

Chapter 2

ADMINISTRATION*

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- * **Charter References:** Municipal powers, § 4.
State Law References: Administration of mayor-council cities, G.S. § 160A-155 et seq.
Cross References: Buildings and building regulations, Ch. 4; licenses and business regulations, Ch. 6; solid waste management, Ch. 12; subdivisions, Ch. 14; utilities, Ch. 15; zoning, Ch. 16.
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Art. I. In General, §§ 2-1--2-25

Art. II. Mayor and Board of Commissioners, §§ 2-26--2-45

Art. III. Officers and Employees, §§ 2-46--2-65

Art. IV. Boards, Agencies and Commissions, §§ 2-66--2-90

Art. V. Finance and Purchasing, §§ 2-91--2-100

Art. VI. Smoking in Municipal Buildings, §§ 2-101--2-104

ARTICLE I.

IN GENERAL*

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- * **State Law References:** General ordinance making power, G.S. § 160A-174.
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Sec. 2-1. Official copy.

A true copy of an ordinance, which has been duly enacted by the board, signed by the mayor, and attested to by the clerk shall be known as an official copy of an ordinance for the town. All ordinances or a true copy thereof shall be inserted in this Code in the proper chapter.

(Code 1982, § 2.12)

Sec. 2-2. Ordinance book.

The clerk shall file a true copy of each ordinance, until it is codified in this Code, in an ordinance book separate and apart from the board's minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the clerk.

(Code 1982, § 2.13)

State Law References: Requirement to adopt and issue a code of ordinances, G.S. § 160A-77; requirement to maintain ordinance book, G.S. § 160A-78.

Secs. 2-3--2-25. Reserved.

ARTICLE II.

MAYOR AND BOARD OF COMMISSIONERS*

* **Charter References:** Governing body, § 3.

State Law References: General powers of mayor and council, G.S. § 160A-67; administration of mayor-council cities, G.S. § 160A-155 et seq.

Sec. 2-26. Regular meetings.

The regular meetings of the mayor and board of commissioners shall be held on the first and third Wednesday of each month at 7:00 p.m. year-round at the town hall unless otherwise designated by the board. (Code 1982, § 2.1; Ord. of April 18, 1990)

State Law References: Regular and special meetings, G.S. § 160A-71.

Sec. 2-27. Committees.

The mayor and board may create such committees of the board for special purposes as they deem best. (Code 1982, § 2.2)

Sec. 2-28. Office of mayor.

It shall be the duty of the mayor to cause all ordinances of the town to be enforced and to attend and preside over all meetings of the board. The mayor shall perform such other duties as the board may from time to time require. The mayor shall be the chief executive officer of the town. He shall preserve order at all meetings of the board and shall perform all other duties which devolve upon presiding officers of parliamentary bodies. (Code 1982, § 2.21)

State Law References: Mayor to preside over meetings, G.S. § 160A-69.

Secs. 2-29--2-45. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **Cross References:** Building inspectors, § 4-46; officers of the fire department, § 5-3; police, Ch. 10; public works director, § 15-1.

Sec. 2-46. Office of clerk-treasurer.

(a) The clerk-treasurer, referred to throughout this Code as the "clerk," shall be appointed by the board and shall hold his office at the pleasure of the board.

(b) The clerk shall:

- (1) Give notice of meetings of the board;
- (2) Keep a journal of the proceedings of the board;
- (3) Be the custodian of all town records; and
- (4) Perform any other duties that may be required by law or the board.

(Code 1982, § 2.22)

State Law References: City clerk; duties, G.S. § 160A-171.

Sec. 2-47. Other officers and employees.

(a) Such other officers and employees that are deemed necessary shall be appointed annually by the board. All officers and employees shall serve at the pleasure of the board and receive such compensation as from time to time may be prescribed by the board.

(b) The board may adopt or provide for rules and regulations or ordinances concerning but not limited to annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, hours of employment, holidays, working conditions, service award and incentive award programs, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and honest career employees.

(Code 1982, § 2.23)

Editors Note: Regulations pertaining to town employees on such subjects as employment policy, employee benefits, holidays and leaves of absence, travel and employee appraisals may be found in the town's personnel policies and procedures manual, published by the town, an official copy of which is on file in the office of the town clerk.

State Law References: Personnel rules, G.S. § 160A-164.

Secs. 2-48--2-65. Reserved.

ARTICLE IV.

BOARDS, AGENCIES AND COMMISSIONS

Sec. 2-66. Planning board created.

The Town of Highlands Planning Board, referred to throughout this article as the planning board, is hereby created under the authority of G.S. section 160A-361.

(Code 1982, § 12.1)

Sec. 2-67. Members.

(a) The planning board shall consist of seven (7) members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other municipal government position except on a zoning board, zoning board of appeals or housing authority board. The mayor may appoint two (2) ex officio members of the board who shall have no vote but who shall act as advisors to the planning board.

(b) All members of the planning board appointed as representatives of any extra-territorial area, either for regular terms or to fill vacancies of any unexpired term, shall be appointed pursuant to N.C.G.S. 160A-362. The regular term for all members of the planning board shall be three (3) years. Planning board members shall serve without compensation.

(c) Areas regulated by extraterritorial jurisdiction shall have proportional representation on the planning board and the zoning board of adjustment established by Section 601.1 of the Town Code. In compliance with N.C.G.S. 160A-362, which requires the town to provide a "means of proportional representation based on population for residents of the extraterritorial area to be regulated," the town shall proceed as follows:

- (1) The town shall determine the number of residential dwellings within the extraterritorial area to be regulated based upon Macon County's 911 emergency management data ("X") and the average number of residents per dwelling within the extraterritorial area to be regulated based upon the latest federal decennial census ("A").
- (2) The town shall determine the number of residential dwellings within the corporate limits of the town based upon Macon County's 911 emergency management data ("Y") and the average number of residents per dwelling within the corporate limits of the town based upon the latest federal decennial census ("B").
- (3) The appropriate percentage of representation on the planning board and the zoning board shall be determined by the following formula: $XA/(XA + YB)$.
- (4) The percentage thus determined shall be multiplied by the total number of members on each board to determine proportional representation respectively for each board.

(d) Members appointed as representatives of any extra-territorial area, either for regular terms or to fill the vacancies of any unexpired term, shall have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the town or within the extra-territorial area.

(Code 1982, § 12.2; Amend of 12-7-05; Amend. of 6-6-07)

Sec. 2-68. Organization and rules.

Within thirty (30) days after appointment, the planning board shall elect its chairman from appointed members who are residents of the Town of Highlands, and create and fill such other of its offices as it may determine. The term of office for the chairman shall be two (2) years. The planning board shall hold at least one (1) 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.

(Code 1982, § 12.3)

Sec. 2-69. Staff and finances.

The planning board may contract with city planners, engineers, architects, and other consultants for such 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 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 for such purposes, 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 such donations and gifts as in its judgment may appear best.

(Code 1982, § 12.4)

Sec. 2-70. Master development plan--Adoption; contents.

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 municipality or modified parts of such plan as the planning board and governing body may deem best. Such plan, with the accompanying maps, plats, charts, and descriptive matter may show the planning board's recommendations for the development of such territory, 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.

(Code 1982, § 12.5)

Sec. 2-71. Same--Objectives.

In the preparation of such 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 and with due regard to its relation to neighboring territory. 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 provisions 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.

(Code 1982, § 12.6)

Sec. 2-72. Same--Promotion of public interest.

Before the adoption by the planning board of the plan or any such part, amendment, extension, or addition the planning board shall hold at least one (1) public hearing thereon. 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 such other means of publicity and

education as it may determine.
(Code 1982, § 12.7)

Sec. 2-73. Attendance at planning conferences; assistance of employees; reports to board.

(a) 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 such attendance.

(b) All officers and employees of the town shall render such reasonable assistance and any such information to the planning board as may be requested by the planning board for its work.

(c) 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 town and any plans or proposals for the development for the town and estimates of the cost thereof. These reports shall contain such other recommendations as the planning board feels should have immediate attention.

(Code 1982, § 12.7)

Secs. 2-74--2-90. Reserved.

ARTICLE V.

FINANCE AND PURCHASING*

* **Charter References:** Debt for public improvements, § 5.
Cross References: Accounting for fire department funds, § 5-10; licenses and business regulations, Ch. 6.
State Law References: The Local Government Budget and Fiscal Control Act, G.S. § 159-7 et seq.

Sec. 2-91. Appointment of budget and finance officer; disbursement of funds; investment of surplus funds.

(a) The clerk-treasurer is appointed as budget officer and as finance officer.

(b) No money shall be disbursed from the town treasury except on order of the board in session and then only if the item for which the disbursement is made has been provided for in the annual budget, except in the case of an extreme emergency.

(c) The clerk-treasurer shall invest all surplus funds at the best interest rate possible.
(Code 1982, § 2.31)

State Law References: Local governments required to appoint a budget officer, G.S. § 159-9; local governments required to appoint a finance officer, G.S. § 159-24.

Sec. 2-92. Certification required for payments and agreements.

(a) In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim

against the town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the town shall be valid unless it bears on its face the certificate of the finance officer as follows:

"Provision for the payment of this check has been made by an appropriation duly made, pursuant to the Local Government Budget and Fiscal Control Act"

(b) No contract, agreement or purchase order shall be valid unless it bears the finance officer's certificate as follows:

"Provision for the payment of moneys to fall due under this agreement has been made by appropriation duly authorized, as required by the Local Government Budget and Fiscal Control Act."
(Code 1982, § 2.32)

State Law References: Budgetary accounting for appropriations, G.S. § 159-28.

Secs. 2-93--2-100. Reserved.

ARTICLE VI.

SMOKING IN MUNICIPAL BUILDINGS*

* **Editors Note:** An ordinance adopted on Aug. 18, 1993, did not specifically amend the Code; hence, inclusion herein as art. VI, §§ 2-101--2-104, was at the discretion of the editor.

Sec. 2-101. Definitions.

"Smoking" shall mean the inhaling, exhaling, burning, or carrying of a lighted pipe, cigar, cigarette, or other combustible tobacco product of any kind.
(Ord. of 8-18-93, § 1)

Sec. 2-102. Smoking prohibited in municipal buildings.

It shall be unlawful for any person to smoke in any building or facility, or portion of a building or facility, now or hereafter owned, leased, operated, occupied, managed, or controlled by the Town of Highlands, except in specially designated smoking areas. The board of commissioners shall have the authority to designate smoking areas within each town building or facility. An area within any building or facility may be designated as a smoking area only if the ventilation of such area is sufficient, any adverse impact on municipal employees and members of the public is minimal, and no fire or other safety hazard will be created by smoking in such area.
(Ord. of 8-18-93, § 2)

Sec. 2-103. Smoking prohibited in municipal vehicles.

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the town, unless every person in the vehicle consents.
(Ord. of 8-18-93, § 3)

Sec. 2-104. Exemptions.

This article shall not apply to the following: [No locations enumerated].
(Ord. of 8-18-93, § 4)