



## **AGENDA**

### **Regular Meeting of the Winston-Salem City Council**

**July 16, 2007**

**7:30 p.m., Council Chamber**

**Room 230, City Hall**

CALL TO ORDER

ROLL CALL

INVOCATION BY REVEREND GLENN PETTIFORD OF FIRST BAPTIST CHURCH OF EAST WINSTON

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

RESOLUTION HONORING WILLIAM K. HILL

CONSENT AGENDA

#### GENERAL AGENDA

- G-1. 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. Finance Committee voted to forward the Resolution Approving Economic Development Assistance to Brookstown Development Partners, LLC and Sports Menagerie, LLC to the August 6, 2007 City Council meeting with the intent of continuing the public hearing on this item to the August 6, 2007 City Council meeting.]*

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

- G-2. PUBLIC HEARING AND RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL TO ADOPT AN AMENDMENT TO THE GROWTH MANAGEMENT AREA (GMA) PLAN (BROOKSTOWN DEVELOPMENT PROJECT). *[Presented to the Community Development/Housing/General Government Committee. Finance Committee voted to forward the Resolution Approving Economic Development Assistance to Brookstown Development Partners, LLC and Sports Menagerie, LLC to the August 6, 2007 City Council meeting with the intent of continuing the public hearing on this item to the August 6, 2007 City Council meeting. Community Development/Housing/General Government Committee voted to forward this item to the August 6, 2007 City Council meeting without a recommendation.]*
- G-3. 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. [Finance Committee voted to forward the Resolution Approving Economic Development Assistance to*

*Brookstown Development Partners, LLC and Sports Menagerie, LLC to the August 6, 2007 City Council meeting with the intent of continuing the public hearing on this item to the August 6, 2007 City Council meeting.]*

- G-4. 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. Finance Committee voted to forward the Resolution Approving Economic Development Assistance to Brookstown Development Partners, LLC and Sports Menagerie, LLC to the August 6, 2007 City Council meeting with the intent of continuing the public hearing on this item to the August 6, 2007 City Council meeting.]*
- G-5. PUBLIC HEARING ON ZONING PETITION OF CITY/COUNTY UTILITY COMMISSION FOR PROPERTY OWNED BY THE CITY OF WINSTON-SALEM FROM RS-9 to LI-S (Utilities; and Transmission Tower): Property located on the east side of Bethania-Rural Hall Road, south of Mizpah Church Road – Containing approximately 0.70 acre located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2933. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

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- G-6. PUBLIC HEARING ON ZONING PETITION OF PINEDALE CHRISTIAN CHURCH FROM RS-9 to IP-S (Church or Religious Institution, Community; Child Day Care Center; Adult Day Care Center; Recreation Services, Indoor; and School, Private) and a Site Plan Amendment to property currently zoned IP-S: Property located on the east side of Peters Creek Parkway, between Ocala Drive and Sina Avenue – Containing approximately 12.14 acres located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2937. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

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

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- G-7. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF SOUTH FORK CHURCH OF CHRIST, THE CHURCH OF CHRIST AT SOUTH FORK, THE ELDERS OF THE CHURCH OF CHRIST AT SOUTH FORK, AND THE SOUTH FORK CHURCH OF CHRIST TRUSTEES AND CONSIDERATION OF FOUR FINDINGS OF FACT FOR A SPECIAL USE PERMIT FOR THE EXPANSION OF INSTITUTIONAL PARKING IN A RS-12 ZONING DISTRICT: Property located on the west side of Keating Drive south of Royalton Street – Containing approximately 3.93 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2928. *[Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of permit. The public hearing on this item was continued from the June 4, 2007 City Council meeting.]*

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

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- G-8. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF KDT GRADING INC. FROM HB TO LI-S (Building Contractor, Heavy; and Dirt Storage): Property located on the west side of Patterson Avenue north of Motor Road – Containing approximately 9.53 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2930. *[Planning Board recommends approval of petition and site plan with staff recommendations. The public hearing on this item was continued from the June 4, 2007 City Council meeting.]*

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

- G-9. PUBLIC HEARING AND RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL TO ADOPT THE 2007 UPDATE OF THE DOWNTOWN AREA PLAN. *[Presented to the Finance and Community Development/Housing/General Government Committees.]*

- G-10. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 3.51 ACRES LOCATED OFF OF OLD GREENSBORO ROAD (NORTHEAST WARD) – *Petition of City of Winston-Salem. [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.

- b. RESOLUTION AMENDING OFFICIAL CITY MAP DESIGNATING CORPORATE LIMITS AND NORTHEAST WARD BOUNDARIES.
- G-11. PUBLIC HEARING AND RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE STROLLWAY EXTENSION PROJECT CONTRACT. *[Recommended by Community Development/Housing/General Government Committee.]*
- G-12. MAYOR PRO TEMPORE BURKE'S RECOMMENDATIONS FOR APPOINTMENTS TO THE COMMUNITY APPEARANCE COMMISSION:
- Dr. Willardean Jordan Dula –*Term Expiring February, 2010*
  - Russell J. DuBois –*Term Expiring February, 2010*
- G-13. PUBLIC COMMENT PERIOD.

CONSENT AGENDAProperty Matters

- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: *[Recommended by Finance Committee.]*
- a. RESOLUTION AUTHORIZING THE GRANTING OF A NEW EASEMENT TO BELL SOUTH TELECOMMUNICATIONS, INC. FOR THE CONSTRUCTION OF A FIBER OPTIC TELECOMMUNICATIONS AREA – *Lots 029 and 030 of Block 1049 on the north side of Academy Street at its intersection with Gales Avenue.*
  - b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY OWNED BY JOSEPH AND SANDRA OWENS RELATED TO THE BOWEN BOULEVARD REALIGNMENT THROUGH A NEGOTIATED SETTLEMENT - *Lot 004T of Block 3193 off of Bowen Boulevard.*

Public Safety

- C-2. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS – *Meadowbrook Drive, Silver Creek Trail, Brookgreen Lane, Beeson Park Lane, and Bradford Court.* *[Recommended by Public Safety Committee.]*
- C-3. ORDINANCE AMENDING SECTION 42-97 OF THE CITY CODE RELATING TO WEIGHT LIMITATIONS ON THRU TRAFFIC ON CERTAIN CITY STREETS – *Northwest Boulevard between Hawthorne Road and First Street.* *[Recommended by Public Safety Committee.]*

Transportation

- C-4. RESOLUTION APPROVING AN AGREEMENT BETWEEN THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION (PART) AND THE CITY OF WINSTON-SALEM FOR THE LEASE OF PARKING SPACES AT FOURTH AND CHURCH STREETS PARKING DECK. *[Recommended by Finance and Public Works Committees.]*
- C-5. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON VARIOUS STREETS AND ALLEYS IN THE AREA FOR THE BROOKSTOWN DEVELOPMENT PROJECT IN THE NORTHWEST WARD – *Petition of Brookstown Development Partners, LLC. Public Hearing: August 20, 2007.* *[Recommended by Public Works Committee.]*

Finance/Budget

- C-6. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: *[Recommended by Finance Committee.]*
- a. RESOLUTION AWARDING ANNUAL CONTRACT FOR STREET RESURFACING - *Larco Construction, a Division of Sloan Construction Co., Inc. - \$1,731,104.85 (Estimated Amount).*
  - b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH CAROLINA MEDICORP ENTERPRISES, INC. D/B/A PRIMECARE AND MOBILEDOC, PLLC FOR OCCUPATIONAL HEALTH, MEDICAL REVIEW OFFICER, AND GENERAL MEDICAL AND PROFESSIONAL SERVICES - *Carolina Medicorp Enterprises, Inc., D/B/A/ PrimeCare - \$130,000 (Estimated Amount); MobileDoc, P.L.L.C. - \$130,000 (Estimated Amount).*
- C-7. ORDINANCE AMENDING SECTION 75-44 OF THE CITY CODE REGARDING STORMWATER MANAGEMENT SYSTEM USER FEES. *[Recommended by Finance and Public Works Committees.]*
- C-8. RESOLUTION APPROVING CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRANSPORTATION PLANNING AND TRAFFIC ENGINEERING SERVICES FOR THE PEACE HAVEN ROAD/STYERS FERRY ROAD CONNECTOR FEASIBILITY STUDY. *[Recommended by Public Works Committee.]*

#### General Government

- C-9. CONSIDERATION OF CITY PARTICIPATION IN DRAINAGE PROJECTS: *[Recommended by Public Works Committee.]*
- a. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE (NORTHWEST WARD) – *4401 Mill Creek Road.*
  - b. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE (NORTH WARD) – *1737 Cannon Avenue.*
- C-10. CONSIDERATION OF ITEMS RELATING TO DECORATIVE STREETLIGHTING: *[Recommended by Public Works Committee.]*
- a. RESOLUTION APPROVING AN AGREEMENT WITH THE LOCHURST RECREATION & MAINTENANCE ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.
  - b. RESOLUTION APPROVING AN AGREEMENT WITH THE COLLEGE PARK AT THE GATEWAY HOMEOWNERS ASSOCIATION, INC. TO

MAINTAIN DECORATIVE STREETLIGHTS.

C-11. CONSIDERATION OF SUMMARIES OF MINUTES:

- 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.*