

D-26846

Summary of Minutes

January 18, 2005

A Regular Meeting of the Winston-Salem City Council was held on Tuesday, January 18, 2005 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Pro Tempore Vivian H. Burke presiding and the following members present:

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

Member Absent: Mayor Allen Joines

Secretaries: Renée P. Henderson, City Secretary; Paige Deal, Recording Secretary

Sergeant at Arms: Lieutenant C. W. (Bill) Cobb

Invocation: Pastor Wayne Byerly of Bethania Moravian Church

Pledge of Allegiance

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING KEEPERS OF THE PEACE

Council Member Terry: Motion for adoption.

Council Member Clark: Second. Unanimous.

Council Member Terry presented framed copies of the resolution to David Hill, Michael Davis, and Timothy Thomas, the young men responsible for forming “Peacemakers” at Kennedy Learning Center. A framed copy was also presented to Assistant Principal Chance for the school.

At the request of Council Member Johnson, Mayor Pro Tempore Burke asked for a moment of silence in memory of Mr. Harold L. Kennedy, Jr., who passed away on January 15, 2005.

Mayor Pro Tempore Burke stated that there were various celebrations held over the weekend in the City to commemorate the birthday of Dr. Martin Luther King, Jr. She noted that the City of Winston-Salem was one of the first communities in the country to mark Dr. King's birthday as a holiday.

Mayor Pro Tempore Burke stated that the Council would now consider the Consent Agenda and asked if anyone wished to remove any items for separate discussion.

Council Member Robinson asked that Item C-8 be removed from the Consent Agenda.

No other 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 Malloy made a motion that these items be approved/adopted at this meeting. The motion was duly seconded by Council Member Merschel and unanimously carried.

1. ORDINANCE AMENDING SECTION 74-245 OF THE CITY CODE RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY – *[Recommended by Public Works Committee.]*
2. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS – *Avon Road, Northbridge Road and Longworth Drive. [Reviewed by Public Safety Committee.]*
3. RESOLUTION IN SUPPORT OF THE ADVANCEMENT OF ROADWAY PROJECTS IN THE INTERSTATE 74 CORRIDOR IN THE STATE OF NORTH CAROLINA. *[Recommended by Public Works Committee.]*
4. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF THE STROLLWAY BETWEEN THIRD AND FOURTH STREETS LOCATED IN THE EAST WARD (Council Member Johnson) – *Petition of the City of Winston-Salem – Public Hearing: February 21, 2005. [Refer to Public Works Committee.]*
5. ORDINANCES AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY AND PROJECT BUDGET ORDINANCES OF THE CITY OF WINSTON-SALEM FOR FY 2004-2005. *[Recommended by Finance Committee.]*

6. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS AND REVENUE REFUNDING BONDS, SERIES 2005: *[Recommended by Finance Committee.]*
 - a. BOND ORDER AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS OF THE CITY OF WINSTON-SALEM.
 - b. RESOLUTION AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF WINSTON-SALEM WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2005; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.
7. RESOLUTION REJECTING BIDS FOR PURCHASE OF PERSONAL COMPUTERS, LAPTOP COMPUTERS, MONITORS AND ACCESSORIES. *[Recommended by Finance Committee.]*
8. RESOLUTION AUTHORIZING THE CONSTRUCTION OF TENTH STREET EXTENSION MEMORIAL WALL. *[Recommended by Public Works Committee.]*

Council Member Robinson asked for a staff presentation on this item.

Council Member Clark: Motion for adoption.

Council Member Johnson: Second.

Mr. Greg Turner, Assistant City Manager/Public Works, explained that adoption of this resolution would approve a memorial wall for Tenth Street, an extension which is planned for City construction from the existing dead end to New Walkertown Road. The memorial wall would be a redesignation of an existing planned retaining wall, which would be increased in size and changed in design so as to provide a memorial feature. The memorial feature would be by inset stones which would bear carved names of the recognized individuals. Those persons who would like to add a name would pay approximately \$151.00 per stone. The incremental total cost to upfit the retaining wall to a memorial wall is approximately \$8,700, and would provide up to 115 memorials. Mr.

Turner noted that there is no identified source of the upfront cost of the wall at this time, but staff would continue to work on this and provide this information to the Council at a later time.

Council Member Robinson expressed his reluctance to incur this additional cost given budget concerns. He suggested that this matter be delayed until such time as a source of funding can be identified.

Council Member Johnson gave a brief history of how this idea came about. During the development of Ferrell Heights Court, there was a need to extend Tenth Street to New Walkertown Road, and a retaining wall was put in as part of that construction. She stated that much thought was given to the aesthetics of a wall and the idea was developed to have it become a memorial to those people in the community who made a positive impact upon the area. Council Member Johnson noted that there are many unsung heroes who have worked hard through the years for the community, and the memorial wall would be an opportunity for friends and loved ones to memorialize those efforts, and at the same time, provide a nice amenity for the area. She noted that the wall would pay for itself in the long run through the cost of the memorials.

Mayor Pro Tempore Burke commented that there will be a public awareness piece also.

Council Member Johnson remarked that the Public Works Committee will be reviewing the names and making this information available to the Council.

Mr. Stuart advised that the original source of the street work is budgeted with Community Development Block Grant funds. After inquiring of Dr. Monica Lett, Director of Housing/ Neighborhood Services, if there would be sufficient monies to pay for this additional cost, he was advised that there would be. He confirmed, however, that this will be brought back to the Council as part of a future budget amendment.

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

GENERAL AGENDA

1. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: [*Reviewed by Public Safety Committee.*]
 - a. PUBLIC HEARING AND ORDINANCE AUTHORIZING ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE SERVICE IN THE CITY OF WINSTON-SALEM – *Banner Transportation Service.*

No one heard.

Council Member Merschel: Motion for adoption.

Council Member Clark: Second. Unanimous.

This item will be brought back to the Council on February 7, 2005 for a second reading.

- b. PUBLIC HEARING AND ORDINANCE AUTHORIZING ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE SERVICE IN THE CITY OF WINSTON-SALEM - *Travel Aid Special Care Transportation.*

No one heard.

Council Member Merschel: Motion for adoption.

Council Member Clark: Second. Unanimous.

This item will be brought back to the Council on February 7, 2005 for a second reading.

- c. PUBLIC HEARING AND ORDINANCE AUTHORIZING ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE SERVICE IN THE CITY OF WINSTON-SALEM - *Diversified World Enterprises.*

No one heard.

Council Member Merschel: Motion for adoption.

Council Member Terry: Second. Unanimous.

This item will be brought back to the Council on February 7, 2005 for a second reading.

- d. PUBLIC HEARING AND ORDINANCE AUTHORIZING ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE SERVICE IN THE CITY OF WINSTON-SALEM - *Fly P.T.I. Transportation.*

No one heard.

Council Member Merschel: Motion for adoption.

Council Member Clark: Second. Unanimous.

This item will be brought back to the Council on February 7, 2005 for a second reading.

2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF PARKVIEW STREET IN THE EAST WARD (Council Member Johnson) – *Petition of Winston-Salem State University. [Recommended by Public Works Committee.]*

No one heard.

Council Member Johnson: Motion for adoption.

Council Member Terry: Second. Unanimous.

3. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF UNNAMED ALLEYS OFF OF THIRTEENTH STREET IN THE EAST WARD (Council Member Johnson) – *Petition of Viola McKinney and Odell Isom. [Recommended by Public Works Committee.]*

No one heard.

Council Member Johnson: Motion for adoption.

Council Member Terry: Second. Unanimous.

4. PUBLIC HEARING ON ZONING PETITION OF THE CITY OF WINSTON-SALEM FROM COUNTY LI-S (Arts and Crafts Studio; Building Materials Supply; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Building Contractors, General; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Public; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; College or University; Government Offices; Hospital or Health Center; Police or Fire Station; Post Office; Postal Processing Facility; Schools, Vocational or Professional; Manufacturing A; Manufacturing B; Broadcast Studio; Helistop; Park and Shuttle Lot; Parking, Commercial; Transmission Tower – Two Phase) TO CITY LI-S – Two Phase: Property located on the north and south sides of Temple School Road – Containing approximately 208.44 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2744. *[Planning Board to consider petition on January 13.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

5. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF CHAMBERS & ASSOCIATES, INC. FROM RM-18 TO RS-7: property located on the southeast side of Alder Street north of Powell Street – Containing approximately .172 acre located in the EAST WARD - Zoning Docket W-2738. *[Planning Board recommends approval of petition. This item was continued from the January 3, 2005 Council meeting.]*

Mrs. Henderson noted that the petitioner has submitted a request to withdraw this petition.

Council Member Johnson: Motion to allow the withdrawal of this petition.

Council Member Clark: Second. Unanimous.

6. RESOLUTION OF THE CITY COUNCIL FORWARDING AN AMENDMENT TO THE HAPPY HILL REDEVELOPMENT PLAN TO THE CITY/COUNTY PLANNING BOARD FOR ITS CONSIDERATION AND RECOMMENDATION AT ITS JANUARY 27, 2005 MEETING. *[This item was continued from the January 3, 2005 Council meeting.]*

Council Member Johnson commented that there is a continuing desire for additional input into this proposed plan amendment, particularly with regard to the multi-family portion of the development. She made a motion for adoption of the resolution to refer the amendment to the Planning Board.

Council Member Terry: Second.

Council Member Besse asked if the review would include identification of historic structures.

Council Member Johnson responded that Planning staff has been working with the community to make sure that any historic properties in the area are identified. She asked Mr. Norby to comment.

Mr. Paul Norby, City/County Planning Director, explained that a special study was commissioned to identify archaeological resources in this area and it was determined that the project could move forward. It was also determined that there may be enough cultural resources in the area to justify a future national register application, although a lot of the architectural integrity has been changed.

The motion for adoption was unanimously carried.

7. RESOLUTION ORDERING THE CLOSING OF A PORTION OF PINE TREE ROAD IN THE NORTH WARD (Council Member Malloy) – *Petition of Ralph E. Garner. [The public hearing on this item was held on January 3, 2005, after which the City Council remanded this item to the Public Works Committee for additional discussion. Public Works Committee returned this item to Council without a recommendation.]*

Council Member Malloy remarked that the petitioner and staff have provided a great deal of information on laws governing food safety and manufacturing security issues, police and fire response times, and traffic statistics. He stated that the City Attorneys provided information which advised that while security standards may apply to T. W. Garner Food Company, compliance with those standards would not require the closing of Pine Tree Road. Council Member Malloy made a motion to deny the petition to close this portion of Pine Tree Road.

Mayor Pro Tempore Burke asked for a second to Council Member Malloy's motion. Hearing none, she declared the motion dead for lack of a second.

Council Member Clark: Motion for adoption.

Council Member Merschel: Second.

Council Member Johnson remarked that several issues were raised at the Public Works Committee meeting regarding stormwater run-off and curbside violations. She asked Mr. Turner to comment.

Mr. Turner responded that Mr. Garner acknowledged that there was an illegal dumping problem in this area, and corrective actions are being pursued. Standing water in the right-of-way of Clayton Street will be addressed by the City.

Mayor Pro Tempore Burke called for the vote on the motion.

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

Mayor Pro Tempore Burke requested that staff erect directional signage to assist vehicles through the neighborhood.

8. RESOLUTION APPROVING INCREASES IN USER FEES FOR RECREATION AND PARKS FACILITIES. *[Remanded to Committee by Council on December 20, 2004. Finance Committee returned this item to Council with a recommendation for approval as amended with three in favor, none opposed, one abstaining.]*

Council Member Clark: Motion for adoption.

Council Member Terry: Second. Unanimous.

9. CONSIDERATION OF ITEMS RELATING TO ASSISTANCE WITH FEDERAL GRANTS: *[Finance Committee forwarded this matter to Council by consensus.]*

- a. RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT AGREEMENT WITH THE FERGUSON GROUP AND APPROVE THE FFY 2006 FEDERAL AGENDA FOR WINSTON-SALEM, FORSYTH COUNTY, AND WINSTON-SALEM CHAMBER OF COMMERCE.

Council Member Merschel: Motion for adoption.

Council Member Terry: Second.

Council Member Johnson asked how this company was selected.

Mr. Stuart responded that staff has been familiar with this firm for a number of years and had talked about the possibility of using them on occasion. Most recently, they renewed their contact with Mayor Joines and from that contact, staff entered into discussions with the County and the Chamber of Commerce. Based on the firm's successful track record and with encouragement from the Mayor's office, Mr. Stuart stated that this proposal was brought forward for consideration.

Council Member Johnson asked if there would be other opportunities for companies to participate with the City on other occasions.

Mr. Stuart replied that if the Council approves this contract with the Ferguson Group, this is the company which the City would use for the stated purpose. If there is an occasion for the City to utilize other companies for particular tasks, staff would bring that to the Council for discussion.

Council Member Robinson asked what arrangements have been made to make sure that the Chamber will not pursue a private agenda financed with public dollars.

Mr. Stuart stated that the funds for the hiring of the Ferguson Group are split three ways among the City, County, and Chamber. Representatives from each organization have met and discussed community needs, and as a result, the representative from the Ferguson Group has helped create the working draft of the Federal agenda which is included in the agenda package. Mr. Stuart remarked that he saw the list of projects on the working draft as community needs and not private agendas.

Council Member Robinson expressed his disagreement with a couple of items on the list since he does not consider them appropriate for a limited government.

Council Member Merschel commented that one of the determining factors, particularly for those items on the primary concern list, is how likely federal funding will be available.

Mr. Stuart confirmed that was correct. He explained that the list is a blend of local needs and how do they best fit into the likelihood of funding based upon the track record of Congress in making appropriations for these purposes.

Council Member Clark stated that he favored less Federal spending, but if money is to be appropriated at the Federal level for local needs, he wanted to make sure that Winston-Salem is in line to receive a fair share.

Mayor Pro Tempore Burke asked how this would affect those staff members who regularly seek grants as part of their responsibilities.

Mr. Stuart responded that staff will continue to seek those categorical grants.

Mayor Pro Tempore Burke called for the vote on the motion.

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

- b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2004-2005.

Council Member Merschel: Motion for adoption.

Council Member Terry: Second. Unanimous.

10. MAYOR PRO TEMPORE BURKE'S RECOMMENDATIONS FOR APPOINTMENTS TO THE COMMUNITY APPEARANCE COMMISSION:

Glynis Autery Dobson – *Term Expiring February, 2006*

Katherine McIver Pepper (Katie) – *Term Expiring February, 2008*

Earnestine R. Huff – *Term Expiring February, 2008*

Council Member Merschel: Motion for adoption.

Council Member Malloy: Second. Unanimous.

Mayor Pro Tempore Burke recognized Council Member Johnson at this time.

Council Member Johnson stated that the 41st Community Learning Center was opened today at the Winston Lake Family YMCA, and she encouraged all citizens, especially young people, to go out and become familiar with the computer equipment, which is also available in recreation centers.

ADJOURNMENT: 8:21 p.m.