

**River Bend Town Council  
Regular Meeting Minutes  
August 17, 2023  
Town Hall  
7:00 p.m.**

Present Council Members:

Mayor John Kirkland  
Brian Leonard  
Barbara Maurer  
Buddy Sheffield  
Jeff Weaver

Town Manager: Delane Jackson  
Police Chief: Sean Joll  
Finance Director: Mandy Gilbert  
Town Clerk: Kristie Nobles  
Town Attorney: David Baxter

Members of the Public Present: 44

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 17, 2023, at the River Bend Town Hall with a quorum present.

**VOTE – APPROVAL OF AGENDA**

Councilwoman Maurer motioned to adopt the agenda as presented. The motion carried unanimously.

**ADDRESSES TO COUNCIL**

Helmut Weiser – 115 Anchor Way- Spoke about to the CAC Median Project. He stated that he felt that a certified arborist would need to determine which trees need maintenance and which ones need to be removed.

**INTERVIEW OF APPLICANTS FOR COUNCIL VACANCY**

The Mayor thanked those who applied for this vacancy and for their willingness to serve. He said the applicants had drawn numbers prior to the meeting to determine the order in which they would address the Council. Each applicant would be given two minutes to address the Council, after which each Council member would be permitted two questions to the applicant. The applicants are Lisa Benton, Steve Bokor, Jon Hall, and Micheal Repenning.

The process then began with each candidate, in turn, addressing the Council about their experience and skills, followed by questions from the Council members. After all applicants had spoken, the Mayor again thanked them and reminded the Council that they will make their final decision at the work session meeting on September 14, 2023.

**CONSENT AGENDA**

The Mayor presented the Council with the Consent Agenda. Councilman Sheffield **moved to approve the Consent Agenda as presented**. The motion carried unanimously. Within this motion, the following items were approved:

**A. Approve:**

*Minutes of the July 20, 2023 Regular Council Meeting*

## **ADMINISTRATIVE REPORTS**

### **PARKS & RECREATION – COUNCILMAN WEAVER**

#### **Red Caboose Library (RCL)**

Councilman Weaver stated that the Council has been reviewing the proposed contract with the Red Caboose Community Library for a few months now.

#### **VOTE– Red Caboose Community Library Contract**

Councilman Weaver motioned to approve the contract with the Red Caboose Community Library as presented. The motion carried unanimously. (see attached)

### **CAC – COUNCILWOMAN MAURER**

Councilwoman Maurer presented the following report.

The CAC did not meet in July. The major news is the Council discussion of the Plantation median report and recommendations for the next step. This is not news to the Council members but is written for River Bend residents. After more than a year of research and planning and two presentations to the Council, it was time for the Council to decide what to do. The members of Council voted *“we instruct the manager to investigate the cost of having an arborist examine trees on Plantation median and make recommendations and Anchor Way.”* One applicant has been recommended for appointment to the board. The Council will vote on the application in September. The next meeting is scheduled for September 20, 2023 at 4 pm in the Municipal Building.

### **FINANCE – COUNCILMAN LEONARD**

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of July. She stated the total of the Town's Cash and Investments as of July 31, 2023, were \$3,247,538 and Ad valorem tax collections for FY23-24 were \$0 and Vehicle Ad valorem tax collections were \$0.

### **ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD**

Councilman Leonard presented the following report.

Chairman Ackiss opened the meeting at 7 PM, all members were present. The minutes of the meeting June 5<sup>th</sup> 2023 meeting were approved. Councilman Leonard gave a council update. Old business: Alligators; Ray Jakilsch gave a report stating alligators are protected and are not to be disturbed. If there is a problem with one, call NCDNR. Bulkheads: Need to follow up with manager and complete the survey. New business: Election of officers: Chair Paige Ackiss, Vice chair Jon Hall, Secretary Patty Leonard. Discussion on drainage areas in town, most were already addressed by meeting time. National Night Out: EWAB will have a table and information available. NNO is October 5<sup>th</sup> 2023. Volunteer Hours: 18 Next meeting: October 2<sup>nd</sup>, 2023 at 7 PM in the small conference room in the municipal building.

### **Discussion – Advisory Board Ordinance Amendment**

The Manager stated that the draft ordinance was in the agenda package with a few minor changes. Councilman Weaver asked the Town Attorney if the language in 3.05.070 B – “The Town Council may give preference to minority applicants in order to promote diversity when selecting the membership of the committee” is required. The Town Attorney stated that it is not required to be in the ordinance. All of the Council agreed to remove that language in its entirety.

### **VOTE – Advisory Board Ordinance Amendments**

Councilman Leonard motioned to adopt the changes as presented to the Advisory Board Ordinance and remove section (B) in 3.05.070. The motion carried unanimously. (see attached)

### **PLANNING BOARD – COUNCILMAN SHEFFIELD**

Councilman Sheffield presented the following report.

The regular meeting of the River Bend Planning Board was held on August 3<sup>rd</sup> at 6:00pm in the Community Building. A quorum was present as were several interested citizens. Chairman Lippert called the meeting to order. The usual reports were given. An invitation was made for visitors to address the board. There were some comments. The board then voted to approve a Consistency statement related to the previous recommendation in favor of a re-zoning request by Jay Ammon for parcel 8-206-083. The next item on the agenda was the election of officers. Councilman Sheffield temporarily assumed chairmanship of the board. Egon Lippert was nominated for chairman. Mr. Lippert made it abundantly clear that he would welcome any other nominations. There were none. Mr. Lippert was re-elected unanimously. Robert Kohn was nominated for vice-chairman and was also unanimously re-elected. Allison McCollum was re-elected secretary. Chairman Lippert re-assumed the duties of chairman. Under new business the board took up a re-zoning request for the property known as 403 Old Pollocksville Rd. by Robert Davis and Kimberly Dow. The request was to change approximately 3/5ths of the property from zone R20A to R15. Mr. Davis was present to answer questions. The town manager gave a very detailed PowerPoint presentation. He pointed out the differences in the two zonings and what would be allowed under the proposed re-zoning. He also made it very clear that a proposed site plan by Mr. Davis was entirely preliminary and that nothing would be official until all of the provisions of the town's subdivision ordinances had been met. The board voted to approve the re-zoning request and forward it to the town council for official approval. The next order of business was the filling of a vacancy on the Planning Board. Five citizens had submitted applications for the position. Four of them, Lisa Benton, Carolyn Gadwell, Jon Hall and Carina Wordham were present. Joey Routh did not attend. Each of the applicants was given five minutes to explain to the board why he or she should be selected. The board then voted by secret ballot. Carolyn Gadwell received the most votes and the board voted to recommend to the Town Council that she be selected to fill the vacancy. The meeting was adjourned. The next regular meeting is scheduled for September 7<sup>th</sup>. All Interested citizens are welcome to attend.

### **VOTE – Conditional Zoning Language**

Councilman Sheffield motioned to approve the language of the draft Conditional Zoning Ordinance. The motion carried unanimously.

### **VOTE – Conditional Zoning Public Hearing**

Councilman Sheffield motioned to schedule a Public Hearing for the Conditional Zoning Ordinance Amendment on October 19, 2023 The motion carried unanimously.

### **MAYOR'S REPORT**

The Mayor presented the following report.

Where do we stand on climate change and sea level rise? There is a considerable discussion printed each day on this subject. The well-defined answers to what has happened and what will happen relative to global climate will not be known until sometime in the future. Living in Eastern North Carolina we should all be concerned about the related rise in sea level as well as the other aspects of global warming. The sea level rise is supported by recorded measurements that cover more than 30 years of recorded observations from positions around the globe (Lee and Wang). The article cited here is from a NASA release of March 17, 2023. A copy of that article is linked below. It is a fact that sea level is rising based on observations made by NASA. The article also links the rise in CO2 to the global warming that contributes to the increase of sea level. This information is important to all of us who live in the coastal plain of North Carolina. This material is not made available to alarm the reader but as an awareness that we need to follow what NASA will continue to research and publish and to monitor what action the State and Federal agencies are taking to cope with the change.

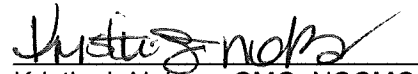
Lee, Jane, and Andrew Wang. "NASA Uses 30-Year Satellite Record to Track and Project Rising Seas." NASA, 17 Mar. 2023, [www.nasa.gov/feature/jpl/nasa-uses-30-year-satellite-record-to-track-and-project-rising-seas](https://www.nasa.gov/feature/jpl/nasa-uses-30-year-satellite-record-to-track-and-project-rising-seas).

**PUBLIC COMMENT**

No Public Comments.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 8:36 p.m.

A handwritten signature in black ink, appearing to read "Kristie J. Nobles", written over a horizontal line.

Kristie J. Nobles, CMC, NCCMC  
Town Clerk

NORTH CAROLINA

**LIBRARY SERVICES AGREEMENT**

CRAVEN COUNTY

THIS **LIBRARY SERVICES AGREEMENT**, is made and entered into this 17<sup>th</sup> day of August, 2023 by and between **TOWN OF RIVER BEND** ("Town"); and the **RED CABOOSE COMMUNITY LIBRARY** ("Library") (hereinafter collectively "Parties").

**WITNESSETH:**

WHEREAS, the Library provides certain library services and scholastic to the general community; and,

WHEREAS, Town desires to contract with the Library for the Library to provide general library services to all citizens of the Town, without charge or cost.

NOW, THEREFORE, BE IT RESOLVED that for valuable consideration, the adequacy of which is expressed acknowledged by the Parties, the Parties agree to the following terms:

**ARTICLE 1**

**Responsibilities of Library**

During the term of this Agreement, and subject to the conditions and terms contained herein, the Library agrees:

**1.1** To provide all of those general library services it is currently engaged in, to the citizens and residents of the Town, at no cost, charge or expense to individual citizens and residents of the Town.

**1.2** It may solicit donations from its patrons, but shall at all times make clear that such donations are completely voluntary, and that they shall not inure to the benefit of the Town itself.

**1.3** Indemnify and hold the Town harmless against all expenses, liabilities and claims of every kind, including reasonable attorney's fees, incurred by the Town arising out of the Library's negligence or intentional acts in performing under this Agreement, as well as the negligence or intentional acts of the Library's employees, volunteers, agents, representatives and independent contractors.

**ARTICLE 2**

**Responsibilities of Town**

During the term of this Agreement, and subject to the conditions and terms contained herein, the Town agrees:

**2.1** To advertise the Library's activities on the Town's webpage, in a reasonable manner. Such reasonable manner shall be determined in the sole discretion of the Town Manager or his/her designee.

**2.2** To pay the Library a total of five-thousand dollars per year (\$5,000), to be paid in twelve (12) equal monthly installments upon receipt of an invoice from the Library, except that in the fiscal year beginning July 1, 2023 and ending June 30, 2024, the Town agrees to pay the Library five-thousand dollars (\$5,000.00) in ten monthly installments beginning September 1, 2023.

### ARTICLE 3

#### Term

The initial term of this Agreement shall terminate on the 30th day of June, 2024. The term of this Agreement can be renewed for subsequent one-year terms upon written consent of both Parties on the same terms provided in this Agreement. During the initial term or any subsequently renewed term of this Agreement, either party, with or without cause, may cancel this Agreement upon thirty (30) days' written notice to the other party. If either party gives notice of cancellation, said notice will not be considered a breach of this Agreement, and said notice will relieve the other party from any future performance under this Agreement.

### ARTICLE 4

#### Independent Contractor

In the performance of services hereunder, the Library and its agents shall at all times act as an independent contractor, and not as an official Town department or as employees or agents of the Town. The Library and its agents shall not have any claim under this Agreement or otherwise against the Town for vacation pay, sick leave, retirement benefits, social security, worker's compensation, disability benefits, unemployment insurance benefits, or employee benefits of any other kind.

### ARTICLE 5

#### Miscellaneous

**5.1 Entire Agreement; Modification:** This Agreement supersedes all prior agreements and constitutes the entire agreement between the Parties and may not be amended or modified except by a subsequent written agreement executed by both Parties.

**5.2 Severability:** If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect or impair any of the remaining provisions of this Agreement, and the Parties shall, to the extent they deem to be appropriate, take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the Parties to this Agreement that this Agreement would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.

**5.3 Binding Effect:** This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors, and assigns.

**5.4 Assignment:** Except as may otherwise be expressly provided herein, no party may assign any right, obligation, or liability arising hereunder without the other party's prior written consent. Any such assignment or attempted assignment shall be null and void.

**5.5 Headings & Duplicate Originals:** Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.

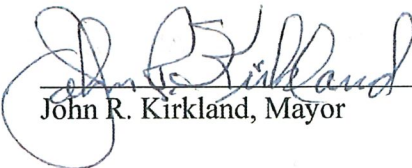
**5.6 Duplicate Originals:** This Agreement shall be executed in duplicate originals, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

**5.7 Governing Law; Exclusive Venue:** This Agreement shall be governed by the laws of the State of North Carolina. Exclusive venue for any action, whether at law or in equity, shall be in a court of competent jurisdiction in Craven County, North Carolina.


IN TESTIMONY WHEREOF, the Parties hereto have duly executed this Agreement in duplicate originals, a copy of which is retained by each of the Parties, the day and year first above written.



**TOWN OF RIVER BEND**

By:  (SEAL)  
John R. Kirkland, Mayor

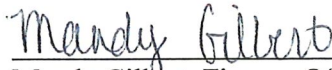
ATTEST:

  
Kristie J. Nobles, Town Clerk

**RED CABOOSE COMMUNITY LIBRARY**

By:  (SEAL)  
Gloria Kelly, Vice President

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

  
Mandy Gilbert, Finance Officer  
Town of River Bend

Date: 8/21/2023

LSS 146872

## **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND**

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.05, Board and Commissions, be amended as follows:

### **CHAPTER 3.05: BOARDS AND COMMISSIONS**

#### ***Parks and Recreation Advisory Board***

- 3.05.001 Establishment
- 3.05.002 Purpose
- 3.05.003 Powers and duties
- 3.05.004 Composition and terms of office
- 3.05.005 Organization and procedures

#### ***Environment and Waterways Advisory Board***

- 3.05.015 Establishment
- 3.05.016 Purpose
- 3.05.017 Powers and duties
- 3.05.018 Composition and terms of office
- 3.05.019 Organization and procedures

#### ***Planning Board***

- 3.05.035 Establishment
- 3.05.036 Purpose
- 3.05.037 Powers and duties
- 3.05.038 Composition and terms of office
- 3.05.039 Organization and procedures

#### ***Community Appearance Commission***

- 3.05.055 Establishment
- 3.05.056 Purpose
- 3.05.057 Powers and duties



3.05.058 Composition and terms of office

3.05.059 Organization and procedures

***Advisory Board Appointments***

3.05.070

***Advisory Board Liaison***

3.05.080

## **PARKS AND RECREATION ADVISORY BOARD**

### **§ 3.05.001 ESTABLISHMENT.**

A Parks and Recreation Advisory Board (the Board) is hereby created and established.

### **§ 3.05.002 PURPOSE.**

The purpose of the Board is to advise the Town Council (Council) and Manager on parks and recreation issues to include, but not be limited to, town parks and recreation areas, safety matters in town parks and recreation areas, and recreational activities in town parks and recreation areas.

The Board shall work on other issues assigned by the Council or Manager

### **§ 3.05.003 POWERS AND DUTIES.**

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to parks and recreation issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved parks and recreational activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.

### **§ 3.05.004 COMPOSITION AND TERMS OF OFFICE.**

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

### **§ 3.05.005 ORGANIZATION AND PROCEDURES.**

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2<sup>nd</sup> Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

## **ENVIRONMENT AND WATERWAYS ADVISORY BOARD**

### **§ 3.05.015 ESTABLISHMENT.**

An Environment and Waterways Advisory Board (the Board) is hereby created and established.

### **§ 3.05.016 PURPOSE.**

The purpose of the Board is to advise the Town Council (Council) and Manager on environmental and waterways issues and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources within the town. The Board shall work on other issues assigned by the Council or Manager.

### **§ 3.05.017 POWERS AND DUTIES.**

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to environmental and waterway issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved projects related to environmental and waterway activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.
- (F) To engage in activities to further public education and understanding of the importance of waterways and the environment to the community, and voluntary means by which these resources may be protected.

### **§ 3.05.018 COMPOSITION AND TERMS OF OFFICE.**

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

### **§ 3.05.019 ORGANIZATION AND PROCEDURES.**

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2<sup>nd</sup> Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

## **PLANNING BOARD**

### **§ 3.05.035 ESTABLISHMENT.**

A Planning Board (the Board) is hereby created and established.

### **§ 3.05.036 PURPOSE.**

The purpose of the Board is to advise the Town Council (Council) and Manager on planning and zoning issues to include, but not be limited to, establishment or revision of districts, regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in accordance with G.S. § 160D-109. The Board shall work on other issues assigned by the Council or Manager.

### **§ 3.05.037 POWERS AND DUTIES.**

Pursuant to G.S. § 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

### **§ 3.05.038 COMPOSITION AND TERMS OF OFFICE.**

- (A) There shall be seven (7) members of the Board, six (6) being appointed by the Council for 2-year staggered terms. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Craven County Commissioners in accordance with G.S. § 160D-109. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All town-appointed members shall be residents of the town.
- (C) Only the Craven County Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.
- (D) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town's planning and zoning jurisdiction.

**§ 3.05.039 ORGANIZATION AND PROCEDURES.**

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2<sup>nd</sup> Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

## **COMMUNITY APPEARANCE COMMISSION**

### **§ 3.05.055 ESTABLISHMENT.**

A Community Appearance Commission (herein after, the Board) is hereby created and established.

### **§ 3.05.056 PURPOSE.**

The purpose of the Board is to advise the Town Council (Council) and Manager on community appearance issues to include, but not be limited to, enhancing the appearance of the town, making recommendations for planting of trees, shrubs or other planting materials on town owned property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Board shall work on other issues assigned by the Council or Manager.

### **§ 3.05.057 POWERS AND DUTIES.**

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to community appearance issues.
- (B) At the request of the Council and Manager, assist in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and implement Council and/or Manager approved projects related to community appearance. The Board may be asked to conduct special projects or activities by the Council and/or Manager.

### **§ 3.05.058 COMPOSITION AND TERMS OF OFFICE.**

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

### **§ 3.05.059 ORGANIZATION AND PROCEDURES.**

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.



- (B) The Board shall set a date (Ex: 2<sup>nd</sup> Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at the meeting. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.


#### **§ 3.05.070 APPOINTMENT/REMOVAL TO BOARD**

- (A) No appointment to fill a vacancy on an Advisory Board shall be made until the vacancy has been advertised for at least 2 weeks. Applicants are encouraged to attend the Council meeting where their consideration of appointment is scheduled, whereby they will be introduced to the Council.
- (B) The following application procedure shall be followed by all applicants:
  - (1) Any person interested in appointment to an Advisory Board shall complete and submit an Advisory Board Application.

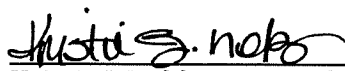
- (2) Before being considered for appointment, an applicant must have attended at least 1 meeting of the Advisory Board they request to be appointed to.
- (3) All applications for appointment will be reviewed by the Advisory Board. The Advisory Board shall consider all applicants and submit a recommendation for appointment to the Town Council.
- (4) The Advisory Board Liaison shall submit the appointment recommendation to the Town Council.
- (C) Advisory Board members may resign at any time for any reason. All resignations must be immediately reported in writing or via email to the Town Manager by the Chair, or Liaison. Once a member's resignation becomes effective, that member may only be considered for reappointment following the procedure described herein.
- (D) The Council may remove a Board member, at its discretion, by vote in an open meeting. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board.
- (E) Council members may not serve on an Advisory Board. Upon appointment or election to the Council, an Advisory Board member shall immediately resign from the Advisory Board or be removed from the Advisory Board by a vote of the Council.

This Ordinance shall be in full force and effect upon its adoption.

**Adopted this the 17th day of August, 2023**

  
John Kirkland, Mayor

ATTEST:

  
Kristie J. Nobles, Town Clerk