

City Council – Action Request Form

Date: May 13, 2024

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

From: Angela I. Carmon, City Attorney

Council Action Requested:

The Adoption of a Technical Corrections Ordinance Amending Chapters 2, 10, 38, 42, 46, 70 and 74 of the City Code

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: N/A

Strategic Plan Action Item: N/A

Key Work Item: N/A



Summary of Information:

The attached draft ordinance, submitted for your approval, contains various proposed changes to the Winston-Salem City Code for your consideration.

In summary, the proposed changes to Chapter 2-2, if adopted, will increase: (a) the city manager’s contracting authority from \$100,000, plus a change order of an additional \$100,000, to a total of up to \$500,000, with change order or amendment authority up to \$100,000 unless the original contract was approved by city council then the change order or amendment authority shall be in an amount not to exceed \$500,000, (b) the city manager’s general settlement authority from \$100,000 to \$500,000, and (c) the city manager’s settlement authority for contested acquisitions and condemnation actions from \$1,000 to an amount not to exceed ten (10) percent of the highest appraised value based upon an appraisal report prepare for the city or tax value if such is used to determine the value of the property to be acquired or condemned, with a minimum settlement authority of \$1,000 where 10% is less than \$1,000, provided the city manager’s settlement authority shall not exceed \$100,000 per case.

Committee Action:

Committee	CD/H/GG 5-13-2024 CC 5-20-2024	Action	Approval
For	Unanimous	Against	

Remarks:

This amendment will also allow the city manager to acquire by purchase an interest in real property on behalf of the city for the highest appraised value based upon an appraisal report prepared for the city or tax value, provided the same does not to exceed \$100,000. The city manager will report, annually, to city council the names of the sellers, the amount paid by the city, and the uses of the property. Additionally, the proposed changes to Chapter 2, if adopted, will transfer the city manager's existing authority to surplus city personal property valued at less than \$30,000 from a free-standing resolution to Chapter 2 of the city code for ease in locating.

There is also a voting clarification based upon Chapter 160D of the North Carolina General Statutes relating to certain quasi-judicial matters. The additional changes to Chapter 2 will: (a) prohibit the removal of public records from city hall unless authorized to do so; (b) place limits on the carrying of signs in public buildings which concern has surfaced on numerous occasions over the past few months, (c) implement a minimum attendance policy for boards and commission members, and establish a process by which attendance issues will be addressed, and (d) eliminate the stormwater appeals board which has never met.

The remaining changes involve Chapters 10, 38, 42, 46, 70, and 74 of the Winston-Salem City Code. The proposed changes to Chapter 38 are clean up and clarification items related to the city's nondiscrimination ordinances. The proposed changes to Chapters 10, 42, and 46 reflect changes in department names and responsibilities. The proposed changes to Chapter 70, if adopted, will provide the city with greater control over banners hanging across or over city owned property. Finally, the proposed change to Chapter 74 switches the sidewalk café permit issuance cycle from a fiscal year to a calendar year process.

The attached ordinance requires two readings for adoption.

Note: To allow for time to notify board and commission members of the attendance policy, the attendance policy set forth in Section 7 shall become effective July 1, 2024. A clarifying tweak has been made to make sure the provisions regarding excused absences apply to boards and commissions that serve in a quasi-judicial capacity and that have final decision-making authority.