

D-27164

Summary of Minutes

November 20, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, November 20, 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

* Council Member Clark entered the meeting at 8:09 p.m.

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

Mayor Joines noted that this is Mrs. Deal's last Council meeting due to her upcoming retirement.

Council Member Burke thanked Mrs. Deal for the assistance she has provided over the years.

INVOCATION Ronald G. Seeber, City Attorney

PLEDGE OF ALLEGIANCE

Mayor Joines recognized Boy Scout Troop 23 from Community Bible Church in High Point to lead in the Pledge of Allegiance.

RECOGNITION OF SERGEANT-AT-ARMS

Lieutenant Connie Southern

CONSENT AGENDA

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if anyone would like to remove any items for separate discussion.

Council Member Burke asked that Item C-2 be removed for discussion. Council Member Leight requested that Item C-10 be removed, and Council Member Johnson asked for discussion on Items C-19, C-20, and C-21. Council Member Besse asked that Item C-4 be removed for discussion. No other items were removed.

Council Member Johnson: Motion for approval of remaining items on the Consent Agenda.

Council Member Merschel: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO ACQUISITION/SALE OF PROPERTY: [Recommended by Finance Committee.]

- a. RESOLUTION GRANTING FEE SIMPLE RIGHT-OF-WAY AND EASEMENTS TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PURSUANT TO N.C.G.S. 160A-274 - Lot 103B of Block 4401D located on Lewisville-Clemmons Road.
- b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR OLD LEXINGTON ROAD WIDENING BY DEED OR CONDEMNATION.
- c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON WAUGHTOWN STREET UNDER THE PROVISIONS OF N.C.G.S. 160A-269 AND THE CITY'S FINANCING OF THE SALE - Lot 011A of Block 0786A located on Waughtown Street.

C-3. RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A LANDSCAPING AGREEMENT WITH THE YWCA FOR THE HISTORIC OAK GROVE SCHOOL. [Recommended by Community Development/Housing/General Government Committee.]

C-5. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Mid Salem Drive, Glen Way Drive, Westover Drive, Louella Drive; Neighborhood Limits: Meadowlark Glen Lane, Pagebrook Drive, Pagebrook Circle, Deckerleaf Court and Ashbry Run Drive. [Recommended by Public Safety Committee.]

- C-6. ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE REGARDING POSSESSION AND DISCHARGE OF FIREARMS TO ADD PART G ELIMINATING HAZARDOUS WILDLIFE AT THE SMITH REYNOLDS AIRPORT. [Recommended by Public Safety Committee.]
- C-7. RESOLUTION IN SUPPORT OF A SEAMLESS MOBILITY STUDY OF THE URBAN TRANSIT SYSTEMS, PART EXPRESS, AND THE HUMAN SERVICE TRANSPORTATION SYSTEMS IN FORSYTH AND GUILFORD COUNTIES. [Recommended by Public Works Committee.]
- C-8. 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 FISHEL ROAD (SOUTH WARD) - Petition of Jerry and Carolyn Bauguess - Public Hearing: January 2, 2007.
- b. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF HARRIET TUBMAN DRIVE (NORTHEAST WARD) - Petition of Smith Phillips Lumber Company, Inc. - Public Hearing: January 2, 2007.
- C-9. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE OF THE CITY OF WINSTON-SALEM FOR FY 2006-2007 FOR THE CREATION OF THE POSITION OF NEIGHBORHOOD ASSISTANCE SPECIALIST. [Recommended by Finance and Community Development/Housing/General Government Committee.]
- C-11. RESOLUTION APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC. OF THE CAROLINAS FOR DESIGN SERVICES FOR THE REPLACEMENT OF SIX DRAINAGE STRUCTURE LOCATIONS. [Recommended by Public Works Committee.]
- C-12. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STEWART-COOPER-NEWELL ARCHITECTS, P.A. FOR PROFESSIONAL DESIGN SERVICES RELATED TO THE CONSTRUCTION OF FIRE STATION #20. [Recommended by Public Safety Committee.]
- C-13. RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM TO SHARE DEPARTMENT OF JUSTICE GRANT FUNDS. [Recommended by Public Safety Committee.]

- C-14. RESOLUTION AUTHORIZING SALE OF SURPLUS USED VEHICLES AND EQUIPMENT. [Recommended by Finance Committee.]
- C-15. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:
[Recommended by Finance Committee.]
- a. RESOLUTION AWARDED CONTRACT FOR POLICE PURSUIT VEHICLES - Capital Ford, Inc. - \$1,096,500.
 - b. RESOLUTION AWARDED CONTRACT FOR TAR BRANCH STREAM ENHANCEMENT AT SOUTHEAST GATEWAY - North State Environmental, Inc. - \$107,309.
 - c. RESOLUTION AWARDED CONTRACT FOR CONCRETE CURB MACHINE FOR CITY OF WINSTON-SALEM FLEET SERVICES - Southern Equipment Service, LLC. - \$174,300.
 - d. RESOLUTION AWARDED CONTRACT FOR READY MIXED CONCRETE - Hartley Ready Mix Concrete Mfg., Inc. - \$162,305.
- C-16. CONSIDERATION OF ITEMS RELATING TO ASSESSMENTS:
- a. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION. - Public Hearing: December 18, 2006.
 - b. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE COST OF HOUSING RELOCATION FROM HOUSING UNFIT FOR HUMAN HABITATION. - Public Hearing: December 18, 2006.
- C-17. RESOLUTION GRANTING AN ENCROACHMENT AGREEMENT TO JAMES MANUEL (NORTH WARD) - Petition of City of Winston-Salem. [Recommended by Public Works Committee.]
- C-18. RESOLUTION GRANTING AN EASEMENT TO WB HOLDINGS, LLC (EAST WARD) - Petition of WB Holdings, LLC. [Recommended by Public Works Committee.]
- C-22. APPROVAL OF SUMMARY OF MINUTES - November 6, 2006.

C-2. RESOLUTION AUTHORIZING A COOPERATION AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM AND THE HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM FOR THREE PROJECTS WITHIN THE HAPPY HILL HOPE VI DEVELOPMENT. [Recommended by Finance and Community Development/Housing/ General Government Committees with additional information to be provided by HAWS.]

At the request of Council Member Burke, Attorney Sherrod Banks of Durham appeared on behalf of the Housing Authority of Winston-Salem (HAWS) and presented detailed information regarding owners, investors, managers and distribution of equity in the following HAWS developments: Azalea Terrace, Aster Park, Arbor Oaks, Alder's Point, Providence Place, and Willows Peake. He explained that membership interests of the Housing Authority are represented through Forsyth Economic Ventures, the Authority's wholly-owned non-profit subsidiary, and FRED, which is Forsyth Economic Ventures' for-profit subsidiary.

Council Member Burke commented that these developments will provide tax dollars back to the City and substantial improvements have been and will continue to be made in those areas of the City. She remarked that HOPE VI projects enhance the communities in which they are developed.

Council Member Burke: Motion for approval.

Council Member Johnson: Second. Unanimous.

Council Member Malloy requested that Mr. Banks provide copies of the information to members of the Council.

C-4. RESOLUTION APPROVING CHANGES TO THE CITY OF WINSTON-SALEM'S HOUSING REHABILITATION PROGRAM GUIDELINES. [Recommended by Community Development/Housing/General Government Committee.]

Council Member Besse stated that he supported this item and wanted to make the community aware that the City is increasing the maximum amount on home rehabilitation loans, especially since home repair costs are increasing. Over the past several years, the number of loans made in the community had dropped significantly since the maximum amounts could not address the actual costs. This action would increase the overall maximum loan limit for a house up to \$45,000 of rehab/repair work. He asked staff to comment on the eligibility criteria.

Ms. Sharon Johnson, Rehabilitation Supervisor in the Housing Services Department, explained that there are owner-occupied criteria and investor criteria. The program also provides for revitalization strategies in targeted areas, as well as City-wide. Previous program loan limits were \$27,500 and \$33,000, which have been increased to \$45,000. Ms. Johnson advised that participants in the program are primarily elderly on fixed incomes and while they do have the resources to repay the City loan, they may not meet the more stringent repayment requirements from conventional lending institutions.

Council Member Besse: Motion for approval.

Council Member Malloy: Second. Unanimous.

At this time, Mayor Joines recognized Dr. Monica Lett, Director of the Housing/Neighborhood Services Department, who is also retiring on November 30, and expressed the appreciation of the Council for all of her hard work over the years.

C-10. CONSIDERATION OF ITEMS RELATED TO A CONTRACT FOR CURBSIDE RECYCLING SERVICES: [Recommended by Public Works Committee.]

a. RESOLUTION AWARDDING A CONTRACT FOR CURBSIDE RECYCLING SERVICES - Waste Management.

- b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2006-2007.

Council Member Leight asked staff to comment on the City's recycling program.

Mr. Greg Turner, Assistant City Manager, explained that this proposed contract is with Waste Management and will be for a five-year term with options to renew. He stated that Waste Management will collect all recyclable commodities such as plastic, bottles, and jars, as well as the addition of aerosol cans. The requirements for bundling corrugated cardboard have been loosened. Mr. Turner advised that the City will receive 28 percent of the sale price of the commodities, and staff will continue to work with the company to collect new commodity options as they develop. He stated that there will be a significant education and information campaign to make the public aware of the program and the changes.

Council Member Leight: Motion for approval.

Council Member Johnson: Second. Unanimous.

C-19. RESOLUTION ADOPTING THE CITY'S 2006-2009 STRATEGIC PLAN. [Recommended by Finance, Public Safety, Community Development/Housing/General Government Committees, and Public Works Committee.]

At the request of Council Member Johnson, City Manager Lee Garrity stated that this is the second four-year strategic plan developed by the Mayor and Council. The City was able to implement approximately 97 percent of the first strategic plan, and staff continues to work toward the objectives set by Council. He stated that the four-year plan before Council this evening contains 30 major strategies and 64 action plans. A progress report will be provided to Council at least twice a year and copies of the plan will be available for the public and posted on the City's website.

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

C-20. RESOLUTION RENAMING THE TRANSPORTATION CENTER FOR MR. CLARK CAMPBELL. [Recommended by Community Development/Housing/General Government Committee.]

Council Member Johnson stated that this is an opportunity to salute a dedicated citizen. She stated that the Winston-Salem Transit Authority received a request from Representative Larry Womble to name the Transportation Center for Mr. Clark Campbell who has served the public for 62 years. She stated that Mr. Campbell was present in the audience.

Mayor Joines invited Mr. Campbell to come forward and address the Council.

Mr. Clark Campbell, 1364 West Sedgefield Drive, stated that he started work with the local bus company on October 8, 1944 and he has has 62 years of continuance service. Mr. Campbell stated that he was grateful to God, and he expressed appreciation to the Mayor and Council for this recognition.

Council Member Johnson commented that special activities are being planned for a naming ceremony.

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Burke commented that she remembered Mr. Campbell had a brother who also drove a bus and she frequently traveled on that bus when she was growing up.

C-21. RESOLUTION AUTHORIZING THE CONSTRUCTION OF A MEMORIAL MONUMENT IN EVERGREEN CEMETERY. [Recommended by Public Works Committee.]

At the request of Council Member Johnson, Mr. Turner explained that this memorial wall will be built inside Evergreen Cemetery and will replace a wall originally intended to be built along 10th Street. This wall is provided for citizens to memorialize family members and community leaders in a tangible way.

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

GENERAL AGENDA

G-1. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF AN ALLEY OFF OF VINTAGE AVENUE - Petition of Julie Ann Palm. [Public Works Committee forwarded this item to Council without a recommendation.]

Speaking in favor of the petition were the following persons: Ms. Tyra Somers, 110 Park Boulevard; Mr. William Brake, 130 Park Boulevard; Ms. Heidi Tennis, 327 Vintage Avenue; and Ms. Connie Brake, 130 Park Boulevard. Reasons presented for wanting this right-of-way closed were for the safety of the adjoining property owners, who find themselves victims of property crimes and occasionally find vagrants on their property. They also stated that this block was very park-like in appearance and if this right-of-way was ever opened or used heavily, it would mean the loss of several mature trees. It was pointed out that if the right-of-way is closed, the area would remain as it currently is.

Appearing in opposition to the petition was Ms. Emmie Birkas, 60 Park Boulevard. Ms. Birkas stated that if this alley is closed, she would not have access to the rear of her property and the City would not be able to get to the utility lines for maintenance. She mentioned that there is some question about where the water lines are located.

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

Council Member Leight asked Mr. Turner to respond to the concern about City access to utility lines.

Mr. Turner responded that it is normal procedure in right-of-way closures for the City to retain an easement for maintenance of any utilities that are in place, and that would apply in this situation as well.

Council Member Leight stated that there is a difference of opinion among the neighbors with regard to this proposed closure, but she will concur with the majority of those who want the right-of-way closed.

Council Member Leight: Motion for approval.

Council Member Johnson: Second. Unanimous.

G-2. CONSIDERATION OF ITEMS RELATING TO THE HAPPY HILL REDEVELOPMENT AREA:

- a. PUBLIC HEARING AND RESOLUTION ESTABLISHING MINIMUM FAIR MARKET REUSE VALUES FOR PARCELS IN THE HAPPY HILL REDEVELOPMENT AREA AND AUTHORIZING SALE OF DESIGNATED PARCELS PURSUANT TO PROVISIONS OF N.C.G.S. 160A-457 (NEGOTIATED PRIVATE SALE) AND PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-269 (NEGOTIATED OFFER, ADVERTISEMENT AND UPSET BID PROCEDURE) - 45 Lots on Humphrey, Alexander, Alder, Pitts, Liberia, Willow and Powell Streets. [Recommended by Finance Committee.]

No one heard.

- b. RESOLUTION DESIGNATING THE HOUSING AUTHORITY OF WINSTON-SALEM, HABITAT FOR HUMANITY OF FORSYTH COUNTY, INC. AND PARTNERS FOR HOME OWNERSHIP, INC. AS PREFERRED DEVELOPERS FOR THE HAPPY HILL REDEVELOPMENT AREA AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE DEVELOPMENT

AGREEMENTS. [Recommended by Community Development/Housing/
General Government Committee.]

Council Member Johnson: Motion for approval of both resolutions.

Council Member Merschel: Second. Unanimous.

G-3. PUBLIC HEARING AND RESOLUTION AUTHORIZING ASSISTANCE TO WAKE FOREST UNIVERSITY HEALTH SCIENCES FOR THE EXPANSION OF THE PIEDMONT TRIAD RESEARCH PARK. [Recommended by Finance Committee.]

Mr. Derwick Paige, Deputy City Manager, stated that this is a request of Wake Forest University Health Sciences for up to \$4.8 million to be provided over a period of 20 years to finance new infrastructure within the Piedmont Triad Research Park. In exchange for the City's investment, WFUHS will construct three new buildings with a combined taxable value of approximately \$47.6 million, and create approximately 1100 new jobs. Public dollars will be used for the installation of major roads and utility systems, as well as the major expense of railroad relocation. All of the buildings currently existing will be taxable for at least 20 years, and new buildings will be taxable 20 years from the point of construction.

Mayor Joines pointed out that the City's contribution of \$4.8 million for infrastructure costs will be paid by new taxes generated by the project. It is estimated that infrastructure costs will claim 85 percent of the new taxes, so the City will retain 15 percent. He noted that this proposal will open up an additional 10 to 12 sites of several million square feet.

(Council Member Clark entered the meeting at 8:09 p.m.)

Council Member Besse pointed out that in addition to street and bridge construction, infrastructure improvements include the daylighting of Bath Branch.

Mayor Joines noted that Dr. Richard Dean was present in the audience if there were any questions. He asked if anyone wished to be heard on this matter. Hearing no one, he declared the public hearing closed.

Council Member Merschel: Motion for approval.

Council Member Malloy: Second. Unanimous.

Council Member Merschel commented that this is an excellent long-term investment for the community which will increase the tax base and solidify the City's commitment to attract technology companies to Winston-Salem.

Council Member Burke stated that at the Finance Committee meeting, she noted that the creation of jobs is a high priority and that Winston-Salem has a very qualified and available workforce. She asked for confirmation from Dr. Dean that citizens of Winston-Salem will be considered first for job opportunities.

Dr. Richard Dean, 2551 Warwick Road, responded that this was absolutely the intent. He remarked that there is heavy investment in job training/retraining through Forsyth Technical Community College and job opportunities will be given high visibility in the community.

Council Member Johnson stated for the record that she is employed by Baptist Hospital, and this project is being proposed by Wake Forest University Health Sciences, so there is no conflict of interest on her part.

G-4. CONSIDERATION OF A REQUEST FROM ONE PARK VISTA, LLC. [Finance Committee unanimously recommended approval of the cost associated with the steel bracing, but forwarded the request for reimbursement for unforeseen asbestos removal to the Council without a recommendation, pending verification of expenses by City staff.]

Mayor Joines pointed out a replacement item before Council which verifies the request from One Park Vista, LLC, by staff.

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Burke expressed appreciation to Mr. Kerry Avant for his cooperation with the City.

Council Member Johnson noted that this is yet another example of exciting things happening in the East Ward and she was happy to see continuing development.

G-5. CONSIDERATION OF A MOTION TO ADJUST THE COUNCIL'S DECEMBER MEETING SCHEDULE.

Council Member Merschel stated that there are two zoning matters coming to Council from the November Planning Board meeting and the next regularly scheduled meeting of Council is December 4, which is the day before many Council Members will be leaving for the National League of Cities Congress of Cities.

Council Member Wanda Merschel: Motion to cancel the December 4, 2006, City Council meeting and carry over all items proposed for that meeting to the December 18, 2006 meeting.

Council Member Clark: Second. Unanimous.

G-6. PUBLIC COMMENT PERIOD.

Mr. John Hopkins, 1635 Bright Leaf Road, expressed a concern about police salaries and showed a chart which indicated that the salary trends for Greensboro and High Point are higher than Winston-Salem. He also commented that during budget review, the police department requested two additional squads for the gang violence program; however, only one squad was approved. Mr. Hopkins stated that gang violence

is a terrible problem, and he believes that the addition of the second squad should be given a high priority. He further mentioned that something ought to be done for those police officers who have to work on Thanksgiving in terms of a meal, and offered to volunteer to help serve, if needed.

Mayor Joines responded that over the past few years, the Council has had a systematic program for increasing police salaries.

Council Member Johnson asked staff to comment on a Thanksgiving meal for on-duty police officers.

Lieutenant Southern responded that it is her understanding that a Thanksgiving meal will be catered by Mrs. Pumpkin's restaurant.

Speaking next during the public comment portion of the meeting was Mr. Charles Humphrey, 3525 Hemlock Drive. Mr. Humphrey expressed a concern regarding the City providing economic incentives to Dell, especially when Dell is having financial problems. He stated that private citizens like himself have to live within their means and companies like Dell should also. He commented that he has mentioned this before and the Mayor has not been responsive.

Mayor Joines responded that the City is returning to Dell a portion of the taxes being paid by Dell, and that while Dell did not make its projections for a couple of quarters, Dell is not losing money.

Council Member Merschel asked Mr. Garrity to provide information regarding the cost of preparing verbatims of comments by speakers during the public comment period as well as the cost of duplicating and binding those comments for distribution.

Mayor Joines asked if anyone else wished to speak during the public comment period. Hearing no one, he declared the public comment period closed, and recognized Council Member Burke.

Council Member Burke stated that the Council has always valued citizen participation. Mr. Humphrey lives in the Northeast Ward and she appreciates him coming down and voicing his opinions.

Mayor Joines recognized Council Member Terry.

Council Member Terry advised that a newly organized group, Committee for Forsyth County Preservation, will be having public meetings and welcomed citizen participation. She stated that the Forsyth County Historic Resources Commission is also accepting nominations for places appropriate for the historic inventory and register and she encouraged all citizens to take advantage of opportunities to recognize the City's heritage. Council Member Terry then stated that she learned today that the City of Winston-Salem has again earned a AAA bond rating and she thanked staff and the Council for its work in keeping the City financially sound.

Mayor Joines wished everyone a Happy Thanksgiving and then recognized Council Member Leight for a motion.

Council Member Leight: Motion for the Council to enter 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).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 8:27 p.m.

Council Member Burke: Motion to adjourn the Closed Session and resume Regular Session at 8:57 p.m.

Council Member Leight: Second. Unanimous.

ADJOURNMENT: 8:58 p.m.