

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 171

Date of Request: January 17, 2008

Date Request Received: January 17, 2008

Board Meeting Date Requested: January 22, 2008

Board Meeting Date Assigned: January 22, 2008

Short Title: Amend The Appointment Of Mr. Donald H. Luther To The Board Of Adjustment.

- Request Status:**
- Request is proceeding to Board of Commissioners
 - More information is needed – see attached
 - Request on hold – no further information needed
 - Other:

Background: At the January 7, 2008 meeting, the Board appointed Mr. Donald Luther to serve a three-year term on the Pender County Board of Adjustment representing an alternate position, with term to expire on January 4, 2011.

It has since been discovered that the appointment should have been made to serve the remainder of the unexpired term of Mr. Jeremy Strong who resigned from the Board. The term expires on January 4, 2010.

A copy of the Board of Adjustment By-Laws is attached.

Specific Action Requested: Amend the January 7, 2008 appointment of Mr. Donald Luther to the Board of Adjustment Appointment and amend the minutes to reflect the change.

Requested by: Lori Brill
Department: County Manager
Title:
Contact Phone: 910-259-1200
Contact Fax:

(Administrative Use Only)

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: Signed:

FINANCE Sufficient Funds Available
Date Rec'd Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

MANAGER'S RECOMMENDATION:

All appointment authority rests with the Board of Commissioners.

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners

that the following appointments/re-appointments are made:

BOARD/COMMITTEE/COMMISSION	NAME	TERM	TERM EXPIRATION	DISTRICT/ POSITION
Board of Adjustment	Donald H. Luther	New	01/31/2010	Alternate

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS**

YEA VOTES: Williams ____ Tate ____ Blanchard ____ Brown ____ Rivenbark ____

James David Williams, Jr., Chairman 1/22/08
Date

ATTEST 1/22/08
Date

SECTION 6 - BOARD OF ADJUSTMENT6.1 Establishment of the Board of Adjustment

There is hereby created and established a Board of Adjustment (hereinafter called the Board) which shall consist of five (5) members who shall be residents of the county of Pender. The members shall be appointed by the Board of Commissioners for a regular term of office of three (3) years. Board members whose terms have expired may be reappointed for one additional term so long as their length of service on the Board does not exceed six (6) years. In appointing members to fill vacancies, the Board of Commissioners shall appoint persons to serve the remaining term of office rather than a full three (3) years.

There will be two (2) alternate members of the Board of Adjustment.

No member of the Board of Adjustment shall be permitted to sit concurrently on the Planning Board or the Board of Commissioners.

6.2 Procedure of the Board of AdjustmentA. Officers

The Board of Adjustment shall elect a chairman and a vice-chairman from its membership and such other officers as the Board deems best.

B. Meetings

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the majority of the Board may determine. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its procedures, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be on public record. No final action shall be taken on any matter without the concurring vote of four-fifths (4/5's) of the members of the Board.

C. Appeals

An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person, firm, or corporation aggrieved; or by any officer, department, board of the county. Such appeal shall be taken within thirty (30) days after the decision by the Zoning Administrator, as agent for the Board of Adjustment, a notice of appeal specifying the grounds thereof and paying the appeal fees and mailing cost. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, giving notice to all participants by certified mail with return receipt requested. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal has been filed with them, that by reason of the facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the ordinance, in which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.