



**RULES OF PROCEDURE  
CITY OF KINGS MOUNTAIN  
PLANNING & ZONING BOARD  
AS AMENDED  
August 13, 2024**

**ARTICLE I: PLANNING BOARD**

1-1 The official name of the Planning Board shall be the City of Kings Mountain Planning 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 City of Kings Mountain.

2-2 The purposes of the Planning Board are:

- (a) Make studies of the area within its jurisdiction and surrounding areas;
- (b) Determine objectives to be sought in the development of the study area;
- (c) Prepare and adopt plans for achieving these objectives;
- (d) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (e) Advise the council concerning the use and amendment of means for carrying out plans;
- (f) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct and;
- (g) Perform any other related duties that the council may direct.

**ARTICLE III: MEMBERSHIP**

3-1 The board shall consist of eleven (11) members with (7) of said members being residents of the City of Kings Mountain, three (3) of said members being a resident of the extraterritorial

area lying in Cleveland County and one (1) a resident of the extraterritorial area lying in Gaston County.

- 3-2 The seven (7) members residing within the City shall be appointed by the City Council to serve three (3) year staggered terms. The City Council shall initially designate terms of one year for three members, two years for three members, and three years for one member in order to provide staggered terms. Thereafter, all members shall serve three year terms unless removed by a majority vote of the City Council.
- 3-3 The extraterritorial members shall be appointed for three (3) year terms, with one member being appointed by the Board of Commissioners for Gaston County, and three members being appointed by the Board of Commissioners for Cleveland County in accordance with Section 160A-362 of the North Carolina General Statutes. The extraterritorial members shall sit as voting members concerning all matters within both the extraterritorial jurisdiction and the corporate limits of the City. City Council may recommend candidates to the County Commissioners for the extraterritorial members.
- 3-4 Vacancies of City members occurring for reasons other than expiration of terms shall be filled by appointment of the City Council for the period of the unexpired term. Vacancies of extraterritorial members occurring for reasons other than expiration of terms shall be filled by appointment of the Board of County Commissioners having jurisdiction over the extraterritorial area represented.

#### **ARTICLE IV: ELECTIONS OF OFFICERS**

- 4-1 The Board shall elect each year, at the first meeting of each calendar, a Chairman and other officers deemed necessary. The term of the Chairman and other officers shall be one year. The Board shall adopt by-laws and rules for transaction of business and shall keep record of its members' attendance, discussions, findings, and recommendations, which record shall be a public record.
- 4-2 The Board shall elect a Chairman and Vice-Chairman who shall serve for one (1) year term but may be elected by the Board membership for successive terms to the same office.
- 4-3 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 Chairman shall have the privilege of discussing all matters before the Planning Board.
- 4-4 In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the members present may elect a temporary Chairman for that meeting and proceed with the order of business.

#### **ARTICLE V: MEETINGS**

- 5-1 Regular meetings of the Planning Board shall be held on the first Tuesday of each month at 5:30 P.M. Each member shall be notified by electronic mail of each regular

- 5-2 Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours notice of time of such meeting shall be given to each member by the Planning Director.
- 5-3 A majority of seated members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.
- 5-4 Unless otherwise stated herein, the Board shall operate according to Robert's Rules of Order. An acceptable version is Suggested Rules of Procedures for Small Local Government Boards by A. Fleming Bell, II. 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 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 at City Hall at least five (5) days prior to the meeting. The notice shall remain posted until the meeting has been concluded. Notice of any special meeting shall be posted at least forty-eight (48) hours prior to that meeting in the same manner.
- 5-6 Members of the Planning Board shall not commit themselves on any questions 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 case with any parties thereto prior to the meeting at which that case is to be reviewed. Planning Board members may receive and/or seek information pertaining to the case from any other Planning Board member or City Staff/Consultants prior to said Planning Board meeting.
- 5-7 The Planning Director, or such other person as the Council may designate, shall keep record of the proceedings and attendance of members. The Board shall hold at least one (1) meeting monthly and all meetings shall comply with Chapter 143, Section 318 of the General Statutes of North Carolina having to do with open meetings. All meetings are deemed to be open meetings, and only those items of business meeting the statutory exemptions shall be discussed in executive session.

#### **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 the meetings. Attendance responsibilities include both attending a majority of the meetings and attending consecutive meetings.
- 6-2 Any member failing to attend at least sixty (60%) of all meetings of the Board in any calendar year or in a rolling twelve (12) month period, or who misses three consecutive regular meetings without valid reason, shall be subject to dismissal by the City Council (for City residents) and by the County Board of Commissioners (for ETJ residents).
- 6-3 All members shall attend all meetings; however any member may be excused from

attendance of a meeting during the twelve month period for which attendance is counted due to illness, death of family members or other similar situations. The request must be made to the Chairman of the Planning and Zoning Board who will have sole discretion in the decision to excuse the member. Regardless, excused and unexcused absences are still counted as absences.

- 6-4 After a member has been recognized as part of the meeting quorum that member may be excused by the Planning and Zoning Board Members from participating in voting on specific items due to conflict of interest or prejudice. Members having left a meeting without being excused by the Planning and Zoning Board shall still be counted for the purpose of voting and the meeting record shall reflect such.

#### **ARTICLE VII: ORDER OF BUSINESS**

- 7-1 The order of business shall be as follows:

- (a) Roll Call and Determination of Quorum
- (b) Approval of Previous Minutes
- (c) Approval of Agenda
- (d) Old Business
- (e) New Business
- (f) Adjournment

- 7-2 Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall have been presented to the Director of Planning and Community Development at least fourteen (14) days prior to the regular meeting.

#### **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) A Board member who determines a conflict of interest exists shall declare the existence of a conflict and shall abstain himself, as a Planning Board member, from any deliberation or voting on the matter. Said member; however, may seat himself in the audience and shall be granted full privileges conferred upon other citizens in voicing his opinions or concerns regarding this matter.
- (b) A Board member who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Board. A majority vote of the remaining Board members shall determine whether or not a conflict of interest exists.

- 8-2 A challenge of the existence of a conflict of interest or a challenge of any undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge

may be an appeal for a review of the finding 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.

#### **ARTICLE IX: RECORDS**

9-1 The Planning Board shall keep a record of its recommendations, transactions, findings and determinations. Said records shall be public and filed with the Secretary.

#### **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 before a vote can be taken.

10-2 Voting shall be done by a show of hands. The chairman shall vote only in case of a tie and instances where there are only five (5) other unexcused voting members present. Only members present at the time a vote is taken shall be eligible to vote.

10-3 All members of the Planning Board must vote on all matters except as specified in Article VIII.

#### **ARTICLE XI: ADOPTION AND AMENDMENT**

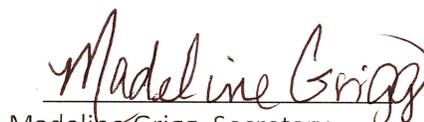
11-1 These Rules of Procedure may be adopted by majority vote of the Planning Board membership.

11-2 The Rules and Procedures, within the limits set by law, may be amended by an affirmative vote of a majority of the membership present at a regular meeting.

11-3 Annually, at the regular meeting of the Planning Board held in the month of August, these Rules of Procedure shall be reviewed and proposals for updates and amendments be presented.

**Adopted this 13<sup>th</sup> day of August, 2024**

  
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Ron Humphries, Chairman

  
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Madeline Grigg, Secretary