



**Agenda Item Summary**

Regular Meeting  
September 5, 2023  
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 Joe Hudson
- Jerry Holshouser
- Fred Krusemark
- Michelle Reid
- Jared Mathis
- Ronald Jacobs
- Dolores Shannon (A)

Against:

- Chair Richard Luhrs
- Vice-Chair Joe Hudson
- Jerry Holshouser
- Fred Krusemark
- Michelle Reid
- Jared Mathis
- Ronald Jacobs
- Dolores Shannon (A)

**Agenda Item Summary**

Regular Meeting  
September 5, 2023  
Agenda Item 2

Summary

Draft minutes from the August 7, 2023 Meeting are attached for your review.

Action Requested

***Motion to approve the August 7, 2023 Meeting minutes (as presented / as amended).***

**Approval of Minutes**

Motion Made By:

\_\_\_\_\_

Second By:

\_\_\_\_\_

For:

- Chair Richard Luhrs
- Vice-Chair Joe Hudson
- Jerry Holshouser
- Fred Krusemark
- Michelle Reid
- Jared Mathis
- Ronald Jacobs
- Dolores Shannon (A)

Against:

- Chair Richard Luhrs
- Vice-Chair Joe Hudson
- Jerry Holshouser
- Fred Krusemark
- Michelle Reid
- Jared Mathis
- Ronald Jacobs
- Dolores Shannon (A)



**TOWN OF GRANITE QUARRY  
PLANNING BOARD MEETING  
REGULAR MEETING MINUTES  
August 7, 2023, 6:00 p.m.**

**Present PB:** Chair Richard Luhrs, Vice-Chair Joe Hudson, Jerry Holshouser, Jared Mathis, Ronald Jacobs

**Not Present:** Fred Krusemark, Michelle Reid, Dolores Shannon (A)

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

**Call to Order:** Chairman Luhrs called the Planning Board meeting to order at 6:02 p.m.

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

**1. Approval of Agenda**

**ACTION:** Vice-Chairman Hudson made a motion to approve the agenda. Mr. Jacobs seconded the motion. The motion passed 3-0. Mr. Mathis abstained, stating he hadn't had time to review the agenda.

**2. Approval of Minutes**

**July 5, 2023**

**ACTION:** Vice-Chairman Hudson made a motion to approve the July 2023 meeting minutes. Mr. Jacobs seconded the motion. The motion passed with all in favor.

**Old Business**

**3. Review**

**Rules of Procedure**

Mr. Flowe provided a draft set of Rules of Procedure for the Board's review based on discussion at the last meeting. The Board reviewed and discussed the draft. Specifics of the discussion included the following:

- Chairman Luhrs questioned whether wording should be added to amend section 6-1. Board discussion included whether conduct of members should be addressed directly. Mr. Flowe stated he could do some research and add wording for the Board's consideration.
- Mr. Flowe recommended the Board consider January instead of July for the annual organizational meeting. There was Board consensus that January would be favorable.
- Mr. Flowe asked whether the Board would like to add the Pledge of Allegiance to the order of business. The Board was in favor of the addition.
- Clerk Smith asked whether the amended Rules of Procedure would address whether the Chair voted on all matters or only in the event of a tie. Mr. Flowe recommended the Chair be allowed to vote on all matters.

**ACTION:** Mr. Holshouser made a motion that the Chair be allowed to vote on all issues in front of the Planning Board. Mr. Jacobs seconded the motion. The motion passed 4-0.

**4. Review** **GQDO Article 11**

Chairman Luhrs opened back up the detailed review of Article 11.

The Board continued review of the article section by section and discussed specifics and possible amendments including the following:

- 11.9-6 There was discussion on the tree credits Table 11.5. After discussion, it was recommended that the first line of the table be removed completely, and the second line be amended to begin with 6". There was general consensus for the recommended changes.
- The Board discussed 11.10 on page 18 regarding tree disturbance on private property. After discussion on specific circumstances and the written exceptions, no changes were recommended.
- Mr. Mathis questioned whether there were dollar amounts listed for the citations. Mr. Flowe pointed out section 11.18-2 that listed the penalties.

Mr. Flowe will prepare an ordinance to amend the GQ Development Ordinance with the recommended changes. It will be presented to the Planning Board for a recommendation before going before the Board of Aldermen.

**New Business**

**None**

The Board informally discussed the status of several properties and large projects around the town.

**Adjournment**

**ACTION:** Mr. Jacobs made a motion to adjourn the meeting. Vice-Chairman Hudson seconded the motion. The motion passed with all in favor.

Chairman Luhrs closed the meeting at 7:14 p.m.

Respectfully Submitted,

Aubrey Smith  
Town Clerk

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

Ordinance Number ZTA-2023-10-09

WHEREAS, on June 30, 2023, the Town Board of Aldermen’s newly adopted Granite Quarry Development Ordinance, also known as the GQDO, became fully effective, and,

WHEREAS, the amendment of the GQDO to reduce tree conservation and protection standards is both consistent with the adopted *Town Plan 2040* by continuing to meet the adopted goals of *Town Plan 2040* emphasizing *Goal 1: Maintain Small-Town Character*, and *Goal 4: Foster Managed Growth* while reducing the burden upon those seeking to clear land for development; and reasonable because of the Town’s need to encourage both residential and non-residential development while balancing the natural environment to achieve adopted goals; then,

THEREFORE, BE IT ORDAINED by the Town Board of Aldermen that the Granite Quarry Development Ordinance be amended as follows:

**Article 11 is hereby amended to reduce restrictions on clearing of smaller trees by increasing the threshold for restricted tree removal in land development projects from four (4) inches diameter at breast height (DBH) to six (6) inches DBH throughout.**

This Ordinance shall become effective at 12:01 AM EST on October 10, 2023.

**ADOPTED on this the 9<sup>th</sup> day of October 2023.**

s/ \_\_\_\_\_

**Brittany H. Barnhardt, Mayor**

s/ \_\_\_\_\_

**Aubrey Smith, Town Clerk**

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 it’s 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 hearing, 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 Rules of Procedure for Small Local Government Boards; Second edition; A. Fleming Bell. The Board shall refer to the current edition of Robert's Rules of Order Newly Revised, to answer procedural questions not resolved by the Rules of Procedure for Small Local Government Boards, so long as Robert's Rules of Order 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Richard Luhrs, Chair**

Ratified by Board of Aldermen:

ADOPTED on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
**Brittany H. Barnhardt, Mayor**

\_\_\_\_\_  
**Aubrey Smith, Town Clerk**

DRAFT September 5, 2023