

D-26857

Summary of Minutes

March 7, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, March 7, 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; Paige L. Deal, Recording Secretary

Sergeant at Arms: Lieutenant David L. Kiger

Invocation: Pastor Ottis Hurst of Crestview Baptist Church

Pledge of Allegiance

Mayor Joines stated that without objection, the Council would hear Item 4 first.

4. PUBLIC HEARING ON ZONING PETITION OF T. DAVID NEILL AND NDT, LLC FROM RS-9 TO RS-30: Property located on the northeast side of Shattalon Drive across from Summerfield Lane – Containing approximately 10.56 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-2751. [*Planning Board recommends approval of petition.*]

No one heard.

Mr. Paul Norby, City/County Planning Director, presented the recommendation of the Planning Board which was for approval of the petition.

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

Council Member Merschel made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Burke: Second. Unanimous.

Council Member Merschel asked to be excused from the remainder of the meeting.

Council Member Clark made a motion to excuse Council Member Merschel. The motion was duly seconded by Council Member Burke and unanimously carried.

Council Member Merschel was excused from the meeting at 7:33 p.m.

1. 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.

Council Member Terry commented that there were a couple of details which needed to be addressed and a meeting has been scheduled. He made a motion to continue the public hearing on this item to the next Council meeting, March 28.

Council Member Clark: Second. Unanimous.

2. PUBLIC HEARING ON 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.]*

Mr. Wayman Williams appeared on behalf of the Housing Authority.

Council Member Johnson asked Mr. Williams to comment regarding the Housing Authority's control of the entire site, as this has been an issue of concern.

Mr. Williams responded that the Housing Authority was currently negotiating for several tracts of property within the area. He stated that the discussions are going as planned and assured the Council that all of the details will be worked out. He advised that there would be a proposal submitted for the acquisition of those properties which the Housing Authority does not control.

Council Member Johnson asked Mr. Williams if the Housing Authority had something in writing from the property owners.

Mr. Williams replied yes, all property owners have signed in support of this proposal.

**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 Johnson stated that given the fact that the Housing Authority is working with the owners of the remaining property, she made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit with the understanding that should anything occur to affect the ownership of the property, the Council would again take up this matter.

Council Member Burke: Second.

Council Member Burke remarked that this project will be a wonderful addition to this rapidly changing community.

Council Member Terry asked what would happen if the Housing Authority is unsuccessful in

acquiring control of all the property.

Mr. Ron Seeber, City Attorney, responded that the Council would have the option to bring this matter back for consideration.

Mayor Joines called for the vote on the motion.

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

Since this zoning ordinance received less than a two-thirds majority vote on its first reading, it will be placed on the March 28 Council agenda for a second reading.

3. PUBLIC HEARING ON ZONING PETITION OF CORBIN PLACE ASSOCIATES, LLC FROM RS-9 TO RS-7: Property located on the northeast side of Wright Street and Lomond Street – Containing approximately 4 acres located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2750. *[Planning Board recommends approval of petition.]*

No one heard.

Mr. Norby gave a staff presentation on this item.

Council Member Terry asked how many houses could be constructed on this property.

Mr. Norby responded that under RS-7, approximately 20-25 houses could be built.

Council Member Burke asked for the size of the individual lots.

Mr. Norby responded that RS-7 would require a minimum lot size of 7,000 square feet unless the petitioner submits a Planned Residential Development (PRD) plan, which would allow no additional units, but would allow them to be clustered.

Council Member Burke asked for the width of the lots across the front.

Mr. Norby replied that he did not have that information, but would provide it.

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

Council Member Terry made a motion for approval of the zoning petition and adoption of the zoning ordinance.

Council Member Malloy: Second. Unanimous.

5. PUBLIC HEARING AND ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCES REGARDING FEES FOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS – *Proposal of Forsyth County Historic Resources Commission – UDO-128. [Planning Board recommends approval]*

No one heard.

Mr. Norby presented the staff report and the recommendation of the Planning Board which was for approval of the amendment.

Mayor Joines confirmed that approval of the amendment would provide for a fee for after-the-fact certificates of appropriateness, but a separate action by the Council to set the amount of the fee would be taken up during budget discussions.

In response to Council Member Besse, Mr. Norby explained the differences between an Historic District and an Historic Overlay District. The City has two Historic Districts: Old Salem and Historic Bethabara. These are museum-quality districts in which presentation of the original character is carefully preserved. West End is presently the only Historic Overlay District and property in this area would require a certificate of appropriateness prior to any exterior modifications.

Council Member Besse asked for the status of Washington Park.

Mr. Norby explained that Washington Park is a National Register District. It has no local historic overlay designation. Others would be Ardmore and Waughtown/Belview.

Council Member Besse noted that certificates of appropriateness would not apply to those neighborhoods only designated as National Register Districts.

Council Member Terry: Motion for adoption.

Council Member Clark: Second. Unanimous.

6. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, ARTICLE IV OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING MULTIPLE CLARIFICATIONS AND TECHNICAL CHANGES – *Proposal of Forsyth County Historic Resources Commission – UDO-129. [Planning Board recommends approval.]*

No one heard.

Mr. Norby presented the staff report and recommendation of the Planning Board.

Council Member Clark: Motion for adoption.

Council Member Johnson: Second. Unanimous.

7. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, SECTION 5-2.8 OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE DEFINITION OF DISCONTINUANCE FOR NON-CONFORMING SITUATIONS – *Proposal of the City/County Inspections Division – UDO-130. [Planning Board recommends approval.]*

Mayor Joines stated that it is his understanding that staff requests that this item be remanded to the Planning Board for additional review.

Council Member Besse: Motion to remand this item to the Planning Board.

Council Member Johnson: Second. Unanimous.

8. PUBLIC HEARING AND RESOLUTION AMENDING LEGACY: A DEVELOPMENT GUIDE FOR THE NEW CENTURY IN WINSTON-SALEM AND FORSYTH COUNTY – *Relocation of a Proposed Metro Activity Center and Urban Boulevard and Additional Direction Concerning the Location of a Community Activity Center. [Planning Board recommends approval.]*

Mr. Norby made the staff presentation on this item. He noted that the Forsyth County Commissioners have already approved this amendment, since most of the area under consideration is within the County's zoning jurisdiction. He explained that approval of this amendment by the Council would relocate the northwestern metro activity center (MAC) from Robinhood to Country Club; designate Country Club as an "urban boulevard" rather than Robinhood; designate a future community activity center (CAC) on Robinhood near Meadowlark; and set core and support area acreages and use mixtures as targets.

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

Council Member Clark expressed a concern about the widths of Robinhood and Country Club Roads and he commented that some consideration should be given to widening of the roads as commercial activity and traffic increases. He agreed that it makes more sense for Country Club to have a MAC and be designated as an urban boulevard than for Robinhood.

Council Member Besse concurred with the redesignation of the MAC to Country Club Road; however, he expressed a concern about the designation of Country Club as an urban boulevard. He asked staff to comment on the implications of traffic flow.

Mr. Norby responded that the idea of urban boulevards is to connect pedestrian-oriented

MACs back to pedestrian-oriented downtown with the use of good public transit connections. There would be a need for careful development and selected roadway widenings to make the concept work.

Council Member Clark: Motion for adoption.

Council Member Terry: Second. Unanimous.

9. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF 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. Public Hearing: March 28, 2005. [Refer to Public Works Committee.]*

Council Member Clark: Motion for adoption.

Council Member Burke: Second.

Council Member Besse confirmed that this is the site which is being currently reviewed by the Planning Board for development of a Wal-Mart.

Mayor Joines stated that this was correct.

The motion was unanimously carried.

10. APPROVAL OF SUMMARY OF MINUTES – *February 21, 2005.*

Council Member Besse: Motion for approval.

Council Member Burke: Second. Unanimous.

11. ANNUAL REPORT OF THE LEGACY CITIZEN OVERSIGHT COMMITTEE.

Mr. Dara Folan, member of the City/County Planning Board and the Oversight Committee, 2712 Bartram Road, presented the annual report of the Legacy Citizen Oversight Committee. He stated that major achievements during 2004 include identification and designation of metro activity centers, area plans, UDO text amendments, and various studies which have been approved during 2004 or are well underway for consideration by the elected bodies in 2005. He expressed four

concerns of the committee: reduced staff resources during the past year has slowed progress; need to complete ordinance amendments to facilitate application of Legacy's principles; need to accelerate area planning process and the planning of metro activity centers and urban boulevards; and the need for more public understanding of the principles of Legacy.

Council Member Burke and Mayor Joines thanked Mr. Folan and members of the Legacy Oversight Committee for all of their hard work.

ADDITIONAL ITEMS:

Mayor Joines recognized Mr. Derwick Paige, Assistant City Manager, at this time.

Mr. Paige explained that staff requests consideration of two items at this time. The first item is a motion that would allow the establishment of a public hearing date in order to establish a municipal service district. A municipal service district is required in order to issue special obligation bonds, which is the way the City will pay for its share of infrastructure improvements for the Alliance Business Park. The second item is a motion to authorize the City Manager to execute an early entry agreement after review by the City Attorney's office to allow Dell to proceed onto the property owned by the City and begin construction prior to the execution of the actual economic development agreement.

Council Member Burke made a motion to set a public hearing of April 18, 2005 for consideration of the establishment of a "municipal service district" pursuant to Chapter 160A, Article 23, Municipal Service Districts, of the North Carolina General Statutes for property owned by the City in the Alliance Science and Technology Business Park and that City staff be directed to give legal notice of the hearing in accordance with the statute.

Council Member Malloy: Second Unanimous.

Council Member Clark made a motion that the City Council authorize the City Manager to execute an early entry agreement with Dell, Inc. to facilitate Dell's construction of its new manufacturing and distribution facility in the Alliance Science and Technology Business Park, subject to its approval by the City Attorney.

Council Member Malloy: Second.

In response to Council Member Besse, Mr. Paige stated that it is his understanding that Dell plans to begin construction before the end of the month.

Council Member Besse asked if there was a projected date to hold the public hearing on the final proposed agreement.

Mayor Joines responded that discussions are continuing on this, so the date could be as early as March 28, but could be later.

The motion was unanimously carried.

Council Member Burke expressed her thanks to the City Manager and Mr. Greg Turner, Assistant City Manager/Public Works, for working with the representatives of Hanes Mall to re-establish convenient bus service at the Mall. She asked that if changes are proposed by any advisory board or commission which are expected to affect the public, that those changes and/or recommendations are communicated to the City Council by appropriate staff instead of by the public in reaction to the change.

Council Member Clark expressed his concern over the recent announcement regarding the lack of an agreement between Baptist Hospital and Blue Cross/Blue Shield of North Carolina. He stated that he believed it would be in the best interest of both parties to reach an understanding about this matter. He commented that he spoke with Mr. Stuart about this today since many of the City's

employees have BC/BS coverage.

Mr. Stuart explained that the City's contract year with BC/BS runs from February, 2005 to January, 2006 and discussions are being held to make sure that the terms of the contract will be followed.

Council Member Besse asked if staff could determine if there are any other hospitals within the State having a similar inability to reach an agreement with BC/BS.

ADJOURNMENT: 8:25 p.m.