

## SUMMARY OF MINUTES

### COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

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

COMMITTEE ROOM

ROOM 239, CITY HALL

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

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

*OTHERS PRESENT:* Council Member Joycelyn V. Johnson (in at 4:07 p.m.)  
Council Member Wanda Merschel (in at 4:06 p.m.)  
Council Member Robert C. Clark

Vice Chair Besse called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. He noted that staff requested to hold Item C-3(c) until April.

*Council Member Merschel in at 4:06 p.m.*

*Council Member Johnson in at 4:07 p.m.*

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 2009-2010 STREET RESURFACING CONTRACT.
- 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. Shayne W. & Ashley 1319 Salem Lake Road  
Bennington

- 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. Donna Graham 1610 Ebert Street  
(Accessory Building)
- b. Keith Bernard McCorkle 0 Timlic Avenue  
(Accessory Building)
- C-4. 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. Aldene & Kathleen Hinsdale 1517 Waughtown Street  
c/o Lisa Goins (Accessory Building)
- C-5. CITIZEN SATISFACTION SURVEY UPDATE.
- C-6. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *February 10, 2009.*

#### 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 January.]*

Mr. Paul Norby, City/County Planning Director, reviewed changes that have been made since the Committee discussed the item in January, in response to questions presented at that time. He also stated that the information contained a Budget/Evaluation Department analysis of staffing requirements under both versions of the ordinance, slides of side by side comparisons of the two versions, a summary of the key agreements document from the tree committee report and an explanation of each of the agreements, a menu of choices for each of the issue areas between the two versions, an aerial photo and map of GMA-1, various memos, a summary of staff recommendations combining the best aspects of both versions and a comparison chart of both versions.

At this time, Mr. Derwick Paige, Deputy City Manager, noted that Item C-3(c) was a 12-month extension rather than a one month extension and staff was working with the Historic Resources Commission.

Vice Chair Besse noted that item would, therefore, be held for one year. He then stated that, without objection, the Committee would hear public comments regarding Item G-1.

Mr. Jake Cashion, 601 W. 4<sup>th</sup> Street, Winston-Salem Chamber of Commerce, stated that he support UDO-122 as passed unanimously by the Planning Board in December 2008, because it addresses the reality of what is needed in a tree ordinance.

Ms. Gayle Anderson, 601 W. 4<sup>th</sup> Street, Winston-Salem Chamber of Commerce, noted that she was a member of the tree committee and referenced a story in the today's *Winston-Salem Journal (WSJ)*. She noted that the story referenced the two versions of the ordinance, and stated that one was created by a group of residents and developers and one by the Planning Board. The tree committee never came to a consensus and received permission to extend the time period that they would meet, yet still, no consensus was reached. The October version was staff's best attempt at a consensus and a public hearing was held as directed by the Planning Board in October. The Planning Board took no action on what staff brought to them, rather they developed a proposal utilizing that information, which was then recommended unanimously by the Planning Board. Ms. Anderson stated that the December version is the only proposal containing any recommendation from the committee or the Planning Board. She also stated that it would be preferable to have continued conversations to come to consensus. She further stated in that given the current economic crisis, it would be beneficial to attempt to maintain all jobs and encourage people to expand and develop their businesses.

Mr. Dean Naujoks, 2435 Westfield Avenue, Yadkin River Keeper, noted that he worked for four years on the Raleigh tree committee where he worked with developers to formulate an ordinance that would be feasible for everyone. They attempted to save trees in the interior of a site, focused on protecting corridors, buffers, thoroughfare buffers and perimeters around every new development. He also noted that saving trees benefits economic growth, however, a compromise would focus on protecting trees in buffered areas that are generally off limits to developers anyway. A tree plant requirement is an easy out because it doesn't do much to actually save trees. He further stated that he was confused as to how staff came to its conclusions after reviewing other ordinances. In response to Vice Chair Besse's question, Mr. Naujoks stated that he was unaware of any studies that addressed the question of the relative value of tree save versus tree planting requirements. He also stated that he encourages a 12% mandatory tree save area.

Ms. Becky Gibson, 1315 Brookstown Avenue, referenced a book stating that forests are lost at a rate of one acre per minute. She stated that it is no longer a luxury to preserve trees because of their beauty and it is no longer a luxury to destroy trees because they are in the way. She also stated that the October version is a modest proposal to preserve mature trees needed for the health of the community. Costs have been externalized to the community and costs are only going to increase, and she noted that stormwater infrastructure costs will increase due to a lack of trees, so a strong ordinance is an urgent need.

Mr. Gus Preschle, 7711 Lasater Road, Clemmons, acknowledged that these are difficult times, but if there is continued deliberation, it may be too late. He stated that only two years ago, Council passed the Climate Protection Agreement, and he read a brief section of the agreement for the record. He further stated that Council reaffirmed its position in September 2008 by passing a resolution targeting the stabilization of greenhouse gas emissions. Mr. Preschle noted that the number of trees present today is unknown as is the number of trees needed for the future, so without scientific

knowledge, it might be best to save some of those trees.

Mr. John Beeson, 503 High Street, requested that equal amounts of time, energy and money that have been dedicated to the stormwater and tree ordinances be dedicated to giving positive input and support to local businesses who are struggling. In tough times, positive encouragement goes a long way. In response to Vice Chair Besse's question, Mr. Beeson noted that a possible incentive for a tree save area in a development would be through stormwater regulations. He noted that recently, it took the Army Corps of Engineers seven days to form a stormwater plan for a small development site the plan has taken a lot of time and will probably result in an invoice of \$10,000 for a stormwater tank. He encouraged Council to be mindful of the work required for developers to meet tree ordinance requirements.

Ms. Elizabeth O'Meara, 4433 Winterberry Ridge Court, stated that she has served on the tree committee since it's formation in 2006 and that there are benefits of preserving a mature tree canopy. She also stated that mature tree canopies are declining as development plagues wooded areas. Planting trees for the future is important but preserving mature trees has significant benefits, as they maintain an environmental support system, as well as clean the air and water. As the number of mature trees decreases, air temperature increases, creating dangerous levels of ozone and greenhouse gases, and threatening life. Mature trees with extensive root systems absorb rain and reduce stormwater runoff. She further stated that preserving stands of trees reduces the loss of native eco-systems, and is essential to the maintenance of wildlife habitats. Many native trees are not available in tree nurseries for replanting. Mature trees and tree stands improve the beauty of the area, its quality and act as buffers and absorb noise. Ms. O'Meara summarized that economic growth and environmental protection should go hand in hand.

Ms. Nancy Gould, Winston-Salem Regional Association of Realtors and Home Builders Association of Winston-Salem, 195 Executive Park Boulevard, distributed two handouts: formal recommendations related to the tree ordinance and a comparison sheet of several cities where tree ordinances were reviewed. She stated that Winston-Salem is not similar to Raleigh or Charlotte in topography, because the city's rolling topography requires grading. She also stated that most communities allow for tree preservation and for planting trees, while some areas are exempt from landscaping ordinances all together. She recognized numerous members of the Home Builders Association who were in attendance and expressed concern that the tree ordinance should not be over-costly or cumbersome and should be something with which developers can comply. Ms. Gould noted that the tree committee wanted to see incentives for developers to promote tree save areas but neither version of the proposed ordinance contains these incentives. In response to Vice Chair Besse's question, Ms. Gould noted that number three on the Home Builders Association document provides incentive recommendations, several of which were contained in the recommendations of the tree committee. If developers are willing to maintain a large amount of greenspace or tree save area, the City could allow ribbon paved streets or payment in lieu as incentive.

Mr. Barnes Daniels, 2728 Winslow Lane, represented the British Woods Neighborhood Association. He stated that the *WSJ* reported Winston-Salem as a Tree City USA location but when he viewed the Tree City USA website, the City does not meet certain standards. It does not qualify now and may not qualify in the future. He also stated that the Planning Board and Home Builders Association version of the ordinance provides very little real tree save requirements for existing quality trees. He read a section of Governor Perdue's State of the State speech, and given that a group of stakeholders

were directed to develop the ordinance, he finds it ironic that the parties who opposed a real tree save ordinance and are the benefactors of problem.

Ms. Cynthia Dodge, 457 Deep Ravine Court, noted that she recent relocated to Winston-Salem from a community in Florida where developers also serve as County Commissioners, and clear-cutting and tree burning is permitted. She also noted that as businesses do not have adequate tree cover, an area becomes less desirable, more expensive, and developers are urged to compromise to satisfy everyone. She further noted that trees make an area more attractive, as well as business and new occupants.

Ms. Carol Strittmatter, 817 Cloverly Road, noted that she has been following the proposed tree ordinance for a few years and supports the October version as it is superior to the December version. She also noted that the debate on global warming is over, and issues within this community are air quality and stormwater runoff, which can be helped with a strong tree ordinance.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, represented the Winston-Salem Neighborhood Alliance and is a member of the tree committee. He noted that the original ordinance was proposed by the Community Appearance Commission which was remanded to the Planning Board by the City Council and County Commissioners who requested that staff involve a broad array of stakeholders in the process. He also noted that when interest groups are divided, they need to work toward a resolution, and even through competition, legitimate interests are taken into account, although not everyone will be satisfied. He further noted that the tree committee arrived at its consensus of various recommended features through a democratic process, and while everyone was not satisfied, all opinions were taken into account. Mr. Vorsteg expressed his support of the October version which represents agreements reached within the tree committee.

Mr. Perry Hudspeth, 2545 Deercreek Drive, Chairman of Local Issues Committee of the Winston-Salem Chamber of Commerce, stated that he is not opposed to a tree ordinance, but that he supports the December version presented by the tree committee. He referenced a letter sent last week to the Mayor and Members of the Council outlining seven points. He also stated that the December version is more flexible, incentive based, allows for continued competitiveness within the development community, and compliance is not as costly.

Ms. Elyce Jung, 521 Lynhaven Court, represented the Sierra Club, and expressed her support of an ordinance that emphasizes the preservation of a tree canopy. She presented a box of cards\* signed by citizens and read its statement in support of a tree ordinance. She noted that in discussions with those who signed cards, she firmly believes that a tree ordinance is important to this community and shared some comments that she felt were noteworthy. She also noted the financial and aesthetic benefits of tree preservation.

Mr. Kerry Avant, 1645 Westbrook Plaza, stated that some of the comments made illustrate a position of compromise for the final ordinance. He also noted that if the ordinance is too strict, it will encourage urban sprawl, leading to increased costs to the County and City. While it may be an increased cost to the developer, that cost can be passed to the homebuyer, through increased housing costs. Mr. Avant stated that due to the large number of trees in Winston-Salem, home builders are not opposed to a tree ordinance, rather they are asking for balance. He urged staff to review regulations City-wide because it's contradictory to discuss a tree preservation ordinance while an

excessive regulation requires trees to be removed to comply with another ordinance.

Mr. Greg Garrett, Shugart Enterprises, 221 Jonestown Road, stated that his company evaluated the impact of the October version on a community by completing a case study utilizing a project completed within the last two years. There was a tremendous impact to the project, located in the eastern part of the City. On a 7.11 acre site, they were able to develop 33 home sites, saving 17% of the open space, with 8% of that space as tree preservation area, at a development cost of \$28,000 per lot. Using the same site, while applying the October version of the tree ordinance, they would only be able to develop 26 home sites, reducing the street amount by 150 feet, and an overall cost per site of \$33,500, an increase of almost 20%. He stated that he is strongly opposed to mandatory provisions because saving trees in the middle of a site impacts the overall site. He urged staff to consider the December version where the property owner can elect which trees to save and where to plant new trees. He stated that he would provide a copy of the case study to Council Members and staff. In response to Vice Chair Besse's question, he noted that the case study did not take into account the alternative compliance provision, but it would have to be utilized in almost every project.

Ms. Clare Fader, 831 Carolina Avenue, noted that she is a real estate agent who works with first-time buyers that have grown up experiencing environmental issues. She stated that she doesn't want a future selling houses in a city with high ozone levels, and noted that out of town buyers are unwilling to look for homes in neighborhoods that are lacking trees because they want to live within a mature tree canopy.

Mr. Charlie Wilson, 1177 Edgebrooke Drive, stated that he supports a strong tree conservation ordinance and the October version based on the need to protect the tree canopy. He also stated that the economy will rebound, but it will take generations to grow trees.

#### VERBATIM COMMENTS OF COUNCIL MEMBERS

COUNCIL MEMBER LEIGHT: Thank you. I, one of the things that was brought up by Council Member Clark, last month...

COUNCIL MEMBER CLARK: I'm going to bring it up again this month.

COUNCIL MEMBER LEIGHT: Well, I, I'm going to jump in ahead of you, was the, the thought about people perhaps clear-cutting and then selling land for, for development. I certainly was horrified enough by his scenario that, that I certainly think our tree preservation ordinance has to have some way of making sure that sort of thing cannot happen. And I, in our research, I've seen that there are several ways that other cities have handled this. One of which I think in Raleigh, if they, if someone clear-cuts a piece of land that they have to sign an agreement, a covenant, not to develop for five years or some, some length of time. However, I think that what might, and in our case, a better piece to add to our ordinance would be something on the order of Durham's ordinance, which says that even if you do, if you know, forestry, nursery, what is the word I want, yeah well, and, and that you have to leave a 10% or whatever the percentage is that we come, as a perimeter to protect contiguous properties. And I think that we could write into the ordinance something to that effect that if, that you have to save the percentage and make it a perimeter from 50 feet to however many feet wide. So I think that's very, very important that we add to this to this ordinance.

VICE CHAIR BESSE: Council Member Terry and then we'll get to Council Member Clark.

COUNCIL MEMBER CLARK: She's more important, you go ahead.

VICE CHAIR BESSE: She's on the Committee.

COUNCIL MEMBER CLARK: I'm not one of them.

COUNCIL MEMBER TERRY: The, the thing that, from the comments that I have heard, the one thing that probably, that, that just grabs my attention more than anything is, I suspect somewhere between the comments regarding the excessive regulatory nature of everything that, that this brings to bear, and the, the, the lack of a way of, of, of processing all of the, all of the things that are required to develop a site. As, as we work to, and I, and I am very concerned about the, the whole notion of the, the canopy as it relates to the CO2 because the, I think I'm right about this but I'm not sure, I know that the regulations are going to be changing sometime soon. Are, are you a, or, or the formula for air quality and our capacity to be able to continue to meet the criteria is, is at issue. And so how we measure, and I, I would like to have us factor that, that, that into whatever it is that we do to re-work this and to also try to find some happy medium or compromise for diminishing the excessive regulatory process so that it, perhaps makes development a more, more user-friendly commodity from, from our standpoint. And I don't mean that to suggest that, that anything that is, that is ultimately proposed gets shifted or changed. I'm just simply thinking about a way to, a way to, to make this process work better for everybody. While at the same time ensuring that our air quality maintains at least the regulatory required levels and we should strive to do even better.

VICE CHAIR BESSE: Thank you Mrs. Terry. Mr. Clark.

COUNCIL MEMBER CLARK: Yes, I'm going to ramble a little bit and these thoughts are not necessarily connected but just some thoughts I had as we were going and some thoughts I had coming into the meeting. First off, whether you save trees or plant them, I can assure you, eventually the tree will die. It is America's renewable resource but they have to be renewed. And if there is a place I think the City has missed out in the last 20, 30 years, it is in the quality and quantity of planting that we have or have not done. I will give you two examples and these are both at Five Points which is where Stratford Road and, turns and Miller goes and all that. Triad Guaranty has a, it's not their office building but they're in it, that building was built, I'm going to say 20 or 30 years ago, I'm going to gather. And at the time they planted some Bradford pears that the storms took out about, I'm going to say seven or eight years ago, that ice storm took half the limbs off and they cut it down. So, at, at that time, if we had planted quality, and I call them hardwoods and I'll admit, I tend to use, I like oaks, be them hickory's, whatever it may be, if we had planted the right trees then, those trees, assuming it was an eight to ten year old tree that we planted, those trees would be 40 or 50 years old now and we would have some good quality trees there. Unfortunately, we've all started back over again because the Bradford pears were cut down, I'm not sure what they planted since then but it, we didn't make any progress because we planted the wrong trees, we did not have the right types of trees. Catty-cornered to that is what I've been told is called Stratford Park and that's in Mrs. Merschel's Ward. There's an open area there and Runnymede used to come up one side, it's right there. When I was in high school back in the 60's, my father would drive me, drop me off at Wiley School on the way and I always wondered back in the 60's why we never planted any trees in

that park. We finally did and Glenn, I'm going to look at you, or, or James, maybe ten, 15 years ago those trees were planted? Well, again, if we had planted them back when I had the idea in the 60's, we would have some nice mature trees, but for some reason, we have missed out on that. So, I think regardless of what we do, we need to have an aggressive plan for this City to plant trees, be them in new developments, existing developments or whatever. All this, and someone referenced Robinhood Road, all those pretty trees over in Buena Vista were planted when that neighborhood was built, or most of them were, some have been planted since. We have to plant trees every year, because every year's trees die and yes we need 80 year old trees. Well to get an 80 year old tree, you've got to plant a 20 year old tree now and a 19 year old tree last year, et cetera, et cetera. Second comment I'm going to make is on the tree committee. You've heard comments tonight they were close to a consensus, other people said they weren't. All I know is, we were never presented anything and I bring that up only to show you the difficulty of trying to come up with something. And I think the fact that those folks worked hard even with a mediator, I think shows the difficulty of it. Third comment I'm going to make has to do with balancing. I think somebody mentioned that. I personally like sidewalks and to have sidewalks we need curb and guttering. I think sidewalks add to the quality of a neighborhood, allow you to walk safely, get exercise and all that, but also realized that sidewalks do take, do add impervious surface, so there's the tradeoff. The ultimate tradeoff I would like to give and I'm not sure who made this decision but if you drive out Reynolda Road, there's a swamp out there and I would guess, it's right where Yadkinville Road comes in, and for some reason, we decided to kill between 500 and 1,000 trees when we flooded that area. I'm not sure why, but for the record, I would have rather had, rather had a 10-acre forest than 10-acres of dead trees with some beavers out there. Now, somebody out there may like it, but that's a tradeoff. But for some reason, this community made a decision to kill 10 acres of trees out there and I, and that's a tradeoff. Large-scale developments. That seems to be where the rubber meets the road here. And I will use Hillcrest as the poster child. And to me, the ultimate irony of all this, is Hillcrest meets both the October and the December versions that have been presented to us. And I challenge either the October or the December advocates to put a picture of all that red clay from Hillcrest on your brochure and say, please vote for our ordinance, this is what you will get. It was horrendous, what it ended up looking like. And I will, and not to pick on Mr. Bess, Mr. Besse worked overtime on that to try to come up with some compromise. The challenge I see on large-scale developments is you have to take into account, the topography, which has been mentioned. We do have rolling hills. The use and that neighborhood has, and I drove in it the other day for the first time, it has single-family, it has condominiums or townhomes, I'm assuming, it has apartments and I'm assuming it will have some commercial towards the front but not much of that has been built. There's a reason the single homes are at the back and the, the commercial's at the front. That had to do with, with the next point, which is the neighboring properties. So when you do a large-scale development, you've got to take into account the use, the topography, who the neighbors are, you've got to take in to the traffic. Well you may have some great trees, but maybe that's right on the property where the road's got to come out to intersect with the road across the street where you've got the light. How do you balance all that? We've got stormwater we've got to balance. And I thought it was in here, although I did not see it Glenn, that maybe suggests, on large-scale developments, that you get a special zoning for them anyway. And I was told by somebody in the last 20 years, we've never had a large-scale development that didn't get rezoning and approvals. So, and I think it takes that type of totality in looking at everything and how you balance all that to come up with it. Three quick comments and, and I'll hush. The, I heard the comment that we didn't have any arborists so I called James Mitchell and asked why we have been paying him. It turns out we do have three full-time degreed certified arborists and they are registered foresters too. James also has an undergraduate

and a graduate degree in that area. So we do have arborists, is that right? Close enough. It's kind of like nuclear. On staff. There was the issue of three versus six inches and James I'm not going to put you on the spot, but I was told by at least three people, be careful what you recommend. A three inch tree may be a better tree to plant than a six inch. And James kind of alluded to that in that a six inch tree is much, much more difficult to plant and you may tend to, to not have the longevity from them as you do the three inch. My only point there is I think we need to be, when I first read that, I, I say, yeah, six inch versus three inch is a bigger tree but if a six inch tree dies in a couple of years because they're more difficult to plant and to keep going, then we haven't accomplished anything. The last comment I will make, we started off with the, what is referred to as the September version, we have the December version, we now have the February version, which is the December version and September versions put together by the Planning staff and now we have Molly's version. I, I don't say that in jest, but we've got so many circulating here, it's hard to put your hand around them and say, ok, what are we going to talk about? Are we talking about this or that or whatever. And so, again, I don't sit on the Committee and yall are going to have to come over, but I think at some point, you've got to decide, okay guys, let's talk about this version for a while and get some comments back on that version. And in that respect is a point to start from. There is a version that has been unanimously approved by a cross-section of this community and I do not take it lightly that the Planning Board, which contrary to some comments made here, truly does I think, reflect the community. We have a number of different types of people on it, did unanimously recommend it. I will also say I have a lot of respect for the staff, and I, and I think we ought to take the staff's comments seriously as well. And in, in looking, and Glenn, I don't know if you're the one who put it together, but it looked like to me, you did a pretty good job of selecting this and that. But I, I think we've got to come up with something and as opposed to having all these versions, because they're just going to keep coming and coming, that we can put our hands around it. And my very last comment, and I, and, and I think Mr. Barnes made it, I do think we need to do something because it's kind of like the sign ordinance. People kept complaining, well, you know we've got a 15 year amortization period on existing signs, I sad yeah, but if we'd have passed this thing six years ago when we first started talking about it, we'd only have 11 years left. If we'd have passed this ordinance ten years ago, maybe I wouldn't have as many Bradford pears in the City, so I, I do think we need to do something there and that's my rambling Mr. Chairman. Vice Chairman. Thank you.

VICE CHAIR BESSE: Thank you very much Mr. Clark. Ms. Leight. Oh we did, I guess, yes, I'm going to take a while, please.

COUNCIL MEMBER MERSCHEL: I, I just, I guess...

VICE CHAIR BESSE: Council Member Merschel.

COUNCIL MEMBER MERSCHEL: Two things, thank you. I can think of no single topic in this community that makes my phone ring off the hook more than Duke Power doing a tree trimming project in any of the neighborhoods that I represent. And as Council Member Clark referred to the First Street, Five Point intersection, First Street where we have the beautiful Georgian home that now has the, the brick wall. If you will go by that area and see what the loss of mature trees looks like, I think that is one of the best examples in the community. Now, having said that, this ordinance, or any other ordinance that we review, can have any impact on what Duke Power can do by right. But I also think that we may need to err on the other side in those instances where we can protect our heritage trees so we don't have a situation that is just such a stark difference, by simply

removing trees. The other comment that I would make, and I plead, well the responsible person, for asking our professional staff to look at yet, still, another set of recommendations. The reason being, it's because my understanding that, at each point in the process, our professional staff had some sort of parameters, some sort of instructions or directions that were placed on them to work within those guidelines to bring the information back. I value their input. My request was, no request at all. You are the professionals, you are not restricted by either the October or the December recommendations, so that was at my request. I very much appreciate what staff has brought back. The other thing I would say is that, clearly, there is a perception in this community that there is an October and a December version of the plan. Now, technically, that may not exist. But, well I take that back. If the community says it exists, technically it does. So, I think somewhere, and my roots are back to neighborhood activist, neighborhood association president, I went through this type of thing with the HO district in West End. My kind of neighborhood baseline tells me, even though I've had several members of the Planning Board say do not send it back to us, that we might need to have another go at one or two representatives at each of the different kind of stakeholders to give it one more compressed, zip-pack kind of conversation, because if we don't do that, I fear that it, it would just add more anxiety to the community at a time when we really do need to be pulling together. So, I, I would just say I know, I think were I on the committee, I would be begging please do not send it back to us, so again I think maybe one compressed, again, zip-pack kind of conversation, starting with the baseline of what our professional staff recommended, and go from there. And with that, Mr. Vice Chair, I thank you.

VICE CHAIR BESSE: Thank you Mrs. Merschel. Council Member Johnson, may we plead for ten minutes of your Committee time?

COUNCIL MEMBER JOHNSON: Go ahead.

VICE CHAIR BESSE: Thank you very much. A little background, by the way, since there have been so many references to this version and that version. This has already been an extended process and I will suggest to you that it is likely to get more extended, in one fashion or another. The Community Appearance Commission did come forward with a recommendation in whole cloth, sometime back. And that was considered by the Planning Board which did not recommend it, it was considered by the Council, which remanded it to the Planning Board and to the start of the citizen committee process. The city committee, citizen committee, which was broadly representative of the community, did work with the help of a mediator for an extended review period of time. They did not generate an ordinance. They did however, through the mediator, generate what we were given to understand was a set of guidelines that came with majority support from the citizen committee and as close to a consensus as they were capable of achieving. That came to the Council and came to this Committee, which reviewed it at length, made suggestions and asked staff, Planning staff, to prepare a draft based on the guidelines that were suggested by the citizen committee according to the mediator, who prepared that and sent it to us. As adapted with suggestions from the Committee, this Council Committee on Community Development/Housing/General Government, that was sent to the Planning Board and went out to public review, that's where the October draft, that everyone refers to came from. It was a product of multiple input. The December version was what came out of the Planning Board after the hearing process and was recommended by the Planning Board as an entity. It did in fact, receive a unanimous vote of the Planning Board. There was in the discussion record and in the written comments included, with the Planning Board's report that it was not, what one would call a consensus recommendation of the Planning Board, but a unanimous vote to move the

process forward. And that is what came forward as the December version. Both of those versions are before, have been before this Committee for discussion for some time now and we have been soliciting multiple rounds of public input and interested party input and have been making suggestions based on that. That's where we stand. I have some questions that I want to raise at this point, to invite some additional staff information and feedback. After I do that, I would suggest to my colleagues that we hold this in Committee for at least another month for additional review. Do, anticipate any objections to that suggestion?

COUNCIL MEMBER LEIGHT: No and certainly, Chairman Malloy asked that we do that, if possible to hold it for another month.

VICE CHAIR BESSE: Mrs. Terry.

COUNCIL MEMBER TERRY: (*inaudible*) I concur with that.

VICE CHAIR BESSE: Then, without getting into an extended discussion of these points, I want to raise some inquiries and request feedback, just seven particular points. I'm not going to go into extended discussion. Incentives. And I have a written copy of this that I'll provide, but what incentives could be provided for either, increased tree save area or for, for preservation of particularly important or high-quality mature canopy trees? For example, would the use of reductions in side yard or setbacks within the projects be appropriate? Would density bonuses be appropriate? Would the use of say, a ribbon street incentive for particularly high TSA percentages be appropriate for consideration? And if those are appropriate, how would you work them into language? Clear-cut avoidance. Would it be legally permissible for us to benchmark tree canopy, according to estimates that we would base on a, on a site by site basis as they came forward, using the City's most recent aerial photography as of the date of ordinance adoption? Basically what's out there on GEO-Data now. And then, where you have subsequent, substantial clearance incorporating TSA percentage penalties, for the clearance. If it's being cleared, since that, that point, could, would we be within our legal authority to say okay, instead of 10%, you've got a 13% plant requirement? Something like that. The exemption for GMA area 1 that's been raised as a concern. Could we substitute an exemption for the CB and CI zones instead of GMA-1? Redevelopment sites. Just a thought that we, we may want to consider incorporating the December version exemption for projects. Distinguishing development in certain categories. Would it be permissible for us, for example to apply the tree save standards included in the December version to some or all of categories such as projects and pedestrian business, for projects within metro-activity centers, small sites up to a certain acreage cutoff. And otherwise to apply to October standards that is the tree save standards from the October version. And TSA or tree save area calculation methods. Would it be possible to provide incentives for use of the tree stand area method that was incorporated in the October version and otherwise to utilize the tree count method as an alternative allowed in any case and if we incorporated the tree count method, would it be possible to adjust the numbers for the calculation rates? We received some data in the most recent round of comments suggesting that the, that the calculation numbers in the tree count method were not, not really comparable to the, to the tree value method used in October. Those are my questions, if, and I would appreciate staff work in, and as I said, I've got a copy of this in writing for you. Yes mam.

COUNCIL MEMBER LEIGHT: Just, very quickly to add to that. Certainly one of the things that concerned me was the, the fact of 1000 square feet as the area afforded to a little dogwood tree.

Come on folks, that's not anywhere near realistic. I think those numbers definitely do have to be adjusted to reflect reality a little bit more. Another thing that has been in discussion that, that still keeps going back and forth is the inclusion of GMA-5. Certainly, it was brought up that if, if development becomes too hard in the closer in parts of the City, that builders are going to move out, well, into the GMA-5 area, which is sprawl, and we do want to, to make sure that does not happen. I really do think, even though we at this point do not have any of GMA-5 within the City limits, the fact remains, and this happens all the time, that a development happens, somewhere outside the City limits, and then they ask for a voluntary annexation. I think that we have to have some wording that will cause any development in the GMA-5 area, especially in high-density developments that will have to abide by the, the tree ordinance. One other thing, that just as a comment, I know, I didn't, certainly don't want to say James and Keith and all of them are not certified arborists or whatever, but the fact remains, we have been told, they have plenty on their plate and they are not going to be able to take over being the, the person who does all of the inspections and whatever for a tree preservation ordinance. I think we absolutely have to have someone dedicated to that position. As a tree city, Winston-Salem needs not only an ordinance but people who can inspect, who know what the Bradford pear and what the hardwood tree that, that should have been planted instead of the Bradford pear, that's, I, I think it's way past time, as someone said for us to be, to have this.

VICE CHAIR BESSE: Yes, Council Member Johnson.

COUNCIL MEMBER JOHNSON: Just an observation and bouncing off the tree that was planted by Council Member Merschel, I think the Planning Board has sent a clear message as to their position. I think members of the audience have sent clear messages at their position. What's the possibility for, your committee to create a taskforce to further explore, as opposed to sending it back to the Planning Board, to create a, a task force that would include a Planning Board member, a Sierra Club member, members of the Neighborhood Alliance, members of the Chamber, members of the business community, homebuilders, to, so that all of our concerns, including the Council concerns can be incorporated into a document that may be more reflective of what the issues are.

VICE CHAIR BESSE: Well thank you and that is certainly something we can take under, under advisement for Committee discussion in April. If there are no other points today, comments, thank, thank you again to everybody for participating today and let me just emphasize that this has already been an extended process, it's been a substantive one. I hope you can tell from our discussion today that we are listening to your suggestions and we are taking them into consideration. We are doing our best to develop an ordinance that will work and will use both good science and good policy. Democracy is a messy process, particularly when you're talking about technically complex topics like this and important topics, but it's worth working on. What we're doing now, is I would suggest comparable to the processes we've needed to follow on other important technically complex topics over the past few years and we're going to keep working on it and do our best to get it right. Thank you for participating today. And this meeting is concluded, and we will be taking a five minute break? We're moving directly into Public Works, so if you can, alright five minutes.

ADJOURNMENT: 5:43 p.m.

*\*Sierra Club cards will be maintained in the City Secretary's Office should anyone want to review them.*