

D-27108

Summary of Minutes

July 17, 2006

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

Members Absent: Council Member Molly Leight

Secretaries: Renée P. Henderson, City Secretary, and Paige Deal, Recording Secretary

Sergeants at Arms: Lieutenant David Kiger

Invocation: Pastor Chris Byrne of New Friendship Baptist Church

**RESOLUTION RECOGNIZING THE WINSTON-SALEM FIRE DEPARTMENT FOR RESPONSE TO FIRE AT BETHABARA POINTE CIRCLE**

Mrs. Henderson read the resolution in its entirety.

Council Member Burke: Motion for adoption.

Council Member Clark: Second. Unanimous.

Council Member Burke presented the framed resolution to Chief Gist and others named in the resolution.

**COUNCIL ACTION AND SWEARING IN LEE GARRITY, CITY MANAGER**

Mayor Joines recognized Council Member Burke.

Council Member Burke made a motion to appoint Mr. Lee D. Garrity as City Manager of the City of Winston-Salem effective July 17, 2006. She further moved that Mr. Garrity's salary be set at \$152,000 per year, with the opportunity for a \$2,000 increase after six months, depending on his performance during that period. The Mayor and City Council will make that determination. She further moved that Mr. Garrity be provided a monthly vehicular expense allowance of \$425.00 per month. Further, she moved that Mr. Garrity be afforded the opportunity to participate in all other employee benefits that are currently offered to other City employees, including the frozen longevity program.

Council Member Malloy: Second.

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

Mayor Joines administered the Oath of City Manager to Mr. Garrity.

Mayor Joines stated that the Council would now consider the Consent Agenda and noted that staff asked that Council consider a replacement resolution for Item C-3. He asked if anyone wished to remove any other items for separate action.

No other items were removed from the Consent Agenda.

#### CONSENT AGENDA

All items 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 with the exception of Item C-3.

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

- C-1. RESOLUTION ESTABLISHING MINIMUM FAIR MARKET REUSE VALUES FOR PARCELS IN THE OLD CHERRY NO. 2 REDEVELOPMENT AREA AND AUTHORIZING THEIR ADVERTISEMENT FOR SALE PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-269 (NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BID PROCEDURE) AND N.C.G.S. 160A-457 (NEGOTIATED PRIVATE SALE). *[Recommended by Finance Committee.]*
- C-2. CONSIDERATION OF ITEMS RELATING TO PROPERTY OWNED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND LOCATED AT THE EXIT RAMP FROM BUSINESS I-40 EAST TO U.S. HIGHWAY 52 SOUTH: *[Recommended by Finance Committee.]*
  - a. RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF LOT 104 OF BLOCK 0519 FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
  - b. RESOLUTION AUTHORIZING THE DISPOSITION OF A PORTION OF LOT 104 OF BLOCK 0159 BY PRIVATE SALE (DONATION) UNDER N.C.G.S. 160A-279, TO A NON-PROFIT ENTITY CARRYING OUT A PUBLIC PURPOSE.
  - c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED LAND UNDER N.C.G.S. 160A-269, UPSET BID PROCEDURE.
- C-4. RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE GOLDEN LEAF FOUNDATION FOR INFRASTRUCTURE DEVELOPMENT AT AIRPORT BUSINESS PARK. *[Recommended by Finance Committee.]*
- C-5. ORDINANCE RESCINDING AN ORDINANCE ADOPTED ON NOVEMBER 15, 1999 ORDERING THE DEMOLITION OF A DWELLING LOCATED AT 1318 E. FIRST STREET – *Lot 005 of Block 0524, owned by Ardelia Morrison.* *[Reviewed by Community Development/Housing/General Government Committee.]*
- C-6. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS – *Strathmore Circle, 16<sup>th</sup> Street, and Tobacco Street.* *[Reviewed by Public Safety Committee.]*
- C-7. 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 EBERT STREET AND MARTIN STREET (SOUTH

- WARD) – *Petition of Muslim Association of the Triad. Public Hearing: August 21, 2006.*
- b. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF CEDARDALE LANE (NORTH WARD) – *Petition of William and Brenda Priest, William and Nancy Brendle, and Mrs. L. C. Reid. Public Hearing: August 21, 2006.*
- c. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF WAINWRIGHT STREET (SOUTHEAST WARD) – *Petition of Mark Muncus, Manager of SOR Properties, LLC. Public Hearing: August 21, 2006.*
- C-8. RESOLUTION AUTHORIZING CONSTRUCTION OF PRESCOTT DRIVE. *[Recommended by Public Works Committee.]*
- C-9. RESOLUTION AUTHORIZING ANNUAL RENEWAL OF LICENSES WITH NOVELL, INC. - \$130,381.68. *[Recommended by Finance Committee.]*
- C-10. RESOLUTION APPROVING A LEASE AGREEMENT WITH NORTH CAROLINA MUNICIPAL LEASING CORPORATION AND RELATED MATTERS – *Lease Financing for Operating Equipment. [Recommended by Finance Committee.]*
- C-11. CONSIDERATION OF ITEMS RELATING TO BIDS: *[Recommended by Finance Committee.]*
- a. RESOLUTION AWARDED CONTRACT FOR WATERWORKS ROAD WIDENING – *Larco Construction, Division of Nello L. Teer - \$1,385,276.10 (estimated amount).*
- b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF ROLLOUT REFUSE CARTS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) – *Toter, Inc. - \$260,000.*
- c. RESOLUTION AWARDED CONTRACT FOR REFURFACING CITY STREETS – *Larco Construction, Division of Nello L. Teer - \$1,000,000.*
- C-12. RESOLUTION APPROVING THE ABANDONMENT OF A WATER AND SANITARY SEWER EASEMENT OFF OF CREST HOLLOW DRIVE AT A NEW DEVELOPMENT KNOWN AS ARDMORE CREST (SOUTH WARD) – *Request of Ardmore Crest, LLC. [Recommended by Public Works Committee.]*
- C-13. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT

ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 74-245 OF THE CITY CODE – *Property located at 1309 Argonne Boulevard. [Recommended by Public Works Committee.]*

C-14. CONSIDERATION OF ITEMS RELATING TO STREETLIGHTING: *[Recommended by Public Works Committee.]*

- a. RESOLUTION APPROVING AN AGREEMENT WITH SHERWOOD FOREST ASSOCIATION, INC. FOR SHELBURNE VILLAGE TO INSTALL AND MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM.
- b. RESOLUTION AMENDING THE STREETLIGHTING POLICY.

C-15. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES – *June 19, 2006.*
- b. APPROVAL OF SUMMARY OF MINUTES – *July 3, 2006.*

C-3. RESOLUTION AUTHORIZING THE PROVISION OF REHABILITATION LOANS TO OWNERS OF SPRUCE STREET CONDOMINIUMS. *[Finance Committee recommends approval as amended.]*

Mayor Joines pointed out the replacement resolution.

Council Member Johnson: Motion for adoption of the replacement resolution.

Council Member Clark: Second.

Mr. Derwick Paige, Assistant City Manager, gave a brief explanation of this item. He stated that these will be individual loans to the unit owners, and at the request of the Finance Committee, interest rates will be charged according to the City’s normal rehabilitation program guidelines.

Council Member Burke commented that the cost of new downtown residential units may be unaffordable for many citizens. She noted that these units are not as expensive as some of the new construction, and she asked Mr. Paige if the public is aware of these units.

Mr. Paige replied that these units were rehabilitated to rental units in 1986 and in 1996 were converted to homeownership. They are still higher than the general housing market, but compared to new downtown construction, the current rate of \$105.00 per square foot is very good. He stated that the City is always looking for opportunities to develop housing for anyone who wishes to live downtown.

The motion for adoption was unanimously carried.

GENERAL AGENDA

G-1. ORDINANCE AMENDING CHAPTER B - ZONING ORDINANCES OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE GREATER PARKING FLEXIBILITY FOR CHANGES IN USE FOR BUILDINGS WITH PARKING NONCONFORMITIES - *UDO-160 Revised. [Recommended by Planning Board. The public hearing was held on this item on July 3, after which the ordinance received a vote of No Consideration.]*

Council Member Besse: Motion for adoption.

Council Member Burke: Second.

At the request of Council Member Clark, Mr. Norby explained that UDO-160 was approved by the Council on May 1. This proposed revision would change the body issuing the special use permit from the Zoning Board of Adjustment to the City Council.

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

Since this ordinance lacked the required two-thirds majority for adoption on its first reading, this item will be placed on the August 7 Council agenda for a second reading.

G-2. RESOLUTION AUTHORIZING FINANCIAL ASSISTANCE TO THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION. *[Finance Committee forwarded this item to Council without a recommendation. One voted in opposition.]*

Council Member Johnson: Motion for adoption.

Council Member Merschel: Second. Unanimous.

G-3. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/  
REAPPOINTMENTS:

a. FIREMEN'S RELIEF FUND BOARD OF TRUSTEES

Raphael O. Black – Reappointment – Term Expiring June, 2008

Carl J. Nutt – Reappointment – Term Expiring March, 2008

Council Member Burke: Motion for approval.

Council Member Johnson: Second. Unanimous.

b. TRIAD MUNICIPAL ABC BOARD

Fred Acree – Reappointment – Term Expiring June, 2009

Pridgen Amos – Appointment – Term Expiring June, 2009

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

c. CITY/COUNTY UTILITY COMMISSION

David Neill – Appointment – Term Expiring June, 2011

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

d. M/WBE ADVISORY COMMITTEE

Victoria N. Scott – Appointment – Term Expiring February, 2008  
Walt Schorer – Appointment – Term Expiring April, 2008

At the request of Mayor Joines, this item was removed from the agenda.

e. HISTORIC RESOURCES COMMISSION

Laura A. W. Phillips – Reappointment – Term Expiring June, 2010

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

f. PARKS AND RECREATION COMMISSION

William H. Roberts – Reappointment – Term Expiring May, 2009  
R. Michael Wells, Jr. – Appointment – Term Expiring May, 2009

Council Member Burke: Motion for approval.

Council Member Johnson: Second. Unanimous.

g. SISTER CITIES BOARD

Bonita Hairston – Appointment – Term Expiring January, 2007  
Larry B. Coffey – Appointment – Term Expiring January, 2007

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

G-4. PUBLIC COMMENT PERIOD.

Ms. Valjean Griggs, Fairfield Drive, expressed a concern regarding City Hall security and how the people she came to see were not always accessible.

Mr. Charles Humphrey, 3525 Hemlock Drive, addressed the Council regarding neighborhood rumors, the expenditure of public funds to recruit a new city manager, excessive taxes, and housing blight in the City.

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

ADJOURNMENT: 8:02 p.m.