

City Council – Action Request Form

Date: June 15, 2021

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

From: Angela I. Carmon, City Attorney
Assistant City Attorney Marilena Jensen Guthold

Council Action Requested:
Ordinance Amending Chapters 2, 26, 42, 62 And 75 Of The Code Of The City Of Winston-Salem

Strategic Focus Area: Livable Neighborhoods
Strategic Objective: No
Strategic Plan Action Item: No
Key Work Item: No



Summary of Information:
 On May 11th staff reviewed with the Community Development/Housing/General Government Committee (“Committee”) proposed changes to Chapters 2 and 75 as described below. Since that time, the ordinance has been updated to include changes to Chapters 26, 42, and 62 which are also described below. The attached ordinance amendment is recommended for your approval.

1. **Section 2-3. Disqualification of contractors to bid on construction or repair contracts.** Currently, a bidder or contractor engaged in discrimination in its employment or business practices on the basis of race, color, creed, national origin, disability or sex will be disqualified from bidding on a city contract. The proposed amendment to City Code Section 2-3 adds the following protected categories to the prohibited basis for discrimination: ethnicity, religion, sexual orientation, gender identity, gender expression, pregnancy, veteran status, age, marital status, familial status, protected hairstyle or political affiliation. Consequently, a bidder or contractor that discriminates against

Committee Action:

Committee	CDHGG 6/15/21	Action	Approval
For	Unanimous	Against	
Remarks:			

anyone covered by one or more of the protected categories in violation of the city's nondiscrimination ordinance, state or federal law will be disqualified from bidding on a city construction or repair contract. This change is consistent with the Nondiscrimination Ordinance adopted by City Council in March 2021. This disqualification language is limited to construction and repair contracts because the disqualification language in the city's local act, which allows the city determine the basis for disqualification, is limited to construction and repair contracts.

2. **Section 2-40. Ordinances, resolutions and motions.** The voting statute applicable to municipalities was recently revised to exempt ordinances requiring a public hearing pursuant to 160D-601 (rezonings, text amendments, housing code changes etc.) from the 2/3rds vote requirement on the first introduction of the ordinance. Such an ordinance will pass with the affirmative vote of a simple majority. The proposed amendment incorporates this statutory change into the city code.
3. **Sec. 2-285. Officers, chairperson emeritus and honorary chairperson.** The proposed change makes it clear that the position of mayor pro tempore serves as chairperson emeritus of the Outstanding Women Leaders committee.
4. **Sec. 26-17. Cancellation or reduction of nuisance abatement or sanitation liens assessed pursuant to G.S. 160A-193 and Chapter 26 for affordable housing purposes.** The proposed addition of this section allows for the reduction or cancellation of nuisance abatement and sanitation liens assessed pursuant to G.S. 160A-193 and Chapter 26 of the city code.
5. **Sec. 42-341. Definitions.** Consistent with state law and current practice, the proposed change makes it clear that only one of four conditions have to be met to satisfy the definition of a junked motor vehicle.
6. **Sec. 62-10. Cancellation or reduction of nuisance abatement or sanitation liens assessed pursuant to G.S. 160A-193 and Chapter 62 for affordable housing purposes.** The proposed addition of this section allows for the reduction or cancellation of nuisance abatement and sanitation liens assessed pursuant to G.S. 160A-193 and Chapter 62 of the city code.
7. **Sec. 75-404. Stormwater structural best management practice (“BMP”) replacement fund.** Staff in the stormwater department would like to codify the process by which other City departments earmark funds for the preservation of stormwater controls. When calculating earmarks, staff in the stormwater department usually refers to a report entitled “The Economics of Structural Stormwater BMPs in North Carolina”, published by North Carolina State University’s Department of Agricultural and Resource Economics, and

based on research commissioned by the N.C. Urban Water Consortium, Stormwater Group, through the Water Resources Research Institute of the University of North Carolina. The report, however, only addresses the sums needed to operate and maintain five types of stormwater controls. For this reason, stormwater staff would like to add language to sec. 75-404 of the post-construction stormwater ordinance to allow staff the flexibility to adopt other methodologies in calculating the sums needed to operate and maintain other types of stormwater controls.