

**RULES OF PROCEDURE  
INDIAN TRAIL PLANNING BOARD**

**ARTICLE 1  
Establishment**

- 1-1 The Indian Trail Planning Board, having been created by the Indian Trail Town Council, shall be hereafter referred to as the "Planning Board".
- 1-2 The Planning Board 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**

- 2-1 The primary objective of the Planning Board is to develop and maintain a continuing cooperative planning program to benefit the residents of the Town of Indian Trail.
- 2-2 The purposes of the Planning Board are as follows:
- a. To make studies of the Town and its environs;
  - b. To determine objectives to be sought in the development of the areas under study;
  - c. To prepare and recommend 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 keep the Town Council and the general public informed and advised as to these matters.
  - f. To review and make recommendations to the Indian Trail Town Council (hereinafter referred to as the "Town Council") regarding proposed changes to the Indian Trail zoning ordinance text and map.
  - g. To review and make recommendations to the Town Council regarding the Indian Trail Land Use Plan.
  - h. To elect officers from its membership.
  - i. To perform any other related duties contained in the Zoning Ordinance, Storm Water ordinance "Manual" and Subdivision Ordinance or as directed by the Town Council such requests by the Council shall be in writing.

**ARTICLE III**  
**Appointment and Terms**

- 3-1 The Planning Board shall consist of seven (7) regular members and three (3) alternates, all of whom are residents of the Town of Indian Trail and who have been duly appointed by the Town Council.
- 3-2 All regular and alternate Planning Board members shall be appointed for three (3) year staggered terms. Terms shall begin on July 1 and expire on June 30.
- 3-3 If a vacancy on the Planning Board occurs by reason of death, resignation, change of residence, Town Council removal, or any other cause, the seat shall be filled by the Town Council in an expeditious manner for the duration of the unexpired term.
- 3-4 The Town Clerk shall be responsible for maintaining a current list of Planning Board members, including the effective date of their appointment and the expiration date of their term. The Clerk shall keep the Town Council informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.

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

- 4-1 Alternate members of the Planning Board shall be requested to attend all regular and special meetings and shall be able to cast a vote when a regular member of the Planning Board is absent or if any Planning Board member has a conflict of interest. When seated, alternate members shall have the same powers and duties of any regular member.
- 4-2 The alternate members shall annually be assigned the numbers "1", "2", or "3" by the Town Council. The following system shall be employed for using an alternate member to replace a regular member who is absent, whose seat is temporarily vacant, or who has been excused by the Planning Board from voting due to a conflict of interest:

Initially, Alternate "1" shall first be asked to serve. If he is absent or has a conflict of interest, Alternate "2" shall be asked to serve. If Alternate "1" does serve, Alternate "2" will be first asked to serve at the next meeting. If Alternate "2" serves, Alternate "1" will be first asked to serve at the next meeting.

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

- 5-1 A Chairman and Vice Chairman shall be elected by the regular Planning Board 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 Planning Board membership for successive terms to the same office. Annually, in the first regular meeting of the Planning Board held in the month of July, a Chairman and Vice-Chairman shall be elected. Each officer

shall serve from July 1 until relieved of his duties as herein provided.

- 5-2 The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Planning Board. 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.
- 5-3 In the event of the absence of both the Chairman and the Vice-Chairman from a Planning Board meeting, the regular members present may elect a temporary Chairman for that meeting and proceed with the order of business.

## **ARTICLE VI**

### **Secretarial Services**

- 6-1 The Town Council shall arrange to have secretarial duties performed for the Planning Board. Said person(s) (hereafter referred to as the "Secretary"), subject to the direction of the Chairman, shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the Planning Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Planning Board, and all votes of members of the Planning Board upon any resolution or upon the final determination of any question, indicating the names of member absent. The Planning Board minutes shall be kept at the Indian Trail Town Hall and shall be available for inspection during normal working hours.

## **ARTICLE VII**

### **Rules of Conduct for Members**

- 7-1 Members of the Planning Board may be removed by the Town Council for cause, including violation of the rules stated below herein.
- 7-2 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 regular member is absent for three (3) consecutive regular meetings or fails to attend thirty (30) percent or more of the regular meetings within any twelve-month period, such member may be removed by the Town Council and a replacement made for the unexpired portion of the term. Alternate members may be removed by the Town Council for repeated failure to attend or participate in meetings when requested to do so pursuant to Section 4-2 as set forth above. The Planning Board may make a recommendation to the Town Council regarding removal of a member for duly cited causes and the request must be in writing, signed by the Chairman of the Planning Board.

- 7-3 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:
1. If the member has a direct financial interest in the outcome of the matter at hand; or
  2. If the matter at hand involves the member's own official conduct; or
  3. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.
- 7-4 If a Planning Board member determines that he may have a conflict of interest on a particular issue, he 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 shall seat himself in the audience and not participate in any further discussion on said matter or he shall remove himself 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.
- 7-5 A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interest party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Planning Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning Board. The Planning Board 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.
- 7-6 In the event a Planning Board member is found to have a conflict of interest and is excused from voting by the Planning Board, he shall be replaced by alternate member for that business associated with the conflict of interest.

## **ARTICLE VIII**

### **Meetings**

- 8-1 Regular meetings of the Planning Board shall be held on the third Tuesday of each month at 7:00 PM at the Indian Trail Civic Building, 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 Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.
- 8-2 Special meetings of the Planning Board may only be called by the Chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the Secretary, to each member of the Planning Board including the alternate members.

Notice of such meeting shall also be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.

- 8-3 Whenever there is no business to come before the Planning Board, or whenever so many regular and alternate 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 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 the Indian Trail Town Hall.

## **ARTICLE IX**

### **Quorum and Voting**

- 9-1 No more than seven (7) regular and alternate members may vote on any matter, except with regard to the adoption and/or amendment of these Rules of Procedure as provided in Article X.
- 9-2 A quorum of the Planning Board shall be required before any vote is taken. A quorum shall consist of four (4) regular or alternate members. Alternate members may replace members on all voting issues as prescribed in Article IV.
- 9-3 Only unexcused Planning Board members present at a duly convened meeting shall be eligible to vote.
- 9-4 Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by a duly made motion and second.
- 9-5 Aside from making and seconding motions, the Chairman shall be able to vote on all matters.
- 9-6 It is the duty of all regular Planning Board members to vote on all issues coming before the Planning Board 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.
- 9-6.1 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
  - g) Adjournment
- 9-7 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**

- 10-1 These Rules shall at all times be consistent with all ordinances of the Town of Indian Trail 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.