

D-26861

Summary of Minutes

March 28, 2005

A Special Meeting of the Winston-Salem City Council was held on Monday, March 28, 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	Vivian H. Burke
	Dan Besse	Nelson L. Malloy, Jr.
	Joycelyn V. Johnson	Wanda Merschel
		Frederick N. Terry

Member Absent: Council Member Vernon Robinson

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

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

Invocation: Pastor Ed Wall of Iglesia Fraternidad Cristinia

Pledge of Allegiance

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING KEEP WINSTON-SALEM BEAUTIFUL

Council Member Johnson: Motion for adoption.

Council Member Clark: Second. Unanimous.

Council Member Johnson presented a framed copy of the resolution to Mr. Cort Bennett, Treasurer of Keep Winston-Salem Beautiful. She also recognized Mr. Greg Turner, Assistant City Manager/Public Works, for the Public Works Department's support of this program.

Council Member Johnson announced that Saturday, April 2, was Community Roots Day, and she invited everyone to Trinity Moravian Church on Sprague Street for a day of tree planting and fellowship.

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if anyone wished to remove any items for separate discussion. Council Member Clark asked that Item C-2 be removed for discussion. 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 Burke and unanimously carried.

1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF CITY-OWNED PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY IN THE OLD CHERRY STREET NO. 2 REDEVELOPMENT AREA BY DEED OR CONDEMNATION – *Property located at 2067 N. Cherry Street.*
 - b. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *Lot 104 of Block 0278 located on Maple Street.*
 - c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *Lots 113H and 113K of Block 3909 located on Commonwealth Drive.*
3. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES: *[Recommended by Community Development/Housing/General Government Committee.]*

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CITY CODE: *(Repairs Less Than 50% of Value of Structure)*

<u>Property Owner</u>	<u>Property Location</u>
a. Keith and Vernita Tuttle	545 Efird Street

ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT TO REMOVE OR DEMOLISH STRUCTURES UNFIT FOR HUMAN HABITATION AND OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: *(Repairs More than 65% of Value of Structure)*

<u>Property Owner</u>	<u>Property Location</u>
b. Shirley Harris Caldwell	2932 Gilmer Avenue
c. Michael R. Myers	1655 Fairview Boulevard

4. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS. – *Lyons Street, Foxdale Drive, Cash Drive, Guinevere Lane, Yarbrough Avenue, Sunnyside Avenue, Berl Street, West Street and Green Street. [Recommended by Public Safety Committee.]*
5. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM AND THE COUNTY OF FORSYTH WHICH ESTABLISHES A POLICY FOR THE DISTRIBUTION OF EQUIPMENT AND FUNDS RELATED TO THE HOMELAND SECURITY PROGRAM. *[Recommended by Public Safety Committee.]*
6. RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF FORSYTH AND THE CITY OF WINSTON-SALEM TO SHARE 2005 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD. *[Recommended by Public Safety Committee.]*
7. CONSIDERATION OF ITEMS RELATING TO SHATTALON DRIVE INTERSECTION IMPROVEMENTS: *[Recommended by Finance and Public Works Committees.]*
 - a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS ON SHATTALON DRIVE.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2004-2005.

8. CONSIDERATION OF ITEMS RELATING TO SILAS CREEK PARKWAY LANDSCAPING IMPROVEMENTS: *[Recommended by Finance and Public Works Committees.]*
 - a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR ENHANCEMENT FUNDS FOR CERTAIN LANDSCAPE IMPROVEMENTS ON SILAS CREEK PARKWAY AND HOLLYROOD STREET.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2004-2005.
9. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF VEST MILL ROAD IN THE SOUTHWEST WARD (Council Member Besse) – Public Hearing: May 2, 2005. *[Recommended by Public Works Committee.]*
10. RESOLUTION EXTENDING THE CURBSIDE RECYCLING AGREEMENT WITH WASTE MANAGEMENT OF THE CAROLINAS, INC. *[Recommended by Finance and Public Works Committees.]*
11. RESOLUTION AUTHORIZING SALE OF SURPLUS CITY PROPERTY – *Railroad Truss Bridge.* *[Recommended by Finance Committee.]*
12. APPROVAL OF SUMMARY OF MINUTES – *March 7, 2005.*
2. RESOLUTION AUTHORIZING APPLICATION FOR A TRANSPORTATION GRANT AND ACQUISITION OF THE HISTORIC UNION STATION BUILDING. *[Recommended by Finance Committee.]*

Council Member Clark expressed a concern regarding the acquisition of this property. He asked if the City was pursuing it because it is the right location for this use or because of its historic value and appeal.

Mr. Turner responded that staff has thoroughly evaluated options and has determined that the Union Station Building was the most desirable location for a future multi-modal transportation

center, and is suitable to handle rail, bus, ridesharing, and vanpooling. He stated that he could provide more detailed information regarding the site if desired.

Council Member Clark asked that the detailed information be sent to him.

Council Member Burke noted that she raised questions at the committee meeting regarding space. She asked Mr. Turner for the size of the total site and how many vehicles could be parked there.

Mr. Turner responded that the site encompassed approximately 1.96 acres. He stated that he would obtain information regarding vehicle parking capacity and provide it to Council. In response to Council Member Johnson, he stated that the site currently has rail in place and has the right-of-way in place to install two additional rails. He noted that it was a significant factor to not have to acquire right-of-way for rail installation along this corridor.

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

GENERAL AGENDA

1. PUBLIC HEARING AND RESOLUTION CONSIDERING AND ADOPTING AN APPROPRIATE AND VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE ANNUAL STREET RESURFACING CONTRACT. *[Reviewed by Community Development/Housing/General Government Committee.]*

No one heard.

Council Member Terry: Motion for adoption.

Council Member Burke: Second. Unanimous.

2. PUBLIC HEARING AND RESOLUTION CONSIDERING AND ADOPTING AN APPROPRIATE AND VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE WATERWORKS ROAD

WIDENING CONTRACT. *[Reviewed by Community Development/Housing/General Government 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 DESHLER STREET IN THE NORTH WARD (Council Member Malloy) – *Petition of Piney Grove Baptist Church. [Recommended by Public Works Committee.]*

Speaking on behalf of the petitioner was Attorney Renita Linville, 205 West Third Street.

She spoke regarding the church's plans for its facilities and how it will enhance the neighborhood.

She noted that the church property will be properly lighted and have security.

Mr. Sam Smith, 601 N. Trade Street, stated that he prepared the site plan for the church and offered to respond to questions.

Appearing in opposition to the petition was Mr. Roger Hughes, 4689 Tobacco Road. Mr. Hughes expressed a concern about what will happen next on this site and the amount of property being taken off the City's tax rolls by churches and other non-profits.

Mayor Joines declared the public hearing closed.

Council Member Malloy: Motion for adoption.

Council Member Burke: Second. Unanimous.

4. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 23.912 ACRES LOCATED OFF PETERS CREEK PARKWAY INTO THE CITY OF WINSTON-SALEM – *Petition of Grady L. Estep, Phillip C. Fishel, Jr., Craig Allen Rothrock, and Grady Rothrock: [Recommended by Public Works Committee.]*
 - a. PUBLIC HEARING AND ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM BY ANNEXING THERETO CERTAIN CONTIGUOUS TERRITORY.

Attorney Tom Terrell, 300 N. Greene Street, Greensboro, spoke on behalf of the petitioners and Wal-Mart. He stated that if this site is annexed into the City, then Wal-Mart will proceed with its plans to rezone the property at a later date.

Appearing in opposition to the petition was Mr. Dennis Felder, 1601 Kesteven Road. He stated that no one in the neighborhood had been contacted regarding plans for this property and he would oppose such development for this site.

Also appearing in opposition to the annexation petition were Mr. Tyler Morgan, 1618 Kesteven Road, and Mr. Gene Newell, 1008 Kings Meadow.

Mayor Joines commented that this request was for annexation of this property and not a rezoning issue. He stated that if a rezoning petition comes forward as a result of this action, then the public will have an opportunity to comment on the rezoning prior to the Council taking a separate action. He then asked if anyone else wished to speak. Hearing no one, he declared the public hearing closed.

Council Member Clark: Motion for adoption.

Council Member Terry: Second.

Council Member Besse noted that action on this annexation petition does not presuppose action upon a rezoning request.

At the request of Council Member Johnson, Mr. Ron Seeber, City Attorney, explained that once County property is annexed into the City, the City has 60 days to assign City zoning to the property either by changing the existing zoning from County to City or through a rezoning petition initiated by a petitioner.

The motion for adoption was unanimously carried.

b. RESOLUTION AMENDING OFFICIAL CITY MAP DESIGNATING CORPORATE LIMITS AND SOUTH WARD BOUNDARIES.

Council Member Clark: Motion for adoption.

Council Member Terry: Second. Unanimous.

5. PUBLIC HEARING AND RESOLUTION ADOPTING THE PROPOSED NORTH SUBURBAN AREA PLAN. *[Community Development/Housing/General Government Committee forwarded this item to Council with three in favor, none opposed, one abstaining.]*

Mr. Paul Norby, City/County Planning Director, made opening remarks and then introduced Mr. Bret Marchant of the Planning Staff for the staff presentation of the plan.

Mr. Marchant presented an overview of the plan and reviewed highlights and recommendations.

Mayor Joines called for the public hearing on the proposed plan.

Attorney Tom Terrell, 300 N. Greene Street, Greensboro, addressed the Council on behalf of Wal-Mart. He requested that one revision be made on Page 22, Map Item N. He noted that Item N has two options: option one contains a description which suggests that the existing highway business zone, if developed, would represent an improper mixing of retail with existing residential. Mr. Terrell asserted that this was not the case as shown by existing land patterns. Another problem with option one is a reference to a “domino effect” if this tract is allowed to develop as large scale

retail, then other large scale retail would follow. Mr. Terrell commented that there are no other tracts of land large enough to support another large scale retail use. He therefore requested that the Council approve option two of this plan, which relies upon the strength of UDO-118, which was recently adopted to address development of large scale retail.

Council Member Besse asked if the Council is being asked to select one of these options or are these options intended to be possibilities recommended by the steering committee.

Mr. Norby responded that it was not set up as a choice for the Council to pick either option one or two. Rather, option one or two would be selected based on whether the trend in development would be toward multi-family or whether it would be to develop under the existing HB zoning.

Ms. Melynda Dunigan, 1875 Mallard Lakes Drive, spoke as Chair of the Steering Committee and urged adoption of the plan. She expressed her support for traditional neighborhood developments or TNDs. She also spoke about the need for additional recreational opportunities for the area, as well as preservation of Historic Bethabara Park and Bethania.

Also appearing in support of the plan was Ms. Sarah Johnson, President of the Historic Oldtown Neighborhood Association, 4372 Morningside Drive. She requested that the Council give consideration to the historical significance of this area when land use decisions are made.

Mr. Wade Peeples, 3405 Lake View Drive, Pfafftown, spoke on behalf of himself and his wife and other family members who own a majority of the property at the intersection of Reynolda Road and Bethania Road. He stated that they did not have a position regarding the area plan, but requested that the Council protect property rights in this area.

Mr. Doug Stimmel, 601 N. Trade Street, Suite 200, spoke in support of the plan on behalf of the Stutter family.

Appearing next was Mr. Richard Redding of Meridian Realty, 318 Indera Mills Court. Mr. Redding stated that he served as a member of the Steering Committee and he endorsed the plan. However, he expressed a concern that in at least two places, the plan recommends development patterns which are different from the existing zoning, one of those sites being the proposed Wal-Mart site. He also expressed a concern about the large area the plan encompasses.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, spoke in favor of the area plan as a member of the University Neighborhood Association. He asked the Council to consider the larger community as zoning decisions are made.

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

Council Member Merschel: Motion for adoption of the resolution.

Council Member Malloy: Second.

Discussion ensued regarding the size of this area plan and a general timetable for drafting and approving additional area plans and updating existing area plans. Mr. Norby explained that the goal is to have an area plan for every section of Forsyth County, and the ones that are in the outlying areas tend to be a little bit larger than others. In the central city where the density is greater, development patterns tend to be more complex and those areas are smaller in order to be as detailed as possible. He advised that staff's focus at this time is the creation of new plans for all areas of the City and County, some of which will replace older plans. He noted that this summer, staff will commence work on a new plan for the East Winston area which will eventually replace the current East Winston plan which is nearly 20 years old.

Council Member Johnson asked what effect this area plan will have upon pending rezoning cases if it is approved this evening.

Mr. Seeber responded that any area plan is a compilation of recommendations which would be a resource as rezoning petitions are reviewed. An area plan would not bind the Council to make any particular rezoning decision.

Council Member Burke asked Mr. Norby if he would let her know at a later date of the size of the Southeast/Union Cross Area plan.

The motion for adoption was unanimously carried.

6. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF JOSE LOYA ROQUE FROM RS-9 TO RSQ-S (Residential Building, Multi-family): Property located on the northeast corner of Sprague Street and Urban Street – Containing approximately .29 acre located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2745. *[Planning Board recommends approval of petition and site plan with staff recommendations. This item was continued from the March 7, 2005 Council meeting.]*

Council Member Terry stated that there are a number of issues still under discussion and he made a motion to continue the public hearing to the April 4 zoning meeting.

Council Member Merschel: Second. Unanimous.

7. SECOND READING ON ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM - Zoning Petition of Housing Authority of Winston-Salem for Property Owned by the Winston-Salem Housing Authority, City of Winston-Salem, True Temple Holiness Church of God, Inc., Forsyth Economics Ventures, LLC, Southside Community Development Corporation, Avis B. Rucker, Floy Millie Howie, South Salem Homes, LLC, Hattie Lee Howie Grier, FLMP Properties, Earnestine C. Coplin, Ida George Heirs, Grayson B. Smith, Juan L. Davis, and Nellie B. Dean from NO, LB-S, RS-7, RSQ, and RM-18 to RM-18-S (Residential Building, Single Family; Residential Building, Duplex; Twin Home; Multi Family, Town House; Urban): Property located on the east side of Alder Street continuing eastward bordered by Mock Street, Nowlin Street, Pitts Street, Liberia Street, Willow Street, and Gaither Forest Drive – Containing approximately 49.21 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2748. *[Planning Board*

recommends approval of petition and site plan with staff recommendations. This ordinance received a vote of five in favor and one opposed at the March 7 Council meeting.]

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

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

Council Member Burke: Second.

Council Member Terry asked what will happen if all of the property is not brought under one ownership.

Mr. Norby explained that it was his understanding that all property owners were signers of the rezoning application. Since zoning runs with the land, the RM-18-S zoning with all written conditions would apply to the property regardless of ownership.

The motion was unanimously carried.

8. RESOLUTION APPROVING A \$125,000 RESTAURANT ROW LOAN TO PROGRESSIVE HOSPITALITY, INC. DBA PAISLEY PINEAPPLE RESTAURANT AND SOFA BAR. *[Finance Committee forwarded this item to the Council without a recommendation.]*

Mr. Derwick Paige, Assistant City Manager, made the staff presentation on this item and responded to questions.

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

Mayor Joines recognized Council Member Burke at this time.

Council Member Burke stated that she has received a number of concerns from residents near the Airport and she wanted to let the Council know that she will be setting up a meeting through the

City Manager's office to discuss the safety and welfare of citizens in this area with members of the Airport Commission. Council Member Burke also commented on unemployment and poverty in the community and she stressed the need for jobs and economic opportunities for all people in all sections of the City. She remarked that she was glad to see an attractive downtown achieved through public and private investments, but there are many neighborhoods throughout the City that are not looking as good as they should. She specifically mentioned that the area around Carver School Road and New Walkertown Road needs attention and there are many others.

Mayor Joines recognized Council Member Clark.

Council Member Clark announced that the West Ward Talk of the Town Meeting will be held on Thursday, March 31, at 6:30 p.m. at the South Fork Recreation Center and invited all interested citizens to attend. He then asked Mr. Stuart to provide an update regarding the contractual dispute between Blue Cross/Blue Shield of North Carolina and Baptist Hospital.

Mr. Stuart responded that it appears that each side of the issue is stating their position. He remarked that both Blue Cross/Blue Shield and Baptist Hospital are important to this community and based on what he has been told by the company who advises the City on health care issues, he hopes that an agreement can be worked out. Mr. Stuart stated that he expected to give updates to the Council on this situation as it progresses.

Council Member Clark commented that he believes it would be unacceptable to not offer Baptist Hospital as a health care provider option to City employees and if it appears that this would not be available, he would be prepared to make a motion to give notice to Blue Cross/Blue Shield to cancel the City's contract and pursue negotiations with other insurers.

Council Member Burke expressed condolences to the family of former City employee, Conita Archie Hunt, who recently passed away. Mrs. Hunt's family was well known in this area as accomplished tennis players.

Mayor Joines recognized Council Member Merschel.

Council Member Merschel asked staff to look into a flooding situation on Linda Circle at Midkiff Drive.

ADJOURNMENT: 9:00 p.m.