

14 ADMINISTRATIVE AGENCIES

14.1 THE ADMINISTRATOR

14.1.1 DESIGNATION OF ADMINISTRATOR

The various provisions of this ordinance shall be administered under the general direction of the City Manager and under the specific direction of the City of Wilson Development Services Department and the City of Wilson Public Services Department. For the purposes of this ordinance, the Development Services Director, the City Engineer, the Public Utilities Engineer, and their designees are collectively referred to as the Administrator. The Development Services Department will serve as the “gatekeeper” for all development applications and will advise applicants on appropriate personnel to contact. Each responsible party designated as the Administrator will review and approve compliance with all local, State and Federal development regulations within their area of responsibility. As such, each designated party shall have the following general roles:

- A. Development Services Director:** Review and approve compliance with land use, zoning, design and subdivisions standards, and review for compliance with the adopted 2010 Wilson Comprehensive Plan policies.
- B. City Engineer:** Review of public services including water, wastewater, and fire, and approve compliance with the policies and standards in the Manual of Specifications, Standards, and Design (MSSD).
- C. Public Utilities Engineer:** Review of public utilities including gas and electric.

14.1.2 POWERS AND DUTIES

In addition to the powers and duties set forth for the Administrator elsewhere in this ordinance and in other laws and regulations of the city, the Administrator shall have the following specific powers and duties, to be carried out in accordance with the terms of this ordinance:

- A.** To enforce the provisions of this ordinance, unless otherwise specified.
- B.** To review all applications for land development for compliance with the terms of this ordinance.
- C.** To provide the Wilson City Council, the Planning and Design Review Board, the Board of Adjustment, and the Historic Preservation Commission with reports and recommendations regarding matters before these bodies, either as required by this ordinance, other laws or regulations, or at the request of the body.
- D.** To maintain a record of all permits and approvals on file and to make copies available to interested parties.
- E.** To enact the corrective procedures outlined in Chapter 16 for violations of this ordinance.
- F.** To plant, maintain, remove, fertilize, prune and brace trees on the rights-of-way or other public areas in the city.
- G.** To administer the sedimentation and erosion control program for the city.
- H.** To administer the urban forestry program for the city.

- I. To administer the stormwater management and water supply watershed program for the city under the title “Watershed Administrator” as follows:
 1. Ensure annual inspections are performed on all approved stormwater control structures and that such structures are maintained;
 2. Ensure standardized records on each storm water control structure are kept;
 3. Ensure adequate financial assurance is posted;
 4. Review and approve proposed stormwater control structures;
 5. Review and approve, as appropriate, development plans and subdivision plans for compliance with watershed regulations;
 6. Approve permits for development within the watershed district;
 7. Submit an annual report to the Environmental Management Commission (EMC) regarding all minor exemptions granted from the watershed protection regulations of this ordinance; and
 8. Maintain careful records of the total number of acres of built-upon area of development sites and the total amount of land that is eligible for increased density bonuses.
- J. To administer the floodplain management program for the city under the title “Floodplain Administrator” as follows:
 1. Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the requirements of this ordinance have been satisfied;
 2. Advise applicants that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit;
 3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
 4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
 5. Prevent uncertified encroachments within floodways and non-encroachment areas;
 6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures;
 7. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed;
 8. Obtain actual elevation (in relation to mean sea level) of all public utilities;
 9. When floodproofing is utilized for a particular structure, obtain required certifications from a registered professional engineer or architect;

10. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation;
11. When base flood elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance;
12. When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance;
13. When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. A copy of the Letter of map amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file;
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection;
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
17. Revoke floodplain development permits as required by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked; and
18. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

14.2 CITY COUNCIL

14.2.1 POWERS AND DUTIES

The Wilson City Council shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

- A. To conduct any and all business in accordance with their Charter and North Carolina General Statutes.
- B. To amend the Comprehensive Plan and other plans as necessary.
- C. **UDO Decisions:** The City Council shall render final decisions regarding the following permits types (see also Chapter 15):
 - 1. Designation of Historic Landmarks/Districts (15.11.1)
 - 2. Text Amendments (15.14)
 - 3. Map Amendments/Rezoning (15.14)
 - 4. Conditional Districts (15.15)
 - 5. Vested Rights (15.16)

14.3 TECHNICAL REVIEW COMMITTEE

14.3.1 POWERS AND DUTIES

The City of Wilson's Technical Review Committee shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

- A. To assist in the establishment of technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.
- B. **UDO Review:** The Technical Review Committee shall serve as the reviewing entity for the following permit types (see also Chapter 15):
 - 1. Major Site Plan/Design Review (15.8.2)
 - 2. Minor Subdivisions Plats (15.9.1)
 - 3. Major Subdivision Preliminary Plat (15.9.2)
 - 4. Major Subdivision Final Plat (15.9.3)
 - 5. Map Amendments (15.14) (prior to review by Planning and Design Review Board)
- C. **UDO Decisions:** The Technical Review Committee shall render final decisions regarding the following permits types (see also Chapter 15):
 - 1. Minor Subdivisions Plats (15.9.1)
 - 2. Major Subdivision Preliminary Plat (15.9.2)
 - 3. Major Subdivision Final Plat (15.9.3)
 - 4. Minor Site Plan/Design Review (15.8.1)
 - 5. All previously approved plats.

14.3.2 MEMBERSHIP

- A. The Technical Review Committee shall be chaired by the Director of Development Services (or his/her designee) and shall consist of members of technical staff and representatives of various city departments as delineated in the Technical Review Committee Policy.
- B. Representatives from the following Departments may also serve as members of the Technical Review Committee upon request of the Committee Chair:
 - 1. Parks and Recreation
 - 2. Community Development
 - 3. Downtown Development

14.4 PLANNING AND DESIGN REVIEW BOARD

14.4.1 POWERS AND DUTIES

The City of Wilson's Planning and Design Review Board shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

- A. To perform studies and surveys of the present conditions and probable future development of the city and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, expansions of extraterritorial jurisdiction, etc.
- B. Study the resources and needs of the city and prepare maps and plans for the systematic future development and betterment of the city.
- C. To formulate and recommend to the City Council the adoption and amendment of a Comprehensive Plan and other plans as necessary.
- D. To conduct annexation feasibility studies and recommend suitable areas of annexation to the City Council.
- E. To facilitate and coordinate citizen engagement and participation in the planning process.
- F. **UDO Review:** The Planning and Design Review Board shall review and make recommendations regarding the following permit types (see also Chapter 15):
 - 1. Text Amendments (15.14)
 - 2. Map Amendments/Rezoning (15.14)
 - 3. Conditional Districts (15.15)
 - 4. Vested Rights (15.16)
- G. **UDO Decisions:** The Planning and Design Review Board shall render final decisions regarding the following permits types after proper referral and consideration of recommendations and requirements from appropriate Federal, State, and Local Agencies (see also Chapter 15):
 - 1. Major Site Plan/Design Review (15.8.2)
 - 2. Special Use Permits (15.10)
- H. The Planning and Design Review Board shall also have any additional powers and duties as may be set forth in other laws and regulations or at the direction of the City Council.

14.4.2 MEMBERSHIP AND QUORUM

- A. The Planning and Design Review Board shall consist of 7 members. A quorum shall consist of a simple majority of the current membership of the board. Vacant seats shall not be counted for the purpose of determining a quorum.
- B. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.
- C. The Wilson City Council shall appoint 6 members from within the city limits, and the Wilson County Board of Commissioners shall appoint 1 member from the extraterritorial jurisdiction.
- D. If the Board of County Commissioners fails to make an appointment within 90 days after receiving a resolution from the City Council requesting that it be made, the City Council may make such appointment.
- E. Vacancies occurring in the membership of the Planning and Design Review Board, other than through the expiration of terms, shall be filled for the unexpired term by the body which originally made the appointment.
- F. All members shall serve 3 year terms and may succeed themselves but may not serve more than 2 consecutive full terms.
- G. Membership terms shall continue to be staggered so that the Board will always be served by experienced members.
- H. A chairman, and other officers as determined by the Board, shall be elected in accordance with the adopted rules of procedure. The elected chairman shall preside over the Planning and Design Review Board but shall not have voting privileges. The chairman shall vote only when there is an equal division among present members upon any question. The term of chairman shall be 1 year, with eligibility for reelection.
- I. All members of the Planning and Design Review Board shall have equal rights, privileges and duties in all matters (except the chairman's right to vote only in the case of equal division) whether such matters are within the corporate limits of the city or in the extraterritorial jurisdiction.
- J. Except where a member is excused from voting due to a conflict of interest in accordance with Section 14.7.3, a failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

14.5 BOARD OF ADJUSTMENT

14.5.1 POWERS AND DUTIES

The Board of Adjustment of Wilson shall have the following powers and duties to be carried out in accordance with the terms of this ordinance:

- A. To hear and decide appeals from any order, requirement, permit, decision or determination issued by an administrative officer of the city in enforcing any provisions of this ordinance.

- B. To interpret zoning maps and pass upon disputed questions of lot lines, district boundary lines, watershed boundary lines, and similar questions as they arise in the administration of this ordinance.
- C. **UDO Decisions:** The Board of Adjustment shall render final decisions regarding the following permits types (see also Chapter 15):
 1. Appeal of a Certificate of Appropriateness Decision by the Historic Preservation Commission (15.11.3)
 2. Appeal of any Administrative Decisions (15.12)
 3. Variances (15.13)
- D. The Board of Adjustment shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the City Council.

14.5.2 MEMBERSHIP AND QUORUM

- A. The Wilson Board of Adjustment shall consist of 5 regular members and 3 alternate members. A quorum of 4 members shall be necessary to transact business.
- B. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.
- C. The Wilson City Council shall appoint 4 regular members and 2 alternate members from within the corporate limits of the city. The Wilson County Board of Commissioners shall appoint 1 regular member and 1 alternate member from the extraterritorial jurisdiction of the city. If the Board of County Commissioners fails to make an appointment within 90 days after receiving a resolution from the City Council requesting that they be made, the City Council may make such appointment.
- D. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the remainder of the unexpired term by the body making the original appointment.
- E. All members of the Board shall have equal rights, privileges and duties in all matters, regardless of whether the matters arise within the city or within the extraterritorial area. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and may exercise all of the rights, privileges and duties of a regular member.
- F. All members shall serve 3 year terms and may succeed themselves but may not serve more than 2 consecutive full terms.
- G. Membership terms shall continue to be staggered so that the Board will always be served by experienced members.
- H. Officers shall be elected in accordance with the adopted rules of procedure.
- I. Except where a member is excused from voting due to a conflict of interest in accordance with Section 14.7.3, a failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

14.6 HISTORIC PRESERVATION COMMISSION

14.6.1 POWERS AND DUTIES

The Historic Preservation Commission of Wilson shall have the following powers and duties to be carried out in accordance with the terms of this ordinance and GS §160D, Article 9 Part 4:

- A. To undertake an inventory of properties of historical, prehistorical, archaeological, architectural and/or cultural significance.
- B. Recommend that the local governing board revoke historic landmark and/or district designations.
- C. Act to prevent, restrain, correct, or abate violations of this ordinance or of ordinances designating historic landmarks or districts.
- D. Initiate or participate in negotiations to prevent demolition or promote relocation as a means of preserving properties.
- E. Negotiate with property owners for acquisition or protection of significant historic properties.
- F. Restore, preserve, and operate historic properties.
- G. To conduct an educational program on historic properties and districts and inform the public about historic preservation issues.
- H. Prepare and recommend the official adoption of a preservation element as part of the comprehensive plan.
- I. Advise property owners about treatment of historical characteristics of their properties.
- J. Advise City Council, the City Manager, and the departments of the city government regarding the protection or preservation of historic properties.
- K. To propose to the governing board, changes to this or any related ordinance, and to propose new ordinances or laws relating to an historic district, landmark, or the total program for the development of the historical resources of the city.
- L. To cooperate with the state, federal and local government in pursuance of the purposes of the tasks assigned to them; to offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest. The City Council, or the commission, when authorized by the City Council, may contract with the state or the United States, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.
- M. **UDO Review:** The Historic Preservation Commission shall review and make recommendations regarding the Designation of Historic Landmarks/Districts (15.11.1).
- N. **UDO Decisions:** The Historic Preservation Commission shall render final decisions regarding Certificates of Appropriateness (15.11.3).
- O. The Historic Preservation Commission shall also hear appeals of administrative decisions regarding Certificates of Appropriateness – Minor Works (15.11.2)
- P. The Historic Preservation Commission shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the City Council.

14.6.2 MEMBERSHIP AND QUORUM

- A. The Wilson Historic Preservation Commission shall consist of 7 members. A quorum shall consist of a simple majority of the current membership of the commission. Vacant seats shall not be counted for the purpose of determining a quorum.
- B. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.
- C. The Wilson City Council shall appoint all members. Vacancies shall be filled by the Wilson City Council as they occur.
- D. Reasonable effort shall be made to appoint members who live or own property in an historic district or landmark and who have demonstrated experience, education or special interest in historic preservation, architecture, history, archaeology or related fields.
- E. All members shall serve 3 year terms and may succeed themselves.
- F. Membership terms shall continue to be staggered so that the Commission will always be served by experienced members.
- G. Officers shall be elected in accordance with the adopted rules of procedure.
- H. Except where a member is excused from voting due to a conflict of interest in accordance with Section 14.7.3, a failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

14.7 MEETINGS AND GENERAL PROCEDURES

14.7.1 ALL MEETINGS TO BE OPEN

All meetings of bodies under this ordinance shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies and approved by the City Council.

14.7.2 RULES OF PROCEDURE

All Boards shall adopt formal rules of procedure consistent with the level of decision-making vested with that board/commission (e.g., advisory review, quasi-judicial). Any adopted rules of procedure shall be kept on file at the Development Services Department and shall be made available to the public.

14.7.3 MINUTES

Accurate minutes of each meeting shall be maintained, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and it shall keep records of its examinations and official actions, all of which shall be filed in the office of the Administrator for the public record.

14.7.4 MEETINGS

- A. All bodies authorized under this ordinance shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the rules of procedure.
- B. Special meetings may be called at any time by the chairperson or by request of a majority of members of a board or commission in accordance with that group's adopted rules of procedure.

14.8 CONFLICTS OF INTEREST

Members of boards and commissions shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct.

14.9 STAFF

The Administrator or their designee shall serve as staff to the various boards and commissions as outlined in this chapter. In addition, the city may provide legal and procedural assistance when requested.

14.10 ATTENDANCE / MALFEASANCE POLICY

All members shall attend board/commission meetings on a regular basis. If any member misses more than 3 consecutive meetings, or does not attend at least 75% of the meetings in 1 calendar year, he/she may be replaced at the discretion of the appointing authority. Members of boards/commissions may, after public hearing, be removed by the appointing authority for inefficiency, neglect of duty or malfeasance in office. The appointing authority shall file a written statement of reasons for such removal.