

D-27051

Summary of Minutes

March 6, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, March 6, 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 David Kiger	
Invocation:	Reverend Roy Swann of Goler Metropolitan A.M.E. Zion Church	

Pledge of Allegiance

CITY OF WINSTON-SALEM CIVIL RIGHTS MOVEMENT RESOLUTION HONORING REVEREND DOCTOR JAMES DONALD BALLARD

Council Member Burke: Motion for adoption.

Council Member Malloy: Second. Unanimous.

Mayor Joines presented a plaque of the resolution to Reverend Ballard.

Members of Reverend Ballard's family and church were recognized.

RESOLUTION RECOGNIZING KEEP WINSTON-SALEM BEAUTIFUL

Council Member Johnson: Motion for adoption.

Council Member Besse: Second. Unanimous.

Council Member Johnson thanked the staff of Keep Winston-Salem Beautiful. She advised that the next opportunity for Community Roots activities will be on April 1 along Fifth Street from Business 40 near Maryland Avenue and invited anyone interested to attend.

Council Member Johnson presented a framed copy of the resolution to Mr. George Stilphen, Director of Keep Winston-Salem Beautiful.

Mayor Joines stated that without objection, the Council would consider Item 4 at this time.

4. PUBLIC HEARING ON ZONING PETITION OF MJM REALTY COMPANY, LLC FROM RM-12-S TO RM-12-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 New Walkertown Road south of Addison Avenue – Containing approximately 1.43 acres located in the EAST WARD (Council Member Johnson) – Zoning Docket W-2825. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

Council Member Johnson stated that she has been in communication with neighbors who will be most impacted by this proposed development. The developer would like to continue discussions with the community to address aesthetics and erosion concerns; the developer also plans to attend her Town Hall Meeting on March 30. She asked that the developer, who is not in Winston-Salem, to have a local liaison.

Council Member Johnson made a motion to continue this item to the Council's April zoning meeting on April 3.

Council Member Clark: Second. Unanimous.

1. PUBLIC HEARING ON ZONING PETITION OF JOHN T. EAGAN, JR. AND MARY M. EAGAN FROM GO-S TO GO-S (Offices, Miscellaneous; Professional Office; and Banking and Financial Services – Site Plan Amendment): Property located on the northeast side of Old Mill Circle south of Old Vineyard Road – Containing approximately 1.14 acres located in the SOUTHWEST WARD (Council Member Besse) – Zoning Docket W-2838. *[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.

2. PUBLIC HEARING ON ZONING PETITION OF MICHAEL J. SAPP AND RHONDA C. SAPP FROM RS-9 TO LO-S (Residential Building, Townhouse; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Adult Day Care Center; Government Offices; Museum or Art Gallery; and Combined Use): Property located on the southwest side of Reynolda Road north of Polo Road and across from Sunnynoll Drive – Containing approximately .98 acre located in the NORTHWEST WARD (Council Member Merschel) – Zoning Docket W-2839. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

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APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Merschel noted that the existing structure on the site will be retained. She proceeded to make 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.

3. PUBLIC HEARING ON ZONING PETITION OF BLUE OAK LIMITED PARTNERSHIP FROM HB-S TO HB-S (Adult Day Care Center; Recreation Services, Indoor; Recreation Services, Outdoor; Arts and Crafts Studio; Broadcast Studio; Child Day Care Center; Medical or Dental Laboratory; Restaurant { with drive-through service }; Restaurant { without drive-through service }; Hospital or Health Care Center; Health Services, Miscellaneous; Building Materials Supply; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Convenience Store; Car Wash; Food or Drug Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; and Motor Vehicle Repair and Maintenance – SITE PLAN AMENDMENT): Property located on the southwest corner of Hanes Mill Road and North Summit Square Boulevard – Containing approximately 1.04 acres located in the NORTHEAST WARD (Council Member Burke) – Zoning Docket W-2840. *[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 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.

5. PUBLIC HEARING ON ZONING PETITION OF PAULETTE AGHA FROM RS-9 TO LO-S (Banking and Financial Services; Medical and Surgical Offices; Professional Office; and Offices, Miscellaneous): Property located on the southeast corner of Reynolda Road and Loch Avenue – Containing approximately 1.25 acres located in the NORTHWEST WARD (Council Member Merschel) – Zoning Docket W-2837. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

Mr. Doug Stimmel offered to respond to any questions on behalf of the petitioners.

Ms. Maureen Ebert, 4241 Mill Creek Road, appeared on this matter and advised that although the Town and Country Neighborhood Association was not unanimous in supporting this

rezoning, members were generally in favor of the petition based on the bank's willingness to make considerable changes. However, she stated that she and her neighbors would not want to see this rezoning set a precedent for the area.

Mr. Paul Norby, City/County Planning Director, advised that there is an amended site plan and pointed out the changes. The proposed future addition to the building has been removed; the lower entrance has been made one-way into the site only; and the third change is to only allow uses for banking and financial services. The other proposed uses are to be deleted.

Council Member Merschel stated that this petition has been challenging for all concerned. The property fronts on Reynolda Road, which is a major thoroughfare, and surrounding uses would make this site unappealing for residential development. She expressed her appreciation to the developers and the Town and Country neighborhood.

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 Merschel 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.

Council Member Leight expressed her support of the motion, even though she generally has concerns with commercial intrusion into residential neighborhoods. She stated that cooperation among all concerned parties has really made a difference in this case.

The motion was unanimously carried.

6. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER A, DEFINITIONS ORDINANCE, AND CHAPTER B, ARTICLE II, USE CONDITIONS OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING MANUFACTURING A, B, AND C – UDO-149. *[Planning Board recommends approval.]*

Mr. Norby made the staff presentation on this item.

No one heard.

Council Member Clark: Motion for adoption.

Council Member Malloy: Second. Unanimous.

7. CONSIDERATION OF ITEMS RELATING TO AMENDMENTS TO INSTALLMENT PURCHASE CONTRACTS WITH NORTH CAROLINA MUNICIPAL LEASING CORPORATION:

At the request of Mayor Joines, Mrs. Denise Bell, Chief Financial Officer, explained that these actions will allow the City to refinance existing Certificates of Participation (COPs) which will save the City \$750,000 over the life of the COPs.

- a. PUBLIC HEARING ON AMENDMENTS TO INSTALLMENT PURCHASE CONTRACTS.

No one heard.

- b. RESOLUTION APPROVING AN AMENDMENT TO THE INSTALLMENT PURCHASE CONTRACT WITH NORTH CAROLINA MUNICIPAL LEASING CORPORATION TO FINANCE AND REFINANCE CERTAIN FACILITIES AND RELATED MATTERS – *2006A Certificates of Participation.*

Council Member Merschel: Motion for adoption.

Council Member Clark: Second.

At the request of Council Member Johnson, Mrs. Bell stated that these actions would provide \$19 million of new dollars and named several projects which can be financed within the different

categories. Among the projects she mentioned were the replacement of Bowman Gray Field House and the Public Safety Evidence and Training Facility.

The motion for adoption was unanimously carried.

- c. RESOLUTION APPROVING AN AMENDMENT TO THE INSTALLMENT PURCHASE CONTRACT WITH NORTH CAROLINA MUNICIPAL LEASING CORPORATION TO REFINANCE CERTAIN FACILITIES AND RELATED MATTERS – *2006B Certificates of Participation.*

Council Member Merschel: Motion for adoption.

Council Member Clark: Second. Unanimous.

8. RESOLUTION AUTHORIZING THE RELEASE OF COLLATERAL FOR STOLLE TECHNOLOGIES.

Derwick Paige explained that this is a request from Stolle to release the City's lien on personal property for a loan that was made in February 2003. The business has unfortunately decided to close and the personal property will be sold at auction. He noted that there is not sufficient equity in personal property for the City's loan to be recovered, but it could be recovered from the sale of real property. Stolle will continue to make payments as usual and when the property is sold, the City will be paid in full.

Council Member Burke asked if there was any idea of how soon the property will be sold.

John Cocklereese, attorney for Stolle, stated that it was not known how quickly the property could be sold, but hopefully in six months or so.

Council Member Burke asked how this project differed from Eastway Plaza and the Brandons' situation.

Mr. Paige responded that this was a good comparison, with the difference being that the City reduced the Brandon's loan.

Council Member Burke remarked that the City should be fair in its business dealings with all people. She noted also that the Brandons retained some ownership of their property.

Council Member Merschel noted that when the personal property is sold, the City's position will be strengthened. She regretted that the Stolle project did not work out, but she is confident that the City will recover all of the loan.

Council Member Clark: Motion for adoption.

Council Member Merschel: Second. Unanimous.

9. MAYOR PRO TEMPORE BURKE'S RECOMMENDATIONS FOR REAPPOINTMENTS TO THE COMMUNITY APPEARANCE COMMISSION: Shaun Siddon and Glynis Autrey Dobson – *Terms Expiring February, 2009*

Council Member Clark: Motion for approval.

Council Member Malloy: Second. Unanimous.

10. ANNUAL REPORT OF THE LEGACY OVERSIGHT COMMITTEE.

Mr. Dara Folan, member of the City/County Planning Board and the Legacy Oversight Committee, 2712 Bartram Road, presented the 2005 Legacy Annual Report. He cited several major achievements during 2005 such as the adoption of the North Suburban Area Plan, the adoption of the Liberty Street Redevelopment Plan, and the completion of an updated Downtown Plan to reflect an implementation process. Other studies include the comprehensive Bicycle Master Plan, a pedestrian plan, a Center City rail/streetcar feasibility study, and planning for a regional commuter rail station area. Mr. Folan expressed the following on-going concerns for continued implementation of Legacy: limited planning staff resources, the time required to develop consensus with stakeholders on proposed UDO text amendments, and constraints of conformity with Legacy for Heart of the

Triad planning efforts. Mr. Folan stated that although his term on the Planning Board has expired, it is his desire to continue working with the Legacy Planning Committee.

Council Members thanked Mr. Folan for his good service to the community over the years.

Council Member Merschel asked Mr. Norby to comment on proposed revisions to the Historic Overlay Guidelines.

Mr. Norby responded that the draft of the guidelines has been completed by staff and the review committee. What remains is the formal adoption process, which includes sending the draft to the City Council for feedback. The Historic Resources Commission would then hold a public hearing and consider action. He pointed out that the Historic Resources Commission has the authority for approval of the revised guidelines.

Council Member Burke asked if more could be done to encourage public awareness of Legacy.

Mr. Norby responded that staff is working to increase its efforts in providing information to the public through TV13 programming and the development of slideshows to present at meetings of various community groups.

Mayor Joines recognized Council Member Besse at this time.

Council Member Besse asked staff if there was any information regarding the investigation of the recent occurrences of vandalism in the community.

Mr. Lee Garrity, Assistant City Manager, responded that the Kernersville Police Department has arrested seven young men for these crimes. He advised that there is some indication that these incidents could be gang-related, but more should be known as the investigation continues.

Council Member Burke stated that gangs and gang activity have been of long-standing concern in this community and she asked Mr. Garrity to comment on an initiative which she has planned with Police Chief Norris.

Mr. Garrity stated that Council Member Burke and Police Chief Norris have planned a community forum on gang violence on Tuesday, March 21, at 3:00 p.m. at the Public Safety Center.

Council Member Merschel commented that during a recent meeting in the Town and Country neighborhood, a concern was raised about an old radio tower and its possible interference with neighbors' cell phones and television signals. She asked if this issue could be discussed at a Public Works Committee meeting.

Council Member Johnson, Chair of the Public Works Committee, agreed to have this matter brought to the Public Works Committee.

Council Member Johnson expressed her appreciation to the staff for being so prompt in responding to the request from residents of Sundown Valley for speed limit signs.

Adjournment: 8:30 p.m.