

D-27129

Summary of Minutes

August 21, 2006

A Regular Meeting of the Winston-Salem City Council was held on Monday, August 21, 2006 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members	Molly Leight	Vivian H. Burke
	Robert C. Clark	Nelson L. Malloy Jr.
	Dan Besse	Wanda Merschel
	Joycelyn V. Johnson	Evelyn A. Terry

Secretaries: Renée P. Henderson, City Secretary and Paige L. Deal, Recording Secretary

Sergeant at Arms: Lieutenant David Kiger

Invocation: Pastor Lindsey Ford of Beulah Baptist Church

RESOLUTION CELEBRATING THE LIFE AND LEGACY OF WILLIAM SHEDRICK ADAMS

Mrs. Henderson read the resolution in its entirety.

Council Member Johnson: Motion for approval.

Council Member Malloy: Second. Unanimous.

Council Member Johnson presented the framed resolution to Mr. Adam's son, Mr. William Aeric Adams.

PRESENTATION OF EXCELLENCE IN EMPLOYMENT AWARD

Mayor Joines recognized Council Member Besse.

Council Member Besse stated that this award was presented by the Salvation Army to recognize those employers who work in cooperation with the Community Correction

Center to reorient ex-offenders back into the community. The City of Winston-Salem was one of four recipients to be recognized. Council Member Besse presented a plaque to Mr. Bill Hill, Human Resources Director for the City.

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if anyone wished to remove any items for separate action.

No items were removed from the Consent Agenda.

CONSENT AGENDA

All items listed below were enacted by one motion for approval or adoption, as appropriate, which motion is as follows:

Council Member Clark: Motion for approval or adoption, as appropriate.

Council Member Merschel: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO ACQUISITION/DISPOSITION OF PROPERTY: [Recommended by Finance Committee.]

- a. RESOLUTION AUTHORIZING THE EXERCISING OF THE OPTION TO REPURCHASE CERTAIN PROPERTY LOCATED OFF DEER MEADOW LANE.
- b. RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY ON SOUTH MAIN STREET FOR EXTENSION OF THE SALEM CREEK GREENWAY - Lot located on South Main Street on the north bank of Salem Creek between the new South Main Street bridge and the old Waughtown Street Bridge.
- c. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5440 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269.

C-2. CONSIDERATION OF ITEMS RELATING TO THE PIEDMONT TRIAD RESEARCH PARK: [Recommended by Finance Committee.]

- a. RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL FUNDING FOR TRANSPORTION IMPROVEMENTS TO THE PIEDMONT TRIAD RESEARCH PARK.
- b. RESOLUTION AUTHORIZING AN ASSUMPTION AGREEMENT WITH THE PIEDMONT TRIAD RESEARCH PARK TO PASS THROUGH FEDERAL FUNDING FOR TRANSPORTATION IMPROVEMENTS TO THE PIEDMONT TRIAD RESEARCH PARK.
- c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR THE FISCAL YEAR 2006-2007.

C-3. CONSIDERATION OF ITEMS RELATING TO BOWMAN GRAY STADIUM:
[Recommended by Finance Committee.]

- a. RESOLUTION APPROVING AN AGREEMENT WITH WINSTON-SALEM STATE UNIVERSITY FOR THE CONSTRUCTION AND OPERATION OF A NEW FIELD HOUSE AT BOWMAN GRAY STADIUM AND A LEASE OF THE STADIUM FOR HOME FOOTBALL GAMES.
- b. RESOLUTION APPROVING AMENDMENT TO INSTALLMENT PURCHASE CONTRACT WITH NORTH CAROLINA MUNICIPAL LEASING CORPORATION TO FINANCE CERTAIN FACILITIES AND RELATED MATTERS.

C-4. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES: [Recommended by Community Development/Housing/General Government Committee.]

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CITY CODE: [Repairs more than 50% of value of structure - six months] [Property Owner Location]

	<u>Property Owner</u>	<u>Property Address</u>
a.	Arlease Blue Hawkins	231 Wheeler Street

ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT TO REMOVE OR DEMOLISH STRUCTURES UNFIT FOR HUMAN HABITATION AND OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE CITY CODE: [Repairs more than 65% of value of structure]

Property Owner

Property Address

- b. Mark and Lucy Ann Walker 3848 Old Lexington Road
- c. Claudina B. Cline 2045 Martin Luther King, Jr. Drive
- d. Hallie M. Davis, Heirs 1854 E. 4th Street (accessory bldg.)

C-5. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Charleston Drive, Marian Lane, Lasley Drive, Bridgeton Place Drive, Bridgeton Place Court, Lighthouse Lane, Lighthouse Court, Inlet Place Drive, Inlet Place Court and Bridgeton Cape Court. [Recommended by Public Safety Committee.]

C-6. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH BRUCE HERMANN - Bicycle parking on public right-of-way of Liberty Street. [Recommended by Public Works Committee.]

C-7. CONSIDERATION OF ITEMS RELATING TO SIDEWALK CONSTRUCTION: [Recommended by Public Works Committee.]

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF SIDEWALKS ON STRATFORD ROAD AND HANES MALL BOULEVARD.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR THE FISCAL YEAR 2006-2007.

C-8. RESOLUTION FIXING DATE OF HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF AN ALLEY OFF VINTAGE AVENUE (SOUTH WARD) - Petition of Julie Ann Palm. Public Hearing: October 2, 2006. [Recommended by Public Works Committee.]

C-9. RESOLUTION ACCEPTING THE FISCAL YEAR 2006 ANNUAL TAX SETTLEMENT AND ADOPTION OF AN ORDER TO COLLECT CURRENT TAXES FOR 2006 (FISCAL YEAR 2006-2007) AND DELINQUENT TAXES FROM 1997 THROUGH 2005. [Recommended by Finance Committee.]

- C-10. CONSIDERATION OF ITEMS RELATING TO BIDS: [Recommended by Finance Committee.]
- a. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF TRAILER MOUNTED LEAF COLLECTION MACHINES UNDER THE BID PROCEDURE WAIVER OF N.C.G.S. 143-129(g) - Old Dominion Brush Company, Inc. - \$129,780.
 - b. RESOLUTION AWARDED CONTRACT FOR ROAD SALT FOR STREETS DIVISION - International Salt Company, LLC - \$129,860 (estimate).
 - c. RESOLUTION AWARDED CONTRACT FOR LOCKLAND AVENUE NEW SIDEWALK CONSTRUCTION - FSL Enterprises, Inc. - \$114,075 (estimate).
- C-11. RESOLUTION APPROVING ABANDONMENT OF A SANITARY SEWER EASEMENT ON PROPERTY LOCATED OFF HOLLY AVENUE - Request of B. W. Homes-I, LLC. [Recommended by Public Works Committee.]
- C-12. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH WEST SALEM NEIGHBORHOOD ASSOCIATION - Installation of historic district markers in five locations within West Salem. [Recommended by Public Works Committee.]
- C-13. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY - 1008 Blakeford Court. [Recommended by Public Works Committee.]
- C-14. APPROVAL OF SUMMARY OF MINUTES - August 7, 2006.

GENERAL AGENDA

- G-1. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF EBERT STREET AND MARTIN STREET (SOUTH WARD) - Petition of the Muslim Association of the Triad. [Recommended by Public Works Committee.]

No one heard.

Council Member Leight: Motion for approval.

Council Member Clark: Second. Unanimous.

- G-2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF CEDARDALE LANE (NORTH WARD) - Petition of William and Brenda Priest, William and Nancy Brendle, and Mrs. L. C. Reid. [Recommended by Public Works Committee.]

No one heard.

Council Member Malloy: Motion for approval.

Council Member Burke: Second. Unanimous.

- G-3. PUBLIC HEARING AND RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF THE GREENWAY BETWEEN PEACHTREE STREET AND LEIGHT STREET. [Recommended by Community Development/Housing/General Government Committee.]

No one heard.

Council Member Malloy Jr.: Motion for approval.

Council Member Burke: Second. Unanimous.

- G-4. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF WINSTON-SALEM AND RECORDABLES, INC. FOR CLAIMS MANAGEMENT SYSTEM SOFTWARE AND SERVICES. [Finance Committee forwarded this item to the full Council without a recommendation pending additional information.]

Council Member Merschel: Motion for approval.

Council Member Clark: Second. Unanimous.

ADDITIONAL ITEM - INFORMATION REGARDING A FUEL SPILL AT BOWEN BOULEVARD PARK

Council Member Burke asked Mr. Greg Turner, Assistant City Manager/Public Works, to comment regarding a fuel spill which occurred last week and affected portions of Bowen Park.

Mr. Turner explained that complaints were received last Thursday by the City's Emergency Management Office. The Emergency Management staff, working with the City's Stormwater Management Division, tracked the odor and determined that the problem was caused by a release from a diesel fuel line on an industrial site on Glade Avenue. The private property owner had a problem with underground diesel fuel lines that fed from its tanks to its diesel pumps. Those lines had ruptured and were saturating the soil beneath the pumps and lines and that was, in turn, getting into the storm drainage system. The City storm drain lines eventually terminated in a release to the Bowen Branch portion of the City's creek system which flows through Bowen Park. The community was exposed to the diesel fumes coming from the fuel in the creek. Emergency Management staff immediately undertook efforts to remove and filter the diesel fuel from the creek, and once the source was identified, the tanks were cut off by the property managers and they began excavating the soil that had become saturated with the diesel fuel. The property owners continue the clean-up work, which will take some time to complete. He pointed out that the City did issue a notice of violation to the property owners, but at this point, staff is satisfied that the situation is well under control.

Council Member Burke advised that the citizens need to be made aware of what happened, especially those with respiratory problems. She stated that they should be told when clean-up is completed and it is safe to resume their regular outdoor activities in the area, especially in the park.

Council Member Merschel commented that this reminds her of the Chatham Road incident a couple of years ago. She stated that a notification policy was developed after that incident, and she asked if the creek was posted.

Mr. Turner responded that initially, the effort was more focused in removing the contaminated material, and at first, Recreation staff determined that the odor was not of a magnitude to create a lingering problem. That turned out not to be the case, and the County Health Department placed caution tape around the area on Friday afternoon. The City issued advisory information as soon as it was determined that there was a continuing issue of concern. He explained that the pattern of flow on Friday morning did not indicate a vapor issue; however, by Friday afternoon, the smell was strong enough to cause advisories to be issued.

Council Member Merschel asked that staff bring a report to Council regarding the policy adopted after the Chatham Road incident. She asked for verification that the regulations of the policy were carried out, especially with regard to the posting.

Council Member Clark asked if staff had any idea of the amount of dirt that will have to be removed.

Mr. Turner responded that any dirt removed would be from private property at private expense, and staff does not have an estimate on how much dirt will need to be removed.

Mayor Joines asked if this would have been an opportunity for the City to use its reverse 911 as a way of notifying citizens in the area around the park.

Mr. Turner replied yes, reverse 911 could have been used as a method of notification.

Council Member Burke stressed the need for notifying the public when incidences occur, because she knows that many Latino children play in the area and often, their

parents do not speak English. She stated also that there are a lot of senior citizens in the area.

G-5. PUBLIC COMMENT PERIOD.

Prior to moving into the public comment period, Mayor Joines asked Mr. Lee Garrity, City Manager, to comment on annexation.

Mr. Garrity stated that the annexation will become effective on September 30, 2006. Staff has undertaken certain actions to notify all newly annexed citizens and give them time to apply for City services and to be informed of the tax implications due to the timing of the effective date. An annexation hotline has been established to respond to questions from the public. It is being staffed Monday through Friday, 8:00 a.m. to 7:00 p.m. Mr. Garrity stated that the hotline number is 727-8000, and anyone with questions is encouraged to call. In addition, welcome packets of information will be hand delivered to each newly annexed household starting on Wednesday, August 23.

In response to Council Member Clark, Mr. Garrity confirmed that information regarding annexation is predominantly displayed on the City's website, along with maps.

Mayor Joines called for the first speaker during the public comment period.

Mr. Jack Fisher, 3408 Mill Run Lane, Pfafftown, addressed the Council with his opposition to being involuntarily annexed. He stated that North Carolina's laws on involuntary annexation will be challenged by a State-wide coalition, and he and others in Winston-Salem will work toward eliminating the ward system.

Mr. Jim Gerlach, 640 Alpine Road, expressed a concern regarding fluoride in the City's water. He remarked that there is growing evidence that there is a serious causal

relationship between the consumption of fluoride and a number of serious health conditions.

Mayor Joines asked Mr. Gerlach to share his data with Mr. Turner for additional review and response.

Council Member Johnson requested that this matter be put on the agenda for the September 12 Public Works Committee meeting for discussion.

ADJOURNMENT: 8:00 p.m.