

D-27082

Summary of Minutes

April 17, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, April 17, 2006 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Members Present:	Molly Leight Robert C. Clark Dan Besse Joycelyn V. Johnson	Vivian H. Burke Nelson L. Malloy, Jr. Wanda Merschel Evelyn A. Terry
Secretaries:	Renée P. Henderson, City Secretary; and Paige Deal, Recording Secretary	
Sergeant at Arms:	Lieutenant Ted Best	
Invocation:	Reverend Beechard Moorefield of New Life Assembly of God	

Mayor Joines stated that the Council would first consider the Consent Agenda, and noted that Item C-2 was listed on the Consent Agenda in error. It will be moved to the General Agenda for a public hearing. He asked if anyone wished to remove any other items. Council Member Johnson asked for the removal of C-3 and 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 Burke made a motion that these items be approved/adopted at this meeting.

The motion was duly seconded by Council Member Clark and unanimously carried.

1. CONSIDERATION OF ITEMS RELATING TO THE SALE OF PROPERTY:
[Recommended by Finance Committee.]

- a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE UPSET BID PROCEDURE N.C.G.S. 160A-269 - 4336 *Indiana Avenue.*
 - b. RESOLUTION AUTHORIZING THE FINAL DISPOSITION OF PROPERTY LOCATED AT 5470 WOODCLIFF DRIVE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270.
 - c. RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY LOCATED AT 4120 OAK RIDGE DRIVE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270 AND AUTHORIZATION FOR ACCEPTANCE OF A FLAT \$500 BID DEPOSIT.
4. CONSIDERATION OF ITEMS RELATING TO THE CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN: *[Recommended by Finance and Community Development/Housing/General Government Committees.]*
- a. RESOLUTION APPROVING THE FEDERAL FY 07 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM AND AUTHORIZING SUBMISSION OF THE 2006-2007 ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
 - b. RESOLUTION AUTHORIZING AN APPROPRIATION OF FUNDS FOR A SUMMER YOUTH EMPLOYMENT PROGRAM TO BE ADMINISTERED BY THE URBAN LEAGUE OF WINSTON-SALEM/FORSYTH COUNTY, INC.
6. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CERTAIN CITY STREETS - *Lockland Avenue, Trillium Lane and Barclay Terrace.* *[Recommended by Public Safety Committee.]*
7. ORDINANCE CREATING CHAPTER 11 OF THE CITY CODE ENTITLED "PAWNBROKERS." *[Recommended by Public Safety Committee.]*
8. RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS). *[Recommended by Public Safety Committee.]*
9. CONSIDERATION OF ITEMS RELATING TO STREET CLOSING PETITIONS: *[Recommended by Public Works Committee.]*

- a. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF RIGHT-OF-WAY ALONG SALEM AVENUE IN THE SOUTH WARD – *Petition of Idealliance. Public Hearing: May 15, 2006.*
 - b. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF HARDIMAN PLACE COURT IN THE SOUTH WARD – *Petition of Thomas M. Green, V. Public Hearing: May 15, 2006.*
 - c. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF OLD EBERT ROAD IN THE SOUTH WARD – *Petition of Chris Parr. Public Hearing: May 15, 2006.*
10. RESOLUTION APPROVING A LEASE WITH CLEARWIRE, INC. FOR TOWER SPACE FOR WIRELESS SERVICES. [*Recommended by Finance Committee.*]
 11. RESOLUTION AWARDED CONTRACT FOR PARKLAND PARK SWIMMING POOL RENOVATIONS – *Alpine Construction Co., Inc. [Recommended by Finance Committee.]*
 12. RESOLUTION AUTHORIZING PAYMENT FOR SIDEWALK COMPLETION ON FOURTH STREET IN FRONT OF THE NISSEN BUILDING. [*Recommended by Finance Committee.*]
 13. CONSIDERATION OF ITEMS RELATING TO ASSESSMENTS:
 - a. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION. – *Public Hearing: May 15, 2006.*
 - b. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE COST OF HOUSING RELOCATION FROM HOUSING UNFIT FOR HUMAN HABITATION. – *Public Hearing: May 15, 2006.*
 14. RESOLUTION APPROVING ACCEPTANCE OF A PUBLIC ART SCULPTURE TO BE PLACED ON CITY PROPERTY. [*Recommended by Community Development/Housing/General Government Committee.*]

15. ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE RELATING TO CEMETERIES. *[Recommended by Public Works Committee.]*
16. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF CERTAIN PROPERTY –*Petition of Wake Forest University, Louis R. Morrell and Patty Hull for 0.147 acres located off of Old Salisbury Road. [Recommended by Public Works Committee.] – Public Hearing: May 1, 2006.*
3. RESOLUTION AUTHORIZING A PRE-DEVELOPMENT LOAN TO THE NORTH CAROLINA HOUSING FOUNDATION FOR PROPERTY ACQUISITION AND ENVIRONMENTAL CLEANUP FOR REDEVELOPMENT OF FORMER CITY HOSPITAL SITE AT 1500 EAST FIFTH STREET. *[Recommended by Finance Committee.]*

Council Member Johnson asked that someone from the Housing Foundation explain the plans for this site.

Ms. Perry Craven of Perry Craven and Associates, 2627 Club Park Road, spoke on behalf of the Housing Foundation. She stated that the garage at the intersection of 5th Street and Dunleith Avenue has been an eyesore and created negative economic impacts for the neighborhood. The Housing Foundation has an option to purchase the site and will use the money loaned by the City to pay for environmental work, demolition of the building, and the creation of some interim parking for the Experiment in Self Reliance, University Court, and Goler Metropolitan A.M.E. Zion Church. Long range plans are for commercial development of the site.

Council Member Johnson advised that she is a member of the Board of the Housing Foundation, but receives no compensation; therefore, there is no conflict of interest. She made a motion for adoption of the resolution.

Council Member Clark: Second. Unanimous.

5. CONSIDERATION OF ITEMS RELATED TO THE DEMOLITION OF CITY-OWNED BUILDINGS FOR ADDITIONAL FOURTH STREET PARKING: *[Recommended by Finance and Community Development/Housing/General Government Committees.]*

- a. RESOLUTION AUTHORIZING ACTIONS RELATED TO THE DEMOLITION OF CITY-OWNED BUILDINGS FOR ADDITIONAL FOURTH STREET PARKING.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR FY 2005-2006.

Council Member Johnson asked how long it will take for completion of this project.

Mr. Derwick Paige, Assistant City Manager, responded that demolition is expected to begin in May with construction to be completed within 12 months.

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

GENERAL AGENDA

At the request of Council Member Besse and without objections, Mayor Joines stated that Council would consider Item G-4 at this time.

4. CONTINUATION OF PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES PERTAINING TO THE NEIGHBORHOOD CONSERVATION OVERLAY (NCO) DISTRICT – *Proposal of W. Bradley Helms – UDO-156. [Planning Board recommends approval of amendment with modifications. This item was continued from the April 3 Council meeting.]*

Council Member Besse stated that he has spoken with Paul Norby, City/County Planning Director, and the petitioner, and he believes that a solution has been worked out with regard to Mr. Helms' rezoning petition that would take the time pressure off the broader issue of the text amendment. He made a motion to continue this matter to May 1, 2006.

Council Member Clark: Second. Unanimous.

- C-2. RESOLUTION APPROVING FINANCIAL ASSISTANCE TO THE CLEARING HOUSE PAYMENTS COMPANY. *[Recommended by Finance Committee.]*

Mayor Joines stated that this was advertised as a public hearing and asked if anyone wished to be heard.

No one was heard at this time.

Council Member Merschel: Motion for adoption.

Council Member Clark: Second.

At the request of Council Member Merschel, Mr. Paige explained that several years ago, the Council modified the City's economic development guidelines so that existing and relocating businesses would be eligible for benefits. Staff would review the investment of the company and look at what tax revenues would be generated over a certain number of years to come up with an assistance amount. He explained that repayment terms are usually written to achieve payback within five to seven years.

Council Member Burke commented that she has been a strong advocate for economic development over the years, but she was even more committed to companies hiring local citizens when tax dollars are being used. She asked a representative from the company to comment on what plans the company has for local hiring.

Mr. Albert Wood, Executive Vice President of the Clearing House Payments Company, responded that the company is investing in Winston-Salem for the long term and is very well aware of the local well-educated labor force that is available. He stated that he could not say for sure, but the company certainly intends to hire local people as much as possible to fill its 80 to 100 positions in financial services, IT positions, computer operations, technical, and service areas.

The motion for adoption was unanimously carried.

1. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 51.87 ACRES LOCATED OFF OF WAVERLY STREET – *Petition of Ramey Properties, LLC. [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.

No one heard.

Council Member Leight: Motion for adoption.

Council Member Clark: Second. Unanimous.

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

Council Member Leight: Motion for adoption.

Council Member Clark: Second. Unanimous.

2. PUBLIC HEARING AND RESOLUTION ADOPTING THE PARKS AND OPEN SPACE PLAN FOR WINSTON-SALEM AND FORSYTH COUNTY 2015. *[Reviewed by Community Development/Housing/General Government Committee.]*

Ms. Marilyn Moniquette-John, Project Planner, made the presentation on this item.

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

Mr. Henry Fansler, 567 Foxcroft Drive, spoke as conservation chair of the Foothills Group of the Sierra Club. He expressed his support of the plan, and urged its adoption and implementation.

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

Council Member Malloy: Motion for adoption.

Council Member Burke: Second. Unanimous.

3. PUBLIC HEARING AND RESOLUTION APPROVING THE LEASE OF CIVITAN PARK TO WINSTON-SALEM STATE UNIVERSITY FOR A TERM OF 33 YEARS.

[Recommended by Finance and Community Development/Housing/General Government Committees.]

Mr. Paige made the staff presentation on this item.

In response to a question from Council Member Clark, Mr. Greg Turner, Assistant City Manager/Public Works, stated that NCDOT is currently doing environmental work to determine the best route of the future connector, but it is anticipated that it will be close to the property's southern boundary. He pointed out the study corridor, and advised that it will probably be months before an alignment is finalized.

Mayor Joines called for the public hearing on this item.

Mr. Henry Fansler spoke on this item. He stated that while he was sure that WSSU will be a good steward, the Foothills Group of the Sierra Club remains opposed to the loss of any park land.

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

Council Member Johnson: Motion for adoption.

Council Member Burke: Second.

Council Members Clark, Leight and Besse indicated their support of this item, but expressed concerns about such actions regarding park land.

Council Member Burke commented that the appearance of this area has greatly been enhanced by the efforts of WSSU and others and she believed that this action will allow even more improvements. She stated that she believed that this action will produce favorable results to all parties concerned. She noted that the houses on the southern side of the property are blighted, so if they need to be removed due to road construction, it would remove an eyesore from the

neighborhood.

The motion for adoption was unanimously carried.

5. RESOLUTION APPROVING A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES FOR ENVIRONMENTAL SITE STUDIES RELATED TO THE RENOVATION OF UNION STATION. *[Public Works Committee forwarded this item to Council with three in favor, none opposed, one abstaining.]*

Mayor Joines stated that staff would like this item removed from the agenda for additional work.

Council Member Johnson remarked that this item should come back to the Council in May.

No action was needed to remove this item from consideration.

6. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT – *Hazel T. McGill, Alternate, Term Expiring September 2008.*

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

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. Henry Fansler, 567 Foxcroft Drive, spoke at this time and congratulated the Council for its policy on purchasing and utilizing more environmentally friendly vehicles in the City fleet.

Ms. Carol Dimling, 701 Oaklawn Avenue, also commended the Council for its commitment to cleaner air. She stated that this will only enhance Winston-Salem's image as a digital city and a desirable location for business.

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

Mayor Joines recognized Boy Scout Troop 934.

Mayor Joines then recognized Council Member Burke for a motion regarding a special meeting with the Forsyth County Legislative Delegation on Friday, April 28, tentatively at 12 Noon.

Council Member Burke made a motion to schedule a special meeting with the Forsyth County Legislative Delegation to consider matters expected to come before the General Assembly during its 2006 Session, and that the City Secretary be directed to carry out the notice procedures set out in Section 2-33(g) of the City Code.

Council Member Clark: Second. Unanimous.

ADJOURNMENT: 8:16 p.m.