

**SAMPSON COUNTY BOARD OF COMMISSIONERS  
AN ORDINANCE ESTABLISHING  
THE SAMPSON COUNTY PLANNING BOARD**

The Board of Commissioners of Sampson County finds that a Planning Board is essential for the exercise of the planning activities and functions authorized by Article 18 of Chapter 153A of the General Statutes for the promotion of the public health, safety, morals, convenience, order, prosperity and protection of property rights.

**THEREFORE BE IT ORDAINED** that the Sampson County Planning Board is hereby established pursuant to G.S. §153A-321 as follows:

**Section 100. MEMBERSHIP.** The Planning Board shall consist of seven members appointed by the Board of Commissioners. Each member shall be a resident of Sampson County residing in an area subject to the jurisdiction of any of the County's planning, zoning, subdivision or development ordinances. In addition to the appointed members, the Zoning Administrator or designated assistant shall be an ex-officio, non-voting member of the Board and shall attend all meetings for the purpose of providing technical assistance when requested by the Board. The County Manager shall also be an ex-officio, non-voting member of the Board.

**Section 200. TERMS OF OFFICE.** Two of the initial members shall be appointed for a term expiring December 31, 2007. Two of the initial members shall be appointed for a term expiring December 31, 2008. Three of the initial members shall be appointed for a term expiring December 31, 2009. Upon the expiration of these initial terms, all terms shall be for three years. A member may only be appointed for two consecutive terms, after which he or she shall be ineligible for reappointment for one year. For purposes of reappointment, a partial term shall be regarded the same as a full term. Any member's term of office shall continue until such time as his or her successor is appointed and takes office.

**Section 300. REMOVAL FROM OFFICE.** An appointed member shall be removed from office for any of the following causes:

(1) Absence from any four meetings during a calendar year unless such absence has been excused by the Chairman of the Planning Board or the remaining members of the Planning Board with the reason therefore being entered in the minutes of the proceeding from which such member was absent.

(2) Knowing participation in the consideration of any matter brought before the Planning Board under circumstances that would violate the constitutional right of any person to an impartial decision maker.

(3) Conviction of any crime that is classified as a Class 1 or Class 2 misdemeanor or a felony under the law of North Carolina or the equivalent thereof if such conviction is under the laws of another state or the federal government.

(4) Engaging in any personal conduct that is detrimental to the reputation or integrity of the Planning Board.

(5) Any other cause for which there is a legal basis for removal from office under the statutory or common law of North Carolina.

**Section 400. OFFICERS.** Officers for the Planning Board shall be selected as follows:

**Section 401. CHAIRMAN AND VICE-CHAIRMAN.** The Planning Board shall elect a Chairman and Vice-Chairman from its appointed membership. The Chairman shall preside at all meetings of the Board, appoint members to committees, decide all points of procedure unless otherwise directed by a majority vote of the Board members present, and perform such other duties as may be ordered by the Planning Board. The Vice-Chairman shall preside as Chairman at all meetings where the Chairman is not present. In the event that office of the Chairman becomes vacant, the Vice-Chairman shall succeed to that office for the unexpired term. These offices shall be for terms of two years with elections to be held at the first meeting of the Planning Board in each even numbered year. The Chairman and Vice-Chairman shall be eligible to serve successive terms without limitation.

**Section 402. SECRETARY.** A Secretary shall be appointed by the County Manager, either from within or outside the Planning Board's membership, to hold office during the term of the Chairman and/or until a successor Secretary shall have been appointed. The Secretary shall be eligible for reappointment for successive terms without limitation. The Secretary, subject to the direction of the Chairman and the Board, shall keep all records, shall conduct all correspondence of the Board, and shall generally supervise the clerical work of the Board. If the Secretary is chosen from outside the membership of the Board, he or she shall not be eligible to vote upon any matter.

**Section 500. COMPENSATION.** Appointed members of the Planning Board shall be compensated for each meeting attended in an amount established by the Sampson County Board of Commissioners in the County's annual budget each year. This compensation is to be paid in one lump sum amount at the end of the County's fiscal year.

**Section 600. POWERS AND DUTIES.** The powers and duties of the Planning Board shall be as follows:

**Section 601. DUTIES AUTHORIZED BY G.S. §153A-321.** The Planning Board shall perform the following duties:

- (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 functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- (7) Perform any other related duties that the board of commissioners may direct.

**Section 602. SUPPLEMENTAL POWERS AUTHORIZED BY G.S. §153A-322.** The Planning Board, with the concurrence of the Board of Commissioners, shall have those supplemental powers authorized by G.S. §153A-322, at such times and in such circumstances as the Board of Commissioners may direct.

**Section 603. DUTIES RELATED TO ZONING MATTERS.** The Planning Board shall initiate proposals for amendment of the Sampson County zoning ordinance based on its studies and the comprehensive plan, and shall recommend such proposed amendments to the Board of Commissioners.

**Section 604. DUTIES RELATED TO SUBDIVISION REGULATION.** The Planning Board shall initiate proposals for amendment of the Sampson County subdivision regulations based on its studies and the needs of the County, and shall recommend such proposed amendments to the Board of Commissioners. The Planning Board shall review and make recommendations to the Board of Commissioners concerning all proposed major subdivisions and any other matters as set forth in the subdivision regulations.

**Section 605. BOARD OF ADJUSTMENT.** The Planning Board is hereby designated as the Sampson County Board of Adjustment and is vested with all the powers and authority of and shall perform the duties of the Board of Adjustment pursuant to and in accordance with G.S. §153A-345.

**Section 606. FURTHER POWERS AND DUTIES.** The Planning Board shall have such further powers incidental and necessary to perform any duties which it may perform pursuant to Article 18 of Chapter 153A of the General Statutes.

**Section 607. BY-LAWS AND PROCEDURES.** The Planning Board shall have authority to adopt by-laws and procedures consistent with this ordinance and applicable laws.

**Section 608. COMMITTEES.** The Planning Board shall have authority to establish any committees under such terms and conditions as it deems necessary or prudent to assist the Board in conducting any of its duties.

**Section 700. MEETINGS.** All meetings of and hearings conducted by the Planning Board shall be held in Sampson County at such time and place as established by the Planning Board and in accordance with the Open Meetings laws of North Carolina.

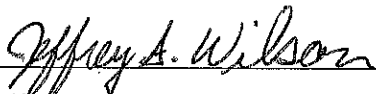
**Section 800. MINUTES.** Minutes, records, or accounts of all meetings of the Planning Board shall be prepared and maintained permanently. All minutes, records and accounts of such meetings shall be open for public inspection.

**Section 900. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption.

Adopted by unanimous vote in a regular meeting held July 2, 2007, after public hearing duly advertised June 21<sup>st</sup> and 28<sup>th</sup>, 2007.

Sampson County Board of Commissioners

By:

  
\_\_\_\_\_  
Jeffrey S. Wilson, Chairman