



**TOWN OF GRANITE QUARRY
PLANNING BOARD
REGULAR MEETING AGENDA
June 7, 2021
6:00 p.m.**

- | | |
|--|-----------------------|
| Call to Order | Chairman Luhrs |
| Determination of Quorum | Chairman Luhrs |
| 1. Approval of Agenda | Board |
| 2. Approval of Minutes - May 3, 2021 Regular Monthly Meeting | Board |
| New Business | |
| 3. St. Lukes Rd Subdivision | Planner Blount |
| A. Public hearing | |
| B. Action- Approve subdivision | Board |
| <u>Planning Board Statement of Consistency with Comprehensive Plan - Subdivision</u>
In voting to allow the proposed subdivision of property, the Granite Quarry Planning Board does find this decision to be in the best interest of the public and to be consistent in general with policies stated in the Town's Comprehensive Plan. | |
| 4. Conflict of Interest Text Amendment | Planner Blount |
| A. Action- Recommend adoption to BoA | Board |
| 5. Flood Prevention Ordinance Text Amendment | Planner Blount |
| A. Action- Recommend adoption to BoA | Board |
| Old Business | |
| 6. Town Appearance Improvement | Planner Blount |
| A. Code Enforcement vs. Encouragement vs. Town Action | |
| Adjourn | |

Agenda Item Summary
Regular Monthly Meeting
June 7, 2021
Agenda Item 1

Summary

The Board may discuss, add, or delete items from the agenda.

Action Requested

Motion to adopt the agenda (as presented / as amended).

Approval of Agenda

Motion Made By:

Second By:

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

Against:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

Agenda Item Summary
Regular Monthly Meeting
June 7, 2021
Agenda Item 2

Summary

Draft minutes from the May 3, 2021 Regular Monthly Meeting are attached for your review.

Action Requested

Motion to approve the May 3, 2021 Regular Monthly Meeting minutes (as presented / as amended).

Approval of Minutes

Motion Made By:

Second By:

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

Against:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-



**TOWN OF GRANITE QUARRY
PLANNING BOARD
REGULAR MEETING MINUTES
May 3, 2021 6:00 p.m.**

Present: Chair Richard Luhrs, Vice Chair Michelle Reid, Joe Hudson, Mike Brinkley, Jerry Holshouser, David Morris, Dolores Shannon (A)

Not Present: Jared Mathis, Ronald Jacobs, Jim King (A)

Staff: Town Planner Steve Blount, Town Clerk Aubrey Smith

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

Determination of Quorum: Chairman Luhrs verified there was a quorum present.

1. Approval of Agenda

Mr. Brinkley made a request to be added to the agenda under New Business.

ACTION: Mr. Brinkley made a motion to approve. Mr. Hudson seconded the motion. The motion passed 4-0.

ACTION: Mr. Hudson made a motion to adopt the agenda as amended. Vice Chair Reid seconded the motion. The motion passed 4-0.

2. Approval of Minutes

ACTION: Mr. Brinkley made a motion to approve the minutes from the April 5, 2021 Regular Monthly Meeting as presented. Vice Chair Reid seconded the motion. The motion passed 4-0.

New Business

Ms. Shannon joined the meeting at 6:02 p.m.

3. Membership Update

Clerk Smith reviewed the summary outlining the members with terms coming to an end on July 31, 2021 and the process for reappointment. Members with expiring terms confirmed they were interested in reappointment and still lived at the same addresses under which they first qualified for appointment.

ACTION: Mr. Brinkley made a motion that the Board of Aldermen reappoint Jerry Holshouser, Richard Luhrs, and Joe Hudson to Town resident Planning Board seats and Michelle Reid to an ETJ Planning Board seat with term expirations of 7/31/2024. Mr. Hudson seconded the motion. The motion passed 5-0.

Mr. Morris joined the meeting at 6:06 p.m.

4. UDO Text Amendment – ZBA Membership

Planner Blount reviewed his presentation on the ZBA membership and recommended the following text amendment to the Unified Development Ordinance:

15.5.1 Establishment

- A. A zoning Board of Adjustment is hereby established. This board shall consist of ~~10~~ 7 members as follows:
1. ~~Five (5)~~ Four (4) members shall reside within the municipal corporate limits and shall be appointed by the Town Board of Aldermen;
 2. ~~Five (5)~~ Three (3) members shall reside within the town's one-mile extraterritorial jurisdictional area and shall be appointed by the Rowan County Board of Commissioners.
 3. The members of the zoning Board of Adjustment already serving on the board prior to the passage of this amended section shall be considered as the ~~five~~ four members appointed by the Town Board of Aldermen, and each of these members shall serve the balance of the term to which such member was appointed.
- B. Extraterritorial board members, like in-town board members, shall serve for staggered terms of three years. Initial appointment of extraterritorial board members shall be as follows:
1. Two members for terms of three years each;
 2. One member for a term of two years;
 3. ~~Two members for terms of one year each.~~
- ~~C. In addition, there shall be at least two (2) alternate members appointed to the board. At least one (1) alternate member shall be an in-town resident and at least one (1) alternate member shall be an extraterritorial resident. All alternates shall be appointed to three (3) year terms, with the initial appointment of in-town member(s) being for three (3) years and the extraterritorial member being for two (2) years. Any alternate member, while attending any meeting of the board and serving in the absence of a regular board member, shall have and may exercise all the powers and duties of a regular member. Any in-town alternate may only replace any in-town regular board member; any extraterritorial alternate may only replace any extraterritorial regular board member.~~
- ~~D. C. The ~~five (5)~~ three (3) extraterritorial board members (and their alternates) shall have equal rights, privileges, and duties as the ~~five~~ four in-town board members (and their alternates) in all matters.~~
- ~~E. D. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay, but may be reimbursed for the expenses incurred while representing the board.~~

ACTION: Mr. Brinkley moved to approve. Mr. Hudson seconded the motion. The motion passed 6-0.

5. Proposed State Legislation Revisions - Discussion Only

A. Regulating Trees SB367

B. Single-family zoning HB401

C. Principle of regulation “in favor of free land use”

Planner Blount reviewed a presentation on pending state legislation. There was Board discussion regarding potential concerns and considerations if the legislation passes.

6. Mr. Brinkley's Request

Mr. Brinkley requested that each member of the Planning Board be given a printed copy of the UDO.

ACTION: Mr. Brinkley made a motion that the Town provide (*printed*) copies of the UDO to every member of the Planning Board that they turn in when their term is up. Mr. Morris seconded the motion. The motion passed 6-0.

Old Business

There was Board discussion regarding code enforcement issues around Town. The Board was encouraged to email Planner Blount with any issues they observed.

Adjournment

ACTION: Vice Chair Reid made a motion to adjourn the meeting. Mr. Brinkley seconded the motion. The motion passed 6-0.

Chairman Luhrs closed the meeting at 7:01 p.m.

Respectfully Submitted,

Aubrey Smith
Town Clerk

St. Lukes Church Rd Property

Subdivision

1

Two lots were divided into seven lots previously.

The owners of parcels 628 166 (44.01 acres) & 628 165 (95.82 acres), located at 1025 St. Lukes Church Rd have requested a subdivision of two existing parcels into seven parcels. The parcels would be as follows:

Tract 1- 45.373 acres (same as parcel 628 166, area confirmed by survey)

Tract 2- 37.386 acres

Tract 3- 50.00 acres

Tract 4- 4.00 acres

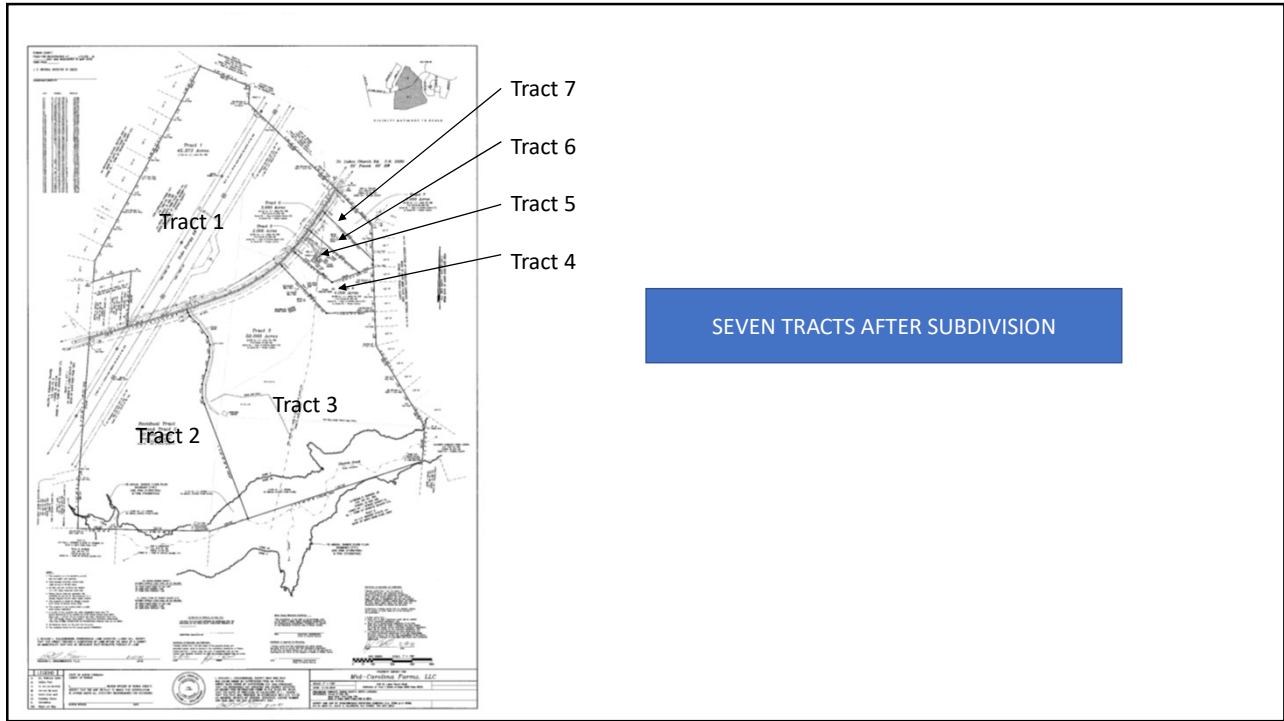
Tract 5- 2.00 acres

Tract 6- 2.00 acres

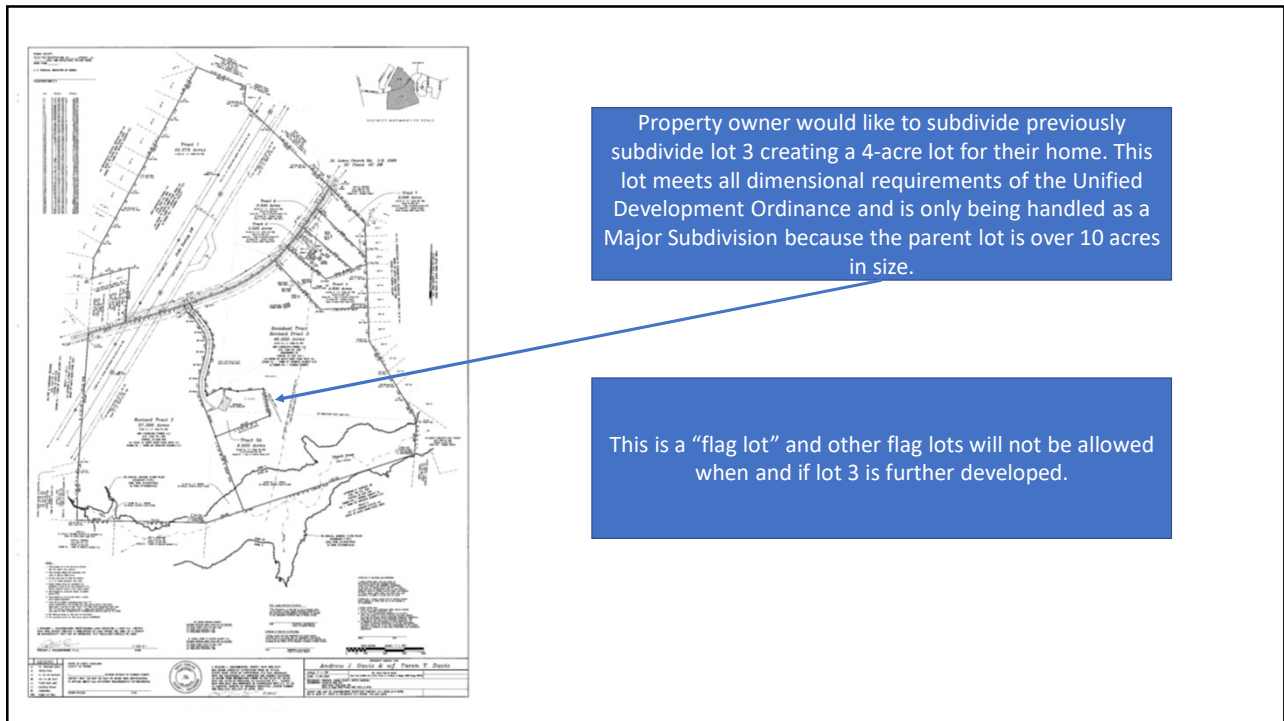
Tract 7- 2.00 acres

All parcels have road frontage on St Lukes Church Rd.

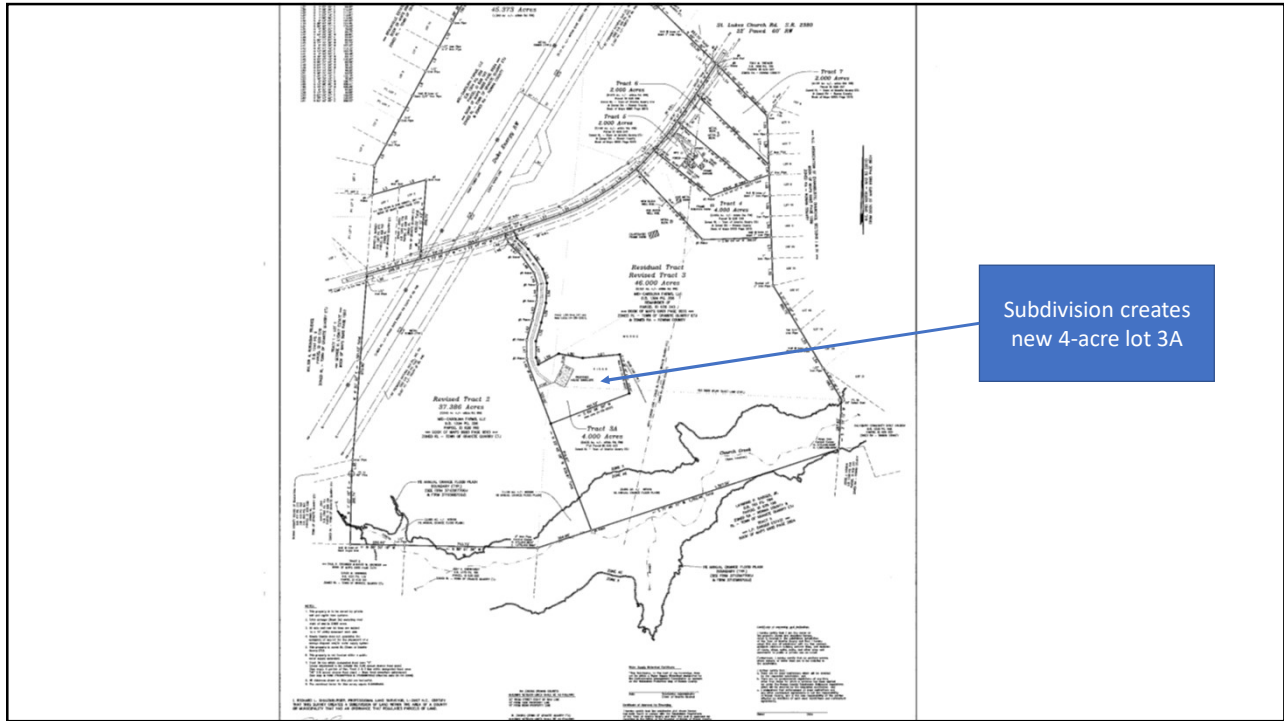
2



3



4



5

Suggested Action:

Approve subdivision as requested by property owner.

6



MEMO

Date: May 3, 2021

RE: Conflict of Interest Text Amendment

Narrative:

From a quick historical review, it would appear that the Town's past Code of Ordinances had a two-paragraph section outlining a Conflict of Interest Policy for the Planning Board (this section was deleted during codification with MuniCode) and depended on the Board of Adjustment to adopt their own policy as a part of their rules of procedure. Planning staff was regulated by the Town's employee policy on all conflicts of interest but that does not include language specific to land use decisions. The Board of Aldermen may or may not have adopted rules of procedure that includes language concerning conflict of interest but again, that language would not be specific to land use decisions.

The adoption of NCGS 160D as the governing statutes for municipal and county zoning and subdivision regulations was meant to clarify and consolidate regulations. In Section 160D-109, revised language from the original statutes now clearly states that any body or individual making land use decisions for the Town must operate under an adopted set of Conflict of Interest regulations. This would apply to the Town Planner, Planning Board, Board of Adjustment, and Board of Aldermen.

Chapter 15 of the Town's Unified Development Ordinance includes the establishment language for the Planning Board and Board of Adjustment and a list of the land use authorities of the Town Planner, Planning Board, Board of Adjustment, and Board of Aldermen. To avoid the problem of having conflict of interest policies and regulations scattered through various documents that may or may not include the proper land use language required by 160D-109, I would suggest adoption of the following text into Chapter 15 of our Unified Development Ordinance:

Chapter 15: Administration

Sec. 15.8 Conflict of interest.

(a) **Governing board.** A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or

the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) **Appointed boards.** Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) **Administrative staff.** No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a city local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) **Quasi-judicial decisions.** A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed *ex parte* communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) **Resolution of Objection.** If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) **Familial relationship.** For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.



MEMO

Date: May 20, 2021

To: Planning Board, Board of Aldermen

From: Town Planner

RE: Flood Damage Prevention Ordinance Text Amendment

Narrative:

Since about September 17, 1979 the Town of Granite Quarry has had in its Code of Ordinances and later in its Unified Development Ordinance a Flood Damage Prevention Ordinance. The purpose of this ordinance is to regulate development in flood prone areas to avoid damage to public and private property.

At some point in the past, it was decided to allow Rowan County to administer this ordinance, issuing and managing permitting for structures being built in and adjacent to identified flood prone areas. The Town still maintains statutory authority for this ordinance and as such, handles appeals, variances, and citations for violations.

To coordinate with Rowan County and state statutes, the Town has adopted an edited version of the County's Flood Damage Prevention Ordinance. Unfortunately, the Town has been less than diligent through the years in updating our ordinance to keep it current with revisions to Rowan County's ordinance.

To bring their ordinance in compliance with the new 160D statutes, Rowan County has undertaken a complete revision of their current ordinance and has asked municipalities to adopt similar changes. The attached draft of a revised ordinance includes revisions from two previous County updates and the current update to comply with the 160D statute language. It has been reviewed by Rowan County staff for compliance with their ordinance and through them, with State staff for compliance with their revisions.

In lieu of reviewing each word and citation revision, this should be considered adoption of a completely new ordinance replacing the previously adopted ordinance.