

D-27267

Summary of Minutes

April 2, 2007

A Regular Meeting of the Winston-Salem City Council was held on Monday, April 2, 2007 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	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 Melanie Johnson, Recording Secretary

Sergeant at Arms: Lieutenant David Perry

Invocation: Reverend Joe Cobb of Metropolitan Community Church

Pledge of Allegiance

1. PUBLIC HEARING ON ZONING PETITION OF HUBBARD REALTY OF WINSTON-SALEM INC. FROM GO-S to GO-S (Professional Office; Banking and Financial Services; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical or Surgical Offices; Offices, Miscellaneous; Services, Business A; Services, Business B; and Personal Services): Property located on the southeast corner of Westbrook Plaza Drive and Westgate Center Drive - Containing approximately 1.32 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2910. [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 Clark: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF UNCOMPROMISING WORD FELLOWSHIP CHURCH INC. FROM RS-7 and RM-18 to RM-8-S (Child Day Care Center; and Church or Religious Institution, Neighborhood): Property located on the south side of East 14th Street, between Jackson Avenue and Hattie Avenue - Containing approximately 1.76 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2911. [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 Johnson 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.

3. PUBLIC HEARING ON ZONING PETITION OF HUMAN SERVICE ALLIANCE FOR PROPERTY OWNED BY MULTIPLE PROPERTY OWNERS FROM MU-S to MU-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Life Care Community; Hospice and Palliative Care; Offices, Miscellaneous; Professional Office; Medical and Surgical Offices; Services, Personal; School, Vocational or Professional; and Restaurant without Drive Through): Property located on the northwest side of Old Greensboro Road, and east side of Harvest Drive - Containing approximately 16.35 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2915. [Planning Board recommends approval of petition and site plan with staff recommendations.]

No one heard.

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APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Johnson noted that representatives from the Human Service Alliance, as well as Planning staff had met with community members and changes were made to everyone's satisfaction. She 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.

4. PUBLIC HEARING AND ORDINANCE AMENDING VARIOUS SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE CLARIFICATIONS AND CORRECTIONS THROUGHOUT THE TEXT - Proposal of Inspections Staff - UDO-172. [Recommended by Planning Board.]

Mr. Ronnie Grubbs, Assistant Inspections Director, explained that the amendment will clean up technical aspects of the ordinance and deal with various land uses.

Council Member Leight inquired about changes to MRB-S zoning in Sections 21 and 22.

Mr. Grubbs explained that the change will allow staff to make technical changes on projects through MRB-S review.

Ms. Glynis Jordan, Assistant Planning Director, noted that upon design efforts for the Walmart on Peters Creek Parkway, it was discovered that the setback requirements allowing for a two-story building close the street conflicted with UDO setback

requirements. She stated this change will make that option viable for future MRB-S projects.

Council Member Besse inquired about effects of proposed changes on borrow sites and dirt storage areas in major versus minor subdivisions.

Mr. Grubbs explained that the amendment will bar the use of borrow sites for storage of refuse and materials by developers in minor subdivisions, but will continue to allow the sites in major subdivisions.

In response to Council Member Burke, Mr. Grubbs stated that part of the intent of the proposed changes is to make the process easier and more customer-friendly for developers to follow the City's guidelines.

Council Member Burke stated that there had been issues for developers in understanding the guidelines and expressed her concern that these changes will help to eliminate those problems.

In response to Mayor Joines' concern, Mr. Grubbs indicated that changes to the definition of abandoned vehicles in Section 2 clarify that vehicles 35 years and older do not require State inspection stickers. He noted that the City can still pursue enforcement efforts for any abandoned vehicles that do not run.

Council Member Malloy expressed concern over bufferyard requirements in Section 14 for industrial development adjoining multi-family development in commercial use areas. He requested that section be removed and discussed by the Community Development/Housing/General Government Committee.

Council Member Burke inquired about who bears the responsibility for removing abandoned vehicles from church parking lots or in private residence driveways.

Mr. Derwick Paige, Deputy City Manager, explained that the property owner must reimburse the City for towing and the vehicle is sold at auction.

Council Member Burke noted that some church representatives have been told they are responsible for removal of the vehicles and inquired as to where the policy is documented.

Mr. Paige explained that if a car breaks down in a private parking lot, removal becomes the property owner's responsibility. However, if the vehicle is abandoned without tags or is harboring vermin, then the City is responsible for removal. He stated that if a vehicle is abandoned for a year or more and the owner cannot be located, the property owner can have it towed and the towing service will generally sell the vehicle. He noted that the vehicle's owner would have no legal recourse against the property owner for that action.

Council Member Johnson requested that Section 15 regarding accessory buildings also be removed and remanded to the Community Development/Housing/General Government Committee.

Council Member Malloy made a motion to approve the remaining sections of the text amendment.

Council Member Merschel: Second. Unanimous.

5. CONTINUATION OF PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO CREATE PROVISIONS FOR CONDITIONAL USE DISTRICT ZONING - Proposal of City-County Planning Board Staff - UDO 170. [Recommended by Planning Board. A motion was made at the March 5, 2007 City Council meeting to continue this item to the April 2, 2007 City Council meeting, with it first being remanded to the Community Development/Housing/General Government Committee. Recommended by CD/H/GG Committee as amended.]

Council Member Malloy: Motion for approval.

Council Member Merschel: Second. Unanimous.

*(The public hearing on this item was conducted after consideration of Item 6.)*

6. PUBLIC HEARING AND RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL TO ADOPT THE PROPOSED NORTH CENTRAL WINSTON-SALEM AREA PLAN. [Presented to the Community Development/Housing/General Government Committee.]

Ms. Margaret Bessette, Planning Department, gave a brief presentation of the staff report.

Mayor Joines stated that this was now a public hearing and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Malloy indicated that the only significant issues at community meetings were the proposed connector road between Reynolda Road and Fourteenth Street, which was subsequently deleted, and residents requested input in any future development plans for the Children's Home property. He made a motion for approval of the plan and thanked citizens and staff for their efforts.

The motion was duly seconded by Council Member Burke. She recognized that some residents were concerned about certain areas and inquired as to how the plan's effectiveness would be monitored and how long it would take for the plans to be realized.

Mr. Lee Garrity, City Manager, explained that all area plans are currently being reviewed through development of the Capital Improvements budget to ensure funding is in place and that the plans remain on task.

Council Member Burke expressed concern that the plans have been loosely followed and asked how much money the City has invested in them.

Council Member Terry expressed support for the plan and stressed the need for it to be environmentally friendly, in particular regarding transportation issues and proper land use.

Mayor Joines pointed out the many pedestrian friendly recommendations and inquired about other environmental issues addressed by the plan.

Ms. Jordan explained that staff is incorporating many recommendations such as incentives for developers, and addressing stormwater issues through text amendments and the Legacy Plan.

Council Member Malloy mentioned that the Mayor had sent a memo regarding Winston-Salem becoming a "Cool City" through environmental efforts, and noted that the Community Development/Housing/General Government Committee will discuss the issue.

Council Member Burke expressed her support for the Cool Cities program.

The motion for approval of the plan was unanimously carried.

Mayor Joines thanked staff and citizens for their efforts.

For the record, Mayor Joines stated that he needed to return to Item 4 and close the public hearing.

Mayor Joines called for the public hearing on Item 5.

Ms. Nancy Gould, Public Affairs Director, Winston-Salem Homebuilders and Realtors Association, thanked Council Members for approving UDO-170 and noted that it will make the rezoning process more user friendly.

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

7. APPROVAL OF SUMMARY OF MINUTES - March 5, 2007.

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Burke noted that an article concerning the disposition of the proposed baseball stadium had appeared in the newspaper and asked staff for an update.

Mr. Garrity explained that negotiations with Forsyth County had taken longer than expected by the developer. He stated that the next step is rezoning the property, and five items for the City Council's consideration will follow, including an amendment to the Growth Management Area, proposed sell of parkland and swap for replacement parkland, establishment of a Special Obligation district to issue Certificates of Participation, and incorporation of Forsyth County's changes into the development agreement. He noted that due to these requirements, the developer has indicated it would be April of 2009 before the first game can be played in the stadium.

Council Member Burke noted that recent studies have indicated more people are living past 85 years of age and the City should consider their lifestyles and public safety needs in its budgeting efforts. She asked staff to notify citizens upon completion of plans

for a Senior Day to be conducted downtown. Council Member Burke pointed out that the Salvation Army recently celebrated its 100-year anniversary and expressed her appreciation to all of the agencies that partner with the City for a better community.

Council Member Clark requested Ms. Gould have someone from the Realtors Association respond to City staff regarding the pending subprime lending crisis.

Council Member Terry expressed concern that many residents were unaware of changes in their garbage collection schedules due to holidays and asked that staff have the information conveyed as effectively as possible, including TV-13.

Council Member Johnson pointed out that City staff is collecting information regarding the subprime lending issue and the City's programs are okay, but some local private lending institutions may have issues. She also noted that she will conduct her Town Hall Meeting on Thursday, April 26 at 6:00 p.m. in the Council Chamber at City Hall.

Council Member Besse stated that there would be a Salem Woods Neighborhood meeting tomorrow at 7:00 p.m. at Little Creek Recreation Center to discuss the possibility of reviving the neighborhood association. He noted he would be in attendance, as well as Winston-Salem Police Department representatives to discuss public safety issues and various City service issues will be discussed as well.

ADJOURNMENT: 8:13 p.m.