

Chapter A-General Administration

(Amended 5/14/14)

Article I-Ordinances

Section 1. Effective Date.

All ordinances shall be effective after the ratification thereof except ordinances specifying some other effective date or ordinances required by State law to be effective only after having met specific date requirements.

Section 2. Ordinances Confined to One Subject.

All ordinances shall be confined to one subject except appropriation ordinances, which shall be confined to the subject of appropriations only.

Section 3. Official Copy.

A true copy of an ordinance, which has been duly enacted by the Council, signed by the Mayor, and attested to by the Village Clerk shall be known as an official copy of any ordinance for the Village. All ordinances or a true copy thereof shall be inserted in this Code in the proper chapter and shall be amendments of this Code.

Section 4. Ordinances Appropriating Money.

No appropriation ordinance or any ordinance to alter or repeal an appropriation ordinance shall be enacted at any meeting other than a regular meeting except by a unanimous vote of the entire Council.

Section 5. Ordinance to Conduct Criminal Investigation of Applicants for Employment by the Village

The Ordinance adopted by the Village of Whispering Pines Council is to provide a policy and procedures for conducting criminal history checks through SBI/DCI on final applicants for employment by the Village of Whispering Pines. This ordinance is adopted pursuant to the authority vested by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

- 1) In order to protect the citizens of the Village and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final applicants for regular full and part-time positions in the Village government. Subject to Subsection (C) of this section, employment with the Village may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.

(A) The Village Manager, or designee, may conduct an investigation of any final candidate for a permanent full-time or part-time position with the Village government and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and drivers license, if available, so that the Village Manager, or designee may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history

of criminal convictions or the crimes enumerated above by use of the Division of Criminal Information Network (DCI).

(B) The Village of Whispering Pines Police Department shall provide the findings from the use of the DCI to the Village Manager, or designee, provided that all necessary agreements with the State Bureau of Investigations Division of Criminal Information have been executed.

(C) An evaluation of any crime for purposes of employment: will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or the positions applied.

(D) Prior to denial or termination of employment based upon criminal history record information (CHRI) received from the Village of Whispering Pines Police Department, the Village Manager shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification the CHRI record belongs to the individual.

2) If this Ordinance or the application thereof to any person or circumstance is held valid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.

3) Any Ordinance or any part of the Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4) This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of the Village of Whispering Pines, North Carolina, and shall be in full force and effect from and after its adoption.

Section 6. Ordinance to Conduct Criminal Investigation of Whispering Pines Fire Rescue Personnel (Established 8/12/15)

This ordinance adopted by the Village of Whispering Pines Council is to provide a policy and procedures for conducting criminal history checks through SBI/DCI on final applicants for employment with the Village of Whispering Pines Fire Rescue Department. This ordinance is adopted pursuant to the authority vested in the Village of Whispering Pines by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

1. In order to protect the citizens of the Village and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all applicants for regular full-time, part-time and/or volunteer positions in the Whispering Pines Fire Rescue Department. Subject to Subsection (C) of this section, employment with the Village may be denied for those persons convicted of any crime against a person, or crimes against property

where intent is an element, or any drug or gambling related offense.

(A) The Village Manager, or designee, may conduct an investigation of any final candidate for a permanent full-time, part-time and/or volunteer position with the Whispering Pines Fire Rescue Department and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and driver's license, if available, so that the Village manager, or designee may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions or the crimes enumerated above by the use of the Division of Criminal Information Network (DCI).

(B) The Whispering Pines Police Department shall provide the findings from the use of the DCI to the Village Manager, or designee, provided that all necessary agreements with the State Bureau of Investigations of Criminal Information have been executed.

(C) An evaluation of any crime for purposes of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or the position applied.

(D) Prior to denial or termination of employment based upon criminal history record information (CHRI) received from the Whispering Pines Police Department shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information section for verification that the CHRI record belongs to the individual.

2. If this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.

3. Any Ordinance or any part of an Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Village of Whispering Pines, North Carolina, and shall be in full force effect from and after its adoption.

Article II – Officers, Employees and Volunteer Appointees

Section 1. Office of Mayor.

The Mayor shall be the official head of the Village, preside at meetings of the Village Council, and exercise such powers and perform such duties as presently are or hereafter may be conferred upon the Mayor by the General Statutes of North Carolina, by the Village Charter, and by the ordinances of the Village.

Section 2. Office of the Village Manager

a. Appointment. The Village Council shall appoint a Village Manager who shall serve at the pleasure of the Council. The Village Manager shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practices with respect to the duties of a Town or City Manager. The Village manager shall receive such salary as the Council shall establish.

b. Powers and Duties. The Village Manager shall be the administrative head of the Village government, responsible for the proper administration of all departments of the Village. The Manager shall be responsible to the Council for administering all municipal affairs placed in his or her charge by the Council, and shall have the following powers and duties:

- (1) The Manager shall appoint and suspend or remove all Village officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Village Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Council may adopt.
- (2) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Village, subject to the general direction and control of the Council, except as otherwise provided by law.
- (3) The Manager shall make any other reports that the Village Council may require concerning the operations of Village departments, offices and agencies subject to the Manager's direction and control.
- (4) The Manager shall attend all meetings of the Council and recommend any measures that he or she deems expedient.
- (5) The Manager shall see that all laws of the State, the Village Charter, and the ordinances, resolutions, and regulations of the Council are faithfully executed within the Village
- (6) The Manager shall prepare and submit the annual budget and capital program to the Council
- (7) The Manager shall annually submit to the Council and make available to the public a complete report on the finances and administrative activities of the Village as of the end of the fiscal year.
- (8) The Manager shall perform any other duties that may be required or authorized by the Council

Section 3. Office of Clerk.

The Village Clerk shall attend all meetings of the Council and shall regularly and fairly record proceedings in the form of minutes as required by NC GS 160A-72 and maintain such records in an orderly file. The Clerk shall also maintain a "Code of Ordinance" Book recording all Ordinances, which are enacted by the Village Council.

The Clerk shall perform such other duties as the Manager may from time-to-time require.

Section 4. Other Village Employees.

The Council may create such other employee positions as the Council deems necessary to serve the needs of the Village and shall fix or approve the schedule of pay and other compensation of all Village employees. All Village employees shall be subject to and

comply with all policies and procedures outlined in the Village of Whispering Pines Employee Manual

Section 5. Organization of Village Departments

5.1 Manager to Have Control.

The Manager shall have general supervision over all Village Departments.

5.2 Village Departments

5.2.1 Whispering Pines Police Department:

The Whispering Pines Police Department shall carry out all orders of the Manager, enforce all laws and ordinances of the Village and the State of North Carolina, and at all times preserve the peace and protect the property and safety of the citizens of Whispering Pines.

The Manager shall have the authority to appoint, suspend, and remove the Police Chief and any/all employees of the police department. In addition, the Police Chief shall have all authority provided by the Whispering Pines Police Department Policy Manual. The Whispering Pines Police Department Policy Manual shall be approved by the Village Manager, shall be reviewed and updated annually or as needed and a copy of the manual shall be filed with the Village Manager.

In addition, the Village Council may authorize the hiring of auxiliary police officers.

- a. Such auxiliary police officers shall be regarded as part-time employees. The Manager shall have the authority to appoint, suspend, and remove such auxiliary police officers.
- b. All such persons shall be certified as law enforcement officers by the North Carolina Department of Justice Training & Standards Commission.
- c. Auxiliary police officers hired in accordance with this section shall be called upon to work on an "as needed" basis by the Chief of Police, subject to budgetary funds.
- d. While performing official duties on behalf of the Village, or while engaged in training at the request of the Village, auxiliary police officers hired under this section are paid on an hourly rate basis at the rate established by the Council and shall be entitled to benefits under the North Carolina Workers' Compensation Act, but shall not be entitled to any other fringe benefits afforded to other Village employees.

5.2.2 Whispering Pines Fire Rescue Department:

The Whispering Pines Fire Department shall operate in accordance with this ordinance and all State and other relevant directives to provide maximum protection against the hazards of fire to all residents and their property within the Village and the fire district. The Fire Department shall furnish fire protection services in a professional, efficient and workmanlike manner, and shall meet the requirements of and comply with the rules and regulations of the North Carolina Department of Insurance/Office of State Fire Marshal, and other pertinent federal, state and local laws, regulations and standards.

The Manager shall have the authority to appoint, suspend, and remove the Fire Rescue Chief and any/all employees of the Fire Rescue Department. In addition, the Fire Rescue Chief shall have all authority provided by the Whispering Pines Fire Rescue Department Policy Manual. The Whispering Pines Fire Rescue Department Policy Manual shall be approved by the Village Manager, shall be reviewed and updated annually or as needed and a copy of the manual shall be filed with the Village Manager.

5.2.3 Whispering Pines Public Works Department:

The Manager shall have the authority to appoint, suspend, and remove the Public Works Director and any/all employees of the Public Works Department.

5.2.4 Whispering Pines Zoning Department:

The Manager shall have the authority to appoint, suspend, and remove the Zoning Administrator and any/all employees of the Zoning Department.

5.2.5 Whispering Pines Administration / Finance Department:

The Manager shall have the authority to appoint, suspend, and remove any/all employees of the administration / finance department. In accordance with N.C.G.S. 159-29, the Finance Officer shall give a true accounting and faithful performance bond of not less than fifty thousand dollars (\$50,000). The premium on the bond shall be paid by the Village. The Finance Officer shall have all authority provided by N.C.G.S. 159 – Article 13 Local Government Budget and Fiscal Control Act

Section 6. Volunteer Appointees.

The Village Council also may appoint volunteers to various organizations, boards or individual positions as are deemed appropriate. All such appointees shall serve without compensation and shall serve at the will of the Village Council. (Adopted 4/14/88)

Section 7. Oath of Office.

As provided for in General Statutes 160A-61 every person elected by the people or appointed to any Village office shall, before entering upon duties of the office, take and subscribe the oath of office prescribed in Article VI, paragraph 7 of the North Carolina Constitution. Oaths of Office shall be taken for each term of office. The Village Clerk shall maintain a file of all administered oaths. (Adopted 4/14/88)

APPENDIX A

**CODE OF ETHICS FOR THE VILLAGE OF WHISPERING PINES
VILLAGE COUNCIL**

(Adopted by Resolution 9/8/10)

Section 1. Purpose.

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Whispering Pines Village Council (the “Council”) and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a Council member’s best judgment.

Section 2. General Principles Underlying the Code of Ethics.

(A) The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

(B) Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

(C) Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

(D) Council members must always remain aware that at various times they play different roles:

(1) As advocates, who strive to advance the legitimate needs of their citizens;

(2) As legislators, who balance the public interest and private rights in considering and enacting decisions, ordinances, and resolutions; and

(3) As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.

(E) Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

(F) Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

Section 3. Obey the Law.

Council members should obey all laws applicable to their official actions as members of the Council. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

Section 4. Act with Civility.

Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council members or citizens. To declare that a Council member is behaving unethically because one disagrees with that Council member on a question of policy (and not because of the Council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 5. Maintain Integrity and Independence.

Council members should act with integrity and independence from improper influence as they exercise the duties of their office. Characteristics and behaviors consistent with this standard include the following:

(A) Adhering firmly to a code of sound values;

(B) Behaving consistently and with respect toward everyone with whom they interact;

- (C) Exhibiting trustworthiness;
- (D) Living as if they are on duty as elected officials regardless of where they are or what they doing;
- (E) Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner;
- (F) Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- (G) In a quasi-judicial matter, disclosing contacts and information about issues that they receive outside of public meetings to the extent required by law;
- (H) In a quasi-judicial matter, refraining from seeking or receiving information about the matter outside of the quasi-judicial proceeding itself to the extent required by law;
- (I) Treating other Council members and the public with respect and honoring the opinions of others even when the Council members disagree with those opinions;
- (J) Not reaching conclusions on issues until all sides have been heard;
- (K) Showing respect for their office and not behaving in ways that reflect badly on those in office;
- (L) Recognizing that they are part of a larger group and acting accordingly;
and
- (M) Recognizing that individual Council members are not generally allowed to act on behalf of the Council but may only do so if the Council specifically authorizes it, and that the Council must take official action as a body.

Section 6. Avoid Impropriety.

(A) Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Council member's action would conclude that the action was inappropriate.

(B) If a Council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the Town's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 7. Faithfully Perform the Duties of Office.

Council members should faithfully perform the duties of their office. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, and in quasi-judicial matters they should be mindful of the need not to engage in communications outside of meetings. They should demand full accountability from those over whom the Council has authority. Council members should be willing to bear their fair share of the Council's workload. To the extent appropriate, they should be willing to put the Council's interests ahead of their own.

Section 8. Conduct the Business of Government in an Open and Public Manner.

Council members should conduct the affairs of the Council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to Council members or their employees. In order to ensure strict compliance with the laws concerning openness, Council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Article III-Finance and Purchasing

Section 1. Disbursement of Funds.

No money shall be disbursed from the Village treasury unless the items for which the disbursement is made have been provided for in the annual budget, except in the case of an extreme emergency.

Section 2. Purchasing.

All purchases for items to be paid by the Village that will exceed \$1000 must be covered by a purchase order. Department Heads will submit a request for purchase to the Finance Officer or Deputy Finance Officer. After review and verification of available funds to cover the purchase, the purchase order will be prepared and signed by the Finance Officer or Deputy Finance Officer. Orders will not be made until a purchase order has been approved.

It shall be the duty of the Finance Officer to keep true, accurate and just books of accounts of the dealings and transactions of the Village, which books shall show at all times the true condition of said Village, its resources and liabilities and the disposition and use of the monies coming under the control of the Village.

The Finance Officer shall keep or cause to be kept in a safe place all monies, records, and accounts of the Village.

The Finance Officer shall disburse funds for the various purposes of the Village only when an appropriation for such purpose has been made in the annual budget.

Section 3. Sale of Personal Property.

Property That Can be Disposed of Under this Ordinance. The Village Manager or Finance Officer are hereby authorized to declare surplus and dispose of any personal property owned by the Village of Whispering Pines whenever he or she determines, in his or her judgment, each of the following three criteria are met:

- a) the item or group of items to be disposed of has a fair market value of less than thirty thousand dollars (\$30,000.00);
- b) the property is no longer necessary for the conduct of Village business; and,
- c) sound property management principles and financial considerations indicate that the interests of the Village of Whispering Pines would be best served by disposing of the property.

Methods of Disposition. The Village Manager or Finance Officer may dispose of such surplus property by any means which he or she judges reasonably calculated to secure for the Village the fair market value in money or other consideration and to accomplish the disposal efficiently and economically, including but not limited to the methods of sale provided in Article 12 of North Carolina General Statutes, Chapter 160A-266 and 160A-270. Such sale may be public or private, and with or without notice and minimum waiting period. Village employees and family members of employees may purchase such surplus where the surplus is offered by any public bidding process, but may not purchase in private non-bidding sales.

Sale by Electronic Auction. As one of several means of disposing of surplus property, the Village Manager or Finance Officer is specifically authorized to dispose of surplus property by electronic means. The Manager or Finance Officer is authorized to establish procedures for disposing of surplus property by electronic means, and is further authorized to use existing public or private electronic auction services to dispose of surplus property. Notwithstanding the requirements of North Carolina General Statute 160A-270, the Village shall not be required to provide advance notice of electronic auctions of such surplus property.

Terms of Disposition. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Village of Whispering Pines if greater value may be obtained in that manner, and the Village Manager or Finance Officer are hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Village Manager or Finance Director may retain the property for the Village, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated except by resolution of the Village Council.

Records and Reports. The Village’s Manager or Finance Officer shall keep a record of all property sold under the authority of this Ordinance and that record shall describe the property sold or exchanged, to whom it was sold, or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange. This record shall be reported to Village Council on an annual basis. The report will be due each July 1, summarizing sales from the preceding July 1 through June 30. Property sold with a value of \$1000 or greater will be reported to the Village Council at the time of sale.

Delegation. The Village Manager is authorized to delegate any or all of the authority granted or responsibilities assigned under this Ordinance to other Village employees.

Section 4. Permits and Fees Schedule.

Permits will be required and fees shall be charged where applicable as required under the Village Code of Ordinances in accordance with the Schedule attached thereto. (This Schedule may be amended by resolution by the Village Council from time-to-time as needed and circumstances require.)

No work authorized by any permit, which has expired, shall thereafter be performed until a new permit therefore has been secured.

Permit and Fee Schedule
Permits Required by LDO

<u>Application Type</u>	<u>Processing Fee</u>	<u>Review Deposit</u>
Map Amendment (Annexation and/or Rezone)	\$250	N/A
Text Amendment	150	N/A
Appeal to Bd. Adjustment/Variance	150	N/A
Special Use Permit	75	
Single-family Residential		
New Construction	500	2000*
Multi-family residential	500 + 50/unit	500 + 50/unit
Mobile Homes	150	1000
Alterations	50	
Additions (includes detached garage)	250	
Site Plans	500	2000
Erosion Control 10,001 sf up to 1 ac	200	
Erosion Control over 1ac up to 2 ac	500	1000
Each additional ac	100	

Telecommunications Tower	1000	Ch.6 Sect. 13.5(K.2)
Tower Co-location	350	N/A
Subdivision > 5 ac, or creating street		
Preliminary Plat	600 + 50/lot	1500
Final Plat	200 + 50/lot	
Subdivision <= 5 ac, not creating street		
Sketch Plan	250	
Preliminary Plat	500 + 50/lot	500
Final Plat	200 + 50/lot	
House Moving	250	
Accessory Building	25	
Beekeeping, Non-commercial	25	
Deck / Patio	25	
Lakefront piers, docks/bulkheads	25	
Water Well	25	
Fences	25	
Pet Run	25	
Swimming pool	25	
Driveway	25	
Sign	25	

Other Fees

<u>Type of Fee</u>	<u>Amount of Fee</u>
Operation of Watercraft on Village Lakes	
First boat	30 (first year)
	20 (second year)
	10 (third year)
Each additional boat	5
Garage Sales	5

* If the Village is simultaneously holding three or more deposits from the same developer related to the construction of new, single-family homes, and the developer elects to consolidate those deposits (meaning that the deposited funds can be used as provided in Section 3.1.2 of the LDO for reviews related to any of the developer's homes), then the total amount of the deposit required at any one time for all such homes shall be \$5,000 for three homes plus an additional \$1,000 for each home over and above three homes. No deposit may be required for established developers or contractors with which the Village has an ongoing satisfactory relationship as determined by the Village Manager.

Article IV – Boards, Committees and Commissions

Section 1. Applicability of Article IV. This Article IV shall apply to all boards, committees and commissions of the Village other than the Village Council (all of which boards, committees and commissions shall hereinafter collectively be referred to as "Committees")

Section 2 Formation of Committees.

Section 2.1 Existing Committees. The following are the existing committees of the Village as of the Effective Date of this Article:

Planning and Zoning Board
Board of Adjustment
Lakes and Watershed Board
Architectural Review Board (ARB)

Section 2.2 Creation or Dissolution of Committees .

Section 2.2.1 Creation of Committees. The Village Council shall have the power in its sole discretion, by a majority vote to create any new Committee, whether temporary or permanent, to exercise such responsibilities as Village Council shall confer on such Committee.

Section 2.2.2 Dissolution of Committees. Unless otherwise prohibited by North Carolina Statute, the Village Council shall have the power in its sole discretion, by a majority vote to dissolve any Committee.

Section 3 Appointment of Committee Officers (Amended 4/8/15)

Section 3.1 Board Chairperson. Upon recommendation from the Village Manager and the committee, the Village Council shall appoint the Chairperson of each Committee to serve for a term of two years, or until that Chairperson's successor is duly selected by the Council. The chairman of one committee may not serve as a member of any other committee.

Section 3.2 Vice Chairperson . A vice chairperson shall be elected by the Committee from among its regular members. He/she shall serve as acting chairperson in the chairperson's absence. The vice chairperson of one committee may not serve as a member of any other committee.

Section 3.3 Secretary. A secretary shall be appointed by the chairperson to hold office until a successor is appointed. The term of the secretary shall be two years. Subject to the direction of the chairperson and the Committee, the secretary shall keep all records, conduct correspondence, arrange public notices required, notify members of pending meetings and their agenda, take the minutes of every Committee meeting, and retain such minutes in a permanent volume. Notwithstanding the foregoing, the Village Manager may direct that any or all of these responsibilities shall be performed by the Village Clerk or other Village staff.

Section 4 Committee Members (Amended 10/12/16)

Section 4.1 Members. Except as provided in Section 4.1.1, regular members of all Committees shall be appointed by the Village Council upon recommendation from the Village Manager based upon the submission of a completed volunteer application. Vacancies occurring other than through the expiration of term shall be filled for the un-expired term by appointment by the Village Council.

Section 4.1.1 ETJ Members. One or more Regular Members from the Village's Extraterritorial Jurisdiction shall be appointed to the Planning and Zoning Board and Board of Adjustment as required by North Carolina Statute and shall be appointed in the manner proscribed by North Carolina Statute.

Section 4.1.2 Councilpersons as Members. No elected member of the Village Council shall sit as a member of any Committee.

Section 4.2 Alternate members. The Village Council may appoint one or more Alternate Members who shall serve on the Committee in the absence of a Regular Member from the meeting of the Committee. If there is more than one Alternate Member appointed to the Committee, the Alternate with the most seniority shall fill the first vacancy of a Member that is absent from the meeting. Alternate members residing in the ETJ shall be appointed by the Moore County Board of Commissioners upon recommendation of the Village Council. (11/13/13)

Section 4.3 Compensation. Members may be reimbursed for actual expenses incidental to the performance of their duties, but shall otherwise serve without compensation.

Section 4.4 Village Manager. Unless otherwise provided by North Carolina Statute or Village Ordinance, all Committees shall report to the Village Manager.

Section 4.5 Voting Rights. All Regular Members shall have equal voting rights, privileges and duties.

Section 5. Terms of Members

Section 5.1 Term Each Regular and Alternate Member of each Committee shall be appointed for a term of three years. Additional terms shall be at the recommendation of the Chairperson and with approval of the Village Council.

Section 5.2 Membership. Every Member of a Committee shall serve at the pleasure of the Village Council, except members representing the extraterritorial jurisdiction who shall be appointed by the Moore County Board of Commissioners. (Amended 3/14/18)

Section 5.3 Disqualification. Any Regular or Alternate Member shall be disqualified from serving on a Committee if:

(a) That Member relocates his or her permanent residence outside the Village (or outside the ETJ if such member was appointed to represent the ETJ); or

(b) has three consecutive absences from regular meetings of the Committee

Section 6. Quorum and Conduct of Committee meetings.

Section 6.1 Meetings. The Committee shall hold regularly scheduled meetings or special meetings when called by the Chairman and all meetings shall be open to the public.

Section 6.2 Rules for conduct of meetings. Meetings shall be conducted in a courteous, cooperative and constructive manner under procedures established by the Committee / Board and approved by the Village Manager. The Chairperson may direct removal from a meeting, of any Committee person or any member of the public who acts in an unruly or disruptive manner. (Amended 10/9/13)

Section 6.3 Quorum. Except for the Board of Adjustment, a quorum for the conduct of Committee business shall consist of the number of regular and/or alternate members equal to fifty percent of the number of non-vacant regular seats on the committee. A quorum for the conduct of Board of Adjustment business shall be four-fifths of the regular or alternate members minus the number of vacant seats or those disqualified from voting on a quasi-judicial matter. (Amended 3/14/18)

Section 6.4 Voting. Except for the Board of Adjustment, unless otherwise specifically set forth in the Village's Code of Ordinances or in the General Statutes, voting shall be by a majority of members who are in attendance and are not disqualified from voting. An abstention shall count as a vote in favor of the issue presented, unless such abstention arises because of a conflict of interest affecting the abstaining member.

Section 7 Specific Committees.

Section 7.1 Planning and Zoning Board (Amended 10/12/16)

Section 7.1.1. Organization . A Village Planning and Zoning Board for the Village and the extraterritorial zoning area over which the Village exercises zoning authority is hereby created under the authority of the General Statute 160A-Article 19.

Section 7.1.2. Membership The Board shall consist of (1) four (4) members appointed by the Council and residing in the Village, and (2) one (1) member appointed by the Moore County Board of Commissioners upon the recommendation of the Village Council, who shall reside in the extraterritorial jurisdiction.

Section 7.1.3 Members. All members shall have equal voting rights, privileges and duties, except for alternate members. Alternate members may participate in all meetings, but the vote of an alternate member shall be counted only when he or she is sitting in place of an absent regular member. Vacancies occurring otherwise than through the expiration of term shall be filled for the un-expired term by appointment by the Village Council, or Board of Commissioners, according to whether the vacancy occurs in a seat assigned to a Village resident or a resident of the extraterritorial jurisdiction. (3/14/18)

Section 7.1.4. Powers and Duties. The Planning Board shall:

Upon Request of Village Council, the Village Manager or upon its own initiative, make studies and recommend to the Village Council plans, goals and objectives relating to the growth, development and redevelopment of the Village and the extraterritorial jurisdiction area.

Upon Request of Village Council, the Village Manager or upon its own initiative, develop and recommend to the Council policies, zoning and land use ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

Make recommendations to the Council concerning land uses, land development ordinance text amendments and zoning map changes.

Perform other duties as assigned by Village Council.

Section 7.1.5. Conflicts of Interest.

a. Members of the Planning Board 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.

Section 7.1.6 The Planning Board shall advise and comment on whether any proposed amendment to the Village Zoning Ordinances is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Village Council.

Section 7.1.7 The Planning Board shall review all proposed amendments to the zoning ordinance or zoning map. All such amendments shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may proceed in its consideration of the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

Section 7.2 Board of Adjustment (3/14/18)

Section 7.2.1 Membership. The Board of Adjustment shall consist of five members of which four shall be residents of the Village and one shall be resident of the extraterritorial zoning area under the jurisdiction of the Village. The four resident members shall be appointed by the Council. The extraterritorial jurisdiction resident shall be appointed by the Moore County Board of Commissioners upon the recommendation of the Village Council. The Council may appoint two (2) alternate members who shall be residents of the Village

Section 7.2.2 Members. All members shall equal voting rights, privileges and duties, except for alternate members. Alternate members may participate in all meetings but the vote of an alternate member shall be counted only when he or she is sitting in place of an absent regular member. Vacancies occurring otherwise than through the expiration of term shall be filled for the un-expired term by appointment by the Village Council or Board of Commissioners, according to whether the vacancy occurs in a seat assigned to a Village resident or a resident of the extraterritorial jurisdiction.

Section 7.2.3 Powers and Duties of Board of Adjustment. The Board of Adjustment shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina, by the Charter of the Village of Whispering Pines, NC, by the Ordinances of Whispering Pines, NC, by the resolution of the Village Council made October 8, 2008 pertaining to Nuisances, and by such other duties as may be assigned by the Village Council from time to time.

Section 7.2.4 Conflicts of Interest. A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised as to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 7.3 Lakes and Watershed Board

Section 7.3.1 Membership. The Board shall consist of ten (10) members who shall reside within the Village. All members shall be appointed by the Village Council. The Board includes eight (8) Board members who reside in the vicinity of, and will represent one of, the eight (8) primary Village lakes, one (1) member at large, and one (1) ex-officio representative from the Country Club of Whispering Pines.

Section 7.3.2. Powers and Duties of Lakes and Watershed Board. The operation and control of the lakes are under the general authority of the Village Council of the Village of Whispering Pines. The Lakes and Watershed Board shall be responsible to inform the Village Manager of any conditions which may require emergency action by the Village Council including the closing of any or all of the lakes. The Board shall recommend ordinances, plans and rules required for the operation, control and maintenance of the lakes and access areas consistent with the provisions of this ordinance and subject to the approval of the Village Council.

Section 7.4 Architectural Review Board

Section 7.4.1 Membership – The Architectural Review Board (ARB) shall consist of five (5) members to be appointed by the Village Council. All members shall be residents of the Village's area of planning and zoning jurisdiction with not more than one (1) member residing in the Village's Extraterritorial Jurisdiction.

Section 7.4.2 Powers and Duties of the Architectural Review Board – Review and approve the architectural and landscaping provisions of all development permit applications.