AGENDA

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:00 p.m., Tuesday, March 21, 2017

COMMITTEE ROOM

Room 239, City Hall

COMMITTEE MEMBERS: Council Member Derwin L. Montgomery, Chair
Council Member Denise D. Adams, Vice Chair
Council Member Dan Besse
Council Member Robert C. Clark

GENERAL AGENDA

G-1. DISCUSSION OF WELCOMING CITY RESOLUTION.

G-2. REVIEW OF DRAFT ORINANCE AMENDING CHAPTER 10, ARTICLE II TO CREATE A NEW SECTION TO BE ENTITLED "UNSAFE NONRESIDENTIAL BUILDINGS OR STRUCTURES".


G-4. INFORMATION ON REQUIREMENT FOR NEIGHBORHOOD OUTREACH FOR CERTAIN ZONING CASES.

G-5. UNIFIED DEVELOPMENT ORDINANCES (UDO) UPDATE.

G-6. DISCUSSION OF POSSIBLE REVISIONS TO CITY’S PUBLIC COMMENT PERIOD.
CONSENT AGENDA

C-1. CONSIDERATION OF ORDINANCES RESCINDING AN ORDINANCE ORDERING THE DEMOLITION OF A DWELLING:

a. C.W. Myers Trading Post 160 W. Hanes Mill Road (Northeast Ward)
b. C.W. Myers Trading Post 2553 Manchester Street (Northeast Ward)
c. C.W. Myers Trading Post 2553 Manchester Street REAR (Northeast Ward)

C-2. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (<50) six months].

a. Joann T. Roseboro 620 Barbara Jane Ave. (East Ward)
b. Chauncey E. Carter 2021 Harrison Ave. (North Ward)
c. Genaro A. Flores 152 Motor Road (North Ward)
e. Brotherhood Homeless Coalition 305 Forest Hill Ave. (North Ward)
f. Henry E. Ramirez 4649 Cherry St. Accessory Building (Northeast Ward)
g. Mark D. and Charity M. Walker 2609 Raleigh Ave. (Northeast Ward)
h. Hessamedin Alimohmadi 833 W. 7th St. (Northwest Ward)
i. Bobby Dahmer 2242 Hollyrood St. (South Ward)
j. Legacy Real Estate Investment Fund II 1010 Louise Rd. (Southeast Ward)

C-3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs more than 50% of value of structure (>50) six months].
a. Ernest L. Scovens 3044 N. Patterson Ave. Accessory Building (North Ward)
b. Peter Neal Adams 2060 Independence Rd. (North Ward)
d. Bobby Dahmer 2242 Hollyrood St. Accessory Building (South Ward)

C-4. ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [Repairs more than 65% of value of structure (>65)].

a. SDA Investments, LLC 111 Methodist Dr. Accessory Building (North Ward)

C-5. RESOLUTION APPROVING A NEIGHBORHOOD IMPROVEMENT PLAN FOR MANCHESTER, MACHINE, ANSONIA AND EAST 25TH STREETS IN THE BOWEN PARK COMMUNITY. (NORTH EAST WARD)

C-6. RESOLUTION AUTHORIZING CHANGE IN USE OF FUNDING TO THE NORTH CAROLINA HOUSING FOUNDATION FOR THE SECU COMMONS WORKFORCE DEVELOPMENT PROGRAM. (NORTH EAST WARD) [$13,350]

C-7. RESOLUTION AUTHORIZING CONTINUATION OF THE PROJECT AND FUNDING FOR THE EAST END REVITALIZATION INITIATIVE WITH S.G. ATKINS COMMUNITY DEVELOPMENT CORPORATION. (EAST WARD)

C-8. CONSIDERATION OF ITEMS RELATED TO THE LAKE PARK DEVELOPMENT PROJECT:

a. RESOLUTION APPROVING ACCEPTANCE OF A PROPOSAL SUBMITTED BY METROPLIS ARCHITECTURE, PLLC TO ASSIST IN DETERMINING THE FEASIBILITY OF COMPLETING THE LAKE PARK DEVELOPMENT PROJECT. (EAST WARD) [$38,450]

C-9. PROPOSED *UNIFIED DEVELOPMENT ORDINANCES* TEXT AMENDMENTS TO REFLECT CHANGES IN STATE LAW.

C-10. RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL REGARDING LEGISLATION INTRODUCED DURING THE 2017 LEGISLATIVE SESSION. (TOWN HALL DAY RESOLUTION)

C-11. REPORT ON THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE) PROGRAM ACTIVITIES FOR THE 2015 - 2016 FISCAL YEAR.

C-12. REPORT ON URBAN FOOD POLICY COUNCIL.

WINSTON-SALEM IS A WELCOMING CITY

Whereas, the City of Winston-Salem is a diverse community which draws strength from that diversity; and

Whereas, the City of Winston-Salem is a welcoming community which takes pride in serving and protecting all our citizens, other residents, guests, and visitors, regardless of race, religion, national origin, ethnicity, gender, sexual orientation, or gender identity; and

Whereas, the City of Winston-Salem has a proud tradition which continues today of welcoming refugees from war and hardship to a new home of safety and community in our city; and

Whereas, the City of Winston-Salem opposes any measures which target populations within our diverse community for legal scrutiny or other challenges based on race, religion, national origin, ethnicity, gender, sexual orientation, or gender identity; and

Whereas, the City of Winston-Salem recognizes that our whole community is safer when victims and witnesses of domestic violence or criminal activity feel safe in contacting our police for assistance without fear, regardless of their immigration status; and

Whereas, the current national environment of excessive fear and suspicion directed by some toward immigrants, refugees, and other newcomers calls for cities like Winston-Salem to reaffirm our commitment to providing a welcoming and inclusive community for all.

THEREFORE BE IT RESOLVED BY THE CITY OF WINSTON-SALEM:

The City Council of the City of Winston-Salem reaffirms that ours is a welcoming city for newcomers, immigrants, and refugees who come to our nation and our city for a peaceful new beginning, including those escaping war, disaster, or persecution abroad; and

The Department of Human Relations and the Human Relations Commission, in consultation with the Police Department and City Attorney, are directed to study and provide to the City Council recommendations regarding additional appropriate and lawful steps which the city may take to reinforce our commitment to providing a safe and welcoming environment for immigrants, refugees, and other newcomers to our community, and thereby to enhance the health and safety of our entire community.
During Council’s January 16th Public Comment Period, a number of residents requested that the Winston-Salem City Council declare the City of Winston-Salem a Sanctuary City. Following said comment period, the matter was referred to the CD/H/GG for discussion. The request made during the Public Comment Period was preceded by a letter to Mayor Allen Joines detailing the Sanctuary City request and the basis for the same. The letter and the summary of minutes from the Public Comment Period are attached for your convenience.

This memo addresses the legal constraints associated with said request while the attached memorandum from Chief Rountree sets forth the perspective of the Winston-Salem Police Department regarding sanctuary cities and addresses the current law enforcement efforts and immigration enforcement.

In 2015, the North Carolina General Assembly made it clear that cities are prohibited from adopting sanctuary city policies and ordinances. If the City of Winston-Salem adopts the requested Sanctuary City resolution, it is likely that said action will be considered a violation of N.C.G.S. 160A-205.2. (Previously codified as N.C.G.S. 160A-499.4. Adoption of sanctuary ordinances prohibited.) Said statute provides states that:

“(a) No city may have in effect any policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. (b) No city shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual: (1) Prohibit law enforcement officials or agencies from gathering such information. (2) Direct law enforcement officials or agencies not to gather such information. (3) Prohibit the communication of such information to federal law enforcement agencies.”

It is likely that the adoption of the requested Sanctuary City resolution will also have negative financial consequences for the city. You may recall the North Carolina General Assembly considered a bill last year that would eliminate Powell Bill funding for any city found to have violated said statute. Currently, the city receives about $6 million in Powell Bill funds. While the General Assembly did not adopt said bill, it is likely that said bill will come up for reconsideration during the current legislative session. Essentially, the city’s
ability to take the requested action is constrained by state law. I would also note that the General Assembly enacted legislation several years ago (N.C.G.S. 6-21.7) that essentially allows a prevailing party to recover attorney fees and costs incurred in action in which the court has determined that the municipality acted outside the scope of its authority.

Finally, President Trump has signed an executive order directing the new Department of Homeland Security Director John Kelly to examine ways to limit federal funding to sanctuary cities that do not report undocumented immigrants to federal authorities. More information should be forthcoming regarding the process for identifying said cities, the specific funding to be withdrawn and the notification process.
TO: Mayor Allen Joines and Members of the City Council  
FROM: Barry D. Rountree, Chief of Police  
DATE: January 30, 2017  
SUBJECT: Sanctuary Cities and Immigration Enforcement  
CC: Lee Garrity, City Manager

The purpose of this response is to provide the Winston-Salem City Council and the citizens of Winston-Salem with the Winston-Salem Police Department’s position related to sanctuary cities and immigration enforcement.

In recent months there have been concerns about immigration enforcement by local, state and federal law enforcement officials. Citizens have asked city council to declare Winston-Salem a “sanctuary city”.

The City of Winston-Salem is not a ‘sanctuary city’. A sanctuary city is often used to refer to those localities which place limits on their assistance to federal immigration authorities seeking to apprehend and remove unauthorized aliens.” The city of Winston-Salem does not place such limits on its assistance to federal immigration authorities.

The Winston-Salem Police Department (WSPD) is committed to bias free policing. Like other jurisdictions, the Winston-Salem Police Department will honor requests that individuals already in their custody be held pursuant to federal detainer orders or warrants. Officers will not, however, “stop, detain, or search a person based solely upon a common trait or a group that includes but is not limited to race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group, or disability.”

Members of the WSPD do not ask immigration status, initiate immigration roundups, or gather immigration status information during the course of providing law enforcement services.

The Winston-Salem Police Department’s community policing initiatives include community building and community outreach initiatives are robust and serve the entire community regardless of citizenship. Some of these initiatives have been specific to the immigrant population, they include: Trust Talks, Faith in Action ID drive, Hispanic Coalition collaboration, Community Days, School Supply Giveaways, Shop with a Cop, and many more.

The WSPD also partners with the Human Relations Department on many initiatives and programs. Many of these initiatives have been specific to immigrant population such as: Building Integrated Communities Initiative, Faith in Action ID drive, Fiesta, International Village Celebration.
I hope the information in the memorandum provides answers to the many questions and concerns related to WSPD position and policies on immigration enforcement.

Please let me know if any additional information is needed or if there are additional concerns regarding matter.

Barry D. Rountree
Chief of Police
Allen Joines, Mayor  
101 N. Main St.  
Winston-Salem, NC 27101  

January 12, 2017  

Dear Mayor Joines,  

Please find attached an informational packet related to the Sanctuary Status Petition discussed at the city council meeting on December 19, 2016. This petition will be presented to the city council on January 17, 2017. The signatories to the petition represent a broad coalition of Winston-Salem organizations, religious institutions and civil entities concerned with the current climate of hate and intimidation. We are requesting the City of Winston-Salem to make a stand regarding its commitment to human rights, civil liberties and constitutional and international law.

We consider the sanctuary and welcoming city movement to be one of the strongest local avenues for standing against hate speech and both individual and institutionalized xenophobia. The rise of hate crimes and death threats against Muslims has been phenomenal as a result of the current anti-foreign climate. The rhetoric of the extreme right and its reflection in the cabinet of the new administration brings new waves of insecurity riding on top of old ones. A broken immigration system combined with a disrespect of constitutional and international human rights law have bolstered racial profiling and abusive policing nationwide, tearing through the cohesion of communities and families. These trends will only be exacerbated by the policies of a President-elect who threatens the stripping of citizenship for mere acts of protest. If the purpose of government and the rule of law is to protect and serve individuals, families and communities, it is clear that a bigger hammer will not remedy our fractured immigration and law enforcement system. Furthermore, local law enforcement and municipalities have and will be held liable for breaches of constitutional law even when carrying out federal mandates. City leaders have an ethical responsibility to guide and hold accountable law enforcement to fundamental and constitutional principles. At the local level we have the opportunity to stem the tide of human rights abuses inherent in carrying out an immigration policy aimed at displacing several million people.

We realize that the Sanctuary Coalition is asking the city to take a leading initiative in declaring itself a welcoming city in North Carolina, despite a law that discourages declarations of civil liberties in the state. However, we are convinced that the communities, civic institutions and religious houses of Winston-Salem are indeed compassionate and capable of fulfilling the leadership role they are called to.

Please find attached the Sanctuary Petition with initial organizational endorsers, the informational document distributed on December 19, 2016, a list of national and North Carolina cities that have already produced similar resolutions, several sample resolutions, solidarity statements of some coalition members, and legal documentation pertaining to the subject. We look forward to discussing this matter with you during the MLK march on Monday, January 16, 2017 as well as during the city council meeting on Tuesday, January 17, 2017. Please don’t hesitate to contact us with any questions.

Kind regards,

Gwenette Robertson  
Sanctuary Coalition

551 Westoak Trail  
Winston-Salem, NC 27104  
(336) 926-7670
Petition for Sanctuary Status for the City of Winston-Salem

In light of the results of the recent presidential election, with particular note of president elect Donald Trump’s declared intentions for his first 100 days in office, we, the undersigned, participants in the civic life of the city of Winston-Salem as individuals and groups and concerned for the well-being of marginalized members of our community, call on the city council and the mayor of Winston Salem to ensure the protection of our community members from intimidation, unfair investigation and deportation by declaring the city of Winston-Salem a Sanctuary City for all city residents.

The diversity of Winston-Salem and the contributions of its many citizens to the cultural, economic and social benefit of the wider community can only be upheld as a hallmark of the city’s accomplishments if all of its members are equally protected. As Mayor Joines said when commenting on the divisive HB 2, “Winston-Salem is a very diverse city that embraces diversity... Don’t judge us on a statewide bill that was passed” (Lack, The Chronicle, 5 May 2016). Similarly, federal policies that threaten our cohesion, our safety and our families require unique responses. The Human Relations Commission of the City of Winston-Salem states as its mission to “facilitate, promote, and recommend... actions for the elimination of discrimination in any and all fields of human relationships.” The threat of widespread dragnet removal of millions from among us and the climate of fear that such policies create constitute direct discrimination that requires concrete action before the policies are implemented.

Numerous cities across the U.S. have put out statements promising that Trump’s deportation agenda of threat and intimidation will not be aided and abetted by local law enforcement, including Los Angeles, New York, Chicago, Boston, Philadelphia and San Francisco, to name just a few. The Mayor of Providence, Rhode Island, who gained naturalization after growing up the child of undocumented U.S. residents, reassured his constituency of the city’s commitment to the safety and integrity of the community. It is in the long-term ethical and humanistic interest of the municipality of Winston Salem to stand with other sanctuary cities and guarantee all its residents that their contributions to the community will be valued and their families protected.

As such, the signatories call on the city of Winston-Salem to affirm its commitment to the following principles of civil liberties:

- That the city of Winston-Salem ensure the civil liberties of all persons and enforce protection from discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status;
- That the city of Winston-Salem refuse the profiling of groups within its community in the selection of individuals, check points or areas to investigate;
- That the city of Winston-Salem not extend its response to drivers who cannot show a valid license beyond the relevant operator’s citation;
- That the city of Winston-Salem not collect, keep or distribute information about any individual or group based exclusively on their political, religious, or social affiliations and professed beliefs; and
- That the city of Winston-Salem not actively participate in carrying out the dictates of federal immigration law to the extent that it runs counter to constitutional and international human rights.

Organizational Endorsements:

American Friends Service Committee, Office of the Carolinas; Community Mosque of Winston-Salem; El Cambio; Ministers Conference of Winston-Salem and Vicinity; North Carolina Green Party; Showing Up for Racial Justice (SURJ); Triad Central Labor Council; Winston-Salem International Socialist Organization (ISO); Winston-Salem United Against Hate; Winston-Salem United for Racial Justice; Working America
Informational Brief for the Winston-Salem City Council: Sanctuary City Status

City Council Meeting, December 19, 2016

The following informational brief has been drafted to prepare for a Sanctuary City Status Petition, to be presented at the City Council in January, 2017.

1) What is sanctuary policy?

- There is no legal meaning—"sanctuary" status is a principled position.
- Sanctuary status affirms the city's commitment to protect and serve all human beings without discrimination.
- It provides principled guidelines to back up that commitment, aimed at helping city employees and agents enact it.
- Sanctuary status asserts the moral authority and ethical responsibility of the local entity to act in accordance with constitutional and international human rights. It limits the use of local resources to carry out umbrella policies, on ethical grounds, if they demonstrate questionable or dysfunctional practices including:
  - Breaking up families
  - Threatening individual safety
  - Working against social cohesion
  - Profiling groups
  - Intimidating individuals, families, and communities
  - Demonstrating discriminatory practices
- Sanctuary policies clarify the role of local agencies in fulfilling their function.
  - For law enforcement: to protect all human beings and their communities
  - For schools: to educate all children
  - For health care workers: to heal and prevent illnesses for the whole community
  - For city officials: to serve all local residents

2) Why sanctuary policy?

- It is not the job of local law enforcement to enact federal immigration policy. This is the job of the federal government. Local resources should be used to meet local needs.
- Local governments hold the liability for unconstitutional practices. Detaining "without cause" and without a court order have been found to be against the 4th Amendment.
- Sanctuary status encourages residents to make use of city services, such as reporting crime, seeking out health care, and enrolling in schools.
- The community of Winston-Salem wants inclusive civil services, not discrimination.
3) Why sanctuary status now?

- President Elect Donald Trump’s policy for the first 100 days is causing widespread anxiety within vulnerable communities. Cabinet choices have not allayed those fears. It is the responsibility of the city to affirm its commitment to the stability and safety of all its residents in the face of hate speech and intimidation tactics.
- At least 18 sanctuary cities have reaffirmed their sanctuary status as a direct response to the irresponsible, unconstitutional and unethical threats coming from Trump and his allies, including Washington, D.C., San Francisco, Chicago, New York and Los Angeles.
- North Carolina is in the spotlight. Keith Ellison, considered for the next DNC chair, has suggested that North Carolina is at the center of the national struggle for progressive politics. Rev. William Barber, in his interview with Amy Goodman on Friday, December 16, 2016, indicated that the whole country will rise or fall with the fusion politics of the progressive south—people of all races working together to end racism—and North Carolina is at the heart of that possibility. What is done in NC will encourage or discourage responses to unconstitutional policies throughout the United States.

4) What about federal funding?

- The threat to cut funding for sanctuary cities is unlikely to be implementable.
  - ‘Conditional funding’ laws or ‘commandeering’ laws have been systematically struck down by courts, as violating two principles of federalism, or the 10th Amendment.
    - “Undue coercion.” Chief Justice Roberts in NFIB v. Sebelius (2012): Struck down the spending clause of Medicaid extension in the Affordable Care Act—on the grounds that the State-Federal relationship is contractual. For the federal government to change the terms of the contract and then threaten to cut funding if the states do not comply constituted “undue coercion.” Furthermore, the funding condition was not related to the original funding purpose.
    - “Commandeering States.” Justice Antonin Scalia in Printz v. U.S. (1997): Rejected portions of the Brady Act requiring background checks for firearms purchases; specifically, those which required local law enforcement to carry out the background checks, on the basis that it violated the 10th Amendment.
    - The only conditional funding law upheld by the courts involved a direct relationship between the purpose of the law and the purpose of the funding: Money for highway development ‘conditioned’ on raising the drinking age to 21.

5) Conclusion

Sanctuary city status for the city of Winston-Salem will build trust and reassure all residents that this community is committed to fair treatment, equal access to city services, the protection of all human beings and an end to every kind of racism and discrimination. It would set a precedent in responding to dragnet policies proposed by the incoming administration, and put Winston-Salem on the right side of history.
Cities nationwide with Sanctuary resolutions

According to a December 12, 2016 article in Politico, the top ten sanctuary cities by undocumented population include Los Angeles, New York, Chicago, Seattle, Austin, Newark, Denver, Philadelphia, Minneapolis and San Francisco, with more than 2 million undocumented immigrants.

Politico also produced the following more detailed list:

_Municipal and police leaders from the following cities have publicly reaffirmed their sanctuary status (even if they don’t all accept the “sanctuary city” designation)._ 

Appleton, Wisconsin
Ashland, Oregon
Aurora, Colorado
Austin, Texas
Berkeley, California
Boston, Massachusetts
Cambridge, Massachusetts
Chicago, Illinois
Denver, Colorado
Detroit, Michigan
Evanston, Illinois
Hartford, Connecticut
Jersey City, New Jersey
Los Angeles, California
Madison, Wisconsin
Minneapolis, Minnesota
Nashville, Tennessee
New Haven, Connecticut
New York, New York
Newark, New Jersey
Newton, Massachusetts
Oakland, California
Philadelphia, Pennsylvania
Phoenix, Arizona
Portland, Oregon
Providence, Rhode Island
Richmond, California
San Francisco, California
Santa Fe, New Mexico
Seattle, Washington
Somerville, Massachusetts
St. Paul, Minnesota
Syracuse, New York
Takoma Park, Maryland
Tucson, Arizona
Washington, D.C.

The following cities are reported to have no plans at the moment to change their immigration-related policies or practices.

Aberdeen, Washington
Baltimore, Maryland
Fresno, California
Las Vegas, Nevada
Long Beach, California
Mesa, Arizona
New Orleans, Louisiana
Northampton, Massachusetts
Princeton, New Jersey
Springfield, Oregon

The following cities have formally declared themselves sanctuaries since the presidential election.

Santa Ana, California
Burlington, Vermont
Montpelier, Vermont
Winooski, Vermont
North Carolina resolutions passed

Asheville: Civil Liberties Resolution passed October 2013 (see attached)

According to the Sanctuary cities blog update of 2010, the following resolutions were also passed in North Carolina:

Carrboro – Adopted Resolution no. 123/2005-06 on May 16, 2006
Chapel Hill – Adopted Resolution no. 3a(3) on February 26, 2007
Durham – Adopted Resolution #9046 on October 20, 2003

Chatham County (Pittsboro, Siler City) – Adopted Resolution no. 2009-02 on January 5, 2009


Please also find attached:

1) The Civil Liberties Resolution of the City of Asheville (passed Oct 2013)
2) Ordinance No. 655, City of Bremerton, Washington (passed Jan 2017)
4) Solidarity statement from Winston-Salem United for Racial Justice:
   "Winston-Salem United for Racial Justice affirms its commitment to equity for all in
   Winston-Salem by endorsing the sanctuary petition put together by many concerned
   residents in Winston-Salem. We fully support the petition in its intentions to provide safe,
   protected space for migrant workers and their families. We, Winston-Salem United for
   Racial Justice, hope that you will join us in supporting and signing the petition."
5) Materials from AFSC’s Sanctuaries Everywhere project

Also note the following links regarding:

6) A compilation of city, state and county ordinances pertaining to sanctuary measures with
   their dates, details and sources, produced by the AFSC’s Sanctuaries Everywhere project
   https://docs.google.com/spreadsheets/d/1BZk?1-qCo1mEaYWLL4C0_p9hgC9mRO6vkJhbX00flM/edit?usp=sharing

7) Bill Ong Hing: “Immigration Sanctuary Policies: Constitutional and Representative of
   Good Policing and Good Public Policy.” UC Irvine Law Review
   http://scholarship.law.uci.edu/cgi/viewcontent.cgi?article=1043&context=ucilr
CITY OF ASHEVILLE
CIVIL LIBERTIES RESOLUTION

WHEREAS: The City of Asheville has long aspired to protect civil liberties and provide equal protection under the law to all persons in the city which includes a diverse population of many races, religions, national and ethnic origin, including immigrants, tourists and students—whose contributions to the community’s economy, culture and civic character are vast and important, and affirms its strong support for the fundamental constitutional rights of every person and recognizes that the preservation of civil liberties is essential to the well-being of a democratic society; and

WHEREAS: The Chief of Police of the City of Asheville has implemented new community policing practices that seek to reframe and improve the relationship between law enforcement officers and the public; and

WHEREAS: The City of Asheville opposes measures that single out individuals within our diverse population for legal scrutiny or enforcement activity based on race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status; or homed or homeless status, and

WHEREAS: The City of Asheville opposes any efforts to transfer federal immigration responsibility to state and local officials, since these proposals tax our already overburdened police department and damage relationships with immigrant communities; and

WHEREAS: The City of Asheville believes that there is no inherent conflict between national security and the preservation of liberty but that Americans can be both safe and free; and

WHEREAS: The City of Asheville wishes to play a leading role in the protection of civil liberties and to consistently promote tolerance and respect for all persons, and recognizes that a number of other jurisdictions in North Carolina and in the United States have enacted policies or laws to make clear their protection of the civil liberties of a diverse population.

THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE that:

Section 1. The City of Asheville upholds the constitutional rights and civil liberties of any and all persons and it remains the policy of the City of Asheville to protect against discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status.

Section 2. City of Asheville officers and employees reject profiling of any group within our diverse population as a factor in selecting individuals, setting up check points or selecting areas of town to subject to investigatory activities.
CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 655

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ADDING A CHAPTER 2.26 TO THE BURIEN MUNICIPAL CODE RELATING TO ASCERTAINING IMMIGRATION STATUS AS IT RELATES TO THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS OF THE CITY OF BURIEN

WHEREAS, the City of Burien wishes to adopt an ordinance declaring the City of Burien a sanctuary city;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter Created. There is hereby created a Chapter 2.26 of the Burien Municipal Code entitled "Immigration Inquiries Prohibited" which shall read as follows:

Section 2.26.010 Findings. The City of Burien is a code city organized under RCW 35.02 and Article 11 Section 10 of the Washington State Constitution. Under its police powers, the City may exercise any power and perform any function, unless preempted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants. To this end, the City is dedicated to providing all of its residents fair and equal access to services, opportunities and protection. While precise figures are difficult to quantify, a 2009 Pew Hispanic Center report estimated that between one hundred forty thousand and two hundred ten thousand undocumented immigrants live in Washington state. Ensuring that all of the City's residents have access to necessary services and benefits is essential for upholding the City's commitment to fair and equal access for all residents.

The enforcement of civil immigration laws have historically been a federal government responsibility through the Immigration and Naturalization Service. Since 2002, matters of immigration law have been handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained, to enforce civil immigration laws forces local governments to expend their limited resources to perform traditionally federal functions.

A goal of this legislation is to foster trust and cooperation between law enforcement officials and immigrant communities to heighten crime prevention and public safety.

Since 1992, the King County sheriff's office has embraced this goal and outlined
supporting policies in its operations manual, with which this ordinance is consistent.

Another goal of this legislation is to promote the public health of City of Burien residents.

On April 22, 2008, King County Superior Court affirmed the principle that our courts must remain open and accessible for all individuals and families to resolve disputes on the merits by adopting a policy that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the superior court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the superior court courthouses, unless the public's safety is at immediate risk. Shortly after the affirmation's adoption, the King County Executive and Immigration and Customs Enforcement agreed to honor this policy.

This ordinance is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373.

Section 2.26.020 Prohibition. Except as provided in this section or when otherwise required by law, a City office, department, employee, agency or agent shall not condition the provision of City services on the citizenship or immigration status of any individual.

A. Nothing in this ordinance shall be construed to prohibit any City of Burien officer or employee from participating in cross-designation or task force activities with federal law enforcement authorities.

B. The City of Burien personnel shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated federal civil immigration laws. The documents include but are not limited to: passports; alien registration cards; or work permits.

C. The City of Burien personnel may use documents relating to a person's civil immigration status if the documents are offered by the person upon a general, nonspecific request.

D. The City of Burien personnel shall not initiate any inquiry or enforcement action based solely on a person's:
   a. civil immigration status;
   b. race;
   c. inability to speak English; or
   d. inability to understand the deputy.

E. The Seattle-King County department of public health, with which the City of Burien contracts pursuant to RCW 39.34 and BMC 8.05.010 shall not condition the provision of health benefits, opportunities or services on matters related to citizenship or immigration status. The Seattle-King County
department of public health may inquire about or disclose information relating to an individual's citizenship or immigration status for the purpose of determining eligibility for benefits or seeking reimbursement from federal, state or other third-party payers.

F. Except when otherwise required by law, where the City accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this ordinance and any subsequent ordinance. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form.

G. This section does not create or form the basis for liability on the part of the City, its officers, employees or agents.

H. Unless permitted by this ordinance or otherwise required by state or federal law or international treaty, all applications, questionnaires and interview forms used in relation to the provision of City benefits, opportunities or services shall be promptly reviewed by each agency, and any question requiring disclosure of information related to citizenship or immigration status shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.


CITY OF BURIEN

________________________________________
Lucy Krakowiak, Mayor
ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
San Francisco Administrative Code
Chapter 12H: Immigration Status

SEC. 12H.1. CITY AND COUNTY OF REFUGE.
It is hereby affirmed that the City and County of San Francisco is a City and County of Refuge.

(Added by Ord. 375-89, App. 10/24/89)

SEC. 12H.2. USE OF CITY FUNDS PROHIBITED.
No department, agency, commission, officer or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City and County of San Francisco unless such assistance is required by federal or State statute, regulation or court decision. The prohibition set forth in this Chapter shall include, but shall not be limited to:

(a) Assisting or cooperating, in one's official capacity, with any Immigration and Naturalization Service (INS) investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law.

(b) Assisting or cooperating, in one's official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments, except for cooperation related to an alleged violation of City and County, State or federal criminal laws.

(c) Requesting information about, or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by the City and County of San Francisco upon immigration status, except as required by federal or State statute or regulation, City and County public assistance criteria, or court decision.

(d) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City and County of San Francisco any question regarding immigration status other than those required by federal or State statute, regulation or court decision. Any such questions existing or being used by the City and County at the time this Chapter is adopted shall be deleted within sixty days of the adoption of this Chapter.

(Added by Ord. 375-89, App. 10/24/89)

SEC. 12H.2-1. CHAPTER PROVISIONS INAPPLICABLE TO PERSONS CONVICTED OF CERTAIN CRimes.
Nothing in this Chapter shall prohibit, or be construed as prohibiting, a law enforcement officer from identifying and reporting any person pursuant to State or federal law or regulation who is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws. In addition, nothing in this Chapter shall preclude any City and County department, agency, commission, officer or employee from (a) reporting information to the INS regarding an individual who has been booked at any county jail facility, and
who has previously been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law; (b) cooperating with an INS request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law; or (c) reporting information as required by federal or state statute, regulation or court decision, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law. For purposes of this Section, an individual has been "convicted" of a felony when: (a) there has been a conviction by a court of competent jurisdiction; and (b) all direct appeal rights have been exhausted or waived; or (c) the appeal period has lapsed.

However, no officer, employee or law enforcement agency of the City and County of San Francisco shall stop, question, arrest or detain any individual solely because of the individual's national origin or immigration status. In addition, in deciding whether to report an individual to the INS under the circumstances described in this Section, an officer, employee or law enforcement agency of the City and County of San Francisco shall not discriminate among individuals on the basis of their ability to speak English or perceived or actual national origin.

This Section shall not apply in cases where an individual is arrested and/or convicted for failing to obey a lawful order of a police officer during a public assembly or for failing to disperse after a police officer has declared an assembly to be unlawful and has ordered dispersal.

Nothing herein shall be construed or implemented so as to discourage any person, regardless of immigration status, from reporting criminal activity to law enforcement agencies.

(Added by Ord. 282-92, App. 9/4/92, amended by Ord. 233-93, App. 8/4/93)

SEC. 12H.3. CLERK OF BOARD TO TRANSMIT COPIES OF THIS CHAPTER; INFORMING CITY EMPLOYEES.

The Clerk of the Board of Supervisors shall send copies of this Chapter, including any future amendments thereto, that may be made, to every department, agency and commission of the City and County of San Francisco, to California's United States Senators, and to the California Congressional delegation, the Commissioner of the INS, the United States Attorney General, and the Secretary of State and the President of the United States. Each appointing officer of the City and County of San Francisco shall inform all employees under his jurisdiction of the prohibitions in this ordinance, the duty of all of her or his employees to comply with the prohibitions in this ordinance, and that employees who fail to comply with the prohibitions of the ordinance shall be subject to appropriate disciplinary action. Each city and county employee shall be given a written directive with instructions for implementing the provisions of this Chapter.

(Added by Ord. 375-89, App. 10/24/89)

SEC. 12H.4. ENFORCEMENT.

The Human Rights Commission shall review the compliance of the City and County departments, agencies, commissions and employees with the mandates of this ordinance in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged.

(Added by Ord. 375-89, App. 10/24/89)

SEC. 12H.5. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking only to promote the general welfare. This Chapter is not intended to create any new rights for breach of which the City is liable in money damages to any person who claims that such breach proximately caused injury. This Section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

(Added by Ord. 375-89, App. 10/24/89)
SEC. 12H.6. SEVERABILITY.
If any part of this ordinance, or the application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

http://sfgov.org/ccsfsga/san-francisco-administrative-code-chapter-12h-immigration-status
As people of faith and conscience, we want to take care of and stand with each other to ensure that everyone in our community is respected and welcomed. We will open up our congregations, schools and communities as sanctuary spaces for those targeted by hate, and work alongside our friends, families, & neighbors to ensure that the dignity and human rights of all people is respected. (SanctuaryNotDeportation.org)

We must create #Sanctuary Everywhere, drawing on the many traditions of peoples’ movements protecting targeted communities, like the Underground Railroad during slavery, Kindertransport during the Holocaust, the protection of conscientious objectors during the Vietnam War, the Sanctuary Movement in the 1980s and in more recent years, #Not1More, which has sheltered numerous undocumented immigrants from deportation.

Your Struggle is My Struggle
We must ensure that all residents of our community are safe, welcomed and included, by:

- Welcoming immigrants & refugees. Working to halt deportations to keep families together, and interrupting police and local collaboration with immigration authorities
- Standing with Muslim and Jewish communities. Protecting all targeted religious groups from attacks
- Supporting the Movement for Black Lives. Interrupting anti-Black violence and the “War on Black People”, including stop and frisk policing
- Protecting LGBTQ North Carolinians

We Are In This Together
We hope to equip thousands of North Carolinians with tools and training to interrupt hateful acts and government actions that put our communities at risk, and to encourage the adoption of concrete policies & practices that create greater safety and a welcoming environment for all.

Creating #Sanctuary Everywhere
In today's political context, Sanctuary is about ensuring safe-havens at many different levels for specific targeted communities.

Individual, Family, Neighborhood
- Interrupting hateful speech or violence
- Accompanying a targeted individual in their daily errands
- Attending a “Crisis Scenario Community Response” training to practice how to respond to hateful acts
- Hosting #Sanctuary Everywhere conversations in your neighborhood

Institutional (School, Campus, Church)
- Creating institutional policies that ensure safety for campus residents
- Training colleagues in how to create a safe space at work
- Creating a team at your child’s school to ensure all children are safe at school
- Holding Know Your Rights trainings at your Mosque or community center
- Sheltering of individuals or families

City/State
- Working with your City Council to ensure that the rights of all residents are protected.
- Strengthening our communities to prepare for further attacks

Supporters can get involved at any level, in any space.
Prosperity Watch (Issue 66, No. 3): Mass deportation would mean $10.6 billion loss for NC industries

Immigrants are an important element—as workers, consumers, and business entrepreneurs—in building a thriving state economy. Current rhetoric on mass deportation as a policy to address our broken immigration system overlooks immigrants’ contributions to state and local economies, and, additionally, the impact that an absence of workers would have on major industries.

A new report measuring the economic consequences of a mass deportation policy reveals a $236 billion reduction in total GDP and a cost of nearly $900 billion in lost revenue over 10 years for the federal government. Nationally, the industries that would be hit the hardest by the absence of an undocumented immigrant workforce would be agriculture, construction and leisure and hospitality. Estimates indicate that these industries would experience a workforce reduction of 10 to 18 percent or more.

For North Carolina, such a policy would result in a more than $10.6 billion loss for local industries. Manufacturing would experience the largest cut with a loss of approximately $2.4 billion in annual GDP. Construction ($2 billion) and Leisure and Hospitality ($1.3 billion) would experience the second and third highest losses in annual GDP if mass deportation were to occur. Our state simply cannot afford such a hit to industries still recovering from the effects of the recession.

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**PROSPERITY WATCH**

**Mass deportation would mean billions lost for NC industries**

Annual GDP lost among NC industries in 2013 dollars

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WINSTON-SALEM CITY COUNCIL
PUBLIC COMMENT PERIOD
January 17, 2017

Phillip Summers, 2422 Peachtree Street, Winston-Salem, 27107

Mr. Summers expressed his belief that there is an opportunity for economic freedom and for the City to invest in people locally. He stated valuing people instead of projects will help citizens. Everyone should be made to feel welcome.

Reverend Dennis Leach, 1400 Fitch Street, Winston-Salem, 27107

Rev. Leach expressed concern that residents have to travel long distances to get to the grocery stores. He noted, the citizens are asking for help in restoring bus services to a community struggling to make ends meet.

Tony N'dege, 1713 Chapel Street, Winston-Salem, 27127

Mr. N'dege stated he and his community are asking the City officials to support the Sanctuary City petition.

D. Renee Wilkins, 1516 Fitch Street, Winston-Salem, 27107

Ms. Wilkins stated she lives in a community where the bus no longer comes. She depends on the bus to get to doctor’s appointments. Due to a disability, walking up the street is difficult to catch the bus and the traffic is busy. Some people have lost their jobs due to the lack of bus service. She also expressed concern about a lack of sidewalks in the community.

Tony Caldwell, 1418 Fitch Street, Winston-Salem, 27107

Mr. Caldwell expressed concern over changing the bus routes. He is a disabled veteran and he would like the City officials to re-consider the bus route services.

David Villabe, 1411 Gholson Avenue, Winston-Salem, 27107

Mr. Villabe stated he lives in the neighborhood and often times he gives them rides to others living in the neighborhood due to lack of bus service. There is violence in the community and he is asking the City to assist in making the community safer and a better environment for the kids. The recreation center closes early on Fridays and is not open on Saturday and Sunday. He further expressed concern over lack of benefits offered by temp agency job, which are increasingly the major job providers in the community, and he requested a change in this process so that all people can support their families.

Valeria Rodriguez Cobos, 338 Barnes Road, Winston-Salem, 27107

Ms. Cobos stated she is in full support of the Sanctuary City petition. She requested the City Council consider the kind of city they all live in. She noted she has been a resident since 2001 and urged City officials to support the Sanctuary City organization.
Andrew Segona, 4727 Horsemens Cove Lane, Kernersville, 27284

Mr. Segona stated he wants the City officials to support the Sanctuary City petition.

Will Cox, 1208 Martin Street, Winston-Salem, 27103

Mr. Cox asked the City to support the Sanctuary City petition. He stated there needs to be a clear statement of affirmation that the citizens matter. He indicated that his group didn’t come here tonight against the Council, but to stand with the Council in hopes that support will be given to the community.

Jennifer Castillo, 602 Lansing Drive, Winston-Salem, 27105

Ms. Castillo expressed support for the Sanctuary City, pointing out she has worked with all demographics of people and they all should be given the opportunity to be valued members of society.

Gwynetta Robertson, 551 Sweetgrass Trail, Winston-Salem, 27106

Ms. Robertson spoke on behalf of Inman Khalid Griggs, and stated death threats are being made against the local Muslim mosques because of racism in the city. She is in full support of the Sanctuary City petition and hopes the City will also support their efforts.

JoAnn Allen, P.O. Box 284, 27102, Winston-Salem

Ms. Allen stated there are several issues in the City of Winston-Salem that should not be dealt with as a business. Citizens are concerned about their personal matters and want real consideration given to be feel that the Council is doing its job in a fair manner.

Herald Yusseff, 3605 High Meadows Drive, Winston-Salem, 27106

Mr. Yusseff stated the City should not consider supporting the Sanctuary City petition. He noted it would be unlawful to do so.

Christina Goupia, 2218 Maplewood Avenue, Winston-Salem, 27103

Ms. Goupia is in support of Sanctuary City and stated she is an educator at Wake Forest University where a resolution was constructed in support of a school wide Sanctuary facility and passed. Members of the college signed a petition and this also helped the resolution to pass.

Britany Ward, 3931 Hardwick Street, Winston-Salem, 27101

Ms. Ward stated she is involved in an organization, Hoops for Life. She hopes the City will help to support the opening of the recreation centers on the weekends. Josant Terry and Deante Diablo gave comments saying they need a place to play and be with their friends when they are out of school.

Kim Porter, 1212 W. Fourth Street, Winston-Salem, 27101

Ms. Porter stated she is a concerned citizen and wants Council to consider opening the recreation centers on the weekends so kids will have some where to go. She believes it is not fair for more fortunate communities to have the opportunity at the recreation centers for their children to play, while, less fortunate ones do not.
Rebecca Evans, 539 Power Plant Circle, Winston-Salem, 27101

Ms. Evans stated she is in support of Sanctuary City.

Andrew Segovia, 4727 Horsemens Cove Lane, Kernersville, 27284

Mr. Segovia stated he supports Sanctuary City.

Horace White, 322 W. 25th Street, Winston-Salem, 27105

Mr. White stated he is in support of asking the City to have the recreation centers stay open longer on Fridays and be open on the weekends so the kids will have somewhere to go and play. He stated the bus routes were moved and not replaced with better ones. People in the community have lost jobs due to not having transportation. A woman was hit recently in the area of where the bus routes drop-off. The streets are dangerous and he hopes the City will re-consider how they schedule the bus routes.
Article 19 of Chapter 160A of the North Carolina General Statutes gives inspectors certified under the State Building Code the authority to declare a nonresidential buildings or structures within a community development target area unsafe if it meets both of the following criteria:

1. It appears to the inspector to be vacant or abandoned; and

2. It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

A community development target area is defined as “…an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an area with similar characteristics designated by the City Council as being in special need of revitalization for the benefit and welfare of its citizens. (Emphasis added)

The attached ordinance incorporates into the City Code the unsafe building provisions regarding nonresidential buildings and structures and a process for City Council to designate areas of the City as being in special need of revitalization for the benefit and welfare of its citizens. Staff has identified an area off of Patterson and Glenn Avenue that might benefit from such a designation and the application of the unsafe building statute and ordinance.

Once the ordinance has been adopted, the City Council by resolution may identify and designate areas consistent with the statute and ordinance to be in special need of revitalization for the benefit and welfare of its citizens and instruct staff to inspect the buildings and structures in the area so designated to determine which buildings and structures meet the unsafe building criteria and to process those buildings and structures in accordance with the ordinance which means posting the property, notification to the property owner, a hearing and an opportunity to repair or demolish the property. The statute and thus the code will afford the owner no less than 60 days to effectuate compliance. In the event of non-compliance, the statute provides the City with the option of initiating a legal proceeding to abate the violation or taking action to cause the unsafe building or structure to be removed or demolished placing a lien on the property for said cost much like the lien placed on properties when houses are demolished under the City’s minimum housing code.
Staff will move forward with finalizing the ordinance and a resolution for Mayor and City Council’s consideration at its April 17th meeting.
ORDINANCE AMENDING CHAPTER 10, ARTICLE II TO CREATE A NEW SECTION TO
BE ENTITLED “UNSAFE NONRESIDENTIAL BUILDINGS OR STRUCTURES”

BE IT ORDAINED by the Winston-Salem City Council as follows:

Section 1: Section 10-36-Unsafe Nonresidential Buildings or Structures. is hereby created to read
as follows:

“Section 10-36. Unsafe Nonresidential Buildings or Structures.

Sec. 10-36.1. Duty to condemn.

(a) Unsafe nonresidential buildings or structures under G.S. 160A-426 (a)
The building inspector shall declare unsafe any nonresidential building or structure or part thereof,
partially destroyed or otherwise, which is found by the building inspector to be in such dilapidated
state of disrepair or other substandard condition as to be dangerous to life, health or other property,
or to constitute a fire or safety hazard or a public nuisance. Such unsafe condition may be caused
by defective construction, overloaded floors, decay, susceptibility to fire, bad condition of walls,
unsafe wiring or heating systems, inadequate means of egress or any other hazardous conditions
or circumstances.

(b) Unsafe nonresidential buildings or structures under G.S. 160A-426 (b)
The building inspector shall declare unsafe any nonresidential building or structure within a
community development target area that meets both of the following conditions:

(1) It appears to be vacant or abandoned and
(2) It appears to be in such dilapidated condition as to cause or contribute to blight, disease,
vagrancy, fire or safety hazards, to be a danger to children or tends to attract persons
intent on criminal activities or other activities that constitute a nuisance.

For purposes of this ordinance, the term “community development target area” means an area that
has characteristics of: (i) an urban progress zone under G.S. 143B-437.09; (ii) a “nonresidential
redevelopment area” under G.S. 160A-503(10); or (iii) an area with similar characteristics
designated by the city council as being in special need of revitalization for the benefit and welfare
of its citizens.

(c) The building inspector shall have authority and it shall be his duty, to declare the buildings
or structures meeting the criteria or conditions set forth above in (a) or (b) unsafe and
thereby a public nuisance and to take appropriate action to have the conditions repaired in
said building or structure or to have the same demolished and removed. Such declaration
by the building inspector shall constitute an order of condemnation for the purposes of this
section.

Sec. 10-36.2. Finding. Special need of revitalization.
Before the building inspector declares a building or structure unsafe pursuant to section 10-36.1(b) based upon the community development target area meeting the definition of (iii) above, the building inspector shall first prepare for the city council’s consideration the following regarding the area to be designated by city council as being in special need of revitalization for the benefit and welfare of its citizens:

(a) a map depicting the boundaries of the area; and

(b) a report that: (i) contains exterior pictures of the building or structures; (ii) indicates the approximate age of the buildings or structures in the area to be so designated; (iii) generally describes any unsafe or unsanitary conditions, the deterioration or dilapidation of the buildings or structures; (iv) describes the impact or potential impact of the buildings or structures on the community surrounding the area to be so designated and (v) provides, if available, a general description of the area’s history in terms of police and fire service calls.

The city council shall consider the information presented and any other information that supports the designation of the proposed area as being in special need of revitalization for the benefit and welfare of its citizens. The city council, after considering the information presented by the building inspector and such additional information deemed by it to be relevant, may adopt a resolution, with appropriate findings, that designates the area or a portion thereof as being in special need of revitalization for the benefit and welfare of its citizens. Consistent with said resolution, the building inspector shall proceed to inspect the buildings and structures in the area so designated and declare unsafe any and all the buildings and structures that meet the conditions set forth above in section 10-36.1(b)(1) and (2).

Sec. 10-36.3. Duty of owner to comply order: repair or demolish and building or structure.

Whenever any building or structure has been declared unsafe pursuant to the provisions herein by the building inspector, the owner or owners of such building or structure shall be ordered to repair the conditions or demolish and remove the same under the regulations and procedures herein provided. In the event such owner fails or refuses to abide by said order within the prescribed time directed by the building inspector or by the city council in the event of an appeal of the inspector’s decision as hereinafter provided, the city council may, in its judgment, cause the same to be repaired or demolished and removed or take such other action as it may find necessary to suppress and abate the nuisance and remove the unsafe conditions found to exist and assess the cost and expense of doing such work against the lot or parcel of land on which the building or structure is located.

Sec. 10-36.4. Notice and hearing.

Before any building or structure may be ordered to be repaired or demolished and removed as provided herein, the building inspector shall notify the owner or owners thereof in writing that the building or structure is unsafe and appears to meet one of more of the following conditions: (i) constitutes a fire or safety hazard; (ii) is dangerous to life, health or other property; (iii) is likely to cause or contribute to bight, disease, vagrancy or danger to children or (iv) is considered by the
city to have a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance in accordance with G. S. 160A-428 by: (i) certified or registered mail to the last-known address of such owner; or (ii) personal service of such notice by the building inspector or his assistant; or (iii) publication as indicated below and in accordance with G. S. 160A-428 if the identity of the owner or whereabouts of the owner is unknown. The notice shall apprise the owner that a hearing will be held before the building inspector at a designated place and at a time not less than ten (10) days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel regarding all legal or factual questions relating to the matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be effected. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing and a notice of the hearing is published one time in a newspaper having general circulation in the city at least 10 days prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

Upon the issuance of a complaint and notice of hearing or order pursuant thereto, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed in the office of the clerk of superior court of the Forsyth County. A copy of this notice of lis pendens shall be served upon the owners and parties of interest in the building or dwelling at the time of filing. From the date and time of indexing, the complaint and notice of hearing or order shall be binding upon the successors and assigns of the owners of the parties of interest in the building or dwelling. The notice of lis pendens shall remain in full force and effect until cancelled. The clerk of superior court shall cancel the notice of lis pendens upon receipt of notice from the city regarding such cancellation.

Sec. 10-36.5. Order to repair or demolish and remove building or structure.

If, upon completion of the hearing process, the building inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property, or is a public nuisance by causing or contributing to blight, disease, vagrancy, fire or safety hazard, or be a danger to children or tends to attract persons intent on criminal activities or other activities that constitute a public nuisance, he shall make an order in writing, directed to the owner of the building or structure, requiring the owner to remedy such conditions so found to exist by repairing or demolishing and removing the building or structure or taking such other steps as may be necessary to abate the nuisance and remove the hazards, within such period as the building inspector may prescribe, but not less than sixty (60) days.

Sec. 10-36.6. Appeal; finality of order not appealed.

The owner of any building or structure ordered by the building inspector to be repaired or demolished and removed, or who is directed by the building inspector to take any other steps to abate a nuisance or remove hazards found by the building inspector to exist, shall have the right of appeal from such orders to the city council; provided, such owner gives written notice of appeal
to the building inspector at the time of the hearing at which the order is made, or, provides written notice within ten (10) days after the issuance of said order to the issuing building inspector. Notice of appeal shall state the grounds therefor. Unless an appeal is taken within the time and in the manner herein prescribed, the action of the building inspector shall be deemed final, subject only to such action as the city council may take as herein or elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the building inspector to report the same to the city manager, who shall cause the matter to be placed on the agenda for action by the city council at its next regular meeting. The city council shall have the right to continue the hearing of the appeal from time to time, in its discretion.

Sec. 10-36.7. Report to city manager when owner fails to comply with order.

In the event the owner does not appeal from the final order or direction of the building inspector requiring that the building or structure be repaired or demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the building inspector to file a written report thereof with the city manager, who shall cause such report to be placed on the agenda for action by the city council at its next regular meeting or to some subsequent meeting to which the city council may continue the same. The building inspector shall mail a copy of the report by certified or registered mail to the owner at his last-known address, or have a copy of the report delivered to the owner. The report shall specify the date of the meeting of the city council for which the matter will be docketed for action.

Sec. 10-36.8. Special notice required in certain cases before city council may take action.

In cases in which the building inspector has been unable to give the owner actual notice of hearing in the manner hereinabove provided and has given such notice by posting and publishing the same as authorized in section 10-36.4, and the owner has failed or refused to comply with the order or direction of the building inspector to repair or demolish and remove the building or structure or take such other remedial action as will remove the hazards, and such case is referred to the city council for action, the city council shall before taking such action, cause to be posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing, and published one (1) time in a newspaper having general circulation in the city at least one (1) week prior to the date fixed for such hearing, a written notice stating the address or location of the building or structure involved and the time, place and purpose of the hearing, and such other information as the governing body may deem advisable. The city council shall hear and render a decision on an appeal within a reasonable time. The city council may affirm, modify and affirm, or revoke the order.

Sec. 10-36.9. Order of city council; assessment of costs.

(a) Lien. In all cases referred to in this section which reach the city council for action, either upon appeal of the owner from the ruling of the building inspector or upon report of the building inspector that the owner fails or refuses to comply with his order or direction, the city council shall hear the matter, and if it finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or
to be dangerous to life, health or other property, or is a public nuisance, and that the owner of the building or structure has failed or refused to abate the nuisance and has failed or refused to have the building or structure repaired or demolished and removed or has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the repair or demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specially assess the cost of such work against the lot or parcel of land on which the building or structure was situated; and such assessment shall constitute a specific lien upon the lot or parcel of land, which may be enforced by an action instituted in the name of the city in the nature of an action to foreclose a mortgage as provided by General Statutes, Section 105-414 in the case of ad valorem taxes and local improvement assessments.

(b) Additional Lien. The amounts incurred by the city in connection with the removal or demolition shall also be a lien against any other real property owned by the owner of the building or structure and located within the municipal limits or within one mile of the municipal limits. However, this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(c) Salvageable materials. If the building or structure is demolished and removed by the city, the city may sell the salvageable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure. The city shall credit the proceeds of the sale against the cost of the demolition and removal. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

Sec. 10-36.10. Presumption of danger to public.

In all cases in which the city council, under authority of this chapter, causes the repair or demolition and removal of any building or structure to be carried out, or directs such other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire and safety hazard and danger to life, health or other property, created and maintained by the continued presence of such building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare which requires entry upon private property for the summary abatement and removal of such danger, in the public interest.

Sec. 10-36.11. Willful failure or refusal to comply with order prohibited; penalty.

It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or city council made by virtue and in pursuance of this section, and any person violating this section shall, upon conviction, be punished as provided by G.S. 14-4 and every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or city council made by virtue and in pursuance of this chapter shall constitute a separate and distinct offense.
Sec. 10-36.12. Removing notice from condemned building.

If any person shall remove any notice that has been affixed to any building or structure by a city zoning enforcement officer or fire inspector and that states the dangerous character of the building or structure, he shall be guilty of a Class 1 misdemeanor.

Sec. 10-36.13. Administrative search warrant.

If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or made with the permission of the owner, the owner's agent, a tenant or other person legally in possession of the premises.


A department(s) of the city that has state certified building inspectors shall be responsible for the enforcement of any ordinances or codes adopted by the city council relating to the repair, demolition and removal of unsafe nonresidential buildings or structures, pursuant to G.S. 160A-426 et. al.”

Section 2. This ordinance shall become effective upon adoption.
# ACTION REQUEST FORM

**DATE:** March 1, 2017  
**TO:** The Honorable Mayor and Members of the City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services

## COUNCIL ACTION REQUEST:

Request for Public Hearing on the *Northwest Winston-Salem Area Plan Update*.

## SUMMARY OF INFORMATION:

A. Public hearing on the *Northwest Winston-Salem Area Plan Update*.

B. Adoption of the *Northwest Winston-Salem Area Plan Update*.

## PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED
RESOLUTION ADOPTING THE PROPOSED NORTHWEST WINSTON-SALEM AREA PLAN UPDATE

WHEREAS, the Legacy 2030 Comprehensive Plan recommends the completion of area plan updates to implement Legacy 2030 and guide land use and growth in all parts of Winston-Salem and Forsyth County; and

WHEREAS, the proposed Northwest Winston-Salem Area Plan Update is being completed for Winston-Salem as designated in Legacy 2030; and

WHEREAS, the Northwest Winston-Salem Area Plan Update was developed by staff with input and participation by the general public at four community meetings; and

WHEREAS, the City-County Planning Board held a public hearing and recommended adoption of the Northwest Winston-Salem Area Plan Update on February 9, 2017; and

WHEREAS, the proposed Northwest Winston-Salem Area Plan Update contains recommendations to guide the future land use and public investment decisions in northwest Winston-Salem.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby adopt the attached Northwest Winston-Salem Area Plan Update and encourage the plan’s use as a guide for future decisions on zoning, public investment, and continued improvement in the area.
Planning staff will be available to brief the Community Development/Housing/General Government Committee (CD/H/GG) at its March 21, 2017 meeting on the draft *Northwest Winston-Salem Area Plan Update*. The *Northwest Winston-Salem Area Plan Update* was developed during the past year by Planning staff with input and participation by the general public at four community meetings. The City-County Planning Board held a public hearing on the draft plan on February 9, 2017 and recommended the plan to the City Council unanimously.

Council Members Clark and MacIntosh were in attendance for some or all of the meetings with the public concerning this plan update. Staff will be happy to answer any questions concerning the draft plan.

The draft plan will be scheduled for a public hearing at the April 3 City County meeting.
February 9, 2017

Public hearing on the *Northwest Winston-Salem Area Plan Update*. The plan area is generally bounded on the north by Reynolda Village and Old Town Country Club; on the east by the Arbor Acres retirement community and the Crossnore School and Children’s Home; on the south by Business 40 and West Northwest Boulevard; and on the west by Silas Creek Parkway. The plan area includes land in the City of Winston-Salem.

Kelly Bennett presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

During discussion by the Planning Board, the following points were made:

George Bryan: There was a concern about pedestrian crossings at the Five Points intersection. We need to go on record as saying that is a concern for the neighbors.

MOTION: George Bryan moved approval of the *Northwest Winston-Salem Area Plan Update*.  
SECOND: Clarence Lambe  
VOTE:  
   FOR: George Bryan, Melynda Dunigan, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger  
   AGAINST: None  
   EXCUSED: None

____________________________
A. Paul Norby, FAICP  
Director of Planning and Development Services
NORTHWEST WINSTON-SALEM AREA PLAN Update

DRAFT
Under special State enabling legislation, the City-County Planning Board of Forsyth County and Winston-Salem is responsible for preparing and maintaining a comprehensive plan for Forsyth County. The *Legacy 2030 Update*, the current comprehensive plan, was adopted in 2012. Comprehensive plans take a broad, communitywide perspective for guiding growth and development. *Legacy 2030* includes chapters on local trends; growth management; land use; transportation; economic development; environmental quality and sustainability; healthy, complete, and equitable communities; community character; Downtown and the Center City; neighborhoods and towns; rural character; area plans; and key public investments.

The Planning Board prepares a series of urban and suburban area plans for the city and county in an effort to translate *Legacy 2030* into site specific recommendations. An area plan generally contains information about the plan area’s existing conditions and recommendations for guiding future growth and development. Citizen participation is an important part of the area plan process, and multiple opportunities for public participation exist within the area planning process.

In 2004, the City-County Planning Board (CCPB) adopted boundaries, names, and priority rankings for seven urban area plans, a Downtown Plan, and thirteen suburban/small town area plans. *Legacy’s Growth Management Plan* divides Winston-Salem and Forsyth County into five growth management areas: City Center, Urban Neighborhoods, Suburban Neighborhoods, Future Growth Area, and Rural Area. Seven plans cover the Urban Neighborhoods and Downtown as defined in *Legacy 2030*. The Center City refers to the downtown core of Winston-Salem and other towns in Forsyth County. Urban Neighborhoods are older neighborhoods and commercial, industrial, and institutional development built mostly before 1940 that surround the Center City of Winston-Salem. The Urban Neighborhoods Area has been divided into study areas based on geography and common features. Thirteen plans cover the Suburban Neighborhoods, Future Growth Area, and Rural Area as defined in the *Legacy 2030*. These areas have been divided into study areas based on geography and common features. Suburban Neighborhoods include a large portion of the county and most of the small towns where suburban development has occurred in recent decades. It is also the area with the most undeveloped land where much of the future residential, commercial, and industrial development should occur. Future Growth Areas do not usually have sewer or other facilities and services to support urban development. However, because of their potential to be served efficiently by sewer and other facilities and services in the future and/or their proximity to towns, major roads and other public investments, the Growth Management Plan calls for them to eventually be developed. Rural Areas are not expected to receive public sewer and are recommended to remain low density in nature.

As of 2012, all planning areas within Forsyth County have a corresponding area plan which was developed since the 2001 adoption of the original *Legacy* plan to guide future area development decisions. Area plan updates, such as this one, replace these older, existing area plans. Updated area plans provide a current picture of area conditions and an up-to-date set of future development recommendations.

Area plans follow a basic, standardized format that provides for consistent terminology, information, mapping, and land use colors for all area plans. Consistency between plans is important to City staff, the CCPB, and elected officials as they use the plans to make zoning, funding, and other decisions based on area plan recommendations.
To facilitate implementation of area plan recommendations, a biennial Area Plan Status Report is prepared which includes the current status of recommendations of all adopted area plans. The report includes the status of each action/project listed in the implementation table for each plan. Area plan recommendations are funded in a variety of ways including bonds, bond referendums, transportation funds, general government funds, the Motor Vehicle Tax, capital improvements, and Community Development Block Grants. Inclusion of a project in the area plan implementation table does not mean the recommended project has funding. Area plan projects are prioritized along with other projects and programs by the elected officials.
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- Urban Neighborhoods (GMA 2)
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- Proposed Growth Corridor
- Urban/Suburban Single-Family Residential
- Commercial/Office/Multifamily with Urban Form
- Commercial/Office/Multifamily with Suburban Form

Date: 1/10/2017
PLANNING BOARD
DRAFT
PLANNING BOARD
DRAFT

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Introduction

**Boundaries of the Plan Area**
The Northwest Winston-Salem Planning Area encompasses 3,881 acres. The plan area is generally bounded on the north by Reynolda Village and Old Town Country Club; on the east by the Arbor Acres retirement community and the Crossnore School and Children’s Home (formerly the Children’s Home); on the south by Business 40 and West Northwest Boulevard; and on the west by Silas Creek Parkway (see Map 1 on page XX). All of the land area in the planning area is in the City of Winston-Salem, with 62 percent of the total area in the West Ward, 33 percent in the Northwest Ward, 5 percent in the North Ward, and less than 1 percent in the Southwest Ward.

**Relationship to Legacy 2030**
Legacy 2030, Forsyth County’s comprehensive plan serves as the framework on which all area plans are built, both geographically and as a policy guide. The original Northwest Winston-Salem Area Plan was adopted in 2012. The Northwest Winston-Salem Area Plan Update is intended to translate Legacy 2030 policies into more detailed recommendations for the Northwest Winston-Salem Plan Area, taking into account changes in the area since the adoption of the original area plan.

Legacy 2030’s Growth Management Plan defines a series of specialized areas, each having specific characteristics. In the Growth Management Plan (Map 2 on page XX), all of the Northwest Winston-Salem Plan Area is designated as Urban Neighborhoods, Growth Management Area (GMA) 2.

**Area Plan Process**
Citizen participation is a critical part of the area plan process. Multiple opportunities for public participation exist in the area planning process. The steps in the development of an area plan are shown in Figure 1. The first step of the planning process is the assessment of current conditions and the consolidation of existing plans. A summary of this information is created and given to citizens at the plan kickoff workshop.

The plan kickoff workshop is the first meeting in the area planning process and is an opportunity for citizens who live and work in the area to share their comments and concerns about the area and its future with planning staff. Staff facilitates this process to help citizens document their thoughts, which provide the basis for the next step in the process.

Ideas and issues identified at the process kickoff workshop, along with the policies spelled out in Legacy 2030, serve as the basis for the next step in the process: the formulation of recommendations by Planning staff. These recommendations primarily focus on proposed land use recommendations, and site specific design recommendations for corridors and activity centers. Staff works with the citizens on these recommendations to reach a consensus. Staff and citizens refine the plan recommendations at the meetings that follow the kickoff workshop. The final recommendations are then presented to the entire community for review at the concluding open house. If no consensus is reached, both sets of recommendations will be presented to the City-County Planning Board.

The Planning Board reviews the recommendations for consistency with the broad public interest and with Legacy 2030. The Planning Board holds a public hearing to consider the plan and make amendments, as appropriate, before recommending adoption of the plan. The document is then forwarded to the Winston-Salem City Council for consideration, amendment, and adoption after a public hearing.

The adopted plan replaces the existing adopted plan for the area and will be used on an ongoing basis by the Planning Board and City Council to guide land use, infrastructure, and public investment decisions. An implementation schedule is included in the adopted plan to outline tasks and timing needed for each recommendation. Additionally, developers and neighborhood groups may also use the plan to guide their future business and community development decisions.
Figure 1. Area Planning Process
**General Character**
The Northwest Winston-Salem Plan Area is rich in history and character. This area has been home to many of the city’s higher-income residents since the early 20th century. During the prosperity and increased mobility of the 1910s and 1920s, there was a residential exodus from downtown to larger estates in newly created and well-designed suburbs such as West Highlands, Buena Vista, and Westview. The Reynolds, Gray, and Hanes estates were also built at this time along Reynolda Road and remain mostly intact today as museums and facilities of nearby Wake Forest University.

Subdivision development continued to the west and north of Buena Vista from the 1940s to 1970s. Construction of multifamily developments like College Village, since converted to condominiums, began after World War II to ease the housing shortage in Winston-Salem. Much of the recent residential development has taken place near Robinhood and Country Club Roads in the form of detached single-family homes in clustered developments that have smaller lots but share common open areas. Infill development on lots in existing neighborhoods is also common in the area. Two country clubs, Forsyth and Old Town, are also located in the planning area.

While the vast majority of the area is used for residential or recreational purposes, the bucolic 212-acre Crossnore School and Children’s Home campus on Reynolda Road has transitioned from an orphanage to a mental health facility for children, homes for abused or neglected children, and a home for pregnant teenagers. The Crossnore School and Children’s Home campus includes 46 structures built between 1920 and 1989, and a working farm.

The primary location of commercial activities in the planning area is in the Five Points area, located at the intersection of North and South Stratford Road, Country Club Road, West First Street, and Miller Street. Uses include retail services, restaurants, banks, and office uses.

Segments of the planning area are experiencing the same challenges faced by suburban areas elsewhere in the city and county, including vacant commercial and office buildings, pressure to develop open space, increased automobile congestion, and conflicts between land uses.

**Demographics**
Based on 2010-2014 American Community Survey data, 10,069 people live in the Northwest Winston-Salem Planning Area, a decrease of 5 percent (0.2 percent annually) from the 2000 Census. The area’s population accounts for approximately 3 percent of Forsyth County’s total population. The racial make-up of the planning area is 89 percent white, 7 percent African-American and 2 percent Hispanic (see Table 1 and Table 2).

**Table 1. Population Statistics**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest Area Plan</td>
<td>10,069</td>
<td>10,325</td>
<td>-0.2%</td>
<td>3%</td>
<td>2.7</td>
</tr>
<tr>
<td>Winston-Salem</td>
<td>234,569</td>
<td>185,776</td>
<td>1.9%</td>
<td>65%</td>
<td>2.8</td>
</tr>
<tr>
<td>Forsyth County</td>
<td>358,130</td>
<td>306,067</td>
<td>1.2%</td>
<td>N/A</td>
<td>1.4</td>
</tr>
</tbody>
</table>
Table 2. Diversity and Age Statistics

<table>
<thead>
<tr>
<th>Area</th>
<th>Diversity (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>African-American</td>
</tr>
<tr>
<td>2014 Northwest Area Plan</td>
<td>7</td>
</tr>
<tr>
<td>2000 Northwest Area Plan</td>
<td>7</td>
</tr>
<tr>
<td>2000-2014 Change</td>
<td>0</td>
</tr>
<tr>
<td>2014 Winston-Salem</td>
<td>34</td>
</tr>
<tr>
<td>2000 Winston-Salem</td>
<td>37</td>
</tr>
<tr>
<td>2000-2014 Change</td>
<td>-3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area</th>
<th>Age (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than 5 years</td>
</tr>
<tr>
<td>2014 Northwest Area Plan</td>
<td>4</td>
</tr>
<tr>
<td>2000 Northwest Area Plan</td>
<td>5</td>
</tr>
<tr>
<td>2000-2010 Change</td>
<td>-1</td>
</tr>
<tr>
<td>2014 Winston-Salem</td>
<td>7</td>
</tr>
<tr>
<td>2000 Winston-Salem</td>
<td>7</td>
</tr>
<tr>
<td>2000-2014 Change</td>
<td>0</td>
</tr>
</tbody>
</table>

Sources: ESRI Community Analyst, 2000 U.S. Census and U.S. Census Bureau, 2010 -2014 American Community Survey (5-year estimates)
*Note: "Hispanic" is not a race; it is an ethnic group. Numbers are provided for comparison purpose.

**EXISTING LAND USE**

The existing land uses in the Northwest Winston-Salem Planning Area include residential, office, commercial, parks and open space, utilities, and institutional uses (see Table 3 and Map 3 on page XX). The majority of the developed area is single-family residential in character with limited amounts of multifamily residential, commercial and office development. The planning area has no industrial uses and only 170 acres of undeveloped land.

Table 3. Existing Land Use Summary

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acres</th>
<th>%</th>
<th>Land Use</th>
<th>Acres</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>1,960.0</td>
<td>44.9</td>
<td>Parks, Commercial Recreation &amp; Open Space</td>
<td>400.6</td>
<td>20.2</td>
</tr>
<tr>
<td>Large Lot Residential</td>
<td>62.8</td>
<td>1.4</td>
<td>Rail &amp; Road Rights-of-Way</td>
<td>495.6</td>
<td>11.2</td>
</tr>
<tr>
<td>Low Density Attached Res.</td>
<td>35.7</td>
<td>0.8</td>
<td>Utilities</td>
<td>1.9</td>
<td>&gt;0.1</td>
</tr>
<tr>
<td>Multifamily</td>
<td>35.8</td>
<td>0.9</td>
<td>Total Developed</td>
<td>3,711.4</td>
<td>96.1</td>
</tr>
<tr>
<td>Total Residential</td>
<td>2,094.3</td>
<td>48.0</td>
<td>Undeveloped Land</td>
<td>170.1</td>
<td>3.9</td>
</tr>
<tr>
<td>Commercial/Office</td>
<td>89.4</td>
<td>1.8</td>
<td>Total Area</td>
<td>3,881.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Institutional</td>
<td>629.6</td>
<td>14.9</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Survey by City-County Planning Staff (July 2016)

**RESIDENTIAL**

The predominant land use in the planning area is residential, which accounts for 48 percent of the total land area. Single-family residential is the most common of the residential types, accounting for roughly 45 percent of area land. Multifamily (less than 1 percent of land area) and low-density attached residential development (also less than 1 percent of land area) also exist in the planning area.
COMMERCIAL AND OFFICE
Approximately 89 acres, about 2 percent of the planning area, is developed with commercial and office uses. Most of this area, 60 acres, is commercial land use. The primary concentrations of commercial land uses are located in the Five Points area near Business 40, Reynolda Village, and along Reynolda Road at Robinhood Road. Office uses account for 29 acres and are concentrated around the Five Points area.

INSTITUTIONAL
Institutional uses are located throughout the planning area. The 630 acres of institutional use accounts for approximately 15 percent of the land in the planning area. This includes both public institutional uses such as schools, fire stations, and community centers, and private uses such as churches and cemeteries. The largest institutional property owner is Wake Forest University, which owns the Graylyn Conference Center and portions of the Hanes estate.

PARKS, RECREATION, COMMERCIAL RECREATION AND OPEN SPACE
There are eight public parks in the planning area, totaling 66.1 acres and accounting for approximately 12 percent of the land area. The largest park in the planning area is Shaffner Park, along Silas Creek Parkway. There are also commercial recreation uses, which account for about 8 percent of the planning area (335 acres), including Forsyth Country Club, in the western part of the planning area. Recreation facilities are discussed in more detail in the Community Facilities section.

UTILITIES AND RIGHTS-OF-WAY
Combined together, utilities, road and railroad rights-of-way account for approximately 11 percent of the land area (498 acres).

UNDEVELOPED
Undeveloped land accounts for 170 acres (3.9 percent of the land area). Undeveloped land is distributed throughout the planning area in the form of vacant single-family lots.

*ZONING
There have been few rezoning petitions since the mid 2000s in the Northwest Winston-Salem Planning Area. The Country Club Estates neighborhood had a neighborhood conservation overlay district approved in 2006 to require new infill or expansions to be more in keeping with existing development patterns there. Since the adoption of the original Northwest Winston-Salem Area Plan in 2012, there have been four rezoning petitions approved for the plan area for multifamily, office, and business zoning.

*TRANSPORTATION FEATURES
Existing transportation features include roads, bus routes, bicycle routes, sidewalks, and greenways. The location and function of transportation features have a significant impact on land use decisions (see Map 4 on page XX).

ROADS
Overall Street Pattern
The Northwest Winston-Salem Planning Area is comprised of a network of streets and roadways that provide access to a variety of goods, services, and residential opportunities. Business 40 is a freeway providing east-west access along the southern boundary of the planning area. Silas Creek Parkway/NC 67 is an expressway along the western boundary of the planning area.

Major east-west thoroughfares include Country Club Road, West Northwest Boulevard, and Robinhood Road/Coliseum Drive. Reynolda Road is a north-south major thoroughfare in the planning area. Minor thoroughfares include Buena Vista Road, Miller Street, Cloverdale Avenue, North Hawthorne and North Stratford Roads, and portions of Robinhood Road. These roads connect neighborhoods and services to major thoroughfares. Numerous collector streets feed vehicles into these thoroughfares to circulate traffic throughout and beyond the plan area.

Map 4 on page XX shows existing streets, thoroughfares, and highways.
Road Types
Every street and highway is classified to identify its function as part of the overall road network. Roads are classified as part of the Comprehensive Transportation Plan (CTP). Transportation and land use planning are linked by using these road classifications in zoning district purpose statements and in use conditions in the Winston-Salem/Forsyth County Unified Development Ordinances (UDO). For example, the Neighborhood Office (NO) zoning district purpose statement states, “the district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares.”

Road classifications:
- **Interstate Highways** are controlled-access facilities with four or more lanes carrying traffic between cities and states.
- **Freeways/Expressways** are usually controlled-access facilities with four or more lanes that provide fast and efficient movement of large volumes of traffic.
- **Boulevards** move traffic with some control of access and range from four to six lanes with a median-divider.
- **Other Major Thoroughfares** move traffic both within cities and between cities, and may also provide access to abutting properties. They range in size from two lanes to six lanes.
- **Minor Thoroughfares** converge traffic from collector and local streets to move it to major thoroughfares or highways.
- **Collector** streets carry traffic from local streets to thoroughfares in addition to providing access to adjoining property.
- **Local** streets are used predominantly to provide access to abutting property.

Appendix B starting on page X lists the CTP classifications and features of roads in the planning area.

Transportation Plans/Processes
Winston-Salem and Forsyth County have several long-range transportation plans/processes, including the Comprehensive Transportation Plan (CTP), the Metropolitan Transportation Plan (MTP), and the Metropolitan Transportation Improvement Program (MTIP).

The Comprehensive Transportation Plan (CTP) is required by the State of North Carolina. The CTP is a long-range plan for all modes of transportation and is not fiscally constrained. It is the broadest and longest range transportation plan. The Highway Map in the CTP serves as the street and highway master plan for the urban area by identifying both existing roads and the general location of future planned roads. The CTP includes classification of roads by type and function. The current CTP was adopted in May 2012.

The Metropolitan Transportation Plan (MTP), formerly called the Long Range Transportation Plan (LRTP), also includes all modes of transportation. All projects in the MTP should also be in the CTP, but since the MTP is a fiscally constrained plan, it only includes projects for which funding is identified. The MTP is required under federal provisions and must include an assessment of air quality impacts. The current MTP, the 2040 Metropolitan Transportation Plan, was adopted by the Winston-Salem Urban Area Metropolitan Planning Organization in 2015.

The Metropolitan Transportation Improvement Program (MTIP) is the official transportation investment schedule for State and federally funded surface transportation projects planned within the metropolitan area. The Winston-Salem Metropolitan Area includes most of Forsyth County and portions of Stokes, Davie, and Davidson Counties. The MTIP must be a subset of the MTP—meaning all projects in the MTIP must also be in the MTP. The MTIP is a transportation funding plan, and programs State and federal funding for a seven-year period for all modes of transportation. The current MTIP is for 2016-2025.

PUBLIC TRANSPORTATION
Local Bus Routes
The Winston-Salem Transit Authority (WSTA) currently provides bus services within the Northwest Winston-Salem Planning Area. WSTA revised the route network and schedule effective in January 2017. Table 4 describes routes in the planning area in more detail.
### Regional Transit

PART, the Piedmont Authority for Regional Transportation, was authorized in 1997 by the North Carolina General Assembly as a Regional Transportation Authority. Based on regional cooperation, PART coordinates regional bus service, vanpools/carpools, and other transportation-related services in the plan area. The only PART route that passes through the planning area is the Surry County Express.

### RAIL

Within the planning area, the Norfolk-Southern Railway runs parallel to West Northwest Boulevard with two elevated railroad bridges located over Reynolda Road and West Northwest Boulevard, and an at-grade crossing on Miller Street under the Business 40 bridge. Due to a damaged trestle to the east of the planning area, there is currently limited rail traffic on this line.

### BICYCLE FACILITIES

The *Winston-Salem Urban Area Comprehensive Bicycle Master Plan* was adopted by the Winston-Salem City Council and the Winston-Salem Metropolitan Planning Organization’s Transportation Advisory Committee in 2005. This detailed study evaluates current cycling facilities in Forsyth County including the use of a Bicycle Level of Service (BLOS) model, and makes recommendations to create a comprehensive bicycle network for the area. The recommended network includes off-road trails, designated bike lanes, wide shoulders for roads, and bicycle route signage.

### Bicycle Routes

The plan area has two signed bike routes described in Table 5 below and shown on Map 4 on page XX.

#### Table 5. Bicycle Routes

<table>
<thead>
<tr>
<th>Route Name</th>
<th>Route Map Symbol</th>
<th>General Route</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yadkin County Connector</td>
<td>1</td>
<td>From Stratford Road, west on Buena Vista Road, left on Fairmont Road, right on Glen Echo Trail, left on Woodlawn Drive, right on Wellington Road, left on Yorkshire Road, left on Doncaster Road, left on Archer Road, right on Kirklees Road, left on Friar Tuck Road, right on Will Scarlet Road, left on Staffordshire Road, right on Hearthside Drive, right on Peace Haven Road, left on Mountain View Road, left on Hillsboro Drive, right on Mountain View Road, left on Gatewood Drive, right on Stone Crossing Drive, left on Stonebridge Drive, right on Country Club Road.</td>
</tr>
<tr>
<td>West Winston Loop</td>
<td>6</td>
<td>From Northwest Boulevard, right on Hawthorne Road, left on Runnymede Road, straight on Warwick Road, right on Arbor Road, right on Forest Drive, left on Oaklawn Avenue, right on Arbor Road, right on Thurmond Street, right on Northwest Boulevard.</td>
</tr>
</tbody>
</table>
PEDESTRIAN FACILITIES
With the adoption of the multimodal transportation plans, enhancing and improving the pedestrian infrastructure throughout the City of Winston-Salem has become a transportation priority.

Sidewalks
The Winston-Salem Urban Area Sidewalk and Pedestrian Facilities Plan (Pedestrian Plan) adopted by the City Council in 2007, takes a comprehensive look at pedestrian needs, including sidewalk policies, sidewalk standards, existing sidewalks needing repair, and recommendations for location of new sidewalks.

Area plans may make additional recommendations for sidewalks beyond what the Pedestrian Plan currently recommends. As each area plan is adopted, these additional recommendations become part of the Pedestrian Plan. All proposed sidewalks in the Pedestrian Plan are evaluated on an annual basis and ranked for future construction. Topography and the presence of curb and gutter along streets are considered, among other factors, when evaluating projects.

Major sidewalk locations in the planning area include portions of or all of the following thoroughfares: Buena Vista Road, Cloverdale Avenue, Country Club Road, West First Street, North and South Hawthorne Roads, Knollwood Street, Miller Street, West Northwest Boulevard, Robinhood Road, Reynolda Road and North Stratford Road.

Many of the streets in the Northwest Winston-Salem Planning Area have sidewalk on at least one side. The City of Winston-Salem and Forsyth County have adopted street design standards for new developments that include requirements for sidewalks. Sidewalks are recommended for all thoroughfares and collector streets within growth management areas other than GMA 5, except for freeways and expressways. Therefore, the emphasis in this plan area is maintaining and filling in gaps in the existing sidewalk network.

*COMMUNITY FACILITIES
The Northwest Winston-Salem Planning Area has a number of facilities that serve the community, including parks, schools, churches, and other institutional uses (see Map 9 on page XX).

SCHOOLS
The Winston-Salem/Forsyth County Board of Education uses a “controlled choice” plan to assign students to schools. The plan gives parents and students a choice between their residential school and several others within the same zone. There are three public schools in the planning area. Of these, two are elementary schools (Whitaker Elementary and the Children’s Center, which primarily serves children with orthopedic and/or chronic health impairments as well as typically-developing children) and one is a high school (R.J. Reynolds High School). The Kingswood School at the Children’s Home is a public alternative school serving students in grades 6-12 and functions as a collaboration between Winston-Salem/Forsyth County Schools and the Crossnore School and Children's Home. There are also two private schools within the planning area (Summit School and St. Leo’s Catholic School).

RECREATION FACILITIES
Parks
The 2015 Parks and Open Space Plan was adopted in 2007. This plan discusses existing parks, community park needs, existing open space and open space needs, park proposals, and recommended facilities. Seven public parks are currently located in the Northwest Winston-Salem Planning Area. Parks are classified based on their size, facilities, and function (see Table 6 below and Map 9 on page XX).

Based on the service area analysis completed for the 2015 Parks and Open Space Plan, the Northwest Winston-Salem Planning Area is adequately served by community parks and recreation center facilities.

Greenways
Greenways are linear open space corridors that can be managed for conservation, recreation, and/or transportation purposes. Many greenways have paved trails and accompanying land that provide pedestrian and bicycle access to neighborhoods and community facilities in addition to waterways of Forsyth County.
Currently, there is one existing greenway within the planning area: Silas Creek Greenway. The Silas Creek Greenway is 0.8 mile in length and runs from Shaffner Park to Robinhood Road.

**Table 6. Plan Area Recreation Facilities**

<table>
<thead>
<tr>
<th>Park Type/Name</th>
<th>Acreage</th>
<th>Major Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mini/Ornamental Parks:</strong> Provide small facilities designed to serve a specific population segment or to be primarily ornamental in nature.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadowbrook</td>
<td>0.6</td>
<td>Benches and picnic table</td>
</tr>
<tr>
<td>Reynolda Road</td>
<td>2.6</td>
<td>Open space</td>
</tr>
<tr>
<td>Runnymede</td>
<td>4.2</td>
<td>Linear park with pedestrian bridges</td>
</tr>
<tr>
<td>Stratford Road</td>
<td>4.6</td>
<td>Benches</td>
</tr>
<tr>
<td><strong>Neighborhood Parks:</strong> Provide intense recreational activities accessible to neighborhoods.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hathaway</td>
<td>17.3</td>
<td>Picnic shelter, baseball diamond, soccer fields, basketball courts</td>
</tr>
<tr>
<td><strong>Community Parks:</strong> Provide active recreational opportunities, drawing people from multiple neighborhoods.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shaffner</td>
<td>56.0</td>
<td>Soccer fields, tennis courts, greenway</td>
</tr>
<tr>
<td>Whitaker</td>
<td>10.2</td>
<td>Soccer fields</td>
</tr>
<tr>
<td><strong>Open Space:</strong> Provide natural landscapes that remain relatively undisturbed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenbrier</td>
<td>1.4</td>
<td>Open space</td>
</tr>
</tbody>
</table>

**URBAN FOOD ACCESS**

Food access in the planning area is adequate. The area is home to two grocery stores; however, there are several additional grocery stores immediately to the south of the planning area along Stratford Road and two just to the north along Reynolda Road. There is also one farmer’s market in the planning area, at Reynolda Village, and one food pantry, at First Christian Church. Existing food access sites within the planning area are shown on Map 9 on page XX.

**LIBRARY FACILITIES**

There are no library facilities in the Northwest Winston-Salem Planning Area. Area residents are currently served by the Reynolda Manor Branch Library, which is located approximately one mile north of the planning area, and the Central Library, located Downtown, which is currently under construction and is scheduled to reopen in the summer of 2017.

**FIRE STATIONS**

There is one fire station in the Northwest Winston-Salem Planning Area. Station Seven is a two-bay station located at the corner of Country Club and Arbor Roads. The station has been in service since 1951 and also serves as an educational center for interdepartmental training.

**Housing**

According to the US Census American Community Survey and ESRI Community Analyst, there are 5,043 housing units in the Northwest Winston-Salem Planning Area. Approximately 67 percent of the housing units in the planning area are owner-occupied, significantly higher than the 48 percent of the housing units citywide that are owner-occupied (see Table 7). Rates of ownership vary by neighborhood within the planning area.

**Table 7. Housing Statistics**

<table>
<thead>
<tr>
<th>Housing Tenure (2014)</th>
<th>Total Housing Units</th>
<th>Owner-Occupied (Percent)</th>
<th>Renter-Occupied (Percent)</th>
<th>Vacant Units (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest Area Plan</td>
<td>5,043</td>
<td>67</td>
<td>23</td>
<td>10</td>
</tr>
<tr>
<td>Winston-Salem</td>
<td>105,647</td>
<td>48</td>
<td>43</td>
<td>9</td>
</tr>
<tr>
<td>Forsyth County</td>
<td>160,648</td>
<td>55</td>
<td>36</td>
<td>9</td>
</tr>
</tbody>
</table>

Sources: ESRI Community Analyst; U.S. Census Bureau, 2010-2014 American Community Survey (5-year estimates)
*DESIGN AND APPEARANCE*

Urban design can bring order, clarity and pleasing harmony to the network of public spaces, streets, parks, and sidewalks in a community. The majority of the Northwest Winston-Salem Planning Area was developed prior to 1940 and the dominance of the automobile. Street widths were narrow and buildings were constructed close to the street. Nonresidential uses, including retail stores, institutions, and industries were generally small and designed to serve or employ nearby residents. The original development pattern created a special character and sense of community; however, the nature and scale of businesses and institutions have changed over time, creating urban design issues and land use challenges in the planning area. These challenges include: assuring compatibility between land uses, maintaining and creating mixed-use neighborhoods, assuring that roads move traffic but remain pedestrian friendly, allowing businesses and institutions to grow without harming surrounding neighborhoods, and preserving historic character while adapting to current needs.

There have been a number of initiatives to improve the appearance and pedestrian orientation of neighborhoods and commercial areas in Winston-Salem and Forsyth County. City efforts are usually, but not always, undertaken in the right-of-way and can include: landscaping and tree planting, sidewalks and other pedestrian improvements; benches; trash receptacles and other street furniture; public art; decorative street lighting; and public spaces. Other design standards have been adopted as part of the community’s *Unified Development Ordinances*.

Business 40 is designated as a Thoroughfare Overlay (TO) District, the main purpose of which is to encourage development and redevelopment that preserves the visual quality and functional operations of the roadway. All development within the TO District is subject to specific site development standards in addition to the standards of the underlying zoning district. These additional standards relate mainly to screening outside storage, shielding of on-site utilities, screening of loading and garage bays, establishing minimum setbacks from the right-of-way and creating landscaped streetyards.

**LEGACY 2030 GROWTH CORRIDORS**

Growth corridors are recommended in *Legacy 2030* as tools for improved utilization of development sites and infrastructure along major transportation corridors. *Legacy 2030*’s growth corridor policies are particularly important when revitalizing older, automobile-oriented strip commercial sites experiencing decline. The redevelopment of these corridors should include increased residential densities where appropriate, mixed-use development, improved design and appearance, and more transportation options. *Legacy 2030* recommendations include:

- Develop corridor master plans for improvements taking into account the unique character of each corridor. The basis for such master plans will be found in the design standards for the growth corridor identified in this plan.
- Define the boundaries of growth corridors through area plan updates.
- Identify potential locations for redevelopment along growth corridors for transit-oriented, high density, mixed-use nodes.
- Ensure compatibility between commercial and residential land uses and appropriate transitions between higher-density development and single-family residential areas.
- Provide development standards for site planning and design.
- Explore the use of zoning overlay districts to ensure good site planning principles and sensitive design, and to promote continuity in the design of corridors.

*Legacy 2030* identifies seven growth corridors in the planning area: Silas Creek Parkway, Robinhood Road, Coliseum Drive, Country Club Road, Reynolda Road, South Stratford Road, and West First Street (see *Map 2* on page XX).

**HISTORIC RESOURCES**

The Northwest Winston-Salem Planning Area is fortunate to possess a large number of historic resources that range in time from the early to mid-nineteenth century to 1960s-era properties. A tremendous amount of research on the various neighborhoods was completed for the Forsyth County Architectural Survey Update, especially in Phase III, which focused on structures and neighborhoods from the 1920s-1960s. These historic properties vary in type and form. There are individual buildings of note as well as entire neighborhoods. Architectural characteristics range from highly styled Colonial and Tudor Revival estates to Minimal Traditional and Ranch homes with occasional Modernist styles. Additional resources include bridges, graveyards and potential archaeological resources. Comprising a significant portion of the built environment, these resources help to tell the story of a burgeoning city and county and serve as a tangible reminder of
Winston-Salem and Forsyth County’s outstanding history. Historic resources in this area have been affected by the development and growth of the surrounding areas (see Map 10 on page XX).

Forsyth County’s first comprehensive architectural survey was completed in 1980 and an update to that survey was finalized in 2009. As might be expected, during the intervening years, a number of historic resources were demolished or removed from their original sites. This was found to be the case throughout all of Forsyth County, including in the Northwest Planning Area. The updated architectural survey documents properties that are currently designated Local Historic Landmarks and those listed on the National Register of Historic Places. The survey also includes properties that have been determined eligible for the National Register and those identified as North Carolina Study List properties. Some properties were simply identified for written and photographic documentary purposes.

Historic Resources Commission staff has reviewed the major historic resources studies/surveys to identify historic resources located within the planning area. Appendix A (on page XX) includes a list of recognized historic resources in the Northwest Winston-Salem Planning Area and lists their current designations.

*ECONOMIC DEVELOPMENT*

Economic development covers a wide variety of issues in the planning area including health of existing retail, commerce and industry, strategies for attracting new businesses to the community, small business development, the provision of jobs for citizens, the revitalization of older business areas and the availability of sites for new businesses.

The City’s Community Development Department and Office of Business Inclusion and Advancement monitor and promote economic development opportunities throughout the city. Programs providing concentrated assistance to targeted areas and groups include:

- **RUCA (Revitalizing Urban Commercial Areas):** Provides funding for the rehabilitation and improvement of commercial districts in specific distressed urban areas of the City. No funded RUCA areas are located in the Northwest Winston-Salem Planning Area – however, five Tier III RUCAs, which could be designated to receive funding in the future, are located in the planning area. These include:
  - Hawthorne Road/First Street
  - Thruway/Cloverdale
  - Reynolda/Robinhood
  - Reynolda Village
  - College Village

- **Small Business Training Program:** The City of Winston-Salem offers an eight week training program to provide participants with basic skills necessary to become owners/operators of small businesses. Participants learn how to write a business plan and about a wide range of issues, including legal, insurance and management/marketing. The class is free and open to local entrepreneurs, minority and women business owners.

- **NRSA Building Rehabilitation Program:** Provides financial assistance to commercial and industrial property owners for building rehabilitation and site improvements. The Neighborhood Revitalization Strategy Area (NRSA) covers part of the area east of Reynolda Road and South of Coliseum Drive as well as the area south of West Northwest Boulevard and West First Street.

- **Small Business Loan Program:** Provides financial assistance to businesses unable to secure financing from conventional sources. The business must be located in the Winston-Salem Neighborhood Revitalization Strategy Area.

- **Housing Rehabilitation:** Provides financial and technical assistance to qualified owner occupants and investor owners to repair substandard properties.

Depending on the program selected, funds can be used for buying properties, for site or facility improvements, rehabilitation of older buildings, purchasing equipment, or starting a new business.

*THE ENVIRONMENT*

A number of environmental issues are of concern in the plan area, including floodplains and topography (see Map 5).
FLOODPLAINS
Floodplains are broad, flat, flood-prone lands adjacent to creeks and streams. They are inherently hazardous and costly locations for structures; therefore, development should be limited. Federal, State and local agencies have established various requirements to manage activities in flood-prone areas. All 3.7 miles of Silas Creek in the planning area, which forms much of its northern and western boundaries, has a large flood-prone area. A 1.2-mile portion of the Buena Vista branch of Silas Creek has an accompanying floodplain. Also, a 0.66 mile portion of the Hanes Park Branch of Peters Creek is in a mapped flood-prone area.

TOPOGRAPHY
Most of the land in the plan area consists of slopes that are developable (slopes of 20 percent or less). The majority of the land with slopes greater than 20 percent is located along the identified creeks and their tributaries.

CONTAMINATED SITES
Some sites in the planning area may have environmental contamination due to the presence of a hazardous substance, pollutant, or other contaminant. Contamination is often found on or near sites that were previously used for industrial, dry cleaning, fuel sales, or other commercial uses. Often, contamination issues only surface as properties are more closely examined as they are being developed or redeveloped. For more specific and up-to-date information on contaminated sites, contact the North Carolina Department of Environment and Natural Resources (NCDENR).

EXISTING PLANS/STUDIES IN PLAN AREA
The following studies have been completed for the plan area:

NORTHWEST WINSTON-SALEM AREA PLAN (2012)
The Northwest Winston-Salem Area Plan, which this document updates, made land use and public investment recommendations within the same geographic boundaries as this plan. Major recommendations include the redevelopment of the Coliseum Park Plaza office development into a mixed-use concept with moderated density residential and commercial components. The plan also makes contingency recommendations for converting the Crossnore (formerly Children’s Home) campus to a mixed-used development should the organization move or close its operations.

WAKE FOREST UNIVERSITY AREA BICYCLE, PEDESTRIAN, AND TRANSIT STUDY (2014)
The City-County Planning Department and the Winston-Salem Department of Transportation, in cooperation with Wake Forest University, conducted a study improve active transportation options and usage within the neighborhoods surrounding Wake Forest University. The study includes both infrastructure and policy recommendations for an area within an approximate two-mile radius around the university campus. Major recommendations within the planning area include the addition of a sidepath along Reynolda Road between Silas Creek Parkway and the Graylyn Estate, and the extension of the Silas Creek Greenway from Robinhood Road to Reynolda Road.

CLOVERDALE AVENUE PEDESTRIAN DESIGN STUDY (2010)
The Cloverdale Avenue Pedestrian Design Study calls for a series of improvements along Cloverdale Avenue, which runs east-west across the Ardmore neighborhood and connects Wake Forest Baptist Medical Center with commercial retail, grocery stores, a large park, and schools on both ends. The first phase of the project from Oakwood Street to Miller Street has been completed. The final phase, which includes the easternmost portion of Cloverdale Avenue and Hawthorne Road, is nearing the design phase and is planned for construction by 2020.
Northwest Winston-Salem Area Plan Update

Recommendations

General policies from Legacy 2030 provide the framework for recommendations in all area plans. Specific recommendations for the Northwest Winston-Salem Area Plan Update were developed through comments heard from citizens at public meetings in conjunction with the work of the City-County Planning staff.

*Land Use Recommendations*

Land use recommendations serve as a guide for future development and zoning decisions in the planning area. As directed by Legacy 2030, land use recommendations designate the locations and formulate policies for compatible residential development, commercial and office uses, industrial uses and activity centers. All future recommendations are shown on the Proposed Land Use Map (Map 7 on page XX). Additionally, the Proposed Land Use Changes Map (Map 6 on page XX) identifies properties where the proposed land use indicated on Map 7 is different than the existing land use shown on the Existing Land Use Map (Map 3 on page XX). Opportunity areas, which have significant development or redevelopment potential, are also shown on the Proposed Land Use and Proposed Land Use Changes Maps and described in greater detail in the land use recommendations below. Proposed land use changes may or may not require a change in zoning. Determinations of the need for rezoning would be evaluated when site-specific development proposals are submitted for review.

**General Recommendations**

Planning policies used to develop land use recommendations for area plans are:

- The highest intensity, mixed-use development should be located in proposed activity centers.
- Commercial development should be concentrated in designated areas and not allowed to take the form of strip development along the major roads in the planning area. 
- Goods and services should be available near where people live and work.
- The mix, type, and design of development should facilitate walking and bicycling where feasible. 
- Industrial development should be concentrated in designated industrial areas.
- The revitalization of older/underutilized commercial and industrial sites and buildings is to be encouraged. 
- Neighborhoods should be protected from inappropriate residential, commercial, industrial, and institutional encroachment. 
- Site design should incorporate pedestrian-oriented design elements such as street trees, buildings located close to the street, building façade articulation and variety, and transparent windows and doors.
- Consideration should be given to protecting significant natural features, natural vegetation, historic resources, and open space by clustering development on-site.

**Residential**

Legacy 2030 recommends a variety of housing types throughout the county. Residential recommendations are made for housing densities, and in some cases, types of housing. Factors such as amount of land available, surrounding land uses, proximity to major roads and services and access to utilities are all considered in determining recommendations for residential uses and densities.

The following are general descriptions for categories of residential land uses and specific recommendations for locations within the planning area suitable for these categories of use. Sites are shown on the Proposed Land Use Changes Map and the overall Proposed Land Use Map (see Maps 6 and 7 on pages XX and XX, respectively).

**SINGLE-FAMILY RESIDENTIAL**

Single-family residential development consists mostly of single-family, detached units; however, scattered throughout neighborhoods are duplex, triplex, quadraplex, and a few multifamily developments built before zoning was established for the city and county. This plan makes no assumption on the legality of these uses. If uses are legally non-conforming,
they should be allowed to remain. If they are illegal uses, this plan does not recommend rezoning these properties to legalize their nonconforming status. Single family residential development is recommended for:

- Existing individual lots and small tracts of land in existing single-family neighborhoods.
- Larger parcels of undeveloped residential land in many parts of the planning area, including parcels on the north side of Robinhood Road in the vicinity of the Southeast Center for Contemporary Art and parcels north of Coliseum Drive in the vicinity of Bartram Road.

**LOW-DENSITY ATTACHED RESIDENTIAL**

Low-density attached residential development has a density of up to eight dwelling units per acre. Generally, low-density attached residential land use is recommended for sites greater than two acres that are most appropriately developed with duplex, triplex, quadraplex, multifamily, and townhouse uses. Design recommendations for multifamily developments can be found in the *Context Sensitive Multifamily Design Techniques* document, available online or in the Planning and Development Services office. Low-density residential attached residential uses are recommended for:

- The southern portion of the Coliseum Drive Mixed Use Opportunity Area, which fronts on West Twenty-Fifth Street.

Additionally, the following are sites identified Low-Density Attached Residential Opportunity Areas:

**Site 1. Country Club Road and Silas Creek Parkway**

This 2.8-acre site, located at the southeast corner of the Silas Creek Parkway and Country Club Road interchange, is currently developed with five single-family homes and is zoned RS-12, allowing single-family residential development with a minimum lot size of 12,000 square feet. Given the site’s location across the street from a low-density attached residential development at the intersection of a major thoroughfare and an expressway, this site would be suitable for more intense residential development. This plan recommends:

- Redevelop the site with small footprint townhouse development or clustered single-family structures at a density up to eight dwelling units per acre.
- The site should be redeveloped comprehensively rather than piecemeal.
- The development should be accessed by Keating Drive rather than Country Club Road.
- Vehicular access to Silas Creek Parkway should be prohibited given traffic volumes.

**Site 2. Wake Forest and Reynolda Roads**

This 6.9-acre site is currently used for single-family residential, is in single ownership, and is zoned LO (Limited Office). The LO District is intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. Although the site is located along a major thoroughfare, topography and the adjacent Silas Creek floodplain make access difficult. Given these issues and the site’s location adjacent to a single-family neighborhood, low-density attached residential development may be a better fit if this property is redeveloped. Such a development type could be attractive to area residents who desire to age in place or downsize from larger residences and continue to live in this area. This plan recommends:

- Redevelop with compatible duplex, quadraplex, and/or a small footprint townhouse development or clustered single-family structures at a density up to eight dwelling units per acre, in the center of the parcel.
- Provide adequate buffers and screening where new development abuts single-family residential areas.
- Protect Silas Creek and its associated floodplain along the northern portion of this tract and any wetlands associated with it.
- New residential development should be accessed by Audubon Drive.

**Site 3. Arbor Road**

This 4.1-acre site is located along Arbor Road at Pilgrim Court adjacent to a number of different land uses. Office and retail development are located to the north and east, low-density attached residential development to the south, and single-family residential to the west, making low-density attached residential a suitable transitional land use. However, creating a unified development may prove difficult given that the tract is in four different ownerships and is zoned both RS-9, allowing single-family residential development with a minimum lot size of 9,000 square feet, and LO-S (Limited Office-Special Use). This plan recommends:

- Redevelop the site with small footprint townhouse development or clustered single-family structures at a density of up to eight dwelling units per acre.
Vehicular access should be from Pilgrim Court or Bumgardner Street rather than from Arbor Road or Coliseum Drive.

An additional buffer should be provided adjacent to the Arbor Place single-family residential development to the west.

INTERMEDIATE-DENSITY RESIDENTIAL

Intermediate-density residential development has a density of eight to 18 dwelling units per acre. Generally, intermediate-density residential land use is recommended for sites greater than two acres that are most appropriately developed with multifamily or townhouse structures. The following site is identified as an Intermediate-Density Residential Opportunity Area:

Site 4. West First Street

This 13.2-acre site includes a mixture of single-family residences, duplexes, and several mid-size apartment buildings. The area is bounded by a Norfolk Southern rail line on the north, West First Street on the east, the Edge Flats development on the south, and a Duke Energy substation on the west. The entirety of the area is zoned RM-18, allowing multifamily residential development of up to 18 dwelling units per acre. The area is next to one of the larger multifamily redevelopments in the city, the Edge Flats, which was built in 2015. Given the age and condition of some of the structures in the area and its location near Wake Forest Baptist Medical Center, property owners may find redevelopment attractive. This plan recommends:

- Redevelop the site with a mixture of compatible urban scale townhomes and condominium or apartment developments of up to 18 dwelling units per acre.
- Developers should assemble a substantial number of contiguous lots before considering redevelopment.
- Concentrate denser development behind the single-family residences that line West First Street.
- Preserve the West First Street streetscape by keeping its historic single-family residences, walls, and trees in place.
- Provide adequate buffers between single-family residences and new development, including parking lots/structures.
- Refer to the Context Sensitive Multifamily Design Techniques document, available online or in the Planning and Development Services office when reviewing zoning requests and site plans for multifamily development within the planning area.

*OFFICE AND COMMERCIAL*

This plan recommends the consolidation of office and commercial uses at existing commercial/office locations, in designated activity centers, and in Special Land Use Condition Areas. All new and redeveloped commercial and office uses should be designed and developed to be compatible with nearby residential uses.

OFFICE

Office uses typically have few negative impacts on adjacent land uses and can provide services to area residents, making them an appropriate transitional use between residential uses and more intense uses. Office development is recommended for:

- The Coliseum Drive Mixed Use Opportunity Area (see page XX).
- The South Stratford Road/Miller Street Mixed Use Opportunity Area (see page XX).

COMMERCIAL

This plan calls for the creation of new commercial opportunities and the improvement of existing commercial areas to blend with existing development and not negatively impact nearby neighborhoods. Commercial areas should be compact with limited access to major thoroughfares and should not promote strip development. The reuse of vacant buildings and the redevelopment of existing undeveloped and underutilized sites is recommended, where possible. New commercial development and improvements of existing commercial areas are recommended for the following areas:

- The Coliseum Drive Mixed Use Opportunity Area (see page XX).
- The South Stratford Road/Miller Street Mixed Use Opportunity Area (see page XX).
- The Country Club Road/South Stratford Road Mixed Use Opportunity Area (see page XX).
The Miller Street Mixed Use Opportunity Area (see page XX).

- Special Land Use Condition Areas (*a and *b) where existing commercial uses may be retained with specific conditions.

**INSTITUTIONAL**

Institutional uses in the planning area are an important aspect of its character, vitality, and future. Institutional uses include schools, churches, government offices and services, community organizations, and nonprofit agencies. Existing institutions should be permitted to grow and expand in a manner that is compatible with surrounding neighborhoods. Because of the unique nature of institutions (many of which are allowed by right in residential zoning), it is not possible to indicate on the Proposed Land Use Map all properties for which institutional use would be appropriate.

Many institutional uses found in the planning area are surrounded by single-family residential uses. As these facilities grow, the potential to tear down single-family structures can be detrimental to the urban fabric of the neighborhood, particularly in older historic areas. New construction or additions to institutional uses can have a negative effect on adjacent single-family homes because institutional uses typically have a larger building footprint and massing. This plan recommends the following:

- Retain older single-family structures adjacent to institutional uses.
- When converting parcels to parking lots for institutional uses in residential districts, maintain neighborhood character by buffering lots with street yards.
- Encourage institutions owning single-family homes adjacent to their properties to maintain these structures in good condition.

**PARKS/OPEN SPACE**

The Community Facilities Map (Map 9 on page XX) shows proposed parks and open space areas. Open space may consist of land protected by conservation easements or City-, State- or railroad-owned land (see Community Facilities Recommendations on page XX, for detailed park recommendations).

**MIXED-USE LAND USE CATEGORIES**

**MIXED-USE DEVELOPMENT**

Mixed-use development typically includes a mixture of compatible commercial, office, varied residential types and densities, institutional, and recreational uses. This plan recommends four areas for mixed-use: the Country Club Road/South Stratford Road, South Stratford Road/Miller Street, Miller Street, and Coliseum Drive Mixed Use Opportunity Areas, which are described below and shown on the Proposed Land Use Map (see Map 7 on page XX). However, the concept of mixing uses is not limited to these areas only. Other locations may be appropriate and will need to be evaluated individually based on how they are integrated with and compliment the surrounding neighborhoods.

**Site 5. Country Club Road/South Stratford Road Mixed Use Opportunity Area**

This 20-acre site is located at the intersection of Country Club and South Stratford Roads, north of the Business 40 interchange. It includes several multistory and smaller scale office buildings as well as a gas station. The site located near many commercial uses, including several grocery stores. This plan recommends:

- Intensify development of the site with a mixture of uses that includes residential, commercial, and office in a well-designed development that connects streets, transit, and pedestrian facilities.
- Commercial uses should be limited to multistory mixed-use buildings that front South Stratford Road. No commercial uses should front Country Club Road.
- Residential uses can be added to the site through the construction of new residential buildings or through vertical mixed use development, which mixes residential uses with commercial or office uses in the same building, usually with commercial or office on the ground floor and residential on upper floors.
- Residential development should include urban scale condominium or apartment developments of more than 18 dwelling units per acre.
- Build a parking structure toward the center of the site that can be accessed from both Country Club and South Stratford Roads to support intense redevelopment here.
• Create an internal street network that connects Country Club and South Stratford Roads and includes a focal point that can be used as a social gathering space and incorporates seating, fountains, public art, and other features.
• Existing large-variety trees on the site’s western boundary should remain to serve as a buffer for the single family neighborhood to the west.
• Plant large-variety trees along all street frontages and surrounding all parking lots.

**Site 6. South Stratford Road/Miller Street Mixed Use Opportunity Area**
This 16-acre site is located along South Stratford Road and Miller Street, just north of Business 40. It includes a multistory office building, a small scale office building, two single-story retail shopping centers, and a grocery store. The site is surrounded by multistory office buildings and shopping centers with very few residential units within walking distance. This plan recommends:

• Intensify development of the site with a mixture of uses that include residential, commercial, and office in a well-designed development that connects streets, transit, and pedestrian facilities.
• Residential uses can be added to the site through the construction of new residential buildings or through vertical mixed use development, which mixes residential uses with commercial or office uses in the same building, usually with commercial or office on the ground floor and residential on upper floors.
• Residential development should include urban scale condominium or apartment developments of more than 18 dwelling units per acre.
• Scale the proposed development to locate the more intense uses and taller structures closer to South Stratford and Miller Street. Parking lots and parking structures should be located toward the center of the site.
• Create an internal street network that connects South Stratford Road and Miller Street and includes a focal point that can be used as a social gathering space and incorporates seating, fountains, public art, and other features.
• Plant large-variety trees along all street frontages and surrounding all parking lots.

**Site 7. Miller Street Mixed Use Opportunity Area**
This 3.5-acre site is located along Miller Street, south of the Five Points intersection. It includes a shopping center with a grocery store and other commercial uses. This plan recommends:

• Intensify development of the site by adding a multistory mixed-use building that fronts Miller Street and includes first-floor commercial uses and residential units on the upper stories. A parking structure should be built to the rear of the site.
• Residential development should include urban scale condominium or apartments at a density greater than 18 dwelling units per acre.

**Site 8. Coliseum Drive Mixed Use Opportunity Area**
This 25.5-acre site is located on the south side of Coliseum Drive on the eastern edge of the planning area. It contains several vacant as well as occupied office buildings, a partially vacant retail and office center, and several single-family residential homes. This location may be suitable for redevelopment to a mix of retail, office and residential uses that take on a more urban form. This plan recommends:

• Redevelop the site with a mixture of uses that includes residential, commercial, and office in a well-designed development that connects streets, transit, and pedestrian facilities.

*Figure 2. Coliseum Drive Mixed Use Opportunity Area Concept*
Include neighborhood-serving commercial uses such as a grocery store, pharmacy, and restaurants.

Residential uses can be added to the site through the construction of new residential buildings or through vertical mixed use, which mixes residential uses with commercial or office uses in the same building, usually with commercial or office on the ground floor and residential on upper floors.

Redevelop the former Inmar building on Coliseum Drive with retail uses on the first floor and residential

Figure 3. Coliseum Drive Mixed Use Opportunity Area Site Plan

Figure 4. Coliseum Drive Mixed Use Opportunity Area Grocery Store Concept
and/or office uses on the upper floors.

- Scale the proposed development to locate the more intense uses and taller structures closer to Coliseum Drive. Parking lots and parking structures should be located to the center of the site.
- Create a focal point that can be used as a social gathering space and incorporates seating, fountains, public art, and other features.
- New residential development along Coliseum Drive should include a mixture of compatible urban scale townhomes and condominium or apartment developments of more than 18 dwelling units per acre.
- The primary access to the proposed development should be off Pilgrim Court.
- Nonresidential uses should not be expanded along West Twenty-Fifth Street.
- Redevelop the single-family residences along West Twenty-Fifth Street with a small footprint townhouse development or clustered single-family structures at a density up to eight dwelling units per acre.
- New development along West Twenty-Fifth Street should reflect the current streetscape pattern by establishing setbacks for structures to match those of the houses to the east.
- Preserve or plant new large-variety trees along all street frontages and surrounding all parking lots.

*Special Land Use Conditions*

The Proposed Land Use Map (see Map 7 on page XX) shows recommended land uses for all undeveloped property in the planning area and changes in land use for some developed sites. In six circumstances, there are special conditions or prohibitions of certain uses. These situations are referenced on the map with a blue ★ (star) and a lower case letter as follows:

*a. Nonconforming Use*

A restaurant at the northwest corner of Reynolda Road and Marguerite Drive, currently zoned for single-family residential use, is legally nonconforming. The existing commercial use can continue to operate under this status; however if this legal nonconforming status lapses, the property should be reused for small-scale office or moderate-density residential townhomes or apartments under RM-8 zoning requirements.

The plan also recommends the following for this site:

- Do not expand the present legal nonconforming use, as it has met its expansion capacity.
- Do not redevelop this property to a more intense use than the present restaurant use.
- If redeveloped, existing vegetation should be retained, wherever feasible, for shade and buffering, particularly along Reynolda Road.

*b. College Village Small-Scale Commercial Site*

A multitenant commercial building located at the southeast corner of North Avalon and Spring Garden Roads is zoned LB (Limited Business) and is one of the few local neighborhood commercial areas from the World War II era that is still functioning well. The plan recommends the following for this site:

- Do not expand current nonresidential zoning to adjoining properties.
- Redevelop the existing site under current zoning or a less intensive zoning classification.

*c. Silas Creek Parkway Houses*

The properties on east side of Silas Creek Parkway between Shaffner Park and Robinhood Road are currently zoned for single-family residential use but may be under pressure to incrementally convert to neighborhood office uses. Since most of the homes are well maintained and the introduction of office uses would cause traffic conflicts and/or could negatively affect the surrounding homes, these areas should remain single-family residential use. However, if at a future time any of these properties are designated for office use, they should meet the guidelines of Appendix C, Guidelines for Converting Existing Homes to Office or Commercial Uses regarding building integrity, parking, access, signage, landscaping and lighting.

*d. West First Street Houses*

The properties on north side of West First Street between North Stratford Road and the Norfolk Southern rail line are currently zoned for single-family residential use but may be under pressure to incrementally convert to more intense uses. Since most of the homes are well maintained, and the introduction of other uses could negatively affect surrounding
homes, this area should remain single-family residential use. However, if a significant number of properties can be assembled, redevelopment for low density attached residential development may be considered. Under such a scenario, this plan recommends:

- Redevelop with compatible duplex, quadruplex, and/or a small footprint townhouse development or clustered single-family structures at a density up to eight dwelling units per acre.
- Provide adequate buffers and screening where new development abuts single-family residential areas.

*e. Crossnore School and Children’s Home Property*

The Crossnore School and Children’s Home (formerly the Children’s Home) occupies a unique place in Winston-Salem as a century-old institution that offers residential treatment, foster care, and adoption services on a 212-acre rural campus close to the city center. Nearby residents may think of this area as a beautiful natural space that will exist in perpetuity; however, it is possible that the Crossnore School and Children’s Home may decide one day to sell part or all of its very valuable property.

While it is hoped that the Crossnore School and Children’s Home continues to grow and operate on this site, approximately 100 acres of the campus grounds is undeveloped. The size of this site makes it difficult to project future land uses, since it could be developed comprehensively or only in part. The site could also be developed in phases over time. A new owner could reuse the internal campus area as a mix of institutional, office and residential uses, or pursue a wholesale redevelopment exclusively using newly constructed buildings.

There is a wide range of options for development of the site with its current C (Campus) zoning. These include campus, office, institutional and/or residential uses. Uses not allowed in the C zoning district, including commercial uses, would require a change to a different zoning district and an accompanying rezoning public hearing process (see Appendix D on page XX for a list of currently allowed uses).

Ideally, this rare centrally located open space will remain a pastoral setting. However, if this site is offered for sale in the future, the City should investigate using a portion of it for recreation facilities and/or open space. In the event the Crossnore School and Children’s Home expands or the property is redeveloped for other uses, this plan recommends the following:

- Reuse the existing Crossnore School and Children’s Home campus and buildings to create a focal point and community gathering place. Add new buildings along the existing internal street network.
- Cluster new development as a means of preserving the natural beauty of the area, conserving the site’s trees.
- Limit development northwest of the branch of Peters Creek that runs through the property to single-family detached dwellings that blend with adjacent residential developments. Allow only one vehicular access point to Reynolda Road in this area.
- Construct the Reynolda Road connector to connect the Boston Thurmond neighborhood to Reynolda Road opposite Meadowbrook Drive (see page XX).
- Retain a natural viewshed of 30 feet in width along the frontage of Reynolda Road and 75 feet wide on either side of the branch of Peters Creek that traverses the northern half of the property.
- Work with the City to construct a public greenway along the creek from Reynolda Road to West Twenty-Fifth Street.

*f. Reynolda Road Commercial Development*

On the west side of Reynolda Road at the intersection with Robinhood Road are a number of small scale commercial establishments, including restaurants and retail stores. Due to the high amount of vehicular traffic and the overall popularity of the area, redevelopment to a more intense commercial or mixed-use development might be desirable here. However, because much of the site is located adjacent to the Hanes Park Branch of Peters Creek floodway and is within its 100-year floodplain, regulations make redevelopment extremely expensive or even prohibited in some cases. As a result, redevelopment of this area is not recommended.
**TRANSPORTATION RECOMMENDATIONS**

*Legacy 2030* calls for a balanced, sustainable network of all transportation modes that provide choices for travel needs. Street networks should develop in a manner that is consistent with the land use plan and promotes connectivity in communities. A more compact pattern of growth as outlined in the land use recommendations supports public transportation as a practical alternative to the automobile. Developing walkable neighborhoods and creating a network of bikeways, sidewalks, and greenways will provide for needed transportation choices for all segments of the population.

**CURRENT PROPOSED STREET AND HIGHWAY IMPROVEMENTS**

The Winston-Salem Urban Area (which includes most of Forsyth County) has several long range transportation plans/processes: the Metropolitan Transportation Improvement Program (MTIP); the *Metropolitan Transportation Plan* (MTP); and the *Comprehensive Transportation Plan* (CTP). General information on these plans/processes is provided in Transportation Features section in the Existing Conditions section of this document; details are available online. Table 8 below and the Proposed Transportation Features map (Map 8 on page XX) show the transportation projects from these plans in the Northwest Winston-Salem Planning Area.

**Metropolitan Transportation Improvement Program (MTIP) Projects**

**West First Street (B-5007)**

The West First Street Bridge over the Norfolk-Southern Railroad is a City of Winston-Salem Municipal Bridge Project. Right-of-way is expected to be purchased in 2017 with construction completed in 2018.

**Country Club Road (B-5148)**

NCDOT will replace the Country Club Road Bridge over NC 67/Silas Creek Parkway. Right-of-way is expected to be purchased in 2019 with construction completed in 2020.

**Robinhood Road (B-5775)**

NCDOT will replace the Robinhood Road Bridge over NC 67/Silas Creek Parkway. Right-of-way is expected to be purchased in 2021 with construction completed in 2022.

**Comprehensive Transportation Plan (CTP) Projects**

**Silas Creek Parkway (WSMP-0026-H)**

The CTP proposes improvements along Silas Creek Parkway between Business 40 and Wake Forest Road. The plan proposes widening the right-of-way in designated areas, and the addition of bicycle and pedestrian facilities.

**South Stratford Road (WSMP-0236-H)**

The CTP proposes to improve South Stratford Road between Business 40 and Country Club Road. The plan proposes widening the right-of-way to add bicycle and pedestrian facilities. Similar improvements to North Stratford Road are also being recommended.

**Reynolda Road Connector (WSMP-0213-H)**

The Reynolda Road Connector is intended to provide access through the Crossnore School and Children’s Home property, should it ever be redeveloped. The Reynolda Road Connector has been included in official City transportation plans since the 1940s, though the City does not intend to construct the roadway; however, if the Crossnore School and Children’s Home site is redeveloped, the developer would be responsible for constructing the road. The proposed road would be a two-lane curb and gutter road with bicycle accommodation, sidewalk, and on-street parking on both sides of the road.
Table 8. Transportation Improvement Program Projects

<table>
<thead>
<tr>
<th>Project #</th>
<th>Location</th>
<th>Description</th>
<th>Current Status</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>WSMP-0026-H</td>
<td>Silas Creek Parkway</td>
<td>Road improvements, which include the addition of bicycle and pedestrian facilities from Business 40 to Wake Forest Road</td>
<td>CTP Proposal</td>
<td>Unfunded</td>
</tr>
<tr>
<td>WSMP-0236-H</td>
<td>South Stratford Road</td>
<td>Road improvements, which include the addition of bicycle and pedestrian facilities from Five Points to Business 40</td>
<td>CTP Proposal</td>
<td>Unfunded</td>
</tr>
</tbody>
</table>

**Road Widenings and Improvements**

**New Roads**

<table>
<thead>
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<th>Project #</th>
<th>Location</th>
<th>Description</th>
<th>Current Status</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>WSMP-0213-H</td>
<td>Reynolda Road Connector</td>
<td>Thoroughfare through Crossnore School and Children’s Home property.</td>
<td>CTP Proposal</td>
<td>Dependent upon redevelopment of Crossnore property</td>
</tr>
</tbody>
</table>

**Bridge Improvements**

<table>
<thead>
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<th>Project</th>
<th>Location</th>
<th>Description</th>
<th>Current Status</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-5007</td>
<td>West First Street</td>
<td>Replace bridge over Norfolk-Southern Railroad</td>
<td>Right-of-Way 2017</td>
<td>2018</td>
</tr>
<tr>
<td>B-5148</td>
<td>Country Club Road</td>
<td>Replace bridge over NC 67/Silas Creek Parkway</td>
<td>Right-of-Way 2019</td>
<td>2020</td>
</tr>
<tr>
<td>B-5775</td>
<td>Robinhood Road</td>
<td>Replace bridge over NC 67/Silas Creek Parkway</td>
<td>Right-of-Way 2021</td>
<td>2022</td>
</tr>
</tbody>
</table>

Sources: the 2016-2025 Metropolitan Transportation Improvement Program (MTIP), the 2040 Metropolitan Transportation Plan (MTP), and the Comprehensive Transportation Plan (CTP)

**COLLECTOR STREETS**

As properties come in for rezoning or subdivision review, the Winston-Salem Urban Area Collector Street Plan will be consulted for recommended street connections. The Collector Street Plan includes the general location of new collector streets and recognizes existing streets that function as collector streets. No collector streets or extensions are currently proposed in the planning area.

**OTHER STREET RECOMMENDATIONS**

Other street recommendations include:

- Encourage residents and neighborhood associations to identify local streets where traffic speeds create unsafe situations and to seek evaluation of potential projects under the City’s Traffic Calming Policy. Based on evaluation, physical changes and other measures may be implemented to slow down traffic and improve safety.
- Minimize the use of dead ends and cul-de-sacs in new subdivisions and redeveloped areas.
- Connect local streets, where feasible, when developing or redeveloping sites.

**PEDESTRIAN**

Construction of sidewalks in the planning area is likely to be achieved through public funding and through private developments designed to meet street design standards. Sidewalks are recommended in the Sidewalk and Pedestrian Facilities Plan for all thoroughfares and collector streets except for freeways and expressways. All proposed sidewalks in the Sidewalk and Pedestrian Facilities Plan are evaluated on an annual basis and ranked for future construction.

Topography and the presence of curb and gutter along streets are considered when evaluating projects. The City of Winston-Salem has adopted street design standards for new developments that include requirements for sidewalks. General sidewalk recommendations for the planning area include:

- Identify and recommend locations for pedestrian crossing signals at key intersections
- Assure that pedestrians are accommodated in all road and bridge construction and modification projects.
- Provide sidewalks on at least one side of all new roads and on both sides of roads that provide access to institutions and public facilities.
The Winston-Salem Department of Transportation has installed crosswalks at the intersections of Robinhood and Reynolda Roads, and Buena Vista and Reynolda Roads. There are also four proposed sidewalk projects within the planning area:

- Westview Drive from Country Club Road to the Business 40 bridge
- Forest Drive from North Stratford Road to Dartmouth Road
- Miller Street from Cloverdale Avenue to West First Street
- Reynolda Road from Van Hoy Lane to Coliseum Drive

**GREENWAYS**

Greenways serve a dual purpose within a community. Beyond being a residential amenity, greenways play an integral role in establishing an active transportation network along with sidewalks and bikeways. One greenway currently exists in the planning area and two greenways have been proposed here. Additionally, sidepaths have been proposed along Silas Creek Parkway and Reynolda Road. Two greenway connectors providing connections between main trails and neighborhoods have also been proposed for the area. Information and recommendations pertaining to greenway projects can be found in the Community Facilities section and on the Community Facilities Map.

**BICYCLE**

**Bicycle Lanes and Shared Lane Markings**

The City of Winston-Salem has begun installing bicycle lanes and shared lane markings on city streets to provide a network of bicycle facilities that connect residential areas with key destinations, such as schools, parks, libraries, and commercial areas. Bicycle lanes provide a separate lane (typically five or six feet wide) on the road for cyclists, while shared lane markings are placed in the travel lane and indicate to drivers that they should expect to share the lane with cyclists. The City of Winston-Salem Department of Transportation has nine proposed bicycle infrastructure projects within the planning area:

- North Stratford Road from Country Club Road to Reynolda Road
- Hawthorne Road from Silas Creek Parkway to Northwest Boulevard
- Coliseum Drive from Robinhood Road to North Patterson Avenue
- Miller Street from Five Points to Oak Grove Road
- West First Street from Stratford Road to Hawthorne Road
- Knollwood Street from Country Club Road to Hawthorne Road
- Robinhood Road from Polo Road to Reynolda Road
- Northwest Boulevard from Reynolda Road to Liberty Street
- Country Club Road from Stratford Road to Meadowlark Drive

Key projects that were proposed by the *Wake Forest University Area Bicycle, Pedestrian and Transit Study* include:

- Construct a sidepath along Reynolda Road from Coliseum Drive to Graylyn Court.
- Add a bicycle/pedestrian crossing of Reynolda Road north of Graylyn Court, including a crosswalk, signage, median refuge island, and a pedestrian-activated flash beacon.
- Construct a short greenway diagonally Graylyn Court and the Reynolda Historic District roadway entrance.
Proposed Transportation Features

Map 8.

- Proposed Features
- Bridge Projects
- Intersection Projects
- Sidewalk Projects
- Bicycle Projects
- Proposed Sidewalks
- Freeway or Expressway
- Major Thoroughfare
- Minor Thoroughfare

Road Improvements

- New Roads

PLANNING BOARD

DRAFT

Date: 1/10/2017

1,000 Feet

-80-
**COMMUNITY FACILITIES RECOMMENDATIONS**

Both public and private community facilities, such as schools, parks, medical offices and day care providers should be easily accessible to all segments of the population. Legacy 2030 promotes the sharing of institutional facilities as a way to meet the various needs of the community. An important recommendation from Legacy 2030 is the creation of a central public space in all communities to serve as an urban reference point and the focus of civic and community life. The Existing and Proposed Community Facilities Map (Map 9) is located on Page XX.

**GENERAL RECOMMENDATIONS**

- Encourage schools, churches and recreational facilities to share facilities and work cooperatively to provide services and host community events.
- Provide a high level of maintenance at schools, parks and other facilities on an ongoing basis.
- Consider safety and environmental sensitivity when designing community facilities.
- Assess the need for additional police and fire services in the planning area based on future growth and development.
- Acquire land or obtain easements for parks, recreation facilities, open space and other community facilities.
- Actively pursue local, state, federal and private funding for land acquisition and development of these facilities.
- Seek cooperation with the school board, non-profit and private organizations, where appropriate, to implement park and recreation proposals.
- Involve residents in master planning for parks, greenways, and other community facilities.

**SCHOOLS**

Legacy 2030 calls for quality schools that are assets to the neighborhoods where they are located. School planning should be coordinated with parks and other public facilities. Recommendations for schools in the planning area are:

- Replace, upgrade or expand existing schools to meet the needs of the planning area as its population grows.
- Promote alternative uses for school property that is no longer needed for school facilities.
- Consider improved arrangements for using school property and facilities for community events and recreational activities.
- Provide a high level of maintenance at schools on an ongoing basis.
- Build new schools as needed that are integrated with surrounding neighborhoods through pedestrian and bicycle connections.

**RECREATION FACILITIES**

Recommendations for proposed parks, recreation facilities, greenways and open space take into consideration the number, size and location of existing facilities; the need for updating existing recreational facilities; the anticipated location of future growth; and the expectations of the community as identified during this planning process. The following are recommendations for various categories of recreation and open space:

- Assess usage of the area’s existing parks, recreation facilities and the community’s preferences for facilities and programs. Modify facilities and programs as needed.
- Integrate recreation facilities/open space into design of large-scale residential developments to provide neighborhood parks, activity areas, focal points, and green spaces.
- Consider multipurpose courts and fields to meet existing and future needs.
- If the Crossnore School and Children’s Home site is offered for sale in the future, the City should investigate using a portion of it for recreation facilities and/or open space.

**URBAN FOOD ACCESS**

Despite the presence of existing urban food access facilities in the planning area, there are still opportunities for improving food access for local residents. Undeveloped parcels may provide opportunities for community gardening, and certain commercial sites may be ideally located to be redeveloped as grocery stores or other food retail locations. An urban food access site is recommended at the following location within the planning area (see Map 9 on page XX):

- A grocery store is recommended in the Coliseum Drive Mixed Use Opportunity Area (see page XX).
TREES AND OPEN SPACE
The planning area not only contains older neighborhoods and commercial areas, but also has some large acreage tracts either undeveloped or used for agriculture purposes. Many trees are found in these open areas and throughout the whole of the Northwest Winston-Salem Planning Area. These trees add aesthetic and financial value and have a positive environmental impact. Permanent open space is proposed for sites that have significant environmental constraints, streams, floodplains, and/or steep slopes, making them unsuitable for development. These sites are owned by the City, County, and the State of North Carolina. Recommendations in the planning area include:

- Protect the planning area’s tree canopy, especially along Reynolda Road between Coliseum Drive and Wake Forest Road.
- Preserve a pastoral viewshed along the frontage of the Crossnore School and Children’s Home property on Reynolda Road.
- Retain existing large trees on private property whenever possible.
- Identify additional areas for planting street trees on public right-of-way.
- Explore opportunities to plant street trees in the area at a future Community Roots Day event.

GREENWAYS
The Greenway Plan Update shows two future greenways within the plan boundaries: Peters Creek Greenway is designated as a Tier 5 project; Silas Creek Greenway South does not have a priority ranking. Construction on each greenway is not expected to begin for at least 15 to 20 years.

The Silas Creek Greenway North was originally proposed in the 2002 Greenway Plan; however, a preliminary analysis determined that construction would not be feasible. In place of a traditional greenway, a sidepath along Silas Creek Parkway is recommended in the Greenway Plan Update as well as the Wake Forest University Area Bicycle, Pedestrian, and Transit Study completed in 2014. The Wake Forest University Area Bicycle, Pedestrian, and Transit Study also recommends a sidepath or greenway along Reynolda Road.

Other greenway recommendations for the planning area are:
- Complete a feasibility study for Silas Creek Greenway South.
- Work with developers and property owners to obtain necessary greenway easements. Easements should be a minimum of forty (40) feet in width.
- If the Crossnore School and Children’s Home should redevelop, a greenway connecting Reynolda Road to Twenty-Fifth Street should be constructed as part of the new development.
- Collaborate with the North Carolina Department of Transportation to provide proper clearance on Silas Creek Parkway under the Robinhood Road Bridge when the bridge is replaced to allow for the construction of the proposed sidepath along Silas Creek Parkway.
- Collaborate with the North Carolina Department of Transportation on the development of a sidepath along the Silas Creek Parkway to connect the Silas Creek Trail to Wake Forest University.
- Work with property owners, the Winston-Salem Engineering Department and the Winston-Salem Department of Transportation to establish greenway connectors between main greenway trails or sidepaths and adjacent neighborhoods and destinations.

*HOUSING AND COMMUNITY DEVELOPMENT RECOMMENDATIONS
Legacy 2030 recommends that neighborhoods offer a variety of quality housing types for different income levels, family sizes and types that reduce the segregation of neighborhoods by race, age, and income. Affordable housing should be promoted throughout Forsyth County by providing incentives, using cost-effective site design, and permitting accessory dwellings and congregate-care facilities.

GENERAL RECOMMENDATIONS
- Maintain and improve the quality of housing stock in the area by promoting home ownership, supporting rehabilitation of existing homes, and through code enforcement.
- Develop a variety of housing types for different income levels, family sizes, and personal preferences.
• Promote the Neighborhood Improvement Plan service to educate residents and newcomers about the City’s regulations related to zoning, sanitation ordinances, and minimum housing code, and encourage neighborhood associations to participate.
• Incorporate traditional neighborhood design principles in proposed new neighborhood developments, where feasible. This could include a mixture of housing types, well-designed neighborhood-serving commercial areas, and incorporating walkability and connectivity in neighborhoods.
• Encourage the design of neighborhoods to allow residents to age in place.
• Integrate new developments with existing neighborhoods through careful planning, site design and compatible architecture.
• Install sidewalks and/or traffic calming measures, where feasible, to make neighborhoods more pedestrian friendly and safe.
• Encourage the establishment of neighborhood associations where they do not exist to facilitate citizen involvement in neighborhood issues.
• Plan, locate and design shopping areas, community facilities, parks and open space to make them easily accessible to neighborhood residents.
• Improve connectivity of neighborhood streets to improve accessibility within and between neighborhoods.

AFFORDABLE HOUSING
• Encourage for-profit developers and nonprofit developers to build affordable housing for different income levels in the planning area.
• Ensure that new affordable housing units are compatible with the existing character of older neighborhoods.
• Use existing programs or develop new ones to assist community development and nonprofit housing organizations in providing affordable housing opportunities.

REHABILITATION AND REDEVELOPMENT EFFORTS
• Market the City’s programs for rehabilitation of owner-occupied or investor-owned housing units in the planning area as well as first-time homebuyers programs.
• Market/promote the tax credit rehab programs available to National Register properties for building rehabilitation.
• Concentrate code enforcement and promotion of conservation/rehabilitation programs in areas in danger of becoming blighted.
• Ensure that redeveloped housing is compatible with the existing character of the neighborhoods.
• Encourage investor-owners and renters to participate in neighborhood organization membership and activities.
• Work with investor-owners to improve maintenance and management of rental properties, where needed.

*DESIGN AND APPEARANCE RECOMMENDATIONS
The creation of attractive gateways, business districts, and corridors through the use of regulations or physical improvements is recommended by Legacy 2030. Design and appearance improvements create a positive visual image and encourage private investment in an area. The appearance and design of buildings and roadways within the planning area contribute greatly to the image residents and outsiders have of the community. Many of the recommendations of this plan have design components that emphasize quality and attractive design.

GENERAL RECOMMENDATIONS
• Encourage rehabilitation/redevelopment of older and underutilized commercial sites in the planning area with building façade improvements, street yards and buffer yard plantings, and parking area improvements.
• Encourage a mix of restaurants, outdoor cafes, small stores, and services at a pedestrian scale that meet the needs of all residents of the area.
• Encourage residents and neighborhood associations to participate in the different programs offered by Keep Winston-Salem Beautiful to improve the appearance of the planning area: Adopt-A-Flower-Bed; Adopt-A-Stream; Adopt-A-Park; or Adopt-A-Street.
• Encourage high-quality design for new development throughout the planning area.
• Ensure that attractive landscaping is integrated into the design of new roads or the improvement of existing roads.
Encourage high-quality design for new development throughout the planning area.
Ensure that attractive landscaping is integrated into the design of new roads or the improvement of existing roads.
Ensure that housing, sanitation, and weeded lot ordinances are strictly enforced in the planning area to eliminate blighted and burned down structures and maintain vacant lots.
Develop a planting program that includes street trees throughout the planning area and street yards in commercial districts. Identify areas in need of screening and areas needing buffers adjacent to residential areas.
Enhance the vegetative plantings in the median of Silas Creek Parkway and Wake Forest Road from Business 40 to Reynolda Road.
Protect and preserve the tree canopy along Reynolda Road between Coliseum Drive and Wake Forest Road.
Investigate using public art to beautify the railroad overpasses at Reynolda Road and North Hawthorne Road.
Refer to the Context Sensitive Multifamily Design Techniques document, available online or in the Planning and Development Services office when reviewing zoning requests and site plans for multifamily development within the planning area.
Refer to the design Guidelines for Converting Existing Homes to Office or Commercial Uses, as detailed in Appendix C on page XX, when reviewing zoning requests and site plans within the planning area.
Promote the use of art that reflects local cultures in public spaces such as parks, recreation centers, and other public areas where residents gather.
Explore the use of zoning overlay districts to ensure good site planning, sensitive design, and to promote continuity in the design of growth corridors.
Develop minimal and simple guidelines in growth corridors to preserve design flexibility and creativity in making a pedestrian-oriented environment.
Develop growth corridors master plans for improvements taking into account the unique character of each corridor, or for different segments of the same growth corridor. This basis for such master plans will be the guidelines for the growth corridor identified in this plan.
Consider pedestrian improvements to the Five Points intersection.

LEGACY GROWTH CORRIDORS

While this plan’s land use recommendations help define the types of uses in an area (residential, commercial, industrial, etc.), growth corridor recommendations help to define the forms those uses should take:

- Urban form growth corridors should be developed at higher densities with buildings close to the street and parking to the side and rear of buildings to encourage pedestrian-friendly spaces.
- Suburban form growth corridors generally include parking located in the front of buildings and generous landscaping.
- Urban/suburban residential growth corridors should include a mixture of single-family, duplex, triplex, quadraplex, and townhouse units at varying densities.

By their nature of passing through multiple settings, each of the Northwest Winston-Salem Planning Area’s growth corridors – Silas Creek Parkway, Robinhood Road, Coliseum Drive, Country Club Road, Reynolda Road, South Stratford Road, and West First Street (see Maps 6 and 7 on pages XX and XX) – have multiple distinct location-based recommendations.

Urban Form

- **Building setback** – maximum 10 feet building setback.
- **Architectural characteristics** – buildings should include windows on the ground level when appropriate. Blank walls should not exceed 50 percent of the ground floor of street-facing façades.
- **Building entrance** – buildings should have a minimum of one entrance on each street-facing façade. All main entrances on the street side of the property should be covered or sheltered.
- **Off-Street parking** – all parking should be located to the side or rear of the building.
- **Signs** – freestanding signs should have a maximum height of six feet and a maximum area of 36 square feet.

Suburban Form

- **Height** – buildings should generally be no more than four stories in height on larger sites; one to two stories on smaller sites.
- **Building Setback** – buildings may be located a reasonable distance behind required streetyards.
• **Building Style** – when abutting low-density residential uses, commercial or office buildings 4,000 square feet or less should follow the Guidelines for Converting Existing Homes to Office or Commercial Uses (Appendix C on page XX).

• **Canopies** – canopies for gas stations or similar uses should not be located immediately adjacent to South Stratford Road.

• **Multifamily** – develop multifamily sites in a manner that preserves the integrity of any directly adjacent low density residential development.

• **Driveways** – minimize driveway cuts and connect adjacent parcels wherever possible.

### Urban/Suburban Single-Family Residential Form

• **Building setback** – maximum building setback of 20 feet.

• **Building height** – generally no more than four stories in height (*except for the Coliseum Drive Growth Corridor, which can accommodate six stories) on larger sites; one to two stories on smaller sites.

• **Off-Street parking** – parking should be screened.

• **Driveways** – minimize driveway cuts and connect adjacent parcels wherever possible.

### General Recommendations

- Explore the use of zoning overlay districts to ensure good site planning, sensitive design, and to promote continuity in the design of corridors.

- Develop minimal and simple standards to preserve design flexibility and creativity in making an urban, pedestrian-oriented environment.

- Develop corridor master plans for improvements taking into account the unique character of each corridor. The basis for such master plans will be the design standards for the growth corridor identified in this plan.

- Improve all identified growth corridors by adding pedestrian and bicycle facilities, making landscape improvements, and reducing lanes where feasible.

### Robinhood Road Growth Corridor Guidelines

- Develop uses with an urban/suburban single-family residential form (see guidelines on page XX) between Silas Creek Parkway and Coliseum Drive.

### Coliseum Drive Growth Corridor Guidelines

- Develop uses with an urban/suburban single-family residential form (see guidelines on page XX) between Robinhood Road and the eastern boundary of the planning area, except the Coliseum Drive Mixed Use Opportunity Area.

- Develop new commercial, office, and multifamily uses with an urban form (see guidelines on page XX) for the Coliseum Drive Mixed Use Opportunity Area along the south side of Coliseum Drive.

### Country Club Road Growth Corridor Guidelines

- Develop uses with an urban/suburban single-family residential form (see guidelines on page XX) on both sides of Country Club Road between Silas Creek Parkway and Arbor Road and on the north side of the road between Arbor Road and North Stratford Road.

- Develop new commercial, office, and multifamily uses with an urban form (see guidelines on page XX) on the south side of Country Club Road between Arbor Road and South Stratford Road.

### West First Street Growth Corridor Guidelines

- Develop uses with an urban/suburban single-family residential form (see guidelines on page XX) on the north side of West First Street between North Stratford Road and the Norfolk Southern Railroad.

- Develop uses with an urban/suburban single-family residential form on both sides of West First Street between the Norfolk Southern Railroad and Cloverdale Avenue.

- Develop new commercial, office, and multifamily uses with an urban form (see guidelines on page XX) on West First Street between Cloverdale Avenue and Hawthorne Road.
Silas Creek Parkway Growth Corridor Guidelines

- Develop uses with an urban/suburban single-family residential form (see guidelines on page XX) between Business 40 and Reynolda Road.

Reynolda Road Growth Corridor Guidelines

- Develop uses with an urban/suburban single-family residential form (see guidelines on page XX) on the west side of the road between the Norfolk Southern Railroad and Buena Vista Road.
- Develop new commercial, office, and multifamily uses with an urban form (see guidelines below) on the west side of the road between Buena Vista Road and 1228 Reynolda Road.
- Develop uses with an urban/suburban single-family residential form on the west side of the road between 1236 and 1320 Reynolda Road and both sides of the road from 1340 Reynolda Road to Wake Forest Road.

*HISTORIC PRESERVATION RECOMMENDATIONS

Legacy 2030 promotes historic preservation because of its contribution to the aesthetic, social, historical, cultural and environmental quality of neighborhoods as well as its contribution to a community’s economic development. Significant historic resources have been identified in the planning area as indicated in initial surveys (see Map 10 on page XX and Appendix A on page XX). The following are recommendations to ensure that the potential of these resources are fully explored and that the community takes steps to preserve its historic assets:

- Retain historic buildings including houses, commercial storefronts, agricultural buildings, and institutional structures, when possible.
- Recognize buildings, events, and areas of historical, cultural, and architectural significance with signs, plaques, or markers.
- Initiate public outreach programs involving property owners and community organizations on the importance and economic benefits of preserving historic resources. Examples of potential workshops include:
  - How and why to nominate a structure or site to the National Register of Historic Places.
  - Issue-related topics such as how to maintain an older or historic building.
- Encourage property owners to research and recognize the history and significance of their properties and the area in which they live.
- Specific historic preservation recommendations for the planning area are:
  - Encourage property owners to seek National Register and Local Historic Landmark designation for eligible properties or districts, including the Crossnore School and Children’s Home, Arbor Acres, Buena Vista, College Village, the C.T. Leinbach property, Ferrell Place, Meadowbrook Hills, Reynolda Park, Stratford Place, West Highlands, and Westview.
  - Encourage property owners to apply for historic markers for significant sites, including Silver Hill Cemetery.
  - Coordinate with organizations such as the Piedmont Land Conservancy to preserve not only the architectural elements, but also significant open land.

*ECONOMIC DEVELOPMENT RECOMMENDATIONS

Economic development can be defined as the creation and/or retention of jobs and increases in the tax base that improve or enhance the economic welfare of a community and its citizens. Legacy 2030’s goal for economic development is to attract environmentally-sensitive new businesses and expand both large and small businesses to provide a broad range of employment opportunities and a high quality of life for people living and working in Forsyth County. Economic development efforts should be compatible with existing development and should include improvements to existing facilities as well as new businesses. Areas recommended for future commercial use are shown on the Proposed Land Use Map (see Map 7 on page XX).

General economic development recommendations for the planning area are:

- Support balanced, compatible economic development by the private and public sector.
- Encourage technologically-advanced, high-quality, environmentally-sustainable businesses and industries to locate or expand in the planning area.
Map 10.
Recognized Historic Resources

- National Register Listed Properties
  1. Joseph Franklin Bland House
  2. James B. and Diana M. Dyer House
  3. Graylyn
  4. Middleton House
  5. R.J. Reynolds High School
  6. Reynolds Memorial Auditorium

- Local Historic Landmarks
  1. Joseph Franklin Bland House
  2. Graylyn
  3. Middleton House
  4. Thurmond and Lucy Hanes Chatham House
  5. Mamie Gray Galloway House
  6. Robert M. Hanes House
  7. William Milton Scott House

- National Register District
- Rezone land for business/industrial development in a manner consistent with the recommended Proposed Land Use Plan.
- Encourage and support the redevelopment/rehabilitation of existing older/underutilized commercial and industrial sites.
- Identify funding sources to implement economic development initiatives including energy-efficient, high-technology businesses/industries.
- Direct public improvements and funding to potential economic development opportunity areas identified in the plan.
- Market and hold workshops to promote City business training and building rehabilitation loan programs for the purchase or rehabilitation of structures to local/potential merchants particularly in the designated activity centers.
- Explore and encourage economic development opportunities associated with local foods and urban agriculture.

*Environmental Recommendations*

The preservation and enhancement of our environmental resources results in a high quality of life for Forsyth County residents. Legacy 2030 calls for the protection of watersheds, wetlands, natural areas and streams throughout the county. Clean water, air, and the scenic beauty of the planning area should be maintained. Of particular concern is the loss of the tree canopy in the area and the need to protect the county’s many creeks from pollution and its floodplains from inappropriate development.

**GENERAL RECOMMENDATIONS**

- Manage development pressures to preserve environmentally sensitive areas, forested areas, wildlife habitats, and scenic areas.
- Encourage the donation of easements to preserve and protect high-quality natural and scenic areas.
- Encourage sustainable development of land and buildings.
- Improve or preserve the water quality of the creeks by protecting the natural stream corridors.
- Support organizations and programs that educate residents on environmental issues.
- Carefully evaluate potential sites for development and redevelopment that may have been affected by environmental contamination in the planning area. This would be particularly appropriate for residential, institutional, and public gathering uses on sites near current and former heavy industrial or commercial operations with documented environmental hazards.
**Implementation Schedule**

Note: The recommendations of this plan serve as a guide to future action and decision making and are not a commitment to funding. Funding for specific projects/actions will be allocated by the Winston-Salem City Council based on the availability of funding and consideration of priorities.

*Timing: Immediate: 1 to 2 years, Short Range: 3 to 5 years, Medium Range: 6 to 10 years, Long Range: 10 years or more, Ongoing: No established completion date*

<table>
<thead>
<tr>
<th>ACTION/PROJECT</th>
<th>RESPONSIBLE AGENCY</th>
<th>TIMING*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Recommendations</strong> (pages <em><strong>-</strong></em>)</td>
<td>CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Follow Proposed Land Use Plan, land use policies, and Special Land Use Condition Area recommendations. Ensure that future land use changes do not negatively affect new and existing neighborhoods.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transportation Recommendations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Road and Bridge Improvements</strong> (page XX)</td>
<td>WSDOT</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Complete road improvements, which include the addition of bicycle and pedestrian facilities along the following road segments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Silas Creek Parkway from Business 40 to Wake Forest Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- South Stratford Road from Five Points to Business 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replace West First Street bridge over Norfolk-Southern Railroad</td>
<td>NCDOT</td>
<td>Immediate</td>
</tr>
<tr>
<td>Replace Country Club Road bridge over NC 67/Silas Creek Parkway</td>
<td>NCDOT</td>
<td>Short Range</td>
</tr>
<tr>
<td>Replace Robinhood Road bridge over NC 67/Silas Creek Parkway</td>
<td>NCDOT</td>
<td>Medium Range</td>
</tr>
<tr>
<td><strong>New Roads</strong> (page XX)</td>
<td>WSDOT</td>
<td>When Property is Redeveloped</td>
</tr>
<tr>
<td>Build proposed new roads in the Transportation Plan:</td>
<td></td>
<td></td>
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<tr>
<td>- Reynolda Road Connector</td>
<td></td>
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</tr>
<tr>
<td><strong>Pedestrian</strong> (page XX)</td>
<td>WSDOT</td>
<td>Immediate</td>
</tr>
<tr>
<td>Build sidewalks on the following streets as recommended in the Pedestrian Facilities Plan:</td>
<td></td>
<td></td>
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<tr>
<td>- Westview Drive</td>
<td></td>
<td></td>
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<tr>
<td>- Forest Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Miller Street</td>
<td></td>
<td></td>
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<tr>
<td>- Reynolda Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review identified sidewalk projects under the City’s sidewalk priority funding system.</td>
<td>WSDOT</td>
<td>Immediate</td>
</tr>
<tr>
<td>Construct sidewalks within residential areas and along designated thoroughfares and collector streets.</td>
<td>Private Developers in conjunction with WSDOT</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>Bicycle</strong> (page XX)</td>
<td>WSDOT</td>
<td>Immediate</td>
</tr>
<tr>
<td>Add bike lanes on the following streets as recommended in the <em>Winston-Salem Urban Area Bicycle Plan:</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- North Stratford Road</td>
<td></td>
<td></td>
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<tr>
<td>- Hawthorne Road</td>
<td></td>
<td></td>
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<tr>
<td>- Coliseum Drive</td>
<td></td>
<td></td>
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<tr>
<td>- Miller Street</td>
<td></td>
<td></td>
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<tr>
<td>- West First Street</td>
<td></td>
<td></td>
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<tr>
<td>- Knollwood Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Robinhood Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Northwest Boulevard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Country Club Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complete key projects proposed by the Wake Forest University Area Bicycle, Pedestrian, and Transit Study.</td>
<td>WSDOT, WFU</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Improve bicycle signage along all existing routes.</td>
<td>WSDOT</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
**Growth Corridors** (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve all identified growth corridors by adding pedestrian and bicycle facilities, making landscape improvements, and reducing lanes where feasible.</td>
<td>WSDOT</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Develop activity centers along growth corridors as transit-oriented, high-density, mixed-use nodes.</td>
<td>CCPB, WSCC, WSDOT</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**Community Facilities Recommendations**

**Recreation Facilities** (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the Crossnore School and Children’s Home site is offered for sale in the future, the City should investigate using a portion of it for recreation facilities and/or open space.</td>
<td>WSCC, WSRP</td>
<td>When Property is Redeveloped</td>
</tr>
</tbody>
</table>

**Urban Food Access** (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>A grocery store is recommended in the Coliseum Drive Mixed Use Opportunity Area.</td>
<td>Private Developers</td>
<td>When Property is Redeveloped</td>
</tr>
</tbody>
</table>

**Trees and Open Space** (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preserve a pastoral viewshed along the frontage of the Crossnore School and Children’s Home property on Reynolda Road.</td>
<td>WSCC, WSDOT, Property Owners</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Protect the planning area’s tree canopy, especially along Reynolda Road between Coliseum Drive and Wake Forest Road</td>
<td>WSDOT</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Explore opportunities to plant street trees in the area at a future Community Roots Day event.</td>
<td>CAC</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**Greenways** (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete a feasibility study for Silas Creek Greenway South.</td>
<td>WSENG</td>
<td>Long Range</td>
</tr>
<tr>
<td>Work with area residents and the development community to obtain necessary easements for the construction of Silas Creek Greenway South.</td>
<td>WSENG</td>
<td>Long Range</td>
</tr>
<tr>
<td>Collaborate with NCDOT on the development of a sidepath along Silas Creek Parkway to connect the Silas Creek Trail to Wake Forest University.</td>
<td>NCDOT, WFU</td>
<td>Medium Range</td>
</tr>
<tr>
<td>Collaborate with the North Carolina Department of Transportation to provide proper clearance on Silas Creek Parkway under the Robinhood Road Bridge when the bridge is replaced to allow for the construction of the proposed sidepath along Silas Creek Parkway.</td>
<td>NCDOT, WSENG</td>
<td>Medium Range</td>
</tr>
<tr>
<td>If the Crossnore School and Children’s Home should redevelop, a greenway connecting Reynolda Road to Twenty-Fifth Street should be constructed as part of the new development.</td>
<td>WSCC, WSENG, Property Owners</td>
<td>When Property is Redeveloped</td>
</tr>
<tr>
<td>Establish greenway connectors between main greenway trails or sidepaths and adjacent neighborhoods and destinations.</td>
<td>Property Owners, WSENG, WSDOT</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**Housing and Community Development Recommendations** (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain and improve the quality of housing stock in the planning area.</td>
<td>CBD, Neighborhood Associations, Property Owners</td>
<td>Ongoing/Immediate</td>
</tr>
<tr>
<td>Market the City’s programs for rehabilitation and homeownership.</td>
<td>CBD</td>
<td>Ongoing/Immediate</td>
</tr>
</tbody>
</table>

**Design and Appearance Recommendations** (pages XX-XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Agencies</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage site and building improvements to older and underutilized commercial sites.</td>
<td>CBD, CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Ensure that attractive landscaping is integrated into the design of new roads or the improvement of existing roads.</td>
<td>WSDOT, CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Refer to the area plan design guidelines when reviewing zoning requests and site plans in the planning area.</td>
<td>CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Promote the use of art that reflects local cultures in public spaces such as parks, recreation centers, and other public spaces where residents gather.</td>
<td>PAC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Explore the use of zoning overlay districts to ensure good site planning, sensitive design, and to promote continuity in the design of growth corridors.</td>
<td>CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
### Develop growth corridor master plans for improvements taking into account the unique character of each corridor, or for different segments of the same growth corridor.

- CCPB, WSCC Long Range

### Enhance the vegetative plantings in the median of Silas Creek Parkway and Wake Forest Road from Business 40 to Reynolda Road.

- NCDOT, WSDOT Short Range

### Protect and preserve the tree canopy along Reynolda Road between Coliseum Drive and Wake Forest Road.

- WSDOT Ongoing

### Investigate using public art to beautify the railroad overpasses at Reynolda Road and North Hawthorne Road.

- PAC Immediate

### Consider pedestrian improvements to the Five Points intersection.

- WSDOT Immediate

### Historic Preservation Recommendations (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Parties</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retain existing historic resources.</td>
<td>CCPB, WSCC, Property Owners</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Recognize buildings, events or areas of historical, cultural or architectural significance with signage, plaques or markers.</td>
<td>WSCC, HRC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Initiate public outreach on the benefits of preserving historic resources.</td>
<td>WSCC, HRC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Encourage property owners to seek National Register and Local Historic Landmark designation for eligible properties or districts, including the Crossnore School and Children’s Home, Arbor Acres, Buena Vista, College Village, the C.T. Leinbach property, Ferrell Place, Meadowbrook Hills, Reynolda Park, Stratford Place, West Highlands, and Westview.</td>
<td>WSCC, HRC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Encourage property owners to apply for historic markers for significant sites, including Silver Hill Cemetery.</td>
<td>HRC</td>
<td>Immediate</td>
</tr>
<tr>
<td>Coordinate with organizations such as the Piedmont Land Conservancy to preserve not only the architectural elements, but also significant open land.</td>
<td>HRC, PLC</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### Economic Development Recommendations (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Parties</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support balanced, compatible economic development by the private and public sector in the planning area.</td>
<td>BIA, CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Encourage and support the redevelopment/rehabilitation of older/underutilized commercial sites.</td>
<td>BIA, CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Continue the improvement of RUCA areas as City funds become available.</td>
<td>WSCC, BIA</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### Environmental Recommendations (page XX)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsible Parties</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manage development pressures to preserve environmentally-sensitive areas, forested areas, wildlife habitats, agricultural lands and scenic areas.</td>
<td>WSRP, CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Encourage the donation of easements to preserve and protect high-quality natural and scenic areas.</td>
<td>PLC, CCPB, WSCC</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Carefully evaluate potential sites for development and redevelopment that may have been affected by environmental contamination in the planning area.</td>
<td>NCDENR, Nonprofit and For-profit Developers</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### Abbreviations Used:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIA</td>
<td>Winston-Salem Office of Business Inclusion and Advancement</td>
</tr>
<tr>
<td>CBD</td>
<td>Winston-Salem Community and Business Development Department</td>
</tr>
<tr>
<td>CCPB</td>
<td>City-County Planning Board</td>
</tr>
<tr>
<td>HRC</td>
<td>Winston-Salem/Forsyth County Historic Resources Commission</td>
</tr>
<tr>
<td>NCDENR</td>
<td>North Carolina Department of Environment and Natural Resources</td>
</tr>
<tr>
<td>NCDOT</td>
<td>North Carolina Department of Transportation</td>
</tr>
<tr>
<td>CAC</td>
<td>Community Appearance Commission of Winston-Salem and Forsyth County</td>
</tr>
<tr>
<td>PAC</td>
<td>City-County Public Art Commission</td>
</tr>
<tr>
<td>PLC</td>
<td>Piedmont Land Conservancy</td>
</tr>
<tr>
<td>WFD</td>
<td>Wake Forest University</td>
</tr>
<tr>
<td>WSCC</td>
<td>Winston-Salem City Council</td>
</tr>
<tr>
<td>WSDOT</td>
<td>Winston-Salem Department of Transportation</td>
</tr>
<tr>
<td>WSENG</td>
<td>Winston-Salem Engineering Department</td>
</tr>
<tr>
<td>WSRP</td>
<td>Winston-Salem Recreation and Parks Department</td>
</tr>
</tbody>
</table>
## Appendix A. Significant Historic Resources

<table>
<thead>
<tr>
<th>Name</th>
<th>General Location</th>
<th>Date</th>
<th>Survey Site Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thurmond and Lucy Hanes Chatham House [NR, LHL]</td>
<td>112 N. Stratford Road</td>
<td>2014, 2015</td>
<td>FY01051</td>
</tr>
<tr>
<td>James B. and Diana M. Dyer House [NR]</td>
<td>1015 Kent Road</td>
<td>2006</td>
<td>FY02543</td>
</tr>
<tr>
<td>Galloway-Motsinger House (Mamie Gray Galloway House) [LHL]</td>
<td>1040 Arbor Road</td>
<td>1982, 1993</td>
<td>FY03339</td>
</tr>
<tr>
<td>Graylyn [NR, LHL]</td>
<td>2547 Graylyn Court</td>
<td>1978, 1987</td>
<td>FY00006</td>
</tr>
<tr>
<td>Middleton House [NR, LHL]</td>
<td>2770 Chatham Farm Road</td>
<td>2000, 2003</td>
<td>FY02658</td>
</tr>
<tr>
<td>Reynolds High School [NR]</td>
<td>301 Hawthorne Road</td>
<td>1991</td>
<td>FY01031</td>
</tr>
<tr>
<td>Reynolds Memorial Auditorium [NR]</td>
<td>301 Hawthorne Road</td>
<td>1991</td>
<td>FY01032</td>
</tr>
<tr>
<td>William Milton Scott House [LHL]</td>
<td>1941 Georgia Avenue</td>
<td>1997</td>
<td>FY02539</td>
</tr>
</tbody>
</table>

**Abbreviations:**

- **LHL:** Local Historic Landmark
- **NR:** National Register of Historic Places
## Appendix B. Comprehensive Transportation Plan Classifications and Features in the Planning Area

<table>
<thead>
<tr>
<th>Interstate Highways</th>
<th>Description</th>
<th>2013 Average Daily Traffic</th>
<th>2035 Estimated Volume</th>
<th>Current Road Capacity</th>
<th>Road Width</th>
<th>Future Cross-Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business 40 / US 421 / US 158</td>
<td>4 lanes with median</td>
<td>59,000 – 64,000</td>
<td>80,300 – 89,100</td>
<td>62,300</td>
<td>72 - 108</td>
<td>4-lanes; with divided median (4-A)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expressways</th>
<th>Description</th>
<th>2013 Average Daily Traffic</th>
<th>2035 Estimated Volume</th>
<th>Current Road Capacity</th>
<th>Road Width</th>
<th>Future Cross-Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silas Creek Parkway (NC 67)</td>
<td>4 lanes with landscaped median</td>
<td>45,000 – 52,000</td>
<td>56,300 – 60,600</td>
<td>49,000</td>
<td>52 - 73</td>
<td>4-lanes; raised median with outside lanes and sidewalks (4-C)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Major Thoroughfares</th>
<th>Description</th>
<th>2013 Average Daily Traffic</th>
<th>2035 Estimated Volume</th>
<th>Current Road Capacity</th>
<th>Road Width</th>
<th>Future Cross-Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coliseum Drive</td>
<td>4 lanes with landscaped median</td>
<td>7,400 – 11,000</td>
<td>9,800 – 15,400</td>
<td>27,500</td>
<td>48 - 60</td>
<td>4-lanes; raised median with outside lanes and sidewalks (4-C)</td>
</tr>
<tr>
<td>Country Club Road</td>
<td>3 - 4 lanes</td>
<td>1,700 – 13,000</td>
<td>3,000 - 24,400</td>
<td>15,800 – 27,500</td>
<td>36 - 52</td>
<td>3-lanes; curb &amp; gutter with wide outside lanes and sidewalks (3-B)</td>
</tr>
<tr>
<td>W. First Street</td>
<td>2 lanes</td>
<td>7,200 – 12,000</td>
<td>8,300 – 16,500</td>
<td>13,800</td>
<td>32 - 60</td>
<td>2-lanes, curb &amp; gutter, with bike lanes and sidewalks (2-E)</td>
</tr>
<tr>
<td>S. Hawthorne Road</td>
<td>4 lanes</td>
<td>13,000</td>
<td>16,500</td>
<td>27,500</td>
<td>54</td>
<td>3-lanes; curb &amp; gutter with outside lanes and sidewalk (3-B)</td>
</tr>
<tr>
<td>W. Northwest Boulevard</td>
<td>2 lanes</td>
<td>5,800</td>
<td>8,300</td>
<td>13,800</td>
<td>30</td>
<td>2-lanes; curb &amp; gutter with bike lanes and sidewalks (2-E)</td>
</tr>
<tr>
<td>Reynolda Road</td>
<td>2 - 4 lanes</td>
<td>7,700 – 16,000</td>
<td>8,600 – 21,300</td>
<td>13,800 – 27,500</td>
<td>36 - 46</td>
<td>2-4 lanes; curb &amp; gutter, wide outside lanes; raised median; with bike lanes and sidewalks (2-E, 3-B, 4-C)</td>
</tr>
<tr>
<td>Robinhood Road</td>
<td>3 lanes</td>
<td>12,000 – 15,000</td>
<td>19,400 – 22,700</td>
<td>15,800 – 18,200</td>
<td>44</td>
<td>3-lanes; curb &amp; gutter with wide outside lanes and sidewalks (3-B)</td>
</tr>
<tr>
<td>Minor Thoroughfares</td>
<td>Description</td>
<td>2013 Average Daily Traffic</td>
<td>2035 Estimated Volume</td>
<td>Current Road Capacity</td>
<td>Road Width</td>
<td>Future Cross-Section</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>S. Stratford Road</td>
<td>5 lanes</td>
<td>21,000</td>
<td>27,000</td>
<td>31,700</td>
<td>67</td>
<td>4-lanes; raised median with outside lanes and sidewalks (4-C)</td>
</tr>
<tr>
<td>Buena Vista Road</td>
<td>2 lanes</td>
<td>3,900 – 4,500</td>
<td>5,400 – 5,700</td>
<td>13,800 – 15,300</td>
<td>30 - 36</td>
<td>2-lanes; curb &amp; gutter; parking on each side (2-G)</td>
</tr>
<tr>
<td>Cloverdale Avenue</td>
<td>2 – 3 lanes</td>
<td>6,100 – 8,400</td>
<td>10,100 – 10,800</td>
<td>13,800 – 15,800</td>
<td>34 - 35</td>
<td>2-3 lanes; curb &amp; gutter; parking on each side; wide outside lanes and sidewalks (2-G, 3-B)</td>
</tr>
<tr>
<td>N. Hawthorne Road</td>
<td>2 – 3 lanes</td>
<td>8,000 – 13,300</td>
<td>8,900 – 17,000</td>
<td>13,800 – 15,800</td>
<td>38 - 46</td>
<td>2-4 lanes; curb &amp; gutter, parking on one side; raised median with wide outside lanes and sidewalks (2-H, 4-C)</td>
</tr>
<tr>
<td>Knollwood Street</td>
<td>2 - 4 lanes</td>
<td>4,800 - 5,900</td>
<td>7,100 – 9,400</td>
<td>13,800 - 27,500</td>
<td>30 - 44</td>
<td>2-lanes; curb &amp; gutter; parking on each side (2-G)</td>
</tr>
<tr>
<td>Miller Street</td>
<td>4 lanes</td>
<td>13,000</td>
<td>16,400</td>
<td>27,500</td>
<td>48</td>
<td>4-lanes; raised median with wide outside lanes and sidewalks (4-C)</td>
</tr>
<tr>
<td>Robinhood Road</td>
<td>2 lanes</td>
<td>4,300 – 6,100</td>
<td>7,800 – 10,400</td>
<td>13,800 – 15,300</td>
<td>34</td>
<td>2-lanes; curb &amp; gutter, parking on outside (2-H)</td>
</tr>
<tr>
<td>N. Stratford Road</td>
<td>2 lanes</td>
<td>9,800 – 16,000</td>
<td>12,500 – 18,700</td>
<td>13,800</td>
<td>30 - 70</td>
<td>2-lanes; curb &amp; gutter, parking on each side (2-G)</td>
</tr>
</tbody>
</table>

**List of Existing Collector Streets**

- Arbor Road
- Forest Drive
- Greenwich Road
- Marguerite Drive
- Pilgrim Court
- N. and S. Pine Valley Road
- W. Twenty-Fifth Street
- Virginia Road
- Wellington Road
- N. and S. Westview Drive
- Yorkshire Road
Appendix C. Guidelines for Converting Existing Homes to Office or Commercial Uses

Converting homes to office or commercial uses can provide a way to re-use existing residential structures along roads where increased traffic, road expansions, or other changes have made an area less suitable for single-family residential uses. Converting these existing structures allows a neighborhood to accommodate changing land use demands while still retaining the residential scale and character of the area. The following recommendations will help these conversion projects fit in with the existing neighborhood context:

Existing Buildings
- The current, street-facing building entrance should be retained as the primary entrance to the structure.
- The exterior appearance of existing single-family structures should be kept as intact as possible to preserve the residential character of the neighborhood.
- Porches on existing buildings should be kept open where possible. If enclosure is necessary, transparent materials, such as glass or screening, should be installed behind the original railings and/or columns.
- Incorporate accessible design features (such as wheelchair ramps) so that they have minimal visual impact on the existing structure.
- Exterior stairs may have a negative impact on the character of the neighborhood. Where exterior stairs are required, they should be located to the side or rear of structures and integrated into the overall building design.

New Buildings
- New residentially-scaled office buildings in areas of home office conversions should be no larger than 4,000 square feet in size.

Parking
- Parking should be located to the side or rear of the building where possible, and screened from view of any nearby residential development.
- On corner lots, parking on the street side corner of the lot should be avoided.
- Parking lots should be designed to minimize their effects on the existing streetscape. Large expanses of paving should be divided into smaller areas through the use of parking lot landscaping.
- Retain existing vegetation, such as mature trees, and incorporate them into the parking lot design where possible.
- Minimize curb cuts and share driveways with adjoining sites where possible.
- Include cross-access with adjacent properties where possible.

Lighting
- An appropriate amount of indirect lighting is recommended. Lighting fixtures should not cast direct light on adjacent property.

Site Amenities
- Site furnishings such as bollards, seating, trash containers, tree grates, special features, fencing and pedestrian level are recommended to enhance the character of the development.

Outside Utility Areas
- All outside storage, waste disposal, and loading areas should be screened from view. All utility, heating, ventilation and air conditioning units should be located where they will have the least impact on the aesthetic character of the development.

Landscaping
- Landscaping should be used to buffer the site from existing residential development.
- Landscaped areas should be properly maintained.
Appendix D. Uses Allowed in the Campus (C) Zoning District

The Campus (C) district is intended to accommodate medium to large sized public, semi-public, and institutional uses that have a major land use impact or traffic generation potential upon surrounding uses. The Campus district only allows the uses listed below. Any other land use will require a rezoning petition and approval after public hearings by the City-County Planning Board and the Winston-Salem City Council.

Uses Allowed with a Permit from the Zoning Officer
- Academic Biomedical Research Facility
- Academic Medical Center
- Child Care, Drop-In
- Church or Religious Institution, Community
- Church or Religious Institution, Neighborhood
- College or University
- Correctional Institution
- Family Group Home A
- Family Group Home B
- Family Group Home C
- Fraternity or Sorority
- Habilitation Facility A
- Habilitation Facility B
- Habilitation Facility C
- Hospice and Palliative Care
- Hospital or Health Center
- Life Care Community
- Medical and Surgical Offices
- Museum or Art Gallery
- Nursing Care Institution
- School, Private
- School, Public
- School, Vocational or Professional
- Storage Services, Retail

Uses Allowed with Review and Approval by the Planning Board
- Child Care Institution
- Child Day Care Center

Uses Allowed with Special Use Permit from the Zoning Board of Adjustment
- Landfill, Land Clearing/Inert Debris

Uses Allowed with Special Use Permit from the Elected Body
- Access Easement, Private Off-Site
City of Winston-Salem

Allen Joines
Mayor

* Denise D. Adams
North Ward

* Dan Besse
Southwest Ward

* Jeff MacIntosh
Northwest Ward

Vivian H. Burke
Mayor Pro Tempore, Northeast Ward

* Robert C. Clark
West Ward

Derwin L. Montgomery
East Ward

* Richard C. Clark
West Ward

John Larson
South Ward

James Taylor, Jr.
Southeast Ward

Lee Garrity
City Manager

*City Council Representative for portions of the Planning Area

Forsyth County Board of Commissioners

David R. Plyler
Chairman

Donald Martin
Vice Chair

Richard V. Linville
Walter Marshall
J. Dudley Watts, Jr.
Ted Kaplan
County Manager

Gloria D. Whisenhunt
Everette Witherspoon

City-County Planning Board

Arnold G. King
Chairman

Allan Younger
Vice Chair

* George M. Bryan, Jr.
Tommy Hicks
Clarence R. Lambe, Jr.
Melynda Dunigan
Darryl Little

*Planning Board Member for the Planning Area

City-County Planning Staff

A. Paul Norby, FAICP
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C. Lynn Ruscher, AICP, GISP
Principal Planner

April Johnson
Project Planner

C. Lynn Ruscher, AICP, GISP
Project Planner

Kaylen Francis
Project Planner

*Project Leader

Interdepartmental Committee

Byron Brown
Principal Transportation Planner
Winston-Salem Department of Transportation
For more information about the
Northwest Winston-Salem Area Plan Update

City-County Planning Board
Telephone: 336-727-8000
Fax: 336-748-3163
Email: planning@cityofws.org
Web site: www.cityofws.org/planning
TO: Mayor Allen Joines and Members of the City Council  
FROM: A. Paul Norby, Director of Planning & Development Services  
DATE: February 23, 2017  
SUBJECT: Requirement for Neighborhood Outreach for Certain Zoning Cases

Background
As part of the Planning Board’s 2016-17 annual Work Program, an item was included to explore requiring applicants to conduct neighborhood outreach for certain zoning cases. This item was included as staff observed issues with inadequate neighborhood outreach taking place prior to the Planning Board public hearing. Specifically, staff noted zoning cases where: (1) A neighborhood meeting may have been held but it was held only 1-2 days prior to the Planning Board meeting giving concerned neighbors little time to fully understand the pending request; (2) No neighborhood outreach occurred prior to the Planning Board public hearing; and (3) If a zoning case was continued by the Planning Board for inadequate neighborhood outreach, it required that concerned neighbors make arrangements to attend additional meetings.

Planning staff has discussed the issue of requiring neighborhood meetings for zoning cases with City Council in the past, most recently in 2010. At that time, Council opted not to require neighborhood meetings for zoning cases; however, staff did implement several changes (based on discussion with Council) to improve notification efforts:

- More extensive rezoning sign posting policy
- Showing upcoming rezoning cases on TV13
- Seeking assistance in reaching neighborhood contacts from Community Assistance Liaisons
- Sending out a letter to neighborhood organizations suggesting they appoint a “zoning lookout” to check the website listing of new cases, and
- Enhance the City’s website to provide email notification of pending zoning cases.

In addition to the measures listed above, Council did adopt a text amendment requiring notification letters to be sent to all property owners located within 500 feet of the subject rezoning property. In addition to the formal policies listed above, staff also continues to urge all applicants to have some level of neighborhood outreach prior to the Planning Board hearing. Staff also encourages all applicants to contact their respective Council Member to discuss their request and also to include the respective Council Member on invitations for any planned neighborhood meetings.
Analysis
While the current list of notification practices listed above has improved the zoning process for concerned citizens, Planning staff believes that there is an opportunity to provide further certainty regarding the zoning process for all parties involved. Staff briefed the Planning Board at its October 2016 Work Session to discuss the potential for a text amendment to require neighborhood outreach for certain zoning cases. In general, the text amendment would:

- Establish a requirement for neighborhood outreach for zoning cases located within 500’ of residential zoning,
- Require a written summary of outreach efforts to be included in the staff report,
- Require the neighborhood outreach to take place at least eight days prior to the Planning Board meeting, and
- Provide for an automatic one month continuance when the applicant does not have their neighborhood outreach by the stated deadline.

The intent of this text amendment would be to provide certainty to concerned citizens so that neighbors will know when neighborhood outreach is required to take place. It would also let citizens know that a case is going to be continued for one month if the stated requirements are not met—rather than having to make arrangements to attend the meeting to find this out. The text amendment would provide certainty to applicants by making it clear where/when neighborhood outreach is required (vs. now where it is encouraged).

During staff’s discussion with the Planning Board, the Board was supportive of moving forward with the proposed text amendment in order to improve our zoning notification process. As part of that discussion, staff suggested bringing this item to the Council’s General Government Committee for further discussion prior to formally proposing the text amendment. Planning staff will be present at the March General Government Committee to answer any questions.

Attachments: Summary of NC Communities’ Notification Practices
<table>
<thead>
<tr>
<th>Survey of Rezoning Notification Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Winston-Salem/FC</strong></td>
</tr>
<tr>
<td>Are neighborhood organizations notified?</td>
</tr>
<tr>
<td>Are applicants required to have a neighborhood meeting?</td>
</tr>
<tr>
<td>If so, when is meeting held?</td>
</tr>
</tbody>
</table>

Clarifications/Special Circumstances

1. Cary starts with a public hearing before the Town Council. The Planning and Zoning Board then meets to formulate its recommendation; however this is typically not a public hearing. The Planning and Zoning Board holds a public hearing only in the following situations: either the request is for the MXD (Mixed Use) district and the Council requests a special Community Workshop to be held; or if the request is a conditional use one in which the conditions initially proposed at the Council public hearing may change.

2. The Zoning Committee of Charlotte does not hold a public hearing but is present at the one public hearing before the City Council.
As part of the 2016-17 Planning Board work program, staff was tasked with researching whether it is advisable to replace the Unified Development Ordinances (UDO), which was originally adopted in 1994, with a new development ordinance. Staff initially suggested considering the idea of creating a new development ordinance in a report on the effect of local development regulations on the business community, which was presented to the Planning Board in Spring 2016. The current UDO has been in place for over 20 years and has been subject to nearly 300 text amendments – as expected, it can be a complex and sometimes difficult-to-use document. The report suggested that adoption of a more modern, cohesively organized ordinance could lead to a clearer regulatory environment for staff, developers, and citizens.

Staff began researching this issue believing that a new UDO would be the best tool to accomplish the previously stated goal. However, during the course of this research, several significant issues with developing a completely new UDO were identified that led staff to believe that adopting a new UDO may not be the most effective solution for our community.

Based on the findings of this research, staff and the Planning Board agree that a better solution would be to retain the current UDO while making three targeted, non-substantive changes to improve its clarity and effectiveness. These changes relate to improving the overall layout and format of the code, enhancing the graphics in the code, and improving the online user experience of the code. They also would involve the least cost, compared to a total UDO re-write.

**Issue: Code Format, Graphics, and Organization**

If a new UDO was to be developed, the first decision local leaders and stakeholders would have to make would be deciding what format the code would use. Most new development codes adopted in the last few years have been either form-based codes (such codes regulate development based more on building and site design and to a lesser degree the specific land use being proposed) or hybrid codes (codes which combine form-based requirements applied in some areas with more common use-based performance standards such as those in our current UDO).

Our current UDO is primarily use and performance-based, with specific requirements for different land uses, but has recently incorporated elements of form-based regulation (the Winston Overlay and MLK Overlay Districts, for example, include basic building and site design requirements to
ensure consistency with area character). In recent years, a number of larger jurisdictions have adopted hybrid codes which combine elements of form-based and performance-based zoning to various degrees. Miami and Denver are the only large cities in the US that have adopted mandatory form-based requirements for their entire jurisdiction (although other large cities generally have some form-based districts, such as a Downtown form-based district).

One benefit of form-based codes is their use of illustrative graphics to explain regulations. A chief deficiency of our current UDO is its lack of graphics explaining key provisions. However, adoption of a form-based code is not necessary to improve the graphic content of a development ordinance. In fact, several recently adopted code revisions (for example those of Greensboro and Fayetteville) show how graphics can be effectively incorporated in performance-based codes. Based on the example of our peer cities, both staff and the Board see a significant benefit in adding a set of comprehensively designed graphics to our existing UDO to make it easier for users to understand.

Similarly, the layout of our current code could be improved without substantively changing any actual regulations. Improved organization would significantly help the user experience of the code. A consultant could be hired to complete a “code assessment” to see how we could improve the user-friendliness and effectiveness of the UDO. Greensboro is currently using a consultant to do a code assessment of their sign ordinance (this assessment is costing Greensboro $10,000). A high-level code assessment could be used to determine which parts of the UDO we could change to have the biggest improvements with the least impact in time and money.

Issue: Consulting Costs

The use of a consultant with specialized knowledge of best practices for state-of-the-art zoning codes would be required whether an entirely new code is drafted or targeted changes are made to the existing UDO. However, the associated costs of consultant services would vary greatly between these two tasks. Based on the experience of several of our peer cities, the use of a consultant to prepare a completely new zoning code could be expected to cost anywhere from $200,000 to $850,000, more likely in the middle of this range for a multi-jurisdictional community of our size. These costs are based on the amount of time required to develop the code, its complexity, and the public outreach efforts involved (in addition to preparation of code text and graphics, consultants have been used to facilitate public involvement and prepare websites).

On the other hand, staff estimates hiring a consultant to simply improve the overall layout and formatting of the code, its graphic elements, and its online experience would cost between $50,000 and $80,000. Furthermore, these costs could be spread over two years. It would be much easier to justify this smaller expenditure in City and County budgets than a $400,000-plus expense, especially when a larger expense would more directly compete with other important budget or capital expense demands.

Issue: Staff Involvement and Outreach

Even with the assistance of a consultant, significant staff time and involvement would be required during a complete ordinance overhaul process. Staff would need to meet with any consultant frequently to review and direct the progress of the project. Staff would also need to be involved
in public outreach to direct the code revision process. This outreach would most likely take the form of several public information and discussion sessions, as well as responding to direct communication from concerned parties. Remapping of zoning districts across the county and property owner notification and public hearings would also be required.

Based on the experience of our peer cities, creating a new code from scratch would take from two to five years and involve significant public debate. Additionally, such a process would likely require the use of between 25 and 40 percent of total Planning staff for the duration of the project. However, the more limited and strategic approach identified by staff and the Board could be completed in two years or less, would require minimal public outreach, and would use fewer staff resources.

**Issue: Municipal Participation**

Other issues could also exist with a possible UDO replacement process which has led staff and the Board to favor a more limited and targeted code improvement alternative. The broadest question in creating a new code would be which municipal jurisdictions would the code be developed for? The City-County Planning Board is responsible for planning policy and recommendations for Winston-Salem, unincorporated Forsyth County, and the towns of Rural Hall, Tobaccoville, and Bethania. Staff also provides planning services to Walkertown on a contractual basis (Walkertown has its own Planning Board). However, Inspections staff enforces the UDO for all the aforementioned jurisdictions as well as Clemmons and Lewisville. Additionally, Legacy establishes planning policy for all of these jurisdictions as well as the Town of Kernersville. Increasing the number of jurisdictions who participate in a code replacement process could increase consistency in the regulatory environment across the county, but could greatly increase complexity in drafting and reviewing any new UDO. Also, questions of cost-sharing and staffing for a code replacement would arise with involving multiple jurisdictions in this process.

**Issue: Revisiting Recently Negotiated Regulations**

Perhaps the biggest community concern regarding creating a new UDO could be that significant regulations which have been more recently discussed and resolved by the elected bodies could be open for discussion again. For example, major ordinance provisions have recently been adopted related to parking standards, tree preservation and planting, street and sidewalk standards, and sign standards. Compromises were made on these provisions after extensive public involvement processes and community discussions. To re-open discussion on these issues could lead to unnecessary debate between stakeholders and community leaders on subjects that had been thought to be resolved. It would be more effective to leave key provisions of the UDO in place and simply focus on the significant, but non-substantive issues affecting the user friendliness of the code.

**Issue: Online Code Experience**

The final aspect of improving the UDO relates to its online presence and user interface. In the last few years (particularly with the rise of smart phone usage) many users of the UDO are now using the internet to review the code. Our UDO is currently hosted by MuniCode, a site better suited to
text-based documents such as the City Code than documents with many graphics. MuniCode is limited in its incorporation of graphics and its ability to provide hyperlinks between one section of the code and another, or links to external documents. After replacing their development ordinance a few years ago, the City of Greensboro contracted with a different online code provider, EnCode 360, to accommodate the more graphically-oriented code. In talking with Greensboro staff, code users have been very pleased with Greensboro’s online code experience which incorporates graphics and is easily searchable. Staff and the Planning Board recommend contracting with an online code provider that can incorporate code graphics, linked documents, and, perhaps most importantly, appropriate formatting for PCs, tablets, and smartphones.

**Recommended Actions**

After researching UDO replacement and discussing several options with the Planning Board ranging from replacing the UDO with a completely new document to keeping the current code and making no changes, staff and the Board decided that the best option would be to keep the current UDO in place but make the following changes:

- Add a comprehensive set of graphics throughout the UDO designed by a consultant. A comprehensive set of graphics would help bring our code in line with our more modern peers.
- Work with a consultant to improve the formatting and organization of the UDO (but do not make any substantive policy changes) to make the document more user-friendly. Also, special attention should be paid to the online version of our UDO, and steps should be taken to improve the ability to cross reference different sections of the code, and view the code on various devices (PCs, tablets, smartphones).
- Hire a consultant to do a “code assessment” to see what targeted changes could be made to significantly improve the effectiveness of the UDO. A code assessment could determine what UDO changes would give us the most “bang for the buck” in fixing current problems.
- Keep implementing *Legacy* supported ordinance changes (e.g. revising parking standards) through individual text amendments that are identified and scheduled through the annual Planning work program.

We believe the above changes can be completed over two fiscal years to spread out the estimated consulting fees totaling between $50,000 and $80,000. It would be best to complete a code assessment and making formatting-related changes during the first fiscal year, and adding graphics and improving the online experience of the code during the second fiscal year. Planning staff will look to proposing this over the next two budgets.
TO:  Community Development/Housing/General Government Committee
FROM:  Angela I. Carmon, City Attorney
DATE:  March 3, 2017
SUBJECT:  Public Comment Period
CC:  Lee D. Garrity, City Manager

Pursuant to N.C.G.S. 160A-81.1, Council must provide “…at least one period for public comment per month at a regular meeting of the Council.” Said statute allows Council to “…adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules: “…(i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing.” Council is not required to provide a public comment period during a month in which no regular meetings are held.

In September, 2005, Council amended Chapter 2 of the City Code, Section 2-38. Rules of Order to incorporate the required public comment period into the City Code. Section 2-38(d) provides that:

“City Council will hold a public comment period at the end of its regular open session meeting on the third Monday of each month. If there is no regular meeting on the third Monday of any month, the public comment period will be held at the regular meeting on the first Monday of the month. The public comment period will be limited to 30 minutes, and each speaker will be limited to three minutes. New speakers will precede speakers wishing to address a subject they spoke to the previous month. Speakers will be orderly and decorous in conduct and shall address only subjects related to City government.”

It does not appear that said code provision has been amended since it was first adopted. The recent presentation of videos during the public comment period and the delays sometimes generated by the same malfunctioning caused staff to review this section of the City Code for possible enhancements.

While reviewing the aforementioned code provision for possible changes, a survey of the ordinances and policies from other governmental entities was conducted. The chart on page 3 provides a brief summary of the policies and ordinances from other cities as well as the policy from with Winton-Salem/Forsyth County School Board. The actual policies and ordinances are attached. I have also enclosed a relevant article/blog from the School of Government (“SOG”) regarding the ability of cities to limit the topics covered during the public comment period.

After reviewing case law, a few relevant SOG articles and the ordinances and policies from
other communities, I prepared for Council’s consideration an ordinance amending the City’s current public comment provision set forth in Chapter 2 of the City Code. In summary, the proposed ordinance amendment revises the current provisions regarding the public comment period to:

(1) separate the public comment period from the rules regarding public hearings;

(2) encourage speakers to sign up in advance of the meeting with the City secretary;

(3) direct speakers to limit their comments to matters germane to City business, much like the existing language;

(4) suggest that certain topics be directed to the citizen complaint procedure, the City manager or the City attorney;

(5) discourage dialogue between the speaker and Council; however, where appropriate, the City manager or City attorney may respond to the comments.

(6) prohibit the showing of videos during the public comment period due to the time delays and disruptions caused by said activity. Instead, speakers wishing to present videos may provide copies of the same to the City secretary for review by the mayor and City Council at a later time.

I believe each of the proposed revisions comply with first amendment limitations imposed by case law. Should you desire additional changes, please do not hesitate to let me know.
<table>
<thead>
<tr>
<th>City</th>
<th>Registration Requirement</th>
<th>Topic Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Point</td>
<td>Advance registration; those registered speak first</td>
<td>Topics not otherwise covered by a public hearing.</td>
</tr>
<tr>
<td>Charlotte</td>
<td>Advance registration with topic prior to meeting</td>
<td>Topics not otherwise covered by a public hearing.</td>
</tr>
<tr>
<td>Greenville</td>
<td>Advance registration prior to meeting; those registered speak first</td>
<td>Topics not otherwise covered by a public hearing.</td>
</tr>
<tr>
<td>Wilmington</td>
<td>Advance registration up to noon of the Meeting; request received afterwards will be scheduled for the next regular meeting</td>
<td>Directed to limit comments to City business.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>Allows speakers from the floor.</td>
<td>Not restricted to agenda items.</td>
</tr>
<tr>
<td>Durham</td>
<td>Advance notice 10 days prior to meeting; Council may waive requirement</td>
<td>No known restrictions.</td>
</tr>
<tr>
<td>Fayetteville</td>
<td>Advance registration up to meeting</td>
<td>List of limitations; see ordinance and information from SOG.</td>
</tr>
<tr>
<td>Winston-Salem/ Forsyth County School Board</td>
<td>Sign up prior to end of meeting</td>
<td>Topics of general interest the agenda. Grievance or or complaint use grievance before addressing Board.</td>
</tr>
</tbody>
</table>
AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II
ENTITLED ‘CITY COUNCIL’

BE IT ORDAINED by the Mayor and City Council of the City of Winston-Salem as follows:

Section 1: Section 2-38 Rules of Order. is hereby amended to read as follows:

“Sec. 2-38. Rules of order.

(a) Unless otherwise provided in this article, the deliberations of the city council shall be governed by Robert’s Rules of Order, Newly Revised.

(b) Unless otherwise determined by the city council, persons or groups appearing before the city council in support of an issue pending before the council shall be limited to 15 minutes for their presentation, and those appearing in opposition to the issue shall likewise be limited to 15 minutes for their presentation. The council may, for good cause shown, grant an extension of these limits.

(c) In addition to the 15 minutes permitted for the presentation of each side of an issue, each side shall have three minutes of rebuttal time. Groups shall be encouraged to select spokesmen inasmuch as the time limitation specified in this section shall apply to all persons or groups representing support for, or opposition to, the issue before the council.

(d) City council will hold a public comment period at the end of its regular open session meeting on the third Monday of each month. If there is no regular meeting on the third Monday of any month, the public comment period will be held at the regular meeting on the first Monday of that month. The public comment period will be limited to 30 minutes, and each speaker will be limited to three minutes. New speakers will precede speakers wishing to address a subject they spoke to the previous month. Speakers will be orderly and decorous in conduct and shall address only subjects related to city government.

Section 2: Section 2-38.1 Public Comment Period. is hereby written to read as follows:

“Sec. 2-38.1. Public Comment Period.

(a) City council will hold a public comment period at the end of its regular open session meeting on the third Monday of each month. If there is no regular meeting on the third Monday of any month, the public comment period will be held at the regular meeting on the first Monday of that month.

(b) The public comment period will be limited to 30 minutes, and each speaker will be limited to three minutes. If there are more than ten speakers, council, by majority consent, may extend the public comment period by a reasonable time period. If a large number of people are present to comment on the same subject, it is suggested that the group designate a speaker that will acknowledge the presence of the group. Anyone desiring to speak may sign up in advance in person with the city secretary in City Hall, Suite 140 or immediately before the meeting by providing a name and address. Except as provided herein, speakers
will address council in the order in which their name appears on the sign-up sheet. New speakers will precede speakers wishing to address a subject they spoke to the previous month. Speakers may yield their time to another speaker. Speakers will be orderly and decorous in their conduct and shall address only subjects related to city government.

(c) Speakers are encouraged to use other channels such as the committee complaint procedure, the city manager’s and city attorney’s offices rather than the public comment period to discuss the following matters: personnel, litigation, property acquisition, matters that are the subject of the attorney-client privilege, and confidential matters. Speakers shall not comment during the public comment period on matters that are the subject of a quasi-judicial proceeding or other public hearing before the city council. Comments regarding such matters should be made during the scheduled public hearing.

(d) Dialogue between the speaker and council is discouraged. At the conclusion of the public comment period, the city manager or city attorney, where appropriate, may provide a response to any comments made during the public comment period.

(e) Because of the time delays and disruptions associated with running non-city videos during the public comment period, speakers shall refrain from presenting videos during the public comment period. Speakers wishing to present videos may provide copies of the same to the city secretary for review by the mayor and council members, individually, at a later date, if such is desired.

Section 3: This ordinance shall become effective upon adoption.
HIGH POINT CITY COUNCIL

PUBLIC COMMENT POLICY

A Public Comment Period will be held on the first Monday of the regular City Council meeting schedule at 5:30 p.m. or as soon thereafter as reasonably possible following recognitions, awards and presentations. Persons may speak at this time on any topic that is not listed as a public hearing item on the agenda.

- Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.

- Persons addressing City Council are asked to limit their comments to 3 minutes.

- Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.

- If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.

This policy to be effective upon adoption.

Adopted this 5th day of January, 2009; Revised this 16th day of December, 2013; Revised this 13th day of April, 2015
RULES OF PROCEDURE
FOR THE CHARLOTTE CITY COUNCIL
Adopted April 11, 2016

5. Addressing Council

(a) Persons desiring to address the City Council shall contact the office of the City Clerk and give their name, address, telephone number, and subject matter to be discussed. Any person unable to give advance notice prior to a Council meeting, shall fill out the card available for this purpose and hand it to the City Clerk prior to the time the agenda item is reached. Once an agenda item has been called, a person may not sign up to speak. Notwithstanding the foregoing, for matters where an unusually large number of persons are expected to speak, the Mayor may set an earlier deadline for speakers to register with the City Clerk.

(b) For agenda items and public hearings other than zoning public hearings, persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor, or the presiding officer in the absence of the Mayor, shall have the discretion, subject to appeal to the Council, to shorten the time for speaking when an unusually large number of persons have registered to speak. Speakers may not yield their time to another person.

(c) Zoning public hearings. At hearings involving amendments to the zoning ordinance, the time allotted for speakers and the order of presentation is set forth below. The time of proponents or opponents may be extended by an affirmative vote of a majority of the Council members present.

A. If speakers are signed up in opposition, or if staff opposes the petition:
   (i) Staff makes presentation.
   (ii) Proponents and opponents will be allowed 10 minutes each; proponents will be allowed 2 minutes rebuttal.

B. If no speakers are signed up to speak in opposition and staff recommends approval:
   (i) Staff makes presentation.
   (ii) Petitioner will be allowed up to 3 minutes.

(d) Once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting, or at a subsequent informal session devoted to hearing from citizens. Citizens may respond to questions or inquiries for information from Council members or the Mayor after the close of a public hearing.

(e) The provisions of this rule shall not apply to speakers addressing Council on awards and recognitions or for staff or other individuals expressly invited to address Council on a matter.
(f) Scheduling Citizen Forum. A Citizens Forum shall be held at least once a month during which persons may speak on matters not on the agenda. To enable all citizens an equal opportunity to speak, a citizen may only speak at the Citizens Forum once each quarter. The number of speakers at a Citizens Forum shall be limited to ten (10) unless otherwise agreed to by a majority of Council.

The Rules of Procedure for the Charlotte City Council can be read in full here.
Related Links

- National League of Cities
- North Carolina League of Municipalities
- Pitt County Board of Elections

CALENDAR

Public Comment Period

A period reserved for comments from the public will be included on the agenda for each regular City Council meeting and each joint meeting of City Council and the Greenville Utilities Commission.

An individual wishing to address the Council during the Public Comment Period shall register with the City Clerk prior to the opening of the meeting by signing his or her name, address and a short description of his or her topic on a sign-up sheet stationed on the podium at the entrance to the Council Chambers. Registration forms will be available thirty minutes prior to the start of the meeting.

The Public Comment Period shall not exceed a total of thirty minutes, unless the City Council, by a majority vote, extends this limit. Each individual will be allowed no more than three minutes for comments, unless the City Council, by a majority vote, extends this limit.

If the thirty minutes allocated to the Public Comment Period has not expired after the individuals who have registered have spoken, individuals who fail to register before the meeting may speak during the Public Comment Period. These individuals will speak following those who registered in advance. If time remains, the Mayor will ask if any other individual wishes to address the Council during the Public Comment Period. An individual wishing to speak should raise his or her hand. After being recognized by the Mayor, the individual should state his or her name, address, and the topic to be addressed.

Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed during the Public Comment Period. At a joint meeting of City Council and Greenville Utilities Commission, items that are not germane to both the City Council and the Greenville Utilities Commission shall not be discussed during the Public Comment Period.

Action on items brought up during the Public Comment Period will be at the discretion of the City Council. If the City Council deems that the comment requires action, rarely will action be taken at the meeting when it is presented. It will likely be referred to staff for review and recommendation.

If you have any questions or would like more information, please contact the City Clerk’s office at (252) 329-4420.

REQUEST TO APPEAR ON PUBLIC INFORMATION SESSION BEFORE THE WILMINGTON CITY COUNCIL

REQUESTS MUST BE MADE TO THE CITY CLERK ONLY

Council Meeting Date: ____________________________

Name: ____________________________

Address: ____________________________

Phone Number: ____________________________

Subject: ____________________________

Relevancy to City Business: ____________________________

__________________________________________

Signature

GUIDELINES FOR PUBLIC INFORMATION PRESENTATIONS

Presentations are limited to five (5) minutes. Multiple speakers on the same subject must abide by the total time allotment of five (5) minutes.

Requests to make public information presentations shall be in writing and may be made up to noon the day prior to the Council meeting. Requests received after the deadline will be scheduled for the next regular meeting of the Council.

Public information sessions are limited to thirty minutes. Any citizen that is not recognized during a public information session will be scheduled at the next regular meeting of the City Council.

6/14/07
Sec. 2-16. - Public comment period at regular meetings.

Speakers from the floor/citizen public comment period will be heard at regular meetings for thirty (30) minutes immediately before the consent agenda. Comments during the public comment period shall be restricted to non-agenda items. Memorial resolutions shall be placed before the public comment period.

(Code 1961, § 2-1; Ord. No. 89-69, § 1, 5-11-89; Ord. No. 92-13, § 1, 2-13-92; Ord. No. 96-1, § 1, 1-2-96; Ord. No. 97-198, § 1, 12-16-97; Ord. No. 05-103, § 1, 5-3-05; Ord. No. 05-107, § 1, 5-17-05; Ord. No. 07-76, § 1, 5-1-07; Ord. No. 10-185, § 1, 12-7-10; Ord. No. 11-204, § 1, 12-13-11)

Editor's note—Ord. No. 11-204, § 1, adopted Dec. 13, 2011, changed the title of § 2-16 from "Regular meetings" to "Public comment period at regular meetings". This historical notation has been preserved for reference purposes.

Charter reference—Regular meetings of council, § 3.22.

Public Comment Period Durham City Council

Citizen Matters

Residents may address City Council about matters of concern at the work session. "Citizen Matters" are heard beginning at 1 p.m.

Residents wishing to address the City Council at the work session must submit a written request to the agenda coordinator 10 calendar days prior to the work session at which they wish to speak. This gives city staff adequate time to review the resident's concern and to give a response to the resident when he or she appears before council.

Should a council member wish to allow a resident who has not submitted a written request to speak, a 2/3 majority vote of the council is required to suspend the rules of procedure.

Address City Council

To address council at a work session, complete the request form. Forms are also available in the City Manager's Office on the 2nd floor of City Hall, 101 City Hall Plaza. Requests can also be faxed to 919-560-4949, or mailed to:

Agenda Coordinator
City Manager's Office
101 City Hall Plaza
Durham, NC 27701

Public Hearings

Public hearings are held by the City Council to give residents the opportunity to comment on current issues involving the city. Public hearings are advertised and placed on the Council's agenda to receive comment.

To make comments at a public hearing, citizens may sign up in advance of the meeting by contacting the City Clerk's Office at 919-560-4166. Residents can also sign up at the time of the council meeting by using the "Speaker's List" card located at the City Clerk's desk in the Council Chambers.
In compliance with N.C.G.S. § 160A-81.1, the City Council establishes the following policy for a public comment period which shall be known as the Public Forum.

1. The Public Forum shall be held on the second Monday of every month during a regularly scheduled meeting of the Council and shall be the first item of business after Approval of the Agenda. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.

2. Each speaker shall have up to 3 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker.

3. Speakers will address Council in the order in which their name appears on the sign-up sheet. Speakers shall address Council from the podium and shall not otherwise physically approach Council. Any written comments and/or supporting documents shall be left with the City Clerk.

4. Speakers will be courteous in their language and presentation and shall refrain from personal attacks. The Mayor or other designated presiding officer reserves the right at all times to maintain order and decorum during the Public Forum.

5. Speakers shall not discuss the following matters during the public forum: personnel, litigation, property acquisition, attorney-client privilege, confidential and matters that are the subject of public hearings. Speakers desiring to speak on any of the aforementioned will be directed on the proper procedure for discussing those matters. Speakers will not discuss matters regarding the candidacy of any person seeking public office, including the candidacy of the person addressing the Board.

6. No dialogue shall occur between the speaker and Council. At the conclusion of the Public Forum, the City Manager or City Attorney may provide rebuttal to any statements made during the Public Forum.
7. Anyone desiring to speak may sign up in advance in person with the City Clerk in the City Manager’s Office Suite, City Hall, 433 Hay Street, Fayetteville, NC; by fax at (910) 433-1948; by email at cityclerk@ci.fay.nc.us; or immediately before the meeting by giving their name and address.
Policy 9000 Bylaws of the Winston-Salem/Forsyth County Board of Education

September 2013

I. NAME. The name of the Board of Education shall be the Winston-Salem/Forsyth County Board of Education.

II. GENERAL AUTHORITY AND JURISDICTION. The Winston-Salem/Forsyth County Board of Education (hereinafter, the "Board") shall have county-wide jurisdiction, general authority, and control over the public school system (pre-K-12) in Forsyth County, including all municipalities located therein in accordance with the Constitution and laws of the State of North Carolina. Such jurisdiction shall not extend to public charter schools approved by the State Board of Education pursuant to Part 6A of Article 16 of Chapter 115C of the North Carolina General Statutes, except as expressly provided by law.

III. MAINTENANCE OF BYLAWS. A copy of these Bylaws shall be available on the Winston-Salem Forsyth County Schools ("WSFCS") Web site for inspection by the public.

IV. MEMBERSHIP ON THE BOARD.

1. Number of members: The Board shall consist of nine members.

2. Terms of office:
   1. The regular term of office shall be four years.
   2. The terms of those elected in 2016 for two-year terms shall instead expire on the first Monday in December of 2014.
   3. Members of the Board may serve an unlimited number of terms.

3. Vacancies on the Board: All vacancies occurring during a term of office shall be filled by appointment by the remaining members of the Winston-Salem Forsyth County Board of Education for the unexpired term of the deceased member. Appointment to the vacant seat must reflect the party affiliation of the vacating member.

4. Election of members: County-wide elections shall be held every four years, beginning in 2014, to elect all nine Board members. Two members shall be elected from District 1; four members shall be elected from District 2; and three members shall be elected at large.

5. Eligibility for membership: No one shall be eligible to serve as a member of the Board who is not a resident of Forsyth County and who is otherwise ineligible under North Carolina law.

V. ORGANIZATION.

1. The Board shall hold an organizational meeting once a year at the first meeting of the Board in December. In an election year, new Board members shall take the oath of office as the first order of business. As the second order of business, the Board shall elect a chairperson and a vice-chairperson from its membership. The Superintendent shall preside at the organizational meeting until the new chairperson is elected. If the Board is unable to elect a chairperson at the organizational meeting, the chairperson then in office shall continue in office until a successor is elected. If the chairperson's term on the Board has expired and he/she is no longer a member of the Board, the Superintendent shall preside until a new chairperson is elected.

2. Officers
   1. Chairperson. The Chairperson shall be elected by the majority vote of the Board to serve for a term of one year or until a successor is elected.
   2. Vice-Chairperson. In addition to the election of a Chairperson, the Board shall elect one of its members as Vice-Chairperson to serve for a term of one year or until a successor is elected.
   3. In the event of the absence or disability of both the Chairperson and the Vice-Chairperson, the Board, by resolution duly adopted and recorded in the minutes of any meeting, may authorize any other member to execute any contract conveyance or instrument for and on behalf of the Board.
   4. The Superintendent shall be the ex-officio Secretary of the Board as provided by N.C.G.S. § 115C-226.
   5. Assistant Secretary. The Board may elect an Assistant Secretary recommended by the Superintendent to perform the duties of the Secretary when the Secretary is absent from any meeting or for any other reason is unable to perform the duties of the Secretary.

3. Duties of Officers
   1. Chairperson
      a. The Chairperson shall preside at all Board meetings.

http://policy.microschrthebpub.com/cgi-bin/om_isa;125;clientID=1988923912&depth=2&inf... 3/3/2017
b. The Chairperson shall appoint all committees unless otherwise directed by the Board.

c. The Chairperson shall have the authority to execute any contract, deed, lease, agreement, letter or any other document for and on behalf of the Board.

d. The Chairperson shall have the right, as other members of the Board, to offer resolutions, to discuss questions, and to vote thereon.

e. The Chairperson shall appoint all committee chairpersons, but no member may serve as chair of more than one standing committee at a time.

f. The Chairperson shall be the official spokesman for the Board and will make every effort to communicate the Board's decisions to the community through the media and any other means available.

g. The Chairperson shall be an ex-officio member of all committees and a voting member of any committee when necessary to obtain a quorum at a committee meeting.

h. The Chairperson shall have the authority to adjourn a meeting of the Board in an emergency.

i. The Chairperson shall determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to shall entertain and rule on objections from other Board members on these grounds.

j. The Chairperson shall entertain and answer questions of parliamentary law and/or procedure with the advice of the School Attorney.

2. Vice-Chairperson

a. The Vice-Chairperson shall preside at all meetings of the Board in the absence of the Chairperson.

b. The Vice-Chairperson shall have the same authority as the Chairperson to execute any contract, deed or other instrument which has been approved by the Board.

c. The Vice-Chairperson shall have the right, as other members of the Board, to make motions, to discuss motions and to vote on motions.

d. The Vice-Chairperson shall be an ex-officio, non-voting member of all committees, but the Vice-Chairperson may serve as a voting member of any committee when necessary to obtain a quorum at a committee meeting. In addition, the Vice-Chairperson may be appointed by the Chairperson to serve as the chairperson and/or a voting member of any committee established by the Board.

3. Secretary (Superintendent)

a. Correspondence

   (1) Reply to routine correspondence personally;
   (2) Reply to other correspondence as follows:
         (a) Draft replies in advance for Board consideration and approval;
         (b) Seek instructions from Board for replies when necessary; and
         (c) Correspond with those persons with whom the Board specifically requests direct contact.

b. Prepare Agendas for Board meetings and hearings

   (1) Prepare the agenda for the approval of the Chairperson;
   (2) Maintain a record of the Board's unfinished business and remind the Board when necessary to attend to those matters;
   (3) Draft resolutions, policies, motions, and recommendations.

c. Responsibilities at Board meetings

   (1) Prepare auditorium for meetings and hearings;
   (2) Record minutes of meetings and hearings:
        (a) Record all actions taken by the Board and specifically record the individual votes of each member of the Board;
        (b) Prepare and distribute minutes in advance for approval; and
        (c) Maintain official minutes and records of all Board proceedings and actions.

d. Administrative Duties

   (1) Maintain reference materials for information and use of the Board;
   (2) Maintain the following documents:
(a) Policies and Bylaws of Board;
(b) Administrative Regulations;
(c) Audits, budgets, and financial reports;
(d) Deeds, contracts and leases; and,
(e) Such other documents as required by law.

(3) Attest all contracts, deeds, lease or agreements executed by the Chairperson or Vice-Chairperson on behalf of the Board;
(4) Consult with the Board Attorney regarding legal issues that concern the Board; and,
(5) Discharge any other duties or responsibilities required by law.

D. Committees

1. Standing committees:
   a. The Curriculum Committee shall be a standing committee of the Board. The committee shall consist of at least three members of the Board appointed by the Chairperson following the annual organizational meeting in December. The chairperson and members of each committee shall continue to serve until their successors are appointed. The Committee shall meet on the third Tuesday of each month at 4:00 p.m., unless cancelled.
   b. The Buildings and Grounds Committee shall be a standing committee of the Board. The committee shall consist of at least three members of the Board appointed by the Chairperson following the annual organizational meeting in December. The Chairperson and members of each committee shall continue to serve until their successors are appointed. The Committee shall meet at 4:30 p.m. preceding the regular Board meeting on the second Tuesday of each month unless cancelled.
   c. The Board shall be organized into three standing Grievance Committees. The Committees shall each consist of three members of the Board appointed by the Chairperson on a rotating basis following the annual meeting in December. The Committees shall meet on a rotating basis at 4:00 p.m. on the first Tuesday of each month unless there are no hearings scheduled or unless rescheduled by the Board Attorney with approval of the Chairperson.
   d. The Finance Committee shall be a standing committee of the Board. The Committee shall consist of three or more members of the Board appointed by the Chairperson following the annual meeting of the Board in December. The Committee shall meet periodically as needed during the year. Notice of the date and time of such meetings shall be provided as required by the Open Meetings Law. The function of the Finance Committee shall include the review of the Annual Independent Audit and the Superintendent’s budget recommendations prior to their submission to the full Board.
   e. The Policy Committee shall be a standing committee of the Board. The committee shall consist of at least three members of the Board appointed by the Chairperson following the annual organizational meeting in December. The Chairperson and members of each committee shall continue to serve until their successors are appointed. The Committee shall meet at 4:30 p.m. preceding the regular Board meeting on the fourth Tuesday of each month unless cancelled.

2. Special Committees. Special or ad hoc committees may be appointed by the Chairperson.

3. The recommendation of any special committee shall be placed on the agenda of the Board at its next regular meeting following the action of the committee.

4. Meetings. Committee meetings may be called at the discretion of the chairperson of the committee, at the request of a majority of the members of the committee or by a majority vote of the Board on a motion made by any member of the Board.

VI. POWERS AND DUTIES OF THE BOARD.

A. All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed on some other officials or board, are conferred and imposed on the Board; thereby granting to it general control, supervision and policy-making authority over all matters pertaining to the public schools of Forsyth County. This authority shall not extend to charter schools located in Forsyth County except as expressly provided by law.

B. The Board shall evaluate the Superintendent's performance annually in July or August and shall elect the Superintendent in the manner prescribed by N.C.G.S. § 115.271 on or before the first meeting in April in the last year of the Superintendent's contract.

C. Upon the recommendation of the Superintendent, the Board may employ such Associate and/or Assistant Superintendents and such other administrative officers as it may deem necessary and proper in the manner prescribed by law and prescribe their duties.

D. The Superintendent shall recommend for employment and the Board shall approve or disapprove the election of all principals, teachers and administrative or supervisory personnel recommended for employment or promotion by the Superintendent as provided by law. The Board may delegate to the Superintendent or his designee the authority to fix their compensations within such limits as the Board may prescribe and to recommend their terms or periods of employment as allowed by law.

E. The Board may, from local revenues, pay to any employee or classification of employees a salary supplement in addition to that salary paid according to the state salary schedule, but in no event may a salary higher than the state salary schedule be paid without prior approval of the Board.
G-6. DRAFT

1. The Board may appoint special advisory councils or advisory councils for any individual school within the system. The purpose, organization, term, composition and regulations for the operation of such advisory councils shall be determined by the Board.

2. The Board shall set the time of opening and closing public schools, and set the school calendar in the manner required by N.C.G.S. § 115C-45.1 (N.C.G.S. § 115C-17 (5) and (11)).

3. The Board has the power and duty to divide the county into attendance areas and to assign pupils to schools in the manner provided by law (N.C.G.S. § 115C-45 (3)).

4. The Board shall implement the Standard Course of Study in accordance with the rules adopted by the State Board of Education as provided by N.C.G.S. § 115C-45 (12).

5. The Board shall supply the Superintendent with adequate supplies, office equipment and clerical personnel (N.C.G.S. § 115C-17 (14)).

6. Upon the recommendation of the Superintendent, the Board shall have full power to make all just and needful rules and regulations governing the conduct of teachers, principals, and supervisors; the kinds of reports they shall make and their duties in the care of school property (N.C.G.S. § 115C-45 (18)).

7. The Board shall have the authority to provide for the professional growth of teachers while in service and to adopt policies and regulations requiring teachers to cooperate with the Superintendent for the improvement of instruction in the classroom and for promoting community involvement (N.C.G.S. § 115C-45 (21)).

8. The Board shall provide for prompt payment of all salaries due teachers, other school officials and employees, all current bills and other necessary operating expenses (N.C.G.S. § 115C-45 (22)).

9. The Board shall have the authority to provide for the purchase of food services in the schools (N.C.G.S. § 115C-45 (23))

10. The Board shall have the authority to purchase or exchange all supplies, equipment and materials necessary for the operation of the school system in the manner provided by law (N.C.G.S. § 115C-45 (24)).

11. The Board may purchase, acquire, sell, exchange or lease school property, both real and personal, in the manner provided by law (N.C.G.S. § 115C-45 (25) and 115C-45 (26)).

12. The Board shall make all policies necessary for the conducting of extracurricular activities in the schools, including athletics, without assuming liability therefor; provided that all interscholastic athletic activities shall be conducted in accordance with rules and regulations prescribed by the State Board of Education (N.C.G.S. § 115C-45 (27)).

13. The Board shall adopt policies governing solicitations of sales to, and fund-raising activities conducted by, students and faculty members, and no fees, charges or costs shall be collected from students or school personnel without approval of the Board (N.C.G.S. § 115C-45 (28)).

14. The Board shall have the power and authority to accept, receive, and administer any funds or financial assistance given, granted or provided by federal law or private sources (N.C.G.S. § 115C-45 (29)).

15. The Board shall have the authority to sponsor or conduct educational research and special projects that may improve the school system (N.C.G.S. § 115C-45 (30)).

16. The Board shall have all and any other powers and duties granted to it by law.

VII. METHODS OF OPERATION.

A. Regular Meeting. The Board shall hold regular meetings of the full Board on the second and fourth Tuesdays of each month beginning at 6:30 PM, unless the Board has closed session business in which case the meeting shall be called to order at 5:00 PM. The action session portion of the meetings shall be held in the Board auditorium and should be televised. Staff Reports as set forth hereinabove may be held in Room 22 of the WSP/PCS Education Building or at another location to be determined by the Board of Education and may not be televised. The regular meetings shall be conducted as follows:

1. Call to order.
2. Closed session, if any.
3. Pledge of allegiance to the flag, and invocation.
4. Agenda Review. During this portion of the meeting, the Board shall review the agenda and either adopt the agenda as written or amend it. Any new items of business shall be added to the Discussion items portion of the agenda unless six members of the Board vote in favor of adding the item as an Action item of business.
5. Awards. Presentation of Awards, recognition of outstanding achievement and/or special reports, if any.

6. Public Hearings or Comments on Agenda Items. This portion of the meeting agenda is for and limited to public hearings and/or public comments regarding items on the Board's agenda. Speakers interested in speaking during the public hearing/comment period must sign up in advance of the meeting starting time. 6:00 PM, unless the Board changes the starting time, and note the agenda item they wish to address. A speaker shall be allowed three minutes to make a presentation to the Board of Education. If a large number of people have signed up to speak, the Chairman may limit the public comment period for any agenda item to 30 minutes. These time limits shall be strictly enforced.
7. Action Session.
   a. Discussion Items. This portion of the meeting is set aside for items of business which are being presented or recommended to the Board for the first time. With the exception of routine business items no item of new business can be acted upon unless six members of the Board present and voting agree to act on the item the first time it appears on the Board's agenda.
   
   b. Action Items. This portion of the meeting is set aside for items of business which were presented and discussed at a previous meeting or meetings of the Board and are to be acted upon.
   
   c. Consent Items. This portion of the meeting is set aside for routine business items which occur monthly or periodically; which do not effect any significant change in policy or school system operations; and which warrant prompt action by the Board, such as:
   
   (1) Approval of the minutes of the previous meeting;
   
   (2) Approval of General Personnel Report;
   
   (3) Approval of routine financial and business items, including the approval of low bids on construction and renovation projects; and
   
   (4) Approval of any other item of business that does not require in-depth study by the Board.

The Routine Business Agenda shall be acted on by one motion unless a member of the Board specifically requests that an item on the Routine Business Agenda be considered separately. If any citizen requests to be heard on any consent item, the Chairperson shall recognize that person and shall allow him/her to speak before the Board acts on the consent item.

8. Meeting Open to the Public. The Board shall set aside a period at the end of the action session portion of the meeting to hear public comments about topics of general interest. Speakers interested in speaking during the public comment period may sign up at any time prior to the end of the meeting. People with a grievance or complaint shall be required to use appropriate grievance procedure, Policy 4135.4 or Policy 5145, before addressing the Board. A speaker shall be allowed three minutes to make a presentation to the Board of Education. If a large number of people have signed up to speak, the Chairman may limit the public comment period to 30 minutes. These time limits shall be strictly enforced. This portion of the regular meeting shall not be televised.

9. Announcements. This portion of the agenda shall be set aside for the announcement of future Board meetings and activities and/or special events that Board members may want to attend.

10. Board Briefings. This portion of the agenda is set aside for the presentation of staff reports on any aspect of the school system's program, operations and/or administration or for the consideration, review and development of short and long range strategic plans of the school district. If needed, staff presentations or strategic planning will occur during this portion of the meeting occurring on the second Tuesday of each month unless otherwise scheduled by the Chairman and Agenda approved by the Board in accordance with the provisions herein.

11. Adjournment.

B. Special Meetings. The Chairperson or a majority of the Board of Education may call a special meeting.

C. Closed Sessions. Closed sessions may be called upon a motion made and adopted at an open session for any of those permitted purposes described in N.C.G.S. § 143-113.1(a) of the Open Meetings Law. The motion shall state the general purpose of the closed session and must be approved by the vote of a majority of those members present and voting. However, if the purpose of the closed meeting is to discuss or consider information that is privileged or confidential pursuant to law, the motion shall state the name or citation of the law that renders the information to be discussed privileged or confidential. If the purpose of the closed meeting is to discuss an existing lawsuit with the Board's attorney(s), the motion shall identify the parties to the lawsuit.

D. Notice of Meetings.

1. Regular meetings. As noted in VI. A and B, the Board shall meet on the second and fourth Tuesday of each month for regular meetings at 6:00 p.m. in the auditorium of the Education Building of the Winston-Salem/Forsyth County School System, which is located at 4801 Bethania Station Road, Winston-Salem, North Carolina. Regular meetings shall be concluded by 10:00 p.m., and no business shall be voted upon after such time, unless this rule is waived in the sole discretion of the chairperson. The schedule of regular meetings shall be posted on the WS/FCS Web site.

2. Standing committee meetings. Committees of the Board shall meet on the days and times set out in section IV. D. The location of such meetings shall be posted to the WS/FCS Web site prior to the scheduled time of the meeting.

3. Special meetings and changes affecting the date, time or place of regular meetings. With the exception of adjourned or recessed sessions of meetings which are set and announced during a meeting, the following notice shall be given of special meetings or when the date, time, or place of a regular meeting is changed:

   a. A written notice shall be posted on the door of the auditorium of the Education Building (or on the front door of the building if it is closed to the public continuously for 48 hours before the time of the meeting), and

   b. A written notice shall be mailed, e-mailed or hand delivered without charge to each newspaper, wire service, radio and television station that serves Forsyth County and has filed a written request for notice with the Superintendent.
c. A written notice shall also be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the Superintendent.

d. The notice shall be posted, mailed, e-mailed and/or delivered at least 48 hours prior to the meeting.

e. If the meeting is to be closed to the public, the notice shall so state. It shall also state the general purpose of the meeting, i.e. to consider personnel matters, student disciplinary matters, a student assignment matter, etc.

f. The notice shall be posted on the WS/FCS Web site prior to the scheduled time of the meeting.

4. Emergency meetings. Notice of emergency meetings shall be given to each newspaper, wire service, radio and television station which serves Forsyth County or has filed a written request for notice with the Superintendent.

   a. The notice may be given by e-mail or telephone or in writing.

   b. The notice shall be given immediately after notice of the meeting has been given to the members of the Board or its committee.

   c. The notice shall state the purpose of the meeting. Only that matter may be considered at the meeting.

   d. For purposes of this Policy, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body.

VIII. RULES OF PROCEDURE. The following rules are for use at all meetings of the Board of Education and its committees. Except as otherwise stated herein, Roberts Rules of Order (Revised) shall be used as the procedure for conducting meetings of the Board.

A. Quorum. A majority of the members of the Board (or a committee at a committee meeting) shall constitute a quorum for the purpose of transacting business. If a quorum is not present at a committee meeting, the chairperson of the committee may appoint any other Board member(s) present to the committee for the duration of the committee meeting. If the chairperson of the committee is not present, the Chairperson or Vice-Chairperson of the Board may appoint an acting chairperson of the committee for the duration of the committee meeting.

B. Voting.

   1. Each member of the Board shall have one vote on any recommendation, motion, proposal or any other action item coming before the Board. Except for those specific motions enumerated in the Board’s Rules of Procedure and these bylaws which require a greater number of votes, a favorable vote of not less than five (5) of the members present and voting shall constitute the official action of the Board. In the event of a tie vote, the motion or proposed action fails.

   2. Each member must vote unless excused by the remaining members present. A member who wishes to be excused from voting shall inform the chairperson and state the reason for the request. A member may be excused from voting on any motion in which the member has a conflict of interest for financial or any other reason(s) or does not have sufficient information to make a knowledgeable decision. If the request to be excused is not granted and the member fails or refuses to vote, the member shall be recorded as voting in favor of the motion.

C. Action by the Board.

   1. The Board shall proceed by motion. Anyone, including the Chairperson, may make a motion.

   2. A second shall be required.

   3. A member may make only one motion at a time.

   4. After a substantive motion has been made and seconded, the chairperson should state the motion and then open the floor to debate on it. The chairperson shall preside over the debate according to the following general principals:

      i. The maker of the motion is entitled to speak first;

      ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken; and

      iii. To the extent possible, the debate should alternate between proponents and opponents of the motion.

   5. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules, the Board’s Bylaws or the laws of North Carolina.

D. Procedural Motions. In addition to substantive motions, the following procedural motions and no others shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority (if applicable), the procedural motions are as follows:

   1. To adjourn. The motion to adjourn may be made only when action on a substantive motion concludes; it may not interrupt deliberation of a pending matter.

   2. To take a recess. This motion may be made at any time.

   3. To follow the agenda. This motion must be made at the first reasonable opportunity or it is waived.

   4. To suspend the rules. For adoption this motion requires a two-thirds vote of the members present.

   5. To divide a complex motion and consider it by paragraph section.
6. To defer consideration. A substantive motion that has been deferred expires three months thereafter unless a motion to revive consideration is adopted.

7. To postpone to a certain time or day. This motion is appropriate when more information is needed or when the deliberations are likely to be lengthy.

8. To refer to a committee. Two months after a substantive motion or matter has been referred to a committee, the maker of the motion may compel consideration of the matter by the entire Board, regardless of whether the committee has reported the matter back to the Board.

9. To call the previous question. This motion is not in order until every member has had an opportunity to speak.

10. To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended. An amendment may be amended once. Further amendments may be made to the motion, but not to the amendment to the motion.

11. To revive consideration. This motion is in order at any time within three months after a vote to defer consideration. If the motion to revive consideration does not succeed within three months of the date on which consideration was deferred, the substantive motion expires.

12. To reconsider. This motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken. It may not interrupt deliberation on a pending motion or matter but is in order at any time before actual adjournment.

13. To rescind or repeal. This motion is in order only for those measures adopted by the Board that may be repealed or rescinded legally.

14. To ratify. This motion is used to approve a matter after the fact which the Board could have authorized initially.

15. To prevent reconsideration for six months. This motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption, the motion must receive two-thirds of the votes of the members present, provided there is a quorum.

1. Renewal of a Motion. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

F. Withdrawal of a Motion. A motion may be withdrawn by the introducer or maker at any time before a vote with the consent of the member who seconded the motion.

Adapted: July 1963


Winston-Salem/Forsyth County School System

http://policy.myschoolpub.com/cgi-bin/om_isaf-131-?clientID=1988923912&depth=2&inf... 3/3/2017

By Frayda Bluestein

Article: http://canons.sog.unc.edu/public-comment-period-policies-whats-legal/

This entry was posted on March 15, 2016 and is filed under Board Structure & Procedures, Constitutional Issues, Open Government, Open Meetings, Public Hearings

North Carolina state law requires city councils, boards of county commissioners, and local school boards, to provide at least one public comment period per month at a regular meeting. Many boards have adopted policies governing what may be said and done during the public comment period. Some of the restrictions in these policies are clearly legal. Some others...maybe not so much.

The public comment statutes are G.S. 115C-51 (local school boards), G.S. 13A-52.1 (counties), and G.S. 160A-311 (cities). Each statute authorizes the board to adopt "reasonable rules governing the conduct of the public comment period," which may include, but are not limited to:

(i) fixing the maximum time allotted to each speaker;

(ii) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;

(iii) providing for the selection of representatives from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and

(iv) providing for the maintenance of order and decorum in the conduct of the hearing.

The statutes indicate that this list of rules is not exclusive. Additional restrictions must not exceed the scope of the statute, which allows rules governing the conduct of the public comment period. So what other restrictions may be included in a local policy? May the board prohibit comments on specific topics? Could the rules allow comments only from residents or taxpayers? And what exactly does the authority to maintain order and decorum allow? In answering these questions boards must consider not only the scope of the statute, but also constitutional provisions that might apply. The state's requirement for a monthly public comment period creates a forum for public expression. This triggers constitutionally protected free-speech rights that limit the extent to which the government can regulate the content of public comment.

Public Forum Analysis

Cases involving a wide variety of settings have applied a "forum" analysis to determine when private individuals have rights of expression in public places. Most public places are not inherently public forums (parks and streets being the only ones recognized as such), but governments can open a non-public forum to allow public expression for limited or designated purposes. The public comment statutes represent a state-mandated opening of a forum at monthly board meetings.

Courts have recognized public comment periods as types of designated as limited forums. See South v. Hyde, 835 F.3d 189 (7th Cir. 2011); Collier v. Leone, 638 F. 3d 166, 189-90 (4th Cir. 2011); Steinberg v. Chesterfield Cty, Planning Commn, 527 F.3d 377, 384-86 (4th Cir. 2008); Echenleub v. Town, 347 S.E.2d 274, 280-81 (4th Cir. 2004); Reno v. City of Cooch, 555 S. 2d 909, 912 (4th Cir. 2004). In such designated or limited forums, the government may enact reasonable time, place, and manner restrictions on speech but cannot restrict the content of speech or restrict speakers based on their viewpoint. Collier v. Leone, 638 F.3d 189, 198 (4th Cir. 2011) (citing Pleasant Grove City v. Summum, 555 U.S. 470 (2009)).

The main part of a public meeting - that is, the part during which the board works through its agenda - is government
speech" and is not a public forum for public expression. (See my blog post here.) In addition to the required public comment period, some boards provide opportunities for public comment on agenda items or at other times during the meeting. All of these comment periods would likely be considered designated or limited public forums. See, e.g., Jachim v. Tuscola Cnty., 339 F. Supp. 2d 714, 728 (E.D. Mich. 2003) ("A city council meeting is the quintessential limited public forum, especially when citizen comments are restricted to a particular part of the meeting.");

The rules authorized in the North Carolina statute are clearly content neutral, time, place and manner restrictions that are permitted under the constitutional framework. It does adopt additional restrictions they must adhere to the constitutional limitations.

Limiting Comments to Matters Relevant to the Unit of Government

May a policy limit comments to matters that are germane to or within the jurisdiction of the unit? Some courts have held that such a limitation is constitutional. Galena v. Leone, 654 F.3d 166, 198 (3d Cir. 2011); Eichenlaub v. Twp. of Indiana, 395 F.3d 274, 281 (3d Cir. 2004). After all, when the government creates a designated or limited forum, "regulation of speech only need be viewpoint neutral and reasonable in light of the purpose served by the forum." Good New China v. Milford Cent. Sch., 553 U.S. 107 (2001). As noted by one court: "Thus, if a member of the public at the Hearing of the Public portion of a Council meeting wanted to discuss his child's birthday party, the proposed speech, though not presenting a danger to anyone, would be so far removed from the business of the meeting, or the Council's or County's business in general, that the chairperson could suppress the speech without raising First Amendment issues." Galena v. Leone, at 211

It seems reasonable to assume that the North Carolina legislature intended the public comment period to provide a forum for comment on matters that are relevant to the body to which the comments are made. If this assumption is correct, a board may have both statutory and constitutional authority to require that comments must relate to matters that are within the authority or jurisdiction of the city, county, or school board. This reasoning would also support a prohibition on comments that are not germane to the unit. Under this analysis, a policy could prohibit commercial advertisements or solicitations, and comments about issues, activities or organizations that are not relevant to the work of the unit of government.

Requiring Speakers to be Residents or Taxpayers of the Unit

May the board limit comments to individuals who are residents or taxpayers within the unit? There is no explicit authority for such a limitation in, and I have doubts about its legality, even though one case has held that such a restriction does not violate the constitution. See Rowe v. City of Cocoa, Fla., 359 F. 3d 600, 603 (11th Cir. 2004) (holding that a locally established comment period limited to residents and taxpayers did not violate free speech or equal protection rights.) Although it may be assumed that the forum is limited to matters germane to the unit, there may be individuals who have comments about such matters who are not residents or taxpayers. A 'res-or-tax', for example, may own a business or conduct business inside the jurisdiction, and people who live near a unit of local government may interact with the unit’s employees, use a service provided by the unit, or take part in activities sponsored by the unit. Individuals in any of these categories might want to speak about matters within the board’s jurisdiction. In the absence of any specific statutory authority for limiting the categories of people who may speak, I think a rule restricting comments to residents or taxpayers would be or feebie legal ground.

Limiting Comments About Candidates or Elections

May a policy prohibit the use of public comment periods to promote specific candidates for office, or to argue for or against issues that are the subject of a referendum? These types of comments arguably do not relate to matters within the jurisdiction of the body, and since it is the voters, rather than the members of the board, who make decisions in an election or referendum. It may be difficult, however, to separate comments about issues that candidates have identified in their campaigns from direct campaigning. A candidate – or a supporter of a candidate -- may urge the board to adopt a policy without mentioning in the comment that she is anything more than a concerned citizen.

Limiting Comments About Employees

May a policy prohibit complaints or disparaging remarks about specific public officials or employees during the public...
comment period? Such a restriction may seem desirable for several reasons. A board might wish to protect its employees from being subject to criticism in a venue in which there is no opportunity for them to respond. Additionally, boards might mistakenly assume that public statements about individual employees violate statutory provisions concerning confidentiality of personnel records, and that such information may be discussed only in closed session. As noted in my blog post here, there is no legal basis for prohibiting criticism of employees in open session. A rule requiring decorum and prohibiting personal attacks (discussed below) might prevent derogatory or inappropriate remarks directed at specific public officials or employees. Boards can request or encourage citizens who have complaints to report them to a supervisor or board member, or a board may offer to meet with the citizen in closed session to hear their complaints as authorized under G.S. 143-318.11 (g)(1).

A public comment period remains open, however, for both praise and criticism of public officials and employees.

Limiting Comment About Closed Session Matters

May a policy prohibit public comment on matters that may or must be discussed in closed session? I know of no authority for this restriction. Public bodies are authorized to meet in closed sessions, and in some cases, are required to do so in order to preserve legally mandated confidentiality. It would be a rare circumstance in which a member of the public would be commenting on or something that the board is required to hear about in closed session. See Meese v. White, 197 F.3d 1041, 1048 (10th Cir. 1999) (“The commissioners may well have an interest in discussing among themselves sensitive personnel or litigation matters, and the exceptions allow them to do that in certain situations. It is difficult to see, however, now that interest translates into a significant interest in restricting the public’s ability to present its views on personnel or litigation matters at a public meeting.”). It might make sense to include a statement that members of the public should not discuss confidential information in the public comment period, but the list of matters that may be discussed closed sessions does not double as a list of topics that are off limits for public comment.

Maintaining “Order and Decorum”

The public comment statutes explicitly authorize rules designed to “maintain order and decorum.” Maintaining order presumably includes things like keeping speakers to their allotted time, controlling others from interrupting the speaker who has the floor, and preventing speakers from otherwise disrupting the meeting. See G.S. 143B-1202.2. However, additional authority for the presiding officer of a public body to remove any person from a meeting if the person is interfering or disrupting the meeting. See G.S. 143B-170 (“A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.”). What does it mean to maintain decorum? A common definition of “decorum” is “correct or proper behavior that shows respect and good manners.” Comment policies use various words to describe the decorum standard, including prohibitions on vulgar language, profanity, inappropriate gestures, insults, personal attacks, or accusations. Policies may also take the positive approach, encouraging speakers to be courteous and respectful.

Presiding officers have a challenging task in balancing the constitutional restriction or viewpoint discrimination with rules requiring speakers to be respectful. The facts of many cases involving this issue indicate that speakers who regularly criticize their governments often become plaintiffs in lawsuits alleging that the law was removed or silenced during public comment periods because of the content of their comments. An unpopular message can seem disrespectful to the target of the message, and exchanges can quickly escalate so that it becomes difficult to separate the content from the tone of the comment. As described in one case, “A rule is made to keep a meeting under control, and free from irrelevant discussion, then it may be permissible, but if there was no reasonable basis for fearing disruption, or the purpose of the enactment was to prevent or punish an expression or opinion, the ruling is unconstitutional.” Davis v. Bd. of Sch. Directors of the Panther Valley Sch. Dist., No. 3:12-CV-638, 2013 WL 5797338, at *3 (M.D. Pa. Jan. 28, 2013) (citations omitted).

In a lawsuit, a judge may be given the job of determining whether the facts indicate that the motivation for silencing or removing a speaker was decorum or viewpoint discrimination. An example of this is described in Besler v. Bd. of Educ. of W. Windsor-Pleasantv. Regl Sch. Dist. (2011) 544, 575, 993 A.2d 805, 823 (2011)), as follows:

The court was required to engage in a highly fact-sensitive analysis. Ultimately, in rendering its verdict, the court found that the Board did not prove that Dr. Byrum interrupted Besler's speech for a significant or compelling governmental reason. The court obviously determined that Dr. Byrum's motivation was not content-neutral, rejecting his claim that he silenced Besler because of the sheer repetitiveness of his remarks. Furthermore, the
jury rejected the Board’s argument that it muzzled Besher for the purpose of conducting an “orderly and efficient” meeting.

In the end, order and decorum may be hard to define in a policy, but what may be most important is that the presiding officer applies the standard consistently to all speakers, no matter how unpleasant it is to hear what they have to say.

Related topics are discussed in the following blog posts:

When Board Members Won’t Talk Back
Critiquing Public Employees in Public

The “Government Speech” Doctrine and Local Government Meetings: Can the Government Take Sides?

Statutorily Required Public Comment Periods: What Are They and How Do They Work?

Links

* [www.nclg.state.nc.us/gsc/relatedstatute/Library.aspx?statute=143-318.1](http://www.nclg.state.nc.us/gsc/relatedstatute/Library.aspx?statute=143-318.1)
* [www.nclg.state.nc.us/gsc/relatedstatute/Library.aspx?statute=143-318.7](http://www.nclg.state.nc.us/gsc/relatedstatute/Library.aspx?statute=143-318.7)
* [www.merrjam-webster.com/gs/governmentdecency](http://www.merrjam-webster.com/gs/governmentdecency)
**City Council – Action Request Form**

**Date:** March 8, 2017  
**To:** The City Manager  
**From:** D. Ritchie Brooks  

**Council Action Requested:**  
Ordinance rescinding an Ordinance adopted on March 26, 2001, ordering demolition of housing located at 160 W. Hanes Mill Road, Block 2040, Lot 022B, owned by C.W. Myers Trading Post. Northeast Ward

**Summary of Information:**  
On March 26, 2001, the City Council of the City of Winston-Salem adopted an Ordinance to cause the dwelling located at 160 W. Hanes Mill Road to be demolished. This action was taken as a result of the owner’s failure to comply with a duly-issued Order to repair or demolish the housing which was considered to be unfit for human habitation as prescribed in the Housing Code of the City of Winston-Salem.

After the Ordinance was adopted, the owner made the necessary repairs to render the dwelling fit for human habitation as prescribed in the Housing code of the City of Winston-Salem.

The owner has requested that the City Council of the City of Winston-Salem rescind the Ordinance adopted on March 26, 2001, requiring the demolition of the property located at 160 W. Hanes Mill Road, only as it relates to that property thereby allowing the ordinance of record relating to said property to be cancelled (Deed Book 2172, Page(s) 4665-4664).

**Committee Action:**

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**Remarks:**
AN ORDINANCE RESCINDING AN ORDINANCE ADOPTED ON ORDERING THE DEMOLITION OF A DWELLING

WHEREAS, on March 26, 2001, the City Council of the City of Winston-Salem adopted an ordinance requiring C.W. Myers Trading Post owner(s) of the property located at 160 W. Hanes Mill Road, Block 2040, Lot 022B, to demolish said dwelling because it was unfit for human habitation and the estimated cost of making the necessary repairs are less than fifty percent –(50) of the dwelling’s value; and

WHEREAS, the owner made the necessary repairs or demolished the property to render said dwelling fit for human habitation as prescribed in the Housing Code of the City of Winston-Salem.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Winston-Salem, as follows:

Section 1. The provisions of the ordinance D-Ch.10 adopted on March 26, 2001, recorded in Deed Book, 2172 at page(s) 4664-4665 relating to the demolition of the property owned by C.W. Myers Trading Post located at 160 W. Hanes Mill Road, Block 2040, Lot 022B, is hereby rescinded thereby releasing said property, and only said property, from the demolition ordinance and permitting such to be canceled of record upon the recording of this ordinance.

Section 2. This Ordinance shall become effective upon its adoption and a copy certified by the Secretary of the City of Winston-Salem, shall be recorded in the Office of the Register of Deed of Forsyth County, North Carolina, and shall be indexed in the name of C.W. Myers Trading Post in the grantor index as provided by law.

INSTRUMENT DRAWN BY

____________________________
CITY ATTORNEY
City Council – Action Request Form

<table>
<thead>
<tr>
<th>Date:</th>
<th>March 8, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>The City Manager</td>
</tr>
<tr>
<td>From:</td>
<td>D. Ritchie Brooks</td>
</tr>
</tbody>
</table>

**Council Action Requested:**
Ordinance rescinding an Ordinance adopted on January 21, 1997, ordering demolition of housing located at 2553 Manchester Street, Block 1373, Lot 06B, owned by C.W. Myers Trading Post. Northeast Ward

**Summary of Information:**
On January 21, 1997, the City Council of the City of Winston-Salem adopted an Ordinance to cause the dwelling located at 2553 Manchester Street to be demolished. This action was taken as a result of the owner’s failure to comply with a duly-issued Order to repair or demolish the housing which was considered to be unfit for human habitation as prescribed in the Housing Code of the City of Winston-Salem.

After the Ordinance was adopted, the owner made the necessary repairs to render the dwelling fit for human habitation as prescribed in the Housing code of the City of Winston-Salem.

The owner has requested that the City Council of the City of Winston-Salem rescind the Ordinance adopted on January 21, 1997, requiring the demolition of the property located at 2553 Manchester Street, only as it relates to that property thereby allowing the ordinance of record relating to said property to be cancelled (Deed Book 1934, Page(s) (1698-1700).

**Committee Action:**

<table>
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<th>Action</th>
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<tbody>
<tr>
<td>For</td>
<td>Against</td>
</tr>
</tbody>
</table>

Remarks:
AN ORDINANCE RESCINDING AN ORDINANCE ADOPTED ON ORDERING THE DEMOLITION OF A DWELLING

WHEREAS, on January 21, 1997, the City Council of the City of Winston-Salem adopted an ordinance requiring C.W. Myers Trading Post owner(s) of the property located at 2553 Manchester Street, Block 1373, Lot 06B, to demolish said dwelling because it was unfit for human habitation and the estimated cost of making the necessary repairs are less than fifty percent –(50) of the dwelling’s value; and

WHEREAS, the owner made the necessary repairs or demolished the property to render said dwelling fit for human habitation as prescribed in the Housing Code of the City of Winston-Salem.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Winston-Salem, as follows:

Section 1. The provisions of the ordinance D-Ch.10 adopted on January 21, 1997, recorded in Deed Book, 1934 at page(s) 1698-1700 relating to the demolition of the property owned by C.W. Myers Trading Post located at 2553 Manchester Street, Block 1373, Lot 06B, is hereby rescinded thereby releasing said property, and only said property, from the demolition ordinance and permitting such to be canceled of record upon the recording of this ordinance.

Section 2. This Ordinance shall become effective upon its adoption and a copy certified by the Secretary of the City of Winston-Salem, shall be recorded in the Office of the Register of Deed of Forsyth County, North Carolina, and shall be indexed in the name of C.W. Myers Trading Post in the grantor index as provided by law.

INSTRUMENT DRAWN BY

____________________________
CITY ATTORNEY
City Council – Action Request Form-

Date: March 8, 2017
To: The City Manager
From: D. Ritchie Brooks

Council Action Requested:
Ordinance rescinding an Ordinance adopted on October 25, 1993, ordering demolition of housing located at 2553 Manchester Street (rear), Block 1373, Lot 06B, owned by C.W. Myers Trading Post. Northeast Ward

Summary of Information:
On October 25, 1993, the City Council of the City of Winston-Salem adopted an Ordinance to cause the dwelling located at 2553 Manchester Street (rear) to be demolished. This action was taken as a result of the owner’s failure to comply with a duly-issued Order to repair or demolish the housing which was considered to be unfit for human habitation as prescribed in the Housing Code of the City of Winston-Salem.

After the Ordinance was adopted, the owner made the necessary repairs to render the dwelling fit for human habitation as prescribed in the Housing code of the City of Winston-Salem.

The owner has requested that the City Council of the City of Winston-Salem rescind the Ordinance adopted on October 25, 1993, requiring the demolition of the property located at 2553 Manchester Street (rear), only as it relates to that property thereby allowing the ordinance of record relating to said property to be cancelled (Deed Book 1802, Page(s) (0442-0449).

Committee Action:

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<tbody>
<tr>
<td>For</td>
<td>Against</td>
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</tbody>
</table>

Remarks:
AN ORDINANCE RESCINDING AN ORDINANCE ADOPTED ON ORDERING THE DEMOLITION OF A DWELLING

WHEREAS, on October 25, 1993, the City Council of the City of Winston-Salem adopted an ordinance requiring C.W. Myers Trading Post owner(s) of the property located at 2553 Manchester Street (rear), Block 1373, Lot 06B, to demolish said dwelling because it was unfit for human habitation and the estimated cost of making the necessary repairs are not to exceed sixty-five (65) percent of the value; and

WHEREAS, the owner made the necessary repairs or demolished the property to render said dwelling fit for human habitation as prescribed in the Housing Code of the City of Winston-Salem.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Winston-Salem, as follows:

Section 1. The provisions of the ordinance D-Ch.10 adopted on October 25, 1993, recorded in Deed Book, 1802 at page(s) 0442-0449 relating to the demolition of the property owned by C.W. Myers Trading Post located at 2553 Manchester Street (rear), Block 1373, Lot 06B, is hereby rescinded thereby releasing said property, and only said property, from the demolition ordinance and permitting such to be canceled of record upon the recording of this ordinance.

Section 2. This Ordinance shall become effective upon its adoption and a copy certified by the Secretary of the City of Winston-Salem, shall be recorded in the Office of the Register of Deed of Forsyth County, North Carolina, and shall be indexed in the name of C.W. Myers Trading Post in the grantor index as provided by law.

INSTRUMENT DRAWN BY

____________________________
CITY ATTORNEY
## Council Action Requested:
The adoption of an Ordinance ordering the Community Development of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code.

## Summary of Information:
The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

### STRUCTURE UNITS WITH REPAIRS LESS THAN FIFTY PERCENT OF VALUE OF STRUCTURE (<50%) SIX MONTHS

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<th>Owner</th>
<th>Property Location/Ward</th>
<th>Block &amp; Lot(s)</th>
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<tr>
<td>Joann T. Roseboro</td>
<td>620 Barbara Jane Ave</td>
<td>East Ward 6018 017</td>
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<tr>
<td>Chauncey E. Carter</td>
<td>2021 Harrison Ave</td>
<td>North Ward 1345 006A</td>
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<tr>
<td>Genaro A. Flores</td>
<td>152 Motor Road</td>
<td>North Ward 2090 009</td>
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<td>Mayra J. Fajardo Gomez</td>
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<td></td>
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<tr>
<td>P C Investment Properties</td>
<td>907 W. 25th Street</td>
<td>North Ward 1458 143</td>
</tr>
<tr>
<td>Brotherhood Homeless Coalition</td>
<td>305 Forest Hill Ave</td>
<td>North Ward 1929 030</td>
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<tr>
<td>Henry E. Ramirez</td>
<td>4649 Cherry St Accy</td>
<td>Northeast Ward 1553 067</td>
</tr>
<tr>
<td>Mark D. &amp; Charity M. Walker</td>
<td>2609 Raleigh Ave</td>
<td>Northeast Ward 26 78 012</td>
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<td>Hessamedin Alimohmmadi</td>
<td>833 W. 7th St</td>
<td>Northwest Ward 0148 084</td>
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<td>Bobby Dahmer</td>
<td>2242 Hollyrood St</td>
<td>South Ward 0683 014</td>
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<tr>
<td>Legacy Real Estate</td>
<td>1010 Louise Rd</td>
<td>Southeast Ward 2377 103</td>
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<tr>
<td>Investment Fund II</td>
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## Committee Action:

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<tbody>
<tr>
<td>For</td>
<td>Against</td>
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</table>

Remarks:
ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203((f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM

WHEREAS, the Community Development Department, after due notice and hearing, determined that the property hereinafter described in Exhibit (s) was unfit for human habitation; and

WHEREAS, either the Mayor and City Council adopted an ordinance or the Housing Conservation Administrator issued a repair or vacate and close order; and

WHEREAS, the repairs necessary to render the structure fit for human habitation would cost less than fifty percent (<50%) of the present value of the structure; and

WHEREAS, the owner of the property herein described in Exhibit(s) vacated and closed said structure and kept it vacated and closed for a period of six months pursuant to said Order; and

WHEREAS, the Mayor and City Council hereby finds that:

(1) Six months has passed since the structure was vacated and closed pursuant to the previous order.

(2) The property owner has abandoned the intent and purpose to repair, alter or improve the dwelling in said order to render it fit for human habitation.

(3) The continuation of said structure in its vacated status will be inimical to health, safety, morals and welfare of the City in that the dwelling will continue to deteriorate, will create a fire and safety hazard, will be a threat to children and vagrants, will attract persons intent on criminal activities, will cause or contribute to blight and the deterioration of the property values in the area and will render unavailable property and dwelling which may otherwise have been available to
ease the persistent shortage of decent and affordable housing in this State and City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Winston-Salem, as follows:

Section 1. The owner(s) of the property herein described in Exhibit(s) is hereby ordered to repair or demolish and remove said property within ninety days.

Section 2. In the event the owner(s) fails to comply with this order of the Mayor and City Council within the prescribed time period, the Community Development Department of the City of Winston-Salem is hereby ordered and authorized to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property herein described by causing said dwelling be repaired or demolished and removed.

Section 3. The property to which this ordinance applies is known and described as set out in Exhibit(s) attached hereto and incorporated herein by reference.

Section 4. This ordinance shall become effective upon its adoption, and a copy hereof, certified by the Secretary of the City of Winston-Salem, shall be recorded in the office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantors index, as provided by law.

INSTRUMENT DRAWN BY:

____________________________
CITY ATTORNEY
TO: Tiffany Harris and Candace Dobson  
FROM: Michelle M. McCullough  
DATE: March 9, 2017  
SUBJECT: Demolitions for March 21, 2017  
Community Development/Housing/General Government Committee Meeting

Historic Resources staff has reviewed the 17 properties that are scheduled to go before the Community Development/Housing/General Government Committee on March 21, 2017 for demolition consideration. Below is a list of contributing structures in National Register of Historic Places districts.

There are no properties proposed for demolition that are listed on National Register of Historic Places, either individually or within a district. There are no properties located in local Historic or Historic Overlay or that have been designated local historic landmarks.

Additionally, recent discussions at City Council and Council Committee meetings have indicated a concern for the loss of structures in historically African-American neighborhoods. These discussions are continuing, but for Council Members information, I have identified structures from the list that are in historically African-American neighborhoods as presented in the latest survey documentation, that are not currently National Register designated.

Properties located in historically African-American Neighborhoods:

- 907 W. 25th Street – Alta Vista
- 2021 Harrison Avenue – Boston Cottages
- 1010 Louise Road – Easton
- 912 Pittsburg – Kimberly Park

cc Ritchie Brooks, Director, Community and Business Development  
Preservation Forsyth
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2015071749
PROPERTY ADDRESS 620 BARBARA JANE AV
TAX BLOCK 6018 LOT(s) 017
WARD EAST
PROPERTY OWNER(s) JOANN T ROSEBORO
LIS PENDENS _15m1565_ FILED_10/16/2015_

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _8/6/2015_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on _8/11/2015_. The Hearing was held on 9/8/2015 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes___ no_x_.

2. The Finding and Order was issued on 9/23/2015 and service was obtained by certified x regular x post x hand delivery____, and publication ___ on _9/26/2015_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _10/26/2015_. The dwelling was found vacated and closed on _12/22/2015_.

3. The dwelling became eligible for demolition under the six (6) month rule on _5/22/2015_.

4. The notification letter was sent _3/8/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes____ no_x_.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $3,012 Fair market value $38,743

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
# CODE DEFICIENCIES - EXHIBIT A

**CASE NO:** 2015071749

**620 BARBARA JANE AV**

<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
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</thead>
<tbody>
<tr>
<td>832797</td>
<td>REPAIR OR REPLACE ROOF COVERING</td>
<td>MINOR V-10-197(G)(6)</td>
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<tr>
<td>832798</td>
<td>REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS</td>
<td>MINOR V-10-197(G)(6)</td>
</tr>
<tr>
<td>832800</td>
<td>REPAIR SOFFIT AND/OR FACIA</td>
<td>MINOR V-10-197(G)(6)</td>
</tr>
<tr>
<td>832799</td>
<td>REPAIR DEFECTIVE LIGHT FIXTURES</td>
<td>UNFIT V-10-197(F)(1)</td>
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</tbody>
</table>

**NEIGHBORHOOD CONSERVATION OFFICER:**
BRYAN WATTERS - (336)734-1270
## CD-Plus Report - Code Case Images

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<td>620 Barbara Jane</td>
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![Image 1](image1.jpg)

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![Image 2](image2.jpg)

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![Image 3](image3.jpg)
C-2.a. DRAFT

CODE CASE NBR IMAGE DATE
2015071749 3/8/2017

IMAGE DESCRIPTION
620 Barbara Jane

CD-Plus for Windows 98/2000/XP
Printed on 3/8/2017 10:16:38 AM
Page 2
620 Barbara Jane

620 Barbara Jane

620 Barbara Jane
100 E 1st St
Winston-Salem, NC 27101

1. Head east on E 1st St toward N Church St
   - 466 ft

2. Turn left at the 2nd cross street onto N Chestnut St
   - 0.2 mi

3. Turn right onto E 3rd St
   - 0.2 mi

4. At the traffic circle, take the 2nd exit onto 3rd St E
   - 1.0 mi

5. Turn right onto E 5th St
   - 289 ft

6. Turn left onto Old Greensboro Rd NE
   - 0.9 mi

7. Turn left onto Barbara Jane Ave NE
   - Destination will be on the left
     - 0.1 mi

620 Barbara Jane Ave NE
Winston-Salem, NC 27101

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2015071345
PROPERTY ADDRESS 2021 HARRISON AV
TAX BLOCK 1345 LOT(s) 006A
WARD NORTH
PROPERTY OWNER(s) CHAUNCEY E CARTER
LIS PENDENS _15m1481_ FILED _10/12/2015_

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _8/4/2015_ and service was obtained by certified mail x regular x post x hand delivery __, and publication ___ on _8/7/2015_. The Hearing was held on _9/3/2015_ and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes no x.

2. The Finding and Order was issued on _9/18/2015_ and service was obtained by certified x regular x post x hand delivery __, and publication ___ on _9/28/2015_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _10/28/2015_. The dwelling was found vacated and closed on _11/24/2015_.

3. The dwelling became eligible for demolition under the six (6) month rule on _4/24/2016_.

4. The notification letter was sent _2/27/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes no x.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $3,139 Fair market value $9,264

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2015071345

2021 HARRISON AV

NEIGHBORHOOD CONSERVATION OFFICER:
OLA BROWN - (336)734-1260

VIOL NBR VIOLATION DESCRIPTION
STATUS/ORDINANCE

832313  REPAIR LOCKSETS  - FRONT AND REAR STORM DOORS
UNFIT  V-10-197(B)(4)

832314  REPAIR OR REPLACE SCREENS ON WINDOWS  - WINDOW UNIT AIR CONDITIONING
UNFIT  V-10-197(B)(3)

832315  REPLACE BROKEN WINDOW PANES  - SIDE
UNFIT  V-10-197(B)(4)

832351  REPAIR DEFECTIVE LIGHT FIXTURES  - LIVING ROOM (NOT SECURE; EXAMINE FOR
WATER DAMAGE)
UNFIT  V-10-197(F)(1)

832352  REPLACE LOOSE WALL AND CEILING MATERIALS  - CEILINGS AT LIVING ROOM, DINING
ROOM OR REAR BEDROOM, UTILITY ROOM (APPEARS TO BE WATER DAMAGE)
UNFIT  V-10-197(G)(4)

832353  PROVIDE OPERABLE SMOKE DETECTOR  - MUST BE INSTALLED AND OPERABLE AT EACH
BEDROOM AND OUTSIDE SLEEPING AREA
UNFIT  V-10-197(L)(1)

832354  REPAIR LOCKSETS  - EACH BEDROOM DOOR SHALL HAVE A PRIVACY BEDROOM LOCKSET
UNFIT  V-10-197(B)(4)

832355  REPAIR HOLES IN WALLS AND CEILINGS  - WALL AT BEDROOM CLOSET; WALL AT
BATHROOM NEAR SEWER PIPE
UNFIT  V-10-197(G)(4)

832356  REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS  - EACH OUTLET
AND SWITCH SHALL HAVE COVER PLATES THROUGHOUT LIVING SPACE; AT CRAWLSPACE TO
INCLUDE JUNCTION BOXES
UNFIT  V-10-197(F)(1)
CD-Plus Report - Code Case Images

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2021 Harrison Ave

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2021 Harrison Ave

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2021 Harrison Ave
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**IMAGE DESCRIPTION**

2021 Harrison Ave

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**IMAGE DESCRIPTION**

2021 Harrison Ave

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**IMAGE DESCRIPTION**

2021 Harrison Ave
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Page 3

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</tr>
<tr>
<td>2015071345</td>
<td>3/6/2017</td>
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</tbody>
</table>

**IMAGE DESCRIPTION**

2021 Harrison Ave

---

**IMAGE DESCRIPTION**

2021 Harrison Ave

---

**IMAGE DESCRIPTION**

2021 Harrison Ave

---

**IMAGE DESCRIPTION**

2021 Harrison Ave
100 E 1st St, Winston-Salem, NC to 2021 Harrison Avenue, Winston-Salem, NC

Drive 2.2 miles, 9 min

1. Head east on E 1st St toward N Church St
   - 466 ft

2. Turn left at the 2nd cross street onto N Chestnut St
   - 0.4 mi

3. Turn left onto 5th St E
   - 0.3 mi

4. Turn right onto N Cherry St
   - 0.6 mi

5. Continue onto University Pkwy
   - 0.4 mi

6. Turn left onto W 14th St
   - 394 ft

7. Turn right onto Harrison Ave
   - 0.4 mi

Destination will be on the right

2021 Harrison Ave
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2014010530
PROPERTY ADDRESS 152 MOTOR RD
TAX BLOCK 2090 LOT(s) 009
WARD NORTH
PROPERTY OWNER(s) GENARO A. FLORES MAYRA J. FAJARDO GOMEZ
LIS PENDENS _14m1312_ FILED 7/10/2014

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _2/14/2014_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on _2/27/2014_. The Hearing was held on _3/19/2014_ and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes___ no_x_.

2. The Finding and Order was issued on _6/16/2014_ and service was obtained by certified x regular x post x hand delivery____, and publication ___ on _6/26/2014_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _7/26/2014_. The dwelling was found vacated and closed on _9/16/2014_.

3. The dwelling became eligible for demolition under the six (6) month rule on _2/16/2014_.

4. The notification letter was sent _2/27/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no_x_.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair _$1,932_ Fair market value _$53,188_

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
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<tbody>
<tr>
<td>792314</td>
<td>REPLACE LOOSE WALL AND CEILING MATERIALS</td>
<td>UNFIT V-10-197(G)(4)</td>
</tr>
<tr>
<td>792315</td>
<td>REPAIR HOLES IN WALLS AND CEILINGS</td>
<td>UNFIT V-10-197(G)(4)</td>
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<tr>
<td>792316</td>
<td>PROVIDE OPERABLE SMOKE DETECTOR</td>
<td>UNFIT V-10-197(L)(1)</td>
</tr>
<tr>
<td>CODE CASE NBR</td>
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<tr>
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<td>1/15/2014</td>
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**IMAGE DESCRIPTION**

152 Motor Road

<table>
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<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014010530</td>
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**IMAGE DESCRIPTION**

152 Motor Road

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014010530</td>
<td>3/3/2017</td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**

152 Motor Road
C-2.c.       DRAFT

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014010530</td>
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</table>

**IMAGE DESCRIPTION**

152 Motor Road

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<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
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</thead>
<tbody>
<tr>
<td>2014010530</td>
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</table>

**IMAGE DESCRIPTION**

152 Motor Road

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<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
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<tbody>
<tr>
<td>2014010530</td>
<td>3/3/2017</td>
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</tbody>
</table>

**IMAGE DESCRIPTION**

152 Motor Road

---

WINSTON SALEM

CD-Plus for Windows 98/2000/XP
CODE CASE NBR
2014010530

IMAGE DATE
3/3/2017

IMAGE DESCRIPTION
152 Motor Road
Continue to follow NC-8 N/US-52 N
Destination will be on the right
2 min (0.5 mi)
121 ft
0.2 mi
230 ft
180 ft
0.2 mi

Drive 6.4 miles, 10 min

100 E 1st St
Winston-Salem, NC 27101

Get on I-40 BUS E/US-158 E/US-421 S from S Church St

1. Head east on E 1st St toward N Church St 2 min (0.5 mi)
230 ft

2. Turn right at the 1st cross street onto S Church St 0.2 mi
0.7 mi

3. Turn right onto Cemetery St
230 ft

4. Turn right at the 1st cross street onto S Main St
180 ft

5. Use the right lane to take the ramp onto I-40 BUS E/US-158 E/US-421 S
0.2 mi

Take NC-8 N/US-52 N to Patterson Ave. Take exit 113 from NC-8 N/US-52 N

0.4 mi

7. Take exit 6B to merge onto NC-8 N/US-311 N/US-52 N toward Mt Airy/Smith Reynolds/Airport
Continue to follow NC-8 N/US-52 N
4.0 mi

8. Take exit 113 for Patterson Avenue
0.3 mi

Continue on Patterson Ave. Drive to Motor Rd

9. Turn right onto Patterson Ave
3 min (1.2 mi)
0.7 mi

10. Turn left onto Motor Rd
Destination will be on the right
0.5 mi

152 Motor Rd
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2012051995
PROPERTY ADDRESS 907 W TWENTY-FIFTH ST
TAX BLOCK 1458 LOT(s) 143
WARD NORTH
PROPERTY OWNER(s) P C INVESTMENT PROPERTIES
LIS PENDENS _12M2485__FILED__10/03/2012__

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _06/19/2012__ and service was obtained by certified mail x regular x post x hand delivery ___ publication ___ on 06/29/2012 . The hearing was held on 7/19/2012 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes__ no x__. 

2. The Finding and Order was issued on 8/20/2012 and service was obtained by certified mail x regular x post x hand delivery ___ publication ___ on 08/22/2012_. The Order directed the owner to vacate and close or repair the dwelling with 30 days from receipt. Time for compliance expired on 09/22/2012_. The dwelling was found vacated and closed on 10/04/2012_.

3. The dwelling became eligible for demolition under the six (6) month rule on 04/04/2013_.

4. The notification letter was sent _02/21/2017_, advising the owner that the Community and Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on 03/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no_x__.

COMMENTS:

COUNCIL CONSIDERATION

The estimated cost to make repairs needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $4,195.00 Fair market value $13,881.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be demolished and removed within ninety (90) days.
CASE NO: 2012051995
907 W TWENTY-FIFTH ST

NEIGHBORHOOD CONSERVATION OFFICER:
OLA BROWN - (336)734-1260

VIOL NBR   VIOLATION DESCRIPTION   STATUS/ORDINANCE
738687   PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING  - WINDOWS
          MINOR V-10-197(G)(3)
738685   REPLACE BROKEN WINDOW PANES  - FRONT AT FAR RIGHT
          UNFIT V-10-197(B)(4)
738686   REPAIR OR REPLACE ROOF COVERING  -
          UNFIT V-10-197(G)(6)
<table>
<thead>
<tr>
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<th>IMAGE DATE</th>
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<tbody>
<tr>
<td>2012051995</td>
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**IMAGE DESCRIPTION**
DESCRIPTION FOR 108_4647[1].JPG

<table>
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**IMAGE DESCRIPTION**
DESCRIPTION FOR DSC03690.JPG

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**IMAGE DESCRIPTION**
DESCRIPTION FOR DSC03687.JPG
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**IMAGE DESCRIPTION**

DESCRIPTION FOR DSC03688.JPG

<table>
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**IMAGE DESCRIPTION**

DESCRIPTION FOR DSC03689.JPG

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<tbody>
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**IMAGE DESCRIPTION**

DESCRIPTION FOR DSC03689.JPG
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<tbody>
<tr>
<td>2012051995</td>
<td>3/7/2017</td>
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</table>

**IMAGE DESCRIPTION**

![Image 1](image1.jpg)

![Image 2](image2.jpg)

![Image 3](image3.jpg)
100 E 1st St, Winston-Salem, NC to 907 25th St NW

Drive 2.7 miles, 11 min

100 E 1st St
Winston-Salem, NC 27101

1. Head east on E 1st St toward N Church St 466 ft
2. Turn left at the 2nd cross street onto N Chestnut St 0.4 mi
3. Turn left onto 5th St E 0.3 mi
4. Turn right onto N Cherry St 0.6 mi
5. Continue onto University Pkwy 1.0 mi
6. Turn left onto 25th St NW
   Destination will be on the right 0.2 mi

907 25th St NW
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2012080986
PROPERTY ADDRESS 305 FOREST HILL AV
TAX BLOCK 1929 LOT(s) 030
WARD NORTH
PROPERTY OWNER(s) BROTHERHOOD HOMELESS COALITION LLC
LIS PENDENS _12M3212_ FILED_12/12/12_

DUE PROCESS

1. The current **Complaint and Notice of Hearing** was issued __10/11/2012__ and service was obtained by certified mail __regular x post x hand delivery__, and publication___ on __10/12/2012__. The Hearing was held on __11/12/2012__ and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes___ no__x__.

2. The **Finding and Order** was issued on __11/14/2012__ and service was obtained by certified __regular x post x hand delivery__, and publication ____ on __11/24/2012__. The Order directed the owner to **vacate and close or repair** the dwelling within __30__ days from receipt. Time for compliance expired on __12/24/2012__. The dwelling was found vacated and closed on ___.

3. The dwelling became eligible for demolition under the six (6) month rule on __1/7/2013__.

4. The notification letter was sent __02/21/2017__ advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on __03/21/2017__. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes___ no__x__.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair **$5,529**
Fair market value **$38,278**

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days.**
## CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2012080986

305 FOREST HILL AV

NEIGHBORHOOD CONSERVATION OFFICER:
OLA BROWN - (336)734-1260

<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
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</thead>
<tbody>
<tr>
<td>745891</td>
<td>REPAIR OR REPLACE SCREENS ON DOORS - BACK</td>
<td>MINOR V-10-197(B)(3)</td>
</tr>
<tr>
<td>745895</td>
<td>REPAIR OR REPLACE DEFECTIVE SIDING -</td>
<td>MINOR V-10-197(G)(3)</td>
</tr>
<tr>
<td>745899</td>
<td>REPAIR OR REPLACE LOOSE FLOOR COVERING -</td>
<td>MINOR V-10-197(G)(2)</td>
</tr>
<tr>
<td>745890</td>
<td>PROVIDE DOOR - BACK DOOR TO INCLUDE FRAME</td>
<td>UNFIT V-10-197(A)(15)</td>
</tr>
<tr>
<td>745892</td>
<td>REPAIR OR REPLACE SCREENS ON WINDOWS -</td>
<td>UNFIT V-10-197(B)(3)</td>
</tr>
<tr>
<td>745893</td>
<td>REPAIR FOUNDATION VENTS - RIGHT SIDE</td>
<td>UNFIT V-10-197(H)(6)(B)</td>
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<tr>
<td>745894</td>
<td>REPAIR SOFFIT AND/OR FACIA - BACK</td>
<td>UNFIT V-10-197(G)(6)</td>
</tr>
<tr>
<td>745896</td>
<td>REPAIR ROOF LEAK -</td>
<td>UNFIT V-10-197(G)(6)</td>
</tr>
<tr>
<td>745897</td>
<td>REPLACE LOOSE WALL AND CEILING MATERIALS - THROUGHOUT HOUSE</td>
<td>UNFIT V-10-197(G)(4)</td>
</tr>
<tr>
<td>745898</td>
<td>PROVIDE OPERABLE SMOKE DETECTOR -</td>
<td>UNFIT V-10-197(L)(1)</td>
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<tr>
<td>745900</td>
<td>REPAIR DEFECTIVE LIGHT FIXTURES - THROUGHOUT HOUSE</td>
<td>UNFIT V-10-197(F)(1)</td>
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305 FOREST HILL AVENUE

C-2.e.      DRAFT
<table>
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<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
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<tr>
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<td>3/3/2017</td>
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</table>

**IMAGE DESCRIPTION**

305 FOREST HILL AVENUE
Drive 5.6 miles, 9 min

Get on I-40 Bus E/US-158 E/US-421 S from S Church St

1. Head east on E 1st St toward N Church St
   - 2 min (0.5 mi)
   - 121 ft

2. Turn right at the 1st cross street onto S Church St
   - 0.2 mi
   - 230 ft

3. Turn right onto Cemetery St
   - 0.2 mi
   - 180 ft

4. Turn right at the 1st cross street onto S Main St
   - 0.2 mi

5. Use the right lane to take the ramp onto I-40 Bus E/US-158 E/US-421 S
   - 0.2 mi

Take NC-8 N/US-52 N to Akron Dr. Take exit 112 from NC-8 N/US-52 N

   - 5 min (3.9 mi)
   - 0.4 mi

7. Take exit 6E to merge onto NC-8 N/US-311 N/US-52 N toward Mt Airy/Smith Reynolds/Airport
   - Continue to follow NC-8 N/US-52 N
   - 3.3 mi

8. Take exit 112 for Akron Dr
   - 0.2 mi

Continue on Akron Dr. Take Indiana Ave to Forest Hill Ave

9. Use the left 2 lanes to turn left onto Akron Dr
   - 0.5 mi

10. Turn right onto Indiana Ave
   - 0.4 mi

11. Turn right onto Forest Hill Ave
    - Destination will be on the right
    - 0.3 mi

305 Forest Hill Ave
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2012030346
PROPERTY ADDRESS 4649 CHERRY ST ACC BLDG
TAX BLOCK 2258 LOT(s) 003
WARD NORTHEAST
PROPERTY OWNER(s) HENRY E RAMIREZ
LIS PENDENS __12M1776____FILED_06/22/2012____

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _04/04/2012_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on __04/14/2012_. The Hearing was held on _5/4/2012_ and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes____ no_x__.

2. The Finding and Order was issued on _5/9/2012_ and service was obtained by certified x regular x post x hand delivery____, and publication ___ on _05/19/2012_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _06/19/2012_. The dwelling was found vacated and closed on _07/09/2012_.

3. The dwelling became eligible for demolition under the six (6) month rule on _01/09/2013_.

4. The notification letter was sent __02/21/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _03/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes____ no_x__.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $201.00 ______ Fair market value $700.00 ____________

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days.
CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2012030346  NEIGHBORHOOD CONSERVATION OFFICER:
4649 CHERRY ST  ACC BLDG  KELLY SPEAKS - (336)734-1273

<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
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<tbody>
<tr>
<td>731948</td>
<td>REPAIR DOOR  - DOORS</td>
<td>MINOR V-10-197(A)(15)</td>
</tr>
<tr>
<td>731951</td>
<td>PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING  -</td>
<td>MINOR V-10-197(G)(3)</td>
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<tr>
<td>731949</td>
<td>REPAIR OR REPLACE DEFECTIVE SIDING  - ROTTING</td>
<td>UNFIT V-10-197(G)(3)</td>
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<tr>
<td>731950</td>
<td>REPAIR OR REPLACE ROOF COVERING  - WHERE NEEDED</td>
<td>UNFIT V-10-197(G)(6)</td>
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# CD-Plus Report - Code Case Images

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<tbody>
<tr>
<td>2012030346</td>
<td>2/24/2017</td>
<td>4649 Cherry Street</td>
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4649 Cherry Street
100 E 1st St
Winston-Salem, NC 27101

Get on I-40 BUS E/US-158 E/US-421 S from S Church St
1. Head east on E 1st St toward N Church St
   2 min (0.5 mi)
   121 ft
2. Turn right at the 1st cross street onto S Church St
   0.2 mi
3. Turn right onto Cemetery St
   230 ft
4. Turn right at the 1st cross street onto S Main St
   180 ft
5. Use the right lane to take the ramp onto I-40 BUS E/US-158 E/US-421 S
   0.2 mi

Take NC-8 N/US-52 N to Akron Dr. Take exit 112 from NC-8 N/US-52 N
   5 min (3.9 mi)
   0.4 mi
7. Take exit 6E to merge onto NC-8 N/US-311 N/US-52 N toward Mt Airy/Smith Reynolds/Airport
   Continue to follow NC-8 N/US-52 N
   3.3 mi
8. Take exit 112 for Akron Dr
   0.2 mi

Take Indiana Ave to Cherry St
9. Use the left 2 lanes to turn left onto Akron Dr
   0.5 mi
10. Turn right onto Indiana Ave
   1.5 mi
11. Slight right onto Cherry St
   0.2 mi

4649 Cherry St
Winston-Salem, NC 27105

Drive 6.6 miles, 11 min

https://www.google.com/maps/dir/100+E+1st+St,+Winston-Salem,+NC/4649+Cherry+Street,+Winston-Salem,+NC/... 2/21/2017
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
DUE PROCESS

1. The current Complaint and Notice of Hearing was issued on 06/27/2014 and service was obtained by certified mail x regular x post x hand delivery ___, and publication ___ on 07/07/2014. The Hearing was held on 7/28/2014 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes no x.

2. The Finding and Order was issued on 7/30/2014 and service was obtained by certified x regular x post x hand delivery ___, and publication ___ on 08/10/2014. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on 09/10/2014. The dwelling was found vacated and closed on 01/02/2015.

3. The dwelling became eligible for demolition under the six (6) month rule on 07/02/2015.

4. The notification letter was sent on 02/22/2017 advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on 03/21/2017. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes no x.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $490.00 Fair market value $12,296.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
# CODE DEFICIENCIES - EXHIBIT A

**CASE NO:** 2014040954  
**NEIGHBORHOOD CONSERVATION OFFICER:**  
QUIVETTE POWELL  - (336)734-1277

2609 RALEIGH AV

<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>798800</td>
<td>REPAIR DOOR - ---BACK DOOR EXTERIOR, BROKEN WOOD AROUND LOCK SET---</td>
<td>UNFIT V-10-197(A)(15)</td>
</tr>
<tr>
<td>798801</td>
<td>REPAIR LOCKSETS - ---BACK EXTERIOR DOOR---</td>
<td>UNFIT V-10-197(B)(4)</td>
</tr>
<tr>
<td>798812</td>
<td>OTHER - ---SECURE BLD.---</td>
<td>UNFIT V-10-197</td>
</tr>
<tr>
<td>CODE CASE NBR</td>
<td>IMAGE DATE</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>2014040954</td>
<td>2/23/2017</td>
<td></td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**

![Image 1](image1.jpg)

**IMAGE DESCRIPTION**

![Image 2](image2.jpg)

**IMAGE DESCRIPTION**

![Image 3](image3.jpg)

**IMAGE DESCRIPTION**
Take E 3rd St to New Walkertown Rd

1. Head east on E 1st St toward N Church St
   5 min (1.3 mi)

2. Turn left at the 2nd cross street onto N Chestnut St
   466 ft

3. Turn right onto E 3rd St
   0.2 mi

4. At the traffic circle, take the 2nd exit onto 3rd St E
   0.2 mi

5. Turn left onto N Martin Luther King Jr Dr
   0.5 mi

6. Turn right onto New Walkertown Rd
   0.2 mi

Take Teresa Ave to Raleigh Ave

7. Turn left onto Carver School Rd
   4 min (2.1 mi)

8. Turn left onto Teresa Ave
   0.1 mi

9. Turn right onto Raleigh Ave
   Destination will be on the right
   0.3 mi

2609 Raleigh Ave
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2012101138
PROPERTY ADDRESS 833 W SEVENTH ST
TAX BLOCK 0148 LOT(s) 084
WARD NORTHWEST
PROPERTY OWNER(s) HESSAMEDIN ALIMOHAMMADI
LIS PENDENS _12m3297_ FILED _12/31/2012_

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _10/30/2012_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on _11/15/2012_. The Hearing was held on _11/29/2012_ and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes___ no_x_.

2. The Finding and Order was issued on _12/11/2012_ and service was obtained by certified x regular x post x hand delivery__, and publication ___ on _12/13/2012_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _1/13/2013_. The dwelling was found vacated and closed on _1/15/2013_.

3. The dwelling became eligible for demolition under the six (6) month rule on _6/15/2013__.

4. The notification letter was sent _2/27/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no_x_.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $1,324___ Fair market value $41,302
Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>752323</td>
<td>INSTALL HANDRAIL AT FRONT STEPS - NEEDS TO BE REPAIRED</td>
<td>COMPLIED V-10-197(G)(8)</td>
</tr>
<tr>
<td>752320</td>
<td>REPAIR OR REPLACE FRONT PORCH FLOOR - MINOR</td>
<td>V-10-197(G)(7)</td>
</tr>
<tr>
<td>752322</td>
<td>OTHER - REPAIR FRONT PORCH BAND (RIGHT SIDE)</td>
<td>MINOR V-10-197</td>
</tr>
<tr>
<td>752326</td>
<td>REPAIR SOFFIT AND/OR FACIA - LEFT SIDE</td>
<td>MINOR V-10-197(G)(6)</td>
</tr>
<tr>
<td>752324</td>
<td>INSTALL CRAWL SPACE DOOR - NEEDS TO BE REPAIRED</td>
<td>UNFIT V-10-197(G)(1)</td>
</tr>
<tr>
<td>752325</td>
<td>REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS - LEFT SIDE OF HOUSE</td>
<td>UNFIT V-10-197(G)(6)</td>
</tr>
<tr>
<td>752327</td>
<td>REPAIR OR REPLACE SCREENS ON WINDOWS -</td>
<td>UNFIT V-10-197(B)(3)</td>
</tr>
</tbody>
</table>
## CD-Plus Report - Code Case Images

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012101138</td>
<td>10/17/2012</td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**
833 W. 7th Street

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012101138</td>
<td>3/7/2017</td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**
833 W. 7th Street

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012101138</td>
<td>3/7/2017</td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**
833 W. 7th Street
100 E 1st St
Winston-Salem, NC 27101

1. Head east on E 1st St toward N Church St
   - 8 s (121 ft)

Continue on S Church St to S Liberty St

2. Turn right at the 1st cross street onto S Church St
   - 0.2 mi

3. Turn right onto Cemetery St
   - 489 ft

4. Turn left onto S Liberty St
   - 25 s (407 ft)

5. Turn right onto Brookstown Ave
   - 3 min (0.6 mi)

Follow N Broad St to W 7th St

6. Turn right onto N Broad St
   - 0.6 mi

7. Keep right to stay on N Broad St
   - 210 ft

8. Turn right onto W 7th St
   - Destination will be on the left
   - 10 s (131 ft)

833 W 7th St
Winston-Salem, NC 27101

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 20120733
PROPERTY ADDRESS 2242 HOLLYROOD ST
TAX BLOCK 0683 LOT(s) 014
WARD SOUTH
PROPERTY OWNER(s) BOBBY DAHMER
LIS PENDENS _13m1231_ FILED 6/3/2013

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _4/18/2013_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on _4/19/2013_. The Hearing was held on 5/9/2013 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes___ no_x_.

2. The Finding and Order was issued on 5/28/2013 and service was obtained by certified x regular x post x hand delivery____, and publication ___ on _5/29/2013_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _6/29/2013_. The dwelling was found vacated and closed on _7/1/2013_.

3. The dwelling became eligible for demolition under the six (6) month rule on _12/1/2013_.

4. The notification letter was sent _3/1/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes____ no_x_.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $4,620 _______ Fair market value $20,802 _______

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
## Code Deficiencies - Exhibit A

**Case No:** 2012020733  
**Neighborhood Conservation Officer:**  
**Christopher Russell** - (336)734-1269  

**2242 Hollyrood St**

<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Status/Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paint or Treat Exterior Wood with Protective Coating</td>
<td>Minor V-10-197(G)(3)</td>
</tr>
<tr>
<td>Repair Soffit and/or Facia - at the front</td>
<td>Minor V-10-197(G)(6)</td>
</tr>
<tr>
<td>Repair or Replace Defective Siding</td>
<td>Minor V-10-197(G)(3)</td>
</tr>
<tr>
<td>Reglaze Windows</td>
<td>Minor V-10-197(B)(4)</td>
</tr>
<tr>
<td>Repair Crawl Space Door</td>
<td>Unfit V-10-197(G)(1)</td>
</tr>
<tr>
<td>Repair or Replace Defective Siding - Frame around side door</td>
<td>Unfit V-10-197(G)(3)</td>
</tr>
<tr>
<td>Other - Repair/Replace Gable Vent at right side</td>
<td>Unfit V-10-197</td>
</tr>
</tbody>
</table>
CD-Plus Report - Code Case Images

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
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<tr>
<td>2012020733</td>
<td>2/15/2012</td>
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</table>

**IMAGE DESCRIPTION**

DESCRIPTION FOR PICTURE 046.JPG

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<table>
<thead>
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<tbody>
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</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**

DESCRIPTION FOR PICTURE 048.JPG

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<table>
<thead>
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</thead>
<tbody>
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<td>2012020733</td>
<td>2/15/2012</td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**

2242 Hollyrood Street
### Code Case NBR: 2012020733

#### Image Date: 2/15/2012

**Image Description:**
2242 Hollyrood Street

#### Image Date: 4/3/2013

**Image Description:**
2242 Hollyrood Street
2242 Hollyrood Street

2242 Hollyrood Street

2242 Hollyrood Street
C-2.i. DRAFT

CODE CASE NBR        IMAGE DATE
2012020733           11/21/2014

IMAGE DESCRIPTION
2242 Hollyrood Street

CODE CASE NBR        IMAGE DATE
2012020733           11/21/2014

IMAGE DESCRIPTION
2242 Hollyrood Street

CODE CASE NBR        IMAGE DATE
2012020733           11/21/2014

IMAGE DESCRIPTION
2242 Hollyrood Street
2242 Hollyrood Street

2242 Hollyrood Street

2242 Hollyrood Street
<table>
<thead>
<tr>
<th>IMAGE DESCRIPTION</th>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2242 Hollyrood Street</td>
<td>2012020733</td>
<td>11/21/2014</td>
</tr>
<tr>
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<td>2012020733</td>
<td>3/7/2017</td>
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<tr>
<td>CODE CASE NBR</td>
<td>IMAGE DATE</td>
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</tr>
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<td>---------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>2012020733</td>
<td>3/7/2017</td>
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</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**

2242 Hollyrood Street
Direction will be on the right

Distance:

- 0.2 mi
- 1.0 mi
- 0.8 mi
- 0.3 mi
- 0.2 mi

Drive 2.5 miles, 7 min

100 East 1st Street, Winston-Salem, NC to 2242 Hollyrood St, Winston-Salem, NC 27127

### Directions:

1. Head east on E 1st St toward N Church St - 0.2 mi
2. E 1st St turns right and becomes E Salem Ave - 1.0 mi
3. At the traffic circle, take the 3rd exit onto S Main St - 0.8 mi
4. Turn right onto W Acadia Ave - 0.3 mi
5. Turn left onto Hollyrood St - 0.2 mi

Destination will be on the right

### Location:

- **100 E 1st St**
  - Winston-Salem, NC 27101
- **2242 Hollyrood St**
  - Winston-Salem, NC 27127

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CASE SUMMARY - HOUSING FILE NO. 2013090606
PROPERTY ADDRESS 1010 LOUISE RD
TAX BLOCK 2377 LOT(s) 103
WARD SOUTHEAST
PROPERTY OWNER(s) LEGACY REAL ESTATE INVESTMENT FUND II
LIS PENDENS _14m1312_ FILED 7/10/2014__

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _10/2/2013_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on _11/11/2013_. The Hearing was held on 11/1/2013 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes___ no_x_.

2. The Finding and Order was issued on 12/2/2013 and service was obtained by certified x regular x post x hand delivery____, and publication ___ on _12/12/2013_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _1/12/2013_. The dwelling was found vacated and closed on 1/15/2014.

3. The dwelling became eligible for demolition under the six (6) month rule on _6/15/2014_.

4. The notification letter was sent 2/27/2017 advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes____ no_x_.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is less than fifty percent (<50%) of the present value of the dwelling.

Estimated cost to repair $690 Fair market value $24,773

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.
|
|---|---|
|CASE NO: 2013090606 | NEIGHBORHOOD CONSERVATION OFFICER: |
|1010 LOUISE RD | SHAWN HELM - (336)734-1271 |

**VIOL NBR** | **VIOLATION DESCRIPTION** | **STATUS/ORDINANCE**
---|---|---
783523 | REPAIR OR REPLACE SCREENS ON WINDOWS | MINOR V-10-197(B)(3)
783522 | REPLACE BROKEN WINDOW PANES - LEFT SIDE FRONT | UNFIT V-10-197(B)(4)
<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
<th>IMAGE DESCRIPTION</th>
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<tr>
<td>2013090606</td>
<td>11/4/2016</td>
<td>1010 Louise Road</td>
</tr>
<tr>
<td>2013090606</td>
<td>11/4/2016</td>
<td>1010 Louise Road</td>
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<tr>
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</table>
C-2.j.   DRAFT

<table>
<thead>
<tr>
<th>CODE CASE NBR</th>
<th>IMAGE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013090606</td>
<td>3/3/2017</td>
</tr>
</tbody>
</table>

**IMAGE DESCRIPTION**
1010 Louise Road

---

1010 Louise Road

---

1010 Louise Road

---

WINSTON SALEM
CD-Plus for Windows 98/2000/XP
Printed on 3/7/2017 2:29:50 PM   Page 2
100 East 1st Street, Winston-Salem, NC to 1010 Louise Rd, Winston-Salem, NC 27107

Drive 5.1 miles, 10 min

<table>
<thead>
<tr>
<th>Distance</th>
<th>Time</th>
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<tbody>
<tr>
<td>2 min</td>
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<tr>
<td>0.4 mi</td>
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</tbody>
</table>

Get on I-40 BUS E/US-158 E/US-421 S from S Church St

1. Head east on E 1st St toward N Church St
2. Turn right at the 1st cross street onto S Church St
3. Turn right onto Cemetery St
4. Turn right at the 1st cross street onto S Main St
5. Use the right lane to take the ramp onto I-40 BUS E/US-158 E/US-421 S


8. Take exit 107A to merge onto I-40 E/US-311 S toward Greensboro/High Point
9. Take exit 195 for Clemmonsville Rd toward NC-109/Thomasville

Drive to Louise Rd

10. Turn right onto NC-109 S/Thomasville Rd
11. Turn right onto Louise Rd

Destination will be on the left

1010 Louise Rd
Winston-Salem, NC 27107

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

https://www.google.com/maps/dir/100+East+1st+Street,+Winston-Salem,+NC/1010+Louise... 2/27/2017
Date: March 8, 2017
To: The City Manager
From: D. Ritchie Brooks, Community Development

Council Action Requested:
The adoption of an Ordinance ordering the Community Development of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code.

Summary of Information:
The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

STRUCTURE UNITS WITH REPAIRS MORE THAN FIFTY PERCENT OF VALUE OF STRUCTURE (>50%) SIX MONTHS

<table>
<thead>
<tr>
<th>Owner</th>
<th>Property Location/Accy</th>
<th>Ward</th>
<th>Block &amp; Lot(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ernest L. Scovens</td>
<td>3044 N. Patterson Ave</td>
<td>North</td>
<td>1303 008</td>
</tr>
<tr>
<td>Peter Neal Adams</td>
<td>2060 Independence Rd</td>
<td>North</td>
<td>457 005B</td>
</tr>
<tr>
<td>Mark D. &amp; Charity M. Walker</td>
<td>2609 Raleigh Ave</td>
<td>Northeast</td>
<td>2678 012</td>
</tr>
<tr>
<td>Bobby Dahmer</td>
<td>2242 Hollyrood St</td>
<td>South</td>
<td>1266 049</td>
</tr>
</tbody>
</table>

Committee Action:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>For</td>
<td>Against</td>
</tr>
<tr>
<td>Remarks:</td>
<td></td>
</tr>
</tbody>
</table>
ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE 
PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203((f)(2) OF THE CODE OF 
THE CITY OF WINSTON-SALEM

WHEREAS, the Community Development Department, after due notice and hearing, 
determined that the property hereinafter described in Exhibit (s) was unfit for human habitation; and

WHEREAS, either the Mayor and City Council adopted an ordinance or the Housing Conservation Administrator issued a repair or vacate and close order; and

WHEREAS, the repairs necessary to render the structure fit for human habitation would exceed more than fifty percent (>50%) of the present value of the structure; and

WHEREAS, the owner of the property herein described in Exhibit(s) vacated and closed said structure and kept it vacated and closed for a period of six months pursuant to said Order; and

WHEREAS, the Mayor and City Council hereby finds that:

(1) Six months has passed since the structure was vacated and closed pursuant to the previous order.

(2) The property owner has abandoned the intent and purpose to repair, alter or improve the dwelling in said order to render it fit for human habitation.

(3) The continuation of said structure in its vacated status will be inimical to health, safety, morals and welfare of the City in that the dwelling will continue to deteriorate, will create a fire and safety hazard, will be a threat to children and vagrants, will attract persons intent on criminal activities, will cause or contribute to blight and the deterioration of the property values in the area and will render unavailable property and dwelling which may otherwise have been available to
ease the persistent shortage of decent and affordable housing in this State and City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Winston-Salem, as follows:

Section 1. The owner(s) of the property herein described in Exhibit(s) is hereby ordered to demolish and remove said property within ninety days.

Section 2. In the event the owner(s) fails to comply with this order of the Mayor and City Council within the prescribed time period, the Community Development Department of the City of Winston-Salem is hereby ordered and authorized to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property herein described by causing said dwelling be demolished and removed.

Section 3. The property to which this ordinance applies is known and described as set out in Exhibit(s) attached hereto and incorporated herein by reference.

Section 4. This ordinance shall become effective upon its adoption, and a copy hereof, certified by the Secretary of the City of Winston-Salem, shall be recorded in the office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantors index, as provided by law.

INSTRUMENT DRAWN BY:

______________________________
CITY ATTORNEY
TO: Tiffany Harris and Candace Dobson  
FROM: Michelle M. McCullough  
DATE: March 9, 2017  
SUBJECT: Demolitions for March 21, 2017  
Community Development/Housing/General Government Committee Meeting

Historic Resources staff has reviewed the 17 properties that are scheduled to go before the Community Development/Housing/General Government Committee on March 21, 2017 for demolition consideration. Below is a list of contributing structures in National Register of Historic Places districts.

There are no properties proposed for demolition that are listed on National Register of Historic Places, either individually or within a district. There are no properties located in local Historic or Historic Overlay or that have been designated local historic landmarks.

Additionally, recent discussions at City Council and Council Committee meetings have indicated a concern for the loss of structures in historically African-American neighborhoods. These discussions are continuing, but for Council Members information, I have identified structures from the list that are in historically African-American neighborhoods as presented in the latest survey documentation, that are not currently National Register designated.

Properties located in historically African-American Neighborhoods:
907 W. 25th Street – Alta Vista
2021 Harrison Avenue – Boston Cottages
1010 Louise Road – Easton
912 Pittsburg – Kimberly Park

cc Ritchie Brooks, Director, Community and Business Development Preservation Forsyth
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 201201834
PROPERTY ADDRESS  3044 N PATTERSON AV (ACCY. BLDG.)
TAX BLOCK   1303  LOT(s)  008
WARD NORTH
PROPERTY OWNER(s)  ERNEST L SCOVENS
LIS PENDENS  _13M254___________FILED_02/01/2013____

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _11/20/2012_ and service was obtained by certified mail x regular x post x hand delivery ___ publication ___ on __1/30/2012__. The hearing was held on 12/20/2012 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes_x_ no__.

2. The Finding and Order was issued on 1/15/2013 and service was obtained by certified mail x regular x post x hand delivery __ publication ___ on _01/22/2013_. The Order directed the owner to vacate and close or repair the dwelling with 30 days from receipt. Time for compliance expired on _02/22/2013_. The dwelling was found vacated and closed on __04/15/2013__.

3. The dwelling became eligible for demolition under the six (6) month rule on _10/15/2013_.

4. The notification letter was sent _02/21/2017_ advising the owner that the Community and Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _03/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no_x__.

COMMENTS:

COUNCIL CONSIDERATION

The estimated cost to make repairs needed to render this dwelling fit for human habitation is more than fifty percent (>50%) of the present value of the dwelling.

Estimated cost to repair _$2,269.00_  Fair market value _$600.00_

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be demolished and removed within ninety (90) days.
**CODE DEFICIENCIES - EXHIBIT A**

CASE NO: 2012101834

3044 N PATTERSON AV (ACCY. BLDG.)

<table>
<thead>
<tr>
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<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
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<tbody>
<tr>
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<td>V-10-197(G)(3)</td>
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<tr>
<td>753356</td>
<td>REPAIR OR REPLACE DEFECTIVE SIDING - ROTTING UNFIT</td>
<td>V-10-197(G)(3)</td>
</tr>
<tr>
<td>753358</td>
<td>REPAIR SOFFIT AND/OR FACIA - ROTTING UNFIT</td>
<td>V-10-197(G)(6)</td>
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NEIGHBORHOOD CONSERVATION OFFICER:
OLA BROWN - (336)734-1260
<table>
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![Image 1](image1.jpg)

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![Image 2](image2.jpg)

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![Image 3](image3.jpg)
C-3.a. DRAFT

CODE CASE NBR  IMAGE DATE  IMAGE DESCRIPTION
2012101834  11/3/2014  DESCRIPTION FOR DSC01263.JPG

CODE CASE NBR  IMAGE DATE  IMAGE DESCRIPTION
2012101834  11/3/2014  DESCRIPTION FOR DSC01259.JPG

CODE CASE NBR  IMAGE DATE  IMAGE DESCRIPTION
2012101834  1/6/2017  DESCRIPTION FOR DSC01259.JPG
100 E 1st St, Winston-Salem, NC to 3044 Patterson Ave

Drive 2.6 miles, 10 min

1. Head east on E 1st St toward N Church St
   466 ft
2. Turn left at the 2nd cross street onto N Chestnut St
   0.4 mi
3. Turn right onto 5th St E
   308 ft
4. Turn left onto Patterson Ave
   Destination will be on the left
   2.1 mi

3044 Patterson Ave
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2012010878
PROPERTY ADDRESS 2060 INDEPENDENCE RD
TAX BLOCK 3457 LOT(s) 005B
WARD NORTH
PROPERTY OWNER(s) PETER NEAL ADAMS
LIS PENDENS 12M1768 FILED 06/22/2012

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued 03/02/2012 and service was obtained by certified mail x regular x post x hand delivery __, and publication ___ on 03/22/2012 __. The Hearing was held on 4/2/2012 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes ___ no ___.

2. The Finding and Order was issued on 5/1/2012 and service was obtained by certified x regular x post x hand delivery __, and publication ___ on 05/12/2012 __. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on 06/12/2012 __. The dwelling was found vacated and closed on 06/18/2012 __.

3. The dwelling became eligible for demolition under the six (6) month rule on 12/12/2012 __.

4. The notification letter was sent 02/22/2017 advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on 03/21/2017 __. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes ___ no ___.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is more than fifty percent (>50%) of the present value of the dwelling.

Estimated cost to repair $6,988.67 Fair market value $10,000.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be repaired or demolished and removed within ninety (90) days.
## CODE DEFICIENCIES - EXHIBIT A

**CASE NO:** 2012010878  
**NEIGHBORHOOD CONSERVATION OFFICER:**  
**JESSICA WILSON - (336)734-1263**  

**2060 INDEPENDENCE RD**

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<td>728966</td>
<td>REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS</td>
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<td>MINOR V-10-197(G)(3)</td>
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<tr>
<td>728968</td>
<td>OTHER - WINDOW SILL DEFECTIVE (SIDE)</td>
<td>MINOR V-10-197</td>
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<tr>
<td>728963</td>
<td>REPAIR DEFECTIVE LIGHT FIXTURES - FRONT ENTRANCE</td>
<td>UNFIT V-10-197(F)(1)</td>
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<td>728964</td>
<td>REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS - OUTLETS AT FRONT ENTRANCE</td>
<td>UNFIT V-10-197(F)(1)</td>
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<td>728965</td>
<td>REPAIR SOFFIT AND/OR FACIA - FRONT AND REAR</td>
<td>UNFIT V-10-197(G)(6)</td>
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<td>IMAGE DATE</td>
<td>IMAGE DESCRIPTION</td>
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WINSTON SALEM
CD-Plus for Windows 98/2000/XP

Printed on 3/8/2017 9:24:06 AM
Page 9
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<td>![Image of a burned structure]</td>
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<td>2012010878</td>
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<td>![Image of a damaged house]</td>
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<tr>
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<td>3/1/2017</td>
<td>![Image of an undamaged house]</td>
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100 E 1st St, Winston-Salem, NC to 2060 Independence Rd

Get on I-40BUS E/US-158 E/US-421 S from S Church St

1. Head east on E 1st St toward N Church St
2. Turn right at the 1st cross street onto S Church St
3. Turn right onto Cemetery St
4. Turn right at the 1st cross street onto S Main St
5. Use the right lane to take the ramp onto I-40BUS E/US-158 E/US-421 S

Follow US-52 N to University Pkwy. Take exit 115E from US-52 N

7. Take exit 6E to merge onto NC-8 N/US-311 N/US-52 N toward Mt Airy/Smith Reynolds/Airport
   Continue to follow US-52 N
8. Take exit 115E toward University Pkwy

Follow University Pkwy, Shattalon Dr and Bethania Station Rd to Indian Trail

9. Turn right onto University Pkwy
10. Turn right onto Shattalon Dr
11. Turn left onto Bethania Station Rd
12. Turn right onto Independence Rd

Drive 10.6 miles, 15 min
13. Turn left onto Indian Trail

Destination will be on the left

2060 Independence Rd
Winston-Salem, NC 27106

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2013052927
PROPERTY ADDRESS 2609 RALEIGH AV ACCY
TAX BLOCK 2678 LOT(s) 012
WARD NORTHEAST
PROPERTY OWNER(s) MARK D WALKER & CHARITY M WALKER
LIS PENDENS _13M2374___________ FILED_10/30/2013____

DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _09/03/2013_ and service was obtained by certified mail x regular x post x hand delivery ___ publication ___ on _09/13/2013_. The hearing was held on 10/3/2013 and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes__ no_x_.

2. The Finding and Order was issued on 10/11/2013 and service was obtained by certified mail x regular x post x hand delivery __ publication ___ on _10/21/2013_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on 11/21/2013. The dwelling was found vacated and closed on _01/10/2014_.

3. The dwelling became eligible for demolition under the six (6) month rule on _07/10/2014_.

4. The notification letter was sent _02/22/2017_ advising the owner that the Community and Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _03/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no_x__.

COMMENTS:

COUNCIL CONSIDERATION

The estimated cost to make repairs needed to render this dwelling fit for human habitation is more than fifty percent (>50%) of the present value of the dwelling.

Estimated cost to repair $517.00 Fair market value $300.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be demolished and removed within ninety (90) days.
## CODE DEFICIENCIES - EXHIBIT A

**CASE NO:** 2013052927  
**NEIGHBORHOOD CONSERVATION OFFICER:** QUIVETTE POWELL - (336)734-1277  
**2609 RALEIGH AV ACCY**

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<tbody>
<tr>
<td>772102</td>
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<td>772103</td>
<td>REPAIR OR REMOVE ACCESSORY BUILDING - SMALLER BLD. UNFIT V-10-197(G)(9)</td>
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C-3.c. DRAFT

CODE CASE NBR  IMAGE DATE
2013052927  2/23/2017

IMAGE DESCRIPTION

[Image of a building]

CODE CASE NBR  IMAGE DATE
2013052927  2/23/2017

IMAGE DESCRIPTION

[Image of a notice of proposed demolition]

CODE CASE NBR  IMAGE DATE
2013052927  2/23/2017

IMAGE DESCRIPTION
100 E 1st St, Winston-Salem, NC to 2609 Raleigh Ave

Drive 3.8 miles, 10 min

100 E 1st St
Winston-Salem, NC 27101

Take E 3rd St to New Walkertown Rd

1. Head east on E 1st St toward N Church St
5 min (1.3 mi)

2. Turn left at the 2nd cross street onto N Chestnut St
466 ft

3. Turn right onto E 3rd St
0.2 mi

4. At the traffic circle, take the 2nd exit onto 3rd St E
0.2 mi

5. Turn left onto N Martin Luther King Jr Dr
0.5 mi

6. Turn right onto New Walkertown Rd
0.5 mi

Take Teresa Ave to Raleigh Ave

7. Turn left onto Carver School Rd
4 min (2.1 mi)

8. Turn left onto Teresa Ave
2 min (0.5 mi)

9. Turn right onto Raleigh Ave
0.1 mi

Destination will be on the right
0.3 mi

2609 Raleigh Ave
Winston-Salem, NC 27105

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _3/19/2012_ and service was obtained by certified mail x regular x post x hand delivery__, and publication___ on _3/28/2012_. The Hearing was held on _4/18/2012_ and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint yes___ no___.

2. The Finding and Order was issued on _4/23/2012_ and service was obtained by certified x regular x post x hand delivery____, and publication ___ on _5/2/2012_. The Order directed the owner to _vacate and close or repair_ the dwelling within _30_ days from receipt. Time for compliance expired on _6/2/2012_. The dwelling was found vacated and closed on _6/2/2012_.

3. The dwelling became eligible for demolition under the six (6) month rule on ___11/2/2012__.

4. The notification letter was sent _2/27/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _3/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no___.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is more than fifty percent (>50%) of the present value of the dwelling. Estimated cost to repair $1,548 __________ Fair market value $1,000 __________

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be demolished and removed within ninety (90) days.
### CODE DEFICIENCIES - EXHIBIT A

**CASE NO:** 2012020734

**2242 HOLLYROOD ST**

<table>
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<td>730380</td>
<td>REPAIR DOOR</td>
<td>MINOR V-10-197(A)(15)</td>
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<td>730381</td>
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<td>MINOR V-10-197(G)(9)</td>
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**IMAGE DESCRIPTION**

2242 Hollyrood Street Accy

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<td>3/5/2014</td>
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**IMAGE DESCRIPTION**

2242 Hollyrood Street Accy

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<td>11/21/2014</td>
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</table>

**IMAGE DESCRIPTION**

2242 Hollyrood Street Accy
2242 Hollyrood Street Accy

2242 Hollyrood Street Accy

2242 Hollyrood Street Accy
<table>
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<tr>
<td>2012020734</td>
<td>3/7/2017</td>
<td>2242 Hollyrood Street Accy</td>
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</table>
100 East 1st Street, Winston-Salem, NC to 2242 Hollyrood St, Winston-Salem, NC 27127

Drive 2.5 miles, 7 min

1. Head east on E 1st St toward N Church St
   0.2 mi

2. E 1st St turns right and becomes E Salem Ave
   1.0 mi

3. At the traffic circle, take the 3rd exit onto S Main St
   0.8 mi

4. Turn right onto W Acadia Ave
   0.3 mi

5. Turn left onto Hollyrood St
   Destination will be on the right
   0.2 mi

2242 Hollyrood St
Winston-Salem, NC 27127

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
City Council – Action Request Form

Date: March 8, 2017

To: The City Manager

From: D. Ritchie Brooks, Community Development

Council Action Requested:
The adoption of an Ordinance ordering the Community Development of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code.

Summary of Information:
The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

<table>
<thead>
<tr>
<th>Owner</th>
<th>Property Location/Ward</th>
<th>Block &amp; Lot(s)</th>
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</thead>
<tbody>
<tr>
<td>SDS Investments LLC</td>
<td>111 Methodist Dr. Accy</td>
<td>2253 010</td>
</tr>
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</table>

Committee Action:

Committee For Against Remarks:

-303-
ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE

WHEREAS, the Community Development Department, after due notice and hearing, has determined that the property hereinafter described is unfit for human habitation and that the owner thereof has failed to repair the same so as to bring it into compliance with the Housing Code of the City within the time granted in an order issued by the Department; and

WHEREAS, the necessary repairs, alterations or improvements required to bring the structure up to the Standards required under the Housing Code of the City of Winston-Salem cannot be made at a reasonable cost in relation to the value of the structure, that is, not to exceed sixty five percent (>65%) of the value;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Winston-Salem, as follows:

Section 1. The Community Development Department of the City of Winston-Salem is hereby ordered to proceed to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property hereinafter described, which the Community Development Department has heretofore found to be unfit for human habitation. The Housing Conservation Administrator shall cause all structure on said property heretofore found by him to be unfit for human habitation to be removed or demolished, and he is hereby authorized and directed to take such other action and to exercise such other powers with respect to said property as may be
necessary or convenient to carry out and effectuate the provisions of the Housing Code of the City of Winston-Salem.

**Section 2.** The property to which this Ordinance applies is known and described as set out in Exhibit attached hereto and incorporated herein by reference.

**Section 3.** This ordinance shall be effective from and after its adoption, and a copy hereof, certified by the Secretary of the City of Winston-Salem, shall be recorded in the Office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantor index, as provided by law.

INSTRUMENT DRAWN BY

__________________________

CITY ATTORNEY
TO: Tiffany Harris and Candace Dobson  
FROM: Michelle M. McCullough  
DATE: March 9, 2017  
SUBJECT: Demolitions for March 21, 2017  
Community Development/Housing/General Government Committee Meeting

Historic Resources staff has reviewed the 17 properties that are scheduled to go before the Community Development/Housing/General Government Committee on March 21, 2017 for demolition consideration. Below is a list of contributing structures in National Register of Historic Places districts.

There are no properties proposed for demolition that are listed on National Register of Historic Places, either individually or within a district. There are no properties located in local Historic or Historic Overlay or that have been designated local historic landmarks.

Additionally, recent discussions at City Council and Council Committee meetings have indicated a concern for the loss of structures in historically African-American neighborhoods. These discussions are continuing, but for Council Members information, I have identified structures from the list that are in historically African-American neighborhoods as presented in the latest survey documentation, that are not currently National Register designated.

Properties located in historically African-American Neighborhoods:

- 907 W. 25th Street – Alta Vista
- 2021 Harrison Avenue – Boston Cottages
- 1010 Louise Road – Easton
- 912 Pittsburg – Kimberly Park

cc Ritchie Brooks, Director, Community and Business Development
Preservation Forsyth
DUE PROCESS

1. The current Complaint and Notice of Hearing was issued _09/08/2016_ and service was obtained by certified mail _x_ regular _x_ post _x_ hand delivery _____, and publication ____ on _09/18/2016_. The Hearing was held on _10/10/2016_ and the owner/agent appeared and/or contacted the Community Development Department regarding the complaint. yes___ no___.

2. The Finding and Order was issued on _12/23/2016_ and service was obtained by certified mail _x_ regular _x_ post _x_ hand delivery ____ and publication ____ on _12/28/2016_. The Order directed the owner to vacate and close or repair the dwelling within 30 days from receipt. Time for compliance expired on _01/28/2017_.

3. The notification letter was sent _02/21/2017_ advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on _03/21/2017_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. Director was contacted yes___ no___.

COMMENTS (if any)

COUNCIL CONSIDERATION

The estimated cost to make repairs to bring this substandard structure into compliance with Housing Code Standards as prescribed in the Housing code exceeds sixty-five percent (65%) of the value.

Estimated cost to repair $ _5,340.00_ Fair market value $ _300.00_

Based on the above information, it is recommended that an Ordinance be adopted to cause this dwelling to be removed or demolished.
## CODE DEFICIENCIES - EXHIBIT A

**CASE NO:** 2016080495

**NEIGHBORHOOD CONSERVATION OFFICER:**

OLA BROWN - (336)734-1260

**111 METHODIST DR  ACC BLDG**

<table>
<thead>
<tr>
<th>VIOL NBR</th>
<th>VIOLATION DESCRIPTION</th>
<th>STATUS/ORDINANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>862112</td>
<td>THE REPAIR OF THE STRUCTURE WILL EXCEED SIXTY-FIVE PERCENT (65%) OF THE VALUE</td>
<td>DEMO V-97-(B)(2)</td>
</tr>
<tr>
<td>862114</td>
<td>REPAIR OR REPLACE DEFECTIVE SIDING</td>
<td>UNFIT V-10-197(G)(3)</td>
</tr>
<tr>
<td>862115</td>
<td>REPAIR OR REPLACE ROOF COVERING</td>
<td>UNFIT V-10-197(G)(6)</td>
</tr>
<tr>
<td>862113</td>
<td>REPAIR OR REMOVE ACCESSORY BUILDING</td>
<td>UNFIT V-10-197(G)(9)</td>
</tr>
<tr>
<td>862116</td>
<td>REPAIR SOFFIT AND/OR FACIA</td>
<td>UNFIT V-10-197(G)(6)</td>
</tr>
<tr>
<td>862117</td>
<td>REPLACE DEFECTIVE RAFTERS</td>
<td>UNFIT V-10-197(G)(6)</td>
</tr>
<tr>
<td>862118</td>
<td>REPLACE DEFECTIVE SHEATHING</td>
<td>UNFIT V-10-197(G)(6)</td>
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<tr>
<td>862119</td>
<td>REPAIR FOUNDATION</td>
<td>UNFIT V-10-197(G)(1)</td>
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<tr>
<td>CODE CASE NBR</td>
<td>IMAGE DATE</td>
<td>IMAGE DESCRIPTION</td>
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<td>3/7/2017</td>
<td><img src="image1.jpg" alt="Image 1" /></td>
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<td>2016080495</td>
<td>3/7/2017</td>
<td><img src="image2.jpg" alt="Image 2" /></td>
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<tr>
<td>2016080495</td>
<td>3/7/2017</td>
<td><img src="image3.jpg" alt="Image 3" /></td>
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</tbody>
</table>
100 E 1st St, Winston-Salem, NC to 111 Methodist Dr

Drive 6.2 miles, 10 min

100 E 1st St
Winston-Salem, NC 27101

Get on I-40 BUS E/US-158 E/US-421 S from S Church St

1. Head east on E 1st St toward N Church St
2. Turn right at the 1st cross street onto S Church St
3. Turn right onto Cemetery St
4. Turn right at the 1st cross street onto S Main St
5. Use the right lane to take the ramp onto I-40 BUS E/US-158 E/US-421 S

Take NC-8 N/US-52 N to Akron Dr. Take exit 112 from NC-8 N/US-52 N

7. Take exit 6E to merge onto NC-8 N/US-311 N/US-52 N toward Mt Airy/Smith Reynolds/Airport
   Continue to follow NC-8 N/US-52 N
8. Take exit 112 for Akron Dr

Take Indiana Ave to Methodist Dr

9. Use the left 2 lanes to turn left onto Akron Dr
10. Turn right onto Indiana Ave
11. Turn right onto Methodist Dr
   Destination will be on the right

111 Methodist Dr
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
City Council – Action Request Form

Date: March 1, 2017
To: The City Manager
From: D. Ritchie Brooks, Director, Community Development

Council Action Requested:
Approve a Neighborhood Improvement Plan (NIP) for the Ansonia, Manchester, Machine and E. 25th Street areas.

Summary of Information:
City staff has recently developed a Neighborhood Improvement Plan (NIP) for Manchester, Machine, Ansonia, and E. 25th Streets in the Bowen Park Community.

The Community Development Department will work in partnership with existing organizations that have a commitment to improving the overall livability of the area. The organizations identified are Liberty East Redevelopment (LER), Mt. Sinai Full Gospel Deliverance Center (Mt. Sinai) and Habitat for Humanity (Habitat). Improvement efforts are already under way by the organizations that includes acquiring and demolishing dilapidated houses with the intent of building new dwellings. They, along with LER, have also been heavily involved with resident organizing and engagement initiatives. Liberty East Redevelopment (LER) is also the Coordinating Neighborhood Agency (CNA) for the City’s TURN program in this area.

The proposed improvement plan will include providing financial assistance for home repair, new housing construction, homeownership opportunities, resident engagement initiatives, lot clearing, and neighborhood clean-up initiatives.

The Plan includes the following three phases:
Phase One: The City will clear lots in the target area that are owned by either of the organizations mentioned above to make them build ready. In return, the organizations will agree to maintain the cleared lot(s) in order to repay the costs incurred by the City for clearing.

Phase Two: The City will assist Mt. Sinai and Habitat to demolish dilapidated houses they currently own or will acquire. Once demolition is complete, the organizations will be responsible for maintaining the lot(s) in order to repay the costs incurred by the City for demolition.

Committee Action:

<table>
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Remarks:
Phase Three: The City will assist LER in marketing the TURN program to existing owner occupants and investor owners. When necessary, aggressive code enforcement will be initiated for properties that are not maintained to code standards.

The estimated cost for the City’s participation for FY17-18 is $300,000 (approx. $6,000 per lot) and funding for the Plan can be made available from existing CDBG and Bond funds that are currently allocated for the listed activities. TURN funds for housing rehabilitation and lot clearance/preparation and CDBG funds for demolition, lot clearance/preparation (contingent upon acceptable environmental reviews). Currently, Mt. Sinai owns 30 lots and several lots are owned by Habitat. An additional 14 lots may be acquired during the upcoming year.

Habitat for Humanity of Forsyth County currently owns several lots within the 25th, Ansonia, Machine and Manchester Streets area. They plan to start building four houses in the starting in Spring 2017.

United Way and Liberty East Redevelopment
The Bowen Park Community is one of the areas in United Way's Placed Based Matters initiative. The United Way has teamed up with Liberty East Redevelopment (LER) to acquire houses in the Bowen Park Community (25th, Ansonia, Machine, and Manchester Streets in particular). Their plan is to demolish as many houses as they can and ultimately rebuild. Many of these houses are already below minimum housing code and the costs to repair currently exceeds 65% of the value of the property.

Mount Sinai Community Development Center is a church located on Manchester Street. Under the direction Pastor Yvonne Hines, the church formed the Mount Sinai Community Development Corporation (CDC) and have acquired approximately 30 lots along 25th, Ansonia, Machine and Manchester Streets. Pastor Hines has a vision of building a campus to include the church, athletic field, houses and buildings.

UNITY is a group of approximately three neighborhood organizations throughout the Bowen Park Community. A long-time neighborhood resident, Dorothy Bonner, leads the group. UNITY received a small grant from Neighbors for Better Neighborhoods (NBN) to work with the youth in the area to cut grass and clean up lots.

Staff believes the combined efforts of the above named organizations are making a difference in this area and the Improvement Plan will provide the resources and assistance to help make this area a safe and desirable place to live, play and relax.
RESOLUTION APPROVING A NEIGHBORHOOD IMPROVEMENT PLAN FOR MANCHESTER, MACHINE, ANSONIA AND EAST 25th STREETS IN THE BOWEN PARK COMMUNITY

WHEREAS, City staff has recently developed a Neighborhood Improvement Plan (NIP) for Manchester, Machine, Ansonia and E. 25th Streets in the Bowen Park Community, and

WHEREAS, the Community Development Department will work in partnership with existing organizations such as Liberty East Redevelopment (LER), Mt. Sinai Full Gospel Deliverance Center (Mt. Sinai) and Habitat for Humanity (Habitat) to assist in improving the overall livability of the area, and

WHEREAS, the Plan will include providing financial assistance for home repair, new housing construction, homeownership opportunities, resident engagement initiatives, lot clearing, and neighborhood clean-up initiatives, and

WHEREAS, city staff believes the combined efforts of the partnering organizations are making a difference in the targeted area and the Improvement Plan will provide the resources and assistance to help make the area a safe and desirable place to live, play and relax, and

WHEREAS, the estimated cost for the City’s participation for FY17-18 is $300,000 (approximately $6,000 per lot) and funding for the Plan can be made available from existing CDBG and Bond funds that are currently allocated for the listed activities.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Winston-Salem hereby approve the Neighborhood Improvement Plan for Manchester, Machine, Ansonia and E. 25th Streets in the Bowen Park Community.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to execute documents and agreements necessary to carry out the activities in the Plan.
City Council – Action Request Form

Date: March 3, 2017
To: The City Manager
From: D. Ritchie Brooks, Director – Community Development Department

Council Action Requested:
Authorize change in use of funding to the North Carolina Housing Foundation for the SECU Commons Workforce Development Program.

Summary of Information:
The Mayor and City Council awarded $13,350 in Housing Finance Assistance Funds to North Carolina Housing Foundation through approval of the FY17 City Budget to be used toward case management of residents of The SECU Commons. The case management funding was intended to supplement a federal grant which was not awarded. Subsequently, case management services for SECU Commons residents have been provided through other social services agencies at no cost to The SECU Commons project.

Since the City’s funds are not needed for case management, North Carolina Housing Foundation has requested that the funds be used towards the costs of the Workforce Development Program provided at The SECU Commons. The program will serve approximately 30 residents and help them to obtain skills to obtain employment. The program also conducts outreach to employers to provide jobs for program participants. The total cost of the Workforce Development Program for FY17 is $84,029.

A resolution to authorize the use of the $13,350 in Housing Finance Assistance Funds towards the costs of the Workforce Development Program is attached.

Committee Action:

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Remarks:
RESOLUTION AUTHORIZING CHANGE IN USE OF FUNDING TO THE NORTH CAROLINA HOUSING FOUNDATION FOR THE SECU COMMONS WORKFORCE DEVELOPMENT PROGRAM

WHEREAS, the Mayor and City Council awarded $13,350 in Housing Finance Assistance Funds to North Carolina Housing Foundation through approval of the FY17 City Budget to be used toward case management of residents of The SECU Commons; and

WHEREAS, the funding is not needed for case management services since those services are now provided through social services organizations; and

WHEREAS, North Carolina Housing Foundation has requested that the funds be used for the costs of the Workforce Development Program provided at The SECU Commons.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Winston-Salem authorize use of the $13,350 in Housing Finance funds awarded through approval of the FY17 City Budget for the Workforce Development Program at The SECU Commons.

BE IT FURTHER RESOLVED that the Mayor and City Council authorize the City Manager to execute agreements or other documents necessary to carry out the activities herein authorized.
City Council – Action Request Form

Date: March 6, 2017
To: The City Manager
From: D. Ritchie Brooks, Director, Community Development

**Council Action Requested:**
Authorize continuation of the project and funding for the East End Revitalization Initiative with S.G. Atkins Community Development Corporation (East Ward).

**Summary of Information:**

On March 25, 2013, the Mayor and City Council approved modification of a development agreement with S.G. Atkins Community Development Corporation to develop single-family homes for homeownership in the CDC’s service area with construction loan funds from the City. The modification included up to $600,000 in HOME Investment Partnership funds to acquire eligible vacant lots and vacant houses in an area bounded by North Cleveland Avenue, Martin Luther King, Jr. Drive, East Fifth Street, and East Belews Street, demolish houses as necessary, and construct or rehabilitate up to five single-family houses for homeownership.

The CDC has purchased four vacant lots and/or houses with HOME funds and demolished two houses at a total cost of $58,124.84. The CDC has obtained neighborhood input on the house designs. The project was delayed when a credit union approached the CDC about building a branch in the target area and acquiring some of the CDC’s property. After doing its due diligence and making offers to all affected property owners, the credit union was unable to obtain all of the land it needed and decided to look for another site. The CDC will now continue with construction of houses in the area. Each house is projected to cost $125,000 for acquisition and construction and sell for approximately $95,000.

The attached resolution authorizes continuation of the project and funding. No additional funds are requested.

**Committee Action:**

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Remarks:
RESOLUTION AUTHORIZING CONTINUATION OF THE PROJECT AND FUNDING FOR THE EAST END REVITALIZATION INITIATIVE WITH S.G. ATKINS COMMUNITY DEVELOPMENT CORPORATION

WHEREAS, infill redevelopment is an integral part of the Consolidated Housing and Community Development Plan; and

WHEREAS, on March 25, 2013, the Mayor and City Council approved modification of a development agreement with S.G. Atkins Community Development Corporation to develop single-family homes for homeownership in the CDC’s service area with construction loan funds from the City; and

WHEREAS, the said modification authorized up to $600,000 in HOME Investment Partnership funds to S.G. Atkins Community Development Corporation, its affiliates and assigns, for acquisition, needed demolition, and construction/rehabilitation loan financing to develop single-family homes for home-ownership in an area bounded by North Cleveland Avenue, Martin Luther King, Jr. Drive, East Fifth Street, and East Belews Street; and

WHEREAS, S.G. Atkins Community Development Corporation purchased property but potential construction of a credit union branch in part of the project area delayed the project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council authorize continuation of the project to develop up to five units of single-family housing for owner-occupancy in an area bounded by North Cleveland Avenue, Martin Luther King, Jr. Drive, East Fifth Street, and East Belews Street and that the balance of HOME Investment Partnership funds continues to be available to S.G. Atkins Community Development Corporation, its affiliates and assigns, for the project.

BE IT FURTHER RESOLVED, by the City Council, that the City Manager is authorized to review and approve the final terms and conditions of the project financing and to execute contracts and documents necessary to carry out the activities herein authorized.
City Council – Action Request Form

Date: March 6, 2017

To: The City Manager

From: D. Ritchie Brooks, Director, Community Development

Council Action Requested:
Approve acceptance of a Proposal submitted by Metropolis Architecture, PLLC in the amount of $38,450 to assist in determining the feasibility of completing the Lake Park Development Project.

Summary of Information:
In April 1990, City Council authorized a $275,000 loan to Lake Park Development, Inc. for the construction of at least 38 middle income houses in East Winston. The City loan was for public infrastructure improvements such as road construction, water & sewer, and decorative street lights. The loan was approved at 0% interest for 25 years and was structured such that as lots were sold in the development, the City would receive $6,000 for each of the first 25 lots sold and $9,615.39 for each of the final 13 lots sold.

In the first ten years, 19 lots sold in the development. Since 2000, only two additional lots have been sold. Of the original 42 lots, 23 remain undeveloped and the original developer has advised he is no longer interested in completing the Project.

In June 2016, Council Member Montgomery and staff met with residents of the Lake Park Community to discuss their concerns regarding completion of the Project. A recurring item expressed by several in attendance was the need for study to determine what lots and how many, of those remaining, were suitable for development. If any were suitable, houses that are built needed to be comparable to those currently in the development, in size and style and their needed to be a marketing study. While the residents are eager to have the development completed, they stressed their preference is to have houses that are similar in same size and style as those currently in the development. They also shared with staff that they realize the topography of some of the lots could present a challenge to building houses that sell at a reasonable price point, so it may not be feasible to utilize all of the remaining lots for houses. In addition, they inquired about what type of incentives would or could the City make available to prospective buyers.

An RFP was prepared to obtain a professional service to assist in determining the feasibility of moving forward with the project. The following tasks/services were requested:

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<tr>
<td><strong>Committee</strong></td>
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<td>For</td>
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<td>Remarks:</td>
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</tbody>
</table>

-331-
• Assess the feasibility and cost effectiveness of building residential houses on approximately 21 vacant lots in the development and recommend which lots in their current condition are suitable (requiring minimum prep work) for building a residential structure compatible to existing subdivision houses.
• Obtain appraisals on the selected lots.
• Provide floor plans, drawings and preliminary cost estimates on three (3) residential structure’s that can be built on the lots recommended suitable for building that are substantially in compliance with current development design standards (will be provided).
• Provide cost estimate to build one spec house selected from the plans/drawings submitted.
• Provide cost estimate to build a residential structure on one of the selected buildable lots, per the existing development design standards.
• Recommend an alternative use for the remaining lots not selected suitable for development.

Only one Proposal was submitted in response to the RFP and it was not considered due to insufficient information. Staff spoke with the company who submitted the incomplete Proposal and with one of the companies who did not submit a Proposal, and information from both was submitted in January 2017. Staff reviewed the Proposals and have determined the Proposal submitted by Metropolis Architecture, PLLC to be the most responsive and responsible. The attached resolution authorizes entering into a contract with Metropolis Architecture, PLLC for $38,450. The project would be funded from the Housing Finance Fund.

It should be noted that if the Proposal is approved and the project proceeds, an additional commitment of funds could be needed at a later time to complete the Project.
RESOLUTION APPROVING ACCEPTANCE OF A PROPOSAL SUBMITTED BY METROPLIS ARCHITECTURE, PLLC TO ASSIST IN DETERMINING THE FEASIBILITY OF COMPLETING THE LAKE PARK DEVELOPMENT PROJECT

WHEREAS, in April 1990, City Council authorized a $275,000 loan to Lake Park Development, Inc. for the construction of at least 38 middle income houses in East Winston, and

WHEREAS, in the first ten years 19 lots sold in the development and since 2000, only two additional lots have been sold, and

WHEREAS, of the original 42 lots, 23 remain undeveloped and the original developer has advised he is no longer interested in completing the Project, and

WHEREAS, in June 2016, Council Member Montgomery and staff met with residents of the Lake Park Community to discuss their concerns regarding completion of the Project and a recurring item expressed by several in attendance was the need for a study to determine what lots and how many, of those remaining, were suitable for development, and

WHEREAS, an RFP was prepared to obtain a professional service to assist in determining the feasibility of moving forward with the project and the Proposal submitted by Metropolis Architecture, PLLC was determined to be the most responsive and responsible.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Winston-Salem hereby approve acceptance of the Proposal submitted by Metropolis Architecture, PLLC in the amount of $38,450.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to execute documents and agreements necessary to carry out the activities in the Proposal with the use of Housing Assistance Funds.
ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE
CITY OF WINSTON-SALEM, NORTH CAROLINA
FOR THE FISCAL YEAR 2016-2017

BE IT ORDAINED by the Mayor and City Council of the City of Winston-Salem that the Project Budget Ordinance for the Fiscal Year 2016-2017 be amended to appropriate funds to assist in determining the feasibility of completing the Lake Park Development project.

SECTION 1. That the Project Budget Ordinance of the City of Winston-Salem, adopted on June 20, 2016 and amended on August 15, 2016, September 19, 2016, October 17, 2016, November 21, 2016, December 19, 2016, January 17, 2017, and February 20, 2017, shall be further amended by changing the expenditure appropriations in the following fund.

**Special Revenue Funds**

<table>
<thead>
<tr>
<th>Housing Finance Assistance Fund</th>
<th>Lake Park Development Study</th>
<th>$38,450</th>
</tr>
</thead>
</table>

**Total Special Revenue Funds Expenditures** $38,450

SECTION 2. That the following revenues will be available to meet the above listed appropriations.

**Special Revenue Funds**

<table>
<thead>
<tr>
<th>Housing Finance Assistance Fund</th>
<th>Fund Balance Appropriation</th>
<th>$38,450</th>
</tr>
</thead>
</table>

**Total Special Revenue Funds Revenues** $38,450

SECTION 3. That this amendment to the Project Budget Ordinance shall become effective as of the date of adoption.
TO: Community Development/Housing/General Government Committee  
FROM: Angela I. Carmon, City Attorney  
Jerry N. Kontos, Assistant City Attorney  
Marilena Jensen-Guthold, Assistant City Attorney  
DATE: March 7, 2017  
RE: Proposed Unified Development Ordinances Text Amendments to Reflect Changes in State Law  
CC: Lee Garrity, City Manager  
Paul Norby, Planning and Development Services Director  
Keith Huff, Director of Stormwater/Erosion Control  

It is necessary that certain provisions of the Unified Development Ordinances (UDO) be updated in order to accurately reflect recent changes in state law. There have been revisions to 160A-388, the state statute authorizing Boards of Adjustment, which require changes to UDO provisions regarding the granting of variances. Additionally, the General Assembly has done away with the statute governing protest petitions, yet allowing for the submission of a written statement regarding a proposed amendment, modification or repeal to a zoning ordinance.

The General Assembly has also enacted changes to the state statutes governing notices of violation and civil penalties for erosion control violations due to land disturbing activities. Finally, the General Assembly has amended its statutes governing surety bond requirements, requiring an update of the City’s subdivision regulations. The proposed text amendments would update the UDO accordingly to reflect all of these changes in state law.
UDO-XXX

AN ORDINANCE AMENDING CHAPTER B, ARTICLE III AND VI, CHAPTER C, ARTICLE V, AND CHAPTER D, ARTICLE IV OF THE UNIFIED DEVELOPMENT ORDINANCES

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter B, Article III, Section 3-4.9 – Variance (W) is hereby amended as follows:

3-4.9 VARIANCE (W)

Applications for variances from the requirements of the landscaping and screening standards may be approved by the Board of Adjustment after such Board of Adjustment holds a duly advertised public hearing in each case. Said application for a variance will be governed by the procedures set forth in Section B.6-1.4(B). Approval of a variance shall include the determination that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance because of one or more of the following conditions:

(A) Narrow ..... Unusually narrow (less than ten (10) feet) sections of land available for planting because of existing permanent structures, existing paving, or natural features such as rock outcroppings.

(B) Elevation Change ..... Elevation change of more than twelve (12) feet within the area where the screening would be located.

(C) Public Safety ..... Specialized land uses such as public utilities, airports, etc., where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.

(D) Public Agency ..... Actions of a public agency.

(E) Platting or Deeding ..... Difficulties arising from the recording platting or deeding of land prior to the adoption of this Ordinance.

Section 2. Chapter B, Article III, Section 3-5.5 – Bufferyard Variance is hereby amended as follows:

3-5.5 BUFFERYARD VARIANCE

Application for variances from the requirements of the bufferyard standards may be approved by the Board of Adjustment in accordance with the procedures in Section B.6-1.4(B). Approval of a variance shall include the determination that there are practical difficulties or
unnecessary hardships in the way of carrying out the strict letter of the ordinance because of one or more of the following conditions:

(A) Narrow ..... Unusually narrow (less than ten (10) feet) sections of land available for planting within the back and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings.

(B) Steep Slopes/Elevation Change ..... Existing slopes in excess of two (2) to one (2:1) in locations where a bufferyard is required.

(C) Public Safety ..... Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.

(D) Public Agency ..... Actions of a public agency.

(E) Plating or Deeding ..... Difficulties arising from the recorded plating or deeding of land prior to the adoption of this Ordinance.

Section 3. Chapter B, Article VI, Section 6-1.4 - Board of Adjustment is hereby amended as follows:

6-1.4 BOARD OF ADJUSTMENT

(B) Variances

(1) Authority. ..... No provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a variance of the conditions of a permitted use except with respect to the specific waiving of requirements as to:

(a) General Dimension Requirements for Zoning Districts listed in Sections B.2-1.2, B.2-1.3, B.2-1.4 and B.2-1.5 and shall only include minimum zoning lot area and width, minimum setbacks, maximum impervious surface cover, or maximum height;

(b) Floodplain regulations as specified in Section C.2-2.7;

(c) Vehicular use landscaping requirements as specified in Section B.3-4;

(d) Bufferyard requirements as specified in Section B.3-5;

(e) Setback and landscaping requirements of the TO District as specified in Section B.2-1.6(B);
(f) Width of private access easements where such easement is for single family residential uses and where said private access easement was established prior to April 17, 1978;

(g) Off-street parking and loading as specified in Section B.3-3;

(h) Delay of building permits within designated Transportation Plan corridors as specified in Section B.3-7.1;

(i) Residential infill setback requirements as specified in Section B.3-8; (W) and

(j) Conservation Standards for the NCO District as specified in Section B.2-1.6(A).

(2) Limitations. .....The Board of Adjustment shall not grant a variance to permit a use not permitted in the applicable zoning district, nor shall it grant a variance for a site plan feature or condition adopted in conjunction with a special use district zoning.

(3) Public Hearing. .....Applications for variances may be approved by the Board of Adjustment after such Board of Adjustment holds a duly advertised public hearing in each case.

(4) Hardship. .....Said application for a variance may be approved only upon a finding of unnecessary hardship in meeting the dimensional requirements of this Ordinance. The hardship must arise from the recorded platting or deeding of land or any building constructed and completed prior to the adoption of this Ordinance, from any act of a public agency, or from natural conditions beyond the control of the property owner. The Board of Adjustment shall vary the provisions of the Ordinance upon a showing of all of the following:

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(a) The unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property;

(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
(d) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

(5) Findings. The Board of Adjustment shall approve of a variance only when the Board of Adjustment makes an affirmative finding as follows:

(a) That the approval of the variance will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

(b) That the use of the property otherwise meets all required conditions and specifications;

(c) That the approval of the variance will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(d) That the location and character of the use, if developed according to the variance, will otherwise be in harmony with the area in which it is to be located and in general conformity with Legacy.

(e) That the basis for a hardship determination in subsection B.6-1.4(B)(4) is met.

(65) Review of Applications. Any such variance shall observe the spirit and purpose of this Ordinance and shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies the application for a variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken.

(76) Conditions. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

(87) Voting on Variance Requests. The concurring vote of four-fifths (4/5) of the Board shall be necessary to grant a variance. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives to take the place of such members.

Section 4. Chapter B, Article IV, Section 6-2.1(O) Protest Petition is hereby amended as follows:

Section 6-2.1(O) Protest Petition Submission of Written Statements (W) The Unified Development Ordinances may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the City submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the City Secretary at least two business days prior to the proposed vote on such change, the City
Secretary shall deliver such written statement to the City Council. In case of a protest against any zoning map amendment signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change; or (ii) five percent (5%) of a one hundred (100) foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned; A street right-of-way shall not be considered in computing the one hundred (100) foot-wide buffer area as long as that street right-of-way is one hundred (100) feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the one hundred (100) foot wide buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Elected Body may rely on the county tax listing to determine the owners of potentially qualifying areas. Such amendment shall not become effective except by favorable vote of three-fourths (¾) of all members of the Elected Body. For the purposes of this subsection, vacant positions on the Elected Body and members who are excused from voting shall not be considered members of the Elected Body for calculation of the requisite supermajority.

No protest against any zoning map amendment shall be valid or effective under the provisions of the foregoing paragraph unless such protest is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless such protest shall have been received by the Elected Body in sufficient time to allow at least two (2) normal workdays, excluding Saturdays, Sundays, and legal holidays, prior to the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. Such petition shall be accompanied by a map or sketch clearly showing the property of the petitioners in such detail as to show that the ownership requirements of the foregoing paragraph are met. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning map amendment. Only those protest petitions that meet the qualifying standards set forth above at the time of the vote on the proposed zoning map amendment shall trigger the supermajority voting requirement.

The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening provided for the special use district.
Section 5. Chapter C, Article V, Subsection 5-21.2 – Notice of Violation is, hereby, amended as follows:

5-21.2 - NOTICE OF VIOLATION

If, through inspection, it is determined that a person engaged in land-disturbing activity has failed to comply with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, or has failed to comply with an approved plan, a notice of violation shall be served upon that person by registered or certified mail or other means reasonably calculated to give actual notice. The notice shall specify a date by which the person must comply with the Act, or this Ordinance, or rules or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with the Act, this Ordinance or rules or orders adopted pursuant to this Ordinance. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Local Government serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation, as provided in G.S. 113A-64 and this Ordinance. If the person engaged in the land-disturbing activity has not received a previous notice of violation under this Subsection 5-21.2, the Local Government shall deliver the notice of violation in person and shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the North Carolina Department of Environmental Quality, referral to a cooperative extension program, or by the provision of written materials, such as North Carolina Department of Environmental Quality guidance documents. If the Local Government is unable to deliver the notice of violation, in person, within 15 days following discovery of the violation, the notice of violation may be served in the manner prescribed for service of process by N.C.G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

Section 6. Chapter C, Article V, Subsection 5-22.1 – Civil Penalties is, hereby, amended as follows:

5—22.1 – CIVIL PENALTIES

(A) Procedure ..... Any person who violates any of the provisions of this section Article V of Chapter C of the Ordinance, or rules, or orders adopted or issued pursuant to this section Article V of Chapter C of the Ordinance, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be subject to a civil penalty of not more than up to five thousand dollars ($5,000.00) per day, except that the penalty fee for failure to submit
an erosion and sedimentation control plan shall be as provided in Subsection C.5-16.2. Each day of continuing violation shall constitute a separate violation. A person may be assessed an initial civil penalty of up to five thousand dollars ($5,000.00) for the first day the violation is detected, and daily civil penalties, thereafter, for every day the violation continues.

Notwithstanding any of the foregoing, if the person has not previously been assessed any civil penalty under G.S. 113A-64(a) or this Subsection 5-22.1 for any prior violation, and has since abated any continuing environmental damage resulting from the current violations, within one hundred eighty (180) days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this Subsection 5-22.1 for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required will be twenty-five thousand dollars ($25,000). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the day the violation is first detected. However, no time period for compliance need be given for failure to submit an erosion control plan for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation. A person may be assessed a one-time civil penalty of up to five thousand dollars ($5,000.00) for the day the violation is first detected.

(B) Amount and Enforcement .....The Director of Inspections shall determine the amount of the civil penalty to be assessed under this Subsection 5-22.1 and shall provide notice to the person in violation, directing the violator to either pay the assessment or contest the assessment by a written demand for a hearing within thirty (30) days after receipt of the notice of assessment. The notice shall set forth, in detail: (i) the civil penalty amount, (ii) a description of the violation for which the penalty has been imposed, and (iii) the basis for assessment, (iv) the option available to the violator to request a remission of the civil penalty, under G.S. 113A-64.2 and Subsection 5-22.1(E), below, (v) the date by which the violator must make the remission request regarding the particular penalty, and (vi) if the violator has not previously been assessed any civil penalty under G.S. 113A-64(a) or this Subsection 5-22.1 for any prior violation, the date by which the violator must abate continuing environmental damage resulting from the violation, in order to qualify for the twenty-five thousand dollar ($25,000) cap on cumulative total civil penalty under Subsection 5-22.1(A), above. In determining the amount of the penalty, the Director of Inspections shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with this ordinance. Notice of the assessment shall
be by registered or certified mail or other means reasonably calculated to give actual notice. If payment is not made within thirty (30) days after it is “due”, as that term is used below, or if demand for hearing to contest the assessment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the City/County Attorney for institution of a civil action in the name of the City of Winston-Salem/Forsyth County in the appropriate division of the general courts of justice superior court of the county where the violation occurred or the violator’s residence or principle place of business is located, for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this chapter. Such actions must be filed within three (3) years of the date the final decision was served on the violator the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative or judicial review of the assessment, as the case may be.

(C) Contest of Assessment .....A hearing on a civil penalty shall be conducted by the Director of Inspections within thirty (30) days after the date of receipt of the written demand for hearing. The Director of Inspections shall render his or her decision on the civil penalty at the conclusion of the hearing. Appeal from the final decision of the Director of Inspections shall be to the Superior Court of Forsyth County, where the violation occurred.

(D) Disbursal of Penalties .....Civil penalties collected pursuant to this Ordinance shall be used or disbursed as directed by G.S. 113A-64(a)(5).

(E) Requests for Remission of Civil Penalties

(i) A request for remission of a civil penalty imposed under G.S. 113A-64 or this Subsection 5-22.1 may be filed with the North Carolina Sedimentation Control Commission within sixty (60) days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing, pursuant to Chapter 150B of the General Statutes, and a stipulation of the facts on which the assessment was based.

(ii) The following factors shall be considered by the North Carolina Sedimentation Control Commission in determining whether a civil penalty remission request will be approved:

(a) whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied, to the detriment of the petitioner,
(b) whether the petitioner promptly abated continuing environmental damage resulting from the violation,
(c) whether the violation was inadvertent or the result of an accident,
(d) whether the petitioner has been assessed civil penalties for any previous violations,
(e) whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship, and
(f) the property tax value of the petitioner's property, upon which the violation occurred, excluding the value of any structures located on the property.

(iii) The petitioner shall have the burden of establishing that the civil penalty imposes financial hardship and of providing supporting information and documentation.

(iv) The North Carolina Sedimentation Control Commission may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the current civil penalty will prevent payment for necessary remedial actions.

(v) The North Carolina Sedimentation Control Commission will not impose a penalty under G.S. 113A-64.2 that exceeds the civil penalty imposed by the North Carolina Department of Environmental Quality.

Section 7. Chapter C – Environmental Ordinance is, hereby, amended as follows:

All references to the term “Director of Inspections” shall be replaced with the term “Stormwater Director or his/her designee”.

Section 8. Chapter D, Article IV, Subsection 4(H) – Recording Final Plats is hereby amended as follows:

4. - MAJOR SUBDIVISIONS

(H) Recording Final Plats .....The final or record subdivision plat shall be prepared and submitted to Planning staff by the owner or owner's agent and recorded in the office of the Register of Deeds, or otherwise, the owner or owner’s agent must seek an extension of preliminary subdivision approval as provided in Subsection D.4(E) or a revised preliminary subdivision approval, as provided for in Subsection D.4(F). Plat(s) will be signed by Planning staff when all the following requirements have been met:

…

(2) Required Information and Certifications. .....Final plats will not be signed by Planning staff until all of the following information or certifications are received, if applicable:

…
(f) The developer or design engineer shall, based upon the approved infrastructure plans and in accordance with the Infrastructure Development Standards, prepare a detailed, unit price cost estimate to complete the approved infrastructure for submittal to the holder of the surety for review and approval. To this approved estimate shall be added a minimum fifty percent (50%) contingency, plus an amount estimated by the City Engineer to reimburse the City for its administrative costs to process the completion of the approved infrastructure. The amount of surety posted shall not be less than the sum of the estimated infrastructure costs, the contingency amount, and the estimated administrative costs enumerated above, **but shall, in no case, exceed one hundred twenty-five percent (125%) of the reasonably estimated cost to complete the required improvements, at the time the plat is recorded.** Subject to the requirements of G.S. 160A-372, the surety shall be satisfactory to the attorney of the jurisdiction as valid, sufficient and enforceable. Such surety shall be conditioned upon the performance of all work necessary to make the specified improvements within a stipulated period not to exceed two (2) years from the date of the surety. **If the improvements are not or will not be completed by the time the surety expires, the surety shall be extended, or a new surety shall be issued for an additional length of time, until the required improvements are complete.** Such surety shall provide that an action may be instituted by the jurisdiction for breach of any term(s) or condition(s) upon failure of the principal to perform the obligation(s) in all respects within one year from the end of the stipulated period during which the work required is to be performed. **A bond, an irrevocable letter of credit issued by a bank in a form approved by the Attorney of the jurisdiction or a deposit of funds in escrow may be accepted under the same terms and conditions applicable to sureties.** The developer shall select, and the City shall accept, any of the following forms of surety: a surety bond, issued by any company authorized to do business in North Carolina, a letter of credit, issued by any financial institution licensed to do business in North Carolina, or such other form of guarantee as provides equivalent security to a surety bond or letter of credit. **Any** bond, letter of credit, or deposit **may shall** be released by the jurisdiction when the specified improvements covered by the bond have been completed and approved by the Director of Public Works as being in accordance with the jurisdiction's standards and specifications. Notwithstanding the above requirements, if a development is financed in whole or in part through aid from the Federal Housing Authority or another agency of the federal or State governments, and said federal or State agency requires the filing of performance and payment bonds to insure completion of the specified improvements in accordance with approved plans, the filing of said performance and payment bonds is to be accepted.
in lieu of the sureties describe above, so long as the local jurisdiction is named as a beneficiary of the surety posted.

Section 9. This ordinance shall be effective upon adoption.
Date: March 8, 2017
To: The City Manager
From: Angela I. Carmon, City Attorney

Council Action Requested:
Adoption of Resolution of the Winston-Salem Council Regarding Legislation Introduced During the 2017 Legislative Session (Town Hall Day Resolution)

Summary of Information:
Town Hall Day will convene on March 29, 2017 in Raleigh North Carolina. The attached resolution, recommended for adoption, expresses the Council’s position with respect to legislation introduced during this session and will be helpful to Council as Council and staff engage in a dialogue with members of the Forsyth County Legislative Delegation during its noon meeting.

Committee Action:

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RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL REGARDING LEGISLATION INTRODUCED DURING THE 2017 LEGISLATIVE SESSION

WHEREAS, the 2017 Session of the North Carolina General Assembly convened on Wednesday, January 11th; and

WHEREAS, the members of the Forsyth County Legislative Delegation and the City Council will convene a meeting at noon on March 29, 2017 during Town Hall Day in Raleigh, North Carolina to discuss pending legislation amongst other things; and

WHEREAS, members of the City Council and the Mayor along with city staff will be attending Town Hall Day; and

WHEREAS, Town Hall Day represents an opportunity for the City to communicate to members of the North Carolina General Assembly its position with respect to legislation; and

WHEREAS, this Resolution along with the resolutions adopted on November 21, 2016 will enable the Mayor, Council Members and staff to represent appropriately the City’s position on various bills, and

WHEREAS, the City has identified several bills that it wishes to support because said bills are helpful to local governments and the citizens they serve including bills such as: (1) HB 81 ST/Regional & Division Weighting which will increase the weight given local input in transportation funding decisions. The formula changes the 50/50 split between local officials and state transportation engineers to a two-thirds/one-third breakdown in favor of local officials; and (2) SB 81 Sales Tax Economic Nexus for Remote Sales which will expand the state sales tax levy to remote (on-line) sales if the retailer sold more than $100,000 or had more than 200 separate transactions, which bills are listed in Exhibit A attached hereto and incorporated herein; and
WHEREAS, the City has also identified a number of other bills that have been introduced during this current legislative session that are concerning because they appear to impose additional restrictions upon, if not eliminate, existing authority such as: (1) SB 131 Regulatory Reform of 2016 which appears to potentially allow a developer/owner to overlay existing areas with landscaping materials in order to reduce the impervious footprint in a development and escape the need to comply with local storm water regulations; and (2) HB 252-Building Code Regulatory Reform which appears to require State Board Code Council approval for existing ordinances that require more frequent regular, routine inspections for one and two Family dwellings beyond the State Building Code further diminishing the ability of local government to make those decisions, unilaterally, based upon issues it may have identified to warrant more frequent inspections. These bills along with others that are of concern to the City of Winston-Salem are listed in Exhibit B, attached hereto and incorporated herein; and

WHEREAS, the City has also identified a number of other bills that have been introduced during this current legislative session that it wishes to oppose because said bills will have either a negative financial impact or a negative impact upon City operations such as: (1) HB 173-Revisions to Outdoor Advertising Laws which will eradicate existing and more specific local zoning restrictions in favor more generic commercial and industrial zoning to the benefit of the billboard industry and to the detriment of the appearance and development goals of the local jurisdiction; and (2) SB 126 Change Lost Adjustment Factor which will result in a revenue loss of about $229,000 adding to the losses sustained by municipalities over the years as revenue sources remain stagnant. The City opposes these bills along with others that are listed in Exhibit C, attached hereto and incorporated herein;
WHEREAS, the City appreciates the continued support of Forsyth County Legislative Delegation (“Delegation”) for the city’s legislative priorities and the Delegation’s willingness to listen to the City’s expressions of support, concern and opposition to pending legislation.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council expresses support for the bills listed in Exhibit A, attached hereto and incorporated herein; expresses concern as to the bills or portions thereof listed in Exhibit B, attached hereon and incorporated herein; and expresses its opposition to the bills listed in Exhibit C, attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that the Mayor and City Council authorizes City staff to support its legislative efforts during Town Hall Day consistent with the resolution adopted on November 21, 2016 and this Resolution including Exhibits A, B, and C attached hereto and incorporated herein.
Exhibit A-Bills Supported

1. HB 81 ST/I Regional & Division Weighting
2. SB 81 Sales Tax Economic Nexus for Remote
3. HB 220 State Infrastructure Bank Revisions
4. HB 219 Transportation Megaproject Funding
A BILL TO BE ENTITLED

AN ACT TO ADJUST THE WEIGHTING ATTRIBUTED UNDER THE TRANSPORTATION INVESTMENT STRATEGY FORMULA TO THE DEPARTMENT OF TRANSPORTATION'S DIVISION ENGINEERS, THE METROPOLITAN PLANNING ORGANIZATIONS, AND THE RURAL TRANSPORTATION PLANNING ORGANIZATIONS, WHEN SELECTING REGIONAL IMPACT AND DIVISION NEED PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-189.11(d)(2)a. reads as rewritten:

"(2) Regional Impact Projects. – Thirty percent (30%) of the funds subject to this section shall be used for Regional Impact Projects and allocated by population of Distribution Regions based on the most recent estimates certified by the Office of State Budget and Management:

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Regional Impact Projects involving highways that address cost-effective needs from a region-wide perspective and promote economic growth. Local input is defined as the rankings identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. Transportation Division Engineer local input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Regional Impact Projects shall be based on a numeric scale of 100 points based on the following quantitative criteria:
SECTION 2. G.S. 136-189.11(d)(3)a. reads as rewritten:

"(3) Division Need Projects. – Thirty percent (30%) of the funds subject to this section shall be allocated in equal share to each of the Department divisions, as defined in G.S. 136-14.1, and used for Division Need Projects.

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Division Need Projects involving highways that address cost-effective needs from a Division-wide perspective, provide access, and address safety-related needs of local communities. Local input is defined as the rankings identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. Transportation Division Engineer local input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Division Need Projects shall be based fifty percent (50%) on local input, fifteen percent (15%) on the rankings identified by the Department's Division Engineers, thirty-five percent (35%) on the rankings identified by the Metropolitan Planning Organizations and the Rural Transportation Planning Organizations, and fifty percent (50%) on consideration of a numeric scale of 100 points based on the following quantitative criteria, except as provided in sub-subdivision b. of this subdivision:

SECTION 3. G.S. 136-189.11(d)(4)b. reads as rewritten:

"(4) Criteria for nonhighway projects. – Nonhighway projects subject to this subsection shall be evaluated through a separate prioritization process established by the Department that complies with all of the following:

... b. Local input shall include rankings of projects identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. Transportation Division Engineer local input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g)."

SECTION 4. This act is effective when it becomes law.
A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THAT ECONOMIC NEXUS IS THE BASIS FOR COLLECTION OF SALES TAX BY REMOTE SELLERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-164.8(b) is amended by adding a new subdivision to read:

"(b) Remote Sales. – A retailer who makes a remote sale is engaged in business in this State and is subject to the tax levied under this Article if at least one of the following conditions is met:

..."

(9) The retailer, with respect to remote sales into North Carolina for the previous calendar year, had one or more of the following:

a. Gross sales in excess of one hundred thousand dollars ($100,000).

b. Two hundred or more separate transactions."

SECTION 2. This act becomes effective July 1, 2017, and applies to sales made on or after that date.
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 220

Short Title: State Infrastructure Bank Revisions. (Public)

Sponsors: Representative Torbett.  
For a complete list of sponsors, refer to the North Carolina General Assembly website.

Referred to: Transportation, if favorable, Finance

March 2, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE PURPOSES FOR WHICH FUNDS FROM THE STATE INFRASTRUCTURE BANK MAY BE USED AND TO CREATE AN OVERSIGHT BOARD FOR THE STATE INFRASTRUCTURE BANK, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 21.
"State Infrastructure Bank.

(a) Creation. – The Department of Transportation may adjust, administer, and receive federal funds for a transportation infrastructure banking program authorized by the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, as amended, the National Highway System Designation Act of 1995, Pub. L. 104-59, as amended, and any other federal law authorizing and governing the use of federal funds for a transportation infrastructure banking program.

(b) Federal Financial Assistance. – The Department is authorized to apply for, receive, administer, and comply with all conditions and requirements related to federal financial assistance necessary to fund the infrastructure banking program.

(c) Use of Funds; Conditions and Repayment. – Except as otherwise prohibited under federal law, the infrastructure banking program established under subsection (a) of this section may utilize available federal and State funds for the purpose of providing loans or other financial assistance to governmental units, including toll authorities, to finance the costs of transportation projects. Loans or other financial assistance provided under this subsection shall be subject to repayment and conditioned upon the establishment of any security and the payment of any fees and interest rates required by this subsection deemed necessary by the Department or required by this subsection and deemed necessary by the Department. Governmental units may apply for loans and execute debt instruments payable to the State in order to obtain loans or other financial assistance provided for in this subsection. The Department shall require that applicants pledge as security for the obligations revenues derived from operation of the benefited facilities or systems, other sources of revenue, or their faith and credit, or any combination thereof. The faith and credit of the governmental units shall not be pledged or be deemed to have been pledged unless the requirements of Article 4 of Chapter 159 of the General Statutes have been met. The Department

...
is authorized to apply a municipality’s share of funds allocated under G.S. 136-41.1 or G.S. 136-44.20 as necessary to ensure repayment of funds advanced under this subsection.

(d) Account; Nonreversion of Funds. – The Department shall establish jointly, with the State Treasurer, a separate infrastructure banking account with necessary fiscal controls and accounting procedures. Funds credited to this account shall not revert, and interest and other investment income shall accrue to the account and may be used to provide loans and other financial assistance as provided under this section.

(e) Rules. – The Department may establish such rules and policies as are necessary to establish and administer the infrastructure banking program.

(f) Effect on Transportation Investment Strategy Formula. – The infrastructure banking program authorized under this section shall not modify the formula for the distribution of funds established by G.S. 136-189.11.

(g) Debt Instruments. – The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this section. The Local Government Commission shall develop and adopt appropriate procedures for the delivery of debt instruments to the State without any public bidding therefor.

(h) Review and Approval of Loans. – The State Infrastructure Bank Oversight Board established in G.S. 136-278 shall review and approve all proposed loans and other financial assistance to applicants under this section. In addition, the Local Government Commission shall review and approve proposed loans to applicants under this section pursuant to the provisions of Articles 4 and 5 of Chapter 159 of the General Statutes, as if the issuance of bonds was proposed, so far as those provisions are applicable.

(i) Outstanding Debt. – Loans authorized by this section shall be outstanding debt for the purpose of Article 10 of Chapter 159 of the General Statutes.

§ 136-278. Establishment of State Infrastructure Bank Oversight Board.

(a) Establishment. – The State Infrastructure Bank Oversight Board (Board) is established and shall be responsible for reviewing and approving loans or other financial assistance provided under G.S. 136-277.

(b) Members. – The Board shall consist of the following voting members:

(1) The Secretary of the Department of Transportation.

(2) The Secretary of the Department of Commerce.

(3) The State Treasurer.

(4) The State Auditor.

(5) The State Budget Officer.

(c) Terms. – The members set forth in subsection (b) of this section shall serve terms coinciding with their respective offices.

(d) Officers. – The Board shall elect from its members a chair and vice-chair of the Board.

(e) Meetings. – The Board shall meet on the call of the chair or any two members but shall meet at least once every six months. Each member may be represented by a designee, who shall have the same voting powers as the member. The Board shall meet in offices provided by the Department of Transportation. In addition, the Department of Transportation shall provide the necessary secretarial and clerical staff and supplies to help the Board accomplish its objectives.

(f) Guidelines. – The Board shall develop guidelines, consistent with the requirements of G.S. 136-277, for reviewing and approving loans or other financial assistance provided under G.S. 136-277. The Board shall publish the guidelines established under this subsection on the Board’s Web site, or, if the Board does not have its own Web site, on the Department of Transportation's Web site.

(g) Quorum. – A quorum of the Board shall consist of a majority of the Board’s total membership.
(h) Reports. – The Board shall report on its activities quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Transportation Oversight Committee.

(i) Compensation. – Members shall serve without compensation but may receive travel and subsistence in accordance with G.S. 138-6."

SECTION 2. G.S. 136-18(12a) is repealed.

SECTION 3. Section 1 of this act becomes effective July 1, 2017, and applies to loans and other financial assistance applied for on or after that date. The remainder of this act becomes effective July 1, 2017.
A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MEGAPROJECT FUND TO FUND HIGHER-COST AND LARGER-SCALE TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Establishment of the Megaproject Fund. – Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 14C. Megaproject Fund.

(a) An account designated as the Megaproject Fund is hereby created within the Highway Trust Fund. The Megaproject Fund consists of revenue from appropriations or transfers by the General Assembly.
(b) The amounts deposited to the Megaproject Fund shall be used as provided in this Article, notwithstanding any provision of Article 14B of this Chapter to the contrary. The provisions of Article 14B of this Chapter shall not apply to the application of the Megaproject Fund.

The Department of Transportation shall use the Megaproject Fund to fund transportation projects, selected by a workgroup overseen by the Department, of statewide or regional significance that exceed two hundred million dollars ($200,000,000) in total project cost. The workgroup selecting projects under this section shall establish project selection criteria based on the provisions of this Article.

The Department of Transportation shall develop, and update annually, a report containing a completion schedule for all projects to be funded from the Megaproject Fund, including the selection criteria and reasoning used for each project. The annual update shall indicate the projects, or portions thereof, that were completed during the preceding fiscal year, any changes in the original completion schedules, and the reasons for the changes. The report shall also include the Department's anticipated schedule for future projects. The Department shall submit the report and the annual updates to the Joint Legislative Transportation Oversight Committee by November 1 of each year."

SECTION 2. Exclusion from Transportation Investment Strategy Formula. – G.S. 136-189.11(b) is amended by adding a new subdivision to read:
“(b) Funds Excluded From Formula. – The following funds are not subject to this section:

(11) Funds appropriated or transferred to the Megaproject Fund, in accordance with Article 14C of this Chapter.

SECTION 3.(a) Establishment of Workgroup and Megaproject Selection Criteria. – The Department of Transportation shall establish a workgroup for the purposes of developing megaproject selection criteria and selecting projects in accordance with G.S. 136-189.13, as enacted by Section 1 of this act. The megaproject selection criteria shall:

(1) Address large-scale, significant transportation needs of the State.
(2) Provide for interstate and intrastate connectivity between urban and rural areas and between rural areas.
(3) Encourage economic development in both urban and rural areas of the State.
(4) Improve existing major highway corridors by increasing capacity and relieving congestion.
(5) Provide for infrastructure improvements and rail and highway connectivity to the State ports.
(6) Encourage delivery of projects in the most effective, efficient, and expeditious manner.

SECTION 3.(b) Membership. – The workgroup shall consist of the following members:

(1) A representative from the workgroup established under G.S. 136-189.11(h).
(2) A representative from the North Carolina Association of Municipal Planning Organizations.
(3) A representative from the North Carolina Association of Rural Planning Organizations.
(4) A representative from the North Carolina League of Municipalities.
(5) A representative from the North Carolina Association of County Commissioners.
(6) A representative from the North Carolina Metropolitan Mayors Coalition.
(7) A representative from the North Carolina Council of Regional Governments.

SECTION 3.(c) Selection of Members; Cochairs. – The Department of Transportation shall select the members listed in subsection (b) of this section. The cochairs of the workgroup shall be the members listed in subdivisions (2) and (3) of subsection (b) of this section.

SECTION 3.(d) Meetings. – The Department of Transportation shall establish and convene the workgroup required under this section within 30 days of the effective date of this section. Within the three-month period from the date the workgroup is convened, the workgroup shall hold at least three meetings. One meeting shall set forth the goals and objectives of the workgroup, a second meeting shall discuss the progress made in meeting its goals and objectives, and a third meeting shall present the outcomes achieved from the workgroup process, including a presentation on the selection criteria established by the workgroup. Additional meetings shall be on the call of the cochairs. Each member may be represented by a designee, who shall have the same voting powers as the member. The workgroup shall meet in offices provided by the Department of Transportation. In addition, the Department of Transportation shall provide the necessary secretarial and clerical staff and supplies to help the workgroup accomplish its goals and objectives.

SECTION 3.(e) Quorum. – A quorum of the workgroup shall consist of a majority of the workgroup's total membership.

SECTION 3.(f) Reports. – No later than 45 days from the date the workgroup is convened, the workgroup shall provide a report to the Joint Legislative Transportation Oversight Committee on its progress in creating the megaproject selection criteria. Prior to the end of the three-month period from the date the workgroup is convened, the workgroup shall provide a report
to the Joint Legislative Transportation Oversight Committee on the megaproject selection criteria
created by the workgroup.

SECTION 4. Effective Date. – Sections 3 and 4 of this act are effective when they
become law. The remainder of this act becomes effective July 1, 2017.
Exhibit B- Bills of Concern

1. SB 131 Regulatory Reform Act of 2016
2. HB 252 Building Code Regulatory Reform
A BILL TO BE ENTITLED
AN ACT TO AMEND CERTAIN ENVIRONMENTAL, NATURAL RESOURCES, AND OTHER LAWS.

The General Assembly of North Carolina enacts:

PART I. STATE AND LOCAL GOVERNMENT REGULATION

COPIES OF CERTAIN PUBLIC RECORDS

SECTION 1.1.(a) G.S. 132-6.2 reads as rewritten:

"§ 132-6.2. Provisions for copies of public records; fees.
(a) Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium. The public agency may assess different fees for different media as prescribed by law.
(a1) Notwithstanding subsection (a) of this section, a public agency may satisfy the requirement to provide access to public records and computer databases under G.S. 132-6 by making those public records or computer databases available online in a format that allows a person to download the public record or computer database to obtain a copy. A public agency that provides access to public records or computer databases under this subsection is not required to provide copies through any other method or medium. If a public agency, as a service to the requester, voluntarily elects to provide copies by another method or medium, the public agency may negotiate a reasonable charge for the service with the requester. A public agency satisfying its requirement to provide access to public records and computer databases under G.S. 132-6 by making those public records or computer databases available online in a format that allows a person to obtain a copy by download shall also allow for inspection of any public records also held in a nondigital medium.
(f) For purposes of this section, the following definitions shall apply:
(1) Computer database. – As defined in G.S. 132-6.1(d)(1).
(2) Media or medium. – A particular form or means of storing information."

SECTION 1.1.(b) The State Chief Information Officer, in consultation with the State Controller, the Office of State Budget and Management, the Local Government Commission, The University of North Carolina, The North Carolina Community College System, The School of Government at the University of North Carolina at Chapel Hill, the North Carolina League of Municipalities, the North Carolina School Boards Association, and the North Carolina County
Commissioners Association, shall report, including any recommendations, to the 2018 Regular Session of the 2017 General Assembly on or before February 1, 2018, regarding the development and use of computer databases by State and local agencies and the need for public access to those public records.

SECTION 1.1.(c) This section becomes effective July 1, 2017.

CLARIFY PRIVATE DRINKING WATER WELL PERMITTING REQUIREMENTS

SECTION 1.2.(a) G.S. 87-97(b1) reads as rewritten:

"§ 87-97. Permitting, inspection, and testing of private drinking water wells.

(1) The installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch.

(2) The installation, construction, maintenance, or repair of water pipes by a person certified as a well contractor under Article 7A of this Chapter when running water pipes from the well to the water tank.

(3) The installation of both water pipes and electrical wiring in a single ditch by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch and water pipes from the well to the water tank. The ditch shall be as deep as the minimum cover requirements for either electrical wiring or water pipes, whichever is greater.

(4) The local health department is the exclusive authority for the permitting and inspection of the well system. No person certified as a well contractor under Article 7 of this Chapter shall be required to have a permit under G.S. 143-138 for either (i) the connection or disconnection of a well system to the plumbing served by the well system or (ii) the connection or disconnection of the electrical wiring to the pump or pressure switch of a well system to the electrical service that serves the well system. For purposes of this subdivision, a well system includes the well, the pressure tank, the pressure switch, and all plumbing and electrical equipment in the well and between the well, pressure tank, and pressure switch.

This subsection shall not be interpreted to prohibit any person licensed by an independent occupational licensing board from performing any authorized services within the scope of practice of the person's license."

SECTION 1.2.(b) G.S. 143-138 is amended by adding a new subsection to read:


(b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance, and Repair. – No permit shall be required under the Code or any local variant approved under subsection (e) of this section for the electrical and plumbing activities associated with the installation, construction, maintenance, or repair of a private drinking water well when all of the following apply:

(1) The work is performed by a contractor certified under Article 7A of Chapter 87 of the General Statutes under the terms of a permit issued by the local health department pursuant to G.S. 87-97."
The scope of work includes only the well system as defined in G.S. 89-97(b1)(4) and the connection or disconnection of the well system to either the plumbing served by the well system or the electrical service that serves the well system."

PART II. AGRICULTURE, ENERGY, ENVIRONMENTAL, AND NATURAL RESOURCES REGULATION

ELIMINATE OUTDATED PROVISION OF THE COASTAL AREA MANAGEMENT ACT

SECTION 2.1. G.S. 113A-109 is repealed.

EXEMPT LANDSCAPING MATERIAL FROM STORMWATER MANAGEMENT REQUIREMENTS

SECTION 2.2. G.S. 143-214.7(b2) reads as rewritten:

"(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not receive the full weight of vehicular traffic. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

(1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.

(2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and G.S. 143-214.7 to protect classified shellfish waters, outstanding resource waters, and high-quality waters provided the stormwater runoff from the development is collected and treated from the entire impervious area and discharged so that it passes through the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.

(3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries."

PROHIBIT CERTAIN STORMWATER CONTROL MEASURES

SECTION 2.3.(a) Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (c) of this...
section, the Commission and the Department of Environmental Quality shall implement 15A NCAC 02H .0506 (Review of Applications) as provided in subsection (b) of this section.

**SECTION 2.3.(b)** Notwithstanding 15A NCAC 02H .0506(b)(5) and 15A NCAC 02H .0506(c)(5), the Director of the Division of Water Resources shall not require the use of on-site stormwater control measures to protect downstream water quality standards, except as required by State or federal law.

**SECTION 2.3.(c)** The Environmental Management Commission shall adopt rules to amend 15A NCAC 02H .0506 (Review of Applications) consistent with subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b2).

**SECTION 2.3.(d)** This section is effective when it becomes law. Subsection (b) of this section expires on the date that rules adopted pursuant to subsection (c) of this section become effective.

**AMEND STREAM MITIGATION REQUIREMENTS**

**SECTION 2.4.(a)** G.S. 143-214.7C reads as rewritten:

"§ 143-214.7C. Prohibit the requirement of mitigation for impacts to intermittent streams; establish threshold for mitigation of impacts to streams.

(a) Except as required by federal law, the Department of Environmental Quality shall not require mitigation for impacts to an intermittent stream. For purposes of this section, "intermittent stream" means a well-defined channel that has all of the following characteristics:

(1) It contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table.

(2) The flow of water in the intermittent stream may be heavily supplemented by stormwater runoff.

(3) It often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

(b) Except as required by federal law, the Department of Environmental Quality shall not require mitigation for losses of 300 linear feet or less of stream bed.

(c) Except as required by federal law, for losses of more than 300 linear feet of stream bed, the Department of Environmental Quality shall not require mitigation for 300 linear feet of the losses."

**SECTION 2.4.(b)** The Environmental Management Commission shall amend its rules consistent with subsection (a) of this section.

**SECTION 2.4.(c)** The cochairs of the Environmental Review Commission shall examine the mitigation thresholds for losses of stream bed under the Regional Conditions adopted by the Norfolk, Charleston, and Savannah Districts of the United States Army Corps of Engineers and shall submit written comments to the Washington, D.C., Headquarters, the Wilmington District Office of the United States Army Corps of Engineers, and the North Carolina congressional delegation to encourage the Wilmington District to adopt Regional Conditions on the thresholds for losses of stream bed that are consistent with the Regional Conditions adopted by the Norfolk, Charleston, and Savannah Districts of the United States Army Corps of Engineers.

**COASTAL RESOURCES COMMISSION RULES ON TEMPORARY EROSION CONTROL STRUCTURES**

**SECTION 2.5.(a)** Sections 14.6(p) and 14.6(q) of S.L. 2015-241 are repealed.
SECTION 2.5.(b) Notwithstanding G.S. 150B-21.1A(a), the Coastal Resources Commission may adopt an emergency rule for the use of temporary erosion control structures consistent with the amendments to the temporary erosion control structure rules adopted by the Commission as agenda item CRC-16-23 on May 11, 2016, with any further modifications in the Commission's discretion. The Commission shall also adopt temporary and permanent rules to implement this section.

DIRECT THE COASTAL RESOURCES COMMISSION TO AMEND THE SEDIMENT CRITERIA RULE TO EXEMPT SEDIMENT FROM CAPE SHOAL SYSTEMS

SECTION 2.6.(a) Definitions. – "Sediment Criteria Rule" means 15A NCAC 07H .0312 (Technical Standards for Beach Fill Projects) for purposes of this section and its implementation.

SECTION 2.6.(b) Sediment Criteria Rule. – Until the effective date of the revised permanent rule that the Coastal Resources Commission is required to adopt pursuant to subsection (d) of this section, the Commission and the Department of Environmental Quality shall implement the Sediment Criteria Rule, as provided in subsection (c) of this section.

SECTION 2.6.(c) Implementation. – The Commission shall exempt from the permitting requirements of the Sediment Criteria Rule any sediment in the cape shoal systems used as a borrow site and any portion of an oceanfront beach that receives sediment from the cape shoal systems. For purposes of this section, "cape shoal systems" includes the Frying Pan Shoals at Cape Fear, Lookout Shoals at Cape Lookout, and Diamond Shoals at Cape Hatteras.

SECTION 2.6.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Sediment Criteria Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.6.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

DIVISION OF COASTAL MANAGEMENT TO STUDY CURRENT LONG-TERM EROSION RATES ADJACENT TO TERMINAL GROINS

SECTION 2.7. The Division of Coastal Management of the Department of Environmental Quality, in consultation with the Coastal Resources Commission, shall study the change in erosion rates directly adjacent to existing and newly constructed terminal groins to determine whether long-term erosion rates, currently in effect in accordance with 15A NCAC 07H .0304 (AECS Within Ocean Hazard Areas), should be adjusted to reflect any mitigation of shoreline erosion resulting from the installation of the terminal groins. The Division shall report on the results of the study to the Environmental Review Commission on or before March 1, 2018.

WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND UTILITIES COMMISSION PRIVATE IDENTIFYING INFORMATION

SECTION 2.8.(a) G.S. 143-254.5 reads as rewritten:

"§ 143-254.5. Disclosure of personal identifying information. Social security numbers and identifying information obtained by the Commission shall be treated as provided in G.S. 132-1.10. For purposes of this section, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

SECTION 2.8.(b) G.S. 143B-289.52(h) reads as rewritten:
§ 143B-289.52. Marine Fisheries Commission – powers and duties.

    ... Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

SECTION 2.8.(c) Chapter 132 of the General Statutes is amended by adding a new section to read:


    (a) Except as otherwise provided in this section, a public record, as defined by G.S. 132-1, does not include personally identifiable information obtained by the Public Staff of the Utilities Commission from customers requesting assistance from the Public Staff regarding rate or service disputes with a public utility, as defined by G.S. 62-3(23).

    (b) The Public Staff may disclose personally identifiable information of a customer to the public utility involved in the matter for the purpose of investigating such disputes.

    (c) Such personally identifiable information is a public record to the extent disclosed by the customer in a complaint filed with the Commission pursuant to G.S. 62-73.

    (d) For purposes of this section, "personally identifiable information" means the customer's name, physical address, e-mail address, telephone number, and public utility account number."

SECTION 2.8.(d) This section becomes effective October 1, 2017.

REGULATION AND DISPOSITION OF CERTAIN REPTILES

SECTION 2.9.(a) G.S. 14-419 reads as rewritten:

§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

    (a) In any case in which any law-enforcement officer or animal control officer has probable cause to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of the officer and the officer is authorized, empowered, and directed to immediately investigate the violation or impending violation and to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a designated representative of either the Museum or Zoological Park to identify appropriate and safe methods to seize the reptile or reptiles involved, to seize the reptile or reptiles involved, and the officer is authorized and directed to deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination for the purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park or to its designated representative for the purpose of ascertaining whether the reptile is regulated under this Article. In any case in which a law enforcement officer or animal control officer determines that there is an immediate risk to public safety, the officer shall not be required to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park as provided by this subsection and may kill the reptile.

    (b) If the Museum or the Zoological Park or their designated representatives find that a seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this Article, the Museum or the Zoological Park or their designated representative shall determine an interim disposition of the reptile in a manner consistent with the safety of the public, which is until a final disposition is determined by a court of competent jurisdiction. In the case of a venomous reptile for which antivenin approved by the United States Food and Drug Administration is not readily available, shall the reptile may be euthanized unless the species is protected under the federal Endangered Species Act of 1973. Where the Museum or the Zoological Park or their designated representative determines euthanasia to be the appropriate
interim disposition, or where a reptile seized pursuant to this Article dies of natural or unintended causes, the Museum, the Zoological Park, or their designated representatives shall not be liable to the reptile's owner.

(b1) Upon conviction of any offense contained in this Article, the court shall order a final disposition of the confiscated venomous reptiles, large constricting snakes, or crocodilians, which may include the transfer of title to the State of North Carolina and reimbursement for the necessary expenses incurred in the seizure, delivery, and storage thereof.

(c) If the Museum or the Zoological Park or their designated representatives find that the reptile is not a venomous reptile, large constricting snake, or crocodilian regulated under this Article, and either no criminal warrants or indictments are initiated in connection with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of the law enforcement officer to return the reptile or reptiles to the person from whom they were seized within 15 days."

SECTION 2.9.(b) The North Carolina Department of Natural and Cultural Resources and the North Carolina Wildlife Resources Commission shall jointly study and develop a list of potential designated representatives for the storage and safekeeping of venomous reptiles, large constricting snakes, or crocodilians.

SECTION 2.9.(c) The North Carolina Department of Natural and Cultural Resources and the North Carolina Wildlife Resources Commission shall jointly study and develop recommendations for potential procedural and policy changes to improve the regulation of certain reptiles pursuant to Article 55 of Chapter 14 of the General Statutes. The Department and the Commission shall consider public health and safety risks, permitting requirements, exemptions, notification of escape, investigation of suspected violations, seizure and examination of reptiles, disposition of seized reptiles, and any other issues determined relevant to the regulation of certain reptiles. The Department and the Commission shall submit a report, including any legislative recommendations, to the Environmental Review Commission no later than December 31, 2017.

PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR PUBLIC WATER SUPPLY SYSTEMS

SECTION 2.10.(a) 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements). – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (c) of this section, the Commission, the Department of Environmental Quality, and any other political subdivision of the State shall implement 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), as provided in subsection (b) of this section.

SECTION 2.10.(b) Implementation. – Notwithstanding the Daily Flow Requirements rates listed in Table No. 1 of 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), a public water supply system shall be exempt from the Daily Flow Requirements, and any other design flow standards established by the Department or the Commission, provided the flow rates that are less than those required in Table No. 1 of 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements) are (i) achieved through an engineering design that utilizes low-flow fixtures and low-flow reduction technologies and the design is prepared, sealed, and signed by a professional engineer licensed pursuant to Chapter 89C of the General Statutes and (ii) provide for a flow that is sufficient to sustain the water usage required in the engineering design.

SECTION 2.10.(c) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), consistent with subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as
provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.10.(d) Sunset. – Subsection (b) of this section expires on the date that rules adopted pursuant to subsection (c) of this section become effective.

REPEAL PASTURE POINTS PROVISION

SECTION 2.11. Section 4 of S.L. 2001-355 is repealed.

ESTABLISH NORTH CAROLINA SENTINEL LANDSCAPES COMMITTEE

SECTION 2.12.(a) Committee Established. – There is established the North Carolina Sentinel Landscape Committee (Committee).

SECTION 2.12.(b) Findings and Purpose. – The General Assembly finds that sentinel landscapes are places where preserving the working and rural character of the State's private lands is important for both national defense and conservation priorities. It is the intent of the General Assembly to direct the Committee to coordinate the overlapping priority areas in the vicinity of and where testing and training occur near or adjacent to major military installations, as that term is defined in G.S. 143-215.115, or other areas of strategic benefit to national defense. Further, the Committee shall assist landowners in improving their land to benefit their operations and enhance wildlife habitats while furthering the State's vested economic interest in preserving, maintaining, and sustaining land uses that are compatible with military activities at major military installations and National Guard facilities. In its work, the Committee shall develop and implement programs and strategies that (i) protect working lands in the vicinity of and where testing and training occur near or adjacent to major military installations or other areas of strategic benefit to national defense, (ii) address restrictions that inhibit military testing and training, and (iii) forestall incompatible development in the vicinity of and where testing and training occur near or adjacent to military installations or other areas of strategic benefit to national defense.

SECTION 2.12.(c) Powers and Duties. – The Committee shall:

(1) Recognize all lands in the State as Sentinel Landscapes areas that are so designated by the United States Department of Defense.

(2) Identify and designate certain additional lands to be contained in the Sentinel Landscapes of this State that are of particular import to the nation’s defense and in the vicinity of and where testing and training occur on, near, or adjacent to major military installations or are of other strategic benefit to the nation's defense. In this work, the Committee may seek advice and recommendations from stakeholders who have experience in this sort of identification and designation.

(3) In designating sentinel lands as directed by subdivision (1) of this subsection, the Committee shall evaluate all working or natural lands that the Committee identifies as contributing to the long-term sustainability of the military missions conducted in this State. In its evaluation of which lands to designate as sentinel lands, the Committee shall consult with and seek input from:

a. The United States Department of Defense.
b. The North Carolina Commander's Council.
c. The United States Department of Agriculture.
d. The United States Department of the Interior.
e. Elected officials from units of local government located in the vicinity of and where testing and training occur on the proposed sentinel lands.
f. Any other stakeholders that the Committee deems appropriate.

(4) Develop recommendations to encourage landowners located within the sentinel landscape designated pursuant to subdivision (1) of this subsection to
voluntarily participate in and begin or continue land uses compatible with the
United States Department of Defense operations in this State.

(5) Provide technical support services and assistance to landowners who
voluntarily participate in the sentinel landscape program.

SECTION 2.12.(d) Membership. – The Committee shall consist of at least the five
following members:

(1) The Commissioner of Agriculture, or the Commissioner's designee.
(2) The Secretary of the Department of Military and Veterans Affairs, or the
Secretary's designee.
(3) The Secretary of Natural and Cultural Resources, or the Secretary's designee.
(4) The Executive Director of the Wildlife Resources Commission, or the
Executive Director's designee.
(5) The Dean of the College of Natural Resources at North Carolina State
University, or the Dean's designee.

The Commissioner of Agriculture or the Commissioner's designee shall serve as
Committee chair for an initial two-year term. Thereafter, the Committee chair shall be one of the
five listed members above. The Committee chair may appoint members representing other State
agencies, local government officials, and nongovernmental organizations that are experienced in
land management activities within sentinel lands.

SECTION 2.12.(e) Transaction of Business. – The Committee shall meet, at a
minimum, at least once during each calendar quarter and at other times at the call of the chair. A
majority of members of the Committee shall constitute a quorum. The first Committee meeting
shall take place within 30 days of the effective date of this act.

SECTION 2.12.(f) Reports. – The Committee shall report on its activities conducted
to implement this section, including any findings, recommendations, and legislative proposals, to
the North Carolina Military Affairs Commission and the Agriculture and Forestry Awareness
Study Commission beginning September 1, 2017, and annually thereafter, until such time as the
Committee completes its work.

SECTION 2.12.(g) Administrative Assistance. – All clerical and other services
required by the Committee shall be supplied by the membership and shall be provided with funds
available.

PART III. ELIMINATE, CONSOLIDATE, AND AMEND REPORTS TO THE
ENVIRONMENTAL REVIEW COMMISSION

ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE
MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY
SECTION 3.1. G.S. 74-54.1(c) is repealed.

ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE
SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE
DEPARTMENT OF ADMINISTRATION
SECTION 3.2.(a) G.S. 143-135.39(f) and (g) are repealed.
SECTION 3.2.(b) G.S. 143-135.40(b) is repealed.

ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND
DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE
ENVIRONMENTAL MANAGEMENT COMMISSION
SECTION 3.3. G.S. 143-215.9B reads as rewritten:
"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit
program report."
The Environmental Management Commission shall develop and implement a permit program for municipal and domestic wastewater collection systems on a systemwide basis. The collection system permit program shall provide for performance standards, minimum design and construction requirements, a capital improvement plan, operation and maintenance requirements, and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of the collection system permit program, the Commission shall implement the permit program over a five-year period beginning 1 July 2000. The Commission shall issue permits for approximately twenty percent (20%) of municipal and domestic wastewater collection systems that are in operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall give priority to those collection systems serving the largest populations, those under a moratorium imposed by the Commission under G.S. 143-215.67, and those for which the Department of Environmental Quality has issued a notice of violation for the discharge of untreated wastewater. The Commission shall report on its progress in developing and implementing the collection system permit program required by this section as a part of each quarterly report the Environmental Management Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."

ELIMINATE ANNUAL REPORTS ON REDUCING VEHICLE EMISSIONS FROM STATE EMPLOYEE AND PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF TRANSPORTATION

SECTION 3.4. G.S. 143-215.107C(d) and (e) are repealed.

ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES AND FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION

SECTION 3.5. G.S. 143-341(8)i.2b. reads as rewritten:

"2b. As used in this sub-sub-subdivision, "fuel economy" and "class of comparable automobiles" have the same meaning as in Part 600 of Title 40 of the Code of Federal Regulations (July 1, 2008 Edition). As used in this sub-sub-subdivision, "passenger motor vehicle" has the same meaning as "private passenger vehicle" as defined in G.S. 20-4.01. Notwithstanding the requirements of sub-sub-subdivision 2a. of this sub-subdivision, every request for proposals for new passenger motor vehicles to be purchased by the Department shall state a preference for vehicles that have a fuel economy for the new vehicle's model year that is in the top fifteen percent (15%) of its class of comparable automobiles. The award for every new passenger motor vehicle that is purchased by the Department shall be based on the Department's evaluation of the best value for the State, taking into account fuel economy ratings and life cycle cost that reasonably consider both projected fuel costs and acquisition costs. This sub-sub-subdivision does not apply to vehicles used in law enforcement, emergency medical response, and firefighting. The Department shall report the number of new passenger motor vehicles that are purchased as required by this sub-sub-subdivision, the savings or costs for the purchase of vehicles to comply with this sub-sub subdivision, and the quantity and cost of fuel saved for the previous fiscal year on or before October 1 of each year to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission."
ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY
SECTION 3.6. G.S. 143B-279.5 is repealed.

ELIMINATE ANNUAL REPORT ON FISH KILL ACTIVITY BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY
SECTION 3.7. G.S. 143B-279.7(c) is repealed.

ELIMINATE THE ENVIRONMENTAL MANAGEMENT COMMISSION QUARTERLY REPORT ON DEVELOPING ENGINEERING STANDARDS GOVERNING MUNICIPAL AND DOMESTIC SYSTEMS TO ALLOW REGIONAL INTERCONNECTION
SECTION 3.8. Section 11.1 of S.L. 1999-329 reads as rewritten:
"Section 11.1. The Environmental Management Commission shall develop engineering standards governing municipal and domestic wastewater collection systems that will allow interconnection of these systems on a regional basis. The Commission shall report on its progress in developing the engineering standards required by this section as a part of each quarterly report the Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."

ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY
SECTION 3.9. Section 13.9(d) of S.L. 2000-67 reads as rewritten:
"Section 13.9.(d) Each plan shall be as complete as resources and available information allow. The Department of Environment and Natural Resources shall revise the plan every two years and shall submit the revised plan to the General Assembly no later than March 1 of each odd-numbered year. The Department may issue a supplement to the plan in even-numbered years if significant new information becomes available."

ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR AGENCY REVIEW OF ENGINEERING WORK
SECTION 3.10. Sections 29(j) and 29(k) of S.L. 2014-120 are repealed.

CONSOLIDATE REPORTS ON THE COASTAL HABITAT PROTECTION PLAN
SECTION 3.11.(a) G.S. 143B-279.8(e) reads as rewritten:
"(e) The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before September 1 of each year in which any significant revisions to the Plans are made."

SECTION 3.11.(b) G.S. 143B-279.8(f) is repealed.

CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS ON COST AND IMPLEMENTATION OF ENVIRONMENTAL PERMITTING PROGRAMS
SECTION 3.12.(a) G.S. 143-215.3A(c) reads as rewritten:
"(c) The Department shall report to the Environmental Review Commission and the Fiscal Research Division on the cost of the State's environmental permitting programs contained within the Department on or before November 1 of each odd-numbered year. The report shall include, but is not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance
programs, changes made in the fee schedule since the last report, anticipated revenues from all
other sources, interest earned and any other information requested by the General Assembly. The
Department shall submit this report with the report required by G.S. 143B-279.17 as a single
report."

SECTION 3.12.(b) G.S. 143B-279.17 reads as rewritten:

"§ 143B-279.17. Tracking and report on permit processing times.

The Department of Environmental Quality shall track the time required to process all permit
applications in the One-Stop for Certain Environmental Permits Programs established by
G.S. 143B-279.12 and the Express Permit and Certification Reviews established by
G.S. 143B-279.13 that are received by the Department. The processing time tracked shall include
(i) the total processing time from when an initial permit application is received to issuance or
denial of the permit and (ii) the processing time from when a complete permit application is
received to issuance or denial of the permit. No later than March 1 January 1 of each
odd-numbered year, the Department shall report to the Fiscal Research Division of the General
Assembly and the Environmental Review Commission on the permit processing times required to
be tracked pursuant to this section. The Department shall submit this report with the report
required by G.S. 143-215.3A(c) as a single report."

SECTION 3.12.(c) The first combined report required by subsections (a) and (b) of
this section shall be submitted to the Environmental Review Commission and the Fiscal Research
Division no later than January 1, 2019.

CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE
ENVIRONMENTAL MANAGEMENT COMMISSION

SECTION 3.13.(a) G.S. 143B-282(b) reads as rewritten:

"(b) The Environmental Management Commission shall submit quarterly written reports as
to its operation, activities, programs, and progress to the Environmental Review
Commission by January 1 of each year. The Environmental Management
Commission shall supplement the written reports required by this subsection with additional
written and oral reports as may be requested by the Environmental Review Commission. The
Environmental Management Commission shall submit the written reports required by this
subsection whether or not the General Assembly is in session at the time the report is due."

SECTION 3.13.(b) G.S. 143-215.1(h) reads as rewritten:

"(h) Each applicant for a new permit or the modification of an existing permit issued under
subsection (c) of this section shall include with the application: (i) the extent to which the new or
modified facility is constructed in whole or in part with funds provided or administered by the
State or a unit of local government, (ii) the impact of the facility on water quality, and (iii) whether
there are cost-effective alternative technologies that will achieve greater protection of water
quality. The Commission shall prepare a quarterly an annual summary and analysis of the
information provided by applicants pursuant to this subsection. The Commission shall submit the
summary and analysis required by this subsection to the Environmental Review Commission
(ERC) as a part of each quarterly annual report that the Commission is required to make to the
ERC under G.S. 143B-282(b)."

SECTION 3.13.(c) The first combined report required by subsections (a) and (b) of
this section shall be submitted to the Environmental Review Commission no later than January 1,
2018.

CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF
ENVIRONMENTAL QUALITY

SECTION 3.14.(a) G.S. 130A-309.06(c) reads as rewritten:
"(c) The Department shall report to the Environmental Review Commission and the Fiscal Research Division on or before January 15 of each year on the status of solid waste management efforts in the State. The report shall include:

(1) A comprehensive analysis, to be updated in each report, of solid waste generation and disposal in the State projected for the 20-year period beginning on July 1, 1991.

(2) The total amounts of solid waste recycled and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published.

(3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.

(4) An evaluation of the success of each county or group of counties in meeting the municipal solid waste reduction goal established in G.S. 130A-309.04.

(5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for units of local government and State agencies to implement to meet the requirements of this Part.

(6) An evaluation of the recycling industry, the markets for recycled materials, the recycling of polystyrene, and the success of State, local, and private industry efforts to enhance the markets for these materials.

(7) Recommendations to the Governor and the Environmental Review Commission to improve the management and recycling of solid waste in the State, including any proposed legislation to implement the recommendations.

(8) A description of the condition of the Solid Waste Management Trust Fund and the use of all funds allocated from the Solid Waste Management Trust Fund, as required by G.S. 130A-309.12(c).

(9) A description of the review and revision of bid procedures and the purchase and use of reusable, refillable, repairable, more durable, and less toxic supplies and products by both the Department of Administration and the Department of Transportation, as required by G.S. 130A-309.14(a1)(3).

(10) A description of the implementation of the North Carolina Scrap Tire Disposal Act that includes the amount of revenue used for grants and to clean up nuisance tire collection under the provisions of G.S 130A-309.64.

(11) A description of the management of white goods in the State, as required by G.S. 130A-309.85.

(12) A summary of the report by the Department of Transportation on the amounts and types of recycled materials that were specified or used in contracts that were entered into by the Department of Transportation during the previous fiscal year, as required by G.S. 136-28.8(g).

(13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.

(14) (Exppiring October 1, 2023) A description of the activities related to the management of abandoned manufactured homes in the State in accordance with G.S. 130A-117, the beginning and ending balances in the Solid Waste Management Trust Fund for the reporting period and the amount of funds used, itemized by county, for grants made under Part 2F of Article 9 of Chapter 130A of the General Statutes.

(15) A report on the recycling of discarded computer equipment and telecommunications in the State pursuant to G.S. 130A-309.140(a).


(18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to G.S. 143-215.104U(a) until such time as the act expires pursuant to Part 6 of Article 21A of Chapter 143 of the General Statutes.

(19) A report on the implementation and cost of the hazardous waste management program pursuant to G.S. 130A-294(i)."

SECTION 3.14.(b) G.S. 130A-309.140(a) reads as rewritten:

"(a) No later than January 15 of each year, the Department shall submit a report on The Department shall include in the status of solid waste management report required to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on the recycling of discarded computer equipment and televisions in the State under this Part to the Environmental Review Commission. The report must include an evaluation of the recycling rates in the State for discarded computer equipment and televisions, a discussion of compliance and enforcement related to the requirements of this Part, and any recommendations for any changes to the system of collection and recycling of discarded computer equipment, televisions, or other electronic devices."

SECTION 3.14.(c) G.S. 130A-310.40 reads as rewritten:

"§ 130A-310.40. Legislative reports.

The Department shall prepare and submit to the Environmental Review Commission, concurrently with the report on the Inactive Hazardous Sites Response Act of 1987 required under G.S. 130A-310.10, include in the status of solid waste management report required to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) an evaluation of the effectiveness of this Part in facilitating the remediation and reuse of existing industrial and commercial properties. This evaluation shall include any recommendations for additional incentives or changes, if needed, to improve the effectiveness of this Part in addressing such properties. This evaluation shall also include a report on receipts by and expenditures from the Brownfields Property Reuse Act Implementation Account."

SECTION 3.14.(d) G.S. 130A-310.10(a) reads as rewritten:

"(a) The Secretary shall include in the status of solid waste management report required to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on inactive hazardous sites to the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, and the Fiscal Research Division on or before October 1 of each year. The report shall include that includes at least the following:

(1) The Inactive Hazardous Waste Sites Priority List.

(2) A list of remedial action plans requiring State funding through the Inactive Hazardous Sites Cleanup Fund.

(3) A comprehensive budget to implement these remedial action plans and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said plans.

(4) A prioritized list of sites that are eligible for remedial action under CERCLA/SARA together with recommended remedial action plans and a comprehensive budget to implement such plans. The budget for implementing a remedial action plan under CERCLA/SARA shall include a statement as to any appropriation that may be necessary to pay the State's share of such plan.

(5) A list of sites and remedial action plans undergoing voluntary cleanup with Departmental approval.

(6) A list of sites and remedial action plans that may require State funding, a comprehensive budget if implementation of these possible remedial action plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the possible costs of said plans.

(7) A list of sites that pose an imminent hazard."
(8) A comprehensive budget to develop and implement remedial action plans for sites that pose imminent hazards and that may require State funding, and the adequacy of the Inactive Hazardous Sites Cleanup Fund.

(8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.

(9) Any other information requested by the General Assembly or the Environmental Review Commission.

SECTION 3.14.(e) G.S. 143-215.104U reads as rewritten:

"§ 143-215.104U. Reporting requirements.

(a) The Secretary shall present an annual report to the Environmental Review Commission that shall include in the status of solid waste management report required to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on at least the following:

(1) A list of all dry-cleaning solvent contamination reported to the Department.

(2) A list of all facilities and abandoned sites certified by the Commission and the status of contamination associated with each facility or abandoned site.

(3) An estimate of the cost of assessment and remediation required in connection with facilities or abandoned sites certified by the Commission and an estimate of assessment and remediation costs expected to be paid from the Fund.

(4) A statement of receipts and disbursements for the Fund.

(5) A statement of all claims against the Fund, including claims paid, claims denied, pending claims, anticipated claims, and any other obligations.

(6) The adequacy of the Fund to carry out the purposes of this Part together with any recommendations as to measures that may be necessary to assure the continued solvency of the Fund.

(b) The Secretary shall make the annual report required by this section on or before 1 October of each year."

SECTION 3.14.(f) G.S. 130A-294(i) reads as rewritten:

"(i) The Department shall report to Fiscal Research Division of the General Assembly, the Senate Appropriations Subcommittee on Natural and Economic Resources, the House Appropriations Subcommittee on Natural and Economic Resources, and the Environmental Review Commission on or before January 1 of each year in the status of solid waste management report required to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on the implementation and cost of the hazardous waste management program. The report shall include an evaluation of how well the State and private parties are managing and cleaning up hazardous waste. The report shall also include recommendations to the Governor, State agencies, and the General Assembly on ways to: improve waste management; reduce the amount of waste generated; maximize resource recovery, reuse, and conservation; and minimize the amount of hazardous waste which must be disposed of. The report shall include beginning and ending balances in the Hazardous Waste Management Account for the reporting period, total fees collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures by activities and categories for the hazardous waste management program, any recommended adjustments in annual and tonnage fees which may be necessary to assure the continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste management program, and any other information requested by the General Assembly. In recommending adjustments in annual and tonnage fees, the Department may propose fees for hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated on site, which are designed to encourage reductions in the volume or quantity and toxicity of hazardous waste. The report shall also include a description of activities undertaken to implement the resident inspectors program established under G.S. 130A-295.02. In addition, the report shall include an annual update on the mercury switch removal program that shall include, at a minimum, all of the following:
(1) A detailed description of the mercury recovery performance ratio achieved by the mercury switch removal program.

(2) A detailed description of the mercury switch collection system developed and implemented by vehicle manufacturers in accordance with the NVMSRP.

(3) In the event that a mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury switch removal program.

(4) The number of mercury switches collected and a description of how the mercury switches were managed.

(5) A statement that details the costs required to implement the mercury switch removal program, including a summary of receipts and disbursements from the Mercury Switch Removal Account."

SECTION 3.14.(g) The first combined report required by subsections (a) through (f) of this section shall be submitted to the Environmental Review Commission and the Fiscal Research Division no later than January 15, 2018.

CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND STORMWATER REPORTS

SECTION 3.15.(a) G.S. 113A-67 reads as rewritten:


The Department shall report to the Environmental Review Commission on the implementation of this Article on or before October 1 of each year. The Department shall include in the report an analysis of how the implementation of the Sedimentation Pollution Control Act of 1973 is affecting activities that contribute to the sedimentation of streams, rivers, lakes, and other waters of the State. The report shall also include a review of the effectiveness of local erosion and sedimentation control programs. The report shall be submitted to the Environmental Review Commission with the report required by G.S. 143-214.7(e) as a single report."

SECTION 3.15.(b) G.S. 143-214.7(e) reads as rewritten:

"(e) On or before October 1 of each year, the Department shall report to the Environmental Review Commission on the implementation of this section, including the status of any stormwater control programs administered by State agencies and units of local government. The status report shall include information on any integration of stormwater capture and reuse into stormwater control programs administered by State agencies and units of local government. The report shall be submitted to the Environmental Review Commission with the report required by G.S. 113A-67 as a single report.

SECTION 3.15.(c) The first combined report required by subsections (a) and (b) of this section shall be submitted to the Environmental Review Commission no later than October 1, 2017.

CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION 3.16.(a) G.S. 143-355(n) is repealed.

SECTION 3.16.(b) G.S. 143-355(o)(9) is repealed.

SECTION 3.16.(c) G.S. 143-355 is amended by adding a new subsection to read:

"(p) Report. – The Department of Environmental Quality shall report to the Environmental Review Commission on the implementation of this section, including the development of the State water supply plan and the development of basinwide hydrologic models, no later than November 1 of each year. The Department shall submit the report required by this subsection with the report on basinwide water quality management plans required by G.S. 143-215.8B(d) as a single report."

SECTION 3.16.(d) G.S. 143-215.8B(d) reads as rewritten:
"(d) The As a part of the report required pursuant to G.S. 143-355(p), the Commission and
the Department shall each report on or before 1 October 1 of each year on an annual
basis to the Environmental Review Commission on the progress in developing and implementing
basinwide water quality management plans and on increasing public involvement and public
education in connection with basinwide water quality management planning. The report to the
Environmental Review Commission by the Department shall include a written statement as to all
concentrations of heavy metals and other pollutants in the surface waters of the State that are
identified in the course of preparing or revising the basinwide water quality management plans."

SECTION 3.16.(e) The first combined report required by subsections (c) and (d) of
this section shall be submitted to the Environmental Review Commission no later than November
1, 2017.

CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF
THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER
INFRASTRUCTURE AUTHORITY

SECTION 3.17.(a) G.S. 159G-26(a) reads as rewritten:
"(a) Requirement. – The Department must publish a report each year on the accounts
in the Water Infrastructure Fund that are administered by the Division of Water Infrastructure. The
report must be published by 1 November 1 of each year and cover the preceding fiscal year.
The Department must make the report available to the public and must give a copy of
the report to the Environmental Review Commission and the Commission, the Joint Legislative
Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
Research Division of the Legislative Services Commission. Division with the report required by
G.S. 159G-72 as a single report."

SECTION 3.17.(b) G.S. 159G-72 reads as rewritten:
§ 159G-72. State Water Infrastructure Authority; reports.
No later than November 1 of each year, the Authority shall submit a report of its activity and
findings, including any recommendations or legislative proposals, to the Senate Appropriations
Committee on Natural and Economic Resources, the House of Representatives Appropriations
Subcommittee on Natural and Economic Resources, and the Fiscal Research Division of the
Legislative Services Commission, Environmental Review Commission, the Joint Legislative
Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
Research Division with the report required by G.S. 159G-26(a) as a single report."

SECTION 3.17.(c) The first combined report required by subsections (a) and (b) of
this section shall be submitted to the Environmental Review Commission, the Joint Legislative
Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
Research Division no later than November 1, 2017.

CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION
AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

SECTION 3.18.(a) G.S. 106-850(e) reads as rewritten:
"(e) The Soil and Water Conservation Commission shall report on or before 31 January 31
of each year to the Environmental Review Commission, the Department of Agriculture and
Consumer Services, and the Fiscal Research Division. This report shall include a list of projects
that received State funding pursuant to the program, the results of the evaluations conducted
pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness of
each of these projects to accomplish its primary purpose, and any recommendations to assure that
State funding is used in the most cost-effective manner and accomplishes the greatest
improvement in water quality. This report shall be submitted to the Environmental Review
Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and G.S. 139-60(d) as a single report."

**SECTION 3.18.(b)** G.S. 106-860(e) reads as rewritten:

"(e) Report. – The Soil and Water Conservation Commission shall report no later than January 31 of each year to the Environmental Review Commission, the Department of Agriculture and Consumer Services, and the Fiscal Research Division. The report shall include a summary of projects that received State funding pursuant to the Program, the results of the evaluation conducted pursuant to subdivision (5) of subsection (b) of this section, findings regarding the effectiveness of each project to accomplish its primary purpose, and any recommendations to assure that State funding is used in the most cost-effective manner and accomplishes the greatest improvement in water quality. This report shall be submitted to the Environmental Review Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

**SECTION 3.18.(c)** G.S. 139-60(d) reads as rewritten:

"(d) Report. – No later than January 31 of each year, the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services shall prepare a comprehensive report on the implementation of subsections (a) through (c) of this section. The report shall be submitted to the Environmental Review Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

**SECTION 3.18.(d)** The first combined report required by subsections (a) through (c) of this section shall be submitted to the Environmental Review Commission and the Fiscal Research Division no later than January 31, 2018.

**DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT BY THE COASTAL RESOURCES COMMISSION**

**SECTION 3.19.** G.S. 113A-115.1(i) reads as rewritten:

"(i) No later than September 1 of each year, January 1, 2019, and every five years thereafter, the Coastal Resources Commission shall report to the Environmental Review Commission on the implementation of this section. The report shall provide a detailed description of each proposed and permitted terminal groin and its accompanying beach fill project, including the information required to be submitted pursuant to subsection (e) of this section. For each permitted terminal groin and its accompanying beach fill project, the report shall also provide all of the following:

1. The findings of the Commission required pursuant to subsection (f) of this section.
2. The status of construction and maintenance of the terminal groin and its accompanying beach fill project, including the status of the implementation of the plan for construction and maintenance and the inlet management plan.
3. A description and assessment of the benefits of the terminal groin and its accompanying beach fill project, if any.
4. A description and assessment of the adverse impacts of the terminal groin and its accompanying beach fill project, if any, including a description and assessment of any mitigation measures implemented to address adverse impacts."

**DECREASE REPORTING FREQUENCY ON PARKS SYSTEM PLAN BY THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

**SECTION 3.20.** G.S. 143B-135.48(d) reads as rewritten:

"(d) No later than October 1 of each year, October 1, 2018, and every five years thereafter, the Department shall submit electronically the State Parks System Plan to the Environmental Review Commission, the Senate and the House of Representatives appropriations committees with jurisdiction over natural and cultural resources, the Joint Legislative Oversight Committee on..."
Agriculture and Natural and Economic Resources, and the Fiscal Research Division. Concurrently, the Department shall submit a summary of each change to the Plan that was made during the previous fiscal yearfive fiscal years."

REDIRECT INTERAGENCY REPORT ON SUPERFUND COST SHARE TO THE ANER OVERSIGHT COMMITTEE

SECTION 3.21. Section 15.6 of S.L. 1999-237 reads as rewritten:
"Section 15.6.(a) The Department of Environment and Natural ResourcesEnvironmental Quality may use available funds, with the approval of the Office of State Budget and Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the National Priority List sites, to pay the operating and maintenance costs associated with these Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste disposal sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may be in addition to those appropriated for this purpose.

"Section 15.6.(b) The Department of Environment and Natural ResourcesEnvironmental Quality and the Office of State Budget and Management shall report to the Environmental Review Commission and the Joint Legislative Commission on Governmental OperationsJoint Legislative Oversight Committee on Agriculture and Natural and Economic Resources the amount and the source of the funds used pursuant to subsection (a) of this section within 30 days of the expenditure of these funds."

REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE

SECTION 3.22. G.S. 87-98(e) reads as rewritten:
"(e) The Department, in consultation with the Commission for Public Health and local health departments, shall report no later than October 1 of each year to the Environmental Review Commission, the House of Representatives and Senate Appropriations Subcommittees on NaturalJoint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division of the General Assembly on the implementation of this section. The report shall include the purpose and amount of all expenditures from the Fund during the prior fiscal year, a discussion of the benefits and deficiencies realized as a result of the section, and may also include recommendations for any legislative action."

REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER OVERSIGHT COMMITTEE

SECTION 3.23. G.S. 143B-135.56(f) reads as rewritten:
"(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later than October 1 of each year to the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on NaturalJoint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission on allocations from the Trust Fund from the prior fiscal year. For funds allocated from the Trust Fund under subsection (c) of this section, this report shall include the operating expenses determined under subdivisions (1) and (2) of subsection (e) of this section."

PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 4.1. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 4.2. Except as otherwise provided, this act is effective when it becomes law.
A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-352(b) reads as rewritten:

"(b) Except as provided in G.S. 153A-364, a county may not adopt a new local ordinance or resolution or any other policy or enforce an existing local ordinance, resolution, or policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a county and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the county to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 1.(b) G.S. 160A-412(b) reads as rewritten:

"(b) Except as provided in G.S. 160A-424, a city may not adopt a new local ordinance or resolution or any other policy or enforce an existing local ordinance, resolution, or policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a city and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the city to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 2.(a) G.S. 153A-352(c) reads as rewritten:
"(c) Notwithstanding the requirements of this Article, a county shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from a licensed architect or licensed engineer provided all of the following apply:

1. The submission is completed under valid seal of the licensed architect or licensed engineer.
2. Field inspection of the installation or completion of a construction component or element of the building is performed by that licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.
3. The licensed architect or licensed engineer submitting under subdivision (1) of this subsection provides the county with a signed written document stating the component or element of the building so inspected is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 2.(b)
G.S. 160A-412(c) reads as rewritten:
"(c) Notwithstanding the requirements of this Article, a city shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from a licensed architect or licensed engineer provided all of the following apply:

1. The submission is completed under valid seal of the licensed architect or licensed engineer.
2. Field inspection of the installation or completion of a construction component or element of the building is performed by that licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.
3. The licensed architect or licensed engineer submitting under subdivision (1) of this subsection provides the city with a signed written document stating the component or element of the building so inspected is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(a)
G.S. 153A-352 is amended by adding a new subsection to read:
"(e) No certification by a licensed architect or licensed engineer shall be required for any component or element engineered by the manufacturer of the component or element when the manufacturer has certified that the component or element complies with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(b)
G.S.160A-412 is amended by adding a new subsection to read:
"(e) No certification by a licensed architect or licensed engineer shall be required for any component or element engineered by the manufacturer of the component or element when the manufacturer has certified that the component or element complies with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(c)
G.S. 153A-352 is amended by adding a new subsection to read:
"(f) No later than December 1, 2017, each inspection department shall create a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

1. Initial review by the supervisor of the inspector.
2. The provision in or with each permit issued by the department of (i) the name, phone number, and email address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
3. Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision."
Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant."

SECTION 3.(d) G.S.160A-412 is amended by adding a new subsection to read:
"(f) No later than December 1, 2017, each inspection department shall create a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

1. Initial review by the supervisor of the inspector.
2. The provision in or with each permit issued by the department of (i) the name, phone number, and email address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
3. Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision.

Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant."

SECTION 3.(e) Beginning in 2018, each inspection department shall annually report to the Joint Legislative Committee on Local Government no later than January 15 on the implementation over the prior calendar year of the informal internal review process required by G.S. 153A-352(f) and G.S. 160A-412(f), as enacted by subsections (c) and (d) of this section. The report shall include the number of times the informal internal review process was utilized and the outcome of the review. An inspection department may meet the reporting requirement of this section by submitting the information required for the report to an organization of cities or counties for combination into a single report submitted on behalf of the organization's members.

SECTION 3.(f) Subsection (e) of this section expires on June 30, 2022.

SECTION 4. G.S. 143-136 reads as rewritten:
"§ 143-136. Building Code Council created; membership, committees.

(c) Residential Code Committee Created; Duties. – Within the Building Code Council, there is hereby created a Residential Code for One- and Two-Family Dwellings Committee composed of seven members of the Building Code Council, specifically the licensed general contractor specializing in residential construction who shall serve as chairman of this committee; the licensed general contractor specializing in coastal residential construction; the licensed engineer practicing structural engineering; the licensed plumbing and heating contractor; the fire service representative; the municipal or county building inspector; and the licensed electrical contractor. This committee shall meet upon the call of its chairman to review any proposal for revision or amendment to the North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings, including provisions applicable to One- and Two-Family Dwellings from the NC Energy Code, NC Electrical Code, NC Fuel Gas Code, NC Plumbing Code, the NC Mechanical Code, and the NC Existing Building Code, and any other current or future code applicable to residential construction, and no revision or amendment to any of these codes applicable to residential construction may be considered by the Building Code Council unless recommended by this committee. This committee shall also oversee the process by which the Council conducts its revision pursuant to G.S. 143-138(d). This committee shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings, and make a recommendation to the Building Code Council for disposition of the appeal or interpretation. In considering the recommendations of the committee related to revisions and amendments of the Building Code, nothing in this subsection shall prevent the Building Code Council from accepting, rejecting, or amending the recommendation, provided that any amendment to the recommendation must be germane.

(d) Building Code Committee Created; Duties. – Within the Building Code Council, there is hereby created a Building Code Committee for all structures except those subject to the North
Carolina State Building Code: Residential Code for One- and Two-Family Dwellings. The committee shall be composed of the following nine members of the Building Code Council:

1. One of the licensed architects appointed by the chairman of the Building Code Council.
2. The licensed engineer practicing mechanical engineering.
3. The licensed engineer practicing electrical engineering.
4. The licensed engineer practicing structural engineering.
5. The municipal elected official.
6. The fire service representative.
7. The municipal or county building inspector.
8. The State agency engineer.
9. The licensed general contractor.

The chairman of the Building Code Council shall call the first meeting of the Committee, at which meeting the Committee shall elect a chairman from among the members of the Committee as the first order of business. Thereafter, the Committee shall meet upon the call of the chairman to review any proposal for revision or amendment to the North Carolina State Building Code, including provisions applicable to the North Carolina Energy Code, the North Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code, the North Carolina Mechanical Code, and the North Carolina Existing Building Code, and any other current or future code applicable to commercial or multi-family construction, and no revision or amendment to any of these codes applicable to commercial or multi-family construction may be considered by the Building Code Council unless recommended by this committee. This committee shall also oversee the process by which the Council conducts its revision of the codes applicable to commercial or multi-family construction pursuant to G.S. 143-138(d). This committee shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to codes applicable to commercial or multi-family construction and make a recommendation to the Building Code Council for disposition of the appeal or interpretation. In considering the recommendations of the committee related to revisions and amendments of the Building Code, nothing in this subsection shall prevent the Building Code Council from accepting, rejecting, or amending the recommendation, provided that any amendment to the recommendation must be germane."

SECTION 5. G.S. 143-140 reads as rewritten:

"§ 143-140. Hearings before enforcement agencies as to questions under Building Code.
(a) Any person desiring to raise any question under this Article or under the North Carolina State Building Code shall be entitled to a technical interpretation from the appropriate enforcement agency, as designated in the preceding section. Upon request in writing by any such person, the enforcement agency through an appropriate official shall within a reasonable time provide a written interpretation, setting forth the facts found, the decision reached, and the reasons therefor. In the event of dissatisfaction with such decision, the person affected shall have the options of:

(1) Appealing to the Building Code Council or
(2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

(b) The enforcement agency shall not apply interpretations issued under this section or under G.S. 143-141(b) to construction begun under a validly issued permit at the time the agency provides the interpretation."

SECTION 6. G.S. 143-355.4(a) reads as rewritten:

"(a) Local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems on lots platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009, that are connected to their systems. This section shall not apply to lots with septic tank systems or other types of innovative on-site wastewater systems if a lockable cutoff valve and a..."
backflow prevention device are installed on the water supply line for the irrigation system within 12 inches of the connection to the water meter."

SECTION 7. This act becomes effective October 1, 2017.
Exhibit C-Bills Opposed

1. HB 173-Revisions to Outdoor Advertising Laws

2. SB 126 Change the Lost Adjustment Factor
A BILL TO BE ENTITLED
AN ACT TO INCREASE PERMIT FEES FOR OUTDOOR ADVERTISING, TO CLARIFY
THE STANDARDS FOR DETERMINING JUST COMPENSATION IN STATE AND
LOCAL GOVERNMENT EMINENT DOMAIN ACTIONS THAT CAUSE THE
REMOVAL OF LAWFULLY ERECTED OUTDOOR ADVERTISING, AND TO MAKE
VARIOUS REVISIONS TO THE LAWS GOVERNING OUTDOOR ADVERTISING
MODERNIZATION AND OUTDOOR ADVERTISING VEGETATION CUTTING OR
REMOVAL.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 136-18.7 reads as rewritten:

"§ 136-18.7. Fees.

The fee for a selective vegetation removal permit issued pursuant to G.S. 136-18(5), (7), and
(9) is two hundred dollars ($200.00). Article 11 of this Chapter for an outdoor advertising location
is (i) six hundred dollars ($600.00) for the initial three-year period listed in G.S. 136-133.4 and (ii)
two hundred dollars ($200.00) for any subsequent three-year renewal period."

SECTION 1.(b) G.S. 136-133.4(b) reads as rewritten:

"(b) Permits are valid for a period of one year. The permittee may cut, thin,
prune, or remove vegetation more than one time per year. A 48-hour notification shall be provided
to the Department by the permittee before entering the right-of-way."

SECTION 2. G.S. 136-131 reads as rewritten:


(a) The Department of Transportation, or any municipality, county, local or
regional zoning authority, or other political subdivision, is authorized to acquire by purchase, gift,
or condemnation all outdoor advertising and all property rights pertaining thereto which are
prohibited under the provisions of G.S. 136-129, 136-129.1 or 136-129.2, provided such
outdoor advertising is in lawful existence on the effective date of this Article as determined by
G.S. 136-140, or provided that it is lawfully erected after the effective date of this Article as
determined by G.S. 136-140. Notwithstanding any law to the contrary, this section shall apply to
all acquisitions, purchases, or condemnations by the Department of Transportation that cause the
removal of any lawfully erected outdoor advertising, regardless of the outdoor advertising's
location and proximity to the interstates or primary systems.

In any acquisition, purchase or condemnation, just compensation to the owner of the outdoor
advertising, where the owner of the outdoor advertising does not own the fee, shall be limited to
the fair market value at the time of the taking of the outdoor advertising owner's interest in the real
property on which the outdoor advertising is located and such value shall include the value of the
outdoor advertising.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee or
other interest in the real property upon which the outdoor advertising is located where said owner
does not own the outdoor advertising located thereon shall be limited to the difference in the fair
market value of the entire tract immediately before and immediately after the taking by the
Department of Transportation of the right to maintain such outdoor advertising thereon and in
arriving at the fair market value after the taking, any special or general benefits accruing to the
property by reason of the acquisition shall be taken into consideration.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee in the
real property upon which the outdoor advertising is located, where said owner also owns the
outdoor advertising located thereon, shall be limited to the fair market value of the outdoor
advertising plus the difference in the fair market value of the entire tract immediately before and
immediately after the taking by the Department of Transportation of the right to maintain such
outdoor advertising thereon and in arriving at the fair market value after the taking, any special or
general benefits accruing to the property by reason of the acquisition shall be taken into
consideration.

The following factors shall be used in determining just compensation for outdoor advertising:

(1) The sales price of similar outdoor advertising.
(2) The physical condition of the outdoor advertising.
(3) The income generated by the rental of advertising space on the outdoor
advertising.
(4) The effects of zoning or other land use restrictions.
(5) The value of the outdoor advertising permit issued by an appropriate governing
body.
(6) The ability to relocate outdoor advertising as provided in G.S. 136-131.2(c) to a
site reasonably comparable to or better than the condemned location, taking
into account the similarity of advantages arising from lease terms, visibility,
traffic flow, and other criteria that affect the value of outdoor advertising. The
factor in this subdivision shall not be considered if the zoning jurisdiction
allows for numerical increases in outdoor advertising signs.
(7) Any other factor that may affect the value of the property rights affected by the
condemnation.

(b) Prior to any condemnation by the Department of Transportation under this section, the
Department of Transportation shall undertake the project necessitating the condemnation in
accordance with G.S. 133-11 to minimize adverse impacts to the displaced outdoor advertiser and
reduce the costs of acquiring the outdoor advertising and all property rights thereto, including
allowing the outdoor advertising to remain until actual construction or other work is commenced
on the project and within 100 feet of the outdoor advertising."

SECTION 3. G.S. 136-131.2 reads as rewritten:

(a) No municipality, county, local or regional zoning authority, or other political
subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1,
regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in
effect a valid permit issued by the Department of Transportation so long as the square footage of
its advertising surface area is not increased. As used in this section, reconstruction includes the
changing of an existing multipole outdoor advertising structure to a new monopole structure.
(b) Nothing in this section shall prohibit a municipality, county, local or regional zoning
authority, or other political subdivision from using its zoning authority to regulate (i) the initial
erection of outdoor advertising that has not been relocated pursuant to subsection (c) of this
section or (ii) outdoor advertising in which a permit issued by the Department of Transportation
pursuant to this Article has been voluntarily cancelled or lawfully revoked, and any appeals under
G.S. 136-134.1 have been exhausted. No decision of an administrative official charged with
enforcement of a local ordinance, rule, or regulation shall be effective against an owner or
operator of outdoor advertising for any activity authorized by this section, and no appeal under
G.S. 153A-345.1 or G.S. 160A-388 shall be required to protect the outdoor advertiser's rights
under this section.

(c) Any outdoor advertising adjacent to a highway on the National System of Interstate
and Defense Highways or a highway on the Federal-aid Primary Highway System for which there
is in effect a valid permit issued by the Department of Transportation pursuant to this Article shall
be permitted to be relocated subject to all of the requirements listed in subdivisions (1) through (3)
of this subsection. The right provided under this subsection to relocate outdoor advertising may be
assigned or conveyed by the permittee.

(1) The new site for relocation shall be any area within the same zoning jurisdiction
adjacent to a highway.

(2) The outdoor advertising at the relocated site shall conform with customary use
in areas zoned industrial or commercial under authority of State law, subject to
the advertising space and height limitations set in subsection (a) of this section.

(3) The construction work related to the relocation of the outdoor advertising at the
new location shall commence within one year after the later of the date of
removal or the effective date of this Article.

(d) A new site for relocation shall not be denied by the Department of Transportation due
to the presence of vegetation obstructing the visibility of the outdoor advertising from the viewing
zone. Notwithstanding any law to the contrary, the owner or operator of the outdoor advertising
shall be permitted to improve the visibility of the sign by removing any vegetation (i) on private
property upon receiving written consent of the landowner and (ii) on the right-of-way of the
interstate or primary highway systems in this State pursuant to a selective vegetation removal
permit issued under this Article."

SECTION 4. G.S. 136-133.1 reads as rewritten:

"§ 136-133.1. Outdoor advertising vegetation cutting or removal.
(a) The owner of an outdoor advertising sign permitted under
G.S. 136-129(4) who obtains a selective
vegetation removal permit, and the owner's designees, may cut, thin, prune, or remove vegetation
in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4. The maximum cut or
removal zone for vegetation for each sign face shall be determined as follows:

..."

(a1) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's
right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the
request of a selective vegetation removal permittee, may approve plans for the cutting, thinning,
pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of
this section along acceleration or deceleration ramps or within gores, medians, or other areas of the
primary highway system so long as the view to the outdoor advertising sign will be improved and
the total aggregate area of cutting or removal does not exceed the maximum allowed in subsection
(a) of this section. Safety of the traveling public is protected.

(b) Vegetation permitted to be cut, thinned, pruned, or removed shall be defined as any
tree, shrub, or underbrush within the zone created by points A, B, D, and E. Any existing tree that
was in existence at the time that an outdoor advertising structure was erected shall only be eligible
for removal in accordance with subsections (c), (d), and (e) of this section. Native To the extent
possible, native dogwoods and native redbuds shall be preserved. A selective vegetation removal
permittee may relocate, and replace if necessary, any native dogwoods or native redbuds existing
within the cut or removal zone established in subsection (a) of this section to a location within
2,500 feet on either side of the outdoor advertising structure, as measured along the edge of the
pavement of the main travel way of the nearest controlled route. If a native dogwood or native
redbud cannot be preserved during relocation, a selective vegetation removal permittee shall
replace the native dogwood or native redbud with native dogwoods or native redbuds of the same
cumulative caliper inches. For the purposes of this section, an existing tree is defined as a tree that
had a diameter of four inches or greater as measured six inches from the ground at the time that
the outdoor advertising structure was erected. An outdoor advertising sign is considered erected
when the sign is completely constructed with a sign face.

**SECTION 5.** Section 1 of this act is effective when this act becomes law and applies
to applications for permits received on or after that date. Section 2 of this act is effective when this
act becomes law and applies to determinations of just compensation made on or after that date.
The remainder of this act is effective when this act becomes law.
A BILL TO BE ENTITLED
AN ACT TO CHANGE THE LOCAL OPTION SALES TAX (LOST) ADJUSTMENT FACTOR TO ONE THAT VARIES BY ECONOMIC DEVELOPMENT TIERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-486(b) reads as rewritten:

"(b) Adjustment. – The Secretary shall then adjust the amount allocated to each county under subsection (a) by multiplying the amount by the appropriate adjustment factor set out in the table below. The adjustment factor is based on the development tier designation of the county under G.S. 143B-437.08. The development tier designation of a county is effective for the fiscal year following the designation. If, after applying the adjustment factors, the resulting total of the amounts allocated is greater or lesser than the net proceeds to be distributed, the amount allocated to each county shall be proportionally adjusted to eliminate the excess or shortage.

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<th>County Area Development Tier</th>
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SECTION 2. This act becomes effective July 1, 2017, and applies to local option sales taxes collected on or after that date and distributed to counties and cities on or after September 1, 2017.
Please see Finance G-6 for printed material on this item.
At the request of Council Member Adams, staff has worked to develop a proposal for the creation of an urban food policy council. The overarching purpose of the council would be to initiate and promote actions that increase food access in the city of Winston-Salem, with a particular emphasis on activities in the urban core. The council would advocate for policies that build a sustainable, equitable and healthy local food system with the goal of strengthening local economies, reducing hunger and food insecurity, and enhancing the health of the citizens of Winston-Salem.

There are a number of North Carolina municipalities which have active food policy councils. Staff surveyed a number of jurisdictions and found that food policy councils currently exist in Asheville, Greensboro, Charlotte, Raleigh, and Durham among several other communities. While the structures of the councils vary, they generally consist of community members that have an interest and/or expertise in areas such as food production, distribution, marketing, processing, consumption, access, entrepreneurship and disposal. Members of the city’s council shall be recommended by the mayor and approved by the city council.

Staff will present an ordinance which specifically outlines the purpose, structure and duties of the aforementioned food policy council during the April meeting of the General Government committee.

Please let me know if you have any questions or would like additional information.
Chair Montgomery called the meeting to order and stated without objection, the Committee would first consider the Consent Agenda. Item C-2(as), C-2(at) and C-2(au) were pulled by Council Member Larson. Item C-2(ar) was pulled by Council Member MacIntosh. Item C-4 was pulled by Council Member Adams.

Council Member Clark made a motion to approve the balance of the consent Agenda. The motion was duly seconded by Council Member Adams and carried unanimously.

GENERAL AGENDA

G-1. PRESENTATION OF THE WINSTON-SALEM POVERTY THOUGHT FORCE.

Mr. Evan Raleigh, Office of Business Inclusion & Advancement Director, gave the staff report re-cap on this item.

Council Member Adams made a motion to approve the Poverty Thought Force forward for a recommendation. The motion was duly seconded by Council Member Clark and carried unanimously.

CONSENT AGENDA

Mr. Ritchie Brooks, Community Development/Housing/General Government Director, gave the staff introduction of the Demolition Cases.
C-1. CONSIDERATION OF ORDINANCES RESCINDING AN ORDINANCE ORDERING THE DEMOLITION OF A DWELLING:

a. Richard and Anne Clay 2841 St. Clair Road (Northwest Ward)

C-2. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (<50) six months].

a. Anthony Wilson Jenkins 1611 E. 1st Street (East Ward)

b. John and Eva Gore 1329 Belleauwood St. (East Ward)

c. SHJ Capital, LLC 519 Pitts Street (East Ward)

g. Nellie Hand Edwards 716 Pitts Street (East Ward)

h. Richard D. Wright 1506 Williamson Street (East Ward)

i. Triad Asset Management, LLC 1321 E. Second Street (East Ward)

j. George Nick Angel 4335 Kernersville Road (East Ward)

k. Herbies Investment, LLC 613 W.25th Street (North Ward)

l. Curtis Campbell 4103 Dalton Street (North Ward)

m. Bohn T. Sophal 255 Marvin Blvd. (North Ward)

n. Joe Boyd 871 W. 11th Street (North Ward)

o. Victoria Blackwell Williams 2506 Gilmer Avenue (North Ward)

r. Nettie A. Williams, Heirs 409 Bacon Street (North Ward)

u. Eula Mae Parker 435 23rd Street (North Ward)

v. Mary H. Garrett 1130 E. 11th Street (North Ward)

w. Wilma Hampton Brown, Heirs 717 W. 25th Street (North Ward)

x. Randall J. and Cynthia Schmid 5606 Murray Road (North Ward)

y. Phyliss A. Davis and Jacqueline A. Mills 4032 Shamel Street (North Ward)
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<th>Name</th>
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<tbody>
<tr>
<td>z. Barbara Nichols Dula</td>
<td>5012 Longbrook Circle (Northeast Ward)</td>
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<tr>
<td>ab. Forsyth Investment Property, Inc.</td>
<td>429 15th Street (Northeast Ward)</td>
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<td>ac. 123 Mill Pond, LLC</td>
<td>314 27th Street (Northeast Ward)</td>
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<td>ad. James Crippen</td>
<td>532 Efird Street (Northeast Ward)</td>
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<tr>
<td>ae. Whitley Investments, LLC</td>
<td>4138 Mineral Avenue (Northeast Ward)</td>
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<tr>
<td>af. Brian and Levada Taylor</td>
<td>1817 N. Dunleith Avenue (Northeast Ward)</td>
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<tr>
<td>ag. Rafael Saez and Harold Carrier</td>
<td>1419 E. 23rd Street (Northeast Ward)</td>
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<td>ah. Eugene Roddy</td>
<td>4010 Rosa Street (Northeast Ward)</td>
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<td>ai. Strafford Peebles</td>
<td>2404 Gilmer Avenue (Northeast Ward)</td>
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<td>aj. Carolyn Shelton</td>
<td>1406 E. 24th Street (Northeast Ward)</td>
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<td>am. Midhuff Ventures, Inc.</td>
<td>1608 E. 25th Street (Northeast Ward)</td>
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<td>ao. James J. Furches</td>
<td>2841 N. Patterson Avenue (Northeast Ward)</td>
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<td>ap. DPDA 401k PSK</td>
<td>515 E. 25th Street (Northeast Ward)</td>
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<tr>
<td>aq. William and Pamela Partin</td>
<td>120 N. Spring Street (Northeast Ward)</td>
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<tr>
<td>av. Angela Inzar</td>
<td>1438 Sedgefield Drive (Southeast Ward)</td>
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<td>aw. John Emory and Parthelia Johnson</td>
<td>2618 Sink Street (Southeast Ward)</td>
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<td>ax. Ruth Powell</td>
<td>2733 Dudley Street (Southeast Ward)</td>
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<td>ay. James Everett Campbell</td>
<td>1060 Betty Drive (Southeast Ward)</td>
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<tr>
<td>ba. Donna H. and Bobby Brendle</td>
<td>907 Ferndale Avenue (Southeast Ward)</td>
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<td>bb. Larry D. Lucas</td>
<td>3688 Southdale Avenue (Southeast Ward)</td>
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<tr>
<td>bc. John W. Mettle</td>
<td>2319 Waughtown Street (South Ward)</td>
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<tr>
<td>bd. Ahmad A. Deeb</td>
<td>836 Ferndale Avenue (Southeast Ward)</td>
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C-3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Reparis more than 50% of value of structure (>50) six months].

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<tr>
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<th>Property Details</th>
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<tbody>
<tr>
<td>a.</td>
<td>Minnie Wilson, Heirs Kasandra Miller, 542 Edna Street Accessory Building (East Ward)</td>
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<tr>
<td>b.</td>
<td>Robert L. Evans, 2803 Old Greensboro Road (East Ward)</td>
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<td>d.</td>
<td>Duwood A. Jones, 1835 E. 4th Street (East Ward)</td>
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<td>e.</td>
<td>Conrex Keystone Residential Properties, 3101 Old Greensboro Road Accessory Building (East Ward)</td>
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<td>g.</td>
<td>Cornelius Maurice Cathcart, 2228 Flag Street Accessory Building (East Ward)</td>
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<td>h.</td>
<td>Triad Asset Management, LLC, 132 N. Dunleith Avenue (East Ward)</td>
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<td>j.</td>
<td>Laura Powell, 2518 N. Cherry Street Accessory Building (North Ward)</td>
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<td>k.</td>
<td>Wilma Hampton Brown, 717 W. 25th Street Accessory Building (North Ward)</td>
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<td>l.</td>
<td>First Mortgage of NC, 141 Alspaugh Street (North Ward)</td>
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<td>n.</td>
<td>Patsy O. Hairston, 4664 Superior Drive (North Ward)</td>
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<td>p.</td>
<td>Isaiah and Renee Rhody, 4225 Ogburn Avenue Accessory Building (Northeast Ward)</td>
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<td>q.</td>
<td>Mt. Sinai Full Gospel Deliverance, 2539 Ansonia Street (Northeast Ward)</td>
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<td>r.</td>
<td>Willie A. Gabriel, 2201 Elbon Drive Accessory Building (Northeast Ward)</td>
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</tbody>
</table>
s. Phillip Lee Brinkley    823 Efird Street (Northeast Ward)
t. Myrtle and Tracey Coad    4107 Rosa Street (Northeast Ward)
u. Geraldine W. Berry    1241 Waughtown Street Accessory Building (Southeast Ward)
v. Rickey and Charlene Guest    0 Colleen Avenue (Southeast Ward)
w. Bruce McLaughlin    4130 Macarthur Street (Southeast Ward)
x. Teresa Pfau    112 S. Gordon Drive Accessory Building (Southwest Ward)

C-4. ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [Repairs more than 65% of value of structure (>65)].

b. Hassell Hegwood    4211 Shamel Street (North Ward)
c. Fred D. Smith    2209 E. 24th Street (Northeast Ward)
d. C & M Properties of WS, LLC    2306 N. Glenn Avenue (Northeast Ward)
e. Francis L. Smith, Heirs    1534 Williamson Street Accessory Building (East Ward)
f. Francis L. Smith, Heirs    1534 Williamson Street (East Ward)
g. Lorretta and Sarah Sherrill    4118 Whitfield Road (Northeast Ward)
h. Frances B. Johnson, Heirs    1017 Charles Street Accessory Building (Southeast Ward)

C-5. RESOLUTION APPROVING FUNDING TO SHARE FOR A FEASIBILITY STUDY AND CONSULTING SERVICES TO EVALUATE THE DEVELOPMENT OF A COOPERATIVE GROCERY STORE IN WINSTON-SALEM.

C-6. GRANICUS LEGISTAR AGENDA MANAGEMENT SYSTEM UPDATE.
C-7. ONLINE INFORMATION CENTER UPDATE.

C-8. IT FIBER NETWORK UPDATE.

C-9. RESOLUTION APPROVING THE FY 2018 FEDERAL AGENDA FOR THE CITY OF WINSTON-SALEM.


C-2. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (<50) six months].

as. Donald Wayne Griffin 727 Laurel Street (South Ward)

Mr. Brooks gave the staff presentation on this item.

Mr. Donald Wayne Griffin, 3727 Fieldcrest Road, stated he has not received any notification that he was in violation of the 727 Laurel Street property. He is requesting more time for repairs.

Council Member Clark made a motion to approve the 120 day Voluntary Demolition Agreement for completion of repairs. The motion was duly seconded by Council Member Adams and carried unanimously.

C-3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs more than 50% of value of structure (>50) six months].

o. Triad Residential Solutions, LLC 1704 Thurmond Street (North Ward)

Mr. Brooks gave the staff report on this item.

Ms. Michelle McCullough, Historic Preservation Department, spoke on behalf of this property owner and he is wanting to preserve the property. The owner has made several repairs presently. She also stated, he has rented one of his properties and is finishing repairs on the other properties, C-2(q) - 1412 Thurmond Street and C-2(p) – 1700 Thurmond Street.

Council Member Adams stated these properties are a part of the historical heritage of African-American community. She also stated these properties should be preserved and used as a safe place history site. They need to be given a chance to be repaired.

Council Member Adams made a motion to hold this item in Committee. The motion was duly seconded by Council Member Clark and carried unanimously.
C-2. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (<50) six months].

an. Virginia B. Kimber 2542 Manchester Street (Northeast Ward)

Mr. Brooks gave the staff report on this item.

Council Member Clark made a motion to approve the 120 day Voluntary Demolition Agreement for completion of repairs. The motion was duly seconded by Council Member Adams and carried unanimously.

C-3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs more than 50% of value of structure (>50) six months].

c. Joyce E. Berry 844 N. Jackson Avenue (East Ward)

Council Member Clark made a motion to approve the 120 day Voluntary Demolition Agreement for completion of repairs. The motion was duly seconded by Council Member Adams and carried unanimously.

C-2. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (<50) six months].

al. Christopher Jordan 3524 Prospect Drive (Northeast Ward)

Mr. Brooks gave the staff report on this item.

Mr. Christopher Jordan, 3524 Prospect Drive, property owner, spoke on behalf of this property and stated he would like more time to complete the repairs.

Council Member Clark made a motion to hold this item in Committee. The motion was duly seconded by Council Member Adams and carried unanimously.

c. Richard Miller 704 Alexander Street (East Ward)
d. Richard Miller 706 Alexander Street (East Ward)
ak. Richard Miller 1810 E. 17th Street (Northeast Ward)

Mr. Brooks gave the staff report on these items.
Mr. Richard Miller, 626 N. Trade Street, property’s owner, spoke on behalf of these properties and stated he did not have proper time to complete repairs before the notices were sent to out. He is requesting more time to complete repairs.

Council Member Clark made a motion to approve the 120 day Voluntary Demolition Agreement for completion of repairs on all properties. The motion was duly seconded and carried unanimously.

ar. Larry C. and Carla B. Farmer 837 W. 7th Street (Northwest Ward)

Mr. Brooks gave the staff report on this item.

Mr. Larry Farmer, 837 W. 7th Street, property owner, spoke on behalf of this property and stated the property has been sold to Mr. Prodder. He also stated the violations would be the responsibility of the new owner. Mr. Prodder is asking for more time to complete the repairs.

Council Member MacIntosh made a motion to hold this item in Committee. The motion was duly seconded by Council Member Adams and carried unanimously.

as. Donald Wayne Griffin 727 Laurel Street (South Ward)

au. Kim Renee and Norma E. Wilson 804 W. Bank Street (South Ward)

Council Member Larson stated these properties at 727 Laurel Street and 804 W. Bank Street are both listed as National Registered properties within the West Salem Neighborhood. He requests they remain in Committee for further review.

Council Member Clark made a motion to hold these properties in Committee. The motion was duly seconded by Council Member Adams and carried unanimously.

at. Deutsche Bank National Trust 3500 Cedar Post Road (South Ward)

Council Member Larson stated this property at 3500 Cedar Post Road is deficient in that there are major erosion problems beside the house and it is about to fall in a creek located directly beside the property. There is a significant hazard to this property. He request for this property to be move forward with the demolition process.

Council Member Clark made a motion to move this item forward with the 90 days. The motion was duly seconded by Council Member Adams and carried unanimously.

f. Cornelius Maurice Catheart 2228 Flag Street (East Ward)

Mr. Brooks gave the staff report on this item.

Mrs. Bernice Catheart, 135 Temple Forest Court, Kernersville, spoke on behalf of this property and stated she deeded this property over to her son. She is requesting more time for repairs.
Council Member Clark made a motion to hold this item in Committee. The motion was duly seconded by Council Member Adams and carried unanimously.

C-4. ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [Repairs more than 65% of value of structure (>65)].

a. Richard Hyman and Brenda Killian  5697 Bethania Road (North Ward)

Mr. Brooks gave the staff report on this item.

Ms. Sonya Killian and Ms. Dorothy Hyman, 5697 Bethania Road, spoke on behalf of this property and stated there are no plans to make repairs. They are requesting for more time to get it demolished.

Council Member Adams made a motion to approve the 120 day Voluntary Demolition Agreement for the property owners to demolish. The motion was duly seconded by Council Member Clark and carried unanimously.

C-3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs more than 50% of value of structure (>50) six months].

m. Nathaniel F. Wilson  5325 Shattalon Drive Accessory Building (North Ward)

Mr. Brooks gave the staff report on this item.

Mr. Tony Warden, 1520 Burke Drive, spoke on behalf of this property and it belonged to his mother that is currently deceased. He stated he is in the process of cleaning it out to sale the items in it. He is requesting more time to decide on a plan for the property.

Council Member Clark made a motion to hold this item in Committee. The motion was duly seconded by Council Member Adams and carried unanimously.

C-2. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (<50) six months].

q. Triad Residential Solutions, LLC  1412 Thurmond Street (North Ward)
Ms. Michelle McCullough, Historic Preservation, spoke on behalf of this property. She stated it is in the process of being purchased by the school system. They are buying the block of the location of this property. She is requesting this item be held in Committee.

Council Member Clark made a motion to hold this item in Committee. The motion was duly seconded by Council Member Adams and carried unanimously.

Mr. Brooks requested the Committee allow staff the discretion to offer the 120 day Voluntary Demolition Agreement prior to the Committee meetings to move the less than 50% demolitions farther along.

Council Member Clark suggested the language be provided for this request at the February 20 Council Meeting.

GENERAL AGENDA

G-2. DISCUSSION REGARDING SANCTUARY CITIES.

Mrs. Angela Carmon, City Attorney gave the staff presentation on this item.

In response to Council Member Besse, Mrs. Carmon stated the statutes does not provide a clear definition for the meaning of Sanctuary Cities.

Council Member Clark suggested the Committee do nothing in support of or against Sanctuary Cities.

Mr. Vernon Logan, 4010 Fox Park Drive, Clemmons, is not in support of Sanctuary Cities and stated it is against Federal and State law.

Ms. Patricia Clinemeyer, 5611 Whipperwheel Drive, is not in support of Sanctuary Cities and stated if Winston-Salem supports this issue it will affect us and my grandchildren and she stated she cannot afford to pay more money in taxes.

Mr. Jimmy Boyd, 4720 Merriweather Road, is not in support of Sanctuary Cities and stated there are several statutes that have spoken about this issue limiting funds.

Laura Gardia, 1025 Weston Boulevard, is not in support of Sanctuary Cities and stated she is a part of Winston-Salem as she has been involved in many community events and believes Council Member Clark’s suggestion to do nothing is a great idea.

Ms. Beverly Long, 7004 Discover Lane, is not in support of Sanctuary Cities and stated she has lived in other countries and also stated if Winston-Salem supports this issue we would be aiding and abetting in harboring.

Mr. Will Cox, 1208 Martin Street, is not in support of Sanctuary Cities and stated Winston-Salem as a community will be very weak to support this issue. He also stated “to do nothing” is unfortunately the history of the south. He believes this whole idea sounds like a future slave act.
Mr. Richard Miller, 626 N. Trade Street, is not in support of Sanctuary Cities and stated he is concerned about violence and gang violence and ISIS. He also stated he agrees with Council Member Clark’s suggestion to do nothing.

Mr. Reggie Reid, 161 Weston Boulevard, Apt. 2, is not in support of Sanctuary Cities and stated this issue makes no sense in reality and it deals with human trafficking.

Mr. Danny Santona, 136 Gloria Avenue, is in support of Sanctuary Cities and stated folks sheltering during the holocaust broke the law and there have been precedents showing the law was broken.

Mr. Alex Anderson, 1501 Cloverdale Avenue, is in support of Sanctuary Cities and stated there have been hundreds of people to sign the Sanctuary Cities petition. She also stated immigrants should be allowed equal opportunities like everyone else.

Council Member Besse stated the term Sanctuary City has been misused in many perspectives and on behalf of the City Council drafted a statement that expresses relevant information to Federal Immigration authorities.

Chair Montgomery stated Council Member Besse’s statement will be discussed further at the March Council meeting.

Mr. Will Knot, 424 Springdale Avenue, spoke on behalf of the Demolition Cases and is with a group of concerned citizens that are worried about the acceleration of those abandoned and out of code buildings and houses. He also stated he believes Winston-Salem should take into consideration these issues and not continue to lose the fabric of Winston-Salem and housing stock. He suggests a solution should be constructed to positively save these homes.

Chair Montgomery suggested Mr. Knot get with staff and join Winston-Salem in the efforts to make better solutions to rectify these housing issues.

ADJOURNMENT: 6:03 p.m.