



VILLAGE OF WHISPERING PINES

CODE OF ORDINANCES



Chapter A – General Administration (Chapter-wide Amendment 4/8/20)

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 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 is to provide a policy and procedures for conducting criminal history checks through State Bureau of Investigation (SBI) / Division of Criminal Investigation Network (DCI) on final applicants for employment by the Village. This ordinance is adopted pursuant to the authority vested by the General Assembly in G.S. § 153A-11 and 153A-12.

A. 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 (3) 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.

1. The 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 driver's license, if available, so that the 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 DCI.
 2. The Police Department shall provide the findings from the use of the DCI to the Manager, or designee, provided that all necessary agreements with the SBI/DCI have been executed.
 3. 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.
 4. Prior to denial or termination of employment based upon criminal history record information (CHRI) received from the Police Department, the 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.
- B. 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.
- C. Any Ordinance or any part of the Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.
- D. This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of the Village, 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

This ordinance adopted by the Village is to provide a policy and procedures for conducting criminal history checks through SBI/DCI on final applicants for employment with the Fire Rescue Department (FRD). This ordinance is adopted

pursuant to the authority vested in the Village by the General Assembly in G.S. § 153A-11 and 153A-12.

A. 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 FRD. Subject to subsection (3) 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.

1. The Manager, or designee, may conduct an investigation of any final candidate for a permanent full-time, part-time and/or volunteer position with the FRD 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 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 DCI.
2. The Police Department shall provide the findings from the use of the DCI to the Manager, or designee, provided that all necessary agreements with the SBI/DCI have been executed.
3. 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.
4. Prior to denial or termination of employment based upon criminal history record information (CHRI) received from the 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.

B. 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.

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

D This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Village 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 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 Council shall appoint a Manager who shall serve at the pleasure of the Council. The 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 Manager shall receive such salary as the Council shall establish.

B. Powers and Duties. The 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/her charge by the Council, and shall have the following powers and duties:

1. The Manager shall appoint and suspend or remove all Village 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 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/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 improvement 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 Village Clerk

The Clerk shall attend all meetings of the Council and shall regularly and fairly record proceedings in the form of minutes as required by G.S. § 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 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 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

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

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 Police Department Policy Manual. The Police Department Policy Manual shall be approved by the Manager, shall be reviewed and updated annually or as needed and a copy of the manual shall be filed with the Manager.

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

1. Such reserve police officers shall be regarded as part-time employees. The Manager shall have the authority to appoint, suspend, and remove such reserve police officers.
2. All such persons shall be certified as law enforcement officers by the North Carolina Department of Justice Training & Standards Commission.
3. Reserve police officers hired in accordance with this section shall be called upon to work on an "as needed" basis by the Police Chief, subject to budgetary funds.
4. While performing official duties on behalf of the Village, or while engaged in training at the request of the Village, reserve police officers hired under this section are paid on an hourly rate basis at the rate established by the Manager 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.

B. Whispering Pines Fire Rescue Department (FRD). The FRD 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 FRD 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 (FRC) and any/all employees of the FRD. In addition, the FRC shall have all authority provided by the FRD Policy Manual. The FRD Policy Manual shall be approved by the Manager, shall be reviewed and updated annually or as needed and a copy of the manual shall be filed with the Manager.

C. 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.

D. 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.

E. 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 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 G.S. § 159 – Article 3 Local Government Budget and Fiscal Control Act.

Section 6. Volunteer Appointees

The 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 Council.

Section 7. Oath of Office

As provided for in G.S. § 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 Clerk shall maintain a file of all administered oaths.

Section 8. Emergency Provisions: State of Emergency; Curfew Authorized; Mayor's Power; and Restrictions During Emergency

8.1 Purpose

Pursuant to G.S. § 166A-19.1, the purpose of this Ordinance is to set forth the authority and responsibility of the Village government in prevention of, preparation for, response to, and recovery from natural or man-made emergencies or hostile military or paramilitary action and to do the following:

- A. Reduce vulnerability of people and property of this Village to damage, injury, and loss of life and property.
- B. Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons.
- C. Provide for the rapid and orderly rehabilitation of persons and restoration of property.

D. Provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response, and recovery among agencies and officials of this Village, County, and State and with similar agencies and officials of other states, federal government, interstate organizations, and other private and quasi-official organizations, as necessary.

8.2 Definition

Emergency – An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident. (see G. S. § 166A-19.3(6))

8.3 Declaration

A. Declaration. Either the Council or the Mayor may declare a state of emergency. In the absence of the Mayor, the Mayor Pro Tempore may declare a state of emergency.

B. Emergency Area. The emergency area shall not exceed the area over which the Village has jurisdiction to enact general police power ordinances, and the emergency declaration may include all or part of the Village's jurisdiction. Unless the emergency declaration is specifically limited to a part of the jurisdiction, the emergency area shall include the entire Village jurisdiction. (See G. S. 166A-22(b)(1))

8.4 Power to Enact Prohibitions and Restrictions to Deal with States of Emergency

A. Authority to Enact Prohibitions and Restrictions. The emergency declaration may enact prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to G.S. § 166A-19.22 (see G.S. 166A-19.31)

B. Type of Prohibitions and Restrictions Authorized. Pursuant to G.S. § 166A-19.31(a), this Ordinance permits the below prohibitions and restrictions: (see GS § 166A-19.31(b)(1)-(5))

1. The movement of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the Village's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area.

2. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
3. The possession, transportation, sale, purchase, and consumption of alcoholic beverages.
4. The possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under G.S. § 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. § 14-409.39(2).
5. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

This Ordinance does not require or provide for the imposition of all of the types of above prohibitions or restrictions, or any particular prohibition or restriction that is listed above, but instead authorizes the Council, Mayor, or in the absence of the Mayor the Mayor Pro Tempore, to determine and impose the prohibitions or restrictions deemed necessary or suitable to a particular state of emergency.

C. When Prohibitions and Restrictions Take Effect. All prohibitions and restrictions imposed by a state of emergency shall take effect in the emergency area immediately upon publication of the declaration unless the declaration sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the prohibitions and restriction in the mass communications media serving the emergency area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any declaration shall be made. This subsection shall not be governed by the provisions of G.S. § 1-597. (see G.S. § 166A-19.31(d))

8.5 Expiration of Prohibitions and Restrictions

Pursuant to G.S. § 166A-19.3, prohibitions and restrictions imposed pursuant to the state of emergency shall expire upon the earliest occurrence of any of the following:

- A. The prohibition or restriction is terminated by the Council or the Mayor, or in the absence of the Mayor the Mayor Pro Tempore.

B. The state of emergency terminates.

8.6 Violation

Any person who violates any provision of this Ordinance or a declaration enacted or declared pursuant to this Ordinance shall be guilty of a Class 2 misdemeanor in accordance with G.S. § 14-288.20A (see G.S. § 166A-19.31(h))

Section 9. Code of Ethics for the Village of Whispering Pines Village Council – See Appendix A

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 that will exceed \$500 must be covered by a purchase order. The Manager and Finance Officer will maintain an administrative procedure that outlines the process for department heads and employees to procure goods or services on behalf of the Village in accordance with the G.S. § 159.

As outlined in G.S. § 159, the Finance Officer is legally responsible for performing the following duties:

- A. establishing and maintaining a unit's accounting system; and
- B. controlling expenditures and disbursing money's;
- C. preparing and presenting financial reports; and
- D. managing the receipt and deposit of money's, including routinely auditing accounts of other officials and employees; and
- E. managing the unit's debt service obligations; and
- F. supervising investments.

Section 3. Sale of Personal Property

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

1. the item or group of items to be disposed of has a fair market value of less than thirty thousand dollars (\$30,000.00); and

2. the property is no longer necessary for the conduct of Village business; and
3. sound property management principles and financial considerations indicate that the interests of the Village would be best served by disposing of the property.

B. **Methods of Disposition.** The 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 G.S. § 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.

C. **Sale by Electronic Auction.** As one of several means of disposing of surplus property, the 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 G.S. § 160A-270, the Village shall not be required to provide advance notice of electronic auctions of such surplus property.

D. **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 if greater value may be obtained in that manner, and the 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 Manager or Finance Officer 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 Council.

E. **Records and Reports.** The 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. Property sold will be reported to the Council at the time of sale.

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

Section 4. Permits and Fee Schedule

Permits will be required, and fees shall be charged where applicable as required under the Village Code of Ordinances in accordance with the Permit and Fee Schedule (See Appendix B, attached). The schedule may be amended by resolution by the 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.

Article IV – Boards, Committees and Commissions

Section 1. Applicability of Article IV

Applies to all boards, committees and commissions (hereinafter referred to as "Committees") of the Village other than the Council.

Section 2. Formation of Committees

A. Existing Committees. The following are the existing committees of the Village as of the effective date of this Article:

1. Planning and Zoning Board
2. Lakes and Watershed Board
3. Tree Board

B. Creation or Dissolution of Committees

1. Creation of Committees. The 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 Council shall confer on such Committee.
2. Dissolution of Committees. Unless otherwise prohibited by General Statute, the Council shall have the power in its sole discretion, by a majority vote to dissolve any Committee.

Section 3. Appointment of Committee Officers

A. Board Chairperson. Upon recommendation from the Committee, the Council shall appoint the Chairperson of each Committee to serve for a term of two (2) years, or until that Chairperson's successor is duly appointed by the Council. The chairman of one Committee may not serve as a member of any other Committee.

B. 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.

C. 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 (2) 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 Manager may direct that any or all of these responsibilities shall be performed by the Clerk or other Village staff.

Section 4. Committee Members

A. Members. Except as provided under Section 4, Members of all Committees shall be appointed by the Council.

B. Extraterritorial Jurisdiction (ETJ) Members. One (1) or more Regular Members from the ETJ shall be appointed to the Planning and Zoning Board and Board of Adjustment as required by General Statute and shall be appointed in the manner proscribed by General Statute.

C. Councilpersons as Members. No member of the Council shall sit as a member of any Committee.

D. Alternate Members. The Council may appoint one (1) or more Alternate Members who shall serve on the Committee in the absence of a Regular Member. If there is more than one (1) 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 (hereinafter referred to as "Board of Commissioners") upon recommendation of the Council.

E. Vacancies. All vacancies shall be posted on the Village website, the official Village Facebook page and included in the Village newsletter. Vacancies shall be filled by appointment by the Council, upon the submission of a completed volunteer application. Vacancies shall be posted three (3) months prior to the expiration of a term. Vacancies occurring other than through the expiration of term shall be filled for the un-expired term by appointment by the Council.

F. Compensation. Members shall serve without compensation.

G. Village Manager. Unless otherwise provided by General Statute or Village Ordinance, all Committees shall report to the Manager.

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

I. Committee Recommendations. When a recommendation from a Committee is presented to the Council, the Committee Chairperson, or his/her designee, shall be present at the Council meeting to provide additional information or explanation if requested.

Section 5. Terms of Members

A. Term. Each Regular and Alternate Member of each Committee shall be appointed for a term of three (3) years. Additional terms shall be at the recommendation of the Chairperson and with approval of the Council.

B. Membership. Every Member of a Committee shall serve at the pleasure of the Council, except members representing the ETJ who shall be appointed by the Board of Commissioners.

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

1. 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
2. has three (3) consecutive absences from regular meetings of the Committee.

Section 6. Quorum and Conduct of Committee Meetings

A. 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.

B. Rules for Conduct of Meetings. Meetings shall be conducted in a courteous, cooperative and constructive manner under procedures established by the Committee and approved by the Manager. The Chairperson may direct removal from a meeting, of any Committee member or any member of the public who acts in an unruly or disruptive manner.

C. Quorum. 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 quasi-judicial 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.

D. Voting. Unless otherwise specifically set forth in the Code of Ordinances or in the General Statute, 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

7.1 Planning and Zoning Board

A. Organization. A Planning and Zoning Board (hereinafter referred to as "PZ Board") for the Village and the ETJ zoning area over which the Village exercises zoning authority is hereby created under the authority of the G.S. §160D-Article 3.

B. Membership. The PZ 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 Board of Commissioners upon the recommendation of the Council, who shall reside in the ETJ.

C. 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/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 Council, or Board of Commissioners, according to whether the vacancy occurs in a seat assigned to a Village resident or a resident of the ETJ.

D. Powers and Duties. The PZ Board shall:

1. Upon request of the Council, the Manager or upon its own initiative, make studies and recommend to the Council plans, goals and objectives relating to the growth, development and redevelopment of the Village and the ETJ.
2. Upon request of the Council, the 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.

3. Make recommendations to the Council concerning land uses, land development ordinance text amendments and zoning map changes.
4. The PZ Board shall serve as the adjudicating body to hear and decide quasi-judicial matters pertaining variances.
5. Perform other duties as assigned by the Council.

E. Conflicts of Interest. Members of the PZ 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. A member of the PZ Board 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 familiar, business or other associational relationship. A member of the PZ 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.

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

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

7.2 Lakes and Watershed Board (Amended 6/9/21)

A. Membership. The Lakes and Watershed Board (LWB) shall consist of nine (9) members who shall reside within the Village. All members shall be appointed by the Council. The LWB includes eight (8) members who reside in the vicinity of, and will represent one of the eight (8) primary Village lakes, and one (1) member at large.

B. Powers and Duties. The control of the lakes are under the general authority of the Council. The day-to-day operations and maintenance of the lakes are the responsibility of the Manager and the Public Works Director. The LWB shall be responsible to inform the Public Works Director of any conditions which may require emergency action by the Council including the closing of any or all the lakes. The LWB 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 Council.

7.3 Tree Board

A. Membership. The Tree Board shall consist of four (4) members appointed by the Council and residing in the Village, and one (1) member appointed by the Board of Commissioners, upon recommendation of the Council, who shall reside in the ETJ. The Zoning Administrator and Public Works Director shall serve as ex-officio members of the Tree Board.

B. Powers and Duties. The Tree Board shall prepare, review and submit all documentation required to maintain the designation of Tree City USA for the Village. The Tree Board shall be responsible for the planning and execution of an annual Arbor Day celebration. The Board may provide recommendations on proposed amendments to the Land Development Ordinance pertaining to trees and landscaping requirements. The Board may provide landscaping recommendations for Village owned parks and open space.

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 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; and
 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 Council member 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 shall 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; and
- B. Behaving consistently and with respect toward everyone with whom they interact; and
- C. Exhibiting trustworthiness; and
- D. Living as if they are on duty as elected officials regardless of where they are or what they are doing; and
- 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; and
- 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; and
- 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; and
- 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; and
- 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; and

- J. Not reaching conclusions on issues until all sides have been heard; and
- K. Showing respect for their office and not behaving in ways that reflect badly on those in office; and
- L. Recognizing that they are part of a larger group and act 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.

APPENDIX B
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 or Variance | \$150 | N/A |
| Special Use Permit | \$75 | |
| Home Occupation | \$75 | |
| Homestay Rental | \$75 | |
| Beekeeping, Non-commercial | \$25 | |
| Single-family Residential | | |
| New Construction | \$500 | |
| Multi-family residential | \$500 + \$50/unit | |
| Mobile Homes | \$250 | |
| Alterations | \$50 | |
| Additions (includes detached garage) | \$250 | |
| Site Plans | \$500 | \$1,500 |
| House Moving | \$250 | |
| Erosion Control over 1 ac up to 2 ac | \$200 | \$1,000 |
| Each additional ac | \$100 | |
| Telecommunications Tower | \$1,000 | |
| Ch.6 Sect. 13.5(K.2) | | |
| Tower Co-location | \$350 | N/A |
| Subdivision > 5 ac, or creating street | | |
| Preliminary Plat | \$600 + \$50/lot | \$1,500 |
| Final Plat | \$200 + \$50/lot | |
| Subdivision <= 5 ac, not creating street | | |
| Preliminary Plat | \$500 + \$50/lot | \$500 |
| Final Plat | \$200 + \$50/lot | |
| Accessory Building | \$25 | |
| Deck | \$25 | |
| Lakefront piers, docks/bulkheads | \$25 | |
| Fences | \$25 | |
| Pet Run | \$25 | |
| Sign | \$25 | |
| Patio | \$50 | |
| Swimming pool | \$50 | |
| Driveway | \$50 | |

Permit and Fee Schedule
Other Fees

| <u>Fee Type</u> | <u>Fee</u> |
|--|---|
| Operation of Watercraft on Village Lakes | |
| First watercraft | \$15 (first year) \$10 (second year) \$5 (third year) |
| Each additional watercraft | \$5 |
| Boat Storage Fee | \$50 (per year / per boat) |
| Operation of Golf Carts on Village Roads | |
| First Golf Cart | \$15 (first year) \$10 (second year) \$5 (third year) |
| Additional golf cart | \$5 |
| Garage Sales | \$5 |