

D-26841

Summary of Minutes

January 3, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, January 3, 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: Renée P. Henderson, City Secretary; Paige L. Deal, Recording Secretary

Sergeant at Arms: Lieutenant David Kiger

Invocation: Mr. Fermin Bocanegra of the Wesleyan Church

Pledge of Allegiance

Mayor Joines asked for a moment of silence for the victims of the devastating tsunami in Southeast Asia.

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING WILLARD W. BASS, JR. AND GREEN STREET UNITED METHODIST CHURCH FOR PROVIDING ONGOING ANTI-RACISM DIALOGUE AND TRAINING

Council Member Burke: Motion for adoption.

Council Member Johnson: Second. Unanimous.

Council Member Burke presented a framed copy of the resolution to Reverend Bass.

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING REVEREND DR. SIR WALTER MACK AND UNION BAPTIST CHURCH FOR THE CORNER TO CORNER CONFERENCE

Council Member Burke: Motion for adoption.

Council Member Johnson: Second. Unanimous.

Council Member Burke presented a framed copy of the resolution to Program Coordinator Cheryl Harry.

Mayor Joines stated that without objection the Council would consider Items 5 and 13 at this time.

5. 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.]*
13. 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 13, 2005 MEETING.

Council Member Johnson stated that issues have arisen regarding these two items, and given additional time, she believed they could be resolved by the next Council meeting. She advised that there will be a meeting of representatives of the Housing Authority, Southside CDC, and Happy Hill Neighborhood Association on January 10. She made a motion to continue both of these items until January 18, 2005.

Council Member Burke: Second. Unanimous.

1. PUBLIC HEARING AND RESOLUTION APPROVING THE CONVEYANCE OF CITY-OWNED LAND TO WINSTON-SALEM BUSINESS, INC. PURSUANT TO N.C.G.S. 158-7.1(d).

No one heard.

Council Member Merschel: Motion for adoption.

Council Member Burke: Second.

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.

2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF RIGHT-OF-WAY OF PATTERSON AVENUE IN THE NORTH WARD (Council Member Malloy) – *Petition of Roger Lee and Carol Hill. [Recommended by Public Works Committee.]*

No one heard.

Council Member Malloy: Motion for adoption.

Council Member Johnson: Second. Unanimous.

3. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF PINE TREE ROAD IN THE NORTH WARD (Council Member Malloy) – *Petition of Ralph E. Garner. [Recommended by Public Works Committee.]*

Mr. Reg Garner of T. W. Garner Food Company, 4045 Indiana Avenue, spoke in favor of this petition. At his request, approximately 12 persons in the audience indicated their support of this petition. Mr. Garner gave a brief history of the company, and stated that the current facility was built in 1942 on the family farm. He explained that as the company has grown, the facility has expanded. The company has recently purchased a salsa manufacturing company in Vermont, which necessitates an additional expansion. The closing of this portion of Pine Tree Road will allow for the property across the road to be physically connected to the property on which the present building sits, and will provide a greater degree of security since traffic would no longer be permitted between the two tracts.

Speaking on behalf of the petitioner was Mr. Stanley Carroll, Director of Operations, 3405 Jameson Lane. He spoke regarding security issues and bioterrorism, and stated that the law requires that any company that produces, manufactures, transports or stores any kind of food or items sold at retail for human consumption need to have a certain level of security involved in the manufacturing plant. He explained that the new guidelines for the Food Safety and Security Act published by the United States Air Force revealed operational risks which T. W. Garner needs to address.

Appearing next in support of the petition was Reverend Reuben Gilliam, North Winston Baptist Church, 1027 Nancy Lane. Reverend Gilliam spoke as Executive Director of the North Winston Community Development Corporation. He spoke about the support that T. W. Garner Food Company has given to the community over the years.

Mr. Nathaniel Barber, 6966 Millbridge Road, Clemmons, spoke as Principal of North Hills Elementary School. Mr. Barber stated that T. W. Garner Food Company has been a long-time partner of the school and generously assisted with the purchase of playground equipment and technology equipment. He commented that the employee group was very involved in the school's volunteer reading program.

Appearing in opposition to the street closing petition was Ms. Kathy Holland, 240 Pine Tree Road. She expressed her concern about access for emergency vehicles. At her request, approximately eight persons in the audience stood to indicate their opposition. Ms. Holland commented that T. W. Garner Food Company has not helped the neighborhood and has never hired anyone from that community.

Mr. Sam Ogburn, 5415 Murray Road, spoke on behalf of the family of Paul Lindsay, 171 Pine Tree Road. Mr. Ogburn stated that his clients were concerned about emergency vehicles being able to find addresses without undue delay. He commented that there was also a concern about isolation of the neighborhood.

Mr. Charles Taylor, 251 Pine Tree Road, spoke in opposition and remarked that if Mr. Garner wants to expand, there was property to the south which does not impact any existing roadways.

Ms. Becky Leab, 5297 NC Highway 66 South, King, spoke on behalf of her parents who live on Pine Tree Road and who also oppose the closure.

Mayor Joines asked if anyone else wished to be heard. Hearing none, he declared the public hearing closed, and recognized Mr. Greg Turner, Assistant City Manager/Public Works, for the staff presentation.

Mr. Turner stated that Council Member Malloy held a community meeting about the proposed closure and many of the concerns expressed tonight were brought up during that meeting. With regard to emergency response, Mr. Turner stated that both the Police and Fire Departments advised that there would be no significant increase in response times if this portion of Pine Tree Road is closed. He explained the alternative routes which would be traveled if Pine Tree is closed, and pointed out that the diverted through traffic volume will be minimal. It has also been determined through contacting the Winston-Salem/Forsyth County Schools, that there are no school buses which use Pine Tree Road.

Council Member Burke stated that if this section of Pine Tree Road is closed, clearly marked directional signs should be erected to assist traffic moving through the community. She asked for

additional clarification on response times with the road open and what are the times projected to be if it is closed.

Discussion ensued regarding traffic movement and response routes for fire trucks.

Council Member Malloy stated that this was certainly of great concern to both T. W. Garner Food Company and the neighborhood. He commented that he would like to have some additional information regarding the Homeland Security Act and how it applies to a company the size of T. W. Garner. He made a motion to remand this petition to the January Public Works Committee for additional discussion and information.

Council Member Johnson: Second. Unanimous.

4. PUBLIC HEARING ON ZONING PETITION OF MOUZILO, LLC FROM HB AND RS-9 TO LB-S (ABC Store; Arts and Crafts Studio; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Restaurant without drive-through service; Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Church or Religious Institution, Neighborhood; Government Offices; Library, Public; Museum or Art Gallery; and Post Office): property located on the northwest corner of Stratford Road and Hewes Street – Containing approximately 1.89 acres located in the SOUTHWEST WARD - Zoning Docket W-2737. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

Mr. Paul Norby, City/County Planning Director, advised that the use “motorcycle dealer” should be removed from the list of permitted uses.

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

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Besse made a motion for approval of the petition with the deletion of

“motorcycle dealer,” adoption of the zoning ordinance, and approval of the site plan and special use district permit as amended.

Council Member Burke: Second. Unanimous.

6. PUBLIC HEARING ON ZONING PETITION OF APPLIED TECHNICAL SERVICES, INC. FROM LI TO HB: property located on the north side of Myer Lee Drive west of Linville Road – Containing approximately 6.93 acres located in the EAST WARD - Zoning Docket W-2739. *[Planning Board recommends approval of petition.]*

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 Malloy: Second. Unanimous.

7. PUBLIC HEARING ON ZONING PETITION OF LOWES HOME CENTER, INC. FROM GB-S to GB-S (Car Wash): Property located on the southwest corner of Stratford Road and Hanes Mall Boulevard – Containing approximately 1.67 acres located in the SOUTHWEST WARD - Zoning Docket W-2742. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

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

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Besse made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Burke: Second. Unanimous.

8. PUBLIC HEARING ON ZONING PETITION OF PEGGY N. THOMAS, RUBY N. EASTER, GLENDA N. ELLIS, KENNETH I. CHILDRESS, AND CHARLES E.

NICHOLSON FROM RS-9-S TO RS-9-S (Residential Building, Single-Family; and Planned Residential Development - Site Plan Amendment): Property located on the southern terminus side of Murray Road south of Kingswell Drive – Containing approximately 19.14 acres located in the NORTH WARD - Zoning Docket W-2743. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

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

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Malloy commented that he believes that this site plan amendment enhances the development in terms of more green space and natural trees. He advised that the calls he received about this petition were about the potential opening of Pinewood; however, he did not think opening Pinewood would have an adverse effect upon the neighborhood as there are much more direct routes than through this neighborhood. He made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Merschel: Second. Unanimous.

9. PUBLIC HEARING ON ZONING PETITION OF PINEY GROVE BAPTIST CHURCH FOR A SPECIAL USE PERMIT FOR INSTITUTIONAL PARKING IN AN RS-9 ZONING DISTRICT: Property located on the southeastern terminus of Deshler Street and on the east side of Grove Garden Drive – Containing approximately 4.27 acres located in the NORTH WARD – Zoning Docket W-2740. *[Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of permit.]*

Since this matter is considered quasi-judicial in nature, all speakers were sworn in by Mrs. Deal.

Appearing on behalf of the petitioners was Mr. Sam Smith of Stimmel Associates, 601 N. Trade Street, Suite 200. He explained that the purpose of the petition is for expansion of parking for

Piney Grove Baptist Church in two phases. Phase One provides 71 spaces with the second phase showing 87 spaces, with the parking being buffered from the residential property by a 15-foot Type I bufferyard. He stated that the site will have a stormwater management plan. The site will be lighted in such a manner so as not to cast light on the adjacent residential properties and both accesses will be gated.

Reverend James Linville of Piney Grove Baptist Church, 4715 Indiana Avenue, spoke in favor of the petition and stated that the church is growing, and this expanded parking area will accommodate the building expansion which is planned for the site. He advised that a neighborhood meeting was held and overall, the response was very positive.

At Reverend Linville's request, approximately 35 persons in the audience stood to indicate their support of this petition.

Appearing in opposition to the petition was Mr. Roger Hughes, 4689 Tobacco Road. He stated that he did not see how this petition would qualify for a special use permit since the area proposed for parking expansion is more than 375 feet from the church.

Mr. Norby and Mr. Charley Norton, Inspections Director, advised that the measurement would be from the church property, and even if the property is divided by a right-of-way, as in this case, the property is still considered contiguous.

Mr. Hughes expressed concern about how this will affect the residential property values. He stated that the trend is for churches to become larger, with the result that it is no longer a community church. He commented that he was also concerned about draining from additional impervious space creating by the expanded parking lots. Mr. Hughes mentioned safety concerns as well.

Ms. Vashti McNeal, 4643 Tobacco Road, spoke at this time and stated that she was a

member of the church, but she was also concerned about safety in this area, especially for a young lady who works second shift at Reynolds.

Mayor Joines called for rebuttal.

Mr. Smith stated that any drainage from the site will be directed and piped to the retaining pond. As far as safety, there are no plans to change the configuration of the dead end street, and those times when there is no activity at the church, the access points will be gated and locked.

In response to Council Member Clark, Mr. Norby stated that there is a 15-foot minimum setback Type I bufferyard between parking and residential property.

Council Member Besse noted that the gated access is not included on the site plan.

Mr. Smith responded that this was a condition which came out of the Planning Board meeting and has not yet been included on the site plan.

During the opposition rebuttal, Mr. Hughes stated that there are five other churches in this community, and he wondered what would happen if they all petitioned for expanded parking areas.

Mayor Joines asked if anyone else wished to speak. Hearing none, he declared the public hearing closed.

Mr. Norby presented the recommendation of the Planning Board which was that all applicable findings of fact were met. He advised that there were two additional conditions which came out of that meeting: one regarding exterior lighting on the property and the other for installation of gates to control access. He added that approval of this petition would only allow for the expansion of parking. The zoning already allows the building to be constructed.

Council Member Burke asked if the church will offer security.

Reverend Linville stated that he and his wife have talked with Ms. Elizabeth Gaston, the

young lady referred to by Ms. McNeal, and assured her that the church will have security, but if she has any concerns whatsoever, she should call the church at any time and her concerns will be immediately addressed.

Council Member Terry expressed a concern about institutional creep.

Mr. Norby responded that the UDO currently allows neighborhood and community scale churches across the board in all zoning districts. The only difference is with a community level church, which is 600 and above sanctuary seating, which would require a Planning Board review of the site plan for the church. There is not the kind of discretion in that Planning Board review that would take place during a hearing on a rezoning petition. The neighborhood scale church would be allowed across the board with only a site plan approval and permit from Inspections. With regard to this case, the UDO provides that when institutions have parking lots in an RS-9 zoned property, they have to get Council approval for that parking.

Council Member Terry encouraged the church to work closely with the neighborhood as it expands and as the property is developed.

**ORDINANCE ISSUING A SPECIAL USE PERMIT FOR INSTITUTIONAL PARKING
IN A RESIDENTIAL DISTRICT**

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE PERMIT

Council Member Malloy commented that the neighborhood has legitimate concerns and he was glad to see that the church was responsive to those concerns. He stated that he believes that any negative impacts upon the neighborhood have been minimized as much as possible and he encouraged continued dialogue between the church and the neighborhood.

Council Member made a motion that the City Council affirm the four findings as required by Section 6-1.5(F) of the Unified Development Ordinance and detailed on the first page of the ordinance in the agenda packet; that the Council approve the site plan that is included with this special use permit request, along with the conditions included in the special use permit and staff report; and that the Council issue a special use permit to Piney Grove Baptist Church, Inc., to allow Institutional Parking in an RS-9 zoning district on Tax Lots 56, 57, and 58 of Block 2093, Tax Lot 102B of Block 2263 and Lot 201 of Block 3485.

Council Member Terry: Second.

Mayor Joines asked if his motion included the gated access and lighting conditions.

Council Member Malloy stated that was his intent.

Council Member Besse asked if this was applicable to Phase I only or included Phase II.

Mr. Norby responded that both Phases are covered by this special use permit, so there would be no additional approval required for Phase II.

Council Member Merschel asked if another condition could be added to give Planning Staff some additional review of Phase II with the opportunity for neighborhood input, since there seems to be some concern about the Phase II portion of the project.

Mr. Norby replied that he was not sure how a condition could be worded to give staff some discretion in whether or not to approve Phase II with neighborhood input. Rather, he suggested that it would be better if the Council limited its approval at this time to Phase I only and require the church to come back if and when it chooses to do Phase II.

Council Member Malloy stated that if there is concern with regard to Phase II, he would amend his motion to have this apply only to Phase I, with Phase II coming back to the Council at the proper time.

Council Member Merschel: Second.

Council Member Malloy added to his motion that any filing fees which may be incurred for Phase II be waived.

Council Member Terry: Second. Unanimous.

10. CONSIDERATION OF PROPOSED LOCALS BILLS FOR SUBMISSION TO THE 2005 SESSION OF THE GENERAL ASSEMBLY.

Mr. Ron Seeber, City Attorney, explained that the bills before Council at this time have been reviewed by both the Finance and Community Development/Housing/General Government Committees. He advised that in response to a concern of Council Member Besse, an alternative motor vehicle tax bill was prepared which would specifically provide that monies raised from any increase in the motor vehicle tax go to certain transportation-related purposes set forth in that bill. Mr. Seeber explained that the City requested the introduction of a bill last year which would allow the creation in the General Statutes a new category of properties for which the City would be able to condemn for the purpose of acquiring the property to see it to a developer who would rehabilitate it. That bill was not introduced by the Forsyth County Legislative Delegation, but in response to a

question raised by Council Member Merschel, that bill could be resubmitted this year. He pointed out that the agenda material contains a resolution which, if adopted, would approve the four bills, but if desired, the Council could remove the original motor vehicle tax bill and substitute the alternative bill proposed by Council Member Besse, and add a bill which would be a bill authorizing condemnation of demolition category properties and their resale for rehabilitation purposes as recommended by Council Member Merschel.

Council Member Terry: Motion for adoption as stated by Mr. Seeber.

Council Member Besse: Second.

Council Member Clark expressed his concern regarding a statutory requirement on how monies realized from the motor vehicle tax bill would be allocated.

Council Member Robinson asked Mr. Seeber to explain the four bills which were only referenced in his earlier comments.

Mr. Seeber stated that the first bill is to raise the maximum possible motor vehicle tax that the Council may levy from \$10 to \$20. Council Member Besse's suggestion would restrict the use of that additional amount (from \$10 to \$20) to transportation-related purposes. The second bill would allow the City to levy a \$5 processing fee for garnishment checks. At the present time, the City has hundreds of garnishment checks at a cost of approximately \$10 to \$11 per check. The third bill relates to a request of the Police Department for police company reporting legislation, which would require company/private police who make arrests in Winston-Salem to report those to the Winston-Salem Police Department. The fourth bill would authorize the regulation, removal, preservation of existing trees and shrubs prior to development. At the present time, if a petitioner makes application for a development through rezoning or site plan amendment, the Council has the

opportunity to save certain trees or require certain vegetation to be left undisturbed. However, it has occurred that prior to coming before the Council with a proposal, the developer would first strip the property of vegetation. This particular act would allow the Council to adopt regulations regarding the removal of trees and shrubs prior to submission of a petition. The additional bill would amend the General Statutes where the City is authorized to exercise its power of eminent domain on property by condemnation.

Mayor Joines pointed out that if any or all of these proposed bills are successful, it would give the Council the authority to take action on any or all of them, so their enactment would not be automatic, but would require future Council action.

Council Member Robinson expressed his objection to the potential rise in the motor vehicle tax rate.

Council Member Besse spoke in favor of the amended motor vehicle tax bill which would allow the use of additional funds realized by the increase to be limited to transportation purposes only.

Council Member Burke spoke in favor of the bill relating to the removal of vegetation. She stated that she has heard many concerns regarding clearing of land with resulting drainage damage to nearby property.

Council Member Malloy asked Mr. Seeber to comment on his request for a local bill to extend the minimum distance between schools and churches and establishments selling alcohol.

Mr. Seeber responded that the State very strictly controls the sale of alcoholic beverages, so a local act cannot be considered. He stated that the only way this could be changed would be through a general act. He suggested that if it is the Council's desire to pursue such an act, that the City work with the North Carolina League of Municipalities to get some started at a City-wide level.

Council Member Johnson stated that with regard to the ethanol sales and solid waste issues, she asked staff to draft a letter to the appropriate League committees explaining the City's interest in legislation to address these problems. She requested that the letter be sent to the executive director of the League, to the chairs of the appropriate League committees, and to the district representatives who serve on those committees.

Council Member Robinson asked what would trigger enforcement of an ordinance to protect vegetation.

Mr. Seeber responded that this is something to be determined by the Council at such time the bill is approved and an ordinance drafted for consideration.

Council Member Robinson expressed his belief that this is an overreach of government authority.

Mayor Joines called for the vote on the motion.

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

Mayor Joines reminded Council members of the meeting with the Forsyth County Legislative Delegation on Monday, January 10, at 2:00 p.m. at the Coliseum.

11. CONSIDERATION OF OPTIONS REGARDING WAUGHTOWN STREET BRIDGE

OVER SALEM CREEK. *[Carried over from December 20, 2004 Council meeting.]*

Mr. Turner advised that, as requested at the last Council meeting, he has provided information regarding the total cost of bridge repair. He noted that the minimum structural repairs are estimated at \$8,000; the staff also recommends an additional \$8,800 in additional repairs to not only make it structural safe, but to make it adequate for the intended use for pedestrian and bicycle traffic, i.e. making the surface smoother as well as some improvements to decrease the likelihood of additional deterioration of the bridge. An additional \$4,800 is recommended for taller rails on the bridge for safety. The total cost would be \$21,600, which could be appropriated from the Streets Construction Capital Program. In addition, if the bridge is declared an historic bridge by the Federal Highway Administration, it is possible that the City would be eligible for reimbursement of some of the costs associated with the repair of the bridge. Mr. Turner advised that the estimated annual maintenance cost of the bridge would be \$3,300.

In response to Council Member Clark, Mr. Turner stated that there will still be another pedestrian bridge approximately 500 feet away.

Mr. Derwick Paige, Assistant City Manager, advised that the estimated cost of that bridge \$65,000, which will be covered by Salem College as part of the sale of Central Park. This bridge will line up with the greenway as it comes off of Salem Bypass and crosses over the creek to the other side.

Council Member Clark asked about the money the State will save by not demolishing the bridge.

Mr. Turner replied that these funds would actually be the source of the funds for the reimbursement if the bridge is declared historic. He added that the City would be eligible for up to \$75,000 of those funds to be used for the qualifying repair costs.

Council Member Besse made a motion that the City ask NCDOT to transfer ownership of the bridge to the City.

Council Member Burke: Second. Unanimous.

12. SECOND READING ON ORDINANCES RENEWING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR VEHICLES FOR HIRE SERVICES IN THE CITY OF WINSTON-SALEM – *Barefoot Transportation, Black Tie Limousine, Joe’s Taxi, Willard Cab Company, Lott’s Taxi. [Recommended by Public Safety Committee.]*

Council Member Burke: Motion for adoption.

Council Member Malloy: Second.

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

Mayor Joines recognized Council Member Burke at this time.

Council Member Burke commented about the recent newspaper article about an outside grading firm doing site preparation for the Dell project, and she advised that she has received a number of concerns regarding this, especially since local jobs were a very large factor in the decision to make the offer to Dell.

Mayor Joines stated that the explanation the City received from Winston-Salem Business, Inc. regarding selection of the grading contractor was that this contractor was chosen because of the extreme size of the tract and the very tight timetable. Winston-Salem Business, Inc. tried to find

local companies who could accommodate the need, but found only three contractors in the State who would be able to handle it, and the company from Charlotte was the low bidder by a considerable amount. He stated that he and Mr. Leak of Winston-Salem Business, Inc. have advised Dell of the strong desire of the City and County to use local contractors wherever possible. Mayor Joines commented that he would once more convey this message to Dell when he meets with representatives from the company on Thursday.

Mayor Joines stated that he meant to mention at the beginning of the meeting that former Planning Director Doug Carroll passed away last week. He offered condolences to the family on behalf of the Council.

Mayor Joines recognized Council Member Terry.

Council Member Terry made a motion for the Council to enter into Closed Session to discuss an economic development matter pursuant to N.C.G.S. 143-318.11(a)(4).

Council Member Burke: Second. Unanimous.

The Council entered into Closed Session at 9:40 p.m.

At 10:15 p.m., Council Member Merschel made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Council Member Johnson and unanimously carried.

ADJOURNMENT: 10:15 p.m.