

AN ACT AMENDING STATE ENABLING LEGISLATION FOR CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND WINSTON-SALEM, NORTH CAROLINA

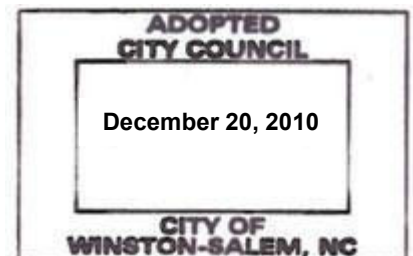
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 677, 1947, Session Laws as amended of Chapter 777, 1953, Session Laws; Chapter 951, 1965, Session Laws; 916, 1967, Sessions Laws; Chapter 451, 1969, Session Laws; Chapters 45 and 381, 1973, Session Laws and Chapter 296, 1979, Session Laws and Session Law 2008-41, Senate Bill 2126, are amended to read as follows:

“24. Violations. Penalty, Abatement and Notice of Lis Pendens.

Any person, firm or corporation who may violate any of the provisions of the zoning ordinance of the City of Winston-Salem, North Carolina, within the one mile area surrounding the corporate limits of the City of Winston-Salem, or within the three mile area surrounding such city limits, if the board of county commissioners shall have approved such zoning provisions, shall, upon conviction, be fined, not more than five hundred (\$500.00) dollars or imprisoned not more than thirty (30) days; any person, firm or corporation who shall continue to violate or shall permit any land, structure or building to continue to exist or to be used in violation of the zoning ordinance of the City of Winston-Salem, pursuant to the authority give by this Act, or who shall cause, permit or continue to exist any occupancy or use of any land, structure or building in violation of any said ordinances, resolutions, regulations or restrictions for as long as five days after notice of such violation, issued by the Building Inspector or Administrative Officer of the City of Winston-Salem, or his designee, and served upon him by any police officer of the City of Winston-Salem, or by any police officer of Forsyth County or by registered or certified mail in conjunction with regular mail and posting, shall be guilty of a separate offense for each day he permits such violation to continue after the expiration of five days from such notice, and shall be punished as above set forth. If the regular mail is not returned in ten days, and the certified or registered mail is returned refused or unclaimed, service by regular mail shall be deemed sufficient. The Judge of the Municipal Court of the City of Winston-Salem shall have the power to lessen the fine, penalty or term of imprisonment imposed for any such violation.

Pursuant to this section, the Building Inspector or Administrative Officer or his designee shall have the authority to summarily abate any violation that continues to exist after the expiration of the aforementioned notice period. The expense of said action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the abatement action occurred. A lien established pursuant to this section shall have the same priority and be collected as unpaid ad valorem taxes. The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. This secondary lien established pursuant to this section is inferior to all prior liens and shall be collected as a money judgment. This section shall not apply if the person in default can show that the violation was created solely by the actions of another.



Furthermore, the Building Inspector or Administrative Officer or his designee shall have the authority to provide, upon the issuance of a notice of violation, for the filing of a notice of lis pendens in the office of the Clerk of Superior Court of Forsyth County. When a notice of lis pendens and a copy of the notice of violation are filed with the Clerk of Superior Court, it shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the notice of violation shall be binding upon the successors and assigns of the owner(s) of the premises in violation. A copy of the notice of lis pendens shall be served upon the owner(s) of the premises in violation at the time of filing in accordance with the procedure for serving the notice of violation set forth herein. The notice of lis pendens shall remain in full force and effect until cancelled. The Building Inspector or Administrative Officer or his designee may authorize the cancellation of the notice of lis pendens upon compliance with the notice of violation, and receipt of such cancellation, the Clerk of Superior Court shall cancel the notice of lis pendens.

The Building Inspector or Administrative Officer or his designee may notify a chronic violator of the City's zoning ordinance that, if the violator's property is found to be in violation of the Zoning ordinance, the City shall, without further notice in the calendar year in which notice (hereinafter "chronic violator notice") is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The chronic violator notice shall be served by registered or certified mail in conjunction with regular mail and posting. If the regular mail is not returned in ten days, and the certified or registered mail is returned refused or unclaimed, service by regular mail shall be deemed sufficient. A chronic violator is a person who owns property whereupon, during the eighteen (18) month period prior to the issuance of the chronic violator notice, the City took remedial action at least three times under the City's zoning ordinance.

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.

**AN ACT AMENDING N.C.G.S. § 40A-42 FOR THE CITY OF WINSTON-SALEM
TO INCLUDE PUBLIC TRANSPORTATION SYSTEMS**

The General Assembly of North Carolina enacts:

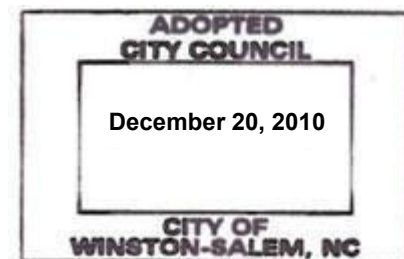
SECTION 1. G.S. § 40A-42. Vesting of title and right of possession; injunction not precluded, subsection (a)(1) is hereby amended as follows:

“§ 40A-42. Vesting of title and right of possession; injunction not precluded.

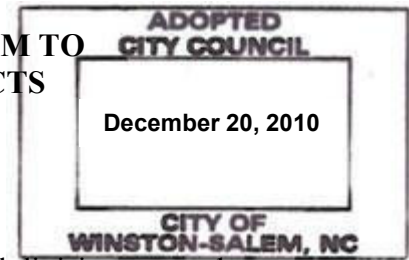
- (a)(1) Standard Provision. – When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (5), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(1), (8), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.”

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.



**AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO
ESTABLISH A LOCAL PREFERENCE FOR CONTRACTS**



The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-131. When counties, cities, towns and other subdivisions may let contracts on informal bids. reads as rewritten:

“143-131. When counties, cities, towns and other subdivisions may let contracts on informal bids.

(a) All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of thirty thousand dollars (\$30,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, local school administrative unit, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, local school administrative unit, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection until the contract has been awarded.

(b) All public entities shall solicit minority participation in contracts for the erection, construction, alteration or repair of any building awarded pursuant to this section. The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. All data, including the type of project, total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation shall be reported to the Department of Administration, Office for Historically Underutilized Business, upon the completion of the project.

(c) A political subdivision may establish a local preference by awarding any contract subject to this section involving an expenditure of public money in the amount of \$30,000 or more but less than \$300,000, to a responsible, responsive local bidder provided: (1) the bid is within 5% or \$10,000, whichever is less, of the lowest responsible, responsive bid; and (2) the responsible, responsive local bidder matches the price of the lowest responsible, responsive bidder. A local bidder is a person legally authorized to engage in the sale of goods, services, construction or repair work to be procured in the state of North Carolina and who certifies within its bid that for at least six (6) months prior to the announcement of the solicitation of bids it has maintained a physical place of business in Forsyth County, North Carolina with at least one employee for whom the local bidder has paid payroll taxes in North Carolina. Each solicitation for bids made by the City shall contain terms expressly describing the local preference policies of the City and shall provide that by electing to submit a bid pursuant to a request for bids, all

bidders are deemed to understand and agree to said policies. In the event there is no responsible, responsive local bidder, the award shall be made to the lowest responsible, responsive bidder.”

SECTION 2. Award of contracts for construction or repair work or for purchase of apparatus, supplies, materials or equipment, involving the expenditure of public money in an amount below \$30,000 and service contracts based upon a local preference.

“Although contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount below \$30,000 and service contracts are not subject to the bidding laws, a political subdivision may establish a local preference policy that allows a such contracts to be awarded to local bidder provided: (1) the bid is within 5% or \$10,000, whichever is less, of the lowest responsible, responsive bid; and (2) the responsible, responsive local bidder matches the price of the lowest responsible, responsive bidder. A local bidder is a person legally authorized to engage in the sale of goods, services, construction or repair work to be procured in the state of North Carolina and who certifies within its bid that for at least six (6) months prior to the announcement of the solicitation of bids it has maintained a physical place of business in Forsyth County, North Carolina with at least one employee for whom the local bidder has paid payroll taxes in North Carolina. Each solicitation for bids made by the City shall contain terms expressly describing the local preference policies of the City and shall provide that by electing to submit a bid pursuant to a request for bids, all bidders are deemed to understand and agree to said policies. In the event there is no responsible, responsive local bidder, the award shall be made to the lowest responsible, responsive bidder.”

SECTION 3. This act applies only to the City of Winston-Salem.

SECTION 4. This act is effective when it becomes law.

**AN ACT TO EXTEND THE POLICE JURISDICTION OF THE CITY OF
WINSTON-SALEM TO ENCOMPASS INCORPORATED MUNICIPALITIES
WITHIN THE COUNTY OF FORSYTH**

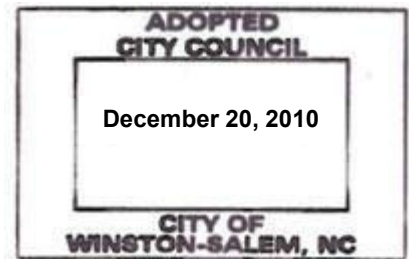
The General Assembly of North Carolina enacts:

SECTION 1. Incorporated municipalities within the County of Forsyth are hereby authorized and empowered to enter into a contract(s) on such terms and conditions as they may deem proper by which the City of Winston-Salem will furnish police protection to the territory within the corporate limits of the contracting municipality.

SECTION 2. Upon execution of such a contract(s), and the spreading of the same upon the minutes of the governing bodies, the police jurisdiction of the City of Winston-Salem shall thereby be extended and enlarged to include all that area within the corporate limits of the contracting municipality, and within the corporate limits of the contracting municipality all members of the police force of the City of Winston-Salem shall have all rights, powers and authority which they have within the corporate limits of the City of Winston-Salem and, in addition, shall have full power and authority to enforce the ordinances of the contracting municipality.

SECTION 3. This act applies only to the City of Winston-Salem.

SECTION 4. This act is effective when it becomes law.



**AN ACT AUTHORIZING CERTAIN CHANGES TO N.C.G.S. §158-7.1 RELATING TO
LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM**

The General Assembly of North Carolina enacts:

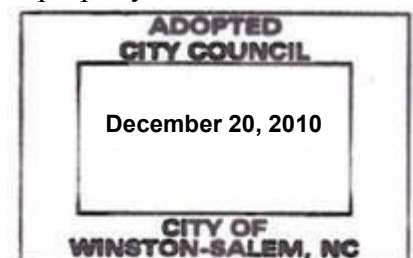
SECTION 1. G.S. 158-7.1 Local development. is hereby amended to read as follows:

“§ 158-7.1. Local development.

(a) Each county and city in this State is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants in or near such city or in the county; encouraging the building of railroads or other purposes which, in the discretion of the governing body of the city or of the county commissioners of the county, will increase the population, taxable property, agricultural industries and business prospects of any city or county. These appropriations may be funded by the levy of property taxes pursuant to G.S. 153A-149 and 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

(b) A county or city may undertake the following specific economic development activities. (This listing is not intended to limit by implication or otherwise the grant of authority set out in subsection (a) of this section). The activities listed in this subsection may be funded by the levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

- (1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes. A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located. A county or city may develop the land by installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities; may demolish or rehabilitate existing structures; and may prepare the site for industrial or commercial uses. A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.
- (2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use. A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that will provide jobs to city residents, anywhere in the county or counties in which it is located. A county or city may convey property acquired or assembled under this subdivision pursuant to subsection (d) of this section.
- (3) A county or city may acquire options for the acquisition of property that is



suitable for industrial or commercial use. The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable.

- (4) A county or city may acquire, construct, convey, or lease a building suitable for industrial or commercial use.
- (5) A county or city may construct, extend or own utility facilities or may provide for or assist in the extension of utility services to be furnished to an industrial facility, whether the utility is publicly or privately owned.
- (6) A county or city may extend or may provide for or assist in the extension of water and sewer lines to industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.
- (7) A county or city may engage in site preparation for industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.

(c) Any appropriation or expenditure pursuant to subsection (b) of this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose. A project authorized pursuant to this section is not subject to Article 8 of Chapter 143 of the General Statutes, provided that city funds constitute no more than fifty percent (50%) of the total costs of the economic development project for which funds are appropriated pursuant to this section. Federal funds available for loan to private developers in connection with an economic development project shall not be considered city funds for purposes of this subsection.

(d) A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection. A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the

conveyance or lease. Before such an interest may be conveyed, the county or city governing body shall determine the probable average hourly wage to be paid to workers by the business to be located at the property to be conveyed and the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to. The consideration for the conveyance may not be less than the value so determined.

(d1) Repealed by Session Laws 1993, c. 497, s. 22.

(d2) In arriving at the amount of consideration that it receives, the Board may take into account prospective tax revenues from improvements to be constructed on the property, prospective sales tax revenues to be generated in the area, as well as any other prospective tax revenues or income coming to the county or city over the next 10 years as a result of the conveyance or lease provided the following conditions are met:

- (1) The governing board of the county or city shall determine that the conveyance of the property will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in the county or city that pay at or above the median average wage in the county or, for a city, in the county where the city is located. A city that spans more than one county is considered to be located in the county where the greatest population of the city resides. For the purpose of this subdivision, the median average wage in a county is the median average wage for all insured industries in the county as computed by the Employment Security Commission for the most recent period for which data is available.
- (2) The governing board of the county or city shall contractually bind the purchaser of the property to construct, within a specified period of time not to exceed five years, improvements on the property that will generate the tax revenue taken into account in arriving at the consideration. Upon failure to construct the improvements specified in the contract, the purchaser shall reconvey the property back to the county or city.

(e) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of the North Carolina General Statutes, respectively, for cities and counties and shall be listed in the annual financial report the county or city submits to the Local Government Commission. The budget format for each such governing body shall make such disclosures in such detail as the Local Government Commission may by rule and regulation direct.

(f) At the end of each fiscal year, the total of the following for each county and city may not exceed one-half of one percent (0.5%) of the outstanding assessed property tax valuation for the county or city as of January 1 preceding the beginning of the fiscal year:

- (1) The investment in property acquired at any time under subdivisions (b)(1) through (b)(4) of this section and owned at the end of the fiscal year.

- (2) The amount expended during the fiscal year under subdivisions (b)(5) and (b)(7) of this section.
- (3) The amount of tax revenue that was taken into account under subsection (d2) of this section and was expected to be received during the fiscal year.

The Local Government Commission shall review the annual financial reports filed by counties and cities to determine if any county or city has exceeded the limit set by this subsection. If the Commission finds that a county or city has exceeded this limit, it shall notify the county or city. A county or city that receives a notice from the Commission under this subsection must submit to the Commission for its review and approval any appropriation or expenditure the county or city proposes to make under this section during the next three fiscal years. The Commission shall not approve an appropriation or expenditure that would cause a county or city to exceed the limit set by this subsection.

(g) Repealed by Session Laws 1989, c. 374, s. 1.

(h) Each economic development agreement entered into between a private enterprise and a city or county shall clearly state their respective responsibilities under the agreement. Each agreement shall contain provisions regarding remedies for a breach of those responsibilities on the part of the private enterprise. These provisions shall include a provision requiring the recapture of sums appropriated or expended by the city or county upon the occurrence of events specified in the agreement. By way of illustration and not limitation, Events that would that could require the city or county to recapture funds ~~would~~ include the creation of fewer jobs than specified in the agreement, a lower capital investment than specified in the agreement, and failing to maintain operations at a specified level for a period of time specified in the agreement.”

SECTION 2. This act applies only to the City of Winston-Salem.

SECTION 3. This act shall become effective as of January 1, 2010.

AN ACT AMENDING N.C.G.S. §159-32 AUTHORIZING DAILY DEPOSITS

The General Assembly of North Carolina enacts:

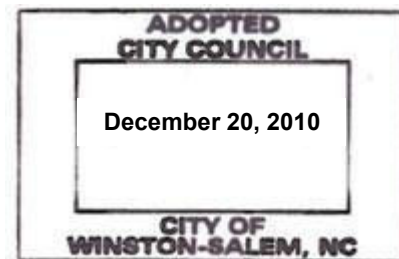
SECTION 1. G.S. §159-32. Daily Deposits. is hereby amended to read as follows:

“§ 159-32. Daily deposits.

Except as otherwise provided by law, all taxes and other moneys collected or received by an officer or employee of a local government or public authority shall be deposited in accordance with this section. Each officer and employee of a local government or public authority whose duty it is to collect or receive any taxes or other moneys shall deposit his collections and receipts daily. Deposit of currency and coins into a cash vault that physically secures the cash and electronically records the deposit daily in an official depository bank qualifies as a daily deposit even if the cash is not physically deposited at the bank until a later time. If the governing board gives its approval, deposits shall be required only when the moneys on hand amount to as much as two hundred fifty dollars (\$250.00), but in any event a deposit shall be made on the last business day of the month. All deposits shall be made with the finance officer or in an official depository. Deposits in an official depository shall be immediately reported to the finance officer by means of a duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or employee collecting or receiving taxes or other moneys, and may prescribe the form and detail of these accounts. The accounts of such an officer or employee shall be audited at least annually.”

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.



AN ACT AMENDING N.C.G.S. §160-319 REGARDING UTILITY FRANCHISES

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-319. Utility franchises. is hereby amended to read as follows:

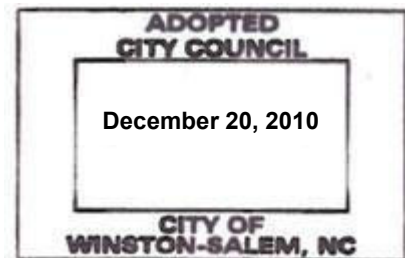
“§ 160A-319. Utility franchises.

(a) A city in Forsyth County shall have authority to grant upon reasonable terms franchises for a telephone system and any of the enterprises listed in G.S. 160A-311, except cable television systems and those enterprises listed in G.S. 160A-311(2) and (3). A franchise granted by a city authorizes the operation of the franchised activity within the city. No franchise shall be granted for a period of more than 60 years, except that a franchise for solid waste collection or disposal systems and facilities shall not be granted for a period of more than 30 years. Except as otherwise provided by law, when a city operates an enterprise, or upon granting a franchise, a city may by ordinance make it unlawful to operate an enterprise without a franchise.

(b) For the purposes of this section, "cable television system" means any system or facility that, by means of a master antenna and wires or cables, or by wires or cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation. "Cable television system" does not include providing master antenna services only to property owned or leased by the same person, firm, or corporation, nor communication services rendered to a cable television system by a public utility that is regulated by the North Carolina Utilities Commission or the Federal Communications Commission in providing those services.”

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.



RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM'S LEGISLATIVE PROGRAM FOR THE 2011 LEGISLATIVE SESSION

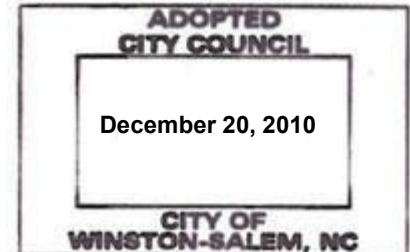
WHEREAS, the 2011 Session of the North Carolina General Assembly will convene on January 26, 2011; and

WHEREAS, the City has identified the need for the enactment of eight Local Acts; and

WHEREAS, the City has determined that it is necessary to work cooperatively with the North Carolina League of Municipalities on certain issues of special concern to the City including but not limited to annexation and privilege licenses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Winston-Salem approves the following Local Acts for submission to the Forsyth County Legislative Delegation for its introduction, support and ratification by the General Assembly during its 2011 Session:

1. An Act amending state enabling legislation for city-county planning and zoning in Forsyth County and Winston-Salem, North Carolina;
2. An Act amending N.C.G.S. 40A-42 to include public transportation systems;
3. An Act authorizing the City of Winston-Salem to establish a local preference for contracts;
4. An Act to extend the police jurisdiction of the City of Winston-Salem to encompass incorporated municipalities within the County of Forsyth;
5. An Act authorizing certain changes to N.C.G.S. § 158-7.1 relating to local development for the City of Winston-Salem;
6. An Act amending N.C.G.S. § 159-32 authorizing weekly deposits;
7. An Act amending N.C.G.S. §160A-319 regarding utility franchises; and
8. An Act amending Session Law 2006-246, Senate Bill 1566 to address public and private linear transportation projects such as roads and greenways.



BE IT FURTHER RESOLVED that the City Council approves the following five resolutions for submission to the Forsyth County Legislative Delegation as evidence of the City Council's desire to support certain initiatives:

1. Resolution of the City Council of the City of Winston-Salem, North Carolina supporting the North Carolina League of Municipalities' efforts regarding annexation;
2. Resolution of the City Council of the City of Winston-Salem, North Carolina supporting the North Carolina Metropolitan Mayors' Coalition 2011 Advocacy Agenda;
3. Resolution of the City Council of the City of Winston-Salem, North Carolina supporting issuance of local privilege licenses;
4. Resolution of the City Council of the City of Winston-Salem, North Carolina supporting pedestrian and bicycle friendly projects; and
5. Resolution of the City Council of the City of Winston-Salem, North Carolina finding that a local preference on contracts is necessary to stimulate the local economy.

BE IT FURTHER RESOLVED that the City Council authorizes City staff to work cooperatively with the North Carolina League of Municipalities on the following identified issues addressed by the League's Advocacy Agenda:

1. Advancement and Protection of Municipal Core Principles-Such core principles include ensuring stable, reliable municipal revenue stream; maintaining the flexibility needed for sound fiscal management; advocating against unfunded, burdensome mandates; preserving local authority and decision-making; adhering to standards of ethical conduct and open government; providing wide ranging services without overly burdensome liability and ensuring citizens are served through cost effective, environmentally responsible operations, planning and land management.
2. Annexation for fair, managed growth-The League continues to support careful change to long-standing municipal annexation laws in a way that provides for fair

and equitable consideration of all citizens' needs and concerns and allows cities and towns to grow in an orderly manner.

3. Electronic Notices-The League will seek legislation to authorize municipalities to use the option of electronic means to provide public notice for certain public hearings.
4. Alcoholic Beverage Control-The League will seek legislation to enhance municipalities' ability to regulate the inappropriate location of establishments licensed to serve alcoholic beverages.
5. Water Resources-The League will seek legislation or administrative changes to provide for the gathering of data for all water withdrawals sufficient for basinwide modeling and future allocation decisions. The League will seek legislation or administrative changes to redefine reclaimed treated water as a resource for non-potable purposes. The League will seek further study of water storage needs and methods, including surface and aquifer conservation and storage.
6. Energy/Sustainability-The League will seek legislation to enhance the ability of municipalities to implement sustainable, energy-efficient practices and programs and to remove obstacles to doing so, through incentives, funding and research. The League will further seek to clarify local government land use authority as to renewable energy facilities.
7. Sanitary Sewer Overflows-The League will seek legislation or administrative changes to address inequities and inconsistencies in the issuance of notices of violation and civil penalties for sanitary sewer overflows. Winston-Salem does not support constraining the authority of Department of Environmental and Natural Resources to consistently issue notices of violations for each sanitary sewer overflow.
8. Stormwater Fees-The League will seek legislation to codify the obligation of governmental agencies.
9. Air Quality-The League will seek legislation and administrative action to obtain technical assistance and to authorize the use of tools such as early action compacts to promote regional cooperation and assistance, nonattainment areas in complying with new ozone regulations.
10. Infrastructure Financing-The League will work to ensure that both short-and long-term solutions are developed and implemented to address critical infrastructure needs for roads, bridges, transportation systems, high speed broadband communications, water, sewer, stormwater systems, and affordable housing without unwise preemption of local authority. The League also will seek legislation to provide additional funds for key municipal infrastructure, including

long term permanent sources of dedicated revenue, additional local option revenue sources and state bond packages for infrastructure.

11. Municipal Incorporation Reform-The League will seek legislation imposing more stringent requirements on new municipal incorporations and requiring an incorporation proposal to receive a positive recommendation from the Joint Legislative Commission on Municipal Incorporations in order to be considered by the General Assembly.

BE IT FURTHER RESOLVED, that City staff is authorized to support the other legislative efforts of the North Carolina League of Municipalities undertaken during the 2011 Session of the North Carolina General Assembly, adopted during its Annual Convention, and determined by the City Manager and the City Attorney to be consistent with the municipal interests of the City.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM,
NORTH CAROLINA SUPPORTING THE NORTH CAROLINA LEAGUE OF
MUNICIPALITIES EFFORTS REGARDING ANNEXATION**

WHEREAS, the current annexation laws have served the City of Winston-Salem well;
and

WHEREAS, annexation enables the delivery of urban services in a cost-effective, non-
duplicative manner, and helps lower the cost of government; and

WHEREAS, annexation is a matter of fairness in that many citizens who reside just
outside of city limits work inside and otherwise use and benefit from City services without
having to bear any of the costs; and

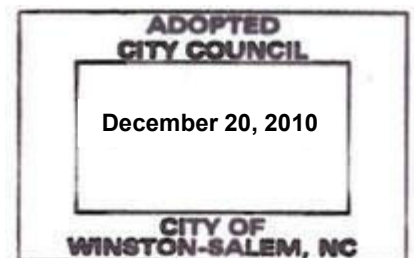
WHEREAS, in areas of our nation where cities and towns that are hamstrung by barriers
to annexation, factors such as slow growth, declining tax base, lack of business investment and
lack of adequate infrastructure are quite evident; and

WHEREAS, the City of Winston-Salem is sensitive to the need for and supportive of
reasonable measures to address citizen concerns such as: (1) improving communications and
information to citizens concerning proposed annexations; (2) easing the financial impact on
citizens annexed, particularly with respect to the cost of utility extensions; (3) some tightening of
the standards to qualify an area for annexation; and (4) measures that address the annexation of
lower income/distressed areas; and

WHEREAS, the City of Winston-Salem is opposed to any measures that would require
an affirmative vote by those to be annexed.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winston-
Salem, North Carolina, that it supports all efforts to preserve municipal annexation to ensure a
sound economic future for North Carolina.

This Resolution shall be effective upon adoption.



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM,
NORTH CAROLINA SUPPORTING THE NORTH CAROLINA METROPOLITIAN
MAYORS' COALITION 2011 ADVOCACY AGENDA**

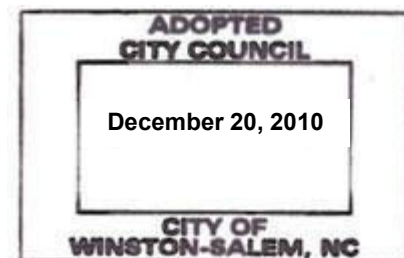
WHEREAS, the North Carolina Metropolitan Mayors Coalition is an organization founded in 2001 that consists of mayors from the twenty six (26) largest cities in North Carolina committed to the growth of North Carolina's cities; and

WHEREAS, the North Carolina Metropolitan Mayors Coalition also promotes the interchange of ideas and experiences among municipal officials for continued development of urban areas; and

WHEREAS, in September, 2010, the North Carolina Metropolitan Mayors Coalition adopted its 2011 advocacy agenda focused on crime, transportation, biotechnology, and local revenues; and

WHEREAS, the Mayors will specifically work to:

- Defend against attempts to shift state responsibilities to local governments and protect local revenues;
- Support the needs of the Justice System;
- Support efforts to reduce gang violence;
- Support efforts to advance North Carolina's biotech industry and grow related jobs;
- Preserve local government ability to engage and lead in communication public enterprises;
- Support adding more revenues to the Mobility Fund and set asides for expanding Power Bill with a new allocation based on lane miles and a set aside for interstate maintenance; and
- Continue to improve the relationship between the North Carolina Department of Transportation and local government; and



WHEREAS, the North Carolina Metropolitan Mayors Coalition has requested support for its 2011 advocacy agenda from municipalities across the state; and

WHEREAS, the advocacy agenda of the North Carolina Metropolitan Mayors Coalition appears to complement the City of Winston-Salem's 2011 legislative package and its legislative priorities from previous years; and

WHEREAS, the advocacy agenda of the North Carolina Metropolitan Mayors Coalition has many components beneficial to the citizens of Winston-Salem.

NOW, THEREFORE, BE IT RESOLVED that the Winston-Salem City Council hereby supports the 2011 advocacy agenda of the North Carolina Metropolitan Mayors Coalition.

BE IT FURTHER RESOLVED, that the Winston-Salem City Council hereby authorizes the City Manager and City Attorney to take appropriate steps to express said support and to report such measures to the Winston-Salem City Council in an appropriate manner.

This Resolution shall become effective upon adoption.

D-28028
D-27016

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM,
NORTH CAROLINA SUPPORTING PEDESTRIAN AND
BICYCLE FRIENDLY PROJECTS**

WHEREAS, vehicle transportation accounts for nearly one-third of the nation's greenhouse gas emissions; and

WHEREAS, an increase in alternative modes of transportation will assist in the reduction of greenhouse gas emissions and a reduction in congestion; and

WHEREAS, the availability of bicycle and pedestrian facilities can provide for outlets for healthy living and lifestyles and enhance safety of bicyclists and pedestrians; and

WHEREAS, as alternative modes of transportation grow, education and enforcement activities of these modes should grow; and

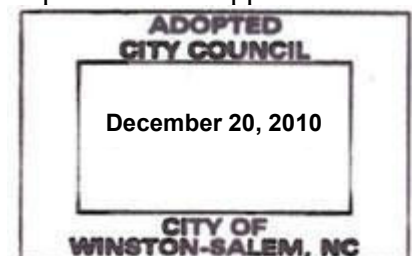
WHEREAS, the North Carolina State Legislature adopted the Bicycle and Bikeway Act of 1974; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) adopted the Complete Streets Policy in July 2009; and

WHEREAS, the NCDOT is developing Planning and Design Guidelines to implement the 2009 Complete Streets Policy.

NOW, THEREFORE, BE IT RESOLVED that the City of Winston-Salem encourages the North Carolina General Assembly and the North Carolina Department of Transportation to endorse and adequately fund the implementation of the 2009 Complete Streets Policy and subsequent Planning and Design Guidelines.

BE IT FURTHER RESOLVED that the City of Winston-Salem encourages the North Carolina General Assembly and the North Carolina Department of Transportation to support the



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development of educational materials for citizens that will increase enforcement of bicycle and pedestrian laws.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM,
NORTH CAROLINA FINDING THAT A LOCAL PREFERENCE ON CONTRACTS IS
NECESSARY TO STIMULATE THE LOCAL ECONOMY**

WHEREAS, the citizens in Winston-Salem are suffering tremendously from the current economic crisis; and

WHEREAS, within the past twenty-four months, a number of local businesses have announced either plant closures or reductions in personnel including but not limited to Dell, Inc., Douglas Battery Manufacturing Co., GMAC Insurance, Hanesbrands, Inc., Jostens, Inc., and R.J. Reynolds Tobacco Co.; and

WHEREAS, several of the aforementioned business were patronized by the City of Winston-Salem, where possible; and

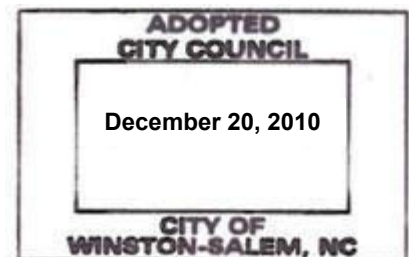
WHEREAS, the unemployment rate for Forsyth County was 9.4% in August 2010; and

WHEREAS, the City Council finds that it is necessary to use local money to stimulate and maintain the economic vitality of local providers of goods, services and construction; and

WHEREAS, the City Council finds that by providing a local preference for contracts not to exceed \$300,000 the local economy will be invigorated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winston-Salem, North Carolina, that it is necessary to seek legislation authorizing such preference for service contracts, contracts below the \$30,000 dollar range of the informal bidding statute and changes to the informal bidding statute to allow for a local preference on contracts involving an expenditure of public money in the amount of \$30,000 or more but less than \$300,000 to stimulate the local economy.

This Resolution shall be effective upon adoption.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 2050
Committee Substitute Favorable 6/9/10

Short Title: Winston-Salem/Council Meetings.

(Local)

Sponsors:

Referred to:

May 27, 2010

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM
3 REGARDING MEETINGS OF THE CITY COUNCIL.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 13 of the Charter of the City of Winston-Salem, being
6 Chapter 232 of the Private Laws of 1927, as amended by Chapter 305 of the 1949 Session
7 Laws, Chapter 149 of the 1955 Session Laws, and Chapter 888 of the 1963 Session Laws, reads
8 as rewritten:

9 "Sec. 13. Council members to form council; quorum; meetings.

10 ~~That the aldermen~~The council members shall form a ~~board~~council, and a majority of them
11 shall be competent to perform the duties prescribed for the ~~aldermen~~council members. ~~Within~~
12 ~~ten days after their election they shall convene for the transaction of business, and~~The council
13 shall fix stated days of meetings for the year, which shall be as often as at least once every
14 calendar month. Special meetings of the ~~board of aldermen~~city council may be held on the call
15 of the ~~mayor or of a majority of the aldermen~~. ~~Members of the board shall be given notice of~~
16 ~~special meetings. Members of the board shall compensation for their services in an amount not~~
17 ~~to exceed one hundred fifty dollars (\$150.00) per month as may be determined by the board.~~
18 ~~The compensation herein provided for shall be paid out of the General Fund of the City of~~
19 ~~Winston-Salem.~~mayor, mayor pro tempore, or a majority of the members of the city council in
20 accordance with the provisions of G.S. 160A-71, except that notice may be provided to the
21 mayor and members of the city council by telephone or by electronic means at least 48 hours
22 before the meeting in lieu of personal delivery. In addition to the procedures provided in this
23 section, a person or persons calling a special meeting of the city council shall comply with the
24 notice requirements provided in Article 33C of Chapter 143 of the General Statutes."

25 **SECTION 2.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 2059

Short Title: Winston-Salem/Informal Bids Electronically. (Local)

Sponsors: Representatives Parmon, Womble (Primary Sponsors); Hughes and McGee.

Referred to: Local Government I, if favorable, Judiciary II.

May 27, 2010

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS
3 ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN
4 LETTING CONTRACTS ON INFORMAL BIDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143-131(a) reads as rewritten:

7 "(a) All contracts for construction or repair work or for the purchase of apparatus,
8 supplies, materials, or equipment, involving the expenditure of public money in the amount of
9 thirty thousand dollars (\$30,000) or more, but less than the limits prescribed in G.S. 143-129,
10 made by any officer, department, board, local school administrative unit, or commission of any
11 county, city, town, or other subdivision of this State shall be made after informal bids have
12 been secured. All such contracts shall be awarded to the lowest responsible, responsive bidder,
13 taking into consideration quality, performance, and the time specified in the bids for the
14 performance of the contract. It shall be the duty of any officer, department, board, local school
15 administrative unit, or commission entering into such contract to keep a record of all bids
16 submitted, and such record shall not be subject to public inspection until the contract has been
17 awarded. Under the provisions of this subsection, a county, city, town, or other subdivision of
18 this State may receive bids electronically in addition to or instead of paper bids. Procedures for
19 receipt of electronic bids for contracts that are subject to the requirements of this section shall
20 be designed to ensure the security, authenticity, and confidentiality of the bids to at least the
21 same extent as is provided for with sealed paper bids."

22 **SECTION 2.** This act applies to the City of Winston-Salem only.

23 **SECTION 3.** This act is effective when it becomes law.

