

BY-LAWS: Adopted by Kernersville Planning Board, North Carolina, October 14, 1985.  
Amended by Kernersville Planning Board, North Carolina, August 8, 1988.  
Amended by Kernersville Planning Board, North Carolina, August 11, 1997.  
Amended by Kernersville Planning Board, North Carolina, March 11, 2002.  
Amended by Kernersville Planning Board, North Carolina, July 13, 2009  
Amended by Kernersville Planning Board, North Carolina, September 14, 2009.  
Amended by Kernersville Planning Board, North Carolina, March 14, 2022.

The following policies are adopted by the Kernersville Planning Board of Forsyth County to facilitate the transaction of business and the exercise of its power as enumerated in Article 3 of Chapter 160D of the General Statutes of North Carolina and in the Kernersville Town Charter.

**SECTION 1.0 OFFICERS**

- 1.1 **Election.** At the first regular meeting after August 31 each year, this Board shall elect from its membership a Chairman, Vice-Chairman, Secretary, and Clerk.
- 1.2 **Tenure.** The officers shall serve from the date of their election until the first meeting after August 31 of the following year or until their successors shall have been elected.
- 1.3 **Duties.**
  - a. **Chairperson.** The Chairperson shall preside at all meetings of this Board. In the absence of the Chairperson, the Vice-Chairperson shall preside; in the absence of both, the senior member present shall serve as acting Chairperson. Seniority shall be determined by time of service as a member of this Board. The presiding member, whether Chairperson, Vice-Chairperson, or another member acting as Chairperson shall vote. The Chairperson, and in his/her absence the Vice-Chairperson, shall direct the conduct of the public information program reflecting the general principles and goals approved by this Board within budgetary limits. He/She shall be empowered by this Board within budgetary limits. He/She shall be empowered to accept gifts in the name of this Board, provided that such gifts shall not be so conditioned that, in the opinion of the Chairperson, the planning program of this Board would be adversely affected. The Chairperson shall appoint committees, designate committee chairpersons, and perform such other duties as may be determined by this Board.
  - b. **Vice-Chairperson.** A Vice-Chairperson shall be elected by the Board from among its members in the same manner and for the same term as the Chairperson. He/She shall serve as acting Chairman in the absence of the Chairperson, and at such times, shall have the same powers and duties as the Chairperson.
  - c. **Secretary.** The Secretary to the Board shall be the Community Development Director, the appointed Zoning Officer for the Town of Kernersville. The Secretary, subject to the direction of the Chairperson, shall keep all records,

shall conduct all correspondence of the Board, shall arrange for all public notices required to be given, and shall generally supervise the clerical work of the Board. The Secretary shall keep in a permanent volume the minutes of every meeting of the Board. These shall be the record and show all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question. The Secretary shall not be eligible to vote upon any matter.

- d. Clerk. A clerk may be appointed by the Chairperson of the Board, either from within or outside its membership, to hold office during the term of the Chairperson and/or until a successor Clerk shall have been appointed. The Clerk shall be eligible for reappointment. The Clerk shall perform such tasks as may be assigned by the Chairman, and shall assist the Secretary generally in the performance of his duties. If the Clerk is chosen from outside the membership of the Board, he/she shall not be eligible to vote upon any matter.

## SECTION 2.0 MEETINGS

- 2.1 **Regular Meetings.** A regular meeting of this Board shall be held on the second Monday of each month, convening at 6:30 pm. When a regular meeting day falls on a legal holiday, the meeting shall be held on a subsequent day called by the Chairperson. The regular meeting in September shall be termed the annual meeting.
- 2.2 **Special Meetings.** Special meetings may be held at the call of the Chairperson or in his absence the Chairperson, provided that notice of such meetings shall be given to all members at least forty-eight (48) business hours before the hour for which the meeting is called.
- 2.3 **Public Access.** All regular and special meetings, hearings, records, files, and accounts of this Board shall be open to the public.
- 2.4 **Quorum.** Five members, including the presiding officer, shall constitute a quorum for transacting business and taking official action.

Whenever a quorum is not present at a regular meeting or special meeting, those present may postpone the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda or introduced by members.

No action taken at such a meeting shall be official unless and until ratified and confirmed in a subsequent meeting of this Board at which a quorum was not present.

- 2.5 **Agenda.** The Community Development Director shall prepare an agenda for each regular meeting. Copies of the agenda shall be given to interested persons on their request, at the time the Planning Board receives a copy of the agenda. Any matter

not listed on the agenda may be introduced by any member of this Board after the matters listed on the agenda have been considered.

- 2.6 **Voting.** Voting shall be by a show of hands and shall be recorded by name.
- 2.7 **Conflict of Interest.** 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 application for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- 2.8 **Proxy.** When a member is unable to attend a meeting or must leave a meeting before a vote is taken, his proxy shall be accepted and used for voting as he directs, but only under the following circumstances:
- a) The proxy shall be in writing and bear the signature of the absent member;
  - b) The proxy shall clearly and specifically state the member's vote;
  - c) The proxy shall contain a statement that the absent member is well informed as to the facts of the question to be voted upon;
  - d) If the question is one on which a hearing has been held, the proxy shall be accepted only if the member was present at the hearing.
- 2.9 **Staff Reports.** At all hearings the staff's report and recommendations, if any, on the matter involved shall be presented to this Board immediately before petitioners and others are heard. A copy of the Staff Report shall be made available to interested persons at the time copies are made available to the Planning Board and shall be a public record as provided by law.
- 2.10 **Parliamentary Procedure.** Procedure in all meetings of this Board shall be decided by the Chairperson unless overruled by a majority of the members present at the meeting, a quorum being present.
- 2.11 **Public Hearing Procedure.**
- a) A Staff Report is given along with a presentation.
  - b) The Public Hearing is opened.
  - c) All public speakers shall provide their name and address at the speaker podium.
  - d) Proponents and opponents shall each be given fifteen (15) minutes of time to speak and may choose to allow one speaker to utilize that time or choose to allocate the time among different speakers. In the event that either proponents or opponents have not designated a speaker or speakers to represent that view, the Planning Board Chairperson shall divide the fifteen (15) minutes by the number of speakers wishing to address the Planning Board and each such speaker shall be allowed that given time within which to express his or her comments, ideas, concerns, expressions, and desires. At the discretion of the Chair, time for both sides may be extended.

- e) After the opponents speak, the Planning Board Chairperson will allow the proponents five (5) minutes for rebuttal. If the proponents choose to exercise this option, the opponents will also have five (5) minutes for rebuttal. In the event that the proponents do not present a rebuttal, then the opponents shall be given no further time to speak. Rebuttals may only reference points raised by the opposing side.
- f) The Planning Board Chairperson may allow the Planning Board members the opportunity to ask questions to those attending the Public Hearing.
- g) The Public Hearing is declared closed.
- h) The Chairperson of the Planning Board:
  - 1) Summarizes, if relevant, the support and opposition to the project.
  - 2) Request from staff, petitioner and/or public answers to questions that arose from the public hearing.
- i) The Chairperson opens Planning Board discussion.
  - 1) Board members may request from staff, petitioner and/or public answers to questions that they may have.
  - 2) Board members may summarize findings from information presented in staff report; public hearing; and questions and answers.
- j) A motion is made and seconded that includes any additions or revisions to the recommendation as presented by staff, based on the discussions having taken place. Amendment to the motion may take place if the person making the motion and the person seconding the motion approves of the amendment.
- k) Discussion on the motion.
- l) Vote on the motion.
- m) The Chairperson may specifically ask if any board members would like to comment on their vote for further clarification to the Board of Aldermen. Comments from the Planning Board may be solicited in certain instances and are voluntary.

## SECTION 3.0 COMMITTEES

- 3.1 **Committee Membership: Appointment; Reassignment.** The Chairperson of this Board shall appoint all committee members and shall designate one member of each committee as its Chairperson, to serve in such capacity until the next Chairperson assumes office. The Chairperson of the Board may, in his/her discretion, reassign committee members and re-designate committee Chairperson.
- 3.2 **Special Committees.** The Chairperson of this Board may create special committees, without limit as to the number of members to study matters which in his/her judgment would not be properly included in the work of the standing committees. He/She shall designate one member of each special committee as its Chairman.
- 3.3 **Committee Meetings.** Any committee shall meet at the call of its Chairperson on a forty-eight (48) hour notice. On request by committee Chairperson, the Community Development Director shall issue notice of meetings.

- 3.4 **Quorum; Ratification.** A majority of its members shall constitute a quorum of any committee. When it appears that a quorum may not be present at a committee meeting, the Chairperson of the Board may designate other members of this Board as temporary members of such committee with full functional rights in that particular meeting. In the absence of a quorum any member of a committee, after reviewing the file and after discussion with a member who was present, shall be able to vote on matters before the committee.
- 3.5 **Cooperation with Interested Persons.** On request by a committee Chairperson, the Community Development Director shall invite any person designated by the Chairperson to appear before the committee.

**SECTION 4.0 AMENDMENTS**

- 4.1 **Amendment.** These By-Laws may be amended at any regular or special meeting attended by a quorum of this Board, by an affirmative vote of two-thirds of the members.

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Jim Waddell, Chairperson

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Catherine Garner, AICP, CZO  
Community Development Director  
Planning Board Secretary