

## SUMMARY OF MINUTES

### COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

5:00 P.M., TUESDAY, SEPTEMBER 14, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:* Mayor Allen Joines  
Council Member Dan Besse, Chair  
Council Member Denise D. Adams, Vice Chair  
Council Member James Taylor, Jr.  
Council Member Molly Leight

*OTHERS PRESENT:* Council Member Derwin L. Montgomery  
Council Member Robert Clark (in at 6:20 p.m.)

Chair Besse called the meeting to order and noted that two items regarding historic landmark designation were inadvertently left off the Consent Agenda and would be added for the Committee's consideration. He then stated that, without objection, the Committee would consider the Consent Agenda and requested to pull Items C-1 (a and c). Council Member Leight requested to pull Items C-6 and C-8. Council Member Taylor requested to pull Item C-4. Council Member Montgomery requested to pull Item C-3(b). No other items were removed for consideration.

Council Member Adams made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Taylor and carried unanimously.

#### CONSENT AGENDA

C-1. 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]*.

b. Sar Ventures 1325 Belleauwood Street

C-2. 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) one year]*.

a. Laflor Imperial Street 1122 E. 23rd Street

- C-3. ORDINANCE ORDERING THE NEIGHBORHOOD SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: *[Repairs more than 65% of value of structure (>65)].*
- a. Brookstown Development Partners                      1006 W. 1st Street
  - c. Evelyn Davis    1636 E. 23rd Street
- C-5. RESOLUTION GRANTING AN EASEMENT TO THE MEADLOWLARK GLEN HOMEOWNERS ASSOCIATION. *Public Hearing: September 20, 2010.*
- C-7. RESOLUTION AMENDING SECTION 22 OF THE PERSONNEL RESOLUTION OF THE CITY OF WINSTON-SALEM RELATING TO RESTRICTIONS ON ACCESS TO EMPLOYEE PERSONNEL RECORDS.
- C-9. SEMI-ANNUAL REPORT ON ACTIVITIES OF THE COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE.
- C-10. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *August 10, 2010.*

#### ADDITIONAL ITEMS

- C-11. CONSIDERATION OF ORDINANCES DESIGNATING CERTAIN PROPERTY AS HISTORIC LANDMARKS:
- a. ORDINANCE APPROVING LOCAL HISTORIC LANDMARK DESIGNATION OF THE P.H. HANES KNITTING COMPANY – MILL BUILDING, 101 EAST SIXTH STREET. *Public Hearing: October 4, 2010.*
  - b. ORDINANCE APPROVING LOCAL HISTORIC LANDMARK DESIGNATION OF THE S.J. NISSEN BUILDING, 310 EAST THIRD STREET. *Public Hearing: October 4, 2010.*
- C-1. 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. Virginia Baldwin and    2011 Dacian Street  
Vickie Dresser Trustee, et al

Council Member Taylor made a motion to approve the item with a 120-day voluntary demolition agreement (VDA). The motion was duly seconded by Council Member Leight and carried unanimously.

- c. SE Snyder Group 1408 E. 23rd Street

Chair Besse noted that staff indicated this property had been brought into compliance and would be removed from the consideration.

C-3. ORDINANCE ORDERING THE NEIGHBORHOOD SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: *[Repairs more than 65% of value of structure (>65)].*

- b. Rafael Saez and Harold Carrier 624 E. 16th Street

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

Mr. Rafael Saez, 4837 Marquis Street, Colfax, stated that he and his partner had purchased this property with intent to repair it but have not yet had the funds to do so. He also stated that individuals had broken into the home, removed the front door and broke windows, which have since been boarded up.

Council Member Adams noted that some of the properties brought before the Committee have simply been unacceptable and are a blight to the community.

In response to Council Member Leight's question, Mr. Saez indicated that he is ready to begin repairing the property but was unsure how long renovations would take.

Chair Besse noted that this property has been in non-compliance for over a year and was brought to the City's attention by concerned neighbors.

Council Member Leight made a motion to approve staff's recommendation. The motion was duly seconded by Council Member Adams.

Chair Besse requested an amendment to the motion that an alternative to staff's recommendation would be a 90-day VDA.

The motion carried unanimously.

C-4. CONSIDERATION OF ITEMS RELATING TO ADOPTING 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 CONSTRUCTION OF THE JOINT FIREARMS TRAINING FACILITY. Public Hearing: September 20, 2010.
- b. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES IN THE TOTAL VALUE OF WORK TO BE AWARDED FOR CONSTRUCTION OF ROOFING THE PUBLIC SAFETY CENTER. Public Hearing: September 20, 2010.

In response to Council Member Taylor's question, Mr. Ruben Gonzales, Development Director, stated that percentage goals for Minority/Women Owned Business Enterprise (M/WBE) projects are determined by projections of estimated costs and trades available for local minority sub-contractors. Staff recommends a goal and the M/WBE Citizens' Advisory Committee reviews the recommendation and sets the goals for each project. The goals are then reviewed by this Committee, with the authority to raise or lower a goal, and the recommended goal will then be sent to the full Council for a public hearing. He also stated that while the State mandates a total average of 10% for M/WBE goals, the City generally exceeds that goal. He further stated that all goals must be verifiable, as mandated by the State statute, based upon the sub-contract work available.

Council Member Taylor suggested that all M/WBE goals be set at a minimum of 10% to help more locally-owned businesses.

Mr. Gonzales noted that in some cases, there simply is no local workforce or company available to do certain types of work and to set a goal of 10% would be meaningless because there would be no opportunity to meet it.

Mrs. Angela I. Carmon, City Attorney, indicated it would be a violation of the State statute to set a minimum 10% goal because verifiable goals must be based upon the pool of sub-contractors able to perform that type of work.

Council Member Adams noted that the only way to increase M/WBE participation is to raise the bar and increase the number of sub-contractors available. She requested a breakdown of the minority population of the City and what staff can do to help M/WBE contractors obtain work.

Mrs. Carmon noted that staff could seek to further identify the pool of local M/WBE contractors to ensure that when projects are presented to the City, that pool can be drawn from.

Chair Besse requested that staff bring back a review of what is being done to identify M/WBE contractors and what is being done to help direct those would-be contractors to training and resources at the November Committee meeting.

Mr. Gonzales noted that the City does have M/WBE training programs and projects are advertised regularly.

Mr. Lee Garrity, City Manager, noted that staff could also review best practices from other communities and methods of increasing M/WBE goals.

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

In response to Council Member Adams' concern regarding the goals, Chair Besse noted that staff should try to move forward with the Committee Members' requests, but ensure that the statute is not violated.

In response to Council Member Montgomery's question, Mr. Gonzales stated that the race and gender of M/WBE contractors are known due to their participation in a state-wide certification process. He also stated that the City has a list of local certified M/WBE contractors, which is maintained on the website. He further stated that if an M/WBE contractor has not been certified by the State, they will not be included on the City's listing.

Chair Besse expressed concern that the recurring question seems to be whether or not all willing contractors have been identified, received training and access to resources for the certification process so that they may participate in the City's program.

Council Member Taylor suggested that staff may want to utilize the Construction Manager-At-Risk process and the website to reach out to local contractors.

Mayor Joines noted that the State certification process for M/WBE contractors is an important step in identifying valid contractors and noted that in the past, contractors had modified figures pertaining to their business for the opportunity to bid on M/WBE contracts, when in fact, they were not M/WBE contractors.

The motion carried on a vote of two in favor and two abstaining. Those voting in favor of the motion were Council Members Besse and Leight, with Council Members Adams and Taylor voting in abstention.

#### C-6. RESOLUTION REVISING POLICY FOR RENAMING CITY-OWNED FACILITIES.

Council Member Leight expressed concern with this policy and noted that if a building were named for a City employee and said City employee behaved in a way unbecoming or illegal, it would look bad for the City.

Mayor Joines noted that he recommended updating this policy as he had been approached by members of the community wishing to name a facility after an elected official. He also noted that any recommendation will be brought before the full Council for a vote.

Council Member Adams stated that she supports the policy because if an elected official has worked for the community for over 24 years, their public service should be honored. She made a motion to approve the item. The motion was duly seconded by Council Member Taylor.

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

C-8. RESOLUTION AMENDING ARTICLE I CONDITIONS OF EMPLOYMENT, SECTION 14 REDUCTION IN FORCE OF THE CITY OF WINSTON-SALEM PERSONNEL RESOLUTION.

Chair Besse stated that by consensus, this item would be held for discussion at the October Committee meeting.

GENERAL AGENDA

G-1. DISCUSSION REGARDING PRIORITIES FOR FUNDING OF STUDIES FOR POTENTIAL NATIONAL REGISTER DISTRICTS. *[Item continued from the August meeting of the Community Development/Housing/General Government Committee.]*

Ms. Michelle McCullough, Project Planner-Historic Preservation, reviewed the memorandum presented in the Agenda book, which outlines the projects completed since 2000 and the results of the Countywide Architectural Survey Update. Through the Survey Update, many properties have been inventoried, proposed and officially added to the North Carolina Study List. Based upon the 2010-2011 budget, there is approximately \$5,500 available for a study within the City and staff recommends that the Bethania Freedman's Area/Jones Plantation be studied. She added that staff would appreciate any comments, feedback or recommendations from the Committee.

Council Member Adams made a motion to recommend the study of the Bethania Freedman's Area/Jones Plantation. The motion was duly seconded by Council Member Taylor and unanimously carried.

G-2. DISCUSSION ON ENHANCED PUBLIC OUTREACH EFFORTS CONCERNING PROPOSED REZONING MATTERS. *[Item continued from the August meeting of the Community Development/Housing/General Government Committee.]*

Mr. Paul Norby, City/County Planning Director, reviewed the memorandum included in the Agenda book and outlined staff's recommendations for proposed rezonings: more liberal sign posting policies, list/show pending rezonings on WSTV-13, send letter notifications to a wider radius of nearby property owners rather than only adjoining property owners, have Neighborhood Assistance Specialists (NAS) assist with outreach, suggest that neighborhood organizations appoint a zoning "lookout", and enhance "mycityofws.org" so that citizens signed up for the service receive electronic notification of rezoning cases.

Mr. David Reed, Principal Planner, gave the presentation showing examples of staff's proposed changes in the notification of property owners.

Mr. Norby noted that some of these recommendations would have a cost associated and some would not and that some would also require a *Unified Development Ordinance* (UDO) text amendment. He requested feedback from Committee Members as to which options staff should pursue.

Ms. Nancy Gould, 195 Executive Park Boulevard, stated that staff's proposals are good options for communicating to citizens and encouraged staff to pursue those options that will not increase the cost of a rezoning for the petitioner. If there are options with additional cost, she encouraged staff only to pursue those if warranted and justified.

Mr. Richard Miller, 626 N. Trade Street, noted that any option with a cost associated will only increase the cost to the petitioners, which are generally small business owners. He also noted that if a citizen is unaware of a potential rezoning, it is because they are not paying attention as staff does a good job of notifying and posting any potential changes. He further noted that required neighborhood meetings may not be feasible, that major changes will only hinder any current growth within the economy and he feels that staff's current processes are sufficient.

Mr. John Beeson, 503 High Street, noted that additional regulations will only tarnish the reputation of the City and slow any chance for potential growth. He also noted that the housing industry is struggling and with no changes at all, he feels it will take years for it to recover.

Council Member Adams encouraged staff to be sensitive to the needs of small business owners when adding certain requirements. She noted that she supports any cost-free options that staff may have and suggested that if these options are implemented, that they be tracked and reviewed before any costly options are implemented.

Council Member Leight expressed her support of staff's cost-free proposals and discouraged the notification of a larger radius from a proposed rezoning due to the fact that NAS participation should cover those areas. She also suggested that requiring a builder/developer to meet with neighbors or interested parties should be done at the least cost possible.

Council Member Taylor also expressed his support of staff's cost-free proposals, especially the requirement of a community meeting, and noted that he voted to continue two recent zoning petitions due to the fact that neighbors still had questions/concerns about them. He suggested that staff hold community meetings in local recreation facilities as that would be a cost-free or low-cost option for the petitioner.

Chair Besse expressed his support of additional notification to nearby property owners as a recent zoning petition on Witt Street would only have reached the property owner of a condominium and not the individual residents. As he knew the area, he suggested to staff that they be contacted, otherwise they would have been unaware of the rezoning.

Mr. Norby noted that the proposed directional sign option would have aided in notifying those individuals and would have been a cheaper option than letters sent to each of them.

Chair Besse stated that by consensus, staff should pursue the identified, no-cost options of the utilization of WSTV-13, NAS interaction, neighborhood organization zoning "lookout" and enhanced website features. He also requested that staff bring back information on the required neighborhood meeting process and directional sign proposal in November.

In response to Council Member Leight's question, Mr. Norby stated that there would only have to be a small change made to the current rezoning sign template to make it a directional sign. He also stated that the requirement of a neighborhood meeting and inclusion of directional signs may require a *UDO* text amendment, but staff would review these options and bring a proposal to the Committee. He further stated that staff may consider applying the template of zoning signs as additional notification for area plans.

G-4. RESOLUTION AMENDING THE CITY OF WINSTON-SALEM'S ETHICS POLICY.  
*[Item continued from the August meeting of the Community Development/ Housing/General Government Committee.]*

Mrs. Carmon stated that the policy presented in the Agenda book had been amended to include Council Members as required by the State statutes. She also stated that information was included to address the censure procedure questions from previous discussions, how a complaint may be lodged against a Council Member, investigation and voting procedures.

*Council Member Clark in at 6:20 p.m.*

Mr. Garrity noted that in the interest of Council Members' concern for frivolous complaints, any complaint will first be investigated by the City Attorney to determine if it has merit and whether or not it should be pursued further.

Mrs. Carmon noted that in the event a complaint is warranted to be without merit, it will not be brought forward to a public meeting, but it will still be a public record.

Council Member Taylor expressed concern the a complaint could be used as a political tool to destroy a Council Member's credibility within the community.

Council Member Montgomery expressed his support of a censure procedure because if a complaint is made and determined to have substance, it should be investigated and action should be taken.

Council Member Adams commended staff on merging the ethics policy into one document for staff and Council Members and noted that she is sure staff will handle any complaints with discretion and honesty.

Council Member Leight questioned if there had ever been an ethics violation accusation made against a Council Member and stated that she felt comfortable with the City Attorney's review of a complaint to ensure that it is valid.

In response to Mayor Joines question, Mrs. Carmon stated that she is comfortable addressing ethics complaints and advising Council Members as long as it is done with full disclosure.

In response to Chair Besse's inquiry, Mrs. Carmon indicated that while she prefers a complaint to be written, it could be received orally or written. She also indicated that she could document the complaint of an individual, read it back to them for accuracy and have them sign it as a verified statement.

In response to Council Member Montgomery's question, Mrs. Carmon stated that the City Attorney's office could take the initial complaint for preliminary investigation and if warranted, have a third party investigator perform a more in-depth investigation.

Chair Besse noted that he found little value in a formal censure procedure as there is no perfect process for substantiating a claim, especially using resources within the local government authority.

In response to Council Member Taylor's statement, Mrs. Carmon confirmed that any written allegation, whether true or false, becomes a public record. She also noted that she and the City Attorney's staff will consult the complainant, not to deter them from making a complaint, but to ensure that they understand what the ethics policy states and whether or not it is really an ethics violation.

Council Member Adams made a motion to approve the item including the clarification of formal written complaints. The motion was duly seconded by Council Member Leight.

Chair Besse noted that while he is skeptical of the censure procedure, he will vote in favor of the motion as there is a reasonable process in place for addressing possible violations.

Council Member Taylor made a substitute motion to approve the item with the exception of the censure procedure. The motion died for lack of a second.

The motion carried on a vote of three in favor and one abstaining. Those voting in favor of the motion were Council Members Besse, Adams and Leight, with Council Member Taylor voting in abstention.

Mrs. Carmon noted that there is a training opportunity available during the North Carolina League of Municipalities (NCLM) Conference that would satisfy Council Members' requirements under the State statute.

In response to Council Member Clark's question, Mrs. Carmon stated that ethics training for boards/commission members was performed in-house and City training for Council Members will be done at a later date. The statutory requirement for Council Members could easily be met with attendance at one of the sessions during the NCLM Conference in October.

G-3. CONSIDERATION OF RESOLUTION ADOPTING THE NORTHEAST SUBURBAN AREA PLAN. Public Hearing: October 4, 2010.

Chair Besse stated that by consensus, Committee Members would study this plan independently and bring any questions or concerns for discussion to the October 4 City Council Meeting.

ADJOURNMENT: 6:40 p.m.