

D-26943

Summary of Minutes

November 21, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, November 21, 2005 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Members Present:	Vernon Robinson Robert C. Clark Dan Besse Joycelyn V. Johnson	Vivian H. Burke Nelson L. Malloy, Jr. Wanda Merschel Frederick N. Terry
Secretaries:	Renée P. Henderson, City Secretary; and Paige Deal, Recording Secretary	
Sergeants at Arms:	Lieutenant Connie Southern and Sergeant W. S. Oliver	
Invocation:	Reverend Lewis Devlin of United Progressive Baptist Church	

PRESENTATION BY HABITAT FOR HUMANITY

Ms. Brenda Diggs of Habitat for Humanity presented an oversized illustrative check in the amount of \$1,385,557.00 to the City which represents tax dollars which have been paid by new homeowners through the Habitat program to date. Over the past 20 years, Habitat has built 200 homes in the community, with a combined appraised value of \$20,000,000 and which have served 590 plus family members. She mentioned the many thousands of volunteer hours and donations of goods and services from churches, businesses, universities, foundations, and individuals throughout the community.

Approximately 20 persons in the audience stood to indicate their status as homeowners through the Habitat program.

Mrs. Henderson read the following resolution:

RESOLUTION HONORING GLEN BENNETT AND CHRIS GAUNCE FOR THEIR HEROISM

Council Member Johnson: Motion for adoption.

Council Member Clark: Second. Unanimous.

Council Member Johnson presented a framed copy of the resolution to Mr. Bennett and Mr. Gaunce. Fire Chief John Gist presented the gentlemen with a gift bag as well as a cap with the Winston-Salem Fire Department logo.

Mrs. Henderson read the following resolution:

RESOLUTION CELEBRATING THE LIFE AND LEGACY OF JOHN L. TANNER, SR.

Council Member Merschel: Motion for adoption.

Council Member Malloy: Second. Unanimous.

Council Member Burke presented the resolution to members of the Tanner family.

Mayor Joines stated that the Council would now consider the Consent Agenda. He stated that staff has requested the removal of Item C-1(e) and pointed out that Council has received a replacement item for C-6. He asked if anyone wished to remove any other items. Council Member Johnson asked also for the removal of C-1(e) and C-4(b). Council Member Clark requested discussion of Item C-5. 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 Clark made a motion that these items be approved/adopted at this meeting. The motion was duly seconded by Council Member Merschel and unanimously carried.

1. CONSIDERATION OF ITEMS RELATING TO ACQUISITION/DISPOSITION OF PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR BURKE MILL ROAD WIDENING BY DEED OR CONDEMNATION – *Eleven properties located on Stratford Road, Burke Mill Road, Frontis Street, Van Buren Street, and Griffith Road.*
 - b. RESOLUTION AUTHORIZING ACCEPTING GIFT OF LAND FROM PHILIP AND NANCY INGRAM – *Approximately .24 acre located adjacent to Shaffner Park.*
 - c. RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY LOCATED AT 1225 E. SEVENTEENTH STREET THROUGH A PUBLIC AUCTION AS PERMITTED BY N.C.G.S. 160A-270.
 - d. RESOLUTION AUTHORIZING A NOTICE AND PERPETUAL LAND USE RESTRICTION BE ATTACHED TO THE DEED FOR THE PROPERTY KNOWN AS FIRE STATION NO. 15 AT 4548 SHATTLON DRIVE.

2. CONSIDERATION OF ITEMS RELATING TO THE WEST END VILLAGE PROJECT: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR THE WEST END VILLAGE PROJECT.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2005-2006.
 - c. RESOLUTION APPROVING AN AGREEMENT WITH WEST END VILLAGE DEVELOPMENT TO INSTALL AND MAINTAIN DECORATIVE STREETLIGHTS IN WEST END VILLAGE. *[Recommended by Public Works Committee.]*

3. RESOLUTION AUTHORIZING THE CITY TO APPLY FOR THE REDESIGNATION OF A STATE DEVELOPMENT ZONE FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE. *[Recommended by Community Development/Housing/General Government Committee.]*

4. 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.	S & W Trading Post	1196 Waughtown Street

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203((f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: *(Repairs More Than 50% of Value of Structure)*

	<u>Property Owner</u>	<u>Property Location</u>
c.	William & Gloria Tibbs	2601 Waughtown 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>
d.	Maudy Vera & Terry Withers	1120 Marne Street
e.	Elizabeth Jarrett	423 W. Salem Avenue
f.	Artis L. & Emma Smith	513 Wachovia Street

6. RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY AND THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION (PART) FOR THE LEASE OF PARKING SPACES AT FOURTH AND CHURCH PARKING DECK. *[Recommended by Finance Committee as amended.]*

7. CONSIDERATION OF ITEMS RELATING TO LANDSCAPE IMPROVEMENTS: *[Recommended by Public Works Committee.]*

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CERTAIN LANDSCAPE IMPROVEMENTS ON WAUGHTOWN STREET AND ON US 421.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2005-2006.
8. RESOLUTION APPROVING THE SUBSTITUTION OF REMARKETING AGENT WITH RESPECT TO CERTAIN FINANCINGS AND OTHER RELATED MATTERS. *[Recommended by Finance Committee.]*
9. CONSIDERATION OF ITEMS RELATING TO BIDS: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDED CONTRACT FOR READY MIXED CONCRETE – *Hartley Ready Mix Concrete Mfg., Inc. - \$135,825.00.*
 - b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF RUBBER TIERED ASPHALT PAVER – *Arrow Equipment, LLC - \$210,900.00.*
 - c. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF REFLECTIVE SHEETING UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) – *3M Company - \$100,000 {Estimated Amount}.*
10. CONSIDERATION OF ITEMS RELATING TO ABANDONMENT OF SANITARY SEWER EASEMENTS: *[Recommended by Public Works Committee.]*
 - a. RESOLUTION APPROVING ABANDONMENT OF A PORTION OF A SANITARY SEWER EASEMENT LOCATED OFF OF LONGMONT DRIVE (EAST WARD) – *Petition of Shugart Management, Inc.*
 - b. RESOLUTION APPROVING ABANDONMENT OF PORTIONS OF SANITARY SEWER EASEMENTS LOCATED OFF OF KNOLLWOOD STREET (SOUTHWEST WARD) – *Petition of the Highwoods/Forsyth Limited Partnership.*
11. APPROVAL OF SUMMARY OF MINUTES – *November 7, 2005.*
 1. e. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE PROVISIONS OF N.C.G. S. 160A-269 – *Lots 303B and 304B of Block 0202, located on Martin Luther King, Jr. Drive.*

Council Member Johnson asked that this item be continued to December 19. She explained that the involved parties will seek mediation and come back with a mutually acceptable use of the property for the community.

Council Member Malloy: Second. Unanimous.

- 4. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203((f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: *(Repairs More Than 50% of Value of Structure)*

<u>Property Owner</u>	<u>Property Location</u>
b. Jamika Trannon	1034 Addison Avenue

Council Member Burke asked staff to explain what will happen to this property if the demolition order is adopted this evening.

Mr. Ritchie Brooks, Housing Services Director, explained that if the order is adopted, this structure will be removed from the site within 30 days.

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

- 5. ORDINANCE AMENDING SECTION 78-233 OF THE CITY CODE RELATING TO TAXI METER RATES – *[Recommended by Public Safety Committee.]*

Council Member Clark stated that he had a recent conversation with someone affiliated with one of the taxicab companies and they advised him that the problem was not the rates, but that the meters were unsealed and therefore could be tampered with. He asked if taxi meters are sealed and if not, should they not be.

Mr. Greg Turner, Assistant City Manager/Public Works, responded that he could not answer the question this evening, but would look into it and provide that information. He noted that the

meters are regularly checked to make sure they are calibrated correctly, but he would have to check on whether they are sealed.

Council Member Clark remarked that perhaps this item should go back to committee.

Council Member Burke stated that she also had a concern about this item. She made a motion to remand this item to the Public Safety Committee.

Council Member Clark: Second. Unanimous.

GENERAL AGENDA

Mayor Joines stated that without objection, he would ask the Council to consider Items G-7 and G-8 at this time.

7. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF THE ESTATE OF R. CLYDE SHIELDS AND ROSA SHIELDS, CARE OF SHIRLEY DENNY, CO-EXECUTOR FROM RS-9 TO GO: Property located on the north side of Vest Mill Road south of Business 40 and west of Westbrook Plaza Drive – Containing approximately 9.85 acres located in the SOUTHWEST WARD (Council Member Besse) – Zoning Docket W-2785. *[Planning Board recommends approval of petition. This item was continued from the November 7 Council meeting.]*

Council Member Besse stated that there were some traffic impact questions which need to be addressed. He made a motion to continue the hearing on this petition to December 19.

Council Member Burke: Second. Unanimous.

8. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF ORENTA MAE ODUM AND LUCIA ARTURA NOYOLA CISNEROS FROM RS-9 AND HB-S TO HB-S (Arts & Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; and Building Contractors, General): Property located on the south side of Sprague Street west of Burgundy Street – Containing approximately .72 acre located in the SOUTHEAST WARD (Council Member Terry) – Zoning Docket W-2807. *[Planning Board recommends approval of petition and site plan with staff recommendations. This item was continued from the November 7 Council meeting.]*

Council Member Terry commented that there continued to be some unresolved site plan issues and all parties are in agreement to remand this petition to the Planning Board.

Council Member Burke: Second. Unanimous.

1. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF EXECUTIVE DRIVE IN THE NORTHEAST WARD – *Petition of Republic Mortgage Insurance Company. [Recommended by Public Works Committee.]*

No one heard.

Council Member Burke: Motion for adoption.

Council Member Johnson: Second. Unanimous.

2. PUBLIC HEARING AND RESOLUTION APPROVING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF COUNTRY CLUB ROAD IMPROVEMENTS. *[Reviewed by Community Development/Housing/General Government Committee.]*

No one heard.

Council Member Malloy: Motion for adoption.

Council Member Terry: Second. Unanimous.

3. PUBLIC HEARING AND ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK – *James B. and Diana M. Dyer House Located at 1015 West Kent Road. [Recommended by Historic Resources Commission.]*

Ms. LeAnn Pegram, Historic Resource Officers, presented the staff report on this property.

Council Member Merschel mentioned that the estimated property tax deferral for this property was \$12,855. She asked if that was a total for City and County and would the County have to take action on this item as well.

Ms. Pegram advised that the \$12,855 was a combined property tax of City and County. However, the County does not review these landmark cases; the decision for landmark status rests with the City Council.

Appearing in favor of the landmark designation was Ms. Heather Fearnback, 3334 Nottingham Road. She stated that she was the national register consultant who prepared the nomination for the Dyer House.

Mayor Joines asked if anyone else wished to speak on this matter. Hearing no one, he declared the public hearing closed.

Council Member Merschel expressed her appreciation to the staff for its work in recognizing historic resources, and she normally considers historic designations as protection for those structures which may be in jeopardy. She commented that this is a very good example of interior and exterior preservation; however, she stated that she has concerns regarding the tax deferral on this property. Council Member Merschel requested that in the future, staff would make Council Members aware that a review process has begun for a particular property, because of the time it takes to prepare the nomination.

Council Member Merschel made a motion for adoption of the ordinance.

Council Member Malloy: Second.

Council Member Clark stated that he has admired this house for many years and he has no doubt that it is historically significant, but he is going to vote against the motion because he does not believe that the City should be giving a 50 percent tax break to the largest, probably most expensive private residence in Winston-Salem.

Those voting in favor of the motion were Council Members Besse, Malloy, Merschel, and Terry. Opposed: Council Members Robinson, Clark, Johnson, and Burke.

Mayor Joines voted against the motion to break the tie.

The motion failed on a vote of four in favor and five opposed.

4. PUBLIC HEARING AND ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK – *Former Wachovia Bank and Trust Company Building Located at 8 West Third Street. [Recommended by Historic Resources Commission.]*

Ms. Pegram presented the staff report and recommendation on this property.

Council Member Malloy asked if the landmark designation must also carry the tax deferral provision.

Ms. Pegram responded yes. She explained that tax deferral is a statutory right that comes with landmark designation.

Speaking in favor of the designation was Ms. Amanda Green, 8 West Third Street. Ms. Green stated that she was financial manager of the property.

Council Member Johnson asked Ms. Green if she would be willing to withdraw the application for tax deferral.

Ms. Green replied no. She stated that it would create a competitive disadvantage. The extra money would also assist in the upkeep of the building.

Council Member Terry made a motion for adoption of the ordinance.

Council Member Malloy: Second.

Council Member Clark commented that there are situations where such a designation is appropriate; however, he does not agree with selective tax breaks.

Council Member Merschel remarked that she also had reservations about this property. She stated that the interior of the building retains very little of its original style.

In response to Council Member Besse, Ms. Pegram stated that for purposes of the National Register, the entire structure, interior and exterior, is listed. With the local historic landmark application, under State law, the property owner has to get permission to designate any interior portions of the building. In this case, the property owner has requested that only the exterior of the building be so designated.

Council Member Besse noted therefore that there is already a public recognition of the historic significance of this building; it simply does not carry the restrictions and corresponding tax advantage of a local designation.

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

5. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF WELDON GRAY BRANNOCK AND CHERYL WILSON BRANNOCK FROM RS-9 TO MH: Property located on the west side of Davis Road north of Daysbrook Road – Containing approximately .79 acre located in the NORTHEAST WARD (Council Member Burke) – Zoning Docket W-2809. *[Planning Board recommends approval of petition. This item was continued from the November 7 Council meeting.]*

No one heard.

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

Council Member Burke: Motion for approval of the petition and adoption of the zoning ordinance.

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

6. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF THE HOUSING PARTNERSHIP OF WINSTON-SALEM/FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM FROM LO TO PB-S (Residential Building, Single-Family): Property located on the north side of Second Street east of Spring Street – Containing approximately .76 acre located in the NORTHWEST WARD (Council Member Merschel) – Zoning Docket W-2790. *[Planning Board recommends approval of petition and site plan with staff recommendation. This hearing was continued from the September 6, October 3, and November 7 Council meetings.]*

No one heard.

Mr. Paul Norby, City/County Planning Director, updated the Council on the revised site plan. He presented the recommendation of the Planning Board which was for approval of the petition. Mr. Norby explained that the delay in hearing this case was due to some confusion in the survey of the lots. Those issues have been resolved and the revised site plan has been reviewed by the Planning Staff. He pointed out that there are nine different designs for the homes.

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 Merschel stated that she was well pleased with this proposal and the unique contemporary designs of the units. 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.

Council Member Johnson: Second. Unanimous.

9. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF WAL-MART REAL ESTATE BUSINESS TRUST FROM HB-S (Shopping Center) TO SITE PLAN AMENDMENT: Property located on the north side of Hanes Mill Road west of Angel Oaks Drive – Containing approximately 20.47 acres located in the NORTHEAST WARD (Council Member Burke) – Zoning Docket W-2787. *[Planning Board recommends approval of petition and site plan with staff recommendations. This item was continued from the September 6, September 19, and October 3 Council meetings, and received a motion of No Consideration at the November 7 Council meeting.]*

No one heard.

Council Member Burke asked Mr. Norby to review the buffer around the property.

Mr. Norby stated that the petitioner has agreed to construct a permanent wall that would contain the area of the storage pods, plus there will be a Type IV buffer that would go along the edge of the property on two sides with the intent to go around the entire corner.

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 Burke stated that the revised buffer, she would move approval of the petition, adoption of the ordinance, and approval of the site plan and special use district permit.

Council Member Clark: Second. Unanimous.

10. PUBLIC COMMENT PERIOD.

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.

Ms. Valjean Griggs, 1321 Fairfield Drive, stated that Winston-Salem was a great city and she urged greater cooperation among groups of citizens.

Mr. John Hopkins, 1635 Bright Leaf Road, Pfafftown, addressed the Council in opposition to

involuntary annexation. He stated that City government will lose its credibility through the years if it continues to pursue involuntary annexation.

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

Mayor Joines recognized Council Member Robinson at this time.

Council Member Robinson stated that he will be out of the State on December 5 when the new Council takes office and so he would like to make several comments this evening. He stated that he was very proud to have served as Council Member of the South Ward, and he expressed his appreciation to the Mayor, his colleagues on the Council and City staff for their hard work together over the past eight years. He remarked that he especially wanted to thank the police officers and firefighters for their efforts to make Winston-Salem a safer city at lower than market pay. Council Member Robinson commented that there continue to be important issues for the Council to work on, and he urged the new Council to concentrate on public safety and public infrastructure issues, such as stormwater. He reiterated his long-standing belief in limited government and advocated a return to the traditional definition of public purpose in considering and approving public policies.

Mayor Joines thanked Council Member Robinson for his comments and on behalf of the Council, wished him well in his future endeavors.

ADJOURNMENT: 8:42 p.m.