

D-27100

Summary of Minutes

June 5, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, June 5, 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

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

Sergeants at Arms: Lieutenant David L. Kiger

Invocation: Reverend Ira L. Anthony of Oak Grove Baptist Church

Pledge of Allegiance

Mayor Joines recognized Mr. Johnny Dwiggins from the North Carolina Committee for Employer Support of the Guard and Reserve (NCESGR) who made a presentation of a statement of support to the City of Winston-Salem.

Mayor Joines accepted the resolution and plaque on behalf of the City and thanked Mr. Dwiggins for his work.

Council Member Burke commented that the City does have plans in place to respond to emergencies and she urged that trial runs be conducted periodically.

Council Member Johnson noted that it is her understanding that the City's Emergency Management staff is working on this.

Mayor Joines stated that there are four items on the agenda which he has received requests for continuance, and without objection, the Council would deal with these items first.

1. 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.]*

3. 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.]*

10. PUBLIC HEARING ON ZONING PETITION OF GRACE H. CALLOWAY AND SADIE H. HENNING FROM RS-9 TO LO-S (Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; and Adult Day Care Center): Property located on the west side of Peace Haven Road south of Robinhood Road - Containing approximately 1.45 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-2843. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

11. PUBLIC HEARING ON ZONING PETITION OF WINDSOR DEVELOPMENT GROUP, LLC FOR PROPERTY OWNED BY HOPE PRESBYTERIAN CHURCH, INC., CONRAD L. VESTAL, AND ELIZABETH VESTAL FROM RS-9 TO GO-S (Banking and Financial Services; and Professional Office): Property located on the west side of Peace Haven Road, across from Whitaker Road – Containing approximately 2.09 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-2862. *[Planning Board recommends denial of petition, but approval of the site plan with staff recommendations.]*

Council Member Johnson made a motion that Items 1, 3, 10, and 11 be continued.

Council Member Burke: Second.

Council Member Clark offered a friendly amendment that Item 10 be continued for 60 days until August 7. He stated that there are a lot of people who are interested in both of these petitions and it is his understanding that there will be considerable changes made to the structures in order to

accommodate neighborhood concerns. He asked that the Planning Department keep the website updated and add information or an addendum when and if new plans are developed.

Council Members Johnson and Burke accepted Council Member Clark's amendment to continue Item 10 to August 7.

Council Member Leight stated that it was her understanding that a 60-day continuance on Item 11 was desired as well, instead of a 30-day continuance like Items 1 and 3.

Council Members Johnson and Burke were in agreement with continuing Item 11 for 60 days as well.

Mr. Paul Norby, City/County Planning Director, commented that these two petitions may or may not have to go back to the Planning Board, depending on the nature of the changes.

Council Member Burke asked that the petitioner for Item 1 contact her.

Council Member Johnson commented that Item 3 needs additional work.

The motion as amended to continue Items 1 and 3 to July 3, and Items 10 and 11 to August 7 was unanimously carried.

(Note: In consultation with Council Members after the meeting, it was determined that the intention was to continue Items 1 and 3 to June 19 instead of July 3. Therefore, these two items will appear on that agenda as continuations of public hearings.)

2. PUBLIC HEARING ON ZONING PETITION OF WALTER E. AND NORMA NAIL FROM RS-9 TO GO-S (Fraternity or Sorority; Banking and Financial Services; Funeral Home; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care, (Drop-in); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Club or Lodge; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Government Offices; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility;

Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post Office; School, Vocational or Professional; Broadcast Studio; Helistop; Park and Shuttle Lot; Transmission Tower; Utilities – TWO PHASE): Property located on the north side of Vest Mill Road west of Westbrook Plaza Drive - Containing approximately 3.83 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2842. *[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.

4. PUBLIC HEARING ON ZONING PETITION OF DANIEL L. AND BARBARA BREWER FROM RS-9 TO HB: Property located on the northeast side of Reynolda Road west of Bethania Road - Containing approximately 0.19 acre located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2854. *[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 Malloy made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Burke: Second. Unanimous.

5. PUBLIC HEARING ON ZONING PETITION OF THE CITY OF WINSTON-SALEM FOR PROPERTY OWNED BY GRADY L. ESTEP, JOSEPH A. HARRISON, LILLIAN JAMES SNAPP, AND THELMA JAMES CRAVER FROM County RS-9 TO City RS-9: Property

located on the northwest corner of Peters Creek Parkway and the proposed West Clemmons Road extension – Containing approximately 31.45 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-2856. *[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 Merschel: Second. Unanimous.

6. PUBLIC HEARING ON ZONING PETITION OF JAMES M. LOGAN FROM LI TO GI-S (Recycling Center): Property located on the southwest side of Indiana Avenue, northwest of Parkwood Avenue – Containing approximately 1.81 acres located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2857. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

Council Member Malloy asked for a brief description of the sort of recycling that is being requested for this site.

Attorney Steve Calaway, 1330 Ashley Square, responded that the recycling will consist of separating water from grease, such as the City’s “Can the Grease” program, but on a larger scale. This will prevent grease and oil from being discharged into the sanitary sewer system. It will be collected and disposed of as a solid.

Mr. Norby pointed out that there is a condition which limits recycling to this de-watering process.

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 Malloy 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 Merschel: Second.

In response to questions raised by Council Members Johnson and Besse, Mr. Calaway stated that the entire recycling operation will be contained within the building and the process will likely occur during regular business hours. However, there would be no external noise from the process, and would be similar to the one operating in the old brewery property. He added that there is no local permitting of the process other than the correct zoning district.

Council Member Besse expressed concerns regarding any odor emissions from the process, and Council Member Burke commented that there are residential areas and a school fairly close by. Council Member Burke asked Mr. Calaway if there was a neighborhood meeting.

Mr. Calaway stated that no neighborhood meeting was held because these are large industrial buildings currently vacant, and there should be no odorous emissions from the operation.

Council Member Terry advised that a similar operation is located on Martin Luther King, Jr. Drive across from Bowman Gray Stadium and it is completely unobtrusive.

The motion was unanimously carried.

7. PUBLIC HEARING ON ZONING PETITION OF RURAL INITIATIVE PROJECT, INC. FROM HB TO RS-7: Property located on the northwest corner of Waughtown Street and Leight Street – Containing approximately 0.16 acre located in the SOUTHEAST WARD - Zoning Docket W-2859. *[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 Terry made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Merschel: Second. Unanimous.

8. PUBLIC HEARING ON PETITION OF WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND CONSIDERATION OF SEVEN FINDINGS OF FACT FOR A SPECIAL USE PERMIT FOR THE EXPANSION OF INSTITUTIONAL PARKING IN A RESIDENTIAL ZONING DISTRICT: Property located on the southeast corner of East Thirtieth Street and Ivy Avenue – Containing approximately 0.55 acre located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2860. *[Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of permit.]*

Mayor Joines stated that there is one person who wishes to speak. Since this is a quasi-judicial matter, he asked Mrs. Deal to swear in the speaker.

After being sworn, Mr. David Kesler, 811 Gales Avenue, introduced himself as an architect working with New Unity Missionary Baptist Church to obtain additional parking. The church has been working with the Winston-Salem/Forsyth County School System for a couple of years and everyone is in agreement, with the exception of one of the conditions relating to the school system being required to dedicate 10 feet of right-of-way along 30th Street. Since the school system is not in agreement with this condition and in order for the church to move forward with its plans, Mr. Kesler requested that this condition be removed from the site plan.

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

ORDINANCE ISSUING A SPECIAL USE PERMIT FOR INSTITUTIONAL PARKING
IN A RESIDENTIAL ZONING DISTRICT

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Burke remarked that this is an excellent project which will enhance the area. She has been in communication with Dr. Don Martin, Superintendent of Winston-Salem/Forsyth Council Schools, and Mr. Greg Turner, Assistant City Manager/Public Works, and the matter of the right-of-way has been worked out; therefore, the condition is not needed. She proceeded to make a motion 1) that the City Council affirm the four findings as required by Section 6-1.5(F) of the Unified Development Ordinances, and detailed on the first page of the ordinance in the agenda packet; 2) that the City Council approve the site plan that is included with this special use permit request, along with the conditions included in the special use permit and staff report with the exception of condition B under the Prior to Issuance of Grading Permits condition, which reads “Dedication of 10 feet additional right-of-way along 30th Street; and 3) that the City Council issue a special use permit to Winston-Salem/Forsyth County Board of Education, to allow Institutional Parking in a RS-9 zoning district on Tax Lots 46, 47, 49, and 50 of Block 0960. This special use permit expires if New Unity Missionary Baptist Church ceases use of the subject parking lot.

Council Member Johnson: Second. Unanimous.

9. PUBLIC HEARING ON ZONING PETITION OF FIRST COMMUNITY BANK, NATIONAL ASSOCIATION FROM NSB-S TO NSB-S (Shopping Center – SITE PLAN AMENDMENT): Property located on the southwest corner of Peters Creek Parkway and Olivers Crossing Drive – Containing approximately 1.04 acres located in the SOUTH

WARD (Council Member Leight) - Zoning Docket W-2861. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

Mr. William Cowperthwait, 4132 Benton Creek Drive, appeared briefly and asked for clarification regarding a condition recommended by staff, but not approved by the Planning Board.

Mr. Norby confirmed that the site plan before Council this evening reflects the recommendation of the Planning Board.

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 zoning petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Burke: Second. Unanimous.

12. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER A – DEFINITIONS ORDINANCE; CHAPTER B, ARTICLE II – ZONING DISTRICTS, OFFICIAL ZONING MAPS, USES, AND USE CONDITIONS; AND CHAPTER B, ARTICLE III – OTHER DEVELOPMENT STANDARDS OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE FURTHER CLARIFICATION REGARDING KENNELS - *UDO-150. [Planning Board recommends approval.]*

Mr. Norby explained that the UDO currently does not allow kennels within the city limits. The closest use would be “Veterinary Services” which requires a licensed veterinarian on staff to treat animals, and kennels would only be allowed as an accessory use to a veterinary office. However, kennels are allowed within the Forsyth County zoning jurisdiction in various residential, commercial, and industrial zoning districts. This text amendment attempts to provide a “use” through which the Inspections Division can permit activities such as dog training facilities or day

care boarding services. He named the following districts in which indoor kennels are proposed to be allowed by right: LB, NSB, HB, GB, LI, GI, and MU-S. Indoor kennels are also proposed to be allowed with a special use permit issued by the Zoning Board of Adjustment in the LO district. The UDO would continue to prevent outdoor kennels within the City. Mr. Norby advised that there had been a request to add PB as a district allowed by right, but this request needs to be heard by the Planning Board prior to consideration by the City Council. Mr. Norby responded to questions from members of the Council.

Council Member Merschel stated that she was aware that this was a needed service in Winston-Salem since she knew of citizens who take their pets to Greensboro.

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

Council Member Merschel made a motion for adoption of the text amendment.

Council Member Clark: Second.

Council Member Besse expressed a concern about the inclusion of the LO category since these districts can be so close to residential. He offered a friendly amendment to delete LO from the amendment.

Council Member Merschel asked Council Member Besse if it would be acceptable to him if LO was left in, but to give the authority for issuance of a special use permit to the City Council rather than the Zoning Board of Adjustment.

Council Member Besse indicated this would be acceptable.

Council Members Merschel and Clark so amended their motion and second. The motion was unanimously carried.

13. RESOLUTION PROVIDING FOR THE ISSUANCE OF \$4,425,000 GENERAL OBLIGATION BONDS, SERIES 2006A AND \$15,500,000 GENERAL OBLIGATION BONDS, SERIES 2006B OF THE CITY OF WINSTON-SALEM.

Council Member Burke commented that these bonds would be available to citizens to purchase.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

14. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES – *May 1, 2006*.

- b. APPROVAL OF SUMMARY OF MINUTES – *May 15, 2006*.

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

Mayor Joines recognized Council Member Burke at this time.

Council Member Burke stated that there has been some recent publicity about Mr. Stuart's retirement, and she wanted to assure the citizens that the City continues to have strong leadership through Assistant City Managers Derwick Paige, Lee Garrity, and Greg Turner and the City staff will continue to carry out their responsibilities and service to citizens.

Mayor Joines recognized Council Member Merschel at this time.

Council Member Merschel invited all interested persons to the public hearing before the Finance Committee regarding the FY 2006-07 annual budget of the City of Winston-Salem. This hearing will be held on Thursday, June 8, at 7:30 p.m. in the Council Chamber at City Hall.

At this time, Mayor Joines recognized Council Member Malloy for a motion.

Council Member Malloy made a motion for the Council to go into Closed Session to consider the location or expansion of an industry and/or business pursuant to N.C.G.S. 143-318.11(a)(4), to undertake the City Attorney's annual performance evaluation pursuant to N.C.G.S. 143-318.11(a)(6) and to meet with the City's consultant on the City Manager recruitment process pursuant to N.C.G.S. 143-318.11(a)(6).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 8:15 p.m.

At 10:28 p.m., Council Member Merschel made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Council Member Clark and unanimously carried.

ADJOURNMENT: 10:28 p.m.