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Article I

GENERAL ADMINISTRATION

Section 3-1. Manager

(a) Appointment. The Board shall appoint a manager to serve at its pleasure. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or state at the time of his appointment.

(b) Power and Duties. The manager shall be the chief administrator of the town. He shall be responsible to the board for administering all municipal affairs placed in his charge by them, and in addition to those powers and duties assigned to him by the town charter and by other provisions of law, he shall:

- (1) Appoint and suspend or remove all town officers and employees not elected by the people, except those whose appointment or removal is otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the board may adopt;

- (2) Direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the board, except as otherwise provided by law;
- (3) Attend all meetings of the board and recommend any measure that he deems expedient;
- (4) See that all laws of the state, the town charter, and the ordinances, resolutions of the board are faithfully executed within the town;
- (5) Prepare and submit the annual budget and capital program to the board;
- (6) Annually submit to the board and make available to the public a complete report of the finances and administrative activities of the town as of the end of the fiscal year;
- (7) Make any other reports that the board may require concerning operations of town departments, offices, and agencies;
- (8) Execute all contracts, licenses on behalf of the Town, except that (i) the Board may by resolution authorize other officials to execute specific documents and (ii) the manager may, in writing, delegate to other employees the authority to execute specific documents or classes of documents; (Amend. 6/17/03)
- (9) (i) Enter into contractual agreements that commit the Town to purchase goods and services when the Board of Aldermen has previously authorized the acquisition of such goods and services or if the Board of Aldermen has not previously authorized the acquisition of such goods or services, when the amount is less than \$5,000; (Amend. 6/17/03)  
  
(ii) In emergencies, the manager may enter into contractual agreements for any amount. Contractual agreements entered into during an emergency must be brought before the Board of Aldermen during a public meeting for review and approval at the earliest possible date. For the purposes of this subsection, an “emergency” is defined as “a sudden or unexpected occurrence or occurrences, which jeopardize the safety or the Town’s citizens, such as but not limited to fire or electrical outage.” (Amend. 6/17/03)  
  
(iii) The manager may, in writing, delegate the authority granted by this subsection to other employees. (Amend. 6/17/03)
- (10) Act as executive director of the downtown development commission, serving as coordinator and resource person in development of plans and as the representative and spokesman in the negotiation and implementation of the plans. (Amend. 3/26/85)
- (11) Perform any other duties that may be required or authorized by the board.

Section 3-2. Clerk

(a) Appointment. The Board shall appoint a town clerk to serve at its pleasure.  
(Amend. 3/21/89)

(b) Duties. The town clerk shall:

- (1) Give notice of meetings of the board;
- (2) Keep a journal of the proceedings of the board;
- (3) Record in a book kept for the purpose all ordinances and resolutions;
- (4) Be the custodian of all town records;
- (5) Authenticate the signature of the manager or authorized Town representative on all contracts, licenses, or other Town documents as provided in Section 3-3 of the Town Charter. (Amend. 6/17/03)
- (6) Perform other such duties as are prescribed by law or by the town charter or required by the board or by the manager.

Section 3-2.1 Town Clerk to Accept Statements of Domestic Partnerships (Amend. 9/13/94, effective 10/11/94)

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

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

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

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

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

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

(1) The domestic partnership is terminated, effective on the date specified; and

(2) A copy of the termination statement has been mailed or delivered to the other domestic partner.

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

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

### Section 3-3. Attorney

The Board shall appoint a town attorney to serve at its pleasure. (Amend. 3/21/89)

## Article II

### FINANCE

#### Section 3-4. Finance Officer

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

#### Section 3-5. Budget Director

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

#### Section 3-6. Tax Collector

(a) Appointment. The board shall appoint a tax collector to serve for a term of two years and until his successor has been appointed and qualified. The board may remove the tax collector under the circumstances and in accordance with the procedure specified in G.S. 105-349(a). The tax collector shall not begin his duties until he has furnished a bond in accordance with G.S. 105-349(c), nor shall he continue collecting taxes after such bond has expired without renewal.

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

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

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

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

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as (deputy) tax collector of the Town of Carrboro, and that I will not allow my actions as tax collector to be influenced by personal or political friendships or obligations, so help me God."

Section 3-7. Human Services Advisory Commission Established (Amend. 10/9/84)

(a) There shall be a Human Services Advisory Commission consisting of seven members appointed by the Board of Aldermen. Members shall be residents of the Town of

Carrboro and one member may be a resident of either the town or the town's extraterritorial planning area.

(b) Members may be removed as follows: (Amend. 5/27/86)

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause.
- (4) Members who represent the local school system shall automatically be removed from the commission if their affiliation with these units ends. (Amend. 5/27/86, 12/8/08)

(c) The members of the commission shall serve three-year staggered terms. The terms of all members appointed on the effective date of this subsection and the terms of all seats that are vacant on the effective date of this sub-section shall expire on January 31, 1987. Effective February 1, 1987, three members shall be appointed for initial terms of three years, two members shall be appointed for initial terms of two years, and two members shall be appointed for initial terms of one year. (Amend. 5/27/86)

(d) Members of the commission may be appointed to successive terms without limitation.

Section 3-8. Meetings and Officers of Human Services Advisory Commission (Amend. 10/9/84)

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

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

(c) The Board of Aldermen shall appoint a chairperson and vice-chairperson of the commission. These officers shall serve annual terms unless their terms of appointment to the commission sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues. (Amend. 12/8/08)

Section 3-9. Powers and Duties of Human Services Advisory Commission (Amend. 10/9/84)

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

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

Section 3-9.1. Budget Review Committee Established (Amend 11/18/97)

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

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

(c) Members may be removed as follows:

- (1) The chairman shall file or cause to be filed with the Town Clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings in any twelve month period. The Town Clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman shall have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member, which shall be effective on the date of such notice.

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

(d) Members of the Committee may be appointed to successive terms in the Board of Aldermen's discretion.

Section 3-9.2. Meetings and Officers of the Budget Review Committee (Amend. 11/18/97)

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

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

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

Section 3-9.3. Powers and Duties of The Budget Review Committee (Amend. 11/18/97)

(a) The Budget Review Committee shall review the annual operating budget, capital improvements plan and any other documents submitted to the Board of Aldermen for its deliberation and discussion of the budget and make recommendations to the Board of Aldermen by the second week in June of each calendar year concerning: (1) the budget document and its format; (2) the services and service levels of the operating budget and capital improvements plan; (3) the overall direction of the annual operating budget and capital improvements plan; and, (4) any other matter relating to the annual operating budget, the capital improvements plan and the Town's fiscal policies which the Committee wishes to bring to the attention of the Board of Aldermen.

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

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

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

## Article III

### PERSONNEL

#### Section 3-10. Personnel Responsibilities of Manager

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

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

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

(a) The manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the manager the need for new positions, and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of existing positions.

(b) New positions shall be established only with the approval of the board after which the town manager shall either allocate the new position to the appropriate class within the existing classification plan or recommend to the board that it amend the position classification plan to establish a new class to which the new position may be allocated.

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

- (1) Direct that the existing class specification be revised; or
- (2) Re-allocate the position to the appropriate class within the existing classification plan; or
- (3) Recommend that the Board amend the position classification plan to establish a new plan to which the position may be allocated.

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

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

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

(b) The pay plan shall not apply to the town clerk, town attorney, and town manager positions, whose compensation shall be determined annually by the Board of Aldermen. (Amend. 2/6/96)

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

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

#### Section 3-14. Reserved

## Article IV

### PUBLIC SAFETY

#### Section 3-15. Police Department

(a) The police department shall consist of a chief of police and as many other employees as the Board from time to time may authorize.

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

- (1) Take, subscribe and file with the clerk the oath of office prescribed by Article VI, Section 7 of the North Carolina Constitution;
- (2) Have all the powers invested in law enforcement officers by statute or common law within the corporate limits of the town and within one mile thereof and on all property owned or leased by the town.

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

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

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

#### Section 3-17. Fire Department

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

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

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

Section 3-18. Auxiliary Fire Department Personnel

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

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

Section 3-19. Reserved

## Article V

### PLANNING AND REGULATION OF DEVELOPMENT

#### Section 3-20. Planning Department

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

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

#### Section 3-21. Planning Board (Amend. 9/25/79)

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

#### Section 3-22. Board of Adjustment (Amend 9/25/79)

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

#### Section 3-23. Appearance Commission (Amend. 9/25/79)

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

#### Section 3-24. Transportation Advisory Board Established (Amend. 3/25/80)

(a) There shall be a transportation advisory board (TAB) consisting of eight members appointed by the board of aldermen. Six members shall be residents of the town, and one member shall be a resident either of the town, the town's extraterritorial planning jurisdiction, or the town's joint planning transition area. All such members ("regular members") shall be interested in or have expertise relevant to the duties of the TAB. The eighth member (the "liaison member") shall be a member of the board of aldermen and shall act as a liaison between the board of aldermen and the TAB. (Amend. 4/22/2003, 4/7/2009)

(b) The liaison member shall serve at the pleasure of the Board. Other members may be removed as follows: (Amend. 5/27/86)

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal

under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

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

(c) The liaison member shall be appointed by the Board every two years at, or shortly after, the Board's organizational meeting when other appointments to Board committees are made. Regular TAB members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all regular seats on the TAB on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, three members shall be initially appointed for three-year terms, two members shall be initially appointed for two-year terms, and two members shall be initially appointed for one-year terms. Vacancies shall be filled for the unexpired terms only. (Amend. 5/27/86)

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

#### Section 3-24.1 Meetings and Officers of TAB (Amend. 3/25/80)

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

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

(c) The TAB shall designate one of its members to serve as chairperson and one member to serve as vice-chairperson. These officers shall be selected annually at the board's first regular meeting in November and shall serve for terms of one year unless their terms of appointment to the board sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues. (Amend.1/24/84, 12/8/08)

#### Section 3-24.2 Powers and Duties of TAB (Amend. 3/25/80)

(a) The TAB shall conduct studies and advise and make recommendations to the board of aldermen concerning all matters relating to the transportation within the Town of Carrboro and the surrounding area, including, but not limited to, the need for the construction, operation, relocation, or improvement of streets, sidewalks, and bikeways, as well as the establishment and improvement of alternative methods of mass transportation.

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

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

Section 3-24.3. Economic Sustainability Commission Established (Amend. 3/26/85, 6/7/05)

(a) There shall be an Economic Sustainability Commission composed of nine members appointed by the Board of Aldermen. The Board shall endeavor to appoint members such that the membership of the commission will include three residents of the town, at least one of whom should reside within the downtown area, three owners of businesses within the town, and three at large members.

(Amend. 4/10/90, 6/7/05)

(b) Members of the commission shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. The terms of three seats shall expire on February 1, 2006 and every third anniversary thereafter. The terms of three seats shall expire on February 1, 2007 and every third anniversary thereafter. The terms of three seats shall expire on February 1, 2008 and every third anniversary thereafter. (Amend. 5/27/86, 4/10/90, 6/7/05)

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

(d) Members may be removed as follows: (Amend. 5/27/86)

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

Section 3-24.4 Meetings and Officers of Commission (Amend. 3/26/85)

(a) The commission shall hold regular meetings at least monthly at such times and places as it shall designate. (Amend. 6/7/05)

(b) A quorum for the commission shall consist of five members, except that if there are two or more vacant seats, a quorum shall consist of four members. All actions of the commission shall be taken by majority vote of those present and voting, a quorum being present. (Amend. 6/7/05)

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

(d) The commission shall designate one of its members to serve as chairperson and one to serve as vice-chairperson. These officers shall be selected annually at the commission's first meeting in April and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues. (Amend. 12/8/08)

Section 3-24.5. Powers and Duties of Commission (Amend.3/26/85)

(a) The commission may: (Amend. 6/7/05)

- (1) Evaluate commercial growth, development, and redevelopment to ensure projects correspond with the town's sustainability goals and the triple bottom-line sustainability principles:
  - Do no harm to the environment and protect natural resources.
  - Adhere to the principles of social justice and equity in economic and community development efforts.
  - Return strong stakeholders value.
- (2) Promote the development and expansion of diverse job opportunities, providing for economic opportunity and mobility.
- (3) Administer the Revolving Loan Fund.
- (4) Work closely with the Town Manager or his designee for dealing with sustainability issues.
- (5) Make studies and recommend to the Board plans, goals, and objectives relating to the growth, development, and redevelopment of the town.
- (6) Recommend to the Board site-specific plans for the commercial development of various lots within the town, showing recommended types of development for these specific lots.
- (7) Recommend to the Board plans for the improvement of access to and circulation within the town by motorists (including parking), public transportation users, bicyclists, and pedestrians.

- (8) Upon request of the board of adjustment or board of aldermen, make recommendations to the respective board on requests for special or conditional use permits or land use ordinance text or zoning map changes.
- (9) Perform any other duties assigned by the Board.

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

#### Section 3-24.6. Neighborhood Forum(Amend. 12/13/94)

(a) Preamble. As Carrboro grows in population and its boundaries expand, its citizens seek opportunities to enlarge their circle of acquaintances as well as to feel a part of the entire community. Expanding acquaintances and feeling a part of the Carrboro community engenders cooperation, respect, and a sense of tradition and history that is needed amidst the diverse, mobile and rapidly changing world challenging the citizens of Carrboro.

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

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

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

- (1) Wholeness Incorporating Diversity. Diversity in Carrboro represents a breadth of tolerance and sympathy which allows for adaptation and renewal in a changing world. Wholeness of community means pluralism that achieves coherence among diverse groups which are given the right to pursue their proposes within the law, retain their identity and share in the setting of larger goals while working and caring for the common good of all citizens.
- (2) A Reasonable Base of Shared Values. A community teaches core values about what affects the common good and the future. The lessons that the community can impart through its traditions, history and collective memory can form a reasonable framework of shared values that heal and strengthen its members.

- (3) Caring, Trust and Teamwork. A climate of caring, trust and teamwork, where citizens deal with each other humanely and with respect for differences and the value of the individual, fosters cooperation, connectedness and community. Ways for resolving disputes and conflict should be developed not to abolish conflict but to achieve constructive outcomes when conflicts arise.
- (4) Effective Internal Communications. Fostering communication between all citizens from different neighborhoods in a tradition of civility and common language can reduce misunderstanding and increase effective communications within the community.
- (5) Participation. Participation allows all citizens from leaders and volunteers, children and adults to have a role to play in the civic health of Carrboro.
- (6) Affirmation. A healthy community reaffirms itself and its shared purpose by nourishing its own morale, facing up to its flaws and criticism, and having confidence in itself.
- (7) Links Beyond Community. Each community nests within a bigger one. Neighborhoods nest within larger communities which nest within the town. Each one needs to recognize its responsibility to the larger whole.
- (8) Development of Young People. A community should prepare its young people for leadership, instill shared values and foster commitment to shared purposes and a common heritage.
- (9) A Forward View. A community needs to examine where it should go and what it may become.
- (10) Institutional Arrangement for Community Maintenance. Government and members of the community who share leadership tasks must provide community maintenance and think of the fate of the community as a whole.

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

- (1) Work together with their town government to improve the quality of life in all neighborhoods by removing barriers between neighborhoods and between neighborhoods and town government.
- (2) Serve as a means of gathering opinions through open discussion by its membership concerning issues that affect the quality of life in neighborhoods and to communicate those various points of view to the Mayor and Board of Aldermen. These discussions should also develop a deeper understanding of these issues among the neighborhoods.

- (3) Assist the Mayor and Board of Aldermen in their deliberations as they may request (e.g. providing information, opinions, and feedback on service quality, efficiency and effectiveness of town government).
- (4) Foster the need to preserve and renew the citizens' common heritage and community stemming from residency in Carrboro.
- (5) Foster the cooperation, connectedness and collaboration that sustains community.
- (6) Identify morale building activities, such as block parties, dances and celebrations, and other positive ways to which the citizens of Carrboro can celebrate their life and community together.
- (7) Let citizens get to know each other better.
- (8) Foster a web of personal acquaintances that transcend neighborhoods, churches, non-profit organizations and other subgroups in the town.

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

- (1) To the extent possible, neighborhoods may be grouped so as to provide equity in representation.
- (2) New neighborhoods will be assigned to an existing neighborhood until such time as their size indicates a need for individual representation.
- (3) Members will serve for one year with the right to be re-appointed for a second term and the right to be re-appointed thereafter after an absence from the Forum for a minimum of one year.

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

- (1) Allowance will be made for ambivalence, for questions, for ideas to be tested, and for connections to be made.
- (2) Members are encouraged to draw on their own life experience and imagination and to use their own sense of what seems right.
- (3) Emotion is a vital part of public discussion.
- (4) Every member plays a meaningful role.

- (5) No neighborhood carries more weight than any other.
- (6) A safe environment will be created for members to express beliefs, opinions and feelings, to change their minds, and to share responsibilities and control.

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

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

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

Section 3-24.7. Greenways Commission Created (Amend. 6/26/07, 10/2/07, 3/16/10, 6/28/11)

(a) There shall be a Greenways Commission composed of 11-12 voting members appointed by the Board of Aldermen. The Board shall endeavor to appoint members such that the membership of the commission will include at least four residents of the town and at least six representatives of the community at large,

- Planning Board (1 seat)
- Recreation and Parks Commission (1 seat)
- Environmental Advisory Board (1 seat)

- Transportation Advisory Board (1 seat)
- At-large representatives (6 seats)
- Board of Aldermen Liaison (1-2 seats)

(b) There shall also be appointed three alternate members who may participate in all deliberations and vote on all matters in the absence of any regular member.

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

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

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

(d) Members of the commission shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. The terms of five seats and one alternate shall expire on July 1, 2008 and every third anniversary thereafter. The terms of five seats and one alternate shall expire on July 1, 2009 and every third anniversary thereafter. The terms of five seats and one alternate shall expire on July 1, 2010 and every third anniversary thereafter.

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

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report from time-to-time identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The Town Clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

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

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

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

(a) The commission shall hold regular meetings at least quarterly at such times and places as it shall designate. (Amend. 8/23/11)

(b) A quorum for the commission shall consist of six members, except that if there are two or more vacant seats, a quorum shall consist of five members. All actions of the commission shall be taken by majority vote of those present and voting, a quorum being present. (Amend. 3/16/10)

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

(d) The commission shall designate one of its members to serve as chairperson and one to serve as vice-chairperson. These officers shall be selected annually at the commission's first meeting in April and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues. (Amend. 12/8/08)

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

(a) The commission shall recommend to the Board policies, programs, and actions that may assist the town in safeguarding the water quality, environment and livability of the community by establishing greenways. For purposes of this section, the term "greenways" refers to unbroken chains of preserved open space surrounding stream and wildlife corridors, headwaters, water recharge areas, and significant ecosystems that also provide bicycle and pedestrian connections between neighborhoods and for the community. The commission may

also encourage effective stewardship and management of such greenways and promote educational, recreational, and public health usage consistent with the protection of this resource.

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

Article VI

PUBLIC WORKS AND UTILITIES

Section 3-25. Public Works Department

(a) The public works department shall consist of the public works director and as may other employees as the Board may authorize from time to time.

(b) The public works department shall be responsible for maintaining all town-owned property, and performing any other duties assigned to it by the manager.

Section 3-25.1 Citizens Cemetery Advisory Committee Established (Amend. 5/11/82) (Repealed 5/20/2008)

Section 3-25.3. Powers and Duties of Citizens Cemetery Advisory Committee (Amend. 5/11/82) (Repealed 5/20/2008)

## Article VII

### RECREATION

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

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

(b) The recreation and parks department shall be responsible for conducting the various recreational programs and activities run by the town and for maintaining the town's parks and other recreational facilities.

#### Section 3-27. Recreation and Parks Commission (Amend. 8/19/97)

(a) There shall be a recreation and parks commission composed of ten members appointed by the board of aldermen. One member shall be selected as a representative from the local school system. Of the remaining nine at-large members, seven shall be residents of the town and two shall be residents of Orange County, outside the town limits. However, if, despite good faith efforts, out-of-town residents cannot be found to fill the two out-of-town seats on the commission, then the Board of Aldermen may appoint other Carrboro residents to fill these seats. (Amend. 5/11/80, 1/27/87, 12/8/08)

(b) Members of the commission shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. Initially, the terms of all seats on the commission on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, two in-town at-large members and one out-of-town at large member shall be initially appointed for three year terms; three in-town at-large members and one out-of town at-large member shall be initially appointed for two-year terms; and two in-town at large members and the school representative shall be initially appointed for one-year terms. Vacancies shall be filled for the unexpired terms only. (Amend. 5/13/80, 5/27/86, 12/8/08)

(c) Commission members may be removed as follows: (Amend. 10/21/86)

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

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

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

Section 3-28 Meetings and Officers of Commission (Amend. 9/25/79)

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

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

(c) The commission shall designate one of its members to serve as chairperson and one member to serve as vice- chairperson. These officers shall be selected annually at the board's first regular meeting in June and shall serve for terms of one year unless their terms of appointment to the commission expire sooner. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues. (Amend. 1/24/84, 12/8/08)

Section 3-29 Powers and Duties of Commission (Amend. 9/25/79)

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

- (1) The acquisition of real or personal property to be used for park or recreation purposes and the maintenance and use of all town-owned, leased or operated parks and recreational facilities;
- (2) The operation of all recreation programs;
- (3) Future needs for the acquisition of additional recreation facilities or the expansion of recreational programs and alternative means of acquiring such facilities or operating such programs.

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

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

Sections 3-30 through 3-34. Reserved

## Article VIII

### MISCELLANEOUS

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

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

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

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

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

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

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

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

#### Section 3-37. Cable Television Committee (Amend. 11/13/84)

~~There shall be a cable television committee, whose establishment, powers and duties are provided for in Article IV of Chapter 16. (Committee abolished on 5/20/08)~~

#### Section 3-38. Purchasing Supplies and Equipment (Amend 4/21/98)

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

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

- (2) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the town;
- (3) Advertise, or otherwise secure bids, for such item(s), if required under applicable law;
- (4) Reject bids;
- (5) Re-advertise to receive bids;
- (6) Waive bid bond or deposit requirements;
- (7) Waive performance and payment bond requirements; and
- (8) Execute and deliver the purchase contract(s).

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

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

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

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

Section 3-39. Disposal of Surplus Personal Property of the Town. (Amend 4/21/98)

- (a) Pursuant to N.C.G.S. 160A-266(c) the town manager is hereby authorized to dispose of any surplus personal property owned by the Town of Carrboro whenever he determines, in his discretion, that:
  - (1) The item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00); (Amend.10/3/06)
  - (2) The property is no longer necessary for the conduct of public business; and
  - (3) Sound property management principles and financial considerations indicate that the interests of the town would best be served by disposing of the property.

- (b) The town manager may dispose of any such surplus personal property by any means which he judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of the N.C. General Statutes Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.
- (c) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner, and the manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.
- (d) The manager shall keep a record of all property sold under authority of this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

Section 3-37 Dispute Mediation (Amend. 6/8/99)

(a) Findings. The Board finds that:

- (1) When conflicts or disputes arise between individuals, or neighbors, or groups, or between developers and neighbors, the Town of Carrboro and its employees or elected officials are sometimes called upon to resolve such conflicts through official action (e.g. the adoption, enforcement, or amendment of an ordinance, or the issuance or denial of a land use permit); and
- (2) The interests of the parties to such conflicts or disputes may be more satisfactorily addressed if such conflicts or disputes are resolved by the parties themselves, with the assistance of a facilitator or mediator, rather than by official action by the Town; and
- (3) It is in the town's interest to establish a policy for referring certain disputes to the Dispute Settlement Center.

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

- (1) Mediation is a process of resolving disputes through collaboration with the aid of a neutral third person called a mediator who helps to fashion agreements between parties in dispute. Mediation and collaboration problem solving emphasize the possibility and desirability of "win-win" solutions.
- (2) The Town of Carrboro believes that the process of mediation can be effective in resolving disputes involving town government and in

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

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

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

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

- (1) The dispute is between two individuals or a small and identifiable group of individuals; and
- (2) The manager concludes that official town action to resolve the conflict is not warranted, either because (I) no ordinance covers the matter at issue and the manager would not recommend adopting or amending an ordinance to deal with the situation, or (ii) an ordinance covers the matter but the manager does not believe that the town should use its resources to enforce the ordinance under the circumstances presented; and
- (3) The dispute is one for which DSC will provide mediation services without charge to the parties or the town.

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

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

- (1) The establishment of a referral form that would notify DSC and the town that a dispute has been referred to DSC.
- (2) The costs of DSC's services and a mechanism for assuring that such costs do not exceed any appropriation made pursuant to this policy.

Section 3-41 Arts Committee Established (Amend. 2/3/04, 4/1/08)

(a) There shall be an Arts Committee consisting of nine members. Eight regular members shall be appointed by the Board of Aldermen. The ninth member shall be a person designated by the Executive Director of the Carrboro ArtsCenter to attend the meetings of the committee and fill the seat reserved for the designee of the ArtsCenter. The ArtsCenter Executive Director may designate different persons to attend different committee meetings.

(b) Regular members of the committee shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of the regular members shall continue as they exist on the effective date of this amendment, except that the Board of Aldermen shall designate one of the vacant seats as the Carrboro ArtsCenter assigned seat. Vacancies shall be filled for the unexpired terms only.

(c) Regular members may be removed as follows:

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal notice shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause shown related to performance of duty.

Section 3-41.1 Meetings and Officers of Arts Committee

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

(b) A quorum for the arts committee shall consist of a majority of the non-vacant seats on the committee. All actions of this committee, including the selection of art to be displayed in or on Town property, shall be taken by majority vote of those present and voting, a quorum being present. (Amend. 10/2/07)

(c) The committee shall designate one of its members to serve as chair and one member to serve as vice-chair. These officers shall be selected annually at the committee's first meeting in February and shall serve for terms of one year. A member may be selected to serve as chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. (Amend. 12/8/08)

Section 3-41.2 Powers and Duties of Arts Committee (Amend. 10/2/07)

The arts committee shall:

- (1) Recommend to the board of aldermen a policy for the selection of art to be displayed in or on public facilities.
- (2) Coordinate arrangements to have art work displayed on town property, in conjunction with the staff of the Recreation and Parks Department.
- (3) Work collaboratively with the community on projects related to the arts. Members of the arts committee may assist in community fund raising activities, but any funds received by the committee or by members acting in their official capacity must be accounted for, and all expenditures by the committee must be made, in accordance with the provisions of the Local Government Budget and Fiscal Control Act. Such funds may be received and expended by the Town only for purposes for which the Town is statutorily authorized to expend public funds.
- (4) Report to the Board as requested and perform such additional duties as the Board may request from time to time.

Section 3-42 Advisory Board Members Voting on Zoning Matters. (Amend 10/24/06)

Members of an appointed advisory board or commission that provide advice to the Board of Aldermen 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.