

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

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

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Council Member Dan Besse, Chair (in at 5:03 p.m.)
Council Member Denise D. Adams, Vice Chair
Council Member James Taylor, Jr.
Council Member Molly Leight*

OTHERS PRESENT: *Council Member Derwin L. Montgomery (in at 5:10 p.m.)*

Vice Chair Adams called the meeting to order and stated that, without objection, the Committee would first consider the Consent Agenda. Council Member Taylor requested to pull Items C-1, C-2 and C-3. No other items were removed for consideration.

Council Member Leight 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-4. ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE RELATING TO THE FAIR PLANNING COMMITTEE.
- C-5. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *November 9, 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. Continued from the November meeting of the Community Development/Housing/General Government Committee.]*
 - a. Truliant Federal Credit Union 728 Goldfloss Street

Council Member Taylor requested that this item be continued until January. The motion was duly seconded by Council Member Leight and carried unanimously.

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) six months. Continued from the November meeting of the Community Development/Housing/General Government Committee.]*

- a. Truliant Federal Credit Union 1003 Goldfloss Street
- b. Truliant Federal Credit Union 1007 Goldfloss Street

Chair Besse in at 5:03 p.m.

Council Member Taylor requested that this item be continued until January. The motion was duly seconded by Council Member Adams and carried unanimously.

C-3. RESOLUTION CHANGING THE NORMAL MEETING TIMES FOR CITY COUNCIL STANDING COMMITTEE MEETINGS.

Council Member Taylor indicated that he would like to abstain from voting on this item.

Council Member Adams noted that this item was discussed at both Finance and Public Safety Committees and that one of the reasons the meeting time was changed was so citizens could attend meetings in the evening or to see them televised, so as not to miss work. She also noted that she was in support of the switch for Public Works and Community Development/Housing/General Government (CD/H/GG) Committees on Tuesday, but not in support of changing back to the original meeting times for Monday Committees.

Chair Besse noted that he spoke with Council Member Clark who is the Chair of Public Works and he is agreeable to switching Public Works to 5:00 p.m. on the second Tuesday of the month and Chair Besse indicated that he is agreeable to leaving the meeting start times as they are currently.

Council Member Leight noted that it isn't often that members of the public are in attendance at Committee meetings unless they have a reason to be. She also noted that she understands if Council Members have a problem getting to meetings at a certain time due to job constraints but expressed concern that it makes for an awfully long day for staff members.

Council Member Adams made a motion to flip Public Works to begin at 5:00 p.m. on the second Tuesday and CD/H/GG to begin at 6:30 p.m. immediately following and to keep the current meeting times for Monday Committees as well. The motion was duly seconded by Council Member Taylor. Council Member Leight abstained.

The motion carried on a vote of three in favor, none opposed and one abstaining. Those voting in favor of the motion were Council Members Besse, Adams and Taylor, with Council Member Leight voting in abstention.

GENERAL AGENDA

G-1. COLLEGE ADVISORY BOARD REPORT TO CD/H/GG COMMITTEE.

Council Member Montgomery in at 5:10 p.m.

Mr. Justin Redd, attending Winston-Salem State University and Mr. Joshua Disher, attending Forsyth Technical Community College, stated that the College Advisory Board (CAB) began meeting in October with various City departments and neighborhood groups to determine ways for college and university students to develop relationships within their neighborhoods and communities. The CAB will also create a mediation program to facilitate discussion between students and permanent neighborhood residents to help alleviate conflicts.

Council Member Adams expressed her appreciation to the CAB for their service as it is a needed service in the area and she looks forward to the partnerships they will create in the community.

Council Member Taylor noted that it is a huge step for students to get involved in government and encouraged CAB members to contact him should they ever need assistance.

Council Member Montgomery noted that the CAB is a much needed asset in the community and pushed for this group to help bridge the gap between colleges and universities and the surrounding community to help build relationships.

G-2. YOUTH ADVISORY COUNCIL REPORT TO CD/H/GG COMMITTEE.

Ms. Rae-Yao Lee, attending Reagan High School, Ms. Emily Vontsolos, attending Mt. Tabor High School and Mr. Parker Chang, attending Reynolds High School, stated that they have met monthly since August, appointed officers for each of their committees, attended the North Carolina League of Municipalities Conference Youth Summit in October and met with other youth councils from the state, will assist with the Human Relations banquet in February, will be involved in Rock the Block, and will seek various artistic outlets for teens.

Council Member Adams expressed her encouragement to the students for earning 40 hours of community service that pertain to the monthly meeting themes over the course of the school year.

G-3. RESOLUTION DESIGNATING ALAN A. ANDREWS AS A QUALIFIED SOURCE TO PROVIDE ETHICS TRAINING REQUIRED BY N.C.G.S. 160A-87.

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

G-5. CONSIDERATION OF LEGISLATIVE PACKAGE FOR THE NORTH CAROLINA GENERAL ASSEMBLY SESSION THAT BEGINS ON JANUARY 26, 2011: *[Continued from the November meeting of the Community Development/Housing/General Government Committee.]*

- a. RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM'S LEGISLATIVE PROGRAM FOR THE 2011 LEGISLATIVE SESSION.
- b. AN ACT AMENDING STATE ENABLING LEGISLATION FOR CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND WINSTON-SALEM, NORTH CAROLINA.
- c. AN ACT AMENDING N.C.G.S. §40A-42 FOR THE CITY OF WINSTON-SALEM TO INCLUDE PUBLIC TRANSPORTATION SYSTEMS.
- d. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ESTABLISH A LOCAL PREFERENCE FOR CONTRACTS.
- e. AN ACT TO EXTEND THE POLICE JURISDICTION OF THE CITY OF WINSTON-SALEM TO ENCOMPASS INCORPORATED MUNICIPALITIES WITHIN THE COUNTY OF FORSYTH.
- f. AN ACT AUTHORIZING CERTAIN CHANGES TO N.C.G.S. §158-7.1 RELATING TO LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM.
- g. AN ACT AMENDING N.C.G.S. §159-32 AUTHORIZING DAILY DEPOSITS.
- h. AN ACT AMENDING N.C.G.S. §160-319 REGARDING UTILITY FRANCHISES.
- i. AN ACT AMENDING SESSION LAW 2006-246, SENATE BILL 1566 TO ADDRESS PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS SUCH AS ROADS AND GREENWAYS.
- j. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES EFFORTS REGARDING ANNEXATION.
- k. RESOLUTION SUPPORTING THE NORTH CAROLINA METROPOLITAN MAYORS' COALITION 2011 ADVOCACY AGENDA.
- l. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE ISSUANCE OF LOCAL PRIVILEGE LICENSES.
- m. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING PEDESTRIAN AND BICYCLE FRIENDLY PROJECTS.

- n. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA FINDING THAT A LOCAL PREFERENCE ON CONTRACTS IS NECESSARY TO STIMULATE THE LOCAL ECONOMY.

Mrs. Angela I. Carmon, City Attorney, stated that after discussion at Finance Committee, the members entertained a motion to approve sub-items a-c and e-m and forwarded sub-items d and n without recommendation for further discussion.

Council Member Leight made a motion to approve approving items a through c and e through m and to forward items d and n with no recommendation. The motion was duly seconded by Council Member Adams and carried unanimously.

G-4. DISCUSSION OF POTENTIAL NEIGHBORHOOD MEETING TEXT AMENDMENT(S). *[Continued from the November meeting of the Community Development/Housing/General Government Committee.]*

Mr. Paul Norby, City/County Planning Director, noted that this item was previously presented at the September meeting where Committee Members asked staff to implement a number of low-cost or no cost items and to develop a draft policy for directional zoning sign placement and to explore the possibility of a *Unified Development Ordinances* text amendment requiring neighborhood meetings for zoning cases.

Mr. Aaron King, Principal Planner, stated that staff proposed a more liberal sign posting policy, is now televising upcoming zoning cases on WSTV-13, is seeking assistance from Neighborhood Assistance Specialists, sends a letter to neighborhood organizations suggesting they appoint a “zoning lookout” and has enhanced the City’s website to provide email notification of pending zoning cases. He reviewed the directional zoning sign placement policy and noted that whenever a proposed zoning site has frontage on two streets, signs will be placed on both streets rather than just one sign on a corner so as to draw more attention to the proposed rezoning. Staff also drafted two options for a neighborhood meeting text amendment. Option A would be a blanket amendment requiring neighborhood meetings to be held for any type of rezoning request, notifying all property owners within 300 feet of the subject property, at least 10 days prior to the date of the meeting. Staff did express some concern for general use zoning cases because specifics of the proposal cannot be considered and conditions cannot be attached to the rezoning.

In response to Council Member Leight’s question, Mr. King stated that there is a possibility that a letter explaining a general use zoning matter could be used to communicate to citizens or having the developer speak to neighbors, but there is a lot of information the developer would not be able to share.

Council Member Leight noted that general use zoning cases seem to be the most problematic for neighborhoods.

Mr. King stated that Option B indicates that a neighborhood meeting would be required for cases that meet specific criteria and have details that can be legally discussed, and property owners within 300 feet of the property would be notified at least 10 days prior to the meeting date. These cases also have the potential to have the greatest impact on residential areas. In a review of the 73 zoning cases

from 2009-2010, all but 19 would have required a neighborhood meeting under these requirements.

In response to Council Member Adams' question, Mr. King stated that zoning cases compared from other cities were considered conditional as well, but this was just a difference in terminology.

Mr. King noted that staff took this item to the Planning Board (PB) for briefing in October and they did have some concerns with general use zoning cases and the requirement of a neighborhood meeting where there may be no neighborhood interest. The PB voted 7-2 to continue the current practice which strongly encourages neighborhood meetings and continues cases when neighboring property owners say they have not been offered a meeting, rather than to require a meeting.

In response to Council Member Leight's inquiry, Mr. King indicated that in regards to a timeline, yesterday was the submittal deadline for zoning cases, which will be heard on January 13 by the PB and considered by the City Council at the first meeting in February.

Mr. Norby noted that within one week of the deadline date, zoning cases are posted on the City's Zoning website with maps and one week before the PB meeting, the Zoning staff report is posted as well and staff members are always available to answer any questions.

In response to Council Member Leight's statement, Mr. Norby confirmed that as other cities require neighborhood meetings before a proposed rezoning goes before any board so an applicant may choose to withdraw the petition if a neighborhood is adamantly against it, both options suggested by staff would propose a meeting be held before the proposal goes before the PB. He also stated that in regards to cost savings, a public meeting could be held on site, dependent upon weather conditions and the state of the site, the location of a building on the site or a public building or facility near the area.

Council Member Leight suggested that meetings should be required for all rezonings.

Chair Besse noted that he originally thought the written notice to adjoining property owners would be modified such that anyone residing within a certain distance of a proposed rezoning would be notified and indicated that he would like to see a draft of that. He also noted that neighborhood meetings are appropriate tools but may not be needed in all cases and that if the requirement is implemented, it should not be divided between special use and general use rezonings.

Mr. King noted that if a general use case were to adjoin a neighborhood, staff would probably recommend a special use or special use limited permit and if the applicant chose to move forward with the petition, staff would recommend denial.

In response to Chair Besse's question, Mr. King stated that staff doesn't have a specific standard for when a meeting would be required or when one would not, other than the set of criteria presented for Options A and B.

Chair Besse indicated that he felt Option A to be too inclusive and expressed interest in seeing other alternatives.

Mr. Norby stated that staff could establish and include a radius and specify that if there was any residential zoning within that radius then there would have to be a neighborhood meeting.

Council Member Leight suggested that for whatever the proposed zoning, if it is within a contiguous same type of zoning, then a meeting will not be required unless there is a residential building within a certain footage.

Mr. Norby indicated that the ruling should be based on zoning maps because they would be readily available for staff to refer to when a petitioner submits an application.

Council Member Adams noted that she believes in the sustainability of neighborhoods and that they should have a voice when something new moves into their community. After reading the proposed ordinance change and information for comparable cities, she supports conditional rezonings and feels that Option B would best suit the needs of the community.

Council Member Taylor stated that he could support Option A but would prefer an exclusion for areas where there is no neighborhood interest but is unsure how those areas would be defined.

Mr. Norby noted that staff could exclude areas where there is no neighborhood interest but would need to do it in a consistent and predictable way, taking into account the amount, if any, residential zoning within a certain radius of the proposed rezoning.

Chair Besse stated that by consensus, the Committee would defer action on this item until February and requested that staff prepare a report with alternative options as suggested by Committee Members, such as Option A with a residential radius and a notification only option, and allow time for public comment.

Ms. Nancy Gould, 1031 Van Hoy Avenue, stated that as a former Planning Department staff member and previous rezoning petitioner, she worries about a small property owner trying to complete the rezoning process. During the process of a rezoning, she and her husband did not obtain a facilitator and the neighborhood meeting process was very difficult. She also stated that she does not want to see a small business owner or private owner be harassed or attacked through the process. She further stated that she would hate to see a rezoning petitioner have to incur more costs, but it would be a better solution to have to notify more people further away from the property so they would have to take an interest in the rezoning. She indicated that it would also be a good idea to have the petitioner run an advertisement.

Ms. Melynda Dunningan, 1875 Mallard Lakes Drive, Winston-Salem Neighborhood Alliance (WSNA), stated that she is in favor of an ordinance requiring neighborhood meetings, because it creates a problem in the process if a meeting has not been held and increased communication will create a better outcome. She also stated that she favors a blanket version of the ordinance requiring neighborhood meetings in all cases, not excluding general use zonings. Recently, a general use case came up in a residential area and neighbors were not notified, rather the developer met with the neighborhood association instead of directly contacting property owners. She further stated that she is also in favor of the proposed increased timeline which would provide up to one month notice in advance of the meeting. She indicated that Council Members should have received a memo from the WSNA president in their weekly packet outlining its concerns.

Mr. Richard Miller, 626 N. Trade Street, stated that he disagrees with a blanket notification, and it should be narrowed to zonings that affect a neighborhood directly. Neighborhood meetings are prone to induce tensions and there is a need for a facilitator. He suggested that staff seek ways for these meetings to be less combative and find better ways to communicate and be more productive.

Council Member Leight requested information regarding facilitators and questioned if someone from Planning would serve as such at these meetings.

Mr. Norby noted that the facilitator should be someone independent, because that could put staff members in a dangerous position.

In response to Council Member Leight's question, Mr. Norby indicated that the length of a block varies, but 300 feet is approximately the length of a football field and staff can amend that number as Council sees fit.

Chair Besse recapped that five alternatives he has heard are that staff could proceed with no changes, proceed with Option A, proceed with Option B, proceed with Option B within a specified radius or proceed with a notification only requirement to all property owners within a specified radius.

Council Member Taylor requested more information on requiring a neighborhood meeting before submission to the PB, more information in the letters that are sent out so citizens can contact the petitioner or property owners and the option of having a facilitator.

Council Member Montgomery requested the inclusion of a timeframe for property owners to reach out to the petitioner and if during that time period, should two or more individuals request a meeting, that could serve as a trigger for the neighborhood meeting requirement.

G-6. CONSIDERATION OF ITEMS RELATING TO THE VACANT NONRESIDENTIAL BUILDING AND STRUCTURE CODE:

- a. ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE RELATING TO HOUSING AND VACANT NONRESIDENTIAL BUILDING AND STRUCTURE CODES.
- b. RESOLUTION CONFIRMING INSPECTION STRATEGY RELATING TO ADOPTION OF THE VACANT NONRESIDENTIAL BUILDING AND STRUCTURE CODE.

Mr. Bruce Bailiff, Code Enforcement Project Supervisor, noted that Item G-6 is an ordinance addressing vacant nonresidential properties and G-7 would be an amendment to that ordinance to include the occupied provisions. Staff reviewed the standards and they have been completely re-worked and are in accordance with the International Property Maintenance Code. The standards in Item G-6 have also been substantially reduced.

Council Member Leight noted that having a standard for vacant buildings does not seem as necessary as a standard for occupied buildings and she will support Item G-7 rather than Item G-6.

Chair Besse noted that situations which have sparked this proposal have involved vacant or abandoned structures which have caused neighborhood problems and a need has been demonstrated for a more effective tool for these structures but not necessarily a blanket ordinance. He also expressed concern that there may not be enough staff to enforce such a code and expressed his support of Item G-6 over Item G-7.

Mr. Miller, Chair of the North Carolina Realtors and Property Management Association, noted that he has questions about Item G-7 because enforcing an ordinance on anything more than a vacant or abandoned structure is a disservice to the community given the current economic situation as citizens want less intrusion and less regulation. He questioned how land leases would be addressed when the owner of a piece of property does not own the structure on the property and would the intent be to change contract law, as it allows a commercial owner to leave certain responsibilities to its occupant in most commercial leases. If land leases are not addressed this will leave that responsibility with a property owner, creating additional burden for small business owners.

Mrs. Carmon indicated that she would prepare a report addressing Mr. Miller's concerns for a subsequent meeting. She also indicated that in the situation as Mr. Miller described, responsibility would fall to the property owner but pursuant to the contract, the property owner could deal with the tenant and ensure that certain issues are addressed. She further indicated that she would address a split ownership situation in the report as well.

Ms. Gould, 195 Executive Park Boulevard, Winston-Salem Board of Realtors (WSBR), questioned if the differentiation was needed for abandoned versus vacant buildings. She noted that the WSBR preferred the option provided in Item G-6 and would encourage staff to take steps toward addressing concerns with abandoned buildings and address occupied structures at a later time.

Council Member Leight noted that vacant buildings can create the same burdens that dilapidated houses create for neighborhoods and all structures should be held to a safe standard.

In response to Council Member Leight's question, Mr. Bailiff stated that the definition of an unfit structure is the same in both proposals as Item G-7 would be an amendment to the ordinance proposed in Item G-6.

In response to Chair Besse's inquiry, Mr. Bailiff indicated that there is no difference between vacant and abandoned in Item G-6 for purposes of inspection or action, as they are the same.

Mr. Lee Garrity, City Manager, stated that the proposed ordinance in Item G-6 was stripped to the core external major safety issues, and further distinction between vacant and abandoned was unnecessary.

Council Member Taylor made a motion for approval. The motion was duly seconded by Council Member Adams. Council Member Leight opposed.

The motion carried on a vote of three in favor, one opposed and none abstaining. Those voting in favor of the motion were Council Members Besse, Adams and Taylor, with Council Member Leight voting in opposition.

Chair Besse suggested that the public hearing on this item be held in January to provide adequate notice to the public.

G-7. CONSIDERATION OF ITEMS RELATING TO THE NONRESIDENTIAL BUILDING AND STRUCTURE CODE:

- a. ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE RELATING TO THE NONRESIDENTIAL BUILDING AND STRUCTURE CODES.
- b. RESOLUTION CONFIRMING INSPECTION STRATEGY RELATING TO ADOPTION OF THE NONRESIDENTIAL BUILDING AND STRUCTURE CODE.

Council Member Taylor made a motion to authorize the City Manager to create an inclusive citizen committee to discuss the draft ordinance and make recommendations. The motion was duly seconded by Council Member Adams and carried unanimously.

ADJOURNMENT: 6:32 p.m.