

**AN ORDINANCE AMENDING TITLE III ADMINISTRATION  
OF THE MILLS RIVER CODE OF ORDINANCES**

**ARTICLE NO. 1  
AUTHORITY**

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160D of the North Carolina General Statutes. Town Council does hereby ordain and enact into law the following amendments to the Code of Ordinances for the Town of Mills River.

**ARTICLE II  
AMENDMENT TO ADMINISTRATION**

The Administration Section of the Code of Ordinances of the Town of Mills River as enacted effective February 26-2004, and with various amendments, is further amended as to the following articles, chapters, sections and subsections:

**CHAPTER 30 TOWN ORGANIZATIONS**

Text Amendment TXT-21-08 modifies Chapter 30 of the Mills River Town Code to reduce the number of appointed Planning Board members from nine to seven; and modify its organization and rules. See Exhibit A for further details.

Except as specifically amended herein, Chapter 30 of the Town of Mills River Code of Ordinances shall remain valid and in full force and effect.

**ARTICLE III  
SEVERABILITY**

Each section and subsection of said ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision so such Ordinance shall finally be determined by competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from such Ordinance but every other provision of the Ordinance shall remain in full force and effect.

**ARTICLE NO. IV  
EFFECTIVE DATE**

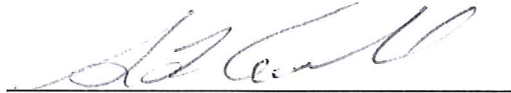
This Ordinance and the Amendment to the Code of Ordinances of the Town of Mills River, North Carolina shall take effect and be effective at 12:01 AM on October 15, 2021, and shall be in full force and effect at all times thereafter until duly amended.

**ADOPTED AND PASSED** by the Town Council of the Town of Mills River, North Carolina, this the 14<sup>th</sup> day of October 2021.



Chae T. Davis  
Mayor

ATTEST By:



Susan L. Powell, MMC, NCCMC  
Finance Director/Town Clerk



1                                   **CHAPTER 30: TOWN ORGANIZATIONS**

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- 30.01 Authority
- 30.02 Creation
- 30.03 Composition and appointment
- 30.04 Organization and rules
- 30.05 Effective date

**PLANNING BOARD;~~COMMITTEE~~**

**§ 30.01 AUTHORITY.**

This subchapter is enacted by the Town Council of the Town of Mills River pursuant to the authority granted in G.S. § ~~160D-301~~~~160A-361~~. The Town Council of the Town of Mills River established and appointed a Planning Committee on July 17, 2003. The Planning Committee has functioned as the planning agency for the Town of Mills River within the intent and meaning of G.S. § ~~160D-301~~~~160A-361~~, and the Committee shall hereafter become and be the Planning Board as provided herein.  
(Ord. 00002, passed 2-26-2004)

**§ 30.02 CREATION.**

The Town Council of the Town of Mills River hereby establishes the Planning Board under the authority granted by and the mandate confirmed by the General Assembly of the State of North Carolina. The Board shall constitute, function and be referred to as the Mills River Planning Board.  
(Ord. 00002, passed 2-26-2004)

**§ 30.03 COMPOSITION AND APPOINTMENT.**

(A) The Mills River Planning Board, hereinafter referred to as the Board, shall consist of ~~9~~seven members. ~~The 9 members of the Planning Committee as such~~

30 ~~is composed on February 12, 2004, Carolyn Johnson Chairperson, Becky Nesbitt-~~  
31 ~~Vice Chairperson, Ellen Carland, Larry Roper, Jeff Young, Shannon Hudson, Chris~~  
32 ~~Dodd, Walter Puckett and Kelly Cantrell, shall be members of the Board and their~~  
33 ~~terms shall be as follows: Initially, 1 year terms, thereafter, all members shall be~~  
34 ~~appointed for a staggered term of no more than 3 years or until their successors~~  
35 ~~are appointed.~~

36 (B) In the event of a vacancy on the Board, the Town Council shall appoint a new  
37 member to fill the unexpired term of the vacated position.

38 (C) All members shall serve without pay but may be reimbursed for any direct and  
39 reasonable expenses, following the ~~€~~Town's established procedures concerning  
40 reimbursement, incurred while representing the Board. Regular attendance at  
41 all Board meetings is a requirement for membership on the Board, and a  
42 member may be replaced by the Town Council, within its sole discretion, if the  
43 member is absent for ~~3~~two consecutive Board meetings. The Chairperson of the  
44 Board, or his or her delegate, may give a member an exception to the attendance  
45 requirement for good cause.

46 (Ord. 00002, passed 2-26-2004)

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48 **§ 30.04 ORGANIZATION AND RULES.**

49 (A) The Board shall operate in accordance with the current version of the Planning Board  
50 Charter and Rules of Procedure and any future amendments thereto. ~~meet as soon as is~~  
51 ~~practical and elect a Chairperson and Vice-Chairperson from among its regular~~  
52 ~~members, both of whom shall serve terms of 1 year or until reelected or until their~~  
53 ~~successors are elected. The Board shall elect a secretary, who may be an employee of~~  
54 ~~the town or a member of the Board. The secretary shall hold office for terms of 1 year or~~

55 ~~until a successor is elected. The Board may create and fill other offices for which it may~~  
56 ~~determine a need.~~

57 ~~(B) The Board shall adopt rules for the transaction of its business which are consistent~~  
58 ~~with this subchapter and with the General Statutes of the State of North Carolina. The~~  
59 ~~Board shall keep a record of its member's attendance and of its resolutions, discussions,~~  
60 ~~agendas, findings and recommendations. The Board shall comply with the North~~  
61 ~~Carolina Open Meetings Law and the North Carolina Public Records Law. The Board~~  
62 ~~shall meet at least 12 times each year and all of its meetings shall be open to the public.~~  
63 ~~A quorum of 5 members of the Board must be present for the Board to conduct business~~  
64 ~~or take any official action.~~

65 (Ord. 00002, passed 2-26-2004)

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67 **§ 30.05 EFFECTIVE DATE.**

68 This subchapter shall take effect and be in full force and effect on and after the date of its  
69 adoption by the Town Council of the Town of Mills River.

70 (Ord. 00002, passed 2-26-2004)