



RESOLUTION TITLE: TO DISSOLVE THE CURRENT HOUSING APPEAL ADVISORY BOARD AND CREATE A NEW GASTON COUNTY HOUSING BOARD

- WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,
- WHEREAS, there currently exists a Housing Appeal Advisory Board for Gaston County created on February 8, 1990; and,
- WHEREAS, the current Housing Appeal Advisory Board has not met for numerous years; and,
- WHEREAS, it will be more pragmatic for an existing Gaston County Board to hear appeals concerning buildings, construction and related activities because of the sporadic nature of when such appeals arise; and,
- WHEREAS, the nature of a quasi-judicial hearing the Gaston County Zoning Board of Adjustment adjudicates is similar to what the Housing Appeal Advisory Board considers; and,
- WHEREAS, for such reasons, five (5) members from the Gaston County Board of Adjustment shall constitute the Gaston County Housing Board, with another member serving as an alternate member from such Board. The Director of Building Inspection/Zoning Administrator or a designee and the County Attorney or a designee shall be appointed as ex-officio non-voting members.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby dissolves the Housing Appeal Advisory Board and establishes the Gaston County Housing Board.

BE IT FURTHER RESOLVED, that the following members of the Gaston County Board of Adjustment are hereby appointed to the Gaston County Housing Board and the terms for each member shall coincide with their corresponding seat term on the Board of Adjustment: Chuck Ballard; Bob Lancaster; Kevin Meyer; Monte Monteleone; and Elizabeth Moser. George Mason shall serve as an alternate member. Brian Sciba, Director of Inspections, and Sam Shames, Assistant County Attorney, are hereby appointed as ex-officio/non-voting.

BE IT FURTHER RESOLVED that the Gaston County Board of Commissioners approves the Gaston County Housing Board By-laws/Rules of Procedure as attached.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFrale	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2019-137	05/28/2019	CB	RW	A	A	A	A	A	A	A	U

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GASTON COUNTY HOUSING BOARD GASTON COUNTY, NORTH CAROLINA

BYLAWS/RULES OF PROCEDURE

I. GENERAL RULES

The Gaston County Housing Board (hereinafter referred to as the "Board") shall be governed by the applicable terms of: Chapter 153A, Article 18, Part 4 of the North Carolina General Statutes; Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes; and by Chapter 4, Article V and VI of the Gaston County Code of Ordinances. All Members of the Board shall thoroughly familiarize themselves with these laws and abide by the rules set forth below.

II. OFFICERS AND DUTIES

A. MEMBERSHIP

Members of the Board shall be appointed for designated terms by the Gaston County Board of Commissioners. The Board shall consist of five (5) regular members and one (1) alternate member, consisting of those individuals who are already members of the Gaston County Zoning Board of Adjustment. Membership of the Board is contingent upon such individual being a member of the Gaston County Zoning Board of Adjustment.

The Alternate member of the Board shall attend all regular and special meetings. In the event that a regular member is absent from the meeting or should a regular member be removed due to a conflict of interest, the alternate shall be able to cast a vote in the same manner as a regular member on business of the Board.

The alternate member shall have full voting privileges on the adoption or amendment of these Bylaws/Rules of Procedure and other procedural aspects of the Board's business when serving as a full voting member of the Board. The Alternate member may participate in any discussion before a vote on procedural matter whether voting or not.

B. ELECTIONS

The Board shall elect a Chair and a Vice-Chair by the full membership, including the alternate member of the Board. The Chair and Vice-Chair shall be selected from regular members of the Board, with the alternate not being eligible for these positions. These positions shall be elected annually at the regular meeting of the Board held in the month of January. These officers shall serve at the pleasure of the Board and shall be elected for a three (3) year term, unless otherwise stated. Members shall be notified at least seven (7) days prior to the regular January meeting, when officers are to be elected. Each officer shall serve until relieved of his or her duties as herein provided.

C. OFFICERS' DUTIES

1. The Chair shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees deemed necessary to investigate any matters before the Board. The Chair shall act as spokesperson for the Board, unless otherwise directed by a majority of the Board.

2. The Vice-Chair shall assume the full duties and responsibilities of the Chair in the absence of the Chair. In the Absence of the Chair and Vice-Chair, a temporary Chair shall be elected by the remaining members of the Board, to assume the duties and responsibilities of the Chair for a specified time period.
3. The Director of Building Inspections/Zoning Administrator or his or her designee shall serve as Secretary to the Board. The Secretary shall be responsible for taking minutes at all Board meetings. These minutes shall reflect actions of the Board and pertinent facts dealing with business before the Board. The minutes shall further reflect 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, indicating the names of members absent or failing to vote. The Secretary, subject to the direction of the Chair and the Board, shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board of its decision on such cases, and generally supervise the clerical work of the Board. The Secretary shall provide a copy of the minutes of the meetings prior to minutes becoming official minutes of the Board. A copy of the minutes of all meetings of the Board shall be maintained in the Planning office by the Secretary.

III. RULES OF CONDUCT FOR MEMBERS

- A. Members of the Board may be removed for violation of the rules stated herein.
- B. In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for three (3) consecutive regular meetings, said member is deemed to have resigned from the Board. The Chair may direct the Secretary to notify such member in writing of his or her absences, and direct the Secretary to notify the member that said member has until the next regularly scheduled meeting to show cause in writing why said member should be reinstated to the Board. If the Board determines that sufficient cause was given, the Chair shall direct the secretary to make a request to the Board of Commissioners to reinstate the member.
- C. Should any member of the Board be financially or otherwise closely associated with any issue that comes before the Board, said member shall make public said possible conflict, the nature of the conflict, and ask for a determination by the Board. A majority vote of those voting members without such conflict shall determine if said conflict does exist, and should a conflict exist, the Board shall grant the member removal from the discussion or vote on issue involved. A member of the Board may raise the question of conflict of interest of another member regarding a specific issue that is before the Board. Similarly, any interested party may challenge the existence of a conflict of interest or ask for the determination of an undisclosed conflict of interest.
- D. Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict has been determined. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
- E. No Board member shall vote on any matter unless he or she shall have attended the entire public hearing on that appeal. If a public hearing is continued from one meeting date to another, an alternate member may replace a regular meeting only if the alternate member was in attendance at all previous public hearing sessions concerning that appeal.
- F. No Board member shall discuss any case with any parties or other Board member thereto prior to the public hearing on that case; provided however, that member may receive and/or seek information pertaining to the case from the an appropriate Gaston County staff member prior to the hearing.
- G. Members may not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

IV. MEETINGS

- A. Regular meetings of the Board shall be held on the third Thursday of each month at 3:00 P.M. in the Gaston County Administration Building. Meetings may be held in other locations at the direction of the Chair or Board provided that meetings may be held at any other convenient place in the Gaston County area and notice is given by the Secretary in accordance with applicable laws and policies of the County for meeting notification. Each member (including the alternate member) shall be notified of each meeting by the Secretary to the Board.
- B. Special meetings of the Board may be called at any time by the Chair, or the Vice-Chair, serving in capacity of the Chair. Notice shall be given at least forty-eight (48) hours in advance of the meeting, stating the time, place and purpose of the meeting to each member of the Board including the alternate members, and other appropriate persons or organizations in compliance with the open meetings law.
- C. Cancellation of Meetings: Whenever there is no business before the Board, or whenever so many members notify the Secretary of their inability to attend that a quorum will not be available, the Chair may dispense with regular meeting by giving written or oral notice to all members no less than twenty-four (24) hours prior to the time set for the meeting.
- D. Quorum: Three voting members of the Board shall constitute a quorum.
- E. Conduct of Meetings: All meetings shall be open to the public. The order of business at regular meetings shall be as follows.
 - 1. Call to Order
 - 2. Determination of Quorum
 - 3. Approval of Minutes of Previous Meetings
 - 4. Hearing of Appeal
 - 5. Consideration and Determination of Appeals Heard
 - 6. Other Business
 - 7. Adjourn

V. APPEALS

- A. Types of Appeals: The Board shall consider through a public hearing and decide all appeals from arising from the Gaston County Minimum Housing Ordinance or Ordinance Regulating Nonresidential Buildings and Structures as found in Section 4-111 and 4-139 of the Gaston County Code of Ordinances.
- B. Procedure for Filing Appeals: The procedure for filing an appeal shall be governed by the appropriate provisions under Chapter 4, Article V and VI of the Gaston County Code of Ordinances and the applicable corresponding state statutes. Gaston County staff may advise a perspective appellant about such procedures.
- C. Conduct of Hearing: Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearings shall be as follows:
 - 1. The Chair, or such person as he or she shall direct, shall give a preliminary statement of the case, and the Chair shall swear in all witnesses and participants to give testimony before the Board.
 - 2. Gaston County staff shall present its argument without time limitation that the property of the appellant is in violation of applicable ordinances, state regulation, or state law.
 - 3. The appellant shall present the argument in support of his or her appeal without time limitation as long as the applicant or his or her designated representative is addressing the findings of fact.

4. Third parties shall be limited to three (3) minutes to present any evidence or testimony. The Secretary will keep the time and may give a thirty (30) second warning.
5. The Chair (or Secretary, at the Chair's direction) shall summarize the evidence which has been presented, giving the parties opportunity to make objections or corrections. Board members may not individually view the evidence before arriving at a decision. All witnesses giving evidence before the Board shall be placed under oath and the opposing party may cross-examine them.
6. Staff, however, may inform the Board members at any time during or after the public hearing on any procedural matter, through the Chair.
7. The Chair shall close the public hearing immediately prior to a vote being taken on a particular application.

D. Decisions:

1. Time: Decisions by the Board shall be made no later than thirty-one (31) days from the date the hearing was closed.
2. Form: The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary upon arrival of the minutes by the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board.

Public Record of Decision: The decisions and deliberations of the Board, as filed in its minutes, shall be of public record, available for inspection at the Secretary's office during normal business hours. As required by law, a decision of the Housing Board may be recorded at the Gaston County Register of Deeds Office or the Clerk of Superior Court.

VI. AMENDMENTS

These rules, may, within the limits allowed by law, be amended at any time by the affirmative vote of not less than four (4) regular or alternate 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.

VII. RATIFICATION PROVISION


I, _____, Chairman of the Gaston County Housing Board, do hereby certify that the foregoing is a true and accurate copy of the By-laws of the above named organization, duly adopted by this Board on _____.

Chairman, Gaston County Housing Board

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Gaston County Housing Board By-laws as adopted by the Board of Commissioners on May 28, 2019.




Donna S. Buff, Clerk

Gaston County Housing Board—By-laws and Rules of Procedure



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 19-200

Commissioner Chad Brown - County Attorney - To Dissolve the Current Housing Appeal Advisory Board and Create a New Gaston County Housing Board

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

In light of a revised minimum housing ordinance and a new ordinance concerning nonresidential structures, Staff feels it is appropriate to update the Housing Appeal Advisory Board. The current Housing Appeal Advisory Board has not met in more than ten years. Due to the fact-finding nature of these kinds of appeals, staff feels it is appropriate for members of the Gaston County Board of Adjustment to hear these appeals. The Gaston County Housing Board shall be comprised of the following members of the Gaston County Board of Adjustment: Chuck Ballard; Bob Lancaster; Kevin Meyer; Monte Monteleone; and Elizabeth Moser. George Mason shall serve as an alternate member. The terms for each member shall coincide with their relative seat terms on the Board of Adjustment. Brian Sciba, Director of Inspections, and Sam Shames, Assistant County Attorney, will serve as ex-officio/non-voting.

This action is intended to dissolve the current Housing Appeal Advisory Board and create a new Gaston County Housing Board to hear such appeals and also includes By-laws and Rules of Procedure.

POLICY IMPACT

N/A

ATTACHMENTS

Resolution and By-Laws/Rules of Procedure

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