

**BY-LAWS
OF THE TOWN OF LAKE LURE
ZONING and PLANNING BOARD**

**ARTICLE I
Name**

The name of this Board shall be the Town of Lake Lure Zoning and Planning Board ("Board").

**ARTICLE II
Powers and Duties**

The Board shall have those powers and duties set out in Article 19 of Chapter 160A and elsewhere in the North Carolina General Statutes and in the Lake Lure Code of Ordinances, as well as those powers not inconsistent therewith as set forth herein.

**ARTICLE III
Members**

Section 1. *Composition.* The Board shall be composed of five members appointed by the Town Council.

Section 2 . *Term of Office.* Members shall serve three-year terms as provided by the Lake Lure Code of Ordinances.

Section 3. *Vacancies.* Vacancies shall be filled as soon as deemed advisable by the Town Council.

Section 4. *Removal of Members.* Any member of the Board may be removed by the Town Council for inefficiency, neglect of duty, malfeasance, or conflict of interest.

**ARTICLE IV
Officers of the Board**

Section 1. *Designated Officers.* The officers of the Board shall consist of a Chair and a Vice-Chair.

Section 2. *Nomination and Election.* The Board shall hold elections for officers at its January meeting each year. Should the Board fail to meet in January of any year, elections shall be held at the next meeting of the Board. Nominations for officers shall be made from among the regular members of the Board. Officers shall be elected by a majority vote of all members and shall assume their offices at the close of the meeting at which elected.

Section 3. *Term.* Officers shall be elected for a term of one year or until a successor is elected and assumes office. There shall be no limit to the number of terms an officer may serve.

Section 4. *Vacancy in Office.* A vacancy in office shall be filled by the Board not later than seventy days after the occurrence of the vacancy, by vote of regular members attending the meeting at which the vote is taken.

Section 5. *Duties of the Chair.* The Chair shall have the following duties:

- A. Preside at meetings of the Board;
- B. Provide general supervision of the conduct of the affairs of the Board and assigned staff members;
- C. Advise the Community Development Director of member concerns;
- D. Appoint any committees and committee chairs;
- E. Perform such other duties as determined by the Board, the bylaws, policies and procedures adopted by the Board from time to time.

Section 6. *Duties of the Vice-Chair.* The Vice-Chair shall serve as acting chair in the absence of the Chair and, at such times, shall have the same powers and duties as the Chair.

ARTICLE V

Delegation of Duties; Secretary

The Board may delegate duties or functions to staff members as needed to carry out its assigned duties. The Community Development Department shall provide an employee to serve as the Secretary of the Zoning and Planning Board who shall keep the minutes and do other tasks as assigned by the Board. The Secretary shall have the following responsibilities:

- A. Attend all regular and special meetings and hearings, as well as any committee meetings, and keep a record thereof, which shall be transcribed in the minute book of the Board.
- B. Send notices of all meetings of the Board required to be sent by law, under these bylaws, or as directed by the Chair.
- C. Have charge of all books, papers and records of the Board and attend to all correspondence of the Board.

If for any reason the Secretary is unable to attend a meeting of the Board or is temporarily unable to otherwise fulfill the responsibilities of that office, the Board may appoint a substitute on an interim basis.

ARTICLE VI

Meetings

Section 1. *Regular Meetings.* Regular meetings of the Board shall be held at 9:30 a.m. on the third Tuesday of each month in the Council Chambers of Town Hall, except when otherwise decided by the Board, with due notice to the press. If a day scheduled for a regular meeting is a holiday for which the offices of the Town of Lake Lure are closed, the regular meeting shall be held on the following Tuesday.

Section 2. *Special Meetings.* Special meetings of the Board may be called at any time by the Chair provided that at least 48 hours written notice of the time and place of a special

meeting be given, to each regular member of the Board and to the Secretary. In addition, members of the press shall be notified of each meeting in accordance with law. Special meetings may include Board retreats and like meetings held to conduct internal business of the Board.

Section 3. *Cancellations.* If there is no business for the Board, or if it is apparent a quorum will not be available, the Chair or Secretary may dispense with a regular or special meeting by giving written or oral notice to all members not less than 24 hours prior to the time set for the meeting.

Section 4. *Quorum.* A quorum shall consist of three members of the Board. Notwithstanding the foregoing, a quorum shall not be necessary to do any of the following:

- A. Set a date, time or place for any subsequent meeting;
- B. Discuss general internal Board business; provided, however, in no event may the Board without a quorum hear or discuss the merits of any matter brought or to be brought before the Board as part of a public hearing.

Section 5. *Voting.* Except as otherwise provided in these bylaws, a majority of all members eligible to vote shall be necessary to transact any official business. Except as otherwise provided herein, any member in attendance at any meeting shall be eligible to vote on all matters brought before the Board at that meeting.

Section 6. *Records.* The Board shall keep minutes and records of all proceedings, including resolutions, transactions, findings and determinations, shall record the number of votes for and against each question presented, and shall indicate whether any member is absent or abstains from voting. All such records shall be filed in the office of the Board Secretary.

Section 7. *Open Meetings and Public Hearings.* Board meetings and public hearings shall be open to the public as required by N.C.G.S. Chapter 143 Article 33C.

Section 8. *Order of Business.* Unless modified by the Board, the order of business at regular meetings shall be as follows:

Roll call; determination of quorum;
Approval of the Agenda
Approval of Minutes of previous meeting;
New Business
Old Business
Adjournment.

ARTICLE VII

Parliamentary Authority

Robert's Rules of Order, Modern Edition, most current revision, shall govern the proceedings of the Board in all cases to which they are applicable and in which they are not inconsistent with these Rules of Procedure, the North Carolina General Statutes, or the Lake Lure Code of Ordinances.

ARTICLE VIII

Amendment

These By-Laws may be amended or rescinded from time to time by a vote of a majority of the members of the Board; provided, however, the Board shall under no circumstance have the authority to modify any provisions or requirements of the North Carolina General Statutes or the Lake Lure Code of Ordinances. Any proposed amendment may be read at any meeting. Final vote thereon shall take place, if at all, not earlier than ten days nor later than seventy days following the initial reading.

ARTICLE IX

Governing Law, Construction and Definitions

These bylaws, including any policies and procedures adopted hereunder, shall be, so far as reasonable, construed to be in harmony with the statutes and case law of the State of North Carolina and the Lake Lure Code of Ordinances. Where such construction is

unreasonable, these bylaws shall be subject to and superseded by such statutes, case law and ordinances.

ARTICLE X
Preservation

If any court of competent jurisdiction declares any of these bylaws, policies or procedures to be invalid or unenforceable, the remaining bylaws, policies and procedures shall remain nevertheless in full force and effect.

ARTICLE XI
Repeal of Previous Bylaws, Rules and Policies

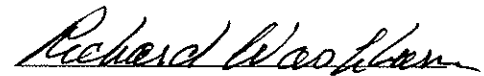
All bylaws, rules, policies and procedures heretofore adopted by the Board are REPEALED by the adoption of these Bylaws.

Read, approved and adopted by the Zoning and Planning Board of the Town of Lake Lure, North Carolina, in a meeting duly called, noticed and held in Lake Lure, North Carolina this 17 day of March, 2009.

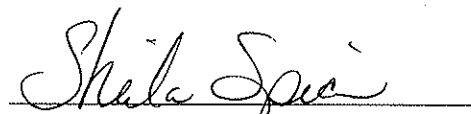
The following Board members voted AYE: Chairman Washburn, Mr. Brodfuhrer, Mr. Bush, Ms. Jordan, and Mr. Samarotto

The following Board members voted NAY: None

These bylaws shall become effective upon their adoption.


Richard Washburn, Chair

ATTEST:


Sheila Spicer, Secretary