



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter Two, Article IV, Division Three, *Town Hall Art Selection Committee*, of the Code of Ordinances shall be amended as follows:

ARTICLE I. That the Town Code is hereby amended to remove **Town Code Chapter Two, Article IV, Division Three, Town Hall Art Selection Committee**, in its entirety:

~~DIVISION 3.—TOWN HALL ART SELECTION COMMITTEE~~

~~Sec. 2-251.—Established.~~

~~There is hereby established a committee known as the town artworks selection committee, referred to in this division as "the committee."~~

~~Sec. 2-252.—Composition; terms; vacancies; attendance of members.~~

~~(a) The committee shall be composed of nine members as follows:~~

- ~~(1) One business owner (preferably one who is known to purchase artwork for his business) who shall serve for a term of two years.~~
- ~~(2) One town employee who shall serve for a term of two years.~~
- ~~(3) One nonartist member of the county arts council board of directors who shall serve for a term of two years.~~
- ~~(4) One person who is named annually by the arts council as "supporter of the arts" who shall serve for a term of one year.~~
- ~~(5) Two citizens of the town not fitting any other category who shall serve for a term of two years.~~
- ~~(6) One "professional" artist (defined as an artist who regularly shows and sells his artwork) who shall serve for a term of one year.~~
- ~~(7) One art teacher from the county school system or one local art gallery owner who shall serve for a term of two years.~~
- ~~(8) One art critic serving the local media who shall serve for a term of two years.~~

~~(b) Terms of office shall be as specified in subsection (a) of this section, with a maximum of two consecutive terms of service. Initially, four of the seven two-year positions shall be appointed for three years, with two-year terms thereafter (in order to create continuity). Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term by the board of commissioners.~~

~~Sec. 2-253.—Chair; rules; meetings.~~

~~The mayor shall appoint a committee chair, who shall serve a one-year term. The meetings of the committee shall be held at the time and place designated by the chair, but not less than quarterly. The committee is expected to meet at times coinciding with artwork exhibits held by the county arts council, by the town and by various galleries. The chair shall call special meetings at the request of one-third of the committee membership, but the time of the meeting shall provide sufficient time to comply with notification requirements specified as follows:~~

- ~~(1) Announcement at a properly constituted meeting of the committee.~~
- ~~(2) Delivery of a notice to committee members by personal contact or mail.~~

~~(Code 1990, § 2-152)~~

~~Sec. 2-254.—Quorum.~~

~~There shall be a quorum of five members for the purpose of taking any official action required by this division. Except for a vote upon the acquisition of artwork, the majority of the members present and voting,~~

~~provided a quorum exists, shall decide an issue. The acquisition of artwork shall require a minimum of five committee member votes in the affirmative, cast at a properly convened meeting.~~

~~Sec. 2-255. Powers and duties:~~

- ~~(a) It shall be the duty of the committee to choose artwork for acquisition by the town and to work toward the establishment of a collection of artworks which would be a source of pride to the citizens of the town and of cultural enjoyment to them and the town's visitors.~~
- ~~(b) The committee is empowered to allocate funds, not to exceed 15 percent of the committee's annual budget for:
 - ~~(1) The archival preservation of the collection.~~
 - ~~(2) The use of the collection in education.~~
 - ~~(3) The promotion and display (or presentation) of the collection.~~~~

ARTICLE II. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE III. Effective Date.

PART IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 2nd day of November 2016.



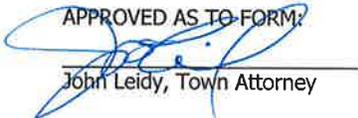
Robert C. Edwards, Mayor
Town of Nags Head



ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: November 2, 2016

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS