

D-26895

Summary of Minutes

June 20, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, June 20, 2005 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

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| Members Present: | Vernon Robinson | Vivian H. Burke |
| | Robert C. Clark | Wanda Merschel |
| | Dan Besse | Frederick N. Terry |
| | Joycelyn V. Johnson | |

Members Absent: Council Member Nelson L. Malloy, Jr.

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

Sergeants at Arms: Lieutenant C.W. (Bill) Cobb and Lieutenant Connie Southern

Invocation: Reverend Stephen McCutchan of Highland Presbyterian Church

Pledge of Allegiance

CONSIDERATION OF ITEMS RELATING TO THE FISCAL YEAR 2005-2006 BUDGET FOR THE CITY OF WINSTON-SALEM

Prior to the public hearing and consideration of budget items, Mayor Joines recognized the Chair of the Finance Committee, Council Member Merschel.

Council Member Merschel commented that she views this budget as representing a substantial improvement over the past few years. This budget addresses community growth, service enhancements and pay increases for employees while maintaining a revenue neutral tax rate. She expressed her appreciation to the members of the Finance Committee and other Council members who attended the workshops. Council Member Merschel also thanked City staff for all of the

information provided, as well as the citizens of Winston-Salem for their input and support. She requested that staff comment regarding the tax rate.

Mrs. Ann Jones, Budget and Evaluation Director, stated that the City Manager's proposal was for a revenue neutral rate in this revaluation tax year. After deliberation, the Finance Committee recommends a tax rate of 48.5 cents per \$100 of property value. She explained that a revenue neutral rate means that the City will collect no more tax revenue than it would have without a revaluation. She noted that this rate also shows sensitivity to how the City's tax rate relates to sales tax revenue.

Mr. Lee Garrity, Assistant City Manager, remarked that the budget recommended by the Finance Committee provides also for market rate adjustments for three segments of the City workforce: certified fire personnel, sworn police officers, and Sanitation laborers and maintenance workers. If approved, all three of these employee groups will be brought up to market.

1. PUBLIC HEARING ON THE FISCAL YEAR 2005-2006 BUDGET FOR THE CITY OF WINSTON-SALEM.

The following persons spoke during the public hearing:

- 1) Dorothy Hill, 2319 Maplewood Avenue – Spoke in favor of increased fire salaries.
- 2) Nick Golden, President of Winston-Salem Professional Firefighters Association, 425 E. Monmouth Street – Expressed appreciation for the market rate adjustment recommendation and noted that salary information will continue to be shared on an on-going basis.

Council Member Burke expressed her appreciation for the courteous dialogue which has occurred between the City and the firefighters, and she desires a continuation of information sharing in a positive way.

- 3) Richard Norman, 2071 Mallard Lakes Drive – Stated that the City is spending too much money per taxpayer; asked Council to consider the heavy tax burden placed on citizens
- 4) Lynne Mitchell, Chair of Forsyth Greenways Connection, 1270 Foxhall Drive – Thanked Council for allocating funds for greenways in the Capital Improvement Program.
- 5) Bill Hudspeth, 4104 Old Greensboro Road – Spoke in favor of raises for firefighters and police officers; recommended a 9 percent increase rather than 7 percent.
- 6) Rosa Beatha, 2140 Lindale Street – Spoke in favor of transportation for visually impaired citizens; currently, there is only one ten-passenger van available for them.
- 7) Mike Byrum, 1836 Flatrock Street – Spoke in favor of greenways construction.
- 8) Nancy Byrum, Waughtown Preservation and Revitalization Coalition, 1836 Flatrock Street – Requested the implementation of the plan for the Waughtown connector to the greenway as soon as possible.
- 9) Lou Ellen Taylor, President of the Winston-Salem Chapter of Police Benevolence Association, 725 N. Cherry Street – Thanked the Council for salary consideration and commented that the PBA will do its part in keeping the lines of communication open.
- 10) Gerald Wood, 4039 Langdon Drive – Spoke on behalf of middle-class wage earners in Winston-Salem; expressed a need for greater efficiencies in Winston-Salem City government to lower tax burden.

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

Council Member Burke stated as Chair of Public Safety Committee, that the committee is committed in doing a better job with keeping police and fire salaries at market rate. She reiterated that she was glad to see such positive communication as has occurred over the past few months.

Council Member Johnson, Chair of the Public Works Committee, commented that an article in the Winston-Salem Journal several weeks ago was misleading in that it reported that the cost for

refuse collection in Winston-Salem was greater than in other similarly sized cities in North Carolina. This is not reflective of salaries paid to Sanitation laborers; rather, it reflects the expense of backyard collection. She stated that in fact, data will show that the City's laborers and maintenance workers were underpaid, so this budget provides for an additional 4 percent increase for those positions.

2. RESOLUTION APPROVING INCREASED FEES FOR ZONING AND SUBDIVISION ACTIONS FILED WITH THE CITY-COUNTY PLANNING BOARD AND NEW FEES FOR CERTIFICATES OF APPROPRIATENESS "AFTER THE FACT," EFFECTIVE JULY 1, 2005.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Terry: Second.

Council Member Robinson expressed his opposition to this item.

Council Member Clark remarked that the increase in fees will offset the hiring of additional staff which the development community has indicated it wants to shorten the time it takes to obtain certain permits. He stated that he would like to take a close look at this next fiscal year to make sure that the City is providing service commensurate with the higher fees.

Council Member Burke asked staff to comment on revenue generated by the tax rate and revenue generated through user fees.

Mrs. Jones responded that a comparison was made between user fees and a tax rate equivalent. If fees such as the stormwater fee, solid waste fee, and motor vehicle tax were converted to an equivalent tax rate, the City's tax rate would be approximately 52.7 cents per \$100 of property valuation. The approach taken by the City is that the tax rate and fees would be in line with what other cities are imposing.

Council Member Robinson remarked that he believed this item was an extension of regulatory oversight and will result in higher expenses for homebuilders which cost is ultimately passed onto individual homebuyers.

Council Member Besse stated that he believes it is noteworthy to point out that the Finance Committee removed a proposed increase in stormwater fees to give staff a chance to compare Winston-Salem's stormwater fee structure with that of other cities.

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

3. RESOLUTION APPROVING NEW FEES FOR ZONING REVIEW, PERMIT PROCESSING AND SITE INSPECTION OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION PROJECTS, EFFECTIVE OCTOBER 1, 2005.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Terry: Second.

Council Member Clark repeated his concern from the previous item that he would be looking very closely at this at the end of the fiscal year to make sure the applicants are getting their money's worth.

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

4. RESOLUTION APPROVING A NEW FEE FOR EACH NEW SINGLE FAMILY DWELLING BUILDING PERMIT FOR EROSION CONTROL ENFORCEMENT, AND REVISED THE EXISTING FEES RELATING TO THE EROSION CONTROL ENFORCEMENT ON LAND-DISTURBING ACTIVITIES FOR COMMERCIAL AND RESIDENTIAL SUBDIVISION DEVELOPMENT, EFFECTIVE OCTOBER 1, 2005.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Johnson: Second.

Council Member Besse commented that this is a change in response to a demonstrated need for more effective inspection of erosion control problems. Complaints regarding erosion control have risen dramatically and this will assist in addressing that problem.

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

5. ORDINANCE AMENDING SECTION 26-8(c) OF THE CITY CODE RELATING TO BULK CONTAINER COLLECTION, EFFECTIVE JANUARY 1, 2006.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Terry: Second.

Council Member Robinson asked how much revenue is this increase projected to produce.

Mr. Greg Turner, Assistant City Manager/Public Works, responded that it will be a minimal amount; it is likely to be approximately \$3,000.

The motion for adoption was unanimously carried.

6. RESOLUTION APPROVING NEW RECREATION AND PARKS FEES: 1) SPECIAL EVENT FEE FOR THE USE OF RECREATION TRAILS AND OTHER FACILITIES FOR

RUNNING EVENTS, EFFECTIVE JULY 1, 2005, AND 2) RENTAL FEE FOR PARK SHELTERS, MONDAY THROUGH THURSDAY, EFFECTIVE JANUARY 1, 2006.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Terry: Second.

Council Member Clark remarked that he felt that collecting these fees would generate more problems than the fees are worth.

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

7. ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA, FOR FISCAL YEAR 2005-2006.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee. Moreover, this motion includes market adjustments bringing average pay for police, fire, and laborers up to existing market competition.

Council Member Terry: Second.

Mayor Joines remarked that the City of Winston-Salem has worked very hard to provide an efficient level of service to its citizens. Over the past 14 years, the City has actually saved \$13 million in operations reviews at the staff and Council levels. Over the past 3 years, it has saved \$600,000 from its zero based budgeting efforts. He stated that the City is constantly looking for ways to tighten its budget, and he believes that the budget recommendations from Finance Committee are good and respond to the needs of the citizens and the employees.

Council Member Johnson asked if vector control is addressed in this budget.

Mrs. Jones responded that she did not think a specific motion was made regarding vector control, but additional funds were added to the contingency account of the General Fund with the understanding that there would be a continuing look at what can be done to improve the vector control program in the City.

Council Member Burke commented that she was not completely satisfied with this budget. She stated that she is aware of instances where City employees could have been more friendly and helpful to the taxpayers. A lot of money has been invested in downtown when other areas of the City are being neglected, and she never wants to see City government get so big or so satisfied that it loses sight of its customers: taxpaying citizens.

At the request of Council Member Robinson, Mrs. Jones explained the way sales tax is distributed. There are two methods by which sales tax is distributed to jurisdictions within Forsyth County. Forsyth County decides which method is used. One method is called "per capita" which means that whatever percent of the total population lies within the City limits (approximately 30-35 percent) that percentage of the County's sales tax would be paid to Winston-Salem. The other method is "ad valorem" which depends upon the property tax levy by the City versus the levy by the County as a whole. That percentage, then, is what is allocated to the City in terms of sales tax. Forsyth County has elected to use the ad valorem method, which results in an advantage to the entity with the higher tax rate. Therefore, if the City lowers its tax rate, the City's share of the sales tax goes down in the ensuing year.

Council Member Robinson remarked that whatever jurisdiction in Forsyth County does a good job and lowers its rate, it gets penalized in terms of sales tax revenue. He spoke in favor of having a much more limited government in all jurisdictions. He stated that he was very glad to see

salary increases for police and fire, but he expressed concern about the percentage of employees who are not working in public safety positions.

Council Member Clark remarked that he believed that the City was finally seeing some growth in its economic base, while holding the line on expenses as much as possible. He stated that backyard garbage collection remains a huge expense for the City, and if citizens are serious about wanting to lower their taxes, one way this could be done is to opt for the voluntary curbside collection program.

Council Member Besse commented that he believes that the City continues to look for spending efficiencies. He pointed out that the City's tax rate has gone down from the previous year with more of a difference than the County. He also noted that the market salary adjustments for police and fire were long overdue.

Council Member Johnson stated that in order to have a safe, comfortable community, it is necessary to have non-public safety employees as well as public safety employees. Winston-Salem cannot afford to go back to some of the blighted conditions it has seen over the years and she was very glad to see economic vitality, decent, affordable housing, and a quality recreation and parks program, all of which adds to the livability of a city.

Council Member Merschel reminded everyone that in last year's budget, there were no salary increases for City staff; rather, there were reductions in staffing and service levels. She stated that difficult decisions were made last year, but there is resulting evidence that those decisions paid off. She stated that there is no easy budget, but this year's budget forecasts growth, which has not been the case for several years.

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

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

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Terry: Second.

Council Member Robinson stated that he would be able to support the City's going to all curbside garbage collection, so long as senior citizens and the physically challenged could opt out, and that any savings would be directly used to lower taxes dollar for dollar. He commented that he realized that the City needs employees other than in public safety positions, but he would support a continuing downward trend in the reduction of the City's workforce.

Council Member Clark pointed out that a good number of the City's workforce perform duties County-wide due to consolidation of certain functions such as utilities and planning.

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

9. RESOLUTION APPROVING THE CAPITAL PLAN FOR FISCAL YEARS 2005-2006 THROUGH 2010-2011 AS A FINANCIAL PLANNING GUIDE.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Clark: Second.

In response to Council Member Johnson, Mrs. Jones explained that the first year of the capital plan is adopted as part of the project budget ordinance. There are a number of capital projects within the capital plan that are listed as unfunded, but there will be continuing discussions of the priorities of the unfunded versus funded projects to determine if projects should be shifted from one category to another.

Council Member Robinson commented that he believed that not enough money was being allocated for roadway projects, and too much money is being diverted to greenways and biking trails. He suggested that the City may want to petition the General Assembly for permission to install toll roads to help finance some of the roadway projects that are sorely needed.

Council Member Besse noted that the FY 2005-06 budget provides approximately \$11.5 for roadway projects. The allocation for greenways and biking trails combined is less than \$1 million.

Mayor Joines pointed out that there have been some discussions with the State to begin a study process for a possible toll road between Winston-Salem and the airport as an alternative route.

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

10. RESOLUTION AMENDING THE PERSONNEL RESOLUTION OF THE CITY OF WINSTON-SALEM MAKING CHANGES TO THE PAY PLAN, AND MAKING CHANGES TO LANGUAGE FOR CLARITY.

Council Member Merschel made a motion for adoption as recommended by the Finance Committee.

Council Member Terry: Second. Unanimous.

At 8:50 p.m., Mayor Joines called for a brief recess.

The meeting was called back to order at 8:53 p.m.

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if anyone wished to remove items for separate discussion. Council Member Clark asked that Items C-7 and C-13 be removed for discussion. Council Member Robinson requested removal of Items C-1(a, b, and c). 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 Merschel made a motion that these items be approved/adopted at this meeting. The motion was duly seconded by Council Member Terry and unanimously carried.

1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE/LEASE OF PROPERTY: *[Recommended by Finance Committee.]*
 - d. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY IN THE OLD CHERRY #2 REDEVELOPMENT AREA THROUGH A MEDIATED SETTLEMENT – *1700 N. Cherry Street.*
 - e. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON MARTIN LUTHER KING, JR. BOULEVARD UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *Six remnant lots located on Martin Luther King, Jr. Boulevard and designated as Lots 15, 16, 17, 18 of Block 0160, and Lots 107 and 201A of Block 0159.*
 - f. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5460 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
 - g. RESOLUTION AUTHORIZING EXECUTION OF A LEASE WITH THE ARTS COUNCIL, INC., PURSUANT TO THE PROVISION OF N.C.G.S. 160A-272.
 - h. RESOLUTION APPROVING A LEASE WITH GREYHOUND LINES, INC. FOR DESIGNATED AREAS OF THE TRANSPORTATION CENTER.

2. CONSIDERATION OF ITEMS RELATING TO THE REDEVELOPMENT OF THE OLD DAVIS BUILDING: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE UPSET BID PROCEDURE SET FORTH IN N.C.G.S. 160A-269 – *City’s portion of Trade Street closed between Third and Fourth Streets.*
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2004-2005 RELATING TO INFRASTRUCTURE DEVELOPMENT FOR THE DAVIS BUILDING REDEVELOPMENT.
3. CONSIDERATION OF ITEMS RELATING TO DEVELOPMENT OF THE DELL SITE: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING THE GRANTING OF AN OPTION FOR ACQUISITION OF AN EASEMENT TO BELL SOUTH TELECOMMUNICATIONS, INC. FOR THE CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY OFF TEMPLE SCHOOL ROAD TO SERVE THE DELL SITE.
 - b. RESOLUTION AUTHORIZING THE GRANT OF AN EASEMENT TO DUKE ENERGY CORPORATION FOR ELECTRICAL FACILITIES OFF TEMPLE SCHOOL ROAD TO SERVE THE DELL SITE.
4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE ENVIRONMENTAL PROTECTION AGENCY FOR BROWNFIELDS JOB TRAINING. *[Recommended by Finance Committee.]*
5. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS – *Watson Avenue, Southwin Drive, and Marvin Boulevard.* *[Recommended by Public Safety Committee.]*
6. CONSIDERATION OF STREET RENAMING PETITIONS: *[Recommended by Public Works Committee.]*
 - a. ORDINANCE RENAMING “BELEWS STREET” TO “C.E. GRAY DRIVE” LOCATED IN THE EAST WARD. – *Petition of Mt. Olive Baptist Church.*
 - b. ORDINANCE RENAMING “MIALINA FOREST COURT” TO “TURNBERRY FOREST COURT” LOCATED IN THE WEST WARD. – *Petition of Anne B. Fain for the Turnberry Homeowners Association.*

- c. ORDINANCE RENAMING A PORTION OF “CADILLAC STREET” TO “NASH AVENUE” LOCATED IN THE EAST WARD. – *Petition of City-County Inspections Division.*
8. CONSIDERATION OF ITEMS RELATING TO BIDS: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDED CONTRACT FOR QUARRY PRODUCTS – *Vulcan Construction Materials - \$733,024.00 (estimated amount).*
 - b. RESOLUTION REJECTING BIDS FOR CONTRACT FOR TEMPORARY EMPLOYMENT SERVICES.
9. CONSIDERATION OF PETITIONS FOR ANNEXATION: *[Recommended by Public Works Committee.]*
 - a. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF 45.99 ACRES LOCATED OFF OF OLD SALISBURY ROAD – *Petition of Prime Properties of Winston-Salem, LLC. Public Hearing August 2, 2005.*
 - b. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF 111.17 ACRES LOCATED OFF OF PETERS CREEK PARKWAY – *Petition of Builders Land, Inc. and Shugart Enterprises, LLC. Public Hearing August 2, 2005.*
10. RESOLUTION AUTHORIZING THE RELEASE OF THE ORIGINAL ARGONNE BOULEVARD SANITARY SEWER OUTFALL EASEMENT. *[Recommended by Public Works Committee.]*
11. RESOLUTION CONSENTING TO ASSIGNMENT OF ENCROACHMENT AGREEMENT FROM KMC TELECOM TO TELCOVE, INC *[Recommended by Public Works Committee.]*
12. REQUEST OF EAST COAST CAPITAL, INC. TO WITHDRAW PROPOSAL TO AMEND THE UNIFIED DEVELOPMENT ORDINANCES TO CREATE A NEW USE CLASSIFICATION OF “MEDICAL WASTE TREATMENT FACILITY” TO BE ALLOWED IN CI, LI, AND GI ZONING DISTRICTS – *UDO-132. [Recommended by Public Safety and Public Works Committees.]*
14. CONSIDERATION OF PUBLIC SAFETY COMMITTEE’S RECOMMENDATIONS FOR APPOINTMENTS TO THE SYKES POLICE INVESTIGATION ADMINISTRATIVE

REVIEW CITIZEN ADVISORY COMMITTEE:

Marcia Cole

Renarde Earl

Anita Hairston

Jet Hollander

Ike Black

Rick Pender

Don Nielsen (Chairman)

1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE/LEASE OF PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR EBERT STREET ROAD WIDENING BY DEED OR CONDEMNATION – *Sixteen parcels located on Ebert Street, Williamsburg Court, and Martin Street.*
 - b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR HANES MALL BOULEVARD WIDENING BY DEED OR CONDEMNATION AND SUBSEQUENT TRANSFER OF RIGHTS-OF-WAY TO NCDOT – *One parcel located on Hanes Mall Boulevard and owned by Target Corporation.*
 - c. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR COUNTRY CLUB ROAD WIDENING BY DEED OR CONDEMNATION – *Ten parcels located on Queensbury Road and Country Club Road.*

Council Member Robinson asked if any condemnations were contemplated in any of these three items.

Mr. Kirk Bjorling, Real Estate Director, responded that every effort will be made to negotiate with the property owners for purchase of the property, but staff is requesting condemnation authority if needed.

Council Member Merschel made a motion for the three resolutions listed as a, b, and c of Item C-1.

Council Member Clark: Second. Unanimous.

7. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CITY OF WINSTON-SALEM SPECIAL OBLIGATION BONDS, SERIES 2005: *[Recommended by Finance Committee.]*

- a. BOND ORDER AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION 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 SPECIAL OBLIGATION BONDS; 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.

At the request of Council Member Clark, Mrs. Denise Bell, Chief Financial Officer, explained that the total amount will be \$10.8 million with the sale date scheduled for June 23. She stated that approximately \$6.2 million will be used to fund the Dell economic development project. The balance of approximately \$4.6 million will be used to refund special obligation bonds issued in 1995 at a higher interest rate. With the refunding, Mrs. Bell advised that the City should save approximately \$250,000.

Council Member Clark: Motion for adoption.

Council Member Merschel: Second. Unanimous.

13. CONSIDERATION OF PUBLIC HEARING DATE FOR UDO TEXT AMENDMENT TO ESTABLISH TREE PRESERVATION STANDARDS – UDO-122. *Public Hearing - August 2, 2005. [Recommended by Community Development/Housing/General Government Committee.]*

Council Member Clark commented that this proposed ordinance was not recommended by the City/County Planning Board and the County Commissioners have remanded the item to staff for further work. He stated that he believed it would therefore be premature to hold a public hearing on this item. He suggested that the Council wait to hold its public hearing after the staff has had a chance to do its additional work. Council Member Clark made a motion to remand this item to the Community Development/Housing/General Government Committee.

Council Member Robinson: Second.

Council Member Besse made a substitute motion to set a public hearing date of August 2 and retain the item for continued discussion in the Community Development/Housing/General Government Committee.

Council Member Burke: Second.

Council Member Besse remarked that he understands Council Member Clark's concern, but he believes that the Council is obligated to hold a public hearing on this item since it was submitted as a petition. This would also give the Council the opportunity to formally return the ordinance to staff to hopefully come up with a document that would be acceptable to all parties.

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

GENERAL AGENDA

1. PUBLIC HEARING AND RESOLUTION CONFIRMING ASSESSMENT ROLL FOR DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION.

Mayor Joines pointed out a memorandum before Council which requests the removal of the property at 810 N. Cameron Avenue from the assessment roll and remand the matter to the Community Development/Housing/General Government Committee.

Council Member Johnson made a motion to remove 810 N. Cameron Avenue from the assessment roll.

Council Member Merschel: Second.

Council Member Johnson strongly encouraged the property owners to attend the July 12

meeting of the committee.

The motion was carried unanimously.

Mayor Joines called for the public hearing.

No one heard.

Council Member Clark made a motion for adoption of the resolution and confirmation of the assessment roll with the remaining properties.

Council Member Burke: Second. Unanimous.

The assessment roll was confirmed at 9:04 p.m.

2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF TWIN BRANCH STREET IN THE SOUTHEAST WARD (Council Member Terry) – *Petition of Margaret Fowler. [Recommended by Public Works Committee.]*

Appearing in opposition to the proposed closure were Mr. Ted Cayton, 1769 Willard Road; Mr. Willie Johnson, 1736 E. Sprague Street; and Ms. Frances Collins, 1732 Willard Road. These property owners stated that closing this portion of Twin Branch Street would deny them access to their property.

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

In response to Council Member Terry, Mr. Turner stated that this right-of-way is graveled, is not maintained by the City, and is currently utilized by the adjoining property owners as a shared driveway.

Council Member Terry made a motion to remand this item to the Public Works Committee.

Council Member Johnson: Second. Unanimous.

Council Member Johnson asked Mr. Turner to invite the petitioner and all adjoining property owners to the meeting.

3. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF EIGHTH STREET IN THE EAST WARD (Council Member Johnson) – *Petition of James H. Perkins. [Recommended by Public Works Committee.]*

No one heard.

Council Member Johnson: Motion for adoption.

Council Member Clark: Second. Unanimous.

4. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF SEVERAL STREETS IN THE HAPPY HILLS HOPE VI REDEVELOPMENT AREA IN THE EAST WARD (Council Member Johnson) -*Petition of the Housing Authority of Winston-Salem. [Recommended by Public Works Committee.]*

No one heard.

Council Member Johnson asked if all adjoining property owners have been notified in writing of these proposed closures.

Mr. Turner confirmed that the City staff has sent out all legal notifications.

Council Member Johnson asked staff to make certain that adjoining property owners received letters informing them of the public hearing.

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

5. CONSIDERATION OF ITEMS RELATING TO THE SALE AND DEVELOPMENT OF CITY-OWNED PROPERTY AT 524-546 N. TRADE STREET: *[Finance Committee forwarded this item to Council with three in favor, none opposed, one abstaining.]*

- a. RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN A DOWNTOWN DEVELOPMENT AGREEMENT WITH THE CHAPMAN COMPANY FOR THE DEVELOPMENT OF CITY-OWNED PROPERTY LOCATED AT 524-546 NORTH TRADE STREET, ESTABLISHING THE DATE FOR A PUBLIC HEARING TO CONSIDER THE SALE OF THE PROPERTY AND APPROVAL OF RELOCATION AND REESTABLISHMENT PAYMENTS TO CERTAIN TENANTS OF THE CITY-OWNED BUILDING LOCATED AT 524-546 NORTH TRADE STREET – Public Hearing: July 5, 2005.

Council Member Clark: Motion for adoption.

Council Member Merschel: Second.

Council Member Clark pointed out that the Finance Committee is still considering what can be done for the existing tenants of the building.

Council Member Burke spoke in support of the present tenants of the building. She stated that these business people stayed in the building when everyone else left and now that this area of downtown is coming back, they are being made to leave. She urged the City to do as much as possible for the tenants so they may relocate and reestablish themselves in business.

Council Member Johnson also expressed concern regarding the current tenants. She asked staff to comment on the condition of the building.

Mr. Derwick Paige, Assistant City Manager, stated that this building sits on top of the Frazier Parking Deck, both of which have structural problems. It is estimated that it would cost approximately \$750,000 to bring both structures up to minimum code.

Council Member Burke stated that she was not talking about the City making the repairs. She was concerned about the tenants and how they are treated during the relocation process.

Council Member Merschel noted that the matter was kept in Finance Committee to come up with a fair and equitable relocation package for the tenants.

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

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FISCAL YEAR 2004-2005.

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second.

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

6. RESOLUTION RELATING TO THE FINAL SETTLEMENT OF RELOCATION COSTS FOR THE ONE WEST FOURTH STREET DEVELOPMENT. *[Finance Committee forwarded this item to the Council without a recommendation.]*

Council Member Merschel commented that this item was discussed at length at the Finance Committee meeting. Unfortunately, the City is in a position where it is committed to certain relocation costs. Finance Committee has made several recommendations to the staff for future agreements and for improved communication among departments.

Council Member Merschel: Motion for adoption.

Council Member Terry: Second.

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

7. CONSIDERATION OF COUNCIL'S AUGUST 2005 MEETING SCHEDULE.

Council Member Merschel: Motion for approval.

Council Member Terry: Second.

Council Member Johnson pointed out that Tuesday, August 2, is also the designated day for National Night Out. She asked if anything can be done to adjust scheduling of special events.

Police Chief Patricia Norris responded that National Night Out is a nationally-recognized event and cannot be changed at the local level. However, she would have her staff review scheduled events to see if times can be adjusted to accommodate those who need to attend the Council meeting

that evening.

A brief discussion ensued regarding the possibility of canceling the first meeting in August after reviewing what zoning items would be coming from the July Planning Board meeting.

The motion for approval was unanimously approved.

Council Member Burke commented that the reason for changing the night of the meeting was due to the National Black Theatre Festival in Winston-Salem during the first week in August. She stated that this was a much-anticipated event occurring every two years and brings a lot of attention and an economic boost to Winston-Salem, especially downtown.

ADJOURNMENT: 9:30 p.m.