

D-27384

Summary of Minutes

October 22, 2007

A Special Meeting of the Winston-Salem City Council was held on Monday, October 22, 2007 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Members Present:	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	
Sergeants at Arms:	Lieutenant David L. Kiger	
Invocation:	Pastor Bob McCaskill of Pinedale Christian Church	
Pledge of Allegiance		

Mayor Joines commented that the City has decided not to mandate water conservation due to its strong source with the Yadkin River. Additionally, the City and Forsyth County own a portion of Kerr Scott Reservoir as a backup. He noted, however, that the Governor has asked residents statewide to conserve 50% of their usage, and the City will also initiate various steps to save water usage at its various facilities. Mayor Joines asked that all outside watering cease except through use of a hose and he noted that the Utility Commission would be meeting next week to discuss any further steps that may be needed.

CONSENT AGENDA

Mayor Joines stated that the City Council would first consider the Consent Agenda and he requested to pull C-2(b) to be returned to staff.

Council Member Clark requested to pull Items C-4 and C-5 for discussion.

Council Member Burke made a motion for approval of the balance of the Consent Agenda.

Council Member Merschel: Second. Unanimous.

C-1. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR OLD LEXINGTON ROAD WIDENING - *Lot 020D of Block 0728 located at 2350 Old Lexington Road and Lot 001 of Block 0821 located at 600 Glencoe Street. [Recommended by Finance Committee.]*

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 (-50)]*

a. Richard & Anne Clay 2841 St. Claire Road

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: *[Repairs more than 50% of value of structure (+50) six months.]*

c. William & Gloria Tibbs 1110 Leona Street

d. Brian Page Trustee 1620 N. Cherry Street

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)]*

- e. Elmo Reece Linton, Jr. 3001 N. Glenn Avenue
- C-3. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Cliffdale Drive. *[Recommended by Public Safety Committee.]*
- C-6. ORDINANCE AMENDING CHAPTER 42 OF THE CITY CODE ENTITLED "MOTOR VEHICLES AND TRAFFIC". *[Recommended by Public Safety Committee with amendments to the language.]*
- C-7. CONSIDERATION OF ITEMS AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY AND PROJECT BUDGET ORDINANCES: *[Recommended by Finance Committee.]*
 - a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.
- C-8. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008 RELATED TO PARKING FEES AT BOWMAN GRAY STADIUM FOR WINSTON-SALEM STATE UNIVERSITY FOOTBALL GAMES. *[Recommended by Finance Committee.]*
- C-9. CONSIDERATION OF ITEMS RELATED TO AWARDING CONTRACT FOR WINSTON-SALEM AIRPORT BUSINESS PARK CONSTRUCTION: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF WINSTON-SALEM AIRPORT BUSINESS PARK, PHASE 1 - *Triangle Grading & Paving, Inc. - \$626,551.10 (Estimated Amount).*
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.
- C-10. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: *[Recommended by Finance Committee.]*
 - a. RESOLUTION AWARDING CONTRACT FOR POLICE CARS - *Capital Ford, Inc. - \$1,138,177.65.*

- b. RESOLUTION AWARDDING CONTRACT FOR BACKHOES - *James River Equipment* - \$211,932.
 - c. RESOLUTION AWARDDING CONTRACT FOR TRACTORS WITH FLAIL MOWERS - *Ideal Tractor Co., Inc.* - \$164,607.
- C-11. CONSIDERATION OF ITEMS RELATING TO FINAL PAYMENTS ON CONTRACTS: [*Recommended by Finance Committee.*]
- a. RESOLUTION AUTHORIZING FINAL PAYMENT TO LARCO CONSTRUCTION COMPANY, A DIVISION OF NELLO L. TEER COMPANY FOR THE CITY'S STREET RESURFACING CONTRACT, 2006-2007.
 - b. RESOLUTION AUTHORIZING FINAL PAYMENT TO LARCO CONSTRUCTION COMPANY, A DIVISION OF NELLO L. TEER COMPANY FOR THE WATERWORKS ROAD WIDENING CONTRACT.
 - c. RESOLUTION AUTHORIZING FINAL PAYMENT TO SMITH-ROWE, INC. FOR PEACHTREE STREET/LEIGHT STREET GREENWAY, PHASE I, CONTRACT.
- C-12. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION. - *Public Hearing: November 19, 2007.*
- C-13. CONSIDERATION OF ITEMS RELATING TO THE CLEMMONSVILLE ROAD WIDENING PROJECT: [Recommended by Finance and Public Works Committees.]
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO INCREASE THE MAXIMUM AMOUNT OF FUNDING FOR THE CLEMMONSVILLE ROAD WIDENING PROJECT.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.

Council Member Clark pointed out past issues with creating positions with grant funding and stressed the importance of ensuring the position is absolutely necessary.

Mr. Lee Garrity, City Manager, indicated there is a great need for this position and the job will be multi-tasked. He noted that the position is to be advertised as a grant-funded position only.

Council Member Burke inquired about the funding source and Mr. Garrity indicated that the funds are being derived from a grant from the Governor's Crime Commission and Project Safe Neighborhoods and they have been earmarked for the City's use.

Council Member Clark: Motion for approval.

Council Member Burke: Second. Unanimous.

C-5. RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL ESTABLISHING A CITIZEN REVIEW COMMITTEE FOR THE SILK PLANT FOREST POLICE INVESTIGATION ADMINISTRATIVE REVIEW. *[Recommended by Public Safety Committee with an amendment to the recommended number of Committee members.]*

Council Member Clark indicated that he feels this item is too important not to be mentioned. He stressed the need to ensure the correct people are appointed to the committee and thorough background checks are conducted on the members. He also stated that staff should ensure the committee members fully understand the duties with which they are being charged.

In response to Council Member Johnson's concern, Mayor Joines indicated that the committee openings will be advertised in the same manner as all other Board and Commission openings.

Council Member Burke noted that it is important not to rush through the process of appointing members to the committee and the process will be open, with a careful decision ultimately being made. The Public Safety Committee will review the findings of the committee for final review by City Council. All records will be brought forward and no one with conflicts or misunderstandings will be involved in the process. She noted that the City will admit to any mistakes that may have been made and nothing will be overlooked.

Council Member Terry noted that objectivity will be extremely necessary and suggested the City consider the services of Transparency International, an organization that lends itself to these types of investigations, and would be an objective third party.

Council Member Merschel pointed out that Page 3 of the Item, under Section 5, (c), the City Manager will "ensure that any information uncovered that may have a bearing on the guilt or innocence of Calvin Smith is promptly forwarded to the District Attorney and Calvin Smith's defense attorneys in compliance with the law."

Council Member Malloy asked that this agenda item packet be made available to the public.

Council Member Besse recommended staff ensure the process is comprehensive by conducting a review of professional quality and make clear the extent of obtaining a third party consult, that it be an objective and independent review with no filtering of the analysis through any City Department or Staff and the information should be made available to the public. He also noted that the review should be conducted in a timely manner and it should be assured that any information with bearing on Mr. Smith's guilt or innocence should be promptly forwarded to his attorney on an ongoing basis.

Council Member Johnson: Motion for approval.

Council Member Terry: Second.

Council Member Burke noted that if anyone has questions regarding this case and the committee review, the City Manager's office will be open for questions and she requested that staff bring periodic updates to City Council. She also suggested that a call-in phone line be set up to handle inquiries.

The motion for approval was unanimously carried.

Council Member Johnson requested to revisit Item C-6 and have staff give a brief description of the various vehicles in the ordinance and where they may lawfully be operated.

Chief Norris indicated that the amendment was written to clarify the definition and use of mopeds, which with the appropriate amount of power, can be operated on the street with a helmet requirement for the operator. She noted that the small motorcycles, sometime referred to a "pocket rockets" cannot be operated on streets, but only on private property with the property owner's permission. Chief Norris indicated that this information will be provided to the City recreation centers and Winston-Salem/Forsyth County Schools.

In response to Council Member Malloy's question, Chief Norris stated that all-terrain vehicles can only be operated on private property with the owner's permission, and they are prohibited from operation on sidewalks.

Council Member Besse pointed out that except for motorized wheelchairs, no motorized vehicles are allowed to operate on sidewalks.

GENERAL AGENDA

- G-1. PUBLIC HEARING AND RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF THE STROLLWAY AT THE SOUTHEAST GATEWAY. *[Recommended by Community Development/Housing/General Government Committee.]*

No one heard.

Council Member Malloy: Motion for approval.

Council Member Merschel: Second. Unanimous.

- G-2. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS: *[Item continued from the October 1, 2007 City Council meeting.]*

- a. TRIAD MUNICIPAL ABC BOARD

Harry Quitman Fitzgerald - Term Expiring June 2010

Council Member Clark: Motion for approval.

Council Member Terry: Second. Unanimous.

- b. LOAN COMMITTEE

Everette L. Witherspoon, Jr. - Term Expiring February 2010

James Shackett - Term Expiring February 2010

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

- c. M/WBE ADVISORY COMMITTEE

Jill Hudspeth Burgess - Term Expiring April 2009

James P. Miller - Term Expiring February 2008

Sylvain H. Boko - Term Expiring April 2009

Council Member Leight: Motion for approval.

Council Member Terry: Second. Unanimous.

d. SISTER CITIES BOARD

Zhong-Qin (Melissa) Xue - Term Expiring February 2010

Council Member Merschel: Motion for approval.

Council Member Terry: Second. Unanimous.

e. CITIZEN POLICE REVIEW BOARD

David M. Tinch - Term Expiring April 2010

Vivian V. Joiner - Term Expiring April 2010

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

f. CITIZEN BUDGET ADVISORY COUNCIL

Russell D. Whiteheart, Jr. - Term Expiring June 2008

Ross Kennedy Smith - Term Expiring June 2010

Council Member Terry: Motion for approval.

Council Member Merschel: Second. Unanimous.

G-3. MAYOR PRO TEMPORE BURKE'S RECOMMENDATION FOR APPOINTMENT TO THE COMMUNITY APPEARANCE COMMISSION - *Jobe Ambs Axley - Term Expiring February 2010. [Item continued from the October 1, 2007 City Council meeting.]*

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

G-4. CONSIDERATION OF SUMMARIES OF MINUTES:

a. APPROVAL OF SUMMARY OF MINUTES - *August 20, 2007.*

b. APPROVAL OF SUMMARY OF MINUTES - *August 23, 2007.*

c. APPROVAL OF SUMMARY OF MINUTES - *August 27, 2007.*

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

G-5. PUBLIC COMMENT PERIOD.

Mayor Joines indicated that this was now the Public Comment Period and asked if anyone wished to be heard.

Mr. Steven Vienneau, 9054 Mibeck Road, Belews Creek, spoke on behalf of the Fight the Forsyth/Stokes Dump organization, noting that most material going into the construction and demolition (C&D) landfill is wood, which is recyclable. He noted that many municipalities are currently recycling their C&D materials, and he urged the City to do the same before it is federally mandated, resulting in higher operating expenses for the City to pursue the effort.

Mr. Keith Hibner, 7775 Steel Road, Walnut Cove, President, Fight the Forsyth/Stokes Dump, indicated that the City took part in purchase of the land for that proposed landfill, which was an illegal purchase, and he asked the City to ultimately address that issue. He also suggested that any funds planned for constructing that landfill site should instead be invested in a C&D landfill recycling facility.

Mr. Dennis Peck, 5791 Whippoorwill Drive, Pfafftown, stated that the City will be paving a right-of-way through Whippoorwill Drive and removing several trees in the process. One of those is a trail tree that points towards Bethania, and was used by early settlers to locate safe shelter and food. He asked that the City reconsider its plans and plan a one-way street to be used by emergency vehicles only.

Ms. Jeanne Doherty, 241 Lucerne Lane, spoke on behalf of South Fork and Gordon Manner residents, who are concerned over future development of Country Club Road. She noted that there currently are plans to open a pawn/gun shop within 200 yards of two daycare centers and within two miles of South Fork Elementary, and she requested that City Council direct Planning staff to begin general discussion of a small area plan for this area. Several business locations have recently been sold and may be reopened with less desirable businesses taking their places.

Council Member Clark indicated he had asked staff to research the sale of guns and requested an update on the subject.

Mr. Garrity explained that zoning of the property in question currently allows for a pawn shop and they legally can sell guns. The Bureau of Alcohol, Tobacco and Firearms regulates the sale of guns and the Forsyth County Sheriffs Department would regulate purchase of those guns, requiring background checks. He noted also that pawn shops are required to maintain inventory lists with the City to be used in case of robberies.

Council Member Besse stated that Ms. Doherty's neighborhood is in the West Ward but the proposed pawn shop is located in the Southwest Ward. He stated that he has encouraged residents near the shop to form a neighborhood association and he offered to have those residents contact Ms. Doherty for possible neighborhood meetings regarding their concerns.

Mayor Joines informed Ms. Doherty that staff will contact her regarding the timeline of the area plan involving her neighborhood.

Council Member Besse requested an update to the Public Works Committee regarding the City's C&D recycling efforts.

Mr. Charles Humphrey, 3525 Hemlock Drive, expressed concern over the lack of helmet use by children and noted the difficulty in stressing that need to them. He noted that the City needs to be aggressive in addressing the need for children to wear helmets when operating motorized vehicles.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the Public Comment Period closed.

Council Member Johnson stated that the East Ward Town Hall Meeting would be held at 6:00 p.m. tomorrow night at Reynolds Park Recreation Center and she noted that a recent situation on Old Greensboro Road regarding a threat to neighbors would be discussed at that time. She also indicated that anyone wishing to vend food items as part of the Winston-Salem State University Homecoming Parade contact the Forsyth County Health Department and their telephone number is (336)703-3225 or obtain a copy of requirements for the application from the City Secretary's office.

Council Member Burke commented that a new airline called Skybus is locating to the Piedmont Triad International Airport and she noted that the Piedmont Triad Airport Authority, the Winston-Salem Alliance, the Tourism Development Authority of Forsyth County, and the Convention and Visitors Bureau had played a large part in bringing the airline to the area. She noted that Skybus will offer greatly reduced prices on airline tickets and pointed out that many of the promotional tickets are priced at \$10 and above.

Mayor Joines commented that Skybus would be flying from Greensboro into Los Angeles, Boston, Hartford, New Orleans and three cities in Florida.

Council Member Burke requested that staff ensure her name is put on the e-mail list for Skybus communications.

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

Council Member Malloy made a motion for City Council to enter into Closed Session to discuss: 1) the acquisition of real property pursuant to N.C.G.S. 143-318.11(a)(5); 2) the qualifications of applicants for the position of City Attorney pursuant to N.C.G.S. 143-318.11(a)(6); and 3) the continuation of the City Attorney's annual performance review pursuant to N.C.G.S. 143-318.11(a)(6).

Council Member Clark: Second. Unanimous.

Council Member Terry acknowledged Mr. Dana Hart, who was attending with his Boy Scout troop to learn about government proceedings.

City Council entered into Closed Session at 8:13 p.m.

At 9:09 p.m., Council Member Clark made a motion to end Closed Session and resume Regular Session.

Council Member Malloy: Second. Unanimous.

ADJOURNMENT: 9:10 p.m.