

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:05 P.M., TUESDAY, FEBRUARY 10, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Nelson L. Malloy, Jr., Chair
Council Member Dan Besse, Vice Chair
Council Member Evelyn A. Terry
Council Member Molly Leight

OTHERS PRESENT: Council Member Joycelyn V. Johnson
Council Member Robert C. Clark (in at 5:30 p.m.)

Chair Malloy called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. He noted that staff requested to pull Item C-1 for additional information to be provided and he also requested to pull Items C-5(a)&(b). Council Member Johnson requested to pull Item C-2.

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

C-3. 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. Mary D. & Oscar Moses 2014 Temple Street
- b. Wanda S. Brendle 2209 Cole Road

C-4. 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. Robert C. Gholston 1718 Thurmond Street
- b. James & Sheila Whittington 2201 Willard Road

c. Roger A. Tomberlin 1334 Bretton Street
Accessory Building

C-6. COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT
COMMITTEE SUMMARY OF MINUTES - *January 13, 2009.*

C-1. ORDINANCE AMENDING CHAPTER 70 OF THE CITY CODE ENTITLED "SIGNS".

Mr. Bruce Bailiff, Project Supervisor – Code Enforcement, explained that staff determined it was necessary to include a definition for “improved road surface” as part of Section 70-17 only. He distributed a memo with the amended language for consideration.

Council Member Besse expressed concern about “12 feet” of right-of-way reference in section (a)(1)b, noting that the distance seems to be too large.

Mr. Bailiff pointed out that in the Central Business District (CBD), the right-of-way is generally 2-4 feet; however, in areas away from the CBD, the right-of-way broadens considerably.

Mr. Derwick Paige, Deputy City Manager, explained that typically, for planning purposes, road surface distance is considered to be 13 feet on each side of the center line, with a right-of-way distance on either side of 12 feet.

Council Member Besse indicated he would feel more comfortable with taking the right-of-way distance at least to only where noticeable right-of-way infrastructure is present. He stated that 12 feet is too far away from the “improved road surface” and may cause a problem with residents in rural areas who assume that posting temporary signs or other structures closer to the right-of-way, similar to urban neighborhoods, is acceptable. It may be unfair to expect those residents to pay a fine when they do not realize the big difference in right-of-way distance and suggested that the distance be changed to “2 feet”.

Council Member Leight stated that although she sees the need for a larger right-of-way outside of the CBD, perhaps it could be decreased to 6 feet.

Discussion ensued over the feasibility of changing the language to “6 feet”.

Mr. Paige indicated that changing the distance should not have an impact on enforcement of the ordinance.

Council Member Besse made a motion to approve the item, including the definition of “improved road surface” in Section 70-17 only and changing the language in section (a)(1)b. to “...6 feet from the improved road surface.”

The motion was duly seconded by Council Member Leight.

Council Member Johnson inquired about the definition of a “public square” and possible implications of this language change on enforcement efforts in a “public square” setting. She pointed out that a group hosting an event may want to post a sign in a “public square” and could be in violation of the ordinance if it is not clearly defined.

Mrs. Angela Carmon, City Attorney, stated that there is currently not an explanation for “public square” in the ordinance, but that she could provide one prior to Monday.

The motion to approve the item as amended, pending a definition be provided for “public square” prior to Monday, was unanimously carried.

C-2. CONSIDERATION OF ORDINANCES RESCINDING AN ORDINANCE ORDERING THE DEMOLITION OF A DWELLING:

- a. George Richardson 1126 E. 26th Street
- b. Vivian M. Sansom 810 N. Cameron Avenue

Council Member Johnson referred to the property located at 810 N. Cameron Avenue, asking how an ordinance to demolish a structure can be rescinded after the structure has already been demolished.

Mrs. Carmon explained that since the assessment for the demolition is also attached to the property, the owner is concerned about the ability to transfer the title for the property to a prospective buyer. She noted that this process is only pursued at the request of an owner and is not done for all properties.

Mr. Paige noted that the City attaches liens to properties when a demolition ordinance is adopted and this owner is asking for that lien to be removed.

Council Member Terry expressed concern that these liens do not automatically get canceled upon payment of assessments and inquired if there is a system in place to notify the Neighborhood Services Department to remove a demolition lien after Revenue receives payment of an assessment.

Mr. Ritchie Brooks, Neighborhood Services Director, indicated that he has never been aware of this type of system being in place and this is the first time he is aware of such a request being made by a property owner.

Council Member Besse pointed out that with ongoing redevelopment efforts in the city, it may be necessary for staff to investigate the issue because it may arise again. He suggested the development of a tickler system to remove assessments on property when paid.

Council Member Johnson inquired if any legal issues could arise with the language in the ordinance if an owner contests a demolition.

Mr. Brooks stated that the lien on the property is from the assessment and not the demolition and suggested that Revenue could send correspondence notifying a property owner once an assessment has been paid.

Mrs. Carmon explained that the attorney for the property owner is fully aware that the assessment has been paid but has asked that the demolition order also be removed from the property.

Council Member Terry made a motion to forward the item without a recommendation, pending language to clarify the intent of the action. The motion was duly seconded by Council Member Besse and unanimously carried.

C-5. 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. James T. Whaley 469 Oak Grove Church Road

Mr. Bailiff presented the staff report and noted that staff is recommending that the Committee approve the item with a 120-day delay.

Mr. Ronald Whaley, 501 Oak Grove Church Road, explained that the property is owned by his brother, who now lives with their father. He stated that his father has cancer and is unable to stay at a Hospice facility due to budget constraints. His brother is taking care of their father and cannot pay for the demolition at this time, and has requested a delay.

Council Member Leight made a motion to approve the item as recommended by staff, with a 120-day delay.

The motion was duly seconded by Council Member Terry and carried unanimously.

b. Grand Architect Real Estate 1613 Emerald Street

Mr. Brooks stated that the owner had contacted staff, asking for an extension of time because she is in the final stages of a pregnancy. He noted that the owners are a husband and wife, and staff does not recommend extending the timeframe of the order.

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

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)]. [Item continued by the Community Development/Housing/General Government Committee in December.]*

a. Debbie & Danny Settle 129 Churchland Drive

Mr. Bailiff presented the update, noting that the owners have not contacted staff since the last the item was discussed by the Committee.

Council Member Leight expressed concern that this matter has been ongoing since September 2008 and there appears to have been very little if any effort on the part of the owners to work with staff. She made a motion to approve the ordinance as recommended by staff.

The motion was duly seconded by Council Member Terry. She also inquired if there had been any attempt by the owners to contact staff about the insurance settlement.

Mr. Bailiff stated that last time he spoke with Mrs. Settle was on December 8. In response to Council Member Besse, he indicated that information about today's meeting is on the City's website, however, no contact had been made with the owners.

Council Member Besse expressed concern that the owners had not been notified and should be given an opportunity to respond.

Chair Malloy inquired as to why the owners were not notified directly about today's discussion of the matter.

Mr. Brooks explained that Mrs. Settle was present the last time the Committee discussed the matter and was told at that time that the meeting would be today.

Council Member Besse noted that there seemed to be a communication breakdown on both sides of the issues, and he made a substitute motion to continue the item to March, asking that staff send a letter to the owners notifying them of the meeting date. The motion did not receive a second.

Council Member Johnson and asked if the item could be considered on Monday, even if notification has to be hand-delivered to the owners.

Mr. Paige pointed out that the item was considered in December, at which time the owner was told she had 60 days to meet with staff on the matter.

Mr. Bailiff noted that staff had experienced problems in locating both of the owners to serve notifications in the past, and there may not be enough time to locate them prior to Monday.

Council Member Terry called for the question on the original motion.

The motion to approve the item as recommended by staff carried on a vote of three in favor and one opposed. Those voting in favor of the motion were Council Members Malloy, Terry and Leight, with Council Member Besse voting in opposition.

Chair Malloy requested that the notification letter be delivered to both Mr. and Mrs. Settle.

Council Member Johnson suggested that staff also contact them at the last known telephone number on record for the property owners.

G-2. ORDINANCE PROPOSED BY CITY-COUNTY PLANNING BOARD STAFF AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO MODIFY THE NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT - UDO-171. *[Item held in the Community Development/Housing/General Government Committee from the January meeting.]*

Mr. Paul Norby, City/County Planning Director, presented the report, noting that staff ensured that infill standards were approved by City Council prior to bringing this item for consideration. He pointed out that staff referred to City Council comments made during consideration of the rezoning petition for Country Club Estates in 2006 and addressed many of the comments concerning Neighborhood Conservation Overlay (NCO) districts. Although staff recommended 55% threshold of support, the Planning Board recommended an approval rate threshold of 75% for all neighborhoods, except Neighborhood Revitalization Strategy Areas (NRSA), in which case there should be a 25% threshold. Also, the Planning Board recommended the minimum age for neighborhoods to be 25 years, except in Growth Management Area (GMA) 2, which should require a neighborhood to be at least 40 years old. Mr. Norby also noted that staff recommends that nonconforming lots and structures within NCO's should be allowed to seek a variance from the Zoning Board of Adjustment.

Council Member Leight inquired if there would be assistance available for residents in the NRSA's who wish to pursue the NCO designation.

Mr. Norby indicated that staff could provide technical assistance and it could also be sought from various organizations such as Neighbors for Better Neighborhoods, as well as community development corporations.

Council Member Terry pointed out that the NCO process has been overwhelming for many residents located in NRSA's and there is also a high rate of investor ownership and rental properties. She inquired if there is any kind of assistance available through Planning for these types of areas to pursue revitalization without petitioning for NCO designation.

Mr. Norby explained that the Infill Development Standards could assist in the process, as well as economic rehabilitation assistance, community development corporations, etc. He pointed out that since zoning enforcement is complaint-driven, that the neighbors themselves would be a good indicator of the areas that need improvement.

Council Member Leight noted that this should be a difficult process and she expressed her support for the Planning Board recommendation of the 25-40 year old age differential.

Council Member Besse noted that the Country Club Estates case was highly unusual. He suggested that a 75% approval rate is too high and should be lowered to 55% or maybe a two-thirds count.

Discussion ensued regarding pursuing the approval rate based on a percentage of those responding versus a percentage of the neighborhood.

Mr. Kirk Erikson, Project Planner, pointed out that the ordinance currently requires 55% of the neighborhood to respond in order to be considered.

Council Member Besse made a motion to forward the item to City Council for public hearing, with

Section (A)(4)(iv) requiring the signatures of 65% of the property owners for approval.

The motion was duly seconded by Council Member Leight and unanimously carried.

(Council Member Clark entered the meeting at 5:30 p.m.)

Chair Malloy asked if anyone wished to speak about the ordinance.

Ms. Melynda Dunigan, 1875 Mallard Lakes Drive, spoke on behalf of the Winston-Salem Alliance, noting that many neighborhoods would like to apply but are unable due to the ownership percentage requirements. She noted that the problem with the ordinance is that non-votes of property owners are counted as “no” votes. In smaller neighborhoods, this requirement could have an adverse affect on the 75% requirement.

In response to Chair Malloy, Mr. Norby indicated that the public hearing on this item would be held at City Council’s first meeting in March.

G-3. RESOLUTION NAMING FIRE STATION #20 LOCATED AT 5991 KOGER LANE.

Mr. Paige explained that this item was requested by Chair Malloy and Fire Chief Antony Farmer was in attendance if there are any questions.

Chair Malloy explained that community meetings were held to discuss options for naming Fire Station #20 and given their family history, the Koger name was overwhelmingly suggested.

Council Member Leight made a motion for approval of the resolution. The motion was duly seconded by Council Member Terry and unanimously carried.

In response to Chair Malloy’s question, Chief Farmer stated that completion of the fire station is tentatively scheduled for late April.

ADDITIONAL ITEM – UPDATE ON OPERATION IMPACT

Chair Malloy stated that at the request of Council Member Johnson, a brief update would be presented by the Neighborhood Services Department regarding the latest Operation Impact conducted this past Friday.

Mr. Bailiff distributed a memo regarding the inspection results for the Rolling Hills neighborhood on February 6. He explained that of 110 apartments inspected, 15 had no violations and 95 units were cited. Of those 95 that were cited, 12 of them resulted in minor violations and 83 were found to be unfit. He pointed out the reports from Building Inspections staff, as well as the Forsyth County Health Department and indicated that the results were reported via e-mail to the Housing Authority of Winston-Salem on Monday.

Council Member Johnson indicated that a neighborhood meeting would be conducted on March 5 at 10:00 a.m. at Dreamland Park Church with Neighborhood Services and Police Department personnel

present to address any issues. She also stated that in the interim, an administrative review will be prepared by City staff.

In response to Chair Malloy's question, Mr. Bailiff explained that the unfit citation came as a result of many of the doors lacking weather-stripping which in turn caused an issue with heating capabilities in the units. There were also a few units with inoperable smoke alarms and some with exposed or inoperable wiring and light fixtures. He noted that some also had plumbing leaks.

Council Member Terry requested staff provide information regarding the outstanding debt to the City on the property.

ADJOURNMENT: 5:47 p.m.