

TECHNICAL REPORT



TEXT AMENDMENTS TO THE ADVISORY BOARD MEMBERSHIP POLICY, THE TOWN CODE OF ORDINANCES, AND THE LAND USE MANAGEMENT ORDINANCE

The following Technical Report reviews proposed text amendments to revise the Advisory Board membership and length of term clauses and additional amendments to individual board and commission policies as detailed below.

BACKGROUND







September 2018 The Council Committee on Boards and Commissions met to discuss the advisory board membership policy.

October 2018 Town of Chapel Hill Town Council approved the Council Committee on Boards and Commissions recommendations and called a public hearing to amend the Land Use Management Ordinance on November 14, 2018.

CONNECTIONS TO OTHER DOCUMENTS

Town staff has reviewed the text amendment for compliance with the themes from the [2020 Comprehensive Plan](#)¹ and the standards of the [Land Use Management Ordinance](#)², and offers the following evaluation:

Comprehensive Plan Themes: Staff believes the proposed text amendments comply with the themes of the 2020 Comprehensive Plan as indicated in the following table:

<input type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

SUMMARY OF PROPOSED CHANGES

Changes to the Advisory Board Membership Policy are necessary to simplify and clarify the rules as they pertain to advisory board membership. The attendance and length of term clauses will be consolidated in the Advisory Board Membership Policy. The corresponding language in each advisory board's respective sections in the Advisory Board Membership Policy, the Code of Ordinances, and the Land Use Management Ordinance will be updated to refer back to the Advisory Board Membership Policy, thereby consolidating any reference to board membership attendance and length of term.

Additionally, the proposed changes include updates to several board membership policies to reflect Town Council and the respective board or commission interests. A summary of all proposed changes are presented in the table below:

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

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Summary of Potential Amendments

Proposed Advisory Board Membership Policy Amendments		
Proposal	Board	Subsection
1	All advisory boards and commissions	Membership Add "General" subsection
2	Community Design Commission	Modify Membership Remove Historic District Resident designation Add green design, place-making to seat requirements
3	Environmental Stewardship Advisory Board	Modify Membership Designate a Stormwater Champion seat
4	All advisory boards and commissions	*Length of Term
5	All advisory boards and commissions	**Attendance

Proposed Town Code of Ordinances Amendments		
Proposal	Board	Subsection
6	Human Services Advisory Board	*Length of Term
7	Chapel Hill Public Library Advisory Board	*Length of Term
8	Cultural Arts Commission	*Length of Term
9	Parks, Greenways and Recreation Commission	**Attendance
10	Cemeteries Advisory Board	*Length of Term
11	Cemeteries Advisory Board	Conclude board effective June 30, 2019
12	Parks, Greenways and Recreation Commission	Modify Membership Designate a Cemeteries Champion seat
13	Stormwater Management Utility Advisory Board	**Attendance

Proposed Land Use Management Ordinance Amendments		
Proposal	Board	Subsection
14	Board of Adjustment	*Length of Term
16	Board of Adjustment	**Attendance
15	Historic District Commission	*Length of Term
17	Historic District Commission	**Attendance
18	Historic District Commission	Modify Membership Reduce membership from 10 members to 9 members

*Length of Term: Make the following modification. "Members serve staggered three-year terms which shall expire on June 30. ~~However, members of boards and commissions may serve until their successors have been appointed.~~"

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****Attendance:** Modify threshold to three consecutive meetings or more than half of the regular meetings within in a year.

Proposed Advisory Board Membership Policy Amendments

Request

This amendment proposes several amendments to the [Advisory Board Membership Policy](#)¹. The first amendment to the attendance clause under Policies and Procedures would clarify the attendance policy so that any member who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her membership status, with an exception for excused absences. The second amendment would update the length of term clause under Policies and Procedures by removing a clause that allows members whose terms have expired to serve until a successor has been appointed. The proposed amendments would also include a new subsection under "Membership" to be titled "General." Finally, the proposed amendments would designate a Stormwater Advocate seat on the [Environmental Stewardship Advisory Board](#)², and would amend the seat category on the [Community Design Commission](#)³ to remove the Historic District resident designation and add "green design, and place making" to the seat requirements for all seats.

Proposed Changes:

1. Amendment to add a new subsection titled "General" under the Membership Section.

"Membership
General

Members of the board, commission, or committee shall be appointed to serve terms of three (3) years. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only."

2. Amendment to Community Design Commission membership policy to add "green design, place making" to the Seat Requirements and to remove Chapel Hill Historic District resident as a Seat Category.

Seat Category	Seat Requirements
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, <u>green design</u> , <u>place making</u> or a closely related field.
Chapel Hill Historic District Resident	Must live within one of the Town of Chapel Hill's historic districts. Preference given to applicants who also have demonstrated education, special training, experience, or interest in history or a design field such as

¹ <https://www.townofchapelhill.org/town-hall/mayor-and-council/boards-commissions/board-membership-policy>

² <https://www.townofchapelhill.org/town-hall/mayor-and-council/boards-commissions/board-membership-policy/environmental-stewardship-advisory-board>

³ <https://www.townofchapelhill.org/town-hall/mayor-and-council/boards-commissions/board-membership-policy/community-design-commission>

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	architecture, landscape design, horticulture, city planning or a closely related field."
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3. Amendment to the Environmental Stewardship Advisory Board membership policy to add a Stormwater Advocate Seat.

Seat Category	Seat Requirements
Stormwater Advocate	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated knowledge of Chapel Hill's stormwater system as well as relevant laws, policies, and adopted Council plans.

4. Amendment to the Length of Term Clause under Policies and Procedures.

"Length of Term

Members serve staggered three-year terms which shall expire on June 30. ~~However, members of boards and commissions may serve until their successors have been appointed.~~ Advisory board Commission or Committee members who are appointed by Chapel Hill Town Council may be removed at any time by a vote of the Council."

5. Amendment to the Attendance Clause under Policies and Procedures.

"Attendance

~~In order to be considered a member in good standing and to be eligible for reappointment to an advisory board, members must have attended 80% of scheduled meetings and trainings during their previous term. Board chairs shall report to the Chapel Hill Town Council any members who are not meeting attendance requirements.~~

~~Such a report should be included as part of the advisory board or commission's recommendation for reappointment, but may also be submitted to Council as part of a request for member removal.~~

Any member of the board, commission or committee who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the board, commission or committee, and shall be replaced by the council or county board of commissioners, as appropriate. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the board, commission or committee, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced."

Proposed Town Code of Ordinances Amendments

Request

This amendment proposes several amendments to the Town Code of Ordinances. The amendments would update the Cemeteries Advisory Board, the Chapel Hill Public Library Advisory Board, the Cultural Arts Commission, the Human Services Advisory Board, the Parks, Greenways, and Recreation Commission, and the Stormwater Management Utility Advisory Board so that any reference to board membership attendance or length of term policies would refer back to the Advisory Board Membership Policy. Additionally, the proposed amendment would designate a Cemeteries Champion seat on the Parks, Greenways, and Recreation Commission, and would conclude the Cemeteries Advisory Board effective June 30, 2019.

Proposed Changes:

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6. Amendment to the Human Services Advisory Board Membership Terms (Chapter 2, Article VII, Section 2-121).

Sec. 2-121. - Membership; terms.

~~The human services advisory board shall consist of seven (7) members. Members of the board shall be appointed in accordance with the council's advisory board membership policy. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: Two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and three (3) members shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves. The terms of all members shall expire on the 30th day of June following the end of the final year of their terms.~~

The advisory board shall be selected to be representative of the entire town community, its needs, aspirations and values. The advisory board shall not be an advocacy group to lobby for or represent special interests.

Members of the human services advisory board may serve as a board member or as paid or nonpaid staff of a human service agency only if that agency does not apply for or receive funding from the town.

7. Amendment to the Chapel Hill Public Library Advisory Board Membership Terms (Chapter 2, Article IX, Section 2-141).

"Sec. 2-141. - Membership; terms.

~~The Chapel Hill Public Library Advisory Board shall consist of nine (9) appointed members as hereinafter provided. Their terms of office shall be four (4) years or until their successors are appointed and qualified.~~

The terms of all members shall expire on June 30. Members of the board shall be appointed in accordance with the council's advisory board membership policy."

8. Amendment to the Cultural Arts Commission Membership Terms (Chapter 2, Article XIII, Section 2-177).

Sec. 2-177. - Membership, terms.

~~The Chapel Hill Cultural Arts Commission shall consist of eleven (11) members, appointed as hereafter provided, ten (10) who shall be residents of the town, and one (1) who shall be a Carrboro resident. The terms of office shall be for three (3) years or until their successors are appointed and qualified. Except as otherwise provided by this article, appointments, reappointments and vacancies shall be filled as prescribed in the town council's Procedures Manual, Section 11.D-2. Members of the board shall be appointed in accordance with the council's advisory board membership policy.~~

9. Amendment to the Cemeteries Advisory Board Membership Terms (Chapter 6, Article I, Section 6-9).

"Sec. 6-9. - Membership, terms.

~~The cemeteries advisory board shall consist of five (5) members appointed by town council. In addition to council-appointed members, the historic district commission and the Preservation Society of Chapel Hill shall designate one of its current members to represent them on the cemeteries advisory board as non-voting representatives. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and one (1) member shall be appointed for a period of three (3) years.~~

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~~Members may be reappointed to succeed themselves for a second consecutive term. The terms of all members shall expire on the thirtieth day of June following the end of the final year of their terms. Members of the board shall be appointed in accordance with the council's advisory board membership policy."~~

10. Removal of Article I, Division 2, Sections 6-8 through Section 6-11 CEMETERIES ADVISORY BOARD from the Town Code of Ordinances. Section 6-12 through 6.17 will be Reserved. This amendment will be effective June 30, 2019.

~~"DIVISION 2. - CEMETERIES ADVISORY BOARD~~

~~Sec. 6-8. Created; named.~~

~~A cemeteries advisory board is hereby created for the Town of Chapel Hill for the purpose of providing citizen input to the town council on policies for the operation and maintenance of the town's cemeteries.~~

~~Sec. 6-9. Membership, terms.~~

~~The cemeteries advisory board shall consist of five (5) members appointed by town council. In addition to council appointed members, the historic district commission and the Preservation Society of Chapel Hill shall designate one of its current members to represent them on the cemeteries advisory board as non-voting representatives. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and one (1) member shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves for a second consecutive term. The terms of all members shall expire on the thirtieth day of June following the end of the final year of their terms.~~

~~Sec. 6-10. Appointment, vacancies.~~

~~The members shall be appointed and vacancies filled as prescribed in Section 11.D-2 of the Council's Procedures Manual.~~

~~Sec. 6-11. Meetings, chairperson.~~

~~The cemeteries advisory board shall hold meetings quarterly at such time and places as it shall determine. It shall annually elect one (1) member to serve as chairperson and to preside over its meetings. All meetings of the board shall be open to the public in accord with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the N.C. General Statutes. The board shall keep a record of its meetings; including attendance of its members; its resolutions, findings, recommendations and actions. A quorum of the board, necessary to take any official action, shall consist of a majority of members excluding any vacant seats. The concurring vote of a simple majority of those members present shall be necessary to take any official action.~~

~~Secs. 6-12—6-17. - Reserved."~~

11. Amendment to the Parks, Greenways and Recreation Commission Membership Terms (Chapter 12, Article II, Section 12-17).

~~Sec. 12-17. - Membership.~~

~~From July 1, 2014, until June 30, 2015, the commission shall consist of the members of the greenways commission and [the] parks and recreation commission who were serving on April 17, 2014 unless that member has communicated in writing to the Town that they do not wish to serve on the parks, greenways and recreation commission. The commission shall consist of nine (9) commissioners, all of whom shall be appointed at large. Eight (8) members shall be residents of the town appointed by the town council. One of the town~~

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appointed seats shall be designated as a cemeteries champion seat to focus on cemetery beautification, and scatter garden One (1) member shall be a resident of Orange County appointed by the Orange County Board of Commissioners.

The council shall request that the town's youth teen council appoint a representative to attend commission meetings and serve as a liaison.

12. Amendment to the Parks, Greenways, and Recreation Commission Attendance Clause (Chapter 12, Article II, Section 12-21).

"Sec. 12-21. - Attendance of commissioners at meetings.

~~A commissioner who, without excuse, misses more than three (3) consecutive regular meetings or a total of four (4) such meetings during the year loses his status as a member of the commission. In such cases, the chair will immediately request the council to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the commissioner's status on the commission. However, in the event of long illness, or other such causes for prolonged absence, the commissioner may be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

13. Amendment to the Stormwater Management Utility Advisory Board Attendance Clause (Chapter 23, Article I, Section 23-16).

"Sec. 23-16.- Meeting attendance.

~~Any member of the board who misses more than three (3) consecutive meetings shall lose his or her status as a member of the board, and shall be replaced or reappointed by the council. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

Proposed Land Use Management Ordinance Amendments

Request

This amendment proposes amendments to the Historic District Commission and Board of Adjustment sections of the Land Use Management Ordinance. The amendments would update the Historic District Commission and Board of Adjustment sections so that any reference to board membership attendance or length of term policies would refer back to the Advisory Board Membership Policy. Additionally, the proposed amendment would change the Historic District Commission membership from ten (10) members to nine (9) members.

Proposed Changes:

14. Amendment to the Board of Adjustment Membership Policy.

"Sec. 8.3.2. Tenure.

~~Members of the board shall be appointed to serve terms of three (3) years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only. Members of the board shall be appointed in accordance with the council's advisory board membership policy."~~

15. Amendment to the Board of Adjustment Attendance Clause.

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"Sec. 8.3.6. Attendance at Meetings.

~~Any member of the board who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the board, and shall be replaced or reappointed by the council or county board of commissioners, as appropriate. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

16. Amendment to the Establishment of the Historic District Commission.

"Sec. 8.4.1. Establishment of the Commission.

~~A historic district commission, consisting of ten (10) members appointed by the council, is hereby established."~~

17. Amendment to the Historic District Commission Membership Policy.

"Sec. 8.4.3. Tenure.

~~Members of the commission shall be appointed to serve terms of three (3) years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only. Members of the commission shall be appointed in accordance with the council's advisory board membership policy."~~

18. Amendment to the Historic District Commission Attendance Clause.

"Sec. 8.4.8. Attendance at Meetings.

~~Any member of the commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the commission, and shall be replaced or reappointed by the council. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

TEXT AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below) for enactment of the Land Use Management Ordinance Text Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance shall not be amended except:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C. To achieve the purposes of the Comprehensive Plan.