Town of Carrboro

Meeting Agenda

Board of Aldermen

Town Hall
301 W. Main St.
Carrboro, NC 27510

Sunday, February 2, 2014 | **11:00 AM** | **Carrboro High School Media Room**

A. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. 14-0026 Resolution on NCUC Duke Energy LED Rate - Docket E-7, Sub 1026

Attachments: Draft Resolution on NCUC Duke Energy LED Rate - Docket E-7, Sub 1026.pdf

2. **14-0036** Resolution Declaration of Tenants Rights and Obligations

Attachments: Draft Resolution Declaration of Tenants Rights and Obligations.docx

B. CONSENT AGENDA

1. **14-0024** Approval of Previous Meeting Minutes - January 14, 2014

2. 13-0505 Request-to-set a public hearing on Land Use Ordinance Amendments Relating to Construction Management Plans

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on potential text amendments requiring Construction Management Plans for development projects meeting certain criteria. A revised draft ordinance has been prepared. A resolution setting a public hearing date for February 25, 2014 has also been prepared, and advisory board review has also been requested prior to the public hearing.

Attachments: Attachment A - Resolution

Attachment B - Draft Text Amendment Construction Management(12-3-2013)

3. 13-0507 Establishment of Stop Controls and Speed Limit on Bike Alley

PURPOSE: The Board of Aldermen is asked to approve a resolution establishing stop conditions on Bike Alley, per Sec. 6-4 of the Town Code, and a speed limit, per Sec. 6-16 of the Town Code.

Attachments: Attachment A - ORD AMD - Bike Alley stop condition and speed limit

Attachment B - Excerpt from Town Code Ch 6 - Art II - Sec 6-4a - Stop conditions

Attachment C - Excerpt from Town Code Ch 6 - Art III - Speed limits

4. 13-0506 Request-to-set a public hearing on Land Use Ordinance Amendments Relating to the Environmental Advisory Board

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on potential text amendments relating to the Environmental Advisory Board's charge and duties to ensure consistency within the review process. A draft ordinance has been prepared for the Board's consideration. A resolution setting a hearing date for February 25, 2014 has also been prepared, and advisory board review has been requested prior to the public hearing.

Attachments: Att A - Resolution

Att B - Draft Ordinance 1-14-2014

Att C - Excerpts from LUO

5. 13-0514 Request-to-set a public hearing on Land Use Ordinance Amendments to Clarify Requirements for Exempt and Allowable Activities Related to Utilities in Water Quality Buffers

PURPOSE: The purpose of this item is to set a public hearing date to receive public comment for a proposed amendment to the Land Use Ordinance clarifying requirements for exempt and allowable activities for disturbance associated with utilities in water quality buffers. A draft ordinance has been prepared for the Board's consideration. The Board of Aldermen must receive public comment before taking action on changes to the Land Use Ordinance; a resolution setting a hearing date for February 25, 2014 and requesting advisory board review has also been prepared.

Attachments: Att A - RTS-PH Resolution Utlities in Buffers

Att B - Draft Ordinance

6. 14-0019 Request to Approve a Town Code Amendment Relating to Restricting Parking on West Carr Street Near Its Intersection With South Greensboro Street

PURPOSE: The Board of Aldermen is asked to consider approving an ordinance amending the Town Code to prohibit parking on the north side of W. Carr St. within 80 ft. of the centerline of S. Greensboro St.

Attachments: Attachment A - ORD AMD - W Carr St

Attachment B - W Carr at Greensboro parking amendment

7. 14-0023 Request to Approve a Supplemental Agreement with NCDOT the Homestead-Chapel Hill High School Multi-Use Path

PURPOSE: The Board is asked to consider approval of a Supplemental Agreement with NCDOT to extend the milestone dates for completion of preliminary engineering and construction of the path and incorporate the additional funding allocated by DCHC-MPO for the project.

Attachments: Attachment A - Resolution - Homestead-CHHS MUP Supplemental Agreement
Attachment B - January 22, 2013, Board of Aldermen meeting materials

8. **14-0034** Ordinance Amending Town Code Section 7-19 (c)- Adding The Open Streets Event to the List of Exempt Events
PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider a request by the Open Streets Committee to add the Open Streets Event to the current exempt event list outlined in the Town Code Section 7 - 19 (c).

Attachments: ordinance amending Town Code Section 7-19 1-28-2014

9. **14-0037** Request to Approve a Supplemental Agreement with NCDOT for the Morgan Creek Greenway

PURPOSE: The Board is asked to approve a Supplemental Agreement with NCDOT to amend the current Municipal Agreement to extend the milestone dates for completion of the greenway; add additional STP-DA funding; and amend the scope of the project based on the Board's previous direction.

Attachments: Resolution - Morgan Creek Greenway SA 2 approval - Feb 2014

C. RETREAT (5 MINUTES)

1. Introductions

2. Ground Rules

3. Agenda Review

B. AGENDA AND MEETING PROCEDURES (20 MINUTES)

1. 14-0020 Agenda and Meeting Procedures

PURPOSE: The purpose of this item is to provide Mayor Lavelle with an opportunity to discuss with the Board previously adopted agenda and meeting management procedures.

Attachments: CHAPTER 2 2-1 through 2-42.docx
Policy on How Items are Submitted to the Board.pdf

D. UPDATES FROM STAFF

1. 14-0025 Update on the branding and marketing initiative (15 minutes)

PURPOSE: The purpose of the agenda item is to update the Board of the efforts to promote the newly adopted brand.

Attachments: TOC_brandguidelines-1
toc_30x60_banners
Print Ad

2. 14-0032 Town of Carrboro Web Site Redesign Status Update

PURPOSE: Provide a status update, feature demonstration and receive feedback from the Board of Aldermen on the redesign process occurring on the Town of Carrboro's website.

LUNCH (30 MINUTES)

E. ADVISORY BOARDS (50 MINUTES)

1. 14-0021 Advisory Boards (50 Minutes)

PURPOSE: The purpose of this item is to discuss the following questions:
· What kinds of support, training, and orientation can the Town provide for advisory board chairs and vice-chairs?
· What are our expectations of Board of Aldermen liaisons to advisory boards?
· How can we achieve greater and more diverse involvement in advisory boards?

Attachments: Suggested Rules of Procedure for Small Local Government Boards 1998, Second Edition.pdf

F. BREAK (10 MINUTES)

G. AFFORDABLE HOUSING, GOALS, STRATEGIES, AND TIMELINE (45 MINUTES)

1. 14-0030 Affordable housing goals, strategies, and timeline

PURPOSE: To receive an update from the board's Affordable Housing Task Force

Attachments: Affordable Housing Goals.xlsx
Affordable Housing Update - January 2014.docx

H. FACILITATED BOARD PROCESS EXERCISE: PARKING AS AN EXAMPLE (90 MINUTES)

1. Discussion: What makes this topic especially challenging?

2. Presentation of a problem-solving model

3. Exercise

I. WRAP-UP AND EVALUATION (15 MINUTES)

1. What do we each appreciate about our service on the board, and what are we looking forward to?

2. Evaluation of today's meeting

J. ADJOURN

Resolution Requesting Customer Owned LED Street Light Rates for Replacement of HPS and Mercury Vapor Street Lights

WHEREAS, the Town of Carrboro has in interest in lowering the Town's Greenhouse Gas Emissions; and,

WHEREAS, many local governments are looking to use LED street lights to save taxpayer money; and,

WHEREAS, the City of Asheville is in the process of upgrading 7,400 street light fixtures to the energy efficient LED technology resulting in an expected savings of $450,000 annually and 1,294 tons of avoided carbon which is equal to the emissions from burning 7 rail cars of coal; and,

WHEREAS, The implementation of the LED program in Asheville was made possible by Progress Energy's implementation of a new rate structure in April 2010 for customer-owned LED street lights that allowed the City to own the LED fixtures installed on the utility owned arm and pole; and,

WHEREAS, the monthly rate for the customer –owned LED option is about half that of the company-owned LED option because it does not include the capital cost of purchasing the fixture, and reflects the lower energy usage of LEDs; and,

WHEREAS, All cities and towns in North Carolina could greatly benefit from converting streetlights to LED technology; and,

WHEREAS, Duke filed for a rate increase on February 4, 2013 Docket E-7 Sub 1026; and,

WHEREAS, Carrboro joined with other municipalities and the NCLM intervened in the rate case and advocated Duke Energy Carolina's offer an LED customer-owned street light rate similar to that enjoyed by DEP customers; and,

WHEREAS the NCUC filed on September 24, 2013 an order that includes a request for a tariff for LED street lights that is feasible for municipal customers; and,

WHEREAS, on December 31, 2013, Duke Energy filed a proposed LED rate schedule that include utility-owned options only; the tariffs do not include customer-owned LED rate options and limit replacement for municipal street lights to Mercury Vapor only and not HPS street lights; and,

WHEREAS only 10% of Carrboro's Duke Energy street lights are Mercury Vapor; and,

WHEREAS savings for municipalities from dramatic drops in LED fixture prices will be less through a utility owned option; and,

WHEREAS Duke Energy is not being responsive to the League's intervention in this E-7, Sub 1026 rate case; and,

WHEREAS the public staff will recommend to the NCUC that it order Duke Energy Carolinas to provide a customer owned LED street light rate by July 1, 2014 or an explanation for why it can't; and,

WHEREAS rate cases should be determined on the merits of arguments; not on whether arguments are provided or not; and,

WHEREAS, the LED rate schedule has been placed on the agenda for the NCUC/Public Staff meeting on January 27, 2014; and,

WHEREAS the Duke Energy and Progress merger was explained to the NC Utility Commission to be in the best interest of North Carolina ratepayers, because the merged company intended to "leverage the companies' best practices in all aspects of [their] operations which would result in additional efficiencies

and improvements over time that would result in ratepayer savings."[1] ; and,

WHEREAS the NCUC is responsible to both the public and the utilities and, by law (G. S. 62-2), must regulate in a manner designed to implement the policy of the state of North Carolina to: Provide fair regulation of public utilities in the interest of the public; promote adequate, reliable, and economical utility service; promote least cost energy planning; Provide just and reasonable rates and charges for public utility services and promote conservation of energy.

THEREFORE, BY IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN, THAT:

Section 1. In the matter of the NCLM intervention in the Duke Energy rate case, the North Carolina Utilities Commission require:

1. That Docket E-7, Sub 1026 not be considered resolved until the following points are addressed; and

[1] See Joint Testimony of James E. Rogers and William D. Johnson, N.C.U.C. Docket Nos. E-7, Sub 986, and E-2, Sub 998, filed May 20, 2011, p. 12,11 18-20 through p. 13,1. 1. See also Order Approving Merger Subject to Regulatory Conditions and Code of Conduct, N.C.U.C. Docket Nos. E-7, Sub 986, and E-2, Sub 998, issued June 29, 2012, Finding of Fact 18

a. A Customer owned LED street light option:

i. Included for the LP schedule by at the latest July 1, 2014

ii. For replacement of all existing types of street light fixtures (not just mercury vapor) ; and

b. A utility owned rate schedule:

i. For making outdoor lighting rates available for replacement of all existing types of fixtures (not just mercury vapor) by July 1, 2014; and

ii. A schedule for the timing of replacement of outdoor lighting with LEDs for lights owned by Duke for all types of lights and interested customers, and commit to completing all replacements by 2016; and

iii. A requirement for revising/reducing rates annually in consideration of the rapid decline in upfront costs for LED fixtures; and

2. Complete financial transparency in outdoor lighting rate establishment, meaning public disclosure of all cost assumptions, including profit margin and return on investment. The NCUC should reject the rates if it deems the profits to be unreasonable and not in the public interest; and

3. A commitment to municipal and NCLM review prior to any additional filings in response to the above comments by April 1, 2014, allowing for time before the July 1st deadline.

Section 2. The Town of Carrboro requests that the League of Municipalities, the NCUC Public Staff and the NCUC Oppose DEP 2013 Rate Case Docket E-7 Sub 1025 filings that allow Duke Energy Carolina to postpone already tested and proven customer-owned LED street light rates for replacement of both HPS and Mercury Vapor street lights

Section 3. The Town of Carrboro requests the help of the League of Municipalities to hold the North Carolina Utility Commission accountable to the public per the NCUC's stated mission "to regulate in a manner designed to implement the policy of the state of North Carolina by law (G. S. 62-2) to provide just and reasonable rates and charges for public utility services and promote conservation of energy."

A RESOLUTION ENDORSING ORANGE COUNTY JUSTICE UNITED'S EFFORTS TO INFORM TENANTS OF THEIR RIGHTS AND OBLIGATIONS

WHEREAS, according to the 2008-2012 American Community Survey 5-Year Estimates, approximately 65 percent of occupied housing units in Carrboro are occupied by renters; and

WHEREAS, tenants and potential tenants of rental housing sometimes face unfair treatment, including disparate assessment of rent and fees; poor maintenance; improper eviction procedures; and discriminatory acts; and

WHEREAS, Orange County Justice United has worked previously with the Town of Carrboro, property owners and managers, and a variety of community partners to address instances of unfair treatment of tenants; and

WHEREAS, federal fair housing law and Chapter 42 of the North Carolina General Statutes define the rights and obligations of tenants and landlords; and

WHEREAS, Orange County Justice United, EmPOWERment, Inc, and the Orange County Human Relations Commission recently worked with students from the UNC Civil Legal Assistance Clinic to draft a "Declaration of Tenants Rights and Obligations"; and

WHEREAS, Orange County Justice United and EmPOWERment, Inc, held three fair housing workshops in 2013 to present information about tenants' rights and to solicit public comment on the Declaration; and

WHEREAS, the Declaration summarizes the rights and obligations of tenants in Orange County, North Carolina, and provides a list of resources for tenants and potential tenants who are seeking additional information and assistance; and

WHEREAS, the Orange County Board of Commissioners, the Chapel Hill Town Council, and the Greater Chapel Hill Association of Realtors have endorsed the Declaration;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Board of Aldermen endorses the efforts of Orange County Justice United to inform tenants of their rights and responsibilities.

SECTION 2. The manager is directed to assist Orange County Justice United in identifying methods of disseminating the "Declaration of Tenants Rights and Obligations" to tenants, potential tenants, residential property managers, and landlords in Carrboro's planning jurisdiction.

SECTION 3. This resolution shall become effective upon adoption.

Town of Carrboro

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301 W. Main St.
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Agenda Item Abstract

File Number: 13-0505

Agenda Date: 1/28/2014 **Version:** 1 **Status:** Consent Agenda

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 2.

TITLE:
Request-to-set a public hearing on Land Use Ordinance Amendments Relating to Construction Management Plans

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on potential text amendments requiring Construction Management Plans for development projects meeting certain criteria. A revised draft ordinance has been prepared. A resolution setting a public hearing date for February 25, 2014 has also been prepared, and advisory board review has also been requested prior to the public hearing.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon 919-918-7325; Marty Roupe 919-918-7333; Patricia McGuire 919-918-7327; Mike Brough 919-929-3905

INFORMATION: At its June 11, 2013 meeting, the Board of Aldermen directed staff to prepare a draft amendment to the Land Use Ordinance (LUO) or to the Town Code regarding the mitigation of construction projects. Discussion focused on five main topics: 1) manager involvement in construction management plan approval, 2) meetings with neighboring property owners and businesses, 3) penalties for violations, 4) applicability for residential development projects, and 5) review of the Styrofoam issues that occurred at 300 East Main Street during the construction of the hotel and which led to the consideration of a construction management plan requirement.

At its October 1st meeting, staff reviewed the five points from June 11th and presented the Board with a draft amendment to the LUO designed to address the first four points of concern. Staff is researching potential health concerns related to item five - the use of EIFS as a building material. Information from the Board's October 1, 2013 meeting may be found at <https://carrboro.legistar.com/Calendar.aspx> . The draft ordinance was presented at the November 7th Joint Review meeting and was submitted to Orange County. Town advisory boards submitted a number of comments regarding the proposed amendment and recommended additional language to address their concerns:

- Providing a more specific trigger for when the construction management plan is required;
- Identifying suitable parking for construction employees, contractors and subcontractors;
- Strengthening environmental protections; and also

- Amending the tree protection requirements in Section 15-318(a) to include efforts to protect trees on adjacent properties from construction-related damage.

After considering the draft ordinance at the November 19th public hearing, the Board instructed staff to incorporate language to address the concerns identified by the advisory boards. A revised ordinance has been prepared, with proposed changes shown with the Tracking Tool (Attachment B). The recommendation to amend Section 15-318(a) of the LUO regarding tree protection during construction will be included as part of a forthcoming proposal to modify Article XIX, Screening and Trees scheduled for a future meeting.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Planning Board and Orange County review is also needed. As the Board may also notify members of the development community, staff has included a reference to these stakeholders in the resolution.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen Review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for February 25, 2014 and referring the proposed amendments to Orange County, the Planning Board, the Environmental Advisory Board and the Transportation Advisory board.

Attachment A

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on February 25, 2014, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Require Town Approval of a Construction Management Plan for Development Projects that During the Construction Process, May Have a Significance Impact on Public Streets or Sidewalks or Nearby Properties."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☒ Appearance Commission	☐ Recreation and Parks Commission
☒ Transportation Advisory Board	☐ Northern Transition Area Advisory Committee
☒ Environmental Advisory Board	☒ Current permit and construction plan applicants.
☐ Economic Sustainability Commission	☐ _____

This is the 28th day of January in the year 2014.

Attachment B

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES

DRAFT 1-30-2014

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-49(c1) of the Carrboro Land Use Ordinance shall become Subsection 15-49(c2), and Section 15-49 is further amended by adding a new Subsection 15-49(c1) to read as follows:

(c1) If the administrator determines that a proposed development that has been issued a zoning permit, special use permit, or conditional use permit would likely have a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process, the administrator shall notify the permit recipient that a construction management plan must be submitted and approved by the administrator. Examples of significant impacts include but are not limited to the construction of more than 1000 square feet of new building area in the downtown commercial zoning districts or ground disturbance of more than 20,000 square feet in the downtown commercial zoning districts. A construction management plan shall likewise be submitted and approved by the administrator if required by a condition attached to a conditional or special use permit.

(1) The administrator shall inform the permit recipient of the contents of the Town Code regarding (i) construction noise and hours of operation (Section 5-12(4)), and (ii) obstructing or excavating within public street rights of way (Sections 7-1, 7-4, and 7-12). The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, parking for employees, contractors and subcontractors, and the location on the site for the staging of construction materials and equipment, and concerns about potentially harmful pollutants including by not limited to dust, debris and aerosols.
(2) If a development triggers a construction management plan, meetings will be held with surrounding residents and businesses to elicit their input into the development of the construction management plan and to ensure its implementation. Town staff shall be present at the meeting and shall record the minutes to make certain that public input is conveyed to the applicant and incorporated into the construction management plan.
(3) No construction may be commenced until the construction management plan has been approved. The administrator shall approve the plan if the plan proposes measures to mitigate the potential negative impacts of the project during the construction process to the extent reasonably practical under all the circumstances.
(4) The provisions of an approved construction management plan shall be enforceable in the same manner as other provisions of this chapter.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption, and its provisions shall be applicable to projects for which permits are issued after the effective date.

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 13-0507

Agenda Date: 1/28/2014 **Version:** 1 **Status:** Agenda Ready

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 3.

TITLE:
Establishment of Stop Controls and Speed Limit on Bike Alley

PURPOSE: The Board of Aldermen is asked to approve a resolution establishing stop conditions on Bike Alley, per Sec. 6-4 of the Town Code, and a speed limit, per Sec. 6-16 of the Town Code.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Brubaker - 918-7329

INFORMATION: The name of the north-south spur of Boyd St. has been changed to Bike Alley. The east-west spur has been extended and improved to provide access to the 300 East Main parking deck from E. Main St. This segment will remain Boyd St.

There already is a stop condition established in the Town Code for "Boyd St." but this pertains to the north-south spur, which intersects with E. Main St. next to the Bleeker Building and Back Alley Bikes. A stop sign is in place here.

Despite the renaming, the Town Code language will still include that stop condition, suggesting that the stop sign placed at the new east-west Boyd St. / E. Main St. intersection will have the force of law. With the renaming of the north-south spur to Bike Alley, a new stop condition should be established in the Town Code, which the existing stop sign would then promulgate.

The draft ordinance in Attachment A establishes stop conditions on Bike Alley, both at E. Main St. and Boyd St. (east-west), so that each Bike Alley approach has to stop whereas the E. Main St. and Boyd St. approaches are free flow. The draft ordinance also sets a speed limit of 20 MPH on Bike Alley.

FISCAL & STAFF IMPACT: Cost items include any additional stop signs and posts not already installed, or not already being installed as part of the completion of the (east-west) Boyd St. improvements. Public Works staff time will be necessary to install any of these signs.

RECOMMENDATION: Staff recommend that the Board of Aldermen approve the resolution amending the Town Code in Attachment A.

ATTACHMENT A

The following ordinance was introduced by Alderman _____ and duly seconded by Alderman _____.

AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO ESTABLISH STOP CONDITIONS AND A SPEED LIMIT ON BIKE ALLEY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article II of Chapter 6, Section 6-4(a), of the Carrboro Town Code is amended by inserting the following new rows to the table of stop streets and through streets, in appropriate alphabetical order:

Stop Street	**Through Street**
Bike Alley	Boyd Street (Amend. 1/21/14)
Bike Alley	East Main Street (Amend. 1/21/14)

Section 2. Article III of Chapter 6, Section 6-16(b)(1), of the Carrboro Town Code is amended by adding a new row to the list of streets, in appropriate alphabetical order:

Bike Alley (Amend. 1/21/14)

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 28th day of January in the year 2014.

Ayes:

Noes:

Absent or Excused:

Estes Drive* at railroad crossing (Amend. 3/2/04)
Seawell School Road* at railroad crossing (Amend. 3/2/04)
Jones Ferry Road* east of Davie Road (Amend. 2/14/06)
Jones Ferry Road* west of Davie Road (Amend. 2/14/06)

Section 6-4. Stop Signs Required at Certain Intersections

(a) The second named street in the following list of intersections is hereby designated as a main traveled or through street, and the administrator shall erect stop signs on the first named street at the entrance to the main traveled or through street. The effect of such stop signs on vehicles and pedestrians shall be as provided in G.S. 20-158 and 20-172. (Amend. 1/7/92, 9/26/2000, 5/20/03,11/01/11)

Stop Street	**Through Street**
Abbey Ln	Hwy 54
Aberdeen Court	Blueridge Road
Alabama Avenue	Jones Ferry Road*
Amber Ct	Bolin Creek Dr
Anderson Park Rd	Hwy 54
Arbor Creek Court	Hogan Woods Circle (Amend. 3/2/04)
Ashe Street	Shelton Street
Ashe Street	W. Main Street*
Autumn Drive (Amend. 2/12/80)	Barington Hills Road
~~Barington Hills Drive (Amend. 2/12/80)~~	~~Old 86*~~ (Deleted 3/2/04)
Balmoral Place	Skye Drive (Amend. 2/14/06)
Barington Hills Road	Hillsborough Rd.* (Amend. 3/2/04)
Barnes Street	Jones Ferry Road*
Bay View Drive	Long Meadows Road
Bel Arbor Ln	Hillsborough Rd
Bert Street	Davie Road
Bim St	Fidelity St
Bim Street	Jones Ferry Road*
Blackwood Drive	W. Main Street*
Blackwood Drive	W. Poplar Avenue
Blocker Road	Shadow Ridge Place (Amend. 3/2/04)
Blueridge Rd	Spring Valley Rd
Blueridge Road	Hillsborough Road*
Bolin Creek Dr	Wild Oak Ln
Bolin Forest Dr	Bolin Creek Dr
Bolin Forest Dr.	N. Greensboro St.* (Amend. 3/2/04)
Boyd St	E Main St
BPW Club Rd.	Tar Hill Drive (Amend. 3/2/04)
Brace Lane	Reynard Road (Amend. 2/14/06)
Brendan Court	Staffield Lane (Amend. 2/14/06)
Bruton Dr	Hillsborough Rd
Buck Taylor Trl	Pathway Dr
Buckeye Ln	Farm House Dr
Bugle Court	Tallyho Trail (Amend. 2/14/06)

Burns Place	Claymore Road (Amend. 2/14/06)
Calumet Court	Morningside Drive
Camden Lane	Homestead Road * Amend.2/14/06)
Canton Court (Amend. 2/12/80)	Barington Hills Road
Carol Street	Lorraine Street
Carol Street	Old Fayetteville Road*
Cates Farm Rd	Hillsborough Rd
Cathy Road	Gary Road
Cathy Road	Lynn Drive
Center Street	Weaver Street
Cheek Street	N. Greensboro Street*
Cheek Street	Hillsborough Road*
Cheswick Ct	High St
Claymore Road	Rogers Road* (Amend. 2/14/06)
~~Coaston Avenue~~	~~Davie Road~~ (Amend. 6/22/2004)
Cobb Street	Lloyd Street
Cobb Street	Broad Street
Colson Avenue	Davie Road (Amend. 6/22/2004)
Creek View Circle (Amend. 2/22/94)	Waterside Drive
Creekview Cir	Waterside Dr
Crest Street	Pleasant Drive
Daffodil Ln	Old Pittsboro Rd
Dairy Court	Long Meadows Road (Amend. 3/2/04)
Dairy Glen Rd.	Hogan Hills Rd. (Amend. 3/2/04)
Davie Rd (from the North)	W Poplar Ave
Davie Rd (from the South)	W Poplar Ave
Davie Road	Jones Ferry Road*
Davie Road	W. Main Street*
Deer St	Quail Roost Dr
Deer St	Lisa Dr
Dillard St	Hillsborough Rd
Dove St	Hillsborough Rd
Dove St	Rainbow Dr
Downing Court (Amend. 2/12/80	Autumn Drive
Drayton Ct	Pathway Dr
East Carr Street	S. Greensboro Street*
Ellsworth Pl	Tramore Dr
Elm Street	Weaver Street
Elm Street	Shelton Street
Eugene St	Hargraves St
Fairfield Ct	Hanford Rd
Farm House Dr	Old NC 86
Fidelity Street	W. Main Street*
Fidelity Street	Davie Road
Fowler Street	Broad Street
Fowler Street	Lloyd Street
Fowler Street	Starlite Drive (Amend. 3/2/04)

Frances Shetley Bikeway	N Greensboro St
Frances Shetley Bikeway	Shelton St
Gary Road	Poplar Avenue
Gateridge Pl	Manor Ridge Rd
Glenview Pl	Waverly Forest Ln
Glosson Circle	Davie Road
Gloucester Court	Camden Lane (Amend. 2/14/06)
Goldston Avenue	High Street
Gracewood Pl	Pathway Dr
Hanford Rd	Pathway Dr
Hanna Street	N. Greensboro Street
High St	W Main St
High Street	Hillsborough Road*
Highway 54	Jones Ferry Road*
Hill St	Lloyd St
Hill Street	Broad Street
Hillcrest Avenue	Estes Drive
Hillsborough Roard*	N. Greensboro St*
Hillsborough Road	W. Main Street*
Hillview Drive	Pleasant Drive
Hogan Glen Court	Long Meadows Road (Amend. 3/2/04)
Hogan Hills Road	Old 86*
Hogan Ridge Court	Long Meadows Road (Amend. 3/2/04)
Hogan Woods Circle	Commons Way Drive
Hosiery St	Lloyd St
Hunter Place	N. Greensboro Street*
Huntsman Court	Tallyho Trail (Amend. 2/14/06)
Inverness Way	Claymore Road (Amend. 2/14/06)
James Street	Hillsborough Road*
James Street	W. Main Street*
Juniper Court	Manor Ridge (Amend. 12/8/92)
Kay Street	Davie Road
Keith Road	Gary Road
Keith Road	Lynn Drive
King Street	Barnes Street
Kit Lane	Tallyho Trail (Amend. 2/14/06)
Laurel Ave	Weaver St
Lair Court	Tallyho Trail (Amend. 2/14/06)
Lake Hogan Farm Road	Homestead Road*
Lake Manor Road	Lake Hogan Farm Rd (Amend. 3/2/04)
Lake Ridge Place	Lake Manor Road (Amend. 3/2/04)
Laurel Ave (from the South)	Jones Ferry Rd
Laurel Avenue	W Main Street*
Laurel Avenue (from the North)	Jones Ferry Road*
Libba Cotton Bikeway	Brewer Ln
Libba Cotton Bikeway	Brewer Ln
Libba Cotton Bikeway	Roberson St
Lilac Drive	Oleander Road

Lilac Drive	W Poplar Avenue
Lindsay Street	Weaver Street
Lisa Dr	Quail Roost Dr
Lloyd St	Hill St
~~Lloyd Street~~	~~E. Main Street*~~ (Deleted 3/2/04)
Lock Laven Lane	Claymore Road (Amend. 2/14/06)
Long Meadows Road	Hogan Hills Road (Amend. 3/2/04)
Lorraine Street	Hillsborough Road*
Lynn Drive	Oleander Road (Amend. 3/2/04)
Manor Ridge Drive	Willow Oak Lane (Amend. 12/8/92)
Maple Ave	E Carr St
Maple Ave Ext	Roberson St
Maple Ave Ext	E Carr St
Mary Street	Simpson Street
Mary Street	Lorraine Street
~~Melba Circle~~	~~Lindsay Street~~ (Deleted 3/2/04)
Meadow Run Court	Rogers Road* (Amend. 2/14/06)
Melba Circle	Lorraine Street (Amend. 3/2/04)
Merritt St	Lindsay St
Michael's Way	Sunset Creek Cir
Millrock Ct	Bolin Creek Dr
Milton Dr	Cheek St
Milton Drive	N. Greensboro Street*
Misty Pines Pl	Manor Ridge Rd
Morgan Hill Court	Manor Ridge Road (Amend. 3/2/04)
Morningside Drive	N. Greensboro Street*
Morningside Drive	Blueridge Road
Neville Street	Davie Road
Neville Street	Alabama Avenue
North Fields Circle	Long Meadows Road (Amend. 2/14/06)
North Fields Circle	Long Meadows Road (Amend. 2/14/06)
N. Hawick Court	Claymore Road (Amend. 2/14/06)
N. Hound Court	Reynard Road (Amend. 2/14/06)
Oak Avenue	N Greensboro St
Oak Avenue	Weaver Street
Oak Avenue Ext	N Greensboro St
Oak Glen Place	Waverly Forest Lane (Amend. 3/2/04)
Oak Spring Court	Orchard Lane (Amend. 12/8/92)
Oak St	Greensboro St
Oak St	Hillsborough Road*
Old Fayetteville Road (from University Lake)	Old Fayetteville Rd
~~Old Fayetteville Road* (Amend. 2/12/80)~~	~~Old 86*~~ (Deleted 3/2/04)
Old Pittsboro Road	S. Greensboro Street*
Old Pittsboro Road	S. Greensboro Street*

~~Oleander Rd~~	~~Lynn Dr~~ (Deleted 3/2/04)
Oleander Rd	Hwy 54
Oleander Road	Gary Road
Orchard Lane	BPW Club Road (Amend. 12/8/92)
Painted Turtle Lane	Turtleback Crossing Dr. (Amend. 3/2/04)
~~Palomar Point~~	~~Rossburn Way~~ (Deleted 11/1/11)
Parker Street	N. Greensboro Street
Parkview Ave	Pathway Dr
Parkview Ave	Hillsborough Rd
Pine Hill Dr	W Main St
Pine Street	N. Greensboro Street*
Pine Street	Hillsborough Road*
Pleasant Drive	N. Greensboro Street*
Poplar Avenue	W. Main Street*
Poplar Avenue	N. Greensboro Street*
Poplar Avenue (Amend. 2/12/80)	Old Fayetteville Road
Prince Street	King Street*
PTA Bikeway	W. Carr Street (Amend. 3/2/04)
PTA Bikeway	Main Street (Amend. 3/2/04)
Quail Roost Road	James Street
Queen Street	Prince Street
Queen Street	Barnes Street
Rainbow Drive	Hillsborough Road*
Rand Road	S. Greensboro Street*
Randolph Court	Hogan Woods Circle (Amend. 3/2/04)
Raven Ln	W Poplar Ave
Red Sunset Pl	Purple Leaf Pl
Redfoot Run Road	Hogan Woods Circle (Amend. 3/2/04)
Renee Lynn Court	Rock Haven Road (Amend. 3/2/04)
Reynard Road	Tallyho Trail (Amend. 2/14/06)
Richard Dixon Ct	Robert Hunt Dr
Richland Ct	Pathway Dr
River Creek Pl	Morgan Hill Ct
Roberson Street	S. Greensboro Street*
Robert Hunt Dr	Greensboro St
Roberts Street	Merritt Mill Road*
Rock Haven Rd	Smith Level Rd
Rock Spring Court	Spring Valley Rd
Rockgarden Rd	Cobblestone Dr
Rockgarden Rd	Cobblestone Dr
Rocky Point	Bel Arbor Ln
Rossburn Way	Culbreth Rd
Shadow Ridge Place	Long Meadows Road (Amend. 3/2/04)
Shelton Street	Shelton Street at Carrboro Elementary
Shelton Street	Hillsborough Road*
Shelton Street	N Greensboro Street*

Short Street	N. Greensboro Street*
Short Street	Center Avenue
Simpson Street	W. Main Street*
Simpson Street	Hillsborough Road
Skye Drive	Sterling Bridge Road (Amend. 2/14/06)
South Fields Circle	Long Meadows Road
South Fields Circle	Long Meadows Road
S. Hawick Court	Claymore Road (Amend. 2/14/06)
S. Hound Court	Reynard Road (Amend. 2/14/06)
Spring Valley Road	Morningside Drive
Stable Rd	Bolin Forest Dr
Staffield Lane	Tallyho Trail (Amend. 2/14/06)
Starlite Dr	Starlite Dr
Starlite Dr	Sunset Dr
Starlite Dr	Broad St
Sterling Bridge Road	Claymore Road (Amend. 2/14/06)
Sterling Bridge Road	Homestead Road*(Amend. 2/14/06)
~~Stratford Dr~~	~~Autumn Dr~~ (Amend. 1/11/05)
Stratford Dr	Homestead Rd
Strowd Ln	Old Fayetteville Rd
Sudbury Ln	Pathway Dr
Sue Ann Court	N. Greensboro Street*
Suffolk Pl	Tramore Dr
Sunset Creek Cir	Farm House Dr
Sunset Creek Cir	Farm House Dr
Sunset Drive	E. Rosemary Street
Sunset Ridge Ln	Sunset Creek Cir
Sweetbay Pl	Roberson St
Tallyho Trail	Rogers Road* (Amend. 2/14/06)
Tanglewood Lane (Amend. 3/11/86)	Westbrook Drive
Todd Street	N. Greensboro Street
Town Hall Parking	Bim St
Town of Carrboro Parking	Laurel Ave
Town of Carrboro Parking	Town of Carrboro Parking
Town of Carrboro Parking	Bim St
Towne Ridge Lane	Lake Hogan Farms Rd (Amend. 3/2/04)
Tramore Drive	Colfax Drive (Amend. 3/2/04)
Turtleback Crossing Dr.	Lake Hogan Frm Rd. (Amend. 3/2/04)
W Poplar Ave Ext	W Poplar Ave
W Poplar Avenue	W. Main Street*
~~W Poplar Avenue (from the East)~~ (Amend. 2/12/80) (Deleted 2/14/06)	~~Highway 54 Bypass*~~
~~W Poplar Avenue (from the West) (Amend. 2/12/80)~~ (Deleted 2/14/06)	~~Highway 54 Bypass~~
Wannamaker Pl	Sweetbay Pl
Waterside Drive (Amend. 2/22/94)	Spring Valley Dr

Watters Road (Amend. 2/2/93)	N. Greensboro Street*
Waverly Forest Ln	Hanford Rd
Weathervane Drive	N. Greensboro St. (Amend. 3/2/04)
Weathervane Drive	Stable Road (Amend. 3/2/04)
Weaver St	Laurel Ave
Webb Court	Blueridge Road
West Carr Street	S. Greensboro Street*
Wesley Street	Hargraves Street (Amend. 3/2/04)
Westbrook Dr	Hwy 54
Westview Drive	W. Main Street*
Westview Drive	W. Main Street*
Whitmore Circle	Staffield Lane (Amend. 2/14/06)
Wild Oak Ln	Pathway Dr
Williams St	At Wilson Park
Williams Street	N. Greensboro Street*
Willow Oak Lane	Smith Level Road* (Amend. 12/8/92)
Winsome Ln	Old Fayetteville Rd
Woods Walk Ct	Bel Arbor Ln
Wrenn Pl	Pathway Dr
Wyndham Dr	Rockgarden Rd
~~Wyndham Dr (from N)~~	~~Tramore Dr~~ (Deleted 3/2/04)
~~Wyndham Dr (from S)~~	~~Tramore Dr~~ (Deleted 3/2/04)
Yeargen Pl	Tripp Farm Rd

(b) The intersection of the following streets are declared to be 4-way intersections, and the administrator shall erect stop signs on each street at the entrance to the intersection. The effect of such stop sign on vehicles and pedestrians shall be as provided in G.S. 20-158 and 20-172. (Amend. 7/2/80, 9/26/2000, 11/01/11)

Shelton Street	Oak Avenue
Spring Valley Drive (Amend.2/22/94)	Pathway Drive
Westbrook Drive	Berryhill Drive (Amend. 5/26/87)
Autumn Drive	Cates Farm Road
Beechwood Drive	Westbrook Drive
Carol Street	James Street
Cates Farm Road	RockGarden Drive
James Street	Lorraine Street
James Street	Rainbow Drive
Orchard Lane	Manor Ridge Drive
Pathway Drive	Cates Farm Road
Pathway Drive	Cobblestone Drive
Pathway Drive	Spring Valley Drive
Pathway Drive	Tripp Farm Road
Pathway Drive	Robert Hunt Drive
Poplar Avenue	Ashe Street

Article III

SPEED LIMITS

Section 6-15. General Speed Limit

As provided in G.S. 20-141(b)(1), no person may drive a vehicle on a street or in a public vehicular area in excess of thirty-five (35) miles per hour unless a different speed is established by this article.

Section 6-16. Speed Limits

(a) Whenever a speed limit has been established and appropriate traffic control devices have been installed in accordance with subsections (b) and (c) of this section, no person may operate a vehicle on any street in excess of the posted speed. (Amend. 11/20/07)

(b) The following speed limits shall be applicable to the following street as indicated, and the administrator shall install appropriate traffic control devices clearly indicating the established speed limit.

(1) Twenty (20) miles per hour:

Main Street* (SR 1010) from Greensboro Street* (SR 1919) to the corporate limits of Chapel Hill at Merritt Mill Road* (SR 1927) (Amend. 8/17/04)
Oak Avenue (Amend. 3/13/79)
Poplar Avenue (Amend. 3/13/79)
South Greensboro Street* from a point 700 feet south of Main St. northward to Main Street (Amend.6/29/90)
~~North Greensboro Street* (SR 1772) from Main Street* (SR 1010) to Shelton Street (Amend. 8/17/04)~~
North Greensboro Street * (SR 1772) from Main Street* (SR 1010) to a point 0.07 mile north of Shelton Street (Amend. 10/16/07)
Purple Leaf Place (Amend. 3/4/03)
Red Sunset Place (Amend. 3/4/03)
Roberson Street (Amend. 4/15/03)
Sweet Bay Place (Amend. 3/4/03)
Wannamaker Place (Amend. 3/4/03)

(2) Twenty-five (25) miles per hour: (Amend. 5/20/03)

Abbey Lane (Amend. 3/4/03)
Aberdeen Court (Amend. 3/4/03)
Alabama Avenue
Amber Court (Amend. 3/4/03)
Arbor Creek Court (Amend. 4/5/05)

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 13-0506

Agenda Date: 1/28/2014 **Version:** 1 **Status:** Consent Agenda

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 4.

TITLE:
Request-to-set a public hearing on Land Use Ordinance Amendments Relating to the Environmental Advisory Board

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on potential text amendments relating to the Environmental Advisory Board's charge and duties to ensure consistency within the review process. A draft ordinance has been prepared for the Board's consideration. A resolution setting a hearing date for February 25, 2014 has also been prepared, and advisory board review has been requested prior to the public hearing.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon 919-918-7325; Patricia McGuire 919-918-7327; Randall Dodd 919-918-7326

INFORMATION: During a recent discussion of advisory boards, planning staff noticed what appears to be an inconsistency with the duties assigned to the Environmental Advisory Board (EAB). Article III, of the Land Use Ordinance (LUO) Administration Mechanisms, outlines the procedures for appointing, holding meetings, quorums and voting, and duties for the Planning Board, committees and other advisory boards. While the duties associated with the Planning Board are defined by statute, the Town has latitude in its establishment of additional boards designed to advise the Board of Aldermen in areas that benefit from specific expertise, such as the EAB. Ordinance provisions relating to the EAB are provided in Section 15-45.

Town advisory boards typically participate at key points during the development process, such as concept plan review (Section 15-48.1(c)), site planning procedures for major subdivision walkabouts (Section 15-50(c), and recommendations on conditional use permits (Section 15-57(a), and some special use permits (Section 15-56(c). The EAB is listed as one of the advisory boards to participate in concept plan review, but not as one of the advisory boards to participate in the site plan analysis walkabouts, or contribute to CUP/SUP recommendations. Section 15-322 of the LUO, Planning Board and Other Advisory Consideration of Proposed Amendments, leaves the decision to refer text and zoning map amendments to advisory boards to the Board's discretion. By practice, the Board typically refers amendments to the advisory boards whose purview, or area of expertise, most closely aligns with the matter in question.

Section 15-321(c)(1) of the Land Use Ordinance (LUO) provides for staff to proceed with the preparation of an ordinance that makes a requested change to the LUO if it believes the change to have significant merit and would benefit the general public. A draft ordinance has been prepared that clarifies the EAB's role in the development process and consideration of amendments, and also strengthens the language relating to its charge to fulfill the Town's requirements under its NPDES Phase II stormwater permit for a citizen's oversight of stormwater management activities.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Planning Board and Orange County review is also needed.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for February 25, 2014 and referring the proposed amendments to Orange County, the Planning Board and the Environmental Advisory Board.

Attachment A

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY PROVISIONS RELATED TO THE CHARGE AND RESPONSIBILITIES OF THE ENVIRONMENTAL ADVISORY BOARD AND OTHER ADVISORY BOARDS

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on February 25, 2014, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Modify Provisions related to the Charge and Responsibilities of the Environmental Advisory Board and other Advisory Boards."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☐ Appearance Commission	☐ Recreation and Parks Commission
☐ Transportation Advisory Board	☐ Northern Transition Area Advisory Committee
☒ Environmental Advisory Board	☐ _____
☐ Economic Sustainability Commission	☐ _____

This is the 28th day of January in the year 2014.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY PROVISIONS RELATED TO THE CHARGE AND RESPONSIBILITIES OF THE ENVIRONMENTAL ADVISORY BOARD AND OTHER ADVISORY BOARDS

DRAFT 1-15-2014

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-45.2 of the Carrboro Land Use Ordinance is rewritten to read as follows:

Section 15-45.2 Powers and Duties of the EAB

(a) The Environmental Advisory Board shall fulfill the Town's requirements under its NPDES Phase II stormwater permit for citizen's oversight of stormwater management activities.

(b) The Environmental Advisory Board may:

(1) Advise the Board of Alderman on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the EAB include new development, solid waste, air quality, stormwater management, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.

(2) Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution and stormwater runoff.

(3) Adopt a set of guiding principles or goals for the EAB and review these goals periodically to determine if they are being obtained.

(4) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Alderman

Section 2. Section 15-50(c) of the Carrboro Land Use Ordinance is rewritten with the addition of the Environmental Advisory Board to the list of Boards and Commissions in the second sentence below which are identified as having designated members participate in an on-site walkabout. The rewritten section shall read as follows:

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Designated members of the Planning Board, Northern Transition Advisory Committee, Transportation Advisory Board, Environmental Advisory Board, and Appearance Commission, shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements.

Section 3. Section 15-57, Recommendations on Conditional Use Permits of the Carrboro Land Use Ordinance is rewritten by adding the Environmental Advisory Board to the list of

those Boards and Commissions to which development applications are referred in Subsections (a), (b), (c), (d), and (e), so that the Section now reads as follows:

(a) Before being presented to the Board of Aldermen, an application for a conditional use permit shall be referred to the planning board, appearance commission, environmental advisory board, and the transportation advisory board for joint review and action in accordance with this section. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the planning board, appearance commission, environmental advisory board, and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, environmental advisory board or the transportation advisory board, the Board of Aldermen may continue the public hearing to allow the respective boards more time to consider the application.
(b) When presented to the planning board, appearance commission, environmental advisory board and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Aldermen. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions and specifically state supporting reasons for the proposed findings and conclusions. (AMENDED 09/19/95)
(c) The planning board, appearance commission, environmental advisory board, and the transportation advisory board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public. (AMENDED 09/19/95)
(d) After reviewing the application, the planning board, appearance commission, environmental advisory board, and the transportation advisory board shall report to the Board of Aldermen whether it concurs in whole part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefore. (AMENDED 09/19/95)
(e) In response to the planning board's, the appearance commission's, environmental advisory board's or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the planning staff may likewise revise its recommendations. (AMENDED 09/19/95)

Section 4. Subsection 15-56 (c), Recommendations on Special use permits is amended by adding the term 'Transportation Advisory Board' and 'Environmental Advisory Board' to the list of those boards to which applications may be referred so that this subsection reads as follows:

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board, the transportation advisory board, the environmental advisory board, or the appearance commission to obtain the recommendations of some or all of these boards.

Section 5. Subsection 15-322(a), Planning Board and other Advisory Consideration of Proposed Amendments, is rewritten by adding the environmental advisory board to the list of boards and commissions to which amendments may be referred so that the subsection reads as follows:

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues.

Section 6. This ordinance shall become effective upon adoption.

ARTICLE III

ADMINISTRATION MECHANISMS

PART VI. ENVIRONMENTAL ADVISORY BOARD (AMENDED 02/20/96)

Section 15-45 Appointment and Terms of Environmental Advisory Board

(a) There shall be an Environmental Advisory Board (EAB), which shall consist of seven members appointed by the Board of Alderman. All members of the EAB shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) EAB members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. The initial terms of all members shall expire on January 31, 1996. Effective February 1, 1996, three members shall be appointed for three year terms, two members for two year terms, and two members for one year terms. Vacancies shall be filled for the unexpired terms only.

(c) Members may be appointed to successive terms without limitation.

(d) Members may be removed as follows:

(1) The chair shall file or caused to be filed with the town clerk an attendance report after each meeting identifying those members who are present or absent.

(2) Unless the chair waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than 30% of the meetings during a twelve-month period. The town clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have ten days after receipt of such notice to waive the removal. If the chair fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirements should be waived, the town clerk will send the removal notice to the member. This removal shall be effective on the date of such notice.

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

Section 15-45.1 Organization and Meetings of EAB

(a) The EAB shall establish a regular meeting schedule. 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 EAB to take official action, and all actions shall be taken by majority vote. A quorum shall consist of four members if all seats on the EAB are filled and three members if there are one or more vacancies on the board.

(c) The EAB 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 EAB's first meeting in March and shall serve for terms of one year unless their terms of appointment to the EAB 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. **(AMENDED 01/27/09)**

Section 15-45.2 Powers and Duties of the EAB

(a) The Environmental Advisory Board may:

(1) Advise the Board of Alderman on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the EAB include new development, solid waste, air quality, stormwater management, energy conservation, solar energy, groundwater, natural resources, and other areas.

(2) Suggest to developers ways to utilize energy efficient designed techniques such as day-lighting, siting, solar exterior lights, and other solar energy techniques as they become economically viable. This input from the EAB is to come at the beginning of the design process, as part of a concept review procedure.

(3) Adopt a set of guiding principles or goals for the EAB and review these goals periodically to determine if they are being obtained.

(4) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Alderman.

(b) **(REPEALED 5/11/99)**

ARTICLE IV

PERMITS AND FINAL PLAT APPROVAL

PART I. PERMIT REQUIREMENTS

Section 15-50 Site Planning Procedures for Major Subdivisions (AMENDED 05/25/99).

(a) Before submitting an application for a conditional or special use permit for a major subdivision, the applicant shall comply with the requirements of this section.

(b) The applicant shall submit a site analysis plan drawn approximately to scale (1inch = 100 feet) that contains the following information:

(1) The name and address of the developer;

(2) The proposed name and location of the subdivision

(3) The approximate total acreage of the proposed subdivision;

(4) Topographic lines based on maps published by the U.S. Geological Survey; and

(5) The location of all primary and secondary conservation areas as defined in subsections 15-198(b)(4) and (5).

(6) The location of any existing or proposed road connections on adjacent property.

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Designated members of the Planning Board, Northern Transition Advisory Committee, Transportation Advisory Board, and Appearance Commission, shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements.

(d) Prior to the submission of a conceptual preliminary plan as described in subsection (e), the staff shall meet with the developer to discuss how the four-step approach to designing subdivisions described below could be applied to the subject property. This conference may be combined with the on-site walkabout.

(e) Following completion of the steps described in subsections (b), (c), and (d), the developer shall submit a conceptual preliminary plan of the proposed subdivision, prepared in accordance with the four-step process described in subsection (f). This plan shall be a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The planning staff shall review this plan and provide comment to the developer on the overall pattern of streets, houselots, open space, and the treatment of primary and secondary conservation areas in light of the applicable requirements of this chapter.

(f) Each conceptual preliminary plan shall be prepared using the following four-step design process:

(1) During the first step, all primary and secondary conservation areas are identified (and shown on the site analysis plan described in subsection (b)).

(2) During the second step, potential sites are tentatively located. House sites should generally be located not closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas.

(3) The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way and to identify points of existing or proposed connectivity in order to comply with Subsection 15-217(a). When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall comply with the provisions of Section 15-214.

(4) The fourth step is to draw in the lot lines.

(g) The conceptual preliminary plan shall demonstrate that the proposed development will satisfy the following objectives, as more particularly described in the remaining provisions of this chapter:

Section 15-56 Recommendation on Special Use Permit Applications.

(a) When presented to the board of adjustment at the hearing, the application for a special use permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 (Application To Be Complete) and the other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the board of adjustment.

(b) If the staff proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirements of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board or the appearance commission to obtain the recommendations of either or both those boards.

Section 15-57 Recommendations on Conditional Use Permits.

(a) Before being presented to the Board of Aldermen, an application for a conditional use permit shall be referred to the planning board, appearance commission, and the transportation advisory board for joint review and action in accordance with this section. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the planning board, appearance commission, and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, or the transportation advisory board, the Board of Aldermen may continue the public hearing to allow the respective boards more time to consider the application. **(AMENDED 09/19/95)**

(b) When presented to the planning board, appearance commission, and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Aldermen. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions and specifically state supporting reasons for the proposed findings and conclusions. **(AMENDED 09/19/95)**

(c) The planning board, appearance commission, and the transportation advisory board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public. **(AMENDED 09/19/95)**

(d) After reviewing the application, the planning board, appearance commission, and the transportation advisory board shall report to the Board of Aldermen whether it concurs in whole in part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefor. **(AMENDED 09/19/95)**

(e) In response to the planning board's, the appearance commission's, or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the planning staff may likewise revise its recommendations. **(AMENDED 09/19/95)**

ARTICLE XX

AMENDMENTS

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments (AMENDED 10/24/06)

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. **(AMENDED 09/19/95)**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. **(AMENDED 10/24/06)**

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 13-0514

Agenda Date: 1/28/2014 **Version:** 1 **Status:** Consent Agenda

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 5.

TITLE:
Request-to-set a public hearing on Land Use Ordinance Amendments to Clarify Requirements for Exempt and Allowable Activities Related to Utilities in Water Quality Buffers

PURPOSE: The purpose of this item is to set a public hearing date to receive public comment for a proposed amendment to the Land Use Ordinance clarifying requirements for exempt and allowable activities for disturbance associated with utilities in water quality buffers. A draft ordinance has been prepared for the Board's consideration. The Board of Aldermen must receive public comment before taking action on changes to the Land Use Ordinance; a resolution setting a hearing date for February 25, 2014 and requesting advisory board review has also been prepared.

DEPARTMENT: Planning

CONTACT INFORMATION: Randy Dodd (919) 918-7326; Christina Moon (919) 918-7325

INFORMATION: Comprehensive revisions to the Town's stream buffer provisions were adopted in 2009. Included in the revisions was Section 15-269.5 defining exempt and allowable activities. This section is largely composed of a detailed table of activities, including activities associated with utilities (both electric and non-electric). Staff have been reviewing and implementing this section of the ordinance subsequent to these revisions, and have identified some modifications to the table of activities that can clarify these requirements for staff and regulated parties regarding the details of installation and maintenance of utilities in buffers. The proposed changes are intended to continue to allow these activities in buffers, while providing additional protection related to utility infrastructure planning, design, installation, and maintenance activities. Town staff are reviewing the draft requirements in particular with OWASA staff and with the North Carolina Department of Environment and Natural Resources, in addition to the mandatory notification and referral to advisory boards and to Orange County.

FISCAL & STAFF IMPACT: Public hearings involve staff and public hearing notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution setting a public hearing for February 25, 2014 and referring the proposed amendments to Orange County, the Planning Board and the Environmental Advisory Board.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY REQUIREMENTS FOR EXEMPT AND ALLOWABLE ACTIVITIES RELATED TO UTILITIES IN WATER QUALITY BUFFERS

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on February 25, 2014, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Clarify Requirements for Exempt and Allowable Activities Related to Utilities in Water Quality Buffers."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☐ Appearance Commission	☐ Recreation and Parks Commission
☐ Transportation Advisory Board	☐ Northern Transition Area Advisory Committee
☒ Environmental Advisory Board	☐ _____
☐ Economic Sustainability Commission	☐ _____

This is the 28th day of January in the year 2014.

ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY REQUIREMENTS FOR EXEMPT AND ALLOWABLE ACTIVITIES RELATED TO UTILITIES IN WATER QUALITY BUFFERS

DRAFT 12-17-2014

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-269.5(d) of the Carrboro Land Use Ordinance is amended to read as follows:

(d) Table of Exempt and Allowable Activities in Water Quality Buffers (NOTE: ALL ENTRIES IN THIS TABLE NOT SHOWN BELOW WILL NOT BE AFFECTED BY THE PROPOSED AMENDMENT)

Activity	Exempt	Allowable	Allowable with Mitigation
Recreation			
Greenway / hiking trails[1] designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
Utilities			
Electric utility, aerial, perpendicular crossings[2,3,4]: • Disturb equal to or less than 100 linear feet of buffer • Disturb greater than 100 linear feet of buffer	X	 X	

[1] To the extent practicable, greenway easements shall be located a minimum of 10 feet from the top of bank; surfaces shall be a minimum of 15 feet from the top of bank

[2] Provided that within 30 feet of surface waters, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Administrator as defined in Section 15-269.6.

• A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
• Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
• Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
• Riprap shall not be used unless it is necessary to stabilize a tower.
• No fertilizer shall be used other than a one-time application to re-establish vegetation.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, aerial, other than perpendicular crossings[3]: • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters[2,4,5]:	X	X	X
Electric utility, underground, perpendicular crossings[3,4,6]: • Disturb less than or equal to 40 linear feet of buffer • Disturb greater than 40 linear feet of buffer	X	X	

• Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
• Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
• In wetlands, mats shall be utilized to minimize soil disturbance.

[3] Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

[4] Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Administrator completes a no practical alternative evaluation as defined in Section 15-269.6

[5] Provided that:

•No heavy equipment shall be~~is~~ used within 30 feet of surface waters.
•Vegetation in undisturbed portions of the buffer shall ~~is~~ not be compromised.
•~~Felled trees are removed by chain.~~ A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable for all installation and rehabilitation projects, and for all maintenance activities involving woody vegetation within 10 feet of the top of a stream bank.
•Trees ~~are~~shall be: 1) felled so as not to damage trees not intended for removal~~-~~ or stream banks; and 2) removed by chain.

~~•No permanent felling of trees occurs in protected buffers or streams.~~
•Stumps shall be~~are~~ removed only by grinding.
•At the completion of the project the disturbed area shall be~~is~~ stabilized with native vegetation.
•The condition and use of the area within 50 feet of surface waters ~~is~~shall be consistent with Sections 15-269.3 and 15-269.4.

[6]Provided that, within 30 feet of surface water, all of the following BMPs for underground utility lines shall be~~are~~ used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Administrator, as defined in Section 15-269.6.

• ~~W~~A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable for all installation and rehabilitation projects, and for all maintenance activities involving woody vegetation within 10 feet of the top of a stream bank.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, underground, other than perpendicular crossings [3,6]:			
• Impacts greater than 50 feet from surface waters	X		
• Impacts within 30-50 feet of surface waters		X	
• Impacts within 30 feet of surface waters[5]:			X
Non-electric utility, perpendicular crossings[3,5,6,7]:			
• Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor equal to or less than10 feet in width	X		
• Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor greater than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor equal to or less than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor greater than 10 feet in width			X
• Disturb greater than 150 linear feet of buffer			X

• Trees shall be: 1) felled so as not to damage trees not intended for removal or stream banks; and 2) removed by chain. Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
• Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench created for the line
Installation, Stump grinding is allowable only for stumps more than 30 feet from surface waters.
• Underground cables shall be installed by vibratory plow or trenching.
• The trench shall be backfilled with the excavated soil material immediately following cable installation.
• No fertilizer shall be used other than a one-time application to re-establish vegetation.
• Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the
time in which areas remain in a disturbed state.
• In wetlands, mats shall be utilized to minimize soil disturbance.
• At the completion of the project the disturbed area shall be stabilized with native vegetation.
•The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4

[7] All sewer crossings shall be protected from damage and risk of future leakage to the maximum extent practicable using ductile iron and other appropriate construction materials and practices.

Activity	Exempt	Allowable	Allowable with Mitigation
Non-electric utility, other than perpendicular crossings [3,5,8]: • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters[6]	X	X	X

Formatted: Superscript

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption, and its provisions shall be applicable to projects for which permits are issued after the effective date.

[8] Permanently maintained areas will generally not exceed 20 feet in width. Narrower widths are strongly encouraged, with occasional wider widths to accommodate vehicle turnaround allowed

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0019

Agenda Date: 1/28/2014 **Version:** 1 **Status:** Agenda Ready

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 6.

TITLE:
Request to Approve a Town Code Amendment Relating to Restricting Parking on West Carr Street Near Its Intersection With South Greensboro Street

PURPOSE: The Board of Aldermen is asked to consider approving an ordinance amending the Town Code to prohibit parking on the north side of W. Carr St. within 80 ft. of the centerline of S. Greensboro St.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Brubaker - 918-7329

INFORMATION: The current "No Parking - Here to Corner" sign on the north side of W. Carr St., west of S. Greensboro St., may be difficult to see, as a crepe myrtle's branches partially obscure it. Given its proximity to the intersection, cars parked just west of it may nonetheless come into conflict with southbound right-turning cars onto Carr St.

Establishing a parking prohibition to a point 80 ft. west of the centerline of S. Greensboro St. would prohibit parking up to the concrete walkway leading to the McLean building, perpendicular to the sidewalk. The effect is a net of approximately 40 additional ft. of curb space would have parking prohibited, compared to the current statutory prohibition - "within 25 feet of the intersection of curb lines" [6-18(a)(3)]. Although this reduces on-street parking by an estimated two spaces, the municipal parking lot is across S. Greensboro St., connected to the corner via a marked crosswalk.

At its November 25, 2013, meeting, the staff-level Traffic and Parking Committee recommended that this draft ordinance be brought to the Board.

The draft ordinance in Attachment A amends the Town Code accordingly. The image in Attachment B shows the existing sign and where it would be moved to accord with the draft ordinance, if adopted.

FISCAL & STAFF IMPACT: Staff time will be required to move the existing sign.

RECOMMENDATION: That the Board of Aldermen approve the resolution in Attachment A.

The following ordinance was introduced by Alderman _____ and duly seconded by Alderman _____.

AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO SPECIFY A PARKING RESTRICTION ALONG WEST CARR STREET

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article V of Chapter 6, Section 6-19 (b)(1), of the Carrboro Town Code is amended by adding a new subsection as follows:

> (oo) On the north side of West Carr Street from its intersection with South Greensboro Street to a point 80 feet west of the centerline of South Greensboro Street (Amend. 1/21/14)

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

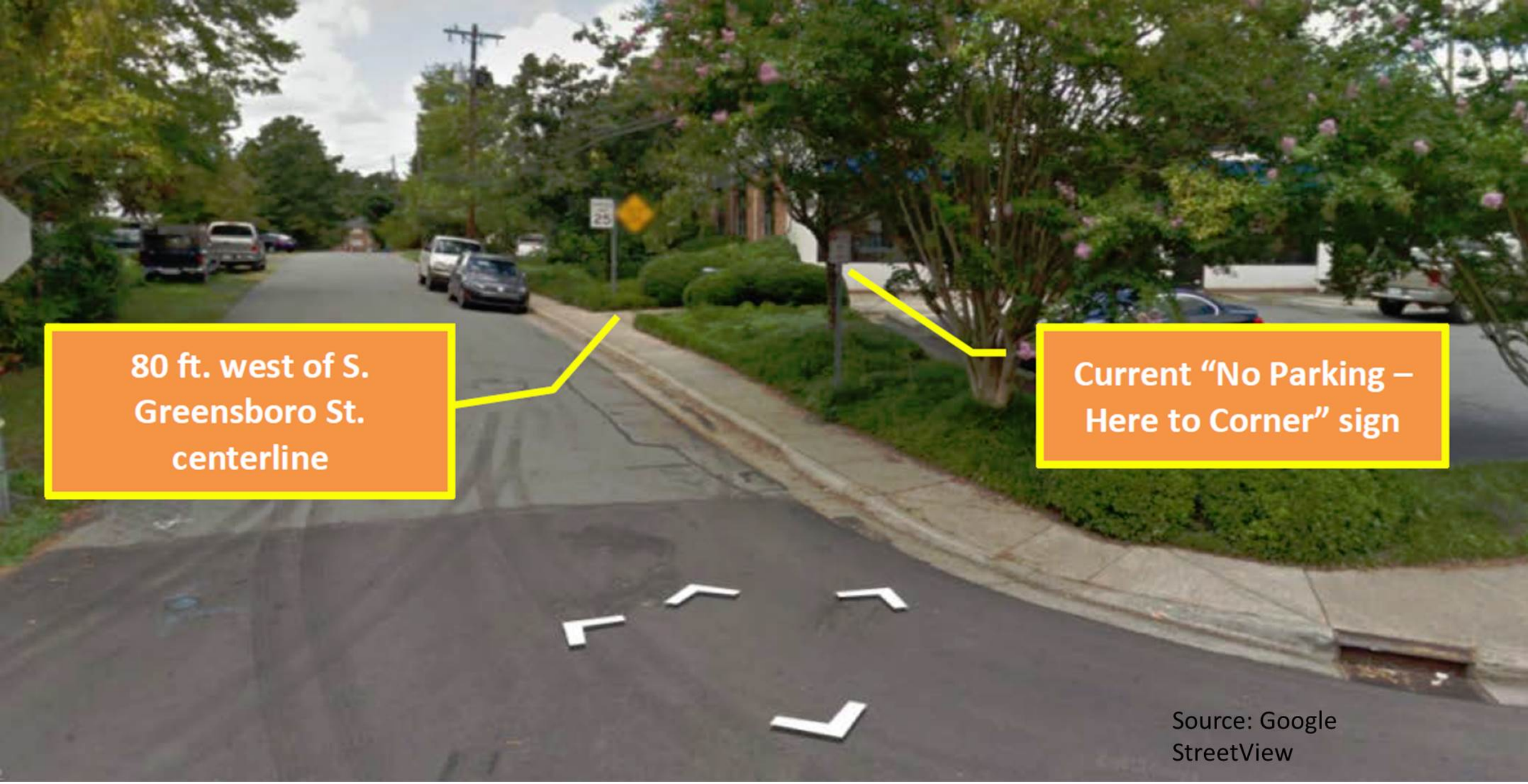
The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, in the year 2014.

Ayes:

Noes:

Absent or Excused:

DRAFT



Source: Google StreetView

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0023

Agenda Date: 1/28/2014 **Version:** 1 **Status:** Consent Agenda

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 7.

TITLE:
Request to Approve a Supplemental Agreement with NCDOT the Homestead-Chapel Hill High School Multi-Use Path

PURPOSE: The Board is asked to consider approval of a Supplemental Agreement with NCDOT to extend the milestone dates for completion of preliminary engineering and construction of the path and incorporate the additional funding allocated by DCHC-MPO for the project.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Brubaker - 918-7329

INFORMATION: On April 8, 2011, the Town and NCDOT entered into a Municipal Agreement for preliminary engineering (PE) and construction of the project. After selection of a consulting firm, Kimley Horn and Associates (KHA), PE commenced in December 2011.

Almost all of the PE activities are complete, including the Categorical Exclusion (May 2012), FEMA conditional letter of map revision (CLOMR - January 2013), project manual/bid documents (May 2013), and final plans (July 2013).

Right-of-way acquisition - including easements on the UNC/State Property Office property and on the Claremont and Parker Louis properties - is still being finalized. ROW acquisition remains the final outstanding PE activity. The Town must receive ROW certification before it can formally submit final plans, specifications, a cost estimate, and other documentation for review and approval by NCDOT and federal authorization to begin the construction stage. The Board of Aldermen authorized the Town to enter into an agreement with UNC/State Property Office at its June 25, 2013, meeting.

The Municipal Agreement established a milestone date of April 31 [30], 2012, for completing PE and August 31, 2013, for completing the project. The Supplemental Agreement extends those dates to March 31, 2014, for PE and December 31, 2014, for completion of the project.

The Supplemental Agreement also incorporates additional STP-DA funding allocated by the MPO to the project. The total STP-DA amount is $192,184, requiring a $48,046 non-federal match. This additional allocation request to the MPO was approved by the Board of Aldermen on January 22, 2013, and approved by the MPO Transportation Advisory Committee on March

13, 2013.

The Supplemental Agreement also adds a standard statement regarding Title VI (Civil Rights Act of 1964) compliance.

FISCAL & STAFF IMPACT: No significant staff impacts accrue to approving the Supplemental Agreement.

As explained in the January 22, 2013, agenda item, KHA estimated additional costs of approximately $178,000 for the project. The additional STP-DA funding, plus non-federal match, would cover these additional expenses and contingency. Payment-in-lieu funds for Claremont South, required as part of CUP approval, would cover the 20-percent non-federal match requirement.

For reference, the January 22, 2013, agenda item materials are linked as Attachment B.

RECOMMENDATION: Staff recommend that the Board approve the resolution in Attachment A approving the Supplemental Agreement and authorizing the Town Manager to execute it.

ATTACHMENT A

A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF THE HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH (BOLIN CREEK GREENWAY PHASE 1B)

WHEREAS, on March 1, 2011, the Board of Aldermen approved a Municipal Agreement between the Town of Carrboro and the North Carolina Department of Transportation (NCDOT) to design and construct the Homestead-Chapel Hill High School Multi-use Path, otherwise known as Bolin Creek Greenway Phase 1B and given Transportation Improvement Program (TIP) number U-4726 DE; and,

WHEREAS, on April 8, 2011, the Municipal Agreement was fully executed; and,

WHEREAS, the milestone dates for completion of preliminary engineering and construction have passed, requiring a Supplemental Agreement to extend the dates; and,

WHEREAS, on January 22, 2013, the Board of Aldermen approved a request to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) to allocate additional federal transportation funding for the Homestead-CHHS Multi-use Path; and,

WHEREAS, the MPO's steering committee, the Transportation Advisory Committee, approved the allocation on March 13, 2013; and,

WHEREAS, a draft Supplemental Agreement, which extends the aforementioned milestone dates and establishes the aforementioned additional funding, has been prepared;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approves the Supplemental Agreement for the Homestead-Chapel Hill High School Multi-use Path (Bolin Creek Greenway Phase 1B) project and authorizes the Town Manager to execute the agreement.

This is the 28th day of January in the year 2014.

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0034

Agenda Date: 2/4/2014 **Version:** 1 **Status:** Consent Agenda

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 8.

TITLE:
Ordinance Amending Town Code Section 7-19 (c)- Adding The Open Streets Event to the List of Exempt Events

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider a request by the Open Streets Committee to add the Open Streets Event to the current exempt event list outlined in the Town Code Section 7 - 19 (c).

DEPARTMENT: Recreation and Parks

CONTACT INFORMATION: Anita Jones-McNair - 918-7371 and Julie Collins - 918-7392

INFORMATION: The first Open Streets event was held in 2013 hosted by the Carrboro Bike Coalition and supported by the Town of Carrboro. Due to the event's success and request from the planning committee, the Board of Aldermen approved this event as a town sponsored and dedicated funds. The 2014 Open Streets Event is scheduled for April 12, 2014. Last year's event used West Weaver Street. This year the committee is proposing to use East and West Weaver Street leaving Greensboro Street open to through vehicular traffic. The event and location may change in future years.

The Open Streets Committee would like the Board to consider approving this event under the current exempt event listing which exempts this event from a public hearing and notice process. In 2013, the committee promoted and advertised the event and included many downtown businesses in the event. For 2014, the committee plans to expand promotional efforts and to further include the local business community in the event.

FISCAL & STAFF IMPACT: No impact at this time.

RECOMMENDATION: Review and consider approving the draft ordinance.

AN ORDINANCE AMENDING TOWN CODE SECTION 7-19(c) TO ADD THE OPEN STREETS EVENT TO THIS LIST OF EXEMPT EVENTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Town Code Section 7-19(c) is amended to read as follows:

() The Board finds that the annual Christmas parade sponsored by the Chapel Hill Chamber of Commerce, the Fourth of July Celebration sponsored by the Town of Carrboro, the Carrboro Day celebration sponsored by the Town of Carrboro, the Carrboro Music Festival sponsored by the Town of Carrboro, the Four on the Fourth Road Race, the Carrboro 10K Road Race, and the Gallop and Gorge Road Race sponsored by the Cardinal Track Club, the Frangelism in the Park event sponsored by St. Joseph AME Church, and the Open Streets Event have become established traditions that are expected and anticipated by those whose properties or businesses are affected by them and that are well publicized apart from the public hearing procedures set forth in this article. Therefore, the annual Christmas Parade, the Fourth of July celebration, the Carrboro Day celebration, the Carrboro Music Festival, the Four on the Fourth Road Race, Carrboro 10K Road Race, the Gallop and Gorge Road Race, and Frangelism in the Park, ~~and~~ the Kidney Kare 5K and the Open Streets Event are exempt from the requirements of this section. (Amend. 1/8/86, 1/9/90, 3/19/91, 4/4/95, 3/19/96, 6/6/2000, 9/6/2005, 9/2/08, 10/6/09, 2/__/14).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ___ day of _____, 2014.

Ayes:

Noes:

Absent or Excused:

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0037

Agenda Date: 2/4/2014 **Version:** 1 **Status:** Consent Agenda

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 9.

TITLE:
Request to Approve a Supplemental Agreement with NCDOT for the Morgan Creek Greenway

PURPOSE: The Board is asked to approve a Supplemental Agreement with NCDOT to amend the current Municipal Agreement to extend the milestone dates for completion of the greenway; add additional STP-DA funding; and amend the scope of the project based on the Board's previous direction.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Brubaker - 918-7329

INFORMATION: Preliminary engineering is underway for the Morgan Creek Greenway. 60 percent plans have been completed and reviewed. However, due to unforeseen delays, the project has extended past the milestone dates included in the Supplemental Agreement executed in October 2010. The proposed Supplemental Agreement extends the milestone dates to June 30, 2014, for preliminary engineering, and June 30, 2015, for completion of the project.

The Supplemental Agreement also incorporates additional STP-DA funding approved by the MPO Transportation Advisory Committee. Specifically, an additional $22,516 in STP-DA funding has been allocated, which will require a $5,629 non-federal match.

The Supplemental Agreement also amends the scope of the project based on Board direction provided on October 16, 2012, which directs staff to complete preliminary engineering on Phase 1, Alternate Phase 1, and Phase 2. Because hydraulic analysis found that the crossing between Phase 1 and Phase 2 would not likely be permitted by FEMA, the project is building both Phase 1 and Alternate Phase 1 to provide access to the neighborhoods both north and south of the creek.

FISCAL & STAFF IMPACT: The receipt of $22,516 in additional STP-DA funds requires a $5,629 non-federal match.

Approximately two hours of staff time will be necessary to route the Supplemental Agreement for review and execution, subject to Board approval.

RECOMMENDATION: That the Board of Aldermen approve the resolution in Attachment A.

ATTACHMENT A

A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE MORGAN CREEK GREENWAY

WHEREAS, the Town has contracted with a consultant to complete preliminary engineering for Phase 1 and 2 of the Morgan Creek Greenway (NCDOT TIP Project # EL-4828); and,

WHEREAS, additional time to complete the preliminary engineering will be needed beyond the current milestone date in the Municipal Agreement;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approves the Supplemental Agreement for the Morgan Creek Greenway and authorizes the Town Manager to execute the agreement.

This is the 4th day of February in the year 2014.

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0020

Agenda Date: 2/2/2014 **Version:** 1 **Status:** Agenda Ready

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 1.

TITLE:
Agenda and Meeting Procedures

PURPOSE: The purpose of this item is to provide Mayor Lavelle with an opportunity to discuss with the Board previously adopted agenda and meeting management procedures.

DEPARTMENT:

CONTACT INFORMATION:

INFORMATION: The Mayor and Board will discuss current procedures. Attached are Sections 2-1 through 2-42 of the Town Code and the policy for distributing items to the Board, as adopted on April 16, 2013.

FISCAL & STAFF IMPACT: Enter the fiscal and staff here

RECOMMENDATION: The Mayor and Board of Aldermen will discuss this agenda topic.

CHAPTER 2
PROCEDURES OF GOVERNING BODY
(Amend. 9/7/2010)

Article I
MEETINGS

Section 2-1 Regular Meetings

The Board shall hold a regular meeting on the first, second, third and fourth Tuesday of each month, unless that day is a legal holiday. The meeting shall be held at the Town Hall and shall begin at 7:30 p.m.

Section 2-2 Special Meetings

(a) A special meeting is any non-emergency meeting of the Board held at any time other than that specified in Section 2-1.

(b) The mayor, or the mayor pro-tempore, or any two members of the Board may at any time call a special meeting by signing a written statement stating the time and place of the meeting and the subjects to be considered. A special meeting may also be called by resolution of the Board.

(c) Unless a special meeting is called by resolution of the Board, notice of the meeting shall be given to Board members as provided in this subsection. At least forty-eight hours before the meeting:

(1) Written notice shall be delivered personally to each Board member; or

(2) If notice cannot be personally delivered, notice may be left at the Board member's usual place of dwelling. In this event, the town clerk shall make every reasonable effort to contact the Board member by telephone.

(d) Special meetings may also be held when all Board members are present and consent thereto or when those not present have signed a written waiver of notice, provided that the notice to the media required by subsection (e) is given.

(e) The town clerk shall give notice of a special meeting to the public and the media, at least forty eight hours before the meeting, by:

(1) Posting a notice of the time and place of the meeting on the bulletin board located at the entrance of the Town Hall; and

(2) Mailing or delivering notice of the meeting to each of the media who has requested it in accordance with the Opening Meetings Law.

(3) Mailing or delivering notice of meeting to any person who has filed with the clerk a written request for it in accordance with the Open Meetings Law.

(f) As provided in Section 2-3 of the Town Charter, at a special meeting, the Board may consider any subject or take any action that could be considered or taken at a regular meeting, unless some provision of general law specifically requires that a matter be considered or action taken only at a regular meeting.

Section 2-3 Emergency Meetings

(a) An emergency meeting is a meeting of the Board called because of generally unexpected circumstances that require immediate consideration.

(b) The mayor, the mayor pro-tempore, or any two members of the Board may at any time call an emergency meeting by signing a written statement stating the time and place of the meeting and the subjects to be considered. A special meeting may also be called by resolution of the Board.

(c) Notice of the meeting shall be given to Board members in the same manner as notice of special meetings.

(d) Emergency meetings may also be held when all Board members are present and consent thereto or when those not present have signed a written waiver of notice, provided that the notice to the media required by subsection (e) is given.

(e) The town clerk shall give notice of an emergency meeting to each of the media who has requested it in accordance with the Open Meetings Law. This notice shall be given either by telephone or by the same method used to notify Board members and shall be given immediately after the notice has been given to those members.

(f) Only business connected with the emergency may be transacted at an emergency meeting.

Section 2-4 Continued or Recessed Meetings

(a) By majority vote the Board may continue or recess any regular, special or emergency meeting to any place and time specified in the motion to continue or recess the meeting.

(b) No further notice need be given of any continued or recessed session of a meeting set in accordance with subsection (a).

Section 2-5 Organizational Meetings

(a) At the first regular meeting in December following a general election in which Board members or the mayor are elected, the newly elected members and the mayor shall, as the first order of business, take and subscribe the oath of office.

(b) The oath of office shall be that prescribed by Article VI, Section 7 of the North Carolina Constitution, as set forth in Section 3-35 of this Code.

(c) Also at the organizational meeting, the Board shall elect from its members a mayor pro-tempore to serve at the Board's pleasure. The mayor pro-tempore shall exercise any of the powers and duties of the mayor during the mayor's absence or incapacitation, as provided in G.S. 160A-70.

Article II

GENERAL MEETING PROCEDURES

Section 2-8 Agenda

(a) Preparation. The manager shall prepare the agenda for meetings of the Board, in consultation with the mayor.

(b) Requests to be placed on agenda. A request to have any item of business placed on the agenda must be received by the manager in sufficient time so that the agenda may be printed and distributed in accordance with subsection (e) of this section, and to this end the manager may establish an appropriate deadline to receive such requests.

(c) Requests to address Board. Any individual or group that wishes to address the Board shall make a request to be on the agenda to the manager. However, except for matters on the agenda for a public hearing, the Board shall determine at the meeting whether the individual or group will be heard by the Board.

(d) Contents. The agenda shall include, for each item of business placed on it, such background information on the subject as the manager deems necessary to inform the Board. . Whenever possible, a copy of all proposed ordinances shall be attached to the agenda and distributed simultaneously.

(e) Inspection and distribution. A copy of the agenda and attachments shall be available for public inspection as soon as they are completed. The manager shall mail or deliver a copy of the agenda and attachments to each Board member in sufficient time to ensure that they are received prior to the meeting. Additional copies of the agenda may be available for the press and interested members of the public.

(f) Additions. The Board may, by majority vote of the Board membership, add an item of business that is not on the agenda. Unless otherwise specified by the Board, additions to the agenda shall be taken up at the conclusion of all other regular business.

Section 2-9 Order of Business

(a) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in subsection (d) of this section.

b) Items shall be placed on the agenda according to the "Order of Business" established by the Board upon recommendation of the manager.

(c) In establishing the "Order of Business", the Board may authorize broad categories of business to be included as agenda items, such as "members of the public wishing to be heard", or "matters by the manager" or "matters by the attorney".

(d) Items may be considered out of order by consent of all members present or by majority vote upon a motion.

Section 2-10 Presiding Officer

(a) The mayor shall preside at meetings of the Board. A member must be recognized by the mayor in order to address the Board.

(b) As presiding officer the mayor shall have the following powers, in addition to those conferred elsewhere in this chapter.

(1) To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

(2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule upon objections from other members on this ground;

(3) To entertain and answer questions of parliamentary procedure, subject to being overruled by a two-thirds vote of the membership of the Board;

(4) To call a brief recess at any time;

(5) To adjourn in the event of an emergency.

Section 2-11 Quorum

A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A quorum is necessary for the Board to take any official action. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether a quorum is present.

Section 2-12 Taking Official Action

(a) The Board shall proceed by motion. A motion, when duly seconded, brings the matter before the Board for its consideration.

(b) A motion may be withdrawn by the introducer at any time prior to a vote.

(c) Subject to Section 2-15 and other provisions of law, official action of the Board shall be by majority vote.

Section 2-13 Debate

Once a motion has been stated and seconded, the mayor shall open the floor to debate upon it. The mayor shall preside over the debate according to the following general principles:

(1) The member who makes the motion is entitled to speak first;

(2) A member who has not spoken on the issue shall be recognized before someone who has already spoken;

Section 2-14 Voting

(a) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused from voting in accordance with subsections (b) or (c) or has been allowed to withdraw from the meeting in accordance with subsection (d).

(b) As provided in G.S. 160A-75, a Board member may be excused from voting on a particular issue by majority vote of the remaining members present if the matter at issue involves that member's own financial interest or official conduct the following matters do not require a Board member to seek to be excused from a vote thereon:

(1) An interest in real property which must be disclosed pursuant to Section 2-33(a), provided the issue before the Board is one of policy that affects the real property disclosed no differently than all other property similarly situated;

(2) An interest in a business, firm, or corporation which is negligible from the point of view of the operation of the business, firm, or corporation; or

(3) The question of the compensation and allowances of the Board member for his or her service to the Town of Carrboro.

(c) As provided in G.S. 160A-381(d), a Board member shall not vote on any zoning map or text amendment where the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. As provided in G.S. 160A-388(e1), a Board member may not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. As provided in G.S. 14-234, a Board member may not participate in or vote on any contract entered into by the town if such member would derive a direct benefit from the contract.

(d) A Board member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(e) A roll call vote shall be taken upon the request of any member.

(f) When this chapter specifies that action shall be taken by majority vote or fails to specify the vote required, that shall be interpreted to mean a vote of the majority of those present and not excused from voting. When a two-thirds vote is required, that
shall be interpreted to mean a vote of two-thirds of those present and not excused from voting. When a vote of a certain percentage of the Board membership is required, that shall be interpreted to mean the specified percentage of all seats on the Board, excluding vacant seats.

Section 2-15 Adoption of Ordinances

(a) An affirmative vote equal to a majority of the members of the Board not excused from voting on the issue (e.g., assuming no member is excused, four aldermen or three aldermen plus the mayor) shall be required to adopt an ordinance, take any action having the effect of an ordinance, or make, ratify, or authorize any contract on behalf of the town.

(b) Subject to the provisions of Chapter 159 of the General Statutes, and particularly G.S. 159-17, no ordinance or any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of the Board membership unless the Board has first held a public hearing on the ordinance. Therefore, assuming no vacant seats, unless the Board first holds a public hearing on an ordinance, that ordinance may not be adopted on the date it is introduced except by an affirmative vote of five aldermen or four aldermen plus the mayor. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the Board.

(c) Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the Board.

Section 2-16 Closed Sessions

The Board may hold closed sessions in accordance with the Open Meetings Law (G.S. 143-318 at seq) and other provisions of law. The Board shall commence a closed session by a majority vote to do so and shall terminate a closed session in the same manner. Minutes shall be kept of closed sessions as provided by law.

Section 2-17 Public Hearings

(a) Public hearings before the Board required by law or ordinance (including, without limitation, the Carrboro Land Use Ordinance) or deemed advisable by the Board, shall be scheduled pursuant to a motion, adopted by a majority vote.

(b) As provided in G.S. 160A-81, the Board may adopt reasonable rules governing the conduct of public hearing, including but not limited to rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions, and (iii) providing for the maintenance of order and decorum in the conduct of the hearing.

(c) The Board may continue any public hearing without further advertisement. If a public hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular Board meeting without further advertisement.

Section 2-18 Minutes

As provided in G.S. 143-318.10, full and accurate minutes shall be kept of all meetings of the Board.

Section 2-19 and 2-20 Reserved

Article III

MOTIONS

Section 2-21 Substantive and Procedural Motions

(a) A substantive motion is a motion that seeks to have the Board exercise any of its powers, duties, or responsibilities. A motion to amend a substantive motion is also a substantive motion. A substantive motion, other than to amend, is out of order while another substantive motion is pending.

(b) A procedural motion is a motion that relates either to the manner in which the Board conducts its business in general or the manner in which the Board deals with a particular substantive issue or substantive motion that is before it.

(c) Unless otherwise specifically provided, all motions authorized by this article may be amended and debated.

Section 2-22 Motion to Amend

(a) An amendment to a motion must be germane to the subject mater of the motion, but it may achieve the opposite effect of the motion.

(b) There may be an amendment to the motion, and an amendment to an amendment, but no further amendments.

(c) Any amendment to a proposed ordinance shall be reduced to writing upon the call of any member.

Section 2-23 Motions to Dispose of Issue without Deciding Merits

(a) Motion to defer consideration until a date certain. This motion requires that a date be set when without further action from the Board a matter will again be placed on the agenda.

(b) Motion to defer consideration indefinitely. Adoption of this motion removes the issue from the Board's consideration until such time as a motion to revive consideration is adopted (see Section 2-24(a)) or a new motion dealing with the same issue is introduced and seconded (see Section 2-25(a)).

(c) Motion to refer to a committee or advisory board. Unless this motion includes an instruction to report the matter back by a date certain, or unless a motion is adopted under Section 2-24(b), a matter referred to a committee or advisory board remains there until returned to the Board by the committee or advisory board.

Section 2-24 Motions to Revive or Reconsider an Issue

(a) Motion to revive consideration of an issue. Adoption of this motion brings an issue back before the Board for its consideration, regardless of whether the issue had been deferred indefinitely or to a date certain.

(b) Motion to recall an issue from a committee or advisory board. Adoption of this motion may bring a matter immediately before the Board, or the motion may direct a committee or advisory board to report an issue back to the Board by a date certain.

(c) Motion to reconsider a vote. This motion may be made only at the meeting at which the vote in question was taking and only by a member who voted with the prevailing side. If adopted, the effect is to negate the earlier vote and then bring the matter back before the Board as if the earlier vote had never taken place.

Section 2-25 Reconsideration of Matters Disposed of on the Merits

(a) Renewal of motions. A motion that is defeated may be renewed at any subsequent meeting unless a motion has been adopted in accordance with subsection (b) of this section.

(b) Motion to prevent reconsideration for six months. This motion is in order immediately following the defeat of a substantive motion and at no other time. It requires a two- thirds vote for adoption. A matter concerning which this motion has been adopted may be brought before the Board prior to the expiration of six months pursuant to a vote to suspend the rules. This motion does not bind a new Board.

Section 2-26 Motion to Terminate Debate

A motion to call the previous question is a motion to cut off debate on a matter under consideration and put the matter to a vote. This motion shall be in order at any time, but unless each Board member present has spoken at least once on the issue or indicates that he or she does not wish to speak on the issue, the motion requires a two-thirds vote for adoption. This motion is not debatable and may not be amended.

Section 2-27 Miscellaneous Motions

(a) In addition to those authorized by this article, the following motions shall be in order;

(1) Divide a complex question and consider it by paragraph.

(2) Suspend the rules. This motion shall require a two-thirds vote for adoption.
(3) Take a recess.

(4) Adjourn. This motion may not be amended.

(b) The provisions of this chapter shall not be interpreted to prohibit the making or adoption of motions not specifically enumerated or to prohibit the Board from acting by consensus.

Section 2-28 and 2-30 Reserved

Article IV

CODE OF ETHICS AND DISCLOSURE REQUIREMENTS

Section 2-31. Applicability

The requirements and obligations imposed under this article are applicable to the mayor and every other member of the board of aldermen (referred to collectively herein as the "Board" or "Board members."

Section 2-32. Ethical Considerations

(a) It is the obligation of every Board member to support the Constitution of the United States and Constitution of the State of North Carolina. Pursuant to these constitutions, no Board member shall deprive any person of life, liberty or property without due process of law nor deny to any person the equal protection of the laws.

(b) Board members should seek to ensure that every citizen receives a fair and impartial hearing on any matter coming before the Board.

(c) The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. Campaign contributions are not considered to be gifts, favors or special privileges. It is the obligation of every Board member to refuse personal gifts, favors or special privileges in every instance where it reasonably would appear to an objective observer that such gift, favor or special privilege was designed to or would likely have a tendency to influence the official actions of such Board member. Board members should also be mindful of and avoid violations of the following statutes, which are set forth as Appendix A to this chapter:

(1) G.S. 14-234, which prohibits Board members from benefitting from contracts with the town, except in very limited circumstances;

(2) G.S. 133-32, which prohibits Board members from accepting most gifts or favors from contractors, subcontractors, or suppliers who have a contract with the town, have had such a contract within the prior year, or anticipate bidding on a future contract;

(d) No Board member may use confidential or advance information obtained by virtue of the Board member's office for personal or financial advantage, nor disclose such information to a third party for the financial or personal benefit of such third party.

(e) It is the obligation of every Board member to carry out the lawful orders and policies of the board of aldermen. No Board member may knowingly take any action inconsistent with the lawful orders or policies established by the board of aldermen.

(f) Attached to this chapter as Appendix B is a "Code of Ethics" adopted by resolution of the Board in compliance with G.S. 160A-86.

Section 2-33. Written Disclosure of Specified Financial Matters

(a) Every Board member shall disclose any legal, equitable, beneficial or contractual interest he or his spouse or domestic partner may have in any real property located within Orange County. The interest in real property which must be disclosed includes any interest in real property which any Board member or his spouse or domestic partner holds title to, individually or jointly, any interest in real property held in trust as well as any pecuniary interest he or she may have in any business, firm, or corporation of whatever nature, which holds title to or has any ownership interest in any real property within Orange County. Such disclosure shall contain the general location of the real property, but not include its value.

(b) Every Board member shall disclose any legal, equitable, beneficial, or contractual interest he/she or his/her spouse or domestic partner may have in any business, firm, or corporation, of whatever nature, which is doing business with the Town pursuant to contracts which have been awarded by the Board.

(c) Every Board member shall disclose any legal, equitable, beneficial or contractual interest he/she or his/her spouse or domestic partner may have in any business, firm, or corporation, of whatever

nature, which is attempting to secure the award of a bid from the Town or the approval of any board of the Town. This includes an ownership or equity interest as well as an employment relationship.

(d) The disclosures required in subsections 2-33(a), (b), and (c) shall be in writing and filed with the town clerk.

(e) The written disclosures required in subsections 2-33(a), (b) and (c) shall be made within whichever of the following time periods are applicable:

(1) The later of 30 days after the effective date of this article or 30 days after the elected official has assumed office; or

(2) The earlier of 30 days after the acquisition of any legal, equitable, beneficial or contractual interest in any property or business, firm, or corporation required to be disclosed in subsections 2-33(a), (b) and (c) or prior to the award by the Board of a contract with or a permit or other approval to a business, firm, or corporation required to be disclosed in subsections 2-33(c) and 2-33(c). 2-15

(f) For purposes of this section, the term "domestic partner" refers to a person wish whom an elected official has entered into a domestic partnership and filed a "statement of domestic partnership" in accordance with Section 3-2.1 of the Carrboro Town Code.

Section 2-34. Other Disclosure Requirements

Every Board member shall make full and timely disclosure at the time of discussion and prior to a vote of any personal or financial interest which he has in any matter of public business to be transacted.

Section 2-35 through 2-40 Reserved

Article V

MISCELLANEOUS

Section 2-41 Appointments

Unless the Board agrees by majority vote or consensus to follow another procedure, the Board shall use the following procedure to appoint individuals to various subordinate boards and offices:

(1) The mayor shall open the floor to nominations, whereupon the names of possible appointees shall be put forward by the members and debated. Upon the conclusion of the debate, the mayor shall propose each name in alphabetical order, and the members shall cast their votes.

(2) If only one appointee is to be selected, the voting shall continue until one nominee receives a majority of the votes cast, where-upon he or she shall be appointed.

3) If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes, and cast them for different nominees. The nominees receiving the highest number of votes shall be appointed.

Section 2-42 Reference to Robert's Rules of Order

Robert's Rules of Order shall govern all procedural matters not addressed by the provisions of this chapter, unless the Board agrees by majority vote or consensus to follow an alternative procedure. No action taken by the Board shall be invalidated by a failure to abide by Robert's Rules of Order.

EXCERPT FROM APRIL 16, 2013 BOARD OF ALDERMEN MINUTES

POLICY ON HOW ITEMS ARE SUBMITTED TO THE BOARD

The purpose of this item was to allow the Board to create a policy that informs staff, and the public, on how they would like to receive items not previously included in their agenda packets.

Cathy Wilson, the Town Clerk, made the presentation to the Board.

A motion was made by Alderman Johnson, seconded by Alderman Slade, that this policy be approved.

Town of Carrboro Board of Aldermen
POLICY ON MATERIALS/ITEMS SUBMITTED FOR PUBLIC MEETINGS AND HEARINGS

1. All materials related to an item scheduled for a Board of Aldermen meeting must be submitted to Town Staff no later than two weeks prior to the date in which the item has been scheduled for review if the person submitting the materials wishes to have those materials included with the agenda packet that is delivered to the Board prior to the meeting.

2. Any items that an applicant/petitioner would like to submit after the two week due date has passed should be brought to the meeting and presented to the Board or otherwise introduced into the public record.

3. When new materials not included in the agenda packet are submitted to the Board or otherwise introduced into the public record, the Board shall proceed as follows:

(a) If the matter at issue involves a quasi-judicial hearing (e.g. for a conditional use permit), the Board shall consider the materials before reaching a decision, but may continue the hearing to provide additional time to reflect on the significance of the new materials or to obtain the reaction of the staff or others as to such materials.

(b) If the matter at issue does not involve a quasi-judicial hearing, the Board may proceed to a decision with or without consideration of the new materials, or continue the matter for further discussion at a subsequent time.

4. Applicants/petitioners/citizens should email their presentation to the Town Staff no later than noon on the day of the meeting at which the presentation will be made. If the presentation is related to an item not on the printed agenda, the presentation should be emailed to the Town Clerk.

5. If the presentation will not be made electronically, paper copies should be provided to Town Staff no later than noon on the day of the meeting.

6. All general public comments/petitions are welcome at the regular meetings on the 1st and 3rd Tuesdays of the month. Members of the public should sign the "sign-up" sheet located at the entrance of the Board Room so they can be called upon to speak.

The motion carried by the following vote:

Ayes: 6 - Alderman Gist, Alderman Haven-O'Donnell, Alderman Johnson, Alderman Lavelle, Alderman Slade and Alderman Seils

Absent or Excused: Mayor Chilton

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0025

Agenda Date: 2/2/2014 **Version:** 1 **Status:** Agenda Ready

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 1.

TITLE:
Update on the branding and marketing initiative (15 minutes)

PURPOSE: The purpose of the agenda item is to update the Board of the efforts to promote the newly adopted brand.

DEPARTMENT: Economic and Community Development

CONTACT INFORMATION: Annette D. Stone, AICP ECD Director, 919-918-7319

INFORMATION: Since the Board adopted the new brand in November 2013, staff has been moving forward with efforts to introduce the brand to the community. Efforts include a holiday promotion known as Carrboro Chill, t-shirts, and social media promotions. February will be the official launch of the brand in conjunction with a promotion that has become known as For the Love of Carrboro. This promotion is a month long celebration of the Carrboro business community. In addition to For the Love of Carrboro, staff will issue a press release, street banners, internet ads, a website www.fortheloveofcarrboro.com <http://www.fortheloveofcarrboro.com> and other social media promotions.

A Branding Guide has been developed and the Board will be asked to consider adopting the guide at the February 4th meeting while also declaring February For the Love of Carrboro month. Events for the month of February include the NC Comedy Arts Festival, 2nd Friday Artwalk which is also Valentine's Day, and our 2nd Lunch and Dance Party!

Other promotional opportunities include a print ad that was developed for the Chapel Hill-Orange County Visitors Bureau Visitor Guide. The ad space was provided to Carrboro by the CHOCVB at no charge. Carrboro will be working on our own Community Resource and Visitor's Guide before the end of the fiscal year. The brand has been incorporated into the design for the new Town website.

Staff is working on budgeting for replacement of the Town's signage at entryway corridors and town owned properties, also staff is reviewing options for Town buildings. The Brand Guidelines allow for use of the brand on letterhead, business cards, etc., in conjunction with the Town Seals when appropriate. Other marketing products like lapel pins, cups, wall hangings, are being considered. Once the Brand Guidelines have been adopted, staff will pursue trademarking the brand.

FISCAL & STAFF IMPACT: These expenditures have been budgeted for and are in the Economic and Community Development budget for FY 2013-14.

RECOMMENDATION: Staff recommends the Board accept the report.

BRAND GUIDELINES

The Carrboro logo can be used with or without the slogan. The slogan version should be used whenever space allows. The non-slogan version should be used only when logo would be so small that the slogan would be illegible.

The Carrboro logo should be used in PMS 376 when possible. Since there will be instances when this green color will clash with its surrounding, the following additional color versions may also be used:

PMS = 376
C=50 M=0 Y=100 K=0

PMS = 1685
C=0 M=68 Y=100 K=44

PMS = 158
C=0 M=61 Y=97 K=0

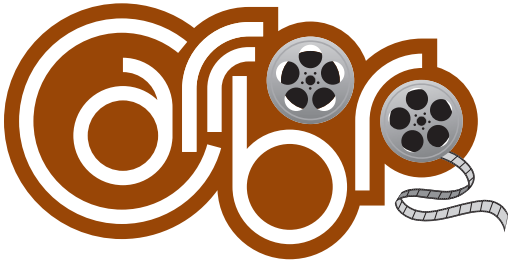
PMS = 2607
C=81 M=100 Y=0 K=7

BLACK
C=0 M=0 Y=0 K=0

70% GRAY
C=0 M=0 Y=0 K=70

In the “feel free” spirit, the logo may be customized to promote different events and organizations. As shown in the images here, the logo may be adorned with additional elements, texture and color, provided the legibility and integrity of the brand is maintained. These interpretations must receive Town approval prior to use.

Additionally, the logo can be fabricated out of materials such as wood or metal for signage and public art.



As shown on the attached examples, the logo can be used in color and may also be used in white against a color background.

The logo should always be used in accordance with the guidelines set out for brand colors and appearance.

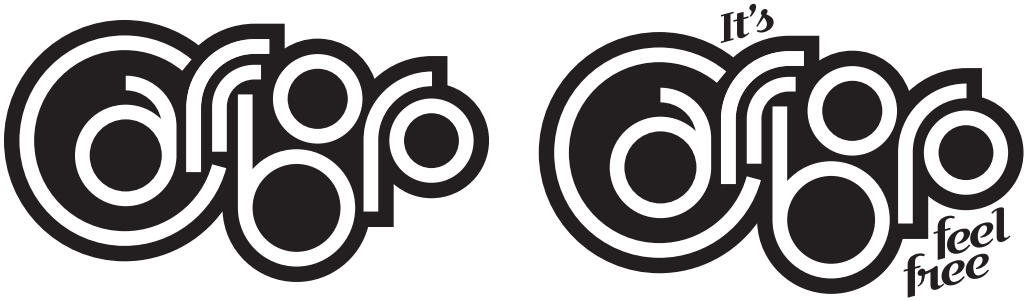
1. These are the approved formats of the logo. Always use the official, even when customizing as on previous page.

2. Do not stretch, distort or rotate the logo.

3. Do not modify the logo with effects such as 3D rendering or drop shadows.

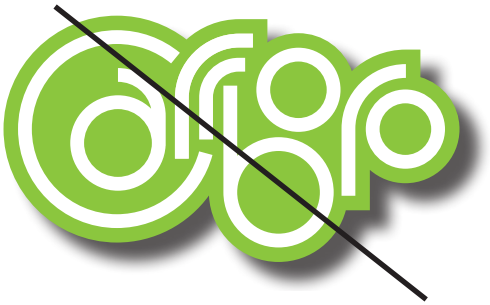
4. Do not create or use an outline version of the logo.

1.

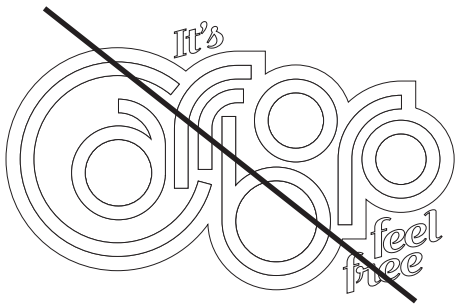


2.

3.



4.



TYPOGRAPHY

We suggest using the fonts specified below for all supporting materials. You can see how the brand typography is used in context in the ad to the right.

HEADLINE:

Semilla - 26pt

Here is a main headline, set in Semilla

SUBHEAD:

Neutra Text - Bold Small Caps, 16pt, tracking value of 75

HERE IS A SUBHEAD, SET IN NEUTRA TEXT BOLD SC

PARAGRAPH TEXT:

Sentinel - Semibold, 11pt, tracking value of 10

Lorem ipsum dolor sit amet, nulla a sed pellentesque, non sit eu nisl eu wisi, sed nulla elit sed, eu pede odio ornare curabitur. Ac curabitur cursus, ante fusce mollit, dictum blandit dui ut, nunc et dictum vestibulum molestie. Non-ummy elit, consequat erat est ante sed mauris suspendisse, in etiam mauris.

The logo will be used for promoting the Town of Carrboro for business development, travel and tourism, and community events. The logo will appear on the Town website, banners, print ads, internet ads, social media, and town signage. The logo and/or the Town Seal maybe used by the Town for letterhead, business cards, or other official town communications as appropriate. The Town Seals trademarked for use by the Police Department, Fire Department and General Government will appear on all town vehicles as appropriate.

HOME OF THE

WEST END POETRY FESTIVAL

It's

feel free

HOME OF THE

CARRBORO MUSIC FESTIVAL

It's

feel free

It's

feel free

HOME OF THE

NORTH CAROLINA COMEDY ARTS FESTIVAL

It's

feel free

It's Carrboro feel free

HOME OF THE
WEST END POETRY FESTIVAL

It's Carrboro feel free

It's Carrboro feel free

HOME OF THE
CARRBORO MUSIC FESTIVAL

It's Carrboro feel free

It's Carrboro feel free

HOME OF THE
NORTH CAROLINA COMEDY ARTS FESTIVAL

It's Carrboro feel free

It's Carrboro feel free

HOME OF THE
CARRBORO FARMERS' MARKET

It's Carrboro feel free

It's Carrboro feel free

HOME OF THE
CARRBORO FILM FESTIVAL

It's Carrboro feel free

It's

feel free

HOME OF THE

CARRBORO FILM FESTIVAL

It's

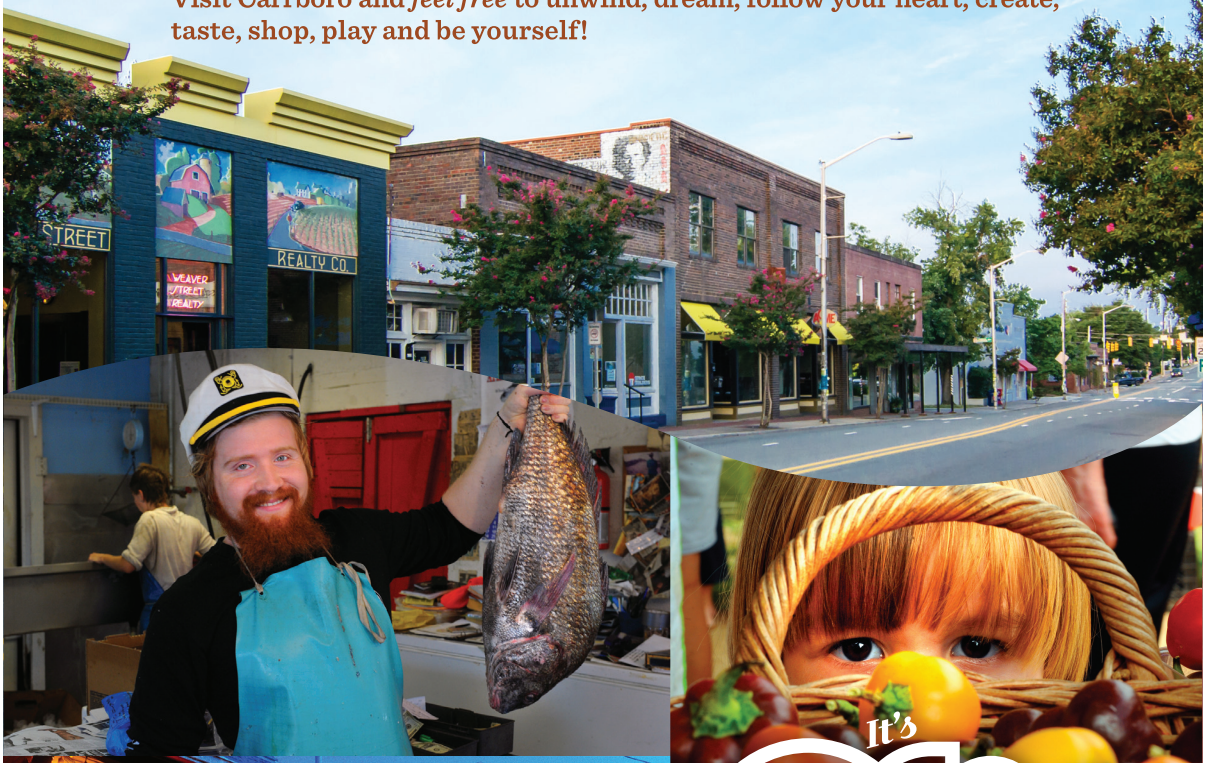
feel free

You couldn't make this place up!

CARRBORO ISN'T JUST A TOWN – IT'S A FEELING.

You'll know what we mean when you get here. There's an openness and optimism that encourages creativity and freedom of expression. It's a place where more is possible and the uncommon is common.

Visit Carrboro and *feel free* to unwind, dream, follow your heart, create, taste, shop, play and be yourself!



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Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0032

Agenda Date: 2/2/2014 **Version:** 1 **Status:** Other Matters

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 2.

TITLE:
Town of Carrboro Web Site Redesign Status Update

PURPOSE: Provide a status update, feature demonstration and receive feedback from the Board of Aldermen on the redesign process occurring on the Town of Carrboro's website.

DEPARTMENT: MO-IT

CONTACT INFORMATION: Andy Vogel - 919-918-7305

INFORMATION: The Carrboro Board of Aldermen has approved funds for the redesign of the Town's website. The redesign will bring a fresh look, increase avenues of communication and add many new and needed enhancements to the Town's website. The Town has been working closely with the Splinter Group to develop a pleasing design that incorporates the Town's new logo. A visual of the most current design will be provided to Board members at the retreat.

In an effort to ensure long term success, the Town has formed a staff workgroup representing all departments to manage the website redesign process. The workgroup will be conducting community outreach in the form of multiple public input sessions and through an online survey. The first public input session will be held on Tuesday, February 18th from 6:00pm to 7:00pm in the Town Hall Board Room. Town staff will provide an overview of the most current design and functionality and receive feedback. An online survey will also be placed on the Town's website starting Wednesday, February 29th.

Upcoming functionality will be demonstrated for Board members by staff showing features such as My Dashboard (a customizable portal feature), Mega Menus, calendar options, news flash, notify me, social networks integration, community engagement features and more. Town staff will also receive further input and direction from Board members.

FISCAL & STAFF IMPACT: None

RECOMMENDATION: Receive Status Update

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0021

Agenda Date: 2/2/2014 **Version:** 1 **Status:** Agenda Ready

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 1.

TITLE:
Advisory Boards (50 Minutes)

PURPOSE: The purpose of this item is to discuss the following questions:

- What kinds of support, training, and orientation can the Town provide for advisory board chairs and vice-chairs?
- What are our expectations of Board of Aldermen liaisons to advisory boards?
- How can we achieve greater and more diverse involvement in advisory boards?

DEPARTMENT: Town Clerk and Various Staff Liaison

CONTACT INFORMATION: Cathy Wilson and Various Staff Liaisons

INFORMATION: The Town of Carrboro currently has 39 active advisory boards, including 27 committees, or subcommittees of the Board, that have a Board of Aldermen liaison. We have nearly 100 citizen volunteers, not including the Recreation and Parks Department volunteers.

All new advisory board members are required to watch the, *What Advisory Board Members Ought to Know* video:

http://www.townofcarrboro.org/BoA/AVContent/10/advbrds/AdvBoardKB1.rm.

This video was prepared by governing board expert, Fleming Bell with the UNC School of Government, specifically for Carrboro in 2010. The video is located on the Town's website and is the only required training for advisory board members.

In 2013, all advisory board members were also provided with a copy of the UNC School of Government publication entitled, *Suggested Rules of Procedure for Small Local Government Boards* (attached). This publication is available in electronic format and will be distributed to all new advisory board members.

The Board of Adjustment staff liaison provides new members with a copy of the LUO, along with a copy of Mike Brough's book, *The Zoning Board of Adjustment in North Carolina.*

The Arts Committee staff liaison provides the chair with the By-Laws of the Arts Committee and a list of duties as the staff liaison.

FISCAL & STAFF IMPACT: If additional training is approved, it will require additional staff time in preparation and implantation.

RECOMMENDATION: The Board of Aldermen will discuss this item.

Errata Sheet for *Suggested Rules of Procedure for Small Local Government Boards*

Public Comment Periods Required at Meetings of City Councils, Boards of County Commissioners, and School Boards

The 2005 General Assembly enacted S.L. 2005-170 (H 635), effective July 11, 2005, which mandates that city councils, boards of county commissioners, and boards of education provide at least one period for public comment per month at a regular meeting of the board. The history of the act, as well as case law on citizen comment periods as "limited public forums" under the First Amendment, both suggest that the board probably must allow comment on *any subject* that is within the jurisdiction of the local government. A board need not provide a public comment period if no regular meeting is held during the month.

The act allows boards to adopt reasonable regulations governing the conduct of the public comment period, including but not limited to rules setting time limits for speakers, and providing for (1) the designation of spokesmen for groups supporting or opposing the same position, (2) the selection of delegates from groups with the same position when the meeting hall's capacity is exceeded, and (3) the maintenance of order and decorum in the conduct of the hearing. This authorization of regulations is taken almost verbatim from the statutes governing the conduct of public hearings by counties and municipalities, respectively (G.S. 153A-52 and G.S. 160A-81).

Fleming Bell
October 2005

Preface

Bonnie E. Davis's highly useful, out-of-print work, *Suggested Rules of Procedure for Small Governing Boards*, has been revised and expanded in this new edition, entitled *Suggested Rules of Procedure for Small Local Government Boards*. As the revised title suggests, this handbook is intended for use by a wide variety of boards in local government, from boards of health and library boards to water and sewer authorities. Many of these boards are listed in Appendix B along with references to specific procedural statutes applicable to each of them. *Suggested Rules for Small Boards* is a companion to two other Institute of Government publications, *Rules of Procedure for the Board of County Commissioners*, 2d ed., revised, 1995, by Joseph S. Ferrell, and *Suggested Rules of Procedure for a City Council*, 3d ed., forthcoming, by this author.

The modifications in this edition are intended to update and enlarge Davis's treatment of several subjects and to reflect the requirements of North Carolina's open meetings law. The rules governing agendas, the powers of the chair, citizen participation in meetings, closed sessions, minutes, appointments, and some procedural motions, for example, have been rewritten or modified. New rules dealing with voting by written ballot, ratification of actions, and committees and boards have been added, along with an appendix summarizing the requirements for the procedural motions permitted under the rules.

The handbook does not include procedures to be followed by local boards when they must act in a quasi-judicial manner. Examples of rules for such situations may be found on pages 42 through 71 of *The Zoning Board of Adjustment in North Carolina*, revised ed., 1984, by Michael B. Brough and Philip P. Green, Jr., also published by the Institute of Government.

I thank my colleagues Joseph S. Ferrell and David M. Lawrence, who reviewed a version of the revised text, as well as other colleagues who provided information about the procedural statutes applicable to particular boards. I am also very grateful to James H. Slaughter, attorney, Certified Professional Parliamentarian, and Professional Registered Parliamentarian, from Greensboro, North Carolina, who reviewed the text and provided many useful suggestions. My editors Marjorie Hudson and Lucille Fidler also suggested many helpful changes. I hope that this new edition of *Suggested Rules of Procedure for Small Local Government Boards* will prove to be a valuable tool for the local boards that seek to conduct the business of North Carolina local government in an open, fair, careful, and expeditious manner.

A. Fleming Bell, II

Chapel Hill
Summer 1998

Introduction

THESE RULES OF PROCEDURE were designed for use by small local government boards. "Small" is a relative term; boards with as many as twenty-five members may find the rules useful. Appendix A lists some of the kinds of boards for which these rules were designed. The rules incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of those found in *Robert's Rules of Order Newly Revised* (hereinafter referred to as *RONR*). However, *RONR* is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for small governing boards. A small board can afford to do some things that are not appropriate for a large body, and in some cases the procedure prescribed by *RONR* for larger assemblies is unnecessarily cumbersome. *RONR* itself recognizes that more informality is desirable with small boards (*RONR* § 48, pp. 477–78). These rules detail the more informal procedures that might be expected with a small board. This book modifies *RONR* with the following principles in mind:

1. The board must act as a body.
2. The board should proceed in the most efficient manner possible.
3. The board must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The board's rules of procedure must be followed consistently.
6. The board's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

The North Carolina laws that establish or authorize the many small boards used in local government usually provide little or no guidance as to the procedures to be followed by such boards. The laws governing city councils and boards of county commissioners do give more specific guidelines for those boards; rules of procedure for them are covered in two separate Institute of Government publications. [See Joseph S. Ferrell, *Rules of Procedure for the Board of County Commissioners*, 2d ed. (Chapel Hill: Institute of Government, 1994) and A. Fleming Bell, II, *Suggested Rules of Procedure for a City Council* (Chapel Hill: Institute of Government, 1986, new edition forthcoming).] Any procedural rules adopted by a small board must of course follow the requirements specifically prescribed for that board by the state legislature or other authorizing body. Particular procedural statutes for some of the more common kinds of small local boards authorized by state law are listed in Appendix A. The rules presented in this book are drafted somewhat generally so that each kind of local board can easily adapt them to comply with statutory requirements particular to it.

Many of the rules suggested here, do, however, reflect the provisions of the North Carolina open meetings law, Chapter 143, Article 33C, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 143-318.9 to 143-318.18). The open meetings law applies to practically all of the small local government boards that would have occasion to use this book: it covers all elected or appointed authorities, boards, commissions, councils, or other bodies of one or more counties, cities, school administrative units, or other political subdivisions or public corporations in the state that (1) have two or more members and (2) exercise or are authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. It also applies to most public hospital governing boards, including the boards of nonprofit hospital corporations. The law does not apply, however, to certain staff meetings. See G.S. 143-318.10(b) and (c).

When the rules in this book state procedures that are required by sections of the open meetings law, that fact is noted in the *Comments*. Local boards must follow procedures required by the open meetings law whether or not they adopt some version of the rules in this book. And, of course, there may be other procedural statutes that apply to the board as well (see Appendix A).

A local board has a relatively free hand in designing its own rules of procedure, as long as the requirements of the open meetings law and any other applicable statutes are followed, any rules imposed on the board by its creator are obeyed, and the board adheres to the general principles listed earlier. Most of the rules in this book are merely suggested procedures, and each board should feel free to change them to suit local needs and customs. For example,

Rule 9 eliminates the requirement of a second to a motion. The board may choose to adopt that rule or not. Alternative wordings and optional language for some of the rules are shown enclosed in brackets.

Suggested Rules of Procedure

Rule 1. Regular Meetings

The board shall hold a regular meeting on the [_____] of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at [_____] and shall begin at [_____]. A copy of the board's current meeting schedule shall be filed with [the clerk to the board of county commissioners] [the city clerk] [the board's clerk or secretary].

> **Comment:** Most local government boards are required by law to meet at regular intervals. G.S. 143-318.12(a), part of the open meetings law, requires the schedule of regular meetings for public bodies covered by that law to be kept on file as follows: (a) each public body that is part of a county government keeps the schedule on file with the clerk to the board of commissioners; (b) each public body that is part of a city government keeps it on file with the city clerk; and (c) other public bodies file the schedule with the body's clerk or secretary. If a public body in the third category does not have a clerk or secretary, the schedule must be kept on file with the clerk to the board of county commissioners of the county in which the board regularly meets.

Rule 2. Special, Emergency, and Recessed [or Adjourned] Meetings

(a) Special Meetings. The chair [or a majority of the members] may at any time call a special meeting of the board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each board member; (2) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with [the board's clerk] [the board's secretary] [a person designated by the board].

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with [the board's clerk] [the board's secretary] [a person designated by the board]. [Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled.]

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

> **Comment:** Rule 2(a) combines the special meeting notice requirements of the open meetings law found in G.S. 143-318.12(b) with the idea that all board members must be notified of any special meetings that some of the members may call. Different boards will have different rules concerning who may call special meetings, depending on either their governing statutes or rules or on the board's preferences.
>
> The board will want to be notified of special meetings called by a few of their number at least as far ahead of time as members of the news media and other persons on the board's "sunshine list" are notified

(forty-eight hours) [see G.S. 143-318.12(b)(2)]. A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. 143-318.12(b)(2).

While written notice to the board members themselves is not specifically required in the statutes, such notice helps to avoid questions about whether all board members knew of the meeting and had an opportunity to attend. A board's actions may be subject to challenge if a special meeting is deliberately called in a manner that precludes participation by one or more of the members.

The second paragraph of Rule 2(a) deals with special meetings called during another duly called meeting. Under the open meetings law, forty-eight hours' advance notice of the time, place, and purpose of special meetings called in this manner must be mailed or delivered to the news media and other persons on the board's "sunshine list," as required with any other special meeting. The law generally requires no special notice to board members of a special meeting called during another meeting, since presumably all members were present or had the opportunity to be present at the meeting where the special meeting was called or scheduled. An optional provision of this rule allows the board to go a bit beyond what the law specifies by providing notice to members who were absent from the meeting where the scheduling took place.

Under these rules, no items may be added to the agenda for a special meeting unless all of the members are present and they determine in good faith that the item to be added must be discussed or acted on immediately. The open meetings law requires that the purpose of a special meeting be stated in the meeting notice. While the law contains no explicit restrictions that would prevent the board from taking up unannounced subjects at a special meeting, this rule recognizes that there is probably some implicit "good faith" limit on adding unannounced subjects to the agenda. Recognizing such a limit avoids surprise to absent board members and to others who might have attended the meeting, had they known that the additional item would be placed on the agenda. It is especially appropriate *not* to consider the extra item if it could be dealt with at another special meeting scheduled with the proper forty-eight hours' notice.

(b) Emergency Meetings. The chair [or a majority of the members] may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each board member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with [the board's clerk] [the board's secretary] [some other person designated by the board], and whose request includes the newspaper's, wire service's, or station's telephone number. Notice to the news media shall be given at the expense of the party notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the board. Only business connected with the emergency may be considered at an emergency meeting.

Comment: Rule 2(b) states the requirements of the open meetings law concerning emergency meetings [G.S. 143-318.12(b)(3)]. Because emergency meetings are by their nature unexpected, it is assumed that they will not be called during the course of another meeting but will be called when needed by whoever is authorized to call them (for example, the chair or a majority of the members of the board).

(c) Recessed [or Adjourned] Meetings. A properly called regular, special, or emergency meeting may be recessed [or adjourned] to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed [or adjourned] session of a properly called regular, special, or emergency meeting.

Comment: In Rule 2(c), note that a motion to recess (or adjourn) a meeting to a time and place certain must

comply with the requirements of Rule 16 concerning procedural motions. See both that rule's general requirements and the particular requirements of Motion 2 of Rule 16. It must be made in open session, because under the open meetings law the making of such a motion is not listed as an action that is permitted during a closed session. (See Rule 21 concerning closed sessions.) The open meetings law specifies that if proper notice was given of the original meeting, and if the time and place at which the meeting is to be continued is announced in open session, no further notice is required for the recessed session. As explained in the *Comment* to Rule 16, Motion 2, the terms "recess to a time and place certain" and "adjourn to a time and place certain" are both forms of the motion to adjourn, and are used interchangeably in these rules and in North Carolina practice. The open meetings law uses "recess to a time and place certain," while other statutes sometimes use "adjourn to a time or place certain" [see, for example, G.S. 153A-40(a)] or state the terms *recess* and *adjourn* as alternatives [see, for example, G.S. 160A-71(b1)].

Rule 3. Organizational Meeting

On the date and at the time of [the first regular meeting] in [July], the newly [appointed] [elected] members shall take and subscribe the oath of office as the first order of [new] business. As the second order of [new] business, the board shall elect a chair, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in Rule 25.

Comment: Members of local boards are typically appointed or elected at the same time every year or every other year. An organizational meeting should be held whenever new members are selected so that they can properly qualify for office by taking and signing the required oath. The organizational meeting is often a part of another properly scheduled meeting, although it could be scheduled as a separate regular or special meeting.

All public officers must take the oath of office set forth in Article VI, Section 7, of the North Carolina Constitution, unless a person is serving on a particular board as part of his duties on another body. [For example, a county commissioner may be appointed by the board of commissioners to the board of health or social services (see generally G.S. 128-1.2).] In such a case a separate oath should not be taken. On the other hand, many boards require their members to take the additional oaths set out in G.S. 11-7 and -11.

Board members with questions about oaths should consult the board's attorney or the following Institute of Government publications: A. Fleming Bell, II, *Ethics, Conflicts, and Offices: A Guide for Local Officials* (Chapel Hill: Institute of Government, 1997) and Joseph S. Ferrell, "Questions I Am Frequently Asked: What Forms of Oath Should a Public Officer Take?" *Popular Government* 62 (Fall 1996): 43.

The board's chair is also typically elected at the organizational meeting. If new members join the board only every other year, and the chair serves a one-year term, a new chair must be elected in the appropriate month in the off years.

The question of who presides at the organizational meeting until the election of a new chair is best resolved by local custom. Some boards call on their clerk or secretary, chief administrator, or attorney to preside; others call on the outgoing chair to preside until the new chair is selected.

A nomination and voting procedure, rather than a motion, should generally be used to select the chair, in order to allow all board members to express their preference. See guidelines for this procedure in Rule 25.

Rule 3 permits the qualification of newly elected members and the election of a new chair to be preceded by the completion of pending items of unfinished business by the incumbent board, if this is the local custom. If such is the custom, the swearing-in and selection of a chair are the first items of new business on the agenda.

Rule 4. Agenda

(a) Proposed Agenda. The board's [clerk] [secretary] [chief administrative officer] shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least [two] working days before the meeting. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed [orders] [policies] [regulations] [resolutions] shall be attached to the proposed agenda. [An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce.] Each board member shall receive a copy of the proposed agenda [and the agenda package] and [it] [they] shall be available for public inspection and/or distribution when [it is] [they are] distributed to the board members.

(b) Adoption of the Agenda. As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items "for discussion and possible action." Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) Open Meetings Requirements. The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

Comment to (a) and (b): Because of the volume and complexity of the matters they must consider, most boards use agendas for their meetings. Some small government boards use agendas only to organize the materials they must consider and to give themselves an opportunity to study the issues before they meet. These boards generally allow last-minute additions to the agendas of regular meetings by general consent. This rule takes that approach.

Other small boards use their agendas to control the length of their meetings. In that case the board will often hold an agenda meeting or a work session before the regular meeting to ask questions and thoroughly explore the proposals that must be voted on at the regular meeting. Note that such an agenda meeting or work session is considered a meeting of the board for purposes of the open meetings law and is subject to the regular or special meeting requirements in these rules. Generally, these boards take a stricter approach and do not allow late additions to regular meeting agendas unless an emergency exists.

These rules require a stricter approach for agendas of special meetings, because of open meetings law concerns. Under this approach, items may be added to the agenda of a special meeting only if all members are present and the board determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprise and is consistent with the spirit of the open meetings law, although neither requirement is actually part of the law. See the statement of public policy underlying the law in G.S. 143-318.9. For further discussion of adding items to special meeting agendas, see the *Comment* to Rule 2(a).

Rule 4(a) requires that longer or more complex proposals be in writing and attached to the agenda, so that board members will have a clear idea of the issues with which they will be dealing. The board may choose what sorts of proposed orders, policies, regulations, resolutions, or other items it wishes to make subject to this requirement. The board may also require that copies of relevant documents be provided to all board members when additions to the agenda are proposed at the meeting.

Some boards also use an agenda package to provide background information about proposed agenda items to the board members. The use of such a package is optional.

Small boards frequently desire to discuss an issue informally, attempting to reach a group consensus, before a formal motion is proposed. While standard parliamentary practice requires that a motion be made before any discussion can occur, conducting discussion first can be very useful to a small board. Such discussion may be especially important if the board does not hold agenda meetings or work sessions at which the members can discuss issues among themselves, before the more formal meetings at which the board generally takes action. This rule authorizes the practice of "discussing before moving" by permitting the board to designate particular agenda items "for discussion and possible action." If a motion is later made, discussion on the motion is then in order.

The board's clerk, secretary, or chief administrative officer may find it convenient to maintain a mailing list of interested parties who wish to receive a copy of the proposed agenda and/or agenda package regularly. Since the background materials included with the proposed agenda in the agenda package may be quite voluminous, the board may wish to charge those receiving the full agenda package for the cost of reproduction. At the very least, the board should make provision for the public to inspect and copy the agenda package in the offices of whoever provides administrative services for the board, since the agenda package is a matter of public record open to public inspection.

Comment to (c): The last paragraph of this rule paraphrases the open meetings law's restrictions on acting by reference to agendas or other items [see G.S. 143-318.13(c)].

Rule 5. Public Address to the Board

Any individual or group who wishes to address the board shall make a request to be on the agenda to the board's [clerk] [secretary] [chief administrative officer]. However, the board shall determine at the meeting whether it will hear the individual or group.

Comment: The board may decide as a matter of general policy to set aside part of each meeting for individuals or groups to address the board, although it is not legally required to do so. This rule allows any individual or group to be placed on the proposed agenda, but reserves to the board the right to decide whether there is time to hear its comments. If the board chooses to open the meeting for public comments on a particular issue, it must be careful not to censor individuals or groups based on their point of view on that issue, in order to avoid violating the speakers' constitutional right to freedom of speech. For further information on public comment during board meetings, see A. Fleming Bell, II, John Stephens, and Christopher M. Bass, "Public Comment at Meetings of Local Government Boards," Parts One and Two, *Popular Government* 62 (Summer 1997): 3–14 and (Fall 1997): 27–37, respectively.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Discussion and revision of the proposed agenda; adoption of an agenda
Approval of the minutes
Public hearings
Administrative reports
Committee reports
Unfinished business
New business

Informal discussion and public comment

By general consent of the board, items may be considered out of order.

> **Comment:** Note that the suggested order of business places public hearings and administrative reports early in the meeting. These are the main items that involve citizens and administrative officials who may not need or wish to be present for the entire meeting. Unfinished business under these rules consists of matters that are carried over from a previous meeting that was adjourned before the board completed its order of business and matters that were specifically postponed to the present meeting [see Rule 16(b), Motion 11].

Rule 7. Presiding Officer

The chair of the board shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair [shall have the right to vote only when there is a tie] [may vote in all cases]. In order to address the board, a member must be recognized by the chair.

If the chair is absent, the [vice-chair] [another member designated by vote of the board] shall preside. [If both the chair and vice-chair are absent, another member designated by vote of the board shall preside.] The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she [may] [shall] designate another board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
To entertain and answer questions of parliamentary law or procedure;
To call a brief recess at any time;
To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

> **Comment:** The chair ordinarily presides at board meetings. In his or her absence, the vice-chair, if there is one, presides. If there is no vice-chair or if both the chair and vice-chair are absent, the board typically selects a temporary presiding officer.
>
> Boards may choose whether the chair always votes or votes only to break a tie. Someone who is temporarily presiding in the chair's place is still a full member of the board and thus is entitled to make motions and to vote.
>
> Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side whose advocate controls access to the floor. This rule is designed to ensure even-handed treatment to both sides during a heated debate. Ordinarily the chair should ask the vice-chair, if there is one, to preside in such a situation, but if he or she is also engaged in the debate, the chair should feel free to call on some other board member

in order to achieve the purpose of this rule.

The chair or anyone presiding in the chair's place has substantial procedural powers, but those powers are not absolute. Under this rule and Rule 16, Motion 1, any board member is entitled to make a motion to appeal to the other members concerning the presiding officer's decisions on motions, decorum in debate, and most other procedural matters. Such a motion replaces *RONR*'s "question of order and appeal."

There are two exceptions to this right of appeal. A chair or other presiding officer may adjourn without the board's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members. *RONR*, in contrast, allows a recess to be taken only with the approval of the members.

Rule 8. Action by the Board

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, including the chair, may make a motion.

Comment: Under standard parliamentary practice, a motion must be on the floor before a board may proceed with discussion or action. Rule 8 allows two variations, one based on Rule 4 and the other on Rules 3 and 25.

Rule 4 allows items to be placed on the agenda "for discussion and possible action." General discussion of the agenda item may precede the making of a motion. See Rule 4 and the accompanying *Comment*.

Rules 3 and 25 specify that the board is to make appointments using an election method, rather than by motion, in order to allow all board members to express their preferences. This method applies both to internal board appointments and to appointments to other bodies. The procedures to be followed are explained in Rule 25 and the accompanying *Comment*.

Traditionally, if the chair wishes to have a motion made, instead of making it personally, he or she states, "The Chair will entertain a motion that. . . ." This custom is sound if the chair may vote only in the case of a tie; if the chair may vote in all cases, he or she may make a motion as any other member would.

Rule 9. Second Not Required

A motion does not require a second.

Comment: The philosophy underlying the requirement of a second is that if a proposal does not have at least some minimum level of support, it is not worth the time necessary to consider it. In a group of 100 persons, for example, requiring a second ensures that at least 2 percent of the group wishes to consider the proposal. On a five-member board, on the other hand, a proposal supported by one member already has the backing of 20 percent of the board membership. Since the board is small, efficient use of the board's time is not impaired by allowing consideration of a proposal that initially has the support of only one member. If a board wishes to retain the requirement of a second, however, it is free to do so.

This rule is consistent with the *RONR* concept that motions need not be seconded in meetings of smaller groups (*RONR* § 48, p. 477). Moreover, even if a board uses seconds, *RONR* notes that "after a debate has begun or, if there is no debate, after any member has voted, the lack of a second has become immaterial and it is too late to make a point of order that the motion has not been seconded" (*RONR* § 4, p. 36).

Rule 10. One Motion at a Time

A member may make only one motion at a time.

Comment: None.

Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Comment: This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

RONR does not refer to *substantive* motions as such; instead it refers to *main* or *principal* motions. The words *substantive motion* are used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 16. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 16. A substantive motion may deal with any subject within the board's legal powers, duties, and responsibilities. Indeed, since Rule 8 provides that the board shall proceed by motion, the substantive motion is the only way the board can act, unless it has adopted a special rule to deal with a particular situation. (See, for example, the provisions of Rule 25 on appointments.) The procedural motions detailed in Rule 16 set forth the various options the board has in disposing of substantive motions.

Rule 12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Comment: In a few instances, these rules require a vote equal to a majority or two-thirds of the entire membership of the board for adoption of a particular motion. Extraordinary voting requirements imposed by particular statutes are not specified in these rules. The board's attorney should be consulted as questions arise.

Rule 13. Voting by Written Ballot

The board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the board's [clerk] [secretary] immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Comment: The open meetings law allows public bodies such as small local government boards to use written ballots *so long as* they follow the procedures set out in G.S. 143-318.13(b) and paraphrased in this rule.

Rule 14. Debate

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

The maker of the motion is entitled to speak first;
A member who has not spoken on the issue shall be recognized before someone who has already spoken;

To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Comment: None.

Rule 15. Ratification of Actions

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Comment: Ratification of actions taken on the board's behalf but without its prior approval is permitted under these rules, to the extent that such after-the-fact approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve that which it could have authorized. This rule treats the motion to ratify as a *substantive* proposal rather than as a *procedural* motion, since a ratification is in effect an after-the-fact substantive action by the board concerning something that was done without board approval when advance authorization should have been obtained.

Rule 16. Procedural Motions

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

Comment: Rule 2(a) reflects substantial departure from the rule in *RONR*. Each procedural motion in *RONR* was reviewed to determine whether it was appropriate for use by a small board; substantial modifications and deletions were the result. The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available.

Procedural motions are frequently used to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. They are in order while substantive motions are pending as well as at other times.

In addition, as in *RONR*, several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which—that is, what procedural motion may be made and considered while another one is pending. The procedural motions are summarized in table form in Appendix B.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Comment: Rule 7 allows the ruling of the presiding officer on certain procedural matters to be appealed to the board. This appeal must be made as soon as the presiding officer's decision is announced, so this motion is accorded the highest priority. See Rule 7 and its *Comment* for further discussion of this motion.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to [recess] [adjourn] to a time and place certain shall also comply with the requirements of Rule 2(c).

Comment: This motion differs from the *RONR* motion to adjourn in several respects. The *RONR* motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies that the motion is in order only when action on a pending matter has concluded.

If the board wants to adjourn before completing final action on a matter, it may use a motion to defer consideration, to postpone to a certain time or day, to refer a motion to a committee, or to suspend the rules. Or, in accord with Rule 2(c), it may recess (or adjourn) the meeting to reconvene at a specified time and place. The motion to recess or adjourn to a time and place certain is a form of the motion to adjourn. As explained in the *Comment* to Rule 2(c), various North Carolina General Statutes and North Carolina practice refer both to the terminology "recess to a time and place certain" and the phrase "adjourn to a time and place certain" [see, for example, G.S. 143-318.12(b)(1), 153A-40(a), and 160A-71(b1)]. Thus both "recess" and "adjourn" are provided here as options. The motion has the same meaning regardless of the option chosen.

Motion 3. To Take a Brief Recess.

Comment: This motion, which allows the board to pause briefly in its proceedings, is similar to the motion to recess under *RONR*. To avoid confusing this motion with the motion "to recess to a time and place certain," which is a form of the motion to adjourn under these rules and in North Carolina practice [see Rule 16(b), Motion 2, above], Motion 3 is a "motion to take a brief recess" rather than a "motion to recess." Since the number of members is small and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending. Under these rules, the presiding officer also has the power to call a brief recess at any time (see Rule 7).

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Comment: This motion is patterned on the call for the orders of the day in *RONR*. It differs in that it may be debated; also, unless the motion is made when the item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to [a majority] [two-thirds] of the entire membership of the board. [A majority is more than half.]

Comment: This motion is generally the same as the *RONR* motion to suspend the rules, except that it is debatable and amendable, and the number of affirmative votes required is either a majority or two-thirds of the entire membership of the board. Thus if a board has five members, three members must vote for the motion if the majority option is chosen and four members (the smallest number that is at least two-thirds) if the two-thirds option is selected. If only three or four members, respectively, are present at a particular meeting, all must vote for the motion in order to adopt it. This motion is in order when the board wishes to do something that it may legally do but cannot accomplish without violating its own rules. It permits the

board to exercise greater flexibility and perhaps informality than adhering strictly to the rules might allow. For example, the board might use this motion to allow it to consider an agenda item out of order, without formally amending the agenda that it had adopted.

The procedure described will pose some problems on a three-member board, because the rule can be manipulated so as to prevent one member from participating in the board's deliberations. Frequent use of the motion to prevent one member from presenting his or her proposals to the board or from speaking on an issue before the board is of doubtful legality. A three-member board may decide to require a unanimous vote for this motion to pass.

Motion 6. To Go into Closed Session. The board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

Comment: The requirements for this motion are found in G.S. 143-318.11(c). They include extra requirements for motions based on G.S. 143-318.11(a)(1), and for those motions based on G.S. 143-318.11(a)(3) that concern a closed session where the board expects to receive advice about an existing lawsuit or lawsuits. G.S. 143-318.11(a)(1), cited in the rule, allows closed sessions "[t]o prevent the disclosure of information that is privileged or confidential pursuant to the law of [North Carolina] or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes." Part of G.S. 143-318.11(a)(3), also cited, allows a board in closed session to "consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure."

Motion 7. To Leave Closed Session.

Comment: This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Comment: This motion is the same as the two motions—division of a question and consideration by paragraph—in *RONR*, except that it is debatable.

Motion 9. To Defer Consideration. The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

Comment: This motion allows the board temporarily to defer consideration of a proposal. It may be debated and amended. A motion that has been deferred dies if it is not taken up by the board [via a motion to revive consideration, Rule 16(b), Motion 14] within a specified number of days of the vote to defer

consideration. One hundred days is merely a suggested period of time. Note the restriction on making a new motion with the same effect while a motion remains deferred.

This motion should be distinguished from the motion to postpone to a certain time or day [Rule 16(b), Motion 11]. A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Board action (approval of a motion to revive consideration) is required, however, before the board may again consider a substantive motion the consideration of which has been deferred under this motion.

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least [20] minutes of debate and every member has had an opportunity to speak once.

Comment: This motion differs from the motion of a similar name in *RONR*. The *RONR* motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. With a small board, however, a minimum period of debate on every proposal that comes before it strikes a better balance between efficiency and effective representation by all board members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

Note that this rule avoids the practice followed by some boards of allowing any member to end debate by simply saying "call the question," without the board actually taking a vote on that procedural issue. Such a practice is contrary to regular parliamentary procedures. In addition, it allows individual members to impose their will unilaterally on the group, in defiance of the principle of majority rule on which these rules are based.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

Comment: This motion allows the board to postpone consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration [see *Comment* to Rule 16(b), Motion 9]. Note the restriction on making a new motion with the same effect while a postponed motion remains pending.

Motion 12. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for its study and recommendations. [Sixty] days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Comment: This motion is the same as the motion of the same name in *RONR* except that the right of the introducer to compel consideration by the full board after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a committee that is willing to "sit" on it. If the board does not use committees, this motion is unnecessary.

Motion 13. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed [order] [policy] [regulation] [resolution] shall be reduced to writing before the vote on the amendment.

Comment: This motion is similar to the motion to amend in *RONR* except for the additional requirement to write down amendments to longer, typically more complex items such as resolutions or regulations.

The restriction on amendments stated in part 13(a), second sentence, of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.

Some boards allow a "substitute motion" when major changes in a motion are proposed. Such a motion is in effect a type of amendment. To avoid confusion, "substitute motions" are not allowed under these rules. All proposals for changes in a motion or in an amendment are treated as motions to amend, no matter how major their potential effect.

Part 13(b) of the rules governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of the two pending amendments is disposed of, an additional amendment may be offered.

Part 13(c) of the rules for this motion imposes an additional writing requirement for amendments to other, sometimes lengthy, documents such as orders, policies, regulations, or resolutions. The board is free to choose the sorts of items for which this requirement will apply. Amendments to such documents, like the items themselves, should be in written form before they are voted on, both because of their importance and so that board members will be clear about the meaning of the amendments on which they are voting. Written amendments also make it easier to maintain the required minutes of the body accurately [see G.S. 143-318.10(e)].

Some boards have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the board, it is up to the board to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the introducer is free under these rules to withdraw it (see Rule 18). If a motion has been withdrawn, the board members are generally free to make their own separate motions on the same subject.

Motion 14. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within [100] days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires [100] days after the deferral unless a motion to revive consideration is adopted.

Comment: This motion replaces the motion "to take up from the table" in *RONR* and was renamed in order to avoid confusion. This motion may be debated and amended, whereas the motion in *RONR* may not. If the motion to revive consideration is not successful within the specified number of days of the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again only by a new motion. One hundred days is merely a suggested period of time; the number of days specified here should be the same as in Rule 16(b), Motion 9.

Motion 15. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the

"nos" prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

> **Comment:** According to *RONR*, this motion may be made at the same meeting as the vote being reconsidered or on the next legal day and may interrupt deliberation on another matter. To avoid placing a measure in limbo, these rules restrict the availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is recessed or adjourned to a time and place certain pursuant to Rule 2(c) and Rule 16(b), Motion 2. If a member wishes to reverse an action taken at a previous meeting, he or she generally may make a new motion having the opposite effect of the prior action. The motion to reconsider is permitted under these rules only when action on a pending matter concludes.

Motion 16. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

> **Comment:** Each meeting of most small boards is in many respects a separate legal event. Unless prohibited by law, a board may at a subsequent meeting "undo" action taken at a previous meeting. This motion is in order only for those measures adopted by the board that may legally be repealed or rescinded. For example, it is not intended to suggest that the board may unilaterally rescind a binding contract.

Motion 17. To Prevent Reintroduction for [Six] Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to [a majority] [two-thirds] of the entire membership of the board. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the board, whichever occurs first.

> **Comment:** This is a "clincher" motion to prevent the same motion from being continually introduced when the subject has been thoroughly considered. There is no comparable motion in *RONR*, although the objection to consideration of a question accomplishes much the same purpose.
>
> Because this motion curtails a member's right to bring a matter before the board, a vote equal to either a majority or two-thirds, at the board's option, of the entire membership is required. See the *Comment* to Rule 16(b), Motion 5, for an illustration of how this requirement works.
>
> As with every other motion, a clincher motion may, in effect, be dissolved by a motion to suspend the rules [see Rule 16(b), Motion 5]. Six months is merely a suggested time; the board may shorten or lengthen the time as it sees fit. In order to give a new board a clean slate, the motion is not effective beyond the next organizational meeting of the board.

Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

> **Comment:** As noted in the *Comment* to Rule 16(b), Motion 16, in North Carolina each meeting of a small local government board is in many respects a separate, new event. Thus, while matters of old business may be carried over from one meeting to another, it is also the case that matters that are disposed of at one meeting may be brought up again at a subsequent meeting through a new motion, unless a motion to prevent reintroduction was previously adopted [Rule 16(b), Motion 17].

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

> **Comment:** *RONR* provides that once a motion has been stated by the chair for debate, it cannot be withdrawn without the assembly's consent. Such a procedure is unnecessary for a small board. However, this rule does prohibit withdrawing motions after they have been amended. Once a motion has been amended, it is no longer the same motion as was made by the introducer, so it is no longer his or hers to withdraw.

Rule 19. Duty to Vote

[Each member shall be permitted to abstain from voting, by so indicating when the vote is taken.] [Every member must vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as [an affirmative vote] [a vote with the prevailing side]].

> **Comment:** Some local boards allow abstentions, others do not. A board may choose either version of this rule. Those boards that do not allow members to abstain may instead choose to allow members to be excused from voting in particular cases, typically when a personal interest of the member, as defined by the board or by law, is implicated by the decision being made.
>
> The first consequence set out under the second option for refusing to vote when one has not been excused is the same as that provided in G.S. 160A-75 for city councils in North Carolina. To govern such cases, a board may adopt this "failure to vote counts as a 'yes' vote" rule or some other policy such as the second consequence (failure to vote counts as a vote with the prevailing side).

Rule 20. Special Rules of Procedure

The board may adopt its own special rules of procedure, to be specified here.

> **Comment:** Some boards may wish to provide special rules for certain situations (for example, requiring a vote equal to a majority or two-thirds of the entire membership of the board for approval of certain motions, or specifying a particular procedure for selecting the board's chair), either because of statutory requirements or other concerns.

Rule 21. Closed Sessions

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed

session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to [adjourn] [recess] shall not be in order during a closed session [Rule 16(b), Motion 2].

> **Comment:** This rule states some of the requirements of G.S. 143-318.11(c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11(a)(1) or, in some cases, on G.S. 143-318.11(a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11(a). Note, however, that adjournment or recessing pursuant to Rule 16(b), Motion 2, is *not* an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 24.

Rule 22. Quorum

A majority of the actual membership of the board [excluding vacant seats] shall constitute a quorum. A majority is more than half. The chair [shall] [shall not] be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

> **Comment:** A majority of the membership is generally considered a quorum for most deliberative bodies. Under this rule the board must decide whether it wishes to include or exclude vacant seats in determining the number of board members on which a quorum will be based. Either option is acceptable unless a specific statute or other rule governing the board specifies how a quorum is to be determined. For example, city councils in North Carolina must exclude vacant seats from the count (G.S. 160A-74), while boards of county commissioners must include them (G.S. 153A-43). The rule allows the board to choose whether to count the chair as a board member for quorum purposes; the board may choose not to count the chair if that person has a vote only in the case of a tie. The last sentence of this rule prevents a member from defeating a quorum by simply leaving the meeting.

Rule 23. Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The

requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, [the board shall vote to open the hearing and] the chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer [shall declare the hearing ended] [shall entertain or make a motion to end the hearing].

Comment: Local boards may be required or may desire to hold public hearings from time to time concerning particular matters. The power to do so can probably be implied from the fact that the board was created to deal with matters of public concern, unless a specific statute provides otherwise. The board should consult its enabling statutes and its attorney if it has any questions about its authority to conduct public hearings.

This rule provides a procedure for calling public hearings. It also provides for the board to adopt rules governing the conduct of hearings and to continue hearings without further advertisement. These provisions are very similar to the authorizations in the public hearing statutes for city and county governing boards (G.S. 160A-81 and 153A-52, respectively) and can be followed by most small local government boards that are authorized to hold public hearings.

Public hearings, like other board meetings, are also subject to the notice, continuation, and other requirements of the open meetings law, if a majority of the board is present at the hearing, since legally such a hearing is part of a meeting of the board. Appointed or elected committees of the board are probably also covered by this law, although this point is not completely free from doubt. Those requirements are reflected in this rule. As part of a board or committee meeting, a hearing may be continued to another day if the procedure for recessing meetings to a time and place certain is followed. In keeping with the spirit of the open meetings law, the rule requires that all persons desiring to be present at a hearing covered by that law be given the opportunity to listen to the proceedings—outside the meeting room, if necessary—if the room is too small to accommodate all of them.

Some boards vote to open and close public hearings, while others simply allow the chair to declare the hearing open and closed. Either practice is acceptable, and the board may choose either option as its rule.

Rule 24. Minutes

Full and accurate minutes of the board proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves.

Minutes and general accounts of closed sessions may be sealed by action of the board. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Comment: The open meetings law requires that full and accurate minutes be maintained of all official meetings of all public bodies, including closed sessions [G.S. 143-318.11(a)]. The minutes are the official legal record of board actions and are a matter of public record. To be "full and accurate," they must include all actions taken by the board and must note the existence of conditions needed to take action, such as the existence of a quorum. However, the minutes need not record the board's discussion. Particular comments by members or other persons may be included in the minutes if the board so desires. Since the board usually takes action by motion (Rule 8), all motions that are made must be included in the minutes, along with a record of the motions' disposition. The rule also allows any member to request that the minutes

include a record of how each member voted.

Under the open meetings law, the board must also keep a "general account" of what transpires in closed sessions. This wording probably requires that a somewhat more detailed account of these sessions be kept than would typically be found in the minutes, especially if the minutes record only actions and conditions needed to take action. The board should consult with its attorney concerning what general accounts of closed sessions should include.

Finally, the rule includes the permission granted in G.S. 143-318.11(e) to withhold minutes and general accounts of closed sessions from public inspection for as long as necessary to avoid frustrating the purpose of the closed session. Note that the statute permits, but does not require, closed session minutes and general accounts to be sealed. The board should vote to seal these records if it wishes to do so or is advised to do so by its attorney. It must also provide for their unsealing, either by board action or by action of an agent of the board, such as its attorney, if and when the closed session's purpose would no longer be frustrated by making these records public. For a discussion of minutes and general accounts of closed sessions, see David M. Lawrence, "1997 Changes to the Open Meetings and Public Records Laws," *Local Government Law Bulletin* No. 80 (August 1997).

Rule 25. Appointments

The board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session.

The board shall use the following procedure to make appointments to various other boards and committees: [The appointment committee of the board shall report on nominations received and reviewed and make its appointment recommendations, if any.] The chair shall [then] open the floor for nominations, whereupon the names of [other] possible appointees may be put forward by the board members. The names submitted [by the committee and by individual board members] shall be debated. When the debate ends, the chair shall call the roll of the members, and each member shall cast his or her vote.

[The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.]

[The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.]

Comment: The first paragraph of this rule states some of the requirements of the open meetings law concerning appointments by public bodies. The options presented in the following paragraphs detail some of the possible methods that may be used to make appointments. If the board wishes to vote by written ballot, it should consult Rule 13, which states the requirements of the open meetings law for use of written ballots by public bodies.

Some boards use an appointment committee. The committee receives nominations from the board members and perhaps from other persons, reviews the nominees' qualifications, and reports its recommendations to the full board. This procedure is provided for by the optional language in the second paragraph of the rule. Many boards also use public advertisements to solicit applications for appointment from citizens. See Rule 26 concerning the applicability of the open meetings law to all board committees, including the appointment committee.

Rule 26. Committees and Boards

(a) Establishment and Appointment. The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

> **Comment:** Rule 26(a) recognizes that it is common for many boards to appoint committees or other groups to aid the board in its work. Such groups may be composed of board members only, of other persons only, or of a combination of board members and other persons. Specific statutes may govern some of these committees and boards.
>
> Rule 26(b) states requirements of G.S. 143-318.10(b) and (c) (parts of the open meetings law). In determining if a group is covered by the open meetings law, whether the group is called a commission, authority, or committee is generally not important, nor does it matter who within the local government established the group.
>
> At least two ambiguities exist concerning the open meetings law's coverage with respect to local governments. First, the law does not apply to "a meeting solely among the professional staff of a public body." The scope and meaning of this statutory phrase is unclear. Second, it is sometimes difficult to determine the circumstances in which nonprofit entities are subject to the law. For more information on these points, see David M. Lawrence, *Open Meetings and Local Governments in North Carolina: Some Questions and Answers*, 5th ed. (Chapel Hill: Institute of Government, 1998): 2–5.

Rule 27. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

> **Comment:** Local boards may generally amend their rules of procedure whenever they choose, unless a statute or a rule of the body that created the particular board provides otherwise. To ensure that any amendments adopted reflect the will of the board majority, a vote equal to a quorum is required to approve an amendment.

Rule 28. Reference to *Robert's Rules of Order*

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

> **Comment:** *RONR* was designed to govern large legislative assemblies, and many of its provisions may be inappropriate for small boards. Nevertheless, it is a good source of parliamentary procedure; care should simply be taken to adjust *RONR* to meet the needs of small local government boards.

Appendix A

Some of the Procedural Statutes Governing Some Small Local Government Boards in North Carolina

Note: The North Carolina General Statutes are referred to as G.S.

Alcoholic Beverage Control Board
G.S. 18B-700

Appearance Commission
G.S. 160A-451

Area Mental Health, Developmental Disabilities, and Substance Abuse Authority
G.S. 122C-116, -118 to -119.1

Board of Adjustment
City: G.S. 160A-388
County: G.S. 153A-345

Board of Education
G.S. 115C-35, -37 to -37.1, -39, -41, -45

Board of Elections
G.S. 163-30 to -31, -33.1

Board of Equalization and Review
G.S. 105-322

Board of Health
G.S. 130A-35, -37

Board of Social Services
G.S. 108A-1 to -7

Community-Based Alternatives Youth Services Advisory Committee
G.S. 7A-289.13

Community Child Protection Team and Child Fatality Prevention Team
G.S. 143-576.1 to -576.6, 143-578

Dangerous Dog Board and Appellate Board
G.S. 67-4.1(c)

Economic Development Commission
G.S. 158-8 to -9

Fire Protection District Commission
G.S. 69-25.7

Historic Preservation Commission
G.S. 160A-400.7

Hospital Authority Board of Commissioners
G.S. 131E-17 to -19, -21 to -22

Housing Authority
G.S. 157-5 to -8, -34, -36

Library Board of Trustees
G.S. 153A-265 to -266

Metropolitan Sewerage District Board
G.S. 162A-67

Metropolitan Water District Board
G.S. 162A-34

Municipal Hospital Governing Authority
G.S. 131E-7(c), -9

Parks and Recreation Commission
G.S. 160A-354

Planning Agency
City: G.S. 160A-361
County: G.S. 153A-321

Public Transportation Authority
G.S. 160A-577

Regional Council of Governments
G.S. 160A-473

Regional Planning Commission
G.S. 153A-392, -394

Regional Solid Waste Management Authority
G.S. 153A-424 to -425

Regional Sports Authority
G.S. 160A-479.4 to -479.5

Sanitary District Board
G.S. 130A-50, -54, -56

Soil and Water Conservation District Board of Supervisors
G.S. 139-6 to -7

Water and Sewer Authority
G.S. 162A-5

Watershed Improvement Commission
G.S. 139-41

Appendix B

Some of the Procedural Statutes Governing Some Small Local

THE PROCEDURAL MOTIONS permitted under these rules are set out in full in Rule 16(b). Under that rule all procedural motions are debatable and none require a second. All may be amended, subject to the stated limitations on motions to amend [Rule 16(b), Motion 13]. Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required number of votes is the same number as is required for a quorum. Thus, for example, if a quorum of a board is four, the number of votes required to adopt the motion is four.

Motion	Vote Required	Special Requirements
1. To Appeal a Procedural Ruling of the Presiding Officer [page 16]	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
2. To Adjourn [page 17]	Majority	May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c).
3. To Take a Brief Recess [page 17]	Majority	None.
4. Call to Follow the Agenda [page 18]	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
5. To Suspend the Rules [page 18]	[Majority] [Two-thirds] of entire membership	The board may not suspend provisions of the rules that state requirements imposed by law on the board.
6. To Go into Closed Session [page 18]	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning

			which the public body expects to receive advice during the closed session, if in fact such advice is to be received.
7.	To Leave Closed Session [page 19]	Majority	None.
8.	To Divide a Complex Motion and Consider It by Paragraph [page 19]	Majority	None.
9.	To Defer Consideration [page 19]	Majority	A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration is adopted. (See Motion 14.) While a deferred motion remains pending, a new motion with the same effect cannot be introduced. **Caution:** Do not confuse with Motion 11.
10.	Motion for the Previous Question [page 20]	Majority	Not in order until there have been at least [20] minutes of debate and every member has had an opportunity to speak once.
11.	To Postpone to a Certain Time or Day [page 20]	Majority	While a postponed motion remains pending, a new motion with the same effect cannot be introduced. **Caution:** Do not confuse with Motion 9.
12.	To Refer a Motion to a Committee [page 21]	Majority	[60] days or more after a substantive motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.
13.	To Amend [page 21]	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the amendment would have the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed [order] [policy] [regulation] [resolution] shall be reduced to writing before the vote on the amendment.

14. To Revive Consideration [page 22]	Majority	In order at any time within [100] days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the [100] day period results in expiration of the deferred substantive motion.
15. To Reconsider [page 23]	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail). May only be made at the meeting during which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
16. To Rescind or Repeal [page 23]	Majority	Not in order if rescission or repeal of an action is forbidden by law.
17. To Prevent Reintroduction for [Six] Months [page 23]	[Majority] [Two-thirds] of entire membership	In order immediately following the defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the board, whichever occurs first.

Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0030

Agenda Date: 2/2/2014 **Version:** 1 **Status:** Agenda Ready

In Control: Board of Aldermen **File Type:** Abstract

Agenda Number: 1.

TITLE:
Affordable housing goals, strategies, and timeline

PURPOSE: To receive an update from the board's Affordable Housing Task Force

DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire - 919-918-7327; Tina Moon - 919-918-7325

INFORMATION: The Affordable Housing Task Force has continued to meet and discuss the development of an affordable housing strategy for the Town. Since the June 2013 Retreat, Planning Board and Transportation Advisory Board representatives (Bethany Chaney and Seth LaJeunesse) have been participating. The Task Force has also been sharing information and considering partnership opportunities with the Orange County Affordable Housing Coalition (including EmPOWERment, Community Home Trust, Orange County Habitat for Humanity, the ARC of North Carolina, Justice United, the Centre for Homeownership (Hillsborough), the Jackson Center, and CASA). Based on these discussions, the Task Force has begun to outline goals and strategies and identify possible benchmarks for implementation.

FISCAL & STAFF IMPACT: None related to receiving the update. Other impacts to be determined based on discussion and scheduling of next steps.

RECOMMENDATION: Receive the update and provide feedback to the Task Force.

Affordable Homeownership (Target income range is 60%-115% AMI)

Goal

1) Increase number of homeownership units that are permanently affordable in Carrboro. 2014 goal is ###, increasing annually.

2) Fully evaluate and reduce housing density restrictions to slow the climb of housing prices and diversify housing stock, particularly in high transit areas.

3) Decrease barriers to first-time homeowership and to homeownership retention, prticularly among seniors

4) Continuously improve public transit access, with a particular eye to moderate-income homeownership communities and developments with an affordability component

Strategies	By When?
Decide whether or not to modify the ordinance to reflect a model that will both incentivize developers and respond to market conditions.	Q3 2015
Gather more data from the developers about what percentages will work to both incentivize them and respond to the market condition	Q1-Q3 2014
Waivers for impact and tap fees for affordable units only	Q2 2014
Identify/build dedicated subsidy source to assist with land trust transactions	Ongoing
Schedule a community discussion to examine open space requirements and their implications on housing prices and the feasibility for inclusion of affordable units	Q4 2014 - Q1 2015
Explore opportunities to modify zoning and land-use ordinances related to in-fill residential, connected housing, zero lot-line housing, and mixed-use developments.	Q2 2015
Gather additional data and determine whether modifications to parking requirements could materially affect homeownership prices, development opportunities, and density. Unbundled parking for condominiums and townhouses should be included in this analysis.	Q2 2015
Develop and implement a clear set of priorities and policies for the use of payment-in-lieu and/or other dedicated funding that includes opportunities to support this goal. Potential priorities could include:	Q3 2014
--Downpayment assistance for families participating in local homebuyer education programs	Q3 2014
--Grants for critical home repairs, energy efficiency, upfits to accomodate changing mobility, etc.	Q3 2014
Partner with CHT, and homeowners associations to identify and pursue opportunities to fund or otherwise make practical greater transit service to growing areas, including feeder systems to main routes.	Ongoing
Determine whether subsidizing transit access should be an approved use for payment-in-lieu or other dedicated housing funds.	Q3 2014
Play a leadership role at local and regional transit 'tables' to ensure future transit priorities and policies support affordable housing goals	Ongoing

Partners/Resources Needed

CHT and other non-profit housing providers, Developers

Developers, non-profit housing providers

Already in place - impact, permitting fees for non-profits. Staff to research further.
Anticipate better understanding of opportunities through research with developers about density bonuses and countywide discusion/update of Consolidated Plan.

For- and non-profit housing providers, citizens, environmental advocates, recreation advocates

Intern? Graduate Planning workshop? Development community

Intern? Graduate Planning workshop? Development community

Housing Coalition, Triangle J

Federal and state funding for downpayment assistance, energy upfits, repairs, etc.

Chapel Hill Transit, developers, HOAs, transit alliance

Developers

Affordable Housing Committee – Update January 2014

Our committee has been meeting and working to identify short-term and long-term goals. In the last few months a question was raised about our plan to move forward with the previous suggestion of changing the income targets from 80%-60% and percentage of suggested affordable units from 12-15%. After talking with the planning staff our committee and consulting with the Home Trust we aren't convinced that the previous suggested changes will result in more affordable units. We want to gather more information and have a meeting scheduled in February with Dan Jewel and Ron Strom to discuss what other options are available to us for incentivizing developers. Our hope is that we can come up with a plan and formula that will both incentivize developers and provide more affordable housing units or revenue to appropriate to affordable housing efforts. We are hopeful that the goals outlined in the retreat agenda will allow us to move forward on a comprehensive affordable housing strategy.