

SUMMARY OF MINUTES

COMMITTEE OF THE WHOLE

4:00 P.M., MONDAY, NOVEMBER 10, 2008

COUNCIL CHAMBERS

ROOM 230, CITY HALL

MEMBERS PRESENT: *Mayor Allen Joines*
Council Member Molly Leight
Council Member Robert Clark
Council Member Dan Besse
Council Member Joycelyn V. Johnson (in at 4:10 p.m.)
Council Member Vivian H. Burke
Council Member Nelson L. Malloy, Jr. (in at 4:15 p.m.)
Council Member Wanda Merschel
Council Member Evelyn A. Terry (in at 4:15 p.m.)

Mayor Joines called the meeting to order and stated that without objection, the Council would first consider the Consent Agenda. No items were removed for discussion.

Council Member Clark made a motion to approve the Consent Agenda. The motion was duly seconded by Council Member Merschel and carried unanimously.

CONSENT AGENDA

Property Matters

- C-1. CONSIDERATION OF ITEMS RELATING TO A REQUEST RECEIVED FROM THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION CONCERNING THE ZONE 8 SCHOOLS PROJECT ON EBERT ROAD:
- a. RESOLUTION AUTHORIZING A QUIT CLAIM DEED TO THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AS PERMITTED IN N.C.G.S. 160A-274.
 - b. RESOLUTION AUTHORIZING AN ACCESS EASEMENT TO THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AS PERMITTED IN N.C.G.S. 160A-274.

Public Safety

- C-2. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Buddy Street, Joshie Drive, Acoma Court, Farmbrook Road, and Neighborhood Limits: Peachtree Meadows Circle, Peach Hill Drive, and Peach Forest Drive.*

Finance/Budget

- C-3. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:
- a. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF WEST CLEMMONSVILLE ROAD EXTENSION - *Mainline Contracting Inc. - \$3,989,491 (Estimated Amount).*
 - b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF TWO SIDE LOADING REFUSE TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) -*Transource, Inc. - \$442,830.*
- C-4. CONSIDERATION OF AMENDMENTS TO THE FY 08-09 ANNUAL APPROPRIATION/TAX LEVY AND PROJECT BUDGET ORDINANCES:
- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.

General Government

- C-5. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY – *3728 Signet Drive, 3724 Signet Drive, and 3732 Signet Drive.*

GENERAL AGENDA

- G-1. PUBLIC HEARING ON THE PROPOSED RENAMING OF A PORTION OF “BURKE MILL ROAD” TO “STRATFORD GREEN COURT”.

No one heard.

Council Member Clark made a motion for approval of the item. The motion was duly seconded by Council Member Merschel.

Council Member Burke questioned why the street was being renamed.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that once the realignment of Burke Mill Road was completed, the realigned portion was left with a dual name, and it would be more appropriate to just have one.

The motion for approval carried unanimously.

G-2. PUBLIC HEARING ON THE PROPOSED RENAMING OF “PECAN FOREST TRAIL” TO “COUNTRY LANE”.

Mr. Turner stated that this roadway segment has a separate name to the north and a connection street will cause conflict, so staff recommends giving it the same name as the road to the north.

Mayor Joines stated that this was now a public hearing and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

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

G-3. CONSIDERATION OF A RESOLUTION ORDERING THE CLOSING OF A PORTION OF BUNTING LANE (NORTH WARD) – *Petition of A. Dennis Peck [City Council remanded this item to the Public Works Committee on October 27, 2008. No public hearing was held.]*

Ms. Lamar Taft, 6085 Bethania-Tobacoville Road, Pfafftown, stated that she is opposed to the closure of Bunting Lane as it will restrict access to a residual portion of Bethania Place subdivision, which is not yet developed. She also stated that this small subdivision will hook Whippoorwill Drive with the Lake Hills Neighborhood. She noted that as an investor, she had hoped to develop the land once sewer service was provided, and now that it is a part of the City of Winston-Salem, there is a need to hook Whippoorwill Drive to the existing subdivision. She also noted that several lots were left undeveloped from the 1980's when they did not perk, but there is a potential for the land to be an extended part of the City.

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

Mr. Dennis Peck, 5791 Whippoorwill Drive, Pfafftown, stated that the five lots in Bethania Place surround a cul-de-sac and are not near Bunting Lane. He also stated that Bunting Lane is an unimproved public street, and various City staff has labeled it as impassible and unimproved since 2003. He pointed out the property on tax maps and provided pictures of the property. Mr. Peck requested that the portion of Bunting Lane be closed and abandoned and requested that the reservation of easement be removed from the resolution.

Council Members Malloy and Terry in at 4:15 p.m.

Council Member Malloy stated that to his understanding, the proposed closure would not affect any of Ms. Taft's property.

Mr. Turner noted that if the road is closed, the property will be divided equally among adjoining property owners and as Ms. Taft's planned development intentions are unknown at this time, it is reasonable to propose the closure of the road, where each half will be dedicated to adjoining property owners. He also noted that as a result of annexation, if Ms. Taft would like to develop the land, utilities will become available. He further noted that development opportunity for the property and construction of a road is tied together, so the site could be regraded to address topographical issues. Ms. Taft would be required to construct a portion of a public street as each parcel of land is developed, unless the road is closed.

In response to Council Member Malloy's question, Mr. Peck and Mr. Turner noted where Ms. Taft's properties were located on a map.

In response to Mayor Joines' question, Mr. Turner stated that it was unknown if it would be necessary to use the potential right-of-way of the Bunting Lane extension to have utility services provided to the properties.

Council Member Malloy requested to know where the water/sewer connection currently stops in the area.

Mr. Peck noted that water service runs along Whippoorwill Drive and Crestbrook Lane.

Mayor Joines noted that sewer has to drain to an outfall so it is important to know where it is located in the area.

Ms. Taft noted that Bethania Place subdivision was built in phases and was required to hook into utilities along Whippoorwill Drive, but 2.11 acres of the proposed development that did not perk, was left out for future development. She also noted that Bunting Lane has a dedicated right-of-way and she was told by City staff that there is a water line along Bunting Lane. She then noted the sewer outfall on the map. In response to Council Member Malloy's question, she demonstrated where the 2.11 acres were located in regards to Bunting Lane and that they were part of the future development of Bethania Place. She also noted that while Crestbrook Lane does provide access to Bethania Place subdivision, it is more efficiently accessible via Bunting Lane. She further noted that it is unknown when the remaining sites of Bethania Place will be developed due to the current economic situation and sewer utilities are not currently available.

In response to Council Member Malloy's inquiry, Mr. Turner noted that the petitioner requested this portion of Bunting Lane to be closed as part of his driveway is currently within the right-of-way. He also noted that the driveway could be reconstructed when the remainder of the development is built.

Mr. Peck noted that the City recently installed a bituminous surface treatment road and that the area has been overgrown for 50 years. He also noted that Ms. Taft cannot define when or if the remainder of her property will be developed.

In response to Council Member Leight's question, Mr. Turner stated that the small strip that appears to be a roadway or easement just to the east of the 2.11 acres is in fact a narrow lot, between Bethania-Tobaccoville Road and Bunting Lane.

Council Member Clark noted that the adjoining property owners should be in agreement for the proposed closure or the road should remain open.

Council Member Malloy made a motion to deny the proposed closure petition. The motion was duly seconded by Council Member Merschel.

The motion carried with a vote of seven in favor and one opposed. Those voting in favor of the motion were Council Members Leight, Clark, Besse, Burke, Malloy, Merschel and Terry. Voting in opposition was Council Member Johnson.

G-4. BRIEFING ON CONCLUSIONS OF THE FUTURE I-74/KERNERSVILLE ROAD INTERCHANGE STUFFY TO BE INCLUDED WITHIN THE UPCOMING SOUTHEAST SUBURBAN AREA PLAN. *[This item was continued from the October Community Development/Housing/General government Committee meeting.]*

Mr. Paul Norby, City/County Planning Director, gave an overview of the project and stated that several discussions and meetings have been held with nearby property owners. He stated that the presentation was for information only and that no action was needed.

Mr. Steve Smotherman, Project Planner, gave the presentation.

In response to Council Member Leight's question, Mr. Smotherman stated that the main concern of nearby property owners was not necessarily an increased number of multi-family homes or apartment complexes, rather it was the tenants of rental properties and use of land along the proposed beltway. He also stated that the plan only covers 170 acres, which is a relatively small portion of the area.

Mr. Norby noted that this study is part of larger area plan, so property owners in the immediate area are interested in selling, and surrounding neighborhoods have a vested interest and are concerned about over-development of the area. He also noted that the area plan process will focus discussion around land use and traffic budgets.

Council Member Johnson requested to know the result of last Thursday's meeting, the restructuring schedule and if anything was downgraded in the process.

Mr. Smotherman stated that he did not attend the meeting, but knew that there was some discussion about beltway timing, the development of multi-family homes in the area, and a balance between all property owners.

Mr. Norby noted that at the initial meeting, attendees came with different assumptions and expectations, while some thought a final decision would be made that night, others wanted to make comments about annexation in the area, some commented on the beltway in general and there were other mixed issues. He also noted that it will probably take some time for citizens to sort through the information, make comments and express any concerns. The Northeast Suburban Area Plan will follow immediately after the completion of this plan and the Southern Suburban Area Plan will follow immediately after that, in the latter part of 2009.

Council Member Terry commented that this was a good start to the plan and requested that as concerns are expressed, that staff find a way to make sure everyone is taken into consideration. She also noted that it is a wonderful area with great potential and that staff and citizens should work together to address traffic patterns and street challenges, the need for commercial properties, and to ensure that the area does not become another Stratford Road.

In response to Council Member Leight's question, Mr. Smotherman stated that as plans were sketched out for the area, the watershed was taken into account for the built upon percentage.

G-5. REPORT ON RECOMMENDED FISCAL RESTRAINT MEASURES TO OFFSET POTENTIAL BUDGETARY LOSSES

Mr. Lee Garrity, City Manager, stated that due to current economic strain, staff has reviewed financial revenues, considered balancing budgets, concerns with sales tax, and expenses and has taken measures to control the expenditure side of the City's budget. He also stated that staff will continue to monitor these numbers each week and will report to City Council periodically.

Mrs. Ann Jones, Budget and Evaluation Director, gave the presentation.

In response to Council Member Malloy's question, Mrs. Jones noted that the estimated \$1,640,000 savings for the year will be accounted for by June 30, 2009.

Council Member Johnson requested further detail for part-time and overtime savings.

Mrs. Jones stated that positions were not frozen but departments were requested to bank any vacant positions along with any budgeted expenses and allocate any savings. Some departments elected to reduce the level of service, but it was not an across the board savings.

Mr. Garrity noted that staff is trying not to reduce where an incumbent is in the position, and within regular part-time and full-time positions, there should be no layoffs.

Council Member Burke requested information on how much work is contracted out and whether or not those expenses could it be eliminated.

Mrs. Jones noted that all contracts in place and going forward are being reviewed at the Assistant City Manager and City Manager level and that information will be provided to Council. In response to Council Member Terry's question, Mrs. Jones stated that certain public safety and sanitation positions, such as the gang suppression efforts, were not included in the freeze. She also stated that staff will provide an update in January with the outlook for 2009-2010.

Council Member Besse stated that he appreciates staff's efforts and their response to the fiscal situation. He expressed concern with the reduction in part-time employment in Recreation for Special Populations as that will affect limited income populations and would encourage staff to reconsider the reduction. He also expressed concern with the 5% reduction in contributions to community agencies as those agencies provide a service to the community, especially in the areas of poverty reduction and poverty related programs. He noted that a demand will be seen in the need for

these services pertinent to the current economic situation and requested that these measures be re-evaluated or addressed last. He also requested that these items be brought before the Finance Committee for individual review to avoid adding to the financial difficulty of community agencies that are helping to alleviate poverty.

Council Member Burke expressed her appreciation to staff as these reports help citizens to feel more comfortable given the current economic situation, and it is clear that the City cannot provide job opportunities for everyone. She requested to know how many City employees work overtime and a review of recreation facilities as some are used only certain parts of the day with few visitors, and locations or shifts could be rotated to reduce costs.

In response to Council Member Clark's question, Mrs. Jones stated that it will probably be January before fourth quarter sales tax revenue will be known.

Council Member Clark noted that revenue is uncontrollable and the challenge is the impact after the fact. He requested a list of deferred capital projects.

In response to Council Member Clark's inquiry, Mr. Garrity noted that employees from the R.A. Thomas Water Treatment Facility were included in the 40 vacancies noted earlier.

Council Member Clark expressed concern with closing landfills at 4:00 p.m., as City staff composes 2/3 of landfill users. He also requested specific information on a landfill compactor.

Council Member Merschel expressed her appreciation to staff and noted that projects can move or be altered and it will be difficult to see 5% reductions across the board, resulting in significant savings or significant reductions. She also noted that even if things go well, the City is still \$2 million below where it was at the end of 2007-2008.

Mayor Joines noted that Council will receive periodic updates on this matter.

G-6. CONSIDERATION OF ITEMS RELATED TO THE SILK PLANT FOREST CITIZEN REVIEW COMMITTEE:

- a. RESOLUTION AUTHORIZING THE ISSUANCE OF A SUBPOENA TO DONALD R. WILLIAMS PURSUANT TO N.C.G.S. 160A-80.
- b. RESOLUTION ADOPTING HEARING PROCEDURES RELATED TO THE ISSUANCE OF A SUBPOENA TO DONALD R. WILLIAMS PURSUANT TO N.C.G.S. 160A-81 AND 143-318.11(a).

Mayor Joines noted that City Council would need to decide whether or not to issue a subpoena to Donald R. Williams and if so, procedures to follow for questioning. He also noted that the City Attorney, Mrs. Angela I. Carmon, suggested that Council enter into closed session to consider proposed questions to be asked of Mr. Williams, as they deal with personnel matters.

Council Member Johnson questioned whether or not there was any further business to be addressed prior to entering into closed session.

Council Member Clark questioned whether or not anyone wanted to comment on the Silk Plant Forest Citizen Review Committee (SPFCRC) prior to Council entering into closed session.

Mayor Joines noted that some discussion would be involved and that the Council needed to move forward into the closed session.

Council Member Johnson requested that representatives from Goler Community Development Corporation (CDC) be allowed to address the Council prior to the beginning of the closed session.

Mr. Michael Suggs, 1620 Loughborough Court, Kernersville and Ms. Evon Smith, 1466 Crestlawn Trail, Pfafftown, stated that they appreciate support received from the Council, but that due to non-support from the City for a recent project, Goler CDC is financially struggling. Goler CDC has been notified that if property goes into foreclosure, it will not receive additional operational funding. Ms. Smith stated that Goler CDC has large scale productivity and has invested a lot in the current project. She requested that Council consider another option rather than not to fund the Goler CDC project at all. In response to Council Member Clark's question, she stated that Goler CDC needs a response from Council as soon as possible due to a strict timeline with Local Initiatives Support Corporation.

Mayor Joines requested that representatives from Goler CDC contact Mr. Derwick Paige, Deputy City Manager to discuss the current issues, which could be discussed with full Council after the November 17 meeting.

Council Member Burke stated that Goler CDC representatives could meet individually with local elected officials prior to the November 17 meeting.

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

Council Member Burke made a motion that City Council enter into Closed Session, pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of personnel information deemed confidential pursuant to N.C.G.S. 160A-168. The motion was duly seconded by Council Member Terry and carried unanimously.

The Committee of the Whole entered into Closed Session at 5:36 p.m.

At 6:44 p.m., Council Member Burke made a motion to end Closed Session and resume Regular Session. The motion was duly seconded by Council Member Leight and carried unanimously.

Council Member Besse made a motion to authorize the issuance of the administrative subpoena, under the procedures recommended by the Council, and using a list of questions as vetted and approved by the independent investigators as relevant to the purpose of the investigation under the Council's resolution as adopted on October 22, 2007 and amended on March 3, 2008.

The motion was duly seconded by Council Member Johnson.

The motion carried on a vote of seven in favor and one opposed. Those voting in favor of the

motion were Council Members Leight, Clark, Besse, Johnson, Burke, Malloy and Terry, with Council Member Merschel voting in opposition.

Mr. Barry Lyons, 948 West Academy Street, stated that the subpoena is essential to the task of the SPFCRC. He also stated that the review is a huge job, and while the SPFCRC has many pieces of the puzzle, they have no way to put them together. He further stated that it is analyzing policy and procedure to see what was done well and what was not, and that the SPFCRC requests that one to two committee members be permitted presence at the questioning of Mr. Williams.

Council Member Besse noted that procedures established will allow for representatives from the SPFCRC to be present at the questioning.

ADJOURNMENT: 6:46 p.m.