

D-26904

Summary of Minutes

July 18, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, July 18, 2005 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Members Present:	Robert C. Clark Dan Besse Joycelyn V. Johnson	Vivian H. Burke Nelson L. Malloy, Jr. Frederick N. Terry
Members Absent:	Council Members Vernon Robinson and Wanda Merschel	
Secretaries:	Renée P. Henderson, City Secretary; and Paige Deal, Recording Secretary	
Sergeants at Arms:	Lieutenant C.W. (Bill) Cobb and Lieutenant Connie Southern	
Invocation:	Dr. Mike Simpson of First Christian Church	

Pledge of Allegiance

Mayor Joines stated that the Council would first consider the Consent Agenda and asked if anyone wished to remove any items for separate discussion. He noted that Council Member Robinson had contacted him prior to the meeting and asked that Item C-4 be delayed.

No other items were removed.

CONSENT AGENDA

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

Council Member Burke made a motion that these items be approved/adopted at this meeting. The motion was duly seconded by Council Member Malloy and unanimously carried. Those voting in favor of the motion were Council Members Robert C. Clark, Dan Besse, Joycelyn V. Johnson, Vivian H. Burke, Nelson

L. Malloy, Jr., and Frederick N. Terry.

1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/DISPOSITION OF PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR COUNTRY CLUB ROAD WIDENING BY DEED OR CONDEMNATION – *Five Properties Located on Country Club Road.*
 - b. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5475 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
 - c. RESOLUTION AUTHORIZING GRANTING RIGHT-OF-WAY TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PURSUANT TO N.C.G.S. 160A-274 – *Right-of-way located at Glenn High School on Union Cross Road.*
 - d. RESOLUTION AUTHORIZING CONVEYANCE OF TAX LOT 54A OF BLOCK 6186 TO THE EVELYN THOMPSON ESTATE – *Containing 1,617 square feet located on Cleveland Avenue within the East Winston Community Development Area, Section 3.*
 - e. RESOLUTION APPROVING INDEMNITY AGREEMENT WITH THE SALVATION ARMY – *Lot 1 of Block 3268 located at the Thomas Water Treatment Plant. [Recommended by Public Works Committee.]*
2. RESOLUTION AUTHORIZING A LOAN TO GOLER PLACE, INC. FOR THE DEVELOPMENT OF GOLER MANOR ELDERLY HOUSING. *[Recommended by Finance Committee.]*
3. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS – *Huntingdon Road, Whitman Drive, Cassa Vista Lane, Art Street, and Addison Avenue. [Reviewed by Public Safety Committee.]*
5. RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF PHASE 1A AND 1B OF THE MUDDY CREEK GREENWAY AND BICYCLE TRAIL. *[Recommended by Public Works Committee.]*
6. CONSIDERATION OF ITEMS RELATING TO THE SOUTH MAIN STREET/ WAUGHTOWN STREET/SALEM AVENUE PROJECT: *[Recommended by Public Works*

Committee.]

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONVEYANCE OF A BRIDGE TO THE CITY.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FISCAL YEAR 2005-2006.
7. CONSIDERATION OF STREET CLOSING PETITIONS: *[Recommended by Public Works Committee.]*
- a. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON AN UNNAMED ALLEY OFF OF GLORIA AVENUE IN THE SOUTH WARD (Council Member Robinson) – *Petition of Derwick L. Paige. Public Hearing: August 15, 2005.*
 - b. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON VARIOUS STREETS AND ALLEYS IN THE PIEDMONT TRIAD RESEARCH PARK IN THE EAST WARD (Council Member Johnson) – *Petition of PTRP, LLC. Public Hearing: August 15, 2005. [Council Member Johnson was excused from this item.]*
8. CONSIDERATION OF ITEMS RELATING TO BIDS: *[Recommended by Finance Committee.]*
- a. RESOLUTION AWARDED CONTRACT FOR BULLETPROOF VESTS FOR THE POLICE DEPARTMENT – *Lawman’s Safety Supply, Inc. - \$178,500.00.*
 - b. RESOLUTION AWARDED PURCHASE ORDERS TO CISCO SYSTEMS, INC. UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) FOR COMPUTER HARDWARE AND SOFTWARE FOR INFORMATION SYSTEMS - *\$600,000.*
9. RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON A SATELLITE ANNEXATION PETITION OF 121.57 ACRES LOCATED OFF MEADOWLARK DRIVE – *Petition of Brookberry Farm, LLC. Public Hearing: September 6, 2005. [Recommended by Public Works Committee.]*
10. APPROVAL OF SUMMARY OF MINUTES – *June 6, 2005.*

4. RESOLUTION ADOPTING THE WINSTON-SALEM URBAN AREA COMPREHENSIVE BICYCLE MASTER PLAN. *[Recommended by Public Works Committee.]*

Council Member Clark: Motion to continue this item to the August 15 meeting.

Council Member Burke: Second. Unanimous.

GENERAL AGENDA

1. CONSIDERATION OF ITEMS RELATING TO THE DELL, INC. ECONOMIC DEVELOPMENT PROJECT:

- a. RESOLUTION REPEALING THE DECEMBER 20, 2004 RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT ASSISTANCE TO DELL, INC.

Mayor Joines recognized Mr. Paige for an explanation of this item.

Mr. Derwick Paige, Assistant City Manager, explained that the Council is being asked to consider a series of items relating to the Dell economic development project. The first item is the repeal of the resolution adopted by Council on December 20, 2004 which authorized economic development assistance to Dell, after which the Council will hold a public hearing on a new economic development proposal for Dell. He stated that the new proposal is very similar to what was approved in December, but there is a change in that Dell will purchase the land directly from the City at a price of \$7 million. Of that \$7 million, \$1.5 million will be used from the City's General Fund for up-front, infrastructure improvement costs, with the balance of approximately \$5.5 million to be used as part of the annual economic development incentive grants for the first two years. As part of the overall project, the City's participation will increase from \$15.4 million to \$22.4 million, which the difference being the land price that Dell has paid to the City. He noted that the City would be making no additional out-of-pocket payments since the \$7 million difference will be paid out of

the General Fund revenues received from Dell. Mr. Paige pointed out the remaining items relating to the project which involve the actual sale of the land and consideration of a budget ordinance establishing the budgets for the transactions.

Council Member Johnson asked Mr. Paige to comment on the expected jobs to be generated by the project and the supporting businesses that are anticipated.

Mr. Paige stated that by year three, it is expected that Dell will have an investment of approximately \$181 million. The project will be worth approximately \$135 million from day one and 1,700 jobs are projected with an average starting salary of \$28,000 annually. Moreover, there are many supporting suppliers and indirect investments which are expected which should create between 5,000 and 6,000 new jobs within the community with an economic impact of approximately \$3 billion to \$5 billion.

Mayor Joines pointed out that it is his understanding that there has already been close to one million square feet of space committed to by Dell suppliers which could represent as much as \$37 million to \$38 million of new investment in the City.

Council Member Burke added that this development will also bring in a lot of tourism dollars with people moving in and around the area.

Council Member Clark: Motion for adoption of the resolution.

Council Member Johnson: Second. Unanimous.

b. PUBLIC HEARING ON PROPOSED ECONOMIC DEVELOPMENT ASSISTANCE TO DELL, INC.

Mayor Joines called for the public hearing.

Mr. Richard Norman, 2071 Mallard Lakes Drive, stated that he was glad that the Council repealed its earlier action for this economic development project. He expressed his opposition to a transfer of public resources to a private company.

Mayor Joines asked if anyone else wished to be heard. Hearing no one, he declared the public hearing closed.

- c. RESOLUTION APPROVING THE CITY'S PARTICIPATION IN THE DELL, INC. ECONOMIC DEVELOPMENT PROJECT.

Council Member Johnson: Motion for adoption.

Council Member Malloy: Second. Unanimous.

- d. RESOLUTION REPEALING THE JANUARY 3, 2005 RESOLUTION AUTHORIZING CONVEYANCE OF CITY-OWNED LAND TO WINSTON-SALEM BUSINESS, INC.

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

- e. PUBLIC HEARING ON PROPOSED CONVEYANCE OF CITY-OWNED LAND TO DELL, INC.

Mr. Richard Norman, 2071 Mallard Lakes Drive, expressed his opposition to the conveyance of this property to a private industry. He stated that it was his understanding that due to the lawsuit filed in this matter, staff has spent a good deal of time reworking the agreement so that it would agree with the letter of the law; however, in his opinion, this transaction ignores the spirit of the law. He argued that public land should not be conveyed to a private entity unless it is paid for by the private entity.

Mr. Ghali Hasan, President of the Winston-Salem Minority Business Association, 4945 Tutelo Trail, spoke against the property conveyance. He stated that this project sounds good on the

surface, but it will benefit only a select few while ignoring working people, especially the African American and Hispanic communities and subcontractors.

Mayor Joines asked if anyone else wished to be heard. Hearing no one, he declared the public hearing closed.

- f. RESOLUTION APPROVING CONVEYANCE OF CITY-OWNED LAND TO DELL, INC.

Council Member Johnson: Motion for adoption.

Council Member Burke: Second.

Unanimous.

Mayor Joines and Council Members Clark, Besse and Burke spoke in favor of the City's involvement in this project and expressed confidence that this represents a significant economic upturn for Winston-Salem and the surrounding area.

- g. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2005-2006.

Council Member Johnson: Motion for adoption.

Council Member Malloy: Second. Unanimous.

- 2. PUBLIC HEARING AND RESOLUTION APPROVING AN APPROPRIATE AND VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY DISADVANTAGED BUSINESSES IN THE TOTAL VALUE OF WORK TO BE AWARDED FOR CONSTRUCTION OF STADIUM DRIVE BRIDGE REPLACEMENT. *[Reviewed by Community Development/Housing/General Government Committee.]*

Mr. Richard Norman, 2071 Mallard Lakes Drive, expressed surprise at seeing this on the agenda and asked why are specifics spelled out for this particular project. He stated that in his opinion, every business in the City not benefiting from the Dell deal is disadvantaged.

Mayor Joines responded that the City regularly sets goals for major projects.

Mr. Ghali Hasan, 4945 Tutelo Trail, remarked that there was not enough minority participation here or at the State level. He commented that the City is not submitting reports as required by the State to track minority purchasing and contracting.

Council Member Burke asked Mr. Stuart to determine if the proper M/WBE reports are being submitted in a lawful manner.

Mr. Stuart responded that he was not aware of any non-compliance, and he would follow up on this and provide a report to Council.

Council Member Burke commented that she is aware of some situations where contracts were awarded and then had to be rescinded due to lack of compliance or quality of work. She stated that she would appreciate a report from the City Manager regarding M/WBE reporting and steps the City has made to encourage minority participation.

Mayor Joines asked if anyone else wished to be heard. Hearing no one, he declared the public hearing closed.

Council Member Terry: Motion for adoption.

Council Member Malloy: Second. Unanimous.

3. RESOLUTION ADOPTING CHANGES TO THE LOCAL OPTIONAL RELOCATION POLICY FOR FAMILIES, BUSINESSES, AND NON-PROFIT ORGANIZATIONS FOR USE IN LOCALLY FUNDED, NON-FEDERALLY ASSISTED PROJECTS. *[Finance Committee forwarded this item as amended to the Council with two in favor and one opposed. Community Development/Housing/General Government Committee unanimously recommended approval of item as amended at Finance Committee.]*

Council Member Johnson: Motion for adoption.

Council Member Malloy: Second.

Mr. Paige explained the proposed changes. The first change provides that tenants will receive a 45-day notice prior to vacating any City-owned property. Secondly, a business that leases City property after September 1, 2005, would not be eligible for relocation assistance unless such relocation assistance was negotiated as part of the lease. Finally, a new provision is recommended to provide a \$7,500 one-time lump sum payment option.

The motion for adoption was unanimously carried.

4. RESOLUTION REGARDING RELOCATION ASSISTANCE TO CERTAIN TENANTS OF 524-546 NORTH TRADE STREET. *[Finance Committee forwarded this item to the Council with two in favor and one opposed.]*

Council Member Johnson: Motion for adoption.

Council Member Terry: Second.

Council Member Burke stated that this situation was very sad. She expressed her hope that these tenants would be able to re-establish their businesses elsewhere.

The motion for adoption was unanimously carried.

5. MAYOR PRO TEMPORE BURKE'S RECOMMENDATION FOR APPOINTMENT TO THE PIEDMONT TRIAD AIRPORT AUTHORITY: *Don Flow - Term Expiring August, 2007.*

Council Member Johnson: Motion for approval.

Council Member Clark: Second.

Council Member Burke expressed appreciation to Mr. Flow for his hard work in the community and his willingness to continue to serve.

The motion for approval was unanimously carried.

6. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/ REAPPOINTMENTS:

a. POLICE OFFICERS' RETIREMENT COMMISSION

W. Read Smith – *Reappointment – Term Expiring May, 2007*

Council Member Clark: Motion for approval.

Council Member Burke: Second. Unanimous.

b. MEDICAL REVIEW BOARD

Dr. Thomas W. Brown – *Appointment – Term Expires When Successor is Named*

Council Member Malloy: Motion for approval.

Council Member Clark: Second. Unanimous.

c. UTILITY COMMISSION

James Hill Stockton – *Appointment – Term Expiring June, 2010*

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

d. RECREATION AND PARKS COMMISSION

Jim Conrad – *Reappointment – Term Expiring May, 2008*

Deborah M. Glass – *Appointment – Term Expiring May, 2008*

William H. Roberts – *Appointment – Term Expiring May, 2006*

Robert L. Scales, Jr. – *Appointment – Term Expiring May, 2008*

Reid Pulley – *Appointment – Term Expiring May, 2008*

Council Member Johnson: Motion for approval.

Council Member Malloy: Second. Unanimous.

e. SISTER CITIES BOARD

Donna Lambeth – *Reappointment – Term Expiring February, 2009*
Jack Smith – *Appointment – Term Expiring February, 2009*
Dr. Merdis J. McCarter – *Appointment – Term Expiring January, 2009*
Gail G. McNeill – *Appointment – Term Expiring January, 2007*

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

f. HISTORIC RESOURCES COMMISSION

Victor Harlee – *Reappointment – Term Expiring June, 2008*
James Vaughan – *Reappointment – Term Expiring June, 2008*

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

g. M/WBE ADVISORY COMMITTEE

Linda M. Beal – *Reappointment – Term Expiring April, 2007*
Wilson B. Grab – *Reappointment – Term Expiring February, 2006*
David Hayes – *Reappointment – Term Expiring February, 2006*
Malishai Woodbury – *Reappointment – Term Expiring February, 2006*

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

7. CONFIRMATION OF FORSYTH COUNTY BOARD OF COMMISSIONERS' APPOINTMENT OF PAUL W. MULLICAN TO THE CITY/COUNTY PLANNING BOARD – *Term Expiring February, 2009.*

Council Member Terry: Motion for approval of confirmation.

Council Member Burke: Second. Unanimous.

8. PUBLIC COMMENT PERIOD.

Mayor Joines advised that the North Carolina General Assembly has enacted a bill which requires local governments to hold a public comment period once per month. The Community Development/Housing/General Government Committee will be discussing some procedures for the comment period at its next meeting, but since the act became effective immediately, the Council will entertain public comments at this time. Mayor Joines stated that in the absence of an official policy, he would recommend that each speaker limit his or her comments to three minutes as is typically done for non-zoning public hearings. Without objection, Mayor Joines called for the first speaker.

NOTE: Verbatim comments of speakers during the Public Comment Period and subsequent staff responses are kept under separate cover and are available in the Office of the City Secretary during regular business hours.

Mr. Richard Norman, 2071 Mallard Lakes Drive, expressed appreciation for the opportunity to speak during the public comment period and stated that he hoped that citizens will participate.

Reverend Lizzie Green, 1704 Thurmond Street, addressed the Council regarding a house she owned which was scheduled for demolition in 2003. She stated that she felt that she was treated unfairly.

Mr. James Webster, Jr., P. O. Box 16762, Winston-Salem, stated that he believed he received unfair treatment by the Housing Department.

Mrs. Cornelia Webster, P. O. Box 16762, Winston-Salem, reiterated what her husband said about unfair treatment and demolition of their property.

Mr. Carl Matthews, 3415 Cumberland Road, spoke in support of his daughter. He also stated that he had not yet had his autobiography returned.

Reverend James Wright, 1619 N. Jackson Avenue, addressed the Council regarding a

building he owned on Jackson Avenue which was demolished by the City. He asked for consideration in obtaining a variance so he can complete work on a room addition at his home.

Mr. Ghali Hasan, 4945 Tutelo Trail, expressed his concern regarding an agreement he had with Forsyth Technical Community College regarding building construction.

Mayor Joines asked if anyone else wished to speak. Hearing no one, he declared the Public Comment Period closed.

ADJOURNMENT: 8:40 p.m.