

D-27327

Summary of Minutes

August 6, 2007

A Regular Meeting of the Winston-Salem City Council was held on Monday, August 6, 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 Robert C. Clark Dan Besse Joycelyn V. Johnson	Vivian H. Burke Nelson L. Malloy, Jr. Wanda Merschel Evelyn A. Terry
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Secretaries: Renée P. Henderson, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms: Lieutenant David L. Kiger

Invocation: Ron Seeber, City Attorney

RESOLUTION HONORING DARREN ROSEBORO

Council Member Malloy: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Malloy asked Mr. Roseboro and his parents to come to the podium. He stated that after reading an article in The Chronicle containing an interview conducted by Mr. Keith Grandberry, President and CEO, Winston-Salem Urban League, he was encouraged by Mr. Roseboro's courage and ability to overcome odds that seemed to be stacked against him. He noted that Mr. Roseboro is setting a positive example for other youth in the community.

Mayor Joines presented the resolution to Mr. Roseboro.

Mr. Roseboro thanked the Mayor and Council for their recognition and he also thanked his parents for their encouragement and support through the years.

Mr. Roseboro's father thanked everyone in attendance and noted that, with God, all things are possible.

Mr. Roseboro and his parents took photographs with Council Member Malloy.

RESOLUTION RECOGNIZING WINSTON-SALEM TRANSIT AUTHORITY OPERATORS

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Johnson expressed her thanks to the Winston-Salem Transit Authority (WSTA) staff for representing Winston-Salem in the 2007 North Carolina Transit Association Annual Statewide Bus/Van Rodeo Competition. She noted that WSTA excels in its safety standards for its passengers. She presented the resolution to three of the recipients, Heather Cousar, Alfredo Granados and Jose Najera.

The recipients thanked the Mayor and Council Members and expressed their hopes to be back next year.

Mayor Joines stated that, without objection, the Council would first consider Item 4.

4. PUBLIC HEARING ON ZONING PETITION OF T-SQUARE CORPORATION FROM LB-S AND RS-9 TO RS-9: Property located on the east side of Grandview Club Road, across from Balsom Road - Containing approximately 5.28 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-2941. [Planning Board recommends approval of petition.]

Council Member Merschel requested a two week continuance of the item to allow time for the developer to continue to meet with Grandview neighborhood representatives. She made a motion to continue the public hearing to the August 20, 2007 City Council meeting.

Council Member Burke: Second. Unanimous.

1. PUBLIC HEARING ON ZONING PETITION OF EXPRESS OIL CHANGE LLC FOR PROPERTY OWNED BY ADRIAN M. ADAMS, DILMA ADAMS, AND SADIE S. SOUTHERN FROM RS-9 AND HB TO GB-S (Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Nursery Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Car Wash; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle Repair and Maintenance; Motor Vehicle Body or Paint Shop; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Laboratory; Government Offices; and Post Office): Property located on the north side of Hanes Mill Road, between US 52 and University Parkway - Containing approximately 1.05 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2935. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Ms. Jennifer Fountain of Isaacson, Isaacson, & Sheridan, spoke on behalf of the petitioner and noted that there had been no previous opposition expressed at the Planning Board hearing. She pointed out that the plan meets staff approval, and it is consistent

with the Area Plan and Legacy. Ms. Fountain noted that the petitioner has worked with staff to ensure that everyone was satisfied with the plans and has removed a condition allowing for ABC Stores on the property, as well as having met the cross access easement requirement with the adjoining property.

Mr. Reuben Wayne Haynes, 165 Hanes Mill Road, expressed his concern over the possibility of an increase in traffic flow in this residential area. He stated that he has spent a lot of money to improve his property and he is concerned with body shops allowed under the uses and the fact that they require spraying paint which would be hazardous to the neighborhood.

In response to Council Member Clark, Mr. Haynes pointed out on the map the location of his property in relation to the petitioned property.

Mrs. Mary Haynes, 165 Hanes Mill Road, noted that there are already issues with traffic and they are concerned about the possibility of increased traffic flow.

In rebuttal, Ms. Fountain stated that no hazardous waste would be handled at the property and noted that removed oil is disposed of by a third party facility. She indicated that the business is light routine maintenance, and it is not a body shop that would require painting of vehicles. She stated she was unaware of traffic issues. In response to Council Member Besse, she explained that it is an express oil change operation where a customer can actually remain in their vehicle while the work is performed.

Council Member Besse inquired if the motor vehicle body or paint shop category could be eliminated from the list of uses.

Ms. Fountain indicated she would have to verify the feasibility of making the change with her client who is currently unavailable.

Council Member Burke suggested that the petitioner meet with neighbors and address their concerns. She made a motion to continue the item to the August 20, 2007 City Council meeting.

Council Member Clark: Second. Unanimous.

Council Member Burke encouraged Mr. and Mrs. Haynes to let other neighbors know about the meeting with the petitioner.

2. PUBLIC HEARING ON ZONING PETITION OF KELLY AUSTIN PROPERTIES FOR PROPERTY OWNED BY OTHERS FROM PB-S AND RS7 TO HB-S (Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant without Drive Through; and General Merchandise Store): Property located on the west side of Martin Luther King, Jr. Drive, between East 3rd St. and East 4th Street - Containing approximately 1.37 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2938. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Council Member Johnson asked the petitioner for a presentation.

Mr. Doug Stimmel, Stimmel Associates, 601 N. Trade Street, Suite 200, explained that this is a proposal for Walgreens and a neighborhood meeting was conducted with interested neighbors as well as Council Member Johnson. He noted that it is an underutilized site in which economic development projects have been sought. He presented drawings of plans including the parking area, retaining wall and vegetative buffering plans, and noted that the hours would be from 10:00 a.m. to 9:00 p.m. Mr. Stimmel explained that most everyone at the neighborhood meeting was in support and many questions were satisfactorily answered. He pointed out that a portion of the property is currently zoned for use as a drug store.

Council Member Leight inquired about the street on which the entrance would be located.

Mr. Stimmel noted that the building would be located far back on Third and Fourth Streets with the front door facing Third Street. He stated that the buffering had been doubled on all sides. In response to Council Member Johnson, he indicated that the hours of operation could be expanded as dictated by the amount of business experienced at the store.

Mayor Joines asked if anyone else wished to be heard on the matter. Seeing no one, he declared the public hearing closed and asked for a staff report.

Mr. Norby presented a brief staff report, noting that there would be a pedestrian access along Martin Luther King, Jr. Drive. He stated that traffic could go as high as 1,200 vehicles per day, but there are sidewalks surrounding the site and two bus routes in the area.

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 Johnson recognized that some residents and business owners from the neighborhood were in attendance and she thanked them for their participation and support of the project. She noted that the development fits into other projects with peripheral neighborhoods and the Piedmont Triad Research Park. 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 Merschel: Second.

Council Member Burke noted that many residents were happy to hear there would be a Walgreens built in the neighborhood. She inquired about the start date of construction.

Mr. Stimmel indicated that there are some environmental and permitting issues to be dealt with first, but construction could begin possibly as early as Fall or Spring.

The motion for approval was unanimously carried.

3. PUBLIC HEARING ON ZONING PETITION OF SOUTHERN COMMUNITY BANK & TRUST FROM LO-S TO LO-S (Professional Office; Medical and Surgical Offices; Offices, Miscellaneous; Funeral Home; Banking and Financial Services; Non Store Retailer; Veterinary Services; Adult Day Care Center; Child Care - Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Hospice and Palliative Care Center; Library, Public; Neighborhood Organization; and Police or Fire Station): Property located on the north side of Country Club Road, west of Cambridge Park Court - Containing approximately 3.60 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-2939. [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 Clark stated that the buildings are already in existence but have recently been vacated. He 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.

5. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ADD THE USE "HEALTH SERVICES, MISCELLANEOUS" TO THE TABLE OF PERMITTED USES

FOR THE MU-S ZONING DISTRICT - Proposal of City-County Planning Staff - UDO 176. [Recommended by Planning Board.]

Mr. Norby explained that the request involves uses such as dialysis centers, blood banks, outpatient care facilities, etc. He stated that the use had been inadvertently left out of the MU-S zoning district and the oversight was recently discovered.

Council Member Johnson asked if drug treatment facilities are included in allowed uses.

Mr. Norby indicated the uses involving those types of facilities would be clinical treatment facilities and not residential group homes.

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

Council Member Johnson: Motion for approval.

Council Member Burke: Second. Unanimous.

6. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF BROOKSTOWN DEVELOPMENT PARTNERS, LLC FOR PROPERTY OWNED BY BROOKSTOWN DEVELOPMENT PARTNERS, LLC AND OTHERS FROM RSQ, LO, PB, HB, and LB-S to PB-S (Residential Building, Duplex; Residential Building, Multifamily; Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Urban; Combined Use; Congregate Care Facility; Fraternity or Sorority; Life Care Community; ABC Store; Arts & Crafts Studio; Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn & Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Health Services, Miscellaneous; Hotel or Motel; Medical and Surgical Offices; Medical or Dental Laboratory; Motor Vehicle, Rental and Leasing; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Care, Drop-In; Child Care Institution;

Child Care, Sick Children; Child Day Care Center; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices; Group Care Facility A; Group Care Facility B; Habilitation Facility C; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post Office; Postal Processing Facility; School, Private; School, Public; School, Vocational or Professional; Stadium, Coliseum, or Exhibition Building; Access Easement, Private Off-Site; Broadcast Studio; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities), TWO PHASE: Property located north of Business 40, west of Broad Street, south of Second Street and Brookstown Avenue, and east of Burke Street - Containing approximately 28.35 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-2936. [Planning Board recommends approval of petition and site plan with staff recommendations. The public hearing on this item was continued from the July 16, 2007 City Council meeting.]

Mr. Joe Bellissimo, 1516 Northwest Boulevard, Brookstown Development Partners, explained that efforts for this project began three and half years ago and many meetings have been conducted with neighbors, staff and surrounding business owners. He asked for the City Council's approval and thanked everyone involved in the process, including Council Member Merschel, as well as the West End, Holly Avenue, and West Salem neighborhoods. In addition to the requirements of rezoning, up to \$10,000 has been committed for the installation of public art, photo documentation of the architectural history of the neighborhood will be completed for the City's archives, there will be designated parking for high occupancy vehicles, the installation of bike racks and sidewalks, and a marker will be installed noting the African-American history of Granville Street and the Watkins Park areas.

Mr. George Bryan, 1001 Reynolda Road, stated that although the West End Neighborhood residents were apprehensive at first, after much discussion and answers to many questions, the concerted effort is appreciated and he expressed his support of the

project. He noted that there is a City park currently located in the area and asked for assurance that this project will not result in the loss of parkland. He also asked that neighbors be included in any future traffic discussions regarding Broad Street, and noted that there were many people in attendance to speak in reference to the item.

Mr. Ellis Boyle, 923 West End Boulevard, Board Member of the West End Neighborhood Association, read a statement into record regarding past concerns over the project. He noted that although they supported the project as being good for the community, concerns still remain regarding adverse effects on the neighborhood. However, after good faith endeavors to address the concerns of the neighborhood, the residents are now more comfortable with the project. He noted that there remains concerns regarding potential noise from fireworks and future concerts at the stadium, but with the creation of an oversight committee, the neighborhood can oversee progress of the project.

Mr. Eric Elliott, former President of the West End Neighborhood Association, indicated his appreciation to the City Council for support of the residents in the neighborhood. He encouraged the City to keep studies and reports readily available to citizens and expressed his appreciation for the developers' and Council Member Merschel's meetings with neighbors. Mr. Elliott stated there is a need for more scaled architectural plans moving forward, as well as a need to ensure information regarding the structure is made available to citizens.

Ms. Julie Magnus, 635 Moore Street, stated that although redevelopment is needed in the area, a former business, Budget Self Storage has improved the creek

running through the Ardmore neighborhood and residents are concerned about the continued improvement of runoff issues in the area.

Ms. Julie Pappas, Holly Avenue Neighborhood Association, expressed support for the project and noted that since development has begun, there has been a decrease in crime in the area. She indicated that the Neighborhood Association would like to participate in all future meetings.

Mr. Steve Snelgrove, 312 Springwater Court, thanked City Council and the Mayor for their efforts on the project and their willingness to involve the community. He noted that all great cities need a ballpark and expressed his support for the project.

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

Mr. Norby presented the staff report, including amended site conditions. He noted that the ballpark must be developed in conformance with the presented elevations, and that surrounding zoning is mixed-use. There will be on-site temporary parking with 451 spaces and satellite parking off of Peters Creek Parkway and Green Street. Mr. Norby indicated that the Center City West facility on Fourth Street will provide the remaining parking in Phase II of the project. A required review of planned elevations will be conducted by the Community Appearance Commission. The lighting and noise plans have been approved by Public Works with provisions to mitigate and minimize problems through management with signage, etc. Mr. Norby summarized the revised conditions, noting that stormwater issues will be handled with a stormwater management design plan 45 days after initial grading for the entire zoned property of 28 acres. He stated that all final development plans will come to Council for approval, prior to

approval of the master plan for Phase II and it will include a minimum of .59 acre of public parkland.

In response to Council Member Besse's inquiry, Mr. Norby stated that the revised stormwater language will be included in the adopted ordinance.

Council Member Johnson inquired about the status of relocation of the shotgun house.

Mr. Belissimo explained that several movers have indicated the house could not be moved due to its location on a hill and the fact that there is a stone wall along the property. He stated that the house has been photodocumented for archives with Historic Resources staff.

Council Member Johnson noted that several residents have inquired about the potential for expansion of the park due to increased attendance.

Mr. Bellissimo indicated that although it is unknown how much the need will be for expansion, the potential is there if needed.

Council Member Johnson requested the developer include documentation of the history of minor league baseball in Winston-Salem as a display located within the facility. She also inquired about vector control in the area as development begins.

Mr. Paige explained that baiting in the area began last week and staff will continue with its ongoing schedule to address the issue throughout the City by quadrant locations that have been previously identified.

Council Member Malloy asked that the Negro Minor Leagues of Winston-Salem also be recognized with a public art piece and markers at the site.

Mr. Bellissimo responded to Council Member Malloy's question, stating that the cottage housing will be relocated and reused.

Council Member Terry requested that the Diggs Gallery at Winston-Salem State University be included for housing some of the photo documentation archives of the shotgun housing and other properties at the site.

Council Member Leight pointed out that many questions had been raised lately regarding a stormwater management system at the park and the use of old water quality management on this project even though a water quality draft is forthcoming. She emphasized the need for an ordinance to be in place as soon as possible to address many upcoming projects.

Mr. Norby indicated that Public Works staff is pursuing language for a stormwater ordinance and noted that Phase I of this project is being sized to handle anticipated stormwater runoff effects of Phase II.

In response to Council Member Besse, Mr. Paige stated that residents should contact Neighborhood Services staff and/or Neighborhood Assistance Specialists if they notice excess vermin in the area during construction.

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 as amended.

Council Member Clark: Second.

Council Member Merschel pointed out that residents in the various neighborhoods had asked good questions and presented good input into the project. She thanked the Community Appearance Commission for its input, in addressing the desire for a walkable community, and noted that there will be a plaque erected in recognition of the Watkins Park, Green Street and Granville Street communities. The developers have put forth much effort to continue to try to meet community needs such as high occupancy vehicle parking, bike racks, sidewalks, recycling efforts, and installation of public art. She noted that the developer has also agreed to continue dialogue with neighborhood groups to make this a textbook example of a public-private partnership. Council Member Merschel acknowledged everyone who worked to assemble the plans and thanked them for their assistance.

Council Member Burke commented about the possibility of a documentary on the African-American history of the neighborhood and indicated that the Marketing and Communications Department is pursuing those efforts, noting that the developer is open to the project.

The motion for approval was unanimously carried.

For the record, Council Member Besse stated that late developing stormwater questions were addressed by the petitioner and staff by incorporating stormwater management conditions, particularly the item addressing copies of reports regarding sedimentation and erosion activities to be submitted to the North Carolina Department of Environment and Natural Resources. He noted that the stormwater management design plan requirements should ensure no downstream scouring effects from the project.

7. CONTINUATION OF PUBLIC HEARING AND ORDINANCE AMENDING CHAPTERS B AND C OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE ALTERNATIVE COMPLIANCE PROVISIONS FOR MECHANICALLY STABILIZED SLOPES IN THE PB, CB, CI, AND MU-S ZONING DISTRICTS - Proposal of City-County Planning Staff - UDO-175. [Recommended by Planning Board. The public hearing on this item was continued from the July 16, 2007 City Council meeting.]

Mr. Norby presented the staff report, explaining that the amendment will allow for the installation of higher retaining walls for projects in the downtown area and revises the list of plant materials that can be used in terrace areas of retaining walls to prevent plant roots from compromising the integrity of the structures. He noted that it will be an especially useful amendment for projects in the downtown area, including the ballpark project.

Council Member Leight inquired about the type of wall being referred to for the ballpark stadium.

Mr. Norby explained that the stadium will basically be bowl-shaped and its topography will vary. He noted that there have been no questions regarding its stability as presented in the site plan.

Mayor Joines called for the public hearing on the matter. Seeing no one, he declared the public hearing closed.

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

8. CONTINUATION OF PUBLIC HEARING AND RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL TO ADOPT AN AMENDMENT TO THE GROWTH MANAGEMENT AREA (GMA) PLAN (BROOKSTOWN DEVELOPMENT PROJECT). [The public hearing on this item was continued from the July 16, 2007 City Council meeting.]

Mr. Norby explained that *Legacy* shows the Center City Growth Management Area (GMA) as closest to downtown and the Brookstown Project area, and including the ballpark project would be in line with the area plan. He pointed out that no residential areas are included, since the GMA is mainly a downtown business growth area and noted that this amendment will allow public-private partnership uses under State Statutes.

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

Council Member Leight: Motion for approval.

Council Member Merschel: Second. Unanimous.

9. CONTINUATION OF PUBLIC HEARING AND RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE UPSET BID PROCEDURE (N.C.G.S. 160A-269) INCLUDING PROPERTY KNOWN AS WATKINS STREET PARK (BROOKSTOWN DEVELOPMENT PROJECT) - Lots 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 009P, 013W, 110A, 111, 110B of Block 0637; Lots 002, 003, 004, 005, 007, 115, 116A, 116B of Block 0639; Lot 109 of Block 0659; Lots 003A, 101A, 201, 003B, 101C, and 202A of Block 0098; and Lots 106 and 107 of Block 0103. [The public hearing on this item was continued from the July 16, 2007 City Council meeting.]

Mr. Paige explained that since parkland is included as part of the sale of City-owned land, a public hearing is required and providing replacement parkland is included as part of the rezoning conditions.

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

Council Member Merschel: Motion for approval.

Council Member Burke: Second.

Council Member Besse pointed out that the parkland is a developed recreational site that can be easily relocated without any concerns.

The motion for approval was unanimously carried.

10. PUBLIC HEARING AND RESOLUTION AUTHORIZING REVISED ECONOMIC DEVELOPMENT ASSISTANCE TO BROOKSTOWN DEVELOPMENT PARTNERS, LLC AND SPORTS MENAGERIE, LLC. [Finance Committee forwarded this item to the August 6, 2007 City Council meeting pending approval of the rezoning request for the property.]

Mr. Paige presented the staff report, noting that since its original approval in January, two changes have occurred requiring reconsideration by City Council. He explained that the sale of Ernie Shore Field to Wake Forest University will now be paid for upfront instead of through financing by the City. Forsyth County participation was approved at a lesser amount than had been anticipated and he stated that the City will no longer have to purchase the County's share of the stadium upon the end of financing and the stadium will be solely owned by the City. Due to this gap in financing, the developer has asked for an increase in the City's participation from \$11 million to \$12 million. Mr. Paige pointed out that with all of the changes taken into consideration, the total cost to the City has now decreased by \$3.9 million and the total net revenue to the City should be approximately \$752,000.

In response to Council Member Clark's question, Mr. Paige indicated that the developer still plans to provide the guarantees originally offered.

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

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

11. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/
REAPPOINTMENTS:

a. UTILITY COMMISSION

Harold R. Holmes - Appointment - Term Expiring June 2012

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

b. POLICE OFFICERS' RETIREMENT COMMISSION

Stewart Holmes - Appointment - Term Expiring May 2009

Council Member Burke: Motion for approval.

Council Member Clark: Second. Unanimous.

c. CITIZEN POLICE REVIEW BOARD

Daniel G. Dwight - Reappointment - Term Expiring April 2010

Council Member Burke: Motion for approval.

Council Member Terry: Second. Unanimous.

d. PLANNING BOARD

Carol Eickmeyer - Reappointment - Term Expiring February 2011

Council Member Besse: Motion for approval.

Council Member Burke: Second. Unanimous.

e. SISTER CITIES BOARD

Larry B. Coffey - Reappointment - Term Expiring January 2011

Council Member Burke: Motion for approval.

Council Member Terry: Second. Unanimous.

f. WINSTON-SALEM TRANSIT AUTHORITY

Daniel R. Beerman - Reappointment - Term Expiring March 2009

Martha G. Jones - Reappointment - Term Expiring March 2009

Council Member Terry: Motion for approval.

Council Member Burke: Second. Unanimous.

g. RECREATION AND PARKS COMMISSION

Shona Elizabeth Simpson - Reappointment - Term Expiring May 2010

Council Member Besse: Motion for approval.

Council Member Burke: Second. Unanimous.

h. HUMAN RELATIONS COMMISSION

Renarde D. Earl - Reappointment - Term Expiring December 2009

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

i. M/WBE ADVISORY COMMITTEE

Jackie Haynes Crawley - Reappointment - Term Expiring February 2009

Stephen Hairston - Reappointment - Term Expiring February 2009

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

Mayor Joines asked that, without objection, the Council consider entering into Closed Session prior to consideration of Items 12 and 13.

Council Member Johnson asked the City Manager to comment on the recent drowning death at a City-owned swimming pool and expressed her support for the Miller family.

Mr. Garrity stated that the City will provide assistance to the family and psychological support to affected staff. He noted that staff will move forward with efforts to provide a more comprehensive response to future tragedies.

Council Member Burke inquired about recent events involving downtown vending permits issued by the City.

Mr. Garrity explained that a hot dog vendor was issued a Peddlers' Permit in July, which contained language indicating that it would not be applicable during an exhibition show. He stated that organizers of the National Black Theater Festival (NBTF) had obtained an Exhibition Permit for the event, which included the area in which the hot dog vendor is located. The City could have refunded the vendor's permit fee or relocated his cart, however, he and representatives of the NBTF reached an amicable agreement.

Council Member Burke pointed out that many of the vendors associated with the NBTF had paid over \$700 to sell their items within the Convention Center during the event.

Council Member Merschel suggested that permitting issues should be considered by the Community Development/Housing/General Government Committee to ensure consistency and better processing of permits including notification to impacted businesses in the areas used by the vendors.

In response to Council Member Burke, Mr. Garrity stated that the Development Office issues the permits.

Council Member Burke requested that the issue be put on the Public Safety Committee's agenda as well.

Council Member Terry made a motion for City Council to enter into Closed Session to consider a matter in litigation James D. Motery, et al vs. the City of Winston-Salem 07CVS4657, pursuant to N.C.G.S. 143.318.11(a)(C) to consider an economic development matter pursuant to N.C.G.S. 143.318.11(a)(4) and to undertake the City Manager's annual performance review pursuant to N.C.G.S. 143.318.11(a)(6).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 9:17 p.m.

At 10:09 p.m., Council Member Burke made a motion to end the Closed Session and resume Regular Session.

Council Member Terry: Second. Unanimous.

12. CONTINUATION OF CONSIDERATION OF SUMMARIES OF MINUTES:
[Consideration of this item was continued from the July 16, 2007 City Council meeting.]
 - a. APPROVAL OF SUMMARY OF MINUTES - May 7, 2007.
 - b. APPROVAL OF SUMMARY OF MINUTES - May 21, 2007.
 - c. APPROVAL OF SUMMARY OF MINUTES - June 4, 2007.

Mayor Joines recognized Council Member Besse for a motion on Items 12(a)&(b).

Council Member Besse made a motion that the City Council approve the verbatim transcripts of its May 21 and May 7 meetings, its April 10 Public Works Committee meeting and its May 14 Finance Committee and Public Safety Committee meetings, related to the new sign ordinance, as amendments to and more complete expressions of its May 21 and May 7 City Council Summary Minutes of those meetings, and approve the May 21 and May 7 City Council Summary Minutes, as amended. He further made

the motion that City Council, in connection with its approval of minutes set forth above, reaffirm its purpose and rationale, as set forth in various sections of the minutes approved above, for applying different time intervals for the changing of messages on electronic message boards to different classes of businesses or institutions as follows:

The purposes for regulating the frequency of changes of electronic signs, and of prohibiting scrolling, flashing or similar transitional effects are fundamentally twofold:

- 1) **Traffic Safety:** Driver distraction is a recognized item of concern in traffic safety and accident prevention. Flashing or rapidly changing signage along roadsides is plainly intended to attract driver attention, and changing multiple messages further is plainly intended to hold or retrieve driver attention to those multiple messages for longer periods, all of which necessarily distracts driver attention from traffic and road conditions. While conflicting testimony on these points was presented to the Council, and study results have been inconclusive on the connection between changing signage and accident patterns, some studies have suggested a possible connection. In weighing this concern, the Council chose to err, if at all, on the side of public safety.
- 2) **Community Appearance:** A basic purpose for the regulation of signage is to enhance and preserve the appearance of roadsides by limiting and ultimately reducing visual clutter, making the city more attractive to residents, visitors, and businesses. Rapidly changing or flashing signage can be an especially intrusive form of visual clutter, and therefore needs to be regulated closely to protect community appearance.

Both traffic safety and community appearance concerns are increased as the number of electronic signs along roadsides increases, with the risk that unregulated or too loosely regulated electronic signage may well increase in the future to the point of producing distracting and garish "Las Vegas Strip" style effects along some boulevards. The cumulative effect of multiple signs changing at a rapid rate would neutralize any benefits achieved from weak restrictions on individual signs.

In distinguishing some specific categories of entertainment-related uses (such as theaters, stadiums, and coliseums) from other uses in the frequency of changes allowed, the Council recognized the following:

--Those entertainment-related uses commonly feature multiple events or activities taking place simultaneously or within a short period of time, and as such have a different and stronger business need for more frequent display changes to advise traffic that those multiple events are taking place at the specific location involved.

--The total number of such entertainment-related uses in the designated categories is unlikely to grow to sufficient numbers to create a cumulative "Strip" effect as previously noted of concern.

--Such reasonable use-category-related distinctions are already common in this and similar ordinances as they regulate other factors such as sign size.

Council Member Merschel: Second. Unanimous.

13. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES - June 18, 2007.
- b. APPROVAL OF SUMMARY OF MINUTES - July 16, 2007.

Council Member Burke made a motion for approval of Items 13(a)&(b), as well as Item 12(c) since it was not considered in the previous vote.

Council Member Terry: Second. Unanimous.

Council Member Besse made a motion that City Council reconsider its recently adopted sign ordinance, as it relates to intervals of time for the changing of messages on electronic message boards, to establish a uniform one minute interval as per the amendment for its September 4, 2007 meeting; that City Council direct the City/County Planning Board to consider, after public hearing, said amendment at its August 23, 2007 meeting and forward its recommendation and any considerations relating thereto to City Council prior to City Council's September 4, 2007 meeting; and that City Council direct the City Manager to suspend enforcement of the current time interval for message change provision in the interim.

Council Member Clark: Second. Unanimous.

Mayor Joines asked for a motion regarding a special meeting of the City Council.

Council Member Johnson made a motion for the City Council to conduct a Special Meeting on August 27, 2007 at 4:00 p.m. to discuss the Solid Waste Fund.

Council Member Merschel: Second. Unanimous.

ADJOURNMENT: 10:17 p.m.