

DRAFT June 2012

Interlocal Agreement Between the City of Durham and Durham County Creating a Durham City-County Appearance Commission

Section 1, Creation and Purpose

The Durham City Council and the Durham County Board of Commissioners hereby establish the Durham City-County Appearance Commission in accordance with NCGS 160A-451. The purpose of this Commission is to enhance and improve the visual quality and aesthetic character of Durham City and County.

Section 2, Powers and Duties

The Durham City-County Appearance Commission shall have the following powers and duties:

- A. To initiate, propose and assist in the implementation of programs of general community beautification in Durham City and County.
- B. To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of Durham City and County.
- C. To provide leadership and guidance in matters of area or community design and appearance, including public safety and crime prevention through environmental design principles.
- D. To make studies of the visual characteristics and problems, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design.
- E. To prepare both general and specific plans for the improved appearance of Durham City and County. The plans may include the entire jurisdictions or part of the jurisdictions. The plans may set forth desirable standards and goals for the aesthetic enhancement of Durham City or County.
- F. To respond to any requests from the Governing Bodies, public agencies, private entities, developers and Planning Staff to review proposals for buildings, facilities or projects located within Durham City or County. Requests by a Governing Body shall be totally within the discretion of the Governing Body.
- G. To make recommendations regarding the adoption or amendment of ordinances that will serve to enhance the appearance of Durham City or County.
- H. To direct public attention toward situations that may affect the appearance of Durham City and County.
- I. To promote public interest in and an understanding of the recommendations, studies and plans which will enhance the appearance of Durham City or County through publication and distribution of materials related to the aesthetic environment of Durham.

- J. To conduct public meetings and educational sessions, which will advance the cause of an improved appearance for Durham City and County.
- K. To establish a process to recognize the achievements and contributions to the community related to appearance and design.
- L. To accept grants to further the purpose of community aesthetics and design.

Section 3, Membership

- A. Appointment.** The commission shall consist of fifteen (15) members with eight (8) to be appointed by the Durham County Board of Commissioners and seven (7) to be appointed by the Durham City Council. Members shall reside within the jurisdiction of the appointing authority. While encouraging applicants with expertise in aesthetics, attempts shall also be made to assure that the appointments represent a cross section of the community.

All members shall have equal rights regardless of whether the matters at issue are located inside or outside the corporate limits. The Joint City-County Planning Committee may recommend to the governing boards individuals for appointment to the Appearance Commission to ensure that State mandated qualifications are met.

- B. Qualifications.** All members of the Commission shall have a demonstrated interest, competence, or knowledge in community aesthetics, and a majority of the members shall have expertise in a design field such as architecture, landscape architecture, city planning, horticulture, urban design or a related field.

The Commission shall include the following professionals:

- Minimum of three (3) Registered Architects;
- Minimum of three (3) Registered Landscape Architects;
- Minimum of two (2) Real estate agents, developers or builders;
- Minimum of two (2) other design professionals.

Any remaining seats shall include members who may not have the background of the members representing specific professional areas above. In the event that the pool of applicants is insufficient to fill a particular category, then the City and/or the County may appoint individuals with demonstrated expertise and/or experience in one of the other designated categories. If the pool of applicants is still insufficient to fill the required categories, then the City and/or County may make one or more at-large citizen appointments to the Commission. Members shall also meet those general qualifications specified by the appointing body, which are requirements for all individuals serving on a governmental board or commission.

- C. Tenure.** Members shall serve three (3) year terms and may be reappointed for a second term. No member shall serve more than two (2) full consecutive terms. Initial appointments for the creation of the Commission shall be for staggered terms.

Three of the County initial appointments shall be for three year terms, three of the County initial appointments shall be for two year terms and two of the County initial appointments shall be for one year terms.

Three of the City initial appointments shall be for three year terms, two of the City initial appointments shall be for two year terms and two of the City initial appointments shall be for one year terms. Members may continue to serve until their successors have been appointed. Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointed authority as they occur for the period of time of the unexpired term. Appointees filling an unexpired term are eligible for appointment for two (2) additional full terms.

- D. **Compensation.** Members shall serve without pay but may be reimbursed for expenses.

Section 4, Organization and Meetings

- A. The Commission shall elect a Chairperson and shall create and fill other offices as it may find necessary.
- B. The Commission shall adopt rules of procedure.
- C. The Commission shall meet at least four (4) times per year.
- D. The Commission shall no later than April 15 of each year submit to the Governing Bodies, 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.

Section 5, Receipt and Expenditure of Funds

The Commission may receive contributions from private agencies, foundations, organizations, individuals, the State or federal government or any other source, in addition to any sums appropriated for its use by Durham City or County. The Commission may accept and disburse these funds for any purpose within the scope of its authority. All sums appropriated by the City and County to further the work and purposes of the Commission are deemed to be for a public purpose. Expenditure of funds shall be administered in accordance with the requirements of the Municipal and County Fiscal Control Acts.

Section 6, Support

The City-County Planning Department shall provide staff for the Appearance Commission as specified in the annual Planning Department Work Plan approved by the City and County. Staff shall be responsible for preparing notices and agendas for the Commission's meetings and keeping the record of the Commission meetings, including records of members' attendance. The Commission's budget, if any, shall be established as part of the Durham City-County Planning Department budget each fiscal year, in accordance with the agreement between the two jurisdictions on Department expenditures.

Section 7, Term of This Agreement

This Agreement shall be effective as of January 1, 2013. Unless terminated sooner as provided for in Section 8, below, this Agreement shall be effective on for a term of five (5) years, and shall expire at 12:01 AM, January 1, 2018. This Agreement may be terminated by either party, effective at the beginning of the fiscal year after such notice is given, upon 6 months notice given in writing prior to the start of the fiscal year in which termination is effective.

Section 8. Amendments

This Agreement may be amended at any time upon mutual written agreement of the City and County. The City Council and County Commissioners shall be the final authority in approving all amendments.

IN WITNESS WHEREOF, the parties have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date first above written.

City of Durham

By _____

Attest:

City Clerk

Durham County

By _____

Attest:

County Clerk

This document has been reviewed by the County Attorney and is approved as to its form. This _____ day of _____, 20_____.

By _____