

## Chapter 33. Boards and Commissions

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### ***AUXILIARY POLICE FORCE***

#### **§ 33.01 RESERVE POLICE.**

In accordance with G.S. § 160A-282, the town does hereby establish an auxiliary police force to consist of reserve officers under the direction of the Police Commissioner of the town, and that while those auxiliary police officers are undergoing official training and while performing duties on behalf of the town, pursuant to orders or instructions of the Chief of the Police Department, those law enforcement personnel shall be entitled to benefits under the North Carolina Worker's Compensation Act, and to any fringe benefits for which those volunteer personnel qualify. ('72 Code, § 15-1) (Ord. 13, passed 5-24-76)

### ***PLANNING BOARD***

#### **§ 33.15 CONTINUING STATE AUTHORITY TO PERFORM FUNCTIONS AND DUTIES.**

A Planning Board for the town, and formerly created under the authority of G.S. § 160-22, is hereby continued under the authority of G.S. § 160A-361 to perform the functions and duties herein prescribed.

('72 Code, § 3-2-1A)

**§ 33.16 APPOINTMENT; TERMS; ORGANIZATION.**

- (A) The Planning Board shall consist of seven members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other official municipal government position except on a zoning board, zoning board of appeals or housing authority board. Further, all seven members shall be citizens of the town and shall be appointed by the Board of Commissioners so that terms overlap. (Note: It is the intent to create two-year staggered terms for the seven members.) (Ord. No. 1301-B, passed 8-25-03)
- (B) All members of the Planning Board shall serve as such without compensation.
- (C) Members may, after a public hearing, be removed by the governing body that appointed them for inefficiency, neglect of duty, or malfeasance in office. The Mayor shall file a written statement of reasons for the removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the governing authority that appointed the member to be replaced.
- (D) Members shall be eligible for reappointment for a maximum of two consecutive terms at which point they would not be eligible for reappointment for at least one year. (Ord. No. 1301-B, passed 8-25-03)
- (E) There shall also be appointed two alternate members who shall serve for two-year terms with a maximum of two consecutive terms. The alternates shall be eligible to attend meetings of the Planning Board and participate in its deliberations. Alternates may not vote, however, unless and except one of the above seven designated members or more shall be absent from that meeting. The alternates then shall sit in the place of the absent member during that meeting with full power to both deliberate and vote on all matters on the agenda. The Planning Board Chairperson shall determine which alternates shall sit in the stead of an absent regular Board member. ('72 Code, § 3-2-1B) (Am. Ord. 326, passed 2-24-86; Am. Ord. 487, passed 3-28-88; Am. Ord. 565, passed 3-28-89; Am. Ord. 686, passed 8-5-91; Am. Ord. 829, passed 10-10-94; Ord. 1239, passed 3-11-02; Ord. 1301-B, passed 8-25-03)

**§ 33.17 OFFICERS; MEETINGS AND RULES.**

- (A) At the start of each calendar year, the Planning Board shall elect its Chairperson from among the appointed citizen members and create and fill any other of its offices as it may determine. The term of office for the Chairperson shall be one years. (Ord. No. 1301-B, passed 8-25-03)
- (B) The Planning Board shall hold at least one regular meeting in each month which shall be open to the public. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. which record shall be a public record. ('72 Code, §3-2-1C)

**§ 33.18 STAFF AND FINANCES.**

- (A) The Planning Board may contract with city planners, engineers, architects and other consultants for those services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Commissioners and no indebtedness for which the town shall be liable shall be contracted by the Planning Board unless an appropriation is made by the Board of Commissioners for those purposes, as authorized by law, and then only to the extent of the appropriation. The Planning Board shall have the right to accept gifts and donations for the exercise of its functions and for giving publicity to its work and may expend the money received from those donations and gifts as in its judgment may appear best. ('72 Code, § 3-2-1D)
- (B) All officers and employees of the Town shall render any reasonable assistance and any information to the

Planning Board as may be requested by the Planning Board for its work. ('72 Code, § 3-2-1G)

**§ 33.19 GENERAL POWERS AND DUTIES.**

It shall be the function and duty of the Planning Board to make and adopt a suggested master plan for the physical development of the town, including subdivision control ordinances, as the Planning Board and the Board of Commissioners may deem best. This plan, with the accompanying maps, plats, charts and descriptive matter may show the Planning Board's recommendations for the development of that territory, within the town limits including among other things, the general location, character and extent of streets, viaducts, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises. The Planning Board may from time to time recommend amendments, extensions or additions to the plan. ('72 Code, § 3-2-1E)

**§ 33.20 PURPOSES IN VIEW.**

In the preparation of that plan or modified plan or parts thereof, the Planning Board shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements. ('72 Code, § 3-2-1F)

**§ 33.21 PUBLIC HEARINGS; PROMOTION OF PUBLIC INTEREST; ATTENDANCE AT CITY PLANNING CONFERENCES.**

- (A) Before the adoption by the Planning Board of the plan or any such part, amendment, extension or addition the Planning Board may hold public hearings thereon.
- (B) The Planning Board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report and may employ any other means of publicity and education as it may determine.
- (C) Members of the Planning Board, when duly authorized by the Planning Board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Planning Board may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to that attendance. ('72 Code, § 3-2-1G)

**§ 33.22 SUBMISSION OF REPORTS.**

The Planning Board shall from time to time, and at least annually, submit reports in writing to the Board of Commissioners giving information regarding the condition of the municipality and any plans or proposals for the

development of the area and estimates of the cost thereof, and these reports shall contain any other recommendations as the Planning Board feels should have immediate attention. ('72 Code, § 3-2-1G)

### ***APPEARANCE/TREE COMMITTEE***

#### **§ 33.40 ESTABLISHMENT OF APPEARANCE/TREE COMMITTEE**

- (A) There is hereby created and established “The Matthews Appearance/Tree Committee”, hereinafter referred to as the “Committee”, composed of seven (7) members appointed by the Board of Commissioners of the Town of Matthews. All members shall be residents of the Town of Matthews planning and zoning jurisdiction at the time of appointment.
- (B) Committee members shall resign their position within thirty (30) days of their permanent relocation outside of the planning and zoning jurisdiction of the Town of Matthews.

#### **§ 33.41 MEMBERSHIP, QUALIFICATION AND TERMS OF OFFICE**

- (A) Where possible, appointments shall be made in such a manner as to maintain on the Committee at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape architecture, horticulture, city planning or a closely related field. It is also desirable to have members with special training or experience in forestry.
- (B) Members shall be appointed for two-year staggered terms, except that the Board of Commissioners may stagger the length of the initial appointees so that all terms do not expire simultaneously.
- (C) Members of the Committee shall serve without pay but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Committee.

#### **§ 33.42 ORGANIZATION OF THE COMMITTEE**

- (A) The Committee, within thirty (30) days of its appointment, shall meet and elect a chairperson, vice-chairperson, and a secretary; the latter office need not be a member of the Committee. It shall adopt bylaws to govern the conduct of its business.
- (B) The Committee shall maintain a record of its members’ attendance, its actions, findings and recommendations, which record shall be open to the public.
- (C) A quorum of four (4) members shall be necessary to take any official action authorized or required by this ordinance.

#### **§ 33.43 POWERS AND DUTIES OF THE COMMITTEE**

The Committee shall have the following powers and duties:

- (1) To make studies of the visual characteristics and problems of the town, including surveys and inventories of

- an appropriate nature, and to recommend standards and policies of design for the entire area, any portion of a neighborhood thereof, or any project to be undertaken;
- (2) To initiate, promote and assist in the implementation of programs of general community beautification in the town.
  - (3) To seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities, and programs bear on the appearance of the town;
  - (4) To provide leadership and guidance in matters of area or community design and appearance to individuals, and to the public and private organizations and agencies;
  - (5) To prepare both general and specific plans for the improved appearance of the town. These plans may include the entire area or any part thereof and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the town or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects;
  - (6) To request from the proper officials of any public agency or body, including agencies of the State and its political subdivisions, its plans for public buildings, facilities, or projects to be located within the town or its area of planning and zoning jurisdiction;
  - (7) To review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency, or to the Planning Board or Board of Commissioners. All plans shall be reviewed by the Committee in a prompt and expeditious manner, and all recommendations of the Committee with regard to any public project shall be made in writing. Copies of the recommendations shall be transmitted promptly to the Planning Board or Board of Commissioners and to the appropriate agency;
  - (8) To formulate and recommend to the Board of Commissioners the adoptions of amendments or ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the Committee, serve to enhance the appearance of the town and its surrounding areas;
  - (9) To direct the attention of town officials to needed enforcement of any ordinance that may in any way affect the appearance of the town;
  - (10) To seek voluntary adherence to the standards and policies of its plans;
  - (11) To enter, in performance of its official duties and at reasonable times, upon private lands, and make examinations or surveys;
  - (12) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end prepare, publish and distribute to the public such studies and reports as will, in the opinion of the Committee, advance the cause of improved municipal appearance;
  - (13) To conduct public meetings and hearings, giving reasonable notice to the public thereof.
  - (14) To seek funding for tree planting activities.
  - (15) To coordinate Arbor Day celebrations.
  - (16) To promote compliance by the Town with TREE CITY U.S.A. requirements.

**§ 33.44 ANNUAL REPORT**

The Committee shall, no later than April 15 of each year, submit to the Board of Commissioners a written reports of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year. All accounts and funds of the Committee shall be administered substantially in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

**§ 33.45 STAFF AND TECHNICAL SERVICES**

The Committee may recommend to the Board of Commissioners suitable arrangements for the procurement or provision of staff or technical services for the Committee.

**§ 33.46 RECEIPT AND EXPENDITURES OF FUNDS**

The Committee may receive contributions from private agencies, foundations, organizations, individuals and the state or federal government, or another source in addition to any sums appropriated for its use by the Board of Commissioners. It may accept and disburse these funds for any purpose within the scope of its authority and as herein specified. (Ord. No. 926-A, passed 7-14-97)(Ord. No. 1599, passed 11-12-07)