

D-27106

Summary of Minutes

June 19, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, June 19, 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 Connie Southern	
Invocation:	Ronald G. Seeber, City Attorney	

Mrs. Henderson read the following resolution:

RESOLUTION RECOGNIZING BRYCE A. STUART FOR HIS SERVICE AS CITY MANAGER

Council Member Clark: Motion for adoption.

Council Member Burke: Second. Unanimous.

Mr. Stuart expressed appreciation to the Mayor and Council for their support and cooperation over the years.

Council Member Burke stated that she was on the Council when Mr. Stuart was hired in 1979. She noted that he brought his own style to the position and his long career with the City of Winston-Salem is especially unique. Council Member Burke thanked him for his efforts towards increased diversity, and for the respectful way he has dealt with elected officials over the years.

Mayor Joines commented that usually, the Council takes the Consent Agenda as the first order of business. However, without objection, the Council will first consider items relating to the City of Winston-Salem budget for FY 2006-2007.

CONSIDERATION OF ITEMS RELATING TO THE FISCAL YEAR 2006-2007 BUDGET FOR THE CITY OF WINSTON-SALEM

Mrs. Ann Jones, Budget and Evaluation Director, gave a brief overview of the 2006-2007 budget of \$358 million and a recommended tax rate of 48.5 cents. She explained that the Finance Committee held four workshops and a public hearing. At its June 12 workshop, the Finance Committee recommended adoption of the proposed budget and tax rate with several adjustments including increased funding recommendations for the Arts Council, SciWorks, YMCA, ESR, as well as first year funding for the RiverRun Film Festival. Funds were also set aside in anticipation of the needs of the Black Theatre Festival in 2007. Other recommendations coming out of the Finance Committee were a three percent salary increase for elected officials, the first since 1988, and the addition of a \$193,000 federal grant for the Muddy Creek Phase III Greenway project. Mrs. Jones also reviewed highlights of the budget document, including the recommendations for certain fee increases and a 43/57 percent ratio for stormwater fees for residential/non-residential property owners.

G-1. PUBLIC HEARING ON THE FISCAL YEAR 2006-2007 BUDGET FOR THE CITY OF WINSTON-SALEM.

Mr. Dale Pollock, 1780 Robinhood Road, Executive Director of RiverRun and Dean of the School of Filmmaking at North Carolina School of the Arts thanked the Council for this first-time appropriation for RiverRun. He stated that the film festival will be going into its fifth year and he appreciates the symbolic and financial support.

Ms. Twanna Wellman, 570 Oxford Street, spoke as Executive Director of the Experiment in Self Reliance (ESR) and thanked the Council for its support. She stated that ESR looks forward to a continued cooperative relationship with the City.

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

G-2. RESOLUTION APPROVING A REVISED FEE SCHEDULE FOR ZONING AND SUBDIVISION ACTIONS FILED WITH THE CITY-COUNTY PLANNING BOARD EFFECTIVE JULY 1, 2006.

Council Member Clark stated that he would vote for this resolution but he had some concerns about fees increasing so significantly. He commented that the Council may want to take another look at this mid-year.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

G-3. ORDINANCE AMENDING SECTION 74-254 OF THE CITY CODE RELATING TO STORMWATER MANAGEMENT SYSTEM USER FEES.

Council Member Besse thanked the staff and Finance Committee for all its hard work during the budget process, especially with regard to shifting more of the burden of stormwater fees to the non-residential sector.

Council Member Burke commented that the City continues to have user fees for various services, and she felt that the future City Manager and Assistant City Managers need to monitor those charges very closely and keep them at appropriate levels.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

- G-4. ORDINANCE AMENDING SECTION 74-141 OF THE CITY CODE RELATING TO STREET PERMIT AND RESTORATION FEES FOR EXCAVATION.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

- G-5. RESOLUTION AUTHORIZING ADJUSTMENTS TO CHARGES TO OUTSIDE AGENCIES FOR SIGN FABRICATION AND INSTALLATION BY THE WINSTON-SALEM DEPARTMENT OF TRANSPORTATION.

Council Member Merschel: Motion for adoption.

Council Member Clark: Second. Unanimous.

- G-6. RESOLUTION AUTHORIZING A TRANS-AID FARE FOR ADA-RELATED TRANSPORTATION SERVICES.

Council Member Merschel: Motion for adoption.

Council Member Clark: Second. Unanimous.

- G-7. ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FISCAL YEAR 2006-2007.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

- G-8. PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FISCAL YEAR 2006-2007.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

- G-9. RESOLUTION APPROVING THE CAPITAL PLAN FOR FISCAL YEARS 2006-2007 THROUGH 2011-2012 AS A FINANCIAL PLANNING GUIDE.

Council Member Merschel: Motion for adoption.

Council Member Malloy: Second. Unanimous.

G-10. RESOLUTION AMENDING CITY OF WINSTON-SALEM PERSONNEL RESOLUTION MAKING CHANGES TO COMPENSATION FOR CERTAIN JOB CLASSIFICATIONS, CLASSIFICATION TITLES, AND MAKING CHANGES TO LANGUAGE FOR CLARITY.

Council Member Merschel: Motion for adoption.

Council Member Malloy: Second.

Council Member Burke stated that she believes that the City is making progress in improving salaries, and she encouraged employees to continue voicing their concerns and making suggestions. She noted that, unfortunately, there are still employees who do not make enough money to support themselves and their families

The motion was unanimously carried.

G-11. RESOLUTION INCREASING THE COMPENSATION TO BE PAID TO ELECTED OFFICIALS BY THREE PERCENT.

Council Members Johnson and Burke commented that this is an extremely modest amount, and asked staff to clearly communicate this if a question comes up about Council Members raising their salaries.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

Mayor Joines stated that the Council would now consider the Consent Agenda, and asked if anyone wished to remove any items. Council Member Merschel stated that there were persons interested in Item C-3(i) and asked that it be removed from the Consent Agenda. Council Member Burke asked for the removal of C-3(a) and C-3(f). 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 Clark made a motion that these items be approved/adopted at this meeting.

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

C-1. CONSIDERATION OF ITEMS RELATING TO PROPERTY MATTERS: *[Recommended by Finance Committee.]*

- a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE PROVISIONS OF N.C.G.S. 160A-269 – *126 North Peace Haven Road.*
- b. RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY THROUGH A PUBLIC AUCTION AS PERMITTED BY N.C.G.S. 160A-270 – *4120 Oak Ridge Drive.*
- c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY BY PRIVATE SALE TO GOLER COMMUNITY DEVELOPMENT CORPORATION, A NON PROFIT ENTITY CARRYING OUT A PUBLIC PURPOSE AS PERMITTED BY N.C.G.S. 160A-279 – *Lot 207B of Block 0203 located at the southeast corner of Martin Luther King, Jr. Drive and Chestnut Street.*
- d. RESOLUTIONS ACCEPTING CONSERVATION EASEMENTS FROM THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL SYSTEM FOR PROPERTIES RESTRICTED FROM DEVELOPMENT UNDER THE PAIRED-PARCEL PROVISIONS OF THE SALEM LAKE WATERSHED – *Sedge Garden Elementary School located on the east side of Sedge Garden Road and Hall Woodward Elementary School located northeast off Nicholson Road.*

C-2. ORDINANCE AMENDING SECTION 74-292 OF THE CITY CODE REGARDING BARRICADES FOR SIDEWALK CAFES. *[Recommended by Finance Committee.]*

C-3. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES: *[Recommended by Community Development/Housing/General Government Committee.]*

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

	<u>Property Owner</u>	<u>Address</u>
a.	Jerry and Jeanette Gilmore	2606 Ansonia Street
b.	Donna Patrice Gilmore	1712 N. Liberty Street

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

c.	E. V. Ferrell, Jr.	1710 Grant Avenue
d.	Charles Ross	808 Morsinie Street

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CITY CODE: *[Repairs more than 50% of value of structure – one year]*

g.	Thomas and Daisy Hinton	1501 E. 25 th Street
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ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT TO REMOVE OR DEMOLITION STRUCTURE UNFIT FOR HUMAN HABITATION AND OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE CITY CODE: *[Repairs more than 65% of value of structure]*

h.	Richard Miller	929 E. 22 nd Street
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C-4. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS – *Valley Court, Shober Street, and Stedman Street. [Recommended by Public Safety Committee.]*

C-5. RESOLUTION AUTHORIZING THE CITY SECRETARY OR COLISEUM DIRECTOR TO ISSUE PYROTECHNICS PERMITS. *[Recommended by Public Safety Committee.]*

C-6. RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM POLICE DEPARTMENT TO FILE AN APPLICATION WITH THE GOVERNOR’S HIGHWAY SAFETY PROGRAM FOR TRAFFIC SAFETY FUNDING. *[Recommended by Public Safety Committee.]*

- C-7. RESOLUTION AUTHORIZING THE USE OF GENERAL FUND CONTINGENCY FOR THE COSTS ASSOCIATED WITH AN EXTENSION OF A LEGAL SERVICES CONTRACT. *[Recommended by Finance Committee.]*
- C-8. CONSIDERATION OF ITEMS RELATING TO BIDS: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF THREE FRONT LOADING REFUSE COLLECTION TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) – *Carolina Environmental Systems, Inc.* - \$518,400.
 - b. RESOLUTION AWARDED CONTRACT FOR QUARRY PRODUCTS – *Vulcan Construction Materials* - \$893,595 (estimated amount).
 - c. RESOLUTION AWARDED CONTRACT FOR HANES PARK RUNNING TRACK SYNTHETIC SURFACING SYSTEM – *Larco Construction, a Division of Nello L. Teer Company* - \$113,000.00.
- C-9. RESOLUTION AUTHORIZING SALE OF SURPLUS USED VEHICLES AND EQUIPMENT. *[Recommended by Finance Committee.]*
- C-10. APPROVAL OF SUMMARY OF MINUTES – *June 5, 2006.*
- C-3. ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT TO REMOVE OR DEMOLITION STRUCTURE UNFIT FOR HUMAN HABITATION AND OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE CITY CODE: *[Repairs more than 65% of value of structure]*
 - i. CCRIC LLC 100 Powers Road

Ms. Lynn Holtz, 100 Powers Point Court, stated that she and her neighbors were present in favor of the demolition.

Council Member Merschel: Motion for adoption.

Council Member Burke: Second. Unanimous.
- C-3. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CITY CODE: *[Repairs more than 50% of value of structure – six months]*
 - e. Central Carolina Bank 2426 N. Liberty Street

f. Central Carolina Bank 2420 N. Liberty Street

Council Member Burke asked if these were the two houses that she has been discussing with staff.

Mr. Ritchie Brooks, Housing Services Director, replied yes. After adoption of the order, demolition should occur within 120 days.

Council Member Burke: Motion for adoption.

Council Member Malloy: Second. Unanimous.

GENERAL AGENDA

G-12. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF CHRIS PAPAKONSTANTINOU FROM HB-S (Two Phase) TO HB-S (Two-Phase – FINAL DEVELOPMENT PLAN): Property located on the southeast corner of Hanes Mill Road and Hanes Mill Court – Containing approximately 1.65 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-1852. *[Planning Board recommends approval of petition and site plan with staff recommendations. Continued from the June 5 Council meeting.]*

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 Burke stated that she has had an opportunity to meet with the petitioners on this matter and she was satisfied with the proposal.

Council Member Burke 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 Malloy: Second. Unanimous.

- G-13. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF T.S. INVESTMENT PROPERTIES, L.P. FROM LI TO PB: Property located on the southwest corner of Oak Street and West Tenth Street and at the eastern terminus of Arlis Court - Containing approximately 3.14 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket 2853. *[Planning Board recommends approval of petition. Continued from the June 5 Council meeting.]*

No one heard.

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

Council Member Johnson stated that she has had conversations with the developer and representative of the owner, and her concerns have been address. She noted that the existing historic structures on the property will be retained.

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

Council Member Malloy: Second. Unanimous.

- G-14. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF OLD WINDY HILL DRIVE – *Petition of Lloyd and Cathy Golding. [Recommended by Public Works Committee.]*

No one heard.

Council Member Burke: Motion for adoption.

Council Member Malloy: Second. Unanimous.

- G-15. PUBLIC HEARING AND RESOLUTION APPROVING ECONOMIC DEVELOPMENT ASSISTANCE OF AUTHORIZING THE PASS-THROUGH OF STATE FUNDS TO EXHIBIT WORKS. *[Recommended by Finance Committee.]*

No one heard.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

At this time, Mayor Joines called attention to a memorandum and proposed agreement with Mr. Stuart to provide services as City Manager post July 1. He asked the Council to consider this item as an extra item.

AGREEMENT WITH CITY MANAGER TO CONTINUE EMPLOYMENT ON CONTRACTUAL BASIS AFTER JUNE 30, 2006.

Council Member Clark: Motion for approval.

Council Member Burke: Second. Unanimous.

RESOLUTION SUPPORTING LEGISLATION IN THE 2006 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY REGARDING ENERGY ITEMS

Mayor Joines recognized Council Member Besse for an explanation of this extra item.

Council Member Besse stated that it was brought to his attention late last week that the General Assembly will be considering several items relating to energy conservation and clean air such as tax credits, bio-fuels, and purchase/use of hybrid and alternative fuel vehicles. He stated that he was advised of this by a staff member of the Piedmont Triad Council of Governments, who is asking local governments to support such legislation.

Council Member Clark asked City Attorney Ron Seeber if he has reviewed any of this legislation.

Mr. Seeber responded that he had not.

Council Member Clark asked if the North Carolina League of Municipalities was endorsing the legislation, and Council Member Besse replied that he was not aware of any endorsement, but the resolutions being adopted by local governments are very generic in their requests for the General Assembly to carefully consider any issues that would improve air quality, without being specific.

Council Member Burke: Motion for adoption.

Council Member Clark: Second. Unanimous.

Mayor Joines recognized Council Member Terry for a motion.

Council Member Terry made a motion to direct the City Secretary to give legal notice for a special meeting of the Council to be held at 8:30 a.m. on Saturday, July 8, 2006, at the Lawrence Joel Veterans Memorial Coliseum Board Room to consider a motion to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) to continue its City Manager recruitment process.

Council Member Merschel: Second. Unanimous.

Council Member Terry expressed her support for an emphasis on teaching Civics in school. She stated that several students from Parkland High School participated in a Winston-Salem Government/Community Day recently which included a visit to City Hall. She had heard good feedback from the experience and thanked Mayor Joines for facilitating this event.

G-16. PUBLIC COMMENT PERIOD.

Mayor Joines asked if anyone wished to be heard during the Public Comment period. Hearing no one, he declared the Public Comment period closed.

Council Member Besse commented that Mr. Shedrick Adams, a well-know community volunteer, passed away last week. He stated that Mr. Adams would be greatly missed.

Council Member Burke thanked Council Member Besse for his comment regarding Mr. Adams. She stated that he used to live in the Northeast Ward and it was her privilege to serve as his Council Member.

Council Member Burke commented about the recent fire at Colony Apartments and although the loss of one life is terrible, it could have been much worse. She stated that she would like to

recognize those persons who went door to door alerting residents of the fire at a future Public Safety Committee meeting, and she thanked Mr. Lee Garrity, Assistant City Manager, for notifying her quickly regarding the situation.

ADJOURNMENT: 8:18 p.m.