Chapter 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - Designation of governing body; election.

The governing body of the Town shall consist of a Mayor and a Board of Aldermen of 5 members, who shall be elected in accordance with the provisions of law.

Sec. 2-2. - Oath of office of Mayor and Aldermen.

The Mayor-elect and each Commissioner-elect shall, before entering upon the duties of office, take and subscribe, before some person lawfully entitled to administer oaths, an oath or affirmation to support the Constitution of the United States and the Constitution of the State and the laws made pursuant thereto, and to faithfully perform the duties of office, which oath or affirmation shall be entered upon the minutes of the Board subscribed as aforesaid and attested by the officer administering the same.

**State Law reference—** Oath of office, G.S. § 160A-61.

Sec. 2-3. - General duties of Mayor.

It shall be the duty of the Mayor to:

(1)  Keep informed as to the Town's business.

(2)  Sign all contracts, franchises or paper writings authorized by the Board.

(3)  Make such recommendations as such official deems necessary or expedient to the Board.

**State Law reference—** General powers of the mayor, G.S. § 160A-67.

Sec. 2-4. - Mayor Pro Tempore.

At the first meeting after election of members, the Board shall select one of its members to act as Mayor Pro Tempore during such member's term of office, and such Mayor Pro Tempore shall, in case of sickness or absence of the Mayor, perform all the duties of the Mayor and shall be compensated for such service as prescribed by the Board.

**State Law reference—** Mayor pro tempore, G.S. § 160A-70.

Sec. 2-5. - Filling of vacancies on Board—Method.

Any vacancy caused by the death, resignation or disqualification of a member of the Board shall be filled by a majority vote of the Board, or remain open until the next election.

**State Law reference—** Vacancies, G.S. § 160A-63.

Sec. 2-6. - Same—Created by removal of member's residence.

If any member of the Board shall move such member's residence from the Town, such member's office shall at once be declared vacant and shall be filled as provided by section 2-5.

Sec. 2-7. - Special committees of Board.

In addition to the standing committees, the Mayor shall appoint such special committees of the Board, and outline their powers and duties, as such official deems necessary to properly care for the affairs of the Town.

Sec. 2-8. - Appointment of Boards, Commissions, etc.

Unless otherwise specifically provided, all appointive Town Boards, Commissions and Authorities shall be appointed by the Mayor, subject to confirmation by the Board of Aldermen.

Sec. 2-9. - Civil Emergency Agency.

A Civil Emergency Agency is authorized in the Town for the purpose of providing needed assistance in case of disaster or other civil emergency.

Sec. 2-10-2-12 Reserved

**State Law reference—** Authority, G.S. §§ 14-288.12, 166A-8.

Sec. 2-13. - Chief of Police—Office created; appointment.

There is hereby created the office of the Chief of Police in and for the Town. The Chief of Police shall be appointed by the Board of Aldermen.

**State Law reference—** Appointment of officers, G.S. § 160A-148.

Sec. 2-14. - Same—Duties.

It shall be the duty of the Chief of Police to:

(1)  Preserve the peace by suppression of all disturbances and apprehension of all offenders.

(2)  Make a monthly report to the Board, through the Town Administrator, concerning the activities of the department.

(3)  Attend all meetings of the Board and aid the presiding officer thereof in preserving order and carry out such other orders of the Board as the Board directs.

(4)  Do such other and further duties as the Town Administrator or Board of Aldermen may assign.

Sec. 2-15. – Town Administrator – Office created; appointment.

There is hereby created the office of the Town Administrator in and for the Town. The Town Administrator shall be appointed by the Board of Aldermen.

Sec. 2-16. – Same – Duties.

It shall be the duty of the Town Administrator to perform those duties required by G.S. 160A-171, by any other law, and by the Board of Aldermen.

**160A-171.  City clerk; duties.**

There shall be a city clerk who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records, and shall perform any other duties that may be required by law or the council

Sec. 2-17. - Chief of Fire Department—Office created; appointment; duties generally.

There is hereby created in and for the Town the office of Chief of the Fire Department. The Chief shall be appointed by the Board of Aldermen. It shall be the Chief's duty to:

(1)  Organize and supervise the operations of the Fire Department in response to any type of assistance for which the Department is both authorized and qualified to respond.

(2)  Organize and direct the non-emergency activities of the Department, delivering such services and performing such duties not inconsistent with its primary missions of emergency response and fire prevention as may be requested by the Town Administrator or Board of Aldermen.

(3)  Preserve and safe keep all equipment and records of the Fire Department.

(4)  Compel, when necessary, all officers of the Town or other persons to aid in the extinguishing of fires.

(5)  Enforce all rules and ordinances relative to fire prevention.

(6)  Perform the related duties assigned as the Chief Fire Code Enforcement Official.

(7)  Inspect all equipment of the Fire Department and see that needed repairs are made.

(8)  Make monthly and annual reports as may be required by North Carolina General Statutes, the Board of Aldermen, and the Town Administrator.

(9)  Do such other and further things as may be necessary for the proper and efficient operation of the Fire Department, for the prevention of fire and education of the citizens of the dangers of fire.

(10)  Perform any other related duties as required by North Carolina General Statute Ch. 160A.

(11) Formulate a set of rules and regulations to govern the department and be responsible to the Town Administrator for the personnel, morale, and general efficiency of the department.

(12) At least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, study of buildings in the Town of Glen Alpine, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(13) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(14) The Chief is empowered to enter all buildings and premises at any reasonable hour for the purpose of making inspections and serving written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.

**State Law reference—** Town authority to establish fire department and appoint chief, G.S. § 160A-291; duties of fire chief, G.S. § 160A-282.

Sec. 2-18. - Same—Performing inspections.

(a)  *Generally.* Subject to supervision by the Town Administrator, the Chief of the Fire Department shall exercise the functions of Fire Inspector for the Town. As such, the Chief or a designated agent shall have authority to enter all premises, at a reasonable time, for purpose of inspection.

(b)  *Routine inspections.* The Fire Inspector shall make quarterly inspections of all buildings located in the fire limits and annual inspections of all other buildings located in the Town.

(c)  *Inspections upon complaint.* The Fire Inspector shall, upon receipt of a complaint, forthwith inspect any premises complained of as a fire hazard.

**State Law reference—** Fires investigated; reports; records, G.S. § 58-79-1.

Sec. 2-19. - Same—Causing removal of fire hazards.

The Chief of the Fire Department shall cause the removal of fire hazards by serving a proper order on the owner or agent of the premises in question, such order to state a reasonable time limit. Failure to comply with such order shall be considered a misdemeanor.

Sec. 2-20. - Same—Commanding officer at fires; summoning aid and destroying buildings during fires.

(a)  The Chief of the Fire Department or the Chief's designated agent shall be the officer in command at the scene of any fire and such officer's commands shall be promptly obeyed.

(b)  The officer in command at the scene of any fire shall have authority to summon aid and no citizen so summoned shall refuse help in extinguishing the fire or in protecting exposed property.

(c)  During the continuance of a fire, the Fire Chief, or the Chief's assistant shall have authority to pull down or demolish any building or remove goods or furniture from a building on fire or in danger of fire.

Sec. 2-21. – Same – Organization of Fire Department

1. *Officers.* The Department shall consist of a Chief, Assistant Chief, Captain, Lieutenant, and other officers as the Chief of Police deems necessary. The Chief shall be appointed by the Town Board of Aldermen. The Chief shall be technically qualified by training and experience and shall have the ability to command men and hold their respect and confidence. The Chief shall be held accountable to the Board of Aldermen only. All other officers shall be accountable to the Chief.
2. *Membership*. The membership of the department shall consist of such persons as may be appointed by the Chief and shall be able-bodied citizens. Any member of the department may be suspended or discharged from the department by the Chief at any time he may deem such action necessary for the good of the department.
3. *Equipment*. The department be equipped with such apparatus and other equipment as may be required from time to time to maintain is efficiency. Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the Board of Aldermen shall be purchased in such a manner as may be designated by the Board of Aldermen. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the Board of Aldermen. Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department so that they may properly respond. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanies by, or having the special permission of, an officer or authorized member of the department.
4. *General*. All motor equipment and all personal cars of department members shall have right of way over all other traffic when responding to an alarm. Each member of the department driving a car shall be issued a suitable insignia to be attached to the car. No person shall drive any vehicle over a fire hose except upon specific orders from the Chief or other officer in charge where the hose is issued. No person shall stand, or be, or locate any vehicle, in any street, alley, or square, or near where, a fire is in progress, in such a way as to interfere with the duties of the fire department. No person shall park any vehicle or otherwise cause any destruction to be placed within 20 feet of the entrance to any fire station or other place where fire apparatus is stored, or within ten (10) feet. No person shall maliciously turn in or cause to be turned in a false alarm.
5. *Enforcement*. Any person violating the provisions of the provisions detailed in (d) above shall upon conviction in Burke County Criminal Court, or before a justice of the peace, pay a fine of not less than ten ($10.00) dollars or more than One Hundred ($100.00) dollars for each offense. All regularly appointed members of the department are hereby given necessary special police powers for the purpose of enforcing the provisions of this Ordinance. It is hereby made the special duty of the Chief of Police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Ordinance.

Sec. 2-22. - RESERVED.

Sec. 2-23. - RESERVED.

Sec. 2-24. - RESERVED

Sec. 2-25. - Authority to declare state of emergency.

(a)  The presiding Mayor is empowered to proclaim a state of emergency.

(b)  Subsequent to the declaration to state of emergency, the Mayor is authorized to permit, prohibit, and restrict:

(1)  Movements of people in public places;

(2)  The operation of offices, building establishment, and other places to and from which people may travel or at which they may congregate;

(3)  Restrict the possession, transportation, sale, purchase, and consumption of alcoholic beverages;

(4)  Restrict the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substance, and gasoline;

(5)  Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property.

(c)  In the absence of the Mayor, the authority rest with the Mayor Pro-Tem.

(d)  The Mayor will generally be guided by:

(1)  North Carolina General Statutes § 14-288.12

(2)  North Carolina General Statutes § 160A-174(a)

(3)  North Carolina General Statutes § 14-288.16

(4)  North Carolina General Statutes § 14-288.17

Sec. 2-26. - Criminal history background checks for prospective and active employees.

The Board of Aldermen of the Town of Glen Alpine grants permission to have the Police Department of the Town of Glen Alpine to provide for fingerprinting and criminal history background checks on prospective and active employees of the Town of Glen Alpine; and

Subject to the provisions of this section, employment with the Town of Glen Alpine may be denied or terminated with respect to those persons convicted of crimes against a person, crimes against property where intent is an element, a drug or related gambling offense, or certain motor vehicle offenses.

The Chief of Police or his designee, shall conduct an investigation of any final candidate for a part time or full-time position with the Town of Glen Alpine. It shall be a precondition of employment that an applicant, upon request, provide necessary personal identification including Social Security Number and driver's license so that the Town of Glen Alpine Police Department, or designee, may cause a thorough search to be made of local and state criminal records to determine whether the applicant has a history of criminal convictions for the offenses named above by use of the State Bureau of Investigation, Division of Criminal Information (DCI); and

The Chief of Police, or designee, shall provide the findings made using the DCI network to the Town of Glen Alpine Board of Aldermen, or designee, provided that all necessary agreements with the State Bureau of Investigation have been executed; and

An evaluation of any offense for purposes of employment will consider the nature and circumstances of the offense at the time of the offense as they relate to the essential job functions for the position applied.

No action to deny employment will be taken until the Town of Glen Alpine confirms the identity of the applicant by fingerprints through the State Bureau of Investigation or a certified true copy of the public record is obtained.

Secs. 2-27—2-29. - Reserved.

ARTICLE II. - MEETINGS OF BOARD OF ALDERMEN

**State Law reference—** Regular and special meetings, G.S. § 160A-71.

Sec. 2-30. - Time and place of regular meetings.

There shall be a regular meeting of the Board of Aldermen held at Town Hall, or at such other place as may be designated, at 6:00 pm on the second (2nd) Monday of each month unless otherwise specified; when otherwise specified, each member of the Board shall be notified.

Sec. 2-31. - Call, notice, etc., of special meetings.

A special meeting of the Board of Aldermen may be called by the Mayor or by a majority of the Aldermen to meet at such time and place as may be specified, and each member of the Board shall be duly notified of such meeting and of its objectives, and no other business shall be transacted at such meeting except that for which it was called.

Sec. 2-32. - Presiding officer.

The Mayor, when present, shall preside at all meetings of the Board. In case of the absence of the Mayor, the Mayor Pro Tempore shall preside.

**State Law reference—** Mayor to preside over governing body, G.S. § 160A-69.

Sec. 2-33. - General procedure.

Except as otherwise provided in this article, the procedure of the Board at its meetings shall be governed by Robert's Rules of Order.

Sec. 2-34. - What constitutes quorum.

3 members of the Board shall constitute a quorum.

Sec. 2-35. - Roll call; procedure in absence of quorum.

At the hour appointed for a meeting of the Board of Aldermen, the Mayor shall take the chair and direct a call of the members by the Town Administrator, who shall note the absentees. If a quorum is not present, the Mayor shall send for absentees and, upon the appearance of a quorum, shall call to order and proceed with the order of business. If a quorum fails to occur, the meeting shall stand adjourned to a time agreed on by a majority of the members present.

Sec. 2-36. - Preservation of order.

The Mayor shall preserve order and decorum during a meeting of the Board.

Sec. 2-37. - Order of business.

When a regular meeting of the Board shall be organized, the order of business shall be as follows:

(1)  Correction of the previous meeting’s minutes, if necessary, and approval.

(2)  Reports.

(3)  Regular business.

If the Board directs any matter to be the special business of a future meeting, the same shall have precedence over all other business of such meeting.

Sec. 2-38. - Right of Mayor to vote.

When there is an equal division of the Board upon any question, the Mayor may vote to break the tie, but shall have no vote under any other circumstances.

**State Law reference—** Mayor's right to vote, G.S. § 160A-69.

Sec. 2-39. - Receipt of motions when question is under consideration.

When a question is under consideration at a meeting of the Board, no motion shall be received, except as follows:

(1)  To lay on the table.

(2)  To postpone to a time certain.

(3)  To postpone indefinitely.

(4)  To refer to a committee.

(5)  To amend.

(6)  To strike out or insert.

(7)  To divide.

Motions for any of these purposes shall have precedence in the order named.

Sec. 2-40. – Public Comment.

The following rules are hereby adopted to govern the presentation of the Town’s governing Board of comments by members of the public.

1. At each regularly scheduled meeting of the Board of Aldermen, there shall be a time allowed for public comment to the Board. Any person wishing to speak during such comment time shall sign in on a paper provided by the Board prior to the beginning of the meeting. Such persons shall be called to speak in the order in which they have signed in.
2. Each person shall begin by identifying himself or herself. No person shall speak for more than five (5) minutes during the public comment time. The Board shall not answer any substantive questions addressed to the Board during the comment time, but answers to any such questions may be provided to the speaker by Board members or Town staff at other times.
3. If any person making comment shall engage in any obscene, profane, slanderous, abusive or vituperative language, such person shall immediately be asked to cease speaking.
4. Any person who has been asked to cease speaking for use of offensive language or for exceeding the five (5) minute limit, but who refuses to cease speaking, shall promptly be removed from the premises of the meeting.
5. No person shall be denied the opportunity to speak at the public comment time because of the subject matter of the comments offered, provided said speaker complies with the above rules concerning conduct.
6. Unless specifically invited by the Board, no person shall address the Board during its meetings except during the public comment period.

Sec. 2-41. - Motion to adjourn.

A motion to adjourn a meeting of the Board shall always be in order and shall be decided without debate.

Secs. 2-42—2-57. - Reserved.

ARTICLE III. – PURCHASING

Sec. 2-58. - Code of conduct for Town officers, employees or agents.

(a)  No employee, officer or agent of the grantee shall participate in selection or in award or administration of a contract supported by federal, state, or any other public funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent; any member of his immediate family; his or her business partner, or an organization which employs or is about to employ any of these listed, has a financial or other interest in the firm selected for award.

(b)  The grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to any contract, agreement or sub agreement.

(c)  To the extent permitted by North Carolina law, General Statute 115C-4B shall govern conduct of employees, officers, or agents and shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards of conduct.