

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: NOVEMBER 9, 2017 AGENDA ITEM NUMBER: 7

**SUBJECT: ORDINANCE REVISING CHAPTER 25 OF THE FORSYTH COUNTY CODE
ENTITLED, "APPEARANCE COMMISSION"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: Yes No

SIGNATURE: *J. Dudley Watts, Jr.* COUNTY MANAGER DATE: November 8, 2017

**ORDINANCE REVISING CHAPTER 25
OF THE FORSYTH COUNTY CODE ENTITLED,
"APPEARANCE COMMISSION"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

BE IT ORDAINED by the Forsyth County Board of Commissioners that Chapter 25 of the Forsyth County Code, entitled, "Appearance Commission," consisting of Sections 25-1 through 25-6, is hereby revised as shown in the attached Sections 25-1 through 25-6.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon final adoption.

Adopted this 9th day of November 2017.

Chapter 25

APPEARANCE COMMISSION*

~~* **Editors Note:** Ord. No. 12-88, adopted Dec. 19, 1988, enacted provisions designated as Ch. 25, which pertained to a joint county/city appearance commission, and §§ A-F of such ordinance have been designated herein as §§ 25-1-25-6.~~

Sec. 25-1. Creation.

Pursuant to the authority conferred by Chapter 160A, Article 19, Part 7 of the North Carolina General Statutes, the Forsyth County Board of Commissioners and the ~~City of~~ Winston-Salem ~~Board of Aldermen~~ City Council, by concurrent ordinances, do hereby create and establish a joint county/city commission to be known as the Forsyth County/Winston-Salem Appearance Commission, hereinafter referred to as the Commission.

(Ord. No. 12-88, § A, 12-19-88)

Sec. 25-2. Purpose.

The purpose of the Commission is to enhance and improve the visual quality and aesthetic character of Forsyth County and the City of Winston-Salem for the education, pleasure, and enrichment of County and City residents.

(Ord. No. 12-88, § B, 12-19-88)

Sec. 25-3. Responsibilities and duties of the Commission.

The ~~appearance~~ Commission shall have the responsibilities and duties as set out in G.S. 160 A-452, as amended, and other applicable law, including but not limited to the responsibility and duty:

- (1) To initiate, promote and assist in the implementation of programs of general community beautification in Forsyth County and the City of Winston-Salem;
- (2) To seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities and programs bear upon the appearance of Forsyth County and the City of Winston-Salem;
- (3) To provide leadership and guidance in matters of area or community design and appearance to individuals, public and private organizations, and agencies;
- (4) To make studies of the visual characteristics and problems of Forsyth County and the City of Winston-Salem, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken;

- (5) To prepare both general and specific plans for the improved appearance of Forsyth County and the City of Winston-Salem. 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 Forsyth County and the City of Winston-Salem 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; and to seek voluntary adherence to the standards and policies of its plans;
 - (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 Forsyth County and the City of Winston-Salem, and to review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency, or to the planning or governing board. All plans shall be reviewed by the Commission in a prompt and expeditious manner, and all recommendations of the Commission with regard to any public project shall be made in writing. Copies of the recommendation shall be transmitted promptly to the planning or governing body of Forsyth County and the City of Winston-Salem and to the appropriate agency;
 - (7) To encourage the review of projects proposed by the private sector including overall development plans, architectural design, and site/landscape plans. Upon request by individuals or groups of the private sector, the Commission shall be available to assist in the planning review process and to report its findings to the City-County Planning Board.
 - (8) To formulate and recommend to the City-County Planning Board the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the Commission, serve to enhance the appearance of the municipality and its surrounding areas;
 - (9) To direct the attention of Forsyth County and the City of Winston-Salem officials to needed enforcement of any ordinance that may in any way affect the appearance of Forsyth County and the City of Winston-Salem;
 - (10) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the Commission, advance the cause of improved community appearance;
 - (11) To conduct public meetings and hearings, giving reasonable notice to the public thereof;
 - (12) To establish a process for the recognition of achievement and contributions relating to the appearance of the community by public agencies or by the private sector.
- (Ord. No. 12-88, § C, 12-19-88)

Sec. 25-4. Membership.

(1) *Appointment.* The Commission shall consist of fifteen (15) members, seven (7) to be appointed by the Board of County Commissioners, and eight (8) to be appointed by the ~~board-of-aldermen~~ City Council of Winston-Salem. The governing boards shall appoint a Commission that represents a broad cross-section of the community.

(2) *Qualifications.* A majority of the members appointed to the Commission shall have demonstrated special experience or education in a design field, such as architecture, landscape architecture, horticulture, land use planning, historic preservation, or a closely related field. A minimum of four (4) of the county appointees and four (4) of the city appointees shall be so qualified. Appointees must reside within Forsyth County.

(3) *Tenure.* Each appointee shall serve a three-year term. No appointee shall serve more than two (2) full consecutive terms. The initial appointments to the Commission shall be staggered as follows: Two (2) appointees shall serve one-year terms; six (6) appointees shall serve two-year terms; seven (7) appointees shall serve three-year terms. Of the appointees in each class above, the Board of County Commissioners shall appoint one-half, and the ~~board-of-aldermen~~ City Council of the City of Winston-Salem shall appoint one-half. The ~~board-of-aldermen~~ City Council shall also appoint one (1) additional member to serve a three-year term. For purposes of this subsection, the first term, without consideration as to the length of that term, is considered a full term.

(4) *Vacancy.* A vacancy shall be filled by the governing body making the original appointment, and shall maintain the Commission's majority of qualified design-oriented members. Notwithstanding the provisions in paragraph (3), Tenure, the appointee shall fill the unexpired term and shall be entitled to serve an additional two (2) full consecutive terms, if appointed by the appropriate board.

(5) *Officers.* The Commission, within thirty (30) days of its appointment, shall meet and elect a chair~~man~~, vice-chair~~man~~, treasurer, and secretary. The secretary need not be a member of the Commission. The officers shall serve two-year terms. The initial officers shall serve the full two-year term and any additional time until the fiscal year has ended. The Commission shall then elect officers at the last regular meeting prior to expiration of the fiscal year when the officers' terms expire effective upon the beginning of the new fiscal year.

(6) *Compensation.* The members of the Commission 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 Commission.
(Ord. No. 12-88, § D, 12-19-88)

Sec. 25-5. Meetings.

(1) *Occurrence.* The Commission shall hold at least eleven (11) meetings per year. All meetings and hearings of the Commission shall be open to the public and reasonable notice of the time and place thereof shall be given to the public. Meetings shall be called by the chair~~man~~ or upon request to him by seven (7) members of the

Commission.

(2) *Records.* The Commission shall maintain a record of member attendance, actions taken, findings, and recommendations, which record shall be open to the public.

(3) *Voting.* A quorum of the Commission to do business shall consist of at least eight (8) members. Official action by the Commission shall require a majority vote of those present. The chair~~man~~ shall be entitled to vote.

(4) *Operating procedures.* The Commission is authorized to adopt bylaws, rules, regulations, and operating procedures necessary to conduct the affairs of the Commission and not inconsistent with the provisions of the Codes of Forsyth County and the City of Winston-Salem.
(Ord. No. 12-88, § E, 12-19-88)

Sec. 25-6. Administration.

(1) *Annual report.* The Commission shall, no later than April 15th of each year, submit to the ~~City of~~ Winston-Salem ~~Board of Aldermen~~ City Council and Forsyth County Board of Commissioners a written report of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year. In addition, a report and comparative analysis of appearance commission activities within communities of similar size and population shall be submitted. All accounts and funds of the Commission shall be administered substantially in accordance with the requirements of the Local Government Fiscal Control Act.

(2) *Committees.* The Commission may, from its own membership, establish any temporary or standing committees needed to assist it in the study of specific questions and problems, and to implement its work program.

(3) *Staff support.* The Commission may recommend to the local governing bodies suitable arrangements for the procurement or provision of staff or technical services for the Commission and may establish a committee(s) to aid the Commission in its work. The Director of the ~~City-County~~ Planning and Development Services Department board may assign staff to provide technical and administrative services to the Commission.

(4) *Finances.* The Commission may receive contributions from private agencies, foundations, organizations, individuals, and the state or federal government, or any other source in addition to any sums appropriated for its use by the ~~City of~~ Winston-Salem ~~Board of Aldermen~~ City Council or the Forsyth County Board of Commissioners.
(Ord. No. 12-88, § F, 12-19-88)