



**Town of Indian Trail (IT)  
Rules of Procedures**

**Planning Board**

**ARTICLE I  
Establishment**

1. The IT Planning Board, having been created by the Indian Trail Town Council (TC), shall be hereafter referred to as the "PB."
2. The PB shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings regulation (i.e., Chapter 143, Article 33C of the North Carolina General Statutes).

**ARTICLE II  
Duties and Powers**

1. The primary objective of the PB is to develop and maintain a continuing cooperative planning program to benefit the residents and businesses of the Town of IT.
2. The purposes of the PB are as follows. To:
  - a. Provide guidance studies of the Town and its environs;
  - b. Assist in the development and/or recommendation of policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
  - c. Keep TC and the general public informed and advised regarding planning, growth, and development related trends and issues.
  - d. Review and make recommendations to IT TC regarding proposed changes to IT Unified Development Ordinance (UDO) and zoning map.
  - e. Review and make recommendations to TC regarding the Land Use Plan.
  - f. Elect officers from its membership; and
  - g. Perform any other related duties contained in the UDO or as directed by TC. Such requests by TC shall be in writing.

**ARTICLE III  
Appointment and Terms**

1. The PB shall consist of five (5) regular members and one (1) alternate, all of whom are residents of the Town of Indian Trail as verified by the submission of a Driver's License, Utility Bill, and Voter Card, and

who have been duly appointed by TC. Membership shall be reduced by attrition to achieve five (5) members and one (1) alternate.

2. All Regular and Alternate PB members shall be appointed for a one (1) year term. Terms shall begin on July 1 and expire on June 30.
3. If a vacancy on the PB occurs, by reason of death, resignation, change of residence, TC removal, or any other cause, the seat shall be filled by TC in an expeditious manner for the duration of the unexpired term.
4. The Town Clerk shall be responsible for maintaining a current list of PB members, including the effective date of their appointment and the expiration date of their term. The Clerk shall keep TC informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.
5. In light of the complex and specialized nature of the Planning Board's area of responsibilities, preference on appointment to the Planning Board (regular or alternate) will be given to individuals with a professional background in one of the following fields: real estate, law, municipal planning or administration, construction, engineering, land surveying, landscape architecture and architecture.

#### **ARTICLE IV Alternate Members**

1. Alternate members of the PB shall be requested to attend all regular and special meetings and shall be able to cast a vote when a regular member of the PB is absent or if any PB member has a conflict of interest. When seated, alternate members shall have the same powers and duties of any regular member. The alternate members shall be assigned number "1" or "2" until such time there is only one alternate. Alternate "1" shall first be asked to serve. If absent or there is a conflict of interest, Alternate "2" shall be asked to serve. The Alternate Member who does not serve at the last opportunity shall be given the first opportunity to serve at the next occasion.

#### **ARTICLE V Election of Officers**

1. A Chair and Vice-Chairman shall be elected by the regular PB members. Only regular members are eligible to serve as officers. Each officer shall serve for a one (1) year term but may be elected by the PB membership for successive terms to the same office. Annually, in the 1st regular meeting of the PB held in the month of July, a Chair and Vice-Chair shall be elected. Each officer shall serve from July 1 until relieved of his duties as herein provided.
2. The Chair shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the PB in session at the time. The Vice-Chair shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.
3. In the event of the absence of both the Chair and the Vice-Chair from a PB meeting, the regular members present may elect a temporary Chair for that meeting and proceed with the order of business.

**ARTICLE VI**  
**Secretarial Services**

1. TC shall arrange to have secretarial duties performed for the PB. Said person(s) (hereafter referred to as the "Secretary"), subject to the direction of the Chair, shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the PB. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the PB, and all votes of members of the PB upon any resolution or upon the final determination of any question, indicating the names resolution or upon the final determination of any question, indicating the names of member absent. The PB minutes shall be kept at IT Town Hall and shall be available for inspection during normal working hours.

**ARTICLE VII**  
**Rules of Conduct for Members**

1. Members of the PB may be removed by TC for cause, including violation of the rules stated below herein.
2. In order for the PB to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular or alternate member is absent for three (3) consecutive regular meetings or fails to attend thirty percent (30%) or more of the regular meetings w/in any twelve-month (12) period, such member may be removed by TC and a replacement made for the unexpanded portion of the term. The PB may also make a recommendation to TC regarding removal of a member for duly cited causes and the request must be in writing, signed by the Chair of the PB.
3. A member may be excused from voting on a particular issue by a majority vote of the remaining regular members present under the following circumstances, If the:
  - a. Member has a direct financial interest in the outcome of the matter at hand; or
  - b. Matter at hand involves the member's own official conduct; or
  - c. Member has such close personal ties to the applicant that he/she cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.
4. If a PB member determines that he/she may have a conflict of interest on a particular issue, he/she shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining regular members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he/she shall seat him/herself in the audience and not participate in any further discussion on said matter or he/she shall remove him/herself from the meeting room during all deliberation pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.
5. A challenge to 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 PB. Such a challenge may be an appeal for a review of the findings of the PB or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the PB shall be supported by competent evidence and shall be submitted at a properly convened meeting of the PB. The PB shall hear all evidence and shall, by majority vote of the remaining regular members, make the final determination as to the existence of a conflict of interest.

6. In the event a PB member is found to have a conflict of interest and is excused from voting by the PB, he/she shall be replaced by alternate member for that business associated with the conflict of interest. Challenges may not be presented to the PB for potential conflicts of interest after the subject matter involving the potential conflict of interest has been heard and voted on by the PB.

## **ARTICLE VIII Meetings**

1. Regular meetings of the PB shall be held on the third Tuesday of each month at 6:00PM at the IT Town Hall, provided that the meetings may be held at any other convenient place in the Town nearby area if directed by the Chairman in advance of the meeting. Each member (including the alternate members) shall receive an agenda packet for each meeting by mail or hand delivery at least forty-eight (48) hours prior to the meeting. An agenda notice shall be conspicuously placed at the IT Town Hall at least forty-eight (48) hours prior to the meeting.
2. Special meetings of the PB may only be called by the Chair or the Planning Director. At least forty-eight (48) hour-notice of the time and place of special meetings shall be given, by the Secretary, to each member of the PB including the alternate members. Notice of such meeting shall also be conspicuously placed at the IT Town Hall at least forty-eight (48) hours prior to the meeting.
3. Whenever there is no business to come before the PB, or whenever so many regular and alternate members notify the secretary of their inability to attend that a quorum will not be available, the Chair may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the time set for the meeting. Notice of meeting cancellation shall also be conspicuously posted at IT Town Hall.

## **ARTICLE IX Quorum and Voting**

1. No more than a total of five (5) regular and alternate members may vote on any matter.
2. A quorum of the PB shall be required before any vote is taken. A quorum shall consist of three (3) regular or alternate members. Alternate members may replace members on all voting issues as prescribed in Article IV.
3. Only unexcused PB members present at a duly convened meeting shall be eligible to vote.
4. Voting, at the discretion of the Chair, shall be by voice or show of hands. All matters to be voted on by the PB shall be by a duly made motion and second.
5. Aside from making and seconding motions, the Chair shall be able to vote on all matters.
6. It is the duty of all regular PB members to vote on all issues coming before the PB unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having made a vote in the affirmative on the issue at hand.

7. All meetings shall be open to the public. The order of business at regular meetings shall generally be as follows:
  - a. Determination of Quorum
  - b. Call to Order
  - c. Approval of Minutes of Previous Meetings
  - d. Unfinished Business
  - e. New Business
  - f. Other Business Adjournment
  - g. Planning Report
  - h. Adjournment
  
8. Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval of a majority vote of the regular membership.

**ARTICLE X**  
**Adoption of Amendments**

1. TC shall have the authority to adopt and amend these bylaws. These Rules shall always be consistent with all ordinances of IT and the State of North Carolina. Should any provision of these Rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.