



ORDINANCE NAME: **UDO REVIEW COMMITTEE ORDINANCE**

ORDINANCE #: ORD-2017-002

ORIGINAL ADOPTION DATE: 5-9-17

REVISION DATE(S): 6-13-17; 1-9-18

ORIGINAL EFFECTIVE DATE: 5-9-17

REVISED PAGE(S): (1-4, 6)

A. Purpose of the Ordinance: The Town of Summerfield utilizes active and informed citizen volunteers per the Summerfield Comprehensive Plan's Policy 12.1, which reads: "the Town should continue to employ a multiple committee structure to advise the Town Council and to constructively engage citizen volunteers in the governance of their community."

This independent ordinance exists to regulate and provide guidance, leadership, and standard operating policies and procedures to a Council-appointed, ad-hoc, citizen advisory committee. For simplicity, the resulting committee will be referred to as the "UDO Review Committee" or "Committee" with the understanding that "UDO" abbreviates "Unified Development Ordinance," a rewrite and update of the current Summerfield Development Ordinance.

Town Council has an objective to "adopt a citizen-supported UDO that is better aligned with the adopted Comprehensive Plan." Those charged with shaping the committee formation suggested an ad-hoc committee, completion of the UDO during the first quarter of 2018, and that committee meetings be held the first and third Thursdays of each month at 6:00pm.

B. Purpose of the UDO Review Committee: The purpose of the committee is to engage representative community stakeholders in a review of the current UDO draft's substantive issues with the goal of shaping a final UDO draft that is more congruent with the current Comprehensive Plan.

The Committee is advisory to the Zoning Board. The desire is to engage the community in the rewrite process to an even greater degree beyond what is normally required in the adoption of a development ordinance.

C. Proposed Timeline:

- May 9* Council adopts this establishing ordinance to clearly communicate intent, the process, and how the committee will operate;
- May 10* Staff publishes committee-related documents to town website and begins to accept applications of residents who wish to serve;
- May 24-26* Subcommittee meets to review applications;
- May 30-June 2* Interviews of potential committee members; and,
- June 13* Council appoints committee members and sets date of first meeting (beginning 7/20) with meetings to be held regularly the first and third Thursdays of each month at 6:00pm.



D. Member Appointment and Terms: The intent is to engage a wide variety of citizen participation in local government by appointing members who represent community diversity. Committee membership is specifically reserved to current Summerfield residents (see “Definitions”), except as delineated below or by specific ordinance or policy. The following rules apply:

1. Applications for committee membership shall be received by the Planning Department per the published deadline and will be reviewed by a Council subcommittee consisting of the Council member John O-Day, Council member Mike Adams, Planning Director Carrie Spencer, and Manager Scott Whitaker. The subcommittee shall evaluate and/or interview each applicant and make an appointment recommendation to Council. Committee members shall serve solely at the pleasure of Council and if a vacancy occurs, Council shall re-appoint at its pleasure; the goal is to maintain a fully-functioning Committee.
2. An immediate family member (see “Definitions”) of a Council member may not serve; other relatives are not affected.
3. The ad-hoc Committee’s service is over when the Committee has completed its prescribed purpose. If the Committee were to become unproductive as determined by the Council subcommittee named in item #1 above, Council would retain the right to disband the Committee after reasonable notification.

E. Membership Size and Composition: Membership shall include thirteen voting, resident members; three ex-officio members – two Council members and one Zoning Board member; and a Facilitator for a total of seventeen members (thirteen voting, three ex-officio, and one Facilitator). No other ex-officio membership shall be granted. Officers shall be elected from the thirteen voting, resident members.

The composition of the committee shall be based on the committee’s purpose with descriptors for potential committee members, such as years in town, experience on previous Summerfield committees related to the Comprehensive Plan and UDO, development/land use expertise, and interest in the process. Membership shall represent a geographically-diverse cross section of the town. The ability to meet regularly at the appointed meeting times will also be a significant appointment consideration.

F. Member Compensation: Committee members will not be compensated for their volunteer time while serving on a committee, although the Town may pay for the Facilitator’s services.

G. Roles and Responsibilities:

1. **Facilitator role and responsibility:** This role shall be scoped by a separate agreement, but any Facilitator should remain neutral, guide content and process, and ensure that the committee focuses on the committee purpose and tasks at hand.
2. **UDO Review Committee member role and responsibility:** A revision draft of the current Development Ordinance was completed in 2012 to better reflect the Comprehensive Plan adopted in 2010. Subsequent revisions have been made from attorney review, consultant



review for legislative updates, and planner input. The UDO Review Committee will review the most current revision.

UDO review will follow an orderly progression from general provisions to specific standards. The committee's charge will be focused on substantive development issues, not a line-by-line review of the full draft. The primary role of the member is to provide insights and perspectives regarding compatibility with the Comprehensive Plan. Meetings shall be held twice monthly and ordinance item H. 5 addresses regular member attendance and good standing.

At the conclusion of the review process, the Committee Chair will present a summary report of the Committee's work to the Zoning Board. The Committee will not be asked to formally endorse the proposed UDO so that members can remain objective and unbiased during their involvement in the formal public review process.

3. **Planning staff role and responsibilities:** Staff shall provide the beginning UDO draft and communicate substantive issues for the Committee to review. Based on the results of the Committee's work during the process, staff shall draft a final UDO draft for the Zoning Board.
4. **Zoning Board role and responsibility:** As a recommending body to Town Council, the Zoning Board is responsible for making a recommendation to Council pertaining to the UDO. It will hold a public hearing prior to making its recommendation.
5. **Town Council role and responsibility:** As the official legislative body of the Town of Summerfield, Council is responsible for the final content and adoption of the UDO. Council will consider the Zoning Board recommendation and also hold a formal public hearing prior to formal ordinance adoption.

H. Organization, Rules, Records, and Meetings

1. **Officers:** Each committee shall have the following organizational structure: Chair, Vice-chair, and Secretary. One person may hold two positions with the exception that one person cannot hold both Chair and Vice-Chair. An ex-officio member cannot serve as an officer. Each position is described as follows:
 - a) **Chair:** Responsible for setting committee agenda, organizing and running committee meetings and activities, and enforcing the committee's establishing ordinance. The Chair will be appointed by Council.
 - b) **Vice-chair:** Responsible for fulfilling the duties of the Chair if the Chair is unable or unavailable to fulfill the role. The Vice-chair will be elected by the committee.
 - c) **Secretary:** Responsible for taking required minutes of all meetings per the town's committee minutes policy. Minutes shall follow the adopted minutes format and be on town letterhead. If the Secretary is not available for a meeting, then it is the Chair's responsibility to delegate the role to ensure required minutes are completed. The Secretary will be elected by the committee.
2. **Minutes:** Minutes shall be taken in accordance with POL-2008-003: Committee Meeting Minutes Policy.



3. **Meeting Notice:** Each committee shall establish a monthly meeting date, time, and location each July for the upcoming year and make every effort to not deviate from the schedule. Additional meetings or changes to meeting dates shall be made at least two weeks in advance. Special meetings shall be utilized as little as possible and must be called at least three business days in advance, except in extraordinary circumstances. Notice of any meeting shall be forwarded to the Town Clerk and Town Manager as soon as possible after the meeting is called. The Town Clerk will post the meeting notice at Town Hall and on the website, will inform Council of the meeting, and will provide notice to the local news media as requested.
4. **Meeting Conduct:** Each committee shall make every effort to conduct its business in a professional and timely manner ensuring that citizens have permitted time for public comments, that all representatives have the opportunity to contribute, and that all sides of an issue are investigated to the best of the committee's ability. Parliamentary procedure shall follow the *Suggested Rules of Procedure for Small Local Government Boards* (second edition) publication produced by the UNC School of Government's Institute of Government. Regular meetings shall have a citizen comment period to allow each speaker three minutes and the public comment period shall not exceed 15 minutes. At the Chair's discretion, the time per speaker can be extended, provided that at least three minutes are allowed.
5. **Quorum:** Seven voting members shall constitute a quorum. Every effort will be made by members to attend all committee meetings. Tele-conferencing is allowed as long as the member not in attendance can hear and participate effectively. The minutes should reflect any teleconferencing participation.

If a committee member misses more than 25% of the regular meetings within any twelve-month period, the Chair will inform the Town Manager with a recommendation for either removal or continuance on the committee. Any request for removal must be in writing and cite dates missed along with any special circumstances pertaining to absences. The circumstances of each individual will be taken into account before a recommendation to remove is forwarded to Council.

6. **Sub-committees:** Sub-committees are not allowed.

I. Receipts and Expenditures of Funds: Town policy allows a committee the required resources and authority to expend funds budgeted through the annual budget authorization process within the following parameters:

1. A committee can expend budgeted funds with approval of either the Town Manager or Finance Officer. Requests shall be made in accordance with the Town of Summerfield Purchasing Policy and Procedures Manual.
2. If a committee makes a request for unbudgeted funds, it will be reviewed by the Town Manager and Finance Officer to determine if a budget amendment will either be implemented internally (via a Finance Officer budget amendment that would be reported to Council) or will be requested by Council (via a Council budget amendment).



- J. **Agency Funds:** The town recognizes that citizens, non-profits, and businesses may offer donations to the committees to further the committee's purpose; however, this committee is not authorized to accept donations, grants, and other funds from outside sources.
- K. **Ethics and Conflicts of Interest:** Each committee member is expected to act in a manner to maintain their integrity and independence, yet be responsive to the interests and needs of the town, Council, and staff.
1. Committee members shall understand the committee's role as an advisory one and respect the decisions made by the Council and staff.
 2. Committee members have legitimate interests (economic, professional, and vocational) of a private nature. Committee members shall not be denied, nor should they deny to other committee members or citizens the opportunity to acquire, retain, and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Committee members must exercise their best judgment to determine when this is the case.
 3. Committee members will understand that the actions of their committee may interfere with, or be counter to, the actions of another committee of the Town. When this occurs, it is incumbent upon committee members to properly discuss the issues arising from such conflict and accept the decisions made by other committees, staff, and Council as acting in the best interest of the citizens of Summerfield.
 4. Committee members should conserve town resources in their charge and employ town equipment, property, funds, and personnel only in legally-permissible pursuits and in a manner that exemplifies excellent stewardship.
 5. Committee members have a fiduciary duty (see "Definitions") to the town and committee, not their own or other private interests. Any possible fiduciary conflicts shall be disclosed to the committee, Town Manager, and Council.
 6. At the Council's discretion, a background check may be performed on any committee applicant.
- L. **Complaints Against Committee Members:** Committee members hold a position of trust and responsibility within the community. Complaints made regarding their actions or behavior must be made in writing with as much detail as possible about the circumstances of the complaint. Complaints will be reviewed by the Town Manager and reported to Council for further action.
- M. **Grounds for Removal of a Committee Member:** Committee members serve solely at the pleasure of Town Council and it reserves the right to remove any member from any committee at any time for any reason. The Town Manager may recommend removal of a member for Council's consideration. Examples that could lead to removal include, but are not limited to, the following:
1. Excessive absences from regular committee meetings.



2. Verbally or physically abusive behavior toward the public, members, staff, or Council.
3. Inability to work for the common good of the committee and town.
4. Violations of the "Ethics and Conflicts of Interest" section of this ordinance.
5. Violations of any other section of this ordinance or other town ordinances, policies, or procedures.
6. Past or present criminal charges, judgments, or professional misconduct actions.

N. Definitions: For purposes of this ordinance, the following definitions apply:

- a. *Resident:* a Town of Summerfield citizen who resides inside the corporate town limits.
- b. *Ex-officio:* either a resident or non-resident appointed to a serve and offer input to the committee who doesn't have the full rights and privileges to vote on committee matters.
- c. *Immediate family member:* a spouse, parent, child, brother, or sister, including step, half, and in-law relationships.
- d. *Fiduciary duty:* a legal relationship between two or more parties that is highlighted by good faith, loyalty, trust, and a duty not to profit from their fiduciary position without express knowledge and consent; a fiduciary cannot act with a conflict of interest.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Summerfield adopts this ordinance to provide guidance, leadership, and standard operating policies and procedures to the Council-appointed volunteer committees named within it.

Adopted this 13th day of June, 2017.

Attest:

Mayor Mark Brown

Acting Clerk

Town Attorney William Hill