

**BY-LAWS GOVERNING
SELMA APPEARANCE COMMISSION**

Sec. 2-41. – Appearance Commission.

There is hereby established a Selma Appearance Commission under the authority of G.S. 160D-304.

Sec. 2-42. – Appearance Commission composition and membership.

- a) There shall be an Appearance Commission consisting of seven (7) members.
 - 1) Five (5) members appointed by the Town Council shall reside within the town.
 - 2) Two (2) members appointed by the Johnston County Board of Commissioners shall reside in the town's extraterritorial jurisdiction. If, despite good faith efforts, enough residents of the extraterritorial jurisdiction cannot be found to fill the seats reserved for residents of that area, then the Johnston County Board of Commissioners may appoint other residents of the county (including residents of the Town) to fill these seats. If the Johnston County Board of Commissioners fails to make these appointments within ninety (90) days of receiving a resolution from the Selma Town Council requesting that they be made, the Town Council may make these appointments.
- b) The Appearance Commission shall, by majority vote of its membership, elect one of its members to serve as Chairperson and preside over the board's meetings and one member to serve as Vice-Chairperson, at its first meeting in August of each fiscal year.
 - 1) A person so designated shall serve in either capacity for a term of one (1) year unless their term of appointment to the board expires sooner. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership.
 - 2) The Chairperson and Vice-Chairperson shall take part in all deliberations and vote on all issues.
 - 3) The Chairperson shall set, approve, and make changes to the agenda.
- c) All members appointed to the Appearance Commission shall, before entering into their duties, qualify by taking an oath of office as required by G.S. 160D-309.
- d) Applications for the Appearance Commission will be reviewed by the Appearance Commission and then a recommendation may be provided to the Selma Town Council for the final appointment decision. Final Appointment decision for all applicants is left to the discretion of the Selma Town Council as required by 160D-310.
- e) Board members shall be appointed for a three (3)-year term, but a member may continue to serve until their successor has been appointed. Members may reapply for a seat on the Appearance Commission at the expiration of a term.

- f) Appearance Commission members serve at the pleasure of the Selma Town Council.
- g) The absence of any member from more than 25% of regular meetings in a calendar year without leave except when such absence is made necessary by sickness or other similar cause, ruled as emergency in nature will declare vacant the seat of such member, in which event the vacancy this created shall be filled by the Selma Town Council.

Sec. 2-43. - Meetings of the Appearance Commission.

- a) Regular meetings of the Appearance Commission shall be held at 6:00pm on the third Monday of each month and shall be held in the Jernigan Building. If a scheduled meeting falls on a Holiday where Town offices are closed, the meeting shall automatically be rescheduled to the following Wednesday.
- b) The Appearance Commission shall host a meeting with the Selma Town Council in August of each year to discuss current and future goals, objectives, and projects. This meeting shall be held during the regular scheduled Commission meeting for the month of August.
- c) When the Appearance Commission acts solely in its advisory capacity (for example, when it considers ordinance changes), it need not conduct its meetings (or portions of meetings) strictly in accordance with the quasi-judicial procedures set forth in Articles XIV and VI, Part 1 of this chapter. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- d) When the Appearance Commission acts on quasi-judicial matters (for example, certificates of appropriateness) the presenters shall present sworn testimony and observe all the requirements of a quasi-judicial proceeding.
- e) Minutes shall be kept of all Board proceedings by the Selma Town Clerk or Selma Town Deputy Clerk.
- f) The Selma Planning Consultant or Planning Staff shall attend all Appearance Commission meetings as staff liaison to the board. The Selma Town Manager or a Deputy Town Manager shall attend Appearance Commission meetings in the absence of the Planning Consultant or Planning Staff.
- g) All Board meetings shall be open to the public, and whenever feasible the agenda for each Board meeting shall be made available in advance of the meeting.

Sec. 2-44. - Powers and duties.

- a) To initiate, promote, and assist in the implementation of programs of general community beautification in the local government.

- b) To coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities, and programs bear upon the appearance of the local government.
- c) To provide leadership and guidance in matters of area or community design and appearance to individuals, to public and private organizations, and to agencies.
- d) To make studies of the visual characteristics and problems of the local government, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken.
- e) The Selma Town Council designates the Appearance Commission as its historic preservation commission with the following powers:
 - 1) Undertake an inventory of Preservation of historical, prehistorical, architectural, and/or cultural significance.
 - 2) Recommend to the Selma Town Council areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."
 - 3) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to Preservation within established districts or to any such Preservation designated as landmarks to hold, manage, preserve, restore, and improve such Preservation, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.
 - 4) Recommend to the Selma Town Council that the designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
 - 5) Cooperate with the state, federal, and local governments in pursuance of the purposes of this part. The Selma Town Council or the commission, when authorized by the Selma Town Council, may contract with the state, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.
 - 6) Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.
 - 7) Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to G.S. 160D, Article 9, Part 4.
- f) The Selma Town Council includes in the ordinance the following powers:
 - 1) To request from the proper officials of any public agency or body, including agencies of the State and its political subdivisions, its plans for public buildings, facilities, or projects to be located within the local government's planning and development regulation jurisdiction.

- 2) To review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency or to the planning or Selma Town Council. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies of the recommendations shall be transmitted promptly to planning or Selma Town Council and to the appropriate agency.
- 3) To formulate and recommend to planning or Selma Town Council the adoption or amendment of ordinances, including zoning regulations, subdivision regulations, and other local development regulations, that will, in the opinion of the commission, serve to enhance the appearance of the city or county and surrounding areas.
- 4) To direct the attention of local government officials to needed enforcement of any ordinance that may in any way affect the appearance of the Town or county.
- 5) To enter, in the performance of its official duties and at reasonable times, upon private lands and make examinations or surveys.
- 6) To promote public interest in and an understanding of its recommendations, studies, and plans, and, to that end, prepare, publish, and distribute to the public such studies and reports that will, in the opinion of the commission, advance the cause of improved appearance.
- 7) To conduct public meetings and hearings, giving reasonable notice to the public thereof.

Sec. 2-45. – Appearance Commission quorum and voting.

- a) A quorum for the Appearance Commission shall consist of a majority of the board membership. A quorum is necessary for the board to take official action.
- b) All actions of the Appearance Commission shall be taken by majority vote, a quorum being present.
- c) A roll call vote shall be taken upon the request of any member.
- d) Extraterritorial planning area members may vote on all matters considered by the board, regardless of whether the property affected lies within or without the Town.