

D-26936

Summary of Minutes

October 24, 2005

A Special Meeting of the Winston-Salem City Council was held on Monday, October 24, 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	Nelson L. Malloy, Jr.
	Robert C. Clark	Wanda Merschel
	Dan Besse	Frederick N. Terry
	Joycelyn V. Johnson	

Member Absent: Council Member Vivian H. Burke

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

Sergeant at Arms: Lieutenant C. W. (Bill) Cobb and Lieutenant D. L. (David) Kiger

Invocation: Reverend Cathy Davis of Union Ridge United Methodist Church

Pledge of Allegiance

Mayor Joines stated that the Council would now consider the Consent Agenda and advised that Item C-2 will be moved to the General Agenda since a portion of that item requires a public hearing. He asked if anyone wished to remove any additional items. Council Member Johnson asked that Item C-6 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 Malloy and unanimously carried.

1. CONSIDERATION OF ITEMS RELATING TO ACQUISITION/DISPOSITION OF PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR THE LIBERTY STREET REDEVELOPMENT PLAN BY DEED – *Lots 104, 105, 106A, 106B, 107B, 108B, 109B, 110, and 111 of Block 0270 and known as the former Shore Auto Parts property at the corner of Liberty and Fourteenth Streets.*
 - b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR THE STROLLWAY EXTENSION ON SALEM AVENUE BY DEED – *730 Square Feet at the corner of Salem Avenue and Marshall Street.*
 - c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 521 N. LIBERTY STREET UNDER THE PROVISIONS OF N.C.G.S. 160A-269.

3. ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE RELATING TO ANIMALS AND FOWL. *[This item was remanded to committee by City Council on October 3, 2005. Recommended by Community Development/Housing/General Government Committee on 8/9/05 and 10/11/05.]*

4. ORDINANCE CREATING CHAPTER 75 OF THE CITY CODE OF ORDINANCES ENTITLED “STORMWATER MANAGEMENT” AND DELETING ARTICLES VII AND VIII OF CHAPTER 74 OF THE CITY CODE OF ORDINANCES. *[Recommended by Public Works Committee.]*

5. RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER/PUBLIC WORKS TO ACT AS THE DULY AUTHORIZED REPRESENTATIVE FOR MATTERS CONCERNING THE CITY OF WINSTON-SALEM’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER APPLICATION AND PERMIT. *[Recommended by Public Works Committee.]*

7. RESOLUTION AUTHORIZING UPGRADES TO THE PUBLIC SAFETY CENTER ENHANCED 911 TELEPHONE SYSTEM. *[Recommended by Public Safety Committee.]*

8. RESOLUTION INDICATING THAT HENNING DRIVE IS NOT PART OF THE STREET PLAN ADOPTED UNDER N.C.G.S. 136-66.2. *[Recommended by Public Works Committee.]*

9. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND

- ABANDON A PORTION OF EXECUTIVE DRIVE IN THE NORTHEAST WARD – *Petition of Republic Mortgage Insurance Company. Public Hearing: November 21, 2005.* [Recommended by Public Works Committee.]
10. CONSIDERATION OF ORDINANCES AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY AND PROJECT BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM FOR FY 2005-06. [Recommended by Finance Committee.]
 11. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND BRANCH BANK AND TRUST COMPANY FOR REMITTANCE PROCESSING SERVICES. [Recommended by Finance Committee.]
 12. RESOLUTION REQUIRING INFORMAL BIDS FOR PURCHASE CONTRACTS AND CONSTRUCTION AND REPAIR CONTRACTS. [Recommended by Finance Committee.]
 13. CONSIDERATION OF ITEMS RELATING TO BIDS: [Recommended by Finance Committee.]
 - a. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF STADIUM DRIVE BRIDGE REPLACEMENT – *Triangle Grading and Paving, Inc.* - \$933,980.40.
 - b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF POLICE MOTORCYCLES – *Carolina BMW* - \$136,210.00.
 - c. RESOLUTION AWARDED CONTRACTS FOR TRUCKS – *Terry Labonte Chevrolet*, \$548,198.00; *Parks Chevrolet*, \$167,476.53.
 14. RESOLUTION APPROVING DEED OF EASEMENT TO THE WINSTON-SALEM/ FORSYTH COUNTY BOARD OF EDUCATION – *Retention Pond at Atkins High School.* [Recommended by Public Works Committee.]
 15. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH ARDMORE NEIGHBORHOOD ASSOCIATION – *Installation of Ardmore Historic District Signs.* [Recommended by Public Works Committee.]
 16. RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND THE TOWN AND COUNTRY NEIGHBORHOOD ASSOCIATION FOR A JOINT ROADWAY REPAIR AND DAM RESTORATION PROJECT. [Recommended by Public Works Committee.]
 17. CONSIDERATION OF SUMMARIES OF MINUTES:
 - a. APPROVAL OF SUMMARY OF MINUTES – *September 19, 2005.*

- b. APPROVAL OF SUMMARY OF MINUTES – *October 3, 2005.*

- 6. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS – *Dunleith Avenue, Glen Laurel Lane, Dallas Drive, Bradford Glen Circle and Naomi Drive. [Recommended by Public Safety Committee.]*

Council Member Johnson asked staff to comment on actions being taken to improve safety on Dunleith Avenue.

Mr. Greg Turner, Assistant City Manager/Public Works, explained that this action would extend the existing 25 mph speed limit on Dunleith Avenue from Third to Fifth Street and addresses the remaining traffic concerns of the neighborhood. He advised that there will be center lane markings to differentiate the lanes, which is also a traffic calming measure.

Council Member Johnson: Motion for adoption.

Council Member Malloy: Second. Unanimous.

GENERAL AGENDA

- 1. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF AN ALLEY OFF OF FOURTEENTH STREET AND A PORTION OF AN ALLEY OFF OF SEVENTEENTH STREET IN THE NORTH WARD – *Petition of the City of Winston-Salem. [Recommended by Public Works Committee.]*

No one heard.

Council Member Malloy: Motion for adoption.

Council Member Johnson: Second. Unanimous.

- 2. PUBLIC HEARING ON ZONING PETITION OF MAYNARD B. REED; ILA R. PERDUE; J. NORMAN WILLARD, ET AL; AND ADA WILLARD FROM RS-9 TO RM-8-S (Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and Residential Building, Multi-Family): Property located on the west side of Cole Road north of US 311 – Containing approximately 39.35 acres located in the SOUTHEAST WARD (Council Member Terry) – Zoning Docket

W-2786. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Appearing on behalf of the petitioners was Attorney Steve Calaway, 1330 Ashley Square. He described the proposed development which includes a pool and clubhouse located on a 39.35 acre tract of land. There are two homes already on the site which will remain, and the developer plans to construct twelve twin homes and 23 twelve-unit apartment buildings for a total of 303 units, a density of 7.67 units per acre. The property lies between Cole Road and U.S. 311. Mr. Calaway stated that a neighborhood meeting was held which was well attended. He commented that several concerns were raised regarding a proposed connection to Dize Street and traffic. He explained that the capacity of Cole Road is 11,000 vehicles per day; if the property were to be developed under its current zoning, it would produce approximately 1,818 trips per day while the proposed zoning would add approximately 1,900 trips per day. This would still be approximately 5,000 trips per day below the current capacity of Cole Road. Mr. Calaway stated that his clients were willing to install sidewalks on Cole Road and leave right-of-way for any widening of Cole Road in the future. He advised that most of the traffic generated from this development will access Cole Road to Ridgewood Road to U.S. 311. Mr. Calaway referred to the explosive economic growth occurring in this quadrant of the City and County and stated that it makes sense to provide housing for those who are working in the area. In response to Council Member Clark, Mr. Calaway stated that his clients will install turning lanes from Cole Road into the development.

Council Member Johnson asked for the average monthly lease of the units.

Mr. Calaway stated that this was yet to be determined, but assured the Council that this will be a far better product than what currently exists down Cole Road. In response to a follow-up

question from Council Member Malloy, Mr. Calaway stated that these will be one, two, and three bedroom units with washer/dryer hookups. He reiterated the development's amenities of a pool, clubhouse, and walking paths with generous open space.

Appearing in opposition to the petition was Mr. David Hayes, 2932 Electric Drive. He stated that he had a petition containing 30 names of persons who were in opposition to this petition, but who were unable to attend the meeting. He expressed strong concerns about the high crime in this area, and stated that he and his neighbors feared that property values would continue to decrease. He mentioned the high percentage of latino families who live in the neighborhood, many of whom live in very crowded conditions with more than one family living in a unit. Mr. Hayes stated that he would rather see this property developed as single-family homes.

Also appearing in opposition was Ms. Juanita Ramsey, 945 Dize Drive. She stated that she has lived at this address for 25 years and she has seen the integrity of the neighborhood erode since the development of all of the apartments on Cole Road. She also mentioned the high crime in the area and remarked that the children have no place to play. Ms. Ramsay mentioned that her house will be very close to the road to be constructed and this distresses her. She asked the Council to preserve this neighborhood.

During the rebuttal time, Mr. Calaway acknowledged that there are fears for the future of the neighborhood, but those fears are based on factors other than this zoning petition. He stated that his clients wanted to do away with the Dize Street connection to the rear of the site, which should alleviate several concerns. Mr. Calaway commented that he was not sure that the existence of crime is a proper device to use in land planning.

Mr. Hanes repeated his earlier comment that he and his neighbors would prefer to see single-family homeowners on this property rather than renters.

Mayor Joines declared the public hearing closed and recognized Ms. Margaret Bessette of the Planning Staff for the recommendation of the Planning Board.

Mr. Bessette presented the recommendation of the Planning Board which was for approval of the petition.

Council Member Terry expressed his appreciation to the developer for spending time with him and the neighborhood to respond to questions and concerns. However, there is no neighborhood service center nearby to serve this development. He expressed his concern with the one access point to the development if the connector is removed as offered by the developer. There are already issues with traffic and safety and the existing apartment complexes in this neighborhood present a variety of problems. Council Member Terry made a motion for denial of the petition.

Council Member Johnson: Second.

Council Member Robinson asked Inspections staff to investigate the report of multiple families living in one housing unit.

The motion for denial was unanimously carried.

At this time, Mayor Joines stated that the Council would consider the item removed from the Consent Agenda since it requires a public hearing.

C-2. CONSIDERATION OF ITEMS RELATING TO THE ANDREWS HEIGHTS NEIGHBORHOOD: *[Recommended by Finance Committee.]*

- a. RESOLUTION ESTABLISHING MINIMUM FAIR MARKET REUSE VALUES FOR PARCELS IN THE ANDREWS HEIGHTS AREA.

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

- b. RESOLUTION AUTHORIZING THE SALE OF SINGLE-FAMILY LOTS WITHIN THE ANDREWS HEIGHTS AREA TO A REDEVELOPER AT A PRIVATE SALE IN ACCORDANCE WITH N.C.G.S. 160A-457(3)(4).

No one heard.

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

3. ORDINANCE AMENDING CHAPTER B, ARTICLE IV – HISTORIC/HISTORIC OVERLAY DISTRICTS OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING DEMOLITION BY NEGLECT OF LOCAL HISTORIC LANDMARKS OR STRUCTURES WITHIN HISTORIC (H) OR HISTORIC OVERLAY (HO) DISTRICTS – UDO-141. *[Planning Board recommends approval. The public hearing on this item was held before the Council on September 6, 2005, after which the item was referred to the Community Development/Housing/General Government Committee. The committee recommended approval.]*

Council Member Malloy: Motion for adoption.

Council Member Merschel: Second.

Council Member Clark stated that he had some concerns regarding this text amendment and has spoken with the Planning Director at some length. He remarked that he would support this item at this time with the understanding that he will probably request a report next year on its implementation. Council Member Clark expressed a concern regarding the lack of specificity of at what point is a property owner made to repair his property.

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

4. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE DISCOUNTED SALE OF SUBORDINATE MORTGAGE NOTES FOR THE 121-UNIT LANDMARK VILLAGE APARTMENT COMPLEX.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second.

Council Member Robinson requested clarification on how much is owed to the City and how much is proposed to discharge that obligation to the City.

Dr. Monica Lett, Housing/Neighborhood Development Director, responded that the City has made two loans. The first loan was for \$630,000 and after amortization has a balance of \$236,000. The other loan was not scheduled to begin amortizing until 2008 and has a balance of \$760,000. The offer before Council is for these loans to be discharged with the City receiving approximately \$300,000.

Council Member Robinson asked if there were any similar projects in which the City has substantial exposure.

Dr. Lett replied that there is only one project for which two City loans have been made. One of those loans has been paid in its entirety and the other is currently amortizing.

Council Member Robinson commented that it appeared that the private sector was doing its job in providing housing and he questioned the need for the City to be involved when its success rate is marginal as shown by projects such as this.

Council Member Besse asked Dr. Lett for the source of the funds at the time the loans were made.

Dr. Lett responded that the loans were made from second mortgage HOME funds and a Community Development Block Grant, which are both federally funded programs.

Council Member Besse asked why this project was not successful.

Dr. Lett stated that there were a couple of identifiable reasons: the partnership filed for bankruptcy and the housing market is soft.

Council Member Besse asked if there are any other projects of this nature on the horizon, and if so, are there any additional safeguards.

Dr. Lett explained that there have been no projects like this for the past two years and she does not see any in the near future. The last commitment the City made was two years ago for Phase III of Gateway Commons, and the City holds a first position mortgage.

The motion for adoption was unanimously carried.

5. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS:

a. ZONING BOARD OF ADJUSTMENT

Richard H. Reich – *County Appointment – Term Expiring September, 2008*
Frank Serge, Jr. – *County Appointment (Alternate) – Term Expiring September, 2008*
Barbara J. Dendy – *Reappointment – Term Expiring September, 2008*
Jasmine B. Wofford – *Reappointment – Term Expiring October, 2008*

Council Member Terry: Motion for approval.

Council Member Clark: Second. Unanimous.

b. HISTORIC RESOURCES COMMISSION

Mark Maxwell – *Appointment – Term Expiring June, 2009*
Council Member Clark: Motion for approval.

Council Member Terry: Second. Unanimous.

6. RESOLUTION INCREASING THE MEMBERSHIP OF THE HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM TO NINE MEMBERS.

Council Member Johnson: Motion for adoption.

Council Member Terry: Second.

Council Member Robinson stated that he believed it was prudent to expand the Housing Authority Board, and he would support the motion. However, he expressed his doubt that the City has learned anything since it reduced the membership seven years ago.

Council Member Terry commented that he was the one who proposed a reduction in the Housing Authority Board back in 1998 in an effort to minimize manipulation by the Executive Director at that time. He noted that apparently that did not work, although there were suggestions made in 1998 to require Board members to go through specific training to acquaint themselves with HUD operations, rules, and obligations. Council Member Terry commented that the role of public housing has changed dramatically within the last ten years and cited HOPE VI grants as part of that changing environment. He expressed his support of the motion.

Council Member Merschel commented that she would also support the motion. She noted that the Housing Authority was created in 1941 and there have been tremendous changes in housing patterns and the overall industry since that time. She suggested that the Finance Committee and the Community Development/Housing/General Government Committee review the structure of the Housing Authority to determine if it is antiquated and whether any new housing trends would indicate a restructuring of the program.

Council Member Besse expressed his support of the motion. He stated that he felt it was very important to get some substantive expertise on the Housing Authority Board in the short term, and he believed that Council Member Merschel has made a good suggestion about a review of the Housing Authority's structure and function in the long term.

Council Member Johnson remarked that a review of the Housing Authority should also include a comparison of how the operation as a whole stacks up against similarly sized Housing Authorities. She stated that she felt it would be important to see how the community has fared as a whole over the past several years.

Council Member Malloy stated that he opposed the reduction in number of Board members back in 1998, so he would gladly support the motion. He expressed his agreement with Council Member Johnson regarding how the Winston-Salem Housing Authority compares with other Housing Authorities across the country, and the quality and quantity of housing that has been made available. He suggested that the persons who serve on the Housing Authority Board need to be trained in terms of the day-to-day operations of the Housing Authority, budgetary issues, and development programs so they will be aware of what is going on within the organization.

Mayor Joines stated that he appreciated the unanimous support of the Council on this important issue. He acknowledged that the Housing Authority is big business and serves an important role in the community. However, it appears that the Housing Authority is shifting more toward economic development and this requires some additional expertise. Mayor Joines commented that the image of the Winston-Salem Housing Authority has been tarnished by a number of issues that have arisen over the past months and increasing the membership will be an initial step in restoring the Housing Authority's credibility. He assured the Council that he will do his very best

to appoint good people to the Housing Authority Board, and expressed his thanks to the current Board for asking hard questions and raising issues that need to be addressed. He asked Council Members to contact him if anyone has a recommendation for appointment.

The motion carried unanimously.

Council Member Clark stated that the situation with the Housing Authority has disturbed him greatly. He remarked that the Housing Authority was a quasi-public entity, but is not under any elected board's jurisdiction. Council Member Clark commented that he supported the recommendation for increasing the number on the Housing Authority Board, but saw the overall problem as a systemic one. He further stated that the Utility Commission could be used as a comparison. The Utility Commission has a large responsibility and has a budget which is five or six times larger than the Housing Authority. Council Member Clark continued by stating that what the Utility Commission has that the Housing Authority does not is that it is connected to the City and the County through purchasing authority, budgeting accountability, and Human Resources/employee benefits. He stated that he is not suggesting that this is a perfect model, but he does see it as a good example of an organization charged with specific responsibilities carrying out those responsibilities under the auspices of a governmental unit with an elected body which is accountable to the citizens. He agreed that there needs to be a thorough review to determine the most efficient and effective organizational structure for the Housing Authority.

Mayor Joines stated that this was certainly an intriguing idea and he thought that once the Housing Authority Board is in place, it can begin to work with the City to explore all options.

7. 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.

Mr. Richard Norman, 2071 Mallard Lakes Drive, commended Council Member Clark for his comments and expressed his support for the increase of the Housing Authority Board membership. He suggested Richard Davis as a good candidate for Chair of the Housing Authority.

Mr. John Hopkins, 1635 Bright Leaf Road, Pfafftown, addressed the Council regarding involuntary annexation. He requested that the Council reverse its decision regarding annexation and allow the people in the affected areas to vote for or against being annexed into the City.

Ms. Vickie Jones, 2518 S. Peachtree Street, spoke regarding her not being able to keep her goats on her property due to a City ordinance which requires housing for goats to be set back a certain distance from an adjoining property owner. She stated that her goats were not bothersome to the neighbors and she would like to have them back.

Mr. Ben Holder, 180 Scotland Ridge Drive, addressed the Council regarding the Waughtown Street area. He stated that he liked this area very much, but he knows that there are businesses that continue to sell drug paraphernalia and he would like to see the Police Department crack down on that practice.

Ms. Brenda Hill, 1112 George Black Lane, read several newspaper headlines regarding the Housing Authority and expressed her dismay at how the Housing Authority has been managed over the past several years. She stated that she believed that the director should receive a vote of no confidence.

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

Comment Period closed.

Council Member Johnson advised that on November 11-13, Shades of Praise, a singing group from New Orleans, will be in Winston-Salem and will be performing at Wake Forest University and at a couple of area churches.

ADJOURNMENT: 8:53 p.m.