

**CITY OF MONROE
CITIZENS APPOINTMENT COMMITTEE SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS
300 W. CROWELL STREET
MONROE, NORTH CAROLINA 28112
FEBRUARY 26, 2024 – 5:00 P.M.
AGENDA**

1. Proposed Amendments to Section 32 titled Boards, Commissions and Departments of the City of Monroe’s Code of Ordinances and Rules on Boards and Commissions Policy (GA-05)



STAFF REPORT

TO: City Council
VIA: Mark Watson, City Manager
DATE: February 26, 2024
FROM: Terry Sholar, Senior Staff Attorney
PREPARED BY: Terry Sholar, Senior Staff Attorney
SUBJECT: Ordinance amending Chapter 32 and GA-05 regarding City Committees

SUMMARY STATEMENT

Council is requested to consider amending Chapter 32 regarding Boards, Commissions, and Committees and Rules on Boards and Commissions GA-05.

REVIEW

Chapter 32 of the Monroe Code of Ordinances provides for the creation, composition, and operation of the various Boards, Commission, and Committees of the City of Monroe. Several boards and committees in Chapter 32 we no longer functioning and several committees were not included in Chapter 32. The draft ordinance attempts to bring up to date all of the boards, commissions, and committees in the City, make the Standing Committees, update the current membership of each, and create standard rules for the various standing boards and committees.

Rules on Boards and Commissions, GA-05, is a general administrative policy adopted by the City Manager dealing with citizen appointment process, applications, qualifications, terms, attendance etc. GA-05 was redrafted and amended to update and make is consistent with Chapter 32. The draft amendment also attempts to clarify the rules regarding appointments to Standing Committees and Mayor Committees.

RECOMMENDATION

Council is asked to consider adopting the amendments updating Chapter 32. Although Council is not asked to adopt the amendments to GA-05, Council should review and make any suggestions regarding the policy on Rules for Boards and Commissions for the City Manager's consideration.

Attachment(s): Ordinance Amendment O-2024-11

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE III: ADMINISTRATION
CHAPTER 32: BOARDS, COMMISSIONS AND DEPARTMENTS
O-2024-11

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE III, CHAPTER 32 OF THE MONROE ORDINANCES IS HEREBY AMENDED AS FOLLOWS:

Section 1. Amend the Chapter Title to read as follows:

CHAPTER 32: STANDING BOARDS, COMMISSIONS AND COMMITTEES

Section 2. Delete §32.001 through § 32.201 in their entirety and add and replace with the following:

§ 32.010 PLANNING BOARD

(A) Created. There shall be a Planning Board of the City of Monroe in accordance with the following provisions.

(B) Appointments; Terms. The Planning Board (PB) shall consist of seven (7) Regular members plus two (2) additional members which are designated Alternate Members to attend all meetings and serve if one (1) of the Regular Members is absent or unable to participate all of which are appointed by City Council.

- (1) Members shall be residents of the City of Monroe and shall be appointed by City Council; one (1) Regular Member may reside outside of the City but within the extraterritorial jurisdiction (ETJ).
- (2) City Council shall appoint the Chair and Vice Chair of the Planning Board who shall serve as such at the pleasure of the Council. Any non-Councilmember Chair or Vice Chair appointed by City Council shall be subject to the term limit restrictions in § 32.200(A)(5) and (6) of the City Code during the time they serve as Chair or Vice Chair.
- (3) In addition to the foregoing Regular and Alternate Members, one (1) member of the Monroe Youth Council shall serve as an ex officio, non-voting, uncompensated member. The Monroe Youth Council shall select the Youth Council ex officio member at the time it elects officers annually.
- (4) The Chairperson shall receive seventy-five dollars (\$75) per meeting attended. All other members, including Alternate Members, shall

receive fifty dollars (\$50) per meeting attended.

(C) Member Terms. Planning Board members shall be appointed for four-year staggered terms expiring on December 31st.

- (1) Members may serve two (2) consecutive terms.
- (2) Any vacancy in the membership shall be filled for the unexpired term.
- (3) Members may continue to serve until their successors have been appointed.
- (4) An Alternate Member may be appointed a Regular Member at which time City Council shall appoint a replacement Alternate Member.

(D) Organization, Rules, Meetings, and Records. Consistent with Article 3 of Chapter 160D of the North Carolina General Statutes, the Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be a public record.

(E) Meetings. The Planning Board shall adopt a regular meeting schedule.

- (1) The Planning Board may hold such special meetings as conduct of its business may require.
- (2) All meetings shall be open to the public.
- (3) The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
- (4) Unless otherwise provided by law, all records and minutes shall be public record.

(F) Quorum. No official business of the Planning Board may be conducted without a quorum present.

(G) Participating and Voting. The concurring vote of a majority of the then-sitting Members of the Board, whether Regular or Alternates, shall be required on all matters. A majority of the then-sitting Regular Members shall be required to decide any other matter or to determine an appeal made in the nature of certiorari.

- (1) For the purposes of this division, an Alternate Member shall fill in for vacant positions on the Board and members who are disqualified from voting on a matter which shall constitute the then-sitting Regular Members for each matter in consideration. Vacant or disqualified members shall not be considered members of the Board for

calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Once a member is physically present at a Planning Board meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the division below.

- (2) Members shall not vote on any advisory or legislative decision regarding a development regulation 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 the zoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter.
- (3) Attendance. Any member of the Planning Board who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be subject to removal and replacement by the City Council. Absences due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission; except that in the event of a long illness or other cause for prolonged absence, the member shall be replaced.

(H) General Powers and Duties. The following shall be the responsibility of the Planning Board:

- (1) Generally. The Planning Board shall provide an advisory function, except where otherwise noted, to assist in making decisions pertaining to amendments to the comprehensive plan and the City of Monroe UDO, and applications for development approval.
- (2) Prepare plans. The Planning Board shall prepare and recommend to the City Council, and from time to time amend and revise a recommended comprehensive and coordinated plan for the physical, social, and economic development of the area. It shall prepare and recommend to the City Council policies, ordinances, administrative procedures and other means for promotion of the orderly development along lines indicated in the comprehensive plan and advise it concerning proposed amendments of such ordinances.

- (3) Zoning map amendment. The Planning Board shall review and recommend to City Council general and conditional district rezoning requests.
- (4) UDO text amendment. The Planning Board shall review and recommend to City Council proposed UDO text amendments.
- (5) Land use plans. The Planning Board shall review and recommend to City Council proposed land use plans and amendments.
- (6) Planned development. The Planning Board shall review and recommend to City Council proposed planned developments.
- (7) Other duties. The Planning Board may perform any other duties that may lawfully be assigned to it.

§ 32.020 AIRPORT COMMISSION

- (A) Created. The Airport Commission is created under authority of G.S. 63-53.
- (B) Composition. The Airport Commission shall consist of seven (7) members, three (3) of which are not required to be residents of the City of Monroe. One (1) of the seven (7) members shall be a member of the Monroe City Council who shall serve as a voting member. Members are to be appointed by the City Council. The Mayor and City Manager shall serve as ex officio members without a vote.
- (C) Designation of Chairperson; Term of Office for Members. The City Council designates the Chairperson and Vice Chairperson of the Airport Commission which may include the ex-officio member of City Council. All members shall serve for a period of four (4) years.
- (D) Attendance. Any member of the Airport 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 City Council. Absences due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission; except that in the event of a long illness or other cause for prolonged absence, the member shall be replaced.
- (E) Compensation. The citizen members, not including the City Council Member, of the Airport Commission are paid seventy-five dollars (\$75) per meeting for the Chairperson and fifty dollars (\$50) per member, per meeting attended, and are reimbursed for all expenses incurred by them in the course of their duties.
- (F) Meetings. The Airport Commission shall set a regular meeting schedule to include one (1) regular meeting each month, which is open to the public. The Chair, Vice Chair, or City Manager may cancel a regular meeting, or call a special meeting consistent

with the procedures set out in § 32.200(A)(11).

(G) Adoption of Rules; Records. The Airport Commission adopts rules for transactions and keeps a record of its resolutions, transactions, findings and determinations, all of which are public record.

(H) Duties. The Airport Commission is charged with the duty of investigating, studying and making recommendations to the City Council pertaining to the construction, enlargement, improvement, maintenance, equipment, operation and regulation of the Charlotte-Monroe Executive Airport.

(I) Commission as Advisory Body. The Airport Commission shall not have legislative powers of its own, but shall act as an advisory body to the City Council concerning the matters in which it has charge. The City receives recommendations on construction, enlargement, operation and regulations of the Charlotte-Monroe Executive Airport.

§ 32.030 HISTORIC DISTRICT COMMISSION

(A) Created. There shall be a Historic District Commission of the City of Monroe in accordance with the provisions set out herein.

(B) Purpose. The purpose of the Historic District Commission (HDC) is to identify, protect, and preserve Monroe's historic architectural resources and to educate the public on those resources and historic preservation. The Historic District Commission serves as an advisory board to the City Council and as a quasi-judicial body, which determines Certificates of Appropriateness and makes decisions on proposals for exterior changes to or demolition of any properties as well as new construction within Historic Districts.

(C) Appointments and Terms.

- (1) Members. The Historic District Commission shall consist of seven (7) regular citizen members appointed by the City Council. City Council shall appoint the Chair and Vice Chair.
- (2) The Chairperson shall receive seventy-five dollars (\$75) per meeting attended. All other members shall receive fifty dollars (\$50) per meeting attended.
- (3) Member Terms. Members of the Historic District Commission shall serve terms of four (4) years. A member may be reappointed for a second consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of their second term.

- (4) Qualifications. All members of the Historic District Commission shall be residents of the territorial zoning jurisdiction of the City, and a majority of the members shall have demonstrated special interest, experience, or education in history or architecture.
- (D) Rules of Procedure.
- (1) Generally. Consistent with Part 4, Article 9 of Chapter 160D of the North Carolina General Statutes, the Historic District Commission shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be public record.
 - (2) Meetings. The Historic District Commission shall adopt a regular meeting schedule. In addition, the Historic District Commission may hold such special meetings as the conduct of its business may require. All meetings and hearings shall be open to the public.
 - (3) Quorum. No official business of the Historic District Commission may be conducted without a quorum present.
 - (4) Participating and Voting. The majority of the Historic District Commission board shall be necessary on all decisions.
 - a. For the purposes of this division, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Once a member is physically present at a Historic District Commission meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the division below.
 - b. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at

which evidence relevant to the matter at issue was taken shall not vote on the matter.

- (5) Attendance. Any member of the Historic District Commission who misses more than three (3) consecutive meetings, or more than half the regular meetings in a calendar year shall be subject to removal and replacement by the City Council. Absences due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission; except that in the event of a long illness or other cause for prolonged absence, the member shall be replaced.
- (6) Annual Report. An annual report shall be prepared and submitted by June 30 of each year to the City Council. The annual report shall include a comprehensive and detailed review of the activities, problems and actions of the Historic District Commission, as well as any budget requests and/or recommendations.
- (7) Minutes. The Historic District Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members and its resolutions, findings, recommendations, and actions. The minutes of the commission shall be a public record.

(E) General Powers and Duties. The Historic District Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities:

- (1) To recommend to the Planning Board districts or areas to be designated by ordinance as "historic districts."
- (2) To recommend to the Planning Board that designation of any district or area as a historic district be revoked or removed.
- (3) To consider and approve or deny applications for Certificates of Appropriateness (COA) for major work.
- (4) To give advice to property owners concerning the treatment of the historical and visual characteristics of their properties located within a district, such as color schemes, gardens and landscape features, and minor decorative elements.
- (5) To propose to the City Council changes to this subchapter or any related ordinance and to propose new ordinances or laws relating to a historic district or relating to the total program for the development of the historical resources of the City and its environs.
- (6) To cooperate with other City boards or commissions or other

governmental units; to offer or request assistance, aid, guidance or advice concerning matters under its purview of mutual interest.

- (7) To publish information about, or otherwise inform the owners of properties within a district of any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.
- (8) To undertake programs of information, research or analysis relating to any matters under its purview.
- (9) To report violations of this subchapter or related ordinances to the local official responsible for enforcement.
- (10) To assist City staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis.
- (11) To recommend to the City Council and the state districts worthy of national, state or local recognition.
- (12) To initiate and participate in negotiations with owners and other parties in an effort to find means of preserving buildings scheduled for demolition.
- (13) To establish guidelines under which the Director of Planning and Development may approve certificates of appropriateness for minor work. No application shall be denied without first being considered by the commission.
- (14) To conduct hearings on applications for certificates of appropriateness.
- (15) To organize itself and conduct its business by whatever legal means it deems proper.
- (16) To exercise such other powers and perform such other duties as are required elsewhere by this subchapter, the General Statutes of North Carolina or the City Council.

§ 32.040 BOARD OF ADJUSTMENT

- (A) Created. There shall be a Board of Adjustment of the City of Monroe in accordance with the following provisions.
- (B) Appointments and Terms.
 - (1) The Board of Adjustment (BOA) shall consist of a minimum of five (5) and a maximum of seven (7) Regular Members plus two (2) Alternate

Members to attend all meetings which shall replace and substitute for an absent or disqualified regular member not available to hear a matter on a case-by-case basis. All members including Alternate Members shall be appointed by City Council and the Chair and Vice Chair shall be appointed by City Council.

- (2) Members of the Board of Adjustment shall be residents of the City and shall be appointed by City Council; one (1) member may reside outside of the City but within the extraterritorial jurisdiction (ETJ).
- (3) The Chairperson shall receive seventy-five dollars (\$75) per meeting attended. All other members shall receive fifty dollars (\$50) per meeting attended.
- (4) Member Term. Board of Adjustment members shall be appointed for four-year staggered terms expiring on December 31st.
 - a. Members may serve two (2) consecutive terms.
 - b. Any vacancy in the membership shall be filled for the unexpired term.
 - c. Members may continue to serve until their successors have been appointed.
 - d. An Alternate Member may be appointed a Regular Member at which time City Council shall appoint a replacement Alternate Member.

(C) Rules of Procedure.

- (1) Generally. Consistent with Article 4 of Chapter 160D and §160D-302 of the North Carolina General Statutes, the Board of Adjustment shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be public record.
- (2) Meetings. The Board of Adjustment shall adopt a regular meeting schedule. In addition, the Board of Adjustment may hold such special meetings as the conduct of its business may require. All meetings and hearings shall be open to the public.
- (3) Quorum. No official business of the Board of Adjustment may be conducted without a quorum present.
- (4) Participating and Voting. The concurring vote of four-fifths (4/5) of the then-sitting Members of the Board, whether Regular or Alternate,

shall be necessary to grant a variance. A majority of the then sitting Regular Members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.

- a. For the purposes of this division, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Alternate Members shall replace and sit in the place of absent or disqualified Regular Members and be considered a then-sitting Regular Member for purposes of hearing a particular matter before the Board.
- b. Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the division below.
- c. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter.

- (5) Board Member Attendance. Any member of the Board of Adjustment who misses more than three (3) consecutive regular meetings, or more than half of the regular meetings in a calendar year shall be subject to removal and replacement by City Council.

(D) General Powers and Duties. The Board of Adjustment shall have all the powers and duties as authorized by state law, and in the manner provided for in City of Monroe UDO. Generally, such powers and duties shall include, but not be restricted to, the following:

- (1) Special use permits.

- (2) Variances.
- (3) Temporary use permit (60-day or more).
- (4) Appeals.
- (E) Reconsideration of Board of Adjustment Action.
 - (1) Whenever the Board of Adjustment disapproves an application on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for a period of one (1) year unless the applicant clearly demonstrates that:
 - a. Circumstances affecting the property that is the subject of the application have substantially changed; and/or
 - b. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the administrator within the time period for an appeal to superior court. However, such a request does not extend the period within which an appeal must be taken.
 - (2) Notwithstanding division (A)(1), the Board of Adjustment may at any time consider a new application affecting the same property that an application has been previously denied for. A new application is one that differs in some substantial way from the one previously considered.

§ 32.050 PARKS AND RECREATION COMMISSION

(A) Established. The City hereby establishes an advisory Parks and Recreation Commission to investigate the recreational needs of the City and make recommendations to the City Council and City Manager relative to all phases of recreation.

(B) Membership; Compensation.

- (1) Composition and Term. The Commission shall consist of seven (7) members, one (1) of which shall be a Monroe Council Member, all appointed by the City Council, for four-year staggered terms. City Council appoints the Chair and Vice Chair.
- (2) Requirements. All members must be legal residents of the City.
- (3) Compensation. The Commission serves without compensation.

(C) Meetings. The Commission shall establish a regular meeting schedule, which meetings are open to the public, to review and recommend policies and plans and programs for the City Parks and Recreation Department.

§ 32.060 BOARD OF ALCOHOLIC BEVERAGE CONTROL (ABC BOARD)

(A) Established. The City Council hereby establishes the Board of Alcoholic Beverage Control through an Enabling Act in the General Assembly.

(B) Members; Terms. The Board is composed of a Chairperson and two (2) other members appointed by City Council. All terms are for a four-year period.

(C) Duties. The ABC Board has all the powers and duties prescribed for Boards of Alcoholic Beverage Control by G.S. 18B-701 and is subject to the powers and authority of the State Board of Alcoholic Beverage Control.

(D) Subject to State Law. The Monroe ABC Board and the operation of the stores are subject to the provisions of the state General Assembly.

(E) Meetings; Compensation. The ABC Board shall meet monthly and shall be compensated at the rate of one hundred fifty dollars (\$150) per meeting.

§ 32.070 FIREFIGHTERS RELIEF FUND

(A) Members. The Firefighters Relief Fund Trustees shall be composed of five (5) members. Members shall serve no more than two (2) four-year terms. Two (2) members shall be elected by the members of the local fire department who are qualified as beneficiaries of such fund. Two (2) members shall be appointed by the City Council, and one (1) shall be named by the State Fire Marshall. Their selection and term of office shall be as follows:

- (1) The members of the fire department shall hold an election to elect two (2) representatives to the board to serve at the pleasure of the members of the department. The elected representatives may serve until their resignation or until the department holds an election to replace them. Board members elected pursuant to this subdivision shall be either active or retired members of the fire department.
- (2) The City Council shall appoint two (2) representatives to the board to serve at the pleasure of the governing body. Board members appointed pursuant to this subdivision shall be residents of the City of Monroe.
- (3) The State Fire Marshall shall appoint one (1) representative to serve as Trustee who shall serve at the pleasure of the Fire Marshall. The member appointed pursuant to this subdivision shall be either (i) a

resident of the fire district or (ii) an active or retired member of the fire department.

- (4) All Trustees shall serve without pay for their services. The Trustees shall meet in the month of January to organize by electing from their members a Chairman and a Secretary and Treasurer, which two (2) last positions may be held by the same person. The Board of Trustees shall maintain a good and sufficient surety bond as required by Chapter 58 Articles 84 and 85 of the North Carolina General Statute. If the Monroe Fire Chief is not named on the Board of Trustees as above provided, then they shall serve as ex officio members without privilege of voting on matters before the board.

(B) Meetings; Compensation. The Trustees meet, as needed, on call of the Chief or Chairperson of the Board, and serve without compensation.

(C) Duties.

- (1) The Trustees meet, as needed, to review claims resulting from injuries or sickness related to financial loss of fire personnel and manage and disburse funds consistent with Chapter 58 Articles 84 and 85 of the North Carolina General Statutes.
- (2) Retirement benefits for retired fire personnel are reviewed by the Board.

§ 32.080 HOUSING AUTHORITY

(A) Established. The City Council hereby establishes the Monroe Housing Authority pursuant to the N.C. Housing Authorities Law.

(B) Members; Terms. The Monroe Housing Authority is composed of five citizen Commissioners appointed by the Mayor who also designates the first Chairperson. The Commissioners shall elect from its membership a Chair and Vice Chair thereafter. Commissioners serve an overlapping term of five years. At least one (1) Commissioner shall be a person directly assisted by the Housing Authority but shall not vote on matters directly involving that Commissioner's conduct or individual tenancy.

(C) Duties. The Monroe Housing Authority shall have all the powers and duties prescribed for housing authorities as provided in Chapter 157 of the North Carolina General Statutes.

(D) Meetings; Compensation. The Monroe Housing Authority shall meet monthly, and Commissioners shall serve without compensation.

§ 32.090 HISTORIC PRESERVATION COMMISSION

(A) Adopted by Reference. The ordinance establishing a joint Union County Historic Preservation Commission is hereby adopted by reference and incorporated as if set out at length in Title XV: Land Usage - Chapter 152: Historic Properties. Copies of the Ordinance are on file in the office of the City Clerk.

§ 32.100 MONROE TOURISM DEVELOPMENT AUTHORITY

(A) Purpose and Duties. The Monroe Tourism Development Authority is established to carry out the purpose and duties pursuant to and in conformity with North Carolina Session Law 2001-439 section 4.1 et seq.

(B) Members; Terms. The Monroe Tourism Development Authority shall consist of ten (10) members composed of the Chair, or designee, of Monroe Downtown Advisory Board, Executive Director, or designee, of the Union County Community Arts Council, President, or designee, of the Union County Chamber of Commerce, three (3) members affiliated with the hotel/motel industry, one (1) member affiliated with the restaurant industry, and three (3) members shall be at-large. At least one-third (1/3) of the members of the Monroe Tourism Development Authority shall consist of members affiliated with businesses that collect the room occupancy tax in the City, and at least three-fourths (3/4) of the members must be individuals who are currently active in the promotion of travel and tourism in the City. The City Manager, or his or her designee, shall serve ex-officio as a non-voting member. All members shall be appointed by City Council for three (3) year, staggered terms with the initial appointments designated by City Council to consist of one-third (1/3) for one (1) year terms, one-third (1/3) for two (2) year terms, and one-third (1/3) for three (3) year terms. All members shall be residents of Union County or be employed by businesses located in Union County. City Council shall designate one (1) member of the Authority to serve as Chair and one (1) as Vice Chair and shall designate one (1) City Council member to serve as an ex-officio, non-voting member. Appointments and terms shall be governed by the Monroe Boards and Commissions Policy unless otherwise provided herein.

(C) Finance. The Monroe Tourism Development Authority shall be a public authority under the Local Government Budget and Fiscal Control Act. The City of Monroe Finance Officer shall serve as the ex officio finance officer of the Authority. The Authority shall report quarterly and at the close of the fiscal year to the City Council on its receipts and expenditures for the preceding quarter and for the year in such detail as required by City Council.

(D) Meetings. The initial meeting of the Monroe Tourism Development Authority shall be at a date, time and place to be designated by the City Manager for such meeting. Thereafter, regular meetings of the authority shall be at the date, time and place determined by the members. At the initial meeting, the membership shall adopt reasonable bylaws to govern itself and additional officers pursuant to the duly adopted bylaws of the Authority. All meetings of the Authority shall be open to the public and the subject to the North Carolina Open Meetings Law, G.S. § 143.318.9 et seq.

(E) Compensation. Members of the Monroe Tourism Development Authority shall serve without compensation.

§ 32.110 MONROE/UNION COUNTY ECONOMIC DEVELOPMENT ADVISORY BOARD

On December 14, 2012, the City of Monroe and Union County entered into an Interlocal Agreement to create a joint City/County Economic Development Advisory Board. The Interlocal Agreement establishes among other things membership, terms and conditions of both City and County representation on the Board. The Interlocal Agreement, as amended from time to time, is hereby adopted and incorporated by reference as if fully set out herein. Copies of the Interlocal Agreement, and amendments if any, are on file and available in the office of the City Clerk.

§ 32.120 DOWNTOWN ADVISORY BOARD

(A) Created.

- (1) The Monroe Downtown Advisory Board having been created by the City of Monroe City Council shall be hereafter referred to as the Downtown Advisory Board.
- (2) The Downtown Advisory Board shall be considered a public body and is subject to all rules and regulations for public bodies contained in the North Carolina's Open Meetings regulation, G.S. §§143-318.10 et seq.

(B) Membership, Terms of Office, and Officers.

- (1) Membership. The Downtown Advisory Board shall be appointed by City Council and consist of seven (7) citizen members. Members shall be required to be any of the following: residents of the City of Monroe; the full owner of a business located in the City's Downtown Central Business District; have no less than a ten percent (10%) ownership stake in a business located in the city's Downtown Central Business District; be a partner in a business located in the City's Downtown Central Business District (by way of illustration an individual who is a partner in a firm that provides legal services or accounting service would meet this requirement); or an employee of a business located in the City's Downtown Central Business District.
- (2) Terms of Office. Members of this board shall serve staggered, four-year terms.
- (3) Officers. Chair and Vice Chair will be appointed by the City Council.

(C) Meetings, Attendance, and Compensation.

- (1) Meetings. The board shall establish its meeting schedule. Special meetings may be called by the Chair, Vice Chair, or City Manager.
- (2) Attendance. Any member of the Downtown Advisory Board who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be subject to removal and replacement by the City Council. Absences due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission; except that in the event of a long illness or other cause for prolonged absence, the member shall be replaced.
- (3) Compensation. Members of the Downtown Advisory Board shall receive compensation in the amount of seventy-five dollars (\$75) per meeting for the Chairman and fifty dollars (\$50) per member, per meeting attended.

(D) Quorum and Voting. A quorum shall be constituted by a simple majority of board members, excluding vacancies. The Chair or the presiding member of the board shall vote on all matters of business considered by the board. A quorum shall be required before any vote is taken.

(E) General Duties and Powers. The general purpose of the Downtown Advisory Board is to serve as an advisory board to the City Council subject to such limitations as may be imposed by state law or by ordinances of the City, the board shall be embodied for the following purposes:

- (1) Advise, deliberate and make recommendations to the City Council to help facilitate the implementation of the Downtown Master Plan.
- (2) Serve to support economic development efforts and the marketing and promotion of downtown.
- (3) Identify appropriate uses for downtown and identify developers/investors for downtown development.
- (4) Recommend to City Council an overall policy for the continued development and sustainability of downtown.
- (5) Develop financial tools for downtown development.
- (6) Promote and facilitate the improvement of downtown infrastructure, including water, public safety, parks, parking, transportation, utilities sidewalks, sewer, and streetscape.
- (7) Promote and facilitate a program to assist in business retention in the downtown.

- (8) Promote and facilitate a marketing program to increase sales, visitors, and awareness of downtown.
- (9) Provide City Council with representative community participation in preparing and implementing plans and reports concerning development of downtown.
- (10) Promote, facilitate, and act as liaison to catalytic developments significantly affecting the downtown area.

§ 32.130 CITIZENS APPOINTMENT COMMITTEE

(A) The Citizens Appointment Committee is established to review applications and make recommendations to City Council on the appointment of citizens to the various boards, commissions, and committees of the City.

(B) The Citizens Appointment Committee shall prepare recommendations regarding the citizen appointment process for Council consideration for adoption.

(C) The Committee shall establish a regular meeting schedule, and special meetings may be called at the request of the Chair or City Manager.

(D) The Committee shall consist of three (3) members of City Council including the Mayor Pro Tem who shall serve as the Chair of the Committee.

§ 32.140 GENERAL SERVICES COMMITTEE

(A) The General Services Committee is established to review, evaluate, and make recommendations to City Council on policy and/or practices regarding the following:

- (1) Community Development. Outside agency funding requests, pursuing opportunities for community development initiatives targeting low and moderate income areas/individuals, partnerships with other agencies and contractors to accomplish housing and community development goals;
- (2) Customer Service. Evaluate customer requests and issues and improvements to the Customer Service Policy;
- (3) Employee Benefits. Consider and make recommendations to City Council regarding matters related to the City's comprehensive insurance programs including medical/hospitalization, workers' compensation, and property casualty liability insurance;
- (4) Facilities. Review and make recommendations to City Council regarding existing facilities, renovations, additions and new facilities

as needed to provide support for City employees and citizens, naming of facilities or other City assets in honor or memory of deserving individuals or entities;

- (5) Financial. Review and make recommendations to City Council regarding existing financial and budgeting policies and practices to ensure strong financial and budgeting policies and practices;
- (6) Technology Services. Review matters related to information and technology requirements.

(B) The Committee shall be composed of three (3) City Council members one (1) of which will be designated the Chair.

(C) The Committee shall establish a regular meeting schedule, and special meetings may be called at the request of the Chair or City Manager.

§ 32.150 PUBLIC ENTERPRISE COMMITTEE

(A) The Public Enterprise Committee is established to advise staff and make recommendations to City Council regarding matters related to public enterprises of the City including water and wastewater, energy services, and storm water utilities, review and advise City Council on matters involving solid waste policy, solid waste contracts, and environment matters including water and air quality.

(B) The Committee shall be composed of three (3) members of City Council, one (1) of which will be designated the Chair.

(C) The Committee shall establish a regular meeting schedule, and special meetings may be called at the request of the Chair or City Manager.

§ 32.160 PUBLIC SAFETY COMMITTEE

(A) The Public Safety Committee is established to review and advise City Council on matters related to public safety including policies, procedures, and services provided by the Monroe Police Department and the Monroe Fire Department.

(B) The Committee shall be composed of three (3) members of City Council plus up to four (4) citizen members who shall be residents of the City of Monroe. Citizen members shall serve staggered four-year terms but no more than two (2) consecutive terms. City Council shall designate the Chair and Vice Chair of the committee.

(C) The Committee shall establish a regular meeting schedule, and special meetings may be called at the request of the Chair or City Manager.

§ 32.170 DIVERSITY, EQUITY, AND INCLUSION COMMITTEE

(A) Created. The Diversity, Equity, and Inclusion Committee was created by the City of Monroe Council on January 13, 2021.

(B) Duties. The Diversity, Equity, and Inclusion Committee is charged with ensuring that barriers of inequality are removed and all voices are heard. This committee will develop and improve socio-economic opportunities and pledge to promote open and inclusive conversations to foster cultural sensitivity that creates a sense of belonging.

(C) Membership. The Diversity, Equity, and Inclusion Committee shall consist of fifteen (15) citizen members, which is comprised of members of the communities. Application must be submitted for consideration. The City Council may appoint up to three (3) City Council members to the committee in addition to the fifteen citizen members. Council Members shall be full voting members of the Committee. City Council shall appoint the Chair and Vice Chair.

(D) Meetings. The Diversity, Equity, and Inclusion Committee shall set its regular meeting schedule to include monthly meetings. Meetings are open to the public. Special meetings may be called by the Chair, Vice Chair, or City Manager.

(E) Terms of Office. Members all serve at the pleasure of City Council, but otherwise may remain on the committee until they desire to be removed.

(F) Compensation. Committee members are not compensated for their attendance at meetings.

(G) Conflict of Interest. A member of the committee shall not participate in the discussion or vote on any item involving their own financial interest or official conduct. It is the responsibility of the individual to bring to the attention of the entire board any item for which there may be a conflict of interest.

(H) Quorum and Voting. A quorum shall be constituted by a simple majority of committee members, excluding vacancies. The Chair or the presiding member of the board shall vote on all matters of business considered by the committee. A quorum shall be required before any vote is taken.

§ 32.200 BOARDS AND COMMISSIONS IN GENERAL

(A) General Provisions.

(1) Appointment. All appointments to a standing board, commission, or committee will be made pursuant to an application consideration process established by City Council.

(2) Chair and Vice Chair. Unless otherwise provided by law, City Council shall appoint the Chair and Vice Chair of all boards and commissions

who shall serve as such at the pleasure of the Council. Any non-Councilmember Chair or Vice Chair appointed by City Council shall be subject to the term limit restrictions in § 32.200(A)(5) and (6) of the City Code during the time they serve as Chair or Vice Chair.

- (3) Qualifications. Unless otherwise provided by law or ordinance, boards and commission appointees shall be residents of the City of Monroe and meet all of the requirements established by this ordinance or policy of City Council. Appointees shall have no record of conviction of a felony or any conviction of a crime of moral turpitude.
- (4) Term Effective/Expiration Date. The terms of all board and commission members shall begin January 1 and expire on December 31 of the last year of their term.
- (5) Terms. A term of service on all boards and commissions shall be four (4) years unless otherwise provided by law or ordinance. Reappointment to a second term is not automatic and will be based on circumstances at the discretion of the City Council in each individual case. In addition, all members serve at the pleasure of City Council and may be removed at any time with or without cause at the discretion of City Council.
- (6) Term Limits. A length of service on all boards and commissions shall be limited to two (2) full successive terms excluding appointments to fill previously unexpired terms.
- (7) Reappointment. A member of any City board or commission shall be eligible for reappointment at the discretion of City Council one (1) year after non-reappointment due to expiration of a term limit.
- (8) The appointment of City Council Members to a board or committee shall be made annually by City Council prior to January 1 for terms expiring January 1.
- (9) Attendance. Any member of a board or commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be subject to replacement or not being reappointed by City Council. Absences due to sickness, death or other emergencies of like nature shall be recognized as approved 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 may be replaced.
- (10) All Boards, Commissions, and Committees shall establish a regular meeting schedule and provide the City Clerk with notice of its regular meeting date, time, and location or any changes.

- (11) Regular meetings of a Board, Commission, or Committee may be canceled for lack of business to conduct by the Chair, Vice Chair, or City Manager upon notice to the City Clerk and public notice as required. In addition, special meetings may be called by the Chair, Vice Chair, or City Manager upon notice to the City Clerk and public notice as required by the North Carolina Public Meetings Law. When feasible, the Chair, Vice Chair, and City Manager should communicate regarding the reason prior to canceling a meeting or scheduling a special meeting.
- (12) Unless otherwise provided by law or ordinance, all ex officio appointments shall be non-voting members.
- (13) Conflict of Interest. A member of a board or commission shall not participate in the discussion or vote on any item involving their own financial interest or official conduct. It is the responsibility of the individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest.
- (14) All boards and commissions shall be considered a public body and are subject to all rules and regulations for public bodies contained in the North Carolina's Open Meetings regulation, G.S. §§143-318.10 et seq.
- (15) All members of boards and commission shall be required to abide by the City of Monroe Code of Ethics and Attendance Policy and execute an Acknowledgement of Receipt of the Code of Ethics and Attendance Policy.
- (16) City Council may make a determination on a case-by-case basis whether members of a particular Board, Commission, or Committee shall be paid and the amount solely at the discretion of City Council unless otherwise provided by law. City Council members shall not receive payment for serving on a Board or Commission.
- (17) Members may be reimbursed for expenses incurred when required as a member of a board or commission in keeping with the City of Monroe's travel and reimbursement policy. An expense reimbursement request shall be made on City Reimbursement Forms and submitted to the committee staff liaison for review and approval by the City Manager of designee.

Section 3. Delete § 32.301 Mayoral Committees and § 32.302 Standing Committees (A)(B)(C) and (D) in their entirety and substitute and replace to read as follows:

§ 32.300 Mayoral Committees.

- (A) The Mayor is authorized to establish by Mayoral Proclamation various ad hoc

committees of limited scope and duration as deemed needed by the Mayor for the purpose of considering matters within the subject matter established for the committee and making recommendations to City Council. The Mayoral Proclamation shall set out the purpose and scope of the subject of the Committee as well as the duration of the Committee. The Mayor may also terminate such committees when there is no longer a need for the committee.

(B) Each Committee shall be composed of up to three (3) City Council members to be appointed by the Mayor, and the Mayor shall also appoint the chair of the committee. Although not required, each committee may have up to four (4) other citizen members appointed by City Council utilizing the same application appointment process as required for appointment to boards or commissions.

(C) Mayoral Committees are considered public bodies and shall operate and comply with the North Carolina Open Meetings Law, G.S. § 143.318.9 et seq.

Section 4. This Ordinance shall be effective upon adoption.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk

QUALIFICATIONS

1. Appointees to boards and commissions shall be residents of the City of Monroe, unless otherwise provided by law, ordinance, or City Council action.
2. No citizen shall be eligible to hold concurrently more than two (2) Mayoral or City Council appointments to boards or commissions.
3. Efforts are made to represent the diversity that we have in our community on all boards and commissions.
4. Appointees shall have no record of conviction of a felony or any conviction of a crime involving moral turpitude.

TERMS

1. A term of service on all boards shall be as established by the North Carolina General Statutes or specified in the City Code of Ordinances.
2. A member shall serve until the expiration of their term or until such time as a successor is appointed, whichever occurs later.
3. Reappointment to a second term is not automatic and will be based on circumstances to be determined by the City Council in each individual case.

ATTENDANCE

1. Appointees to boards and commissions are expected to attend all meetings possible.
2. Any member of a City board or commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be subject to removal and replacement by City Council. Absences due to sickness, death, or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the board or commission; except, in the event of a long illness or other such cause for prolonged absence, the member may be replaced.
3. The board Chair, via the staff liaison, shall be responsible for reporting on attendance to the City Clerk on a quarterly basis.

THE BOARD AT WORK

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1. Each board or commission receives its charge from the North Carolina General Statutes or from a City ordinance or resolution establishing the board.
2. The City Council may, from time to time, ask a board to consider specific items not in conflict with existing laws.
3. The Chair, working with the staff liaison, shall send copies of all minutes to the City Clerk.
4. The City Council may appoint a City Council person as an ex officio, non-voting member Council Liaison to a board or commission, and that member is entitled to receive all agendas, minutes, and other correspondence and be eligible to attend all meetings of the board or commission including closed sessions. The role of the City Council Liaison shall be to serve as a direct communication link between the City Council and the board or commission. The City Council Liaison shall notify the board or commission of long-range issues and projects under consideration by the City Council which would be of interest to that board or commission and shall likewise advise the City Council of such matters under consideration by the board or commission.
5. Each board shall submit a written annual report to the City Council outlining their activities for the past year. The report for the previous calendar year shall be sent to the City Clerk by January 30 unless otherwise required by ordinance.
6. An orientation session will be conducted for all new appointees by the City staff liaison.
7. From time to time, additional training sessions for board or commission members may be provided through City staff, the Institute of Government, and other training groups and organizations. The City Council encourages members to take advantage of these opportunities.
8. A board or commission member who is not present at a meeting shall not be allowed to vote by proxy.
9. The requirements of the Open Meetings Law shall apply to all boards or commissions.

CITIZENS APPOINTMENT COMMITTEE

1. The Citizens Appointment Committee is responsible for the following:
 - a. Evaluating the on-going need for each board and commission and recommend to the City Council elimination of any for which there is no longer a need;
 - b. Reviewing applications and making recommendations to City Council regarding appointments for membership on boards and commissions;
 - c. Recommending Chair and Vice Chair appointments to boards and commissions for City Council consideration; and

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- d. Reviewing and recommending changes to the appointment application and procedure process.
2. This Committee may also consider other items in regard to the structure of a board or commission, appointments, or other items at the request of City Council.
3. When considering appointment recommendations, the Citizens Appointment Committee shall comply with the following:
 - a. When an application is received, forward the application to the committee Chair for consideration/comment as he/she may know of a conflict;
 - b. Citizens Appointment Committee members should be recused from voting for their own committee appointment recommendation. No action can be taken on an application from a Council Member serving on the Citizens Appointment Committee while the Council Member applying is still on Council;
 - c. Under no circumstances are applications to be altered by City staff. If an applicant is interested in serving on multiple committees, the applicant will need to submit a specific application with qualifications and skills for each committee;
 - d. A completed application package must be received at least twenty-four hours prior to the meeting of the Citizens Appointment Committee during which it is considered;
 - e. Appointment recommendations shall be placed on the City Council Agenda for consideration immediately following the Citizens Appointment Committee Meeting during which the recommendation for appointment was made; and
 - f. A former Council Member is not eligible for consideration for appointment to a committee for a period of three (3) months following the end of the Council Member's term of office.

CONFLICT OF INTEREST

1. A member of a board or commission shall not participate in the discussion or vote on any item involving their own official conduct or financial interest.
2. It is the responsibility of an individual board or commission member to bring to the attention of the entire board any item for which there may be a conflict of interest.
3. It is up to the entire board or commission to decide if a conflict exists and vote to excuse a member from considering a particular item.

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4. Staff and legal assistance is available to all boards and commissions to help the board with decisions in this area.

RESIGNATIONS AND REPLACEMENTS

1. Any member of a board or commission who desires to resign shall do so in writing to the City Clerk.
2. All members of boards and commissions serve at the pleasure of City Council and may be removed at any time at the sole discretion of City Council with or without cause. In addition, all board and commission Chairs and Vice Chairs serve at the pleasure of City Council and may be removed as Chair or Vice Chair at the discretion of City Council.

MAYORAL COMMITTEES

- (A) The Mayor is authorized to establish by Mayoral Proclamation various ad hoc committees of limited scope and duration as deemed needed by the Mayor for the purpose of considering matters within the subject matter established for the committee and making recommendations to City Council. The Mayor may also terminate such committees when there is no longer a need for the committee.
- (B) Each Committee shall be composed of up to three (3) City Council members to be appointed by the Mayor, and the Mayor shall also appoint the chair of the committee. Although not required, each committee may have up to four (4) other citizen members appointed by City Council utilizing the same application appointment process as required for appointment to boards or commissions.
- (C) Mayoral Committees are considered public bodies and shall operate and comply with the North Carolina Open Meetings Law, G.S. § 143.318.9 et seq.

CITY OF MONROE
APPLICATION TO SERVE ON APPOINTED BOARDS
COMMITTEES OR COMMISSIONS

Applicant must attend a minimum of one (1) Committee meeting of interest within one year prior to submitting application before application will be considered.

DATE: _____

COMMITTEE/BOARD seeking appointment: _____

NAME: _____

ADDRESS: _____

MAILING ADDRESS: _____

YEARS IN MONROE (UNION) COUNTY: _____

RESIDENCY: CITY / COUNTY (circle one)

Are you a United States citizen? YES / NO (circle one)

PRIMARY PHONE NUMBER: () - HOME / MOBILE / BUSINESS (circle one)

E-mail address: _____

EDUCATION:

List schools, dates attended, degrees obtained:

	School	Date Attended	Degree
1.			
2.			
3.			
4.			

OCCUPATION:

Past three and current employer(s) and positions held:

	Employer	Position Held
1.		
2.		
3.		

Please list civic and fraternal organizations in which you participate in Monroe/Union County:

Business and civic experience/skills relevant to the committee/board seeking appointment:

Areas of expertise/special skills relevant to the committee/board seeking appointment:

Please explain your interest in serving on the committee/board:

Are you currently serving on any other appointed bodies? YES / NO (circle one). If yes, please list:

- 1.
- 2.
- 3.

Do you currently hold an elected office? YES / NO (circle one). If yes, please list:

Could any of your business or personal interests create a conflict (either real or perceived) if appointed? YES / NO (circle one). If yes, please explain conflict:

List the date of meeting(s) attended of the committee/board of interest:

- 1.
- 2.
- 3.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction? YES / NO (circle one) If yes, please explain complete disposition.

Have you completed the City's Citizen's Academy? YES / NO (circle one). If yes, when did you complete the academy?

Have you ever been convicted of a crime other than minor traffic offenses? YES / NO (circle one). If yes, explain:

Please attach a copy of your resume/curriculum vitae with this application. (If you are applying for reappointment and there are no changes, a resume/curriculum vitae is not required.)

Date: _____ Signature: _____

I UNDERSTAND THAT THIS APPLICATION WILL BE KEPT IN ACTIVE STATUS FOR ONE (1) YEAR FROM DATE OF APPLICATION.

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to City representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Monroe from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all City policies pertaining to boards and commissions, including attendance. I hereby acknowledge that this application and information provided herein may constitute a public record, pursuant to North Carolina's Public Records Law, N.C.G.S. 132-1, et. seq., and as such, may be released in accordance with all applicable public record laws.

FOR OFFICE USE ONLY: Date Received: _____

ATTENDANCE REQUIREMENT MET: YES / NO