

## SUMMARY OF MINUTES

### COMMITTEE OF THE WHOLE

5:00 P.M., MONDAY, APRIL 12, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:*            *Mayor Allen Joines*  
   *Council Member Molly Leight*  
   *Council Member Dan Besse (in at 5:04 p.m.)*  
   *Council Member Derwin L. Montgomery*  
   *Council Member Vivian H. Burke*  
   *Council Member Denise D. Adams*  
   *Council Member Wanda Merschel*  
   *Council Member James Taylor, Jr.*

*MEMBER ABSENT:*            *Council Member Robert C. Clark*

Mayor Joines called the meeting to order and noted that the meeting was being televised and would be replayed Tuesday morning at 9:00 a.m. He introduced Mr. Khethu Kuthula, Zulu Town Manager, visiting from South Africa during the month of April, through an exchange program with Appalachian State University.

Mr. Geoff Lassiter, President of the Winston-Salem Dash baseball team, expressed his thanks to Council Members for their support of the new baseball stadium. He noted that there would be a week-long celebration in anticipation of the opening of the new BB&T Ballpark and for the Winston-Salem Dash team. He also noted that the community is invited to participate in various pre-game activities and he outlined the activities taking place each day of this week. He further noted that citizens could visit [www.wsdash.com](http://www.wsdash.com) for more information. Mr. Lassiter noted that two announcements would be made at Friday's Coach's luncheon regarding community initiatives the team would be involved in.

*Council Member Besse in at 5:04 p.m.*

Mayor Joines stated that without objection, the Council would now consider the Consent Agenda. Council Member Taylor requested to pull Item C-17. Council Member Leight requested to pull Item C-7. Council Member Besse requested to pull Item C-4. No other items were removed.

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

CONSENT AGENDAProperty Matters

- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:
- a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR CLEMMONSVILLE ROAD WIDENING PHASE I BY DEED OR CONDEMNATION - *Located on Brewer Road, Clemmons Road, Luther Street, and Elmwood Drive. [\$460,375 from General Obligation Bond funds.]*
  - b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR MOTOR ROAD EXTENSION BY DEED OR CONDEMNATION - *Located at 4838 Old Rural Hall Road. [\$51,300 from General Obligation Bond funds.]*
  - c. RESOLUTION AUTHORIZING A JOINT DRIVEWAY EASEMENT AGREEMENT RELATING TO THE EXTENSION OF MOTOR ROAD.
  - d. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5494 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269. *[Receipt of \$130,000.]*
- C-2. CONSIDERATION OF ITEMS RELATING TO THE HOLLY AVENUE REVITALIZATION PROJECT:
- a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY WITHIN THE HOLLY AVENUE REVITALIZATION AREA IN ACCORDANCE WITH N.C.G.S. 160A-457(3)(4) - *Lots located on Second Street. Public Hearing: April 19, 2010.*
  - b. RESOLUTION AUTHORIZING MODIFICATION OF A CONCEPTUAL DEVELOPMENT PLAN AND PARTIAL DISPOSITION OF LOANS, LIENS AND ENCUMBRANCES.

Community and Economic Development

- C-3. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF SOFTBALL FIELD LIGHTING AT WASHINGTON PARK FIELD NO. 3 AND HANES HOSE RECREATION CENTER. *Public Hearing: April 19, 2010.*

- 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. Maria Teresa Ferguson 4832 Merrimac Street
- b. David Alton Cooper 2824 Ivy Avenue
- 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. Edward and Shirley Addison 4226 Carver School Road

#### Public Safety

- C-8. ORDINANCE AMENDING SECTION 21-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Cora Drive; Fiddlers Glenn Drive; Neighborhood Limits: Utah Drive, Electric Drive, Dize Drive, Susan Lane, and Maranville Trail; Neighborhood Limits: Lakeside Valley Drive, Lakewood Glen Drive, and Lakewood Glen Court; Salem Springs Court; Salem Springs Drive; Duck Pond Court; Clear Meadow Drive; Field Crossing Lane; Field Crossing Court; Neighborhood Limits: Haven Crest Road, Woodcliff Drive, and Choyce Court.*
- C-9. ORDINANCE AMENDING SECTION 42-124 OF THE CITY CODE RELATING TO SCHOOL ZONES.
- C-10. ORDINANCE AMENDING SECTIONS 42-41 AND 42-42 OF THE CITY CODE RELATING TO TRAFFIC CONTROL DEVICES.
- C-11. ORDINANCE AMENDING SECTION 42-177 OF THE CITY CODE RELATING TO NONRESIDENTIAL PARKING IN RESIDENTIAL AREAS.
- C-12. CONSIDERATION OF ORDINANCES REDUCING THE AUTHORIZED NUMBER OF VEHICLES OPERATING UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY: Public Hearing: April 19, 2010.
- a. ORDINANCE REDUCING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF PRESTIGE LIMOUSINE SERVICES FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.

- b. ORDINANCE REDUCING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF FANTASY LIMOUSINE SERVICES FOR THE OPERATION OF 10 LIMOUSINES IN THE CITY OF WINSTON-SALEM.

#### Finance/Budget

- C-13. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010 FOR SNOW REMOVAL SERVICES.
- C-14. CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2009-2010 ANNUAL APPROPRIATION/TAX LEVY AND PROJECT BUDGET ORDINANCES:
  - a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-15. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVISION TO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF WINSTON-SALEM WITH CLARK-NEXSEN FOR THE DESIGN OF A JOINT CITY/COUNTY FIRING RANGE FACILITY. [*\$123,677.50.*]
- C-16. RESOLUTION AUTHORIZING FINAL PAYMENT TO BAR CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF FIRE STATION NO. 20 - *Located at 5991 Koger Lane.*

#### Transportation

- C-18. RESOLUTION ENDORSING THE MARTIN LUTHER KING, JR. DRIVE PEDESTRIAN SAFETY PROJECT.

#### General Government

- C-19. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH THE ARTS COUNCIL, LLC (NORTHWEST WARD) - *Petition of the Arts Council, LLC.*
- C-20. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.
- C-21. CITIZENS' BASEBALL STADIUM REVIEW COMMITTEE MONTHLY REPORT TO THE CITY COUNCIL.

C-22. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.

C-23. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF FINANCE COMMITTEE SUMMARY OF MINUTES - *March 8, 2010.*
- b. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *March 8, 2010.*
- c. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *March 9, 2010.*
- d. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *March 9, 2010.*

Community and Economic Development

C-4. RESOLUTION APPROVING THE FY11 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM AND AUTHORIZING SUBMISSION OF THE 2010-11 ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Council Member Besse requested highlights about the projects involving the Experiment in Self Reliance (ESR) and the S.G. Atkins Community Development Corporation (CDC) because they are noteworthy projects that he wanted to ensure the community was aware of.

Ms. Mellin Parker, Housing and Neighborhood Development Director, stated that the City has been assisting Winston-Salem State University with the S.G. Atkins CDC project for the last several years. They have received funding from the Department of Housing and Urban Development (HUD) and the City has provided over \$80,000 to assist with their marketing study and now the City will be assisting with up to \$500,000 for construction. She confirmed that it will be utilized as a small business incubator and enterprise center focused on the sustainable energy field, located on Martin Luther King, Jr. Drive, close to the intersection with Waughtown Street.

Council Member Besse questioned if the private sector was involved in the ESR project on Indiana Avenue.

Ms. Parker stated that through its capital campaign, R.J. Reynolds Tobacco Company has donated the land for the project as it will be relocating and hopes to complete the project within the next three years.

Council Member Montgomery noted that he supported the S.G. Atkins CDC project but requested

that the business incubator portion be structured as such that incoming businesses know what funding is available and he also requested that staff ensure the business is financially sound outside of its construction needs.

Ms. Parker noted that Carol Davis would be tracking funds where job creation is concerned.

Council Member Merschel noted that most of these funds have been obtained as pass-through funding and requested that, in the future, there be more dialogue or a presentation to address any questions or concerns.

Council Member Burke requested that staff discuss similar projects with the Council Member whose ward it the project resides in to allow for discussion prior to voting on the item.

Mayor Joines noted that the City is doing a great job of obtaining and re-allocating program-based income, which comes from the repayment of loans and other projects to the City.

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

Council Member Burke abstained from the vote.

Council Member Montgomery reiterated his support of small businesses and associated funding, but noted that he would prefer to see similar funds utilized to finance new businesses rather than redevelopment or reconstruction.

Ms. Parker noted that in the S.G. Atkins CDC application to HUD, the loan regarding the small business incubator is driven by job creation.

Council Members Adams and Merschel abstained from the vote as well.

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

### Environmental Health

#### C-7. ORDINANCE AMENDING SECTION 75 OF THE CITY CODE RELATING TO POST CONSTRUCTION STORMWATER ORDINANCE EXEMPTIONS.

Council Member Leight questioned if this item would meet the level of stormwater management required of the full community within the greenways and street systems.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that the existing stormwater ordinance does not contain the tools to provide stormwater treatment devices for linear transportation systems, such as greenways and roads. This item will allow the use of the North Carolina Department of Transportation manual for stormwater devices on those types of systems,

rather than the Environmental Protection Agency manual, which is designed for more rectilinear areas.

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

#### Finance/Budget

#### C-17. CONSIDERATION OF ITEMS RELATING TO CONSTRUCTION OF PLAYGROUNDS AT RUPERT BELL PARK, PARKLAND PARK AND BELVIEW PARK:

- a. RESOLUTION ALLOWING WITHDRAWAL OF A BID FOR CONSTRUCTION OF PLAYGROUNDS AT RUPERT BELL PARK, PARKLAND PARK AND BELVIEW PARK.
- b. RESOLUTION AWARDDING CONTRACT FOR PLAYGROUND CONSTRUCTION AT RUPERT BELL PARK, PARKLAND PARK AND BELVIEW PARK - *Creative Design and Construction, Inc.* - \$274,378.

Council Member Taylor noted that he had received some concern regarding this item from members of the community and asked for a brief report.

Mr. Derwick Paige, Deputy City Manager, stated that this item allows Forsyth Structures, Inc. to withdraw its bid as it contacted the Purchasing Department once bids were opened to notify them of a clerical error. The item also awards the bid to Creative Design and Construction, Inc., which was the second lowest bidder. In response to Council Member Taylor's question, he also stated that the City would be proceeding with the construction of these playgrounds.

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

In response to Council Member Adams' question, Mr. Paige stated that in the last couple of years, the City performed a review of all parks and identified those with needs and these projects are bought forth every couple of years. He also stated that additional funds would be forthcoming and projects are based upon the prioritization of needs. He further stated that he will provide a needs assessment report to Council Member Adams.

In response to Council Member Merschel's question, Mr. Jerry Bates, City/County Purchasing Director, stated that all companies involved with these construction projects are local.

The motion for approval carried unanimously.

#### GENERAL AGENDA

G-1. PUBLIC HEARING ON THE PROPOSED RENAMING OF "A DISCONNECTED SEGMENT OF SHEPHERD STREET" TO "HANESTOWN LANE".

Mr. Paul Norby, City/County Planning Director, stated that this street is located in the office park area off of Executive Park Drive, near the disconnected part off of the east side of Southern Community Bank and Hanes Knitting. He also stated that there are no properties with frontage on the street or an address to it. He further stated that a building permit was recently requested and brought the issue to light and the proposed change will no longer allow for a duplication of the name. Mr. Norby noted that no objections were received to the name change.

Council Member Montgomery questioned if staff was constantly looking for any duplicated street names as he has heard of some duplications which are causing mail to be incorrectly delivered.

Mr. Norby noted that there is a system in place and staff keeps a running list of street name duplications, while working with Emergency Management, Fire and Police Departments, and Emergency Medical Services to narrow down the list. He also noted that some property owners may express opposition to a proposed name change, but in the interest of public safety, staff tries to work with property owners and provide choices for street name changes before they are brought forward to City Council. In response to Council Member Taylor's question, Mr. Norby noted that only one response was received from surrounding property owners, which provided an additional suggestion for the name, but was not in opposition of the change. He also noted that the Hanestown area has historic significance whereby staff made this recommendation.

Mayor Joines declared that that this was now a public hearing and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Besse made a motion for approval of the item. The motion was duly seconded by Council Member Burke.

Council Member Burke expressed concern that there are still some citizens who do not have their house number on their homes.

The motion for approval carried unanimously.

G-2. RESOLUTION TERMINATING THE DELL, INC. AGREEMENT FOR JOB CREATION AND ECONOMIC DEVELOPMENT AND AUTHORIZING THE REPAYMENT OF FUNDS TO WINSTON-SALEM BUSINESS, INC. FOR ITS PORTION OF THE UP-FRONT ASSISTANCE.

Mr. Paige stated that there was a 90-acre tract expansion site in the original agreement with Dell, which it has paid fair market value for, and it is requesting that the provision stating that the land would be forfeited if not developed within five years be removed. He also stated that it is specified that Dell cannot ask the City for any funds in the future and that Winston-Salem Business, Inc. will be reimbursed its investment, and staff will move \$1.5 million into the General Fund to help offset the fund gap. A balance of \$13.7 million is not allocated, but is comprised of \$6.7 million from the

Utilities Fund and \$7 million in City funds. In response to Council Member Merschel's question, Mr. Paige stated this is the only condition Dell is requesting be removed from the agreement.

Mayor Joines noted that the City provided the land to Dell and Dell provided a monetary reimbursement rather than the physical parcel of land.

In response to Council Member Besse's question, Mr. Paige noted that the applicable zoning will remain with the parcel.

In response to Council Member Montgomery's question, Mr. Paige confirmed that since Dell has paid for the parcel of land, they may do with it as they please.

Council Member Montgomery noted that the parcel of land purchased by Dell would be a prime area for business expansion in the future.

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

G-3. RESOLUTION AUTHORIZING A FINANCING COMMITMENT FOR UP TO 82 UNITS OF RENTAL HOUSING FOR LOW-INCOME FAMILIES KNOWN AS THE ENCLAVE. *[This item was remanded to the Committee of the Whole by City Council on March 22, 2010.]*

Mr. Paige noted that the original proposal was for up to 82 units, assuming tax credits would be made available. Prior to the item coming to City Council, the developers reassessed the project and proposed 66 units on a site larger than 25 acres. While this is only the first phase of the development, future phases could involve assisted living or elderly housing, as well as single family housing. He also noted that City Council was originally concerned with the appropriateness of the large number of multi-family units on the site. The first phase is probably 70-100% complete, and some units have sustained substantial damage from vandalism and graffiti. He further noted that after Council Member Adams' request that staff explore performance standards to be tied to the project, it was determined that the performance standards can be tied to a HOME loan or Neighborhood Stabilization Program Funds.

Council Member Adams noted that she toured the site and noticed some vandalism, as well as updates that will be made to the current units. She also noticed that many trees had been removed for the development of the property, and when mentioned to the developer, he stated that more trees will be planted on site and barrier walls between the site and Shattalon and Bethania Roads will be erected. She further noted that she found the units to be of better quality than she had anticipated and that they are very spacious and nice. Council Member Adams noted that some bordering residents expressed concern about information communicated to them several years ago during the rezoning regarding the development. She also noted that while this is only the first phase of the project, if it is not completed, it will turn into an area of blight.

Council Member Adams made a motion to approve the item. The motion as duly seconded by Council Member Burke.

Council Member Burke noted that while there may still be reservations about the project, City Council must move forward and look to the future.

The motion for approval carried unanimously.

G-4. RESOLUTION APPROVING THE REVISED CITY/COUNTY COOPERATIVE GOVERNMENTAL SERVICES FUNDING AGREEMENT.

Mrs. Ann Jones, Budget/Evaluation Director, noted that this was an update of the current agreement, which was first established in the early 1960's. The most recent revision was made in 1994, which both City and County staff have reviewed. She noted that within programs administered by the City, there are two major proposed areas of change, which are Historic Bethabara Park and Trans-AID. Currently, the City and County share operating expenses for the park equally and it is proposed that the City assume sole operating expenses for the park. Trans-AID operating expenses are currently shared equally and it is proposed that the cost-share be based on a proportional number of trips, inside and outside of the City. There is no specific data as of yet, and the cost-share proportion will be adjusted once the data is received. She also noted that programs administered by the County would no longer require the City to cover certain fees with the Board of Elections. She further noted that programs to be added to the agreement are an equal share of Federal Justice Agency Grants (JAG), prisoner processing at the Forsyth County Jail, consolidated Police and Sheriff Evidence Management, Interagency Communications and consolidated Law Enforcement and Fire Training, with the County covering operating expenses for the fire training facility and the City covering operating expenses for the indoor firing range. Mrs. Jones stated that these changes do not cause much difference in budgeted support.

Council Member Merschel expressed her thanks to staff for this item and questioned why Historic Bethabara Park should be solely funded by the City, as it lies within the County as well. She requested that staff further deliberate with County representatives to reach a more amicable distribution of responsibilities for the park.

Council Member Montgomery expressed concern that the City will be assuming a larger portion of the cost for Trans-AID. He noted that it serves the entire community and because of the city's population and growth, there will always be an imbalance of trips inside and outside of the city.

In response to Council Member Adams' question, Mrs. Jones stated that the County is reviewing a number of parks located within municipal areas and sees them as an additional amenity to the municipality, rather than the County. She also stated that staff would take the item back to the County for further deliberation.

Council Member Leight expressed concern with the even distribution of JAG grant funding, and noted the lengthy discussion that took place between the City and County regarding the distribution of funds according to population within the City limits versus outside the City limits. She questioned if JAG funds could be divided based on the actual Sheriff's Department budget versus the Police Department budget. She also noted that the greatest need for JAG grant funds seem to fall within the City limits.

Council Member Besse also expressed concern about the JAG grant funding split and stated that he does not think it is fiscally sound given the disparity between actual fund expenditures and services and requested that staff further deliberate this item as well.

Mr. Lee Garrity, City Manager, noted that several items listed have been points of contention between the City and County for some time. He noted that when he met with the County Manager, the goal was consolidation, rather than major financial impact on either the City or County. He also noted that is a long-term goal for the County to only support a couple of regional parks and to transfer responsibilities of parks located within municipalities to the designated municipality. He further noted the primary reason for Bethabara Park costs to be assumed solely by the City was a trade-off so the County would no longer charge the City for election expenses, especially as the County continues to review new voter equipment. The JAG grant agreement was informal between the Police Chief and the Sheriff and the law states that JAG funds are to be split based upon crime. The disparity falls within requiring the Sheriff to agree to the split because there is a disproportionate number of arrestees who ultimately end up in the County Jail and in the County court system. Staff is also looking forward to the consolidated forensic crime lab. Mr. Garrity stated that would have further deliberations with the County, but thinks the arrangement will probably remain as it is presented.

Council Member Merschel expressed thanks to Mr. Garrity and stated that she does not want to dismantle any agreement that has been made, feels that the as the City is located within Forsyth County and is a part of the economic energy of the County and of the Northwest Piedmont, she does not believe the City has been treated fairly within this agreement and would like to see it changed.

Mr. Garrity noted that the previous contention between the Sheriff's Department and the Winston-Salem Police Department in regards to JAG funding was due to an impending deadline, wherein if the City did not agree to the County's demands, the funding would have been lost.

Council Member Burke noted that there is no deadline with this agreement so there is a new opportunity for negotiations and that the City should take a stand.

Council Member Taylor commended the City Manager and staff for their efforts and noted that he does not want to enter into a fiscal feud with the County, but Council Members are charged with being good stewards of the taxpayers' money and staff should negotiate for the best deal for all parties involved.

In response to Council Member Leight's question, Mr. Garrity stated that while it is legislatively dictated that the County fund the Board of Elections, it is in the City's charter that it will provide some funding, which is one of the areas the City is trying to opt out of.

Mayor Joines stated that by consensus, this item would remain in Finance Committee, pending further deliberations between the City and County.

Mr. Garrity suggested that the item also be brought back to Public Safety Committee.

G-5. ORDINANCE AMENDING SEC. 34-12 OF THE CITY CODE RELATING TO ELECTRONIC GAMING OPERATIONS.

Mrs. Denise Bell, Chief Financial Officer, stated that there is currently no specific business license to address electronic gaming operations and this item would not only create such a license, it would also assess a fee of \$2,500 per location and an additional \$500 per machine in each location. She also stated that these gaming operations have become extremely common in recent years, and with the increasing business licenses for these locations, the City will receive a greater and more equitable share of the gross receipts. She further provided a list of existing businesses within Winston-Salem, and noted that if adopted, this ordinance will take effect July 1 and will offer a considerable increase in business license revenue.

Mayor Joines noted that while it is a sizable fee, many businesses are willing to pay it.

In response to Council Member Leight's question as to whether or not these locations were considered gambling, Mrs. Bell stated that individuals will go to a location, purchase time on the internet and once they use the computer, sweepstakes will pop up offering the user eligibility to win prizes. These businesses are currently considered to be legal operations, rather than gambling.

Council Member Montgomery noted that an individual approached him and asked if these locations were going to be regulated and he feels that businesses should be happy to pay the business license fee for the return they will be receiving.

Council Member Adams requested to know if there were any regulations or ordinances currently in place to address these facilities, as well as any state or federal regulations and crime statistics. She also expressed concern that in reviewing the street addresses of these businesses, it appears they may target poor citizens, which may breed blight, crime and other issues.

In response to Council Member Burke's question, Mrs. Angela I. Carmon, City Attorney, stated that electronic gaming systems are currently being studied in Raleigh and it is being determined how to best regulate them, either through additional taxing or elimination.

Council Member Burke requested to know the age groups of those citizens participating at these locations.

Council Member Taylor noted that given the difficult budget season ahead, he is supportive of the business license fee to generate more income for the City.

Council Member Montgomery noted that in other states, some legislation has outlawed the electronic gaming systems and some have regulated them at the state level.

Council Member Besse noted that these systems appear to be a scam that preys on poor citizens, but if there is no current legislation, he is in favor of charging the higher business license fee.

In response to Council Member Merschel's question regarding the location of these systems, Mrs. Bell stated that a business owner will apply for a privilege license and they will inform the City of the presence of the electronic gaming machines. Staff also performs audits within the community and follows up with business owners to ensure they are being properly regulated.

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

- G-6. ITEMS RELATING TO THE CITY OF WINSTON-SALEM'S LEGISLATIVE PROGRAM FOR THE 2010 LEGISLATIVE SESSION:
- a. RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM'S LEGISLATIVE PROGRAM FOR THE 2010 LEGISLATIVE SESSION.
  - b. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES EFFORTS REGARDING ANNEXATION.
  - c. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE ISSUANCE OF LOCAL PRIVILEGE LICENSES.
  - d. RESOLUTION OF THE CITY COUNCIL FINDING THAT A LOCAL PREFERENCE ON CONTRACTS LET BY BIDS IS NECESSARY TO STIMULATE THE LOCAL ECONOMY.
  - e. AN ACT AMENDING N.C.G.S. 160A-314.1 AUTHORIZING A RECYCLING AVAILABILITY FEE TO COVER THE COST OF COLLECTING, TRANSPORTING AND PROCESSING RECYCLABLE MATERIALS.
  - f. AN ACT AMENDING STATE ENABLING LEGISLATION FOR CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND WINSTON-SALEM, NORTH CAROLINA.
  - g. AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM REGARDING MEETINGS.
  - h. AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN FORSYTH COUNTY.
  - i. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS FOR CONTRACTS LET ON INFORMAL BIDS.
  - j. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ESTABLISH A LOCAL PREFERENCE FOR CONTRACTS LET ON BIDS.

- k. AN ACT AMENDING CHAPTER 224 OF THE PRIVATE LAWS OF 1927 ENTITLED "AN ACT CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS AND PRESCRIBING THE PROCEDURE THEREFORE AND FOR THE ASSESSMENT OF ALL OR PART OF THE COST THEREOF" AS AMENDED, AS THE SAME RELATES TO THE CITY OF WINSTON-SALEM.

Mrs. Carmon stated that based upon requests from Council Members, this is the list she has prepared for the local delegation to discuss at the upcoming session of the Senate. There are three resolutions to amend the annexation statute, local privilege licenses for local authority to assess privilege license tax, and a local preference resolution. There are also seven local acts.

Mayor Joines noted that the act defined under Item G-6(e) does not require that the City Council assess a recycling fee, rather it simply gives the Council authority to assess a fee if they so choose at a later time.

Mrs. Carmon stated that the act defined under Item G-6(f) will allow the Inspections Department to abate a property and any costs incurred will be assessed as a lien against that property. If the property is in the process of changing ownership during the violation correcting period, the buyer will be notified of the impending enforcement action. The act defined under Item G-6(g) stated that when a special meeting of the City Council is called, staff can notify Council Members by means other than a signed form and the public will be notified as usual. In response to Council Member Besse's question, Mrs. Carmon noted that the City Charter states that two or more members can call a special meeting, but the North Carolina General Statute states that it must be a majority and she can modify the language if the Council so chooses.

Mayor Joines stated that by consensus, the verbiage would be changed to designate a majority of Council Members to call a special meeting.

Mrs. Carmon stated that the act defined in Item G-6(h) will establish a season for trapping foxes. Currently, if a live trap is set and captures a fox, it would have to be released because there is currently only a season for capturing coyote. Those citizens engaged in the business of trapping will not participate in the city because there is no regulation for foxes. In response to Council Member Leight's question, Mrs. Carmon stated that the city will likely attract more citizens in the business of trapping if fox and coyote are both addressed.

Council Member Leight requested to know if there were any regulations regarding the trapping of domestic animals, such as tracking and punishment.

In response to Council Member Merschel's question, Mrs. Carmon noted that currently, the coyote trapping season runs from November 1 to February 28, and there has been no request to lengthen the season, rather just to add fox to the regulation.

In response to Council Member Adams' question, Mrs. Carmon stated that there is currently legislation regarding coyote trapping at the state level and that different municipalities have various ordinances for trapping fox. She also stated that she was unsure how the animals were disposed of once trapped.

In response to Council Member Taylor's question, Mrs. Carmon noted that the proposed act will allow trappers to primarily trap fox, but they will also be allowed to trap coyote and will probably have more of a presence within the community.

In response to Council Member Besse's question, Mrs. Carmon stated that there is a separate restriction on the manner of live trapping, the types of traps and how they are utilized.

In response to Council Member Leight's concern regarding the taking of foxes "with weapons and by trapping," Mrs. Carmon noted that there is a current ordinance that a firearm cannot be discharged within the City limits, so the act would only apply to trapping within the City limits.

Mrs. Carmon stated the act defined in Item G-6(i) would allow for bids to be received electronically recognizing the technologically advanced day and time and that there is a provision in the statute for formal bids, so this act will allow for informal bids. In response to Council Member Burke's question, she stated that paper bids will not be eliminated unless Council chooses to specify as such.

Mrs. Carmon noted the act defined in Item G-6(j) is based upon an executive order recently signed by the Governor, which would allow a Winston-Salem business that meets certain criteria to price match a bid and be awarded the contract. The criteria are that it must be a physical business within Winston-Salem, have at least one employee for whom payroll taxes are paid and the bid must be within 5% or \$10,000 of the lowest responsible bidder. Service contracts are not currently included in this item.

Council Member Merschel noted that staff has attempted to achieve this goal through other means to support local businesses and the local economy and she is in support of it.

Council Member Adams requested that staff ensure this option is communicated to local small businesses owners.

Council Member Burke requested that staff also be made aware of this option so they may encourage local businesses to provide and purchase services within the City.

Mrs. Carmon noted that she requested the Purchasing Department communicate with other municipalities to determine if they were considering similar local acts and it was determined that many are not. She also noted that there is some concern of how other municipalities would be impacted if Winston-Salem and Greensboro were to adopt such a local act.

Mayor Joines stated that by consensus, City Council would like to include service contracts in this act.

Mrs. Carmon noted that Item G-6(k) allows for property owners to be exempted from a portion of the capital cost for the installation of water and sewer lines, if he or she has a greenway easement across their property, for the length of the greenway easement.

In response to Council Member Burke's question, Mr. Garrity noted that staff would provide information on the City's responsibility of removing or maintaining water or sewer pipes if the property owner chooses to change the structure of a property.

Council Member Besse expressed concern with Item G-6(e) as he feels it is a bad policy, he is not interested in the City having the authority to assess an additional fee, and sees it simply as an additional tax. He made a motion to delete Item G-6(e) from the City's legislative agenda. The motion was duly seconded by Council Member Leight. Council Member Adams abstained from the vote.

The motion carried on a vote of four in favor, two opposed and one abstaining. Those voting in favor of the motion were Council Members Leight, Besse, Burke and Taylor, with Council Members Merschel and Montgomery voting in opposition and Council Member Adams voting in abstention.

Mrs. Carmon noted that this would be a short session for Senate and bills should be non-controversial to receive full legislative support.

Mayor Joines noted that Council Members would now vote separately on each of the acts presented.

- f. AN ACT AMENDING STATE ENABLING LEGISLATION FOR CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND WINSTON-SALEM, NORTH CAROLINA.

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

- g. AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM REGARDING MEETINGS.

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

- h. AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN FORSYTH COUNTY.

Council Member Merschel made a motion to approve the item. The motion was duly seconded by Council Member Montgomery.

Council Members Taylor and Leight opposed the vote.

The motion carried on a vote of five in favor and two opposed. Those voting in favor of the motion were Council Members Merschel, Montgomery, Besse, Adams and Burke, with Council Members Taylor and Leight voting in opposition.

- i. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS FOR CONTRACTS LET ON INFORMAL BIDS.

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

- j. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ESTABLISH A LOCAL PREFERENCE FOR CONTRACTS LET ON BIDS.

Council Member Merschel made a motion to approve the item as amended. The motion was duly seconded by Council Member Taylor and carried unanimously.

- k. AN ACT AMENDING CHAPTER 224 OF THE PRIVATE LAWS OF 1927 ENTITLED "AN ACT CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS AND PRESCRIBING THE PROCEDURE THEREFORE AND FOR THE ASSESSMENT OF ALL OR PART OF THE COST THEREOF" AS AMENDED, AS THE SAME RELATES TO THE CITY OF WINSTON-SALEM.

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

Mayor Joines noted that Council Members would now vote separately on each of the resolutions presented.

- a. RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM'S LEGISLATIVE PROGRAM FOR THE 2010 LEGISLATIVE SESSION.

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

- b. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES EFFORTS REGARDING ANNEXATION.

Council Member Merschel made a motion for approval of the item. The motion was duly seconded by Council Member Leight.

Council Members Adams and Montgomery opposed the vote.

Council Members Taylor and Burke abstained from the vote.

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

- c. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE ISSUANCE OF LOCAL PRIVILEGE LICENSES.

Council Member Merschel made a motion for approval of the item. The motion was duly seconded by Council Member Adams and carried unanimously.

- d. RESOLUTION OF THE CITY COUNCIL FINDING THAT A LOCAL PREFERENCE ON CONTRACTS LET BY BIDS IS NECESSARY TO STIMULATE THE LOCAL ECONOMY.

Council Member Merschel made a motion for approval of the item. The motion was duly seconded by Council Member Adams and carried unanimously.

#### ADDITIONAL ITEM – RESOLUTION SUPPORTING ENACTMENT OF LEGISLATION AUTHORIZING MUNICIPALITIES, AT THEIR OPTION, TO SPONSOR A PUBLIC FINANCING PROGRAM FOR LOCAL ELECTIONS

Council Member Besse presented an additional item that would allow municipalities to sponsor a public financing program for local elections. He noted that Mrs. Carmon had reviewed the resolution and found no conflict with the City's charter. He also noted that it was modeled after resolutions passed by the Cities of Greenville, Raleigh, Durham, Charlotte and possibly others. The municipality referenced in the resolution that has implemented a public financing pilot program in 2009 is the City of Chapel Hill. He further noted that supporters of similar programs are seeking other municipalities to adopt similar resolutions in hopes of generating legislative support.

Mayor Joines expressed concern that this resolution would ask taxpayers to finance elections.

Council Member Merschel made a motion to approve the item. The motion was duly seconded by Council Member Burke.

Council Member Adams commented that the city and state need to start reviewing how elections and campaigns are financed, because if a citizen cannot raise funds for a campaign, they cannot run for public office due to the extreme cost.

Council Member Leight noted that she agreed with Council Member Adams' assessment that public elections should be publicly financed due to monetary influence, as is seen at the national level.

Council Member Besse stated that he understood the Mayor's caution with this item, but expressed his support of the City Council at least having the authority to consider public financing for local elections.

Mayor Joines noted that Council Members should think through this item carefully, given that this is a short Senate session and due to the possible implications with this item, such as voters being misconstrued that public dollars would be used to fund local elections. He requested more time to consider the item.

Council Member Merschel questioned if a candidate's opponent could opt out and expressed concern that there could be unintended consequences.

Council Member Besse noted that the resolution does not specify the option for a candidate to opt out but the program utilized in Chapel Hill did have an opt out option and a number of candidates chose not to participate. He also noted that it is not sensible to initiate this type of program during the short session, but it has gone through extensive public debate and is an expression of support for moving forward with expanding additional authority for communities to consider public financing. He further noted that on the state level, there is currently public financing authority at the candidate's option in state-wide judicial races. Council Member Besse stated that North Carolina is in the process of implementing a similar option for council and state races, again at the candidate's option. The General assembly is also in the process of extending the option to council of state races. He also stated that due to problems with election financing, this option will help to eliminate some of the abuses that have been seen in recent years.

Council Member Merschel expressed concern that while City Council is requesting that the state allow it the option for public campaign financing, which Council Member Besse is in favor of, he is opposed to the option for assessing a recycling fee, when both are simply options, rather than commitments.

Council Member Besse noted that if Council Member Merschel does not support the expansion of a public campaign financing option, she should vote against it. He also noted that his opposition to the authority to implement a recycling fee is bad option that no local government should use.

Council Member Burke questioned if input would be received from citizens on these issues.

Council Member Taylor expressed his support of a public campaign financing option as it is a good example of placing government in the hands of citizens and he would be supportive of other municipalities having the same options.

Mayor Joines noted that he is not arguing against public involvement in campaigns but he feels municipal elections are different and does not feel an urgency to vote on the resolution as the next municipal election is not until 2013.

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

Mrs. Carmon noted that staff would need to schedule a meeting with the legislative delegation, which she hopes will be in late April or early May as the session commences on May 10.

Council Member Merschel expressed concern that there were abstentions and opposing votes on the annexation resolution and questioned if there was feedback or outstanding issues or concerns that needed to be addressed, so the item would not be removed from the legislative agenda.

Mayor Joines noted that resolutions of support do not need a unanimous vote to move forward, but annexation is an extremely important item for the health of the city and is time sensitive.

Mrs. Carmon noted that it was up to Council to decide which items would move forward, but when it meets with the delegation, any vote that is not unanimous may cause some concern.

Council Member Adams noted that citizens should have an option as to how they become a part of a municipality and she has heard from constituents that there were concerns with follow up from the process. She also noted that staff should ensure citizens are aware of what the City has to offer, what it stands for and should follow up to encourage citizens.

Mayor Joines noted that the proposed changes to annexation laws from the Council's last discussion addressed many of the concerns that would lessen the impact on citizens. He also requested that any additional information regarding the proposed changes to annexation law be provided to Council Members prior to Monday's meeting.

Council Member Burke expressed her support of annexation and noted that if citizens want the services that the City offers, they should have to pay for it.

Council Member Montgomery expressed his support of annexation, although he voted against the item due to the concerns expressed by Council Member Adams and the lack of staff completing its due diligence before the process began. He also expressed concern that City and County residents pay double the tax, but they still may not be receiving all the services they qualify for and he requested that the annexation process be reviewed.

Council Member Besse noted that staff has done a better job of reviewing residents' concerns for areas of proposed annexation and that legislation up for consideration in the General Assembly would alleviate many of those concerns. He also noted that the annexation debate has come down to whether or not to amend the state annexation statute that a majority of residents must approve a proposed annexation, which may possibly result in the removal of annexation in the future. He further noted that it may be seen as a reverse incentive for a developer to build on the edge of a city, so as not to incur the costs of the municipality but to be within reach of its services, which may lead to economic decline in metropolitan areas. Council Member Besse expressed his support of the North Carolina League of Municipalities (NCLM) legislative package because it will support outreach to the residents of a proposed area of annexation and alleviate many of the concerns that have been raised.

Council Member Leight noted that with the tightening of the requirements to qualify an area for annexation, along with proposed changes to municipal requirements, many of citizens' concerns will be addressed.

Council Member Merschel stated that annexation is difficult because some residents pay a disproportionate share for services that those residents residing just outside the City limits receive. She also stated that it is near impossible to determine if citizens will feel better or worse about annexation with the proposed changes.

Council Member Adams noted that citizens may not expect service levels to be better or worse with annexation, but they do expect for service levels to be communicated to them. She also noted that staff may be surprised of citizens' perception of the level of service provided by the City.

Council Member Taylor stated that he understands why municipalities enjoy the option of annexation but he does not support any annexation at this time.

Mr. Garrity noted that the same level of services provided to current citizens are also provided to newly annexed citizens, but staff may fall short on communicating service options to individuals. He also noted that newly annexed citizens could be provided with information of what to expect, based on the current services and costs that the City provides, and any other ways that they may be impacted.

Mayor Joines noted that the language in this resolution could possibly be modified prior to the vote at Monday's meeting, taking into consideration the comments heard.

Council Member Montgomery requested that any local services or options provided that are not taken on by the NCLM, be included in the resolution.

Council Member Burke stated that it is unfair to require a majority participation to provide water and sewer services during annexation and requested that it be added to the resolution.

Mr. Garrity noted that Council Member Burke's concern regarding water and sewer service will be addressed in the State bill.

#### G-7. RESOLUTION MODIFYING AND CONTINUING CITY OF WINSTON-SALEM ECONOMIC DEVELOPMENT PROGRAM FINANCIAL ASSISTANCE GUIDELINES.

Mr. Paige noted the following changes were made to the Economic Development Program Financial Assistance Guidelines that are available to new and existing businesses: to reduce the capital investment amount for new businesses from \$5 million to \$3 million, to reduce the capital investment amount for existing businesses from \$3 million to \$1.5 million and to increase the assistance amount by 10% if the business is located in one of the City's designated redevelopment areas. In response to Council Member Besse's question, Mr. Paige noted that bullet F-7 should be underlined in the guidelines within the Agenda book.

Council Member Taylor made a motion to approve the item. The motion was duly seconded by Council Member Adams.

Council Member Montgomery requested that staff review and revise any similar incentives or

guidelines for small businesses as well.

The motion for approval carried unanimously.

**G-8. RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT ASSISTANCE TO WAKE FOREST UNIVERSITY HEALTH SCIENCES FOR THE EXPANSION OF PIEDMONT TRIAD RESEARCH PARK.**

In response to Council Member Burke's question, Mr. Paige stated that many of the jobs proposed for Piedmont Triad Research Park (PTRP) are currently located on Hawthorne Hill or in other areas and will be relocated to PTRP. There will also be a backfilling of jobs on Hawthorne Hill, but new job creation is not a major aspect of this project. He also stated that he would provide information on the number of minority jobs currently in the area, but the exact number of relocated employees and demographics is not currently known.

Council Member Merschel expressed her support of this project as it creates land space, office space, will help to possibly create a new office park at PTRP, and recognizes that while one set of jobs will be relocated, new ones will fill the space left behind.

Mayor Joines noted that this is an \$87.7 million investment in the community from an out-of-state developer and it will create a space for additional companies.

Council Member Montgomery noted that while he would like to see more new job creation, this project will help PTRP continue to grow and provide space for future jobs.

Council Member Montgomery made a motion to approve the item. The motion was duly seconded by Council Member Adams.

Council Member Burke abstained from the vote.

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

Council Member Merschel expressed her thanks to staff, especially Mr. Garrity, Mr. Paige, Mrs. Carmon and Mrs. Bell for their hard work prior to the grand opening of BB&T Ballpark the following evening.

ADJOURNMENT: 7:19 p.m.