

D-27048

Summary of Minutes

February 20, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, February 20, 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
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Secretaries: Renée P. Henderson, City Secretary; and Paige Deal, Recording Secretary

Sergeant at Arms: Lieutenant Connie Southern

Invocation: Reverend Patty Garner from Fries Memorial Moravian Church

Mayor Joines recognized Boy Scout Troop 770 from the Odd Fellows Lodge for the Pledge of Allegiance.

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING DR. DELORES J. "D" WYLIE

Council Member Burke: Motion for adoption.

Council Member Johnson: Second. Unanimous.

Mayor Joines presented a framed copy of the resolution to Dr. Wylie.

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING RECIPIENTS OF "THE GREAT 100" AWARD IN NURSING

Council Member Burke: Motion for adoption.

Council Member Merschel: Second. Unanimous.

Council Members Merschel and Johnson made the presentations.

Mayor Joines stated that the Council would now consider the Consent Agenda. He asked if anyone wished to remove any items for discussion. Council Member Johnson asked for the removal of C-5(a). 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 Merschel 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 ACQUISITION/DISPOSITION OF PROPERTY: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY OWNED BY CROWN CLUB ASSOCIATES, LTD. RELATING TO COUNTRY CLUB WIDENING THROUGH A NEGOTIATED SETTLEMENT.
 - b. RESOLUTION AUTHORIZING PURCHASE OF LAND FROM SHUGART ENTERPRISES AND VOIDING PREVIOUS RESOLUTION OF NOVEMBER 18, 2002.
 - c. RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY LOCATED AT 5470 WOODCLIFF DRIVE THROUGH PUBLIC AUCTION AS PERMITTED BY N.C.G.S. 160A-270.
 - d. RESOLUTION VOIDING PREVIOUSLY APPROVED SALE OF LOT 49D OF BLOCK 3003 AND RESPONDING TO A REQUEST BY PAULA J. MCCOY TO REFUND THE BID DEPOSIT ASSOCIATED WITH THE SALE. *[Finance Committee recommended refunding bid deposit less City advertising expenses of \$150.00.]*
2. CONSIDERATION OF ITEMS AUTHORIZING THE CITY TO PARTICIPATE IN THE ONE PARK VISTA REDEVELOPMENT PROJECT: *[Recommended by Finance Committee.]*

- a. RESOLUTION AUTHORIZING THE CITY TO MAKE CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR THE ONE PARK VISTA PROJECT.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2005-2006.
3. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CERTAIN CITY STREETS – *Oak Grove Circle, Sun Valley Lane, Ray West Drive, Valleymeade Drive, Sunbrook Drive, Lucinda Lane, Koury Drive, Club Court, Deep Ravine Court, Mica Court, Pointe Court, Villas Court, Villas Drive and Stone Lane. [Recommended by Public Safety Committee.]*
 4. ORDINANCE AMENDING SECTION 42-124 OF THE CITY CODE RELATING TO SCHOOL ZONES. *[Recommended by Public Safety Committee.]*
 5. b. ORDINANCE RENAMING “FRANDELL ROAD” TO “FRANDALE DRIVE.” *[Recommended by Public Works Committee.]*
 6. CONSIDERATION OF ITEMS RELATING TO STREET CLOSING PETITIONS: *[Recommended by Public Works Committee.]*
 - a. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON A PORTION OF OLD EBERT ROAD IN THE SOUTH WARD – *Petition of Chris Parr. Public Hearing: March 27, 2006.*
 - b. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON AN ALLEY OFF OF EIGHTEENTH STREET IN THE NORTHEAST WARD – *Petition of Michael Suggs. Public Hearing: March 27, 2006.*
 - c. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON A PORTION OF GREENWICH ROAD IN THE SOUTHWEST WARD – *Petition of Edward and Ashley Griggs. Public Hearing: March 27, 2006.*
 7. CONSIDERATION OF ITEMS RELATING TO AMENDMENTS TO INSTALLMENT PURCHASE CONTRACTS (COPS): *[Recommended by Finance Committee.]*

- a. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT PURCHASE CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO, AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO – *First Amendment to 2001 Installment Purchase Contract.*
 - b. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT PURCHASE CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO – *Third Amendment to 1996 Installment Purchase Contract.*
 - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2005-2006.
8. CONSIDERATION OF ITEMS RELATING TO AN INTERLOCAL AGREEMENT BETWEEN WINSTON-SALEM AND FORSYTH COUNTY TO SHARE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD: *[Recommended by Finance Committee.]*
- a. RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM AND THE COUNTY OF FORSYTH TO SHARE 2006 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD - \$157,875.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2005-2006.
9. CONSIDERATION OF ITEMS RELATING TO BIDS: *[Recommended by Finance Committee.]*
- a. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF A FIRE PUMPER TRUCK UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) – *Fireguard, Inc.* - \$341,207.
 - b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF CURBSIDE REFUSE CARTS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) – *Toter, Inc.* - \$182,000. *(Estimated Amount).*
 - c. RESOLUTION AWARDED CONTRACT FOR SALEM CREEK STREAM ENHANCEMENT AT SOUTHEAST GATEWAY – *Shamrock Environmental, Inc.* - \$240,667.

- d. RESOLUTION AWARDED CONTRACT FOR TEMPORARY EMPLOYMENT SERVICES – *Debbie’s Staffing Services, Inc. - \$1,700,000.*
 - e. RESOLUTION AWARDED CONTRACT FOR STREET LIGHTING, SECURITY LIGHTING, AND TRAFFIC SIGNAL HEAD RELAMPING – *Alpha Electrical & Electronic, Inc. - \$75,000. (Estimated Amount).*
 - f. RESOLUTION AWARDED CONTRACT FOR STREET RESURFACING – *Larco Construction, a Division of Nello L. Teer Co. - \$977,501.66 (Estimated Amount).*
 - g. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OWEN ARCHITECTURE, PLLC FOR PROFESSIONAL DESIGN SERVICES - *Renovation of 1200 Patterson Avenue for Police Storage and Training.*
10. RESOLUTION CONCERNING THE CONSOLIDATED MUNICIPAL ALCOHOLIC BEVERAGE CONTROL SYSTEM IN THE TRIAD. *[Recommended by Finance Committee.]*
11. RESOLUTION APPROVING ABANDONMENT OF A PUBLIC UTILITIES AND DRAINAGE EASEMENT OFF OF PATTERSON AVENUE NEAR ELEVENTH STREET IN THE EAST WARD – *Petition of Bethesda Center for the Homeless, Inc. and Crisis Control Ministry, Inc. [Recommended by Public Works Committee.]*
12. RESOLUTION APPROVING AN AGREEMENT WITH THE BELLWICK VILLAGE HOMEOWNERS ASSOCIATION, INC. TO INSTALL AND MAINTAIN DECORATIVE STREETLIGHTS IN BELLWICK VILLAGE. *[Recommended by Public Works Committee.]*
13. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE SERVICE IN THE CITY OF WINSTON-SALEM: *[Recommended by Public Safety Committee. Public Hearing held February 6, 2006.]*
- a. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OLD TOWN LIMOUSINE SERVICE FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.
 - b. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO

DIVERSIFIED CHOICE FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.

- c. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TWIN CITY TRANSPORTATION FOR THE OPERATION OF FOUR LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- 14. RESOLUTION INVITING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES TO HOLD ITS 2010 ANNUAL CONVENTION IN WINSTON-SALEM. *[Recommended by Community Development/Housing/General Government Committee.]*
 - 15. APPROVAL OF SUMMARY OF MINUTES – *February 6, 2006.*
 - 5. a. ORDINANCE RENAMING “EAST END BOULEVARD” TO “BIG HOUSE GAINES BOULEVARD.” *[Recommended by Public Works Committee.]*

Council Member Johnson: Motion for adoption.

Council Member Malloy: Second. Unanimous.

Mrs. Clara Gaines and Representative Larry Womble addressed the Council in favor of this change and expressed their appreciation for this recognition of Coach Gaines.

Council Member Besse stated that the renaming of Frandale Drive was accomplished as part of the Consent Agenda.

GENERAL AGENDA

- 1. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR BOWEN BOULEVARD EXTENSION BY DEED OR CONDEMNATION. *[Finance Committee forwarded this item to Council with three in favor, none opposed, one abstaining.]*

Council Member Johnson: Motion for adoption.

Council Member Clark: Second.

Council Member Burke asked that Assistant City Managers Derwick Paige and Greg Turner make sure this area is monitored for any safety or code violations and follow up with a neighborhood meeting. She stated that there is a lot of public concern for this area, especially in terms of what is allowed under the current zoning.

The motion for adoption was unanimously carried.

2. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR WATERWORKS ROAD WIDENING BY DEED OR CONDEMNATION. *[Finance Committee forwarded this item to Council with three in favor, none opposed, one abstaining.]*

Council Member Johnson: Motion for adoption.

Council Member Clark: Second.

Council Member Johnson pointed out that this project and the Bowen Boulevard project were being constructed with voter-approved bond monies.

Council Member Burke requested that this area be monitored carefully as well, and that this project was long overdue. The City wanted to make changes a long time ago, but Waterworks Road was under State control.

The motion for adoption was unanimously carried.

3. RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A SPANISH LANGUAGE INCENTIVE PROGRAM FOR EMPLOYEES WHO ATTAIN A PREDETERMINED LEVEL OF COMPETENCY IN ORAL SPANISH. *[Community Development/Housing/General Government Committee forwarded this item to Council with one member in favor of amending the language to read “up to 3%” and one opposed.]*

Council Member Malloy made a motion for adoption of the resolution with amended language to read “up to 3%.”

Council Member Clark: Second. Unanimous.

4. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF THE RIGHT-OF-WAY ON BOWEN BOULEVARD IN THE NORTHEAST WARD – *Petition of the Mid-State Services Company, Inc. [Public Works Committee recommended denial of petition.]*

Council Member Burke made a motion for denial of the resolution.

Council Member Johnson: Second. Unanimous.

5. CONSIDERATION OF OPTION TO INCREASE THE PRIVILEGE TAX ON MOTOR VEHICLES. *[Finance and Community Development/Housing/General Government Committees forwarded this item to Council without a recommendation.]*

Mayor Joines recognized Mrs. Ann Jones, Budget/Evaluation Director, for a brief explanation of this item.

Mrs. Jones stated that during the last legislative session, the City of Winston-Salem was given the authority to increase its motor vehicle license fee from \$10 to \$20, in two phases of \$5 at a time. If the Council approves the initial increase of \$5 at this time, the City will receive the full value of \$750,000 in the 2006-07 fiscal year. She pointed out that this increase would be allocated to three uses of \$250,000 each: traffic maintenance, public transit, and non-motorized transportation functions such as sidewalks. Mrs. Jones pointed out that in the agenda material she included some examples of how these funds could be used within those three categories. In the traffic maintenance category, the funds could be used for signals, signs, street markings, traffic calming projects, intersection improvements, streetlighting improvements, and non-motorized transportation such as traffic monitoring technology. With regard to public transit, the increased revenue could be used to partially offset decreases in the Mass Transit Fund Balance without having to sacrifice any services; another option would be bus route expansions or streetcar/rail options. Non-motorized transportation could include greenway development, bikeway development, sidewalk maintenance

and construction. Mrs. Jones advised the Council that any month of delay in implementing the first phase of the increase would represent a revenue reduction of approximately \$60,000. If it were delayed until budget time, the expected additional revenue would be \$500,000 instead of the \$750,000 if approved by March 1.

Council Member Merschel stated that inasmuch as the enabling legislation provides that the additional revenue be allocated to specific categories of uses, she made a motion for adoption of the ordinance based on the information provided by staff. She requested that staff bring additional information regarding these proposed projects to the Council for approval.

Council Member Besse: Second.

Council Member Merschel commented that it is not her expectation that these funds would be used to offset General Fund shortfalls. She pointed out that several of the project examples have been widely discussed and are desirable, and she cited traffic calming measures as an example, as well as matching funds for streetcar and light rail.

Council Member Besse stated that it is his understanding that staff would develop a list of projects which represent unmet needs within the designated categories. He remarked that Winston-Salem has very serious unmet public safety and service needs in the area of transportation. Many areas lack sidewalks and there have been injuries and even deaths due to accidents involving bikers. He mentioned the need for traffic calming in many residential neighborhoods.

Council Member Terry stated that while she supported this item, she urged staff to continue to look for other resources. She requested information regarding uncollected parking tickets.

Council Member Clark expressed a concern with regard to earmarking revenue streams. He acknowledged that these projects may be important, but questioned whether they were more

important than other unmet needs. He also stated that he is concerned about spending this amount of money outside of the City's regular budget cycle.

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

6. CONSIDERATION OF MARCH, 2006 MEETING SCHEDULE.

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

7. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:

a. M/WBE ADVISORY COMMITTEE:

Stephen Hairston – *Appointment – Term Expiring February, 2007*
Victoria N. Scott – *Appointment – Term Expiring April, 2007*
Walt Schorer – *Appointment – Term Expiring February, 2008*
Jacqueline Haynes Crawley – *Appointment – Term Expiring February, 2007*
Jesse Hymes – *Reappointment – Term Expiring February, 2008*

Council Member Merschel: Motion for approval.

Council Member Malloy: Second. Unanimous.

b. SISTER CITIES BOARD:

Ginger Baldwin McCollum – *Appointment – Term Expiring February, 2010*
Mel White – *Appointment – Term Expiring January, 2010*

Council Member Johnson: Motion for approval.

Council Member Clark: Second. Unanimous.

c. LOAN COMMITTEE:

David P. Barksdale – *Appointment – Term Expiring December, 2008*

Angelia J. Fryer – *Appointment – Term Expiring February, 2008*

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

d. COALITION FOR DRUG ABUSE PREVENTION:

Steven P. Barnett – *Appointment – Term Expiring September, 2008*

Council Member Burke: Motion for approval.

Council Member Clark: Second. Unanimous.

e. ZONING BOARD OF ADJUSTMENT:

Abran Moore – *Appointment – Term Expiring October, 2008*

Dennis Keith Stanfield – *Alternate – Appointment – Term Expiring October, 2008*

Council Member Malloy: Motion for approval.

Council Member Clark: Second. Unanimous.

f. PLANNING BOARD:

Lynne Mitchell – *Appointment – Term Expiring February 2010*

Arthur T. King – *Appointment – Term Expiring February, 2010*

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

g. TOURISM DEVELOPMENT AUTHORITY:

Rob Cote – *Appointment – Term Expiring October, 2008*

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

h. HUMAN RELATIONS COMMISSION:

Guy M. Blynn – *Appointment – Term Expiring December, 2008*

Aimee H. McCaskill – *Appointment – Term Expiring December, 2008*
Mischi Binkley – *Appointment – Term Expiring December, 2007*
Mohamad Khalaf – *Appointment – Term Expiring December, 2008*
Fernando Garçon – *Appointment – Term Expiring December, 2008*

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

Extra Item: RESOLUTION APPROVING THE SELECTION OF SLAVIN MANAGEMENT CONSULTANTS TO ASSIST WITH THE SELECTION OF A NEW CITY MANAGER AND APPROPRIATING FUNDS FOR SUCH PURPOSES.

Mayor Joines stated that he appreciates Council's consideration of this resolution as an extra item. He advised that Slavin Management Consultants is very experienced in North Carolina and throughout the country. They have done recent work in Greensboro, Durham, Charlotte, Chapel Hill, and Asheville. He pointed out that the person who will be heading the search for a new city manager for Winston-Salem was with the firm in 1979 when Bill Stuart was hired. Mayor Joines recommended that the City enter into this contract, and noted that Slavin's fee was the lowest of all of the proposals that were submitted. He recommended also that \$30,000 be set aside to cover Slavin's fees, as well as advertising expenses and candidate travel, if needed.

Council Member Clark: Motion for adoption.

Council Member Merschel: Second.

Council Member Johnson commented that the Council would consider internal as well as external candidates.

The motion for adoption was unanimously carried.

Extra Item: RESOLUTION RECOGNIZING THE NATIONAL LEAGUE OF CITIES COUNCIL ON YOUTH, EDUCATION AND FAMILIES.

Mayor Joines stated that this item was brought to the Community Development/Housing/General Government Committee by Council Member Johnson, and at the request of Council Member Malloy, Chair of that committee, it has been added to the Council's agenda this evening as an extra item.

Council Member Johnson stated that the National League of Cities sponsors the Youth, Education and Families Institute. A number of platforms have been suggested to make sure that programming for children is in place. Consequently, she has asked that the Council consider a resolution that is crafted to also include encouragement of community-wide dialogue to ensure that families receive a livable wage. One of the points of opposition has been the cost of paying a livable wage; she noted that usually opposition comes from persons who are making sufficient income to support their families, while there are others who do not. She commented that the resolution introduced to the Community Development/Housing/General Government Committee has therefore been revised, and she made a motion for its adoption.

Council Member Malloy: Second.

Council Member Burke requested that the resolution be revised to include mention of all neighborhood groups and not just limited to the ones listed.

Council Member Johnson commented that the neighborhoods listed were for examples and the intent was to include all neighborhoods. She stated that she would accept Council Member Burke's suggestion as a friendly amendment.

The motion for adoption was unanimously carried.

Mayor Joines recognized Council Member Clark at this time.

Council Member Clark expressed his appreciation to Chief Financial Officer Denise Bell, who is working on the issuance of new bonds and renegotiation of existing bonds, which will save the City approximately \$1 million over the life of the bonds. He also mentioned that Council members have received information from Assistant City Manager Derwick Paige regarding debts which have been written off by the City. In reviewing that information, he found that Eastway Plaza has been resold and the City has received back \$178,000 of some funds which had been charged off. Council Member Clark stated that he wished to publicly thank Council Member Merschel for her leadership in having this particular provision included.

Council Member Burke expressed her thanks to the Brandon family for all of their efforts in the Eastway Plaza development. She stated that they have struggled, but now are full owners of the project. She also commended Attorney Kenneth Babb who has volunteered his time over the years, but especially for his work with young people through Boy Scouts. Council Member Burke remarked that she also wanted to thank those persons involved in the redevelopment of the Davis Department Store downtown and how cooperation between the public and private sectors make a considerable difference in the success of a project.

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. Joyce McAdams, 2311 Marble Street, addressed the Council regarding her support for the Summer Youth Program. She stated that any funds the City could allocate toward this program would be well utilized and not only would give young people something to do during the summer months, it would provide them with a modest income with which to help with their school expenses.

She stated that her daughter would be thrilled to be able to have this opportunity.

Appearing next was Mr. Ben Holder, 180 Skyland Ridge Drive. Mr. Holder expressed his disagreement with charging a fee for having a citizen's water turned back on. If the citizen has a problem with paying the water bill, an added expense of \$50 is just too much. He continued his remarks by stating that he has found that drug paraphernalia continues to be sold in his neighborhood. He commented that he has spoken with a number of police officers who do not want to speak out and felt very intimidated and disrespected.

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

ADJOURNMENT: 8:25 p.m.