

- C-3. 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. Irene Harris, heirs 1231 E. 22nd Street
- C-4. REPORT ON PROJECT WE CARE.
- C-6. TYPES OF AGENDA ITEMS REVIEWED BY THE COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE.
- C-7. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *October 13, 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. D. Elwood Clinard Jr. 1114 E. 22nd Street

Mr. Bruce Bailiff, Project Supervisor – Code Enforcement, gave the report on the property.

Mr. D.E. Clinard, 614 West End Boulevard, stated that as a property owner, he was unfamiliar that the ordinance stipulates that if a vacant house has been inspected and repairs have not been made, that it is supposed to be torn down. He also stated that he did not make the requested repairs because of the maintenance he was keeping up on occupied homes and due to recurring vandalism, and noted that he was unaware of the item's continuation last month until he arrived for the meeting. He expressed concern at the adversarial feeling he has gotten from Neighborhood Services about the property and wrote letters and emails regarding his desire to preserve the home. He also stated that he requested an estimate of the total repair cost and received no response from staff and that since the initial notice he received, there has been a change to the title on the house. He further stated that it is his desire to repair the house rather than demolish it, but he only has one maintenance personnel to help him remediate properties. In response to Chair Besse's question, he stated he was aware of property maintenance regulations, but not the ordinance.

In response to Chair Besse's questions, Mr. Bailiff stated that the notice to repair a property includes a list of items the property was cited for and that the letter indicates the timeframe for repairs. He also stated that Mr. Clinard was notified of the public hearing via regular mail, certified mail and posting.

Council Member Adams expressed concern that this property owner has been receiving notices since 2005, and the amount of time staff has spent reviewing this one property.

Mr. Clinard expressed his apologies in the delay of the repairs and noted that the goal of the

ordinance should be to preserve low income housing rather than tear it down. In response to Mayor Joines' question, he stated that the exterior violations can be remediated immediately but there are more interior violations now than at the time of inspection due to vandalism and stolen property, and that it is difficult to keep the property secured. He also stated that he was aware of the voluntary demolition agreement option.

Council Member Adams noted that there have been several instances where citizens complain about dilapidated housing in their communities and questioned how the process could be sped up. She also noted that she will be riding through the community periodically to look for such blight.

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

The motion carried on a vote of two in favor and one opposed. Those voting in favor were Council Members Besse and Taylor, with Adams voting in opposition.

In response to Chair Besse's question, Mr. Bailiff stated that upon reinspection of the home, if new violations are found, a new demolition order begins.

Chair Besse reiterated that Mr. Clinard only has to repair violations on the list that has been provided to him at this point or the property will need to be demolished. If the items are not repaired and the City has to demolish the property, the bill for the demolition will be sent to Mr. Clinard.

C-5. REPORT ON REINSPECTION CYCLES AND FEES.

Mr. Ritchie Brooks, Neighborhood Services Director, stated that citizens have expressed concern with reinspection fees because during this difficult economic time, they can present a hardship. In an attempt to address these concerns, staff is trying to provide relief to some property owners by extending the reinspection cycle time to determine whether or not a property has been repaired in a timely manner or if the property owner is continuing to neglect it. Staff recommends that for vacant unfit housing cases that the reinspection cycle be extended from 60 to 90 days, and that the occupied housing cycle be extended from 30 to 45 days. For minor housing reinspections, staff recommends the first reinspection after 180 days, rather than 90 days, which will hopefully allow some leeway to property owners due to the frequency of inspections. In response to Council Member Taylor's questions, he stated that the reinspection fee is charged to the property owner and that multiple \$50 fees can mount up over a period of time causing a hardship.

In response to Council Member Adams' question, Mr. Brooks stated that the reinspection fee has always been \$50.

Mr. Richard Miller, 626 N. Trade Street, expressed his support of this item given these economic times, but expressed concern with the amount of the fee. On minor issues that do not require repair at a vacant and properly secured property, the owner would be in compliance with the ordinance. He also expressed concern that an inspector may drive past the property and never look inside, which should not be considered an inspection. For minor items that property owners are not required to repair, the reinspection fee should be reduced and an inspector should make an appointment with the property owner to adequately view the property. He also suggested that for vacant properties, all

reinspections should be on a 180 day cycle.

Mr. Randy Honeycutt, 1633 Forest Trails Drive, noted that minor violations are not affecting the structure or the quality of life for its tenant and should not be billed for a reinspection fee.

In response to Chair Besse's question, Mrs. Angela I. Carmon, City Attorney, stated that the property owner is not obligated to repair minor violations under the State Statute but they may be required to repair under the City Code and she will research and report back to the Committee.

In response to the Mayor's suggestion that there be a reduced fee for minor violations, Mr. Brooks stated that staff would need time to consider that option. The City Code classifies minor violations as substandard, so fees were proposed to help cover staff's time rather than as a penalty to the property owner, and \$50 is currently a bare minimum cost.

Mr. Lee Garrity, City Manager, noted that this was a classic example of government regulations serving the needs of citizens and that staff is mostly notified of substandard housing because citizens report it and staff has to repeatedly inspect properties. He also noted that staff has received a few complaints from individual property owners who have had difficulty paying the reinspection fee.

In response to Council Member Montgomery's question, Mr. Brooks stated that currently, an inspector will go to the door of the property and identify themselves, and if granted entry they will complete the inspection. An inspection warrant may be obtained to view the interior of the property, but otherwise, it will be an external inspection. The notice of public hearing provides an opportunity for the property owner to let the inspector know when repairs have been made or when they are available to meet the inspector at the property. If violations have been repaired, the inspector will clear the violations, providing record of such. There is a period of time from the initial inspection and hearing to review the property needs or to possibly repair the property.

Mrs. Carmon noted that the letter outlining minor violations in need of repair was developed to give property owners advanced notice to make needed repairs before the condition becomes dire.

Council Member Taylor expressed his support of the item, but expressed concern with decreasing property values, when the tenant, rather than the property owner may be at fault.

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

GENERAL AGENDA

G-1. RESOLUTION AUTHORIZING THE EXCHANGE OF CERTAIN CITY-OWNED PROPERTY FOR PROPERTY OWNED BY THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD OF EDUCATION AS PERMITTED IN N.C.G.S. 160A-274 - .50 acre of City-owned parkland at Kennedy Learning Center for .77 acre of park land on the campus of the Winston-Salem Preparatory Academy. Public Hearing: January 4, 2010.

Mr. Tim Grant, Recreation and Parks Director, noted that the City was approached by the Winston-Salem/Forsyth County School System (WS/FCS), regarding the use of a lot at the Kennedy Middle School construction site. The City owns half an acre there, and has kept up tennis courts for school

activities and use by the general public. WS/FCS needs the land containing the tennis courts to expand the Kennedy campus, and proposed a land exchange of .77 acres from 14th Street at Atkins Preparatory Academy, next to 14th Street Recreation Center. It is policy that all parkland property for sale or transfer be reviewed by the Recreation and Parks Commission, the Planning Board and the City Council.

Council Member Adams noted that she attended Kennedy Middle School and Atkins High school, and expressed concern that citizens who utilize the courts at Kennedy will be having a quality of life contributor taken away.

In response to Chair Besse's question, Mr. Grant stated that the courts are not used regularly and will need resurfacing within the next year. Staff has worked closely with WS/FCS and the three courts at Atkins Preparatory Academy are actively used by the public. The site proposed by WS/FCS provides many options, such as tennis courts, maybe a larger playground or sprayground and additional parking. He also stated that he does not want to lose any parkland and would rather enhance the opportunity for activity in the community, where the proposed site has none of those amenities.

Council Member Montgomery requested that some type of physical fitness amenity be available at the Kennedy campus once the courts are removed.

Mr. Darryl Walker, Assistant Superintendent of Operations of WS/FCS, stated that the Kennedy Campus will allow students from the Carter Vocational School to have an inclusive environment for handicapped students on a regular campus. Parents of Carter Vocational students expressed interest in a partnership with the Career Center, so when the Forsyth Technical Community College bond passed in November, it was decided to place the Career Center in a more central location. The building that will be erected where the tennis courts are currently located will be the trades building and has to be built there due to code. Kennedy Middle will be transformed into the new Career/Technical High School.

Council Member Taylor expressed his support of this project and requested that staff look into partnerships with the Best Choice Center and Colony Place Apartments to possibly collaborate with those students.

Mr. Walker noted that he has had conversations with the Housing Authority of Winston-Salem regarding a possible partnership with Colony Place Apartments, and the construction of a soccer field to be used by students and community members alike.

Council Member Clark in at 5:04 p.m.

Council Member Adams noted that with the current statistics of childhood obesity, she would be interested to know the types of physical activities offered at the new campus.

Mr. Walker noted that there is currently a gym at the Kennedy campus, as well as a walking track. Council Member Adams stated that her main goal is to sustain communities and provide green space that will encourage citizens to be active outdoors. She challenged Mr. Grant to find new opportunities for activity for inner city children as well.

Council Member Adams made a motion for approval of the item. The motion was duly seconded by Council Member Taylor and carried unanimously.

G-2. PROPOSED UTILIZATION OF DELL REPAYMENT FOR BUSINESS ASSISTANCE PROGRAMS.

Mr. Garrity stated that staff wants to take time and discuss options for usage of the funds and will bring a budget forecast to the Finance Committee in January. Staff has suggested several options for utilization of the funds within the parameters of job retention and job creation.

Mr. Ruben Gonzales, Development Director, presented the proposed programs, which parallel programs already in place, such as an Economic Development Fund, Revitalizing Urban Commercial Areas Fund, Special Technology Company Assistance Program Fund, Retail Loan Program Fund, and Building/Fire Code Assistance Programs Fund.

Mr. Derwick Paige, Deputy City Manager, stated that the City received \$15.5 million from Dell, \$7 million of which is the amount the City received from the issuance of Special Obligation (SO) bonds, and \$6 million of which was for the sole purpose of construction at the Dell site. He also stated that there is a current revenue source available to pay off the debt service on SO bonds. In 2004, the City completed its deal with Wachovia for reimbursement for the use of a parking deck, but since the funds never made it into the General Fund, that money can be rolled over into a payment for SO bonds. The land at the Dell site was purchased by the Utility Commission and the title transferred to the City, then sold to Dell for \$7 million. Staff proposes that \$6.7 million be used to establish a City/County Economic Development Fund that would require City and County approval for any distribution. The fund will be similar to the current City/County Development Fund but that fund is required to be used for water/sewer purposes in conjunction with economic development. Winston-Salem Business, Inc. will be reimbursed \$272,000, for its portion of the Dell project. The final \$1.5 million comes from incentive payments that were being paid to Dell from the General Fund.

Council Member Adams recommended that some funds be set aside to aid pre-existing businesses currently facing economic struggle.

Mr. Paige stated that there are programs in place to provide assistance aside from these funds and that staff is willing to work with those businesses and staff is open to expanding these proposed services.

Mayor Joines stated that staff needs to look at this as an opportunity to replace or create jobs. He also stated that there will be a future tenant at the Dell facility but it will not be able to create the same amount of jobs. Property taxes will continue to come in from that property, but the local unemployment rate is too high, so funds need to be used creatively and should not be distributed to programs that do not fit the core mission of City. He expressed support for a technology company assistance program as there is a local demonstrated interest in that field.

Council Member Adams stated that she looks forward to the public hearing portion of this item and wants to hear from as many citizens as possible.

Council Member Montgomery reiterated Council Member Clark's concern of the use of funds that were designated for one purpose and are now being allocated for another, and suggested that citizens be adequately informed.

Council Member Clark noted that these programs will take a lot of thought and discussion to determine the appropriate usage of the funds.

ADJOURNMENT: 5:27 p.m.