



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

December 14, 2020

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

4. Community Appearance Commission update

At its November 9, 2020, meeting, the BOC, through consensus, directed Staff to develop an ordinance amendment to replace the Planning Board's representative position on the Community Appearance Commission (CAC) with a regular membership position.

In preparation of this amendment, Staff has identified some language in the ordinance, which restricts CAC membership, requiring percentages of members to be business owners, property owners, and a preference for at least one non-property owning resident. Removal of these requirements would provide more flexibility in membership and in the appointment process. Staff has provided two ordinance options, which have been reviewed by the Town Attorney for compliance with the North Carolina General Statutes:

- Draft Amendment A: removal of membership requirements and replacement of the Planning Board representative with a regular member
- Draft Amendment B: replacement of the Planning Board representative with a regular member ONLY

A motion would be in order.

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 31, BOARDS AND COMMISSIONS

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 31, Boards and Commissions, of the Kill Devil Hills Town Code, shall be amended by deleting the following stricken language:

COMMUNITY APPEARANCE COMMISSION

§ 31.20 APPEARANCE COMMISSION ESTABLISHED.

(A) There is hereby established a commission to be known as the Kill Devil Hills Community Appearance Commission.

(B) The Community Appearance Commission shall consist of ~~seven~~ eight members, including the chairperson, all of whom shall be residents, property owners, or business owners of the town. ~~At least three members shall represent the town's business community (and they may reside in- or out-of town) being Kill Devil Hills business owners; at least three members shall represent the town's residential community being either in- or out-of town residential property owners; at least one member shall be a year-round resident of the Town of Kill Devil Hills and who does not necessarily own property in Kill Devil Hills. Desirable training and experience for members of the Community Appearance Commission includes a design field, such as architecture, landscape~~

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~~design, horticulture, city planning, or a closely related field; however, interest, commitment, and enthusiasm are characteristics required of all potential appointees.~~

(C) The members of the Community Appearance Commission shall be appointed by the Board of Commissioners to serve terms of three years each; provided, however, that the initial members shall serve staggered terms. If a vacancy occurs in the membership of the Commission, the Board of Commissioners shall appoint a successor to fill the unexpired term. All members of the Commission shall serve at the pleasure of the Board of Commissioners and may be removed by the Board with or without cause.

(1) A member of the Board of Commissioners.

~~—(2) A member of the Planning Board, appointed by the membership of the Planning Board, shall serve in an ex officio status on the Community Appearance Commission; this position shall have no vote on matters before the Community Appearance Commission. The Planning Board representative shall provide assistance and guidance on issues and matters under consideration by the Planning Board that may have pertinent bearing on issues and matters before the Community Appearance Commission.~~

~~—(3)~~(2) The Town Manager shall assign such staff members to provide support to the Community Appearance Commission as deemed necessary and appropriate.

(D) At its organizational meeting, the Community Appearance Commission shall select a Chairman and Vice-Chairman. Thereafter, at its first meeting during a new calendar year the Community Appearance Commission shall select a Chairman and Vice-Chairman. The officers shall be eligible to succeed themselves.

DRAFT Amendment #A
Community Appearance Commission
Removes Planning Board representative
and qualifications for appointment to give BOC
more flexibility in appointing

(E) Faithful attendance at the meetings of the Commission is considered a prerequisite for the continuation of membership on the Commission. A majority of the Commission members may recommend to the Board of Commissioners, for action, the removal of any member who misses more than one-third of the meetings during any 12-month period.

(Ord. 12-19, passed 9-10-12; Am. Ord. 13-7, passed 5-13-13; Am. Ord. 16-12, passed 4-9-18)

This amendment to Chapter 31, Boards and Commissions, shall be in full force and effect from and after the ____ day of _____, 2018. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2020, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
Deputy Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

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The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 31, Boards and Commissions, was placed in the Kill Devil Hills Town Code Book on the ____ day of _____, 2020 at _____.m.

James Michael O'Dell
Deputy Town Clerk

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