

## CHAPTER 3

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## **Article I**

### **GENERAL ADMINISTRATION**

#### **Section 3-1 Town Manager**

- (a) Appointment. The Council shall appoint a Town Manager to serve at its pleasure. The Town Manager shall be appointed solely on the basis of their executive and administrative qualifications. The Manager need not be a resident of the Town or state at the time of their appointment.
- (b) Power and Duties. The Town Manager shall be the chief administrator of the Town. The Town Manager shall be responsible to the Council for administering all municipal affairs placed in their charge by them, and in addition to those powers and duties assigned to them by the Town charter and by other provisions of law, and shall:
- (1) Appoint and suspend or remove all Town officers and employees not elected by the people, except those whose appointment or removal is otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the Council may adopt;
  - (2) Direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Council, except as otherwise provided by law;
  - (3) Attend all meetings of the Council and recommend any measure that they deem expedient;
  - (4) See that all laws of the state, the Town charter, and the ordinances, resolutions of the Council are faithfully executed within the Town;
  - (5) Prepare and submit the annual budget and capital program to the Council;
  - (6) Annually submit to the Council and make available to the public a complete report of the finances and administrative activities of the Town as of the end of the fiscal year;
  - (7) Make any other reports that the Council may require concerning operations of Town departments, offices, and agencies;
  - (8) Execute all contracts, licenses on behalf of the Town, except that (i) the Council may by resolution authorize other officials to execute specific documents and (ii) the Town Manager may, in writing, delegate to other employees the authority to execute specific documents or classes of documents;

(9) (i) Enter into contractual agreements that commit the Town to purchase goods and services when the Town Council has previously authorized the acquisition of such goods and services or if the Town Council has not previously authorized the acquisition of such goods or services, when the amount is less than \$5,000;

(ii) In emergencies, the Town Manager may enter into contractual agreements for any amount. Contractual agreements entered into during an emergency must be brought before the Town Council during a public meeting for review and approval at the earliest possible date. For the purposes of this subsection, an “emergency” is defined as “a sudden or unexpected occurrence or occurrences, which jeopardize the safety or the Town’s citizens, such as but not limited to fire or electrical outage.”

(iii) The Town Manager may, in writing, delegate the authority granted by this subsection to other employees.

(10) Act as executive director of the downtown development commission, serving as coordinator and resource person in development of plans and as the representative and spokesperson in the negotiation and implementation of the plans.

(11) Perform any other duties that may be required or authorized by the Council.

### **Section 3-2 Town Clerk**

(a) Appointment. The Council shall appoint a Town Clerk to serve at its pleasure.

(b) Duties. The Town Clerk shall:

(1) Give notice of meetings of the Council;

(2) Keep a journal of the proceedings of the Council;

(3) Record in a book kept for the purpose all ordinances and resolutions;

(4) Be the custodian of all Town records;

(5) Authenticate the signature of the Town Manager or authorized Town representative on all contracts, licenses, or other Town documents as provided in Section 3-3 of the Town Charter.

(6) Perform other such duties as are prescribed by law or by the Town Charter or required by the Council or by the Town Manager.

(7) Hire an employee to serve as Deputy Town Clerk and delegate any authorities and duties granted by this section to that employee, as needed.

### **Section 3-2.1 Town Clerk to Accept Statements of Domestic Partnerships**

(a) A domestic partnership shall exist between two persons if the persons file a statement of domestic partnership as prescribed in subsection (b), and each of the declarations made in this statement as required under subsection (b) is true.

(b) The Town Clerk shall accept and keep on record statements of domestic partnership filed by persons who are residents of the Town of Carrboro or at least one of whom is an employee of the Town of Carrboro. Such statements shall be in the form of an affidavit prescribed by the Town and shall contain the signatures of two persons who state under oath that such persons:

- (1) Are not related by blood closer than would bar marriage in the State of North Carolina;
- (2) Are not married or related by marriage;
- (3) Share the common necessities of life;
- (4) Are 18 years old or older;
- (5) Are competent to enter into a contract;
- (6) Declare that they are each other's sole domestic partner;
- (7) Agree to be responsible for each other's welfare; and
- (8) Agree to notify the Town of any change in the status of their domestic partnership.

(c) The domestic partnership statement shall be dated and contain the address or addresses of both partners.

(d) The domestic partners statement may be amended at any time in order to change an address by filing a new statement.

(e) Any member of a domestic partnership may terminate the domestic partnership by filing an affidavit of termination with the Town Clerk. The person filing the termination statement must declare that:

- (1) The domestic partnership is terminated, effective on the date specified; and
- (2) A copy of the termination statement has been mailed or delivered to the other domestic partner.

(f) No person who has filed an affidavit of domestic partnership may file another statement of domestic partnership until twelve months after a statement of termination of a previous partnership has been filed with the Town Clerk.

(g) The Town Clerk may charge a fee for the filing of a domestic partnership statement, a termination of domestic partnership statement, and an amendment to a domestic partnership statement. The amount of such fee shall be as set forth in the Town's miscellaneous fees and charges schedule.

**Section 3-3 Attorney**

The Council shall appoint a Town attorney to serve at its pleasure.

## **Article II**

### **FINANCE**

#### **Section 3-4 Finance Officer**

- (a) Appointment. The Town Manager shall appoint a finance officer.
- (b) Duties. The duties of the finance officer shall be to:
  - (1) Keep the Town's accounts in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Local Government Commission;
  - (2) Disburse all funds of the Town in strict compliance with the Local Government Budget and Fiscal Control Act, the budget ordinance, and each project ordinance and pre-audit obligations and disbursements as required by the Local Government Budget and Fiscal Control Act;
  - (3) Prepare and file with the Council a statement of the financial condition of the Town whenever requested to do so by the Council or the Town Manager;
  - (4) Receive and deposit all monies accruing to the Town and supervise the receipt and deposit of money by other duly authorized officers or employees;
  - (5) Maintain all records concerning the Town's bonded debt and determine the amount of money that will be required for debt service during each fiscal year and maintain all sinking funds;
  - (6) Supervise the investment of the Town's idle funds; and
  - (7) Perform such other duties as may be assigned by law, the Town Manager, the budget officer, the Council, or by rules and regulations of the Local Government Commission.

#### **Section 3-5 Budget Director**

The Town Manager shall be the budget director. The budget director shall perform those duties and responsibilities assigned by the Local Government Budget and Fiscal Control Act (Article III of G.S. 159).

#### **Section 3-6 Tax Collector**

- (a) Appointment. The Council shall appoint a tax collector to serve for a term of two years and until their successor has been appointed and qualified. The Council may remove the tax

collector under the circumstances and in accordance with the procedure specified in G.S. 105-349(a). The tax collector shall not begin their duties until they have furnished a bond in accordance with G.S. 105-349(c), nor shall they continue collecting taxes after such bond has expired without renewal.

(b) Duties. In addition to other duties and responsibilities provided by law, the tax collector shall:

- (1) Employ all lawful means to collect all property, dog license, privilege, and franchise taxes with which they are charged by the Council;
- (2) Perform such duties in connection with the preparation of tax records and tax receipts as the Council may direct under the provisions of G.S. 105- 319 and G.S. 105-320;
- (3) Keep adequate records of all collections they make;
- (4) Account for all monies coming into their hands, in such form and detail as may be required by the finance officer;
- (5) Make settlement at the times required by G.S.105-373 and at any other time the Council may require them to do so;
- (6) Submit to the Council at each of its regular meetings a report of the amount they have collected on each year's taxes with which they are charged, the amount remaining uncollected, and the steps they are taking to encourage or enforce payment of uncollected taxes;
- (7) Send bills or notices of taxes due to taxpayers if instructed to do so by the Council; and
- (8) Visit delinquent taxpayers to encourage payment of taxes if instructed to do so by the Council.

(c) Deputy Tax Collector. The Council may appoint one or more deputy tax collectors. The term of office, removal procedures, and bonding requirements of such deputy tax collector shall be identical to those of the tax collector.

(d) Oath of Office. The tax collector and any deputy tax collector appointed shall take and subscribe the following oath and file it with the Town Clerk:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as (deputy) tax collector of the Town of Carrboro, and that I will not allow my actions

as tax collector to be influenced by personal or political friendships or obligations, so help me God."

### **Section 3-7 Human Services Advisory Commission Established**

(a) There shall be a Human Services Advisory Commission consisting of seven members appointed by the Town Council. Members shall be residents of the Town of Carrboro and one member may be a resident of either the Town or the Town's extraterritorial planning area.

(b) Members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause.

(4) Members who represent the local school system shall automatically be removed from the commission if their affiliation with these units ends.

(c) The members of the commission shall serve three-year staggered terms. The terms of all members shall be for a term of three years and shall expire in June of each year.

### **Section 3-8 Meetings and Officers of Human Services Advisory Commission**

(a) The commission shall meet primarily at budget time, but may also be requested to meet at any time throughout the year that a request for funding is received by the Town from any non-departmental agency. The commission shall publish a schedule of its proposed meetings in accordance with the Open Meetings Law.

(b) A quorum for the commission shall consist of four members, except that if there are two or more vacant seats, a quorum shall consist of three members. All actions of the commission shall be taken by majority vote and those present and voting, a quorum being present.

(c) The Commission shall designate one of its members to serve as chairperson and one to serve as vice chairperson. These officers shall serve annual terms unless their terms of appointment to the Commission sooner expire. A member may be selected to serve as chairperson for not more than two (2) consecutive full one year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

**Section 3-9 Powers and Duties of Human Services Advisory Commission**

(a) The principal function of the commission shall be to study all funding applications received by the Town from non-departmental agencies and to make recommendations to the Town Council on these funding requests. The Town Council may establish a specific budget amount and direct that the sum total of all the commission's funding recommendations not exceed this budgeted amount.

(b) The commission shall perform such other duties as may be assigned from time to time by the Town Council.

**Section 3-9.1 Budget Review Committee Established**

(a) There shall be a Budget Review Committee consisting of seven members appointed by the Town Council. Members shall be residents of the Town of Carrboro except that one member may be a resident of the Town's extraterritorial planning area. To the degree reasonably possible, the Committee should consist of citizens who have a particular expertise in or experience with issues surrounding budget, fiscal, and public sector planning matters.

(b) Members shall serve three-year staggered terms, but may continue to serve until their successors have been appointed. The initial terms of all members shall expire on June 30, 1998. Effective July 1, 1998, three members shall be appointed for three-year terms, two members shall be initially appointed for two-year terms, and two members shall be appointed for one-year terms. Vacancies shall be filled for the unexpired terms only.

(c) Members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings in any twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson shall have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal

requirement should be waived, the Town Clerk will send a removal notice to the member, which shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause.

### **Section 3-9.2 Meetings and Officers of the Budget Review Committee**

(a) The Budget Review Committee shall hold regular meetings at least once monthly, and more often in its discretion, from December through May of each year, at such times and places as it shall designate. The Committee shall publish a schedule of its proposed meetings in accordance with the Open Meetings Law.

(b) A quorum of the Budget Review Committee shall consist of four members, except that if there are two or more vacant seats a quorum shall consist of three members. All actions of this Committee shall be taken by majority vote of those present, a quorum being present.

(c) The Budget Review Committee shall designate one of its members to serve as chairperson and one member to serve as vice-chairperson. Those officers shall be selected annually at the Committee's first regular meeting in December and shall serve terms of one year unless their terms of appointment to the Committee sooner expire. The chairperson and vice-chairperson shall take part in all deliberations and vote on all issues.

### **Section 3-9.3. Powers and Duties of The Budget Review Committee**

(a) The Budget Review Committee shall review the annual operating budget, capital improvements plan and any other documents submitted to the Town Council for its deliberation and discussion of the budget and make recommendations to the Town Council by the second week in June of each calendar year concerning:

(1) the budget document and its format;

(2) the services and service levels of the operating budget and capital improvements plan;

(3) the overall direction of the annual operating budget and capital improvements plan: and,

(4) any other matter relating to the annual operating budget, the capital improvements plan and the Town's fiscal policies which the Committee wishes to bring to the attention of the Town Council.

(b) The Committee shall attempt to review the operating budget and capital improvements plan by examining the broad issues contained therein as opposed to line item by line item analysis.

(c) The Committee shall forward its report to the Town Council in the form of either recommendations that are reached by consensus, opinions that are expressed by its individual members, or both.

(d) The Committee shall be staffed by the Town Manager or the Assistant Town Manager.

## **Article III**

### **PERSONNEL**

#### **Section 3-10 Personnel Responsibilities of Town Manager**

The Town Manager shall be responsible to the Council for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all officers and employees except those elected by the people or those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the Charter and other policies and procedures specified in Chapter 4 of this Code (Personnel Policies). More specifically, the Town Manager shall:

- (1) Recommend rules and revisions to the personnel system to the Council for consideration;
- (2) Determine the administrative, professional and managerial positions to be excluded from entitlement to overtime compensation as provided in Chapter 4;
- (3) Establish and maintain a roster of all persons in the Town service, setting forth each officer and employee, class title of position, salary, and changes in class title and status, and such data as may be deemed desirable or useful;
- (4) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- (5) Develop and coordinate training and education programs for Town employees;
- (6) Investigate periodically the operation and effect of the Town's personnel policies and report their findings and recommendations to the Council;
- (7) Perform such other personnel duties as may be assigned to them by this Code or by the Council.

#### **Section 3-11 Position Classification Plan**

- (a) The Town Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Town Manager the need for new positions, and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of existing positions.
- (b) New positions shall be established only with the approval of the Council after which the Town Manager shall either allocate the new position to the appropriate class within the

existing classification plan or recommend to the Council that it amend the position classification plan to establish a new class to which the new position may be allocated.

(c) When the Town Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Town Manager shall:

(1) Direct that the existing class specification be revised; or

(2) Re-allocate the position to the appropriate class within the existing classification plan; or

(3) Recommend that the Council amend the position classification plan to establish a new plan to which the position may be allocated.

(d) The Council may, upon the recommendation of the Town Manager, add classes of positions to or delete them from the position classification plan.

### **Section 3-12 The Pay Plan**

(a) The Town Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the Town and other factors. To this end, the Town Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Council such changes in salary ranges as appear to be warranted.

(b) The pay plan shall not apply to the Town Clerk, Town attorney, and Town Manager positions, whose compensation shall be determined annually by the Town Council.

### **Section 3-13 Department of Personnel & Training**

The Town Manager may appoint a Personnel and Training Director to assist them in performing their personnel related responsibilities and may delegate to such officer such responsibilities and duties as the Town Manager deems appropriate (except the authority to hire and dismiss personnel).

### **Section 3-14 Reserved**

## **Article IV**

### **PUBLIC SAFETY**

#### **Section 3-15 Police Department**

(a) The Police Department shall consist of a Chief of Police and as many other employees as the Town Council from time to time may authorize.

(b) As provided in Article 13 off Chapter 160A of the General Statutes, police officers shall:

(1) Take, subscribe and file with the clerk the oath of office prescribed by Article VI, Section 7 of the North Carolina Constitution;

(2) Have all the powers invested in law enforcement officers by statute or common law within the corporate limits of the Town and within one mile thereof and on all property owned or leased by the Town.

#### **Section 3-16 Auxiliary Law Enforcement Personnel**

(a) Auxiliary law enforcement personnel may be hired from time to time by the Town. Such personnel shall be regarded in all respects as part-time employees and shall be subject to the Town's personnel policy to the extent provided in Chapter 4 of this code.

(b) In addition to any other fringe benefits which such personnel may qualify for, auxiliary law enforcement personnel, while undergoing official training and while performing duties on behalf of the Town pursuant to orders or instructions of the Police Chief, shall be entitled to benefits under the Worker's Compensation Act.

#### **Section 3-17 Fire Department**

(a) The Fire Department shall consist of a fire chief and as many other employees as the Council from time to time may authorize.

(b) The Fire Department shall fight and extinguish fires, seek out and have corrected all conditions and places creating conditions that present fire hazards, preserve and care for fire apparatus, and perform other duties assigned to it by the Town Manager.

(c) As provided in G.S. 160A-293, any Fire Department employee, while engaged in any duty or activity outside the corporate limits of the Town pursuant to lawful authority, shall have the same jurisdiction, authority, rights, privileges and immunities, including coverage under the Worker's Compensation Act, that the employee has within the Town limits.

#### **Section 3-18 Auxiliary Fire Department Personnel**

(a) Auxiliary Fire Department personnel may be hired from time to time by the Town. Such personnel shall be regarded in all respects as part-time employees and shall be subject to the Town's personnel policy to the extent provided in Chapter 4 of this code.

(b) In addition to any other fringe benefits which such personnel may qualify for, auxiliary Fire Department personnel, while undergoing official training and while performing official duties on behalf of the Town, shall be entitled to benefits under the Worker's Compensation Act.

**Section 3-19 Reserved**

## **Article V**

### **PLANNING AND REGULATION OF DEVELOPMENT**

#### **Section 3-20 Planning Department**

(a) The planning department shall consist of a planning director and as many other employees as the Council may authorize from time to time.

(b) The planning department shall be responsible for conducting planning studies, enforcing ordinances related to regulation and control of development, including the land development control ordinance and the minimum housing code, enforcing the State Building Code, and performing any other duties assigned to it by the Town Manager.

#### **Section 3-21 Planning Board**

There shall be a Planning Board, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part I of this code.

#### **Section 3-22 Board of Adjustment**

There shall be a Board of Adjustment, whose establishment, powers, and duties are provided for in Chapter 15, Article III, Part II of this code.

#### **Section 3-23 Appearance Commission**

There shall be an Appearance Commission, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part V of this code.

#### **Section 3-24 Transportation Advisory Board Established**

(a) There shall be a Transportation Advisory Board (TAB) consisting of eight members appointed by the Council. Six members shall be residents of the Town, and one member shall be a resident either of the Town, the Town's extraterritorial planning jurisdiction, or the Town's joint planning transition area. All such members ("regular members") shall be interested in or have expertise relevant to the duties of the TAB. The eighth member (the "liaison member") shall be a member of the Council and shall act as a liaison between the Council and the TAB.

(b) The liaison member shall serve at the pleasure of the Council. Other members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

(c) The liaison member shall be appointed by the Council every two years at, or shortly after, the Council's organizational meeting when other appointments to Council committees are made. Regular TAB members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all regular seats on the TAB on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, three members shall be initially appointed for three-year terms, two members shall be initially appointed for two-year terms, and two members shall be initially appointed for one-year terms. Vacancies shall be filled for the unexpired terms only.

#### **Section 3-24.1 Meetings and Officers of TAB**

(a) The TAB shall hold regular meetings at least twice monthly at such times and places as it shall designate.

(b) A quorum for the TAB shall consist of four regular members, except that if there are two or more vacant seats, a quorum shall consist of three regular members. All actions of this board shall be taken by majority vote of those present and voting, a quorum being present. The liaison member may participate in all deliberations but shall have no vote.

(c) The TAB shall designate one of its members to serve as chairperson and one member to serve as vice-chairperson. These officers shall be selected annually at the board's first regular meeting in November and shall serve for terms of one year unless their terms of appointment to the board sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

#### **Section 3-24.2 Powers and Duties of TAB**

(a) The TAB shall conduct studies and advise and make recommendations to the Town Council concerning all matters relating to the transportation within the Town of Carrboro and the surrounding area, including, but not limited to, the need for the construction,

operation, relocation, or improvement of streets, sidewalks, and bikeways, as well as the establishment and improvement of alternative methods of mass transportation.

(b) The TAB shall report to the Town Council as requested by the Council and shall undertake such studies or perform such duties as the Council may request from time to time.

(c) The TAB may adopt rules and regulations governing its procedures not inconsistent with the provisions of Sections 3-24 through 3-24.2.

(d) From time to time, the Town Council may appoint one or more individuals to assist the TAB to carry out its transportation responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider long-range transportation plans, pedestrians or bicycle plans, infrastructure safety improvements, etc. Members of such advisory committees shall sit as nonvoting members of the TAB when such issues are being considered and shall lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Council shall be made by the TAB.

1. The Town Council may appoint a subcommittee of the TAB for the purposes of implementing the Safe Routes to School Strategic Action Plan as described in subsection (a) below.

a. The Safe Routes to School Implementation Committee shall recommend transportation projects, policies, programs, or activities that serve to increase the safety and convenience of walking and bicycling to school. The Committee shall provide guidance and support for implementing the recommendations of the adopted Safe Routes to School Action Plan and evaluating implementation progress. The Committee may provide assistance with seeking project or program funding, including applying for grants, Safe Routes to School event planning, and data collection.

b. The TAB shall consider the recommendations of the SRTS Action Plan when carrying out its duties under subsection 3-24.2 of this Chapter and its review of development applications and amendments described in Article IV and Article XX of Chapter 15 of the Town Code, the Carrboro Land Use Ordinance.

2. The Safe Routes to School (SRTS) Implementation Committee members shall include the full membership of the TAB and four additional members, appointed by the Town Council for two year staggered terms, but members may continue to serve until successors have been appointed.

a. The appointed members of the SRTS Implementation Committee shall include two students, who attend local public schools at the elementary or middle school level, one parent of a local elementary or middle school student and one school administrator or faculty member from the local

public schools at the elementary or middle school level.

b. Appointed members may serve for two successive terms (or any part thereof). A member who has served for two successive terms (or any part thereof) shall be eligible for re-appointment only after an absence from the committee of at least one year.

c. The committee may invite others, with expertise in the subject matter to participate in the meeting as non-voting members.

d. A member of the Chapel Hill/Carrboro School System School Board may serve as a liaison to the committee.

3. The SRTS Implementation Committee shall meet at quarterly, at the TAB's regularly scheduled meeting for the third Thursday of the month, or at additional special meetings as may be deemed necessary to complete its work.

a. Public notice for the meeting shall clearly identify the SRTS Implementation Committee agenda.

b. Quorums will be determined on the basis of the TAB's membership. There shall be no quorum requirement for the four appointed members.

(e) The TAB may, on an annual basis, hold a joint meeting with the Greenways Commission and a joint meeting with the Recreation and Parks Commission to discuss matters of mutual interest.

### **Section 3-24.3 Economic Sustainability Commission Established**

(a) There shall be an Economic Sustainability Commission composed of ten members, nine of whom shall be appointed by the Town Council. The Council shall endeavor to appoint members such that the membership of the Commission will include three residents of the Town, at least one of whom shall reside within the downtown area, three owners of businesses within the Town, and three at-large members. The tenth member (the "liaison member") shall be a member of the Arts Committee designated by the Arts Committee to attend meetings of the Economic Sustainability Commission and fill the seat reserved for the designee of the Arts Committee. Subsections (b), (c), and (d) shall not apply to the liaison member.

(b) Members of the commission shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. The terms of three seats shall expire on February 1, 2006 and every third anniversary thereafter. The terms of three seats shall expire on February 1, 2007 and every third anniversary thereafter. The terms of three seats shall expire on February 1, 2008 and every third anniversary thereafter.

(c) Commission members may be appointed for a maximum of two successive terms (or any part thereof). A member who has served for two successive terms (or any part thereof) shall be eligible for re-appointment only after an absence from the commission of at least one year.

(d) Members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

#### **Section 3-24.4 Meetings and Officers of Commission**

(a) The commission shall hold regular meetings at least monthly at such times and places as it shall designate.

(b) A quorum for the commission shall consist of five members, except that if there are two or more vacant seats, a quorum shall consist of four members. All actions of the commission shall be taken by majority vote of those present and voting, a quorum being present.

(c) Abstention from voting is strongly discouraged except in circumstances when a member has a direct financial interest in the outcome of the matter at issue. Abstention shall not be required in any case, but members are expected to disclose potential conflicts of interest that are not apparent from the nature of the matter at issue.

(d) The commission shall designate one of its members to serve as chairperson and one to serve as vice-chairperson. These officers shall be selected annually at the commission's first meeting in April and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

### **Section 3-24.5 Powers and Duties of Commission**

(a) The commission may:

(1) Evaluate commercial growth, development, and redevelopment to ensure projects correspond with the Town's sustainability goals and the triple bottom-line sustainability principles:

- Do no harm to the environment and protect natural resources.
- Adhere to the principles of social justice and equity in economic and community development efforts.
- Return strong stakeholders value.

(2) Promote the development and expansion of diverse job opportunities, providing for economic opportunity and mobility.

(3) Administer the Revolving Loan Fund.

(4) Work closely with the Town Manager or the Town Manager's designee for dealing with sustainability issues.

(5) Make studies and recommend to the Council plans, goals, and objectives relating to the growth, development, and redevelopment of the Town.

(6) Recommend to the Council site-specific plans for the commercial development of various lots within the Town, showing recommended types of development for these specific lots.

(7) Recommend to the Council plans for the improvement of access to and circulation within the Town by motorists (including parking), public transportation users, bicyclists, and pedestrians.

(8) Upon request of the Board of Adjustment or Town Council, make recommendations to the respective board on requests for special or conditional use permits or land use ordinance text or zoning map changes.

(9) Perform any other duties assigned by the Council.

(b) The commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

### **Section 3-24.6 Neighborhood Forum**

(a) Preamble. As Carrboro grows in population and its boundaries expand, its citizens seek opportunities to enlarge their circle of acquaintances as well as to feel a part of the entire

community. Expanding acquaintances and feeling a part of the Carrboro community engenders cooperation, respect, and a sense of tradition and history that is needed amidst the diverse, mobile and rapidly changing world challenging the citizens of Carrboro.

Neighborhoods are the home to which citizens return each day. They also serve as the natural arena where individuals begin to engage in public discourse, identify common needs and capacities and work for change. Neighborhoods and their health are essential to the health of Carrboro. All of Carrboro's neighborhoods are bound together in a mutual call to make them safe to return home to.

Civic renewal and neighborhood vitality are mutually dependent. By working together with Town government, citizens can enlarge their sense of identity beyond their individual neighborhoods, learn about and contribute to the overall well-being of the community, increase the effectiveness of programs that need citizen cooperation, and nurture relationships between citizens and their civic institutions so that citizens can begin to believe that Carrboro's government is listening to its citizens. People working together for the common good and being actively involved in local democracy can have a direct and tangible effect on the community.

(b) Principles. The Neighborhood Forum will allow Carrboro citizens to work together for the common good and community self-determination. It will be guided in its coming together, deliberations and consensus-building by the following ten ingredients for building community and community problem solving, as described by John Gardner in his essay, "Building Community."

(1) Wholeness Incorporating Diversity. Diversity in Carrboro represents a breadth of tolerance and sympathy which allows for adaptation and renewal in a changing world. Wholeness of community means pluralism that achieves coherence among diverse groups which are given the right to pursue their proposes within the law, retain their identity and share in the setting of larger goals while working and caring for the common good of all citizens.

(2) A Reasonable Base of Shared Values. A community teaches core values about what affects the common good and the future. The lessons that the community can impart through its traditions, history and collective memory can form a reasonable framework of shared values that heal and strengthen its members.

(3) Caring, Trust and Teamwork. A climate of caring, trust and teamwork, where citizens deal with each other humanely and with respect for differences and the value of the individual, fosters cooperation, connectedness and community. Ways for resolving disputes and conflict should be developed not to abolish conflict but to achieve constructive outcomes when conflicts arise.

(4) Effective Internal Communications. Fostering communication between all citizens from different neighborhoods in a tradition of civility and common language

can reduce misunderstanding and increase effective communications within the community.

(5) Participation. Participation allows all citizens from leaders and volunteers, children and adults to have a role to play in the civic health of Carrboro.

(6) Affirmation. A healthy community reaffirms itself and its shared purpose by nourishing its own morale, facing up to its flaws and criticism, and having confidence in itself.

(7) Links Beyond Community. Each community nests within a bigger one. Neighborhoods nest within larger communities which nest within the Town. Each one needs to recognize its responsibility to the larger whole.

(8) Development of Young People. A community should prepare its young people for leadership, instill shared values and foster commitment to shared purposes and a common heritage.

(9) A Forward View. A community needs to examine where it should go and what it may become.

(10) Institutional Arrangement for Community Maintenance. Government and members of the community who share leadership tasks must provide community maintenance and think of the fate of the community as a whole.

(c) Charge. In addition to using John Gardner's ten ingredients for community building and problem solving as the framework and context for its deliberations, the Neighborhood Forum shall:

(1) Work together with their Town government to improve the quality of life in all neighborhoods by removing barriers between neighborhoods and between neighborhoods and Town government.

(2) Serve as a means of gathering opinions through open discussion by its membership concerning issues that affect the quality of life in neighborhoods and to communicate those various points of view to the Mayor and Town Council. These discussions should also develop a deeper understanding of these issues among the neighborhoods.

(3) Assist the Mayor and Town Council in their deliberations as they may request (e.g. providing information, opinions, and feedback on service quality, efficiency and effectiveness of Town government).

(4) Foster the need to preserve and renew the citizens' common heritage and community stemming from residency in Carrboro.

(5) Foster the cooperation, connectedness and collaboration that sustains community.

(6) Identify morale building activities, such as block parties, dances and celebrations, and other positive ways to which the citizens of Carrboro can celebrate their life and community together.

(7) Let citizens get to know each other better.

(8) Foster a web of personal acquaintances that transcend neighborhoods, churches, non-profit organizations and other subgroups in the Town.

(d) Membership. Each neighborhood shall be asked to send a representative and to have an alternate to serve when the representative is unavailable. The geographical boundaries of each "neighborhood" shall be determined by the Town Council. Generally, when a neighborhood or homeowners' association exists, the neighborhood designated by the Council shall be co-extensive with the membership in that association, and the representative from that neighborhood should be selected by the association. If such an association does not exist, the Town Council shall solicit nominations and select a representative and alternate.

(1) To the extent possible, neighborhoods may be grouped so as to provide equity in representation.

(2) New neighborhoods will be assigned to an existing neighborhood until such time as their size indicates a need for individual representation.

(3) Members will serve for one year with the right to be re-appointed for a second term and the right to be re-appointed thereafter after an absence from the Forum for a minimum of one year.

(e) Meeting Process; Principles. In general, meetings of the Neighborhood Forum will be conducted in accordance with the following principles:

(1) Allowance will be made for ambivalence, for questions, for ideas to be tested, and for connections to be made.

(2) Members are encouraged to draw on their own life experience and imagination and to use their own sense of what seems right.

(3) Emotion is a vital part of public discussion.

(4) Every member plays a meaningful role.

(5) No neighborhood carries more weight than any other.

(6) A safe environment will be created for members to express beliefs, opinions and feelings, to change their minds, and to share responsibilities and control.

(f) Meeting Process; Ground Rules. A chairperson will direct the meetings and discussions. The chairperson will receive meeting facilitation training in accordance with the following ground rules:

- (1) Test assumptions and inferences
- (2) Share all relevant information
- (3) Focus on interests not positions
- (4) Be specific - give examples
- (5) Agree on what important words mean
- (6) Explain the reasons behind one's statements, questions and actions
- (7) Disagree openly when in disagreement
- (8) Make statements, then invite questions and comments
- (9) Jointly design ways to test disagreements and solutions
- (10) Avoid taking cheap shots or otherwise distracting the council members
- (11) Make decisions by consensus where possible. With respect to deliberations conducted under paragraphs 2 and 3 of the "Charge" as set forth above, the principal objectives of such discussions are stated therein; therefore, where consensus does not exist, it is not intended that the forum shall attempt to state a "collective position" on such issues, by a majority vote or otherwise.

(g) Meeting Schedule. A chairperson and a vice-chairperson will be elected on an annual basis for purposes of running the meetings. The Neighborhood Forum will meet quarterly or as otherwise directed or needed.

### **Section 3-24.7 Greenways Commission Created**

(a) There shall be a Greenways Commission composed of one or two members of the Town Council appointed by the Council as non-voting liaison members, plus six other members appointed by the Town Council. All persons appointed or reappointed to the Commission after the effective date of this subsection shall be residents of the Town, and residency within the Town shall be a continuing requirement for membership on the Commission. However, any member of the Commission who does not reside within the Town on the effective date of the amendment to this subsection shall be allowed to

remain as a member of the Commission until that member's term expires and a successor has been appointed and qualifies.

(b) Staff representation shall be requested from the following groups to maximize coordination of greenway planning and construction in and around the Town:

- OWASA (1 representative)
- Town of Chapel Hill (1 representative)
- University of North Carolina – Chapel Hill (1 representative)
- Orange County (1 representative)

These members will be non-voting and recommended appointees will be submitted by their respective agency to the Town Council for acceptance.

(c) Members of the commission, other than the Council liaison members, shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. The terms of the members shall continue as they exist on the effective date of this amendment.

(d) The Council liaison member(s) shall serve at the pleasure of the Council. Other members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report from time-to-time identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

### **Section 3-24.8 Meetings and Officers of Greenways Commission**

(a) The commission shall hold regular meetings at least quarterly at such times and places as it shall designate.

(b) A quorum shall consist of a majority of the non-vacant seats on the commission, except that in no case shall a quorum consist of fewer than four members.

(c) Abstention from voting is strongly discouraged except in circumstances when a member has a direct financial interest in the outcome of the matter at issue. Abstention shall not be required in any case, but members are expected to disclose potential conflicts of interest that are not apparent from the nature of the matter at issue.

(d) The commission shall designate one of its members to serve as chairperson and one to serve as vice-chairperson. These officers shall be selected annually at the commission's first meeting in April and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

### **Section 3-24.9 Powers and Duties of Greenways Commission**

(a) The commission shall recommend to the Council policies, programs, and actions that may assist the Town in safeguarding the water quality, environment and livability of the community by establishing greenways. For purposes of this section, the term “greenways” refers to unbroken chains of preserved open space surrounding stream and wildlife corridors, headwaters, water recharge areas, and significant ecosystems that also provide bicycle and pedestrian connections between neighborhoods and for the community. The commission may also encourage effective stewardship and management of such greenways and promote educational, recreational, and public health usage consistent with the protection of this resource.

(b) The commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

### **Section 3-24.13 Carrboro Youth Advisory Board Established**

(a) There shall be a Carrboro Youth Advisory Board composed of no fewer than seven (7) and no more than eleven (11) voting members. These members shall be selected by the Mayor’s office in consultation with the staff liaison and shall be composed as follows:

(1) All members shall be between the ages of 14 and 18 years old. Members shall meet one of the following requirements: 1. Live in Carrboro, or 2. Work in Carrboro, or 3. Attend public, private, or homeschool classes in Carrboro.

(2) No member may be enrolled as a full-time college student;

(3) To the extent possible, the membership of the Board should reflect the demographic diversity of the population of students eligible for membership.

(b) The purpose of the Carrboro Youth Advisory Board is to provide young people with an opportunity to participate in an advisory capacity in the decision-making process

of local government, and to provide input to the Board of Aldermen about issues affecting young people and regarding how local government policies and actions affect young people. The Mayor's Office in consultation with the staff liaison will select members in the fall of each school year for a one year term which coincides with the current school year. Members may be reappointed for up to four (4) terms.

(c) The Carrboro Youth Advisory Board shall report to the Mayor. The Mayor and Town Manager shall select the Staff Liaison to the Board.

(d) The members of the Board shall elect a Chair and a Vice Chair to preside over the Board's meetings. Members shall only be eligible to serve as Chair or Vice Chair for one consecutive term.

(e) The Carrboro Youth Advisory Board shall meet one time each month. All meetings of the Carrboro Youth Advisory Board shall be open to the public, and shall be subject to North Carolina's open meeting statutes. The Mayor or the Staff Liaison may request information from members of the Board between Board meetings from time to time, and Board members are expected to be available and responsive to such requests.

(f) A simple majority of the members of the Board shall constitute a quorum.

(g) Board members shall be expected to attend and actively participate in all Board meetings. It is also expected that Board members will be asked, or required, to attend occasional leadership development programs and Board of Aldermen meetings (or other Town Advisory Board meetings). Board members are expected to actively participate in the preparation of written reports to the Board of Aldermen on matters which are referred to the Board for comment, and may be asked to make presentations to the Board of Aldermen.

(h) Members of the Carrboro Youth Advisory Board may be removed by the Board of Aldermen if they are absent from two (2) consecutive Board meetings without having notified the Board Chair and the Staff Liaison that they will be unable to attend.

### **Section 3-24.14 Carrboro Affordable Housing Advisory Commission**

(a) Composition. There shall be a Carrboro Affordable Housing Advisory Commission composed of seven (7) members and two (2) non-voting liaison members. One liaison member shall be a member of the Town staff and one liaison member shall be a member of the Town Council; both of whom shall be appointed by the Town Council. The voting members shall be appointed by the Town Council and shall be composed as follows:

(1) Five residents of the Town of Carrboro;

(2) One resident of the Town's extraterritorial zoning jurisdiction or the Town;  
and

(3) One member who need not be a resident of the Town of Carrboro, but who must possess special expertise related to affordable housing.

(b) Term. The liaison members of the Commission shall be appointed by the Council every two years at, or shortly after, the Council's organizational meeting when other appointments to Council committees are made, and shall serve at the pleasure of the Town Council. The seven regular members, including the seat which is not required to be a resident of the Town of Carrboro, shall be appointed for three-year, staggered terms, but members shall continue to serve until their successors have been appointed. The initial term of the seats on the Commission on the effective date of the ordinance creating the Commission (whether filled or vacant) shall be such that (i) three seats shall expire on February 28, 2021, (ii) two seats shall expire on February 28, 2020, and two seat shall expire on February 28, 2019. Vacancies in seats shall be filled for the unexpired terms, only.

(c) Purpose. The purpose of the Carrboro Affordable Housing Advisory Commission is as follows:

(1) To review and make recommendations to the Town Council concerning new or revised policies regarding the operation of the Town's Affordable Housing Fund;

(2) To review and make recommendations to the Town Council for new or revised Land Use Ordinance provisions related to the Town's Affordable Housing Goals and Strategies;

(3) To review and make recommendations to the Town Council on Affordable Housing Funding Applications;

(4) To carry out specific responsibilities that may be required in accordance with the Affordable Housing Fund Policies or the Town's Land Use Ordinance;

(5) To annually review the Town's Affordable Housing goals, data and other progress indicators, and to make recommendations to prioritize or adjust activities based on such review;

(6) To offer recommendations to the Town Council for new or specific actions the Town may pursue to increase the availability of diverse, affordable housing in Carrboro, particularly as new opportunities arise or are brought to the Commission's attention by Staff;

(7) To review and approve annual and other Staff reports to the Town Council;

(8) As needed or as requested by Town staff, to organize subcommittees focusing on specific topics or issues to help advance specific work; and

(9) To identify and research affordable housing trends and issues.

(d) The Carrboro Affordable Housing Advisory Commission shall report to the staff liaison.

(e) The Carrboro Affordable Housing Advisory Commission shall meet monthly, or as otherwise necessary to advance policy and funding decisions.

(f) Quorum and Voting.

(1) A quorum of the Carrboro Affordable Housing Advisory Commission shall be four of seven voting members;

(2) Majority vote of the members attending a meeting in which a quorum has been established will constitute an official action of the Commission.

(3) Meetings and Engagement.

a. The Commission shall hold regular monthly meetings, and at such other times as may necessary or appropriate to advance policy and funding decisions;

b. The Commission shall, at its first meeting, designate one of its members to serve as chairperson and one member to serve as Vice-Chairperson. Thereafter, the chairperson and vice-chairperson shall be elected annual at the Commission's first regular meeting in December, shall serve for terms of one year unless their term of appointment to the Commission expires. The chairperson and vice-chairperson shall take part in all deliberations by the Commission and shall vote on all issues brought before the Commission for a vote.

c. Unless waived by the chairperson, all members shall be removed if they are absent without prior notice from three consecutive Commission meetings. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this Section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice, then the Town Clerk will send a removal notice to the Commission member. This removal shall be effective of such notice.

d. All Commission meetings will open public meetings, and the Commission shall publish a schedule of its proposed meetings in accordance with the Open Meetings Law.

e. The Commission shall keep minutes of all its meetings.

**Section 3-24.15 Carrboro Stormwater Advisory Commission**

(a) Composition. There shall be a Carrboro Stormwater Advisory Commission composed of seven (7) members and one (1) liaison member. The liaison member shall be a member of the Town Council appointed by the Town Council. The voting members shall be appointed by the Town Council and shall be composed as follows:

(1) Five residents of the Town of Carrboro;

(2) One resident of the Town's extraterritorial zoning jurisdiction or the Town;  
and

(3) One member who need not be a resident of the Town of Carrboro, but who must possess special expertise related to stormwater management.

(b) Term. The seven (7) regular members of the Commission shall serve three (3) year, staggered terms, and shall continue to serve as members until their successors have been appointed. Members may serve up to two (2) consecutive full terms in the discretion of the Town Council.

(c) Purpose. The purpose of the Carrboro Stormwater Advisory Commission is as follows:

(1) To investigate and advise the Town Council on policies, ordinances, best management practices, and administrative procedures regarding stormwater management;

(2) To investigate, review and make recommendations to the Town Council for new or revised policies regarding the Town's Stormwater Management Utility and Stormwater Management Enterprise Fund;

(3) To investigate, review and make recommendations to the Town Council concerning new or revised land use ordinance provisions related to stormwater management;

(4) To review the Town's Stormwater Management Program and Plan, stormwater compliance activities, and other stormwater related plans, and make recommendations to prioritize or adjust activities;

(5) To investigate and provide recommendations regarding stormwater runoff for new development and re-development projects when requested by the Council or staff;

(6) To review and approve annual (and other) staff reports to the Town Council regarding the Town's stormwater management duties; and

(7) To fulfill the Town's requirements under its NPDES Phase II stormwater permit for citizens' input of stormwater management activities; and

(8) Organize subcommittees concerning specific topics or issues related to stormwater management as needed or as requested by Town staff.

(d) The Carrboro Stormwater Advisory Commission shall report to the Town Council.

(e) The Carrboro Stormwater Advisory Commission shall meet monthly, or as otherwise necessary to advance policy and funding decisions.

(f) Quorum and Voting.

(1) A quorum of the Carrboro Stormwater Advisory Commission shall be a majority of the members of the Commission, not counting vacant seats, but at no time shall a quorum be fewer than three (3) voting members;

(2) Majority vote of the members attending a meeting in which a quorum has been established will constitute an official action of the Commission.

(3) Meetings and Engagement.

a. The Commission shall hold regular monthly meetings, and at such other times as may necessary or appropriate to advance policy and funding decisions;

b. The Commission shall, at its first meeting, designate one of its members to serve as chairperson and one member to serve as Vice-Chairperson. Thereafter, the chairperson and vice-chairperson shall be elected annually at the Commission's first regular meeting in December, shall serve for terms of one year unless their term of appointment to the Commission expires. The chairperson and vice-chairperson shall take part in all deliberations by the Commission and shall vote on all issues brought before the Commission for a vote.

c. Unless waived by the chairperson Person, all members shall be removed if they are absent without prior notice from three consecutive Commission meetings. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this Section. The

chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice, then the Town Clerk will send a removal notice to the Commission member. This removal shall be effective of such notice.

d. All Commission meetings will open public meetings, and the Commission shall publish a schedule of its proposed meetings in accordance with the Open Meetings Law.

e. The Commission shall keep minutes of all its meetings.

### **Section 3-24.16 Climate Action Team**

(a) There shall be a Climate Action Team (CAT) consisting of nine members appointed by the Town Council. Members shall be residents, business owners, or employees in the Town or extraterritorial planning jurisdiction or the Town's joint planning transition area. All such members shall be interested in or have expertise relevant to the duties of the CAT. At least one member should have experience related to community organizing or environmental justice. One seat should be reserved for a Carrboro resident currently enrolled in public, private, or home school at the high school level.

(b) Members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from two consecutive meetings or events, if they miss more than three meetings during a twelve-month period, or for failure to participate in at least one outreach event during the calendar year. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority after a hearing for any good cause related to performance of duty.

(c) One liaison shall be appointed by the Council every year at, or shortly after, the Town Council's organizational meeting when other appointments to advisory boards, commissions, or committees are made.

(d) CAT members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies shall be filled for the unexpired terms only.

### **Section 3-24.17 Meetings and Officers of CAT**

- (a) The CAT shall establish a yearly meeting schedule of the following meetings:
- (1) Up to four in-person meetings
  - (2) Up to four virtual meetings, as determined by staff to plan outreach events
  - (3) At least two community outreach events
  - (4) Special meetings as necessary

All meetings shall be open to the public and notification of such meetings shall conform to the requirements of the Open Meetings Law.

(b) A quorum shall be present for the CAT to take official action and all actions shall be taken by majority vote. A quorum shall consist of five members if all seats on the CAT are filled and four members if there are one or more vacancies on the board.

(c) The CAT shall select one of its members to serve as chair and one member to serve as vice-chair. These officers will be chosen annually at the CAT's first meeting in January and shall serve for terms of one year unless their terms of appointment to the CAT sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair for not more than two consecutive full one-year terms. The chair and vice-chair may take part in all deliberations and vote on all issues.

### **Section 3-24.18 Powers and Duties of CAT**

The Climate Action Team may:

(a) Provide expertise and input on implementation of the Community Climate Action Plan and municipal Energy and Climate Protection Plan. CAT members will have the opportunity to provide feedback on the yearly environmental sustainability work plan and ongoing climate action initiatives as requested by staff. CAT members will analyze climate action initiatives with particular attention to race and equity, building on the recommendation for considering social justice and equity in the Community Climate Action Plan.

(b) Actively participate in the design, organization, and implementation of community outreach events. At these events, CAT members will educate and engage Carrboro residents in Town climate action initiatives.

(c) One of the most important duties for CAT members will be participation in the community outreach events. CAT members shall participate in at least one outreach event each calendar year.

(d) Take any other action authorized by this chapter or any other ordinance or resolution of the Town Council.

## **Article VI**

### **PUBLIC WORKS AND UTILITIES**

#### **Section 3-25 Public Works Department**

(a) The Public Works Department shall consist of the public works director and as many other employees as the Council may authorize from time to time.

(b) The Public Works Department shall be responsible for maintaining all Town-owned property, and performing any other duties assigned to it by the Town Manager.

## Article VII

### RECREATION

#### **Section 3-26 Recreation and Parks Department**

(a) The Recreation and Parks Department shall consist of a Recreation Director and as many other employees as the Council may authorize from time to time.

(b) The Recreation and Parks Department shall be responsible for conducting the various recreational programs and activities run by the Town and for maintaining the Town's parks and other recreational facilities.

#### **Section 3-27 Recreation and Parks Commission**

(a) There shall be a Recreation and Parks Commission composed of ten voting members appointed by the Town Council, and two non-voting liaison members. All members shall be residents of the Town. One of the voting members shall be a liaison member of the Youth Council and shall be selected from its membership. One non-voting member shall be appointed by the Town Council from its membership at its organizational meeting, and one non-voting member shall be selected by the Chapel Hill-Carrboro City Schools Board of Education from its membership at its organizational meeting and appointed by the Carrboro Town Council.

(b) Members of the commission shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. Initially, the terms of all seats on the commission on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, two in-Town at-large members and one out-of-Town at large member shall be initially appointed for three year terms; three in-Town at-large members and one out-of town at-large member shall be initially appointed for two-year terms; and two in-Town at large members and the school representative shall be initially appointed for one-year terms. Vacancies shall be filled for the unexpired terms only.

(c) Commission members may be removed as follows:

(1) The chairperson shall file or cause to be file with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten-day after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten

days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

### **Section 3-28 Meetings and Officers of Commission**

(a) The commission shall hold regular meetings at such times and places as it shall designate.

(b) A quorum for the commission shall consist of six members if there are no vacant seats, five members if there are one or two vacant seats, and four if there are three or more vacant seats. All actions of the commission shall be taken by majority vote, a quorum being present.

(c) The commission shall designate one of its members to serve as chairperson and one member to serve as vice-chairperson. These officers shall be selected annually at the commission's first regular meeting in June and shall serve for terms of one year unless their terms of appointment to the commission expire sooner. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

### **Section 3-29 Powers and Duties of Commission**

(a) The commission shall advise the Town Council and the administration (i.e., the Town Manager or recreation director) concerning:

(1) The acquisition of real or personal property to be used for park or recreation purposes and the maintenance and use of all Town-owned, leased or operated parks and recreational facilities;

(2) The operation of all recreation programs;

(3) Future needs for the acquisition of additional recreation facilities or the expansion of recreational programs and alternative means of acquiring such facilities or operating such programs.

(b) The commission shall report to the Town Council as requested by the Council and shall undertake such studies or perform such duties as the Council may request from time to time.

(c) The commission may adopt rules and regulations governing its procedures not inconsistent with the provisions of this article.

**Sections 3-30 through 3-34 Reserved**

## Article VIII

### MISCELLANEOUS

#### **Section 3-35 Oaths and Bonds of Officers and Employees**

(a) All officers and employees appointed by the Council shall serve at the pleasure of the Council except as otherwise provided by law, and shall receive for their services such compensation as may be established annually in the budget ordinance.

(b) The Council shall prescribe the required bond for each officer or employee that it deems necessary to be bonded, and no such officer or employee may begin the duties of their office until the required bond has been obtained.

(c) All Town officers shall take the following oath before beginning their duties:

"I, \_\_\_\_\_, do solemnly swear (affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_, so help me God."

(d) This oath may be administered by the Mayor or by any other official authorized to administer oaths by G.S. 11-7.1, and shall be subscribed and filed with the Town Clerk.

#### **Section 3-36 Absences or Disabilities**

The Town Manager, with respect to employees appointed by the Town Manager, and the Council, with respect to officers or employees subject to appointment by the Town Council, may designate a deputy or deputies to perform the duties and responsibilities of such officers or employees when they are absent from the Town, sick, or otherwise unable to act.

#### **Section 3-38 Purchasing Supplies and Equipment**

(a) Subject to the restrictions and conditions hereinafter provided, when purchasing apparatus, supplies, materials or equipment for use by the Town of Carrboro, in addition to such authority as may be provided by law and/or otherwise delegated by the Council, the Town Manager shall have the authority to:

(1) Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefor;

(2) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the Town;

(3) Advertise, or otherwise secure bids, for such item(s), if required under applicable law;

(4) Reject bids;

(5) Re-advertise to receive bids;

(6) Waive bid bond or deposit requirements;

(7) Waive performance and payment bond requirements; and

(8) Execute and deliver the purchase contract(s).

(b) Except in cases of sole source purchases pursuant to N.C. General Statute 143-129(f) and cases of purchases from established contracts pursuant to N.C. General Statute 143-129(g), unless otherwise provided by law, the provisions of this Section shall apply to the purchase of all apparatus, supplies, materials or equipment required for use by the Town.

(c) The provisions of this Section are not intended to limit, restrict, or revoke, in any manner, authority otherwise granted and/or delegated to the Town Manager by statute, law or action of the Council.

(d) No purchase shall be made by the Town Manager under authority of this section unless an appropriation for such purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Council.

(e) In acting pursuant to the authority delegated under this Section, the Town Manager shall comply with the requirements of Article 8 of Chapter 143 of the North Carolina General Statutes, as from time to time amended, modified, supplemented, revised, or superseded, to the same extent as would have otherwise applied to the Council.

### **Section 3-39 Disposal of Surplus Personal Property of the Town**

(a) Pursuant to N.C.G.S. 160A-266(c) the Town Manager is hereby authorized to dispose of any surplus personal property owned by the Town of Carrboro whenever it is determined that, in the Town Manager's discretion:

(1) The item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);

(2) The property is no longer necessary for the conduct of public business; and

(3) Sound property management principles and financial considerations indicate that the interests of the Town would best be served by disposing of the property.

(b) The Town Manager may dispose of any such surplus personal property by any means which the Town Manager judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of the N.C. General Statutes Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

(c) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town if greater value may be obtained in that manner, and the Town Manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the manger may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.

(d) The Town Manager shall keep a record of all property sold under authority of this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

### **Section 3-40 Dispute Mediation**

(a) Findings. The Council finds that:

(1) When conflicts or disputes arise between individuals, or neighbors, or groups, or between developers and neighbors, the Town of Carrboro and its employees or elected officials are sometimes called upon to resolve such conflicts through official action (e.g. the adoption, enforcement, or amendment of an ordinance, or the issuance or denial of a land use permit); and

(2) The interests of the parties to such conflicts or disputes may be more satisfactorily addressed if such conflicts or disputes are resolved by the parties themselves, with the assistance of a facilitator or mediator, rather than by official action by the Town; and

(3) It is in the Town's interest to establish a policy for referring certain disputes to the Dispute Settlement Center.

(b) Statement of Principles. The purpose and intent of the policy set forth herein is captured in the following statement of principles:

(1) Mediation is a process of resolving disputes through collaboration with the aid of a neutral third person called a mediator who helps to fashion agreements between parties in dispute. Mediation and collaboration problem solving emphasize the possibility and desirability of "win-win" solutions.

(2) The Town of Carrboro believes that the process of mediation can be effective in resolving disputes involving Town government and in nurturing and restoring community among its citizens. Promoting a process for mediation and collaboration can diminish polarization and engender a better knowledge and understanding between diverse individuals or groups of individuals. It can also achieve a better explanation, discovery and understanding of the needs and values of differing points of view, as well as lead to the resolution of disputes and conflicts. Finally, institutionalizing ways for dispute resolution can lead to a climate of caring, trust and more teamwork among citizens and foster an atmosphere of cooperation and connectedness that helps citizens deal with each other humanely, with respect to differences, and not as opponents in a contest.

(3) The Town's support of a deliberative process of mediation does not mean that people cannot or should not have differing opinions or beliefs. An aspect of a process of mediation is creating a safe environment where citizens can express their beliefs, opinions and feelings openly, and then work to try to reconcile those beliefs, opinions and feelings with ones of an opposite point of view. The purpose of such a process is not to abolish conflict but to achieve constructive outcomes from conflict.

(c) Referral by Council. The Council may refer to the Dispute Settlement Center (DSC) any conflict or dispute whenever it appears that the services of the DSC would be helpful in either resolving the conflict or at least clarifying or narrowing the areas of controversy. When a dispute arises in the context of an application for a land use permit or other action that the Town is required to take upon the request of an applicant, then such referral may only take place with the consent of the applicant.

(d) Referral by Town Manager. The Town Manager is authorized to refer to the DSC disputes or conflicts under the following circumstances:

(1) The dispute is between two individuals or a small and identifiable group of individuals; and

(2) The Town Manager concludes that official Town action to resolve the conflict is not warranted, either because (I) no ordinance covers the matter at issue and the Town Manager would not recommend adopting or amending an ordinance to deal with the situation, or (ii) an ordinance covers the matter but the Town Manager does not believe that the Town should use its resources to enforce the ordinance under the circumstances presented; and

(3) The dispute is one for which DSC will provide mediation services without charge to the parties or the Town.

(e) Deferral of Action Pending Mediation. Once a referral is made under this policy, then the Town may defer taking any further action until the mediation or facilitation process is concluded.

(f) The Town Manager shall negotiate and return to the Council for its approval an agreement with DSC covering its services under this policy. Among other matters, the agreement shall cover:

(1) The establishment of a referral form that would notify DSC and the Town that a dispute has been referred to DSC.

(2) The costs of DSC's services and a mechanism for assuring that such costs do not exceed any appropriation made pursuant to this policy.

### **Section 3-41 Arts Committee Established**

(a) There shall be an Arts Committee consisting of ~~eleven~~ twelve members. Nine regular members shall be appointed by the Town Council. The tenth member shall be a person designated by the Executive Director of the Carrboro ArtsCenter to attend the meetings of the Committee and fill in the seat reserved for the designee of the ArtsCenter. The ArtsCenter Executive Director may designate different persons to attend different committee meetings. The eleventh member shall be a person designated by the Chapel Hill Arts Committee to attend the meetings of the Committee and fill the seat reserved for the designee of the Chapel Hill Arts Committee. The twelfth member shall be a member of the Economic Sustainability Commission designated by the Economic Sustainability Commission to attend meetings of the Arts Committee and fill the seat reserved for the designee of the Economic Sustainability Commission.

(b) Regular members of the committee shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of the members shall continue as they exist on the effective date of this amendment, and the term of the ninth regular member (whose seat is added to the committee by this amendment) shall initially expire on January 1, 2015. Vacancies shall be filled for the unexpired terms only.

(c) Regular members may be removed as follows:

(1) The chairperson shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve-month period. The Town Clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairperson will have ten days after receipt of such notice to waive the removal. If the chairperson fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal

requirement should be waived, the Town Clerk will send a removal notice to the member. This removal notice shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause shown related to performance of duty.

### **Section 3-41.1 Meetings and Officers of Arts Committee**

(a) The Arts Committee shall establish and publish a regular meeting schedule. In addition, special meetings may be called by the chairperson or vice-chairperson whenever necessary.

(b) A quorum for the Arts Committee shall consist of a majority of the non-vacant seats on the committee. All actions of this committee, including the selection of art to be displayed in or on Town property, shall be taken by majority vote of those present and voting, a quorum being present.

(c) The committee shall designate one of its members to serve as chairperson and one member to serve as vice-chairperson. These officers shall be selected annually at the committee's first meeting in February and shall serve for terms of one year. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only.

### **Section 3-41.2 Powers and Duties of Arts Committee**

The Arts Committee shall:

(1) Recommend to the Town Council a policy for the selection of art to be displayed in or on public facilities.

(2) Coordinate arrangements to have art work displayed on Town property, in conjunction with the staff of the Recreation and Parks Department.

(3) Work collaboratively with the community on projects related to the arts. Members of the Arts Committee may assist in community fund raising activities, but any funds received by the committee or by members acting in their official capacity must be accounted for, and all expenditures by the committee must be made, in accordance with the provisions of the Local Government Budget and Fiscal Control Act. Such funds may be received and expended by the Town only for purposes for which the Town is statutorily authorized to expend public funds.

(4) Report to the Council as requested and perform such additional duties as the Council may request from time to time.

### **Section 3-42 Advisory Board Members Voting on Zoning Matters**

Members of an appointed advisory board or commission that provide advice to the Town Council shall not vote on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

**Section 3-43 Wine, Fortified Wine, and Mixed Beverages on Sunday Mornings**

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within Carrboro's corporate limits at any premises licensed pursuant to N.C. Gen. Stat. 18B-1001 on Sundays beginning at 10:00 a.m.

**Section 3-44 Advisory Boards and Commissions Subject to Rules of Procedure**

All advisory boards and commissions established by this Chapter are subject to the Rules and Procedure for the Town of Carrboro Advisory Boards and Commissions adopted as Administrative Policy # 14.

**Section 3-45 Membership Limitations on Boards, Committees, and Commissions**

A member may be appointed to the same board, committee, advisory group, or commission for a maximum of two successive full terms. A member who has served for two successive full terms on the same board, committee, advisory group, or commission may be eligible for re-appointment after an absence from that board, committee, advisory group, or commission of at least one year. The Town Council may make exceptions to these conditions under the following circumstances:

- (1) To retain diversity on an advisory board;
- (2) To appoint a member in the absence of applicants.