

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:03 P.M., TUESDAY, JUNE 9, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Dan Besse, Vice Chair (in at 4:05 p.m.)
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
Council Member Vivian H. Burke (out at 4:19 p.m.)

Council Member Leight called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda and asked if any items needed to be removed for discussion. She requested to pull Item C-6. No other items were removed for discussion. 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 NAMING THE PUBLIC SAFETY TRAINING AND SUPPORT CENTER AFTER ALEXANDER "AL" BEATY AND COMMEMORATING FORMER POLICE AND FIRE CHIEFS.
- C-2. ORDINANCE AMENDING THE CHARTER AND CHAPTERS 2, 6, 10, 14, 22, 26, 30, 34, 38, 42, 46, 58, 62, 70, 74, AND 78 OF THE CITY CODE AS THEY PERTAIN TO TECHNICAL CORRECTIONS.
- C-3. RESOLUTION AUTHORIZING THE SPONSORSHIP OF THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM FOR CITIZENS OF WINSTON-SALEM/FORSYTH COUNTY.
- C-4. RESOLUTION REVISING GUIDELINES FOR CONTRIBUTIONS THROUGH PAYROLL DEDUCTION.
- C-5. RESOLUTION ESTABLISHING GUIDELINES FOR SOLICITATION OF CITY EMPLOYEE SUPPORT FOR NON-PROFIT ORGANIZATION FUNDRAISING CAMPAIGNS.

- C-7. RESOLUTION ADOPTING THE ETHICS POLICY FOR CITY EMPLOYEES, APPOINTED MEMBERS OF BOARDS AND COMMISSIONS, AND ELECTED OFFICIALS.
- C-8. REPORT ON MORATORIUM ON HOME FORECLOSURES.
- C-9. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *May 12, 2009*.
- C-6. RESOLUTION AMENDING THE OPERATING POLICIES AND PROCEDURES FOR WSTV 13.

Mrs. Martha Wheelock, Assistant City Manager, stated that there are specific guidelines for WSTV 13 determining the kinds and types of programming that can be aired. Recent requests for broadcasting on WSTV 13 have prompted staff to request additional rules and guidance within those rules to help assess requests for broadcast and to meet public information guidelines for programming.

Council Member Besse in at 4:05 p.m.

In response to Council Member Leight's question, Mrs. Wheelock stated that department support may be defined through in-kind funding or other funding to support an event that meets the goals and objectives of the programming, whereby a sponsorship may be defined when a department is organizing a specific event.

Mr. Ed McNeal, Marketing and Communications Director, noted that an example would be the current partnership with the Winston-Salem Chamber of Commerce (Chamber) whereby the Economic Development Department participates in educating businesses about business and government processes, so his involvement and support with the Chamber defines their project as a supported by a City department.

In response to Council Member Leight's question, Mrs. Wheelock stated that staff's request for specifically defined guidelines will address non-profits as well so that staff may fulfill the mission of WSTV 13 as outlined by City Council in the strategic work plan and key work item objectives. Staff's request from Council will provide guidance and additional clarity for the process of determining how to handle requests.

In response to Council Member Johnson's question, Mrs. Wheelock noted that she has attempted to contact Mr. Longworth twice regarding his request for broadcasting and has received no response. She also noted that information provided initially and website content indicates there may be some editorial commenting that Council may not be comfortable with in some of his programming. She further noted that she attempted to contact him again and that new guidelines will give staff the ability to determine if Mr. Longworth will have the opportunity to broadcast on WSTV 13 or not.

Council Member Burke stated that any guidelines should be fair and interpreted carefully and

requested that staff consult with the City Attorney's office for appropriateness and review any guidelines previously established.

In response to Council Member Besse's question, Mr. McNeal stated that if criteria one through three under Non-Governmental Provided Programming are met and staff has the support of established guidelines to do the event, staff does not believe that the City should take on the expense of additional workers needed to bring the event to broadcast.

Council Member Burke out at 4:19 p.m.

Mr. Lee Garrity, City Manager, clarified that as the guidelines are currently written, it appears as though once a program is paid for, a citizen would not have to meet other criteria, which is not the case.

In response to Council Member Besse's question, Mrs. Wheelock stated that it is the intent of the policy that if any one of the first three criteria are met and approved, the fourth criteria would then apply.

Council Member Leight requested that staff ensure there is partiality in the process for approving applications so all are fairly considered.

Mr. McNeal noted partially is part of staff's concern and why the item was brought forward requesting guidelines to approve or not approve an application.

Council Member Leight suggested that the City Attorney's Office review the policy and make suggestions.

In response to Council Member Besse's concern, Mr. Garrity stated that the presence of editorial content being a possible disqualifier for an application is addressed in the existing policy on page 41 of the Agenda Book, in numbers one and two. He also stated that there have been cases in the past where editorial content was not consistent with the direction of the Council.

By consensus, Council Member Besse stated that this item would remain in Committee pending additional analysis for addressing editorial content.

Council Member Terry asked to comment on Item C-3.

C-3. RESOLUTION AUTHORIZING THE SPONSORSHIP OF THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM FOR CITIZENS OF WINSTON-SALEM/FORSYTH COUNTY.

Council Member Terry requested that this item be promoted on WSTV-13.

GENERAL AGENDA

G-1. REQUEST FROM GOLER MEMORIAL A.M.E. ZION CHURCH REGARDING AN EXCHANGE OF LAND.

Mr. Derwick Paige, Deputy City Manager, noted that he received a rendering of the property to the north of Waterworks Road, which was shown to the Committee. He also noted that this item will come back to Committee in July for further review.

In response to Council Member Besse's question, Mr. Eric Jordan, Landscape Architect for the Lutheran Church, stated that there is no plan to clear the entire 12 acres of property and it is the intent of the design to surround the property with buffers and setbacks to leave as many of the existing trees as possible. Although a stormwater retention area will be required, it is his aim to leave the area as wooded as possible and noted that parking areas were set back further to maintain a wooded area between the street and the facility.

Council Member Johnson requested that Mr. Jordan examine any opportunity to connect the property with Winston Lake Park via a walking trail, as that will provide an additional amenity to residents, and noted that the trail could also connect the facility to surrounding picnic shelters.

Mr. Jordan noted that connection has been considered, but will be dependent upon handicap accessibility.

In response to Council Member Besse's question regarding where an existing unimproved walking trail behind the property led to, Mr. Jordan stated that the trail surrounds two ponds near the property and one side is clear, while the other is heavily wooded. He also stated that due to the inclusion of retention ponds and parking east of the facility, there are no plans to expand it further than the plans indicate.

Council Member Besse expressed concern with future stages of the plan as the facility is being constructed on mature hardwood parkland, expanding further into the wooded area of the park.

Ms. Kesha Smith, Lutheran Services, stated that there are no plans within the five or ten year projections of construction for any additions to the facility. In response to a question from the Finance Committee, she stated that the acreage of the current property on Old Walkertown Road is 9.92 acres.

In response to Council Member Johnson's question, Mr. Paige stated that staff is in the process of organizing community meetings for information and input.

G-2. DISCUSSION OF PROPOSED NON-RESIDENTIAL INFILL DEVELOPMENT AND REDEVELOPMENT REGULATIONS.

Mr. Paul Norby, City/County Planning Director stated that in 2006, a Revitalizing Urban Commercial Areas (RUCA) study was done which analyzed issues, problems and trends within urban areas and also provided approaches for addressing these for three RUCA sections within the city. Last year, the Council adopted residential RUCA standards, where the focus on residential infill was to make infill development more compatible with its surroundings. Pre-war commercial development was designed prior to the use of automobiles, which are a dominant feature in today's

society and zoning standards across the country have been revised to accommodate their use. Currently, staff can apply regulations to sites within urban neighborhoods, but sites are smaller and there are no landscaping or loading space requirements. Staff needs flexibility in the regulations that can be applied to urban areas, because requirements cannot be the same as for large sites found in suburban areas. Mr. Norby noted that it is important to improve the appearance of urban areas as they are expanded and rebuilt.

Mr. Kirk Ericson, Principal Planner, gave the presentation.

In response to Council Member Leight's question, Mr. Ericson clarified the calculation for indoor/outdoor seating and required parking.

Mr. Norby stated that staff's intention is to reach a balance that will encourage these uses within neighborhoods, but without a large impact to the neighborhood. In response to Council Member Besse's question, Mr. Norby stated that there is no verbiage within the proposed regulations regarding clear pathways to entrances that do not lead non-smoking customers through smoking areas, but staff will take direction from Council on what they wish to include.

Council Member Terry requested to know the number of non-residential sites in Growth Management Area-2 that have the potential for implementation of these recommendations.

Mr. Norby noted that within the RUCA study, staff reviewed over 24 areas of the city, classified and ranked the top ten areas, and the proposal solicited for RUCA funding was awarded to three of the top ten.

Mr. Ericson noted that within each RUCA section, there are a number of individual sites that may apply.

Council Member Terry expressed concern that the proposed regulations may be more narrowly focused than necessary in this current economy, and due to the challenges of small sites in dense areas that have been identified.

Mr. Norby noted that the RUCA study identified various areas and dynamics that may cause an area not to prosper. Regulatory reform alone cannot revitalize an area and regulatory barriers may cause developers not to want to participate in a certain area because there may not be enough space to fit in all of the regulations, which are based on a suburban model. The first round of RUCA funding accommodated three areas and there was recognition that dependent upon those successes, the City may want to consider another round of funding to reach out to other areas to bring in economic incentives in addition to regulatory incentives. He also noted that staff has almost completed the area plans for the central city and have identified parts within those plans for revitalization.

In response to Council Member Terry's request, Mr. Norby stated that he would provide site planning examples of how these regulations would apply or include them in the staff report the next time the item is brought forward for discussion.

In response to Council Member Leight's question, Mr. Ericson stated that staff is trying to address nonconforming uses where a commercial establishment remains within residential zoning, so those uses don't go unchecked.

Council Member Leight questioned whether or not a change in use will trigger a commercial establishment within a residential area for rezoning.

Mr. Norby stated that he would review Council Member Leight's question so that a change of use would not necessarily be allowed with relaxed regulations in an area that isn't zoned properly for said use.

Council Member Besse noted that he anticipates more requests for outdoor seating in restaurants once the smoking ban is enforced in January 2010. He questioned if a business could obtain the consent of a neighboring property owner to extend their frontage beyond that of the property making the request.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that he would research Council Member Besse's request.

Mr. Norby stated that if the Committee was comfortable with the direction of the proposed regulations in absence of comments made today, staff will draft the proposed regulations, hold meetings with interested stakeholders and begin the process with the City/County Planning Board.

By consensus, the Committee authorized Mr. Norby to meet with stakeholders, present the proposal to the City/County Planning Board and bring back to the Committee in the form of a Unified Development Ordinance Text Amendment.

ADDITIONAL ITEM - ORDINANCE AMENDING CHAPTER 78-301(16) OF THE CITY CODE RELATING TO HORSE DRAWN CARRIAGES

Mr. Turner stated that this item will increase the number of passengers a horse drawn carriage is allowed to accommodate from five to ten. He also stated that this provision is listed in the horse health section of the City Code, under Public Convenience and Necessity and noted that even with a Code Amendment the applicant will need to obtain a certificate of Public Convenience and Necessity. The potential applicant would like to obtain access to Reynolda Road in the area of the Children's Home as that is where the horses will be boarded. He further stated that this proposal will increase the limit of passengers per vehicle and allow the listing of access roads to include Reynolda Road. Mr. Turner noted that staff has reviewed ordinances from Memphis, Charleston and San Francisco and this request appears to be well within the capacity of the horse, as they are limited to pull two times their weight.

In response to Council Member Johnson's question, Mr. Turner stated that other routes from Reynolda Road to the Benton Convention Center are authorized in the existing list of access streets.

In response to Council Member Terry's question, Ms. Toni Phillips, 901 Carolina Avenue, stated that her horse drawn carriage concept is different from that which is offered in Old Salem due to the

fact that she is proposing an alternate method of transportation for citizens, rather than a scenic carriage ride.

Mr. Turner listed the current access streets, stated that staff will bring an item to the Committee to request access to Summit Street and will review boundaries within any road changes.

In response to Council Member Terry's question, Mr. Turner noted that sanitation of horse drawn carriages is already addressed within the City Code and that the carriages are only allowed to transport people.

In response to Council Member Johnson's question, Ms. Phillips stated that she will assess sites in the east ward along Martin Luther King, Jr. Drive and Northwest Boulevard in the future as possible routes. She also stated that the horse and carriage need level routes.

In response to Council Member Johnson's question, Mr. Turner stated that Ms. Phillips will have to apply for a Certificate of Public Convenience and Necessity which will be brought before the Committee. That item will then go before the City Council and will require two readings. He also stated that the application process will work parallel with the ordinance amendment.

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

ADDITIONAL ITEM – HOUSE BILL 1583: AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION SELECTIVE VEGETATION REMOVAL POLICIES AND PERMIT FEES

Council Member Leight noted that House Bill 1583 proposes vegetation removal changes that would allow billboard companies to increase 30% of the area in front of a billboard to be cut to allow visibility of the sign. She expressed concern that local government has no veto authority over the bill and that there is no definition within the replacement clause for trees.

Mrs. Angela I. Carmon, City Attorney, noted that the City of Raleigh opposes the bill and that no resolution is needed from City Council to express its opposition.

Council Member Besse requested to know the process for adding an item to the City's Legislative Agenda.

Mrs. Carmon noted that she will poll Council Members for a consensus and will proceed accordingly by submitting a letter to the General Assembly.

Council Member Besse noted that a summary of the proposed bill would be helpful in understanding its effects and that his primary objection is that the North Carolina Department of Transportation will have the authority to override City policy in regards to its own street trees. He also noted that the legislation is complex in its effect and that local representatives may not have been aware of its implications.

Council Member Leight noted that there was misinformation attached to the bill that it was approved by consensus when it was not.

Mrs. Carmon stated that she would provide a copy of the bill and summary to all Council Members and will reach out to Representatives Dale Folwell and Earline Parmon to determine their understanding of the bill.

ADDITIONAL ITEM – HOUSE BILL 833: AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE

Council Member Johnson noted that there was an article in the Winston-Salem Journal regarding the Winston-Salem/Forsyth County School Board's request of Senate to change the electoral process for non-partisan elections for the City Council as well. She expressed concern that there needs to be some dialogue about how the bill was generated and if it is to have a County-wide effect, County Commissioners will need to be included along with City Council Members.

Council Member Besse felt that it was inappropriate to make that motion on the floor of the Senate without first consulting the municipality.

Mrs. Carmon noted that she will consult with Senators Linda Garrou and Pete Brunstetter in the near future.

Council Member Besse suggested that Mrs. Carmon compose a letter on behalf of the Council stating its concerns and request that the bill be reviewed, including input from any and all affected parties.

ADJOURNMENT: 5:20 p.m.