

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:00 P.M., TUESDAY, JULY 15, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

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

OTHERS PRESENT: *Council Member Joycelyn V. Johnson*
 Council Member Robert C. Clark (in at 5:08 p.m.)

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

Council Member Johnson requested to pull Items C-1(b) and C-2. No other items were removed for discussion. Council Member Leight made a motion to approve the Consent Agenda. The motion was duly seconded by Council Member Besse and carried unanimously.

CONSENT AGENDA

C-1. 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) six months*].

a. Garland & Terry Jones 1412 E. 21st Street

c. C.W. Myers Trading Post, Inc. 241 W. 23rd Street

C-3. 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*].

a. Elmo Fries 314 Dixie Broadway

b. Columbus Williams, Heirs 229 W. 23rd Street

- c. Barbara Oliver 3101 Konnoak Drive
(Accessory Building)
 - d. William & Linda Sherman Jr. 1823 E. 25th Street
- C-4. PRESENTATION OF THE MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM ANNUAL REPORT.
- C-5. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *June 10, 2008.*
- C-1. 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) six months].*
- b. Mary Faulk 1811 E. 3rd Street

Council Member Johnson stated that the new owner expressed that they would be in attendance to provide an update on the property, however, Mr. Ritchie Brooks, Neighborhood Services Director, indicated that the new owner was not in attendance.

Council Member Johnson stated that she supports staff's recommendation as this has been a problem property for some time. She also stated that the Historical Resources Commission has found this property to be of no historical significance.

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

- C-2. 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) one year]. [City Council remanded this item to the Community Development/Housing/General Government Committee on June 16, 2008.]*

- a. Thomas & Daisy Hinton 1227 Gholson Avenue

In response to Council Member Johnson's question, Mr. Brooks stated that the property is still in Mr. Thomas Hinton, Sr.'s name while his son Mr. David Hinton is still in the process of obtaining ownership of the property. He also stated there was some delay in the son's submittal of an application for assistance to the City and although the son advised he would supply the remainder of the application fee, the full fee has not been paid.

Council Member Johnson expressed her support of staff's recommendation as there has been little to no contact with the son in over 40 days.

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

Mr. Alan Andrews, Assistant City Attorney, stated that he spoke with Mr. David Hinton regarding an abatement order and to alert him that he would be allowed 28 days to clean his property or the City would place a lien on the property. Mr. Hinton contacted him requesting leniency on the order and noted that he attempted to transfer the property deed to his mother, Mrs. Daisy Hinton in June. Mr. Andrews further noted that he reiterated to Mr. Hinton that the abatement order was separate from the demolition order and one was not connected with the other.

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

In response to Chair Malloy's question, Mr. Brooks noted that at the previous Community Development/Housing/General Government Committee meeting, Mr. Hinton was given 180 days to complete repairs to the property or demolish it. He also noted that he informed Mr. Hinton that this item would be on the agenda for discussion today.

Mr. Andrews confirmed that the 90 days allotted in today's order would not be added to the court abatement order of 28 days as they are two separate issues.

Council Member Besse requested that Mr. Brooks contact Mr. Hinton to notify him of action taken at today's Committee meeting.

The motion for approval of this item carried unanimously.

GENERAL AGENDA

- G-1. CONSIDERATION OF ITEMS RELATING TO A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES, OFFICE OF ARCHIVES AND HISTORY, STATE HISTORIC PRESERVATION OFFICE:
- a. RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO REQUEST A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES, OFFICE OF ARCHIVES AND HISTORY, STATE HISTORIC PRESERVATION OFFICE FOR THE FORSYTH COUNTY ARCHITECTURAL SURVEY UPDATE, PHASE 3.
 - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.
 - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.

Mr. Paul Norby, City/County Planning Director, stated this is the third phase of this project which will update the original study from 1981 by assessing structures that are at least 40 years old. The work will be done by a qualified consultant and will include digital photos, mapping and a report of any findings. The total project cost is \$32,400 and the grant, if received, will provide \$14,900. The balance of the cost is covered in the budget for Fiscal Year 2008-2009. This resolution will authorize acceptance of the grant.

In response to Council Member Terry's question, Ms. Margaret Bessette, Principal Planner, stated that the study is a continuation of the project that is already underway. She also stated that there is a consultant in place on Phase II, it would be justified to keep that consultant on board for Phase III.

Council Member Terry requested that staff keep the project moving and keep the time frame in mind so as not to slow progress.

Council Member Johnson requested a list of properties that were assessed in Phase I, what has been assessed to this point in Phase II and any proposed properties in Phase III, with particular focus on the communities between east Winston-Salem and the Heights, such as Third Street, the Reynolds community and Springwood Avenue. She also stated that once Council reviews the listing, properties may be suggested for addition or designated for enhancement.

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

G-2. ORDINANCE AMENDING CHAPTER 10, ARTICLE V OF THE CITY CODE ENTITLED "HOUSING CODE".

Mr. Brooks stated that a citizen group was appointed by the Mayor to review changes to the Minimum Housing Code and its practicality. There were representatives from various community and neighborhood groups who made suggestions or changes that would address health and safety concerns that were deemed inexpensive. He also stated that after meeting with local property managers, some modifications were made, such as the definition of sleeping quarters and venting of bathrooms, which was removed due to the cost associated with installation and repair. He noted that further review would be needed and a public hearing will be scheduled prior to finalizing the changes.

Council Member Johnson expressed some concern with heating appliances, due to the cost associated with their operation. She also noted that there is no emergency facility to transport citizens to if there is a loss of heat in their residence. In response to Council Member Besse's suggestion, Council Member Johnson stated that natural disaster exceptions as outlined do not completely address the issue, but if language regarding emergency situations were to be added, then heating needs could be addressed in a reasonable amount of time, were that situation to occur.

In response to Council Member Besse's question, Mr. Brooks stated that floor coverings on the second item of page 22 referred to torn carpet or vinyl that could pose a hazard.

Council Member Besse requested that be clarified in the ordinance.

In response to Council Member Besse's inquiry, Mr. Brooks noted that older homes without locking doors would be in violation of the proposed standards.

Council Member Besse expressed concern with implementing a requirement that may necessitate the removal of doors and frames in older homes to replace with locking doors to accommodate the proposed standards. He also expressed concern that in some situations, it may be a safety hazard to unsupervised individuals to have locking doors.

Mr. Brooks noted that any means of locking the door would be sufficient and it would not mean tearing down doors and door frames.

Council Member Terry noted that she considers locking doors a matter of safety and would rather err on the side of caution and require locking doors. She also noted residents will still have a choice to not lock the door, even if there is a locking device on it.

Mr. Brooks noted that staff could receive comments at the public hearing which could be compiled and provided to the Committee prior to final deliberation and vote. In response to Chair Malloy's question, Mr. Brooks stated that protective covering referred to on page 23 was directed at exterior protective coverings.

Council Member Leight expressed concern that some homeowners use kerosene heat by choice as it is a cheaper method of heating and that there is no way to monitor its usage.

Mr. Derwick Paige, Deputy City Manager, stated that kerosene heat usage was discussed with local property managers and the code states that an operable heating system must be in place. He also stated that kerosene heat usage should be discussed between the landlord and tenant and landlords will have to enforce that kerosene heat not be used, due to its safety hazards.

In response to Council Member Terry's question, Mr. Brooks stated that the State Housing Code designates that there must be an operable heating facility, but it does not address temporary heating facilities.

Council Member Terry requested that staff define an operable heating facility for clarity.

Council Member Besse noted that kerosene heat may be cheaper but there is a fire and suffocation safety hazard associated with its use. He also noted that landlords could be required to provide a heating system, but that it is costly.

Council Member Leight noted that there are resources to help provide fuel or cover fuel costs if residents cannot afford it. She requested that staff advertise organizations, such as Duke Energy, that offer assistance.

Chair Malloy noted that everyone with a need may not qualify for assistance.

Council Member Terry requested that staff develop a message on how to obtain assistance, locations where it may be obtained and to advertise the message.

Mr. Lee Garrity, City Manager, noted this information could be included in the Fire Department's fire prevention program.

Council Member Besse made a motion to approve the item with suggested modified language and that further suggestions will be discussed at the public hearing. The motion was duly seconded by Council Member Terry and carried unanimously.

In response to Council Member Johnson's question, Mr. Paige noted that the public hearing could be scheduled for August 4, 2008 and an action item presented to City Council on August 18, 2008.

Mrs. Angela I. Carmon, City Attorney, noted that the dates may need to be modified to meet the statutory requirements of a public hearing.

Council Member Johnson requested that notification postcards be sent to neighborhood associations advertising the time of the hearing.

G-3. PRESENTATION OF DRAFT SOUTHWEST SUBURBAN AREA PLAN.

Mr. Norby stated that this item is only a briefing and the public hearing for the plan is scheduled for August 4, 2008. He also stated that 60% of the area outlined in this plan is within City limits and it covers the Southwest and South Wards. He further stated that a citizen advisory committee was developed to work with staff in public forums at the beginning and end of the process to discuss initial goals and review any outcomes.

Ms. Marilyn Moniquette-John, Principal Planner, gave the presentation.

Mr. Norby noted that the most intense discussion and concern came from residents off Fraternity Church Road and their goal to preserve the rural character of their development. In response to Council Member Besse's question, Mr. Norby noted that the two low-density residential neighborhoods were included on the map on page 10 to maintain a pedestrian connection and to protect the area as low density.

Council member Besse requested that language be added on page 39 to include sidewalks in the South Stratford Road metro activity center neighborhoods along Hannaford Road, south of Vest Mill Drive and along Arlington, Emory and Fortune within the Burke Park neighborhood.

G-4. PRESENTATION ON THE DRAFT OF THE PROPOSED TREE ORDINANCE. *[This item was continued from the June Committee meeting.]*

Mr. Norby stated that Mr. Glenn Simmons, Principal Planner, would be reviewing the item with the Committee, focusing on information that was requested at the June Committee meeting regarding tree save requirements.

Mr. Simmons reviewed the main points of the previous draft tree ordinance that was presented to Committee in June: inclusion of language to address maintenance provisions of the ordinance, prohibition tree-topping, landscape requirements, a revised list which removed tree maintenance

tools that were inappropriate for the ordinance's needs, incentives and requirements for large variety trees, tree save provisions of 10% for commercial development and 12% for residential development, definition of a tree save area, and how the size of a tree save area is determined. He also stated that staff will ensure arborists and developers have a shared understanding of the ordinance and two additional staff members will probably be required. He further stated that the Committee had specifically requested additional language for alternative compliance within the ordinance, whereas if certain trees will prohibit the development of an area, trees may be removed or relocated, but that will only be allowed on a limited basis. In response to Chair Malloy's question, Mr. Simmons stated that this information has not been posted on the City's website as staff wanted the Committee to review it first. Mr. Simmons also highlighted areas where language was changed or added within the ordinance.

Council Member Leight requested that if a site layout can dictate whether or not alternative compliance can be applied, staff should have authority to use discretion, and to suggest tree save methods instead.

Council Member Johnson noted that some tree save methods were applied at the request of Council in the redevelopment of the Kimberley Park and Happy Hill HOPE VI areas and several mature trees were saved and the landscape was protected.

Mr. Norby stated that it will be easier to review tree save matters on a case by cases basis by way of a rezoning, but that some current property owners may review an intensely zoned area and think that they have some right to it and the intent of the provision is for relief of any intrusion that may be caused by the ordinance.

Council Member Terry inquired how the ordinance will affect Duke Energy's tree trimming authority.

Council Member Leight noted that Duke Energy is trimming in the Waughtown area now and expressed concern about the extent of the efforts.

Chair Malloy requested that staff contact Duke Energy to determine if the City has any authority to protect trees under this ordinance.

Mr. Garrity stated that Duke Energy has authority to determine if trees are growing in power lines and causing a hazard, and if so, they have authority to remove the hazard.

Ms. Nancy Gould, 1031 Vanhoy Avenue, stated that in a public tree ordinance developed several years ago, it was stated that Duke Energy would obtain a permit from the municipality which it was working in to coordinate with City staff and ensure trimming was appropriate. She also stated that Mr. James Mitchell, Vegetation Management Director, would have more information on this topic.

Mr. Simmons noted that Mr. Jimmy Flythe, Duke Energy, was present at tree committee meetings.

Council Member Besse requested that an appeal or review mechanism be incorporated into the ordinance.

Mr. Simmons noted that any appeal would be sent to the Zoning Board of Adjustment (ZBA) for further consideration.

Mr. Norby noted that staff would consult with the City Attorney's office and incorporate additional language to address an appeal mechanism.

Mr. Chuck Green, Assistant City Attorney, noted that the City Code states that any appeal will be made to the ZBA.

Mr. Norby stated that two public information sessions have been held and if the Committee feels the ordinance is headed in the right direction, it will be presented to the Planning Board for work sessions so they may become familiar with the ordinance prior to holding a public hearing.

Council Member Besse stated that he felt there has been enough discussion and would request that the item be forwarded to the Planning Board for formal consideration.

Chair Malloy requested to know if the permitting process that Ms. Gould mentioned was already in place and is it a process that Duke Energy is required to follow.

Mr. Garrity noted that Mr. Mitchell and Mr. Flythe could be invited to attend the next Committee meeting to provide insight to the permitting process.

In response to Council Member Leight's question, Mr. Norby stated that if appeals were not be heard by the ZBA, they could be presented to the Planning Board or the local elected body. Even though it is not a variance, it would need to be considered similarly to see what the minimum amount is that could be done to accomplish the objective while maintaining the ordinance.

Council Member Besse requested the appeals body be left as the ZBA or the elected body as an alternative.

ADDITIONAL ITEM

Ms. Arwilda Baldwin, 5028 Timbrook Lane, stated that she is impressed by Mrs. Louise G. Wilson's contributions to the citizens and community, that she is due some recognition within the City, and suggested that a building or street be named in her honor. She also stated that her birthday is September 21 and requested that something be in place at that time.

Council Member Terry stated that she worked with Mrs. Wilson for 10 years and would like to see the building on Dunleith Avenue and Fifth Street named in her honor.

Council Member Johnson recommended that the entrance to Kensington Village be named Louise G. Wilson Boulevard as it reflects her work in the community and her effort to help citizens get back on their feet and in adequate housing. She also noted that this item is currently before the Planning Board but more research will need to be done. She further noted that an area within the old University Hospital may be named in Mrs. Wilson's honor as well. In response to Chair Malloy's

question, it may be in place by September.

Council Member Terry requested that someone get in touch with Mr. Robert B. Law who served as Deputy Director of Experiment in Self-Reliance to Mrs. Wilson, as he holds background information pertinent to her and her work in the community.

Council Member Besse noted that a temporary honorary street naming could be pursued through the Mayor's office.

ADJOURNMENT: 5:49 p.m.