

**CORNELIUS PLANNING BOARD  
BYLAWS**  
***As Amended through July 13, 2015***

**ARTICLE I  
Authority and Responsibility**

**1-1** The Planning Board shall have the duties and responsibilities as prescribed under the provisions of Section 16.1 of the *Land Development Code* and as authorized by G.S. §160A-361.

**1-2** In addition to the duties and responsibilities prescribed, the Planning Board may:

- a) Exercise any functions in the administration and enforcement of various means for carrying out plans that 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) Perform any other related duties that the Town Board may direct.

**ARTICLE II  
Membership**

**2-1** Members of the Planning Board shall be appointed in accordance with the provisions prescribed under Section 16.2 of the *Land Development Code* for three year staggered terms. No member or alternate member as provided below shall serve more than two full consecutive terms, provided, however, they may be eligible for appointment again after at least a one year lapse in service. Extraterritorial zoning jurisdiction (ETJ) member appointments made by Mecklenburg County are not subject to any term limitation.

**2-2** In addition, the Town Board of Commissioners may at its discretion, appoint one (1) or more member(s), or alternate member(s), who shall reside in the Town of Cornelius or in its extraterritorial zoning jurisdiction (ETJ). Any member, or alternate member, designated to represent the ETJ shall be appointed by the Mecklenburg County Board of Commissioners.

**2-3** Alternate members of the Planning Board shall be requested to attend all regular and special meetings and shall be able to participate as a temporary replacement and cast a vote when a regular member of the Planning Board is absent or excused due to a conflict of interest. At any meeting of which an alternate member is seated, that alternate member shall have the same powers and duties as the absent or excused regular member. At no time, shall there be more than seven (7) regular or alternate members officially participating in any Planning Board meeting.

**2-4** If a vacancy should occur on the Planning Board for any reason, an appointment to that seat shall be made for the duration of the unexpired term in the same manner as previously noted in Section 2-1 above.

**2-5** All members of the Planning Board shall attend an orientation session with staff following appointment and are encouraged to attend one additional workshop of relevance to Planning Board service each year.

## **ARTICLE III** **Election of Officers**

- 3-1** A Chairman shall be elected by Board of Commissioners. The Chairman shall be selected from the regular members of the Planning Board.
- 3-2** The Chairman shall serve for a one- (1) year term. A Vice-Chairman shall be elected by the Planning Board to serve a one-year term.
- 3-3** 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 Vice-Chairman shall serve as temporary chairman in the absence or disqualification of the Chairman.
- 3-4** In the event of the absence or disqualification of both the Chairman and the Vice-Chairman from a meeting of the Planning Board or a matter before it, the regular and alternate members currently seated may elect a temporary chairman for that meeting and proceed with the order of business.
- 3-5** The Planning Director or his designee shall serve as Secretary to the Planning Board. The Secretary shall, with concurrence of the Chairman, prepare agendas for all meetings, provide appropriate public notice of meetings and hearings, attend to correspondence of the Planning Board, and perform such other duties as necessary.

## **ARTICLE IV** **Meetings**

- 4-1** Regular meetings of the Planning Board shall be held on the second Monday of each month at 6:30 PM unless otherwise noted. Members shall be notified by mail of each regular meeting by the Secretary.
- 4-2** Special meetings may be called by the Chairman provided a notice of the time and location of each such meeting shall be given to all members by the Secretary and a public notice of the special meeting has been given in accordance with State statutes.
- 4-3** All regular and special meetings of the Planning Board shall be open to the public in accordance with State statutes. 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 Cornelius Town Hall at least seven (7) days prior to the meeting. The notice shall remain posted until the meeting has concluded. Notice of any special meeting shall be posted at least forty-eight (48) hours prior to that meeting in the same manner.
- 4-4** Four- (4) seated regular or alternate members of the Planning Board including the Chairman shall constitute a quorum. A quorum shall be present before any business is transacted.
- 4-5** The Planning Board shall operate according to Robert's Rules of Order to the extent not contrary to these Bylaws. The Chairman, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Planning Board in session at that time.
- 4-6** Members of the Planning Board shall not have a preformed opinion or bias on any matter scheduled to be considered by the Board, prior to the consideration of the matter at a duly authorized meeting. No member of the Planning Board shall discuss any quasi-judicial

matter with any parties thereto prior to the meeting at which that matter is to be reviewed. Planning Board members may receive and/or seek information pertaining to a quasi-judicial matter from any other Planning Board member, the Secretary or the Planning Director at or prior to the Planning Board meeting at which it is reviewed

## **ARTICLE V**

### **Attendance**

**5-1** 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 regular member is absent without excuse for three consecutive regular meetings or fails to attend at least seventy-five percent (75%) of the regular meetings within a twelve-month period, the Chairman may request that the position be vacated and a replacement be made by the Mayor and confirmed into the office by approval of the Board of Commissioners.

## **ARTICLE VI**

### **Order of Business**

**6-1** The order of business shall be as follows:

- a) Determination of quorum;
- b) Approval of previous minutes;
- c) Review and Recommendations on Agenda items;
- d) Consideration of additional agenda items;
- e) Adjournment.

**6-2** Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall have been presented to the Secretary for inclusion in accordance with the schedule for the Planning Department schedule for submittals.

## **ARTICLE VII**

### **Conflict of Interest**

**7-1** Members of the Planning Board shall not seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board which may result in a pecuniary or personal benefit to themselves, their immediate relatives, or their business interests. In applying this rule the following procedure shall govern:

- a) A Planning Board member who believes that a conflict of interest may exist for himself or herself shall declare that possible conflict and ask to be excused from deliberation on the matter in question. A majority vote of the remaining Planning Board members shall be required to excuse a member from deliberation for a conflict of interest.

**7-2** 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 with the Planning Board. Such a contention may be grounds for reconsideration of a decision or recommendation of the Planning Board. Any such contention made to the Planning Board shall be supported by competent and material evidence and shall be submitted to a properly convened meeting of the Planning Board. The Planning Board shall hear all such evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest and any further action required of the Planning Board by such determination.

**7-3** 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 or profession with which a member is associated.

## **ARTICLE VIII** **Records**

**8-1** The Planning Board shall keep a record of its recommendations, transactions, findings and determinations. Said records shall be public in accordance with State statutes and maintained in the files of the Planning Department of the Town of Cornelius in accordance with State statutes.

## **ARTICLE IX** **Action by Board**

**9-1** 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. At least four (4)-voting members including the Chairman shall be present before a vote may be taken.

**9-2** Voting shall be done by a show of hands. The Chairman shall be a voting member on all actions as they come before the Planning Board. Only members present at the time a vote is taken shall be eligible to vote.

**9-3** All members of the Planning Board must vote on all matters except as specified in Article VII. Members who are present and not excused will be deemed to have voted in favor of the motion presented if they do not vote.

## **ARTICLE X** **Adoption and Amendment**

**10-1** Planning Board Bylaws shall be adopted by a majority vote of the Town Board of Commissioners.

**10-2** Planning Board Bylaws may be amended from time to time by majority vote of the Town Board of Commissioners at a duly constituted regular meeting, provided that such proposed amendment shall have been first submitted to all Town Board members in writing prior to the meeting at which the vote is taken.

*Adopted by the Cornelius Board of Commissioners on July 13, 2015*