

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:03 P.M., TUESDAY, SEPTEMBER 15, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Mayor Allen Joines
Council Member Dan Besse, Vice Chair
Council Member Molly Leight

MEMBERS ABSENT: Council Member Nelson L. Malloy, Jr., Chair
Council Member Evelyn A. Terry

OTHERS PRESENT: Council Member Robert C. Clark (in at 5:11 p.m.)

Vice Chair Besse called the meeting to order and noted that Chair Malloy would not be attending tonight's meeting due to illness.

Vice Chair Besse requested to pull Items C-2 and C-3(a). 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 Vice Chair Besse 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 COLE ROAD/SPRAGUE STREET IMPROVEMENTS CONTRACT. Public Hearing: September 21, 2009.

C-3. 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. Bruce Donald Saylor, Jr. 4785 Kester Mill Road
Accessory Bldg.

c. Bruce Donald Saylor 4785 Kester Mill Road

- d. Cedell C. Lyles, Jr. 4964 Deland Street
Accessory Bldg.1
 - e. Cedell C. Lyles, Jr. 4964 Deland Street
Accessory Bldg. 2
 - f. Cedell C. Lyles, Jr. 4964 Deland Street
Accessory Bldg. 3
- C-4. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *August 11, 2009.*
- C-2. 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. Gretchen Barnes 2216 Peachtree Street

Mr. Bruce Bailiff, Project Supervisor- Code Enforcement, provided background information on the property.

Council Member Leight questioned whether or not the property was a contributing historical structure to the neighborhood.

Ms. Michelle McCullough, Historic Resource Commission, noted that the property is located in the Waughtown Historic District and is a contributing structure to that district. She also noted that it is one of the City's oldest neighborhoods and is the second largest historic district in the City. She spoke with a representative of the neighborhood association and received an email stating that possible funding from a statewide non-profit group had been identified to make the needed repairs and requested additional time for such. In response to Council Member Leight's question, Ms. McCullough noted that Council Member Terry would be following up with the property owner.

Council Member Leight made a motion to adopt the ordinance and to repair or demolish the structure within 180 days. The motion was duly seconded by Vice Chair Besse and carried unanimously.

Mr. Derwick Paige, Deputy City Manager, noted that if the property is not repaired or demolished after the six month period, the Committee can decide that staff could follow the In Rem Repair process to make needed repairs.

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a. Thomas A. Hinton, V 716 Essex Road

Mr. Bailiff provided background information on the property.

Mr. David Hinton, 3766 Guinevere Lane, stated that the property belongs to his father who is ill. The property sustained extensive fire damage and the insurance policy on the property had lapsed so there are no funds to make the needed repairs. He questioned whether or not the City had a program whereby it would acquire the property and reimburse the property owner for the sale price.

Mr. Paige noted that the General Assembly had passed a policy as indicated by Mr. Hinton whereby the City would have authority to purchase the property but there is not an identified funding source, nor any established guidelines for such a program.

Mr. Hinton noted that the fire damage was extensive but his parents did not have the money to make needed repairs. He also noted that he has tried to sell the property but has had no success.

Council Member Leight noted the disparity between the cost of repair and fair market value and questioned whether or not it would be more profitable to demolish the home and attempt to sell the land.

Mr. Hinton stated that one individual has expressed interest in purchasing the home with plans for renovation.

Mr. Bailiff noted that if the ordinance was adopted as presented, demolition could occur within 45 to 60 days.

Council Member Leight made a motion to adopt a voluntary demolition agreement and to allow 60 days for Mr. Hinton to repair or sell the home.

The motion was duly seconded by Vice Chair Besse and carried unanimously.

GENERAL AGENDA

G-1. ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE RELATING TO A NONRESIDENTIAL BUILDING AND STRUCTURE CODE. *Public Hearing: October 19, 2009.*

Mr. Ritchie Brooks, Neighborhood Services Director, stated that this item came before the Committee several months ago due to the fact that the General Assembly passed a law giving the City ability to inspect commercial property, issue a demolition order, and if the property owner fails

to comply, the building can be demolished. For residential properties, if there is a failed inspection, the property can be demolished after six months. With this new ruling, commercial properties can be demolished after two years. Staff met with interested parties from the community and received some opposition from professional associations as it relates to occupied structures, regarding the repair process. These professional associations expressed concern that required repairs may be far more than what would be required for repair under a minimum inspection standard. Mr. Brooks noted that this ordinance will address commercial vacant properties and showed examples of such properties in need of repair within the city. Many of these properties are located in or near residential neighborhoods. He suggested that the Committee adopt a modified ordinance for nonresidential vacant buildings and recommended that a review committee be created to review a similar code for occupied structures. He further noted that some repairs may change the use of a building, whereby opening new parameters that the property owner will need to address.

In response to Vice Chair Besse's question, Mr. Paige stated that the public hearing date is a part of the staff recommendation, presuming that the Committee approves the ordinance.

Council Member Leight stated that the proposed ordinance should be protecting the health and safety of citizens and it does not make sense to apply a health and safety based ordinance to an unoccupied building and she will not support it. If this ordinance is to be related to the Residential Building Code and the Demolition Codes of unfit buildings and structures, then it should apply to all nonresidential structures and she will support the study of this need by a review committee.

Vice Chair Besse gave a scenario of a gentleman living in a home with limited fire damage and an inoperable heat system and due to a lack of funds to make the needed repairs, that home is now under an order to repair or vacate. He noted that he understands Council Member Leight's concerns, but feels that staff needs to address vacant properties that cause blight to the remainder of a neighborhood. He also noted that this item would benefit from the comments and discussion of other Committee members and recommended that the item be held until the October 13 Committee meeting. He requested that staff invite interested parties to comment at that time.

Mr. Brooks showed examples of occupied commercial structures that the proposed code amendment would apply to, specifically, the Travel Host Lodge on Patterson Avenue.

Vice Chair Besse noted that Mr. Brooks gave good examples of extreme cases that need to be addressed as quickly as possible, but expressed concern that marginal cases, such as the one he described earlier, would be gathered into the same group.

Mr. Brooks noted that if adopted, the intent of the code would be to review building structures with marginal problems and if an occupied commercial structure was in use, perhaps the owner would be apt to better maintain the property.

By consensus, this item will be held until the October 13 Committee meeting.

G-2. REPORT ON THE DRAFT SOUTHWEST WINSTON-SALEM AREA PLAN AND RESOLUTION ADOPTING THE PLAN. Public Hearing: October 5, 2009.

Mr. Paul Norby, City/County Planning Director, gave a status update for area plans being produced for the City and noted that these plans are an important part of the Legacy comprehensive plan for livability and sustainability.

Mr. Marco Andrade, Project Planner, presented the Southwest Winston-Salem Area Plan.

Vice Chair Besse noted that he received an email from the Ardmore Neighborhood Association president and that he did not see her reference to transitional land use in the plan that was alluded to in her email.

Mr. Andrade noted that the page numbers on the hard copy plan and on the City's website are different. He also noted that the five properties in question will remain residential, which is concurrent with the agreement made with the hospital and that reference will be removed from the final plan.

Vice Chair Besse commented that the citizen also noted in her email an interest in including appropriate revisions regarding the Peters Creek community after their upcoming meeting with staff. The citizen also recommended that the Ardmore Neighborhood Association, Police and Transportation Departments be encouraged to confer at least biannually on accident and connectivity impediments and that the Ardmore Neighborhood Association, Police Department and District Attorney's office confer at least biannually on crime prevention methods.

In response to Council Member Leight's question, Mr. Andrade noted that the meeting referred to by Vice Chair Besse to be held on Monday, September 21, is with the Peters Creek Community Initiative.

Mr. Norby noted that staff encourages citizens with additional changes to notify Council Members, as well as staff so that everyone receives the communication.

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

G-3. UPDATE ON ACTIVITIES OF THE COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE.

Mrs. Martha Wheelock, Assistant City Manager, stated that Community Sustainability Program Committee (CSPC) members would provide an update of what has been done thus far and staff will present a formal strategic plan to the Community Development/Housing/General Government Committee (CD/H/GG). She also stated that there is an interested community partner who is willing to help coordinate sustainability activities for the community and that information will be presented at a later date. She introduced Mr. Jason Frichner, Chair of the CSPC and Ms. Anne Tambling, Vice Chair.

Mr. Frichner stated that the CSPC has developed a plan and objectives and is working with City staff to better coordinate its efforts and focus on ways to better partner with other organizations around the city on sustainability efforts. He stated that the main objectives of the CSPC are to improve the

health of citizens, reduce out of pocket energy costs, increase economic growth and quality of life, strengthen community spirit, reduce greenhouse gas emissions and to foster other sustainability efforts. The CSPC is focusing on sustainability education and outreach, recycling efforts, electricity reduction in homes and businesses, gas emission reductions, better use of community land and increased local business activity. He further stated that the CSPC will bring its formal plan to Council in January 2010. In response to Council Member Leight's question, Mr. Frichner noted that the "Go" projects of the CSPC are focused on getting the community going and active in sustainability efforts. They have proposed recycling contests, a Go Squiggle campaign to increase the use of compact fluorescent bulbs and an increased use of fuel efficient vehicles.

Ms. Tambling noted that the focus of the CSPC is to make sustainability approachable to everyone.

Council Member Leight noted that the largest portion of the city's carbon footprint seems to be the pumping of water which cannot be reduced without identifying another energy source and questioned if there were possible initiatives to use solar farms in outlying areas.

Mrs. Wheelock stated that staff has been approached by some entities regarding the use of solar fields and staff will make a presentation on this initiative in the future.

In response to Vice Chair Besse's comment, Mr. Frichner noted that the CSPC is researching ideas to make recycling more readily available for businesses and apartment dwellers. He also noted that the promotion of utilizing fuel efficient vehicles and other methods of green transportation will be a part of the CSPC's recommendation in January.

Council Member Leight requested that the CSPC continue to identify output areas for recyclable materials.

Mrs. Wheelock noted that staff is working on a final draft of the Sustainability Director job description.

EXTRA ITEM - RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY TO LUTHERAN SERVICES FOR THE AGING, A NON-PROFIT ENTITY CARRYING OUT A PUBLIC PURPOSE AS PERMITTED IN N.C.G.S. 160A-279 - 12.1 acre lot located on Waterworks Road. [Receipt of \$248,800.]

Mr. Paige noted that the Finance Committee considered on Monday, the sale of a portion of Winston Lake Park on Waterworks Road to Lutheran Services for the Aging for a nursing home facility, but the item was inadvertently left off the CD/H/GG Agenda. After various neighborhood meetings with representatives from Winston Lake Estates, it was determined that they would work directly with Lutheran Services in an effort to sell the land directly to Lutheran Services for the development of an assisted living facility, and that the sale price of \$248,800, would be put back into the development of the Winston Lake Park area. There was concern in the original proposal that the 12.1 acre area may have included a walking trail, but that area has been excluded and the City will retain ownership of that land. The proposed land sale includes both acreage originally cleared and the land along Waterworks Road for a total of 12.1 acres. The land will have to come back to Council for rezoning in the future, but this sale allows a due diligence period to Lutheran Services.

Council Member Clark in at 5:11 p.m.

Vice Chair Besse requested that it be clearly referenced that funds from the sale of the property be reinvested in the Winston Lake Park area for Recreation and Parks and Recreation purposes.

In response to Council Member Leight's question, Mr. Paige noted that it is normal to reinvest funds from the sale of parkland into that park or area, such as was done with old Central Park and Civitan Park.

Vice Chair Besse noted the example of a portion of Bolton Park, where a piece of land was transferred to Truliant Federal Credit Union and was earmarked for greenway use in the Little Creek Park area.

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

ADJOURNMENT: 5:18 p.m.