

ARTICLE III

ADMINISTRATION MECHANISMS

PART I. PLANNING BOARD

Section 15-21 Appointment and Terms of Planning Board Members.

(a) There shall be a planning board consisting of eleven members. Nine members appointed by the Town Council, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If the Orange County Board fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them. **(AMENDED 5/26/81; 5/27/86; 11/14/88; 9/13/94; 4/25/06; 6/22/21)**

(a1) To ensure proportional representation, the number of ETJ representatives on the planning board shall be based on the population for residents within the town's extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality. **(AMENDED 6/22/21)**

(b) Planning board members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies shall be filled for the unexpired terms only. **(AMENDED 5/27/86; 11/14/88; 4/25/06)**

(c) The term of one of the new in-town members shall expire January 31, 2009 (this seat replaces the vacant seat of an ETJ member whose term would have expired on that date) and the term of the other new in-town member shall expire January 31, 2007 (this seat replaces the vacant seat of a transition area member whose term would have expired on that date). **(AMENDED 4/25/06)**

(d) All members may participate in and vote on all issues before the board, regardless of whether the issue affects property within the town or within the extraterritorial planning area.

(e) Members may be removed as follows: **(AMENDED 5/27/86)**

- (1) The chair 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 chair waives the requirement, members shall be removed if they are absent for 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 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 requirement

Art. III ADMINISTRATION MECHANISMS

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 15-22 Meetings of the Planning Board.

(a) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 15-66 (Applications to be Processed Expeditiously).

(b) The board shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas to assist with the preparation of advisory comments and recommendations for the Town Council and board of adjustment, or as otherwise directed by the Council. **(REWRITTEN 6/22/21)**

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

(e) Whenever the board is called upon to make recommendations concerning a special use permit-A request, special use permit-B request, or a minor zoning amendment proposal, the planning staff shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be posted at least seven days prior to the meeting at which the matter is to be considered.

Section 15-23 Quorum and Voting.

(a) A quorum for the planning board shall consist of six members if there are no vacant seats, five members if there are one or two vacant seats, and four members if there are more than two vacant seats. A quorum is necessary for the board to take official action.

(b) All actions of the planning board shall be taken by majority vote, a quorum being present.

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

Section 15-24 Planning Board Officers.

(a) The planning board shall designate one of its members to serve as chair, one member to serve as first vice-chair and one member to serve as second vice-chair. These officers shall be

Art. III ADMINISTRATION MECHANISMS

selected annually at the board's first regular meeting in February 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 chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 1/10/84; 1/27/09)**

(b) The chair, first vice-chair and second vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 1/27/09)**

Section 15-25 Powers and Duties of the Planning Board.

(a) The planning board may:

- (1) Make studies and recommend to the Town Council plans, goals and objectives relating to the growth, development and redevelopment of the town and the surrounding extraterritorial planning area.
- (2) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- (3) Make recommendations to the Town Council concerning proposed special use permits-A, and proposed land use ordinance and zoning map changes as provided by Section 15-57 and 15-322.
- (4) Make recommendations to the board of adjustment concerning proposed special use permits-B as provided by Section 15-56. **(AMENDED 6/22/21)**
- (5) Perform any other duties assigned by the Town Council.

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

Section 15-26 Advisory Committees. **(AMENDED 10/24/06)**

(a) From time to time, the Town Council may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Town Council may appoint advisory committees to consider long range transportation plans, including pedestrian and bicycle plans, housing plans, economic development plans, etc.. **(AMENDED 6/22/21)**

(b) Members of such advisory committees shall sit as nonvoting members of the planning board when such issues are being considered and shall lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Town Council shall be made by the planning board.

Art. III ADMINISTRATION MECHANISMS

(c) Nothing in this section shall prevent the Town Council from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Town Council.

(d) If an advisory committee provides direct advice to the Town Council (i.e. it does not report to the planning board), a member of that 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. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. **(REWRITTEN 6/22/21)**

Section 15-27 Northern Transition Area Advisory Committee. (AMENDED 5/25/99)

(a) There shall be a Northern Transition Area Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the Town Council. If the Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them. All members shall be residents of the Northern Transition Area. For the purposes of this section, the Northern Transition Area shall include those unannexed portions of the Northern Study Area. The Northern Study Area is defined as follows:

The boundaries of this area are Carrboro's joint planning jurisdiction line to the north and Carrboro's Town limits to the south. The Carrboro/Chapel Hill joint planning jurisdiction line serves as the boundary to the east. It begins north of Eubanks Road, follows Rogers Road to Homestead, then proceeds southwest on Homestead Road to High School Road and finally turns south and east to the railroad right-of-way. A primary ridge line serves as the northwest boundary line just east of Union Grove Church Road down to Dairyland Road, where the road serves as the boundary heading southeast until it intersects, and Old NC 86 serves as the boundary then turning southeast and running along Hillsborough Road to Greensboro Street.

(b) Members of the committee shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Initially the terms of all membership seats on the committee shall expire on January 31, 2000. Thereafter, one county appointee and one town appointee shall be appointed for three-year terms, one county appointee and one town appointee shall be appointed for two-year terms, and one county appointee shall be appointed for a term of one year. All members shall thereafter be appointed for terms of three years but shall be limited to no more than two consecutive three-year terms.

(c) The same provisions that govern the removal of planning board members (Subsection 15-21(e)) shall apply to committee members.

(d) The committee shall establish a regular meeting schedule. Minutes shall be kept of all meetings.

Art. III ADMINISTRATION MECHANISMS

(e) A quorum for the committee shall consist of three members. A quorum is necessary for the committee to take official action.

(f) All actions of the committee shall be taken by majority vote, a quorum being present.

(g) 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 regular meeting in February and shall serve for terms of one year unless their terms of appointment to the committee sooner expire. 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. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

(h) The committee shall have the following powers and duties:

(1) Review zoning amendment requests and special use permit applications for developments within the Northern Transition Area and make advisory recommendations on the same to the board of adjustment or Town Council, respectively. **(AMENDED 6/22/21)**

(2) Initiate studies related to the special character of the Northern Study Area.

a) Inventory of areas of cultural, archaeological, or historical significance.

b) Inventory of open space character and scenic qualities.

c) Inventory of agricultural uses

1. Land in Use Value

a. Horticultural

b. Agricultural

c. Timber

2. Farming as business

a. Large field crops

b. Metro farms, specialty crops

d) Inventory of biological value

1. Tree species diversity, exceptional tracts of forest land

2. Rare occurrences (i.e. Upland Depression Swamp)

3. Wildlife

a. Audubon annual bird count

Art. III ADMINISTRATION MECHANISMS

b. Deer population

- (3) Use the studies above as the basis of its development of, and recommendations for, additional policies, objectives, goals, plans, ordinances, and administrative actions that will preserve and enhance that special character and relate to its growth. **(AMENDED 6/22/21)**
- (4) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in an efficient and coordinated manner.
- (5) Track and review other studies and plans that will have an impact on the Northern Study Area – including those of the Chapel Hill Town Council, The Orange County Board of County Commissioners and their appointed committees – and give feedback to the originating governing body.
- (6) Meet annually with the Carrboro Planning Board for a joint planning session.
- (7) Submit regular reports to the Orange County Board of Commissioners.
- (8) Perform other duties as assigned by the Town Council.

Section 15-28 Reserved.

PART II. BOARD OF ADJUSTMENT

Section 15-29 Appointment and Terms of Board of Adjustment. (AMENDED 12/4/18)

(a) There shall be a board of adjustment consisting of nine members. Seven members, appointed by the Town Council, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If, despite good faith efforts, residents of the extraterritorial planning and joint planning transition areas cannot be found to fill the seats reserved for residents of such area, then the Orange County Board of Commissioners may appoint other residents of the county (including residents of the Town of Carrboro) to fill these seats. If the Orange County Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them. (AMENDED 5/26/81; 5/27/86; 11/14/88)

(a1) To ensure proportional representation, the number of ETJ representatives on the board of adjustment shall be based on the population for residents within the town's extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality. (AMENDED 6/22/21)

(b) Board of adjustment 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 seats on the board of adjustment on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, two in-town residents and one extraterritorial area resident shall be appointed for one-year terms, two in-town residents and one extraterritorial area resident shall be appointed for two-year terms, and three in-town residents shall be initially appointed for three-terms. Effective July 1, 1988, one joint planning transition area resident shall be appointed to fulfill the remaining term of one extraterritorial planning area resident. Vacancies may be filled for the unexpired terms only. (AMENDED 5/27/86; 11/14/88)

(c) All members may participate in and vote on all issues before the board, regardless of whether the property involved is located within the town, within the extraterritorial planning area, or within the joint planning transition area. (AMENDED 11/14/88)

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

- (1) The chair 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 chair waives the requirement, members shall be removed if they are absent for 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 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

Art. III ADMINISTRATION MECHANISMS

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 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.

(e) Members of the Town Council shall be administered an oath of office as prescribed by Section 3-25(c) and (d) of the Town Code. **(AMENDED 10/09/90)**

Section 15-30 Meetings of the Board of Adjustment.

(a) The board of adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 15-66 (Applications to be Processed Expeditiously).

(b) The chair or vice chair of the board may call a special meeting by signing a written statement stating the time, place, and reason for the meeting. The staff shall notify the remaining members as soon as possible thereafter by whatever means appear most reasonably calculated to effect such notice. **(AMENDED 10/24/89)**

(c) The board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

(d) All meetings of the board shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

Section 15-31 Quorum.

(a) A quorum for the board of adjustment shall consist of the number of members equal to a majority of the non-vacant seats on the board, but in no case shall a quorum consist of less than four members. A quorum is necessary for the Board to take official action. **(AMENDED 12/16/86)**

(b) A member who has withdrawn from the meeting without being excused as provided in Section 15-32 shall be counted as present for purposes of determining whether a quorum is present.

Section 15-32 Voting.

(a) The concurring vote of a four-fifths majority of members of the board present at a meeting and not excused from voting (a quorum being present) shall be necessary to grant a variance. All other actions of the board, including decisions relating to appeals and special use permits, shall be taken by majority vote, a quorum being present. If a motion to grant a variance is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to deny the variance shall be in order. This motion is adopted as the board's decision if support by at least two members. **(AMENDED 5/26/81; 10/25/83; 10/21/14)**

Art. III ADMINISTRATION MECHANISMS

(b) 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 in accordance with subsection (c) or (d) or has been allowed to withdraw from the meeting in accordance with subsection (e). **(AMENDED 10/24/06)**

(c) A member shall not participate in or vote on any quasi-judicial matter if that member's participation would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to,

- (1) a member having a fixed opinion prior to hearing the matter that is not susceptible to change,
- (2) undisclosed ex parte communications,
- (3) a close familial, business, or other associational relationship with an affected person, or
- (4) a financial interest in the outcome of the matter.

If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection.

(d) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

- (1) If the matter at issue involves the member's own official conduct; or
- (2) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility.

(e) A 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.

(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order if made by or at the initiative of the member directly affected or to decide an objection to a member's participation at or prior to a hearing. **(REWRITTEN 6/22/21)**

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

Section 15-33 Board of Adjustment Officers.

(a) The Board of Adjustment 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 board's first regular meeting in February 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 chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 5/26/81; 1/10/84; 2/20/90; 1/27/09)**

(b) The chair and vice-chair may take part in all deliberations and vote on all issues.

Section 15-34 Powers and Duties of Board of Adjustment.

(a) The board of adjustment shall hear and decide:

- (1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Section 15-91.
- (2) Applications for special use permits-B, as provided in Subsection 15-46(a).
- (3) Applications for variances, as provided in Section 15-92.
- (4) Applications for special exception permits, as provided in Section 15-92.1. **(AMENDED 6/21/94)**
- (5) Questions involving interpretation of the zoning map, including disputed district boundary lines and lot lines, as provided in Section 15-93.
- (6) Applications for major subdivisions containing between five and twelve lots. **(AMENDED 7/21/87)**
- (7) Any other matters the board is required to act upon by any other town ordinance.
- (8) Questions involving administrative determinations as provided in Subsection 15-93.1. **(AMENDED 6/22/21)**

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

Section 15-35 through 15-36 Reserved.

PART III. LAND USE ADMINISTRATOR AND PLANNING DIRECTOR

Section 15-37 Land Use Administrator. (AMENDED 6/22/21)

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the town manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the “land use administrator” or “administrator.” The term “staff” or “planning staff” is sometimes used interchangeably with the term “administrator”.

Pursuant to G.S. 160D-109(c), no staff member shall make a final decision on an administrative decision required by this chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with their duties or with the interest of the Town, as determined by the Town.

Section 15-38 Planning Director.

(a) The planning director is the administrative head of the planning department. As provided in Section 15-78, the planning director is authorized to approve minor subdivision final plats.

(b) The planning director may correct typographical errors, numerical reference errors, spelling errors, and errors in section or page numbering, and may make other non-substantive editorial changes to the text of this ordinance without formal adoption by the Town Council, provided that the changes necessary to correct such errors do not change the meaning of the ordinance. Any corrections made pursuant to this section must be documented to the Town Council and the Town Clerk and made a part of the council’s regular meeting minutes. (AMENDED 9/01/87; 6/22/21)

Section 15-39 Reserved.

PART IV. TOWN COUNCIL

Section 15-40 The Town Council. (REWRITTEN 6/22/21)

(a) The Town Council, in considering special use permit-A applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Articles IV and VI of this chapter.

Members of the Town Council shall 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. Impermissible violations of due process include, but are not limited to:

- (1) A member having a fixed opinion prior to hearing the matter that is not susceptible to change,
- (2) Undisclosed ex parte communications,
- (3) A close familial, business, or other associational relationship with an affected person, or
- (4) A financial interest in the outcome of the matter.

(b) In considering proposed changes in the text of this chapter or in the zoning map, the Town Council acts in its legislative capacity and must proceed in accordance with the requirements of Article XX.

(c) Unless otherwise specifically provided in this chapter, in acting upon special use permit-A requests or in considering amendments to this chapter or the zoning map, the council shall follow the quorum, voting, and other requirements set forth in Chapter 2 of the Town Code.

Section 15-41 Reserved.

PART V. APPEARANCE COMMISSION

Section 15-42 Appointment and Terms of Appearance Commission.

(a) There shall be an appearance commission consisting of nine members. Seven members, appointed by the Town Council, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If, despite good faith efforts, residents of the extraterritorial planning and joint planning transition areas cannot be found to fill the seats reserved for residents of such area, then the Orange County Board of Commissioners may appoint other residents of the county (including residents of the Town of Carrboro) to fill these seats. If the Orange County Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them. **(REWRITTEN 6/22/21)**

(a1) To ensure proportional representation, the number of ETJ representatives on the board of adjustment shall be based on the population for residents within the town's extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality. **(REWRITTEN 6/22/21)**

(b) Appearance commission 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 seats on the appearance commission 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, three members for two-year terms, and three members for one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 5/27/86)**

(c) Members may be removed as follows: **(AMENDED 5/27/86)**

- (1) The chair 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 chair waives the requirement, members shall be removed if they are absent for 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 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 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.

Art. III ADMINISTRATION MECHANISMS

(d) In making appointments to the commission, the Town Council shall seek to appoint persons with impartial and broad judgment, and when possible, persons with training or experience in a design profession. As wide a range of community interests as possible should be represented on the commission. The Town Council shall seek to appoint at least one person who lives in a neighborhood preservation district, one person who lives in an historic preservation district, and three persons who have demonstrated special interest, experience, or education in history, architecture, or related fields. **(AMENDED 9/26/89, 11/21/95)**

(d1) Whenever a historic district is designated, subject to the provisions of Section 15-338 of this chapter, in the town's extraterritorial planning area, the Town Council shall appoint persons residing in the town's extraterritorial planning area to serve on the Appearance Commission to provide proportional representation as required by G.S. 160D-307. **(AMENDED 6/22/21)**

(e) Members of the Appearance Commission shall be administered an oath of office as prescribed by Section 3-35(c) and (d) of the Town Code. **(AMENDED 10/10/90)**

Section 15-43 Organization and Meetings of Appearance Commission.

(a) The appearance commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with section 15-66 (Applications to be Processed Expeditiously).

(b) Since the commission has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV and VI except when, pursuant with subsection 15-43(f), the commission is acting in its capacity as the historic district commission in accordance with Article XXI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas. **(AMENDED 6/22/21)**

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All commission meetings shall be open to the public, and whenever feasible, the agenda for each board meeting shall be available in advance of the meeting.

(e) A quorum shall be present for the commission 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 Appearance Commission are filled and three members if there are one or more vacancies on the board. **(AMENDED 6/25/19)**

(f) The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when the commission exercises the powers and duties of the appearance commission. The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when exercising the powers and duties of the neighborhood preservation district commission or the historic district commission. The commission may, but need not, choose the same members to serve as officers in these two different

Art. III ADMINISTRATION MECHANISMS

capacities. These officers will be chosen annually at the commission's first meeting in March and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair in either capacity for not more than two consecutive full one-year terms. The chairman and vice-chairman may take part in all deliberations and vote on all issues. **(AMENDED 1/10/84; 9/26/89; 11/21/95; 1/27/09)**

Section 15-44 Powers and Duties of Appearance Commission.

- (a) The appearance commission may:
 - (1) Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction.
 - (2) Seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of the town and its environs.
 - (3) Direct the attention of the mayor and the Board of Aldermen to ways in which the town government may take direct action affecting the appearance of the town and its environs.
 - (4) Make recommendations upon any permit or other item referred to the commission by the Town Council, planning board, board of adjustment, or administrator. Without limiting the generality of the foregoing, the commission's recommendations regarding development permit applications may address the appearance or design of proposed development projects. **(AMENDED 6/27/06).**
 - (5) Appoint subcommittees (consisting of commission members) or advisory groups (consisting of commission members, persons who are not commission members or any combination thereof) to advise and assist the commission in carrying out its duties.
 - (6) Take any other action authorized by this chapter or any other ordinance or resolution of the Town Council.

- (b) The appearance commission shall report orally or in writing, as requested by the board, at least quarterly to the mayor and Town Council. It shall submit its requested budget of funds needed for operation during the ensuing fiscal year to the town manager no later than April 15. All accounts and funds of the commission shall be administered in accordance with the requirements of the Municipal Fiscal Control Act.

- (c) The appearance commission is hereby authorized to receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, in addition to any sums which may be appropriated for its use by the Town Council. It may

Art. III ADMINISTRATION MECHANISMS

accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approving budget.

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

(e) The appearance commission shall exercise all the powers and duties of the neighborhood preservation district commission as set forth in Article XXI, Part 1, of this chapter. **(AMENDED 9/26/89)**

(f) The appearance commission shall exercise all the powers and duties of the historic district commission as set forth in Article XXI, Part 2 of this chapter. **(AMENDED 11/21/95)**

PART VI. ENVIRONMENTAL ADVISORY BOARD (AMENDED 2/20/96)

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 Town Council. 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 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 Town Council, 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

Art. III ADMINISTRATION MECHANISMS

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. (REPEALED 5/11/99) (AMENDED 2/25/14; 10/24/17)

The Environmental Advisory Board may:

(a) Advise the Town Council 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, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.

(b) 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.

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

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

**PART VII. MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES,
ADVISORY GROUPS, AND COMMISSIONS (AMENDED 12/04/2018)**

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

1. To retain diversity on an advisor board;
2. To appoint a member in the absence of applicants.

Prior to beginning a term of service, a newly appointed member shall take an oath of office.
(AMENDED 6/22/21)