



# Appearance Commission Special Meeting Agenda

Town of Swansboro

Thursday, April 23, 2026

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## I. Call to Order

## II. Business

### a. Introduction of Commission Members

### b. Election of Chairperson & Vice Chairperson

***Presenter: Alissa Fender, MMC – Town Clerk***

Pursuant to Town Code §152.034 THE APPEARANCE COMMISSION (C) Organization: The Commission shall elect from its membership a Chairperson and Vice-Chairperson annually.

*Recommended Action: Elect a Chairperson & Vice Chairperson.*

### c. Determination of Staggered Terms

***Presenter: Alissa Fender, MMC – Town Clerk***

Pursuant to Town Code §152.034 THE APPEARANCE COMMISSION (B) Membership: Members shall serve staggered three-year terms and may serve no more than two consecutive full terms.

*Recommended Action: Determine which 3 members will serve a 1-year term to establish the committees membership of staggered terms.*

### d. Determination of a Regular Meeting Schedule

***Presenter: Alissa Fender, MMC – Town Clerk***

Pursuant to NCGS 143-318.12 a public body may establish a schedule of regular meetings, showing the time and place. A copy of the schedule shall be filed with the Town Clerk.

*Recommended Action: Designate a regular meeting date to be adopted by the commission at its next meeting.*

### e. Rules that Govern the Operation of the Committee

***Presenter: Alissa Fender, MMC – Town Clerk***

A review the statutory requirements Board and committee members must follow under North Carolina General Statutes, including laws governing public bodies, open meetings, and conflicts of interest will be provided.

*Recommended Action: No action needed.*

**f. Discussion on Creation of By-Laws**  
**Presenter: Alissa Fender, MMC – Town Clerk**

The Appearance Commission is tasked to adopt by-laws that govern its internal organization and meeting procedures, consistent with its advisory role as established by ordinance and applicable North Carolina law. By-Laws are then provided to the Board of Commissioners for final approval.

*Recommended Action: Discuss and provide directions to staff regarding items to be included in the development of draft by-laws for future review.*

**III. Chairman/Board Thoughts/Staff Comments**

**IV. Public Comments**

**V. Adjournment**



# Appearance Commission Meeting Agenda Item Submittal

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Item To Be Considered: **Election of Chairperson & Vice Chairperson**

Board Meeting Date: **April 23, 2026**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** Pursuant to Town Code §152.034 THE APPEARANCE COMMISSION (C) Organization: The Commission shall elect from its membership a Chairperson and Vice-Chairperson annually.

**Background Attachment(s):** Town Code §152.034 THE APPEARANCE COMMISSION

**Recommended Action:** Elect a Chairperson & Vice Chairperson

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**Action:** \_\_\_\_\_  
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**ORDINANCE 2026-01**

**AN ORDINANCE TO AMEND CHAPTER 152 OF THE SWANSBORO UNIFIED DEVELOPMENT ORDINANCE TO ADD §152.034 APPEARANCE COMMISSION**

**WHEREAS** North Carolina General Statute 160D-605 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

**WHEREAS** NCGS 160D-605 also states that when adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan; and

**WHEREAS** the Board of Commissioners finds that the proposed text amendments are consistent with the current Comprehensive Plan, specifically the CAMA Land Use Plan, Land Use Compatibility, Create Zoning Standards that Enhance the Function and Appearance of the Gateway Corridor; and Implementation Recommendations and Strategies, Other Community Priorities, Enhance Appearance and Maintain Small Town Coastal Character, and considers the action taken to be reasonable and in the public interest.

**NOW BE IT ORDAINED** by the Town of Swansboro Board of Commissioners that the Unified Development Ordinance is amended as follows:

**TITLE XV: LAND USAGE**

**CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE**

**§152.034 THE APPEARANCE COMMISSION**

**(A) Establishment and Purpose**

Pursuant to N.C.G.S. 160D-304, there is hereby established an Appearance Commission (“Commission”) for the Town of Swansboro. The Commission shall serve as an advisory body to the Board of Commissioners and shall work to enhance and preserve the aesthetic and visual character of the Town.

**(B) Membership**

The Commission shall consist of seven (7) members appointed by the Board of Commissioners. Six (6) members must be a bonafide resident of the Town of Swansboro corporate limits and one (1) member must be a bonafide resident of the town’s Extraterritorial Jurisdiction (ETJ). A majority of the Commission shall consist of individuals with demonstrated experience or education in architecture, horticulture, landscape design, urban planning, public art, or other related fields. Members shall serve staggered three-year terms and may serve no more than two consecutive full terms.

**(C) Organization**

The Commission shall elect from its membership a Chairperson and Vice-Chairperson annually. The Town Clerk, or a designee, shall maintain accurate minutes of all meetings.

**(D) Meetings**

The Commission shall meet monthly at a regularly established date and time. All meetings shall comply with the North Carolina Open Meetings Law. A majority of the Commission’s membership shall constitute a quorum, and all actions shall be taken by a majority vote of members present.

(E) Powers and Duties

In accordance with NCGS §160D-960, the Appearance Commission shall have the following powers and duties:

- (1) To initiate, promote, and assist in the implementation of programs of general community beautification within the Town.
- (2) 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 in matters of area or community design and appearance to individuals, public and private organizations, and agencies.
- (4) To make studies of the visual characteristics and problems of the Town, including surveys and inventories, and to recommend standards and design policies for the whole community, individual neighborhoods, or specific projects.
- (5) To prepare both general and specific plans for the improved appearance of the Town, covering public property, public rights-of-way, open spaces, buildings, and any project within the Town’s planning and development regulation jurisdiction.
- (6) To participate, in any way authorized by the Board of Commissioners, in the implementation of its appearance plans.
- (7) To promote public interest and understanding of appearance issues, enhance community awareness, and support beautification efforts.
- (8) The Board of Commissioners may confer any additional powers that align with NCGS §160D-960, provided they advance the improvement of visual and aesthetic characteristics of the Town.

(F) Funding

The Commission may receive Town appropriations and may accept contributions, grants, and donations from individuals, organizations, governmental agencies, and other lawful sources. All funds received, held, or expended by the Commission shall be administered strictly in accordance with the Town of Swansboro’s financial policies and procedures, and in compliance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. Chapter 159). No funds shall be obligated or expended except as authorized through the Town’s adopted budget, purchasing procedures, and applicable fiscal regulations.

Section 2. All ordinances in conflict with this amendment are hereby repealed.

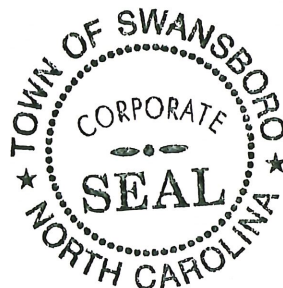
Section 3. This ordinance shall become effective upon adoption.

Adopted by the Board of Commissioners in regular session, January 27, 2026.

  
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 William Justice, Mayor

Attest:

  
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 Alissa Fender, Town Clerk





# Appearance Commission Meeting Agenda Item Submittal

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Item To Be Considered: **Determination of Staggered Terms**

Board Meeting Date: **April 23, 2026**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** Pursuant to Town Code §152.034 THE APPEARANCE COMMISSION (B) Membership: Members shall serve staggered three-year terms and may serve no more than two consecutive full terms.

Three members of the commissions will need to be selected to serve a 1 year term to establish a staggered membership. At the end of the 1 year term the member is eligible for reappointment to a full 3-year term.

**Background Attachment(s):** None

**Recommended Action:** Determine which 3 members will serve a 1-year term to establish the committees membership of staggered terms.

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**Action:** \_\_\_\_\_  
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# Appearance Commission Meeting Agenda Item Submittal

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Item To Be Considered: **Determination of a Regular Meeting Schedule**

Board Meeting Date: **April 23, 2026**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** Pursuant to NCGS 143-318.12 a public body may establish a schedule of regular meetings, showing the time and place. A copy of the schedule shall be filed with the Town Clerk.

Once a regular meeting date has been determined, a full year’s schedule will be created for adoption by the board at its next meeting.

Please note: All Tuesdays of the month are already committed to other boards.

**Background Attachment(s):** NCGS 143-318.12

**Recommended Action:** Designate a regular meeting date to be adopted by the commission at its next meeting.

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**Action:** \_\_\_\_\_  
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**§ 143-318.12. Public notice of official meetings.**

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

- (1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
- (2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, emailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, emailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, emailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by email.
- (3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by email, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(c) Repealed by Session Laws 1991, c. 694, s. 6.

(d) If a public body has a website and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the website.

(e) If a public body has a website that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of the

meeting.

Item II - d.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1; 2025-25, s. 29(1), (5).)



# Appearance Commission Meeting Agenda Item Submittal

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Item To Be Considered: **Rules that Govern the Operation of the Committee**

Board Meeting Date: **April 23, 2026**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** A review the statutory requirements Board and committee members must follow under North Carolina General Statutes, including laws governing public bodies, open meetings, and conflicts of interest will be provided.

Under NCGS, any board or committee considered a public body must conduct meetings openly, ensuring the public has access to both the proceedings and decision-making processes. In addition to open meetings, records of these meetings, including minutes, documents, and communications related to public business (between the members), must be made available to the public as part of the state's public records laws. Furthermore, members are required to avoid conflicts of interest by recusing themselves from any discussions or votes where personal or financial interests may compromise their objectivity. These regulations are essential for ensuring transparency, accountability, and the integrity of the organization's governance.

**Background Attachment(s):**

1. NCGS 132-1
2. NCGS 143-318.9 – 18
3. NCGS 160D-109

**Recommended Action:** No action needed.

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**Action:** \_\_\_\_\_  
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**Public Records.**

**§ 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.

(c) Article 17 of Chapter 120 of the General Statutes shall govern all records and information of the legislative branch which shall be exempt from this Chapter, including documents as defined by G.S. 120-129.

(d) No political subdivision of this State may enter into a nondisclosure agreement in order to restrict access to public records subject to disclosure under this Chapter. The contract by which a political subdivision of this State agrees not to disclose information deemed confidential under State law shall be a public record, unless the existence of the contract is also deemed confidential under State law. If a nondisclosure agreement is associated with one or more closed session meetings under Article 33C of Chapter 143 of the General Statutes, the nondisclosure agreement shall be included in the minutes of each closed session meeting. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1; 2023-134, s. 27.7(f); 2023-138, s. 5(b).)

## Meetings of Public Bodies.

**§ 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. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with this subsection even if all members of the public body are participating remotely.

(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 following:

- (1) The governing board of a "public hospital" as defined in G.S. 159-39.
- (2) 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.
- (3) An administering organization as defined in G.S. 115C-407.50(1).

(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; 2020-3, s. 4.31(b); 2023-133, ss. 17(b), 20(a).)

**§ 143-318.11. Closed sessions.**

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)

**§ 143-318.12. Public notice of official meetings.**

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

- (1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
- (2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, emailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, emailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, emailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by email.
- (3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by email, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(c) Repealed by Session Laws 1991, c. 694, s. 6.

(d) If a public body has a website and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the website.

(e) If a public body has a website that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of

meeting.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1; 2025-25, s. 29(1), (5).)

**§ 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 take action 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 taking action 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.

(d) Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote meetings conducted in accordance with this section even if all members of the public body are participating remotely. (1979, c. 655, s. 1; 2020-3, s. 4.31(c).)

**§ 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.)

**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

- (1) The Legislative Research Commission;
- (2) The Legislative Services Commission;

- (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the 2007-2009 biennium and each subsequent biennium thereafter.
- (4) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (5) The Joint Legislative Commission on Governmental Operations;
- (6) The Joint Legislative Commission [Committee] on Local Government;
- (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
- (8) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (9) The Environmental Review Commission;
- (10) The Joint Legislative Transportation Oversight Committee;
- (11) The Joint Legislative Education Oversight Committee;
- (12) Repealed by Session Laws 2011-266, s. 1.28(b), effective July 1, 2011 and Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (13) The Commission on Children with Special Needs;
- (14) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (15) The Agriculture and Forestry Awareness Study Commission; and
- (16) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (17) The standing Committees on Pensions and Retirement.

(b) Reasonable public notice of all meetings of commissions, committees, and standing subcommittees of the General Assembly shall be given. For purposes of this subsection, "reasonable public notice" includes, but is not limited to:

- (1) Notice given openly at a session of the Senate or of the House; or
- (2) Notice mailed or sent by email to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly website.

G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing subcommittees of the General Assembly.

(c) A commission, committee, or standing subcommittee of the General Assembly may take final action only in an open meeting.

(d) A violation of this section by members of the General Assembly shall be punishable as prescribed by the rules of the House or the Senate.

(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17, and G.S. 166A-19.24. (1991, c. 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f); 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93; 2011-266, s. 1.28(b); 2011-291, s. 2.50; 2020-3, s. 4.31(d); 2025-25, s. 29(1), (5).)

**§ 143-318.15: Repealed by Session Laws 2006-203, s. 94, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.**

**§ 143-318.16. Injunctive relief against violations of Article.**

(a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past violations of this Article, or (iii) continuing violations of this Article. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction; and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law.

(b) Any injunction entered pursuant to this section shall describe the acts enjoined with reference to the violations of this Article that have been proved in the action.

(c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1, 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)

**§ 143-318.16A. Additional remedies for violations of Article.**

(a) Any person may institute a suit in the superior court requesting the entry of a judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in violation of this Article. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different from that suffered by the public at large.

public body whose action the suit seeks to set aside shall be made a party. The court may order other parties made parties if they have or claim any right, title, or interest that would be directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

(b) A suit seeking declaratory relief under this section must be commenced within 45 days following the initial disclosure of the action that the suit seeks to have declared null and void; provided, however, that any suit for declaratory judgment brought pursuant to this section that seeks to set aside a bond order or bond referendum shall be commenced within the limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is recorded in the minutes of the public body, its initial disclosure shall be deemed to have occurred on the date the minutes are first available for public inspection. If the challenged action is not recorded in the minutes of the public body, the date of its initial disclosure shall be determined by the court based on a finding as to when the plaintiff knew or should have known that the challenged action had been taken.

(c) In making the determination whether to declare the challenged action null and void, the court shall consider the following and any other relevant factors:

- (1) The extent to which the violation affected the substance of the challenged action;
- (2) The extent to which the violation thwarted or impaired access to meetings or proceedings that the public had a right to attend;
- (3) The extent to which the violation prevented or impaired public knowledge or understanding of the people's business;
- (4) Whether the violation was an isolated occurrence, or was a part of a continuing pattern of violations of this Article by the public body;
- (5) The extent to which persons relied upon the validity of the challenged action, and the effect on such persons of declaring the challenged action void;
- (6) Whether the violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in this Article.

(d) A declaratory judgment pursuant to this section may be entered as an alternative to, or in combination with, an injunction entered pursuant to G.S. 143-318.16.

(e) The validity of any enacted law or joint resolution or passed simple resolution of either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986), c. 932, s. 1; 1991, c. 694, s. 8.)

#### **§ 143-318.16B. Assessments and awards of attorneys' fees.**

When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may make written findings specifying the prevailing party or parties, and may award the prevailing party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part of the costs. The court may order that all or any portion of any fee as assessed be paid personally by any individual member or members of the public body found by the court to have knowingly or intentionally committed the violation; provided, that no order against any individual member shall issue in any case where the public body or that individual member seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s. 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

#### **§ 143-318.16C. Accelerated hearing; priority.**

Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

#### **§ 143-318.16D. Local acts.**

Any reference in any city charter or local act to an "executive session" is amended to read "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

#### **§ 143-318.17. Disruptions of official meetings.**

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. 24, s. 14(c).)

#### **§ 143-318.18. Exceptions.**

This Article does not apply to any of the following:

- (1) Grand and petit juries.
- (2) Any public body that is specifically authorized or directed by law to meet in executive or confidential session, to the extent of the authorization or direction.
- (3) The Judicial Standards Commission.
- (3a) The North Carolina Innocence Inquiry Commission.
- (4) Repealed by Session Laws 1991, c. 694, s. 9.
- (4a) The Legislative Ethics Committee.
- (4b) A conference committee of the General Assembly.
- (4c) A caucus by members of the General Assembly; however, no member of the General Assembly shall participate in a caucus that is called for the purpose of evading or subverting this Article.
- (5) Law enforcement agencies.
- (6) A public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding these licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of the license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before the public body.
- (7) Any public body subject to the State Budget Act, Chapter 143C of the General Statutes, and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.
- (8) The boards of trustees of endowment funds authorized by G.S. 116-36.
- (9) Repealed by Session Laws 1991, c. 694, s. 9.
- (10) Repealed by Session Laws 2013-234, s. 10, effective July 3, 2013.
- (11) The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e); 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95; 2010-171, s. 5; 2013-234, s. 10; 2021-88, s. 13.)

**§ 160D-109. Conflicts of interest.**

(a) **Governing Board.** – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) **Appointed Boards.** – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) **Administrative Staff.** – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) **Quasi-Judicial Decisions.** – A member of any board exercising quasi-judicial functions pursuant to this Chapter 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 violations of due process 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.

(e) **Resolution of Objection.** – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) **Familial Relationship.** – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)



# Appearance Commission Meeting Agenda Item Submittal

Item To Be Considered: **Discussion on Creation of By-Laws**

Board Meeting Date: **April 23, 2026**

Prepared By: **Alissa Fender, MMC – Town Clerk**

**Overview:** The Appearance Commission is tasked to adopt by-laws that govern its internal organization and meeting procedures, consistent with its advisory role as established by ordinance and applicable North Carolina law. By-Laws are then provided to the Board of Commissioners for final approval.

To carry out this directive, the by-laws should focus on how the Commission operates, not on expanding its authority. At a minimum, they should address the following areas:

*Membership & Attendance*

Expectations for regular attendance, Procedures for excused vs. unexcused absences, Grounds and process for recommending removal due to excessive absences (consistent with the appointing authority’s role), Vacancy procedures (acknowledging that appointments remain with the Board of Commissioners)

*Meetings & Procedures*

Procedures for calling special meetings, Quorum requirements (consistent with the ordinance), Use of agendas, minutes, and recordkeeping, Compliance with the North Carolina Open Meetings Law, Rules for public comment, if any

*Voting & Decision-Making*

Handling of recusals due to conflicts of interest, Clarification that votes result in recommendations only - not binding decisions,

*Ethics & Conduct*

Adherence to applicable ethics standards and conflict-of-interest rules, disclosure and recusal procedures, Expectations for professional and respectful conduct

*Committees or Subcommittees (if used)*

Authorization to form committees, Scope and limitations of committee work, reporting requirements back to the full Commission

*Requests for Review, Projects, or Issues*

How requests from the Board of Commissioners, staff, or the public are received, criteria for placing items on the agenda, procedures for reviewing projects or appearance-related issues, timeframes and method for issuing written recommendations, coordination with Town staff during reviews

*Role Clarification*

A clear statement that the Commission:  
Serves in an advisory capacity only, makes recommendations to the Board of Commissioners or staff, does not administer, enforce, or approve regulations

*Amendments to By-Laws*

How the by-laws may be amended

**Recommended Action:** Discuss and provide directions to staff regarding items to be included in the development of draft by-laws for future review.

**Action:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_