



**Town of
GRANITE QUARRY**
TOWN OF GRANITE QUARRY
PLANNING BOARD
BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
February 3, 2025
6:00 p.m.

Planning Board

Call to Order

Determination of Quorum

Pledge of Allegiance

1. Approval of Agenda

2. Approval of Minutes

January 6, 2025

New Business

3. Draft Ordinance

ZMA 2025-02-10-1 3006 Old Concord Road

4. Draft Ordinance

ZMA 2025-02-10-2 260 Tingle Drive

Recess for Technical Review Committee PB Input

Technical Review Committee

1) Farmside Way

2) Troutman TND

Reconvene Planning Board Meeting

Old Business

5. Annual Review

Rules of Procedure

Recess to Hold Board of Adjustment Meeting

Board of Adjustment

Call to Order 6:15 p.m.

Determination of Quorum

1. Approval of Agenda

2. Approval of Minutes

January 6, 2025

New Business

None

Old Business

None

Adjourn

Planning Board

Reconvene Planning Board Meeting

Old Business *continued*

Adjourn



**TOWN OF GRANITE QUARRY
PLANNING BOARD MEETING
REGULAR MEETING MINUTES
Monday, January 6, 2025**

Present: Vice-Chair Jared Mathis, Greg Summitt, Jerry Holshouser, Fred Krusemark, *Chairman Hudson joined the meeting at 6:01 p.m.*

Not Present: Ronald Jacobs, Dolores Shannon (A)

Staff: Planning, Zoning, and Subdivision Administrator Richard Flowe; Town Clerk Aubrey Smith

Call to Order: Vice-Chairman Mathis called the Planning Board meeting to order at 6:00 p.m.

Determination of Quorum: Vice-Chairman Mathis verified there was a quorum present.

Pledge of Allegiance: The Pledge of Allegiance was led by Vice-Chairman Mathis.

1. Approval of Agenda

Mr. Flowe requested that the Board consider amending the agenda by adding a recess for a Technical Review Committee Meeting.

ACTION: Mr. Summitt made a motion to approve the agenda with the amendment. Chairman Hudson seconded the motion. The motion passed with all in favor.

2. Approval of Minutes

December 2, 2024

ACTION: Chairman Hudson made a motion to approve (*the December 2, 2024 meeting minutes*). Mr. Summitt seconded the motion. The motion passed with all in favor.

3. Elections

Annual Election of Officers

A. Election of Chair

Mr. Mathis nominated Joe Hudson for Chair. There were no other nominations.

ACTION: Mr. Mathis made a motion to elect Joe Hudson as Planning Board Chair. Mr. Krusemark seconded the motion. The motion passed with all in favor.

B. Election of Vice-Chair

Chairman Hudson nominated Jared Mathis for Vice-Chair. There were no other nominations.

ACTION: Chairman Hudson made a motion to elect Jared Mathis as Planning Board Vice-Chair. Mr. Holshouser seconded the motion. The motion passed with all in favor.

Recess

ACTION: Chairman Hudson made a motion to recess the meeting (to attend a Technical Review Committee meeting). Mr. Summitt seconded the motion. The motion passed with all in favor.

The meeting was recessed at 6:06 p.m.

Vice-Chairman Mathis called the Planning Board meeting back to order at 6:21 p.m.

Old Business

4. Draft Ordinance Review ZMA 2025-02-10-3 Troutman TNDO Amendment

Mr. Flowe introduced the Zoning Map Amendment request for 507 Troutman Street. Mr. Kostadinov of S&M Financial Group, LLC presented the request to update the designated Traditional Neighborhood Development Overlay District with Conditional Zoning. The Board reviewed the amended plan and asked questions regarding specifics of the project. The request was that the Planning Board recommend approval of the TNDO with the following conditions:

1. Only the uses listed in Table 8.1 of the Granite Quarry Development Ordinance (GQDO) for the Single-Family Residential (SFR) Districts are eligible in the “Traditional Neighborhood Development Overlay District Conditional Zoning” (TNDO-CZ) created herein.
2. The general schematic development plan appearing below establishes general layout of lots and parcels, maximum density, location of open space, placement of privately maintained public access and utility easements, placement of future public streets, and connectivity patterns with existing streets in the vicinity.
3. Development criteria is established as shown on the Site Plan as revised/received 12-18-2024, and dated 12-12-2024, attached hereto and made a part of this Ordinance and as shown on the excerpt appearing below.



ACTION: Mr. Summitt made a motion to recommend approval (of ZMA 2025-02-10-3 to the Mayor and Town Council). Chairman Hudson seconded the motion. The motion passed 5-0.

New Business

5. Presentation and Discussion NC Session Law 2024-57

Mr. Flowe spoke on the newly passed Session Law 2024-57 which was the disaster recovery bill for Western North Carolina. Items that will affect municipal planning were added to the bill. The bill states that, “No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment.” The process of adopting Development Ordinances has been heavily impacted. Granite Quarry is in a good position having already adopted the GQDO. Texts amendments that reduce permitted uses or are considered down-zoning will look different moving forward.

6. Annual Review

Rules of Procedure

The Board was presented the current Rules of Procedure that were adopted in 2023. It was decided that any recommendations for change can be discussed at the February meeting.

Adjournment

ACTION: Mr. Krusemark made a motion to adjourn. Mr. Summitt seconded the motion. The motion passed with all in favor. Vice-Chairman Mathis closed the meeting at 6:55 p.m.

Respectfully Submitted,

Aubrey Smith

Town Clerk

DRAFT

MEMORANDUM TOWN OF GRANITE QUARRY, N.C.

To: Mayor and Town Council

Date: January 13, 2025

From: F. Richard "Rick" Flowe, AICP, Planning, Zoning & Subdivision Administrator

Re: Voluntary Annexation Petition for non-contiguous property of EAGLE MOUNTAIN HOLDINGS LLC and AMBRO AND SONS LLP, 3006 COUNTY RD 42 W. BURNSVILLE, MN 55337

BACKGROUND

On December 16, 2024, the owner of property located at 3006 Old Concord Road (Rowan County Parcel ID 402 062) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Granite Quarry. The properties when taken together consist of approximately 1.16 acres. Location map from Rowan County GIS:



FINDINGS AND CONCLUSIONS

The North Carolina General Statutes require that property deemed non-contiguous to the “primary corporate limits” of a municipality must meet certain requirements for annexation. The following provisions demonstrate the eligibility of the subject property(s) for annexation by the Town as follows:

- 1. The property lies within an area contained within the defined boundaries of an annexation boundary agreement authorized by NCGS 160A, Article 4A, Part 6.
- 2. The property meets the requirements of NCGS 160A-58.1(b2).
- 3. The property owner has submitted a petition to the Town of Granite Quarry for annexation.

The property does not currently have a Town of Granite Quarry zoning designation due to its location beyond the Extraterritorial Jurisdiction of the Town; therefore, a concurrent hearing may be held at the time of annexation to designate an initial zoning designation upon the Official Zoning Map of the Town.

FISCAL IMPACT

The property will be subject to applicable taxes and fees in accordance with rates in effect throughout the Town. The Town will deliver standard municipal services for this property upon development. The Town will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING

There are several steps required to annex and apply Town zoning to this property. The following outline illustrates how this process may be completed in two regular meetings of the Mayor and Town Council.

THE ACTIONS THAT MAY BE TAKEN AT THE January 13, 2025 MEETING INCLUDE:

- a. Direct (by Resolution #RES-2025-01-13-1) for the Town Clerk to investigate the sufficiency of the petition.
- b. Clerk presents “Certification of Sufficiency” to the Board
- c. Upon receipt of petition certification by Town Clerk, call (by Resolution #RES-2025-01-13-2) for public hearing at next regular meeting.

ADDITIONAL STEPS BEFORE AND BETWEEN TOWN BOARD MEETINGS

While the Mayor and Town Council undertake the process of annexation, staff will:

- 1. Place an item on the February 3, 2025 Planning Board agenda a request their recommendation on the designation of the appropriate zoning district requested by the petitioner as “Industrial” (IND) consistent with the existing designation upon the Future Land Use Map of the Town Plan 2040 of “Employment/Manufacturing”;

2. Advertise for a **Public Legislative Hearing scheduled for February 10, 2025 before the Mayor and Town Council** on the subject of annexing and applying an initial Town zoning designation to the property.

NEXT STEPS BY MAYOR AND TOWN COUNCIL - THE ACTIONS THAT MAY BE TAKEN AT THE February 10, 2025 REGULAR MEETING INCLUDE:

1. Concurrently conducting the required Legislative Public Hearings for the purpose of receiving input from citizens and/or persons owning an interest in the subject property.
2. Consideration (adoption or rejection) of an Ordinance #ANNEX-2025-02-10-1 Extending the Corporate Limits (annexation) to include the subject property.
3. Consideration (adoption or rejection) of an Ordinance #ZMA-2025-02-10-1 Amending the Official Zoning Map of the Granite Quarry Development Ordinance (initial zoning) to reflect designation upon the subject property.

FINAL STEPS FOLLOWING ANNEXATION AND ZONING

Following the annexation of the property, staff will be preparing additional materials to

1. Update Official Zoning Map in Clerk's record, Administrator's record and online.
2. Update shape-files with Rowan County GIS to reflect new zoning and jurisdictional designations online.
3. Record the annexation with both the NC Secretary of State and Rowan County Register of Deeds;
4. Notify all public utilities (telecom, etc.) of the change in the corporate limits of the Town for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;
5. Accept application from owner for the approval (by staff) of site development plan(s) and/or preliminary plat(s) for any future development project upon the subject property;
6. Process zoning permit application(s) and issue permit(s) upon compliance with the Granite Quarry Development Ordinance (GQDO).

**AN ORDINANCE AMENDING THE
GRANITE QUARRY DEVELOPMENT ORDINANCE
OF THE TOWN OF GRANITE QUARRY, NORTH CAROLINA**

Ordinance #ZMA-2025-02-10-1

BE IT ORDAINED by the Mayor and Town Council of the Town of Granite Quarry, North Carolina that the Official Zoning Map (OZM) of the Granite Quarry Development Ordinance (GQDO) be amended in accordance with both GQDO Article 5 and Article 6 of G.S. Chapter 160D. The owner, Eagle Mountain Holdings LLC and Ambro and Sons LLP, 2500 County Rd 42 W. Burnsville, MN 55337, of property located at 3006 Old Concord Road (Rowan County Parcel ID 402 062) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Granite Quarry. The property consists of approximately 1.162 acres.

Part 1. Consistency with Adopted Comprehensive Plan.

The Town Council finds that a zoning map amendment applicable to the subject properties, from Rowan County RA (Residential Agricultural) Zoning District establishing a new zoning designation in accordance with procedures established by G.S. 160D-604(b) of “Industrial (IND)” is consistent with the Town’s 2040 Comprehensive Land Use & Master Plan (the Plan) and the “Employment/Manufacturing” designation upon the subject property as appearing on the Plan’s “Future Land Use Map” therein as amended, as required by G.S. 160D-605(a).

Part 2. Statement of Reasonableness.

This amendment is reasonable because the subject property allows for the growth and expansion of employment opportunities supporting the local economic base of the Town while improving the quality of life for Granite Quarry residents by enabling both job opportunities and diversification of the tax base by adding non-residential properties developed in accordance with the GQDO, as required by G.S. 160D-605(b).

Part 3. Establishment of New Zoning Designation.

That Rowan County Parcel 402 062 as shown in Attachments “A” and “B”, attached hereto shall be designated “Industrial (IND)” on the Official Zoning Map. Said parcel consisting of approximately 1.16 acres in total.

Part 4. Effective Date.

This Ordinance shall be effective at 12:01 AM on the 11th day of February 2025.

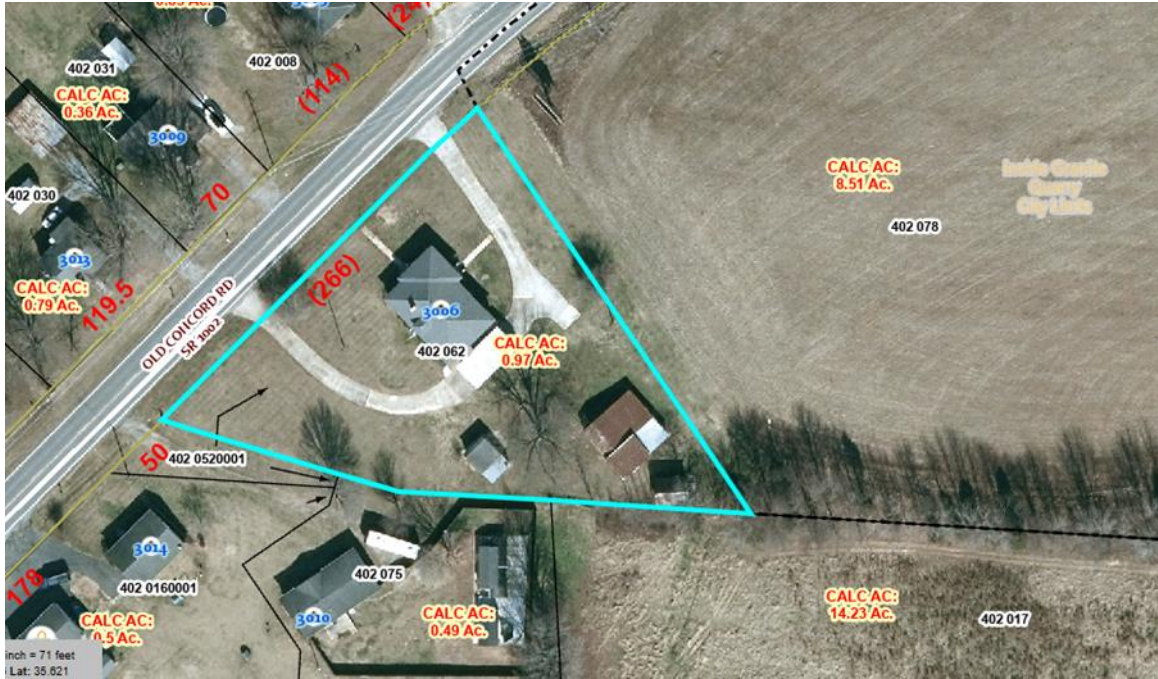
Adopted this 10th day of February 2025.

s/ _____
Brittany H. Barnhardt, Mayor

s/ _____
Aubrey Smith, Town Clerk

Attachment "A"

Image from Rowan County GIS showing parcel 402 062:



DRAFT of PB Review

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Attachment "B"

Description(s):

Parcel 402 062

BEGINNING at an existing iron rod have coordinates of North: 684,254.18' and East: 1,558,239.63' being on the western line of Rachel Shinn Stone as described in Deed Book 1043, Page 292 recorded in the Rowan County Register of Deeds; thence from said point of beginning and running with the western line of Rachel Shinn Stone South 33°58'34" East a distance of 287.12' to an existing iron rod being on the northern line of Brian Corbin as described in Deed Book 1217, Page 671; thence with the northern line of Brian Corbin North 86°30'58" West a distance of 122.12' to an existing stone being the northeastern corner of Michael Hartness as described in Deed Book 845, Page 261; thence with the line of Michael Hartness the following two (2) courses and distances: 1) North 86°57'42" West a distance of 91.14' to an existing iron rod; 2) North 72°50'02" West a total distance of 181.16' (passing an iron online at 37.79' and a concrete monument at 139.12') to an existing iron rod; being in the centerline of Old Concord Road; thence with the centerline of Old Concord Road the following two (2) courses and distances: 1) North 44°54'19" East a distance of 198.68' to a point; 2) North 46°52'36" East a distance of 89.55' to a point; thence turning South 33°58'34" East a distance of 35.64' to the **POINT OF BEGINNING**, having an area of 50,624 square feet, or 1.1622 acres of land as shown on a survey prepared by Cornerstone Professional Land Surveying, PLLC dated October 28, 2024 (Job Number 2024-337).

DRAFT of PB Review

MEMORANDUM TOWN OF GRANITE QUARRY, N.C.

To: Mayor and Town Council

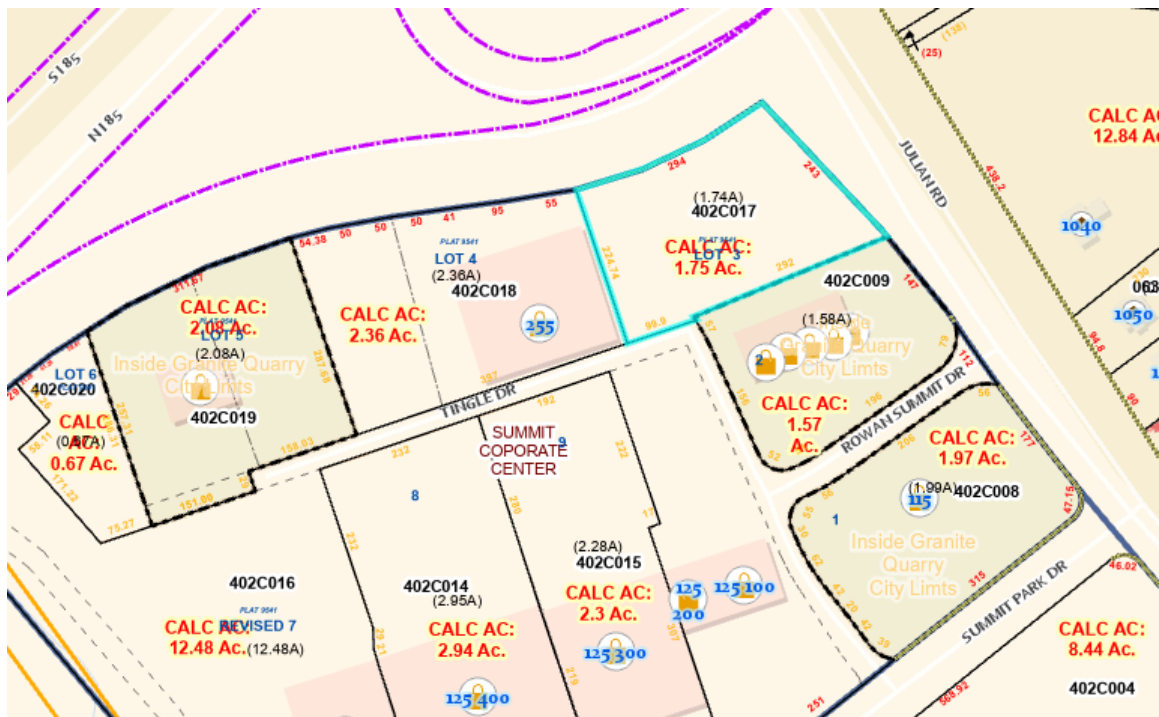
Date: January 13, 2025

From: F. Richard “Rick” Flowe, AICP, Planning, Zoning & Subdivision Administrator

Re: Voluntary Annexation Petition for non-contiguous property of Rowan Summit, LLC, the owner of properties located at 260 Tingle Drive, Salisbury NC 28146

BACKGROUND

On December 17, 2024, the owner of property located at 260 Tingle Drive (Rowan County Parcel ID 402C017) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Granite Quarry. The property consists of approximately 1.743 acres. Location map from Rowan County GIS:



FINDINGS AND CONCLUSIONS

The North Carolina General Statutes require that property deemed non-contiguous to the “primary corporate limits” of a municipality must meet certain requirements for annexation. The following provisions demonstrate the eligibility of the subject property(s) for annexation by the Town as follows:

- 1. The property lies within an area contained within the defined boundaries of an annexation boundary agreement authorized by NCGS 160A, Article 4A, Part 6.
- 2. The property meets the requirements of NCGS 160A-58.1(b2).
- 3. The property owner has submitted a petition to the Town of Granite Quarry for annexation.

The property does not currently have a Town of Granite Quarry zoning designation due to its location beyond the Extraterritorial Jurisdiction of the Town; therefore, a concurrent hearing may be held at the time of annexation to designate an initial zoning designation upon the Official Zoning Map of the Town.

FISCAL IMPACT

The property will be subject to applicable taxes and fees in accordance with rates in effect throughout the Town. The Town will deliver standard municipal services for this property upon development. The Town will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING

There are several steps required to annex and apply Town zoning to this property. The following outline illustrates how this process may be completed in two regular meetings of the Mayor and Town Council.

THE ACTIONS THAT MAY BE TAKEN AT THE January 13, 2025 MEETING INCLUDE:

- a. **Direct (by Resolution #RES-2025-01-13-3) for the Town Clerk to investigate the sufficiency of the petition.**
- b. **Clerk presents “Certification of Sufficiency” to the Board**
- c. **Upon receipt of petition certification by Town Clerk, call (by Resolution #RES-2025-01-13-4) for public hearing at next regular meeting.**

ADDITIONAL STEPS BEFORE AND BETWEEN TOWN BOARD MEETINGS

While the Mayor and Town Council undertake the process of annexation, staff will:

- 1. Place an item on the **February 3, 2025 Planning Board agenda** a request for their recommendation on the designation of the appropriate zoning district requested by the petitioner as “Interstate Highway 85 Commercial District” (C-85) consistent with the existing designation upon the Future Land Use Map of the Town Plan 2040 of “Commercial”; and

2. Advertise for a **Public Legislative Hearing scheduled for February 10, 2025 before the Mayor and Town Council** on the subject of annexing and applying an initial Town zoning designation to the property.

NEXT STEPS BY MAYOR AND TOWN COUNCIL - THE ACTIONS THAT MAY BE TAKEN AT THE February 10, 2025 REGULAR MEETING INCLUDE:

1. Concurrently conducting the required Legislative Public Hearings for the purpose of receiving input from citizens and/or persons owning an interest in the subject property.
2. Consideration (adoption or rejection) of an Ordinance #ANNEX-2025-02-10-2 Extending the Corporate Limits (annexation) to include the subject property.
3. Consideration (adoption or rejection) of an Ordinance #ZMA-2025-02-10-2 Amending the Official Zoning Map of the Granite Quarry Development Ordinance (initial zoning) to reflect designation upon the subject property.

FINAL STEPS FOLLOWING ANNEXATION AND ZONING

Following the annexation of the property, staff will be preparing additional materials to

1. Update Official Zoning Map in Clerk's record, Administrator's record and online.
2. Update shape-files with Rowan County GIS to reflect new zoning and jurisdictional designations online.
3. Record the annexation with both the NC Secretary of State and Rowan County Register of Deeds;
4. Notify all public utilities (telecom, etc.) of the change in the corporate limits of the Town for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;
5. Accept application from owner for the approval (by staff) of site development plan(s) and/or preliminary plat(s) for any future development project upon the subject property;
6. Process zoning permit application(s) and issue permit(s) upon compliance with the Granite Quarry Development Ordinance (GQDO).

**AN ORDINANCE AMENDING THE
GRANITE QUARRY DEVELOPMENT ORDINANCE
OF THE TOWN OF GRANITE QUARRY, NORTH CAROLINA**

Ordinance #ZMA-2025-02-10-2

BE IT ORDAINED by the Mayor and Town Council of the Town of Granite Quarry, North Carolina that the Official Zoning Map (OZM) of the Granite Quarry Development Ordinance (GQDO) be amended in accordance with both GQDO Article 5 and Article 6 of G.S. Chapter 160D. Rowan Summit, LLC, the owner of property located at 260 Tingle Drive (Rowan County Parcel ID 402C017) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Granite Quarry. The property consists of approximately 1.743 acres.

Part 1. Consistency with Adopted Comprehensive Plan.

The Town Council finds that a zoning map amendment applicable to the subject property, from Rowan County CBI (commercial/business/industry) Zoning District establishing a new zoning designation in accordance with procedures established by G.S. 160D-604(b) of “Interstate Highway 85 Commercial (C-85) District” is consistent with the Town’s 2040 Comprehensive Land Use & Master Plan (the Plan) and the “Commercial” designation upon the subject property as appearing on the Plan’s “Future Land Use Map” therein as amended, as required by G.S. 160D-605(a).

Part 2. Statement of Reasonableness.

This amendment is reasonable because the subject property allows for the growth and expansion of commercial opportunities supporting the local economic base of the Town while improving the quality of life for Granite Quarry residents by enabling both job opportunities and diversification of the tax base by adding non-residential properties, as required by G.S. 160D-605(b).

Part 3. Establishment of New Zoning Designation.

That Rowan County Parcel ID 402C017 as shown in Attachments “A” and “B”, attached hereto shall be designated “Interstate Highway 85 Commercial (C-85) District” on the Official Zoning Map.

Part 4. Effective Date.

This Ordinance shall be effective at 12:01 AM on the 11th day of February 2025.

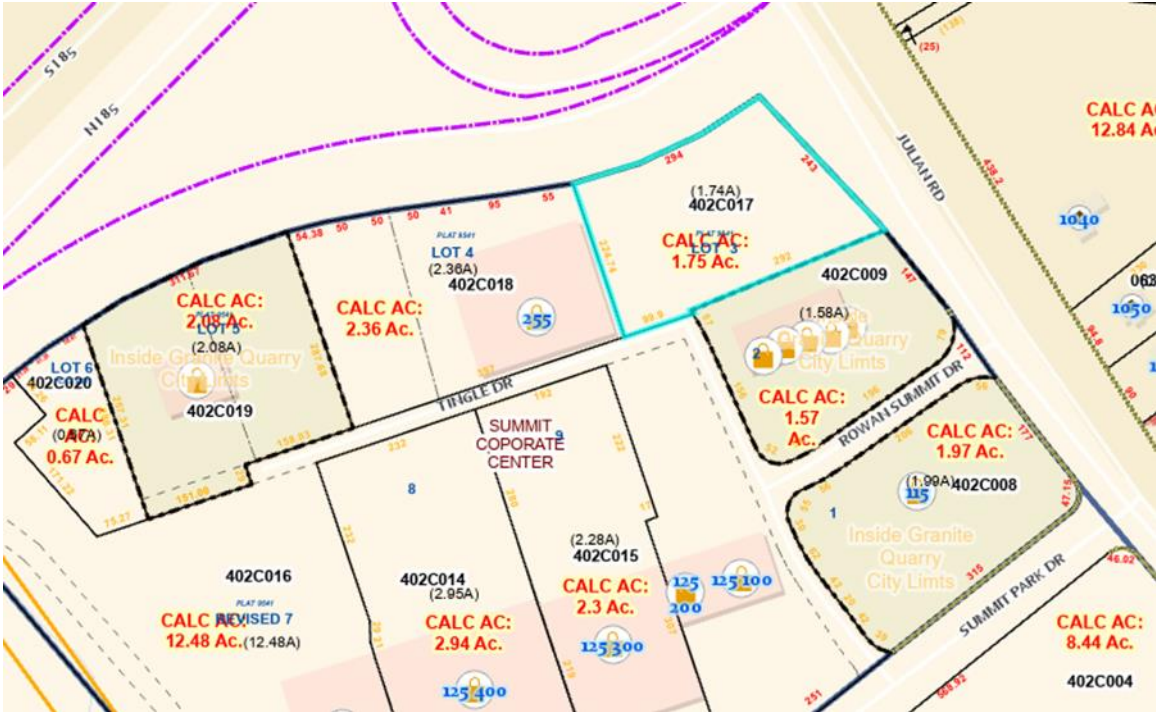
Adopted this 10th day of February 2025.

s/ _____
Brittany H. Barnhardt, Mayor

s/ _____
Aubrey Smith, Town Clerk

Attachment “A”

Image from Rowan County GIS: 260 Tingle Drive (Rowan County Parcel ID 402C017)



Attachment “B”

Description(s):

Parcel 402C017

Beginning at a r/w disc found at the intersection of the southern right-of-way of Interstate 85 and the western right-of-way Julian Rd.; thence with said right-of-way of Julian Rd. S 43°16'06" E a distance of 244.01' to a point; thence S 38°49'05" E a distance of 10.65' to a point; thence leaving said right-of-way S 67°24'45" W a distance of 290.93' to a point; thence with a curve turning to the right with an arc length of 5.21', with a radius of 287.24', with a chord bearing of S 33°27'29" E, with a chord length of 5.21' to a point; thence S 71°22'32" W a distance of 99.90' to a point; thence N 18°35'51" W a distance of 224.74' to a point along the southern right-of-way of Interstate 85; thence with said right-of-way along a curve turning to the left with an arc length of 287.27', with a radius of 672.96', with a chord bearing of N 64°53'36" E, with a chord length of 285.09' to a r/w disc found, said disc being The Point of Beginning.

Said parcel being Lot 3 (PB. 9995, PG. 9541) and having an area of 75914.78 square feet, 1.743 acres.

RULES OF PROCEDURE
GRANITE QUARRY PLANNING BOARD

PART I
PLANNING BOARD

- 1-1 The official name of the Planning Board shall be the “Granite Quarry Planning Board”, hereafter referred to as the “Planning Board”.

PART 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 Granite Quarry.
- 2-2 The purposes of the Planning Board are:
- (a) To make studies of the Town and its surrounding area;
 - (b) To determine objectives to be sought in the development of the areas under study;
 - (c) To prepare and recommend plans for adoption by the Board of Aldermen 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 Board of Aldermen and the general public informed and advised as to these matters; and
 - (f) To perform any other related duties that the Board of Aldermen may direct.

PART III
MEMBERSHIP

- 3-1 Members of the Planning Board shall be appointed by the Board of Aldermen for designated terms in accordance with Article 4 of the Granite Quarry Development Ordinance (GQDO).
- 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 Board of Aldermen appointment for the duration of the unexpired term.
- 3-3 Each Board member shall be sworn by the Mayor or their designee before assuming any position on the Board in accordance with Section 4.2-3 of the GQDO.

PART 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 their duties as herein provided.
- 4-2 The Chairman or Vice-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 or Vice-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 Board of Aldermen 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.

PART V
MEETINGS

- 5-1 Regular meetings of the Planning Board shall be held on the first Monday of each month at 6:00 p.m. in the Granite Quarry 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 Board of Aldermen/Planning Board meetings. Said meetings shall be considered Board of Aldermen 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.

- 5-6 The Planning Board shall adjourn by 7:45 p.m. during any regular, continuation, or special meeting unless extended by majority vote of the members present for a specified period of time.

PART 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 three (3) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their 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 Board of Aldermen.

PARTVII ORDER OF BUSINESS

- 7-1 The order of business shall be as follows:
- (a) Call to Order
 - (b) Determination of Quorum
 - (c) Pledge of Allegiance
 - (d) Changes to and Approval of Agenda
 - (e) Approval of Previous Meeting Minutes
 - (f) Old Business
 - (g) New Business
 - (h) Adjournment/Continuation
- 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.

PART VIII CONFLICT OF INTEREST & CONDUCT

- 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 accordance with Article 4, Section 4.2-6 of the GQDO. In applying this rule, the following procedure shall govern.

A Planning Board member who believes there may exist a conflict of interest shall declare their 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 their 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. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection as required by G.S. 160D-109(e). The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of any 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.
- 8-5 Upon receipt by the Secretary of a written allegation of unethical conduct by a member, or the initiation by the Board of an inquiry into unethical conduct, the Board shall immediately notify the member of the allegation and inquiry, if any. In addition, the Board may decline to accept, refer, or conduct an inquiry into a complaint if it determines that any of the following apply: a. The complaint is frivolous or brought in bad faith. b. The member and conduct complained of have already been the subject of a prior complaint. c. The conduct complained of is primarily a matter more appropriately and adequately addressed and handled by other federal, State, or local agencies or authorities, including law enforcement authorities. If other agencies or authorities are conducting an investigation of the same actions or conduct involved in a complaint filed under this section, the Board may stay its inquiry.
- 8-6 After inquiry, the Board shall dispose of the matter in one or more of the following ways: (1) If the Board finds substantial evidence of an alleged violation of a criminal statute, the Board shall refer the matter to the Town Manager and Town Attorney for investigation and referral to the district attorney for possible prosecution. (2) If the Board finds that the alleged violation is not established by clear and convincing evidence, the Board shall dismiss the complaint. (3) If the Board finds that the alleged violation of this rule is established by clear and

convincing evidence, the Board shall do one or more of the following: a. Issue a private admonishment to the member, if applicable. Such notification shall be treated as part of the record of the member. b. Refer the matter for appropriate action to the Board of Aldermen and Town Attorney. In making recommendations under this subsection, if the Board determines, after proper review and investigation, that sanctions are appropriate, the Board may recommend any action it deems necessary to properly address and rectify any violation of these rules by a member, including removal of the member from the Board.

PART 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 office of the Town Clerk in Granite Quarry Town Hall.

PART 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. 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 they 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 Section 8-1.
- 10-4 The Board shall refer to *Suggested Rules of Procedure for Small Local Government Boards*; Second edition; A. Fleming Bell, II. The Board shall refer to the current edition of *Suggested Rules of Procedure for a City Council*; Trey Allen, to answer procedural questions not resolved by the *Rules of Procedure for Small Local Government Boards*, so long as *Suggested Rules of Procedure for a City Council* does not conflict with North Carolina law or with the spirit of these rules.

PART 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 5th day of September, 2023.



Richard Luhrs, Chair

Ratified by Board of Aldermen:

ADOPTED on this the 9th day of October, 2023.


Brittany H. Barnhardt, Mayor
Aubrey Smith, Town Clerk