

# LAND DEVELOPMENT ORDINANCES ADVISORY BOARD

## BYLAWS

### Authority and Responsibility

- 1-1 The Land Development Ordinances Advisory Board (hereinafter “Advisory Board”) shall have the duties and responsibilities as follows:
- A) Review, evaluate and recommend amendments to the Zoning & Subdivision Ordinances to the Town of Huntersville Planning Board (hereinafter “Planning Board”) and the Town of Huntersville Board of Commissioners (hereinafter “Town Board”).
  - B) Review, evaluate and recommend amendments to Town planning processes and procedures to the Planning Board and Town Board.
  - C) Other such related Zoning & Subdivision Ordinance as directed from the Town Board or Planning Board.
- 1-2 In addition to the duties and responsibilities prescribed in Section 1.1, the Advisory Board shall:
- A) Exercise such additional functions as the Town Board may direct;
  - B) Keep the Town Board and the general public informed and advised as to matters within their duties and responsibilities; and,
  - C) Review the towns Zoning & Subdivision Ordinances and concerns from residents and developers.

### Membership

- 2-1 Members of the Advisory Board shall be appointed by the Town Board and shall be composed of nine (9) voting members and three (3) non-voting members as follows:

Voting:

- A) One (1) Chairperson (who may or may not be a Town Board or Planning Board member)
- B) One (1) Town Board member
- C) One (1) Planning Board member
- D) Six (6) At Large Members who shall live, work, or own a business or property within the Town of Huntersville Corporate Limits or the ETJ.

Non-voting:

- E) One (1) Planning Director or Planning Staff member (non-voting)
- F) One (1) Planning Executive Asst. (non-voting)
- G) The Town of Huntersville Attorney (non-voting)

- 2-2 At Large Members (see Section 2-1) of the Advisory Board shall be appointed by the Town Board of Commissioners for two (2) year staggered terms. Beginning in 2016, At Large Member One and Two will serve for one (1) year term, At Large Member Three, Four and Five will serve for two (2) year term. Terms will start March 1, 2016.
- 2-3 If a vacancy should occur on the Advisory Board for any reason, an appointment to that seat shall be made for the duration of the unexpired term in the same manner as noted in Section 2-1.

### **Election of Officers**

- 3-1 A Chairperson shall be elected by the Town Board of Commissioners. The Vice Chairperson shall be elected from all of the voting members of the Advisory Board.
- 3-2 The Chairperson shall preside at all meetings and have the duties normally conferred on such office. The Vice Chairperson shall serve as temporary Chairperson in the absence of the Chairperson.
- 3-3 In the event of the absence or recusal (disqualification) of both the Chairperson and Vice Chairperson from a meeting of the Advisory Board or a matter before its voting members in attendance, they may elect a temporary Chairperson for that meeting and proceed with the order of business.
- 3-4 The Planning Director, or designee, shall serve as Secretary of the Advisory Board. The Secretary shall, with concurrence of the Planning Director and Chairperson, prepare agendas for the meeting, provide public notice of the meetings, publish minutes (see Section 5-1), attend to correspondences and perform such other duties as necessary. The Chairperson shall have a role in setting the agenda. If any agenda changes need to be made they will be voted on at the time of the meeting by the Advisory Board.

### **Meetings**

- 4-1 Regular monthly meetings of the Advisory Board shall be held at a standard time and place as agreed upon by the Town Board of Commissioners. Members shall be notified by electronic mail of each regular meeting by the Planning Department's Executive Assistant.

- 4-2 Special meetings may be called by the Chairperson provided a ten (10) calendar day notice of the time and location of each such meeting shall be given to all members by the Planning Executive Asst.
- 4-3 The Advisory Board shall operate according to Robert's Rules of Order to the extent not contrary to the Bylaws. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Advisory Board in session at that time.

### **Records**

- 5-1 The Advisory Board shall keep a record of its recommendations, transactions, findings and determinations. Said records shall be published and released to the public through the Town of Huntersville web site, except as exempted by State law, and maintained in the files of the Planning Department of the Town of Huntersville.

### **Action by Committee**

- 6-1 All actions of the Advisory Board shall have been put before the Advisory Board members in the form of a motion, duly seconded and voted upon. A quorum of all voting members shall be present before a vote may be taken on any motion. (See Section 3-3)
- 6-2 Voting shall be done by a show of hands. Only voting members present at the time a vote is taken shall be eligible to vote.
- 6-3 All voting members of the Advisory Board must vote on all matters. Members who are present and not excused will be deemed to have voted in favor of the motion presented if they do not vote, this is to include an abstention vote.

### **Attendance**

- 7-1 In order for the Advisory Board to carry out its duties and responsibilities, it is necessary for all voting members to attend the meetings. If any voting member is absent for three (3) consecutive regular meetings or fails to attend at least seventy-five percent (75%) of the regular meetings within a twelve (12) month "moving" period, the Chairperson shall request from the Town Board of Commissioners that the position be vacated and a replacement be made by the Town Board of Commissioners. Attendance records will be kept by the Planning Executive Asst.

### **Conflict of Interest**

- 8-1 Members of the Advisory Board shall not seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Advisory Board which may result in a pecuniary benefit to themselves, their immediate relatives, or the immediate relative's business interests. In applying this rule the following procedure shall govern:

- A) An Advisory Board member who believes that a conflict of interest may exist for himself or herself shall declare that a possible conflict and ask to be excused from deliberation on the matter in question. The conflict of interest will be specific to a particular agenda item, ordinance change, etc. A majority vote of the remaining Advisory Board members shall be required to excuse a member from the deliberation for a conflict of interest.
- 8-2 A contention of the existence of an overt conflict of interest or a contention of an undisclosed conflict of interest may be made by any interested party public or Advisory Board member. Such a contention, only after the facts have been presented, may be grounds for reconsideration of a decision or recommendation of the Advisory Board.
- 8-3 Any such contention made to Advisory Board shall be supported by factual and material evidence and shall be submitted to a properly convened meeting of the Advisory Board. The Advisory Board shall hear all such evidence and shall, by majority vote, make a final determination as to the existence of a conflict of interest and any further action required of the Advisory Board by such determination.
- 8-4 Excuse from participation in any matter is necessary only in those specific matters in which a conflict arises. There shall be no excuse based on entire categories of the business, profession or outside interest with which a member is associated.

Adopted by the Town of Huntersville Board of Commissioners this 21<sup>st</sup> day of  
December 2015.

Land Development Ordinances Advisory Board

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Chairman

ATTEST:

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Jack Simoneau, Planning Director and Secretary