

D-27240

Summary of Minutes

February 5, 2007

A Regular Meeting of the Winston-Salem City Council was held on Monday, February 5, 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 Connie L. Southern

Invocation: Reverend Tegado Hanchell of Mt. Calvary Holy Church

Mayor Joines recognized Council Member Clark.

Council Member Clark introduced Boy Scout Troop 910 from St. Paul's Episcopal Church to lead the Pledge of Allegiance.

PROCLAMATION RECOGNIZING EXPERIMENT IN SELF-RELIANCE

Mayor Joines pointed out that he wanted to bring attention to the fact that there is a large amount of money available to residents through the Internal Revenue Service's (IRS) Earned Income Tax Credit (EITC) program.

Reverend Ginny Britt, Executive Director, The Advocacy for the Poor, Inc., explained that the EITC is the largest antipoverty program in the U.S., stating that there is approximately \$8-9 million available to citizens of Forsyth and Davidson Counties and stressed the need to get the word out to residents. She stated that the Forsyth Working Families program has been in operation for six years and has three sites with staff prepared to educate the public on savings programs, home ownership, etc.

Mayor Joines presented the proclamation to Reverend Britt and thanked her for her efforts.

At this time, Mayor Joines recognized Council Member Terry for comments regarding Item 7.

7. PUBLIC HEARING ON ZONING PETITION OF BETTY S. PHILLIPS FROM AG AND RS-9 TO RS-9-S (Residential Building, Single Family; and PRD): Property located on the north and south sides of Willard Road, northwest of Union Cross Road - Containing approximately 40.75 acres located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2894. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Council Member Terry indicated that the petitioner had requested to delay consideration of the item. She made a motion to remove Item 7.

Council Member Merschel: Second.

In response to Council Member Johnson's question, Council Member Terry clarified that her motion was for the item to be continued to the Council's first meeting in March.

The motion for continuance was unanimously carried.

In response to Mayor Joines, Council Member Burke stated that she had met with the petitioner and staff regarding Item 6 and there is no need to delay consideration of the item.

1. PUBLIC HEARING ON ZONING PETITION OF TATTON PARK TOWNHOME ASSOCIATION FOR PROPERTY OWNED BY MULTIPLE PROPERTY OWNERS FROM RM-8-S TO RM-8-S (Residential Building, Multifamily; Residential Building, Townhouse; and PRD): Property located on the south side of Kester Mill Road and north side of Westchester Road, west of Jonestown Road - Containing approximately 19.48 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2905. [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 CHRIST RESCUE TEMPLE APOSTOLIC CHURCH FROM IP AND RM-12-S TO RM-12-S (Residential Building, Multifamily): Property located on the southeast corner of 18th Street and Dunleith Avenue - Containing approximately 1.91 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2906. [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 Burke 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 Johnson: Second.

Council Member Burke noted that Bishop Davis and his church members have worked hard to improve the area, and have provided jobs via a daycare center and a rest home.

The motion for approval was unanimously carried.

3. PUBLIC HEARING ON ZONING PETITION OF AZZAT A. AMER, INC. FROM RM-18 TO NB-S (Medical and Surgical Offices; Professional Office; and Services, Personal): Property located on the west side of Patterson Avenue, south of East 14th Street - Containing approximately 0.36 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2907. [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 Burke 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.

Council Member Burke expressed her appreciation to Mr. Amer for his efforts to promote economic development in the city.

The motion for approval was unanimously carried.

4. PUBLIC HEARING ON ZONING PETITION OF C L RICHMOND HOMES, INC. FROM RS-9 TO RM-8-S (Residential Building Twin Home, Residential Building Duplex, Residential Building Single Family, Residential Building Multifamily, Residential Building Townhouse; and PRD): Property located on the east side of Bethabara Road, south of Shattalon Drive - Containing approximately 3.96 acres located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2908. [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 Malloy 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 ON ZONING PETITION OF JACOB WESLEY CAVE AND GINA SANETTE FOWLER FROM RS-9 TO NO-S (Professional Office; and Offices, Miscellaneous): Property located on the north side of Mar-Don Drive, east of Jonestown Road - Containing approximately 0.45 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2899. [Planning Board recommends approval of petition and site plan with staff recommendations.]

No one heard.

Council Member Besse asked for a brief staff report.

Mr. Paul Norby, City/County Planning Board Director, explained that the site in question is on Mar Don Drive and the area is mostly zoned RS-9 with some light industrial and multi-family housing. He stated that the request entails an office building that will be constructed similar to residential housing with a residential type driveway, and pointed out that there is a condition on the permit requiring a Type III buffer if the building becomes a two-story unit.

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, with one modification of a condition and an additional condition:

Other Requirements:

- b. Bufferyard plantings adjacent to RS-9 zoned property shall be Type III.
- d. During construction of any sewage line from Frandale Road to the subject property, appropriate erosion/sedimentation control devices shall be installed to prevent deposit of sediment onto the adjoining property or street.

Council Member Clark: Second.

Council Member Besse noted that the amendments to the conditions of the permit should adequately address neighborhood concerns, and asked that staff ensure that the buffer is adequately maintained since some residents are concerned about that issue. He pointed out that other concerns relate to the potential for future rezoning further down

Frاندale Road into Araminta Drive. He stated that single family zoning is viable as long as there are no intrusions into the neighborhood and stated that it should remain that way.

The motion for approval as amended was unanimously carried.

6. PUBLIC HEARING ON ZONING PETITION OF BINH NGUYEN FROM RS-20 TO RS-9: Property located on the west side of Old Rural Hall Road, south of Old Hollow Road - Containing approximately 9.69 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2904. [Planning Board recommends approval of petition.]

No one heard.

Council Member Burke asked for a staff report.

Mr. Norby explained that the site extends to the eastern edge of Mardell Lane, west of Old Rural Hall Road and pointed out that there is a severe ravine that cuts through the site. He indicated that the ravine would prevent the feasibility of a street connection onto Mardell Lane, and any subdivision built in the area would be limited to one access route off of Old Rural Hall Road.

Council Member Leight inquired if the property is developed as single family, would the petitioner be required to conduct stormwater mitigation.

Mr. Norby stated that RS-9 zoning does not require a stormwater management plan, however, the developer should cluster units away from the area and he noted that the Planning Board will monitor the project.

Mr. Binh Nguyen stated that he plans to comply with whatever staff recommends for the property.

Council Member Johnson inquired about the type of construction planned.

Mr. Nguyen explained that the homes would be in excess of 2,000 square feet with brick facades, and a price range of \$200,000 and higher.

Mr. Norby pointed out that this is general use zoning, and there are no legal guarantees of the developer's intended construction and pricing of the houses.

Mayor Joines asked that the Planning Board monitor the project.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Burke made a motion for approval of the petition and adoption of the zoning ordinance, with the understanding that the developer be committed to his word on his plans. She pointed out that runoff is a constant concern with new developments and informed staff that she would like to be part of any reviews of the project.

Council Member Malloy: Second. Unanimous.

8. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO INCLUDE A REVISED DISTRICT PURPOSE STATEMENT AND ADDITIONAL PERMITTED USES FOR THE CENTRAL INDUSTRIAL (CI) ZONING DISTRICT - Proposal of City of Winston-Salem - UDO-168. [Recommended by Planning Board.]

Mayor Joines asked for a staff report on the purpose of the text amendment.

Mr. Norby explained that the proposed change would be limited to the eastern edge of downtown, affecting the Central Industrial district. He stated that this is the area into which the Piedmont Triad Research Park is looking to expand and uses would be added to encourage the biomedical research field. Uses to be deleted include adult entertainment and Class C manufacturing. In response to Council Member Johnson, Mr. Norby indicated he had heard no concerns regarding an outdoor amphitheater.

Council Member Johnson stated that it may be advantageous to have outdoor amphitheaters added to the list of allowed uses in the amendment to the ordinance.

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

Council Member Johnson made a motion for approval of the text amendment, with the addition of the use of outdoor theaters.

Council Member Malloy: Second.

Mr. Norby stated that the ordinance should actually specify outdoor amphitheater.

In response to Council Member Merschel, Mr. Ronnie Grubbs, Assistant Inspections Director, explained that Recreational Services - Outdoor is the use that allows amphitheaters and stated that it could be added to the Central Industrial district.

Mr. Norby stated that the Recreational Services - Outdoor use is currently allowed in the Pedestrian Business, Highway Business, General Business, Central Business, Major Retail and Business District, General Industrial, and Institutional and Public districts.

In response to Council Member Besse's inquiry, Mr. Norby stated that adding a use would not create a problem with the public hearing notice.

The motion for approval as amended was unanimously carried.

9. PUBLIC HEARING AND 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. This hearing was continued from the January 3 City Council meeting.]

Mr. Norby explained that the Unified Development Ordinance (UDO) currently contains no references to the use "homeless shelters". He noted that all existing shelters were established prior to development of the UDO and are now classified as Group Care

Homes, and pointed out that recent issues with shelters have prompted changes to regulate location and size issues. He indicated that the proposal consists of a staff recommendation, a recommendation by the Council for Homelessness, and a recommendation by the Planning Board. Mr. Norby pointed out that there is an additional issue with religious institutions that are currently allowed to operate shelters under the accessory use provision of the ordinance.

In response to Council Member Johnson, Mr. Norby explained that under the staff and Planning Board recommendations, two homeless shelters and churches with outreach programs could be allowed within a one-mile radius of each other.

Council Member Johnson expressed concern over the fact that there are a number of shelters and churches providing services to the homeless along the Liberty Street corridor in which revitalization efforts are underway.

Mr. Norby responded to Council Member Leight's concern, noting that as long as a church's outreach service falls within the accessory use category for a religious institution, no spacing or special use permit requirements would be imposed.

Mr. Grubbs responded to Council Member Clark, stating that Samaritan Ministries and the Bethesda Center are classified as homeless shelters, and the Salvation Army facility classifies as a homeless shelter and a Group Care Facility B, under their alternative to incarceration program. He noted that some churches will set up temporary shelters for overflow use or during bad weather events.

Mr. Charles Wilson, 445 Marshall View Court, stated he had been Chair of the Homeless Council for nine years and explained that the Homeless Council had voted unanimously to support the Planning Board proposal. He pointed out that the exemption

of existing shelters having to seek reasonable accommodation was one reason they chose the option and noted that reasonable accommodation is a very burdensome and costly process for shelters. Mr. Wilson stated that the system continues to receive support for its nearly \$4.5 million budget, and \$3.5 million comes from donors. He stated that although many volunteers help staff the centers, they also employ approximately 50 full-time and 30 part-time personnel at each shelter. He noted that since 2002, the city's homeless population has remained stable at approximately 500 individuals.

Mr. Mike Ryan, 100 Suiters Place Court, indicated that he is the President of the Board of the Bethesda Center, and noted that he prepared the initial text amendment request using UDO's from other major cities in the state. He explained that all have spacing requirements, but none have a cap on the number of beds. Mr. Ryan pointed out that each city he researched has at least one shelter with over 100 beds, as dictated by the economic advantage of operating one shelter with more beds as opposed to two shelters with less beds. He questioned the reasoning for the staff recommendation for a 40-bed cap on homeless shelters.

Council Member Burke inquired as to how the number of homeless individuals in the City had been computed.

Mr. Ryan explained that an annual count is required by the Department of Housing and Urban Development (HUD), and noted that 475 individuals were identified in the shelters and 24 people were discovered living on the streets. He explained that the individuals conducting the count look for homeless individuals throughout the City and try to identify all of them to the best of their ability.

In response to Council Member Besse's question, Mr. Ryan stated he did not investigate other cities' treatment of shelters as accessory uses.

Ms. Andrea Kurtz, 1258 West Fourth Street, explained that she is the Director of the Homeless Council, which supports the Planning Board recommendations, which is consistent with the 10-year plan to combat homelessness. She noted that the temporary shelters are needed to adequately address the needs of the city's chronically homeless population.

Colonel Jack Waters, 309 West Fourth Street, spoke on behalf of the Salvation Army, and stated he had worked with the homeless in many major U.S. cities. He noted that Winston-Salem is fortunate to have a lower number of homeless individuals, which is a compliment to the agencies providing services. He indicated that the amendment will only help to work those individuals through the programs and he invited everyone to volunteer at a shelter.

Council Member Burke pointed out that in the past, the Council and staff have studied efforts undergone in Charlotte to combat homelessness.

In response to Council Member Malloy's question, Colonel Waters indicated that he supports the Planning Board recommendation for the amendment.

Ms. Sonjia Kurosky, 1518 Academy Street, explained that she is the Director of Samaritan Ministries, which also supports the 100-bed cap on homeless shelters. She pointed out that group care facilities were the origin of a 40-bed cap and most of those agencies serve individuals with developmental disabilities. Homeless shelters, however, need appropriate services for their clients and want to move people through the system quickly, while adequately addressing their problems. In response to Council Member

Johnson's previous question regarding funding, Ms. Surosky stated that Samaritan Ministries and the Bethesda Center apply 75 cents of every dollar donated to client services. In response to Council Member Malloy, she indicated that Samaritan Ministries currently has 69 beds. Nine of those are for transitional residents and 60 are for emergency shelter, with 10-15 overflow mats.

Council Member Malloy asked if Ms. Kurosky had information on the number of beds at other facilities in the city.

Ms. Kurosky indicated that there is a total of 450 beds in the cities' shelters; 282 of them are for emergency shelter use and 168 of the beds are considered transitional use, which is for longer term residents transitioning into permanent housing.

Mr. William Adkerson, Executive Director of the Bethesda Center, responded to Council Member Malloy, stated that they currently have 84 beds and 30 mats.

Council Member Merschel inquired if the shelter offered is only for evening hours and how the clients spend their days.

Ms. Kurosky explained that their clients must leave the center by 7:30 a.m. She indicated that some of them go to work, some attend the day shelter at the Bethesda Center, some go to the library, some spend the day with friends, etc. If in need, Ms. Kurosky noted that some will remain in the area in anticipation of lunch.

Ms. Tawanna Wellman, Executive Director of Experiment in Self-Reliance (ESR), stated that she is a member of the Executive Committee of the Homeless Council. She noted that those agencies providing services are grateful for the support of the City, and pointed out that it benefits the entire community. She stated that the Planning

Board's proposal is the best response to issues outlined in the 10-year plan adopted by the City, as well as ESR and other partners.

Ms. Nan Griswold, Executive Director, Second Harvest Food Bank, 509 Claret Circle, stated that the many volunteers of these agencies are a gift to the community, and asked that the City give back to the organizations by approving the Planning Board recommendation. She noted that the agencies are saving the City money by keeping the homeless population off of the streets.

Council Member Burke complimented Ms. Griswold on the recent news report about the Food Bank program.

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

In response to Council Member Johnson's statement, Mr. Norby stated that the Council's action on this item will have an affect on how existing facilities could expand, but would be applied to all new shelters.

Council Member Johnson stated that although she supports the efforts of the agencies, it is challenging to attract economic development in the community due to net wealth of the area and the total community impact needs to be considered. She made a motion for approval of the amendment with the 2,500 spacing requirement as recommended by the Planning Board, but with a 50 bed capacity.

Council Member Merschel: Second.

Council Member Clark thanked all of the volunteers for their work with the shelters. He stated that although he appreciates the severity of the issues with the shelters

being so close together in one area, they provide a tremendous community service at their current locations and he expressed his support for the Planning Board proposal.

Council Member Burke stated that although the shelters are providing a great service, there is a big problem with loitering by the homeless population when they are not receiving services at the agencies and noted that this problem hinders economic development efforts in the community.

Council Member Terry complimented the individuals who worked on this amendment for its clarity and content. She inquired if there had been any collaboration efforts with other local communities to develop ideas to deconcentrate the areas in which large numbers of homeless population are located.

Ms. Griswold stated that four years ago, a collaborative meeting was held to develop a 10-year plan for multiple counties and cities. She stated that after approximately nine meetings, it was determined that developing plans for individual counties and cities would be more effective.

Council Member Terry inquired if there is an issue with transients from other counties and municipalities.

Ms. Griswold indicated that had been determined to be an issue but was unsure of how the various service providers handled the situation.

In response to Council Member Merschel's inquiry, Mr. Norby explained that although reference to Group Care Facilities A and B in this amendment had been eliminated, it would still be an allowed use within the UDO with its own spacing requirements separate of the requirements for Homeless Shelters. He pointed out that the

accessory use as it applies to churches has never had a spacing requirement and that would not change under this proposal.

Council Member Merschel indicated her understanding of economy of scale and noted the proposal by the Council for the Homeless could encourage its effect on location of these facilities. She expressed concern over how harmful this could be in fragile areas in which the community is working towards revitalization.

Council Member Besse pointed out that facilities meeting the maximum number of beds under the proposed ordinance would still be required to obtain a special use permit, unless they fall under the accessory use category for religious institutions. He stated that he supports the general proposal, but made a motion to amend the original motion, substituting "emergency or temporary shelters" for "shelters for the homeless" in Section 26.5 E, and striking the last sentence of the section.

Council Member Leight: Second.

Mayor Joines explained that the original motion was for approval of the Planning Board recommendation, except changing to a 50-bed capacity; Council Member Besse is offering an amendment affecting only Section 26.5 E, adding the word "Emergency" to "Shelters for the homeless" and striking the last sentence, which would allow a church to operate an emergency or temporary shelter, but no other accessory uses without a special use permit approved by the City Council.

Council Member Malloy stated that although he understands the need for a 100-bed capacity, there is a real problem with clustering of current facilities, and the amendment will not solve that problem. He suggested remanding the item back to the

Community Development/Housing/General Government Committee for further discussion.

By consensus, the Council remanded the item to the Community Development/Housing/General Government Committee, and Mayor Joines invited everyone to attend the meeting at 4:00 p.m. on Tuesday.

10. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 153.07 ACRES LOCATED OFF OF SHORE ROAD - Petition of Pierce Homes of Carolina, Inc. [Recommended by Public Works Committee.]

a. PUBLIC HEARING AND ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM BY ANNEXING THERETO CERTAIN CONTIGUOUS TERRITORY.

No one heard.

b. RESOLUTION AMENDING OFFICIAL CITY MAP DESIGNATING CORPORATE LIMITS AND SOUTH WARD BOUNDARIES.

Council Member Malloy: Motion for approval of Items 10(a) and (b).

Council Member Clark: Second. Unanimous.

11. PUBLIC HEARING AND ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - P.H. Hanes Knitting Company, Warehouse and Shipping Building Located at 600 North Chestnut Street. [Recommended by Historic Resources Commission.]

No one heard.

Council Member Clark: Motion for approval.

Council Member Malloy: Second.

Council Member Clark stated that although he generally does not support removing property from the tax roll, he feels this action represents appropriate use of public funds.

Council Member Johnson pointed out that Evon Smith, Executive Director of Goler Community Development Corporation, was present for tonight's meeting.

The motion for approval was unanimously carried.

12. PUBLIC HEARING AND ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - Odd Fellows Cemetery Roughly Located South of West 30th Street, West of Millbrook Drive, North of West 28th Street, and East of Shorefair Drive. [Recommended by Historic Resources Commission.]

Mr. Henry E. Step, Sr., 1011 Tredway Court, stated that he is the President of the Odd Fellows Reformation Project, which is the group responsible for cleaning up the cemetery. He expressed his appreciation to Council Members Johnson and Malloy for their ongoing support of the project. Mr. Step noted that the cemetery contains approximately 10,000 graves. He noted that three groups are working on the cemetery, including a Service Corps group led by Reginald McCaskill, a volunteer group, as well as a group of Boy Scouts. The groups are working to clean up the site for easier access to families and a website has been set up with names of those buried in the cemetery. He commended City crews for their assistance in removing the trash that has been cleaned up from the site.

Mr. Fleming El-Amin, 5400 Novack Street, spoke on behalf of the Winston-Salem Historic and Genealogical Society, which is assembling a database identifying African-American graves in Forsyth County. He noted that other officers of the Society include Earl Hines, Hugh Carter, Dr. Virginia Newell, and thanked the Council for its recommendation of the item.

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

Council Member Malloy: Motion for approval.

Council Member Johnson: Second. Unanimous.

13. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ARMY CORPS OF ENGINEERS FOR A STREAM AND WETLANDS IMPACT PERMIT AND TO MAKE A PAYMENT TO THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM FOR IMPACTS ASSOCIATED WITH THE WEST CLEMMONSVILLE ROAD EXTENSION PROJECT.

Mr. Gregory M. Turner, Assistant City Manager, explained that this item authorizes payment for permits required to complete the project, which involves numerous stream crossings.

Council Member Clark: Motion for approval.

Council Member Burke: Second. Unanimous.

14. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE/TAXICAB SERVICE IN THE CITY OF WINSTON-SALEM: [Recommended by Public Safety Committee. Public Hearing on Item G-13(a) held January 3, 2007 and Items G-13(b-d) on January 16, 2007.]
  - a. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONCEPT-1 CONCIERGE, INC. FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - b. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DAVE'S EXECUTIVE TRANSPORTATION FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - c. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO JB'S TAXI SERVICE FOR THE OPERATION OF TWENTY-FIVE TAXICABS IN THE CITY OF WINSTON-SALEM.

- d. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ALL OCCASION LIMOUSINE SERVICE, LLC FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.

Council Member Clark: Motion for approval.

Council Member Johnson: Second. Unanimous.

- 15. CONSIDERATION OF MARCH 2007 CITY COUNCIL MEETING SCHEDULE.

Council Member Besse indicated he had scheduled an out of town meeting for March 20 and asked if the Council would consider changing the Tuesday Committee meetings from March 20 to March 21.

Council Member Johnson indicated that she has a commitment on Wednesday and would prefer not to reschedule the Public Works Committee meeting.

Council Member Clark made a motion for approval of the schedule as listed on the item.

Council Member Johnson: Second. Unanimous.

- 16. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES - December 18, 2007.
- b. APPROVAL OF SUMMARY OF MINUTES - January 3, 2007.
- c. APPROVAL OF SUMMARY OF MINUTES - January 16, 2007.

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

- 17. EXTRA ITEM: REQUEST TO AMEND A RESOLUTION CLOSING A PORTION OF TRADE STREET BETWEEN THIRD AND FOURTH STREETS.

Mr. Turner explained that this item will reduce the size of the City's encroachment retained in the original street closure. He noted that the developer will need a portion of the easement relieved for building the structure. In response to Council Member Besse's question, he stated that this would retain the strollway easement and utility easement, however, the size of the utility easement would be reduced.

Council Member Johnson: Motion for approval.

Council Member Burke seconded the motion. She commented that she had seen the media coverage at the site today and pointed out that it was nice to see more economic development efforts downtown.

The motion for approval was unanimously carried.

Mayor Joines thanked Mr. Kerry Avant for his firm's efforts and wished them luck on the project.

Mayor Joines recognized Council Member Leight for a motion.

Council Member Leight made a motion for the Council to enter into Closed Session to consult with its City Attorney, to preserve the attorney-client privilege and to consider and give its City Attorney instructions concerning a legal matter pursuant to N.C.G.S. 143-318.11(a)(3).

Council Member Clark: Second.

Prior to entering into Closed Session, Mayor Joines recognized Council Member Johnson for a comment.

Council Member Johnson announced that the Public Works Committee will conduct a special meeting to discuss stormwater issues on February 26, 2007 at 5:30 p.m. in the Council Chamber.

The motion to enter into Closed Session was unanimously carried.

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

At 9:48 p.m., Council Member Clark made a motion to end the Closed Session and resume the Regular Session. The motion was duly seconded by Council Member Merschel and unanimously carried.

ADJOURNMENT: 9:48 p.m.