

D-26924

Summary of Minutes

September 19, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, September 19, 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	Vivian H. Burke
	Robert C. Clark	Nelson L. Malloy, Jr.
	Dan Besse	Wanda Merschel
	Joycelyn V. Johnson	Frederick N. Terry

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 Jerry Simpkins of Jefferson Church of Christ

Pledge of Allegiance lead by Boy Scout Troop 992 from Bethania Moravian Church

Mrs. Henderson read the following resolution:

**RESOLUTION CELEBRATING THE LIFE AND LEGACY OF DR. BARBARA KINARD PHILLIPS**

Council Member Burke: Motion for adoption.

Council Member Clark: Second. Unanimous.

Council Member Burke presented a framed copy of the resolution to Mr. Roy Phillips and their daughter, Eleanor.

Mrs. Henderson read the following resolution:

**RESOLUTION CELEBRATING THE LIFE AND LEGACY OF COACH CLARENCE E. "BIGHOUSE" GAINES**

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

Council Member Burke presented a framed copy of the resolution to Mrs. Clara Gaines.

Council Member Johnson noted that plans are being made to rename a portion of East End Boulevard in honor of Coach Gaines, and Mayor Joines stated that it is his understanding that a ballroom in the newly renovated Marriott Hotel will be named for Coach Gaines as well.

Mrs. Henderson read the following proclamation:

**PROCLAMATION REGARDING "TAKE A LOVED ONE TO THE DOCTOR DAY"**

Council Member Johnson presented the Mayor's proclamation to Dr. Deloris Wiley and Ms. Pat Sadler of the Urban League. Also in attendance were Dr. Ramone Valez, Professor of Medicine, Wake Forest University Health Sciences; Mary Anne Squire, Executive Director of HealthCare Access; and Ms. Sheila Bogan, Director of Disease Prevention.

At this time, Mayor Joines recognized Council Member Besse for a special presentation.

Council Member Besse stated that it was his pleasure to attend an event on September 17 at Miller Park. It was called American Dream Weekend and was sponsored by the U.S. Conference of Mayors and the National Association of Realtors. The City of Winston-Salem and the Winston-Salem Regional Association of Realtors received the 2005 Ambassadors for Cities Award, in recognition of excellence in promoting housing opportunities through public-private partnerships.

Mayor Joines stated that the Council would now consider the Consent Agenda. He noted that there was a replacement resolution for Item C-2, so that will be voted upon separately. He then asked if anyone wished to remove any other items.

Council Member Merschel asked for discussion on Item C-15(b). 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 Burke made a motion that the following 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/LEASE OF PROPERTY: *[Recommended by Finance Committee.]*
  - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR BURKE MILL ROAD WIDENING BY DEED OR CONDEMNATION – 4 Properties.
  - b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR COUNTRY CLUB WIDENING BY DEED OR CONDEMNATION – 7 Properties.
  - c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5405 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
  - d. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY AT 419 W. TWENTY-THIRD STREET UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
  - e. RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY LOCATED AT 1225 E. SEVENTEENTH STREET THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270 AND AUTHORIZATION FOR ACCEPTANCE OF A FLAT \$500 BID DEPOSIT.
  - f. RESOLUTION AUTHORIZING A MONTH-TO-MONTH LEASE AGREEMENT WITH TWIN CITY WAREHOUSES FOR THE POLICE DEPARTMENT'S EVIDENCE STORAGE.

3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CITY CODE: *(Repairs More Than 50% of Value of Structure) [This item was remanded to the Community Development/Housing/General Government Committee by the Council on August 15, 2005. Committee voted unanimously to adopt the demolition order with a delay of 120 days upon the execution of a Voluntary Demolition Agreement.]*

Property Owner

Property Location

Fellowship Baptist Church

2109 E. 25<sup>th</sup> Street

4. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS – *Kenwick Drive, Brookhill Drive, 10<sup>th</sup> Street, Tatton Park Drive, and 4½ Street. [Recommended by Public Safety Committee.]*

5. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DUKE POWER FOR THE RELOCATION OF OVERHEAD UTILITY LINES ON COUNTRY CLUB ROAD AND WATERWORKS ROAD. *[Recommended by Finance Committee.]*

6. CONSIDERATION OF ITEMS RELATING TO STREET CLOSING PETITIONS:

- a. RESOLUTION ORDERING THE CLOSING OF SEVERAL STREETS IN THE HAPPY HILLS HOPE VI REDEVELOPMENT AREA (EAST WARD) – *Petition of the Housing Authority of Winston-Salem. [A public hearing on this item was held by Council on August 15, 2005, after which the petition was remanded to the Public Works Committee. The Committee recommends approval of the closures.]*

- b. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON A PORTION OF AN ALLEY OFF OF FOURTEENTH STREET AND A PORTION OF AN ALLEY OFF OF SEVENTEENTH STREET IN THE NORTH WARD (Council Member Malloy) – *Petition of the City of Winston-Salem. Public Hearing: October 24, 2005. [Recommended by Public Works Committee.]*

7. CONSIDERATION OF ITEMS RELATING TO INTEREST RATES: *[Recommended by Finance Committee.]*

- a. RESOLUTION ADOPTING AN INTEREST RATE SWAP POLICY FOR THE CITY OF WINSTON-SALEM.

- b. RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF INTEREST RATE SWAP AGREEMENTS FOR THE CITY WITH RESPECT TO WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2006.
8. CONSIDERATION OF ORDINANCES AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY AND PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2004-2005. *[Recommended by Finance Committee.]*
9. RESOLUTION ACCEPTING THE FISCAL YEAR 2005 ANNUAL TAX SETTLEMENT AND ADOPTION OF AN ORDER TO COLLECT CURRENT TAXES FOR 2005 (FISCAL YEAR 2005-2006) AND DELINQUENT TAXES FROM 1996 THROUGH 2004. *[Recommended by Finance Committee.]*
10. RESOLUTION AWARDED CONTRACT FOR NEW SIDEWALK CONSTRUCTION ON PEACE HAVEN ROAD AND NEW WALKERTOWN ROAD – *FSL Enterprises, Inc. - \$120,615.00 (estimate). [Recommended by Finance Committee.]*
11. RESOLUTION AUTHORIZING ADVERTISEMENT OF BID PROCEDURE WAIVER AND ELECTRONIC AUCTION OF REAL OR PERSONAL PROPERTY SOLELY BY ELECTRONIC MEANS. *[Recommended by Finance Committee.]*
12. RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF PERSONAL PROPERTY VALUED AT LESS THAN THIRTY THOUSAND DOLLARS. *[Recommended by Finance Committee.]*
13. RESOLUTION DECLARING CERTAIN CITY-OWNED EQUIPMENT SURPLUS AND AUTHORIZING THE SALE THEREOF. *[Recommended by Finance Committee.]*
14. RESOLUTION APPROVING AN AGREEMENT WITH GREYSTONE PLACE HOMEOWNERS ASSOCIATION, INC. TO INSTALL AND MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM. *[Recommended by Public Works Committee.]*
15. CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS IN ACCORDANCE WITH SECTION 74-245 OF THE CITY CODE: *[Recommended by Public Works Committee.]*
  - a. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY – *4098 Ivy Bluff Trail.*

16. CONSIDERATION OF ITEMS RELATING TO ANNEXATION PETITIONS:  
*[Recommended by Public Works Committee.]*
  - a. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF 16.34 ACRES LOCATED OFF STRATFORD ROAD – *Petition of The Sherwood Company. Public Hearing: November 7, 2005.*
  - b. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF 19.58 ACRES LOCATED OFF WEAVIL ROAD – *Petition of Group GKK, LLC. Public Hearing: November 7, 2005.*
17. APPROVAL OF SUMMARY OF MINUTES – *August 15, 2005.*
2. RESOLUTION OF THE CITY COUNCIL ACTING IN ITS REDEVELOPMENT CAPACITY, FORWARDING THE REDEVELOPMENT PLAN FOR THE LIBERTY STREET CORRIDOR TO THE CITY-COUNTY PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. *[Recommended by Community Development/Housing/General Government Committee with amendments.]*

Council Member Burke asked staff to comment on the progress being made in the area.

Mr. Derwick Paige, Assistant City Manager, explained that the City has worked in the Liberty Street corridor area for several years in an effort to revitalize the area with mixed success. This action would be the next step and would allow the acquisition of blighted properties, which would then strengthen revitalization efforts. He pointed out that the revised resolution recommends the acquisition of 16 individual properties between the 1200 and 1800 blocks of Liberty Street.

Council Member Robinson asked how much money has the City invested in the Liberty Street corridor area since 1983.

Mr. Paige responded that infrastructure and corridor improvements have been made at an approximate cost of \$2.5 and \$2.7 million, and were financed by voter-approved and two-thirds bonds. He added that there have been several plans as well to induce private investment in the area.

Council Member Robinson asked Mr. Paige to comment on the mixed success of the project as a whole.

Mr. Paige stated that the City Council approved a development guide for this area in 1995, which called for several strategies to revitalize the corridor. Part of that guide called for infrastructure improvements in an effort to encourage private investment, and the City offered a series of programs such as the Façade Improvement Program and the Target Area Business Assistance Program. He remarked that there have been probably a dozen or so businesses to participate in the programs offered by the City over the past several years. Mr. Paige advised that there has been a higher success rate at either end of the corridor, but the central section remains a challenge.

Council Member Robinson expressed a concern regarding the City using public dollars in this manner, especially with only moderate success. He stated that he would be interested to know what the City hoped to achieve and how much did it fall short of its expected outcome.

Mayor Joines asked Mr. Paige to prepare a report to the Council with this information.

Council Member Robinson asked if the City intends to use its power of eminent domain to acquire the designated properties.

Mr. Paige stated that eminent domain would be used only as a last resort. Individual negotiations would be undertaken for each property.

Council Member Terry asked how many properties designated for acquisition will require remediation.

Mr. Paige responded that a Brownfields study has not been done, but staff knows that several of the structures will probably have a number of environmental issues which will have to be addressed.

Council Member Clark made a motion for adoption of the revised resolution.

Council Member Johnson: Second.

Council Members Johnson and Burke commented that there are more private and non-profit entities interested in this area than ever before.

Council Member Robinson remarked that it was not surprising that there was now more interest in this area if the City would have the power of the State to take private property and turn it over to someone else for redevelopment purposes. He stated that his constituents overwhelmingly have responded that they wish for him to continue his opposition to the use of eminent domain to take private property for alleged public purposes.

Council Member Terry called for the question on the motion.

Mayor Joines stated that the question had been called and asked if there was any objection.

Council Member Robinson stated that since he still had the floor, he would object.

Council Member Merschel seconded the motion to call the question.

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

Mayor Joines called for the vote on the motion for adoption of the revised resolution.

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

of seven in favor and one opposed.

15. b. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY – 1337 Reynolda Road.

Council Member Merschel asked for a brief explanation of this item.

Mr. Greg Turner, Assistant City Manager/Public Works, explained that the address of the property is Reynolda Road, but there is a drainage line running underneath that home which serves Wendover Circle, a private street. This project would relocate that drainage line and thereby relieve the threat of erosion and potential eventual collapse of the home.

Council Member Merschel stated that she has received a concern from the resident at 1030 Wendover Circle regarding the garden area on the property.

Mr. Turner responded that there should be no impact on any adjacent properties as the work will be primarily done in the street right-of-way.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

#### GENERAL AGENDA

1. 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 Council meeting]*

Council Member Burke made a motion to continue this hearing to the October 3, 2005 Council meeting.

Council Member Merschel: Second. Unanimous.

2. CONSIDERATION OF MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS:

a. PUBLIC ASSEMBLY FACILITIES COMMISSION

Thomas Fredericks – *Appointment – Term Expiring August, 2008*  
Peggy C. Carter – *Reappointment – Term Expiring August, 2008*  
Robert E. Ewing – *Reappointment – Term Expiring August, 2008*  
Arthur T. King – *Reappointment – Term Expiring August, 2008*  
Stephen R. Strawsburg – *Reappointment – Term Expiring August, 2008*

Council Member Burke: Motion for approval.

Council Member Terry: Second. Unanimous.

b. TRANSIT AUTHORITY

Robert Garcia – *Reappointment – Term Expiring July, 2008*

Council Member Burke: Motion for approval.

Council Member Merschel: 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.*

Mr. Carl Matthews, 3415 Cumberland Road, expressed a concern about corruption on the City Council, and urged the reauthorization for CAT-TV to operate.

Mr. Kareen Allah, 5045 Butterfield Drive, introduced himself as a member of the Southern Board of the National Alliance for Community Media. He questioned the charges made by Time Warner Cable and asked for an audit of what subscribers pay each month.

Mrs. Cornelia Webster, P. O. Box 16762, commented that the City is not doing anything to help citizens succeed and stated that she will continue to speak out against the injustice done to herself and others.

Mr. Richard Norman, 2071 Mallard Lake Drive, requested that the warden's structure at Salem Lake be replaced as soon as possible so full service at that facility can be restored.

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

At the request of Mayor Joines, Police Chief Patricia Norris explained that the September 12 shooting on Waughtown Street resulted in a fatality. The law enforcement person was an ABC agent, so the crime scene was turned over to the SBI with assistance by the Winston-Salem Police Department. She advised that the situation was handled and evidence processed as quickly as possible.

Council Member Terry thanked Chief Norris for providing this information. He stated that he had received some concerns about the crime scene not being investigated expeditiously and the body lay in the street for some time.

At the request of Mayor Joines, Mr. Paige provided an update on the Salem Lake warden's station which was destroyed by fire on September 2. As the investigation continues, City departments are working cooperatively to place a temporary structure on the site as soon as possible. The remaining debris left by the fire should be removed as early as tomorrow, but as clearing has occurred, it has been discovered that this property did not have public sewer. If the septic tank or lines were damaged as well, it may take a little longer to provide sewer to the property, but Mr. Paige assured the Council that staff completely understands the Council's desire to have this facility

open and available for citizens at the earliest possible time; however, the City will have to be in full compliance with building codes and Federal ADA requirements.

Council Member Besse commented that there are a number of public parks and parking structures without bathrooms. He asked how the warden's station compares with those facilities.

Mr. Lee Garrity, Assistant City Manager, stated that staff would provide this information.

At this time, Mayor Joines stated that, upon reflection, he should have allowed Council Member Robinson to continue with his comments regarding the Liberty Street corridor item and he invited him to do so at this time.

Council Member Robinson stated that he had inquired of his constituency their opinion of his position on the use of eminent domain for the taking of private property for redevelopment purposes. He stated that the responses he received were overwhelmingly in favor of his continuing his opposition to the use of this method of property acquisition.

Council Member Johnson commented that many of the problems in the Liberty Street corridor result from absentee landlords ignoring the condition of their property, and she felt a strong commitment to the citizens who have to live with substandard conditions to use every method available to revitalize this area.

Council Member Besse thanked the staff for its efforts in getting Salem Lake fully operational again, but he questioned whether every available resource is being utilized. He urged the staff to look for imaginative ways to restore the full use of the facility as quickly as possible, and he would look for such an approach between now and the next Council meeting.

Council Member Burke commented that conditions along the Liberty Street corridor are disgraceful and there is no way this would be tolerated in other sections of the City. She stated that

she supported any opportunity to improve this area for the citizens and the businesses who have already invested in the area.

Council Member Merschel extended congratulations to Mr. Ed McNeal, Marketing and Communications Director, and City staff for an outstanding job with Rock the Block.

ADJOURNMENT: 8:54 p.m.