

D-27170

Summary of Minutes

December 18, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, December 18, 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	Vivian H. Burke
	Robert C. Clark	Nelson L. Malloy, Jr.
	Dan Besse	Wanda Merschel
	Joycelyn V. Johnson	Evelyn A. Terry

(Council Member Clark entered the meeting at 7:37 p.m.)

Secretaries: Renée P. Henderson, City Secretary and Melanie Johnson, Recording Secretary

Invocation: Reverend Ellen S. Yarborough of Green Street United Methodist Church

Pledge of Allegiance

Sergeant-at-Arms: Lieutenant David L. Kiger

CONSENT AGENDA

Mayor Joines stated that the Council would now consider the Consent Agenda. He requested to pull Item C-8 for information and asked if anyone wished to remove any other items for separate discussion. No other items were removed from the Consent Agenda.

Council Member Clark made a motion to approve the balance of the Consent Agenda.

Council Member Merschel: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: *[Recommended by Finance Committee.]*

- a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5515 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269 - *Lots 59 and 61 of Block 3643 located on Woodcliff Drive.*
- b. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON FOURTEENTH STREET UNDER THE PROVISIONS OF N.C.G.S. 160A-269- *Lot 101 of Block 0415 located on Fourteenth Street between Jackson Avenue and Hattie Avenue.*
- c. RESOLUTION AUTHORIZING SALE OF SURPLUS USED VEHICLES AND EQUIPMENT.

C-2. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES: *[Recommended by Community Development/Housing/General Government Committee.]*

ORDINANCE ORDERING THE REPAIR OR DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: *[Repairs less than 50% of value of structure - six months]*

<u>Property Owner</u>	<u>Location</u>
a. Genesis Properties, Inc.	1610 E. 1 st Street
b. Genesis Properties, Inc.	1615 E. 1 st Street

ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE 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]*

c. Robert & Christine Johnson	1813 N. Dunleith Avenue
d. Leon & Elizabeth Green	222 N. Jackson Avenue
e. Charles Henry Crawford	733 Moravia Street
f. John & Willie Mae West	2241 N. Glenn Avenue
g. H. F. Roberts and Jo Ann Wertz	1954 Kentucky Avenue

- C-3. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS – *Fritz Street; Neighborhood Limits: Oak Tree Drive, Fiddlers Way, Fiddlers Way Court, and Acorn Lane; Neighborhood Limits: Tinley Park Drive; Neighborhood Limits: Shetland Drive, Denise Lane, Quinn Forest Way, Brixton Place Drive, Glenshire Drive, Glenshire Court, Clamoor Drive and Waldenshire Road. [Reviewed by Public Safety Committee.]*

- C-4. ORDINANCES AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY AND PROJECT BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM FOR FY 2006-2007 AUTHORIZING FUNDS FOR PHASE 1 OF THE CITIZEN CONTACT CENTER - *\$235,000 from Leasing Fund. [Recommended by Finance Committee.]*

- C-5. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDING CONTRACT TO DIMENSION DATA FOR THE PURCHASE OF TELEPHONE EQUIPMENT AND CONTRACT SERVICES - *Dimension Data – Amount Not to Exceed \$594,572.*

 - b. RESOLUTION AWARDING CONTRACT FOR CONCRETE PIPE - *Foltz Concrete Pipe Co., LLC - \$104,866. (Estimated Amount).*

 - c. RESOLUTION AWARDING CONTRACT FOR ASPHALTIC CONCRETE - *Thompson-Arthur Division, APAC-Atlantic, Inc. - \$1,430,000. (Estimated Amount).*

 - d. RESOLUTION AWARDING CONTRACT FOR ARCH SUPPORT PEDESTRIAN BRIDGE OVER SALEM CREEK AT SOUTHEAST GATEWAY - *Hugh G. Strickland, Inc. - \$183,820.*

 - e. RESOLUTION AWARDING CONTRACT FOR TRUCKS - *Parks Chevrolet, Inc., - \$865,611.12.*

- C-6. ORDINANCES RENEWING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF THREE LIMOUSINE SERVICES AND ONE TAXI SERVICE IN THE CITY OF WINSTON-SALEM – *Salem Taxi, Imperial Limousine Service, Royal Majestic Coach & Travel. [Reviewed by Public Safety Committee.]*

- C-7. CONSIDERATION OF A BUDGET ORDINANCE CREATING THE POSITION OF ECONOMIC DEVELOPMENT SPECIALIST (SMALL BUSINESS LIAISON). *[Recommended by Finance and Community Development/Housing/General Government Committees.]*
- C-9. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 74-245 OF THE CITY CODE – *Property located at 2920 Loch Drive. [Recommended by Finance Committee and Reviewed by Public Works Committee.]*
- C-10. ORDINANCE AMENDING CHAPTER 70 OF THE CITY CODE RELATING TO SIGNS. *[Recommended by Community Development/Housing/General Government Committee.]*
- C-11. APPROVAL OF SUMMARY OF MINUTES – *November 20, 2006.*
- C-8. RESOLUTION ESTABLISHING A SISTER CITIES RELATIONSHIP BETWEEN WINSTON-SALEM AND THE CITY OF SHANGHAI, YANGPU DISTRICT, PEOPLE’S REPUBLIC OF CHINA. *[Recommended by Community Development/Housing/General Government Committee.]*

Mr. David Van Pelt, Chairman, Sister Cities Board, explained that the Board hopes to establish a relationship with the Yangpu District, which should result in additional business opportunities, medical resources, as well as educational opportunities for the citizens of Winston-Salem and the Yangpu District.

Mayor Joines thanked the members of the Sister Cities Board for their efforts on the project and asked for a motion on the item.

Council Member Malloy made a motion for approval.

Council Member Burke: Second. Unanimous.

COMMENTS REGARDING ITEM C-10

Council Member Johnson requested staff give a brief explanation of Item C-10.

Mr. Derwick Paige, Deputy City Manager, stated that amendments would be made to the City Code to allow immediate enforcement of civil penalties against owners of illegally placed signs in the amount of \$50 per day for each sign.

Mayor Joines pointed out that the Council's motion for approval of the Consent Agenda included the amended Item C-4 as approved by Finance Committee.

GENERAL AGENDA

Mayor Joines stated that without objection, the Public Comment Period would be conducted first due to the large number of individuals present to address the Council. He pointed out that the total amount of time would be limited to 30 minutes, and three minutes per speaker.

G-12. PUBLIC COMMENT PERIOD.

Mr. Jeff Baity, 117 Hunters' Horn Lane, noted that he is a former member of the Citizens Police Review Board. He stated that many Christians pray in the name of Jesus Christ because they are compelled to do so, which representatives of the American Civil Liberties Union (ACLU) do not understand. Mr. Baity stated that individuals have a Constitutional right to pray in the manner they feel is appropriate and thanked the Council in advance for their defense of that right.

Mr. Ken Raymond, 2810 Pelham Place, Apartment C, expressed his support of the right to publicly pray in the name of your chosen deity. He indicated that although all City residents do not hold the same religious beliefs, a majority of residents are Christian and pointed out that this Country had been founded on the idea of majority rule. Mr. Raymond also expressed his support for use of his tax dollars to defend this right in court against the ACLU.

Mr. Roger Baker, 111 N. Vandella Court, King, stated that he had been the Pastor of Calvary Baptist Church in King for 31 years, and asked the City Council to either ignore the ACLU's request or express that no changes would be made in the City's procedures for invocations. He asked that the Council Members set a good example for the many students of Calvary Baptist Christian School who are awaiting resolution of the matter. Pastor Baker offered \$500 to the City for assistance with a lawsuit against the ACLU.

Dr. Ron Baity, Berean Baptist Church, 4135 Thomasville Road, gave a brief history of religion and politics. He stated that several law firms with which he had met have offered their services pro bono to defend the City if the ACLU decides to pursue a lawsuit.

Pastor Mark Smith, Baux Mountain Baptist Church, 4334 Lake Woussicket Road, Germanton, asked for City Council's prayerful consideration of the ACLU's threats and pointed out that unsuccessful threats had been made against Christian beliefs in the past.

Mr. Tommy Creason, 3380 Cook Place Drive, Apartment 203, Clemmons, stated that he is a member of Baux Mountain Baptist Church and questioned how far the ACLU would go to promote its viewpoint.

Mayor Joines asked if anyone else wished to address the Council. Hearing no one, he declared the public comment period closed.

Council Member Clark asked the Mayor to comment on the Council's consideration of the issue.

Mayor Joines indicated that given past legal issues with sectarian prayer, the City Attorney would brief the City Council in Closed Session tonight. Although no decision

is anticipated to be made tonight, he noted that staff would continue to gather information and a decision would be forthcoming.

Council Member Johnson thanked everyone in attendance for their thoughts and prayers.

G-2. PUBLIC HEARING ON ZONING PETITION OF MPAG, LLC FROM RS-9 TO RM-8-S (Residential Building, Single Family, Twin Home, Duplex, Townhouse, and Multifamily): Property located on the northwest corner of Jonestown Road and McGregor Road - Containing approximately 7.64 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2878. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Council Member Besse requested that Council first consider Item G-2 in case anyone was in attendance for the public hearing, and noted that there were issues with the legal ad and it would have to be renoticed. Staff has notified the petitioner and adjoining property owners that the item would be rescheduled to the January 3 meeting. He made a motion to continue the public hearing to the January 3rd Council meeting.

Council Member Merschel: Second. Unanimous.

G-1. PUBLIC HEARING ON ZONING PETITION OF MARY ANNE KIMEL FROM RS-9 TO RM-8-S (Residential Building Multifamily, Townhouse, Twin Home, Duplex, and Single Family; and PRD): Property located on the northwest corner of Romara Drive and Romara Court - Containing approximately 10.09 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2895. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mr. Doug Stimmel, 601 North Trade Street, Suite 200, stated that there had been no opposition expressed at the Planning Board meeting, and noted that the developer was present for questions as well. He stated that traffic levels would not be effected by the development and there would be a smooth transition back into single family approaching the creek from the development.

Council Member Leight inquired if stormwater runoff from Tract A would drain into the creek on the eastern portion of the property.

Mr. Stimmel indicated that a stormwater pond would be installed, allowing the runoff to go into the creek and there would be no runoff into the Westbrook Subdivision.

Council Member Leight inquired about dissipation efforts on stormwater runoff into the creek from Tract B.

Mr. Stimmel explained that a Stormwater Management Plan requiring a study is a condition imposed on the development prior to the issuance of any grading permits.

Council Member Leight expressed a concern that results of a stormwater study may impact her vote on an item and requested staff consider a change in procedures to require stormwater studies prior to City Council consideration of a rezoning item.

Council Member Malloy noted that there seems to be an ongoing issue with development of wooded property leaving adjoining communities without the benefit of a protective buffer.

In response to Council Member Besse's question, Mr. Stimmel indicated that all of the development to the north, east and west of this project had already been approved as part of Tract B by the Planning Board and did not require City Council approval.

Appearing in opposition was Mr. Montie Hamby, 4925 Romara Court, stating he had spoken in opposition to Tract B at the Planning Board hearing. He expressed concern that there are already stormwater runoff issues occurring with the project, as well as additional highway noise due to loss of trees. Mr. Hamby pointed out that there is only one access into the neighborhood which could lead to traffic problems with the

planned additional 74 units. At Council Member Besse's request, he pointed out the location of his home in relation to the development.

Ms. Gabriela Lee, 4729 Romara Court, expressed her opposition to the addition of more townhouses and stated that Tract A should remain zoned for single family. She indicated that she has spent a considerable amount of money to clean up a stream on her property that has been and continues collecting sediment as a result of runoff from current development efforts.

Council Member Johnson inquired as to when Ms. Lee and Mr. Hamby were made aware of the Planning Board hearing.

Ms. Lee stated that she was informed the day of the meeting and was unable to make it to the meeting in time to address the item before it was heard.

Mr. Hamby indicated that his work hours prevented him from attending the Planning Board meeting.

Ms. Faye Kirschenman, 4946 Killarney Court, explained that there are creeks running on each side of the Westbrook Development and both are currently experiencing a lot of run off resulting in the water having a muddy, red appearance. She stated that Jonestown Road is the only access into the development and with the planned addition, traffic could become an even bigger problem than currently experienced by residents.

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

In his rebuttal remarks, Mr. Stimmel pointed out that Planning staff has recommended approval and that the plans are consistent with Legacy. He noted that the proposed 4.2 units per acre fall below density maximums and he stated that

representatives from the Department of Environment and Natural Resources had visited the site and found no erosion control violations. Mr. Stimmel indicated that if the site were to be developed single family, no stormwater study would be required and it would be graded more aggressively than the current proposal.

Mayor Joines inquired if the petitioner was aware of sediment issues and dredging efforts undertaken by Ms. Lee.

Mr. Stimmel indicated that his client was not the contractor for Phase One of the development and was unaware of sediment problems. In response to Council Member Besse's question, he stated that there currently is no timeline for the development of Tracts A and B.

Council Member Leight inquired about the density for development of Tract A.

Mr. Stimmel stated that Tract A would be developed at 7.3 units per acre and Tract B at three units per acre, and he explained that Tract A had not been clear cut.

Mayor Joines called for the opponents' rebuttal at this time.

Mr. Hamby pointed out that Tract A is just as steep as the other site and would probably also require clear cutting. He expressed concern that adding this type of development would negatively impact the community by changing the residency dynamics.

Ms. Lee indicated that she had not yet received the easement access installed on Tract B as had been promised. She stated that she was told that Tract B development would not effect the lay of the land; however, that land is now higher than her lot and natural noise barriers were removed, and the loss of trees has effected the temperature of her lot.

Mayor Joines closed the public hearing and asked for a staff report.

Mr. Norby gave a brief overview of the staff report and pointed out that conditions that would be imposed upon the development include the completion of a stormwater study and installation of recommended improvements, widening of Romara Drive along the frontage, installation of sidewalks along Romara Drive and Romara Court, as well as signage restrictions. He stated that the Planning Board heard no opposition at its November 9th hearing and recommended approval.

Council Member Burke questioned if staff was in the process of developing a plan for dealing with runoff from new developments into established neighborhoods.

Mr. Norby explained that staff took an amendment to the Planning Board requiring posting of signs advising residents of subdivision proposals coming before the Planning Board; however, the Planning Board did not approve the amendment because Planning Board Members felt it would mislead residents into thinking the Planning Board could deny a subdivision if proposed under existing zoning. He stated that the Strategic Plan calls for staff to study improvements in stormwater regulations for broader enforcement options and results of the study will be brought to the City Council.

Council Member Burke inquired as to how those regulations would effect decisions by the Planning Board.

Mr. Norby explained that if regulations were changed to allow broader enforcement, they would apply to all developments regardless of Planning Board disposition.

In response to Council Member Clark's question, Mr. Norby indicated that staff felt the location of Interstate 40 and the proposed subdivision plan made the creek as a divider more acceptable for the plan.

Council Member Leight asked what the City's options are for addressing runoff issues from an approved development.

Mr. Norby indicated that, in this case, staff could review the tract rezoned last year for site development non-conformance issues. He noted that the City can require remediation of a site and can check buffer requirements and possible remediation of any problems. Mr. Norby pointed out that multi-family development entails more grading due to density requirements.

In response to Council Member Besse's question, Mr. Ron Seeber, City Attorney, explained that the City cannot legally put requirements upon the previously approved Tract B as a result of requirements for Tract A.

Mr. Norby responded to Council Member Besse, stating that if the case were continued, staff could review the status of sedimentation in the creek and report to Council before its January 3rd meeting.

Council Member Burke requested staff provide data on the number of residences currently located in the area, as well as traffic counts and the proposed impact of the development.

Council Member Besse made a motion to continue further consideration of the item to the Council's January 3rd meeting.

Council Member Johnson: Second.

Council Member Besse explained that the residents' concerns had not previously been brought to his attention and would like additional time to address specifics with the site.

The motion to continue the item to January 3rd was unanimously carried.

G-3. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO MODIFY SIDE YARD SETBACKS FOR RESIDENTIAL USES IN THE PEDESTRIAN BUSINESS DISTRICT - Proposal of Marshall Street Land Company - UDO-165. [Recommended by Planning Board.]

Mayor Joines asked if anyone wished to be heard. Hearing no one, he declared the public hearing closed and asked Mr. Norby for a staff report.

Mr. Norby commented that the petition had been submitted to address prohibitive setback requirements with developing residential in pedestrian business districts. He stated that the Planning Board heard no opposition to the proposal and recommended approval. In response to Council Member Johnson, he noted that there is already an intense mixture of multi-family development in the area and residents should not be adversely affected by the proposed change.

Council Member Besse made a motion for approval.

Those voting in favor of the item were Council Members Leight, Clark, Besse, Burke, Malloy, Merschel and Terry, with Council Member Johnson voting in opposition. The motion carried on a vote of seven in favor and one opposed.

G-4. CONSIDERATION OF ITEMS RELATED TO A REQUEST FROM GET INTERACTIVE, INC.: [Finance Committee forwarded this item to Council without a recommendation.]

Mayor Joines requested a brief staff report prior to the public hearing.

Mr. John Allen, Business Development Administrator, explained that GET Interactive, Inc. uses patent-pending technology to allow online purchases from internet based television and videos, and the company anticipates the creation of 28 technology design administrative jobs over the next three years. He noted that Mr. Rick Harrison, the Chief Executive Officer of GET Interactive, Inc. was present to answer any questions.

- a. PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO GET INTERACTIVE, INC. [\$120,000.]
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2006-2007.

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

Council Member Johnson made a motion for approval of the resolution and adoption of the budget ordinance amendment.

Council Member Leight: Second.

Council Member Clark noted that all of his questions concerning the loan had been answered and he supports the action.

Council Member Burke stated that she would vote against this item and requested that staff provide her with progress reports if it is approved.

Those voting in favor of the motion were Council Members Leight, Clark, Besse, Johnson, Malloy, Merschel and Terry, with Council Member Burke voting in opposition.

The motion carried on a vote of seven in favor and one opposed.

G-5. PUBLIC HEARING AND RESOLUTION CONFIRMING ASSESSMENT ROLL FOR DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION.

No one heard.

Council Member Malloy made a motion for approval.

Council Member Merschel: Second. Unanimous.

The assessment roll was confirmed at 8:54 p.m.

G-6. PUBLIC HEARING AND RESOLUTION CONFIRMING ASSESSMENT ROLL FOR COSTS OF HOUSING RELOCATION FROM HOUSING UNFIT FOR HUMAN HABITATION.

No one heard.

Mr. Ritchie Brooks, Housing Services Director, stated that he had spoken with Mr. Bethea concerning issues with relocation of the tenant at his property and a meeting has been scheduled to discuss those issues.

Council Member Clark made a motion to remove the Bethea property from the assessment roll.

Council Member Burke: Second. Unanimous.

Council Member Johnson made a motion to approve the balance of the assessment roll.

Council Member Malloy: Second. Unanimous.

The assessment roll was confirmed at 8:56 p.m.

G-7. RESOLUTION APPROVING AN AMENDMENT TO THE APRIL 20, 1976 AGREEMENT BETWEEN FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM ESTABLISHING THE CITY/COUNTY UTILITY COMMISSION. [Recommended by Community Development/Housing/General Government Committee, to be placed on the General Agenda.]

Council Member Malloy made a motion for approval.

Council Member Merschel: Second.

Council Member Besse noted that the item was amended by the Community Development/Housing/General Government Committee to make the appointed City

Council Member and County Commissioner voting ex-officio members of the Utility Commission.

The motion for approval was unanimously carried.

G-8. RESOLUTION AUTHORIZING FINANCIAL ASSISTANCE TO THE FINCH GROUP FOR THE REVITALIZATION OF FOREST RIDGE APARTMENTS - \$500,000 in General Obligation Bonds. [Finance Committee forwarded this item to Council with three in favor, none opposed, one abstaining.]

Mr. Paige explained that in response to concerns raised by Council Member Burke, the Finch Group has agreed to a change in the agreement stating that the property cannot be sold within ten years from the date of the loan without approval from the City.

Council Member Johnson made a motion for approval as amended.

Council Member Burke: Second. Unanimous.

Council Member Johnson commented that representatives from the Finch Group were present and Mayor Joines thanked them for attending the meeting.

G-9. RESOLUTION ADOPTING THE 2007 CITY OF WINSTON-SALEM LEGISLATIVE PROGRAM. [Finance and Community Development/Housing/General Government Committees forwarded this item to Council without a recommendation.]

Mayor Joines noted that one resolution with the entire package and one resolution with the entire package minus the occupancy tax item were being presented for Council's consideration.

Mr. Don Angell, 2828 Club Park Road, Chair, Greater Winston-Salem Sports Commission, requested that the Council approve an occupancy tax increase up to .5%, equating to approximately \$300,000 for the Commission. He indicated that the Commission does not currently have funds available to handle events other than small high school events and additional funds must be raised through private fundraising. He

noted that Groves Stadium would be capable of hosting half of college bowl games if funding were available. Mr. Angell thanked City staff for their efforts in putting the proposal together for Council's review, and stated that the Commission has agreed to raise \$18,000 in private funding per year for reimbursement to the City.

Council Member Merschel made a motion to approve the resolution with the entire package, with the understanding that a defined ten year repayment plan would be part of the revised Interlocal Agreement.

Council Member Clark: Second.

Council Member Merschel thanked Mr. Angell for his service to the Sports Commission and expressed her understanding for the need for additional revenue streams to allow repayment of the debt service to the City. She noted that her request for a ten year repayment plan is a reflection of the terms of service of the current membership of the Sports Commission.

In response to Council Member Besse, Mr. Angell stated that administrative costs of the Sports Commission would not be paid out of the additional revenue stream and City staff would continue to handle finances for the Sports Commission.

Mrs. Martha Wheelock, Assistant City Manager, explained that the Sports Commission is now subject to the City's budgeting process and guidelines. She further stated that City staff does not have enough time to devote to volunteering and fundraising as do members of the Sports Commission, who do so without compensation.

At Council Member Johnson's request, Mr. Ron Seeber, City Attorney, explained that the item had been amended to include the occupancy tax issue, an item dealing with chronic violators of the City's trash ordinance, as well as action items dealing with graffiti

and gang prevention, issues with location and sale of drug paraphernalia as it relates to the issue of ABC permits, double-dipping from the workers' compensation and disability retirement programs, and State funding for ex-offender transition programs. Staff is also authorized to support other Legislative efforts of the North Carolina League of Municipalities, if determined by the City Manager and City Attorney to be consistent with the desires of the City Council.

Council Member Burke pointed out that the additional occupancy tax request would apply to visitors staying in hotels within the City, and expressed her support for the item and the work of the Sports Commission and the Convention and Visitors Bureau. She requested that the Council be updated via regular distribution of the minutes from meetings of the Sports Commission.

Council Member Clark noted the importance of the tax, pointing out that Mr. Angell is a hotel owner and is supporting an increase in taxes on his customers. He suggested that other hotel owners publicly express their support for the occupancy tax as well.

In response to comments made by Mr. Angell, Council Member Terry suggested that the Study Commission appointed by the Governor examine the taxing system as it applies to the return of sales tax from the State.

Council Member Besse asked that the workers' compensation item be removed from the package to allow further consideration by staff and the City Council.

Council Member Merschel amended her motion to include the omission of the workers' compensation item.

Council Member Clark: Second.

The motion to approve the item as amended was unanimously carried.

G-10. CONSIDERATION OF JANUARY 2007 CITY COUNCIL MEETING SCHEDULE.

Council Member Merschel made a motion for approval.

Council Member Terry: Second. Unanimous.

G-11. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/ REAPPOINTMENTS:

a. TEN-YEAR PLAN COMMISSION ON HOMELESSNESS

Lynn Fuller-Andrews - Term Expiring November 2009
Lou Baldwin - Term Expiring November 2008
Melynda Dunigan - Term Expiring November 2009
James Walker - Term Expiring November 2008
Charles Wilson - Term Expiring November 2009

Council Member Malloy explained that United Way had assisted in developing the plan to combat homelessness, including the appointment of an Executive Director, Ms. Andrea Kurtz, to oversee implementation of the plan. He noted that Experiment in Self-Reliance (ESR), the Rescue Mission, and the Bethesda Center had all participated in the program as well.

Ms. Andrea Kurtz, introduced herself and indicated that she entered her position on December 1st and is very excited to be working with the Commission.

Council Member Malloy made a motion for approval.

Council Member Burke: Second.

Council Member Johnson suggested that someone be assigned to the Commission to represent homeless individuals.

Council Member Burke noted that ESR or the Bethesda Center could possibly provide names of some previously homeless individuals that are now in homes who could serve the Commission as voting members.

Council Member Terry suggested that an advisory committee of the homeless population be formed to assist the Commission.

The motion for approval was unanimously carried.

b. RECREATION AND PARKS COMMISSION

Patience Agborbesong - Term Expiring May 2009

Council Member Merschel made a motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Besse commented on Ms. Agborbesong's qualifications and expressed his support for her appointment.

Council Member Johnson stated that she had brought copies of a workbook put out by the National League of Cities for use by City staff on addressing childhood obesity.

c. CITIZEN POLICE REVIEW BOARD

Chevara Orrin - Term Expiring April 2008

Council Member Terry made a motion for approval.

Council Member Merschel: Second. Unanimous.

At this time, Mayor Joines recognized Council Member Burke.

Council Member Burke made a motion for the Council to enter into Closed Session to consult with its City Attorney within the attorney-client privilege pursuant to N.C.G.S. 143-318.11(a)(3).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 9:31 p.m.

At 10:15 p.m., Council Member Terry made a motion to dissolve the Closed Session and resume Regular Session. The motion was duly seconded by Council Member Merschel and unanimously carried.

ADJOURNMENT: 10:16 p.m.