

- c. Jaqueline Goodin 4743 White Rock Road

C-3. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *October 21, 2008.*
- b. APPROVAL OF COMMITTEE OF THE WHOLE SUMMARY OF MINUTES - *November 10, 2008.*

GENERAL AGENDA

- G-1. ORDINANCE ORDERING THE NEIGHBORHOOD 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)]. [This item was continued from the October Community Development/Housing/General Government Committee meeting.]*

- a. Debbie & Danny Settle 129 Churchland Drive

Mr. Bruce Bailiff, Code Enforcement Program Supervisor, gave an overview of the property and stated that the estimated repair costs for this property are \$139,840, while the fair market value is \$10,000. He also noted that the property owner was in attendance to answer any of the Committee's questions. In response to Chair Malloy's question, Mr. Bailiff stated that per the Committee's request in October, staff attempted to contact the recommended parties for additional clarity and information regarding the property owner's statements. Staff spoke with consumer protection groups, the State Attorney General's Office and the Department of Insurance and was able to obtain no further information than had been previously presented.

Ms. Debbie Settle, 438 Michael Court, stated that she still owns the property and has made several attempts to contact City Financial Mortgage Services, who previously held her mortgage. She also stated that in June, the property was listed as a charge-off, meaning that insurance was removed from the property. She received a message from Ms. Best of the Department of Insurance, and it is possible that City Financial Mortgage Services removed the insurance from the property, but kept the money, which is illegal. She also consulted legal counsel and the charge-off remains listed as bad debt on her credit report. In response to Chair Malloy's question, Ms. Settle stated that City Financial Mortgage Services should have maintained insurance on the property, and although the City would like to proceed with the demolition, she requests additional time to obtain facts about this situation. As soon as any clarity is brought to the situation, she will alert City staff.

Council Member Terry in at 4:10 p.m.

Mr. Derwick Paige, Deputy City Manager, stated that the Committee could allow Ms. Settle additional time while adopting the ordinance and if funding becomes available to Ms. Settle, she could proceed with property repairs at that time.

Council Member Johnson in at 4:15 p.m.

In response to Council Member Terry's question, Mr. Bailiff noted that a voluntary demolition agreement cannot be rescinded once agreed upon. Repairs will still have to be made within the specified time period or the property will have to be demolished.

In response to Chair Malloy's question, Ms. Settle stated that the property was insured for \$180,000, which covered the house, furnishings and the adjacent property.

Council Member Leight made a motion to allow an additional 60 days for Ms. Settle to obtain information and report back to the Committee in February. The motion was duly seconded by Council Member Terry and carried unanimously.

G-2. RESOLUTION APPROVING THE CITY OF WINSTON-SALEM'S LEGISLATIVE PROGRAM FOR THE 2009 LEGISLATIVE SESSION.

Mrs. Angela I. Carmon, City Attorney, stated that there were three local acts and two resolutions in the legislative program. The first local act provides legislation for the City to acquire properties that have been vacant two or more years for demolition. This differs from previous acts as this would be an amendment to the Minimum Housing Code, whereby the City would have to adopt procedures to carry out the acquired property's demolition. In response to Council Member Terry's question, Mrs. Carmon stated that this act is congruent to Senator Pete Brunstetter's suggestion from the previous legislative meeting and is similar to charter amendments in Greensboro and Charlotte. She also stated that she attempted to follow up with Senator Brunstetter, and while unable to do so, this act is consistent with earlier discussions.

Mr. Lee Garrity, City Manager stated that there is a challenge in the use of similar language within the eminent domain bill.

In response to Council Member Terry's question, Mrs. Carmon stated that this act will be located in a different chapter of the Minimum Housing Code so it will be distinguished from the eminent domain language.

Council Member Johnson noted that City Council Members will meet with the local delegation to discuss the legislative program and will alter or proceed accordingly. She also requested to know if there was software in place to track the affected properties.

Mr. Paige stated that the Neighborhood Services Department currently tracks properties manually, but there is a system used within the Inspections Division which could possibly be transferred for multi-departmental use.

Council Member Terry requested staff review similar procedures used in Portland, Oregon and noted that the Inspections process is much more time efficient and increases accountability of its staff for monitoring these properties.

Council Member Leight noted that properties to be addressed within this bill are more likely to be of historic nature or hold historical value that have been attempted to repair.

Mrs. Carmon stated that the second act will provide an avenue to collect parking ticket fees once they have been reduced to a judgment. That information will be sent to the Department of Motor Vehicles, where they will refuse to register a vehicle until all outstanding tickets have been paid.

In response to Council Member Leight's question, Mr. Garrity stated that currently, the debt collection department attempts to collect the fees, cars are booted or towed until the fees are paid, or the State's debt setoff system is utilized where any unpaid fees are withheld from an individual's tax refund and paid to municipalities.

Council Member Besse in at 4:31 p.m.

In response to Council Member Terry's question regarding the time and costs associated with this process, Mrs. Carmon noted that paperwork will be filed, the offender will appear in court, then the case will be sent to Raleigh to complete the process. She noted that a maximum amount may need to be set so this process is not cost prohibitive.

Mrs. Carmon explained that the third act relates to the location of ABC stores and will allow for a public hearing to obtain input from citizens, which will be provided to the local and state level ABC Commissions.

Mr. Garrity noted that this is an attempt for more local control over the placement and location of ABC stores within the City.

Council Member Terry noted that the ABC store located at the corner of Martin Luther King, Jr. Drive and New Walkertown Road received opposition due to its proximity to a church.

Mrs. Carmon noted that it was probably a State statute that it could be placed at a certain location.

Chair Malloy noted that this is a step in the direction of local control as there has historically been no guideline for the placement of ABC stores.

In response to Council Member Terry's question, Mrs. Carmon noted that the language cannot be made any stronger as this is already a bold initial step. She also noted that the two resolutions relate to annexation and the providing of information to citizens and the City's authority to continue to collect revenue on privilege licenses. In response to Council Member Besse's question, she stated that she will research the proposed changes to the sanitary sewer overflow portion and report back to the Committee.

Council Member Besse noted that there is no consistent penalty for citizens whose sanitary sewer system overflows. He also expressed concern that if the League is under pressure, it will soften its position and offenders will not be punished as harshly.

In response to Council Member Leight's question, Mrs. Carmon noted that public infrastructure referred to in the resolution is regarding manhole covers.

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

G-3. DISCUSSION CONCERNING FLAG LOT REGULATIONS. *[This item was continued from the September Community Development/Housing/General Government Committee meeting.]*

Mr. Paul Norby, Planning Director, noted that this item was originally presented at the September Committee meeting at the urging of Council Member Besse. He noted that the flag lot referred to by Council Member Besse was legally created under the existing subdivision regulations, as the pole section was not used for the location of a building, but rather to meet the minimum lot size. Staff has developed options for dealing with loopholes in subdivision regulations.

Mr. David Reed, Principle Planner, presented examples of flag lots that meet regulations and represented good planning principles, as well as lots that abuse the planning principles. He noted that a property is limited to one flag lot unless presented to the Zoning Board of Adjustment for a special use permit for more than one flag lot. In response to Council Member Johnson's question, Mr. Reed stated that when two or more small lots are combined and a lot line runs through a building, it is considered one zoning lot. He also stated that staff does not want to inadvertently prohibit structures that can be accommodated by flag lots and has developed language for dimensional requirements, whereby 80% of the lot size has to be around the building, because staff also does not want to prohibit reasonable infill projects. In response to Council Member Leight's question, Mr. Reed stated that the 80% rule will not prevent reasonable infill projects from proceeding. He also stated that staff would not suggest the expansion of infill standards from GMA-2 to GMA-3, because setback averaging would be difficult to calculate due to the wide variety of shapes and sizes of lots allowed within GMA-3.

Mr. Norby noted that if the Committee was comfortable, staff will draft an ordinance and begin the formal process for a Unified Development Ordinance (UDO) text amendment or the item could be brought back to the Committee for further review.

Council Member Besse stated that he was comfortable and would like for staff to proceed with a draft UDO text amendment.

Council Member Terry requested to know who was responsible for the maintenance, such as clearing of leaves, brush and debris, of land adjacent to either side of the "pole" in a flag lot.

Mr. Garrity noted that if leaves from a tree on one property blow into the yard of an adjacent property, it is that adjacent property owner's responsibility to remove the leaves from his or her own property.

Mr. Norby stated that with revisions to the ordinance, if a situation similar to Council Member Terry's scenario were to occur, the responsibility for clean up would be more clearly identified.

In response to Council Member Leight's inquiry, Mr. Reed stated that some developers complete small-scale infill subdivisions to take advantage of the way the ordinance is currently written.

Council Member Besse expressed concern that if one developer takes advantage, then others may start to do the same. He also noted that he is comfortable with staff taking the draft through the Planning process and requested that language be incorporated about where a dwelling can be placed on a property at a certain width, as an example was shown where a lot barely met the minimum requirement for side setbacks where the home was placed on a narrow portion of the lot.

G-4. DISCUSSION OF PROPOSED ETHICS POLICY.

Mr. Garrity stated that staff is making an attempt to compile the rules and ethics of the City into one policy in an effort to keep the public's trust.

Mrs. Martha Wheelock, Assistant City Manager, stated a draft of the ethics policy was provided to Council outlining what has been done, what the City is currently doing and what its intentions are. Input was solicited from City staff members and incorporated into the draft recommendations for addressing both male and female, state statutes and any person involved with City business.

Council Member Leight requested clarification of "beneficial interest in contracts."

In response to Council Member Johnson's question, Mrs. Wheelock stated that there is a specific definition of family member in the employee handbook and it outlines who is prohibited from employment with the City.

Council Member Johnson expressed concern that the policy may be unfair.

Mr. Garrity noted that other employees may perceive those family members holding positions within the City as favoritism.

Mrs. Carmon noted that section 2-312 of the City Code defines relatives prohibited from working for the City as spouse, mother, father, brother, sister, child, stepchild, aunt, uncle, niece, nephew, grandparent and grandchild.

Council Member Clark in at 5:15 p.m.

Chair Malloy expressed concern that nepotism had not been mentioned.

Mrs. Wheelock stated that nepotism needed to be addressed in the formal Human Resources application process.

Mrs. Kathy McKenzie-Mitiku, Audit Administrator, gave the presentation.

Council Member Johnson requested that an anonymous corporate compliance hotline be created for staff to report unethical behavior.

Mrs. McKenzie-Mitiku stated that there is currently an anonymous fraud hotline, but an ethics

hotline could not be anonymous as any reported staff concerns would need to be addressed.

Mrs. Wheelock noted that staff is updating the employee handbook so these issues will be addressed.

Council Member Besse expressed concern that the term “agencies” in item three under “Prohibited Conduct” was vague and suggested it be more clearly defined, possibly as parties. He also expressed concern that “private gain” under item eight “Beneficial Interests in Contracts” be more clearly defined, possibly as special privileges.

Council Member Leight noted that Council Members serve on various boards and commissions and their advocacy for those groups should not be prohibited.

Mrs. Wheelock noted that staff will continue to work on the policy which will be brought back to the Committee as a Personnel Resolution amendment. She noted that staff will bring back a timeline for the policy as well.

In response to Chair Malloy’s question of how nepotism, cronyism and racism are addressed, Mr. Garrity stated that these perceptions fall under a no tolerance policy and staff is working to eliminate any of these perceptions. He also stated that employee performance evaluation forms are being altered to identify and eliminate these perceptions.

Mrs. Carmon noted that any complaints that may fall under the Equal Employment Opportunity Commission’s authority, such as racism or sexism, are immediately referred to the City Attorney or Human Resources Director for investigation.

Mrs. Wheelock noted that the ethics policy will be addressed at future new employee orientations to help foster an environment of communication and understanding.

In response to Council Member Leight’s question, Mr. Garrity stated that senior management will be held most accountable for this policy and the City Attorney and City Manager will hold elected officials responsible.

ADJOURNMENT: 5:49 p.m.