

D-27241

Summary of Minutes

February 19, 2007

A regular meeting of the Winston-Salem City Council was held on Monday, February 19, 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	Wanda Merschel
	Dan Besse	Evelyn A. Terry
	Joycelyn V. Johnson	

Council Member Absent: Nelson L. Malloy Jr.

Secretaries: Renée P. Henderson, City Secretary and Melanie Johnson, Recording Secretary

Sergeant at Arms: Lieutenant D.J. Perry

Invocation: Dr. Michael Brown of Centenary United Methodist Church

RESOLUTION HONORING AND CONGRATULATING COUNCIL MEMBER VIVIAN H. BURKE

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

Mayor Joines presented the resolution to Council Member Burke, thanking her for her communitywide efforts. He noted that many of her family members were present and asked if she had any comments.

Council Member Burke thanked them for their support and introduced her family members, including her husband, Mr. Logan Burke; her son, Judge Todd Burke; her daughter-in-law, Frankie Burke; and her grandchildren Melissa and Logan Burke, II. She also recognized her nieces Tammie and Teresa, as well as close staff members who have been like daughters to her. She welcomed her friend, Ms. Naomi Jones. She thanked the residents of the Northeast Ward and thanked everyone for honoring her along with Mr. Russell and Mr. Brown. Council Member Burke recognized the late Ms. Eunice Ayers and Ms. Velma Hopkins for their work with equal rights efforts in the community. She explained that former Council Member Robert Northington and former Mayor Jack Cavanagh helped to bring the community together to promote civil rights efforts, and expressed her sincere appreciation to Mayor Joines and the City Council for tonight's honor.

PROCLAMATION DESIGNATING THE INTERSECTION OF PATTERSON AVENUE BETWEEN 7TH STREET AND MARTIN LUTHER KING, JR. DRIVE AS "CLARK S. BROWN AVENUE"

Council Member Johnson and Mayor Joines presented the proclamation to Mr. Brown's wife, son and granddaughter.

Council Member Johnson asked that the signs to be erected be made permanent as opposed to being erected for only one year.

Mayor Joines indicated that a permanent street renaming would have to be brought back to the Council for consideration.

CITY OF WINSTON-SALEM CIVIL RIGHTS MOVEMENT RESOLUTION
RECOGNIZING THE LATE CARL HAIRSTON RUSSELL, SR.

Council Member Johnson made a motion for approval.

Council Member Merschel: Second. Unanimous.

Mayor Joines recognized that Mrs. Charlene Russell Brown and Mr. Cedric Russell were present to accept the resolution, and he presented it to the Russell family.

Mr. Russell thanked the Council and noted that Dr. Burke had replaced his father as Council Member of the Northeast Ward and that his father had served as an apprentice to Mr. Clark Brown.

Mayor Joines stated that Council would now consider the Consent Agenda and indicated that staff had requested to pull Items C-10(c) and (d) for additional work. Council Member Burke requested to pull Item C-9 and Council Member Besse requested to pull Item C-6.

Council Member Burke made a motion to approve the balance of the Consent Agenda.

Council Member Merschel: Second. Unanimous.

CONSENT AGENDA

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

- a. RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY LOCATED AT 5430 WOODCLIFF DRIVE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270 - Lots 038 and 040 of Block 3643 located on Woodcliff Drive.
- b. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 1011 E. CLEMMONSVILLE

ROAD UNDER THE PROVISIONS OF N.C.G.S. 160A-269 - Lot 016A of Block 0809 located on E. Clemmonsville Road. [Receipt of \$3,000.]

C-2. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES: [Recommended by Community Development/Housing/General Government Committee.]

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure - six months]

	<u>Property Owner</u>	<u>Location</u>
a.	Roy L. Campbell	5016 Shattalon Drive
b.	Roy L. Campbell	4148 Morningside Drive

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure - one year]

c.	Roy L. Campbell	4942 Shattalon Drive
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ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE [Repairs more than 65% of value of structure (+65)]

d.	Marlena Jackson Ilgner	1531 Turfwood Drive
e.	James R. Davis	420 Barbara Jane Avenue

C-3. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CERTAIN CITY STREETS - Forest Trails Drive, Bonhurst Drive; Neighborhood Limits: Peter Pfaff Road, Wolfe Store Lane, Bottoms Rock Lane, Stimpson Ridge Drive, Dobbs Parish Lane and Waterway Drive. [Recommended by Public Safety Committee.]

C-4. ORDINANCE AMENDING SECTION 42-122(e) OF THE CITY CODE RELATING TO 30 MILES PER HOUR SPEED LIMITS ON CERTAIN CITY STREETS - Allistair Road. [Recommended by Public Safety Committee.]

- C-5. CONSIDERATION OF ITEMS RELATING TO AN INTERLOCAL AGREEMENT WITH FORSYTH COUNTY: [Recommended by Finance and Public Safety Committees.]
 - a. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH FORSYTH COUNTY TO IMPLEMENT CRITICAL INFRASTRUCTURE PROTECTION UNDER THE BUFFER ZONE PROTECTION PLAN PROGRAM.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR THE FISCAL YEAR 2006-2007.

- C-7. CONSIDERATION OF ITEMS REGARDING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION: [Recommended by Finance and Public Works Committees.]
 - a. RESOLUTION APPROVING AUTHORIZATION TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF BIKE FACILITIES, GREENWAYS, AND SIDEWALKS.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR THE FISCAL YEAR 2006-2007.

- C-8. CONSIDERATION OF ITEMS RELATING TO THE PIEDMONT TRIAD RESEARCH PARK (PTRP): [Recommended by Finance and Public Works Committees.]
 - a. RESOLUTION AMENDING A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL FUNDING FOR TRANSPORTATION IMPROVEMENTS TO THE PTRP.
 - b. RESOLUTION AMENDING A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ASSUMPTION AGREEMENT WITH THE PIEDMONT TRIAD RESEARCH PARK TO PASS THROUGH FEDERAL FUNDING FOR TRANSPORTATION IMPROVEMENTS TO THE PTRP.

- c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR THE FISCAL YEAR 2006-2007.
- C-10. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee. Items (c) and (d) removed from consideration.]
- a. RESOLUTION RESCINDING AWARD AND AWARING CONTRACT FOR COMPACT PICKUP TRUCKS - Vic Bailey Ford, Inc. - \$327,210.
 - b. RESOLUTION AWARING CONTRACT FOR PORTABLE RADIOS - Motorola Communications and Electronics, Inc. - \$107,802.30.
 - e. RESOLUTION AWARING CONTRACT FOR TRACTORS - Ideal Tractor Co., Inc. - \$225,076.
 - f. RESOLUTION AWARING CONTRACT FOR TRUCKS - Capital Ford of Wilmington, LLC - \$107,280.
- C-11. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF CERTAIN PROPERTY - Petition of Old Towne, LLC for 32.19 acres located off of Reynolda Road - Public Hearing: March 26, 2007. [Recommended by Public Works Committee.]
- C-12. RESOLUTION APPROVING ABANDONMENT OF A SANITARY SEWER EASEMENT LOCATED OFF OF TULANE DRIVE (FORSYTH COUNTY) - Petition of Korner Homes, Inc. and Sunlight Missionary Baptist Church. [Recommended by Public Works Committee.]
- C-13. CONSIDERATION OF ITEMS RELATING TO DECORATIVE STREETLIGHTING: [Recommended by Public Works Committee.]
- a. RESOLUTION APPROVING AN AGREEMENT WITH CENTURY OAKS HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS IN CENTURY OAKS.
 - b. RESOLUTION APPROVING AN AGREEMENT WITH TATTON PARK HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS IN TATTON PARK.

- c. RESOLUTION APPROVING AN AGREEMENT WITH THE ARDMORE VISTA HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS IN ARDMORE VISTA.
- C-14. ORDINANCE AMENDING SECTION 74-103 OF THE CITY CODE RELATING TO ENCROACHMENT AGREEMENTS. [Recommended by Public Works Committee.]
- C-15. ORDINANCE AMENDING CHAPTER 26, ARTICLES 1, 26-3, 26-6, 26-9, AND 26-10 OF THE CITY CODE REGARDING RECEPTACLES, COLLECTION FROM RESIDENTIAL PREMISES AND BRUSH COLLECTION, AND PROHIBITED PRACTICES. [Recommended by Public Works Committee.]
- C-16. APPROVAL OF SUMMARY OF MINUTES - January 31, 2007.
- C-6. RESOLUTION IN SUPPORT OF THE DECEMBER 14, 2006 RECOMMENDATIONS OF THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE. [Recommended by Public Safety Committee.]

Council Member Besse expressed his support for the item and thanked Mr. Gregory M. Turner, Assistant City Manager and Council Member Burke for bringing the item to Council. He explained that a major fire in Apex last year triggered a large evacuation due to the lack of knowledge of the types of hazardous waste stored at the site. He pointed out that event lead to Governor Easley's appointment of the Task Force and he highlighted the agenda of the Task Force. He noted that currently many temporary unregulated sites are allowed to store larger amounts of the same types of materials held at regulated sites and noted that it is important for local governments to support a proposed bill backing up these recommendations. He made a motion to approve the item.

The motion was duly seconded by Council Member Johnson and she asked Mr. Turner to address the fire that occurred in the downtown area earlier in the day.

Mr. Turner stated that an explosion and subsequent fire had occurred at a business on the south side of town and he indicated that the business does not house hazardous materials. He indicated that the Fire Department responded quickly and is managing the event. Mr. Turner pointed out that although there are currently no facilities in the area that store hazardous chemicals, this action will assist the staff in being aware of any such facilities in the future.

The motion for approval was unanimously carried.

C-9. ORDINANCE RENAMING "TWENTY-NINTH STREET" TO "EARNESTINE RAINEY HUFF DRIVE." [Recommended by Public Works Committee.]

Council Member Burke expressed her appreciation for Representative Larry Womble's request for the street renaming and she recognized that Mr. Huff and his children were in attendance. She noted that Mr. and Mrs. Huff were both known for their many contributions to the community.

Council Member Leight made a motion for approval.

Council Member Merschel: Second. Unanimous.

C-10. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: *[Recommended by Finance Committee.]*

c. RESOLUTION AWARDDING CONTRACT FOR PURCHASE OF TWO FRONT LOADING REFUSE TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) – *Transource* - \$360,166.

d. RESOLUTION AWARDDING CONTRACT FOR PURCHASE OF THREE SIDE LOADING REFUSE TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) - *Carolina Environmental Systems, Inc.* - \$606,207.

Items C-10(c) and (d) were pulled by staff but not acted upon by the City Council.

GENERAL AGENDA

- G-1. PUBLIC HEARING AND RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES FOR THE CONSTRUCTION OF THE PEACHTREE STREET/LEIGHT STREET GREENWAY, PHASE I. [Recommended by Community Development/Housing/General Government Committee.]

No one heard.

Council Member Besse: Motion for approval.

Council Member Burke: Second. Unanimous.

- G-2. ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO CREATE NEW DEFINITIONS AND PROVISIONS FOR SHELTERS FOR THE HOMELESS, TEMPORARY SHELTERS, AND EMERGENCY SHELTERS - Proposal of Winston-Salem Council on Homelessness and City of Winston-Salem - UDO 163. [Recommended by Planning Board. A public hearing was held at the February 5, 2007 Council meeting and the item was remanded to the Community Development/Housing/ General Government Committee. The Committee voted to accept the recommendation of the Planning Board for a 100-bed capacity but with amended language to require possible additional conditions, and asked that examples of those conditions be provided prior to the February 19, 2007 Council meeting.]

Council Member Besse explained that the recommendation for approval was for a 100-bed capacity, with the option for the Council to impose possible conditions if a facility houses more than 50 residents. He noted that he had prepared examples of conditions that could be imposed, including physical site conditions such as setbacks, buffers, and facility designs, as well as additional requirements such as security, types of programs offered to residents, and amended hours of operation. He explained that if needed, the Council could specify strategies such as security fences, video camera monitoring, additional facility staff, etc., and stated that all of the conditions would have

to be considered as needed for each request. Council Member Besse made a motion to approve the item as recommended by the Community Development/Housing/General Government Committee.

Council Member Clark: Second.

In response Mayor Joines' inquiry, Council Member Besse stated that the conditions he named were only examples and the language of the amended ordinance assumes that those types of conditions could be imposed if needed.

Council Member Burke inquired about the types of programs provided by the shelters.

Mr. Charles Wilson, 445 Marshallview Court, gave examples of programs offered such as case management for residents entailing goal-setting for homeownership, as well as job training programs.

Council Member Burke requested Mr. Wilson send her information with an example of a daily program for residents, including expectations of residents, as well as expectations of shelters.

Council Member Johnson expressed her concern that all of the facilities are within close proximity to revitalization areas. She noted that the community remains to be concerned about loitering issues, etc., and asked that staff and the shelters keep this issue in mind. She also noted that future shelters should consider locating to a different area of the community.

Council Member Terry noted that this action will assist the shelters in meeting the needs of the homeless population, while protecting the community's needs.

Council Member Clark stated that it is a challenge for any community to accommodate homeless shelters and noted that they generally have bad connotations and can harm real estate values. He stated that the City needs to ensure all that can be is being done to adequately assist revitalization efforts in the East Ward and noted that the Police Records division will be moving into the area.

Council Member Burke pointed out that one business involved in an economic development agreement with the City has already been adversely affected by the shelters. She indicated the shelters may need to provide more security as well as a daily program to keep residents involved with activities and off of the streets, and inquired as to how shelters will be monitored.

Council Member Leight thanked the volunteers and employees of the shelters for their efforts to improve the lives of those in need. She stated that perhaps future partnerships could be formed with shelters to alleviate adverse effects on the community.

Council Member Johnson pointed out that a large number of homeless shelters' clients are also mental health or criminal justice system clients. She stressed the need for input with Legislators regarding funding for Project Re-Entry, mental health programs, as well as programs to assist with the elderly homeless population.

The motion for approval was unanimously carried.

Council Member Besse noted that the motion for adoption was for the amendment as recommended by Committee and his discussion of possible conditions to be imposed were illustrative and not part of the motion.

Mayor Joines asked Mr. Wilson to send the information requested by Council Member Burke to all of the Council Members.

Mr. Norby pointed out that on handwritten Page 12 of the item, there is a list of support services offered by homeless shelters.

G-3. PUBLIC COMMENT PERIOD.

Ms. Mary Harper, 512 Miller Street, expressed concern about plans by Wake Forest University Baptist Medical Center for expansion of its Ardmore Campus, which include an emergency room entrance at Hawthorne Road and Queen Street, moving Queen Street closer to homes in the 400 block of Hawthorne Road, demolishing some Medical Center buildings at Hawthorne and Queen Streets, the construction of a multi-story building for a new emergency room and intensive care unit, redirecting stormwater runoff toward Lockland Avenue, and widening and adding lanes to Hawthorne Road. She stated that residents are very concerned, especially about the emergency room entrance, and asked the City Council to consider allowing citizen input and place additional requirements on efforts to move Queen Street and the placement of the emergency room entrance.

Mayor Joines asked if anyone else wished to speak. Seeing no one, he declared the Public Comment Period closed. He recognized Council Member Johnson for a comment.

Council Member Johnson stated that the city has experienced many stormwater issues and she announced that the Public Works Committee would conduct a special

meeting to discuss those issues on Monday, February 26, 2007 at 5:30 p.m. in the Council Chamber.

At this time, Mayor Joines recognized Council Member Besse for a motion.

Council Member Besse noted that the Ardmore Neighborhood Association has been and remains in communication with Wake Forest University Medical Center and a follow-up neighborhood meeting will be held to discuss concerns about the hospital's plans for expansion. He stated that members of the neighborhood are invited, as well as hospital representatives and City staff.

Council Member Besse made a 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) and to consult with its City Attorney to preserve the attorney-client privilege and to give its City Attorney instructions concerning a legal matter pursuant to N.C.G.S. 143-318.11(a)(3).

Council Member Burke: Second. Unanimous.

The Council entered into Closed Session at 8:22 p.m.

At 9:32 p.m., Council Member Clark made a motion to end the Closed Session and resume Regular Session.

Council Member Leight: Second. Unanimous.

RESOLUTION AUTHORIZING THE RELEASE OF PERSONNEL INFORMATION PURSUANT TO N.C.G.S. 160A-168(C)(7), PERSONNEL INFORMATION SUBJECT TO COURT ORDER, CRIMINAL RECORDS AS DEFINED BY N.C.G.S. 132-1.4 AND THE SYKES REPORT.

At the request of Mayor Joines, the City Secretary read a resolution regarding the release of personnel information and the Sykes Administrative Review Committee Report.

Council Member Burke: Motion for approval.

Council Member Johnson: Second. Unanimous.

CITY'S STATEMENT OF APOLOGY TO MR. DARRYL HUNT

Mayor Joines read a statement of apology to Mr. Darryl Hunt, and noted that he and all members of the City Council have signed the statement. He explained that the City would issue a press release today indicating that the City has settled all of its claims with Mr. Hunt in the amount of \$1,650,000.

Council Member Burke recognized that several of the Sykes Administrative Review Committee members were present and she commended and thanked them for their hard work and efforts.

ADJOURNMENT: 9:39 p.m.