decide all appeals from and review any order; requirement, decision; or determination made by the Zoning Administrator. In deciding appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of the Ordinance and those based upon alleged hardship resulting from strict interpretation of the Ordinance. In addition, the Zoning Administrator may file an appeal with the Board in cases where an interpretation of the Ordinance is needed.

B. Procedure for Filing Appeals

No appeal shall be heard by the Board unless notice thereof is filed with the Zoning Administrator within thirty (30) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Zoning Administrator. All applications shall be made upon the form furnished for that purpose by the Town, and all information required thereof shall be furnished before an appeal shall be considered as having been filed.

C. Conduct of Hearing

Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearings shall be as follows:

- (a) The Chairman, or such person as he shall direct, shall give a preliminary statement of the case.
- (b) The applicant shall present the argument in support of his application.
- (c) Persons opposed to granting the application shall present the argument for the application.
- (d) The Chairman (or the Secretary, at the Chairman's direction) shall summarize the evidence which has been presented, giving the parties opportunity to make objections or corrections. Board members may individually view the premises before arriving at a decision. All witnesses giving evidence before the Board shall be placed under oath and the opposing party may cross-examine them.
- (e) Once the evidentiary hearing is closed, persons in the audience may address the Board only if asked to be a voting member.
- (f) The Chairman reserves the right to reopen an evidentiary hearing with a vote having been taken on a particular application.

D. Rehearing's

An application for a rehearing shall be made in the same manner as provided for in an original hearing. Said application may only be filed within thirty (30) days after the date the Board originally votes in determining the outcome of the case. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The application for rehearing's shall be denied by the Board if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that there has been a change, it shall thereupon treat that request in the same manner as any other application.

An evidentiary hearing shall not be required to be held by the Board of Adjustment to determine whether a rehearing is to be held. Those Board members who voted on the application at the prior evidentiary hearing need not all be voting to determine if a rehearing is to be held. To conduct a rehearing, the concurring vote of at least four (4) voting members shall be required.

E. Decisions

1. Time

Decisions by the Board shall be made no later than thirty (30) days from the date the hearing was closed.

2. Form

The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary and the Chairman upon approval of the minutes by the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board.

Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from.

The record shall state in detail what, if any, conditions the safeguards are imposed by the Board in connection with the granting of a variance.

3. Expiration of Permits

Unless otherwise specified, any order or decision of the Board granting a variance shall expire if a building permit or certificate of occupancy for such use is not obtained within twelve (12) months from the date of the Board's decision.

4. Voting at Hearings

The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board of Adjustment and Board of Adjustment members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board of Adjustment" for calculation of the requisite majority if there are no qualified alternate members available to take the place of such members.

5. Public Record of Decision

The decisions of the Board, as filed in its minutes, shall be of public record, available for inspection at the Zoning Administrators' office during normal business hours.

VI. AMENDMENTS

These rules, may, within the limits allowed by law, be amended at any time by the affirmative vote of not less than four (4) regular or alternate members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

ADOPTED ON: _____

CHAIRMAN

SECRETARY

MCADENVILLE PLANNING BOARD RULES OF PROCEDURE

ARTICLE 1 PLANNING BOARD

1-1 The official name of the Planning Board shall be the McAdenville 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 Town of McAdenville and its extraterritorial area.

2-2 The purposes of the Planning Board are:

- (a)** A planning board of any size or composition deemed appropriate, organized in any manner deemed appropriate; provided, however, the board shall have at least three members.
- (b)** To facilitate and coordinate citizen engagement and participation in the planning process.
- (c)** To develop and recommend policies, ordinances, 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 Town Council may direct.

**ARTICLE III
Membership**

- 3-1** There shall be five (5) regular members of the Planning Board and two (2) alternate members. Four (4) members and two (2) alternate members shall be residents of the Town of McAdenville and appointed by the McAdenville Town Council; one (1) regular member shall be resident of the Town of McAdenville's extraterritorial jurisdiction and appointed by the Gaston County Board of Commissioners. The members appointed by the Town Council will serve for four (3) year staggered terms. The member appointed by the Gaston County Board of Commissioners will serve for a (3) year term.
- 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 appointment by the Town Council or Board of Commissioners 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 May, a chairman and Vice-Chairman 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. Each officer shall serve until relieved of his duties as herein provided.
- 4-2** The Chairman shall preside at all meetings and hearings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chairman shall have the privilege of discussing all matters before the Planning Board.
- 4-3** In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the members present may elect a temporary Chairman for that meeting and proceed with the order of business.
- 4-4** The Planning Board may appoint from its membership or recommend that the Town Council appoint or hire a person (s) to serve as a secretary for the Planning Board. Said person (s) (hereinafter referred to as the "Secretary") shall keep the minutes and records of the Planning Board, prepare with the Chairman the agenda for regular and special meetings, provide notice of meetings, attend to correspondence of the Planning Board, and perform such other duties normally carried out by a Secretary.

ARTICLE V Meetings

- 5-1** Regular meetings of the Planning Board shall be held on the 4th Thursday of each month at 6:00 PM in McAdenville's Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board.
- 5-2** Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours' notice of time of such meeting shall be given to each member by the Secretary. All special meetings shall be advertised in compliance with State statutes.
- 5-3** Four (4) members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.
- 5-4** The Chairman shall decide all points of procedure unless otherwise directed by a majority of the Planning Board in session at the time.
- 5-5** All regular and special meetings of the Planning Board shall be open to the public. Public notice of all regular meetings shall be made by posting a Planning Board agenda in a conspicuous location accessible to the public within the McAdenville Town Hall at least (7) days prior to the meeting. The notice shall remain posted until the meeting has been concluded. Notice of all special meetings shall also be posted in a similar manner in the Town Hall as soon as possible after the meeting has been called.

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 two (2) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of his 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 Town Council or Gaston County Board of Commissioners.

ARTICLE VII Order of Business

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

- (a)** 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.

ARTICLE VIII
Conflict of Interest

8-1 No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to himself, his immediate relatives, or their business interest. In applying this rule, the following procedure shall govern:

A Planning Board member, who believes there may be a conflict of interest, shall declare the existence of a possible conflict and the nature of the conflict and shall ask for a determination by the Board. A majority vote of the remaining Board members present shall determine whether a conflict of interest exists. Any Board member present who otherwise abstains from voting on a matter without first having been excused by the Board shall be declared to have voted "YEA" on such matter. If a member is excused because of a conflict of interest, he shall sit apart from the other Board members.

8-2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by an 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 shall, by majority vote, make the final determination as to the existence of a conflict of interest.

8-3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a person is associated.

8-4 No board member shall discuss any case with any party thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from its Secretary prior to the hearing.

8-5 Members of the Board will not express individual opinions on the proper judgment of any case with any party thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

ARTICLE IX
Records

9-1 The Secretary shall keep a record of the Planning Board's recommendations, transactions, findings, and determinations. Said records shall be public and filed in the office of the Zoning Administrator of the Town of McAdenville.

ARTICLE X
Action by Board

- 10-1** 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.
- 10-2** Voting shall be done by voice or hands. The Chairman shall vote only in case of a tie and instances where there are only three (3) other voting members present. Only the member present at the time a vote is taken shall be eligible to vote.
- 10-3** All members of the Planning Board have the right to vote on all matters except as specified in Sections 8-1 and 10-2.

ARTICLE XI
Adoption and Amendment

- 11-1** These Rules of Procedure may be adopted by a majority vote of the Planning Board membership.
- 11-2** The Rule of Procedure, within the limits set by law, may be amended by an affirmative vote of the membership present at a regular meeting provided that such proposed amendment shall have first been submitted to all members in writing at least seven (7) days prior to the meeting at which the vote is taken.

ADOPTED ON: _____

CHAIRMAN

SECRETARY