D-27382

Summary of Minutes

September 17, 2007

The regular Meeting of the Winston-Salem City Council was held on Monday, September 17, 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 Dan Besse Joycelyn V. Johnson Vivian H. Burke	Nelson L. Malloy, Jr. Wanda Merschel Evelyn A. Terry

Member Absent: Robert C. Clark

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

Pledge of Allegiance

Sergeant at Arms: Lieutenant David L. Kiger

Invocation: Dr. Carlton Eversley of Dellabrook Presbyterian Church

CONSENT AGENDA

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if anyone would like to remove any items for separate discussion.

Council Member Johnson requested to remove Item C-11 for discussion and Council Member Besse requested to remove Item C-4 for discussion. No other items were removed.

Council Member Malloy: Motion to approve the balance of the Consent Agenda.

Council Member Merschel: Second. Unanimous.

C-1. 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)]*

	Property Owner	Location
a.	Herbies Investments VII LLC	854 Woodcote Street

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]*

b.	D. Elwood Clinard	409 Wales Street
c.	John Keith & JoAnn Thomas	812 E. Devonshire Street (accessory)
d.	John Keith & JoAnn Thomas	812 E. Devonshire 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.	John Keith & JoAnn Thomas	816 E. Devonshsire Street
f.	Keith & Vernitia Tuttle	545 Efird Street

C-2. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Brookstone Ridge Drive and Queensway Road. *[Recommended by Public Safety Committee.]*

C-3. ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE RELATING TO THE ELIMINATION OF SECONDARY FIRE LIMITS. *[Recommended by Public Safety Committee.]*

C-5. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA CALLING A PUBLIC HEARING ON EXTENSION OF BOND ORDERS AND DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING - Public Hearing: October 1, 2007. *[Recommended by Finance Committee.]*

C-6. RESOLUTION APPROVING AGREEMENT WITH VIENNA VOLUNTEER FIRE DEPARTMENT, INC. FOR PAYMENT OF DEBT AND APPROVING SUBMISSION OF THE PAYMENT SCHEDULE TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL. *[Recommended by Finance Committee.]*

C-7. RESOLUTION ACCEPTING THE FISCAL YEAR 2007 ANNUAL TAX SETTLEMENT AND ADOPTION OF AN ORDER TO COLLECT CURRENT TAXES FOR 2006 (FISCAL YEAR 2007-2008) AND DELINQUENT TAXES FROM 1997 THROUGH 2006. *[Recommended by Finance Committee.]*

C-8. CONSIDERATION OF AMENDMENTS TO THE FY 06-07 ANNUAL APPROPRIATION/TAX LEVY ORDINANCE AND THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM: *[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 2006-2007.

b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2006-2007.

C-9. 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 BOWEN BOULEVARD REALIGNMENT PROJECT. *[Recommended by Public Works Committee.]*

C-10. CONSIDERATION OF ITEMS RELATING TO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR SAFETEA-LU FUNDS: *[Recommended by Finance and Public Works Committees.]*

a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR SAFETEA-LU FUNDS

FOR IMPROVEMENTS TO PETERS CREEK PARKWAY, FIRST STREET, SECOND STREET, AND BROOKSTOWN AVENUE.

b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.

c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.

C-12. RESOLUTION APPROVING A REQUEST BY WINSTON-SALEM STATE UNIVERSITY TO DEDICATE AND NAME TWO INDIVIDUAL ROOMS IN THE NEW FIELD HOUSE AT BOWMAN GRAY STADIUM FOR DONORS TO THE ATHLETIC DEPARTMENT. *[Recommended by Community Development/Housing/General Government Committee.]*

C-13. RESOLUTION SUPPORTING THE ELIGIBILITY OF PROPERTY FOR THE NATIONAL REGISTER OF HISTORIC PLACES - REYNOLDSTOWN HISTORIC DISTRICT. *[Recommended by Community Development/ Housing/General Government Committee.]*

C-14. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 428 Lawndale Drive. *[Recommended by Public Works Committee.]*

C-15. CONSIDERATION OF ITEMS RELATING TO DECORATIVE STREETLIGHTING: *[Recommended by Public Works Committee.]*

a. RESOLUTION APPROVING AN AGREEMENT WITH THE BRIDGEFIELD HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.

b. RESOLUTION APPROVING AN AGREEMENT WITH THE NORTH OAKS VILLAGE HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.

C-16. APPROVAL OF SUMMARY OF MINUTES - *August 6, 2007*.

C-4. RESOLUTION AUTHORIZING THE RESTRUCTURING OF A LOAN TO SENIOR RESIDENCES, INC. *[Recommended by Finance Committee.]*

Council Member Besse pointed out that there is a narrow gravel roadway area of the property near the edge of the north corner between the property owned by the YMCA and a pond area to the south of Winston Lake, which is not part of the first phase of development for this project. He suggested that the City be given an easement to this area to finish off a loop around the property which could be used as a walking trail around the entire property.

Council Member Johnson noted that during negotiations for this project in 1995, this concept was discussed and the principals were not interested at that time. She expressed concern over suggesting this option since the new principals of the project do not have prior notification.

In response to Council Member Burke's question, Mr. Derwick Paige, Deputy City Manager, explained that the Department of Housing and Urban Development (HUD) has given a verbal "okay" to fund this project contingent upon City Council's approval for restructuring the loan.

Council Member Burke noted that many meetings have been conducted regarding this project and she expressed concern that this is not a good time to bring up this type of offer so far into the project.

Council Member Terry pointed out that there may be an opportunity to negotiate with owners later on in the project's timeline to determine the feasibility of this option.

Council Member Merschel: Motion for approval.

Council Member Terry: Second. Unanimous.

C-11. CONSIDERATION OF MUNCIPAL AGREEMENTS WITH THE TOWNS OF LEWISVILLE AND KERNERSVILLE FOR ROAD STUDIES: *[Recommended by Public Works Committee.]*

a. RESOLUTION APPROVING A CONTRACT WITH WILBUR SMITH ASSOCIATES FOR TRANSPORTATION PLANNING AND TRAFFIC ENGINEERING SERVICES FOR THE TOWN OF LEWISVILLE'S WILLIAMS ROAD/SHALLOWFORD ROAD AREA.

b. RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE TOWN OF KERNERSVILLE TO CONDUCT THE BIG MILL FARM ROAD INTERCHANGE FEASIBILITY STUDY.

c. RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE TOWN OF KERNERSVILLE TO SHARE THE COST OF A STUDY REGARDING THE FEASIBILITY OF CONSTRUCTING THE PROPOSED TEMPLE SCHOOL ROAD EXTENSION.

Council Member Johnson suggested language be added to the action to provide clarity regarding the source of the funds and the reciprocal piece back to the City.

Mr. Gregory M. Turner, Assistant City Manager, stated that the agreement calls for Kernersville and Lewisville to share in the cost, with the City's expense coming from State and Federal funding received to provide this type of service.

Council Member Johnson requested that staff amend the resolution to clearly reflect that fact. She made a motion to approve the item, pending this requested change to the resolution.

Council Member Burke: Second. Unanimous.

GENERAL AGENDA

G-1. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, ARTICLES II AND III, OF THE UNIFIED DEVELOPMENT ORDINANCES TO ADD THE USES "SERVICES, BUSINESS A" AND "MUSEUM OR ART GALLERY" TO THE TABLE OF PERMITTED USES FOR THE NB ZONING DISTRICT AND ALLOW ON-STREET PARKING SPACES TO BE CREDITED FOR PROJECTS WITHIN THE NB ZONING DISTRICT - Proposal of the City-County Planning Staff - UDO 177. *[Recommended by Planning Board.]*

Mayor Joines requested a brief staff report on the item.

Mr. Paul Norby, City/County Planning Director, explained that this proposal would allow such small scale uses as mailing, reproduction, commercial art, and museum/art galleries, necessary to sell art pieces. He noted that this change would also allow the reduction of parking lot requirements if there is adequate on-street parking. No opposition was expressed at the Planning Board hearing.

Mayor Joines asked if anyone wished to be heard on the matter. Seeing no one, he declared the public hearing closed and asked for a motion on the item.

Council Member Merschel: Motion for approval.

Council Member Malloy: Second.

Council Member Burke inquired if the needed on-street parking spaces had already been allotted for and if meters would need to be installed.

Mr. Norby explained that this amendment would allow a certain share of the parking requirement to be handled by on-street parking currently available and the need for installation of meters would have to be determined by the Transportation Director based on demand.

The motion for approval of the item was unanimously carried.

G-2. PUBLIC HEARING ON ZONING PETITION OF HOL-MAC PROPERTIES FROM RSQ (HO) TO NB-S (HO) (Professional Office; Services, Business A; Retail Store, Specialty or Miscellaneous; Museum or Art Gallery; and Residential Building, Single Family): Property located on the southern corner of West Fourth Street and Taylor Street - Containing approximately 0.75 acre located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-2945. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

Council Member Merschel requested a brief staff report.

Mr. Norby explained that this is a unique property and the structure on this lot was originally built as a single family home. He noted that this property is located within a historic overlay district. The owners want the ability to operate a low impact business serving the needs of the residential area, and the West End Association supports the action.

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 Merschel thanked the Council Members and petitioners for their patience on this item. She noted that this property has been meticulously restored and the proposal is for a wonderful use of the property. She made a motion for approval of the petition, adoption of the zoning ordinance and approval of the special use district permit.

Council Member Malloy: Second. Unanimous.

Council Member Burke expressed her appreciation to Attorney Frye for his efforts on this and past projects involving the City.

G-3. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF EVERIDGE ROAD IN THE SOUTH WARD (Council Member Leight) - *Petition of Matt J. Osborne. [Recommended by Public Works Committee.]*

No one heard.

Council Member Leight: Motion for approval.

Council Member Burke: Second. Unanimous.

G-4. CONTINUATION OF CONSIDERATION OF ZONING PETITION OF TIMOTHY CAVE FROM RS-9 TO RM-18-S (Life Care Community): Property located on the south side of Indiana Avenue, across from Appomattox Drive - Containing approximately 10.23 acres located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2934. *[Planning Board recommends approval of petition and site plan with staff recommendations. The public hearing on this item was previously held on September 4, 2007.]*

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 special use district permit.

Council Member Burke: Second. Unanimous.

ADDITIONAL ITEM - RESOLUTION FIXING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF CERTAIN PROPERTY - Petition of Dennis Newman for 2.06 acre located off of Hilltop Drive (Northwest Ward) - Public Hearing: October 1, 2007. *[Recommended by Public Works Committee.]*

Mayor Joines stated that there had been an error in advertising for this item and it is necessary for City Council to set an alternate public hearing date.

Council Member Burke made a motion to set the public hearing date for this item to October 1, 2007.

Council Member Terry: Second. Unanimous.

Council Member Johnson pointed out that there would be a public meeting at the Rupert Bell Recreation Center tomorrow night at 6:00 p.m. regarding the Reynoldstown Historic District designation.

Mr. Norby noted that a lot of work has gone into efforts to gain the Reynoldstown Historic District endorsement from the City and Historic Resources Commission and he noted that this consideration will now be taken up by the State.

Council Member Johnson wished a happy birthday to Council Member Malloy and Mayor Joines on behalf of the East Ward and the City Council.

Council Member Burke pointed out that City staff has a video on the history of Reynoldstown and she suggested that the video be shared during the meeting tomorrow night.

Council Member Merschel pointed out that the Rock the Block event would be from 6:00 to 11:00 p.m. this coming Friday, September 21, 2007.

Council Member Besse stated that the Human Relations Commission would be sponsoring the High School Race Relations Forum at 6:30 p.m. on Tuesday, September 25, 2007 and on Thursday, September 27, 2007 would be the Soul and Salsa event at Union Baptist Church.

Mayor Joines noted that at Noon on Thursday, there would be a celebration of an International Day of Peace on the steps of City Hall and the church bells across the city will ring at Noon also.

G-5. PUBLIC COMMENT PERIOD.

Mr. Charles Humphrey, 3525 Hemlock Drive, expressed concern about the dissemination of news regarding taxpayers and use of their money, noting that it seems that bad news is never advertised. He pointed out that there are concerns regarding the Dell project, and the Council should ask more questions before offering economic development assistance. Mr. Humphrey stated that the city seems to be losing more jobs

than gaining, and Dell made many promises that have not been delivered upon. He requested that future news be disseminated fairly, regardless if it is good or bad news.

Mayor Joines pointed out that the jobs at Dell are permanent as a contingency of the loan from City.

Council Member Burke noted that when Congressman Mel Watt visited, there was a discussion of homeowners' issues, in particular the loss of homes due to unfair lending. She pointed out that she is particularly interested in senior issues and Mr. Humphrey will be allowed to express his views at her next Talk of the Town meeting.

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

Council Member Burke made a motion for City Council to enter into Closed Session to begin the City Attorney's annual evaluation pursuant to N.C.G.S. 143-318.11(a)(6).

Council Member Leight: Second. Unanimous.

City Council entered into Closed Session at 8:09 p.m.

At 8:47 p.m., Council Member Merschel made a motion to end Closed Session and resume Regular Session.

Council Member Malloy: Second. Unanimous.

ADJOURNMENT: 8:48 p.m.