

D-27150

Summary of Minutes

October 23, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, October 23, 2006 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members	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 L. Deal, Recording Secretary	
Invocation:	Pastor Jim Brown of Vernon Forest Baptist Church	
Sergeant at Arms:	Lieutenant David Kiger	

Mayor Joines recognized Cub Scout Pack 703 from Friedburg Moravian Church to lead in the Pledge of Allegiance.

**PROCLAMATION DECLARING OCTOBER FIREFIGHTER
APPRECIATION MONTH**

Mrs. Henderson read the proclamation into the record.

Mayor Joines presented the proclamation to Captain Golding of the Fire Department and expressed thanks to members of the Fire Department for its work for the Muscular Dystrophy Association.

Captain Golding expressed the department's appreciation to the citizens for their support, and dedicated this year's fundraising in the honor of Phillip Reid, who was always a strong advocate for MDA.

CONSENT AGENDA

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

Council Members Johnson and Leight asked for discussion on Item C-2. No other items were removed from the Consent Agenda.

Mayor Joines recognized members of the Sister Cities Board who were present this evening in support of Item C-8.

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

Council Member Malloy Jr.: Second. Unanimous.

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

- a. RESOLUTION AUTHORIZING ACQUISITIONS RELATED TO TWO PROPERTIES OWNED BY LARRY AND ELIZABETH EUBANKS RELATING TO BURKE MILL ROAD WIDENING AND COUNTRY CLUB ROAD WIDENING - Tax Lot 031 of Tax Block 3935.
- b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY OWNED BY BOYCE AND ELIZABETH DAVIS RELATING TO COUNTRY CLUB ROAD WIDENING THROUGH A NEGOTIATED SETTLEMENT - Tax Lots 036C and 111 of Tax Block 3908.
- c. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR OLD LEXINGTON ROAD WIDENING BY DEED OR CONDEMNATION - Seven Properties on Goldfloss Street, Old Lexington Road, and E. Devonshire Street.

C-3. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Hunsford Drive, Oakland Drive; Neighborhood Limits: Longmont Drive, Longmill Court, Longridge Drive, Longmont Court, Longburn Drive, Longbranch Drive and Longbranch Court. [Reviewed by Public Safety Committee.]

C-4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF

- WARNING DEVICES AT THE CROSSING OF IVY AVENUE AND NORFOLK SOUTHERN TRANSPORTATION TRACKS (CROSSING NO. 722 041Y). [Recommended by Public Works Committee.]
- C-5. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2006-2007 - First Quarter Budget Amendment. [Recommended by Finance Committee.]
- C-6. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:
[Recommended by Finance Committee.]
- a. RESOLUTION AWARDED CONTRACT FOR STRUCTURE ADJUSTMENTS FOR SIDEWALK PROJECTS - Yates Construction Co., Inc. - \$132,625 (estimate).
 - b. RESOLUTION AWARDED CONTRACT FOR SPRAGUE PARK SWIMMING POOL RENOVATIONS - Aquatic Designs, Inc. - \$189,000.
 - c. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF IN-CAR CAMERAS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) - Kustom Signals, Inc. - \$217,700.
- C-7. CONSIDERATION OF ITEMS RELATED TO THE CITYWIDE ANNEXATION: [Recommended by Finance Committee and (e) was recommended by Public Works Committee.]
- a. AMENDMENTS TO THE ANNUAL OPERATING/TAX LEVY AND THE PROJECT BUDGET ORDINANCES FOR FY 06-07.
 - b. RESOLUTION APPROVING ECONOMIC LOSS PAYMENTS TO PRIVATE WASTE COLLECTION FIRMS SERVICING AREAS TO BE ANNEXED INTO THE CITY OF WINSTON-SALEM ON SEPTEMBER 30, 2006.
 - c. RESOLUTION APPROVING AGREEMENT WITH VOLUNTEER FIRE DEPARTMENTS IN THE AREAS TO BE ANNEXED EFFECTIVE SEPTEMBER 30, 2006 FOR PAYMENTS OF DEBT AND APPROVING SUBMISSION OF THE PAYMENT SCHEDULE TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL.

- d. RESOLUTION APPROVING EXECUTION OF FIVE-YEAR CONTRACTS WITH VOLUNTEER FIRE DEPARTMENT FOR PROVISION OF FIRE PROTECTION SERVICES IN THE AREAS TO BE ANNEXED EFFECTIVE SEPTEMBER 30, 2006.
 - e. RESOLUTION APPROVING CHANGES IN THE STATE HIGHWAY SECONDARY ROAD SYSTEM WITHIN THE PROPOSED SEPTEMBER 30, 2006 CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.
 - f. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF ROLLOUT REFUSE CARTS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) - Toter, Inc. - \$382,500 (estimate).
- C-8. RESOLUTION ESTABLISHING A SISTER CITIES RELATIONSHIP BETWEEN WINSTON-SALEM AND THE CITY OF NASSAU, BAHAMAS. [Recommended by Community Development/Housing/General Government Committee.]
- C-9. ORDINANCE AMENDING SECTION 35 OF CHAPTER 75 OF THE CITY CODE OF ORDINANCES REGARDING THE CITY'S PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY. [Recommended by Public Works Committee.]
- C-10. CONSIDERATION OF A PETITION TO ABANDON AN EASEMENT OFF OF DEVONSHIRE STREET (SOUTH WARD) - Petition of Thomas M. Green, V. [Recommended by Public Works Committee.]
- C-11. RESOLUTION GRANTING AN ENCROACHMENT AGREEMENT TO WINSTON-SALEM DOWNTOWN PARTNERSHIP (SOUTH WARD) - Petition of Winston-Salem Downtown Partnership. [Recommended by Public Works Committee.]
- C-12. APPROVAL OF SUMMARY OF MINUTES - October 2, 2006.
- C-2. RESOLUTION APPROVING REVITALIZING URBAN COMMERCIAL AREAS (RUCA) FUNDING FOR THE LIBERTY STREET, WASHINGTON PARK AND THE WAUGHTOWN STREET/THOMASVILLE ROAD AREAS. [Recommended by Finance and Community Development/Housing/General Government Committees.]

At the request of Council Member Johnson, Mr. John Allen, Business

Development Administrator, described the three areas selected for this first round of

Revitalizing Urban Commercial Areas (RUCA) funding. The Waughtown/Thomasville Road area is located along Waughtown Street between Old Lexington Road and almost to Nissen Street. The Washington Park area lies along Acadia Avenue between Main Street and Hollyrood Street, and the Liberty Street area is Liberty Street between 12th and 18th Streets. He explained that the RUCA program will offer incentives to private property owners to make improvements to their property with the City matching private investment on a 50/50 basis. Improvements may include, but are not limited to, streetyards, facade improvements, repair of parking lots, tree plantings, sidewalk repair and/or construction. He stated that these improvements are expected to be completed within 12 months and the amount of public investment will be approximately \$1.4 million.

Council Member Leight remarked that Washington Park is very pleased to be selected as one of the RUCA areas, but there is some disappointment that some of the improvements desired by the neighborhood were left out of the funding. One of the improvements especially desired by the neighborhood was the proposed "merchants row" along Acadia Avenue. She stated that she hoped that additional funds could be identified for projects which the community feels are important contributions.

Mr. Allen stated that he would follow-up on this request with Judy Hunt of the Planning Department and the Engineering Department.

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Burke expressed her appreciation to the citizens who have worked very hard over an extended period of time on their proposals. She stated that this is an excellent example of cooperation among the public/private sectors and City staff.

Council Member Terry agreed with Council Member Burke's comments and thanked those citizens of the Waughtown/Thomasville area for their hard work. She stated that this is a start, but there continues to be much work to be done. She recognized members of the Rural Initiative Project who were present.

Members of Washington Park and Liberty Street were also recognized as being present at the meeting.

GENERAL AGENDA

- G-1. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF RIGHT-OF-WAY ON THE NORTH SIDE OF PINE VALLEY ROAD - Petition of Cami Kotsionis. [Recommended by Public Works Committee.]

No one heard.

Council Member Clark: Motion for approval.

Council Member Johnson: Second. Unanimous.

- G-2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF RIGHT-OF-WAY ON THE NORTH SIDE OF PARK RIDGE CIRCLE - Petition of Park Ridge Point, LLC. [Recommended by Public Works Committee.]

No one heard.

Council Member Clark: Motion for approval.

Council Member Johnson: Second. Unanimous.

- G-3. RESOLUTION FIXING DATE OF HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF AN ALLEY OFF VINTAGE AVENUE (SOUTH WARD) - Petition of Julie Ann Palm. Public Hearing: November 20, 2006. [A

public hearing on this item was scheduled for October 2, 2006. The hearing was not held and the petition was remanded to the Public Works Committee. The Committee forwarded the item back to the Council to set a public hearing date, without a recommendation.]

Council Member Leight: Motion for approval.

Council Member Merschel: Second. Unanimous.

G-4. CONSIDERATION OF MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS TO THE CITIZEN BUDGET ADVISORY COUNCIL:

Jane H. Brightwell - Term Expiring December, 2008

Jerome H. Silber - Term Expiring July, 2008

Willard Howard Upchurch, Jr. - Term Expiring June, 2007

Council Member Merschel made a motion for approval.

Council Member Malloy: Second. Unanimous.

Council Member Johnson asked for the current composition of the committee.

Mayor Joines responded that he was not sure, but thought there was a diverse mix.

He stated that he would provide this information to Council Members.

G-5. PUBLIC COMMENT PERIOD

Mr. John Hopkins, 1635 Bright Leaf Road, Pfafftown, spoke on behalf of the Wedgewood Civic Association, which sponsored an ice cream social for firefighters and police officers last Saturday. He thanked those who attended and especially thanked Fire Station No. 20 for bringing the fire truck which the children enjoyed.

Mayor Joines expressed his thanks to the neighborhood association for sponsoring this get-acquainted event.

Mayor Joines asked if anyone else wished to speak. Hearing none, he declared the public comment period closed.

MAYOR/COUNCIL COMMENTS

Mayor Joines recognized Council Member Malloy at this time.

Council Member Malloy announced two events scheduled for tomorrow. First, there is a meeting at 5:30 p.m. at Martin Luther King, Jr. Recreation Center with people from Planning to meet with residents and property owners in the Cherry Street neighborhood regarding the Cherry Street No. 2 redevelopment area. Information will be provided regarding the use of tax credits to revitalize properties in the area. He stated that the second meeting is the North Ward Talk of the Town at 6:30 p.m. at the Coliseum.

Mayor Joines reminded Council Members of the workshop scheduled for October 30 at 4:00 p.m. at the Convention Center regarding transit issues.

Mayor Joines recognized Council Member Burke for a motion.

Council Member Burke made a motion for the Council to enter into Closed Session to consider two economic development matters pursuant to N.C.G.S. 143-318.11(a)(4), and to consider and give instructions to the City Attorney concerning Blinson, et.al. v. State of North Carolina, et. al, Wake County, 05 CVS 8378, pursuant to N.C.G.S. 143-318.11(a)(3).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 7:55 p.m.

At 9:36 p.m., Council Member Leight made a motion to adjourn the Closed Session and resume Regular Session.

Council Member Besse: Second. Unanimous.

ADJOURNMENT: 9:37 p.m.