



**SURF CITY TOWN COUNCIL REGULAR  
MEETING AGENDA  
Tuesday, August 3, 2021  
Surf City Municipal Complex – 214 W. Florence Way  
Stream Live: [www.youtube.com/townofsurfcity](http://www.youtube.com/townofsurfcity)  
4:30 PM**

- I. CALL TO ORDER - Douglas C. Medlin, Mayor
- II. INVOCATION - William J. (Buddy) Fowler, Mayor Pro-Tem
- III. PLEDGE OF ALLEGIANCE - Donald R. Helms
- IV. BEAUTIFICATION & APPEARANCE COMMITTEE AWARDS -

Home of the Month: The Brent Family at 53 N. Ridge  
Business of the Month: Handy Mart at 2700 NC Hwy 210

V. MAYOR'S REMARKS -

*We ask that all in attendance please set your cell phones to silent or vibrate mode. The Council offers the public an opportunity to speak during the meeting. Comments should be limited to three minutes each and must be directly issue oriented with agenda items for this meeting, or an issue upon which the Council has control.*

*Citizen speakers will be acknowledged in the order in which they sign up to speak and will address all comments to the Board as a whole and not one individual Council member. Speakers will address the Council from the speaker's podium at the front of the room and will begin their remarks by stating their name and address. Discussions between Speakers and members of the audience will not be allowed. Groups of individuals seeking to speak on the same topic of concern will need to pick an individual speaker to represent the group as whole.*

*Public comment is not intended to require the Council to answer any impromptu questions. Speakers are expected to be civil in their language and presentation. Any comments where the primary purpose is to promote business or candidacy shall not be allowed.*

*In accordance with the Council's adopted Rules of Procedures, Councilmembers shall reserve responses, if any, for the Council Forum on the agenda.*

VI. ADOPTION OF THE AGENDA -

**Mayor:** With no other items being considered separately, a motion to adopt the Meeting Agenda is in order.

VII. APPROVAL OF THE CONSENT AGENDA -

*\*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Council.*

1. July 6<sup>th</sup> & 16<sup>th</sup>, 2021 Minutes
2. Budget Ordinance Amendment – Beach Wheelchairs
3. Advisory Committee Handbook
4. Ordinance Amendment No. 2021- 13- Chapter 13 Planning

**Specific Action Requested:** It is requested that the Town Council approve the consent agenda as presented.

- VIII. PUBLIC COMMENT - Citizens have an opportunity to address the Council for no more than three minutes per speaker on topics which concern agenda items of this meeting.
- IX. MANAGER'S REPORT -
- X. COUNCIL FORUM -
- XI. TOWN ATTORNEY REPORTS -
- XII. ADJOURNMENT -



**SURF CITY TOWN COUNCIL REGULAR  
MEETING MINUTES  
Tuesday, July 6, 2021  
Surf City Municipal Complex – 214 W. Florence Way  
Stream Live: [www.youtube.com/townofsurfcity](http://www.youtube.com/townofsurfcity)  
4:30 PM**

**Council Members Present:**

**Douglas C. Medlin, Mayor**

**William J. (Buddy) Fowler, Mayor Pro-Tem**

**Donald Helms**

**Teresa Batts**

**Jeremy Shugarts**

**Dwight Torres**

- I. CALL TO ORDER - Douglas C. Medlin, Mayor
- II. INVOCATION - William J. (Buddy) Fowler, Mayor Pro-Tem
- III. PLEDGE OF ALLEGIANCE - Donald R. Helms
- IV. SPECIAL RECOGNITION– Sgt. Bailey & MPO Fehling
- V. BEAUTIFICATION & APPEARANCE COMMITTEE AWARDS -

Home of the Month: Leigh B. Warpole at 424 N. Shore Dr.

Business of the Month: Sweet Island at 306 Roland Ave.

**VI. MAYOR'S REMARKS -**

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*In accordance with the Council's adopted Rules of Procedures, Councilmembers shall reserve responses, if any, for the Council Forum on the agenda.*

VII. ADOPTION OF THE AGENDA -

Mr. Helms made a motion to approve the agenda as presented. Mr. Torres seconded the motion, and it was carried.

VIII. APPROVAL OF THE CONSENT AGENDA -

1. June 1<sup>st</sup>, 18<sup>th</sup>, & 25<sup>th</sup>, 2021 Minutes
2. Enhancement & Beautification Committee Appointment – Desiree Taron
3. Advisory Board Re-Appointments
4. Budget Ordinance Amendment – Fire Dept. Insurance Claim
5. Budget Ordinance Amendments – Utility Capital Costs at WWTP
6. Copier Contract
7. Ordinance Amendment No. 2021- 11- Chp. 11 Nuisances Art. II Noise
8. Resolution No. 2021-17 – Council Rules of Procedure Amendment

Mr. Helms made a motion to approve the consent agenda as presented. Mrs. Batts seconded the motion, and it was carried.

IX. PUBLIC COMMENT - Citizens have an opportunity to address the Council for no more than three minutes per speaker on topics which concern agenda items of this meeting.

Peter Sloan 512 Terraces thanked the council for the July 3<sup>rd</sup> celebration and gave an update on Jeep week, Sept. 13<sup>th</sup> -19<sup>th</sup>, 2021.

Tommy Russell 338 Edgewater Way stated his stormwater situation along his property. He explained he had tried to work with DR Horton and had not gotten any responses. He requested assistance from the town in getting the stormwater issues alleviated.

Jeff Surles 1006 1<sup>st</sup> Street complained about Tortuga's Nest regarding noise, fighting, threats, urination in public, and claiming of underage drinking. He requested police presence in the parking lot to calm the patrons.

Randal Nickle 210 Edgewater Way thanked the community, school, and the police officers. He requested all speed limits signs changed to 20 mph inside of Waterside Development.

John Davis 208 Edgewater Way expressed his love for the Town of Surf City. He asked that DR Horton be held to a higher standard, he stated they are slipping by. He also requested a crosswalk at the entrance of Waterside Development.

Zach Snell 6096 6<sup>th</sup> St. voiced his concerns with paid parking and his dis-taste for it. He requested more than two free passes for residents per property. He asked for transparency in how the funds were being used.

X. NEW BUSINESS –

9. Satellite Annexation Request – Lynnlee Properties, LLC, at 12553 NC Hwy 50, Pender County Pin# 4236-32-1318-0000, Containing 1.9 +/- Acres

Mr. Helms made a motion to approve the resolution directing the clerk to certify the petition, set the public hearing for August 3<sup>rd</sup> and send the annexation to the planning board of zoning classification. Mr. Torres seconded the motion, and it was carried.

XI. MANAGER'S REPORT -

• **Council Fall Retreat**

- Staff is preparing for a November 8<sup>th</sup> retreat to focus on annual objectives as well as potential items for next budget year. We will be meeting at the same location as we did last Fall.

• **ARP Funding**

- Staff has been tracking the American Rescue Plan funding and subsequent guidelines that go along with the program. The Town will see a disbursement this year of \$393,432 and the same disbursement in 2022 for a total of \$786,863.99. Once full eligibility is more clearly realized, staff will develop a list of projects that may qualify to be funded. Unlike the prior CARES Act funding, the ARP funds don't have to be obligated until 2024. The developed list will be prioritized and presented to Council for final decision.

• **Parking Capacity Analysis**

- Staff has prepared and published a Request for Proposals for qualified firms to perform a parking capacity analysis. This is a priority for the Town to determine short-, mid-, and long-term strategies to increase parking capacity throughout town. Proposals are due by July 23<sup>rd</sup> in which they will be evaluated, and we will make a selection and recommendation to Council for potential contract award.
- Pivot Parking will be presenting at your July 16<sup>th</sup> work session to provide a mid-season overview.

• **Paid Parking**

- Parking continues to progress. An internal policy document has been created and shared with Pivot to help guide theirs and our decision making.
- Last week, we were able to locate an additional 50 or so parking spaces to add to the overall capacity, to be used for golf cart parking.
- We continue to evaluate the parking map and overall functions and make adjustments
- We have created an online parking map to help guide folks to available parking within Town.
- Staff is currently working on developing a request for proposals to seek guidance on overall capacity as it relates to short term/mid/and long range solutions to continue to build parking capacity for our beach.

• **Tropical Storm Elsa**

- Town staff are currently monitoring the progression of Tropical Storm Elsa.
- Based on the latest data, we are planning for the possibility of minor impacts midweek, mainly Thursday.
- As of the latest model runs, the system center will make its closest pass between 1pm and 5pm Thursday, roughly 80 miles to our west.
- Rainfall totals of 3-5" with higher amounts in isolated areas may lead to surface flooding in flood prone areas

- Gusty winds, potentially tropical storm force in intensity are possible, especially midday Thursday
- Isolated tornadoes are always a possibility with tropical weather.
- Emergency management will be sending out briefing packages as information becomes available.
- **Vector Control**
  - The County Health Department continues to provide mosquito control services for the Town. As a reminder, there's a web form on the Town of Surf City website that anyone can fill out to request nuisance vector services above and beyond their normal spray operations. Also, if you wish to be on the do not spray list you can request that as well. All forms are sent to the County for them to address.
- **Beach Nourishment Committee**
  - The Beach Nourishment committee has met twice over the last month to evaluate their position and seek additional direction. Through their efforts and leadership, staff will prepare a memo to Council for your July work session to formalize their efforts to not only focus on beach nourishment efforts of the Town but also take on resiliency efforts to help set coastal resilience goals, and to help local needs identifying and prioritizing projects.
- **Beach Nourishment – Federal Project**
  - Unfortunately, we heard from North Topsail Beach regarding their intent to sign the Project Partnership Agreement (PPA). This action will require the Army Corps of Engineers to descope NTB from the project and move through their internal process to refocus to a Surf City only project.
  - Pam Castens is here to discuss with the Board as to what those steps are.

## XII. COUNCIL FORUM -

Mr. Torres thanked the Mayor and the manager for the wonderful July 3<sup>rd</sup> event. He welcomed everyone back to the new normal and exercise their civic duty. He stated he would address the issues to along with his colleges. He wished everyone a safe summer and ask them to prepare for hurricane season.

Mr. Fowler stated he had the same sentiments as Mr. Torres. The council will take action to assist to alleviate those issues. He spoke on the USACE project, and that Surf City will be moving forward, and we have planned and saved for this project beginning over 12 years. Surf City can move forward, and we look forward to working with USACE. Staff is working with Pivot Parking to work through any issues that may arise. We stated it was an honor to see everyone that came out July 3<sup>rd</sup> event.

Mrs. Batts stated she shared the same comments and concerns. She too thanked the staff and emergency services for working together and making July 3<sup>rd</sup> a great event. She congratulated the two officers for their dedication and hard work earning their certificates. She too stated Surf City is ready to move forward with USACE project. She reminded everyone of the great event that Surf City has going on this summer.

Mr. Helms thanked everyone for coming out tonight. He stated he was happy these issues are brought to light and that gives the board an opportunity to work on them. He spoke on the new noise ordinance that was just passed and its new regulations. He stated he hoped everyone was able to enjoy the July 3<sup>rd</sup> celebration.

Mr. Shugarts stated he agreed with his colleagues and their comments. He let the patrons know that the board does listen, and they do work on all the issues that are brought up. He thanked the staff for the fireworks and that they were amazing. He thanked everyone for attending.

Mayor spoke on the July 3<sup>rd</sup> event and how great it was. He too stated the board would investigate the issues brought up tonight. He stated he understood that paid parking is not easy to implement but, these funds are for the beach nourishment, and then fund the re-nourishment cycles. He stated Surf City is a fabulous place to live.

#### XIII. TOWN ATTORNEY REPORTS -

Mr. Edes stated the new emergency plan has been reviewed. The town is on track to have all the easements in place for the for the USACE project. He briefly spoke on the bar issues and that other towns have the same problems. Many of the regulations of bars are guided by ABC Commission and not regulated at a local level.

#### XIV. ADJOURNMENT -

Mr. Torres made a motion to adjourn. Mr. Helms seconded the motion, and it was carried.



# TOWN OF SURF CITY

## July 16, 2021, WORK SESSION MINUTES

9:00 AM / Friday, July 16, 2021

Surf City Municipal Complex, 214 W. Florence Way

Watch Virtually: [www.youtube.com/townofsurfcity](http://www.youtube.com/townofsurfcity)

### **Council Members Present:**

Douglas C. Medlin, Mayor

William J. (Buddy) Fowler, Mayor Pro-Tem

Donald Helms

Teresa Batts

Jeremy Shugarts

Dwight Torres

### **Call to Order**

Douglas C. Medlin, Mayor

### **Invocation & Pledge**

### **Introductions & Welcome**

### **Approval of Agenda**

Mr. Helms made a motion to approve the agenda. Mrs. Batts seconded the motion and it was carried.

### **Town Council Work Plan Items:**

#### 1. Beach Nourishment & Committee Update

Pam Castens, USACE Project Engineer, briefed the board on the USACE project. She stated that N. Topsail decided not to move forward with the project. The next steps involve validating the Surf City economic scope, the environmental impacts and of course accepting the project. The USACE is actively working on how to get these next steps moving forward. The validation report will benefit letter report, cost information, that was just completed. The project funded under the supplemental bill which should move the project forward faster. The regional governance discussion with the division office is next week. USACE will develop a timeline out of the discussions next week as to when the validation report should begin. She stated that because the PPA will not be done before August 1, 2021, therefore, sand will not be placed this December. They are still moving forward with widening the environmental windows, so they can place sand year-round. They are hoping the delay is minimal and with the environmental windows widened they will be ready to move forward as soon as possible.

Mr. Fowler asked if the project would start in 2022.

Mrs. Castens stated it is safe to say it would not start before 2022. The team is engaged and stands strong on trying to get this project moving forward as soon as possible.

The Mayor expressed his gratitude for towards the USACE work with moving the project forward.

Mr. Fowler asked if Surf City was where they need to be for moving forward.

Mrs. Castens stated the team was ready to move forward with validation but due to the other town backed out those have not been validated at this time. However, from the initial assessment Surf City has done a great job and appears to be prepared. She stated she has been working closely with town staff.

There was discussion on obtaining a letter from the Sea Turtle Hospital in support of widening the environmental windows.

Mr. Breuer discussed the beach nourishment committee and updated the board on the work of the beach nourishment committee. Moving forward with committee wishes to take on resiliency projects and to re-name the committee to the Beach Nourishment & Resilience Committee.

Mr. Helms made a motion to change the name. Mr. Fowler seconded the motion and it was carried.

## 2. WK Dickson Presentation –Stormwater on S. Shore Drive

WK Dickson gave a presentation for the Stormwater Feasibility Study in conjunction with NCDOT to alleviate flooding on NC Hwy 50 / S. Shore Drive. The identified seven flooding sites along NC Hwy 50. There are nine potential sites that can collect the water and pump and discharge it or infiltrate it into the dunes.

Mr. Torres asked if there was a timeline?

Mr. Breuer stated the next step is working with our partners with NCDOT. The town is in a fantastic position because most of the sites identified as town owned lots. The infiltration can go under the newly implemented parking lots. We are hopefully NCDOT will move forward with the project and we will come back to the board for you all to decide if you would to fund the project.

## 3. PIVOT Parking Presentation

Tina Reed with Pivot Parking gave an update on paid parking and hurricane passes. She discussed the implementation of the paid parking.

Mr. Shugarts thanked the ambassadors for their hard work and graciousness with the customers.

There was discussion on contractors and hurricane passes.

Mr. Breuer gave a printout of the financials from Pivot parking for the mid-season report. We have exceeded our budgeted income expectations. However, there were upfront cost to prepare the parking lots for parking. We do expect that number to be severely reduced for next year.

4. Advisory Committee Handbook

Mrs. Hobbs gave a presentation of Committee Handbook.

5. Advisory Board Appointment Considerations

i. Parks & Recreation – Russ Lindsey

ii. Beach Nourishment – George Howard

Mr. Helms made a motion to accept Mr. Russ Lindsey to the Parks & Recreation committee.

Mr. Fowler seconded the motion and it was carried.

Mr. Fowler made a motion to appoint George Howard to the Beach Nourishment Committee.

Mrs. Batts seconded the motion and it was carried.

6. Resolution No. 2020-20 Fixing Date of Public Hearing

Mr. Helms made a motion to approve resolution 2021-20 setting the public hearing for Lynlee Properties in September. Mr. Fowler seconded the motion and it was carried.

Mr. Torres made a motion to adjourn. Mrs. Batts seconded the motion and it was carried.

TOWN OF SURF CITY  
BUDGET ORDINANCE AMENDMENT  
August 3, 2021

**BE IT ORDAINED** by the Governing Board of the Town of Surf City, North Carolina, that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2022.

**Section 1.** To amend the **Beach Wheelchair Donations** to account for donations (revenue) made to purchase (expense) beach wheelchairs from this coming fiscal year (2022):

**INCREASE BUDGETED REVENUE**

<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
10-620-448-489912	Beach Wheelchair Donations	\$15,000

**INCREASE BUDGETED EXPENDITURE**

<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
10-620-448-515410	Beach Wheelchair Donations	\$15,000

**Section 2.** Copies of these Budget Amendments shall be furnished to the Clerk, to the Governing Board, to the Town Manger, and the Finance Officer for their direction.

**Adopted** this the  3  day of  August  2021.

ATTEST:

\_\_\_\_\_  
Doug Medlin

\_\_\_\_\_  
Stephanie E. Hobbs, Town Clerk

(Seal)



# Committee Handbook

Adopted August 2021

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## **Introduction**

Thank you for volunteering to serve on one of the Town of Surf City's advisory boards or committees. Volunteers play an important role in Town government, and your elected officials and Town staff look forward to working with you. Serving on a committee is an opportunity to collaborate with local government and to help shape decisions and policies that can affect our Town for years to come.

Boards and committees advise the Town Council on a wide variety of subjects by making recommendations on policy matters or on other topics as requested by Council. The mission, responsibilities and time commitments for each committee vary. A complete description of each committee is included in this handbook. Some of the committees, such as the Board of Adjustment, have specific guidelines mandated by state law. Others, such as the Planning Board, have their purpose and guidelines included in the Town ordinances. The remaining committees were created by and are organized through Council action. Town ordinances for committee member attendance and other general rules, and the communications guidelines, are also included.

Unless otherwise indicated, serving on a committee is restricted to residents and property owners of the Town of Surf City. Committee vacancies are posted on the town website, and applications are available at Town Hall and on the Town's website, [www.surfcitync.gov](http://www.surfcitync.gov). Committees have varying time periods for terms; Council considers applications at the regular work session meetings when positions are available.

We've also included some relevant state statutes regarding open meetings and public record law in the handbook. If you have any questions about these guidelines, about any of the committees or about serving on a committee, please contact Town Clerk Stephanie Hobbs at (910) 328-4131 or [clerk@surfcitync.gov](mailto:clerk@surfcitync.gov)

Thank you for your service to the Town of Surf City!

## Excerpts from N.C. General Statues - Open Meetings

### § 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

### § 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.

(1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s.

4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8.)

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

(a) Electronic Meetings. – If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) Written Ballots. - Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. - The members of a public body shall not deliberate, vote, or otherwise act upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise acting by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting. (1979, c. 655, s. 1.)

§ 143-318.14. Broadcasting or recording meetings.

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such

equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

## Excerpts from N.C. General Statutes - Public Records law

### § 132-1. "Public records" defined.

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any county, unit, special district, or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government, or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1.)

### § 132-1.2. Confidential information.

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
  - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
  - b. Is the property of a private "person" as defined in G.S. 66-152(2).
  - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
  - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.
- (2) Reveals an account number for electronic payment as defined in G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147 of the General Statutes or G.S. 159-32.1.
- (3) Reveals a document, file number, password, or any other information maintained by the Secretary of State pursuant to Article 21 of Chapter 130A of the General Statutes.
- (4) Reveals the electronically captured image of an individual's signature, date of birth, drivers license number, or a portion of an individual's social security number if the agency has those items because they are on a voter registration document.
- (5) Reveals the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes that has been submitted for project approval to (i) a municipality under Part 5 of Article 19 of Chapter 160A of the General Statutes or (ii) to a

county under Part 4 of Article 18 of Chapter 153A of the General Statutes. Notwithstanding this exemption, a municipality or county that receives a request for a document submitted for project approval that contains the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes and that is otherwise a public record by G.S. 132-1 shall allow a copy of the document without the seal of the licensed design professional to be examined and copied, consistent with any rules adopted by the licensing board under Chapter 83A or Chapter 89C of the General Statutes regarding an unsealed document.

(6) Reveals documents related to the federal government's process to determine closure or realignment of military installations until a final decision has been made by the federal government in that process.

(7) Reveals name, address, qualifications, and other identifying information of any person or entity that manufactures, compounds, prepares, prescribes, dispenses, supplies, or administers the drugs or supplies obtained for any purpose authorized by Article 19 of Chapter 15 of the General Statutes. (1989, c. 269; 1991, c. 745, s. 3; 1999-434, s. 7; 2001-455, s. 2; 2001-513, s. 30(b); 2003-226, s. 5; 2004-127, s. 17(b); 2009-346, s. 1; 2014-79, s. 8; 2015-198, s. 6.)

§ 132-2. Custodian designated.

The public official in charge of an office having public records shall be the custodian thereof. (1935, c. 265, s. 2.)

§ 132-3. Destruction of records regulated.

(a) Prohibition. - No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Natural and Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

(b) Revenue Records. - Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Department of Revenue has been copied in any manner, the original record may be destroyed upon the order of the Secretary of Revenue. If a record of the Department of Revenue has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Secretary of Revenue.

(c) Employment Security Records. - Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Division of Employment Security has been copied in any manner, the original record may be destroyed upon the order of the Division. If a record of that Division has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Assistant Secretary of

Commerce. (1935, c. 265, s. 3; 1943, c. 237; 1953, c. 675, s. 17; 1957, c. 330, s. 2; 1973, c. 476, s. 48; 1993, c. 485, s. 39; c. 539, s. 966; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 12; 2001-115, s. 2; 2011-401, s. 3.16; 2015-241, s. 14.30(s).)

# ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES [4]

## DIVISION 1. - GENERALLY

### **Sec. 2-101. Appointment policy.**

(a) *Generally.* The policy of the town governing appointments to the various boards and committees made by the council is as follows:

(1) Any citizen or property owner of the town is eligible to serve on the appointed boards and committees of the town where such appointment is not prohibited by state statute.

(2) All appointments will be made according to the ordinance that created that board or committee.

(3) All appointees to boards and committees of the town shall serve at the pleasure of the town council and may be removed by the council at any time. If any member does not, in any given twelve-month period, attend at least two-thirds (2/3) of the meetings of the body to which he or she has been appointed, that person's appointment shall automatically expire. The council may, at its discretion, reinstate an appointee whose term has expired under these rules.

(4) Appointee must uphold town policies pertaining to the committee he serves.

(b) *Filling vacancies.* The procedures for filling vacancies for appointed positions are as follows:

(1) Thirty (30) days prior to the terms expiring, the town clerk will notify the council and will mail a notice to each person who is eligible for reappointment requesting information on his interest in continuing to serve. If an application is not on file, one will be requested at this time.

(2) The list of upcoming appointments will be advertised in the local newspaper at the same time council receives notification in order to provide citizens with an opportunity to indicate their interest in serving.

(3) At the same time council receives notification of upcoming appointments, each councilmember will be provided forms which nominations for each appointment may be made. Prior to the fifteenth day of the month, councilmembers should submit nomination for upcoming vacancies to the town clerk. Councilmembers will be provided a copy of new resumes from citizens for up-coming appointments as they are received.

(4) During review of nominations for upcoming appointments, council may request the town manager's assistance in obtaining any pertinent background information.

(5) "Appointments" will be made at the council's next monthly meeting in which the appointment is due.

(6) The town clerk shall prepare a letter of notification to the appointee and a copy to the affected board, notifying each of the appointment. This letter will include a congratulation statement, the time, date, and place of the first meeting he is to begin service. If an individual is not reappointed, he will be sent a letter of appreciation by the mayor at the expiration of his term, thanking him for the past service rendered.

(Res. of 11-4-85, § 2; Ord. No. 1993-1, § 1, 1-5-93; Ord. No. 2000-20-A, 8-1-00)

### **Sec. 2-102. Parks and recreation commission.**

(a) *Creation.* Pursuant to N.C.G.S. 160A-146, a parks and recreation commission for the town is hereby created for the purpose hereinafter set forth.

(b) *Purpose.* The purpose of the commission shall be to advise the town council and the parks and recreation director of the needs, strengths, and abilities of the town and its residents as they relate to parks and recreation, and to undertake such duties as may be conferred upon it by law or by the council.

(c) *Composition; appointments; terms; attendance; compensation.*

(1) *Composition; appointments.* The parks and recreation commission shall be composed of five (5) regular members. The chairman and regular members shall be appointed at large and shall reside within the town and extraterritorial area.

(2) *Terms.* The terms of office of the regular members shall be two (2) years. Initial terms shall be staggered as follows: Members 1, 2, 3, and 4 — two (2) years; members 5, 6, and 7 — one (1) year. All terms shall expire in June of the last year of the term.

(3) *Attendance.* Faithful attendance at meetings of the commission is a prerequisite for continued membership. The town council may remove and replace any member who has unexcused absences from two (2) consecutive meetings or unexcused absences which constitute more than twenty-five (25) percent of the commission meetings in any calendar year. (Excused absences are defined as absences caused by events beyond one's control.)

(4) *Subsequent appointments; compensation.* All subsequent appointments shall be made by the town council. All members of the commission shall serve without compensation.

(d) *Organization.* The parks and recreation commission at its first meeting shall appoint such officers as may be deemed proper for the conduct of its business, and shall adopt rules and regulations to govern its procedures.

(e) *Miscellaneous powers and duties.* The commission may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, maintenance and inquiry pursuant to purposes for which the commission has been established.

(Ord. No. 1993-13, §§ 1—5, 3-9-9)

# **BEAUTIFICATION & ENHANCEMENT COMMITTEE**

## **Section 1: Creation, General Duties of the Committee, Recommendations.**

This group shall be known as the Surf City Beautification & Enhancement Committee. This Committee was established to develop ideas, and report to Parks & Recreation Director who will review suggestions and recommendations and, when necessary, present beautification matters to Town Council.

## **Section 2: Appointments, Terms and Composition.**

Initially, Town Council appointed six (6) members to the Committee, serving staggered terms of four (4) years. Regular terms of office shall expire on November 30th. In addition, Town Council shall appoint a Council person and a representative from Town staff to serve as ex-officio members, as well as serving in an advisory capacity. Committee members' terms of office shall be for four years and members are eligible to serve consecutive terms. Vacancies are advertised in accordance with the Town's Appointment Policy. Vacancies are to be filled by Town Council as they occur. Regular meetings are to be held monthly and are open to the public.

## **Section 3: Election of Officers.**

Annually at the September meeting, the Beautification & Enhancement Committee shall elect its Chairperson. The terms of these officers shall be one (2) years, with eligibility for re• election.

## **Section 4: Attendance at Meetings.**

Members of the Beautification & Enhancement Committee are expected to attend all Committee meetings. Should a member miss three (3) or more consecutive meetings, the Committee Chairperson shall advise Town Council through the Town Clerk or Town Council representative that a vacancy exists. The Council will appoint a new member to fill the unexpired term.

## **Section 5: City Staff Services.**

The Beautification & Enhancement Committee shall be assisted by the Town Clerk in secretarial and technical services.

## **Section 6: Annual Appropriations, Expenditures.**

The Beautification & Enhancement Committee shall annually submit to the Town's Finance Director by April 15 its requested budget for the next fiscal year. All expenditures are administered by the Town in accordance with the N. C. Local Government Budget & Fiscal Control Act.

**Section 7: Responsibilities and Duties.**

The Beautification & Enhancement Committee shall act in an advisory capacity to Town Council, Town Clerk and departments of the Town in relation to general appearance of the community, and shall have the following duties :

- A. (1) To initiate, promote and assist in programs and activities that will aid in the beautification of the Town.
- (2) To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of the Town.
- (3) To provide leadership and guidance to individuals, public and private organizations and agencies, and the general public in matters relating to community appearance.
- B. In addition to the duties above, the Beautification Committee shall have the following special duties:
  - (1) The Committee, in cooperation with the Town Clerk and Town Planner, shall periodically review the Tree Policy and make recommendations to City Council.
- C. The Beautification Committee shall have the following powers:
  - (1) The Committee may suggest from time to time, the adoption of ordinances that will help the beautification and cleanup efforts.
  - (2) To promote public interest to advance the cause of improved municipal appearance.

**Section 8: Compensation**

All members of the Committee shall serve without .

**Section 10: Rules of Order.**

*Robert's Rules of Order* used as a guideline of accepted parliamentary procedure.

## **§ 160A-388. BOARD OF ADJUSTMENT**

### **(N.C. General Statutes - 5 members, up to 2 alternates)**

#### **14.1 Creating the board of adjustment.**

The Surf City town council shall provide for the appointment of the board of adjustment (hereinafter called the board). Insofar as possible, members of the board shall be appointed from different areas within the town zoning jurisdiction. The board shall consist of a minimum of five (5) members. Insofar as possible, initial appointments to the board shall be as follows: one-third (1/3) for a term of three (3) years; one-third (1/3) for a term of two (2) years; and one-third (1/3) for a term of three (3) years to serve in the absence of regular members. The successor to the regular and alternate members shall be appointed for three-year terms. Vacancies shall be filled for the unexpired term only. Members of the board of adjustment may be removed for cause in accordance with their rules or procedure.

(Ord. No. 2020-10, 12-1-20)

#### **14.2 Meetings.**

The town council shall appoint one (1) of the board members as chairman and another as vice-chairman who shall serve for one (1) year. The board shall draw up and adopt rules of procedures under which it will operate. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action. Statutory quasi-judicial procedures in accordance with G.S. 160D-406 shall be followed for the consideration of any appeal or variance heard by the board.

(Ord. No. 2020-10, 12-1-20)

#### **14.3 Filing and notice for an appeal.**

Appeals from the enforcement and interpretation of this ordinance and application for variances may be taken to the board of adjustment by any person aggrieved or by any office, department, board or bureau of the town affected. The owner or other party has thirty (30) days from receipt of the written notice of a determination or final decision of any development regulation within which to file an appeal. The absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. Notice of appeal to the board of adjustment shall be filed with the town planner. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within fifteen (15) days after such a request is filed.

Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or town may request and the board may grant a stay of a

final decision of development approval applications, including building permits affected by the issue being appealed.

Evidentiary hearing of the appeal. After receipt of the notice of appeal, the board chairman shall schedule the time for an evidentiary hearing, which shall be at least twenty (20) working days following receipt of the appeal and which shall allow adequate time for required the evidentiary hearing notices.

Fees for appeals. Applications for appeals shall be accompanied by the required application fee, as set from time to time by the town council.

(Ord. No. 2013-05, 10-1-13; Ord. No. 2020-10, 12-1-20)

#### **14.4 Powers and duties.**

The board of adjustment shall have the following powers and duties:

1) To hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the town planner or other administrative officials in the carrying out or enforcement of any provision of the ordinance. The officer making the determination shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner. A simple majority of the members of the board shall be necessary to reverse, wholly or partly any such decision.

2) To authorize variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the board unless and until the following findings are made:

a) That an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

b) That the hardship results from conditions that are peculiar to the property, such as location, size, and topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

c) That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.

d) That the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved

3) A vote of four-fifths (4/5) shall be required to grant a variance from the terms of this ordinance.

(Ord. No. 2013-05, 10-1-13; Ord. No. 2020-10, 12-1-20)

#### **14.5 Notice of evidentiary hearing.**

Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten (10) days, but not more than twenty- five (25) days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of

the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(Ord. No. 2020-10, 12-1-20)

#### **14.6 Appeal from the board of adjustment.**

An appeal from the decision of the board of adjustment may be made to the Pender County Superior Court or Onslow County Superior Court, depending upon which county the property in question lies, within thirty (30) days after the decision is made by the board, but not thereafter.

(Ord. No. 2020-10, 12-1-20)

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# Surf City Parks, Recreation, and Tourism Advisory Committee (PRTAC)

## *By-Laws*

LAST REVISED/UPDATED: 12-15-2020

**COMPOSITION:** The Advisory Board shall be composed of eight members appointed by the Surf City Town Council.

**PURPOSE:** To serve in an advisory capacity to the Director of the Parks, Recreation, and Tourism Department and be community advocates for identifying and providing recreational/leisure services to enhance life in Surf City. Members will serve as liaisons and representatives to other agency affiliations.

### ARTICLE I:

Parks, Recreation, and Tourism Advisory Committee members shall be appointed and reappointed by the Town Council in consideration of recommendations from the Parks & Recreation Director. This committee consist 9 members of which 8 are advisory members and 1 council liaison.

### ARTICLE II:

The Parks, Recreation, and Tourism Advisory Committee shall assume the following duties:

- Advise the Director of recreational issues and convey the needs and desires of the citizens.
- Offer suggestions and provide information for planning and developing recreation programs and activities that will best fit the recreational needs of the community.
- Propose ideas for use of, or improvements of, parks, playgrounds, community centers, water areas, or other recreation areas and facilities as may be necessary to the recreation program within those funds allocated to the department.
- Assist in furthering and promoting the recreation program through volunteering and stimulating public involvement.
- Make recommendations for setting up a budget for the fiscal year.

### ARTICLE III:

- (f) The election of officers, a Chairman and a Vice-Chairman, will take place at the regular meeting in June of each year. Interested committee members shall make it known that they would like to be nominated for the offices at the meeting in May of each year.
- (g) The new officers shall take office at the regularly scheduled July meeting each year.

### ARTICLE IV:

- (d) It shall be the duty of the Chairman to preside at all meetings.
- (e) The Vice-Chairman shall preside in the absence of the Chairman.
- (f) When both the Chairman and Vice-Chairman are absent, a temporary Chairman shall be selected by those members who are present.

## ARTICLE V:

The Recreation Administrative Supervisor shall serve as secretary of the Parks, Recreation, and Tourism Advisory Committee. It shall be the duty of the secretary to notify members of meeting cancellations, keep a permanent record of the proceedings of meetings, and to have a copy of the proceedings of each meeting sent to each member. It shall also be the duty of the secretary to submit annual reports of the programs and finances at the regular meeting in July of each year.

## ARTICLE VI:

- Sub-committee leaders shall be appointed by the Chairman at the regularly scheduled meeting in July of each year. Vacancies on the standing committees shall be filled by the Director or Chairperson at any regular meeting.

- Standing Committees are as follows:

- Parks & Maintenance – 2 PRTAC members and 2 staff (assigned by Director)

The Parks & Maintenance Committee shall be aware of the use, need, demand and availability of facilities, and recreation areas (including water areas) and make recommendations on acquisition, improvements, development, use and operation of all facilities and areas owned, leased or proposed to be acquired by the recreation department.

- Tourism, Promotion, and Special Events– 3 PRTAC members and 3 staff (assigned by Director)

The Tourism, Promotion, and Special Events Committee shall be aware of the use, need, demand, and promotional/marketing opportunities and make recommendations on development, implementation, and improvements of rental facilities, special events, and promotional/marketing opportunities.

- Recreation, Wellness, and Athletic Programs – 3 PRTAC members and 4 staff (assigned by Director)

The Recreation, Wellness, and Athletic Programs Committee shall be aware of the use, need, demand and availability of programs and make recommendations on development, implementation and promotion of proposed programs. These programs will be focused on any camps, wellness, athletic, or other programs developed in the Recreation Program, Wellness, and Athletic sections of the department.

- for such purposes as deemed necessary.

- The Chairman and Director shall be ex-officio members of all committees and, as such, notified of all committee meetings.

## ARTICLE VII:

(c) Regular meetings of the Parks, Recreation, and Tourism Advisory Committee shall be held at 3:00 PM on the 3<sup>rd</sup> Tuesday of each month and shall be held at the Surf City Community Center Conference Room, unless designated otherwise.

- Special meetings may be called by the Chairman, Director or upon written request from a majority of the body.

- A majority of the members constitute a quorum.

- The order of business at regular meetings shall be as follows:

Call to Order

Approval of the minutes

Presentations

Previous

Business New

Business Public

Forum

Committee

Forum Director

Reports

Council Liaison Reports

Adjournment

- An appointed member who misses three consecutive regular meetings, except when such absence is made necessary by sickness or other similar causes ruled as emergency in nature, forfeits their seat on the committee.

**ARTICLE VIII:**

All amendments to these by-laws must be proposed in writing to the Town Manager and Town Council for approval. Requests for amendments will be acted upon at the next regular meeting.

## PLANNING BOARD

### Sec. 13-1 Planning Board

A Planning board for the town is hereby created under the authority of G.S. 160A-361 to serve the Public interest by. Promoting the public health, safety and general welfare of the residents of the Town of Surf City and its extraterritorial jurisdiction. It is the intent of the town to have representation of a broad cross-section of community interests.

### Sec. 13-1(1) - Composition and vacancies.

(a) There shall be a planning board consisting of nine members. Seven members plus two alternates, appointed by the town council, shall reside within the town. One member, appointed by the county board of commissioners, shall reside within the town's extraterritorial planning area.

(b) Planning board members shall be appointed for three-year staggered terms. Vacancies of member seats occurring for reasons other than expirations of terms shall be filled as they occur for the period of the unexpired term by appointment of the town council.

### Sec. 13-1(2). - Organization, rules and records.

(a) The Mayor will appoint a chair and vice-chair from among the appointed members. The town manager shall designate administrative personnel to serve as secretary to the board. The Planning director and town attorney, as requested by the Planning director, shall sit as staff to the Planning board and shall provide professional Planning assistance and legal guidance to the board in the implementation of section 13-1(1). All members shall be entitled to vote.

(b) In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the remaining members present may elect a temporary Chairman for that meeting and Proceed with the order of business

(c) The chairman shall decide all points of procedure and for the transaction of its business, and the secretary shall keep a record of attendance, resolutions, transactions, findings, and recommendations. Such records shall record how each member votes on each question requiring a vote. The records of the planning board shall be public, and a copy of all minutes shall be placed in the town hall. The planning board shall hold at least one meeting every three months, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action required by this article.

### Sec. 13-1(4) - Meetings/Attendance of members.

(a) Regular meetings of the Planning Board shall be held on the second Thursday of each month at 4:00 p.m. in the Surf City Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also notify each Planning Board member of all joint Town Council/Planning Board public hearings. Said meetings shall be considered Town Council meetings for purposes of determining the rules of conduct and procedure. The Chairman reserves the right to move the meeting location, time and date of a regularly scheduled meeting so long as notice of such meeting is given to the general public and all Planning Board members are given written, electronic or oral notice of the change at least 48 hours in advance.

(b) In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for two (2) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their absences. The council may, at its discretion, reinstate an appointee whose term has expired under these rules.

*Sec. 13-1(5) - Member responsibilities.*

(a) A member shall request to be excused from discussion of or voting on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(b) A member shall represent him or herself as a board member and not undermine board recommendations at any other public meetings that address Planning issues.

*Sec. 13-1(6) Action by the Board*

(a) All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum.

(b) Voting shall be done by voice or hand, as determined by the Chairman. The Chairman shall vote only in case of a tie. Only members present at the time a vote is taken shall be eligible to vote.

**Sec. 13-2. Adoption of land use plan.**

The town hereby adopts the updated land use plan and recommends its acceptance by the state coastal resources commission. A copy of the land use plan is on file in the town clerk's office and is available to the public upon request.

(Res. of 12-1-81; Ord. No. 1985-10, 11-11-85; Ord. No. 2020- 13, § 1 (part), 12-1-2020)

**Sec. 13-3. Application fee for hearings on variances.**

There is hereby established an application fee for persons requesting hearings before the board of adjustments regarding variances. The amount of such fee is set from time to time and a schedule of such fee is on file in the town clerk's office. The fee shall be paid to the town clerk before the clerk contacts the chairperson of the appropriate board.

(Mo. of 3-11-80; Ord. No. 2020-13, § 1 (part), 12-1-2020)



**Town of Surf City**

## **ORDINANCE NO. 2021-13**

### **AN ORDINANCE AMENDING SECTION 11 NUISANCES**

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Section 13 Planning Board is hereby amended to read as follows:

#### *Sec. 13-1 Planning Board*

A Planning board for the town is hereby created under the authority of G.S. 160A-361 to serve the Public interest by. Promoting the public health, safety and general welfare of the residents of the Town of Surf City and its extraterritorial jurisdiction. It is the intent of the town to have representation of a broad cross-section of community interests.

#### *Sec. 13-1(1) - Composition and vacancies.*

(a) There shall be a planning board consisting of nine members. Seven members plus two alternates, appointed by the town council, shall reside within the town. One member, appointed by the county board of commissioners, shall reside within the town's extraterritorial planning area.

(b) Planning board members shall be appointed for three-year staggered terms. Vacancies of member seats occurring for reasons other than expirations of terms shall be filled as they occur for the period of the unexpired term by appointment of the town council.

#### *Sec. 13-1(2). - Organization, rules and records.*

(a) The Mayor will appoint a chair and vice-chair from among the appointed members. The town manager shall designate administrative personnel to serve as secretary to the board. The Planning director and town attorney, as requested by the Planning director, shall sit as staff to the Planning board and shall provide professional Planning assistance and legal guidance to the board in the implementation of section 13-1(1). All members shall be entitled to vote.

(b) In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the remaining members present may elect a temporary Chairman for that meeting and Proceed with the order of business

(c) The chairman shall decide all points of procedure and for the transaction of its business, and the secretary shall keep a record of attendance, resolutions, transactions, findings, and recommendations. Such records shall record how each member votes on each question requiring a vote. The records of the planning board shall be public, and a copy of all minutes shall be placed in the town hall. The planning board shall hold at least one meeting every three months, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action required by this article.

Sec. 13-1(4) - Meetings/Attendance of members.

(a) Regular meetings of the Planning Board shall be held on the second Thursday of each month at 4:00 p.m. in the Surf City Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also notify each Planning Board member of all joint Town Council/Planning Board public hearings. Said meetings shall be considered Town Council meetings for purposes of determining the rules of conduct and procedure. The Chairman reserves the right to move the meeting location, time and date of a regularly scheduled meeting so long as notice of such meeting is given to the general public and all Planning Board members are given written, electronic or oral notice of the change at least 48 hours in advance.

(b) In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for two (2) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their absences. The council may, at its discretion, reinstate an appointee whose term has expired under these rules.

Sec. 13-1(5) - Member responsibilities.

(a) A member shall request to be excused from discussion of or voting on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(b) A member shall represent him or herself as a board member and not undermine board recommendations at any other public meetings that address Planning issues.

Sec. 13-1(6) Action by the Board

(a) All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum.

(b) Voting shall be done by voice or hand, as determined by the Chairman. The Chairman shall vote only in case of a tie. Only members present at the time a vote is taken shall be eligible to vote.

**Sec. 13-2. Adoption of land use plan.**

The town hereby adopts the updated land use plan and recommends its acceptance by the state coastal resources commission. A copy of the land use plan is on file in the town clerk's office and is available to the public upon request.

(Res. of 12-1-81; Ord. No. 1985-10, 11-11-85; Ord. No. 2020- 13, § 1 (part), 12-1-2020)

**Sec. 13-3. Application fee for hearings on variances.**

There is hereby established an application fee for persons requesting hearings before the board of adjustments regarding variances. The amount of such fee is set from time to time and a schedule of such fee is on file in the town clerk's office. The fee shall be paid to the town clerk before the clerk contacts the chairperson of the appropriate board.

(Mo. of 3-11-80; Ord. No. 2020-13, § 1 (part), 12-1-2020)

**SECTION II. SEVERABILITY CLAUSE.** If any section, part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION III. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Surf City, North Carolina, at which a quorum was present, and which was held on the 3rd day of August 2021.

Adopted the 3rd day of August 2021.

TOWN OF SURF CITY

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Douglas C. Medlin, Mayor

ATTEST:

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Stephanie Edwards Hobbs, Town Clerk

APPROVED AS TO FORM:

Crossley, McIntosh, Collier, Hanley & Edes, PLLC

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Brian Edes