

In order to allow for an additional alternate to be appointed to the Planning Board and the Board of Adjustments the following changes to the Ordinance creating these entities needs to be adopted:

#### 152.190 BOARD OF ADJUSTMENTS ESTABLISHED.

- (A) The Board of Adjustment is hereby established. The Board shall consist of five (5) members and two (2) alternates to be appointed by Town Council. The members shall serve for overlapping terms of three (3) years or thereafter until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. None of the members shall hold more than one other public office or position in the town.

### AN ORDINANCE TO ESTABLISH A PLANNING BOARD FOR THE TOWN OF STALLINGS

#### SECTION I. COMPOSITION AND TERM OF OFFICE

The Town Council of the Town of Stallings shall appoint seven (7) members plus two (2) alternate members who shall serve the Town Council at the pleasure of the Council. The members shall be residents of Stallings. All appointed members shall serve a term for three (3) years except for the initial appointment where one (1) member and one alternate shall be appointed for one (1) year, two (2) members shall be appointed for a two (2) year term, and two (2) members shall be appointed for a three (3) year term. Vacancies shall be filled for the unexpired portions of the terms in the same manner as the initial appointment. The term for each appointed member shall begin March 5<sup>th</sup>, in the year of appointment and shall terminate March 4<sup>th</sup>, in the final year of the member's term.

#### SECTION II. ORGANIZATION, RULES, MEETINGS, AND RECORDS

Within thirty (30) days after appointment the Planning Board shall meet and elect a Chairman and create and fill such offices as it may determine. The term of the Chairman and other officers shall be one (1) year with eligibility for re-election. The Board shall recommend rules for transaction of its business for Town Council approval and shall keep a record of its member's attendance and of its resolution, discussion, findings, and recommendations, which record shall be a public record. Such minutes shall be submitted to the Town Council and shall be on file at the Town Offices for public inspection. The Board shall hold at least one (1) meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action required by the ordinance.

**AMENDMENT TO**  
**ORDINANCE TO ESTABLISH A PLANNING BOARD**  
**FOR THE TOWN OF STALLINGS**

**BE IT ORDAINED** by the Town Council of the Town of Stallings, North Carolina:

**SECTION 1:** That Section 1 of the Ordinance to Establish a Planning Board for the Town of Stallings which was adopted on March 5, 1990, is amended by deleting the last sentence and substituting in lieu thereof the following:

The term for each initially appointed member began March 5, 1990, and shall terminate as follows:

Those members appointed for one-year terms shall have terms extended, the same to expire the first Monday in December, 1993;

Those members appointed for two-year terms shall have said terms extended, the same to expire the first Monday in December, 1994; and

Those members appointed for three-year terms shall have said terms extended, the same to expire the first Monday in December, 1995.


Thereafter, appointments shall be made during the organizational meeting held the first Monday in December of each year; and the term for each appointed member shall begin at the time of such appointment and shall be a three-year term.

**SECTION 2:** This Amendment to the Ordinance to Establish a Planning Board for the Town of Stallings shall be effective upon its adoption.


**SECTION 3:** That the said Ordinance, except as hereby amended, shall remain in full force and effect.

**ADOPTED** this the 4th day of February, 1991.

  
\_\_\_\_\_  
Sam A. Parks, Mayor

A T T E S T :  
  
\_\_\_\_\_  
Marie K. Garriss, Town Clerk

Approved as to form:

  
\_\_\_\_\_  
W. David Lee, Town Attorney



AN ORDINANCE TO ESTABLISH A PLANNING BOARD  
FOR THE TOWN OF STALLINGS

WHEREAS, the Town Council of the Town of Stallings recognizes the need for a town-wide comprehensive planning effort; and

WHEREAS, the General Statutes of the State of North Carolina, Chapter 160A, Article 19, Part 1, Section 361 provides for the establishment and operation of Town Planning Boards; and

WHEREAS, THE Town Council finds it necessary to create and establish such a Board for the purposes set forth in Chapter 160A, Section 361.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Stallings, North Carolina, hereby establishes a Board to be known as the Stallings Planning Board hereinafter referred to as the "Planning Board" and ordains that it be governed by the following provisions:

SECTION I. COMPOSITION AND TERM OF OFFICE

The Town Council of the Town of Stallings shall appoint five (5) members plus one (1) alternate member who shall serve the Town Council at the pleasure of the Council. The members shall be residents of Stallings. All appointed members shall serve a term for three (3) years except for the initial appointment where one (1) member plus the alternate shall be appointed for a one (1) year term, two (2) members shall be appointed for a two (2) year term, and two (2) members shall be appointed for a three (3) year term. Vacancies shall be filled for the unexpired portions of the terms in the same manner as the initial appointment. The term for each appointed member shall begin March 5th, in the year of appointment and shall terminate March 4th, in the final year of the member's term.

SECTION II. ORGANIZATION, RULES, MEETINGS, AND RECORDS

Within thirty (30) days after appointment the Planning Board shall meet and elect a Chairman and create and fill such offices as it may determine. The term of the Chairman and other officers shall be one (1) year with eligibility for re-election. The Board shall recommend rules for transaction of its business for Town Council approval and shall keep a record of its member's attendance and of its resolutions, discussion, findings, and recommendations, which record shall be a public record. Such minutes shall be submitted to the Town Council and shall be on file at the Town Offices for public inspection. The Board shall hold at least one (1) meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of three (3)

members for the purpose of taking any official action required by this ordinance.

### SECTION III. POWERS AND DUTIES

The Stallings Planning Board shall have the following powers and duties:

- (1) Make studies of the Town and surrounding areas;
- (2) Determine objectives to be sought in the development of the Town;
- (3) Propose and recommend plans for achieving these objectives;
- (4) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the Town Council concerning the use and amendment of means for carrying out plans;
- (6) Exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this or other ordinances of the Town; and
- (7) Perform other related duties as may be assigned by this or other ordinances.

### SECTION IV. SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part to be declared unconstitutional or invalid.

### SECTION V. EFFECTIVE DATE

This ordinance shall be effective from and after the 5th day of March 1990.

ATTEST

Munie K. Garnie  
Town Clerk

Sam Parks  
Sam Parks, Mayor

RULES OF PROCEDURE  
STALLINGS PLANNING BOARD

ARTICLE I  
PLANNING BOARD

- 1-1 The official name of the Planning Board shall be the Stallings 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 Stallings.
- 2-2 The purposes of the Planning Board are:
- (a) To make studies of the Town;
  - (b) To determine objectives to be sought in the development of the areas under study;
  - (c) To prepare and adopt 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; and
  - (f) To perform any other related duties that the Town Council may direct.

ARTICLE III  
MEMBERSHIP

- 3-1 Members of the Planning Board shall be appointed by the Town Council for designated terms. The Planning Board shall consist of seven (7) regular members and two (2) alternate members.
- 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 Town Council appointment 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 January, a Chairman and Vice-Chairman shall be elected. These officers shall be elected for a term of one (1) year and may be re-elected 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 January meeting. 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 remaining 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 minutes and records of the Planning Board, prepare with the Chairman the agenda for regular and special 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 third Tuesday of each month at 7:00 p.m. in the Stallings Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also notify each Planning Board member of all joint Town Council/Planning Board public hearings. Said meetings shall be considered Town Council meetings for purposes of determining the rules of conduct and procedure.
- 5-2 Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours written or oral notice of time of such meeting shall be given each member by the Secretary.
- 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 general public within the Stallings Town Hall at least seven (7) days prior to the meeting. The notice shall remain posted until the meeting has been concluded.

## 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 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.

## 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. Business which is not identified on the agenda may be considered only after approval by a majority of the Planning Board in session at the time.

## 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 themselves, their immediate relatives or their business interest. In applying this rule, the following procedure shall govern.

A Planning Board member who believes there may exist a conflict of interest shall declare his possible conflict, the nature of the conflict, and ask for a determination by the Board. A majority vote of the remaining Board members present shall determine whether or not a conflict of interest exists. If determined that a conflict of interest does exist said member shall be excused from voting on that matter, but may voice his opinion, as a local citizen, on the matter.

- 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 any interested party with the Board. Such a challenge may be an appeal for 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 member is associated.
- 8-4 Any person who abstains from voting without having first been excused by the Board as herein prescribed shall be deemed to have voted on the matter in an affirmative manner.

#### 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 Stallings Town Hall.

#### 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 (except as provided in Section 8-4).
- 10-2 Voting shall be done by voice or hand. The Chairman shall vote only in case of a tie and instances where there are only three (3) other voting members present. Only members present at the time a vote is taken shall be eligible to vote. If an issue before the Planning Board is carried over from one meeting to another, a member may be able to vote on the issue if he or she did not attend the previous meeting at which item was discussed.
- 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

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the voting 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 this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

# AN AMENDMENT TO THE ORDINANCE TO ESTABLISH A PLANNING BOARD IN THE TOWN OF STALLINGS

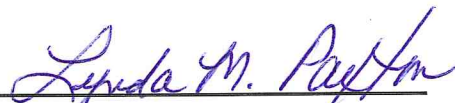
**WHEREAS**, the Town Council of the Town of Stallings has an active and fully functional Planning Board;  
and

**WHEREAS**, the Town Council of the Town of Stallings wishes for the Planning Board to serve in the capacity of the Board of Adjustment when the need arises; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Stallings, North Carolina, that Section 32.32 be added to the Stallings Code of Ordinances, Title III: Administration; Chapter 32: Departments, Boards, Committees and Commissions:

Section 32.32 The five (5) most tenured members of the Planning Board shall serve in the capacity of the Board of Adjustment (BOA) when needed. Should more than five (5) members have the same amount of tenure, the chairman of the Planning Board shall chose the five (5) members to serve in the BOA capacity. These members, when serving as the BOA, shall follow the rules and procedures of the BOA as outlined in the Stallings Unified Development Ordinance, Article 14: Board of Adjustment.

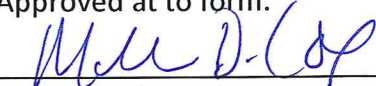
Adopted this 22<sup>nd</sup> day of April 2013.

  
Lynda M. Paxton, Mayor

Attest:

  
Erinn E. Nichols, Town Clerk

Approved at to form:

  
Perry, Bundy, Plyler, Long & Cox, LLP