

D-27098

Summary of Minutes

May 1, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, May 1, 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: Paige L. Deal, Deputy City Secretary and Melanie Johnson, Recording Secretary

Sergeants at Arms: Lieutenant David L. Kiger

Invocation: Ron Seeber, City Attorney

Pledge of Allegiance

Mayor Joines proclaimed today Delta Day in Winston-Salem and recognized many representatives of the Delta Sigma Theta Sorority who were in attendance, including Council Member Terry as well as a few City employees. He pointed out that the local chapter was chartered in 1939 and has since been active in community projects, including current activities in areas of economic development, political involvement, physical and mental development and international awareness.

RESOLUTION DECLARING MAY, 2006 AS HISTORIC PRESERVATION MONTH IN WINSTON-SALEM

Council Member Merschel: Motion to approve.

Council Member Burke: Second. Unanimous.

Council Member Leight presented the resolution to Mr. Mark Maxwell of the Historic

Preservation Commission and thanked the Commission for their efforts in community enrichment.

Mr. Maxwell thanked the Mayor and City Council for their support and noted that an Annual Report for the Historic Resources Commission had been provided to Council Members and a poster would be forthcoming. He invited everyone to attend the Awards Gala tomorrow night at Old Salem.

1. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 0.147 ACRE LOCATED OFF OF OLD SALISBURY ROAD – *Petition of Wake Forest University, Louis R. Morrell, and Patty Hull: [Recommended by Public Works Committee.]*
 - a. PUBLIC HEARING AND ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM BY ANNEXING THERETO CERTAIN CONTIGUOUS TERRITORY.
 - b. RESOLUTION AMENDING OFFICIAL CITY MAP DESIGNATING CORPORATE LIMITS AND SOUTH WARD BOUNDARIES.

No one heard.

Council Member Leight: Motion for adoption.

Council Member Merschel: Second. Unanimous.

2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF AN ALLEY OFF 17TH STREET IN THE NORTH WARD – *Petition of the City of Winston-Salem. [Recommended by Public Works Committee.]*

No one heard.

Council Member Malloy: Motion for adoption.

Council Member Johnson: Second. Unanimous.

3. PUBLIC HEARING ON ZONING PETITION OF BROWN ROGERS DIXSON COMPANY FROM LI TO PB: Property located on the southeast corner of Main Street and Seventh Street – Containing approximately 1.22 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2847. *[Planning Board recommends approval of petition.]*

Mayor Joines called for the public hearing and noted that Mr. Crumpler, a representative for the petitioner was present to answer any questions.

No one heard.

At the request of Council Member Johnson, Mr. Paul Norby, City/County Planning Director, presented the staff report. He pointed out that the property is listed on National Historic Register and the proposed change would be consistent with Legacy and the Downtown Plan.

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

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

Council Member Burke: Second. Unanimous.

4. **PUBLIC HEARING ON ZONING PETITION OF LOVE FOUNDATION FOR PROPERTY OWNED BY HOLINESS CHURCH OF GOD, INC. FROM LB AND RS-9 TO RMU-S (Congregate Care Facility; Adult Day Care Center; Child Day Care Center; Habilitation Facility C; Church Or Religious Institution, Neighborhood – Two Phase):** Property located on the southeast corner of Barber Street and South Main Street and on the north side of Champlain Street – Containing approximately 3.26 acres located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2850. *[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 permit.

Council Member Burke: Second. Unanimous.

5. PUBLIC HEARING ON ZONING PETITION OF EXL DEVELOPMENT COMPANY, INC. FOR PROPERTY OWNED BY SAME AND JANET HOOKER, CLARENCE C. WHITE, AND CHRISTIE WHITE FROM RS-9 AND HB TO RM-18-S (Residential Building, Multifamily; and Residential Building, Town House): Property located on the northeast side of Reynolda Road and south side of Morningside Drive – Containing approximately 21.8 acres located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2851. [*Planning Board recommends approval of petition and site plan with staff recommendations.*]

Mr. Chris Parr, 3614 Camden Falls Circle, Greensboro, NC 27410, explained that the petitioner had agreed to plant 15 Leyland cypress or crepe myrtles on the lot as part of the conditions of the special use permit.

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 noted that this property had historically been a source of contention for residents and pointed out that the petitioner had met with neighbors on several occasions to ensure their satisfaction with the project. He also thanked Ms. Sara Johnson for her efforts in keeping her fellow residents updated on the project.

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 permit.

Council Member Burke: Second. Unanimous.

6. PUBLIC HEARING ON ZONING PETITION OF KG NC, LLC FOR PROPERTY OWNED BY FIRST PRESBYTERIAN CHURCH FROM GB-S (SHOPPING CENTER) TO GB-S (FURNITURE AND HOME FURNISHING STORE): Property located off the north side of Hanes Mall Boulevard west of Westgate Center Boulevard – Containing approximately 3.45 acres located in the SOUTHWEST WARD (Council Member Besse) -

Zoning Docket W-2846. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mr. Don Nielsen, 100 N. Cherry Street, spoke on behalf of KG NC, LLC. He pointed out that if approved, the parcel located off Hanes Mall Boulevard would be purchased from First Presbyterian Church and opened as Ashley Furniture, a nationally known furniture retail store. He pointed out that 200 jobs would be brought to the Triad via the store in Winston-Salem and a distribution center to open in Greensboro. Mr. Nielsen stated that the proposal is consistent with surrounding businesses and recommendations made in Legacy, and noted that the petitioner would be grading the property to the west to enable future access easements as needed.

Mr. Ed Greene, 101 Charlois Boulevard, Suite 102, indicated that he is not opposed to the site plan, but would prefer the access easement be to the north where there is no retaining wall or to the southwest of the property as suggested by Mr. Nielsen.

Mayor Joines called for the rebuttal.

Mr. Carl Von Eisenburg, GeoScience & Technology, PA, 2050 North Point Drive, explained that the retaining wall could easily be moved and should not be a factor in the location of the access easement.

During the opposition rebuttal, Mr. Greene stated that regardless of the status of the retention pond, flexibility is needed in locating the access easement to ensure a practical and reasonable resolution for everyone.

Mayor Joines declared the public hearing closed and recognized Mr. Norby for a staff report.

Mr. Norby explained that although grading issues between the petitioner and adjoining property owner had not been resolved, the petitioner did agree to attach elevations of the store to the easement.

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 stated that there had been a reduction in the proposed number of parking spaces on site and noted that condition should not be reversible. He made a motion to approve the petition, adopt the zoning ordinance, and approve the site plan and special use permit with changes to language under "Prior to the Issuance of Building Permits: (a) Developer shall record an access easement in the office of the Register of Deeds which connects to the adjacent properties to the east and west as indicated on the revised site plan."

Council Member Clark: Second. Unanimous.

7. PUBLIC HEARING ON PETITION OF CENTRAL TABERNACLE, INC. AND CONSIDERATION OF SEVEN FINDINGS OF FACT FOR A SPECIAL USE PERMIT FOR THE EXPANSION OF INSTITUTIONAL PARKING IN AN RS-9 ZONING DISTRICT: Property located on the north side of Junia Avenue, between Dacian Street and Bloomfield Street – Containing approximately 0.60 acre located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2849. *[Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of permit.]*

Mr. Fernando Garcia, 2046 Bloomfield Drive, stated that although he is not in opposition to the proposal, he is concerned about potential stormwater runoff issues. He indicated that he currently experiences flooding problems and requested that a barrier be installed between the parking lot and his property to prevent the possibility of more problems in the future. Mr. Garcia

also stated that there is a lot of pedestrian traffic in the area at night and wondered if the parking lot expansion would aggravate the situation.

Council Member Clark inquired if representatives from the church had been in touch with Mr. Garcia.

Mr. Garcia indicated that he has heard from no one regarding the plans.

Council Member Terry explained that she and the petitioner are aware of runoff issues in the area and stated that the church would be willing to work with Mr. Garcia to ensure no additional problems occur as a result of the project.

Council Member Burke commented that staff should ensure the permit provides for amending runoff issues as a result of the construction.

Mr. Brad Coe, P.O. Box 36, Wallburg, a representative for the petitioner, noted that one of the conditions of the permit calls for a stormwater study.

Mayor Joines declared the public hearing closed.

**ORDINANCE ISSUING A SPECIAL USE PERMIT FOR INSTITUTIONAL PARKING
IN AN RS-9 ZONING DISTRICT**

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Terry made a motion to affirm the four findings of as required by Section 6-1.5(F) of the Unified Development Ordinance and detailed on the first page of the ordinance in the agenda packet; 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; and issue a special use permit to Central Tabernacle Church, Inc. to allow Institutional Parking in an RS-9 Zoning District on Tax

Lots 70, 137, and 138 of Block 937.

Council Member Merschel: Second.

Council Member Besse inquired about the requirements of a Type II Bufferyard and if the berm would address the runoff problem.

Mr. Norby responded that there is a 23-foot buffer between the properties, in which a three-foot berm would be located. He noted that if the stormwater management study shows a need, a stormwater pond would also be installed.

The motion to approve with conditions was unanimously carried.

7. PUBLIC HEARING ON ZONING PETITION OF MARK T. WILSON FROM RS-9 TO PB-S (Offices, Miscellaneous; Retail Store, Specialty Or Miscellaneous; Professional Office; Motor Vehicle Repair and Maintenance; Personal Services; Arts and Crafts Studio; Residential Building, Single Family): Property located on the south side of Sprague Court, east of Sprague Street – Containing approximately 0.56 acre located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2848. *[Planning Board recommends denial of petition, but approval of the site plan with staff recommendations.]*

Mr. Mark T. Wilson, PO Box 97, Kernersville, indicated that his tenant runs an auto repair business at this property and although previous property owners ran a similar business here, Mr. Bonitas is being discriminated against since he is a Hispanic American. Mr. Wilson requested that if the petition is not approved, the City Council consider referring the matter to the Human Relations Department.

Mr. Wilson stated that there is much commercial business in the community and it is difficult for him to lease the property. He noted that he would be willing to install a fence between his property and the adjoining property.

Mr. Todd Bently Cummings, 2980 E. Sprague Court, indicated that he is not prejudiced against Mr. Bonitas; a majority of his customers and employees are black or Hispanic. He indicated

that there are many structural issues with the house leading to difficulties in renting the property, and noted that there is extensive traffic around the property as well as aggressive dogs living at the house.

Ms. Betty Pegram, 2958 E. Sprague Street, stated that she lives next door to the property and it is not properly maintained by Mr. Wilson. She stated that she has no problems with Mr. Bonitas but is opposed to use of the property as a garage due to noise and traffic.

Ms. Nancy Byrum, 1836 Flatrock Street, representing Waughtown Preservation and Revitalizing Coalition, indicated that due to delays in rezoning, neighbors have had to deal with negative impacts of the auto repair shop. She stated that the residents' objections were understandable given the residential nature of surrounding properties. Ms. Byrum listed many issues associated with an auto repair shop including engine revving and environmental impacts from auto repair waste. She noted that four of the most blighted urban activity areas recently identified by the City/County Planning Board are on Waughtown Street, including this area, and pointed out the close proximity of the Waughtown-Belview Historic District.

During the rebuttal, Mr. Wilson indicated that he is not seeking additional rent by rezoning his property, and expressed concern that the neighbors' issues are culturally and racially generated. He noted that the requested use is consistent with the area plan.

Representative Larry Womble, 1294 Salem Lake Road, spoke on behalf of the opposition and stated that the problems in the community are not related to prejudice. He noted that the staff report indicates that the requested use is inconsistent with the area plan. Representative Womble requested the Council Members deny the rezoning petition and thanked them for their time.

Mayor Joines declared the public hearing closed and recognized Mr. Norby for a staff report.

Mr. Norby explained that the Southeast Area Plan recommends the property for low intensity business use, however, motor vehicle repair is not considered low intensity use and the Planning Board has recommended denial of the petition.

**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 explained that much work is being done to revitalize the Waughtown community and invited everyone to attend a meeting of the Waughtown Business Association to be held at 6:00 p.m. on May 23, 2006 at the Prodigals Community, 1024 Waughtown Street. She expressed concern over the perception of racial discourse in the neighborhood and noted that many residents are making efforts to welcome the cultural diversity within their communities. She also noted that the City is working with businesses and citizens to address the blighted areas of the Southeast Ward and the outlook is positive. Council Member Terry made a motion to deny the petition.

Council Member Clark: Second.

The motion to deny the petition was unanimously carried.

9. PUBLIC HEARING ON ZONING PETITION OF THE COUNTRY CLUB ESTATES NEIGHBORHOOD ASSOCIATION FOR PROPERTY OWNED BY OTHERS FROM RS-12 TO RS-12-NCO (NEIGHBORHOOD CONSERVATION OVERLAY): Property generally located on both sides of Plymouth Avenue, Fairfax Drive, Canterbury Trail, Lynn Avenue, Greenwich Road, Westview Drive, Buckingham Road, Bitting Road, and Pine Valley Road – Containing approximately 186.00 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2852. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

Ms. Melynda Dunigan, 1875 Mallard Lakes Drive, representing the Winston-Salem Neighborhood Alliance, expressed support of the Neighborhood Conservation Overlay (NCO) concept. She stated that Legacy recommends use of the NCO tool and stressed the importance of protecting neighborhoods to increase property values. Ms. Dunigan pointed out the importance of a tool that can tailored to fit the needs of individual neighborhoods and ensure that positive infill development is taking place.

Mr. Doug Jotcham, 305 Fairfax Drive, President, Country Club Estates Neighborhood Association, indicated that the petition was filed under his signature and stated that he is proud to provide application under the ordinance. He explained that Country Club Estates was platted in the 1920's and built in the 1950's. He stated that it has long-term residents with large tree-filled lots, greenspaces and winding streets, and noted that the integrity of the neighborhood is cherished by residents. Mr. Jotcham distributed a list of residents that had signed in support of the NCO.

Mr. Ed Bowden, 381 South Westview Drive, stated he had reviewed the definition of the NCO and noted that Country Club Estates reflects that character of Winston-Salem. He pointed out the irony in this being the eve of Historic Preservation Month and stated this would be a chance for the Council to put the language of the NCO into action. Mr. Bowden recognized the residents for their work in helping form the NCO and pointed out that 71% of them are in support of the item.

Mr. Steve Strawsburg, 364 Buckingham Road, expressed support for the proposed NCO and explained that there had been extensive contact with neighbors to file the petition and much flexibility was exhibited in putting the proposal together.

Ms. Ann Faris, 2720 Bitting Road, stated her family has resided at the property since 1979. She indicated that the residents' motives are not anti-development but pro-development with positive impacts on the neighborhood. She questioned the sincerity of concerns expressed by a developer for the neighborhood without an NCO in place.

Mr. Emmett McCall, 100 N. Cherry Street, appeared on behalf of the opposition and stated that the NCO was originally proposed for more homogenous neighborhoods than Country Club Estates. He expressed a concern that this proposal would restrict the rights of property owners to subdivide their lots and requested the City Council to consider removing properties with owners who are opposed to the NCO.

Mr. Thomas S. Douglas, 2834 Bitting Road, explained that has resided in Country Club Estates for 40 years and stated that this proposal imposes on his property rights. He noted that there are 37 to 55 non-conforming properties under the NCO and stated that properties in Districts 1 and 2 would be held to lower standards than those in District 3. Mr. Douglas expressed concern that the proposed NCO and rezoning request would have an arbitrary and unfair effect on property values within Country Club Estates.

Mr. Glenn Yoder, 223 Westview Drive, explained that one property within the neighborhood had previously been subdivided to the chagrin of many neighbors, but pointed out the increase of property values of the properties due to the actions. He questioned why some lots had been exempted from the proposal and expressed concern over infringement on the rights of property

owners.

During rebuttal, Mr. Jim Vaughan, 206 N. Spruce Street, Suite 2A, noted that Legacy supports the NCO concept which promotes responsible development. He stated that original ballots indicated 76% support of the proposal, with a decrease to 71% after letters were distributed by Mr. McCall with incorrect accusations concerning restrictions of the NCO.

Mr. McCall spoke for the opposition rebuttal and presented a recorded plat of Country Club Estates, which is smaller than that indicated by proponents of the NCO. He suggested imposing uniform requirements on all lots.

Mayor Joines declared the public hearing closed and recognized Mr. Norby for a staff report.

Mr. Norby stated that older neighborhoods usually have a diverse number of differing lot sizes, and explained that the applicants completed an inventory of the neighborhood and set standards based on lot size, lot width, front setback and percent of building coverage, resulting in many of the lots having nonconforming status. He noted that there was also an issue with a development currently in progress for which the developer had already received site plan approval.

Mr. Ronnie Grubbs, Assistant Inspections Director, explained that nonconforming vacant lots would be included if the NCO is approved tonight. He noted that two adjacent nonconforming lots with the same owner would have to be developed as one lot; however, individual lots could be sold and developed as legal nonconforming lots. Mr. Grubbs pointed out that homes built prior to the proposed adoption of the NCO would be considered legal nonconforming structures. He explained that if a legal nonconforming structure is destroyed or demolished, it can be rebuilt contingent upon the issuance of a building permit within two years and construction within the following two years, no increase in floor area, and construction must occur in the same location. He pointed out

that the setback may be increased.

In response to Council Member Clark, Mr. Grubbs indicated that the UDO would allow for an additional floor to be added in the reconstruction of a nonconforming structure only if the building is placed at a larger setback. He also indicated that there are currently no nonconforming structures within Country Club Estates.

Council Member Burke pointed out that some attendees had reacted adversely to the information regarding nonconforming lots and requested staff ensure that documentation of the changes will be easy to understand.

In response to Council Member Merschel's question, Mr. Norby indicated that the overlay would establish standards to be met in addition to the existing zoning requirements of RS-12. He stated that although the Historic Overlay District is similar, the NCO would be more restrictive.

Mr. Grubbs pointed out that these districts would be reflected on the official zoning map and would distinguish the individual districts as NCO overlay.

**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 special use permit.

Council Member Merschel: Second.

Council Member Besse commented that zoning is inherently restrictive of property usage, and praised the petitioners for the democratic process used in developing this proposal. He noted

that continuing development without the NCO presents a threat of cul-de-sac subdivision and pointed out that a majority of the speakers in favor of the NCO reside within District 3, with the largest lot size and setback requirements. Council Member Besse noted that he received input from 21 households in favor of the NCO and only four households against the NCO; he expressed concern that some of the residents opposed to the NCO may be confused about or unaware of the requirements surrounding the NCO.

Council Member Clark indicated his support for the motion and stated that staff should investigate more options for dealing with development issues within neighborhoods. He expressed a concern that 34% of the property is nonconforming, on which no garage enclosures or additional rooms could be added under the NCO. Council Member Clark also expressed a concern over the randomness of the process with the proposal and noted that one property that has historically been in disrepair had been omitted from the proposal. He pointed out that all vacant lots had been researched and no vacant land would be taken in the proposal.

Council Member Merschel expressed her support for the neighborhood but cautioned residents that the NCO is an overlay and could greatly restrict building and zoning guidelines. She noted that the map seems random and breaking up the neighborhood into four zones could become an issue. She requested that additional research be put into the NCO for improvements.

Council Member Burke expressed a concern over Inspections' duties in enforcement of the NCO. She noted that more clearly defined guidelines are needed.

Council Member Johnson inquired about the criteria for properties excluded from the proposal.

Mr. Norby stated that although he was not privy to the reasoning for removing those

properties, he felt there had been an effort not to include lots fronting Country Club Road.

Council Member Leight expressed support for the NCO and stated that although improvements are needed, implementing additional standards could result in the NCO becoming too rigid.

Council Member Besse noted that the variance process could be used to address small changes to nonconforming properties. He confirmed that there had been an effort not to deal with lots facing Country Club Road and only those fronting internal streets within the neighborhood.

The motion to approve the item was unanimously carried.

The Mayor called for a five minute recess at 10:15 p.m.

Mayor Joines called the meeting back to order at 10:24 p.m.

10. CONTINUATION OF PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES PERTAINING TO THE NEIGHBORHOOD CONSERVATION OVER (NCO) DISTRICT – *Proposal of W. Bradley Helms – UDO-156. [Planning Board recommends approval of amendment with modifications. This item was continued from the April 3 and April 17 Council meetings.]*

(NOTE: THIS ITEM CONTINUED AFTER ITEM 11.)

In Council Member Besse's absence, Council Member Merschel made a motion to remand this item to the Planning Board.

Council Member Clark: Second.

Council Member Johnson noted that the proposal should also be considered by the Community Development/Housing/General Government Committee prior to coming back to City Council.

Mr. Norby indicated that staff would research the nonconforming lots situation and make recommendations for changes.

The motion to remand the item to the Planning Board and send through the Community Development/Housing/General Government Committee was unanimously carried.

11. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER C, ARTICLE 3-5.4 OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE SIDA POINT ALLOCATION SYSTEM IN THE SALEM LAKE WATERSHED AS IT PERTAINS TO CERTAIN PUBLIC/INSTITUTIONAL USES – UDO-155. [*Planning Board recommends approval.*]

Dr. Johnny York, Pastor of Praise Assembly Christian Center, P.O. Box 15601, stated that the church has purchased land for a center on Salem Lake Road. He indicated that the church is prepared to meet the requirements of the ordinance, and construction will be environmentally friendly, with less dependence upon fossil fuels. Dr. York noted that the church has outgrown its current location on Queen Street and wishes to continue community outreach through the new location. He pointed out that they have partnered with Winston-Salem State University as well as the Northwest North Carolina Food Bank.

Mr. Gene Miller, Assistant Superintendent of Operations for Winston-Salem/Forsyth County (WS/FC) Schools, expressed support for the ordinance. He noted that services are provided to students throughout Forsyth County and approval of this amendment would allow the School System to provide temporary classroom space pending bond funding for new construction.

The Mayor declared the public hearing closed and recognized Mr. Norby for a staff report.

Mr. Norby explained that the point system currently favors economic development, regardless of local uses. He noted that this amendment would allow point allocations for certain public institutions including schools and churches. Mr. Norby pointed out that in order to receive total point allocations, the proposed uses would still require City Council approval.

In response to Council Member Terry's question, Mr. Norby explained that SIDA is an

acronym for Special Intense Development Allocation.

Council Member Terry noted that this would not infringe upon greenways and the water supply.

Council Member Johnson requested a list of properties along Kernersville Road that could be eligible for SIDA allocations.

Council Member Johnson: Motion for adoption.

Council Member Terry: Second. Unanimous.

CONTINUATION OF ITEM 10.

Council Member Besse referred to Item 10 and stated that he had spoken with the petitioner and Mr. Helms has asked to withdraw his formal petition. Council Member Besse requested a friendly amendment to the vote on Item 10 to refer the concept of the amendment back to the Planning Board.

Council Member Merschel: Second. Unanimous.

12. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, ZONING ORDINANCE, AND CHAPTER D, SUBDIVISION REGULATIONS, OF THE UNIFIED DEVELOPMENT ORDINANCES TO REFLECT THE CHANGES MADE TO THE PLANNING LAWS BY THE NORTH CAROLINA GENERAL STATUTES – *UDO-157*.
[Planning Board recommends approval.]

No one heard.

Mr. Norby explained that the proposal is basically for administrative changes in keeping with State laws.

Council Member Besse: Motion for adoption.

Council Member Clark: Second. Unanimous.

13. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER C, ENVIRONMENTAL

ORDINANCE, ARTICLE III, SALEM LAKE WATERSHED UNIFIED DEVELOPMENT
ORDINANCES TO ALLOW DENSITY AVERAGING BETWEEN PAIRED PARCELS
FOR THE PURPOSES OF CALCULATING IMPERVIOUS COVERAGE – *UDO-158.*
[Planning Board recommends approval.]

Mr. Gene Miller, Assistant Superintendent, WS/FC Schools, noted that approval of this amendment would allow the School System to pair parcels and overcome the impervious surface coverage for which they are currently at maximum at two overcrowded elementary schools.

Council Member Besse inquired if this change would allow the School System to construct on the paired property and elect to use a lower density at that time.

Mr. Norby indicated that if both properties averaged together remain below the State Watershed Limits, there could be a combination of densities on either property.

Council Member Leight asked about the requirement for an undeveloped parcel to remain undeveloped and in a permanent conservation state.

Mr. Norby explained that a petitioner could build upon a parcel as long as the undeveloped site is reconfigured to meet the requirements and approved by the City Council.

Mr. Miller responded to Council Member Malloy's questions, indicating that the building capacity required for next school year cannot be met at this time. Although modular units will be needed, he stated that planned construction on a new school and placement of a modular building at Sedge Garden should alleviate that need within a couple of years.

Council Member Terry expressed a concern about the current problems with maximum impervious surfaces and requested that staff work with the School System to utilize environmentally friendly materials to construct their new facilities.

Council Member Johnson inquired if schools are being underutilized and if students could be

moved to other schools close to their districts to accommodate overcrowding.

Mr. Miller responded that WS/FC Schools is currently beyond capacity and all extra space has been converted to accommodate growth. He indicated that there are plans to install mobile units at its newest school within the next year.

Council Member Clark: Motion for adoption.

Council Member Burke: Second. Unanimous.

14. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER A, DEFINITIONS ORDINANCE, AND CHAPTER B, ZONING ORDINANCE, OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE MIXED USE, SPECIAL USE ZONING DISTRICT (MU-S) PROVISIONS TO MAKE THE DISTRICT MORE USER FRIENDLY AND FLEXIBLE FOR APPLICATION IN DIFFERENT GROWTH MANAGEMENT AREAS – *UDO-159. [Planning Board recommends approval.]*

No one heard.

Mr. Norby responded to Council Member Merschel's question, stating that the City Council would have to approve MU-S districts.

Council Member Merschel: Motion for adoption.

Council Member Johnson: Second. Unanimous.

15. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, ZONING ORDINANCE, OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE GREATER PARKING FLEXIBILITY FOR CHANGES IN USE FOR BUILDINGS WITH PARKING NONCONFORMITIES – *UDO-160. [Planning Board recommends approval.]*

No one heard.

Mr. Norby explained that this amendment pertains to downtown buildings constructed prior to 1968 for which parking does not adhere to current standards. He noted that this would allow reuse of those buildings with the exception of restaurants and bars, which would require a variance and Board of Adjustment (BOA) review. Mr. Norby also stated that expansions would require parking standards to be met.

Council Member Merschel expressed a concern about BOA review of variance requests by bars. She made a motion to approve the amendment with a change requiring City Council approval for any proposed new use under the Restaurant classification.

Council Member Johnson: Second. Unanimous.

16. CONSIDERATION OF ITEMS REGARDING THE ISSUANCE OF \$4,425,000 GENERAL OBLIGATION BONDS: *[Recommended by Finance Committee.]*
 - a. PUBLIC HEARING AND ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$2,505,000 STREET AND SIDEWALK BONDS OF THE CITY OF WINSTON-SALEM.

Council Member Burke: Motion to open the public hearing.

Council Member Merschel: Second. Unanimous.

Ms. Susan Parker, 1817 Buddingbrook Lane, spoke on behalf of Communities Helping All Neighbors Gain Empowerment (CHANGE.) She requested consideration of using \$1 million of designated sidewalk/street improvement funds for the Priority 1 and 2 areas of the City's Revitalizing Urban Commercial Areas program. She expressed CHANGE's support for the

greenways and recreation improvements. Ms. Parker thanked the Mayor and Council Members for their attendance at the CHANGE assembly the prior day, and noted that over 50 members of CHANGE had been present at tonight's meeting.

Council Member Clark: Motion to close the public hearing.

Council Member Merschel: Second. Unanimous.

Council Member Merschel: Motion for adoption of the bond order.

Council Member Malloy: Second. Unanimous.

- b. PUBLIC HEARING AND ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,420,000 PARKS AND RECREATION BONDS OF THE CITY OF WINSTON-SALEM.

Council Member Merschel: Motion to open the public hearing.

Council Member Burke: Second. Unanimous.

No one heard.

Council Member Burke: Motion to close the public hearing.

Council Member Malloy: Second. Unanimous.

Council Member Merschel: Motion for adoption of the bond order.

Council Member Burke: Second. Unanimous.

- c. PUBLIC HEARING AND ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$500,000 PUBLIC IMPROVEMENT BONDS OF THE CITY OF WINSTON-SALEM.

Council Member Johnson: Motion to open the public hearing.

Council Member Clark: Second. Unanimous.

No one heard.

Council Member Merschel: Motion to close the public hearing.

Council Member Terry: Second. Unanimous.

Council Member Merschel: Motion for adoption of the bond order.

Council Member Malloy: Second. Unanimous.

In response to Council Member Johnson, Mr. Stuart indicated that these are two-thirds, general obligation bonds.

17. CONSIDERATION OF MAYOR JOINES' RECOMMENDATION FOR APPOINTMENT TO THE POLICE RETIREMENT COMMISSION – *Michael McCoy – Term Expiring April, 2009*

Council Member Johnson: Motion for approval.

Council Member Terry: Second. Unanimous.

18. CONSIDERATION OF SUMMARIES OF MINUTES:

a. APPROVAL OF SUMMARY OF MINUTES – *March 27, 2006.*

b. APPROVAL OF SUMMARY OF MINUTES – *April 3, 2006.*

c. APPROVAL OF SUMMARY OF MINUTES – *April 17, 2006.*

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

Adjournment: 10:59 p.m.