

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 9, 2017 AGENDA ITEM NUMBER: 6

SUBJECT: ORDINANCE REPEALING CHAPTER 24 OF THE FORSYTH COUNTY CODE ENTITLED, "HISTORIC PROPERTIES 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 Cotto, Jr. /cdh DATE: November 8, 2017
COUNTY MANAGER

**ORDINANCE REPEALING CHAPTER 24
OF THE FORSYTH COUNTY CODE ENTITLED ,
"HISTORIC PROPERTIES COMMISSION"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

WHEREAS, effective October 1, 1989, N.C.G.S. 160A-399.1 through 160A-400, which conferred authority on counties to appoint Historic Properties Commissions, was repealed by Session Laws 1989, c. 706;

NOW, THEREFORE, BE IT ORDAINED by the Forsyth County Board of Commissioners as follows:

SECTION 1. That Chapter 24 of the Forsyth County Code, entitled "Historic Properties Commission," consisting of Sections 24-1 through 24-7, is hereby repealed.

SECTION 2. This ordinance shall become effective upon adoption.

Adopted this 9th day of November 2017.

Chapter 24

~~HISTORIC PROPERTIES COMMISSION~~^{*1} Reserved

~~*Editors Note: Ord. No. 15-90, adopted Oct. 22, 1990, amended Ch. 24, historic properties commission, to read as set out in §§ 24-1-24-7. Prior to such amendment Ch. 24, §§ 24-1-24-6, pertained to the same subject matter and was derived from Ord. No. 5-81, § 1, adopted Dec. 14, 1981.~~

~~State Law References: Authority to establish historic properties commission, G.S. 160A-400.1 et seq.~~

~~* Editors Note: Unified Development Ord. No.84, adopted July 22, 2002 by the Forsyth County Board of Commissioners, amended Chapter B, Article IV, Section 4-3, regarding historic landmarks and historic/historic overlay districts merged the Forsyth County Historic Properties Commission and the City of Winston-Salem Historic District Commission into the Forsyth County Historic Resources Commission.~~

~~Sec. 24-1. Creation.~~

~~Pursuant to the authority conferred by North Carolina General Assembly 160A-400.1 through 400.14, the Forsyth County Board of Commissioners, the Board of Aldermen of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville and the Village Council of the Village of Clemmons, by concurrent ordinances, do hereby create and establish a joint county/city/town/village commission to be known as the Forsyth County Joint Historic Properties Commission. In establishing the Commission and making appointments to it, the local governing boards shall seek the advice of such state or local historical agencies, societies or organizations as it may deem necessary. (Ord. No. 15-90, 10-22-90)~~

~~Sec. 24-2. Purpose.~~

~~The purpose of the commission is to safeguard the heritage of the county, the city, the town, and the village by preserving any property therein that is deemed and found by the commission to be of special significance in terms of its historical, prehistorical, architectural or cultural importance and to promote the use and conservation of such property for the education, pleasure, and enrichment of the residents of the county, city, town, village, and state as a whole. (Ord. No. 15-90, 10-22-90)~~

~~Sec. 24-3. Membership.~~

~~(a) *Appointment.* The commission shall consist of ten (10) members, four (4) to be appointed by the board of county commissioners, four (4) to be appointed by the board of aldermen of Winston-Salem, one (1) to be appointed by the board of aldermen of Kernersville, and one (1) to be appointed by the village council of Clemmons.~~

~~(b) *Qualifications.* All members of the commission shall be residents of Forsyth County, and a majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. The board of county commissioners shall designate at least one (1) architect licensed in the State of North Carolina, and the board of aldermen of Winston-Salem shall designate at least one (1) architectural historian, in accordance with regulations required by certified local government status.~~

~~(c) *Tenure.* Each appointee shall serve overlapping terms of four (4) years. No~~

¹ ~~_____~~: It appears from the City of Winston-Salem website that the Forsyth County Joint Historic Properties Commission, detailed in this chapter, in 2002 was merged with the Winston-Salem Historic District Commission, to form the Forsyth County Historic Resources Commission. The HRC has 12 commissioners, including 6 at large and one each from six specific categories. If the county has the relevant documents concerning the HRC, please provide them.

~~appointee shall serve more than two (2) full consecutive terms.~~

~~———— (d) ——— Vacancy. A vacancy shall be filled by the governing body making the original appointment. The appointee shall fill the unexpired term and shall be entitled to serve two (2) full consecutive terms, if so appointed.~~

~~———— (e) ——— Officers. The commission shall elect a chairman and other officers as are necessary to conduct its affairs.~~

~~———— (f) ——— Compensation. The members of the commission shall serve without compensation.~~

~~(Ord. No. 15-90, 10-22-90)~~

~~Sec. 24-4. Meetings.~~

~~———— (a) ——— Occurrence. All meetings shall be held in accordance with the North Carolina Open Meetings Law.~~

~~———— (b) ——— Quorum. A quorum to do business shall consist of at least a majority of the appointed membership.~~

~~(Ord. No. 15-90, 10-22-90)~~

~~Sec. 24-5. Rules of procedure.~~

~~The commission is authorized to adopt bylaws, rules, guidelines, regulations, and operating procedures necessary to conduct the affairs for the commission and not inconsistent with the provisions of North Carolina Law, the Codes of Forsyth County, the City of Winston-Salem, the Town of Kernersville, and the Village of Clemmons. The commission may establish committees and task forces essential to meeting its goals.~~

~~(Ord. No. 15-90, 10-22-90)~~

~~Sec. 24-6. Commission powers.~~

~~The commission shall have all powers conferred and perform all duties designated by North Carolina Law.~~

~~(Ord. No. 15-90, 10-22-90)~~

~~Sec. 24-7. Administration.~~

~~———— (a) ——— Staff support. The commission is authorized to request the director of the city-county planning board to designate a staff member to assist the commission in carrying out its purposes. The staffs of the county, city, town and village shall provide support services as needed by the commission.~~

~~———— (b) ——— Finances. The board of commissioners, the boards of aldermen, and the village council may appropriate funds to the commission in accordance with North Carolina Law, authorize the commission to accept gifts and grants, and approve yearly budgets. The commission may enter into contracts when authorized by the governing boards. The commission may accept gifts or grants in furtherance of its goals. The funds shall be managed and disbursed in accordance with the budgets.~~

~~———— (c) ——— Annual report. The commission shall submit an annual report to the governing boards and such other reports as may be requested by them. The annual report shall include, but not be limited to, the progress of the commission, problems encountered, recommendations for improving the effectiveness of the commission, and fiscal information.~~

~~(Ord. No. 15-90, 10-22-90)~~