

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

6:30 P.M., TUESDAY, JULY 12, 2011

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: 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 Robert C. Clark
Council Member Derwin L. Montgomery

Chair Besse called the meeting to order and stated that, without objection, the Committee would first consider the Consent Agenda. He noted that staff requested to remove Items C-1(e) and C-1(f) as they had been brought into compliance and requested to continue Item C-3(a) to August. For information, voluntary demolition agreements had been reached for Items C-1(g), C-2(a) and C-3(d), but staff was still recommending adoption of the demolition ordinances as presented.

He asked if any other items needed to be removed for consideration. Council Member Taylor requested to pull Item C-4. 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 Adams 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].*

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| a. | Margarito Morales | 3570 Thomasville Road |
| b. | Mia N. Wheeler | 3136 Greene Cross Drive |
| c. | Carolyn June | 2317 Bethabara Road |
| d. | Sharon C. Craver | 2633 Peachtree Street |

- e. Lions Share Credit Union 106 Hammock Farm Road
**This item removed by staff.*
 - f. Secretary of Housing and 3318 Arlington Drive
Urban Development
**This item removed by staff.*
 - g. Linda and Albert Smith 4040 Lexwin Avenue
- 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]*.
- a. Phillip R. and 4924 Old Rural Hall Road
Barbara N. Childress
- C-3. ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT 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. Jonda L. Corne 1323 Houston Street
**This item continued by staff to August.*
 - b. Roy L. Lawson 4810 Frankie Street
Accessory Bldg.
 - c. Wanda S. Brendle 2232 Cole Road
 - d. Phillip R. and 4825 Old Rural Hall Road
Barbara N. Childress
 - e. Mildred Davis 1016 Pacific Drive
 - f. Tarryton L. and 3514 Chevy Chase Street
Lashanda Thacker
- C-5. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *June 14, 2011.*
- C-4. OPERATION IMPACT PROGRAM UPDATE.

Mr. Ritchie Brooks, Community & Business Development Director, noted that the Operation Impact (OI) Oversight Committee is comprised of a cross-section of residents and business people and since their inception, they have met three times. The Committee takes applications on a nomination basis and determine cases on a majority vote. The property owner is notified of the time of the OI and given an opportunity to be present. Staff makes three attempts to obtain entry to a property and will initiate an administrative warrant after the third attempt if other attempts have been unsuccessful. Since the revised program has been in effect, staff has held two OIs, both of which were successful. A third OI was planned on two mobile home locations, but they came under new ownership and the owner presented the City with a plan for repairs and a 30-day delay was granted. Given that significant repairs have been made and safeguards put into place, staff was able to cancel the OI, but will continue to monitor the properties.

Council Member Taylor noted the OI program has been very successful and expressed his thanks to staff. He also noted that he has heard from the Citizens' Review Committee and neighborhood individuals and feels confident in the advances OI has made in the community.

Council Member Leight requested that members of the OI Oversight Committee be listed on the City's website.

GENERAL AGENDA

Chair Besse stated that without objection, Items G-2 and G-3 would be considered first, and if agreeable, he would entertain similar motions as were heard at the Finance Committee where both items were discussed at length.

G-2. FOLLOW-UP REQUEST FROM THE NORTHWEST CHILD DEVELOPMENT CENTERS.

Chair Besse stated that by consensus, this item will come back to the Committee in August.

G-3. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF CONSERVATION EASEMENT WITH THE DOWNTOWN WINSTON-SALEM FOUNDATION.

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

G-1. REVISED ORDINANCE LANGUAGE FOR UDO-221 (UNATTENDED DONATION CONTAINERS). *[Item continued from the June 14, 2011 meeting of the Community Development/Housing/General Government Committee.]*

Council Member Leight expressed her appreciation to staff for their work on the revised language as she feels it is closer to what needs to be considered for the community.

Mr. Aaron King, Principal Planner, reviewed the revised language compiled by staff based upon the Committee's previous comments: regular monitoring/inspection of containers by owners, further clarification of information to be posted, a provision to hold the property owner and container owner

responsible for violations, and a provision including penalties for multiple violations at the same site within a specified time period.

Council Member Clark expressed concern with the ability to enforce the proposed ordinance and if citations for a number of violations within a specified time period or a fine would be a better option.

Mr. Charles Norton, City/County Inspections Director, stated this would be a Zoning violation cited under the *Unified Development Ordinances (UDO)*, under which staff is required to allow the offender five days to comply after giving notice and starting on the sixth day, a civil penalty can be imposed.

In response to Council Member Clark's question, Mrs. Angela I. Carmon, City Attorney, indicated the fine would be imposed on the property owner under the current *UDO*, but if the Committee chooses, under the proposed draft, staff can review holding the donation container owner responsible.

Council Member Adams requested that staff review any fines that may be assessed to chronic offenders, as well as a probationary period of two years, that their containers must be removed from all properties in the City.

Council Member Leight noted that it is important to include on the container which charities will be receiving benefit from the collections.

Council Member Montgomery expressed concern with the ability of staff to enforce the proposed ordinance on top of their current job demands.

Chair Besse expressed concern that the Committee needs to be cognizant of additional burdens placed on staff. He suggested that whatever is adopted be readily enforceable at a glance and be a legitimate purpose of the *UDO*, such as sanitation and community appearance. He stated that he did not believe the *UDO* was the appropriate avenue to incorporate certain restrictions or requirements on public disclosure, such as what percentage of charitable donations received are distributed elsewhere. He further outlined his proposed changes to the draft document presented by staff.

In response to Council Member Clark's question, Mr. Norton noted that violation notices would be sent to the property owner on record with the County Tax Assessor's Office.

In response to Council Member Taylor's request for clarification on item 2-6.4-f(a), Mr. Paul Norby, City/County Planning Director, noted that he was referring to the original Planning Board recommended version, rather than the updated staff amended version, which includes the Committee's recommendations. He also noted the original intent was for the containers to be attended every day, excluding holidays, and that provision was dropped in the revised version.

Council Member Taylor noted that donation containers have become a problem in the city, particularly in the Southeast Ward, and he has communicated his concerns to members of staff and the Committee, and feels that something needs to be done sooner rather than later.

Council Member Leight indicated the receiving charity information is important to note on the container because citizens should have correct information about where their donations are being sent, otherwise, they may make a different decision and there needs to be full disclosure.

Council Member Leight made a motion to accept the Besse revised version of the staff revised version based on 6/14/11 Community Development/Housing/General Government Committee comments, requiring frequent enough inspection so that if containers are mismanaged, they are cited; accepting a, c, d, and f as staff and Chair Besse have described; and e, with the inclusion of "charities receiving benefit" in addition to sponsoring organization information. The motion was duly seconded by Chair Besse.

Council Member Adams expressed support of the revisions but noted that she would like to see stiffer penalties for noncompliance to the *UDO* under the responsibility/violations provision.

Chair Besse requested that staff prepare alternative language for Council Member Adams to possibly recommend as an amendment at Monday's meeting.

Mr. Norton noted that there is a violation section in the *UDO* that governs a Zoning violation but something specifically outlining a penalty for donation containers may need to be included in the proposed ordinance.

Mrs. Carmon noted that staff will include the accessory uses of the *UDO* in a memo to the City Council ahead of time.

Council Member Taylor made a substitute motion to adopt the original draft as presented by the petitioner with the following inclusions: language regarding noncompliance penalties to be provided in memo format by Council Member Adams and Council Member Leight's recommendations of charities receiving benefit to be included in sub-item (e). The motion died for lack of a second.

In response to Council Member Montgomery's question, Mr. Norton stated that two violations would be considered from a single site under the proposed ordinance.

Council Member Clark requested additional language for chronic violators and how they may lose the privilege of hosting their containers within the City.

In response to Council Member Leight's inquiry, Mr. Norton stated that typical enforcement of a Zoning complaint is verbal contact with the property owner, if residing within the City, whereby staff allows them the opportunity to repair the violation. Otherwise, the property owner is given notice of the violation, given a five day waiting period to make needed repairs, and after five days, civil penalties may be assessed, the action can be taken to court, there can be an order of abatement, or other legal action can be taken. Currently, the violation will fall under two departments: Zoning and Community & Business Development, once as a Zoning violation and once as a trash violation.

In response to Council Member Leight's question, Mrs. Carmon indicated a property owner would receive notices of the violation, one from Zoning and one from Community & Business Development.

Mr. Norton noted that if this ordinance and language are housed under the *UDO*, violations will be considered Zoning violations, rather than City Code violations for Sanitation.

Mrs. Carmon noted that Housing has a separate chronic violator provision for trash and garbage that could be considered so there will be multiple levels of enforcement.

Chair Besse clarified that once staff observes and cites a violation, they have to take further enforcement action, such as providing the notice and allowing for the waiting period, but even if the violation is corrected, it still counts as a violation. On another occasion, if the same site has a separate violation, under this ordinance, that will trigger the removal requirement.

Council Member Leight questioned if a site has two violations, should the donation organization be required to remove all of its containers from the City and not just one site.

Mr. Norton noted that would be a staff-intensive requirement and procedure to seek out and locate each of one particular organization's containers.

Council Member Adams stated that once a removal notice is issued, language could be included in the ordinance that the organization will have a period of time to remove their containers from the city and if they are not removed, they will be removed by staff.

Council Member Montgomery noted that if a container violates the rules of the ordinance twice within one year, an inspector can provide a listing of those sites that have been banned. Other staff will know that those containers should not be located there and it will help to provide an assessment of where containers are located.

In response to Council Member Leight's question regarding further changes to sub-item (f), Chair Besse recommended that it may be easier to clarify to City Council that there is language that has received a majority vote and note that further language may be coming forward as a potential additional amendment.

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 Leight, with Council Member Taylor voting in abstention.

ADJOURNMENT: 7:23 p.m.