

**CHAPTER 3.05: BOARDS AND COMMISSIONS**

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***Cross-references:***

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- Public Works, see Title V*
- Zoning, see Ch. 15.02*

***PARKS AND RECREATION ADVISORY BOARD***

**§ 3.05.001 ESTABLISHMENT.**

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

(B) 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. The Board shall propose principles, goals, and methods, and offer guidance to the Council and Manager on parks and recreation issues.

**§ 3.05.002 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 Manager, conduct studies and make recommendations on matters relating to parks and recreation issues.

(B) Review operational reports and expenditures, and prepare recommendations to the Council and Manager on ways to improve parks and recreation operations and finances.

(C) At their request, assist the Council and Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(D) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(E) The Board shall prepare no later than March of each year, a written report to the Council outlining major actions taken over the past year in parks and recreation, and outlining recommended actions the respective departments, Manager and Council should take in the outlying years. This report shall be consulted in the preparation of the budget and Capital Improvement Plan of the town.

(F) 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.

**§ 3.05.003 COMPOSITION AND TERMS OF OFFICE.**

(A) There shall be 7 members of the Board, to be appointed by the Council for 2-year staggered terms with 3 members' terms expiring in 1 year and 4 members' terms expiring in the following year. All members shall serve without compensation. The terms of office 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's planning and zoning jurisdictions.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The vacancy shall be filled by the Council.

**§ 3.05.004 ORGANIZATION AND PROCEDURES.**

(A) The Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. 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 published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) 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.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) Pursuant to G.S. § 160A-381(d), 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.

***WATERWAYS/ENVIRONMENTAL ADVISORY BOARD*****§ 3.05.015 ESTABLISHMENT.**

A Waterways/Environmental Advisory Board (the Board) is hereby created and established.

**§ 3.05.016 PURPOSE.**

The purpose of the Board is to keep current on federal, state and county rules and regulations on waterways and the environment; to inform and advise the Town Council (Council) and Manager on changes or status of such; and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources in the town. Advice, information and resulting recommendations are to be developed through research, reference to, or consultation with experts in the appropriate fields. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods and offer guidance to the Council and Manager on waterways and environmental issues. For purposes of this subchapter, waterways and environments include, but are not necessarily restricted to: canals, channels, lakes and ponds, storm water, soil and landscape, air and open space, and flora and fauna therein.

**§ 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 Manager conduct studies and make recommendations on matters relating to waterways and environmental issues.

(B) Review all development applications and provide recommendations to the Council and Manager relating to waterways and environmental issues.

(C) At their request, assist the Council and Manager in the resolution of complaints and concerns, registered by the town's citizens, governmental agencies, or other entities, about waterways and the environment.

(D) 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.

(E) Develop and maintain an inventory of all open areas, publicly or privately owned, including, open marshlands, swamps, and other wetlands, in order to obtain information on the proper use of such areas and make recommendations to the Planning Board and Council concerning their use.

(F) To keep current on federal, state and regional environmental issues and proposals and inform the Town Council as deemed necessary or relevant.

(G) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other Town Boards working through the Manager and Council.

(H) The Board shall prepare no later than March of each year, a written report to the Council outlining major actions taken over the past year in environmental and waterways areas, and outlining recommended actions the respective departments, Manager and Council should take in the outlying years. This report shall be consulted in the preparation of the budget and Capital Improvement Plan of the town.

(I) 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.

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

(A) There shall be 9 members of the Board, to be appointed by the Council for 2-year staggered terms with 5 members' terms expiring in 1 year and 4 members' terms expiring in the following year. 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's planning and zoning jurisdictions.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The Council shall fill the vacancy.

**§ 3.05.019 ORGANIZATION AND PROCEDURES.**

(A) The Board shall elect a Chair, Vice-Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. 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 published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) 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.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) With the express approval of the Town Council, the Board shall have the capability of establishing fund raising efforts and directing the use of those funds to further the goals of the Board.

(F) Pursuant to G.S. § 160A-381(d), 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.

### ***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. § 160A-382. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods, and offer guidance to the Council and Manager on planning and zoning issues.

#### **§ 3.05.037 POWERS AND DUTIES.**

Pursuant to G.S. § 160A-361, the Board shall report to the Town Council and shall have the following powers and duties:

(A) At the direction of the Council and Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.

(B) At their request, assist the Council and 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, as appropriate, with other town boards working through the Manager and Council.

(D) The Board shall prepare no later than March of each year, a written report to the Council outlining major actions taken over the past year in planning and zoning, and outlining recommended actions the respective departments, Manager and Council should take in the outlying years. This report shall be consulted in the preparation of the budget and Capital Improvement Plan of the town.

(E) 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 7 members of the Board, 6 being appointed by the Council for 2-year staggered terms with 3 members' terms expiring in 1 year and 3 members' terms expiring in the following year. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the County Commissioners (Commissioners) in accordance with G.S. § 160A-362. 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's planning and zoning jurisdiction.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The vacancy shall be filled by the Council.

(D) Only the Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.

(E) 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) The Board shall elect a Chair and Vice-Chair. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. 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 published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) 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.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) Pursuant to G.S. § 160A-381(d), 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.

### ***COMMUNITY APPEARANCE COMMISSION***

#### **§ 3.05.055 ESTABLISHMENT.**

A Community Appearance Commission (Commission) is hereby created and established.

#### **§ 3.05.056 PURPOSE.**

The purpose of the Commission 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 municipality and its surroundings, making recommendations for planting of trees, shrubs or other planting materials to town property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Commission shall work on other issues assigned by the Council or Manager. The Commission shall propose principles, goals, and methods, and offer guidance to the Council and Manager on community appearance issues.

#### **§ 3.05.057 POWERS AND DUTIES.**

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

(A) At the direction of the Council and Manager, conduct studies and make recommendations on matters relating to community appearance issues.

(B) Review operational reports and expenditures related to Commission activities, and prepare recommendations to the Council and Manager on ways to improve community appearance operations and finances.

(C) At the request of the Council and Manager, assist in the resolution of community appearance complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(D) All Commission reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(E) The Commission shall prepare no later than March of each year, a written report to the Council outlining major actions taken over the past year in community appearance, and outlining recommended actions the respective departments, the Manager and Council should take in the outlying years. This report shall be consulted in the preparation of the budget and Capital Improvement Plan of

the town.

(F) 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.

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

(A) There shall be 7 members of the Commission, to be appointed by the Council for 2-year staggered terms with 3 members' terms expiring in 1 year and 4 members' terms expiring in the following year. 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) There may be up to 3 alternates on the Commission. These alternates may vote on Commission matters only if needed for a quorum.

(C) All members shall be residents of the town's planning and zoning jurisdiction.

(D) The Council may remove a Commission member only by taking a public vote. A Commission member who misses 3 consecutive meetings without being excused by the Commission shall be considered to have resigned membership in the Commission. The vacancy shall be filled by the Council.

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

(A) The Commission shall elect a Chair, Vice-Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Commission shall hold a minimum of 6 scheduled meetings per year. Special meetings may be called by the Chair, the Manager, or 2 members of the Commission. 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 published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Commission. This record shall be made available to the public.

(C) 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.

(D) The Commission may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) Pursuant to G.S. § 160A-381(d), 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.

### ***PUBLIC WORKS ADVISORY BOARD***

### **§ 3.05.075 ESTABLISHMENT.**

A Public Works Advisory Board (the Board) is hereby created and established.

**§ 3.05.076 PURPOSE.**

The purpose of the Board is to advise the Town Council (Council) and Manager on public works issues to include, but not be limited to, water and sewer matters, public roads, and public buildings. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods, and offer guidance to the Council and Manager on water resources and public works issues.

**§ 3.05.077 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 Manager, conduct studies and make recommendations on matters relating to water resources and public works issues.

(B) Review operational reports and expenditures, and prepare recommendations to the Council and Manager on ways to improve water resources and public works operations and finances.

(C) At their request, assist the Council and Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(D) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(E) The Board shall prepare no later than March of each year, a written report to the Council outlining major actions taken over the past year in water resources and public works, and outlining recommended actions the respective departments, Manager and Council should take in the outlying years. This report shall be consulted in the preparation of the budget and Capital Improvement Plan of the town.

(F) 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.

**§ 3.05.078 COMPOSITION AND TERMS OF OFFICE.**

(A) There shall be 7 members of the Board, to be appointed by the Council for 2-year staggered terms with 3 members' terms expiring in 1 year and 4 members' terms expiring in the following year. 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's planning and zoning jurisdictions.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The vacancy shall be filled by the Council.

**§ 3.05.079 ORGANIZATION AND PROCEDURES.**

(A) The Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. 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 published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) 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.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) Pursuant to G.S. § 160A-381(d), 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.