

## SUMMARY OF MINUTES

### COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

2:12 P.M., TUESDAY, MAY 12, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:* Council Member Nelson L. Malloy, Jr., Chair  
Council Member Dan Besse, Vice Chair  
Council Member Evelyn A. Terry (in at 3:49)  
Council Member Molly Leight

*OTHERS PRESENT:* Council Member Joycelyn V. Johnson  
Council Member Robert C. Clark (in at 5:28 p.m.)

Chair Malloy called the meeting to order and stated that without objection, the Committee would first consider Item G-1.

#### GENERAL AGENDA

- G-1. ORDINANCE ORIGINALLY PROPOSED BY THE COMMUNITY APPEARANCE COMMISSION AND OTHERS TO MODIFY CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES BY AMENDING EXISTING LANDSCAPING STANDARDS AND CREATING TREE PRESERVATION REQUIREMENTS - UDO-122. [*Recommended by Planning Board. Item continued by the Community Development/Housing/General Government Committee in April.*]

Mr. Paul Norby, City/County Planning Director, stated that there would be no staff presentation, because any new material is the effort of Council Member Besse's alternative version of the ordinance. Today's effort will be to obtain questions and comments from interested parties.

Council Member Besse stated that he has continued to meet and discuss the proposed ordinance with interested parties, and suggested that the Committee first hear public comments, then entertain Council or staff suggestions to provide feedback to the community.

Ms. Nancy Gould, 195 Executive Park Boulevard, presented recommendations from the Homebuilders and Realtors Associations, which included a review of each of Council Member Besse's provisions and the proposed ordinance from Planning staff. She stated their concerns appear to be addressed in Council Member Besse's compromise version. She also stated that they would not recommend the anti-tree cutting provision as it may prevent a homeowner from removing trees from his or her own property. She further stated that the anti-tree item needed more discussion and requested that it not be forwarded to Council at this time. In response to Council Member Johnson's

question, Ms. Gould stated that her handout today is different from information sent in a previous email.

Mr. Bill Powell, Winston-Salem/Forsyth County Schools, 1605 Miller Street, stated that the ordinance has come a long way, but there needs to be further review of the guidelines. He also stated that the compromise version should define topography in the section of Alternative Methods of Compliance and grounds for alternate compliance for lots larger than five acres. He also suggested that reforestation credits or re-vegetating could be offered to larger lots as an alternative compliance. He further suggested that the size of a tree base be reduced and that the calculation of a tree save area be reformulated and provided a chart demonstrating this formula. In response to Council Member Leight's statement, he confirmed that the reformulation in his handout will provide a larger tree credit and a larger protection area. Mr. Powell's final recommendation was to establish guidelines for alternative compliance methods, tree protection plan submission and for permitted uses and removals within the tree save area.

Mr. Walt Kinsey, 4931 Thales Road, stated that this ordinance may have unintended consequences, as properties less than one acre will require a buffer zone. As a commercial developer, he stated that he recently had a property less than one acre in size that was required to have a buffer zone. The adjoining properties were residential, small and adjacent to highways, but he was still required to plant buffers in areas that already had more than adequate buffering. He also stated that it was his understanding that the intention of the ordinance was to buffer residential homes from commercial use. He further stated that all builders are interested in environmental stewardship, but they need freedom to build for a community to grow and expressed his support of the December version.

Mr. Jerry Herman, 220 Charlois Boulevard, Executive Vice President of the Homebuilders Association, stated that the development community as a whole is looking for a workable, enforceable, livable ordinance and applauded staff and community efforts for the time and money that has gone into drafting the proposed ordinance.

Mr. John Beeson, 503 High Street, stated that his main concern is establishing growth within the community again, and noted that 15 months have passed without a subdivision going through planning. He also stated that developers and builders were assured that the stormwater ordinance would not delay any projects, yet it took five months for one permit to be released for the development of land. He encouraged staff to be careful when constructing the ordinance so as not to cause delays in development projects.

Chair Malloy requested that staff provide background information to the delay mentioned by Mr. Beeson.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, stated that the ordinance should allow for equitable distribution of benefits and burdens. He stated that it has been said that the City should not be compared to places such as Raleigh or Charlotte because of the differing topography, but the result of mass grading has caused changes in topography, causing unequal distribution of benefits and burdens.

Mr. Gus Preschle, 7711 Lassiter Road, Clemmons, representing the Foothills Sierra Group, stated

that the Sierra Group supports the compromise version and applauded Council Member Besse for his leadership. He also stated that he plans to seek the support of the executive committee of the Sierra Club on behalf of the ordinance. He noted that the Sierra Club turned in 600 petition cards, sent photographs of over 300 people from the Earth Day fair, and several letters to the editors of local publications in support of a tree ordinance. He also noted that the ordinance is supported with serious reservations. He wants to be assured that developments over five acres will not be divided into smaller lots to meet requirements, expressed concern about tree clearing, and noted that the ordinance needs to be written to allow a clear following of its requirements. He further noted that the ordinance should be reviewed in the future to ensure it is meeting its stated purpose over time.

Ms. Melynda Dunningan, 1875 Mallard Lakes Drive, stated that the Winston-Salem Neighborhood Alliance (WSNA) is prepared to support the compromise version. She also stated that the WSNA has discussed many of Ms. Gould's presented concerns, but has reached no consensus. She further stated that the WSNA will support residential development with a 40 foot buffer or other workable approach such as supplemental planting along site perimeters or property lines. Ms. Dunningan distributed a chart describing 40 foot buffers on various lot sizes.

Mr. Luke Dickey, Stimmel and Associates, 601 N. Trade Street, expressed concerned with restrictions on redevelopment because it would be more beneficial to redevelop the urban core of the city rather than to build out.

Mr. Dean Naujoks, Yadkin River Keeper, 2435 Westfield Avenue, stated that he worked on the Raleigh tree ordinance for four years and this is one of the weakest tree ordinances he has seen in North Carolina based on the size of the municipality. He also expressed his disappointment in the development community and noted that the ordinance should offer differentiation for areas in between commercial and residential uses. He further expressed his concern that in two years, staff will look back and see that the ordinance is not strict enough and tree save percentage requirements are not being met.

Mr. George Bryan, 1001 Reynolda Road, stated that there is plenty of room within the proposed ordinance to accommodate special needs within the community and that neighborhood organizations are in support of compromises being handled by Planning staff. He also stated that the city is known for its greenery, so in the midst of problems with stormwater and other environmental factors, an effort should be made to maintain the current number of trees and reforest or re-vegetate in areas that cannot be saved. He further stated that fairness should be exhibited to all interested parties, not just the development community. Mr. Bryan noted that he would take the most recent changes presented to the WSNA and will respond to staff with comments.

In response to Chair Malloy's question, Council Member Besse stated that the ordinance is pretty clearly enforceable in all versions presented.

Mr. Glenn Simmons, Principle Planner, stated that the City Attorney's office has reviewed the proposed ordinance and noted that the Inspections Department will enforce the ordinance.

In response to Council Member Besse's comment, Mr. Norby noted that Inspections staff will review all site plans for tree preservation or tree planting specifications prior to the issuance of any

grading permits and will also have on-site enforcement. He also stated that the concern with the lack of an arborist to review each plan was referenced on judging the quality of trees.

Mr. Simmons noted that staff has discussed how different scenarios will be addressed and there will be training workshops in advance of adoption, how to review each case and to make adjustments if needed.

Council Member Leight expressed concern about staff having the knowledge to review a stand of trees to make an educated judgment about the quality of the trees, and that an arborist may have to ultimately be consulted.

Chair Malloy expressed concern that what was agreed upon at a public hearing for a special use permit, for instance, may not be what is ultimately found at the development site. For example, if a developer and site plan indicate that an area of trees will be saved, but are ultimately found to be cut down, there is no recourse.

Council Member Leight stated that she would like to see clear-cutting included as part of the ordinance, because whether or not trees are cut by accident, there needs to be a punitive measure against the developer or perhaps a moratorium on the development site.

Council Member Besse noted that through extensive discussion over the proposed October and December versions, a combination of the two is now known as the Besse compromise version. He also noted that he has continued to meet with stakeholders and is prepared to recommend that the Committee ask the full Council at the June 1 meeting to set a public hearing date to solicit citizen comments on the ordinance. He recommends that all three versions be sent forward for discussion. Council Member Besse outlined his recommendations and distributed a document containing such.

1. Refinements to development eligible for review (tree preservation only required in designated areas): Eligible developments should include the redevelopment of already developed sites. Add a category for qualifying residential development and include requirements for tree buffers along external street footage. Suggest the incorporation of language into the compromise version as a place holder, noting that some details are still being discussed.
2. Refinements to tree save area (TSA) calculation rates: Modify TSA credit for existing trees and newly planted trees. Based upon Council Member Leight's suggestion, he expressed hesitance to include Mr. Powell's chart in the ordinance at this time.
3. Refinement to alternative compliance process: Section A applies primarily to schools whereby a TSA credit will be provided through the donation of parkland. TSA credit may be obtained through the acquisition, donation and acceptance of forested parkland by the City of Winston-Salem.
4. Initiate formal review process for affordable housing and advance tree clearing provisions: Appeals of the decision of the Inspections Director will be heard by the elected body with the advantage of keeping the decision within the effected jurisdiction. Council Member Besse recommends Item 4a regarding affordable housing be removed for further review.
5. Clarify Exemptions
6. Correct typographical error
7. Monitor ordinance effectiveness

Council Member Leight suggested that staff review ranking within the Raleigh tree ordinance as far as priority for tree preservation and tree planting. She also suggested that Mr. Powell's chart be included in the ordinance document as part of Council Member Besse's recommendation number two, as it takes into account larger trees and the fact that critical root zones extend further than one might expect. She suggested that Council Member Besse's recommendation number three be clarified so that the option of preserving land with the intent to build does not include easements.

Council Member Besse stated that land could be safeguarded by requiring that a donation of land be recorded on the site plan along with any restrictions.

Council Member Leight suggested that Council Member Besse's recommendation number four include clear-cutting provisions rather than to be retained for future use. She expressed concern with the affordable housing reference as it stigmatizes a housing type that is already scrutinized.

In response to Chair Malloy's question, Council Member Besse stated that his tree clearing recommendation refers to the clearing of trees prior to the development of a site and the clearing of trees once development has begun on a site. He noted that municipalities have statutory authority to prohibit clear-cutting of trees, but a tree preservation ordinance must be adopted to obtain and exercise that authority.

Mr. Chuck Green, Assistant City Attorney, stated that few cities have developed a similar ordinance to obtain that authority, but it is provided for in the North Carolina General Statutes.

Council Member Besse noted that a detailed restriction of clear-cutting should be provided but feels that the topic needs further discussion.

Council Member Leight stated that if clear-cutting is not a part of the ordinance to be sent forward for the Council's consideration, it should be fast-tracked so an ordinance doesn't exist that has no guidelines to protect from clear-cutting.

Chair Malloy recommended that the clear-cutting provision be sent to the Planning Board for formal review as there is no consensus among stakeholders at this time.

Council Member Johnson suggested staff go ahead with the ordinance in its entirety, rather than being considered by sections.

Chair Malloy noted that it would be possible to hold a public hearing in July, with discussion and hopefully adoption. He suggested that staff continue to address the clear-cutting section and take advantage of time until the public hearing date.

Council Member Besse expressed concern that the entire ordinance has not had enough public vetting and the current draft is not thorough enough. He noted that his exemptions suggest removing a reference to parking decks in pedestrian-oriented sites, to correct a typographical error, and that monitoring and reviewing ordinance effectiveness may be best included in the motion for adoption rather than in the actual ordinance. He made a motion to send the item forward to the full Council, along with each of the three versions and incorporated recommendations in the compromise version,

for consideration, and that a public hearing date be set at the June 1 meeting. The motion was duly seconded by Council Member Leight.

*Council Member Terry in at 3:49 p.m.*

In response to Council Member Leight's question, Mr. Norby stated that at least two weeks are required between the time a public hearing date is set and the actual date of the public hearing.

In response to Council Member Johnson's question regarding tree save requirements and the installation of sidewalks, Mr. Simmons noted that sidewalks are part of the ordinance requirement for new streets along with curb and gutter installation. He also noted that the rationale for exempting facilities for senior complexes was that there was no need for an additional space requirement.

Council Member Johnson requested that exemption receive further review.

Mr. Norby noted that staff would take Council Member Johnson's suggestion as a Committee request and bring back a report separate from the tree ordinance.

Council Member Terry noted that she would be abstaining from the vote as she heard no discussion.

In response to Chair Malloy's question, Council Member Besse stated that in the interim, he will continue to work with interested parties to attempt to reach a final compromise, continue reviewing TSA figures and establishing final language of details and criteria for alternative compliance. He also stated that he will provide a report at the June 1 meeting.

Chair Malloy stated that he was reluctant for the clear-cutting provision not to be included at this time, expressed concern that its review may take up for one year, and questioned the affordable housing exemption.

Council Member Besse stated that the clear-cutting provision is any pre-clearing of a property before it enters the development review process, and wants to ensure that citizens understand that provision.

Council Member Leight requested that in the interim, staff find some way to reword buffering provisions to serve the same purpose as a separate clear-cutting ordinance.

Mr. Norby noted that if a site is cleared within the time period that an application for a permit is received, a buffer yard would have to be planted, as outlined in State legislation.

Council Member Besse noted that the ordinance doesn't exclude anyone from the tree save or tree planting requirement, even if the site is clear cut.

Council Member Terry requested that staff review in-fill issues to enhance the landscape of a site and to balance the concerns of affordable housing.

Council Member Besse suggested that the reference to affordable housing be temporarily removed at

this time until further discussion takes place.

The motion for City Council to set a public hearing date at its first meeting in June for comments to be heard at its first meeting in July carried on a vote of three in favor and one abstaining. Those voting in favor of the motion were Chair Malloy and Council Members Besse and Leight with Council Member Terry voting in abstention.

Mr. Norby stated that staff will clean up the compromise version to include Council Member Besse's refinements along with proposed language and the provision that other revisions may be forthcoming. He also stated that at the June 1 Council meeting, a public hearing date will be set for July 6.

Council Member Leight requested that the final compromise version be ready prior to the first meeting in June, provided to Council Members and placed on the City's website.

In response to Council Member Johnson's question regarding whether or not July 6 is a realistic public hearing date due to the July 4 holiday, Council Member Leight suggested that it could be discussed at the June 1 meeting.

The Committee recessed at 4:10 p.m. and reconvened at 4:15 p.m.

Chair Malloy stated that the Committee would now consider the Consent Agenda and asked if any items needed to be removed for discussion. Council Member Terry requested to pull Items C-2 (a-b) and C-3. No other items were removed for discussion. Council Member Leight made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Besse and carried unanimously.

#### CONSENT AGENDA

- C-1. ORDINANCE AMENDING CHAPTER 62 OF THE CITY CODE ENTITLED "SANITATION".
  
- C-4. 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. Creative Real Estate Solutions                      3706 Ogburn Avenue
  
  - b. Gregory R. Reynolds &                                      216 Gordon Drive  
Teresa A. Sandeford
  
- C-5. 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. Samuel M. & Beulah R. Lineback 803 Gibb Street
  - b. Mary Ellen Stupawicz 4343 Ogburn Avenue (Mobile Home)
- C-6. 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. Sharon Tuttle 3420 Old Greensboro Road, Lot 40
- C-7. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *April 14, 2009.*
- C-2. CONSIDERATION OF RESOLUTIONS ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES:
- a. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR AN ARRA STREET RESURFACING CONTRACT PAVING NORTHWEST BOULEVARD FROM REYNOLDA ROAD TO FIRST STREET.
  - b. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR AN ARRA STREET RESURFACING CONTRACT PAVING BROAD STREET FROM SECOND STREET TO NORTHWEST BOULEVARD.
- C-3. ANNUAL REPORT ON THE 2007-2008 MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM.

In response to Council Member Terry's question, Mr. Derwick Paige, Deputy City Manager, stated that Minority- and Women-Owned Business Enterprise (MWBE) goals are set on a project by project basis and are based on history, the type and number of MWBE businesses that currently exist to complete a job, the scope of the work and what has been achieved in those areas.

Mr. Ruben Gonzales, Interim Development Director, noted that statutes require that verifiable goals are set.

Council Member Terry noted that even with statutorily established language, City staff should be proactive to ensure that people who need work are able to get it with as few boundaries as possible, and that MWBE program requirements may need to be reviewed.

Mr. Gonzales stated that he would refer Council Member Terry's concern to the MWBE Citizens Advisory Committee for review.

In response to Chair Malloy's question regarding the bidding workshop he saw on WSTV-13, Mr. Gonzales stated that it was presented by the Winston-Salem Chamber of Commerce and a small percentage of attendees were minority. However, the Economic Development Department offers a small business seminar each fall which has almost 100% minority participation.

Council Member Terry requested that Mr. Gonzales ensure that City Council would have an opportunity to review and make changes to any recommendations from the MWBE Citizens Advisory Committee.

Council Member Terry made a motion to approve Items C-2 (a&b) and C-3.

In response to Council Member Johnson's question, Mr. Gonzales stated that if more MWBE businesses were on the City's certified list, the percentages for participation would increase. She requested that staff extend an invitation to those businesses who may have previously been on the list or who have chosen not to be on the list, and explain why it would be beneficial for them to be included.

Council Member Terry questioned if there was a method whereby larger companies and sub-contractors could reach out to the unemployed population for work opportunities.

Chair Malloy requested that staff explore alternatives to create additional opportunities for participation under the construction management forms of contracting.

Council Member Terry requested that specific language be included in MWBE procedures to allow for small businesses or subcontractors to shadow larger contractors.

The motion for approval was duly seconded by Council Member Besse and carried unanimously.

**G-2. ORDINANCE AMENDING REGULATIONS PERTAINING TO CHILD DAYCARE CENTERS IN THE UNIFIED DEVELOPMENT ORDINANCES – Proposal of Winston-Salem/Forsyth County School System - UDO-198. *[Recommended by Planning Board. This item was remanded to the Community Development/Housing/General Government Committee by City Council on May 4, 2009.]***

Mr. Norby stated that child day care centers may be an accessory use to schools, and provided a list composed by the Inspections Department, where four of six schools with less than 300 students are located in or adjacent to neighborhoods. He also stated that a threshold could be set for schools with 300 or fewer students to serve as a child daycare center, with a special use district permit. This proposed use could be extended to public schools or larger private schools as well.

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

**G-3. RESOLUTION APPROVING THE IMPLEMENTATION OF THE CITY OF WINSTON-SALEM RE-ENTRY PROGRAM PARTNERSHIP.**

Mrs. Melissa Hasty-Taylor, Human Resources Director, stated that staff has been working with the

Northwest Piedmont Workforce Development (NPWFD) Board in developing a re-entry program for the City of Winston-Salem. The NPWFD Board works with agencies from the community to meet the needs of re-entry participants, and several of those agencies have formed a group called the Offender Connection Network (OCN). The NPWFD Board will be the coordinating agency to provide screening of potential candidates, will make a good faith effort that 50% of the participants come through the OCN, and will coordinate case management. She also stated that with the OCN's case management, the City will enter into a partnership with the NPWFD Board Work Experience Program. Participants in the program will gain work experience in entry-level positions for three to six months, and upon completion, will be recommended for placement in that position. Staff recommends that ten positions be identified for placement of participants in the re-entry program, and upon successful completion, they will be offered a position, City benefits, and informed of City policies and procedures. Staff would like to meet quarterly with the NPWDB to discuss progress and would like for the program to become effective July 1.

Council Member Terry thanked Mrs. Taylor for following through on this request of the Council and requested that a tracking process be included to show evidence of successes.

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

In response to Council Member Johnson's question, Ms. Althea Hairston, Director, NPWFD Board, stated that there is no age limit for program participants.

In response to Council Member Johnson's question regarding advertisement, Mrs. Taylor stated that staff will work with the OCN to inform citizens identified by a matrix and also through community agencies. She also stated that if a participant is identified by additional skills beyond an entry-level position by the NPWFD, they may qualify for other positions.

Mr. Paige stated that 100% of the participants will come through the NPWFD and its Job Link and that 50% of those participants will come through agencies involved with the OCN.

Ms. Hairston stated that through Job Link and OCN, staff members will assess each participant's skill set and screen them for available positions.

Council Member Terry noted that it is each individual participant's responsibility to seek this opportunity through Job Link.

In response to Chair Malloy's question, Ms. Hairston stated that work experience facilitators are staff positions funded under the Workforce Investment Act. She also stated that there are three Job Link sites located within the city and that by law, Job Link is required to report on its participants monthly, and once they have exited the program, they must follow up for one year.

Chair Malloy requested a report of previous successes.

Mrs. Taylor noted that staff will provide an annual report to Council, and that they are working with the Center for Community Safety to refine statistics to showcase the success of the program.

Chair Malloy stated that he would prefer a quarterly report.

In response to Chair Malloy's question, Mrs. Taylor stated that the City's policy on convicted felons has not changed but the policy for the construction and training program and apprentice model program, have augmented background requirements for felony convictions within two years depending on the type of felony and the job being applied for. She also stated that there are no felony convictions that can preclude an individual from participating in the program.

Mr. Alan Andrews, Assistant City Attorney, stated that staff will review the type of felony conviction in coordination with the type of job being applied for.

In response to Chair Malloy's question, Ms. Hairston stated that NPWFD Board will not require additional staffing to assist the City with this program.

In response to Chair Malloy's inquiry, Mr. Paige noted that the NPWFD Board is comprised of representatives from six counties, are part of the Northwest Piedmont Council of Government and operate under its Job Link program. Board members are not elected.

The motion for approval carried unanimously.

#### G-4. DISCUSSION OF CHANGE OF USE IN EXISTING COMMERCIAL BUILDINGS AND PROPERTIES.

Mr. Charles Norton, Inspections Director, stated that the change of use deals with the type of service being operated and there is currently no proactive process to search for changes in use. He also stated that a new business may be renovated and established with no change of use or approval, and it may not be discovered until later that the use has changed. This issue has come to the attention of the business community and there is a lack of records for some previously issued permits. He further stated that staff has been working with local realtors and the Home Builders Association to develop recommendations which may require some funding.

In response to Council Member Leight's question about small businesses that may fall through the cracks, Mr. Norton noted that it is part of the initiative to educate through community groups and changing the culture of business owners. He also noted that under the current Unified Development Ordinance, staff deals with non-conformities to permits, but affidavits for previously issued permits may come in as a notarized copy that has been falsified, and staff has no document to verify it.

Council Member Terry expressed concern that the old Lucia Building on Waughtown Street, has a for lease sign advertising square footage for lease from \$1 per square foot, for 680 square feet of space. She questioned whether or not a realtor ever tells a seller that the zoning of a property is incorrect for a new business.

*Council Member Clark in at 5:28 p.m.*

Mr. Norton stated that it is the practice of local realtors to review the underlying zoning district, and due diligence may not always take into consideration the property's last use, even though there are

multiple uses within one zoning district. In response to Council Member Leight's question, he stated that a change of use may require new permitting dependent upon the last use and the proposed usage.

In response to Council Member Johnson's question, Mr. Norton stated that there may be an additional charge for a new use, dependent upon the change.

#### EXTRA ITEM

Chair Malloy noted that an item regarding a moratorium on foreclosures in South Carolina would be presented at the June Committee meeting.

Council Member Terry requested to know how the Neighborhood Stabilization Program and pre-existing conditions will filter into this legislation and its affect on any agency partners.

ADJOURNMENT: 5:36 p.m.