

**TOWN OF ELKIN**  
**PLANNING BOARD/BOARD OF ADJUSTMENT BYLAWS**

**ARTICLE I. ESTABLISHMENT**

- A. The Town of Elkin Planning Board / Board of Adjustment, herein called the “Board” was created by the Zoning Ordinance dated January 8, 1979 and shall be governed by said Ordinance and Chapter 160A, Article 19, of the General Statutes of North Carolina.
- B. The principal office of the Board shall be the Town of Elkin Town Hall building, 226 N. Bridge Street, and its mailing address shall be Town of Elkin Planning Board, c/o Planning Director’s Office, PO Box 857, Elkin, NC 28621.

**ARTICLE II. PURPOSE AND DUTIES**

A. Purpose

The purpose of the Board is to help guide and direct growth and development of the Town of Elkin and its Extra-territorial Jurisdiction, by referring to the Town’s Land Use Plan and Ordinances. In using these documents as the guidelines we strive to deliver the best informed recommendations to the Town Board, for land use and related Public Hearings.

B. Duties

- 1. The Board shall study and review all request for changes in land use, zoning, and development which are involved in their areas of jurisdiction.
- 2. To become familiar with the Land Use Plan, Zoning Ordinance and Subdivision Ordinance along with any adopted policies that may help in prudent decision making for recommendations to the Town Board.

**ARTICLE III. MEMBERSHIP**

A. Appointment regular members

The Board shall consist of not less than, five (5) members nor more than ten (10) members appointed to “staggered” three (3) year terms by the Town Board. The Surry County Board of Commissioners shall appoint two (2) members to the Board who reside in the extra-territorial limits of Elkin for three (3) year terms. The County appointments will be made at the request of the Town Board. Members may be reappointed to successive terms. At no given time will the Board exceed ten (10) total members. The initial appointments will be made on a staggered basis. Appointment to unfulfilled terms shall be for the length of the original appointment.

Three members shall be alternates with two (2) members being appointed from the Town's corporate limits and one (1) alternate member shall be appointed from the extra-territorial jurisdiction for three (3) year terms. Alternate members may attend all meetings and participate in all discussions of the Board. When acting as the Board of Adjustment, the alternates will participate only when a regular member (from their jurisdiction) is unable to attend. When a regular member is absent the alternate member shall have all the rights and responsibilities of the regular member, including the right to vote. These alternate members are subject to the same appointment approvals from both County and Town Boards as are the regular members.

#### Appointment Review

All applicants desiring an appointment to the Board must fill out an application which is available at Town Hall, on the Town's website, or by contacting the staff liaison for the Board. The application will be turned in to the staff liaison for the Board who will in turn present it at the next scheduled Board meeting in which a vacancy exists. If more applications are presented than existing vacancies, the Board will conduct a vote. The applicant(s) receiving the highest number of votes will be forwarded to the Town Board for final approval. No applicant applying for a vacancy on the Board will serve in an official capacity until his/her approval has been finalized by the Town Board. The same will be required by the Surry County Board for the ETJ members and alternate.

#### C. Reappointment

Members may succeed themselves with no limit on the number of terms one may serve on the Board, provided their past performance is satisfactory as defined by the Town Board. Recommendation for reappointment will be forwarded to the Town Board by the Board, and on to the County for final ETJ approvals.

#### D. Terms of Office

Board members shall serve terms of three (3) years, with the exception of the original appointees. Board members desiring to resign should submit their resignation in writing to the Town Board of Commissioners. Board membership is not transferable or assignable.

Members will continue to serve until their successors have been appointed by the Town Board. All Board members serve at the pleasure of the Town Board and can be removed at any time with a majority vote by the Town Board.

#### E. Qualifications for Membership

Seven (7) of the members must reside in the Elkin Town limits and three (3) must reside in the ETJ.

If a vacancy occurs prior to the end of a full term, the Town Board will fill the vacancy, with the recommendation of the Board, for the remainder of the term. If a vacancy occurs due to a member not seeking reappointment, the Board will consider application(s) for the vacancy and forward their recommendation for appointment to the Town Board who will make the final approval. Vacancies will be posted on the Town of Elkin website and staff will work with the local media to announce vacancies, as well.

#### **ARTICLE IV. OFFICERS AND DUTIES**

The Board will elect its own officers from among its membership. No Town Board approval is needed for this action. The election of officers will occur at the first official meeting after December 1 of each year with new or incumbent officers being seated January of the following year. The term of office will be for one year, and all officers may succeed themselves.

##### A. Chair

A Chair will be elected from the membership. The role of the Chair includes but is not limited to the following: calling and presiding over all meetings (Public Hearings of the Planning Board and Board of Adjustment), developing the agenda with the staff liaison, signing all minutes, appoint any sub-committees, call special/emergency meetings, shall decide on all points of order and procedure, and shall vote on all matters brought before the Board.

##### B. Vice-Chair

A Vice-Chair will be elected from the membership. The role of the Vice-Chair will be to fulfill all of the duties of the Chair in his/her absence.

##### C. Secretary

The Secretary shall be a staff member of the Town of Elkin. The role of the Secretary includes but is not limited to the following: recording minutes for all meetings of the Boards, preparing minutes for the agenda packet, getting Chair's signature on all approved minutes, coordinating with the staff liaison for the safe keeping of all minutes and other documents of the meetings, and perform any other secretarial duties as needed. The Secretary shall not be a member of the Board and shall not vote.

##### D. Staff Liaison

The Planning Director will serve as the staff liaison to the Board in an ex-officio, non-voting role. The role of the staff liaison includes but is not limited to the following: advise the Chair and members on matters pertinent to the discussions of the agenda items, ensure the approved minutes are sent to the Town Manager for dissemination to the Town Board each month, work with the Chair on agenda preparation, and perform other duties as needed for the Boards. The liaison is also charged with the responsibility for all Planning Board/Board of Adjustment related correspondence and for the maintenance of records and files.

## ARTICLE V. MEETINGS

### A. Regular Meetings

Regular meetings will normally be held on the last Monday of each month; provided, however, the Chair or Vice-chair in the absence of the Chair may cancel a regular meeting for holidays, when there is no business for the Board, inclement weather which makes travel to the meeting hazardous, or for any other legitimate reason in the sole discretion of the Chair. Notice of a canceled meeting shall be given in the same manner as required to call a Special Meeting under Section B of this Article. Provided, however, in the event of inclement weather or other emergency which occurs which does not allow time for the notice required under Section B, then telephone and/or e-mail notice to the members, and those specified under statute 143-318.12 of the North Carolina General Statutes shall be given as soon as possible and a written Notice of the cancellation posted at the Town Hall. Unless special notice is given by the Chair all meetings will begin at 7:00 p.m. and will be conducted at the Elkin Town Hall. The Board of Adjustment meets, in the same location, as needed.

### B. Special Meetings

A meeting may be called at any time by the Chair or Vice-Chair acting in the absence of the Chair, provided that a minimum of twenty four (24) hours notice is given to members and the general public in accordance with statute 143-318.12 of the North Carolina General Statutes. Proper notice will be given for said meetings and in addition, notice will be provided to and published in Town Hall by way of the Board's staff liaison.

### C. Open Meetings

All regular, special, emergency, and recessed meetings are open to the public in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Closed session meetings may be called in accordance with North Carolina General Statute 143-318.11 and only for the listed reason(s) contained therein. Public input is encouraged at all official meetings of the Board.

### D. Quorum

A quorum shall be defined as a majority of the membership of the Board minus vacancies. A quorum is necessary for an official meeting to be held as defined by the North Carolina General Statute 143-318.10(d).

### E. Minutes

The Secretary for the Board will take minutes as defined by North Carolina General Statute 143-318.10(e). Minutes will be adopted by the Board and will be signed by the Chair upon adoption. Official (signed) minutes will be housed and maintained at the Elkin Town Hall by the Board's staff liaison. All official (signed) minutes will be available for inspection by the public. In addition, the Board's staff liaison will provide a copy of the official (signed) minutes to the Town Manager who will provide said minutes to the Town Board on a monthly basis.

**F. Voting and Conflict of Interest**

All Board members will vote on every item which has been brought to a vote unless they have been excused from voting due to a direct personal or financial interest. If a member feels they have a conflict of interest on a matter, the Board by a majority vote may excuse the member from voting and having any discussion on said issue. The minutes will reflect said member was excused by the Board. If a member is absent from the meeting, he/she must be officially excused by the Board. Otherwise, the absent member's vote will be recorded as an affirmative vote for whatever motions are made during the meeting. There shall be no voting by proxy.

**G. Attendance**

Board members, albeit volunteers must demonstrate a commitment to the Board on which they serve. Members who miss three (3) consecutive meetings or fifty (50) percent or more of all official meetings within a twelve (12) month period conducted by the Board will be subject to removal from the Board by the Town Board. The recommendation for removal for said member may come from the Board to the Town Board or the Town Board may take action to remove said member without the recommendation of the Board.

**ARTICLE VI. SUB-COMMITTEES**

The Chair of the Board shall have the right to establish sub-committees, as needed, to further the work and goals of the Board. Sub-committees will follow the provisions set forth in Article 33C of Chapter 143 of the North Carolina General Statutes.

**ARTICLE VII. COMPENSATION**

Board members will not be compensated for their time while serving on the Board. Reimbursement for expenses directly attributed to activities of the Board such as travel, attendance at out-of-town meetings, and reimbursements for purchases made as part of an ongoing project or event are allowed following the established reimbursement procedures for the Town of Elkin. Expenses must have prior approval by the Board's staff liaison and Town Manager.

**ARTICLE VIII. AMENDMENTS TO BYLAWS**

No amendments to the Board's bylaws will be official unless approved by the Town Board. Amendments can be recommended by the Board to the Town Board for approval or can be dictated by the Town Board, as needed.

**ARTICLE IX. SIGNATURES**

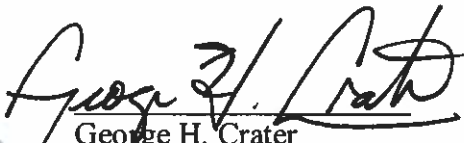
Bylaws will contain the signature and date of the Planning Board Chair along with the signature and date of the Elkin Mayor. Bylaws not containing both signatures and dates will not be official.

**ARTICLE X. COMPLAINTS**

Board members hold a position of trust and responsibility within the community. Complaints made regarding the actions or behavior of a Board member must be made in writing with as much detail as possible regarding the circumstances of the complaint. Complaints will be reviewed by the Town Manager and reported to the Town Board for further review and action, as needed.

Adopted this the 20<sup>th</sup> day of FEBRUARY, 2011.

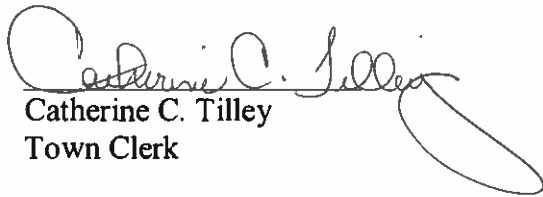
ATTEST:

  
George H. Crater  
Staff Liaison

  
James R. Smith, Jr.  
Chairman

Approved this the 14<sup>th</sup> day of MARCH, 2011.

ATTEST:

  
Catherine C. Tilley  
Town Clerk

  
Lestine H. Hutchens  
Mayor