

ATTACHMENT A

**A RESOLUTION ACCEPTING THE REPORT ON THE APPEARANCE
COMMISSION AND DESIGN
Resolution No. 107/2006-07**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, the staff has prepared a report on the Appearance Commission and design issues.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accepts the report.

CITIZEN REQUESTS

Jay Bryan asked that the Board consider an award for volunteer of the year.

Alderman Gist asked that the Board consider Mr. Bryan's proposal.

He also requested a status report on the Northern Transition Area Advisory Committee's request that the town's lighting policy be reviewed. He asked that this portion of the comprehensive review of the land use ordinance be pulled and considered separately and in a timely manner.

Alderman Gist asked for a staff report within the next month and move forward with this.

Mr. Bryan also requested that the Board set up a design committee to look at the design of the new fire station.

Mayor Chilton asked that the town staff schedule a Board discussion of this matter.

Mr. Bryan also requested that the Board consider amending the charge of the town's Appearance Commission to include design issues.

Mr. Bryan stated that the town had requested NCDOT reduce the speed limit on Old 86 from Eubanks Road and Hillsborough as well as on Union Church Road. He asked that a representative from NCDOT explain to the Board why the speed limit could not be reduced.

PART V. APPEARANCE COMMISSION

Section 15-42 Appointment and Terms of Appearance Commission

(a) There shall be an appearance commission, which shall consist of nine members appointed by the Board of Aldermen. All members of the commission shall either reside, own property, or operate a business within the town's planning jurisdiction.

(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 appointed to successive terms without limitation.

(d) Members may be removed as follows: **(AMENDED 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 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 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.

(e) In making appointments to the commission, the Board of Aldermen 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 Board of Aldermen 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 09/26/89, 11/21/95)

(f) 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. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(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, consisting of four members, shall be present for the commission to take official action, and all actions shall be taken by majority vote.

(f) The appearance commission shall select one of its members to serve as chairman and one member to serve as vice-chairman when the commission exercises the powers and duties of the appearance commission. The appearance commission shall select one of its members to serve as chairman and one member to serve as vice-chairman 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 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. 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)

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 Board of Aldermen, planning board, board of adjustment, or administrator.

(5) Appoint subcommittees (consisting of commission members) or advisory groups (consisting of commission members, persons who are not non-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 Board of Aldermen.

(b) The appearance commission shall report orally or in writing, as requested by the board, at least quarterly to the mayor and Board of Aldermen. 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 Board of Aldermen. It may 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 09/26/89)**

(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)**