

D-26855

Summary of Minutes

February 21, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, February 21, 2005 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Members Present:	Vernon Robinson	Vivian H. Burke
	Robert C. Clark	Nelson L. Malloy, Jr.
	Dan Besse	Wanda Merschel
	Joycelyn V. Johnson	Frederick N. Terry

Secretaries: Paige L. Deal, Deputy City Secretary; Melanie Johnson, Recording Secretary

Sergeant at Arms: Lieutenant Connie Southern

Invocation: Reverend Jonathan Rogers of First Baptist Church of Stanleyville

Pledge of Allegiance led by Boy Scout Troop 926 from Maple Springs United Methodist Church

Mayor Joines recognized Council Member Burke for a presentation to Fire Station No. 3 from New Life Community Church. She presented a plaque and gift basket to Fire Chief John W. Gist.

Pastor Anthony E. Johnson, Sr. expressed his appreciation to Engine 3 Liberty Street Fire Department for its continued assistance to New Life Community Church and the surrounding community.

Mrs. Deal read the following resolution:

**CITY OF WINSTON-SALEM CIVIL RIGHTS MOVEMENT RESOLUTION HONORING
THE LATE JASPER ALSTON (JACK) ATKINS**

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

Council Member Burke presented a framed copy of the resolution to the Atkins family.

Mrs. Simona Atkins Allen thanked the Mayor and City Council for their recognition of her father.

Mrs. Deal read the following resolution:

CITY OF WINSTON-SALEM CIVIL RIGHTS MOVEMENT RESOLUTION HONORING THE LATE HAROLD LILLARD KENNEDY, JR.

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

Mayor Joines recognized that Mrs. Annie Brown Kennedy and her sons were present for tonight's ceremony.

Council Members Johnson and Terry presented a framed copy of the resolution to the Kennedy family.

Mrs. Kennedy thanked the City for its recognition of her husband.

Mayor Joines recognized Mrs. Virginia Newell, former City Council member, who was in attendance.

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if anyone wished to remove any items for separate discussion. He pointed out that a corrected Item C-10 had been given to the Council.

No items were removed from the Consent Agenda.

CONSENT AGENDA

All items listed below were enacted by one motion for approval or adoption, as appropriate, which motion is as follows:

Council Member Clark made a motion that these items be approved/adopted at this meeting.

The motion was duly seconded by Council Member Merschel and unanimously carried.

Property Matters

1. CONSIDERATION OF ITEMS RELATING TO THE DISPOSITION OF CITY-OWNED PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *House and Lot Located at 110 W. Twenty-Fifth Street.*
 - b. RESOLUTION AUTHORIZING THE FINAL DISPOSITION OF PROPERTY LOCATED AT 5476 WOODCLIFF DRIVE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270.
 - c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *Lot 301 of Block 0586 Located on S. Poplar Street.*
 - d. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *Lot 101D of Block 1262 located at the southwest corner of Jackson Avenue and New Walkertown Road.*

Community and Economic Development

2. RESOLUTION AUTHORIZING THE ADDITION OF A MECHANICAL INSPECTOR POSITION AND AN EROSION CONTROL INSPECTOR POSITION IN THE INSPECTIONS DIVISION. *[Recommended by Finance Committee.]*
3. ORDINANCE AMENDING CHAPTER 42, ARTICLE VII ENTITLED “REMOVAL AND DISPOSITION OF JUNKED AND ABANDONED VEHICLES AND VEHICLES WHICH ARE HEALTH OR SAFETY HAZARDS.” *[Recommended by Community Development/Housing/General Government Committee.]*

4. ORDINANCES AMENDING CHAPTER 26 ENTITLED “GARBAGE AND TRASH” AND CHAPTER 62 ENTITLED “SANITATION” REGARDING LIENS AND HOUSE/STRUCTURE NUMBER VIOLATIONS. *[Recommended by Community Development/Housing/General Government Committee.]*

Public Safety

5. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS – *Monroe Street, 24½ Street, Windmere Drive and Holland Street. [Recommended by Public Safety Committee.]*

Transportation

6. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF DESHLER STREET IN THE NORTH WARD (Council Member Malloy) – *Petition of Piney Grove Baptist Church. Public Hearing: March 28, 2005. [Reviewed by Public Works Committee.]*

Finance/Budget

7. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FISCAL YEAR 2004-2005 – *Purchase and Installation of Video Board at Coliseum. [Recommended by Finance Committee.]*
8. RESOLUTION APPROVING LEASE AGREEMENT BETWEEN NORTH CAROLINA MUNICIPAL LEASING CORPORATION AND CITY OF WINSTON-SALEM, AND SUBLEASE AGREEMENT BETWEEN THE CITY AND THE FORSYTH MUNICIPAL ALCOHOLIC BEVERAGE CONTROL BOARD – *Lewisville ABC Store and Property. [Recommended by Finance Committee.]*
9. CONSIDERATION OF ITEMS RELATING TO SALEM CREEK RECONSTRUCTION PROJECT: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDED CONTRACT FOR SALEM CREEK STREAM BANK RESTORATION/REPAIRS AT CIVITAN PARK - *North State Environmental, Inc. - \$149,105.50.*
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR THE FISCAL YEAR 2004-2005.
10. RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL ROLL-OUT CONTAINERS FOR THE VOLUNTARY CURBSIDE COLLECTION PROGRAM. *[Recommended by Finance Committee.]*

11. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY IN ACCORDANCE WITH SECTION 74-245 OF THE CITY CODE – *2500 Merrimont Drive. [Reviewed by Public Works Committee.]*

General Government

12. RESOLUTION APPROVING ABANDONMENT OF A PORTION OF A SANITARY SEWER EASEMENT LOCATED OFF OF PARKVIEW STREET IN THE EAST WARD (Council Member Johnson) – *Request of Winston-Salem State University. [Reviewed by Public Works Committee.]*
13. CONSIDERATION OF COUNCIL’S MARCH, 2005 MEETING SCHEDULE.
14. APPROVAL OF SUMMARY OF MINUTES – *February 7, 2005.*

GENERAL AGENDA

1. PUBLIC HEARING AND RESOLUTION AUTHORIZING ASSISTANCE TO US AIRWAYS, INC. AND AUTHORIZING THE PASS-THROUGH OF STATE FUNDS TO US AIRWAYS, INC. *[Finance Committee forwarded this item with two in favor, none opposed, one abstaining.]*

Ms. Gayle Anderson, Chamber of Commerce, 601 West Fourth Street, expressed her support for the assistance being offered US Airways. She pointed out that the Forsyth County Commissioners had approved assistance on behalf of the County and noted the hard work put forth by the City, County and Chamber staff in assembling the package.

Mayor Joines asked if anyone else wished to be heard. Hearing no one, he declared the public hearing closed and asked for a motion on the item.

Council Member Terry: Motion for adoption.

Council Member Johnson: Second.

At the request of Council Member Burke, Mr. Chuck Allen, Director of Corporate Affairs for US Airways, Charlotte, NC introduced himself for the record.

Mr. Derwick Paige, Assistant City Manager, responded to Council Members Robinson's question stating that the original proposal for five years was decreased to three years at the request of US Airways. He also pointed out that a majority of the assistance would be provided for the existing facility, with the remaining funding prorated based on job creation.

Council Member Robinson expressed his concern over the use of economic incentives.

At the Mayor's request, Mr. Paige pointed out that the grant would be paid out at the end of each year, based upon US Airways' fulfillment of the agreement.

Council Member Besse expressed his concern that the return revenue would not meet the minimum standards previously approved by Council. He noted that US Airways had chosen to remain in Winston-Salem regardless of an incentive and the economic assistance would not guarantee the long-term security of its employees. Council Member Besse further stated that the incentive offer would increase the risk to other jobs in Winston-Salem.

Mayor Joines called for a vote on the motion to approve the item.

Those voting in favor of the motion were Council Members Clark, Johnson, Burke, Malloy, Merschel, and Terry. Opposed: Council Members Robinson and Besse. The motion carried on a vote of six in favor and two opposed.

2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF TRADE STREET/STROLLWAY BETWEEN THIRD AND FOURTH STREETS IN THE EAST WARD (Council Member Johnson) – *Petition of the City of Winston-Salem.* [Reviewed by Public Works Committee.]

No one heard.

Council Member Johnson: Motion for adoption.

Council Member Terry: Second.

In response to Council Member Merschel's inquiry, Mr. Paige stated that the purchasers had not closed on the sale of property, however, the road closure would be contingent upon the conclusion of that deal.

Council Member Merschel apologized to staff for any confusion in defining the property involved in the closure. She suggested that future real estate transactions include a process timeframe.

Council Member Johnson amended her original motion to include language in the resolution that the closure be contingent upon the sale of the Davis Building property.

Council Member Burke: Second.

Council Member Besse inquired if the City would retain the greenway easement.

Council Member Johnson amended her motion to include the addition of a greenway easement.

Council Member Burke: Second. Unanimous.

3. PUBLIC HEARING AND RESOLUTION OF THE CITY COUNCIL, ACTING IN ITS REDEVELOPMENT AND MUNICIPAL CAPACITIES, ACCEPTING THE RECOMMENDATION OF THE CITY-COUNTY PLANNING BOARD AND APPROVING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE HAPPY HILL REDEVELOPMENT AREA. [*Community Development/Housing/General Government Committee forwarded this item without a recommendation pending additional information.*]

Ms. Margaret Bessette, Planning Department, presented the report, pointing out that changes were being made to include townhouses on Alder Street and the replacement of neighborhood business with single family housing. She noted that a concern was raised by a resident regarding the maintenance of the mural on the side of the convenience store which would be replaced by single family housing.

Mr. Wayman Williams, HAWS, 901 Cleveland Avenue, addressed Council Member Clark's question stating that the contractor change in the Kimberly Park development would have no impact on Happy Hill Gardens. He indicated to Council Member Terry that HAWS is in the process of gaining control of all property located within the development.

Mayor Joines asked if anyone else wished to be heard. Hearing no one, he declared the public hearing closed and asked for a motion on the item.

Council Member Johnson noted that her concerns regarding the structure of the townhouses had been addressed and made a motion to approve the item.

Council Member Burke: Second.

Council Member Terry expressed a concern that HAWS is not currently in control of all property located within the development.

Mayor Joines called for a vote on the motion to approve the item.

Those voting in favor of the motion were Council Members Robinson, Clark, Besse, Johnson, Burke, Malloy, and Merschel. Opposed: Council Member Terry. The motion carried on a vote of seven in favor and one opposed.

4. RESOLUTION ENDORSING THE ELIGIBILITY OF PROPERTY FOR THE NATIONAL REGISTER OF HISTORIC PLACES. *[Recommended by Historic Resources Commission.]*

Council Member Merschel: Motion for adoption.

Council Member Burke: Second.

Council Member Clark inquired if this action would qualify the property for reduced taxes.

Mr. Bill Stuart, City Manager, pointed out that the action would only be for recognition by the National Register, and would have no effect upon the taxable value of this property.

Mr. Paul Norby, Planning Director, noted that a Landmark Designation would qualify for reduced property tax.

In response to Council Member Clark, Ms. LeAnn Pegram, Planning Department, stated that the Brown Rogers Dixon knitting building is one of the buildings involved in the action. She noted that it is part of the Goler development.

The motion to approve the item was unanimously carried.

5. PRESENTATION ON THE “HEART OF THE REGION” CONCEPT.

Mr. Norby stressed the importance of future growth in the area between the Dell site in Forsyth County and the Federal Express site in Guilford County. He explained that a joint planning effort was underway involving Winston-Salem/Forsyth County, High Point, Greensboro, Guilford County, Kernersville and the Piedmont Authority for Regional Transportation (PART).

Mr. Lee Burnette, City of High Point Planning Director, explained that the central growth area is located within four municipalities, two counties and three different transportation planning organizations. He noted that a joint effort by all jurisdictions in the installation of public infrastructure would increase the potential for successful land use planning. Mr. Burnette pointed out that the Triad Metropolitan Area is the 36th largest in the United States.

Mr. Dick Hails, City of Greensboro Planning Director, stated that discussions with local developers had included ideas for partnerships, funding, and the possibility of an anchor project to create public unity. He suggested good jobs and quality development to maximize the potential of the area and pointed to the success of Research Triangle Park (RTP). Mr. Hails noted that the RTP could be used as a model in determining development needs for the Triad.

Mr. Mark Kirstner, Interim Planning Director for Guilford County, addressed the Council,

pointing out three planning areas, with two core activity centers in the “Heart of the Region Park” area. He noted that this would be a multi-year project involving continued education, presentations and feedback from regional areas. He identified three options as the adoption of a joint plan, the development of a service district, or a park owner to control development based on a joint plan.

Mr. Norby responded to Council Member Johnson stating that the boundaries were determined based on the Dell and Federal Express developments, as well as the Union Cross/Southeast Forsyth Area Plan and Legacy.

Council Member Johnson suggested conducting workshops on the plan before the approval of a resolution.

Council Member Besse expressed his support of joint planning efforts for the area.

Council Member Burke noted that the Piedmont Triad Partnership has emphasized the need for joint efforts in Triad development.

Mayor Joines stated that, without objection, this report would be accepted as information with the understanding that additional discussions would be held in a future workshop.

Mayor Joines recognized that Ms. Carrie Collins, Marketing & Communications Director would be leaving the City after five years of service and wished her luck in future endeavors.

Council Member Burke requested staff investigate the issue of Hanes Mall preventing Winston-Salem Transit Authority (WSTA) buses from entering parking lots on its premises.

Mayor Joines recognized Council Member Besse.

Council Member Besse made a motion for the Council to enter into Closed Session to continue the City Attorney’s annual evaluation pursuant to N.C.G.S. 143-318.11(a)(6).

Council Member Clark: Second. Unanimous.

The Council entered into Closed Session at 9:02 p.m.

At 9:21 p.m., Council Member Clark made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Council Member Malloy and unanimously carried.

ADJOURNMENT: 9:21 p.m.