

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:06 P.M., TUESDAY, SEPTEMBER 9, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Council Member Dan Besse, Vice Chair*
 Council Member Evelyn A. Terry
 Council Member Molly Leight

MEMBER ABSENT: *Council Member Nelson L. Malloy, Jr., Chair*

OTHERS PRESENT: *Council Member Joycelyn V. Johnson*
 Council Member Robert C. Clark (in at 5:24 p.m.)

Vice Chair Besse called the meeting to order and stated that, without objection, the Committee would first consider the Consent Agenda. He requested to pull Items C-5, C-7(b) and C-8(a) and asked if there were any items Committee Members would like to have pulled for discussion. No other items were removed for discussion. Council Member Terry made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Leight and carried unanimously.

CONSENT AGENDA

- C-1. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF TRADE STREET STROLLWAY EXTENSION PROJECT BETWEEN FOURTH STREET AND SEVENTH STREET.
- C-2. RESOLUTION AUTHORIZING FINAL PAYMENT TO ALLIED ROOFING CO., INC. FOR THE ROOFING OF THE POLICE EVIDENCE STORAGE, TRAINING AND FORENSIC FACILITY CONTRACT.
- C-3. RESOLUTION AUTHORIZING SUBMISSION OF CONTINUUM OF CARE HOMELESS GRANT APPLICATION, ACCEPTANCE OF GRANT FUNDS, AND EXECUTION OF SUBGRANTEE AGREEMENTS.
- C-4. CONSIDERATION OF ITEMS RELATING TO THE OLD CHERRY NO. 2 REDEVELOPMENT AREA:

- a. RESOLUTION OF THE CITY COUNCIL OF WINSTON-SALEM ESTABLISHING MINIMUM FAIR MARKET REUSE VALUES FOR PARCELS IN THE OLD CHERRY NO. 2 REDEVELOPMENT AREA AND AUTHORIZING THEIR ADVERTISEMENT FOR SALE PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-269 (NEGOTIATED OFFER, ADVERTISEMENT AND UPSET BID PROCEDURE) & 160A-457 (NEGOTIATED PRIVATE SALE) - *Lots 010 and 110 of Block 1350, and Lots 014 and 016 of Block 1351 located in Old Cherry No. 2 Redevelopment Area.*
 - b. RESOLUTION AUTHORIZING THE SALE OF SINGLE-FAMILY LOTS WITHIN THE OLD CHERRY NO. 2 REDEVELOPMENT AREA TO A REDEVELOPER AT A PRIVATE SALE IN ACCORDANCE WITH N.C.G.S. 160A-457 - *Lots 002 & 003 of Block 1368; Lots 001, 002, 003, 004, 005, 006, 007 and 008 of Block 6601; Lot 202 of Block 1340; Lots 011 and 012 of Block 1344; Lots 106 and 201 of Block 1349; Lots 013, 014A, 101, 102, 103A, 104A, 010, 110 and 111 of Block 1350; Lots 014, 015 and 016 of Block 1351 located in Old Cherry No. 2 Redevelopment Area.*
- C-6. 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. MJM Realty Co., LLC & Albert A. Turner 2391 New Walkertown Road
 - b. Vicky & Stephen Koller 4744 White Rock Road
- C-7. 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. Charles Peters & Karen Bourquin 909 Cranford Street
 - c. Deboria Peoples May & Abram Peoples Jr. 704 Voss Street
- C-8. 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)].*
- b. Leon Rivers, Heirs 1126 E. 24th Street

- c. TAT Homes, LLC 1225 E. 25th Street
 - d. William & Sherlane Hill 1228 E. 25th Street
- C-9. CITY MANAGER REPORT ON PROPOSED KEY WORK ITEMS FOR FY 08-09.
- C-10. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE MINUTES - *August 12, 2008.*
- C-5. PRESENTATION BY NORTHWEST PIEDMONT COUNCIL OF GOVERNMENTS REGARDING PROJECT RE-ENTRY.

Mrs. Martha Wheelock, Assistant City Manager stated that the full presentation of this item was made at the September 8, 2008 Finance Committee meeting and that staff will bring an action item back to the Finance and Community Development/Housing/General Government Committees in October. She also stated that she spoke with Chair Malloy and was able to address his questions and concerns and that he feels comfortable with the Committee proceeding with consideration of the item.

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

- C-7. 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. Thomas & Daisy Hinton 1417 E. 25th Street

Mr. Bruce Bailiff, Code Enforcement Program Supervisor, gave an overview of the property.

Mr. David Hinton, 3766 Guinevere Lane, stated that the property was subject to arson in June of this year and there is currently a dispute with the insurance company, so he is requesting more time. He also stated that there are two parties that have expressed interest in renovating the home, although it did receive extensive damage in the fire. He further stated that the insurance company claims the home is a total loss, but there is still interest in renovation.

In response to Council Member Terry's question to salvage the home and others on that block, Mr. Derwick Paige, Deputy City Manager, stated that the property is part of the future redevelopment district Northeast Winston #3, but plans have not yet fully been established.

Council Member Besse reviewed the process of a voluntary demolition agreement (VDA) with Mr. Hinton, and noted that if the property was not repaired or demolished by the owner within the time frame established in the VDA, the City would demolish the property.

Council Member Leight made a motion to approve the item with a VDA of 120 days. The motion

was duly seconded by Council Member Terry.

Mr. Bailiff noted that if Mr. Hinton were to sell the property within the four month time period, the VDA would go along with the property and new owners would have to renovate or demolish the property within the time frame of the VDA.

Mr. Hinton noted that any potential buyers would be advised of the stipulation.

The motion to approve the item as amended carried unanimously.

C-8. 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)].*

a. Cooks Properties, LLC 1008 Goldfloss Street

Mr. Bailiff gave an overview of the property and stated that he recommends a 180 day VDA as the property has been designated to have historical significance and the property owner intends to have all repairs completed by March 2009.

Council Member Terry made a motion to approve the item as amended with the 180 day VDA. The motion was duly seconded by Council Member Leight and carried unanimously.

GENERAL AGENDA

G-1. REPORT ON THE DEVELOPMENT REVIEW PROCESS, FINDINGS AND RECOMMENDATIONS.

Mr. Paige gave the presentation. In response to Council Member Terry's question, he stated that medium and long-term goals could be expedited more quickly based on funding and in conjunction with other areas of the plan.

Council Member Terry requested information on best practices of other municipalities that have development review processes and to know if there was any software available that might help mitigate the problem with the delay of reporting or receiving information.

Council Member Besse expressed concern in having only one inspector review a case from start to finish.

G-2. PRESENTATION BY DUKE ENERGY AND RECREATION AND PARKS/VEGETATION MANAGEMENT REGARDING CUTTING, TOPPING, ETC. OF TREES BY DUKE ENERGY WITHIN THE CITY RIGHTS-OF-WAY AND REQUIRED NOTICE TO THE CITY.

Mr. James Mitchell, Vegetation Management Director, stated that the City Code currently only states where trees can be placed in relation to the location of power lines. He also stated that section

74-302 of the City Code only addresses the maintenance of trees located on streets or in public right-of-ways and the proposed tree ordinance does not apply to the maintenance methods of Duke Energy. In response to Council Member Leight's question, Mr. Mitchell noted that tree topping is prohibited within the City limits, but Duke Energy may perform directional pruning of trees. He also noted that by definition, tree topping is the indiscriminate pruning of limbs between growth nodes of a tree, whereby weak sprouts can grow between existing branches and create a hazard. He further noted that if pruning cuts are made properly and within guidelines, it is not considered topping.

Mr. Jimmy Flythe, Customer Relations Manager for Duke Energy, stated that directional pruning occurs when cuts are made where a branch splits so there is no sprouting and this method is healthier for the tree. He also stated that any branch trimmed needs to be at least a third of the size of the main branch of the tree and this will encourage tree growth away from a nearby power line.

In response to Council Member Terry's inquiry regarding aesthetics, Mr. Mitchell noted that "v" shaped cuts in trees are typically seen when a tree was growing in the right-of-way of a power line and the tree was trimmed. He also noted that the Vegetation Management Department works with Duke Energy to identify trees that need to be removed from the right-of-way.

In response to Council Member Besse's question, Mr. Flythe stated that Duke Energy works with contractors, such as Asplundh, to supervise the training and notification process of tree-trimming and removal. He stated that door hangers are left five days prior to the trimming or removal of trees whereby property owners are free to contact Duke Energy with any questions or concerns, and suggestions can be made as to types of trees that would be better suited to a location near power lines. He further stated that if a tree is trimmed or cut in error, Duke Energy will re-train crews, review their techniques and suggest any needed repairs during a quality assessment at the end of a project.

In response to Council Member Terry's question, Mr. Flythe stated that there is not a concerted effort to save wildlife located in trees or near power lines other than birds covered under the Migratory Bird Act. He also stated that 80% of newly installed power lines are located underground.

G-3. PUBLIC ARTS PRESENTATION BY THE ARTS COUNCIL.

Mrs. Wheelock stated that it is part of the City's 2006-2009 Strategic Plan to evaluate the establishment of a public arts program. She also stated that staff has had several discussions within the arts community and recommends the establishment of a Public Arts Commission to develop policies, procedures and formal guidelines for public art.

Mr. Milton Rhodes, Arts Council President, 219 Tar Branch Court, stated that the Arts Council would like to proceed with the project and noted that the Arts Council has had the input of local artists, as well as Mr. Jerry Bolas, former director of the Southeastern Center for Contemporary Art (SECCA).

Mr. Thornes Craven, Committee Chair, SECCA Board, gave the presentation.

Mrs. Wheelock noted that the Budget and Evaluation and Planning Departments have been the most heavily involved in the project and that staff recommends proceeding with a Public Arts Commission that can complete the goals of the Strategic Plan. She also noted that staff has reviewed commission models within North Carolina and the United States and realizes that there are some major issues associated with public art, such as construction funding. She further noted that staff recommends a commission structure that will include members of the Arts Council, and staff anticipates the formation of the commission in January 2009. Mrs. Wheelock stated that an official action item will be brought back to the Committee in October.

Council Member Leight requested that staff ensure the Arts Council is involved in the process along with appropriate staff members to ensure the best outcome for the City.

Council Member Johnson noted that City staff has already begun working on items for the Centennial of Winston-Salem in 2013 and requested that staff take a comprehensive approach to the Public Arts Commission to ensure interests of both the City and Forsyth County are met.

Council Member Terry requested that art be incorporated into the infrastructure of buildings as well as surrounding architecture as these areas can help market Winston-Salem as a “City of the Arts.”

Council Member Leight requested that art be incorporated into architecture and design to prevent all buildings from looking the same.

Mr. Craven noted that if artists and designers are engaged in the construction process from the beginning, it can lower construction costs and possibly preserve property.

Mr. Rhodes noted that an exhibit will open at SECCA on September 16 to showcase possible designs for bridges along the Interstate 40 Business corridor.

Council Member Johnson requested an inventory of public art pieces owned by the City.

Mrs. Wheelock noted that Ms. Glynis Jordan, Deputy Planning Director, is working with the City’s Information Systems Department to develop a database of public art pieces owned by the City. In response to Council Member Besse’s question, she stated that the Public Arts Commission will be developed as a tool for the City, not merely for the Centennial celebration.

Council Member Clark in at 5:24 p.m.

Council Member Besse expressed concern that four members of the proposed Public Arts Commission are to be appointed by the Arts Council and indicated that those appointments should also be reviewed by City Council.

Mrs. Wheelock noted that all appointments for commissions must come from the Mayor and anyone is free to apply for a commission position.

G-4. DISCUSSION CONCERNING FLAG LOT REGULATIONS.

Council Member Besse noted that flag lots barely provide room enough to do what is required within the density of a particular lot and questioned if any alternative uses could be suggested. He also noted that many flag lots barely meet setback requirements.

Council Member Terry questioned how to address the cleanup responsibilities for flag lots, such as mowing grass, trimming trees and the general upkeep of the property. She noted that she is aware of a small lot where a subdivision has limited access to property through this lot and that Mr. Gregory M. Turner, Assistant City Manager/Public Works, has the details of the lot.

Mr. Paul Norby, Planning Director, noted that there are some legitimate uses for flag lots and that many times, the small strip, known as the "pole" is used for property access.

By consensus, the Committee requested that staff develop options for regulating flag lots.

Mr. Norby noted that staff would bring options back to the Committee in November. In response to Council Member Leight's question, he stated that the pole of a flag lot only counts as a portion to minimize the lot size, and there is no obligation to maximize the ability to break up the lot. He also stated that infill regulations may help designate uses for flag lots.

ADJOURNMENT: 5:35 p.m.