

## City Council – Action Request Form

**Date:** August 12, 2024

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**To:** Mayor, Mayor Pro Tempore, and Members of the City Council

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**From:** Angela I. Carmon, City Attorney, Keith Huff, Traffic Field Operations Director,  
and  
Fredrick Evans, Assistant City Attorney

**Council Action Requested:**  
Adoption of: (1) An Ordinance Amending Articles I and III of Chapter 2 and Article VII of Chapter 10 of the Code of the City of Winston-Salem, and (2) An Ordinance Amending Chapter 75 of the Code of the City of Winston-Salem Entitled “Stormwater Management”

**Strategic Focus Area:** Livable Neighborhoods  
**Strategic Objective:**  
**Strategic Plan Action Item:**  
**Key Work Item:**



**Summary of Information:**

The attached ordinance amending Articles I and III of Chapter 2 and Article VIII of Chapter 10 clarify: (1) the city manager’s authority relating to the settlement of small condemnation cases changing the minimum amount from \$1,000 to \$2,500 with the 10% cap otherwise remaining in place, and (2) the city manager’s authority to execute deeds and other instruments for real estate transactions approved by city council. Finally, the amendment creates a stormwater advisory board (not an appeals board) as it relates to the city’s NPDES Stormwater permit and activities associated with the same. The advisory committee was suggested by the state as part of the city’s NPDES stormwater permit and will meet at a minimum of twice per year.

The attached ordinance amending Chapter 75 has been reviewed already, in part, by the Public Works Committee. The ordinance amendment: (1) incorporates the requirements of the city’s NPDES Stormwater permit by allowing access to inspect facilities within the municipal limits of the city to determine compliance with Chapter 75 of the City Code and the city’s NPDES permit,

**Committee Action:**

<b>Committee</b>	Committee of the Whole 8/12/2024	<b>Action</b>	Approval
<b>For</b>	Unanimous	<b>Against</b>	

**Remarks:**

and (2) achieves compliance with requirements of HB 488 by removing the lien provisions, the stormwater control measure replacement fund and escrow account creation requirements of the Post Construction section and replacing them with the revised escrow provisions as outlined in HB488. This section has not changed since the committee's prior review of the ordinance amendment.

The changes to the Chapter 75 ordinance amendment since the committee's initial review transfer the appeal of any notice of violation or decision of the stormwater director from the stormwater appeals board, which was abolished, to the City of Winston-Salem Board of Adjustment ("BOA") which is better equipped to hear such appeals because said body already hears appeals of a similar nature regarding zoning and planning matters and currently engages in quasi-judicial proceedings necessitated by variances in the zoning and planning arena. It makes more sense, given the focus of the BOA on land use and related matters, for the BOA to hear such appeals than to have a separate stormwater appeals board which had never really met since its creation more than 10 years ago. There was also some misplaced language that suggested such appeals would also go to the public works committee which is not consistent with the more recent statutory language relating to stormwater decisions. Any appeal of the BOA decision would go to Forsyth County Superior Court.

While the changes to chapters 2 and 10 do not require a public hearing, and thus will become effective upon adoption, the changes to Chapter 75 require a public hearing. Said public hearing will be conducted on the same day as, but following the public hearing regarding UDO CC27, which includes changes necessary for the BOA to hear appeals of decisions of the stormwater director and stormwater related variances.