

ORDINANCE ESTABLISHING MCDOWELL COUNTY PLANNING BOARD

Section 1. Repeal of Former Ordinance

The ordinance now in effect which created a Planning Board for McDowell County be, and the same is, hereby revoked.

Section 2. Memberships Terminated

All memberships on said McDowell County Planning Board be, and the same are, hereby terminated.

Section 3. Established

Pursuant to the provisions of the North Carolina General Statutes, Article 18 of Chapter 153A, the Board of County Commissioners hereby establishes a planning agency under the name of "McDowell County Planning Board". Pursuant to the provisions of Article 21 of Chapter 143 of the General Statutes of North Carolina, the Board of County Commissioners hereby establishes the watershed review board under the name of "McDowell County Planning Board".

Section 4. Membership and Vacancies

McDowell County Planning Board shall be composed of sixteen (16) members for the completion of the McDowell County Land Use Planning Project. Upon completion, the McDowell County Planning Board shall consist of nine (9) members, each of whom shall be appointed by the McDowell County Board of Commissioners. The initial board will be established as follows: two (2) members shall be appointed for a term of one (1) year; two (2) members shall be appointed for two (2) years; and three (3) members shall be appointed for a three (3) year term. Their successors shall be appointed by the governing board for terms of three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term in the same manner of the initial appointment. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board.

Section 5. Organization, Rules, Meetings, and Records

Within thirty days after appointment, the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for reelection. The Board shall adopt internal rules, regulations and by-laws for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be of public record. The Board shall hold at least one meeting monthly, and all of its' meetings shall be

open to the public. There shall be a Quorum of four (4) members for the purpose of taking any official action required by this Ordinance.

Section 6. Powers; Duties

A. The following powers and duties are hereby delegated to the McDowell County Planning Board.

1. Make studies of the county and surrounding areas;
2. Determine objectives to be sought in the development of the study area;
3. Prepare and adopt plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
5. Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. Exercise any function in the administration and enforcement of various means for carrying out;
7. Plans that the Board of Commissioners may direct;
8. Perform any other related duties that the Board of Commissioners may direct.

Section 7. Legal Basis

The McDowell County Planning Board shall be subject to all the duties and responsibilities set forth in Part I of Article 18 of Chapter 153A [G.S. Section 153A-320 et seq.] of the General Statutes of North Carolina, and shall have such other duties and responsibilities as may heretofore [have] been delegated to the McDowell County Planning Board under ordinances adopted pursuant to Part 2 [G.S. Section 153A-330 et seq.] and Part 4 [G.S. Section 153A-350 et seq.] of Article 18 of Chapter 153A of the General Statutes of North Carolina and as may hereafter be delegated to it under ordinances adopted pursuant to Part 3 [G.S. Section 153A-340 et seq.] and Part 5 [G.S. Section 153A-376 et seq.] of Article 153A of the General Statutes of North Carolina.

Section 8. Advisory Council and Special Committees

The Planning Board may seek the establishment of an unofficial Advisory Council and may cooperate with this council to the end that its investigations and plans may receive fullest consideration, but the Board may not delegate to such advisory council any of its official prerogative.

The Planning Board may set up special committees to assist it in the study of specific questions and problems.

Section 9. Repealer

All ordinances heretofore adopted by the Board of Commissioners of McDowell County in conflict with this Ordinance are hereby repealed.

Section 10. Effective Date

This Ordinance shall take effect immediately upon its adoption.

Section 11. Adoption Date

This Ordinance is adopted this seventh day of September, 1993.

s/Jack A. Wood
Chairman of the Board of
Commissioners of
McDowell County, NC

s/Carrie Padgett
Clerk to the Board of
Commissioners
McDowell County