

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:00 P.M., TUESDAY, DECEMBER 11, 2007

COMMITTEE ROOM

ROOM 239, CITY HALL

COMMITTEE MEMBERS: Council Member Nelson L. Malloy, Jr. Chair
Council Member Dan Besse, Vice Chair (in at 4:20 p.m.)
Council Member Evelyn A. Terry (in at 4:12 p.m.)
Council Member Molly Leight

OTHERS PRESENT: Council Member Joycelyn V. Johnson
Council Member Robert Clark (in at 5:23 p.m.)

Chair Malloy called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda.

Council Member Leight requested to pull Item C-2 and Council Member Johnson requested to pull Items C-3, C-5 and C-7.

A motion was made by Council Member Leight to approve the balance of the Consent Agenda. The motion was duly seconded by Chair Malloy and unanimously carried.

CONSENT AGENDA

- C- 1. CONSIDERATION OF ITEMS RELATED TO THE CITY'S AGREEMENT WITH THE FERGUSON GROUP:
- a. RESOLUTION AUTHORIZING THE CITY TO CONTINUE ITS AGREEMENT WITH THE FERGUSON GROUP AND APPROVE THE FEDERAL FISCAL YEAR 2009 AGENDA FOR THE CITY OF WINSTON-SALEM.
 - 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- 4. ORDINANCE AMENDING SECTIONS 74-284, 289 AND 290 OF THE CITY CODE RELATING TO EXHIBITION SHOWS. *[Item continued from the October Committee meeting.]*
- C- 6. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF FIRE STATION NO. 20.

C- 8. RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH AN APPLICATION PROCESS FOR PUBLIC ART DONATIONS AND TO ACCEPT PUBLIC ART BY DONATION ON BEHALF OF THE CITY.

C- 2. RESOLUTION ADOPTING THE GRAFFITI REMOVAL PROGRAM GUIDELINES.

In response to Council Member Leight's question, Mr. Ritchie Brooks, Director of Neighborhood Services, stated that staff is working with the City Attorney's Office regarding code enforcement on commercial property, but that legislation comes from the state. He also stated that service orders for commercial property are much longer than for residential property.

Mr. Derwick Paige, Deputy City Manager, noted that currently, there is no authority to remove graffiti on commercial property but staff is developing an item to bring to Council in early 2008 that would address a graffiti ordinance.

(Council Member Terry in at 4:12 p.m.)

Council Member Leight expressed concern that the installation of siding may aid in the deterioration of a structure, especially historic homes, through the accumulation of molds.

Mr. Brooks commented that siding is not permitted on historic properties and it is a frequent request in low-income housing developments as it replaces the need for frequent painting.

In response to Council Member Johnson's request, Mr. Brooks stated that the wording would be extended to include various groups in addition to gangs as all graffiti is not administered by gangs.

A motion was made by Council Member Leight to approve the item. The motion was duly seconded by Council Member Terry and carried unanimously.

C- 3. RESOLUTION OF THE CITY COUNCIL GRANTING AUTHORIZATION TO CREATE A REHABILITATION STABILIZATION PROGRAM.

In response to Council Member Johnson's question, Mr. Brooks stated that staff will research opportunities to support commercial property owners within residential areas, as they do not fall under the Revitalizing Urban Commercial Area category. He also stated that these small businesses generally receive assistance through the Economic Development Department.

Mr. Paige commented that the small business loan program is available along with other tools to area businesses. In response to Council Member Johnson's inquiry, he stated that these tools are advertised on WSTV13, in some workshops, and all local Community Development Corporations are aware of the opportunities.

In response to Council Member Johnson's question, Mr. Brooks stated that once commercial code enforcement is in place, when a business is cited for a violation, it will receive information regarding available assistance.

In response to Chair Malloy's question, Mr. Brooks stated that there is approximately \$200,000 of available funding per year for these programs.

Council Member Leight made a motion to approve the item. The motion was duly seconded by Council Member Terry and carried unanimously.

(Council Member Besse in at 4:20 p.m.)

C- 5. RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO APPLY FOR THE DESIGNATION OF A STATE OF NORTH CAROLINA URBAN PROGRESS ZONE.

In response to Council Member Johnson's question, Mr. Paige stated that a sub-committee of the Metropolitan Coalition met as a group in Raleigh with Secretary Jim Fain and his staff to lobby for additional credits. As the eastern part of the state has seen more progress, state legislation did not see the need for establishing a zone, but has begun to recognize the need for more resources. He further stated the Development Office will follow the application process.

Mr. John Allen, Development Director, stated there is virtually no chance that the application will be denied because the eligibility of the area has been proven.

Council Member Terry requested that while the Department of Commerce on the state and national levels does provide resources for urban areas, that staff pursue urban resources outside of what is allocated by the government.

Mr. Paige stated that funding is generally directed toward the Research Park area and staff has pursued other funding from the state through special appropriations, but they are competing with other projects within the City. He further stated that while most resources are allocated to rural communities, staff will continue to pursue other opportunities.

Council Member Terry requested that Mr. Paige and Mr. Allen work together when creating an agenda for delegation to the state, and develop a case for the City's specific needs. She also requested that they provide data and statistics at that time to demonstrate the need.

Council Member Besse requested that comparative state population data be compiled comparing rural areas to comparably poor urban areas as these two are not getting similar treatment.

Council Member Johnson requested that a person or group of people make a concerted effort to lobby on behalf of these needs and have a presence in the General Assembly to advocate on behalf of the City.

A motion was made by Council Member Terry to approve the item. The motion was duly seconded by Council Member Leight and carried unanimously.

C- 7. RESOLUTION CONSIDERING AND ADOPTING AN APPROPRIATE AND VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY OWNED BUSINESSES FOR THE CONSTRUCTION OF ROOFING FOR THE POLICE EVIDENCE AND TRAINING FACILITY.

In response to Council Member Johnson's question, Mr. Ruben Gonzalez, Minority/Women Business Enterprise Coordinator, stated that the task will consist of removing the old roofing, hauling the materials from the construction site and construction of a new roof for the facility.

Mr. Paige noted that Minority Business Enterprises (MBE) or general contractors can bid on the job, and either one would still have to meet the 5% MBE goal by sub-contracting a portion of the construction work or hauling.

In response to Chair Malloy's question, Mr. Gonzalez stated that the City offers small business loans that may help smaller companies purchase necessary equipment to compete for job opportunities such as this. He further stated that due to the unique nature of this project, many MBEs do not have the equipment or staff to complete the task.

In response to Council Member Besse's question, Mr. Gonzalez stated that as this project will be very labor-intensive, a small business would need to ensure it has the appropriate bonding and insurance to complete the task. He also stated that in addition to meeting the qualifications, a company could lease the needed equipment to compete for the project. He further stated that a project of this size could be riskier for a small business due to the costs involved, but it is manageable.

Council Member Besse made a motion to approve the item. The motion was duly seconded by Council Member Leight and carried unanimously.

Council Member Terry referred back to Item C-8 and requested that the scope for the project be widened to include more people.

GENERAL AGENDA

G- 1. RESOLUTION APPROVING THE DEDICATION AND RENAMING OF THE DIXIE CLASSIC FAIRGROUNDS HOME AND GARDEN BUILDING IN HONOR OF NEIL BOLTON.

Mrs. Martha Wheelock, Assistant City Manager, stated that Mr. Neil Bolton promoted the fair as a regional attraction and helped it to become the Dixie Classic Fair which draws crowds each year.

In response to Council Member Johnson's question, Mr. Paige stated that Council approved a naming policy, but it is up to the Community Development/Housing/General Government (CD/H/GG) Committee to decide whether or not it is appropriate to name a facility.

Council Member Johnson requested that staff look at employees' years of service and performance within the City, level of dedication and loyalty, and not in a management position and find a way to recognize them.

Mr. Lee Garrity, City Manager, stated that senior staff members are usually recognized upon retirement but staff will now recognize all employees retiring.

Council Member Johnson requested that a list of retired and deceased employees be submitted to the North Carolina League of Municipalities for an appropriate resolution and recognition.

Council Member Terry made a motion to approve the item. The motion was duly seconded by Council Member Leight and unanimously carried.

G- 2. RESOLUTION AUTHORIZING DEVELOPMENT OF A SPONSORSHIP POLICY ALLOWING CITY DEPARTMENTS TO SEEK AND ACCEPT FINANCIAL AID AND/OR IN-KIND CONTRIBUTIONS. *[Item continued from the October Committee meeting.]*

Mrs. Wheelock noted that the Committee has reviewed this item previously and requested examples of how sponsors would be recognized, which have been included in the information provided.

Mr. Ed McNeal, Marketing Director, noted on the athletic fields and centers example, Blue Cross Blue Shield partnered with Mecklenburg County to promote child health and bring attention to childhood obesity. He further noted that the sponsorship helped to offset some of the costs incurred by the Park and Recreation Department for new signage and uniforms.

Mrs. Wheelock commented that public assembly facilities fall under a different category and staff is bringing an item to Council to address these specific needs, along with outlining gifts and favors.

In response to Council Member Besse's comment, Mrs. Wheelock stated that staff is in control of the sign size and placement, not the sponsor, so signs will be inconspicuous.

Mr. Garrity stated that signs are semi-permanent and Council will see the sign prior to it being posted.

Council Member Leight requested that staff avoid exclusivity with a few companies and give any applicable sponsors equal opportunity.

In response to Council Member Johnson's question, Mr. Paige stated that anyone who has adopted a street or stream is notified twice a year to clean that area and may lose sponsorship if not maintained. He also stated that he will report back who is in charge of notifying the various groups, and if Council is aware of a specific street or stream that is in need, to please make staff aware.

In response to Council Member Terry's inquiry, Mr. Paige stated that Keep Winston-Salem Beautiful is a branch of Vegetation Management and Vegetation Management is housed within the Parks and Recreation Department.

Council Member Leight made a motion to approve the item. The motion was duly seconded by Council Member Terry and carried unanimously.

G- 3. RESOLUTION AUTHORIZING AN AMENDMENT TO THE WSTV13 OPERATING POLICY TO ALLOW UNDERWRITING. *[Item continued from the October Committee meeting.]*

Mrs. Wheelock stated that this item is a companion piece to the previous item. She also stated that there are well-established national standards for underwriting that staff may follow when drafting the amendment outlining sponsorship and advertising.

In response to Council Member Terry's question, Mr. McNeal stated that the City is not actively pursuing advertisement or sponsorships for WSTV13.

In response to Council Member Johnson's inquiry, Mr. McNeal commented that staff does not know the exact viewership for WSTV13 because it is not metered, but he will find the information and report back to the Committee. He further stated that Time Warner Cable reports a viewership of 80,000 households in Forsyth County.

Council Member Terry made a motion to approve the item. The motion was duly seconded by Council Member Leight and carried unanimously.

G- 4. ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE RELATING TO ANIMALS AND FOWL.

Mr. Brooks stated that the proposed ordinance will make it unlawful for a person to keep certain animals within 50 feet of an adjoining property within the city limits, rather than the 150 foot limit in the current ordinance.

Council Member Johnson noted that when citizens were annexed, one of the concerns was whether or not they would be able to keep their animals. She also noted that staff added the 150 foot rule to accommodate those concerns and revised the ordinance.

Mr. Brooks stated that the City Attorney's Office crafted the 150 foot rule and although it will be reduced to 50 feet, certain animals will be able to remain on the owner's property and they will not have to relocate the animals or homes.

In response to Council Member Besse's question, Mr. Brooks stated that three requests have been received from citizens pertaining to the ordinance, and those were regarding horses and some pigeons.

Mr. Paige noted that as the ordinance is a part of the City Code, any owners who are not in compliance once the ordinance takes effect cannot be grandfathered in.

In response to Council Member Terry's concern, Mr. Brooks commented that no matter the location of the property, certain animals must be kept 50 feet from an adjoining property or the owner will be cited.

Mr. Sylvester Burrows, 4850 Seminole Court, stated that he has raised birds most of his life and moved into the country to maintain his hobby. He also stated that he was not aware of the code requirement after his property was annexed. He further stated that his birds are performing pigeons of registered pedigree. Mr. Burrows noted that during a recent show, over 350 people brought revenue to the City while visiting. He also noted that his friends and neighbors enjoy his birds. Mr. Burrows stated that he has 85 birds but can house 125. He also stated that some of his birds have been given to troubled children in single parent homes to help them start a hobby.

Mr. Brooks stated that Mr. Burrows' citation was received from the Zoning Department, not Housing. He also stated that the bird housing is clean and neat and the complaint was believed to have been submitted by a neighbor trying to sell a home that saw the birds as a detriment.

In response to Council Member Leight's question regarding whether or not an exception could be made for pigeons, Mrs. Angela Carmon, Assistant City Attorney, stated that staff would review any national standards set for pigeons and would review any zoning requirements for the housing.

Mr. Garrity commented that a provision could be made for a completely enclosed structure where no noise escapes as Mr. Burrows' housing is different from a chicken coop, which is portrayed as a nuisance.

Mr. Brooks stated that a completely enclosed structure would avoid the nuisance connotation that the code is designed to address.

In response to Council Member Leight's inquiry, Mr. Burrows noted that the pigeon housing is close to the adjoining property line but he acquired permits to place the housing there.

In response to Council Member Besse's question, Mr. Chuck Green, Acting City Attorney, stated that the item will be a unified City/County ordinance and if the housing was unlawful when erected, it will still be unlawful, as the ordinance will apply to old and new structures.

In response to Council Member Besse's suggestion, Mr. Burrows stated that his lot is small and even if he moved the housing closer to his home, it still would not meet the 50 foot requirement.

In response to Council Member Besse's question, Mrs. Carmon noted that the ordinance does not apply to an occupied structure on the same property, so the housing does not have to be 50 feet from Mr. Burrows' home.

(Council Member Clark in at 5:23 p.m.)

In response to Chair Malloy's question, Mr. Paige stated that structures of a certain size can be exempted from the zoning setback, therefore staff will bring back any setback provisions to include reference to the zoning of animal housing to help the Committee with its discussion.

Council Member Terry requested that staff bring the item back to the February CD/H/GG Committee meeting to allow adequate time for research.

In response to Council Member Leight's question, Mr. Garrity stated that Mr. Burrows could have mistakenly been issued a permit or the permit no longer applies under the ordinance. He also stated that even with a permit, the law still applies and a possible option for Mr. Burrows' structure is a zoning variance.

In response to Council Member Besse's inquiry, Mr. Brooks stated that staff has not been notified of other enforcement issues similar to Mr. Burrows' and enforcement action of two horse barns has been delayed until further notice.

Council Member Besse suggested that rather than rewriting the ordinance, a possible solution would be an exception for facilities with a special use permit, wherein the permit would set the criteria for the facility. He requested that staff bring any recommendations to the February CD/H/GG Committee meeting.

G- 5. INFILL DEVELOPMENT REGULATIONS. [*Item continued from the October Committee meeting.*]

Mr. Glenn Simmons, Principal Planner, presented information for Modular Infill Development Regulations. He stated that the proposed *Unified Development Ordinance* text amendment would address modular and site-built homes as they cannot be treated differently. He also stated that the proposed regulations would address architectural details and proposed development standards, along with an alternative compliance provision.

In response to Council Member Johnson's question, Mr. Simmons stated that new state standards for infill development were set in place in 2003.

Council Member Johnson noted that she recognized the importance of the Zoning Board of Adjustment, but requested that issues be addressed to the City Council as it may have more sensitivity to the concerns of the citizens within the community than the Zoning Board.

Mr. Simmons stated that if the Council so chose, it could mandate that any infill decisions come from the elected body. He also stated that there have been very few cases similar to the examples shown in the presentation and that staff could present any future cases to the Council.

In response to Council Member Leight's question, Mr. Simmons stated that some homes in older neighborhoods with smaller lots may not meet the proposed standards and the Council could decide whether or not to provide any exceptions.

Council Member Terry commented that she would rather avoid a mandate by the Zoning Board of Adjustment. She also commented that there are several new urban designs for smaller lots where smaller infill regulations would be acceptable, and the proposed amendment may not adequately address urban needs. She further commented that she would be happy to discuss any infill suggestions with staff. She also noted that there is a need for the proposed amendment to be easily explained to citizens and easy to enforce, so staff should create something appropriate to those needs.

Council Member Besse requested a sub-committee be formed including Council Member Terry, Council Member Johnson, Mr. Simmons and any other appropriate staff members to discuss any needs that should be addressed within the proposed amendment. He further requested that the item be brought back to the CD/H/GG Committee meeting in February for an update.

ADDITIONAL ITEMS

Chair Malloy stated that he spoke with Mr. Brooks and requested that staff not slow down on bringing demolition items before the CD/H/GG Committee.

In response to Chair Malloy's question regarding parking on lawns, Mr. Brooks stated that staff is meeting the week after Christmas and a draft document will be presented at the February CD/H/GG Committee meeting. He also stated that he provided a copy of the City of Concord's ordinance to Chair Malloy and staff will seek citizen input for the document if requested.

Council Member Leight requested a copy of the City of Concord ordinance.

In response to Chair Malloy's question, Mr. Garrity stated that Mrs. Wheelock was working on a document regarding undocumented workers and will be bringing that item to the CD/H/GG Committee.

In response to Chair Malloy's request, Mr. Brooks stated that Mr. Joe Belissimo will try to accommodate the Committee's request to hire minority workers as laborers on the new baseball stadium construction. He also stated that the construction manager will be in contact by the end of the year and will work with staff to place any people in training programs with construction jobs.

Chair Malloy requested that the walking trail from within the Stonewall Subdivision of Historic Bethabara Park be renamed the Rutherford Moorman, Jr. Trail.

Mr. Paige stated that staff will take that request to the Recreation and Parks Commission and bring an item back to the CD/H/GG Committee.

Council Member Leight noted that some communities are concerned with losing historic properties to demolition orders and requested that a legislative group review the properties to see if any could be transferred to non-profit organizations.

ADJOURNMENT: 6:00 p.m.