

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:09 P.M., TUESDAY, MARCH 9, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Dan Besse, Chair (in at 4:13 p.m.)
Council Member Denise D. Adams, Vice Chair (in at 4:13 p.m.)
Council Member James Taylor, Jr.
Council Member Molly Leight

OTHERS PRESENT: Council Member Robert C. Clark (in at 4:50 p.m.)
Council Member Derwin L. Montgomery

Council Member Leight called the meeting to order and stated that, without objection, the Committee would first consider the Consent Agenda. She requested to pull Item C-2. Council Member Taylor requested to pull Item C-3. Mr. Bruce Bailiff, Project Supervisor – Code Enforcement, indicated that Item C-4(e) had been brought into compliance and should be removed and noted that a citizen was present to speak about Item C-6(a). Also, Mr. Bailiff indicated that the property owners of Items C-4(b) and (f) had agreed to sign Voluntary Demolition Agreements.

C-6. ORDINANCE ORDERING THE NEIGHBORHOOD SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [*Repairs more than 65% of value of structure (>65)*].

a. Colony Apartments of WS, LLC 4200 Brownsboro Road

Mr. Bailiff gave the report on the item.

Mr. Peter Juran, Attorney with Blanco Tackaberry, 3501 Plaza Hollow Drive, stated that he represents the owners of this property. The structure was damaged by fire several years ago and it is the owner's intention to rebuild at that location. A lawsuit is pending against the insurer, who has denied coverage, stating that the policy was procured by fraud and the litigation now involves two insurance brokerages as well. Mediation has been scheduled for April but until a settlement is reached or a trial is held, the owner cannot comply.

Chair Besse and Council Member Adams in at 4:13 p.m.

In response to Council Member Taylor's question, Mr. Juran stated that the owner requests a continuance of this item until after the July 26 trial date.

In response to Council Member Adams' question, Mr. Bailiff noted that staff's case file on this property began March 13, 2008.

Council Member Adams noted that neighbors surrounding the property have complained about litter and an odor. She requested that although there is a fence containing the area, that the property be maintained as best as possible.

In response to Council Member Taylor's question, Mr. Bailiff stated that staff does view the site as a safety hazard due to substantial structural damage.

In response to Chair Besse's question, Mr. Juran stated that the property owner would like to rebuild on the site, but that may not be feasible. He also stated that sufficient funds should be recovered at mediation or trial to raze and seed the property.

In response to Council Member Montgomery's question, Mr. Lee Garrity, City Manager, stated that if the City demolishes the structure, it will place a lien on the property until the property owner has repaid the costs of demolition.

Council Member Leight noted that a 90-day VDA is only one month shy of the trial date. She made a motion to continue the item to the July Committee meeting. The motion was duly seconded by Council Member Taylor and carried unanimously.

At this time, Chair Besse indicated the Committee would now vote on the balance of the Consent Agenda. Council Member Taylor made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Adams and carried unanimously.

CONSENT AGENDA

- C-1. CONSIDERATION OF ITEMS RELATING TO THE ADOPTION OF APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES:
- a. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CITY STREET RESURFACING CONTRACT 2010 - 2011. *Public Hearing: March 22, 2010.*
 - b. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE POLICE FIRING RANGE SOIL REMEDIATION CONTRACT. *Public Hearing: March 22, 2010.*

- C-4. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [*Repairs less than 50% of value of structure (<50) six months*].
- a. Deutsche Bank National 746 Aureole Street
 - b. D. Elwood Clinard Jr., Living Trust 1102 Wachovia Street
 - c. Sar Ventures, LLC 1615 Gray Avenue
 - d. E. V. Ferrell, Jr. 2701 Ludwig Street
 - e. Richard & Anne Clay 2841 Saint Claire Road
- C-5. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [*Repairs more than 50% of value of structure (>50) six months*].
- a. Tranquil Haven Properties, LLC 2321 Dunbar Street
- C-7. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *February 9, 2010*.
- C-2. CONSIDERATION OF ITEMS RELATING TO THE SALE OF LAND AT WINSTON LAKE PARK:
- a. RESOLUTION ESTABLISHING AN AD HOC CITIZENS' COMMITTEE TO MAKE RECOMMENDATIONS FOR THE USE OF FUNDS REALIZED FROM THE SALE OF LAND AT WINSTON LAKE PARK.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.

In response to Council Member Leight's questions, Mr. Tim Grant, Recreation and Parks Director, stated that funds from the sale of parkland are to be used for amenities or additions to other parkland. He also stated that funds from the lease of Civitan Park are paid to the Finance Department and he will report back on the use of those funds.

Mr. Derwick Paige, Deputy City Manager, stated that he believes the up-front lease payment of approximately \$25,000 was allocated to Recreation and Parks for soccer field construction. He also stated that subsequent lease payments should be going to the Recreation and Parks Department. In response to Council Member Leight's question, he stated that funds were utilized within the Southeast Gateway area for strollway and greenway improvements when Central Park was sold to

Salem College.

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

C-3. REPORT ON OPERATION IMPACT PROGRAM MODIFICATIONS. [*Continued from the February meeting of the Community Development/Housing/General Government Committee.*]

Mr. Ritchie Brooks, Neighborhood Services Director, stated that staff met with community representatives, Council Members and various committee members to solicit feedback and determined that a need for Operation Impact (OI) was still present. Staff then compiled a list of modifications to the program to address concerns that were expressed. Neighborhood-wide inspections in which exterior violations are identified will indicate that a property will be a part of the OI as opposed to every structure. An oversight committee was created to review all nominations and provide guidance, direction and advice to OI staff. Staff had previously met quarterly with neighborhoods through an open meeting format, but attendance dropped off so the new oversight committee will be more structured.

Council Member Taylor noted that he previously requested the oversight committee be comprised of citizens, property owners and staff, as opposed to all staff.

Mr. Brooks noted that with the modifications, there will be more transparency in OI, neighborhood associations of properties that are selected will be notified, the properties will be listed on WSTV-13, and property owners will be notified with a specific date and time that the OI will occur, rather than a general date range. Prior to any enforcement or use of a warrant, staff will consult with the City Manager's Office for guidance.

Council Member Taylor noted that some additional modifications may be needed, but staff has made good recommendations and is headed in the right direction.

In response to Chair Besse's question, Mr. Brooks stated that a property owner is notified of the date and time an OI is to occur and if the owner is not present, an inspection warrant will be assessed.

In response to Council Member Besse's question, Mrs. Angela I. Carmon, City Attorney, stated that the City has general statutory authority to recover costs associated with inspection programs via a provision in the current ordinance, which allows staff to assess a cost for reassessment. She also stated that she will review the ordinance to ensure the language is broad enough to cover any concerns. She further replied that previously, Council discussed and reviewed procedures in open session, but procedural details are not included in the City Code, rather staff was given direction to proceed.

In response to Chair Besse's inquiry, Council Member Taylor stated that he would like for the item to be presented for public comment.

Chair Besse suggested that consideration of the non-residential building code be postponed to the

May Committee meeting.

Mr. Paige noted that the non-residential building code discussion may be extensive and suggested that the OI discussion take place at a separate meeting.

Council Member Adams stated that she would prefer to take the OI item for public comment first.

Chair Besse stated that public comments for OI modification would be heard at the May Committee meeting and public comments for the non-residential building code would be heard at the June Committee meeting.

GENERAL AGENDA

G-1. REPORT ON PROPOSED TELEVISIONING OF COMMITTEE MEETINGS.

Mr. Ed McNeal, Marketing and Communications Director, presented a taped video of Monday's Finance Committee meeting.

Council Member Montgomery suggested that a microphone be placed at the City Secretary's desk.

In response to Council Member Adams' question, Mr. Garrity stated that during his conversations with the County Manager, he does not feel that there will be any difficulty in pre-empting the airing of County Commissioners' meetings that take place at the same time as Committee meetings.

Council Member Montgomery noted that various citizens have expressed a desire for Committee meetings to be taped as there seems to be more thorough discussion of the items and many citizens cannot attend the meetings. He also noted that with some additional sound modifications, the airing of Committee meetings should meet the citizen's needs.

Council Member Leight made a motion to recommend the item to full Council. The motion was duly seconded by Council Member Adams and carried unanimously.

G-2. UPDATE ON NATIONAL LEAGUE OF CITIES PRESCRIPTION DRUG DISCOUNT CARD PROGRAM. [*Continued from the January meeting of the Community Development/Housing/General Government Committee.*]

Mrs. Carmon stated that the Federal Trade Commission (FTC) complaints previously referred to by Mr. Dave Marley, regarding the way in which CVS/Caremark disposed of protected health information, was unrelated to its prescription drug discount card program. She also stated that there is a pending complaint and allegations that are possibly related to the program. She further stated that should Council opt to discontinue program participation, it should ensure that allegations have been proven.

Council Member Clark in at 4:50 p.m.

Mrs. Martha Wheelock, Assistant City Manager, stated that since January, staff was made aware of

several comparable prescription drug discount card programs which she obtained preliminary information on. Each program provides users with similar discounts on prescriptions but she has not spoken directly to any program administrators or participating pharmacies. In response to Council Member Leight's question, she stated that pharmacies must sign up to participate in similar programs and she was unaware if the card is only valid at an indicated pharmacy.

Mrs. Wheelock confirmed Chair Besse's summary that staff had only identified 12 users and 22 prescriptions have been filled since the inception of the program, so given the low usage, staff would recommend continued use of the card until the pending FTC investigation is completed. She also stated that staff will continue to work with Mr. Marley and obtain additional information about the prescription drug discount card programs available. She further stated that there is no legal reason to postpone a decision to remove the City's association with the National League of Cities (NLC) Prescription Drug Discount Card Program or to provide available alternatives. Mrs. Wheelock noted that the underlying issue may be if the Council chooses to support or endorse a program the City is not directly involved in. The City is a member of the NLC and thereby an active participant in the program, versus supporting independent businesses.

Council Member Montgomery noted that citizens may see the City taking a stance on one program over another as an issue, but the City's expressed support of one program over others is a concern. He also noted that in addition to supporting one program, the City could mention others available.

Council Member Adams expressed concern that if it appears the City is supporting or endorsing one business over another, other area businesses may expect the same treatment.

Council Member Clark noted that rather saying the City is endorsing a program, it could recommend programs that are available to meet this need. He also noted that medical costs are a burden to many, and that all programs could be listed with a disclaimer that the City does not support just one.

In response to Chair Besse's question, Mr. Garrity stated that it was not a requirement to include the City's logo on the CVS card.

In response to Chair Besse's inquiry, Mrs. Wheelock stated that to discontinue the use of cards with the City logo, staff would have to collect all cards in circulation and reorder cards without the logo, but would have no control over the use of those cards already in citizens' possession.

Mr. McNeal noted that 800 cards were made available to citizens and distributed through libraries and recreation centers.

Council Member Leight requested that staff attempt to recoup any cards that may still be available to the public and print new ones that do not contain the City's logo. She also stated that even if only 12 cards have been obtained, the program does help citizens in need. She further stated that all discount card programs available should be listed on the City's website.

Chair Besse requested that staff gather information on all prescription drug discount card programs

available and suggested an internal review process for staff to determine if any cards should be disqualified from consideration by the City.

Mrs. Wheelock noted that staff was aware of preliminary information gathered on prescription drug discount cards available but some information has limited access. Staff participated in a conference call regarding the NLC prescription drug discount card program to obtain details as to how the card was used. She also noted that Mr. Marley may assume that all other cards are just as unsuitable.

Chair Besse stated that eligibility criteria for City participation in prescription drug discount card programs could be based upon their willingness to provide information about their program. If the FTC report comes back unsuitable, staff should discontinue the program. He requested that staff bring a report on this item back to the May Committee meeting.

Mr. Marley, 231 Hollow Tree Court, President and CEO of Marley Drug, stated that he presented information from the FTC as background rather than to invalidate the CVS program. He also stated that he has two main issues with the CVS program: the appearance of the City's endorsement of a competitor and directing consumers to one retailer over another.

Mr. Gary Letter gave a presentation on the DataRx Prescription Savings Card.

Council Member Clark requested that staff check references for DataRx with other participating counties and cities, and that they also provide a list of independent and regional pharmacies within Forsyth County.

In response to Chair Besse's question, Mr. Letter stated that any company, organization or community can put its logo on the DataRx card. He also stated that there are no printing costs and the cards may be obtained for free.

Council Member Taylor noted that there is one pharmacy within the Southeast ward and suggested that if the City were to continue its participation, that it advertise all pharmacies rather than endorsing just one, and ensuring that all citizens are able to access the program.

Mr. Letter noted that DataRx can install software for its participants showing who is in possession of the cards and when they are used.

Chair Besse requested that staff discontinue use and further distribution of the discount cards, to discontinue printing any cards with the City logo, and to report back at the May meeting any recommendations for eligibility criteria to be included on the City's website or other appropriate information.

Council Member Adams requested to know where the City's logo is being utilized, who is responsible for authorizing the use of its logo and the chain of command or established operating procedure that decides which programs may be endorsed by the City through the use of its logo.

Mr. McNeal stated that it is common to place a logo on a municipal website whereby citizens can

download it for their use. Various organizations utilize the City's logo and while some may contact the City, there is no way to track who is using it.

Mr. Garrity noted that general use of the City's logo by an organization stems from something the City Council has endorsed, such as the City's support of United Way or the Arts Council.

ADJOURNMENT: 5:26 p.m.