

D-27027

Summary of Minutes

January 3, 2006

A Regular Meeting of the Winston-Salem City Council was held on Tuesday, January 3, 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. Evelyn A. Terry
Member Absent:	Wanda Merschel	
Secretaries:	Renée P. Henderson, City Secretary and Paige Deal, Recording Secretary	
Sergeants at Arms:	Lieutenant David Kiger and Lieutenant Connie Southern	
Invocation:	Dr. R. L. Wise, Sr. of Macedonia Holiness Church of God Apostolic Faith	

Pledge of Allegiance

Mayor Joines stated that there was a recognition listed on the agenda which will be held until the next meeting.

Mayor Joines stated that, without objection, the Council would first consider Item 10 since it was a request for withdrawal.

10. CONSIDERATION OF REQUEST OF ATTORNEY MICHAEL S. FOX TO WITHDRAW ZONING PETITION OF MARTHA L. MERKLE AND FREDERICK D. LOWERY FROM RS-9 TO LB-S: Property located on the southeast corner of Old Salisbury Road and Clemmonsville Road – Containing approximately 2.1 acres located in the SOUTH WARD (Council Member Leight) – Zoning Docket W-2824. [*Planning Board recommends denial of petition.*]

Council Member Leight: Motion for approval of request for withdrawal of petition.

Council Member Clark: Second. Unanimous.

1. PUBLIC HEARING ON ZONING PETITION OF LITTLE CREEK, LLC FROM GB-S TO GB-S (Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; ABC Store; Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Combined Use; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreational Services, Indoor; Recreational Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices; Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; and Post Office – SITE PLAN AMENDMENT): Property located on the south side of Hanes Mall Boulevard between I-40 and Westgate Center Drive – Containing approximately 31.05 acres located in the SOUTHWEST WARD (Council Member Besse) – Zoning Docket W-2818. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Besse made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Burke: Second.

Council Member Besse stated that he would like staff to comment regarding downstream run-off from this property. He stated that it is his understanding that the stormwater management engineering plan is being updated.

Mr. Greg Turner, Assistant City Manager/Public Works, responded that the stormwater devices to be installed have been designed and approved by the City's Stormwater Management Department and should be in place by the end of next week. He advised that small check-dams will be installed at the end of each area of a sub-basin leaving the site.

Council Member Besse commented that he has been told that water containment would be improved at six spots on the site and therefore better manage the quality and quantity of the run-off. He stated that this should also help with some downstream scouring problems that have been observed at this tributary of Little Creek.

The motion was unanimously carried.

2. PUBLIC HEARING ON ZONING PETITION OF OLD SALEM, INC. FROM LB, HB, GB, AND LI TO PB: Property located on the northeast corner of Broad and Walnut Streets, north and south sides of Walnut Street, and east and west sides of Poplar and Marshall Streets between Walnut and West Streets – Containing approximately 6.0 acres located in the SOUTH WARD (Council Member Leight) – Zoning Docket W-2819. *[Planning Board recommends approval of petition.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Leight made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Clark: Second. Unanimous.

3. PUBLIC HEARING ON ZONING PETITION OF WAYNE E. HARRIS, KIERAN B. BROWN, MARGARET D. BROWN, PAUL D. TILLEY, SR., LAVINIA G. TILLEY, MONICA PAITSEL, AND SUSAN HINSON FROM RS-9 TO RM-8-S (Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and Residential Building, Multifamily): Property located on the west side of Griffith Road north of Snead Road – Containing approximately 13.34 acres located in the SOUTH WARD (Council Member Leight) – Zoning Docket W-2820. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Leight made a motion for approval of the petition, adoption of the zoning ordinance and approval of the site plan and special use district permit.

Council Member Besse: Second. Unanimous.

4. PUBLIC HEARING ON ZONING PETITION OF VICTOR I. FLOW, JR. FROM HB-S TO HB-S (Outdoor Display Retail): Property located on the east side of Jonestown Road north of I-40 – Containing approximately 4.36 acres located in the SOUTHWEST WARD (Council Member Besse) – Zoning Docket W-2821. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Besse made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Burke: Second. Unanimous.

5. PUBLIC HEARING ON ZONING PETITION OF J & J PROPERTIES OF WINSTON-SALEM, LLC FROM RS-9 TO LB: Property located on the east side of Old Salisbury Road south of Clemmonsville Road – Containing approximately .05 acre located in the SOUTH WARD (Council Member Leight) – Zoning Docket W-2822. *[Planning Board recommends approval of petition.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Leight made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Malloy: Second. Unanimous.

6. PUBLIC HEARING ON ZONING PETITION OF ARISTA PROPERTIES, LLC FROM GI TO IP-S (School, Public; and School, Private): Property located on the northwest quadrant of US 52 and I-40 and the southeast corner of Goldfloss and Vargrave Streets – Containing approximately 11.87 acres located in the SOUTHEAST WARD (Council Member Terry) – Zoning Docket W-2823. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Terry made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Johnson: Second. Unanimous.

7. PUBLIC HEARING AND ORDINANCE AMENDING VARIOUS SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCES – UDO-148. *[Planning Board recommends approval.]*

Mr. Paul Norby, City/County Planning Director, explained that the proposed amendments were not substantive, but rather addressed various sections of the UDO for clarification and enforcement needs as recognized and recommended by staff.

No one heard.

Council Member Clark made a motion for adoption of the ordinance.

Council Member Burke: Second. Unanimous.

8. PUBLIC HEARING AND ORDINANCE TRANSFERRING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF UNIQUE LIMOUSINE FOR THE OPERATION OF EIGHT LIMOUSINES IN THE CITY OF WINSTON-SALEM – *Transfer of Ownership from Chester L. Branson to Mike Dicello. [Recommended by Public Safety Committee.]*

No one heard.

Council Member Burke: Motion for adoption.

Council Member Malloy: Second. Unanimous.

These ordinances will be placed on the January 17 Council agenda for second readings.

9. SECOND READINGS ON ORDINANCES RENEWING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF FOUR LIMOUSINE SERVICES AND ONE TAXI SERVICE IN THE CITY OF WINSTON-SALEM – *Digitz Limousine, Executive Coach and Travel, Heritage Carriages, Piedmont Executive Transportation, Blue Bird Cab Company. [Recommended by Public Safety Committee.]*

Council Member Burke: Motion for adoption.

Council Member Malloy: Second. Unanimous.

Mayor Joines recognized Council Member Burke.

Council Member Burke made a motion for the Council to enter into Closed Session to consider the purchase of Block 4975, Lots 26C, 25B, 26A and 26G, located on Bethania-Rural Hall Road and owned by Doreva K. Stanley, et al, to be used as a site for a new fire station, pursuant to N.C.G.S. 143-318.11(a)(5).

Council Member Malloy: Second. Unanimous.

The Council entered into Closed Session at 7:49 p.m.

At 7:57 p.m., Council Member Burke made a motion to dissolve the Closed Session and resume Regular Session. The motion was duly seconded by Council Member Clark and unanimously carried.

ADJOURNMENT: 7:58 p.m.