

City Council – Action Request Form

Date: September 16, 2024

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

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

Council Action Requested:

Public Hearing and Adoption of 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 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, 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 HB 488. 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

Committee Action:

Committee

Action

For

Against

Remarks:

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.

The changes to Chapter 75 require a public hearing. Said public hearing will be conducted on the same day as, but prior to 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.