

D-27224

Summary of Minutes

January 16, 2007

A Regular Meeting of the Winston-Salem City Council was held on Tuesday, January 16, 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

(Council Member Clark exited the meeting at 10:56 p.m.)

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

Sergeant at Arms: Lieutenant Connie L. Southern

Invocation: Dr. Howard Wilburn of Salem Baptist Church

Pledge Of Allegiance led by the Salvation Army Boys and Girls Club of Winston-Salem.

RESOLUTION RECOGNIZING GEORGE STILPHEN, EXECUTIVE DIRECTOR, KEEP WINSTON-SALEM BEAUTIFUL

Council Member Johnson made a motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Johnson presented the resolution to Mr. Stilphen and thanked him for his efforts.

In response to her question, he stated that he has one staff person but is able to complete his work with the assistance of a large number of volunteers throughout the

community. He expressed his appreciation for receipt of the award and thanked staff and elected officials for their support.

RESOLUTION RECOGNIZING KEEP WINSTON-SALEM BEAUTIFUL

Council Member Johnson made a motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Johnson presented the resolution to Ms. Carol Demling, President, Keep Winston-Salem Beautiful (KWSB) Board, Mr. Bill Lancaster, KWSB Board member, and Mr. James Mitchell, Director of Vegetation Management. She invited meeting attendees to volunteer for Keep Winston-Salem Beautiful.

Council Member Besse added that recognition is due to the many volunteers for their efforts to keep our community clean.

Mayor Joines stated that the Council would now consider the Consent Agenda and indicated that staff has asked to pull Item C-8(d) for additional work. He asked if any other items needed to be removed for discussion.

Council Member Burke requested to pull Item C-8(f), Council Member Clark requested to pull Item C-4(b), and Council Member Besse requested to pull Item C-8(b). No other items were pulled for discussion.

Council Member Clark 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 ACQUISITION OF PROPERTY OWNED BY MOCK ASSOCIATES AND CECIL MOCK RELATING TO COUNTRY CLUB ROAD WIDENING THROUGH A NEGOTIATED SETTLEMENT - Lots 025, 026, 027A, 027B & 028 of Block 3946 located on Country Club Road.
 - b. RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION OF PROPERTY IN THE LIBERTY STREET CORRIDOR REDEVELOPMENT PLAN - Lots 002, 003, 107 and 112 of Block 0305 located on N. Liberty Street.
 - c. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR OLD LEXINGTON ROAD WIDENING BY DEED OR CONDEMNATION - Lot 001 of Block 0821 located on Glencoe Street; Lot 020D of Block 0728 located on Old Lexington Road; and Lots 001 and 007 of Block 0735 located on E. Sprague Street.
 - d. RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY LOCATED AT 224 FOREST HILL AVENUE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270 AND AUTHORIZATION FOR ACCEPTANCE OF A FLAT \$500 BID DEPOSIT - Lots 061 and 062 of Block 1910 located on Forest Hill Avenue.
- C-2. CONSIDERATION OF ITEMS RELATED TO PROPERTY FOR PIEDMONT TRIAD RESEARCH PARK: [Recommended by Finance Committee.]
- a. RESOLUTION AUTHORIZING ACCEPTANCE BY DONATION OF THE NORTHERN PORTION OF LOT 104 OF BLOCK 0519 AND THE PURCHASE OF THE SOUTHERN PORTION OF LOT 104 OF BLOCK 0519 FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION - Located off the Business I-40 ramp adjacent to Piedmont Triad Research Park.
 - b. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED LAND UNDER N.C.G.S. 160A-269 AN UPSET BID PROCEDURE - Southern Portion of Lot 104 of Tax Block 0519.
- C-3. RESOLUTION AUTHORIZING THE RESTRUCTURING OF REHABILITATION FINANCING TO THE HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM FOR JOHNSON SQUARE, OAK CREEK, AND PLAZA APARTMENTS. [Recommended by Finance Committee.]

- C-4. CONSIDERATION OF ORDINANCES AMENDING CHAPTER 62, CHAPTER 6, AND CHAPTER 74 OF THE CITY CODE: [Recommended by Community Development/Housing/General Government Committee.]
 - a. ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE ENTITLED "ANIMALS AND FOWL".
 - c. ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE ENTITLED "STREETS AND SIDEWALKS".

- C-5. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CERTAIN CITY STREETS - Lenora Drive; Neighborhood Limits: Belwick Village Drive, Swan Court; Neighborhood Limits: Pecan Ridge Circle, Pecan Forest Trail, Fiddlers Knoll Drive, Fiddlers Knoll Court, Eagle Point Drive and Eagle Watch Lane. [Recommended by Public Safety Committee.]

- C-6. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ROADWAY IMPROVEMENT REIMBURSEMENT AGREEMENT WITH JEMSITE DEVELOPMENT, LLC FOR THE CONSTRUCTION OF A CULVERT ON WEST CLEMMONSVILLE ROAD EXTENSION. [Recommended by Finance and Public Works Committees.]

- C-7. CONSIDERATION OF ITEMS RELATING TO TRAFFIC SIGNAL INSTALLATIONS ON THE STATE ROAD SYSTEM: [Recommended by Finance and Public Works Committees.]
 - a. RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION/MODIFICATION OF TRAFFIC SIGNALS ALONG HANES MALL BOULEVARD.
 - 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 CONTRACTS: [Recommended by Finance Committee.]
 - a. RESOLUTION AWARDED CONTRACT FOR COMPACT PICKUP TRUCKS - Vic Bailey Ford, Inc. - \$324,585.60.
 - c. RESOLUTION AWARDED CONTRACT FOR COMPACT AUTOMOBILES - Cloninger Toyota - \$309,435.

- e. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF DESKTOP, LAPTOP, AND GRAPHIC WORKSTATION COMPUTERS AND ACCESSORIES - Dell Marketing L.P. - \$473,407.04.
 - g. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM AUTHORIZING THE AWARD OF A PURCHASING CARD CONTRACT TO BRANCH BANKING AND TRUST COMPANY. [Rebate of 1%, approximately \$140,000 per year at current usage rate.]
- C-9. CONSIDERATION OF RESOLUTIONS AUTHORIZING THE WINSTON-SALEM/FORSYTH COUNTY HISTORIC RESOURCES COMMISSION TO REQUEST CERTIFIED LOCAL GOVERNMENT GRANTS FROM THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES, OFFICE OF ARCHIVES AND HISTORY, STATE HISTORIC PRESERVATION OFFICE: [Recommended by Finance Committee.]
- a. RESOLUTION AUTHORIZING GRANT REQUEST FOR CONSULTING SERVICES TO PLACE THE HOPE MORAVIAN COUNTRY CONGREGATION ON THE STUDY LIST FOR THE NATIONAL REGISTER OF HISTORIC PLACES AND PREPARE SUBSEQUENT NATIONAL REGISTER NOMINATION.
 - b. RESOLUTION AUTHORIZING GRANT REQUEST FOR CONSULTING SERVICES TO CONDUCT THE SECOND PHASE OF THE COMPREHENSIVE ARCHITECTURAL SURVEY UPDATE FOR FORSYTH COUNTY.
- C-10. RESOLUTION FIXING DATE AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF CERTAIN PROPERTY - Petition of Pierce Homes of Carolina, Inc. for 153.07 acres located off of Shore Road - Public Hearing: February 5, 2007. [Recommended by Public Works Committee.]
- C-11. RESOLUTION APPROVING AN AGREEMENT WITH THE BEESON PARK HOMEOWNERS ASSOCIATION, INC. TO INSTALL AND MAINTAIN DECORATIVE STREETLIGHTS IN BEESON PARK. [Recommended by Public Works Committee.]
- C-12. ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE RELATING TO STREET ADDRESSING. [Recommended by Public Works Committee.]

C-4. CONSIDERATION OF ORDINANCES AMENDING CHAPTER 62, CHAPTER 6, AND CHAPTER 74 OF THE CITY CODE: [Recommended by Community Development/Housing/General Government Committee.]

b. ORDINANCE AMENDING CHAPTER 62 OF THE CITY CODE ENTITLED "SANITATION".

Council Member Clark indicated that he had been contacted by someone concerned about the reduction of the abatement period from ten to five days, and the amount of time it would take for a letter of notification from the City to reach someone.

Mr. Derwick Paige, Deputy City Manger, explained that the five-day period allows for four days mail time, equating to an actual period of nine days.

Council Member Clark made a motion for approval.

Council Member Merschel: Second. Unanimous.

C-8. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]

b. RESOLUTION AWARDDING CONTRACT FOR PURCHASE OF ONE MOTOR GRADER UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) - James River Equipment - \$131,925.

Council Member Besse indicated staff had assured him this motor grader is the cleanest running model currently available and he made a motion for approval of the item.

Council Member Clark: Second. Unanimous.

f. RESOLUTION AWARDDING CONTRACTS FOR MOWING SERVICES - Contract C - Russell & Son Landscaping - \$25,455.04; Contract D - Canady Landscape Maintenance Service - \$22,480.00; Contract E - Canady Landscape Maintenance Service - \$16,720.00; Contract F - Canady Landscape Maintenance Service - \$12,240.00; Contract G - Thompson's Lawn Care - \$5,312.00; Contract H - Russell & Son Landscaping - \$15,232.00; Contract I - Thompson's Lawn Care - \$11,424.00; Contract J - Russell & Son Landscaping - \$16,696.80; Contract K - Riverhill Landscaping, Inc. - \$20,480.00; Contract L -

Canady Landscape Maintenance Service - \$14,800.00; Contract M - Valentine's Diversified Company- \$10,182.00; Contract N - Thompson's Lawn Care - \$18,800.00; Contract O - Thompson's Lawn Care - \$11,360.00; Contract P - Crawford Landscaping - \$10,128.00; Contract Q - Crawford Landscaping - \$9,504.00; Contract R - Valentine's Diversified Company - \$20,400.00; Contract S - Canady Landscape Maintenance Service - \$10,240.00.

Council Member Burke indicated that she has expressed her concerns that the contractors performing mowing for the City are doing a poor job and asked staff to closely monitor their work. She made a motion for approval of the item.

Council Member Merschel: Second.

Mr. Lee Garrity, City Manager, responded to Council Member Malloy, stating that the contracts were bid in different groups to allow more vendors to compete and to encourage participation by smaller vendors.

Mr. Mitchell indicated that the contracts were revised contracts to be geographically based, thus allowing easier access to the contractors in particular areas of town and keep costs down.

The motion for approval was unanimously carried.

G-1. PUBLIC COMMENT PERIOD.

Mayor Joines commented that this is a Public Comment Period and not a public hearing. He noted that many folks were in attendance to speak about the proposed baseball stadium and recognized the first speaker.

Mr. Larry Berry, 15 Walnut Street, expressed support for the proposed stadium and noted that it would benefit youth and families by offering an alternative entertainment venue. He indicated that team owners would be committing their time, energy, and financial resources to bring families together and endorse economic

development, and stated that residents will benefit from City leaders who encourage downtown development to bring our multicultural community together.

Mr. Larry Ice, 1549 Shore Road, urged the Council not to support the request and expressed his concern that the community may end up paying for the project if the developer does not keep his promises.

Mr. Brian Cole, 4806 Tiffany Avenue, stated that he is part owner of Foothills Brewing Company located at 638 West Fourth Street, and expressed his support for the game of baseball and downtown business. He pointed out that his restaurant is a sponsor of the Winston-Salem Warthogs and noted that having the stadium will increase business to downtown benefactors of the City's Restaurant Row Loan program.

Ms. Caroline Esmond, 112 Carrisbrook Lane, stated that this will be the largest incentive considered by Council to date and asked that they give proper due diligence before making a decision on the request. She questioned the developer's ability to cover overruns on the project and to back the ticket sales promise, and she encouraged Council to let the public vote on the matter.

Mr. Dennis Ring, 2103 Cherrywood Drive, Clemmons, explained that he owns the Hitting Zone Indoor Batting Center located at 1612 South Stratford Road. He noted that the easily accessible location of the stadium will encourage visitors from other communities who will visit downtown businesses and restaurants.

Mr. Jack Fisher, 3408 Mill Run Lane, Pfafftown, stated that if the area in question is cleaned up of crime and that problem will just move into a different area of the city. He noted that most of the residents currently living there need assistance and suggested the funds in question be used for that purpose instead of building a stadium.

Ms. Tammy Watson, 8893 Center Grove Place, indicated that she is the owner of ERA Realty located at 505 High Street, and stated that the ballpark would be a positive influence on the community by attracting new citizens, increasing local retail business, and possibly creating new jobs. She pointed out that the City of Greenville, South Carolina considered a similar project and ultimately benefited greatly from their approval of the economic development project.

Dr. Steve Wittmer, 415 Westover Avenue, asked the Council not to ask citizens to subsidize a "field of dreams," and expressed concern that the jobs provided would be seasonal employment at minimal wage. He pointed out that there are many important community needs that could be funded in lieu of the stadium and stated that the electorate will judge tonight's vote.

Mr. Mark Wylam, 3832 Tangle Oak Drive, Clemmons, indicated that he coached a team to the 2002 Little League World Series and they were subsequently recognized by the Council. He stated that this project could be the cornerstone for downtown development, attracting and businesses and families in pursuit of a similar quality of life.

Ms. Helen S. Steen, 1440 Whitehall Court, expressed her opposition to taxpayer subsidization of economic development projects. She noted that the city currently has a great ballpark and requested the Council to do what is best for residents.

Mr. Howell Dunlap, 411 South Marshall Street, stated that he owns a business located at 305 West Fourth Street, and has resided in Winston-Salem since 1961. He asked the Council to support the stadium and send a message of support to businesses attracted to the city. He noted that the stadium and subsequent development will help differentiate Winston-Salem as a low cost, great place to live.

In response to Mayor Joines, Council Member Merschel suggested allowing an additional fifteen minutes for citizen comments.

Mr. Lynn Murphy, 1880 Runnymede Road, explained that he recently purchased a building downtown. He noted that he has lived in three major U.S. cities faced with similar decisions regarding entertainment facilities, and ultimately benefiting from their support of the projects.

Mr. Lafayette Jones, 5840 Brockway Drive, noted that Goler Community Development Corporation had been involved in a large community development project and through immense collaborative efforts with residents, the end result was amenable for all parties involved. He encouraged the Council to work with all involved groups and ensure displaced residents will be successfully relocated.

Mr. Scott Bauer, 969 Bryans Place Road, expressed his support for the stadium, and noted that it would allow residents to experience a small town atmosphere with big city amenities. He pointed out that recent development efforts have been successful in building social capital and asked the Council to continue the trend.

Mr. Chico Caldwell, 425 Craver Pointe Drive, indicated that Winston-Salem State University (WSSU) is seeking reclassification to a Division 1 school and could benefit from the stadium through use of it for home baseball games. He pointed out the possibilities for becoming a future location for championship and playoff games and subsequent revenue that could be generated into the city. Mr. Caldwell also noted that having the stadium would attract many WSSU students to downtown businesses and less of them would return home on weekends due to the baseball games.

Mayor Joines asked if anyone else wished to speak. Seeing no one he declared the Public Comment Period closed and thanked everyone for attending.

G-2. RESOLUTION AUTHORIZING ASSISTANCE TO BROOKSTOWN DEVELOPMENT PARTNERS, LLC AND SPORTS MENAGERIE, LLC. [Public Hearing held at January 3, 2007 City Council meeting and item was continued. Informal discussions conducted at Finance and Community Development/Housing/General Government Committees.]

Council Member Merschel explained that whether staff estimates interest rates and property tax growth using conservative or optimistic figures, the project pays for itself, and noted that the optimistic figures actually yield \$855,000 in net returns. She stated that the existing debt on Ernie Shore Field is not included in those figures due to the fact that it is part of a previously balanced budget and will have no impact on property tax rates relative to this project. She also noted that the tax revenue from the stadium and the loan repayment from Wake Forest University (WFU) are guaranteed revenue sources and the only exposure to the City would be from the ticket surcharge. Council Member Merschel made a motion to approve the revised resolution, subject to a requirement that a letter of credit in a form satisfactory to the City be provided by Sports Menagerie, LLC as follows:

1. The letter of credit will be in place for the amount of \$350,000 for the period from the issuance of the City Debt on the stadium to the second year of the financing term in which the ticket surcharge payment is due to the City.
2. Thereafter, a letter of credit will be provided each year in an amount equal to \$350,000 minus the amount of ticket surcharge revenue collected from actual ticket sales in the previous year or \$210,000, whichever is greater.
3. The letter of credit requirement will remain in effect until such time as at least \$50,000,000 of new tax base has been created and placed on the Forsyth County tax rolls.
4. Should said \$50,000,000 in new tax base not be created by year eleven of the financing term, the letter of credit calculation shall change to an

amount equal to \$437,500 minus the amount of actual ticket surcharge revenue collected in the previous year or \$287,500, whichever is greater.

Council Member Leight: Second.

Council Member Burke inquired if all interested parties' questions had been answered.

Mr. Paige indicated that a memo had been sent to Council with answers to twenty-two questions posed by Council Members and citizens. He noted that the information was also e-mailed to those citizens who e-mailed their questions to staff, as well as shared with the Marketing Department to be relayed to citizens.

In response to Council Member Burke's question, Council Member Merschel explained that the Ernie Shore Field debt was incurred due to needed upgrades to meet ADA requirements, as well as various other improvements to the stadium. She noted that the improvements also contributed to an increase in the sale price of Ernie Shore Field and reiterated that the outstanding debt was not included in this project due to its inclusion in a previous year's balanced budget.

Mayor Joines pointed out that Ernie Shore Field does not produce revenue for the City and the outstanding debt would, therefore, have no impact on this project.

Responding to Council Member Johnson's request, Mr. Paige summarized the response to citizen's questions as provided in the staff report.

Council Member Johnson inquired about the rights of Sports Menagerie, LLC relative to sale of the franchise.

Mr. Paige explained that the City has to grant permission to sell the Winston-Salem Warthogs franchise, although that right may not be unduly withheld. He noted

that if the new franchise is moved from Winston-Salem prior to the end of the twenty-five year loan term, the developers will have to pay the City a pro-rata share of incentive payments.

Council Member Johnson inquired about how relocation funds could be used by residents in need of the assistance.

Mr. Paige explained that the funds could be used as down payment assistance in leasing new property, as assistance for the purchase of a new home, for payment of utility bills, and any other associated moving expenses. He noted that the funds could be dispensed at such time as the City and Forsyth County Commissioners approve the project.

Council Member Leight noted that she was unable to answer the many e-mails she had received concerning the project and although many were in opposition to the project, many more were in support of the project. She stated that it will be a self-financing project that will produce tax revenue for the City and indicated her support for the item.

Council Member Clark thanked everyone for attending the meeting and pointed out that he too received a large number of e-mails to which he was unable to respond. He expressed his support for the project, pointing out that the agreement includes that the developer will cover the cost of overruns in construction and noted that the developer has had experience in his efforts with the Greensboro ballpark project. He further noted that caseworkers will be assigned to those relocated by the project and funds made available for moving expenses, and pointed out that the developer purchased all of the properties himself, and no eminent domain would be involved. Council Member Clark also

responded to concerns, stating that the Downtown Health Plaza is managed by Forsyth County and noting that the Unity Place project was never considered by Council.

Council Member Besse indicated that most of the opposition to the project seemed to be based on the fact that many stadium deals lead to municipalities being ultimately responsible for financing. He stated that this project will pay for itself with guaranteed revenues, and there will be no increase in the tax burden, as well as no tradeoff with needed areas of funding.

Council Member Merschel thanked the citizens for their input and involvement, and noted that the stadium will be in the Northwest Ward. She indicated that all involved had worked on the project for three years and expressed her confidence in the figures.

Council Member Terry noted that although she had expressed many concerns, she is now more confident in her support of the project and pointed out the importance of the letter of credit from the developer. She stressed that this project will finance the future of Winston-Salem, and stated that the city has and will continue to become a much more diverse and multicultural location.

Council Member Malloy thanked all citizens for their interest and input, and the developer and staff for their work on the project. He noted that there had been many changes in Winston-Salem over the years and noted that this will be the beginning of a journey into additional neighborhood revitalization efforts as well as downtown revitalization.

Council Member Burke pointed out that she took the time to respond to all of the e-mails she received and thanked citizens for their input. She requested that staff present

progress reports on the development and relocation efforts. She pointed out that diversity is important for our community and its continually changing dynamics.

Mayor Joines thanked staff and Council Members for their efforts. He noted that the project will present an opportunity to ensure the viability of the City without impacting its budget. He stated that successful cities of the future must take bold but rational steps to retain young people within the community and encourage the transition from a factory-based to a knowledge-based economy.

The motion for approval was unanimously carried.

RECESS

At 9:15 p.m., Mayor Joines called for a five minute recess.

The meeting resumed at 9:25 p.m.

G-3. RESOLUTION ADOPTING CHANGES TO THE LOCAL OPTIONAL RELOCATION POLICY FOR INDIVIDUALS, FAMILIES, BUSINESSES, AND NON-PROFIT ORGANIZATIONS FOR USE IN LOCALLY FUNDED, NON-FEDERALLY ASSISTED PROJECTS.

Council Member Malloy made a motion for approval.

Council Member Johnson: Second.

Council Member Burke requested that regular updates be presented to the Community Development/Housing/General Government Committee on this item and noted that the residents should not be moved into housing worse than that in which they are currently located.

Council Member Besse noted that funding for this item would come from that already factored into the project.

The motion for approval was unanimously carried.

G-4. 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: [Public Hearing held on Item G-3(a) at January 3, 2007 City Council meeting and a motion of No Consideration was called on Items G-3(a-d).]

a. CONSIDERATION 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.

Mr. Kenneth Jones, II, 5353 Liberty Hall Circle, explained that he and his father own Concept-1 Concierge, Inc., which is a limousine/shuttle service. He noted that they are involved with many community outreach programs in Winston-Salem.

Council Member Burke made a motion for approval.

Council Member Clark: Second. Unanimous.

b. CONTINUATION OF PUBLIC HEARING AND 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.

Attorney Walter Holton, 301 North Main Street, spoke on behalf of Bluebird Cab Company in opposition to all of the requests, in particular the taxicab companies. He stated that the applicants have not proven their need for the certificates and noted that the market is saturated with taxicab companies. He requested that the City Council review the City Code for needed changes prior to approving these requests.

Mayor Joines asked if anyone else wished to be heard. Hearing no one, he declared the public hearing closed and recognized Council Member Burke.

Council Member Burke pointed out that these requests had been delayed already and need to be approved as soon as possible. She stated that staff can investigate the need for changing the City Code after consideration is given to these application. Council Member Burke made a motion for approval of the item.

Council Member Malloy: Second.

In response to Council Member Terry's question, Mr. Gregory M. Turner, Assistant City Manager/Public Works stated that the City Code requires that all applications for new certificates be considered once a year at the beginning of the year.

Council Member Malloy indicated that he received a call regarding Mr. Smothers from a customer who spoke highly of the service offered and the immaculate condition of the vehicles.

Mr. Ron Seeber, City Attorney, responded to Council Member Besse's question, stating that restrictions on consideration of applications were changed in response to problems years earlier with applications being accepted year round. He noted that it is part of the City Code and the Council changes the Code at its discretion.

Council Member Besse requested staff investigate the minimum statutory requirements for issuance of certificates and report to the Council on the feasibility of loosening the City's standards.

The motion for approval was unanimously carried.

Mayor Joines suggested that the Public Safety Committee undertake a review of the policy.

- c. CONTINUATION OF PUBLIC HEARING AND 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.

Mr. Herman Mazzeo, 1017 Pewter Court, stated that Mr. Jeff Willard is a partner in the applicant company and noted that Mr. Willard was previously refused certificates due to a criminal record.

Council Member Burke noted that this discussion should have been addressed by the Public Safety Committee and she has already addressed the issues and given consideration to this request.

Ms. Barbara Bowles, 218 Leland Drive, explained that she is part owner of the applicant company and noted that she has e-mailed all of the Council Members and sent them letters regarding her request. She stated that being limited to apply once a year makes it necessary for companies to anticipate growth and apply for more certificates than may be immediately required.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed and recognized Council Member Burke for a motion.

Council Member Burke made a motion for approval.

Council Member Terry: Second. Unanimous.

- d. CONTINUATION OF PUBLIC HEARING AND 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.

No one heard.

Council Member Burke made a motion for approval.

Council Member Malloy: Second. Unanimous.

Council Member Burke requested that all interested parties contact Mr. Turner with any information they would like the Public Safety Committee to receive prior to its consideration of this matter.

Mr. Turner responded to Council Member Johnson's concern, stating that Carter Cab Company's application did not meet the requirements for consideration by Council and the owners are aware of the issues that need to be addressed.

G-5. CONTINUATION OF CONSIDERATION OF ZONING PETITION OF MARY ANNE KIMEL FROM RS-9 TO RM-8-S (Residential Building Multifamily, Townhouse, Twin Home, Duplex, and Single Family; and PRD): Property located on the northwest corner of Romara Drive and Romara Court - Containing approximately 10.09 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2895. [Planning Board recommends approval of petition and site plan with staff recommendations. The public hearing on this matter was held on December 18, 2006 and consideration of the item was continued from the January 3, 2007 City Council meeting.]

Council Member Besse pointed out that staff has continued to work with the petitioner on this matter since it was continued and he asked for a review of the staff report.

Mr. Paul Norby, City/County Planning Director, reviewed the case as it has progressed through consideration by the Council. He noted that another condition has been requested in response to previous concerns raised by opponents.

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 explained that staff is addressing the Kirschenman property, which was impacted by runoff from the previously approved development. He

noted that the developer for this request has agreed to consider disbursed stormwater management for this site, and the undisturbed buffer to be included will act to reroute runoff from Ms. Lee's property. Council Member Besse pointed out positive aspects of the plan including the reserved common open areas and undisturbed wooded areas on the periphery of the attached single family subdivision, as well as the guaranteed dedicated pedestrian greenway easements along Silas Creek Parkway and to the common open space areas. Additional conditions include widening Romara Drive to 22-foot two-lane minimum width from Jonestown Road to a point 450-feet west of Jonestown Road and shall install appropriate transition tapers to tie into the existing pavement width at that point. He noted that both developers agreed to funding a change in the signal installation schedule at Romara Drive and Jonestown Road for quicker installation. 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 as amended.

Council Member Clark: Second.

Council Member Leight complimented Council Member Besse and staff for their efforts in addressing these issues. She noted that stormwater disbursal needs to be considered by staff for all future rezoning requests involving development, as well as the retention of an undisturbed buffer.

The motion for approval of the item as amended was unanimously carried.

G-6. RESOLUTION AUTHORIZING THE WINSTON-SALEM POLICE DEPARTMENT TO ACT IN THE CAPACITY OF LEAD AGENCY IN APPLYING TO THE GOVERNOR'S CRIME COMMISSION FOR A GRANT TO COMBAT GANG ACTIVITY IN FORSYTH COUNTY. [Public Safety Committee forwarded this item without a recommendation pending additional information.]

Police Chief Patricia D. Norris explained that the Forsyth County Sheriff's Department, the Housing Authority of Winston-Salem, the YMCA and YWCA, as well as the Center for Community Safety are all partnered with the City to receive benefits from the grant. She explained that staff has researched training and consultant options to be included in the program and noted that the YWCA will also work with the City on prevention of gang activities.

In response to Council Member Johnson, Chief Norris explained that a correction had been made on the budget item for the Sheriff's Department. She noted that the grant request has to be submitted by January 29, 2007 and the Police Department must be the lead agency to apply for funds.

Council Member Burke made a motion for approval of the item. The motion was duly seconded by Council Member Malloy.

Council Member Malloy commented that the timing for this grant is good given recent budget cuts to federal crime prevention programs.

The motion for approval was unanimously carried.

CLOSED SESSION

Mayor Joines recognized Council Member Terry.

Council Member Terry 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 Merschel: Second. Unanimous.

The Council entered into Closed Session at 10:12 p.m.

(Council Member Clark exited the meeting at 10:56 p.m.)

At 11:17 p.m., Council Member Burke 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: 11:17 p.m.