

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
November 25, 2013**

CALL TO ORDER

Mayor Joines called the meeting to order at 7:00 p.m. and asked the City Secretary to call the roll.

ROLL CALL

Present: Council Member Robert C. Clark, Council Member Dan Besse, Council Member Derwin L. Montgomery, Council Member Molly Leight, Mayor Pro Tempore Vivian H. Burke, Mayor Pro Tempore Denise D. Adams, and Council Member James Taylor Jr.

Absent: Council Member Wanda Merschel

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Nick Newnum

Mayor Joines asked that the members of the Winston-Salam Youth Council stand to be recognized.

RECOGNITION OF JAE'LIN PARKER-FREEMAN

Mayor Joines invited Jae'lin Parker-Freeman and his family to come to the Podium. Jae'Lin saved his grandmother's life 9 years ago when he was 5 by dialing 911 when she passed out from a diabetic attack. He is an honor student and has since continued to serve his Community. They Mayor presented a letter of appreciation.

BICYCLE FRIENDLY COMMUNITY AWARD PRESENTATION

Council Member Besse stated the League of American Bicyclist has recognized Winston-Salem as a bicycle friendly community. He presented the award to Toneq McCullough and Matthew Burczyk.

Mr. Burczyk thanked the Mayor and City Council for their support.

CONSENT AGENDA

Mayor Joines stated Council would consider the Consent Agenda first and asked if there were any items that needed to be removed for discussion.

Council Member Clark pulled item C-8 and recommended it return to Committee's.

Council Member Clark made a motion, seconded by Council Member Adams, to approve the balance of the Consent Agenda. Motion carried unanimously.

C-1 RESOLUTION AUTHORIZING THE NEGOTIATION OF A PURCHASE PRICE AND OTHER ITEMS RELATED TO THE PURCHASE OF A PORTION OF THE

LUCIA FACILITY AT 1539 WAUGHTOWN STREET. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-2** RESOLUTION AUTHORIZING FEE SIMPLE AND EASEMENT ACQUISITIONS BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RELATING TO CONSTRUCTION OF THE SALEM CREEK CONNECTOR AND PURSUANT TO N.C.G.S. 160A-274 - Various lots located: Humphrey Street, Diggs Boulevard, Civitan Park, Between Vargrave Street and East of Existing Highway 52, West of Existing Highway 52, Entrance to Thomas Water Treatment Plant, Army Reserve Center and Salem Avenue. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-3** RESOLUTION AUTHORIZING THE EXCHANGE OF CERTAIN PROPERTY OWNED BY THE CITY OF WINSTON-SALEM WITH CERTAIN PROPERTY OWNED BY THE COUNTY OF FORSYTH PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-274 - Properties located off of Balsom Road and Rolling Hills Drive. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-4** CONSIDERATION OF ITEMS AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE FOR TWO PREVIOUSLY APPROVED PROJECTS: [Recommended by Finance and Community Development/Housing/General Government Committees.]
- a.** RESOLUTION AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE FOR TWO PREVIOUSLY APPROVED REVITALIZING URBAN COMMERCIAL AREA PROJECTS - Southeast Plaza Shopping Center and Ogburn Station Shopping Center.

Approved by the Consent Vote.

- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE FISCAL YEAR 2013-2014.

Approved by the Consent Vote.

- 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. [Recommended by Community Development/Housing/General Government Committee.]

- a.** Dianne Smithdeal Hodges and 4842 Monte Vista Street
Foss T. Smithdeal

Approved by the Consent Vote.

- C-6** 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). [Recommended by Community Development/Housing/General Government Committee.]

Approved by the Consent Vote.

- a. Mark A. and Rebecca R. Underwood 1726 Waightown Street
- b. Elizabeth Frazier 1117 E. 24th Street

Approved by the Consent Vote.

C-7 RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO APPLY FOR A BROWNFIELDS ASSESSMENT GRANT AND A REVOLVING LOAN GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. [Recommended by Finance Committee.]

Approved by the Consent Vote.

C-9 CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]

- a. RESOLUTION APPROVING A THREE-YEAR AGREEMENT WITH SUMTOTAL SYSTEMS TO PROVIDE SOFTWARE SUBSCRIPTIONS AND MAINTENANCE SERVICES - \$526,263.

Approved by the Consent Vote.

- b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF FIVE ONE-TON EXTENDED CAB UTILITY TRUCKS - Earl Tindol Ford, Inc. - \$141,960.

Approved by the Consent Vote.

C-10 CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2013-2014 BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA: [Recommended by Finance Committee.]

- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE FISCAL YEAR 2013-2014.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2013-2014.

Approved by the Consent Vote.

C-11 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF PLANTED MATERIAL ALONG HIGHWAY 52 BETWEEN BUSINESS 40/US 421 AND AKRON DRIVE. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-12** RESOLUTION APPROVING DONATION OF A PUBLIC ART SCULPTURE TO HABITAT FOR HUMANITY OF FORSYTH COUNTY. [Recommended by Community Development/Housing/General Government Committee.]

Approved by the Consent Vote.

- C-8** CONSIDERATION OF ITEMS RELATED TO THE PROPOSED GUN BUYBACK CONCEPT: [Recommended by Finance and Public Safety Committees.]

- a.** ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2013-2014.

Sent back to the Public Safety Committee.

- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE FISCAL YEAR 2013-2014.

Council Member Clark pulled this item and asked it be sent back to the Public Safety Committee.

Council Member Besse stated regarding Item C-10 includes public information program regarding a grant for the Fair Housing Program.

Wanda Allen-Abraha, Director of the Human Relations Department, provided information regarding the grant.

GENERAL AGENDA

- G-1** CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF ARP WINSTON-SALEM, LLC FROM HB-S (Shopping Center) TO HB-S TWO-PHASE [Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (Without Drive-Through Service); Restaurant (With Drive-Through Service); Retail Store; Shopping Center; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services A; Testing and Research Lab; Recreation Services, Indoor; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Child Care, Drop-In; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; and School, Vocational or Professional]: Property located on the north side of Country Club Road, east of Meadowlark Drive - Containing approximately 7.52 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-3200. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations. City Council voted to continue the public hearing on this item at its October 28, 2013 meeting.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Mayor Joines recognized Paul Norby, Planning Director, to provide a presentation noting the changes that have been made to this item.

Mayor Joines opened the Public Hearing.

Proponents:

David Brandy, Genesis, NC

Opponents:

None

Rebuttal:

Sue Burden 810 Poplar Grove

Kirk Lentz (did not provide an address)

Mayor Joines closed the Public Hearing and called for a motion.

Council Member Clark made a motion, seconded by Council Member Adams, for adoption of the the Statement of Consistency set for on page 69 of the Agenda Book and (2) Approval of W-3200 with approval of the Site Plan. Motion carried unanimously.

G-2

PUBLIC HEARING ON ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - YWCA Administration Building, 1201 Glade Street (Building Exterior). [Reviewed by Finance Committee. Recommended by Community Development/Housing/General Government Committee.]

David Read, Principal Planner, provided a presentation for this item.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to be heard regarding this item. Seeing none, he closed the Public Hearing.

In response to Council Member Montgomery, Mr. Garrity, City Manager, stated once the designation is granted, the owner would then have the option to get approval from the Tax Office for exemption on taxes.

Bill Benton, Developer, 71 Park Blvd, Winston-Salem stated they would not apply for the tax credit or the tax reduction, but could not assure the buyer would not apply.

Council Member Besse made a motion, seconded by Council Member Clark, for approval of the Ordinance Designating Certain Property as A Historic Landmark - YWCA Administration Building, 1201 Glade Street. Motion carried unanimously.

G-3 PUBLIC HEARING AND RESOLUTION CONFIRMING ASSESSMENT ROLL FOR THE COST OF HOUSING RELOCATION FROM HOUSING UNFIT FOR HUMAN HABITATION.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to be heard regarding this item. Seeing none, he closed the Public Hearing and called for a motion.

A motion was made by Council Member Besse, seconded by Council Member Adams, for Approval of the Resolution Confirming Assessment Roll for Demolition of Housing Unfit for Human Habitations. Motion carried unanimously.

G-4 PUBLIC HEARING AND RESOLUTION CONFIRMING ASSESSMENT ROLL FOR DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION.

Mayor Joines stated that Staff has asked to pull number 3 on page 99 of the Agenda Book and noted the Public Hearing would be on items 1 and 2. He opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to be heard regarding this item. Seeing none, he closed the Public Hearing. Confirmed at 8:04 p.m.

A motion was made by Council Member Clark, seconded by Council Member Adams, to approve items 1 & 2 regarding the Resolution Confirming Assessment Roll for the Cost of Housing Relocation from Housing unfit for Human Habitation. Motion carried unanimously.

Mayor Joins noted pulled item 3, Scott Hill and Nance Hill, the Public Hearing for that item will be continued to January 21, 2014.

G-5 CONSIDERATION OF ITEMS RELATED TO CREATION OF THE DOWNTOWN WINSTON-SALEM BUSINESS IMPROVEMENT DISTRICT:

- a. RESOLUTION DEFINING AND ESTABLISHING A MUNICIPAL SERVICE DISTRICT IN DOWNTOWN WINSTON-SALEM.
- b. ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION".

Ben Rowe, Assistant City Manager, provided a report for this item.

A motion was made by Council Member Leight, seconded by Council Member Montgomery to approve the Resolution Defining and Establishing a Municipal Service District in Downtown Winston-Salem and the Ordinance Amending Chapter 2 of the City Code Entitled "Administration". Motion carried unanimously.

G-6 ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE ENTITLED "MISCELLANEOUS OFFENSES AND PROVISIONS". [Public Safety Committee forwarded this item to City Council without a recommendation.]

Angela Carmon, City Attorney, provided the staff report for this item.

Council Member Burke made a motion, seconded by Council Member Taylor, to approve the Ordinance Amending Chapter 38 of the City Code Entitled "Miscellaneous Offenses and Provisions". Motion carried with the following vote:

Aye: Council Members: Leight, Clark, Besse, Adams, Burke, and Taylor

Nay: Council Member Montgomery

G-7 ORDINANCE RENAMING "LINDEN STREET" TO "N. RESEARCH PARKWAY" - East Ward. [Public Works Committee forwarded this item to Council with two in favor, one opposed and one abstaining.]

Council Member Montgomery made a motion, seconded by Council Member Taylor, to rename "Linden Street" to "N. Research Parkway" provided that (1) the City erect a monument or some recognition of a significant nature of the previous neighborhood within six months of tonight's approval or (2) An outside organization erect on site a monument of some recognition of significant nature of the previous neighborhood within in 12 months of tonight's approval. All of the above with the understanding that the Public Works Committee shall retain the authority to determine the meaning of significant nature and to extend the time frame set forth herein if necessary and the extending street name Linden Street will be retained if neither condition is satisfied. Motion carried unanimously.

G-8 RESOLUTION AMENDING A CONTRACT WITH HDR ENGINEERING FOR THE DESIGN OF DRAINAGE SYSTEM IMPROVEMENTS AS PART OF THE TWENTY-EIGHTH STREET DRAINAGE IMPROVEMENT PROJECT. [Recommended by Finance Committee. Public Works Committee forwarded this item to Council with three in favor, none opposed and one abstaining.]

Greg Turner, Assistant City Manager, provided a staff report on this item.

Council Member Leight made a motion, seconded by Council Member Burke, to approve the Resolution Amending a Contract with HDR Engineering for the Design of Drainage System Improvements as part of the Twenty-Eighth Street Drainage Improvement Project. Motion carried unanimously.

G-9 MAYOR PRO TEMPORE BURKE'S RECOMMENDATION FOR APPOINTMENT TO THE COMMUNITY APPEARANCE COMMISSION:

Scott Arnold - Term Expiring February 2016

A motion was made by Council Member Leight, seconded by Council Member Burke to approve Mayor Pro Tempore Burke's Recommendation for Appointment to the Community Appearance Commission. Motion carried unanimously.

G-10 MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:

a. HUMAN RELATIONS COMMISSION

Sonny S. Haynes - Appointment - Term Expiring December 2016

Timothy L. Auman - Appointment - Term Expiring December 2014

Robert Leak, III - Appointment - Term Expiring December 2015

A motion was made by Council Member Taylor, seconded by Council Member Besse, to approve Mayor Joines' Recommendations for Appointments/Reappointments to the Human Relations Commission.

Motion carried unanimously.

b. CITIZENS' POLICE REVIEW BOARD

Franklin L. Stowe, II - Appointment - Term Expiring December 2016

Jeffery Alan Cross - Appointment - Term Expiring April 2016

A motion was made by Council Member Adams, seconded by Council Member Montgomery to approve Mayor Joines Recommendations for Appointments to the Citizens' Police Review Board. The motion carried unanimously.

c. TEN-YEAR PLAN COMMISSION ON HOMELESSNESS

Gary Gunderson - Appointment - Term Expiring November 2016

Vivian V. Joiner - Appointment - Term Expiring November 2015

A motion was made by Council Member Montgomery, seconded by Council Member Leight, to approve Mayor Joines Appointments to the Ten-year Plan Commission on Homelessness. Motion carried unanimously.

d. RECREATION AND PARKS COMMISSION

Antonio Lamar Caldwell - Appointment - Term Expiring May 2016

Suzy Fielders - Appointment - Term Expiring May 2015

Nicole Little - Appointment - Term Expiring May 2016

A motion was made by Council Member Montgomery, seconded by Council Member Adams, to approve Mayor Joines' Recommendations for Appointments to the Recreation and Parks Commission. Motion carried unanimously.

e. CITIZENS' BUDGET ADVISORY COUNCIL

Phillip G. McCloud - Appointment - Term Expiring July 2016

Shannon McKeen - Appointment - Term Expiring September 2016

Bruce K. Shelton - Reappointment - Term Expiring September 2016

Brenda T. Hodges - Reappointment - Term Expiring June 2016

A motion was made by Council Member Adams, seconded by Council Member Taylor, to approve Mayor Joines' Recommendations for Appointments/Reappointments to the Citizens' Budget Advisory Council. The motion carried unanimously.

f. ZONING BOARD OF ADJUSTMENT

William Greene - Appointment - Term Expiring October 2014

Rev. Joseph L. Nance - Appointment (Alternate) - Term Expiring October 2016

A motion was made by Council Member Taylor, seconded by Council Member Montgomery, to approve Mayor Joines Recommendations for Appointments to the Zoning Board of Adjustment. Motion carried unanimously.

g. TRIAD MUNICIPAL ABC BOARD

Keith Green - Appointment - Term Expiring June 2016

A motion was made by Council Member Montgomery, seconded by Council Member Adams, to approve Mayor Joines Recommendation for Appointment to the Triad Municipal ABC Board. Motion carried unanimously.

h. YOUTH ADVISORY COUNCIL

A motion was made by Council Member Montgomery, seconded by Council Member Adams for Approval of Mayor Joines Recommendations for Appointments/Reappointments to the Youth Advisory Council. Motion carried unanimously.

Appointments:

Bryan Christ - Forsyth Country Day, Griffin Mueller - Forsyth Country Day, Anusha Doshi - Reagan High School, Anna Hattle - Reagan High School, Devika Ghosh - Atkins High School, Brandon Rogers - Atkins High School, Ashley Schell - East Forsyth High School, Earl Bonoan - Bishop McGuinness High School, Quentin McCullough - Paisley High School, Zach Skillings, - Paisley High School, Asia Wallace - Barthell - Glenn High School, Evan Smith - Glenn High School, Keyla Lewis-Fleming - Winston-Salem Preparatory Academy, Zamier Gillespie - Winston-Salem Preparatory Academy, Daelon Robinson - West Forsyth High School, Morgan Musumeci - Carver High School

Reappointments:

Anna Pate Glover - Mount Tabor High School, Saidi Martinez - Mount Tabor High School, Dalia Namak - Parkland High School, Darian Thompson - Parkland High school, Alexis Acree - Reynolds High School, Hope Arcuri - Career Center, Garrett Locklear - Walkertown High School, Ryan Carter - Walkertown High School, Kristy Sakano - East Forsyth, Asia Catral - Early College of Forsyth, Jocelyn Ganzert - Bishop McGuinness High school, Corrina Parriman - North Forsyth High School

i. COLLEGE ADVISORY BOARD**Appointments:**

Cortney Graham - Winston-Salem University, Leah Darby - Winston-Salem State University, Beverly Dosso - Winston-Salam State University, Shelby Ashley - Salem College, Sara Otero - Salem College, Layne Poplin - Salem College, Lauren

Formica - Wake Forest University, Mattos Paschal - Wake Forest University, John Scott - Wake Forest University, Rae-Ling Lee - Wake Forest University

Reappointments:

Sharon Nyerere - Forsyth Technical Community College, Ebonee Funderburk - Winston-Salem State University

Council Member Montgomery made a motion, seconded by Council Member Adams, for approval of Mayor Joines' Recommendations for Appointments/Reappointments to the College Advisory Board. Motion carried unanimously.

g. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

Closed Session.

A motion was made by Council Member Montgomery, seconded by Council Member Clark, that the City Council go into Closed Session pursuant to N.C.G.S. 143-318.11 to discuss several legal matters with the City Attorney and protect the Attorney Client Privilege. Motion carried unanimously.

Closed session began at 8:26 p.m.

At 8:37 p.m. Council Member Taylor made a motion, seconded by Council Adams to end the Closed Session and return to Regular Session. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:38 p.m.