

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**January 3, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, January 3, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms Lieutenant Wilson Weaver

Invocation: Reverend Robert M. Peek, Sr. of Advent Moravian Church

**RESOLUTION RECOGNIZING THE WINSTON-SALEM FIREFIGHTERS' COMBAT CHALLENGE TEAM OF THE WINSTON-SALEM FIRE DEPARTMENT**

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Burke asked the Members of the Team to come forward to the podium.

On behalf of the Mayor and City Council, she expressed pride in the achievements of the Combat Challenge Team and noted that many children aspire to become firefighters. She thanked the Members and presented the resolution to Fire Chief Antony Farmer.

Chief Farmer stated that the team always represents the City in a professional manner and have a very good showing each year. He introduced the Members of the Team and expressed

gratitude on behalf of the Department for the recognition. He also introduced other members of the Fire Department who were attending the meeting.

Team members at this time greeted the City Council members at the dais.

1. PUBLIC HEARING ON ZONING PETITION OF IPTV-B-MC-I1, LLC FROM HB TO GB-L [Academic Biomedical Research Facility; Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Animal Shelter, Public; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Boarding or Rooming House; Borrow Site; Building Contractors, General; Building Materials Supply; Car Wash; Cemetery; Child Care Institution; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Combined Use; Convenience Store; Correctional Institution; Dirt Storage; Family Group Home B; Family Group Home C; Food or Drug Store; Fraternity or Sorority; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Habilitation Facility C; Helistop; Hospital or Health Center; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris; Library, Public; Life Care Community; Manufacturing A; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Motorcycle Dealer; Museum or Art Gallery; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Multifamily; Residential Building, Townhouse; Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services A; Services B; Shelter For Homeless; Shopping Center; Stadium, Coliseum, or Exhibition Building; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Transmission Tower; Utilities; Veterinary Services; Warehousing; and, Wholesale Trade A]: Property located on the east side of Home Road, north of Indiana Avenue - Containing approximately 4.9 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3086. *[Planning Board recommends approval of petition.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

No one heard.

Mr. Paul Norby, City/County Planning Director, presented a brief staff report, noting that there is no conflict with the adopted area plan. He also indicated that there was no opposition expressed at the Planning Board hearing on the petition.

Council Member Adams made a motion for adoption of the Statement of Consistency set forth on Page 25 of the agenda book, and approval of the Zoning Map Amendment W-3086.

Council Member Taylor: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF MCIVER FAMILY LIMITED PARTNERSHIP FROM RS-9 TO LO-S (Offices): Property located on the northwest corner of Reynolda Road and Bonbrook Drive - Containing approximately 1.67 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3085. *[Planning Board recommends approval of the petition and approval of the site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Mr. Norby explained that the property is located within a metroactivity center calling for a variety of mixed uses. He noted that no opposition was expressed at the Planning Board hearing.

Council Member Merschel indicated that the community is in need of additional neighborhood services and the residents anticipate this petitioner will be a good neighbor. She made a motion for adoption of the Statement of Consistency set forth on Page 49 of the agenda book, and approval of the Zoning Map Amendment W-3085.

Council Member Burke: Second. Unanimous.

3. PUBLIC HEARING AND RESOLUTION ADOPTING THE SOUTH SUBURBAN AREA PLAN. *[Planning Board recommends approval of the Plan.]*

Mr. Norby presented an overview of the plan explaining that the area contains 15,000 acres, with the 2006 population estimated at 27,000. The proposed Plan is simply a guide for future zoning requests and will not change zoning in any of the areas. He noted that there was a large amount of public participation in the process. It involved advertising, web postings, postings on the City's Facebook page, use of WSTV13, e-mails and postcards to residents, fliers, etc. At this time, he introduced Ms. Marilyn Moniquette-John, Project Planner, for a presentation of the Area Plan.

Ms. Moniquette-John presented a map of the property located within the Area Plan, which proposes additional commercial and residential development. There is currently an abundance of industrial land use east and west of U.S. Highway 52, S. Main Street and Peters Creek Parkway, so those areas have been designated mostly with residential uses. U.S. 52, W. Clemmonsville Road and Thomasville Road are the main areas recommended for transportation improvements. There are park and greenway proposals at the Old Salisbury Road and Old Milwaukee Lane landfill sites. Based on various density levels and residential recommendations, the recommendations have been developed to meet housing and community development needs.

Mr. Norby indicated that the Planning Board hearing was conducted on September 9, 2010 and the Board unanimously recommended the Plan on November 11, 2010. The only change made was the addition of a statement explaining the role of an area plan.

Council Member Taylor asked staff to explain the difference between metroactivity centers and neighborhood or community activity centers.

Mr. Norby explained that a metroactivity center has extremely heavy and varied uses throughout. A neighborhood community activity center is smaller and uses relate more to the local communities surrounding them.

Mayor Joines called for the public hearing on the Area Plan.

Ms. Carolyn Highsmith, 3335 Anderson Drive, President of the Konnoak Hills Community Association, stated that she was the principal organizer of the letter campaign asking for support of the Plan. She noted that the Winston-Salem Neighborhood Alliance has also expressed support of plan.

Mr. Brian Allison, 1141 Bentgrass Lane, noted that he lives in the Kingstree Development, which contains the greatest population that would be most affected by development. He indicated that by door-to-door canvassing, he had determined there seems to be two compelling issues: no additional apartment units and no more commercial development along Sides Road. Several of the feeder streets connecting the Kingstree Development to Sides Road have daily bombardment of litter from fast food and retail patronage. He expressed his support for the Area Plan.

Mr. Eddie Williams, 3045 Sides Road, stated that he was speaking for himself, his wife and their neighbors on Sides Road. He indicated that they do not want apartments or condos, but instead want business or light commercial development. Additional business is badly needed to create jobs on that side of town.

Mr. Ed Crook, 3270 Peters Creek Parkway, expressed concern that the neighborhood meetings had not been peaceful, with attendees speaking over each other and one person seemingly "running the show". He noted that the topic was very controversial and there seems to be a hidden agenda.

Mr. Thom Hege indicated he owns approximately 40 acres adjacent to and beside the Lowe's store, which was for sale for quite some time. The site is now being considered for something that could be the biggest construction project since the ballpark. He noted that the area should not be considered as medium density commercial property, but solidly commercial.

Mr. Mike Spach, 3055 Sides Road, expressed concern about the Plan, noting that there are currently plenty of multifamily developments and single family homes in the area. He stated that the land east and west of Peters Creek Parkway is ideal for commercial, except for big box developments. More offices and restaurants are needed, but Mr. Spach noted he did not want to see the land cleared and all of the trees cut down for development.

Mr. Percy Snyder stated that he owns land in the affected area and has never been contacted regarding any of the development in the past, nor the proposed Area Plan. He expressed concern that the City makes decisions about development regardless of residents' desires.

Mr. Lonnie Clark, 1212 Watson Avenue, Ardmore Neighborhood Association, stated he had worked on an area plan several years ago and the group was able to do so amiably. He pointed out that his neighborhood borders on Peters Creek and the residents do not want to see more commercial area to the south. He expressed support for the Plan as is.

Mr. Harold Day, 1422 S. Main Street, questioned where the funding would come from to do this type of development. He pointed out that there have been a lot of apartments built in this area in the last few years and the City needs to work on something more important.

Mr. Frederick Francis, 3180 Sides Road, stated that land use should always be regarded as the highest and best value of a property. The north side of Sides Road is already commercial. He expressed concern that allowing more office use in this corridor would not be the best use of the property. He pointed out that most of the proponents do not live on Sides Road.

Mr. Richard Rierson, 1310 W. Clemmonsville Road, stated that his family originally owned a large part of this land, but no one had asked them for input on the process.

Mr. Larry Folds, 290 Picadilly Drive, stated that he has a vested business interest in efforts towards potential commercial development of 80 acres of the land in question. He stated that he wished the process had been different and noted that there is no other large tract of land that can accommodate a big box development. He expressed concern that the Area Plan will discourage developers from bringing their business to the city.

Mr. Peter Chanas, 3913 Twillmark Court, indicated he served on the Area Plan Committee. He asked for support of the Plan, pointing out that it is a comprehensive plan that will help guide responsible development. No one wants another Hanes Mall Boulevard in southern Winton-Salem. He noted that the City needs to be more responsible with development decisions.

Ms. Sandra Amos, 3240 Sides Road, stated she has lived at this address for 34 years and chose the area over Pfafftown, Kernersville, and Clemmons due to its rural feel. The property was once located in the County, but was later incorporated into the City limits. She indicated she would like to see the entire area commercialized because the character of the entire area has changed due to development.

Mr. Brian Vickers, 916 Silver Street, President of the West Salem Neighborhood Association, expressed support for the Area Plan.

Mr. Allen Spach, 3055 Sides Road, indicated that a new "Stratford Road" would be great benefit to citizens. But, he noted that this road was started in 1995 and the community has been waiting for 16 years.

Mr. John Berry, 3116 Hickory Ridge Drive, indicated that he has lived in the Kingstree development 19 years. He expressed concern that if Sides Road becomes commercial, it will not be able to handle additional the traffic.

Mayor Joines asked if anyone else would like to be heard. Seeing no one, he declared the public hearing closed.

Council Member Leight made a motion to accept and approve the Plan as proposed by staff.

Council Member Taylor: Second.

Council Member Leight explained that this action would not rezone any property, pointing out that it is just a guide for future planning of the area. Anyone can petition for change in the area that is in direct opposition to this Plan. The City is not spending money to develop any of the property. She noted that the entire South Suburban Area is represented in the plan and there have been many meetings for public input. This is a very fast developing area for residential and it makes sense to cluster commercial areas within the residential areas. Acts of harassment, threats and vandalism have unfortunately been a part of this process but they are not an acceptable part of the process, and she offered her apology to those adversely affected.

Council Member Montgomery pointed out that this was the largest amount of individuals he had heard speak out on an item since serving as a Council Member. He noted that the Plan is simply a "plan" for the future, but noted that there seems to be a miscommunication and misunderstanding of what the plan is and represents. He suggested that the City should do more to ensure that citizens understand the true nature of an area plan.

Council Member Clark expressed concerns about traffic and inquired about the difference in traffic increase for business versus multifamily use in the area.



Mr. Norby explained that it would depend upon the land use.

Council Member Clark noted that the Area Plan vote will have an impact on the community. Although the City does not do this to bring in developers, banks do not lend money these days unless there is a tenant. He stated that property owners along Peters Creek have indicated that they do not want commercial development and single-family residents do not want apartments. He expressed concern with why the Area Plan calls for apartments in this community.

Council Member Taylor indicated that it seems like a huge spotlight is shining on this one tract of land, but besides those issues, it is a good plan. He stated that although he agrees with the Area Plan, there is a fundamental issue with telling people how to use their property. He noted that parts of the Plan are located in other Wards besides the South Ward. He thanked everyone for their commitment to the process and noted that the City will try to use it as a roadmap for future planning.

Council Member Adams thanked everyone for being present and standing up for their respective neighborhoods. She noted that although many residents do not want any more big box stores or apartments, in certain parts of the city, citizens have to get in their cars and drive to those commercial areas. She noted that this is only a plan and it can be changed, modified or thrown out.

Council Member Merschel expressed concern about the process and stated it was unfortunate that this item has pitted neighbor against neighbor and against city. She suggested taking the Sides Road area out for additional mediation and asked if Council Member Leight would be willing to amend her motion to approve 90% of the Plan now and delay the remaining 10% for 60 days.

Council Member Leight noted that this process has already gone on for over a year and she would not be willing to amend her motion. She stated she did not believe there would be a way to bring the two sides together.

Council Member Burke thanked Ms. Moniquette-John for the presentation and inquired how staff plans to address the comments made during the public hearing.

Mr. Norby explained that after he is able to access the record of the meeting, his staff will address the individual concerns.

Council Member Besse thanked everyone involved and expressed his respect for all of the residents, especially those who moved into the area while it was rural. He noted that although he respects the opinion that government should not be involved in the planning process, the City has to take into account best interest of the community and use that authority responsibly and wisely; however, it cannot abandon the process. As pointed out, approving the Plan will not approve all requests for future rezonings. Any requests to change from a current zoning would have to come before the City Council. If an individual property owner wishes to sell his or her property for the maximum amount he can get on the market and for a development under which the property is currently zoned, the City has no control over that transaction. It is in the community's best interest for the City to recognize its limitations.

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

4. SECOND READING ON ORDINANCES RENEWING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF FIVE LIMOUSINE SERVICES AND THREE TAXICAB SERVICES IN THE CITY OF WINSTON-SALEM. *[The first reading of these ordinances was conducted on December 20, 2010.]*

- a. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF BAREFOOT TRANSPORTATION FOR THE OPERATION OF TEN LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- b. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF BLACK TIE LIMOUSINE FOR THE OPERATION OF EIGHT LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- c. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF FANTASY LIMOUSINE, INC. FOR THE OPERATION OF TEN LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- d. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF READY LIMOUSINE FOR THE OPERATION OF FOUR LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- e. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF TOP OF THE WORLD LIMOUSINE FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- f. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF LA RAZA TAXI FOR THE OPERATION OF FIVE TAXIS IN THE CITY OF WINSTON-SALEM.
- g. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF LOTT'S TAXI SERVICE FOR THE OPERATION OF THIRTY-FIVE TAXICABS IN THE CITY OF WINSTON-SALEM.
- h. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF WILLARD CAB COMPANY FOR THE OPERATION OF FIFTY TAXICABS IN THE CITY OF WINSTON-SALEM.

Council Member Burke made a motion for approval of Items (a) through (h).

Council Member Taylor: Second. Unanimous.

- 5. RESOLUTION INVITING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES TO HOLD ITS 2015 ANNUAL CONVENTION IN WINSTON-SALEM.

Council Member Merschel: Motion for approval.

Council Member Besse: Second. Unanimous.

- 6. CONSIDERATION OF CITY COUNCIL'S MEETING SCHEDULE.

Council Member Merschel: Motion for approval.

Council Member Adams: Second.

Council Member Montgomery inquired about how staff would inform the public of the meeting schedule changes.

Mr. Derwick L. Paige, Deputy City Manager, explained that the change is posted on the City's website and a calendar is frequently updated and sent to the media.

The motion for approval of the item was unanimously carried.

#### MAYOR/COUNCIL COMMENTS

Council Member Clark requested that the scheduled report from R.W. Beck on Solid Waste be given at the Public Works Committee instead of Finance Committee.

Council Member Merschel asked staff to look into the possibility of canceling the January Finance Committee meeting.

Council Member Besse indicated that he will be in Washington, D.C. representing the City at the National League of Cities meeting and will not be able to attend the January 18, 2011 City Council Meeting. He stated he will discuss the meeting with his colleagues and gather a list of concerns to take to the meeting.

Council Member Burke stated that WSTV13 is doing a very good job of advertising the City Council Committee Meeting schedule. She inquired as to the percentage of individuals with television access to the meetings.

ADJOURNMENT: 9:00 p.m.

**WINSTON-SALEM CITY COUNCIL SPECIAL MEETING**  
**Board Room Lawrence Joel Veterans Memorial Coliseum**  
**2825 University Parkway Winston-Salem, N.C. 27105**  
**January 12, 2011**

A Special Meeting of the Winston-Salem City Council was held on Wednesday, January 12, 2011, at 10:12 a.m. in the Board Room at Lawrence Joel Veterans Memorial Coliseum, Mayor Allen Joines presiding and the following members present:

Members Present: Molly Leight  
Dan Besse (*in at 10:16 a.m.*)  
Derwin L. Montgomery  
Denise D. Adams (*out at 11:20 a.m.*)  
James Taylor, Jr.

Members Absent: Robert C. Clark  
Vivian H. Burke  
Wanda Merschel

Members of  
Delegation: Senator Linda Garrou  
Representative Larry Womble  
Representative Bill McGee  
Representative Dale Folwell

Staff: Lee Garrity, City Manager  
Angela I. Carmon, City Attorney  
Derwick Paige, Deputy City Manager  
Gregory M. Turner, Assistant City Manager/Public Works  
Martha Wheelock, Assistant City Manager  
Denise Bell, Chief Financial Officer  
Scott Cunningham, Police Chief  
Erin L. Hudson, Senior Administrative Council Clerk

Mayor Joines called the meeting to order and thanked everyone for attending. He stated that he would walk attendees through the items in the booklet and would stop for questions or discussion as needed. Discussion ensued regarding:

Chronic Violator Provision

- Representative Womble questioned if there had been any problems with the previous legislation passed for chronic weeded lots, after having been given three chances to clean up an area.
- Mayor Joines noted that legislation had been a great help along with proper notification.
- Senator Garrou questioned if there was a problem with residents having sales on property, such as yard sales.
- Mayor Joines noted that there has been a recurring issue with residents washing cars or repairing cars on properties that are not properly zoned and creating a nuisance in neighborhoods.

*Council Member Besse in at 10:16 a.m.*

Quick Take Procedures for Public Transportation System Projects

- Senator Garrou questioned why Winston-Salem was not already included in this type of procedure.
- Representative Folwell asked if it was considered eminent domain to which Mayor Joines replied that it was.

Local Preference for Contracts

- In response to Representative McGee's statement that local acts cannot regulate labor trade, Mrs. Carmon noted that in speaking with representatives at the School of Government, it is considered part of the bidding process and does not violate trade law.
- Representative McGee questioned if the City was attempting to enact a law with statewide implications and if grant funds would be impacted.
- Mrs. Carmon stated that it would be beneficial to the City if the act could be statewide and any grant implications would be dependent upon policy adopted by Council based upon federal guidelines.
- Mrs. Bell noted that as the City receives funds from the state and federal governments and those funds impact everyone, taxpayers should not be allowed to bid out their business.
- Representative McGee read an excerpt from a meeting regarding regionalism.

- Mrs. Carmon stated that she understood Representative McGee's concern but the threshold of the proposed act is low enough that it would allow small businesses to participate in bidding for government jobs.
- Council Member Leight expressed concern that other cities may try to enact similar laws and cause bidding conflicts.
- Representative McGee noted that if the act is adopted and a bid is awarded, there is no provision that prohibits the contractor from employing workers from other counties so there is still no guarantee to keep the work within the City or County.

#### Police Jurisdiction

- Senator Garrou questioned how the Sheriff's Department would be impacted.
- Mr. Garrity stated that this act would give the City jurisdictional authority in the Village of Clemmons which it currently does not have. If the Village of Clemmons approached the City for police enforcement, the Sheriff's Department would lose the funding it receives for protecting that area.
- Chief Cunningham stated that he and Sheriff Schatzman have had conversations and he feels comfortable that both entities can have competitive discussions to provide the best level of service to the Village of Clemmons.
- In response to Senator Garrou's question, Mayor Joines stated that this is done in other counties and it could be a step toward consolidated police services for incorporated municipalities within Forsyth County.
- Representative Folwell noted that the tax base in the City is wide narrow and deep but this consolidation could be used as a model for what police protection really costs. He also noted that it is difficult to provide adequate protection when large non-profit users, such as Wake Forest University Baptist Hospital, do not share a portion of the cost.

#### Local Development for the City of Winston-Salem

- Representative McGee questioned if the City was proposing a change to a statewide bill that would only be applicable to itself.
- Mayor Joines stated that this act would allow the City to opt in to this option within the bill as other municipalities in the state have done.
- Mrs. Carmon stated that Charlotte, through a similar local act, has the same abilities. She also noted that this act apportioned to the City will apply only to it unless it is expanded to encompass other municipalities, which she feels will probably happen.

- Representative Womble noted that if the act seems favorable to other municipalities, they will attach themselves to it and if enough participate, it will become a statewide law.

#### Daily Deposits

- Mrs. Bell stated that this act will allow the City to make daily deposits into a cash vault that physically secures the cash and electronically records the daily deposit even if the cash is not physically deposited at the bank until a later time.

#### Utility Franchises

- Mrs. Carmon stated that the Town of Lewisville adopted an ordinance that requires town approval to extend water and sewer lines outside of its town limits, which is beyond its franchise abilities. The City has already laid the utility lines and is now being told that it cannot provide the service, when its franchise agreement is already in place.
- Senator Garrou noted complaints had been received from Clemmons residents regarding water service and pricing.

#### Linear Transportation Projects Such as Roads and Greenways

- Mrs. Carmon indicated a January 2010 effective date as some projects are already underway and staff would like to use these practices for those projects.
- Representative Womble noted that most of these practices become effective when they become law but he approves if that is what the City chooses to do. He also requested a list of projects that are already underway.
- Council Member Besse noted that it takes a while to have transportation projects approved.
- Mrs. Carmon stated that this enhancement should minimize the cost of current private or public transportation projects.

There was no discussion of the following items:

- House Bill 2050 – Winston-Salem/Council Meetings
- House Bill 2059 – Winston-Salem/Informal Bids Electronically
- Annexation
- Metropolitan Mayors' Coalition 2011 Advocacy Agenda



- Local Privilege Licenses
- Pedestrian and Bicycle Friendly Projects
- Resolution Adopting the City of Winston-Salem's Legislative Program for the 2011 Legislative Session

Representative Folwell indicated that he is working on a crime and public safety bill that will hopefully reduce drag racing along Highway 311. He proposed a law whereby, if an individual is caught speeding 25 miles per hour or more over the speed limit, they will have to surrender their license and vehicle. He also noted that there should be harsher punishment for anyone causing an accident as a result of using his/her cell phone to hopefully further deter individuals from using phones while driving. He further noted that the State is losing \$110 million per year when citizens do not renew their license plates in a timely manner and feels that the renewal process should be simplified. He then read a letter addressed to Council Members regarding nonpartisan City Council elections and election cycles.

Council Member Besse noted that if the City Council was suggested to have nonpartisan elections, then all Forsyth County elections should be nonpartisan.

Representative Womble stated that if there was enough interest shown, he could foresee local nonpartisan elections.

Council Member Leight stated that nonpartisan elections create more work and tend to confuse voters, as was evidenced with the most recent Winston-Salem/Forsyth County School Board election.

Senator Garrou noted that the suggestion of nonpartisan elections seems punitive.

Representative Womble noted that the majority of the State utilizes nonpartisan elections and if enough interest is expressed, then the opportunity is there for change.

Mayor Joines noted that the City Council will hold its Strategic Planning Session on January 31<sup>st</sup>.

Council Member Taylor indicated his support of election cycles but does not support nonpartisan elections.

Mayor Joines expressed his appreciation to the delegation for their efforts on the City's behalf.

Representative Folwell encouraged Council Members to think of ways to make the job of law enforcement officers safer and to encourage compliant behavior in citizens. He noted that currently, there is no law providing for punishment when an individual is using a cell phone and causes an accident.

Representative Womble indicated that during the long session, anyone can present a bill, whether or not it is supported by a local delegation. During the short session, bills presented tend to have little or no cost and the delegation will determine who will present a bill.

Representative Folwell expressed thanks to Council Member Besse for advocating to keep the Ardmore Station Post Office open and for his advocacy efforts for greenways and bicycle use.

Chief Cunningham noted that Sheriff Schatzman is not thrilled with the idea of the City extending police services to other areas within the County, but also noted that the Sheriff's Office does not investigate traffic accidents and the Police Department has to be contacted for each instance. If that act is approved, there will be no reduction or impact on the existing service provided by the Police Department.

Discussion ensued regarding surrounding water service providers and Mayor Joines noted that staff keeps a close watch on the Kerr Scott Reservoir.

*Council Member Adams out at 11:20 a.m.*

Mrs. Carmon stated that staff could meet with members of the delegation mid-session for a review.

ADJOURNMENT : 11:21 a.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**January 18, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Tuesday, January 18, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members	Molly Leight Robert C. Clark Derwin L. Montgomery Vivian H. Burke	Denise D. Adams Wanda Merschel James Taylor, Jr.
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Member Absent      Dan Besse

Secretaries:            Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Invocation:            Reverend Walker Armstrong of Bethany Baptist Church

Mayor Joines indicated that Council Member Besse was attending a National League of Cities meeting in Washington, DC and could not be at tonight's meeting.

RESOLUTION RECOGNIZING THE PARTICIPANTS OF PROJECT WE CARE

Council Member Clark: Motion for approval.

Council Member Taylor: Second. Unanimous.

Council Member Burke asked all of the volunteers to stand and she presented the resolution. She noted that without volunteers there would be no quality of life within the city. She also stated that the project would not be possible without the hard work of City staff. She thanked them for all of their efforts.

Mr. Christopher Mack, Director, Office of Community Assistance, accepted the resolution on behalf of the volunteers and thanked Council Member Burke for the recognition. He also thanked the Mayor and City Council for their support of the program.

RECOGNITION OF THE MARTIN LUTHER KING, JR. YOUNG DREAMERS' AWARD RECIPIENTS - *Lauren Arrington and Matthew Gray*

Mayor Joines recognized Ms. Wanda Allen-Abraha, Director, Human Relations Department, as well as Mr. Guy Blynn, Human Relations Commission (HRC) Chair and additional HRC members, Ms. Mischi Binkley and Ms. Jenny Viars.

Ms. Binkley explained that the goal of this program is to encourage young adults to aspire to the lifestyle that Dr. Martin Luther King, Jr. had encouraged for everyone. She noted that the award gives the HRC a chance to celebrate and recognize diversity in the community.

Ms. Viars presented the first award to Ms. Lauren Arrington, explaining that she had worked on an art project illustrating the devastating effects of racial and ethnic stereotyping. Ms. Arrington was nominated by her Professor David Finn.

Ms. Arrington thanked the HRC and its members, as well as Mayor and City Council for the recognition. She also expressed her appreciation to Professor Finn for the nomination.

Mr. Blynn presented the next award to Mr. Matthew Gray, thanking him for his efforts with the Samaritan Ministries. Mr. Blynn explained that Matthew had been volunteering with the Samaritan Ministries since he was nine years old and continues to do so on a regular basis. He was nominated by the Volunteer Administrator at Samaritan Ministries, Ms. Robin Namka. Mr. Blynn also thanked the Human Relations Department for its efforts in coordinating this program, in particular Mr. Carlos Bocanegra, pointing out that this would be Mr. Bocanegra's final City Council meeting as he was leaving the City for other endeavors.

Mr. Gray expressed his appreciation for the nomination, as well as all of the volunteers at Samaritan Ministries. He also thanked the Human Relations Department and members of the HRC for the recognition.

Council Member Burke noted that on December 16, 1985, Alderman Larry Womble made a motion proposing that a holiday be established for City employees recognizing Dr. Martin Luther King, Jr. each year on the third Monday in January. That motion was seconded by Alderman Robert Northington and the vote for approval was unanimous.

RECOGNITION OF YOUTH ADVISORY COUNCIL FOUNDER'S AWARD  
RECIPIENT - *Council Member Vivian H. Burke*

Ms. Allen-Abraha asked the members of the Youth Advisory Council to come forward for a presentation.

Ms. Jamie Gorham, Youth Advisory Council Chair, explained that the Council was formed in 1989 at the suggestion of Council Member Burke to give youth an opportunity to participate in local government and contribute to their communities. She then presented the Founder's Award to Council Member Burke.

Council Member Burke expressed her gratitude for the award, noting that she loves working with the youth in the community and stated that she was overwhelmed by recognition.

Ms. Viars also recognized Council Member Burke with a formal acknowledgment on behalf of the Human Relations Commission.

Mayor Joines thanked all of the members of Youth Council as well as the Human Relations Commission for their efforts within the community.

CONSENT AGENDA

Mayor Joines stated that the City Council would now consider the Consent Agenda.

Council Member Montgomery requested to pull Item C-7. Council Member Adams requested to pull Items C-1 and C-2, and Council Member Taylor requested to pull Item C-5 for discussion.

Council Member Clark made a motion to approve the balance of the Consent Agenda.

Council Member Montgomery: Second. Unanimous.

- C-3. RESOLUTION APPROVING A TWELVE-MONTH EXTENSION TO THE DOWNTOWN DEVELOPMENT AGREEMENT FOR PROPOSED MIXED-USE DEVELOPMENT WITH GOLER COMMUNITY DEVELOPMENT CORPORATION. *[Reviewed by Finance Committee.]*
- C-4. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Moravia Street.* *[Reviewed by Public Safety Committee.]*
- C-6. ORDINANCE AMENDING SECTION 42-177 OF THE CITY CODE RELATING TO NONRESIDENTIAL PARKING IN RESIDENTIAL AREAS. *[Reviewed by Public Safety Committee.]*
- C-8. RESOLUTION AUTHORIZING THE AWARD OF SERVICE SIDE ARMS OF CERTAIN DECEASED OR RETIRING POLICE OFFICERS. *[Reviewed by Finance and Public Safety Committees.]*
- C-9. RESOLUTION APPROVING FEE DISCOUNT GUIDELINES FOR NON-PROFIT GROUPS. *[Reviewed by Finance Committee.]*
- C-10. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRAFFIC AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. *[Reviewed by Finance and Public Works Committees.]*
- C-11. RESOLUTION AUTHORIZING THE CITY TO CONTINUE ITS AGREEMENT WITH THE FERGUSON GROUP AND APPROVE THE FEDERAL FISCAL YEAR 2012 FEDERAL AGENDA FOR WINSTON-SALEM/FORSYTH COUNTY. *[Reviewed by Finance and Community Development/Housing/General Government Committees.]*

C-12. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES - *April 5, 2010.*
- b. APPROVAL OF SUMMARY OF MINUTES - *April 8, 2010.*
- c. APPROVAL OF SUMMARY OF MINUTES - *April 19, 2010.*

C-1. RESOLUTION AUTHORIZING A TWO YEAR LEASE AGREEMENT WITH VINTAGE OAKS II, BROWN/BOESPFLUG II AND BULKLEY INVESTORS FOR OFFICE SPACE IN ALBERT HALL. [*Reviewed by Finance and Public Safety Committees.*]

In response to Council Member Adams, Police Chief Scott Cunningham explained that the offices will be used as investigative office space. He indicated that there is no space currently available at the Public Safety Center to house this operation.

Council Member Adams indicated that she was not aware the City had been renting off-site areas for use by the Winston-Salem Police Department (WSPD).

Chief Cunningham noted that this was a renewal of a lease that had been in place since before he came to the City. He indicated that the area also houses backup servers for the WSPD's database and noted that there are other rental properties in use by the WSPD.

Council Member Adams requested that staff provide information on the amount of rental properties the City has for use by the WSPD.

Council Member Adams: Motion for approval.

Council Member Merschel: Second. Unanimous.

C-2. RESOLUTION AUTHORIZING THE REAL ESTATE ADMINISTRATOR TO LEASE PROPERTY FROM THIRD PARTIES ON BEHALF OF THE CITY OF WINSTON-SALEM. [*Reviewed by Finance Committee.*]

At Council Member Adams' request, Mr. Kirk Bjorling, Real Estate Administrator, explained that this action provides for short-term leases for the Human Relations Commission in Old Salem for one night in the Spring.



Council Member Adams: Motion for approval.

Council Member Burke: Second. Unanimous.

Council Member Burke suggested that staff review the City's policy regarding rental property and she requested information on when the City began efforts to own rather than lease property.

C-5. ORDINANCE AMENDING SECTION 42-97 OF THE CITY CODE RELATING TO WEIGHT LIMITATIONS ON THRU TRAFFIC ON CERTAIN CITY STREETS - Sherwood Forest Road. [*Reviewed by Public Safety Committee.*]

Responding to Council Member Taylor's inquiry, Mr. Gregory M. Turner, Assistant City Manager, explained that staff considers alternative routes better suited for trucks, and considers a ban on through traffic of trucks on that particular road.

Council Member Taylor: Motion for approval.

Council Member Merschel: Second.

Council Member Clark noted that the any street affected must be purely residential and homes no more than 100 yards from the street.

The motion for approval of the item was unanimously carried.

C-7. CONSIDERATION OF ITEMS RELATING TO CONDUCTING CRIMINAL HISTORY CHECKS IN CONNECTION WITH THE ISSUANCE OF PRIVILEGE LICENSES FOR SOLICITATION OF ALMS: [*Reviewed by Public Safety Committee.*]

- a. ORDINANCE AMENDING CITY CODE SECTION 34.23.1 TO ESTABLISH PROCEDURES FOR CONDUCTING CRIMINAL HISTORY CHECKS IN CONNECTION WITH THE ISSUANCE OF PRIVILEGE LICENSES FOR SOLICITATION OF ALMS.
- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACCESS AGREEMENT WITH THE STATE BUREAU OF INVESTIGATION FOR USE OF THE STATES' SBI/DCI DATABASE.

Mrs. Angela Carmon, City Attorney, explained to Council Member Montgomery that when an application is submitted to the Revenue Department, it is sent to WSPD for a

background check. A recommendation is then made by WSPD according to that information and the Revenue Department will then issue a license based on the recommendation. The process should take no longer than 48 hours but it will not happen within the same day. She noted that there will not be a fee for this license.

Council Member Montgomery: Motion for approval.

Council Member Burke: Second. Unanimous.

#### GENERAL AGENDA

G-1. CONTINUATION OF PUBLIC HEARING AND RESOLUTION ADOPTING THE NORTHEAST SUBURBAN AREA PLAN. *[Item continued from the December 6, 2010 City Council meeting.]*

Mr. Paul Norby, Director, City-County Planning Department, gave a brief overview of the item, explaining that some enhancements had been made regarding the historical aspects of the areas included in the Plan. He also noted that additional photos and images were included in this updated version of the Plan.

Mayor Joines asked if anyone wished to be heard on the matter. Seeing no one, he declared the public hearing closed.

Council Member Burke: Motion for approval.

Council Member Taylor: Second.

Council Member Burke thanked staff for their efforts on the Plan and emphasized that this is a plan to which additions, changes and deletions can be made.

The motion for approval was unanimously carried.

G-2. PUBLIC HEARING AND ORDINANCE TRANSFERRING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF WINSTON-SALEM YELLOW CAB, LLC, FOR THE OPERATION OF SIXTY TAXICABS IN THE CITY OF WINSTON-SALEM. *[Reviewed by Public Safety Committee.]*

No one heard.

Council Member Burke: Motion for approval.

Council Member Clark: Second. Unanimous.

G-3. MAYOR JOINES' RECOMMENDATIONS FOR REAPPOINTMENTS/  
APPOINTMENTS:

a. CITIZENS' POLICE REVIEW BOARD

Carol G. Hart - *Reappointment - Term Expiring April 2013*  
Vivian V. Joiner - *Reappointment - Term Expiring April 2013*  
David M. Tinch - *Reappointment - Term Expiring April 2013*  
Georgiana Yonuschot - *Appointment - Term Expiring April 2013*

Council Member Taylor: Motion for approval.

Council Member Burke: Second. Unanimous.

b. CITIZENS' BUDGET ADVISORY COUNCIL

Brenda T. Hodge - *Appointment - Term Expiring June 2013*

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

c. EMERGENCY MANAGEMENT ADVISORY COUNCIL

Charles T. Davis - *Reappointment - Term Expiring September 2013*

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

d. CITIZENS' CAPITAL NEEDS COMMITTEE

John Burrell - *Appointment*  
Chris Leak - *Appointment*  
Tony Furr - *Appointment*  
Amy Egleston - *Appointment*  
Mike Massoglia - *Appointment*  
Donald Scales - *Appointment*  
Jeff Macintosh - *Appointment*  
Monticello Mitchell - *Appointment*  
Randy Eaddy - *Appointment*

Steve Snelgrove - *Appointment*  
Hortensia Rice - *Appointment*  
Nancy Dunn - *Appointment*  
Helen Etters - *Appointment*

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

G-4. PUBLIC COMMENT PERIOD.

Mayor Joines asked if anyone wished to be heard. Seeing no one, he declared the Public Comment Period closed.

ADJOURNMENT: 7:36 p.m.

**WINSTON-SALEM CITY COUNCIL SPECIAL MEETING**  
**Room G, North Main Hall**  
**Benton Convention Center**  
**301 W 5<sup>th</sup> Street, Winston-Salem, NC 27101**  
**January 31, 2011**

A Special Meeting of the Winston-Salem City Council was held on Monday, January 31, 2011 at 5:00 p.m. in Room G, North Main Hall at the Benton Convention Center, Mayor Allen

Joines presiding and the following members present:

Members Present: Molly Leight  
Robert C. Clark  
Dan Besse  
Derwin L. Montgomery (in at 5:25 p.m.)  
Vivian H. Burke  
Denise D. Adams  
Wanda Merschel  
James Taylor, Jr.

Staff: Lee D. Garrity, City Manager  
Derwick L. Paige, Deputy City Manager  
Gregory M. Turner, Assistant City Manager  
Martha Wheelock, Assistant City Manager  
Angela I. Carmon, City Attorney  
Paul Norby, City/County Planning Director  
Ann Jones, Budget/Evaluation Director  
Ben Rowe, Deputy Director, Budget/Evaluation  
Denise Bell, Chief Financial Officer  
Scott Cunningham, Police Chief  
Antony Farmer, Fire Chief  
Linda Jackson-Barnes, Assistant to the Mayor

Facilitators: Alan Cox and Ellen Cox

Secretaries: Renée L. Phillips, City Secretary  
Melanie Johnson, Deputy City Secretary

Mayor Joines thanked everyone for attending and stated that City Council would be revisiting the goals and values, as well as strategies discussed during the 2010 Strategic Plan meeting. He also indicated that he had received a letter from a local delegation member asking

for consideration of proposed changes in elections and stated that there would be discussion on that topic as well. At this time, he introduced the meeting facilitators, Mr. Alan Cox and Ms. Ellen Cox.

Mr. Cox explained that the first course of action would be to review the Strategic Priorities set during the meeting last year, as well as the Mission, Vision and Values that were established.

### **ECONOMIC VITALITY**

Council Member Leight noted that the Revitalizing Urban Commercial Areas (RUCA) program is an important way to bring back communities and suggested allowing businesses to team up and apply for funding together.

Council Member Clark stated that the demands on the program may be competitive and pointed out that a \$2.5 million budget could be spent in one area alone. He suggested utilizing merchants' associations to assist in finding candidates.

Mayor Joines stated that if only two groups have applied, staff should conduct outreach to areas have yet to be involved in the RUCA program.

Council Member Adams requested a report on the history of areas receiving assistance and noted that the City should hold the applicants to guidelines similar to those for business loan recipients. She expressed concern that if there are only two applicants, staff needs to do more work to solicit interest in the RUCA program.

Mayor Joines noted that since three projects received assistance last time with a \$1.5 million budget, perhaps three or four could receive assistance this time.

Council Member Merschel suggested only working with two or three projects in order to address any issues that may prevent success.

*Council Member Montgomery in at 5:25 p.m.*

Council Member Merschel asked that staff review the projects in six to eight months for an evaluation period.

Council Member Besse suggested having Committees review the projects on an ongoing basis instead of a one-time review several months from now. He asked that information on areas that are moving forward be included with the requests, as well as information on recipients of the funding.

Council Member Leight pointed out that there are several groups in the Peters Creek Parkway working hard on this, including neighborhoods, churches, etc. She urged others to look at surrounding neighborhoods and churches for assistance.

Council Member Clark stated that a determination must be made on whether to spend a little in several areas or concentrate on just a few. He noted that \$2.5 million between 10-15 RUCA projects would be \$200,000 each, or concentrating on just a couple by providing more funding and perhaps resulting in something more permanent.

**CONTINUE ACTIVE SUPPORT OF PIEDMONT TRIAD RESEARCH PARK**

Mayor Joines briefed the City Council on the status of Piedmont Triad Research Park (PTRP), including the future structural needs and inquired if Council would like to continue to analyze each project on a case-by-case basis.

Council Member Adams stressed the need for staff to communicate with the community in a better manner with more project statistics and future benefits, pointing out that lack of knowledge leads to lack of support.

Council Member Burke suggested utilizing WSTV13, and stated that perhaps a Council Member could go on and speak about the project.

Council Member Merschel suggested hosting a “mixer” and inviting various representatives in the science, business, and arts industries. She noted that it could be filmed, interviews conducted and Council Members could attend as well.

Council Member Adams noted that all taxpayers do not live in the downtown area, and staff should schedule “town hall” meetings to meet with residents located outside that area.

Mayor Joines indicated that many people think the biotech jobs require higher learning college degrees, but in actuality nearly half of the employees are high school graduates or only have Bachelors’ degrees.

Council Member Leight stated that many residents associate PTRP with Wake Forest University (WFU), and think that there is already a lot of money invested. Many want to know why the City is assisting with the PTRP project. In fact, the project involves Winston-Salem State University (WSSU), The School of the Arts, Salem College, and WFU.

Council Member Besse noted that two of the city’s largest employers are WFU Baptist Hospital and Forsyth Memorial Hospital. The City cannot continue to promote those employers without the assistance of the PTRP and citizens need to hear how integral it is to the entire community as an employee base.

Council Member Montgomery stated that the general population needs to understand the importance of downtown. He suggested that staff look at other industries that can be brought in and paint an overall picture for residents.

Council Member Burke noted that WSSU’s role in PTRP should also be explained.

Council Member Clark stated that there needs to be a better understanding of the status of PTRP, including the funding need of the stormwater study, as well as the need for infrastructure



and street funding. The City has also committed greenspace and the status of that project should be explained.

**JOB GROWTH AND OTHER EMPLOYMENT OPPORTUNITIES/MARKET SECTORS**

Mayor Joines asked that staff provide periodic updates.

Council Member Montgomery noted that small businesses as well as large employers should be discussed.

Council Member Leight asked that the various colleges in town be involved in training, as well as marketing of graduates in support of area businesses.

Council Member Burke pointed out that the Career Center teaches high school students and it would be a good opportunity to discuss job opportunities with them.

Council Member Adams stated that staff needs to do a better job communicating the need for a wide variety of jobs and not just biotech positions. Match up needs with those looking and help point them in the direction of jobs or places to obtain knowledge to assist in obtaining those jobs.

Council Member Taylor suggested keeping re-entry programs in the forefront, pointing out that many individuals cannot get jobs and a program should be created to assist them in gaining the skills needed to obtain those jobs.

Council Member Merschel noted that there are limited resources for educational needs and the judicial system. She indicated that those responsibilities should be placed on the Boards over those areas.

Council Member Burke stated that we need to clearly define what we do and direct those that need to be directed to appropriate places.

Council Member Taylor indicated he did not believe it is a waste of funds or resources to assist with re-entry, but rather a means of reducing crime, etc.

Council Member Merschel indicated that she feels funds should be appropriated where they reside.

Council Member Adams stated that although that population might not be our responsibility, the City does have a responsibility on some level. We should go outside and collaborate with these systems to enable growth.

Council Member Besse suggested identifying efforts currently taking place and there may be a benefit from coordination.

Council Member Clark stated that it is important to include all types of business including small businesses. There is always a need such as ordering office supplies, maintaining vegetation, plumbing, electrical, etc.

## **SUMMARY**

Council Member Besse explained that the National League of Cities is recommending municipalities focus on identifying local businesses with potential to expand and that serve markets outside their immediate area in order to bring in capital from other areas. They provided recommendations on how to do so and he noted that had given staff that summary.

Mayor Joines suggested that staff look at opportunities in competing economies.

## **SOCIAL VITALITY**

### Promote Community Programs

Council Member Montgomery suggested that the City provide WSTV13 as advertising for other social organizations and he also inquired about advertising where citizens can obtain certain services.

Council Member Burke noted that sometimes staff can provide more information but the public must educate themselves. She also requested that staff work with the Urban League on a re-entry program.

Council Member Taylor pointed out that a growing number of citizens are students and young professionals and the City needs to retain young professionals by engaging them with what they want.

Council Member Adams stated she would like to see an engagement survey from citizens and suggested that a random sample be taken by CityLink, and have them track the information and organize the data for a report to the City Council.

Council Member Taylor expressed concern about organizing communities and noted that there are some communities in the Southeast Ward that could benefit from assistance by City staff.

Council Member Merschel stated that reaction many times brings people together more than proactive actions. She noted that a large portion of youth are from other places and she did not want to miss the opportunity of discovering the demographics of seniors. She pointed out that the city is in an ideal climate, with plenty of healthcare, and a low cost of living.

Council Member Burke pointed out that there are many organized neighborhood associations and suggested that staff also look at Project We Care, and other organizations for ideas on what works.

Council Member Montgomery stated that both sides are important, particularly, the youth who need to know what opportunities are available here to help keep them from moving away.

Assist the Housing Authority of Winston-Salem (HAWS) with Rehab or Sale of Complexes

Council Member Clark expressed his concern that there is a fundamental problem with the relationship between the City and HAWS; the Mayor appoints Board Members but there is no other accountability. There have been three senior executives in the organization that have been indicted and there needs to be more oversight. He suggested that reports on the budget and actions be given to the City Council on a yearly basis.

Council Member Montgomery agreed that there should be annual reports noting that property rehabilitation has become a real issue in communities.

Council Member Adams also agreed that there should be some accountability and asked that staff look into other relationships with HAWS. She noted that the organization serves a purpose and has a history with the city. Those Council Members that have HAWS housing in their Wards want to see something done to make it work. She asked that plans for the future in current locations be reported on as well.

Council Member Taylor asked staff to find out how the City can help and where.

Council Member Merschel stated that the reports should contain information on assets, liabilities, occupancy rates, etc.

Council Member Leight pointed out that there have been positive projects, such as Johnson Square, and if the City lent a hand in the process, the report should make note of that fact.

Council Member Burke stated that City staff may need to assist with federal funding requests.

Council Member Montgomery indicated that the Cleveland Avenue Master Planning process is ongoing and organizers are looking for federal assistance. He noted that Council Members could speak with Washington representatives to assist in obtaining those funds.

Council Member Burke requested that staff report on their status and bring some suggestions back to the Council.

Council Member Merschel indicated that there is one neighborhood in the Northwest Ward that is managed by HAWS and noted she would like to hear their plans, etc. for the future. She stated that perhaps the project could be addressed in small increments.

**IDENTIFY PARTNER AGENCIES TO HELP RETAIN YOUNG PROFESSIONALS**

Council Member Taylor suggested working with the Urban League and Council Member Burke pointed out that work could be done with the YMCA.

Mayor Joines suggested forming focus groups to get an understanding of their needs and wants.

Council Member Montgomery noted that efforts should continue to involve the entire community and bring them all together.

**EXPLORE AND SPONSOR PROGRAMS THAT CULTIVATE CULTURAL DIVERSITY**

Council Member Clark pointed out that many programs are offered through the Human Relations Department by way of festivals, learning opportunities, meetings, etc.

Council Member Adams noted that a lot of culturally diverse programs are currently ongoing through the various colleges in the city.

Council Member Leight indicated that all of those program participants should be made aware of the other programs so that they can combine their efforts where possible.

Council Member Taylor pointed out that the Southeast Ward has a very culturally diverse citizenship and suggested pulling all of the groups together throughout the various Wards to address their respective issues.

Council Member Burke suggested working with local churches to share information since many began years ago to engage in culturally diverse efforts.

Council Member Besse pointed out that it is important to include additional outreach to the Spanish community with City services, programs availability.

### **SERVICE EXCELLENCE**

#### **Accelerate Sidewalk Construction**

Council Member Clark pointed out that there are 1,000 miles of City streets and half with sidewalks which could mean a very costly undertaking.

Council Member Besse asked staff to identify factors that slow down implementation of transportation projects.

Mayor Joines indicated that the City should explore other revenue sources for funding these projects.

Council Member Clark indicated that conversations should be had with state representatives to determine if some requirements, etc. could be loosened. He also suggested that the City could require developers of new neighborhoods to install sidewalks to cut down on the number of projects the City has to fund.

### **REVIEW PRE – ENGINEERING STUDIES FOR STREETCAR DESIGN**

Council Member Montgomery noted that he had not seen much information on this issue and would like to have additional information.

Council Member Leight indicated that the City would need money to get into the streetcar business and noted that Charlotte had been successful in funding theirs through taxes.

Council Member Besse noted that substantial funding had already been approved for the study. He stated that educational efforts are also important, as well as outreach to communities regarding the function of streetcars and how they can help with transportation and economic development.

Council Member Merschel indicated that there should be a timeline for the review and it should identify critical needs, possible individual projects and steps needed, as well as the affects on growth within their particular corridors.

Council Member Besse indicated that at least two smaller cities that had implemented streetcar systems, and their initial two mile length produced enormous returns.

Council Member Montgomery requested a comparison of streetcars versus bus transportation.

Council Member Clark pointed out that two studies had been completed already, but funding sources have yet to be identified. He stressed the need for a realistic understanding of cost, location, etc.

Council Member Adams indicated she would like to see an engineering study on how to get people to ride streetcars.

**CONTINUE TO ADDRESS YOUTH/JUVENILE ISSUES - *Gangs, Vandalism, Graffiti***

Council Member Taylor noted that this project should be organized with the Gang Coordinator and other communities. He requested an update on the effectiveness of the City's graffiti ordinance.

Council Member Adams requested information on the status of gang prevention, crime by age group, available programs and the status of the plan.

Council Member Besse pointed out that other cities have successful programs that are low in cost whereby cleaning and painting supplies are given to volunteer groups to remove graffiti.

Council Member Burke indicated that staff should use local resources such as churches, community groups, etc. to assist in getting ideas.

Council Member Montgomery stated that the Public Safety Committee received a report on all known gangs, areas, etc. He suggested that staff provide for more collaboration between the City and the judicial system to put some groups to work.

Council Member Besse noted that information should be advertised for the volunteer programs.

At this time, Mayor Joines called for a ten minute break. The City Council took a break at 6:38 p.m.

At 6:50 p.m., the City Council meeting was reconvened.

**MAKE RECOMMENDATIONS TO POTENTIAL MANAGEMENT/ OWNERSHIP OPTIONS FOR COLISEUM/BOWMAN GRAY**

Council Member Clark questioned how the public facilities would be managed by the City if the Coliseum and Bowman Gray ownership were to change.

Council Member Merschel indicated she would like to see discussion of this item incorporated in the budget cycle.

**CONTINUE EFFORTS TO SECURE N.C. DEPARTMENT OF TRANSPORTATION FUNDING FOR THE FIRST SEGMENT OF NORTHERN BELTWAY**



Mayor Joines suggested the City seek special legislation from the Forsyth County Delegation to highlight how long Winston-Salem has been held up.

## **GOVERNANCE**

### Evaluate Potential Payments in Lieu of Taxes from Non-Profits

Council Member Merschel indicated she would like staff to evaluate potential partnerships in lieu of payments, noting that non-profits can partner with the City for funding, etc. of parks, public safety, appearance, education, childcare, healthcare, etc.

Council Member Burke asked for specific examples of partnerships.

Council Member Adams inquired as to a monetary amount that would be equal for all non-profits in the city.

Council Member Merschel stated it would likely be easier to request non-profits enter into a partnership in lieu of taxes and she noted that could include mentoring opportunities, downtown ambassadors, hospital facilities that can work on community appearance projects, etc.

Council Member Besse pointed out that it may be beneficial to identify projects on the City's wish list that are desirable to non-profits. For example, he stated that sidewalks along Cloverdale Avenue may be a project in which WFU would be a willing participant.

Council Member Clark stated that staff should be specific and name projects on which the City would need assistance.

Council Member Adams stated that partnerships and monetary assistance should be considered equally.

Council Member Leight stated that the City could easily give non-profits the choice to either participate in a partnership or pay taxes.

Council Member Burke questioned the difference between non-profits and not for profit organizations.

Council Member Merschel stated that the process should include both entities.

Mayor Joines requested that staff provide a definition for “non-profit” organizations.

Council Member Montgomery noted that churches can do a lot in the way of partnerships.

**DEVELOP LONG-TERM FIVE YEAR BUDGET FORECAST**

Council Member Clark inquired as to the amount of funding available for capital projects.

Council Member Merschel expressed ambivalence about the plan based on the time and effort required by staff to work on a moving target. She noted that a strategy for the Capital Improvement Plan is fine, but stated she is not sure about the value of a five year plan and requested that staff evaluate the effectiveness of developing such a plan.

**RELEASE SIMPLIFIED CITIZEN SUMMARY OF PROPOSED BUDGET**

Council Member Merschel pointed out that a lot of major improvements had been made in that area and she stated that a more user-friendly report should be brought back.

Council Member Leight indicated that she attended meetings during the last month and the Citizens’ Budget Advisory Committee (CBAC) was already down to six pages and the report had been well-received by those who heard it.

Council Member Merschel indicated she felt the report should contain a one or two topic overview per department.

Council Member Taylor questioned how the information is released and inquired as to the steps taken to get information to the public.

Council Member Montgomery stated that the media should receive information on just the budget section of the report.

Council Member Merschel pointed out that the City Manager's Budget is basically that and that staff should ensure that it goes out to the appropriate agencies.

Council Member Burke stated that copies with bullet points should be sent to the libraries and recreation centers.

Council Member Adams stated that citizens should be educated on the budget lingo and she asked that staff provide information on who is responsible for providing specific information.

Council Member Clark noted that this would be good information to pass out at Talk of the Town meetings.

**REVIEW PERFORMANCE EVALUATION SYSTEM AND MODIFY AS APPROPRIATE**

Council Member Adams asked for information explaining the system and noted that staff should move towards electronic versus hard copies. She stated that employees should be polled regarding their feelings about the evaluation process.

**UPDATE LEGACY COMPREHENSIVE PLAN**

Council Member Montgomery stated that the Plan's goals should be re-evaluated.

Mayor Joines requested specific information on the Plan schedule.

Council Member Merschel requested an update and timeline on the three remaining plans.

Council Member Besse requested a review on where the City stands without redoing the Plan.

**SUPPORT WORK OF COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE**

Council Member Leight stated that there should be more frequent updates on the work of the Committee and its plans.

Council Member Adams asked that staff ensure the City is recognized for its sustainability efforts among its peers.

Council Member Besse stated that the initiatives are listed separately and staff should recognize that several of the projects are key parts of same programs and need to be included in the updates.

**COMPLETE COMPREHENSIVE REPORT ON SOLID WASTE MANAGEMENT**

Council Member Clark noted that the Public Works Committee will hear a report on the plan in February. He indicated that the issue of Solid Waste funding is very important. It is on a negative downward slope and he stressed the need to conduct a summit type meeting with the Utility Commission given the urgency of the needs to be addressed.

Mayor Joines stated that there needs to be an implementation strategy.

Council Member Leight expressed her disappointment after reading the report from the consultants. She stated that she was under the impression the report would explore methods of handling solid waste but it did not give any new information. Having the authority to handle waste makes sense but in every instance it calls for studying ways to handle the waste. She stressed the need to have a study of ways to handle solid waste.

Council Member Besse stated that the Council needs to consider adoption of the recommendations, but he indicated he is not ready to endorse a plan. He inquired as to what

steps are going to be taken. He also stressed the need to consider implementing recycling pilot program citywide, noting its enormous success so far.

Mayor Joines stated that ways to address deficiencies need to be addressed as well.

Council Member Taylor pointed out there needs to be a system of checks and balances.

**HOT TOPICS – PRIORITIZE TIMEFRAME**

Council Member Taylor indicated he would like to receive the RUCA information during the first quarter.

Council Member Clark stressed the importance of the Solid Waste Study.

Council Member Adams stated she would like to receive the evaluation of potential partnership/payments from non-profits sooner rather than later.

Council Member Merschel requested that each Council Member supply the City Manager with a project for the suggested partnership/payment plan within the next 60 days.

Council Member Besse indicated he would prefer the sidewalk construction plans as a partnership/payment project.

**MAYOR JOINES – LETTER FROM REPRESENTATIVE DALE FOLWELL**

Mayor Joines explained that Representative Folwell was calling for non-partisan elections, as well as review of the election cycles. He noted that the current system ensures good representation on the City Council and he would prefer not to impact that situation.

Council Member Leight expressed her opposition to non-partisan elections.

Council Member Besse stated that the City likely has one of the most diverse Councils in the state and the system guarantees representation in each part of the city. He also noted that most citizens know who their representative is and the current system ensures competitive races. He indicated he sees no need to change the system.

Council Member Merschel stated that the City's Ward system works with the defined area of responsibility but does not equate to nonpartisan. She noted that many of her constituents do not necessarily know her party affiliation. Education is key and there seems to be a loss in party definitions anyway. She indicated she has no problem with non-partisan elections.

Council Member Burke expressed concern that if the City considers this proposal, fairness in representation will decrease.

Council Member Clark stated that the Ward system works well with no issues. He stated he thinks they should be non-partisan and that it would not affect diversity since the City has a Ward system in place. He noted that there are six other incorporated communities in Forsyth County and they may not be partisan.

Council Member Besse indicated he does not support revisiting partisan versus non-partisan, stating that party affiliation is blamed for hostility but that does not have to be the case. He pointed out that does not happen in the city, but he does see hostility in other cities with non-partisan debate. Without parties at a local level, the cost of campaigns rises because individual candidates have to do everything. He noted that the public needs to be educated.

Council Member Adams stated that the city has come a long way, and if Council were to adopt this proposal, it will set us back 30-40 years. She noted that this is a good system, and the North Ward is almost 50/50 in race, party, etc.

Council Member Merschel noted that parties can create an image for candidates, but she indicated she also believes that individuals can do more than called for by parties. Citizens need to be educated more on individuals and that person's positions more so than party platforms.

Council Member Montgomery noted that in non-partisan elections, there could potentially be many candidates at one time, making it harder to understand and know how to

vote. However, with partisan elections such as we have now, the candidates have already been broken out during primaries, making the process much simpler.

Council Member Leight stated that most people do not pay attention to party affiliation. However, parties help in the work that can be done for candidates; it is not the same as federal level elections.

Mayor Joines stated he feels that ultimately, most of the Council seems to be satisfied with its current election process.

Council Member Clark requested that staff provide an update on pending ward realignments.

#### **WRAP-UP**

Mr. Lee Garrity, City Manager, explained that staff will return in 60 to 90 days with an action plan for each of the items requested. He noted that staff will also be stepping up the manner in which communications are conducted via better key work item reporting, as well as finishing OPEN system tracking systems within each department.

Council Member Burke stressed that the City is a business and needs to operate like a business, with accountability, as well as communicating effectively and efficiently with its citizens.

Mayor Joines thanked staff and the facilitators for the meeting.

ADJOURNMENT: 7:48 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**February 7, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, February 7, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms: Lieutenant Danny Watts

Invocation: Dr. Bill Allen of South Fork Church of Christ

**PRESENTATION BY DR. DENNIS THOMAS, COMMISSIONER OF THE MID-EASTERN ATHLETIC CONFERENCE**

Mayor Joines recognized Dr. Dennis Thomas for a presentation.

Dr. Thomas stated that he was bringing greetings from 13 outstanding academic institutions from Delaware to Florida. He expressed his sincere enthusiasm for the way in which the Mid-Eastern Athletic Conference (MEAC) has been received in Winston-Salem. The tournament, he explained, is more than just the game, but involvement with the local community is extremely important. He stated that staff had been working with local elementary schools to locate talent for pre-game activities. High school students were attending and presentations had been made about the various institutions participating in the Conference. Dr. Thomas indicated



that the MEAC implemented a contest two years ago for local schools and the number of books the students had been reading. Prizes include a \$3,000 first prize, \$1,000 for second and \$500 for third. Without the support of the City, he noted that this could not happen. He stated that it had been a team effort and he thanked Mr. Bucky Dame, Director, Coliseum and his staff, as well as the members of the Steering Committee and its Chair, Ms. Joycelyn Johnson. He also thanked Assistant City Manager Martha Wheelock. He invited everyone to attend the games and noted that surveys were filled out by attendees to indicate their satisfaction with hospitality extended by the local hotels, restaurants and merchants, and ultimately resulting in an approval rating over 80%.

Council Member Adams thanked Dr. Thomas and the MEAC for coming to Winston-Salem. She noted that she is a Morgan State University graduate and they have won for the past three years. She stated that she has attended every game and will continue to do so.

Council Member Taylor thanked Dr. Thomas for helping to bring the MEAC to Winston-Salem.

Council Member Burke noted that she is on the Tourism and Development Authority Board, and Winston-Salem is known for its hospitality. Visitors are always treated with respect. She thanked Dr. Thomas for his efforts with the MEAC.

1. PUBLIC HEARING ON SITE PLAN AMENDMENT OF NORTH CAROLINA HOUSING FOUNDATION, INC. FOR A LO-S ZONED SITE: Property located on the southeast corner of Fifth Street and Dunleith Avenue - Containing approximately 0.98 acre located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3087. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

## APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Montgomery requested a short staff presentation.

Mr. Paul Norby, Director, City-County Planning Department, explained that the request involves property located at the southeast corner of Dunleith Avenue and Fifth Street. The plan consists of two structures with a total of eight units. He noted that there is a large tree on the property that is to be preserved as per the site plan. The site plan meets requirements of the *Unified Development Ordinances* and *Legacy*.

Council Member Montgomery stated that he is enthusiastic about the work by Experiment in Self-Reliance and is in favor of this project. He made a motion for (1) adoption of the Statement Consistency set forth on Page 23 of the agenda book; and (2) approval of W-3087 including the Site Plan Amendment.

Council Member Taylor: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF VETERANS OF FOREIGN WARS #1134 FROM HB TO PB-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (Without Drive-Through Service); Retail Store; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Motor Vehicle, Rental and Leasing; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Care Day Care Center; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Habilitation Facility C; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; Postal Processing Facility; School,

Private; School, Public; School, Vocational or Professional; Shelter for Homeless; Park and Shuttle Lot; Parking Commercial; Utilities]: Property located on the northeast corner of Glenn Avenue and Ogburn Avenue - Containing approximately 0.66 acre located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-3088. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Burke stated that this is a good plan for an organization that will be providing shelter for homeless veterans. She made a motion for: (1) adoption of the Statement of Consistency set forth on page 51 of the Agenda Book; and (2) approval of W-3088 including the Site Plan.

Council Member Taylor: Second.

Council Member Besse noted that as a member of the Ten Year Plan to Combat Homelessness, he supports the project and looks forward to its completion.

Mayor Joines thanked everyone involved in the project, as well as all of the corporate citizens for their support.

The motion for approval was unanimously carried.

3. PUBLIC HEARING ON ZONING PETITION OF SBBH INVESTMENTS, LLC FROM PB-S (TRACT 1 - SHOPPING CENTER. TRACT 2 - SHOPPING CENTER; AND RESIDENTIAL BUILDING, TOWNHOUSE) TO GB-S [Residential Building, Townhouse; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Arts and Crafts Studio; Building and Materials Supply; Convenience Store; Food or Drug Store; Fuel Dealer; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display, Retail; Restaurant (With Drive Through Service); Restaurant (Without Drive Through Service); Retail Store; Shopping Center; Wholesale Trade A; Banking and Financial Services; Bed

and Breakfast; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Kennel, Indoor; Motor Vehicle Rental and Leasing; Motor Vehicle Repair and Maintenance; Motor Vehicle Body or Paint Shop; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care; Animal Shelter, Public; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Habilitation Facility C ; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Shelter for Homeless; Stadium, Coliseum, or Exhibition Building; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking Commercial]: Property located on the northeast corner of Country Club Road and Vinegar Hill Road - Containing approximately 1.9 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-3089. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Clark indicated that he had not heard any comments regarding the item from his constituents. He noted that he would need to be excused from voting on the item, however, due to a potential conflict.

Council Member Merschel: Motion to excuse Council Member Clark from voting on Item 3.

Council Member Adams: Second. Unanimous.

Council Member Merschel noted that this request was for the redevelopment of a commercial area and she had heard no opposition so far. She requested a brief staff update.

Mr. Norby explained that the property is surrounded by RM-18 zoning. It is currently undeveloped but, has a buffer to the adjoining apartment complex. The proposed use would maintain the concept of a mixed-use area. There would be a reduction in trips by 650/day, and the property is already zoned PB-S. It meets all of the requirements of the UDO.

Council Member Merschel made a motion for: (1) adoption of the Statement of Consistency set forth on page 81 of the Agenda Book; and (2) approval of W-3089 including the Site Plan.

Council Member Burke: Second.

The motion for approval carried with seven in favor, none opposed and one excused from the vote. Those voting in favor were Council Members Leight, Besse, Montgomery, Burke, Adams, Merschel and Taylor, with Council Member Clark excused from the vote.

4. PUBLIC HEARING ON ZONING PETITION OF WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION FROM LI AND LI-S (MANUFACTURING A; MANUFACTURING B; AND MANUFACTURING C) TO IP: Property located on the north side of Eleventh Street, west of Highland Avenue - Containing approximately 4.42 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3090. *[Planning Board recommends approval of petition.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

No one heard.

Council Member Montgomery requested a short staff presentation.

Mr. Norby explained that the property in question is north of a multi-school complex being developed by the Winston-Salem/Forsyth County School system. It is currently zoned for Industrial use, and the Planning Board has a Site Plan Review scheduled for the parking lot on February 10. The IP rezoning being requested will be less intensive than the current zoning.

Council Member Montgomery questioned if it was the usual process to bring rezoning requests back several times on projects as large as this.

Mr. Norby indicated that each case is treated differently, but this is a situation in which the School System had no control over the property when the project began. It is seeking rezoning now since completing negotiations for control over the property.

Council Member Montgomery noted that he would like to have discussion with local churches regarding their opportunities for use of property as well. He made a motion for: (1) adoption of the Statement of Consistency set forth on page 101 of the Agenda Book; and (2) approval of W-3090.

Council Member Merschel: Second.

Council Member Burke inquired about the timeline for the project.

Mr. Darrell Walker, Assistant Superintendent of Operations, Winston-Salem/Forsyth County Schools, explained that the project is expected to be complete by next school year.

Council Member Burke stated that some of the neighbors had complained that workers have been seen sometimes laying or sitting around in yards and not working. She stressed the need for the contractors to be friendlier with the residents and to keep the streets clean of the runoff from the site.

The motion for approval of the item was unanimously carried.

5. PUBLIC HEARING ON SITE PLAN AMENDMENT OF ALLERTON PLACE ASSOCIATION, INC. AND CB DEVELOPMENT CO, INC. FOR A RM-5-S (PLANNED RESIDENTIAL DEVELOPMENT) ZONED SITE: Property located along both sides of Allerton Lake Drive between Gatehouse Road and Lakeshore Drive - Containing Approximately 1.60 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3081. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Merschel stated that she had spoken with representatives from both neighborhoods and she fully recognizes the importance of the change, so she would like to request a continuance. She made a motion to continue the item to City Council's March 7, 2011 meeting.

Council Member Burke: Second. Unanimous.

6. CONSIDERATION OF ITEMS RELATING TO THE VACANT NONRESIDENTIAL BUILDING AND STRUCTURE CODE: [Recommended by Community Development/Housing/General Government Committee.]

a. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE RELATING TO HOUSING AND VACANT NONRESIDENTIAL BUILDING AND STRUCTURE CODES.

Mayor Joines asked for brief staff report.

Mr. Bruce Bailiff, Code Enforcement Project Supervisor, explained that this item will amend Chapter 10 of the City Code authorizing inspection of vacant, nonresidential structures. He noted that staff met with members of neighborhood associations, the organization Communities Helping All Neighbors Gain Empowerment, the Neighborhood Alliance and various other community organizations to discuss concerns. He then showed some photos of buildings that would be addressed using the new tool.

Council Member Adams inquired if the City receives property taxes for the buildings in question and questioned the potential impact on revenue from the properties.

Council Member Burke stated that if someone owns the building, they would have to pay taxes regardless if it was vacant.

In response to Council Member Clark's question, Mr. Bailiff indicated that in order to comply with the Code, an owner would have to board up the property, make any needed roof repairs, cap off sewage if the plumbing is in working order, and cap off any electrical if it is in working order.

Council Member Burke inquired how an owner handles a situation where someone breaks in even though a building has been boarded up.

Mr. Bailiff indicated that if someone breaks in and violations are left behind, the owner would be responsible for repairs in order to keep the property secure. He stated that the City would assist the owner as much as possible if the break-ins continue to happen.

Council Member Merschel indicated there was one particular property shown on Polo Road and she requested the name of the owner of the property.

Mr. Bailiff responded to Council Member Burke's question, stating that if a property fell into such disrepair that it may be unsafe or has become infested with vermin, Inspections staff could look at it and the City could take action on it as abandoned property.

Council Member Montgomery inquired if an owner would still be required to complete electrical and plumbing repairs if they secure all windows, doors and other entrances on their property.

Mr. Bailiff explained that the owner would still be required to complete all repairs and the City would issue a demolition order if those repairs are not carried out.

Council Member Besse requested that Mr. Bailiff show more examples of properties.

Council Member Burke inquired how the City would handle an order if a property's owner has passed away and the property is tied up in an estate.



Mrs. Angela Carmon, City Attorney, explained that once staff has located the administrator of the estate, that person will be notified and the City can then proceed to court to get the authority to demolish the property.

In response to Council Member Clark, Mr. Bailiff indicated that an owner would have approximately 60 days to make repairs to the property and once the order expires, depending upon the state statute, the property could remain intact for two to five years prior to being considered by City Council for demolition.

Mrs. Carmon explained the incentive for the owner to complete repairs would to avoid demolition and a lien from the City completing demolition of the property.

Council Member Merschel expressed concern that there is not enough of an incentive for owners to repair properties and inquired if the properties and owners could be posted on WSTV13.

Mrs. Carmon stated that staff would have to investigate the feasibility of this action.

Council Member Merschel further inquired if it could be added to the ordinance based upon staff review.

Mr. Lee Garrity, City Manager, stated it might be best for it to be an administrative decision, being careful to only identify those in violation. He noted there may be no need to include it in the ordinance.

Council Member Besse suggested that cases be brought to the Community Development/Housing/General Government Committee for direction to City Manager for action.

Mayor Joines called for the public hearing on the item.

Ms. Nancy Gould, 195 Executive Park Boulevard, recognized various realtors in attendance who worked with staff on the ordinance. She read a letter from the Regional

President of the Winston-Salem Regional Association of Realtors endorsing the ordinance. She also thanked City staff for their efforts and willingness to work with the Association. Some owners have expressed concern with rules over burdening them with maintenance, so the Association is encouraging monitoring of the program to ensure it is used respectfully. She noted that they do not support any move toward additional regulations for occupied non-residential buildings.

Mr. Harold Day, 1422 S. Main Street, stated that he is a realtor but not a member of the Association. He stated he did not see anything wrong with the first building shown in the examples. He noted it is difficult for property owners to pay taxes and maintain repairs on their properties. They need incentives to keep current businesses in business. They cannot rent the properties when there is no one to rent them to. He expressed his opposition to the ordinance, indicated that it will create more hardship on owners.

Mr. Richard Miller, 626 N. Trade Street, expressed support for Ms. Gould's and the Realtors' Association's stance on the ordinance. Although he stated he did not feel it is 100% feasible, it is plausible. He noted, however, that he also shares Mr. Day's concerns about a lack of business to fill these properties. He stressed the need to monitor the program. The examples shown look extreme and need to be addressed. Mr. Miller indicated he does question the ability of City staff to adequately determine repairs needed for commercial property, but it should only be done by those trained in commercial inspections.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Besse: Motion for approval of the ordinance.

Council Member Adams: Second.

Council Member Besse noted that in Winston-Salem there is a persistent problem with vacant, dilapidated structures. They drag down the appearance and livability of the affected neighborhoods. Those conditions invite vandalism, illegal uses, fire hazards and provides sanctuary for vermin. He noted that the City Council and staff have discussed the issue for the past four years and concluded existing ordinances implacable and lacking as to be clearly inadequate. Legislation gave local authority to cities in 2007, however, at this time, it only addresses vacant, non-residential structures.

Council Member Montgomery expressed concern with enforceability of the ordinance since there are issues with enforcement of the current housing code in certain communities. He noted that it is important to be mindful of the impact on owners. There is no perfect policy, but there are things that have to be done to ensure a community moves forward. He also noted that the City will need to enforce the policy if we make one.

Council Member Leight addressed Mr. Day regarding buildings sittings empty due to economic times, stating that if unused buildings are not bringing in money, then occupied ones should be brought up to code. She expressed her belief that the ordinance is superfluous and should address all commercial buildings that do not meet the code. If the public must enter a building, it should not be a threat. She indicated that for that reason, she is unwilling to support this ordinance.

Council Member Taylor indicated he may be able to support the ordinance based on discussions earlier today. He inquired how the City would work with property owners to reduce illegal dumping and vandalism. He also inquired about the reasons why buildings are empty and what programs the City has to assist with upfitting. He further inquired about the feasibility of

discussing these items at the Community Development/Housing/General Government Committee.

Council Member Clark indicated that it does not make sense for owners to complete repairs if no one will occupy a building. He noted he does not believe any of the buildings shown will bring potential revenue to the City.

Council Member Adams stated that the City should do something about vacant, noncompliant commercial property. If it is a blight to the community, she stated she definitely supports doing something about it. She questioned how staff will ensure the ordinance is being effectively enforced, noting that there are so many properties on the books. She indicated the process should be monitored through the Committee with reports about how viable it is. If a property cannot be rented or repaired, and is not viable to the community then it needs to be torn down.

Council Member Burke stressed the need to ensure the job is done correctly by staff.

Mr. Garrity indicated that the Inspectors do have knowledge required to conduct the inspections.

Council Member Burke indicated that staff needs to monitor cases and change orders if needed. When they start putting buildings on WSTV13, they need to be careful and ensure correct information is being used.

Mayor Joines noted that this process was a good example of citizens working with staff. He thanked the Realtors' Association for its hard work on the process.

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

b. RESOLUTION CONFIRMING INSPECTION STRATEGY RELATING TO ADOPTION OF THE VACANT NONRESIDENTIAL BUILDING AND STRUCTURE CODE.

Council Member Besse re-emphasized his previous point, noting that this item was narrowly tailored to allow the City to deal with severe properties. He made a motion for approval of the resolution.

Council Member Taylor: Second.

Council Member Merschel noted that there are three properties in particular that are located on one site. She stated that those are the worst and requested that staff provide a report within 45 days on the status of those properties.

Mr. Garrity noted that if the resolution passes, the ordinance will not take effect for six months.

Council Member Besse note that the City is bending over backwards to accommodate the concerns of owners. This is not a quick fix, there needs to be a clear set of standards and route for completing repairs.

In response to Council Member Merschel's question, Mrs. Carmon explained that the enabling State legislation specifically provides for a two year grace period prior to the City pursuing demolition.

Mr. Garrity explained to Council Member Clark that for the properties with more significant structural issues, the owners will be put on notice ahead of time so they can address access issues.

Council Member Montgomery asked that staff contact local legislators on behalf of the City Council to request consideration of a shorter grace period timeframe.

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

7. SECOND READING ON ORDINANCE TRANSFERRING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF WINSTON-SALEM YELLOW CAB, LLC, FOR THE OPERATION OF SIXTY TAXICABS IN THE CITY OF WINSTON-SALEM. *[The public hearing on this item was held on January 18, 2011.]*

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

8. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES - *May 3, 2010.*

- b. APPROVAL OF SUMMARY OF MINUTES - *May 10, 2010.*

- c. APPROVAL OF SUMMARY OF MINUTES - *May 17, 2010.*

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

#### MAYOR/COUNCIL COMMENTS

Council Member Taylor noted that he was wearing a ribbon in recognition of National Black HIV Prevention and AIDS Awareness Day in Winston-Salem. He thanked Intersection of the Triad and Mr. Victor Seltzer for his efforts on prevention and awareness in the community.

ADJOURNMENT: 8:23 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**February 21, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, February 21, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Invocation: Reverend Jon Boling of Ardmore Moravian Church

Sergeant at Arms: Lieutenant T. E. Craven

**RESOLUTION RECOGNIZING REDEEMER PRESBYTERIAN CHURCH  
ARDMORE 5K RACE, FUN RUN AND FOOD DRIVE**

Council Member Besse: Motion for approval.

Council Member Clark: Second. Unanimous.

Council Member Besse noted that this event promotes exercise, helps those in need, and brings the residents of the community together. He asked Reverend Hunter Dockery, Senior Teaching Pastor at Redeemer Presbyterian Church, Ms. Julie Moen, Race Director, and Ms. Jeanie Beard, Incoming Race Director to come forward and he presented them with the resolution.

Reverend Dockery indicated that he and his church members are delighted to be recognized by the City and appreciate the work of the City Council. He thanked everyone for the recognition and thanked Ms. Beard and Ms. Moen for all their work on the race.

RESOLUTION RECOGNIZING THE 50th ANNIVERSARY OF FORSYTH TECHNICAL COMMUNITY COLLEGE

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Merschel asked Council Member Besse to join her in presenting the resolution to Dr. Gary Green, President of Forsyth Technical Community College (FTCC). She thanked Dr. Green for the school's many contributions to the community including its outstanding work over the years in the area of job creation by helping to train and retrain citizens for employers such as Dell and Caterpillar and for jobs in the healthcare and biotech industries.

Dr. Green accepted the resolution on behalf of the Board, Faculty, staff and students of FTCC and thanked the Mayor and City Council for the recognition. He thanked the City for its constant support throughout the past fifty years and noted that FTCC is proud to partner with the community in helping to cultivate the city's future.

Council Member Burke indicated she is happy to have FTCC's Mazie Woodruff Center campus located in the Northeast Ward.

Dr. Green pointed out that there are many locations throughout the city.

Mayor Joines stated that hopefully a new campus would be incorporated as part of the Piedmont Triad Research Park as well.



CITY OF WINSTON-SALEM CIVIL RIGHTS MOVEMENT RESOLUTION  
RECOGNIZING THE LATE MR. SIDNEY L. KELLY AND MRS. BEA  
ACKENBOM-KELLY

Council Member Merschel: Motion for approval.

Council Member Taylor: Second. Unanimous.

Council Member Burke presented the resolution to the daughters of Mr. and Mrs. Kelly, Catherine and Johanna. She expressed her appreciation for all of the efforts of the Kellys throughout the years.

Ms. Johanna Kelly expressed her pride in being able to accept the award and noted that his efforts were always a passion of his since the late 1960's. She thanked the Council for their recognition.

Council Member Montgomery indicated that Mr. Larry Little is one of his advisors and had asked him to convey his sincere apologies for being unable to attend tonight. He stated that he was very grateful for all of the work the Kellys undertook throughout the years.

CONSENT AGENDA

Mayor Joines indicated that, without objection, the City Council would now consider the Consent Agenda. He noted that he would like to pull Item C-16 and asked if any other items needed to be pulled for discussion. Council Member Montgomery requested to pull Item C-9(a), and Council Member Clark requested to pull Items C-1(a) and C-6(a).

Council Member Burke made a motion to approve the balance of the Consent Agenda.

Council Member Clark: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF  
PROPERTY: *[Reviewed by Finance Committee.]*

- b. RESOLUTION AUTHORIZING THE REAL ESTATE ADMINISTRATOR TO  
SELL CERTAIN CITY-OWNED PROPERTY AT PRIVATE SALE AS  
PERMITTED IN N.C.G.S. 160A-270 - *Properties located at 1321, 1325, and  
1327 Motor Road.*

C-2. 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. Recommended by Community Development/Housing/General Government Committee.]*

- a. Brookstown Development Partners, LLC 176 Park Circle
- b. Brookstown Development Partners, LLC 1010 W. First Street
- c. Brookstown Development Partners, LLC 110 Peters Creek Parkway  
(Accessory Building)
- d. Brookstown Development Partners, LLC 112 Peters Creek Parkway
- e. Brookstown Development Partners, LLC 120 Park Circle
- f. Brookstown Development Partners, LLC 140 Park Circle
- g. Brookstown Development Partners, LLC 168 Park Circle  
(Accessory Building)
- h. Brookstown Development Partners, LLC 168 Park Circle

C-3. 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. Brookstown Development Partners, LLC 1008 W. First Street
- b. Brookstown Development Partners, LLC 100 Peters Creek Parkway
- c. Brookstown Development Partners, LLC 118 Peters Creek Parkway
- d. Brookstown Development Partners, LLC 134 Park Circle
- e. Brookstown Development Partners, LLC 144 Park Circle
- f. Brookstown Development Partners, LLC 130 Park Circle
- g. Brookstown Development Partners, LLC 110 Peters Creek Parkway

- C-4. RESOLUTION APPROVING A CONTRACT WITH HDR ENGINEERING OF THE CAROLINAS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STORMWATER MASTERPLAN UPDATES OF THE UPPER AND LOWER SILAS CREEK AND LOWER SALEM CREEK WATERSHEDS - \$856,400. [*Reviewed by Finance Committee. Recommended by Public Works Committee.*]
- C-5. CONSIDERATION OF ITEMS RELATING TO ENGINEERING SERVICES FOR THE CONSTRUCTION PHASE OF THE CENTRAL DISTRICT PIEDMONT TRIAD RESEARCH PARK STORMWATER PROJECT: [*Reviewed by Finance Committee. Recommended by Public Works Committee.*]
- a. RESOLUTION APPROVING A CONTRACT WITH HDR ENGINEERING OF THE CAROLINAS, INC. TO PROVIDE CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE PIEDMONT TRIAD RESEARCH PARK STORMWATER PROJECT - \$714,400.
- b. RESOLUTION APPROVING A CONTRACT WITH STIMMEL ASSOCIATES, PA TO PROVIDE CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE PIEDMONT TRIAD RESEARCH PARK STORMWATER PROJECT - \$40,000.
- C-6. CONSIDERATION OF ITEMS RELATING TO A JOINT FIREARMS TRAINING FACILITY: [*Reviewed by Finance Committee. Recommended by Public Safety Committee.*]
- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND AMEND PROFESSIONAL SERVICES CONTRACTS ON BEHALF OF THE CITY OF WINSTON-SALEM WITH ECS CAROLINAS, LLP AND CLARK-NEXSEN ARCHITECTURE AND ENGINEERING.
- C-7. CONSIDERATION OF ITEMS RELATING TO A CONTRACT FOR HANDGUNS AND HOLSTERS: [*Reviewed by Finance Committee. Recommended by Public Safety Committee.*]
- a. RESOLUTION AWARDED CONTRACT FOR HANDGUNS AND HOLSTERS - *Lawmen's Safety Supply, Inc.* - \$120,340.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-8. CONSIDERATION OF AMENDMENTS TO THE FY 2010-2011 PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA: [*Reviewed by Finance Committee.*]

- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-9. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:
- b. RESOLUTION APPROVING RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT FOR SOFTWARE LICENSING AND MAINTENANCE SERVICES - *Microsoft, Inc.* - \$400,687 (Estimated Amount - First Year) and \$1,202,060 (Total Estimate - Three Years). [Reviewed by Finance Committee.]
  - c. RESOLUTION AWARDED PURCHASE ORDER FOR THE PURCHASE OF SEVEN FORD FOCUS SEDANS - *Capital Ford, Inc.* - \$102,725. [Reviewed by Finance Committee.]
  - d. RESOLUTION AWARDED A CONTRACT FOR BODY ARMOR - *Newton Fire & Safety Equipment, Inc.* - \$252,325. [Reviewed by Finance Committee. Recommended by Public Safety Committee.]
- C-10. CONSIDERATION OF ITEMS RELATING TO THE CONSTRUCTION OF RESEARCH PARKWAY IN THE PIEDMONT TRIAD RESEARCH PARK: [Reviewed by Finance Committee. Recommended by Public Works Committee.]
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH THE PIEDMONT TRIAD RESEARCH PARK TO CONSTRUCT RESEARCH PARKWAY.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
  - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-11. CONSIDERATION OF ITEMS RELATING TO A STATE SMALL CONSTRUCTION AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION: [Reviewed by Finance Committee. Recommended by Public Works Committee.]

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A STATE SMALL CONSTRUCTION AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-12. RESOLUTION SUPPORTING THE FORSYTH TECHNICAL COMMUNITY COLLEGE DRIVEWAY PROJECT AT N.C. HIGHWAY 8 (GERMANTON ROAD). *[Recommended by Public Works Committee.]*
- C-13. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 855 and 917 Woodcote Drive. *[Recommended by Public Works Committee.]*
- C-14. CONSIDERATION OF ITEMS RELATING TO ENCROACHMENT AGREEMENTS: *[Recommended by Public Works Committee.]*
- a. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH DUKE ENERGY (EAST WARD) - *Petition of Duke Energy.*
  - b. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH WINSTON-SALEM STATE UNIVERSITY (EAST WARD) - *Petition of WSSU.*
- C-15. RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO REQUEST A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES TO CREATE THE FINAL PUBLISHABLE MANUSCRIPT FOR THE CITY OF WINSTON-SALEM PORTION OF THE FORSYTH COUNTY ARCHITECTURAL SURVEY UPDATE. *[Recommended by Community Development/ Housing/General Government Committee.]*
- C-17. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION. *Public Hearing: March 28, 2011.*
- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: *[Reviewed by Finance Committee.]*
- a. RESOLUTION AUTHORIZING THE ACCEPTANCE OF DONATION OF FEE SIMPLE AND EASEMENT ACQUISITION AND GRANTING OF AN ACCESS EASEMENT RELATED TO THE MUDDY CREEK GREENWAY.

Council Member Clark indicated that he attended a homeowners' association meeting concerning this item and parking was inquired about for the Muddy Creek Greenway. He noted that this action does allow for parking, and he requested that staff ensure a marker for the parking area be installed.

Council Member Clark: Motion for approval.

Council Member Taylor: Second. Unanimous.

C-6. CONSIDERATION OF ITEMS RELATING TO A JOINT FIREARMS TRAINING FACILITY: [*Reviewed by Finance Committee. Recommended by Public Safety Committee.*]

a. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF A JOINT FIREARMS TRAINING FACILITY - *Branch & Associates* - \$6,788,595.

Council Member Clark inquired as to which option would be exercised by the City.

Mr. Gregory M. Turner, Assistant City Manager, explained that staff is recommending the base bid option.

Council Member Clark asked if any thought had been given to requiring a performance bond and if can they be obtained.

Mr. Jerry Bates, City-County Purchasing Director, indicated that performance and material labor bonds were included in the bid specifications.

In response to Council Member Burke, Mr. Turner stated this would be a jointly used facility by the Winston-Salem Police Department and the Forsyth County Sheriffs Department and that it would be constructed in the Airport Business Park just off of Highway 52.

Council Member Clark: Motion for approval.

Council Member Taylor: Second. Unanimous.

C-9. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:

- a. RESOLUTION AWARDDING CONTRACT FOR EXAMINATION OF ANNUAL FINANCIAL STATEMENTS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, FOR FISCAL YEAR 2011 - *Cherry, Bekaert & Holland, L.L.P. - \$85,000. [Reviewed by Finance Committee.]*

Council Member Montgomery inquired about information on other bidders.

Mrs. Denise Bell, Chief Finance Officer, explained that contract had not been placed out for bid and this resolution was for continuation of the current provider. She noted this company had been doing the audit for three years and of the largest cities and counties in the state, they are performing audits for nine out of ten.

Council Member Taylor questioned why this particular firm was chosen as opposed to another firm.

Mrs. Bell indicated that they are a regional firm and with a lot of experience with North Carolina agencies, and the City has been very pleased with their outstanding service over the last three years.

In response to Council Member Burke, Mrs. Bell explained that Cherry, Bekaert & Holland currently has a workforce composed of 54% women and 13% minority workers.

Council Member Montgomery: Motion for approval.

Council Member Merschel: Second. Unanimous.

- C-16. RESOLUTION ESTABLISHING A SISTER CITIES PARTNERSHIP BETWEEN WINSTON-SALEM AND THE CITY OF BUCHANAN, REPUBLIC OF LIBERIA. *[Recommended by Community Development/Housing/General Government Committee.]*

Mayor Joines indicated he pulled this item because Mr. Dave Van Pelt, Chairman of the Sister Cities Board was present and would like to say a few words.

Mr. Van Pelt noted that new program had been developed in partnership with Sister Cities, as well as with FTCC, and the Wake Forest University Global Health Center. The goal of the program is to promote change and create jobs. He stated he had received communication

from the U.S. Commerce Officer in Shanghai, China who stated he would be appointing a U.S. Commerce Officer to represent every sister city.

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

#### GENERAL AGENDA

- G-1. PUBLIC HEARING ON RESOLUTION CONSIDERING AND ADOPTING AN APPROPRIATE AND VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CITY YARD ASPHALT PLANT SOIL REMEDIATION PROJECT. *[Community Development/Housing/General Government Committee forwarded this item with three in favor and one opposed.]*

No one heard.

Council Member Besse: Motion for approval.

Council Member Adams: Second.

Council Member Besse asked the City Attorney to explain state laws governing goal setting.

Mrs. Angela Carmon, City Attorney, indicated that the N.C. General Statutes require the City to adopt an appropriate and verifiable percentage goal for the work required for an entire project. Staff studied the scope of work and the types of contractors located in the area that can perform the work, and then the goal was set. She stated that staff highly recommends adhering to the recommendation. She noted that most of these show data to support achieving the goal based on the availability of firms meeting the criteria in each of the areas identified.

Mr. Gonzales explained that a citizen advisory committee meets to review projects and their scope of work. He noted that this particular project is limited with specialized work resulting in a lower goal than normal. The trades involved were analyzed and local businesses were difficult to locate.



In response to Council Member Besse, Mr. Gonzales explained that there weren't many firms in the area that could perform all of the work needed to complete the project, and the percentage goal had to be set at a lower amount.

Council Member Besse indicated that the Community Development/Housing/General Government Committee will be reviewing ways that the City Council can further develop the pool of qualified and eligible M/WBE providers.

Council Member Taylor noted that as of 2011 the State outlook for unemployment is not good. He asked for support in his efforts to help create new jobs by supporting M/WBE business and made a substitute motion for a standard goal of 10% for all M/WBE projects. If there are no companies that can handle the complexity of particular jobs after setting the 10% goal, then staff should review the specifications of a job. If a \$100,000 contract is given to a company in Winton-Salem, it should be reasonable to ask that \$10,000 be given to an M/WBE firm.

Council Member Montgomery: Second.

Council Member Adams indicated that she was under the impression the goal was supposed to be based upon the scope of work. She expressed concern that if there are no minority businesses that can bid on a job, why set a goal higher than the scope of the work.

Council Member Taylor stated that it would only be a goal and if a prime contractor can hire subcontractors, then it would be good use of the goal to put otherwise out of work minority and women owned businesses to work.

Council Member Burke asked the City Attorney to comment on the proposal by Council Member Taylor.

Mrs. Carmon indicated that the State requires the City Council to adopt an appropriate and verifiable percentage after a public hearing. She stated she thought the goal must be based upon documentation, but she will need to review the program history to determine the basis for

setting a standard goal. The State based its goal upon a disparity study and its area is much broader than the City's area.

Council Member Burke expressed concern that staff had not already conducted a study on setting a standard goal in an effort to encourage job growth for minorities.

Mr. Gonzales responded to Council Member Leight's question, indicating that approximately four years ago the State set up a database of certified M/WBE businesses.

Council Member Leight suggested that the City set up its own database but include all M/WBE businesses regardless of certification.

Mayor Joines cautioned against utilizing a company without certification, noting that there had been some issues in the past with companies claiming M/WBE status when they were not.

Council Member Besse noted that many good points were being made and it may be a good idea to explore a disparity study. He suggested sending the topic of changing the goal to Committee for further discussion. He urged everyone to vote for the original motion on this item, however, noting that the ability to change goal setting process governed by the State and this particular award could be legally challenged.

Council Member Taylor stated that he will continue to vote against items without at least a 10% goal if his substitute motion is not accepted tonight, noting that the Statute could be interpreted differently.

Council Member Clark stated that the City must be careful about setting an arbitrary M/WBE goal and avoid breaking the law. He also noted, however, that it must be careful about encouraging the construction business with so many of the companies going out of business.

Council Member Montgomery stated that although he understands the need to be careful with goal-setting, the City must be more involved in exploring options for getting more M/WBE

firms employed. He noted that some firms are ignorant to the certification process and asked what steps the City is taking to educate the contractors. He also asked that in the future, a list of the names of the businesses that can conduct 7% of the work for the projects be provided.

In response to Council Member Merschel, Mrs. Carmon indicated that an across the board change from 7% to 10% for all M/WBE goals could jeopardize the program.

Mr. Gonzales indicated that there are many minority general contractors, but the amount of minority contractors decreases with specialized contracts.

Council Member Burke indicated that it is clear from this discussion how badly a review of the program is needed.

Mr. Garrity explained that although the City has not conducted a disparity study, it may be possible to set 10% as a verifiable goal, and he stated that staff would bring an item to Committee to discuss options.

Council Member Adams noted it may be possible to get college students to conduct a study for the City, and stressed the need for a procedure on this review will be carried out.

Council Member Burke pointed out that Wake Forest University has a strong M/WBE program.

Mayor Joines called for a vote on the substitute motion.

The substitute motion failed with four in favor and four opposed, with the Mayor voting against the motion. Those voting in favor of the motion were Council Members Leight, Montgomery, Burke and Taylor, with Council Members Clark, Besse, Adams and Merschel, and Mayor Joines voting in opposition.

Mayor Joines now asked for a vote on the original motion for staff recommendation to set the goal at 7%.

The motion carried with seven in favor and one opposed. Those voting in favor of the motion were Council Members Leight, Clark, Besse, Montgomery, Burke, Adams and Merschel, with Council Member Taylor voting in opposition.

Council Member Besse indicated that the Community Development/Housing/General Government Committee would move forward with reviewing the program and may bump some other topics to get this item on the agenda sooner.

G-2. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS:

a. CITIZENS' POLICE REVIEW BOARD

J. Kenneth White - *Appointment - Term Expiring April 2013*

Council Member Clark: Motion for approval.

Council Member Burke: Second. Unanimous.

b. M/WBE ADVISORY COMMITTEE

Constance H. Johnson - *Appointment - Term Expiring August 2011*

Council Member Burke: Motion for approval.

Council Member Adams: Second. Unanimous.

c. TOURISM DEVELOPMENT AUTHORITY (FORSYTH COUNTY) - *Category: Hotel-Motel Over 100 Units*

Roy Croop - *Appointment - Term Expiring November 2013*

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

## G-3. PUBLIC COMMENT PERIOD.

Ms. Gardenia Henley, 4920 Old Walkertown Road, indicated she was very happy to hear Council discussing the M/WBE contract issue and noted she would like to see more considered about the scope of work involved in contracts. She stated that she would like for the City Council to consider the issues being investigated and audited by the Forsyth County Board of Elections related to voter ballots and voter conduct. She noted that one of the Council Members has been identified in her report and she wanted to officially present the report to the City Council. She asked that the City's ethics officer and the City Manager get a copy of it and noted she was willing to discuss it with anyone. She gave her website address as: [thepeoplescandidate.org](http://thepeoplescandidate.org).

Council Member Burke stated that she was not going to comment on the report, but noted that Ms. Henley grew up in Winston-Salem and attended school here. She indicated that Ms. Henley is an asset to the city.

## MAYOR/COUNCIL COMMENTS

Council Member Clark mentioned that the City Council Members should have received the final report on the solid waste study and will have to make a decision soon. He noted that it will be discussed at the April Public Works Committee meeting.

Council Member Merschel expressed concern that funding was not discussed in the report and pointed out she had expected to see some figures included with the information.

## CLOSED SESSION

At this time, Mayor Joines recognized Council Member Taylor for a motion.

Council Member Taylor made a motion for City Council to enter into Closed Session pursuant to N.C.G.S. 143-318.11(a)(5) to provide instructions to staff in negotiating the price and

other material contract terms for the purchase of property owned by Fred D. Godley, located at 2000 Lowery Street and to be used for City field operations.

Council Member Clark: Second. Unanimous.

City Council entered into Closed Session at 8:20 p.m.

At 8:50 p.m., Council Member Taylor made a motion to end Closed Session and resume Regular Session.

Council Member Montgomery: Second. Unanimous.

ADJOURNMENT: 8:50 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**March 7, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, March 7, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms Lieutenant Danny Watts

Moment of Silence

4. CONTINUATION OF PUBLIC HEARING ON SITE PLAN AMENDMENT OF ALLERTON PLACE ASSOCIATION, INC. AND CB DEVELOPMENT CO, INC. FOR A RM-5-S (PLANNED RESIDENTIAL DEVELOPMENT) ZONED SITE: Property located along both sides of Allerton Lake Drive between Gatehouse Road and Lakeshore Drive - Containing Approximately 1.60 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3081. *[Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the February 7, 2011 City Council meeting.]*

Mayor Joines stated that, without objection, the Council would first consider Item 4.

Council Member Merschel indicated that there had been many difficulties involved in the case and she praised both neighborhoods for their efforts. She made a motion to continue consideration of the item.

Mrs. Angela Carmon, City Attorney, noted that it would be helpful to have a date to avoid having to re-advertise the case.

Council Member Merschel amended her motion to include continuing the public hearing to the Council's March 28th meeting.

Council Member Taylor: Second.

Council Member Clark questioned whether there is a limit on the number of times zoning matters could be continued.

Mr. Paul Norby, City/County Planning Department, indicated that limits are only placed on the Planning Board.

The motion to continue the item to the City Council's March 28, 2013 meeting was unanimously carried.

1. PUBLIC HEARING ON ZONING PETITION OF WINSTON-SALEM/FORSYTH COUNTY UTILITY COMMISSION FOR PROPERTY OWNED BY YELLOWSTONE INVESTMENTS, LLC FROM LI TO GI-S (Borrow Site): Property located on the north side of Ziglar Road, west of U.S. 52 - Containing approximately 35.8 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3092. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Adams requested a brief staff report.

Mr. Norby explained that the property is currently zoned Limited Industrial and the request is to allow borrow site activities which will enable the owner to bring soil from the site to the landfill cells to cap off certain areas. With the site being located next to the landfill, it will



minimize traffic and environmental impact. An access point opposite of the landfill entrance will be constructed and will be paved. The rezoning will not prevent future development of the land once borrow activity ceases. Mr. Norby indicated that there will be a 100 foot buffer around the entire site.

Council Member Adams made a motion for adoption of the Statement of Consistency set forth on Page 23 of the Agenda Book and approval of W-3092 including the Site Plan.

Council Member Taylor: Second.

Council Member Merschel questioned if there was a borrow site as part of the original site plan for this property.

Mr. Gregory M. Turner, Assistant City Manager, explained that there was originally a borrow site, but it was found to be inadequate to handle the cells of the landfill. In response to Council Member Leight's question, he indicated that the easement will go through the wooded area and will not disturb the roots of the natural area trees.

Council Member Burke inquired about the amount of total property included in the landfill acreage.

Mr. David Saunders, City/County Utilities Director, stated that the existing Hanes Mill Road landfill is comprised of approximately 340 acres of land. He noted, however, that its lifespan is currently 20 years and staff will be working on options for additional acreage after 20 years expires.

The motion for approval of the item was unanimously carried.

2. PUBLIC HEARING ON ZONING PETITION OF COLLETT MANAGEMENT, LLC FROM GB-S [Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Retail Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (Without Drive-Through Service); and Restaurant (With Drive-Through Service)] TO GB-S [Residential Building, Townhouse; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B;

Family Group Home C; Fraternity or Sorority; Life Care Community; Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Fuel Dealer; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display, Retail; Restaurant (Without Drive-Through Service); Restaurant (With Drive-Through Service); Retail Store; Shopping Center; Wholesale Trade A; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Storage Yard; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Animal Shelter, Public; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Habilitation Facility C; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Stadium, Coliseum, or Exhibition Building; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking Commercial; Terminal, Bus or Taxi; and Transmission Tower]: Property located on the west side of Stratford Road, and north side of Hanes Mall Boulevard - Containing approximately 3.74 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3093. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Besse made a motion for adoption of the Statement of Consistency set forth on Page 45 of the Agenda Book and approval of W-3093 including the Site Plan.

Council Member Adams: Second. Unanimous.

3. PUBLIC HEARING ON ZONING PETITION OF HOPE PRESBYTERIAN CHURCH, INC. FROM RS-9 TO LO-S (Offices): Property located on the west side of Peace Haven Road across from Whitaker Ridge Drive - Containing approximately 1.43 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3094.

*[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Merschel indicated that although there was no one signed up in opposition to the case, she would like to hear the proponents' comments.

Mr. Mike Sears, 4910 Century Oaks Lane, expressed his appreciation for the opportunity to share his vision. He noted that the church bought the site eight years ago and had determined the entire site was not necessary for its needs. Then in 2005, a rezoning request was submitted for office and drive-through which was ultimately withdrawn due to residents' concerns. Mr. Sears indicated that the church has since graded the site and received an offer to purchase a small portion of it. This will allow the church to begin moving forward with a rezoning request for light office which should be more conducive to neighborhood concerns. He noted that they met with neighbors to assure them of the intent of the church, and they have agreed to provide a binding deed restriction to the property to which neighbors will have a say on the use of the balance of the property. Mr. Sears stated that the neighbors wanted a buffer and they have committed to that. Showed plan including building, buffers, athletic fields. Elevations were given to the neighborhood as well.

Mr. Clyde Godwin, 30010 Prytania Road, indicated that he moved to the area in 2007. He noted that he purchased the old Ardmore Elementary School and started the church there and it has since doubled in size. Mr. Godwin requested the support of the Council, noting that he has

met with the neighborhood association and ensured them that they would have a say in the intentions of the church.

Mr. Paul Ferencz, 3224 Polo Road, stated that he lives behind the property. He indicated that although he supports this action, he does not want further commercial creep into the area and asked that the City Council look at the total picture when considering all future rezoning requests in that neighborhood. He noted that the residents will need to be prepared for the challenges of increased traffic. He indicated the church had been very good in working with its neighbors and he supports the project with the church's proposed covenant.

Mr. David Skinner, 1246 Shelter Cove, President of Foxhall Civic Association, explained that he lives in the large neighborhood across the street from the church. Traffic and noise issues can impact quality of life and he stated he generally does not support commercial development in the area, but because he supports Hope Church, he feels it is important to be a good neighbor. Mr. Skinner stated that he does want to echo what Mr. Ferencz said about any future commercial development and feels that all remaining RS-9 zoned property on Peacehaven Road should remain RS-9.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Mr. Norby explained that the proposed change in zoning would be for a portion of the site from RS-9 to LO-S. He noted that the proposed restrictive covenant by the church cannot be considered and voted upon by City Council. In 2006, the church proposed rezoning with much more square footage and the request was denied by Council. This request is comprised of a smaller area and could serve as a good transitional use between commercial and residential areas.

He noted that staff is working on the West Suburban Area Plan for this area and the residents' concerns about commercial creep have been duly noted.

Council Member Taylor commended the church for its concern for the neighborhood and conducting meetings. He questioned how staff has worked to address traffic issues.

Mr. Norby indicated that this is a difficult area for handling traffic as it is limited as far as any road widening prospects. Any future rezonings to commercial should be guarded against and the best defense is a strong Area Plan to use as a guide to assist with future rezoning decisions.

Council Member Burke inquired about further information on the proposed covenant.

Mr. Norby explained that it will give the neighborhood a say if there is any change in the church's plans. Under the law, however, the City Council cannot take it into consideration in its decision and it cannot be cited as a reason for approval or denial.

Council Member Burke inquired if the summary of minutes from tonight's meeting could be referred to as assistance in upholding the covenant in the future.

Mr. Norby noted that only the City Council's recorded vote on the item would be legally binding.

Council Member Merschel made a motion for adoption of the Statement of Consistency set forth on Page 75 of the Agenda Book and approval of W-3094 including the Site Plan.

Council Member Taylor: Second.

Council Member Merschel thanked the principals and members of the church, as well as the involved neighborhoods, and noted that she enjoyed working with individuals who truly have the best interest of their neighborhoods at heart. In their agreement, the residents seem to be looking to the City that their concerns will be included in the West Suburban Area Plan. She

noted that the City must do whatever is possible to prevent commercial creep in this area. Also, we need to ensure the comments and concerns of the residents are part of the West Suburban Area Plan.

Mr. Norby explained that the plan contains language discussing those concerns and Council can review the information for any possible amendments.

Council Member Merschel requested that staff conduct a traffic count on Peacehaven Extension between Robinhood Road and Polo Road, and possibly look for ways to reduce traffic - traffic calming, additional signage, lighting, and pedestrian crosswalks.

Council Member Adams noted that she travels that area and is also concerned about traffic. Residents will need to be patient with events happening at the church.

Council Member Leight stated she felt the church will be a good neighbor but noted this case is about commercial creep and previous rezonings in the area that have increased traffic. Because of the increase in traffic and the fact that this is more invasion of RS-9 property, she indicated she felt the need to vote against the item.

Council Member Besse commended the members of the neighborhood and the petitioners for their cooperative approach, as well as Council Member Merschel for her assistance. He noted that while the Council cannot formally take into account the restrictive covenant, it will be enforceable by private action on behalf of the intended beneficiaries.

Council Member Montgomery thanked the community for its efforts. He requested that in the future, staff provide a five to seven year history on rezonings when considering future RS rezonings.

Council Member Clark indicated that traffic is bad here due to the intersecting three main roads, Polo Road, Robinhood Road and Peacehaven Road. He noted that when the City widened

Peacehaven Extension to three lanes, it obsoleted the RS zoning. He stated there is also an extremely commercial area uphill from this site with various restaurants, service stations, etc. He expressed his belief that the problem will be solved when the church is built and it will benefit the church financially. Churches sit nicely in residential areas. Nice compromise and compliment all parties involved.

The motion for approval carried on a vote of seven to one. Voting in favor were Council Members Clark, Besse, Montgomery, Burke, Adams, Merschel and Taylor, with Council Member Leight voting in opposition.

5. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION OF CERTAIN PROPERTY:
  - a. RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY AT 2000 LOWERY STREET.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
  - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.

Mr. Gregory M. Turner, Assistant City Manager, explained that this building is located on Lowery Street and will adequately meet the needs for the City's field operations use in the future. He noted also that the asking price was recently lowered.

Council Member Merschel: Motion for approval.

Council Member Leight: Second.

Council Member Taylor inquired how much noise would be generated at the facility if it is purchased for use by current City Yard facilities.

Mr. Turner indicated the operations would generate less noise than the original factory at the site when it was operating in the 1960's.

Council Member Burke inquired about the traffic increase and truck traffic anticipated.

Mr. Turner stated that if all of the Sanitation and Department of Transportation operations are moved there, several hundred trips could be generated each day. He noted that most of the traffic will be going out in the morning and coming in during the evening. No noise would be anticipated after 5:00 p.m.

The motion for approval of the item was unanimously carried.

#### MAYOR/COUNCIL COMMENTS

Mayor Joines noted there was much excitement surrounding the Mid-Eastern Athletic Conference (MEAC) events this week and he encouraged everyone to come out and support the games.

Council Member Besse reminded everyone there would be a Southwest Ward Talk of the Town meeting from 6:00 to 8:00 p.m. at Trinity Presbyterian Church on Bolton Street tomorrow night, March 8th.

Council Member Burke pointed out that staff has indicated 85,000 residents have access to WSTV13 and she commended the Marketing and Communications Department for its efforts regarding MEAC promotions.

Council Member Taylor stated that he is a graduate of N.C. Central University and expressed support for their team.

Council Member Adams expressed her hope that everyone would come out and support MEAC.

ADJOURNMENT: 7:56 p.m.



**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**March 28, 2011**

A Special Meeting of the Winston-Salem City Council was held on Monday, March 28, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms Lieutenant Wilson Weaver

Invocation: Dr. Peter Graves of Centenary United Methodist Church

RESOLUTION HONORING THE SACRIFICE OF COACH TOM WALTER

Council Member Taylor: Motion for approval.

Council Member Merschel: Second. Unanimous.

Mayor Joines introduced Mr. Chuck Hall, from Baton Rouge, Louisiana, who works with Seimens Industries and noted that he and Mr. Hall had met during meetings in Washington, DC. He stated that Mr. Hall informed him of his friendship with Mr. Walter and asked if he could participate in tonight's recognition of Mr. Walter.

Mr. Hall explained that he first met Tom Walter in Baton Rouge when he recruited his son in baseball. He noted that he also has an older son who suffered with a brain tumor but has since fully recovered. Mr. Hall recalled his feelings of helplessness upon his own son's diagnosis

and pointed out how others who came forward to help during that time were so helpful to his family. In Kevin Jordan's life, Mr. Walter stepped out of the crowd to be his saving grace. He indicated that when Mr. Walter first came back from surgery, he played in playoffs with Baton Rouge University, and Coach Roderick Kadar recorded a short video of recognition for Mr. Walter which he played at this time. Coach Kadar also sent an autographed baseball for Mr. Walter. Mr. Hall explained that during that playoff game, Mr. Walter received a standing ovation from the fans. He congratulated Mr. Walter and asked him to come forward.

Mayor Joines presented the resolution to Mr. Walter on behalf of the City and the Council Members and thanked him for his tremendous sacrifice.

Coach Walter thanked the Mayor and Council Members and stated that he enjoys representing the Wake Forest University Demon Deacons. He thanked Mr. Hall for his presentation and all of his friends in attendance. He noted that he had experienced some special moments including an announcement to the team with applause from all of the players hours after Kevin's surgery when his mother informed them his kidney was functioning beautifully and her reaction to the news. He explained the best part of the story is Kevin's recovery; he is doing well, back playing baseball, and recovering. Coach Walter indicated that many people have informed him of their decision to become organ donors based on his story. He indicated that he had recently bought a place downtown and he loves Winston-Salem.

#### PRESENTATION OF AWARD FROM THE CENTER FOR DIGITAL GOVERNMENT

Mayor Joines expressed his gratitude and honor on behalf of the City in having received this award.

Mr. Robert Ramirez, McAfee Corporation, presented the award to Mr. Dennis Newman, Chief Information Officer, and noted that the City of Winston-Salem has finished in the top five for the last three years in a row.

Mr. Newman thanked the Mayor and Council Members for taking the time to recognize the importance of information technology and its value to the City. He credited all of the staff of the Information Systems Department for their hard work, and thanked the Center for Digital Government for the award. He also thanked Mr. Ramirez for McAfee's sponsorship of the award.

#### CONSENT AGENDA

Mayor Joines stated that Council would now consider the Consent Agenda and asked if any items should be pulled for discussion.

Council Member Montgomery requested to pull Item C-12. No other items were pulled for discussion.

Council Member Burke made a motion to approve the balance of the Consent Agenda.

Council Member Adams: Second. Unanimous.

- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: *[Recommended by Finance Committee.]*
- a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 5410 WOODCLIFF DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
  - b. RESOLUTION VOIDING PREVIOUSLY APPROVED SALE OF 2401 GREENWAY AVENUE AND RESPONDING TO A REQUEST BY TONYA D. TAYLOR TO REFUND THE BID DEPOSIT ASSOCIATED WITH THE SALE.
- C-2. 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. Recommended by Community Development/Housing/General Government Committee.]*

- a. 6412, Inc. 1131 Miller Street
  - b. Ronald Smith and Henri Parker 1900 E. 17th Street
  - c. E. V. Ferrell 945 Gillette Street
- C-3. 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. John A. Anderson 3251 Tracy Street
- C-4. 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.]*
- a. Jonni and Cheryl Manuel 3233 Rosie Street
- C-5. RESOLUTION APPROVING A DESIGNATION OF APPLICANT'S AGENT FORM ALLOWING STAFF TO EXECUTE AND FILE APPLICATIONS FOR FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT ASSISTANCE. *[Recommended by Public Works Committee.]*
- C-6. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011 FOR PUBLIC SAFETY NEEDS. *[Recommended by Finance Committee. Reviewed by Public Safety Committee.]*
- C-7. RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO APPLY FOR A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE DEPARTMENT OF HOMELAND SECURITY FOR THE 2010 ASSISTANCE TO FIREFIGHTERS FIRE PREVENTION AND SAFETY GRANT TO CONTRACT FOR A FORMAL RISK ASSESSMENT. *[Recommended by Finance Committee. Reviewed by Public Safety Committee.]*

- C-8. ORDINANCE AMENDING SECTION 42-122 (f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Garden Street and Pembroke Forest Drive. [Reviewed by Public Safety Committee.]*
- C-9. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA REQUESTING THE RELEASE OF CERTAIN PREMISES RELATED TO AN INSTALLMENT FINANCING CONTRACT WITH BRANCH BANKING AND TRUST COMPANY. *[Recommended by Finance Committee.]*
- C-10. RESOLUTION DECLARING CERTAIN CITY-OWNED EQUIPMENT SURPLUS AND AUTHORIZING THE SALE THEREOF. *[Recommended by Finance Committee.]*
- C-11. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH FORSYTH COUNTY (EAST WARD) - *Petition of Forsyth County. [Recommended by Public Works Committee.]*
- C-13. RESOLUTION SUPPORTING THE CREATIVE CORRIDORS COALITION. *[Recommended by Community Development/Housing/General Government Committee.]*
- C-14. CONSIDERATION OF SUMMARIES OF MINUTES:
  - a. APPROVAL OF SUMMARY OF MINUTES - *June 7, 2010.*
  - b. APPROVAL OF SUMMARY OF MINUTES - *June 21, 2010.*
  - c. APPROVAL OF SUMMARY OF MINUTES - *July 19, 2010.*
  - d. APPROVAL OF SUMMARY OF MINUTES - *August 2, 2010.*
  - e. APPROVAL OF SUMMARY OF MINUTES - *August 16, 2010.*
- C-12. CONSIDERATION OF RESOLUTIONS RELATING TO THE NORTHWEST PIEDMONT COUNCIL OF GOVERNMENTS: *[Recommended by Community Development/Housing/General Government Committee.]*
  - a. RESOLUTION APPROVING THE FORMATION AND MEMBERSHIP IN THE PIEDMONT TRIAD REGIONAL COUNCIL.
  - b. RESOLUTION DISSOLVING THE NORTHWEST PIEDMONT COUNCIL OF GOVERNMENTS AND PROVIDING FOR DISTRIBUTION OF ASSETS AND OBLIGATIONS.

Council Member Montgomery asked for a staff report on this item to help the community better understand the services provided by the Northwest Piedmont Council of Governments (NWPCOG) and how those services will continue through the Piedmont Triad Regional Council (PTRC).

Mr. Derwick Paige, Deputy City Manager, explained that Winston-Salem has been part of the NWPCOG which is a five county council of governments made up of Davie, Forsyth, Stokes, Surry and Yadkin Counties. Once it dissolves, it will transfer all assets to PTRC and the five governments will become part of a larger council made up of those five plus Alamance, Caswell, Guilford, and Rockingham Counties.

Mr. Matthew Dolge, Executive Director, NWPCOG, explained that when the councils first formed, these counties were one unit but they split in 1979. In order to put everything back in line with the current economy and other councils, they have decided to re-align the councils. No programs will change; the Workforce Development program will continue in the same counties as before. There may be a chance for expansion in the future, but not now. The same structure will remain in place for the aging programs. Citizens will not see a change in any of the services.

Council Member Montgomery stated his main concern was that citizens retain services as well as access to those services.

Mr. Dulge indicated that the Workforce Development, Department of Social Services, and Senior Services offices will remain here in Winston-Salem.

Council Member Burke pointed out that the NWPCOG has done a good job with the Workforce Development program since it switched over from the City.

Council Member Montgomery: Motion for approval.

Council Member Burke: Second.

Mayor Joines indicated that this action has been a long time coming and he was glad to see it.

The motion for approval was unanimously carried.

Mayor Joines thanked Council Member Leight for serving on the WPCOG Board on behalf of the City.

#### GENERAL AGENDA

- G-1. CONTINUATION OF PUBLIC HEARING ON SITE PLAN AMENDMENT OF ALLERTON PLACE ASSOCIATION, INC. AND CB DEVELOPMENT CO, INC. FOR A RM-5-S (PLANNED RESIDENTIAL DEVELOPMENT) ZONED SITE: Property located along both sides of Allerton Lake Drive between Gatehouse Road and Lakeshore Drive - Containing Approximately 1.60 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3081. *[Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the March 7, 2011 City Council meeting.]*

#### ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

#### APPROVAL OF SITE PLAN

#### APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Merschel indicated that she was again asking for patience as the two neighborhoods work to resolve their issues. She asked for a staff update.

Mr. Paul Norby, Director City/County Planning Department, explained that the two neighborhoods involved are Robinwood and Allerton Lake and there is an issue with the provision of double access to Allerton Lake. Changes would have to occur to Gatehouse Lane, which is known for its landscaping and trees. Staff has developed a design to allow for the intersection of streets with minimal impact on the median in Robinwood. So far, the two neighborhoods have reacted positively.

Council Member Merschel made a motion to continue consideration of this item to Council's April 4 meeting.

Council Member Clark: Second.

Council Member Burke inquired about who would maintain the speed bumps included in the plan.

Mr. Norby indicated that was reason for changing the streets from public to private, to allow the neighborhoods to work out maintenance issues. He noted that there would also be a petition for closure of it as a public street.

The motion to continue consideration of the item to the April 4, 2011 City Council Meeting was unanimously carried.

G-2. PUBLIC HEARING ON RESOLUTION CONFIRMING ASSESSMENT ROLL FOR DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION.

No one heard.

Council Member Besse: Motion for approval.

Council Member Montgomery: Second.

Council Member Adams questioned if any of the realtors or owners ever contested assessments and/or how many have taken up a payment plan process.

Mr. Ritchie Brooks, Director, Housing and Neighborhood Development Department, indicated that although that information is kept in the Revenue Department, to his knowledge some have taken a five year payment plan period. He stated he would get the exact information.

Council Member Adams inquired if this process is used often and if the City is successful at collecting fees.



Mr. Brooks indicated that the City uses this method on a regular basis and has been more successful recently with state laws allowing for placement of liens against all property owned by particular owners.

Council Member Burke commended the Chair of the Community Development/Housing/General Government Committee and Mr. Brooks' staff for their efforts in cleaning up the community, noting that the Northeast Ward is looking better.

Council Member Montgomery inquired if the City has the authority to take ownership of a property if an assessment is not paid.

Mrs. Angela Carmon, City Attorney, explained that the City could pursue a tax foreclosure process on a property in such a case.

The motion for approval of the item carried unanimously.

The assessment was confirmed at 7:33 p.m.

G-3. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE/TAXICAB SERVICE IN THE CITY OF WINSTON-SALEM: *[Reviewed by Public Safety Committee.]*

- a. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF BANKHEAD TRANSPORTATION FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

Council Member Adams requested information on how Winston-Salem compares to other cities regarding fees and if the number of requests for certificates has changed since our population growth.

Mr. Gregory M. Turner, Assistant City Manager, explained that requests for certificates tend to trend with the economy and increase with changes to market conditions or competition. He further responded to Council Member Adams' concerns, stating that staff does track violations and conduct inspections for vehicle safety.

The motion for approval was unanimously carried.

- b. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF CAPE FEAR REGIONAL TRANSPORTATION FOR THE OPERATION OF EIGHT LIMOUSINES IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

- c. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF MY PRIVATE RIDE FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Taylor: Second.

Council Member Adams inquired about the financial requirements for taxicab and limousine companies.

Mr. Turner indicated that the owners must prove they have adequate insurance, the financial ability to operate the service, and also provide information on their financial resources.

The motion for approval was unanimously carried.

- d. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF OMEGA LIMOUSINE COMPANY OF THE CAROLINAS FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

- e. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF SKY TRANSPORTATION FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Montgomery: Second. Unanimous.

- f. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF TRANSPORTATION IN MOTION FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

- g. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF TRULIANT MOBILE TRANSPORT FOR THE OPERATION OF EIGHT LIMOUSINES IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Montgomery: Second. Unanimous.

- h. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF LATINO'S TAXI FOR THE OPERATION OF SIX TAXICABS IN THE CITY OF WINSTON-SALEM.

No one heard.

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

- G-4. RESOLUTION AUTHORIZING THE CITY TO RE-SUBORDINATE ITS DEBT ON A LOAN TO THE NISSEN BUILDING, LLC. *[Finance Committee forwarded this item to Council with two in favor, none opposed, and one abstaining.]*

Mr. Paige explained that City Council authorized a \$3 million loan to Nissen and the City is second in subordination to the loan provided by the Department of Housing and Urban Development (HUD). Nissen has requested a new HUD loan to free up additional funds, enabling Nissen to payoff taxpayer investments and thus, begin payments on the City's loan up to five years sooner. A market study has been conducted and does not support conversion of the building to condominiums at this time, but refinancing will not preclude them from performing a conversion in the future, if conditions change.

Council Member Adams expressed concerned that Nissen has already received nine years of interest free loan money.

Mr. Paige explained that the interest will be paid but only after the taxpayer investment and HUD have been paid. Interest does accrue and will eventually get paid on this loan. He noted that Bank of America bought all of the tax credits on the loan. He stated that the original deal was based on the cash flow of the project or through conversion of the apartments into condominiums.

Council Member Adams indicated that she has a lot of questions about this deal, noting that it seems there are mostly apartments downtown that are being rented versus sold. She stated

that compared to other projects the City has done, this one does not strike her as a good deal and requested more information.

Council Member Merschel: Motion for approval.

Council Member Clark: Second.

Council Member Merschel indicated that she understands the concerns of Council Member Adams and had expressed similar concerns herself. However, the Nissen Building was virtually empty in 2001 and is now at 100% occupancy, which has added to the vibrancy and economy downtown. The renters tend to be in a particular life stage and anxious to convert to condominiums. If approved, the City can review the situation each year and work to begin turning each floor or unit into condominiums. The managing company does a great job of keeping the units rented and they have a great on-site manager.

Council Member Burke stated that although she appreciates the information provided by staff, she has similar concerns to those of Council Member Adams. She stressed the need for the City to be transparent with its business transactions and conduct its business similar to the way a bank conducts business. She inquired how the City would work with any other organization that might have a similar proposal as the Nissen Building project.

Mr. Lee Garrity, City Manager, noted that each proposal is different. He pointed out that in 2001 there were very few downtown residents and City Council worked on the proposal at many meetings before settling on this one. Staff has to look carefully at each deal to ensure the City is repaid and taxpayers are protected.

Council Member Burke requested a report on all of the investors involved in this project.

Mayor Joines pointed out that the tax value on the property has increase substantially since the deal was originally struck and with the City will eventually receive all of the interest to be paid on the loan at the increased rate.

Council Member Besse cautioned that the City must be careful about the details of any investment but noted he is satisfied with those of this case. In making such a deal, he stated that particularly challenged areas must be taken into account and at the time, downtown was an economically challenged area. City Council was persuaded that city center must be strong and it has since come a long way. This is similar in scope to investments such as the Revitalizing Urban Commercial Areas program where the City is revitalizing areas that have declined and boost their respective economic bases.

Council Member Montgomery stated that in looking at these types of deals, the City Council has been consistent in bringing the item back for review on a regular basis. He requested that similar treatment be given to Goler Community Development Corporation for its projects and stressed the need for consistency. He also requested information on any other projects that may be coming back for review.

The motion for approval was unanimously carried.

G-5. RESOLUTION AUTHORIZING A REDUCTION AND DISCONTINUATION OF THE GRANT TO THE HOUSING AUTHORITY OF WINSTON-SALEM FROM THE PAYMENT IN LIEU OF TAXES (PILOT). *[Finance Committee forwarded this item to Council with two in favor, none opposed, and one abstaining.]*

Council Member Merschel: Motion for approval.

Council Member Clark: Second.

Council Member Taylor expressed concern that a reduction in Payment in Lieu of Taxes (PILOT) funding to the Housing Authority of Winston-Salem (HAWS) will have a direct effect on those in the working class. He noted that HAWS utilizes PILOT funds to keep rents lower and

it is directly responsible for security at scattered sites. A reduction could eventually bankrupt the William H. Andrews Scholarship fund and a college degree often helps people to make more money in workforce. These programs are the economic engine that citizens depend on to help educate and retrain citizens in workforce. He stated the City would be making a serious mistake in considering reducing funds.

Council Member Adams stated that she was working with HAWS at the inception of program in 1993 and there is no doubt of the success they have experienced with PILOT funds, but times have changed. Up until a few years ago, the funds were readily available, but now the City has to be more vigilant with funding. Everyone needs to get more innovative in obtaining funding.

Council Member Montgomery stated that he disagrees with pulling back funding at this time, in looking at funding use historically, knowing the current economic state of HAWS, and the difficult task HAWS has in continuing to receive funds from all areas. City does not do a good enough job in helping housing authorities.

Council Member Leight stated she did not feel this was the time to eliminate assistance to programs such as the scholarship, security, etc., that are under the purview of HAWS. She suggested maybe the City review the issue in the future, to give HAWS time to become more self-sufficient.

Council Member Clark indicated he sits on the Crosby Scholars board, which gives many scholarships each year. He pointed out that scholarship money is available in many forms. In giving HAWS a tax break, he stated the City is sending a message that others have to pay more so that someone else can pay less. He expressed concern that if the City continues to take properties off tax rolls, those remaining will have to keep paying more. Nonprofits in town own 50% of tax

base and don't have to pay property taxes. He also stated he does not think it is appropriate to single out a few for scholarship awards.

Council Member Besse inquired about the HAWS annual budget.

Mr. Larry Woods, Executive Director, HAWS, indicated that they have a total budget of \$38 million but the PILOT program is not attached to the budget or property values.

Council Member Besse questioned the amount of property taxes HAWS would pay the City if all the properties were non-exempt under State law. He also asked if the PILOT program was planned as an indefinite program or if a time limit had been set.

Mr. Paige explained that reports are brought to the Finance Committee by the Executive Director a year at a time, as directed by Council. He noted that the item is coming to Council now because several Council Members have requested an update.

Council Member Besse expressed concern about the degree to which property taxes can remain low as long as the City continues to allow removal of taxable property. He noted that he would support this item also coming through the Community Development/Housing/General Government (CD/H/GG) Committee to ensure all questions are answered adequately.

Council Member Burke expressed concern that more information is needed and specifically requested a report on the program dating back to 1993 beginning with the inception of the PILOT program. She made a motion to remand the item to Finance and CD/H/GG Committees for further review.

Council Member Adams: Second.

Council Member Montgomery made a friendly amendment to the motion to have the item made a part of the Fiscal Year 2011-2012 Budget discussion.

The motion was unanimously carried.



G-6. RESOLUTION AUTHORIZING INVESTMENT CONSULTING SERVICES WITH STEPHENS, INC. AND TERMINATING SERVICES WITH MORGANSTANLEY/SMITHBARNEY. *[Finance Committee forwarded this item to Council with two in favor, none opposed, and one abstaining.]*

Council Member Merschel: Motion for approval.

Council Member Clark: Second.

In response to Council Member Adams, Mrs. Denise Bell, Chief Finance Officer, indicated that the move is being requested because the individuals working on the City's accounts have moved from Morgan Stanley/Smith Barney to Stephens, Inc. She noted that this type of move is typical when staff moves from one agency to another.

Council Member Adams expressed concern about the way citizens may perceive the action.

Mrs. Bell indicated that the staff working on the City's accounts has actually transferred from one group to another as their firms have been purchased and stated that it is not unusual for larger firms to purchase others.

Council Member Burke inquired if the City makes a practice of doing this sort of thing.

Mrs. Bell stated that depending upon circumstances, a review is conducted and if the group performs well, the City will consider a new firm to determine if they can provide the same resources.

Council Member Burke indicated she would support the item due to the fact that the company is remaining in Winston-Salem.

Mayor Joines noted that he was impressed with the Stephens Group and pointed out that it is an M/WBE vendor.

The motion for approval of the item was unanimously carried.

G-7. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, DIRECTING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SPECIAL OBLIGATION BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S SPECIAL OBLIGATION BONDS; AND CERTAIN RELATED MATTERS. *[Finance Committee forwarded this item to Council without a recommendation.]*

Mrs. Bell explained that staff is recommending beginning the process of issuing Special Obligation Bonds to fund the Solid Waste Program. She noted that the interest rate is currently 1% and staff will work with BB&T Bank for a variable rate. In response to Council Member Besse, she noted that the City would retain ownership of the Construction and Demolition Landfill.

Council Member Taylor stated that although he understands the bonds will be issued by BB&T Bank, he inquired how the public will be able to purchase them.

Mrs. Bell stated that staff would recommend a private placement, and investors are ready to move immediately. She indicated that these bonds are not for public purchase. These types of issues are done on occasion, but larger issues are done on a public basis. She explained that the City will save around \$150,000 in issuance cost by pursuing private placement of these bonds.

Council Member Merschel: Motion for approval.

Council Member Adams: Second.

Council Member Merschel stated that although she had expressed some concern about this item at Finance Committee, she is now thinking differently. The City must change how it looks at solid waste and needs to look at ways to be considerably more resourceful in reducing its solid waste stream. She noted there will be considerably less debt knowing that this is a private placement.

Council Member Clark noted that there is a summary in the Council Members' packets about Jefferson County, Alabama and the disaster with their solid waste issues. Their population

is similar to Guilford and Forsyth Counties. He stated that he is not finished reading the information but will continue to read the comments in the financial publication regarding that area. He stressed the need for the City to open a new cell by next year because a lot of surplus from the Solid Waste Fund has been used to fund the recycling program. He noted that staff is working towards getting the recycling program solely funded from the General Fund. He inquired if staff prepared any Requests for Quotes (RFQ's) yet for the single cart recycling program.

Mr. Turner responded that the RFQ's would likely be ready in the next 30 days.

Council Member Clark pointed out that there had been an increase in the poundage going into recycling and noted that he did not want to go through the process of siting another landfill.

Council Member Besse expressed his support for the item, and stated he feels the City is currently relying upon an antiquated philosophy of funding Solid Waste. The revenue stream from landfill tipping fees is insufficient to finance the entire program, but he noted that he also questions separating the revenue streams. He stressed the need to look at Solid Waste Management all together and consider the use and other sources of revenue, as well as continue making long-term wise decisions in setting tipping fees to maximize facilities to meet the needs of the community.

The motion for approval was unanimously carried.

Mayor Joines indicated he looks forward to reading over the Beck report.

G-8. MAYOR PRO TEMPORE BURKE'S RECOMMENDATIONS FOR APPOINTMENTS/ REAPPOINTMENTS TO THE COMMUNITY APPEARANCE COMMISSION:

- a. Karen Hansley-Johnson - *Appointment - Term Expiring February 2012*
- b. Mary Margaret Smith - *Reappointment - Term Expiring February 2014*

Council Member Merschel: Motion for approval.

Council Member Clark: Second. Unanimous.

G-9. CONFIRMATION OF FORSYTH COUNTY BOARD OF COMMISSIONERS' REAPPOINTMENT OF CLARENCE R. LAMBE TO THE CITY/COUNTY PLANNING BOARD – *Term Expiring February 2015.*

Council Member Burke: Motion for approval.

Council Member Adams: Second. Unanimous.

G-10. PUBLIC COMMENT PERIOD.

Ms. Joycelyn Johnson, 2426 Edison Court, requested that the City Council revisit its position on the North Carolina League of Municipalities (NCLM) Discount Card Program. She noted that consideration of the program has been inactive for the past few years. There would be no cost to the City and it would be an opportunity to recruit local citizens. She stated that she encourages reinvestigation of the program; it has the potential to save thousands of dollars for citizens.

Council Member Burke questioned where Council left off with its discussion of the program.

Mr. Garrity indicated that the President of NCLM discussed the program with Council Members during their visit to Washington, DC and the County Commissioners have been discussing it. There have been some concerns expressed by independent pharmacies. The data is clear that the card does save citizens money, but the question is does it direct citizens to use one pharmacy over another.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the Public Comment Period closed.

MAYOR/COUNCIL COMMENTS

Council Member Burke indicated that the City will break ground on the indoor firing range on March 29, 2011 at 10:00 a.m. and invited everyone to come out regardless of the weather.

Council Member Adams invited her constituents and all citizens to her North Ward Talk of the Town Meeting scheduled for March 29, 2011 at 6:00 p.m. in the Deacon Room of the Coliseum.

Council Member Taylor requested that the issue of the lack of taxation of nonprofit groups be reviewed during the Budget process.

Council Member Leight noted that some of the authors of the "Hands on the Freedom Plow" will be speaking tomorrow night at Winston-Salem State University and some will speak on Wednesday at Noon during a presentation at Salem College. She noted that the book is a compilation of essays from women who worked on the Student Nonviolent Coordinating Committee and did great job on behalf of civil rights.

ADJOURNMENT: 8:47 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**April 4, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, April 4, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Erin L. Hudson, Recording Secretary

Pledge of Allegiance

Sergeant-at-Arms: Lieutenant Bart Stone

Invocation: Dr. Michael Rakes of Winston-Salem First Assembly of God

**COMMENTS BY ANDREW ROGERS, EXECUTIVE DIRECTOR OF THE RIVERRUN INTERNATIONAL FILM FESTIVAL**

Mr. Andrew Rogers, Riverrun International Film Festival, stated that the festival would begin Friday and is one of the top regional film festivals in the country. It will showcase 121 films from 32 countries. He expressed thanks to the City Council for its continued support of the festival.

**MAYOR'S ANNOUNCEMENTS**

1. PUBLIC HEARING ON ZONING PETITION OF FORSYTH PARK BAPTIST CHURCH FROM RS-9 TO NB-L (Retail Store; Offices; Services A; Church or Religious Institution, Neighborhood): Property located on the north side of Hawthorne Road, west of Bolton Street - Containing approximately 0.44 acre located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3091. *[Planning Board recommends approval of petition.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

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

Council Member Besse indicated there has been no controversy surrounding the request and it is the Planning Board's recommendation to approve.

Council Member Besse: Motion to adopt the statement of consistency set forth on page 19 and approval of W-3091.

Council Member Taylor: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF CURTIS WOOD FOR PROPERTY OWNED BY CLARENCE R. LAMBE, JR. AND KATHERINE W. LAMBE FROM HB-S (Offices; Warehousing; Wholesale Trade A; Wholesale Trade B; and Storage Services, Retail) TO HB-L (Offices; and School, Vocational or Professional): Property located on the north side of Indiana Avenue between University Parkway and Home Road - Containing approximately 2.75 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3096. *[Planning Board recommends approval of petition.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

Mayor Joines stated 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 Adams: Motion to adopt the statement of consistency and approval of W-3096.

Council Member Montgomery: Second. Unanimous.

3. PUBLIC HEARING ON ZONING PETITION OF CHD PROPERTIES, LLC FROM RS9 TO HB-S (Motor Vehicle, Repair and Maintenance; and Motor Vehicle Storage Yard): Property located on the southwest corner of Stratford Road and Jonestown Road - Containing approximately 4.77 acres located in the SOUTHWEST WARD (Council

Member Besse) - Zoning Docket W-3095. *[Planning Board recommends denial of petition and approval of site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Besse noted that staff had invested a considerable amount of time in reviewing this request as it was controversial, and both staff and the Planning Board have recommended denial of the petition. He also noted that there has been substantial neighborhood interest and the petitioner has submitted a request for withdrawal. He recognized a number of neighborhood residents in attendance to hear discussion of the item and for their involvement with neighborhood planning.

Council Member Besse: Motion to allow withdrawal of the petition.

Council Member Clark: Second.

Council Member Besse stated that the withdrawal of the petition will allow time for the petitioners to meet with interested neighborhood representatives to discuss potential uses of the property that everyone could agree upon. He expressed thanks to Mr. Harvey Davis, his son Mr. Chris Davis and others involved for continuing to discuss the matter.

Council Member Merschel questioned if there was a time limit for re-filing a petition that has been withdrawn by a petitioner.

Mrs. Angela I. Carmon, City Attorney, stated that per the *Unified Development Ordinances*, if permitted, the petitioner has one year to re-file or resubmit the zoning petition.

Unanimous.

ITEM WITHDRAWN AT THE REQUEST OF THE PETITIONER



4. CONTINUATION OF PUBLIC HEARING ON SITE PLAN AMENDMENT OF ALLERTON PLACE ASSOCIATION, INC. AND CB DEVELOPMENT CO, INC. FOR A RM-5-S (PLANNED RESIDENTIAL DEVELOPMENT) ZONED SITE: Property located along both sides of Allerton Lake Drive between Gatehouse Road and Lakeshore Drive - Containing Approximately 1.60 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3081. *[Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the March 28, 2011 City Council meeting.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Ms. Mallory Oldham, representing Allerton Place Homeowners Association, Inc. and Mr. Brandt Deal, representing Robinwood, requested an additional continuance for the item. She noted that when the petitioner originally filed the docket, her client did not have legal representation, and she and Mr. Deal are working together to help formulate an agreement that is satisfactory to both neighborhoods. She also noted that on March 23, she met with City staff providing a revised plan that was acceptable to both neighborhoods, which are now close to an agreement, and hoped for an additional continuance to allow more time to work out all aspects. She further noted that City staff and Council Member Merschel have been great to work with and if it was agreeable to the City Council, she would suggest the item be held until the first meeting in May.

Mr. Deal expressed his thanks to City and Planning staff that have worked with the homeowners to help develop an agreeable solution.

Council Member Merschel: Motion to continue to the May 2 meeting.

Council Member Burke: Second. Unanimous.

ITEM CONTINUED TO MAY 2, 2011 COUNCIL MEETING

5. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE/TAXICAB SERVICE IN THE CITY OF WINSTON-SALEM: *[The public hearings on these items were conducted at the March 28, 2011 City Council meeting.]*
  - a. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF BANKHEAD TRANSPORTATION FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.
  - b. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF CAPE FEAR REGIONAL TRANSPORTATION FOR THE OPERATION OF EIGHT LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - c. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF MY PRIVATE RIDE FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - d. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF OMEGA LIMOUSINE COMPANY OF THE CAROLINAS FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - e. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF SKY TRANSPORTATION FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - f. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF TRANSPORTATION IN MOTION FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.
  - g. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF TRULIANT MOBILE TRANSPORT FOR THE OPERATION OF EIGHT LIMOUSINES IN THE CITY OF WINSTON-SALEM.
  - h. SECOND READING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF LATINO'S TAXI FOR THE OPERATION OF SIX TAXICABS IN THE CITY OF WINSTON-SALEM.

Council Member Burke: Motion to approve.

Council Member Taylor: Second. Unanimous.

ADJOURNMENT: 7:17 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**April 18, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, April 18, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms: Lieutenant Catrina Thompson

Invocation: Reverend Karl Minor of Beck's Baptist Church

**RESOLUTION HONORING THE 2011 CITY OF WINSTON-SALEM UNIVERSITY GRADUATES**

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

Mayor Joines asked the graduates to stand and he and the City Council Members could greet each of them.

**RESOLUTION HONORING HANESBRANDS FOR ITS CONTRIBUTIONS TO UNITED WAY OF FORSYTH COUNTY, NORTH CAROLINA**

Council Member Taylor: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Burke expressed her gratitude that Hanesbrands calls Winston-Salem and the Northeast Ward home. The city is fortunate and blessed to have this company that is known worldwide. She presented the resolution to Mr. Jim Manson, Chief Information Officer and Mr. Kevin Oliver, Chief Human Resources Officer for Hanesbrands.

Mr. Manson thanked the Mayor and City Council for the recognition and noted that he was a former Board Member for United Way and Mr. Oliver is a current member of United Way Board. He pointed out that Council Member Burke visits the Hanesbrands campus periodically and they appreciate having their story told to a wider audience. Mr. Manson also thanked the employees of Hanesbrands noting they provide the company with the qualities it takes to make this a better place to live.

**RESOLUTION HONORING ROBERT ELDER LEAK, SR. AS AN OUTSTANDING COMMUNITY VOLUNTEER**

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Taylor noted that he is making an effort to recognize outstanding citizens in the Southeast Ward who contribute to making it a better community. He thanked Mr. Leak and his grandson for their excellent leadership throughout the community.

Mr. Leak's grandson, Robert Leak, III, accepted on his grandfather's behalf. He thanked the Mayor and City Council Members for the recognition, noting that his grandfather is a diligent man and is thankful for the award. He stated that his grandfather always taught him that a man's work is in the community and he groomed him for that work.

**RESOLUTION HONORING JACQUELINE BENNETT TEAL AS AN OUTSTANDING COMMUNITY VOLUNTEER**

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Taylor stated that Ms. Teal is another strong leader in the Southeast Ward and she is always on top of things. He presented her with the resolution and thanked her for all her hard work and service to her community.

Ms. Teal thanked the Mayor and City Council Members for the recognition.

CONSENT AGENDA

Mayor Joines stated that City Council would now consider the Consent Agenda. He indicated that staff has requested to pull Item C-2(e) from the Consent Agenda. Council Member Montgomery requested to pull Items C-8 and C-10, and Council Member Taylor requested to pull Item C-9.

Council Member Burke made a motion to approve the balance of the Consent Agenda.

Council Member Clark: Second. Unanimous.

- C-1. CONSIDERATION OF ITEMS RELATING TO THE FISCAL YEAR 2011-2012 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM: *[Recommended by Finance and Community Development/Housing/General Government Committees.]*
- a. RESOLUTION APPROVING THE FISCAL YEAR 2011-2012 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM, AUTHORIZING SUBMISSION OF THE 2011-2012 ANNUAL PLAN, AND AUTHORIZING AN AMENDMENT TO THE 2010-2011 ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-2. 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. Recommended by Community Development/Housing/General Government Committee.]*
- a. Dennis and Yolanda Porter                      326 Junia Avenue

- b. Hazel Preston 801 N. Graham Avenue
- c. Marvin Pennell and Kathryn Christopher 900 Utah Drive
- d. Cathy Jones and Connie Stratford 2325 Waughtown Street
- f. William and Jeanette Humbert, III 4019 Reich Street  
Accessory Building

C-3. 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. Clarice Woods 116 E. 27th Street  
Accessory Building
- b. Johnny Dockett 418 NE 28th Street  
Accessory Building
- c. Jevi Investments 426 W. 25th Street  
Accessory Building
- d. Jevi Investments 426 W. 25th Street
- e. Washington Mutual Bank 515 E. 25th Street  
Accessory Building
- f. Janet Brown and Sharon Williams 520 27th Street  
Accessory Building
- g. Josephine Smith 964 Kearns Avenue  
Accessory Building
- h. Frances Wright Andrews 2705 Stokes Avenue  
Accessory Building
- i. Carolyn Leake 916 E. Brookline Street  
Accessory Building

- C-4. 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). Recommended by Community Development/Housing/General Government Committee.]*
- a. Doretha P. Edwards 618 E. 16th Street  
Accessory Building
  - b. Hazel K. Preston 801 N. Graham Avenue  
Accessory Building
  - c. Martha Williamson 2539 Kilkare Avenue  
Accessory Building
- C-5. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Stacy Court and Shuman Street. [Recommended by Public Safety Committee.]*
- C-6. CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2010-2011 ANNUAL APPROPRIATION/TAX LEVY ORDINANCE AND THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM: *[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 2010-2011.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-7. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: *[Recommended by Finance Committee.]*
- a. RESOLUTION APPROVING A THREE YEAR AGREEMENT WITH HANSEN INFORMATION TECHNOLOGIES TO PROVIDE SOFTWARE MAINTENANCE SERVICES - *Hansen Information Technologies - \$299,585.*
  - b. RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF SITE IMPROVEMENTS AT LIBERTY STREET PLAZA - *Atlantic Contracting Co., Inc. - \$243,735.50 (Estimated Amount).*



- c. RESOLUTION AWARDED PURCHASE ORDER FOR PURCHASE OF ONE BUCKET TRUCK UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(e)(9a) - *Time Manufacturing Company* - \$149,241.
- d. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF BRUSHY FORK GREENWAY, PHASE 3 - *Triangle Grading and Paving, Inc.* - \$475,695 (*Estimated Amount*).
- e. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF CITY YARD ASPHALT PLANT SOIL REMEDIATION PROJECT - *Zebra Environmental & Industrial Services, Inc.* - \$365,488.38 (*Estimated Amount*).
- f. RESOLUTION AWARDED A PURCHASE ORDER TO PROVIDE AND INSTALL EQUIPMENT FOR CATERPILLAR, INC. - *Conestoga-Rovers & Associates* - \$992,000.

C-11. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES - *September 7, 2010.*
- b. APPROVAL OF SUMMARY OF MINUTES - *September 10, 2010.*
- c. APPROVAL OF SUMMARY OF MINUTES - *September 20, 2010.*

C-2. 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. Recommended by Community Development/Housing/General Government Committee.*]

- e. Edwyn Stuart 2627 Burgandy Street

THIS ITEM REMOVED FROM CONSIDERATION.

Mayor Joines noted that the property listed on Item C-2(e) had been brought into compliance and no action would be required on that tonight.

C-8. ORDINANCE RENAMING STADIUM DRIVE TO RAMS DRIVE - *East and South Wards*; BLUM STREET TO CITY YARD DRIVE - *East Ward*; AND WILLIAMS STREET TO CITY YARD LANE - *East Ward*. [*Recommended by Public Works Committee.*]

Council Member Montgomery inquired about the timeframe for changing the signage.

Mr. Gregory Turner, Assistant City Manager, stated that the signs would be changed by the end of next week for City streets but noted he would have to check with the North Carolina Department of Transportation for the timing on the highway signs.

Council Member Montgomery: Motion for approval.

Council Member Taylor: Second. Unanimous.

C-9. RESOLUTION APPROVING THE ABANDONMENT OF A PORTION OF WATER AND SANITARY SEWER SYSTEM IMPROVEMENTS AND PUBLIC UTILITY EASEMENTS PERTAINING TO THOSE IMPROVEMENTS (SOUTHEAST WARD) - *Petition of Autumn Oaks MHP, LLC. [Recommended by Public Works Committee.]*

Council Member Taylor asked why the City is taking this action.

Mr. Turner stated that the developer has requested the City to withdraw its easements so that he can submit a different use for the site in the future. Staff has reviewed the request and is okay with the change.

Council Member Taylor: Motion for approval.

Council Member Burke: Second. Unanimous.

C-10. RESOLUTION AUTHORIZING THE YOUTH ADVISORY COUNCIL TO CONSTRUCT THE EXPRESSION WALL. *[Recommended by Community Development/Housing/General Government Committee.]*

Council Member Montgomery stated he just wanted to take this opportunity to recognize the Youth Council for its work on this project. It will be great for the community and young people to have a chance to express themselves in this manner.

Ms. Jamie Gorham, Chair and Ms. Lilly Kautz, Secretary of the Youth Council, stated that they felt this would be the best way to show the community that the youth are aware of the current state of events. The Youth Council hopes to have the wall ready in time for a kick-off event during the Annual Gallery Hop in May.

Council Member Clark inquired if concerns expressed by the Arts Council had been addressed.

Mr. Paige indicated that the Arts Council has decided not to oppose the Expression Wall at this point, but it does expect the project to be done professionally, and any graffiti or gang signs appear on the wall, they would be removed immediately.

Council Member Burke asked that staff follow up with the Youth Council and work with the students to ensure those concerns are addressed.

Council Member Taylor pointed out the recent amendment to the graffiti ordinance and noted that it may assist with keeping the wall clean of graffiti. He expressed his appreciation to the Youth Council members for their efforts in developing this project.

Council Member Montgomery: Motion for approval.

Council Member Taylor: Second. Unanimous.

#### GENERAL AGENDA

- G-1. PUBLIC HEARING ON RESOLUTION APPROVING ECONOMIC DEVELOPMENT ASSISTANCE TO CATERPILLAR, INC. *[Recommended by Finance Committee.]*

Mr. Paige explained that this item will allow Caterpillar, Inc. to purchase the leased equipment provided they meet the requirements of the loan as previously agreed upon.

Mayor Joines asked if anyone wished to be heard.

Seeing no one, he declared the public hearing closed.

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

- G-2. PUBLIC HEARING ON RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CITY STREET RESURFACING CONTRACT 2011 - 2012. [*Recommended by Community Development/ Housing/General Government Committee.*]

No one heard.

Council Member Besse: Motion for approval.

Council Member Leight: Second.

In response to Council Member Taylor, Mr. Paige stated that a company's goals must be verifiable in order to justify raising the minimum goal and in this case, 10% was the maximum verifiable amount.

The motion for approval was unanimously carried.

- G-4. RESOLUTION ACKNOWLEDGING THE RECEIPT OF THE FINAL REPORT OF THE CITIZENS' CAPITAL NEEDS COMMITTEE. [*Recommended by Finance and Public Works Committees.*]

Mayor Joines stated that at this time, without objection, City Council would hear Item G-4 prior to Item G-3, allowing the Capital Needs Committee to make a brief presentation.

Mr. Christopher Leak explained that the Capital Needs Committee was created by City Council to review bond projects. It began reviewing projects in January and ended in March, after having reviewed and making recommendations on approximately \$450 million in projects.

Mr. John Burress indicated that the Committee worked closely with Mr. Greg Turner, Assistant City Manager and Mrs. Denise Bell, Chief Financial Officer. It had the responsibility of ensuring affordability of bond issues, without tax increases. He noted that there was excellent participation and after final analysis, the Committee took a straw vote with a majority recommendation for the \$125 million in bond items. After voting, City staff provided their

rankings and they were very close to the Committee. A few priorities were moved around to coincide more with staff.

Mayor Joines expressed his appreciation to the Committee for a job done so well on behalf of the citizens.

Council Member Merschel: Motion for approval.

Council Member Montgomery: Second.

Council Member Besse expressed his appreciation for the Committee's thoughtful and independent deliberations regarding the bond projects.

The motion for approval was unanimously carried.

G-3. RESOLUTION AUTHORIZING THE EXECUTION OF A SCHOOL RESOURCE OFFICER AGREEMENT WITH THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS IN THE CITY OF WINSTON-SALEM. *[Public Safety Committee forwarded this item to the City Council for discussion.]*

Mayor Joines stated he was honored to have various Winston-Salem/Forsyth County School Board members and the Forsyth County Sheriff present tonight.

Mr. Garrity explained that the schools have had School Resource Officers (SRO's) for many years. Kernersville currently provides SRO's to schools inside its town limits. The City Council approved a pilot program for four schools two years ago. All other schools are currently utilizing staff from the Forsyth County Sheriff's Department. However, the School System wants to expand the pilot program to include all 21 schools in Winston-Salem. The City will provide funding for one month out of the year for the program, with the remaining 11 months being funded by the School System. He explained that an agreement has also been reached with the Forsyth County Sheriff's Department and the School System for transitioning the current Deputies in place during the next two years. The first 10 will be moved out by this August,

allowing for 10 vacancies within the Sheriff's Department to be filled. The remaining seven positions will be transitioned in year two. He noted that language has also been included in the resolution that if the School System fails to pay its portion for the program, the City Council gives the City Manager the authority to back out of the program.

Dr. Donald Martin, Superintendent, Winston-Salem/Forsyth County Schools, explained that the bidding process for the program began two years ago. The City decided to provide four SRO's at that time and things have gone great for the past two years. Chief Cunningham provided a very competitive proposal to that of the Sheriff's Department. The local SRO program has been very successful in Kernersville and when things go wrong in school, it is very helpful to have a local law enforcement presence. He indicated that he would reassure the City Council this would be business as usual, and the School System has other resources beyond Forsyth County. It has the capability to pay bills as County funds decline.

Council Member Taylor: Motion for approval.

Council Member Clark: Second.

In response to Council Member Merschel's concern, Mr. Garrity indicated that his understanding is that the Sheriff requested that the City begin with a transition of 10 SRO's so that vacancies could be filled in his department.

Forsyth County Sheriff Bill Schatzman stated that his department can absorb the 10 officers into the available positions this year, but he indicated that he could not predict what would be available in future years.

Council Member Merschel stated that the City needs clarification and guarantee that the Sheriff's Department will be able to accept the remaining seven positions in the second year.

Sheriff Schatzman indicated that normal attrition would exceed those transitions with probably 15 to 20 sworn personnel per year. He noted, however, they have not found any personnel through polling that intend to seek employment with the Winston-Salem Police Department (WSPD). Based on a three year transition however, they would not see the need to accommodate the positions through the WSPD.

Mr. Garrity explained that the intent is to place the officers into positions vacated through attrition in the Sheriff's Department. If that cannot be done with all seven positions in year two, then the breakdown can be changed to placing three in year two and the remaining four in year three.

Council Member Merschel expressed concern that there is no definitive personnel policy in place for displaced deputies in the second wave of the SRO transition. She inquired if there would be any positions available for those officers within the WSPD.

Winston-Salem Police Chief Scott Cunningham explained that there is a personnel policy in place called lateral placement that has been used by the WSPD for years. This program can be used to place those officers by considering their certifications and experience. He further responded to Council Member Merschel's question, stating that he was not aware of any former Sheriff's Deputies that had been hired by the WSPD through this program.

Sheriff Schatzman indicated that he was not aware of any deputies that had been laterally placed with WSPD during his tenure with Forsyth County.

In response to Council Member Merschel, Mr. Garrity indicated that the only case in which he would make the decision to end the contract with the School Board on the City Council's behalf would be if they falter on payment. If any other issue should arise, the item would be brought to City Council for consideration.

Dr. Martin assured Council Member Burke that the School System has an operating budget of \$440 million a year and has other funds available if needed.

Council Member Burke expressed her appreciation to staff for bringing everyone together on this item and noted that students need to see City law enforcement in the schools to develop a closer relationship with them.

Council Member Adams requested that staff provide an update on the pilot program with side by side data from 2010 and 2011. Council Member Burke noted that this information should be presented to the Public Safety Committee.

Council Member Montgomery expressed concern about individuals who have already established relationships with their current SRO's who may be part of the planned transitioning group.

Council Member Clark expressed his main concern is that no one will lose their job. Both organizations have enough turnover that if the City takes 10 schools, the Sheriff's Department should be able to handle the other positions.

Council Member Besse pointed out that this agreement will not guarantee anyone who is displaced from an SRO position will be guaranteed a position within another department. They will still have to be hired based upon their own merits and they will still have the opportunity to apply elsewhere as well.

Council Member Taylor thanked everyone for their hard work and commitment to this program. He stated he is excited about having the opportunity to help the School Board. After hearing from Dr. Martin, he indicated that he is confident in the Board's ability to hold up their end of the deal and he supports the item.



Council Member Burke noted that a gang unit was started five years ago and the City is excelling in its abilities to address gang issues. She stated she feels this program will enhance the gang unit's activities.

The motion for approval of the item was unanimously carried.

Mayor Joines thanked Sheriff Schatzman and the School Board members for their assistance with the program.

G-5. PUBLIC COMMENT PERIOD.

Mr. Mike Spach, 3055 Sides Road, inquired about the timeframe for the opening of Stafford Road.

Mr. Turner indicated that there had been several setbacks including severe weather, but the paving is complete and striping is underway. Signage is being installed; it should be open soon.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the Public Comment Period closed and recognized Council Member Clark for a motion.

CLOSED SESSION

Council Member Clark made a motion that City Council enter into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the City Attorney and to give instructions regarding the settlement of Beckles-Palomares v. City, 2007 CVS 7214 and the Caesar property claim.

Council Member Burke: Second.

City Council entered into Closed Session at 8:15 p.m.

At 9:05 p.m. Council Member Burke made a motion to end Closed Session and resume Regular Session.

Council Member Adams: Second. Unanimous.

ADJOURNMENT: 9:05 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**May 2, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, May 2, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance led by Boy Scout Troop 722

Sergeant at Arms Lieutenant Tyrone Phelps

Moment of Silence

**RESOLUTION DECLARING HISTORIC PRESERVATION MONTH IN WINSTON-SALEM, NORTH CAROLINA MAY 2011**

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Burke pointed out that the African-American settlement that was located in West Salem will be recognized on May 16th, and she noted that there is an article in today's paper regarding the area. The baseball stadium has been asked to participate and there will be a marker installed in that area. She thanked staff and citizens for ensuring the area will not be forgotten.

Mayor Joines thanked the Winston-Salem Dash for funding the historic marker for that area. He noted that Mr. Jeff Sours with the Historic Resources Commission (HRC) was present tonight.

Council Member Taylor presented the resolution to Mr. Sours, indicating that it is very important to remember the city's rich legacy. He thanked the citizens for their participation as well.

Mr. Sours thanked the Mayor and Council Members for their support and recognition of Historic Preservation Month. He indicated that the HRC's Annual Reports had been given to Council Members and noted the Odd Fellows Cemetery historic marker would also be installed this year. He gave an overview of various events scheduled for May.

#### PRESENTATION OF TREASURER'S AWARD

Mayor Joines stated it was his honor to announce that the City's Finance Department would be receiving an award tonight from the North Carolina Association of Certified Public Accountants (NCACPA) and the State Treasurer's office and he asked Mrs. Denise Bell, Chief Finance Officer, to introduce representatives to make the presentation.

Mrs. Bell introduced Ms. Sharon Edmundson, Director, Fiscal Management Division, State Treasurer's Office and Mr. Michael Sharpsinger, representing the NCACPA, for the presentation.

Mr. Sharpsinger explained that the NCACPA had partnered with the State Treasurer's Office to present this award on an annual basis. Application packets are distributed each year to local governments. It is an extremely competitive program that looks at costs savings in each government. This year, he stated, they are pleased to announce that Winston-Salem was chosen in the category of municipalities with populations of 25,000 and above.

Ms. Edmundson indicated the award program had been in place for 21 years, with two objectives: 1) to have a platform for individual recognitions of local governments, and 2) to enable information sharing between governments. The program allows local governments to leverage the learned information when making savings decisions. She noted that the City is fortunate to have Denise Bell, Lisa Saunders and Clark Case on staff.

Mrs. Bell asked Mrs. Saunders and Mr. Case to stand and she pointed out that they are both Assistant Finance Officers.

Council Member Merschel noted this is another case in point where the Finance Department works to find significant savings and she indicated it is so nice to have professional and public acknowledgement of such an outstanding Finance Department.

1. PUBLIC HEARING ON ZONING PETITION OF PTRP HOLDINGS, LLC; WFU HEALTH SCIENCES; IDEALLIANCE; AND BRF DECK I, LLC FROM LI, CI, AND CB TO CI: Property located on the west side of US 52 between Third Street and Stadium Drive - Containing approximately 50.1 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3097. *[Planning Board recommends approval of petition.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

No one heard.

Council Member Montgomery requested a brief overview of the item.

Mr. Paul Norby, Director, City/County Planning Department, explained that this action is being taken in an effort to bring the central part of the Piedmont Triad Research Park into conforming zoning status. Central Industrial zoning will be consistent with the South Central and Downtown Plans, as well the *Legacy Plan*.

Council Member Montgomery noted that this will add continuity to the area and help continue the Research Park's efforts. He made a motion for adoption of the Statement of Consistency set forth on Page 23 of the agenda book, and approval of W-3097.

Council Member Taylor: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF FORSYTH TECHNICAL COMMUNITY COLLEGE FROM IP TO GO-L (College or University; Government Offices; Institutional Vocational Training Facility; and School, Vocational or Professional): Property located on the west side of Bolton Street across from Cherokee Lane - Containing approximately 8.45 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3098. *[Planning Board recommends approval of petition with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

No one heard.

Council Member Besse asked for a brief staff report.

Mr. Norby indicated the property in question is the West Campus of Forsyth Technical Community College (FTCC). It is presently zoned Industrial Pedestrian. The Southwest Area Plan does not recommend zoning changes for this area, but this request would change the zoning to a use compatible with the use of the property.

Council Member Besse commended FTCC representatives for reaching out to the adjacent neighborhood and discussing plans with Ardmore Neighborhood representatives. He noted they have been accommodating with the conditions requested by neighbors and have offered to install a bio-treatment run-off cell. He made a motion for adoption of the Statement of Consistency set forth on Page 41 of the agenda book, and approval of W-3098.

Council Member Taylor: Second. Unanimous.

3. PUBLIC HEARING ON SITE PLAN AMENDMENT OF NELLIE GRAVES, TRUSTEE FOR A GB-S ZONED SITE: Property located on the northwest corner of Stratford Road and Hanes Mall Boulevard - Containing approximately 1.00 acre located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3100. *[Planning Board recommends approval of petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Besse requested a brief staff report.

Mr. Norby explained that the property is located at the northwest corner of Stratford Road and Hanes Mall Boulevard. The proposed site plan is for one building adjacent to Stratford Road and the other near the driveway onto Hanes Mall Boulevard. It was recently approved for the former Circuit City building and it contains conditions that before parking lot permits are issued, the petitioner has to satisfy arrangements for ingress and egress points. The original zoning for this site was approved in 1994. The adjacent property owner expressed concerns at the Planning Board hearing about the construction access and water line easement issues.

Council Member Clark noted that if the owner of the former Circuit City building agreed with access points when the site plan was previously approved, staff needs to ensure that the new owner is not being held hostage by a condition to which they did not agree.

Mr. Norby explained that the site plan for the building has a condition that they agree with each other. Also, no more curb cuts will be needed in that area.

Council Member Adams requested Mr. Norby point out the access points on the map.

Mr. Norby noted that the current access points will remain intact.

Council Member Besse made a motion for adoption of the Statement of Consistency set forth on Page 63 of the agenda book; and approval of W-3100 included the site plan.

Council Member Burke: Second. Unanimous.

4. CONTINUATION OF PUBLIC HEARING ON SITE PLAN AMENDMENT OF ALLERTON PLACE ASSOCIATION, INC. AND CB DEVELOPMENT CO., INC. FOR A RM-5-S (PLANNED RESIDENTIAL DEVELOPMENT) ZONED SITE: Property located along both sides of Allerton Lake Drive between Gatehouse Road and Lakeshore Drive - Containing Approximately 1.60 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3081. *[Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the April 4, 2011 City Council meeting.]*

Ms. Mallory Oldham, 100 N. Cherry Street, Suite 600, said she originally was hopeful that the neighborhoods would be in agreement but realized there was an incorrect site plan on the City's website which caused some concerns so she was unsure as to how to proceed.

In response to Council Member Merschel, Mr. Norby stated he was unaware of any legal reason why the item should be continued due to the discrepancy; however, there may be some practical reason to do so. He noted that the original site plan along with the most recent version have been available for at least a month.

Mr. David Murray, 3141 Allerton Lake Drive, reluctantly agreed to continue the public hearing on the item.

Council Member Merschel indicated that she would agree with continuing the public hearing but would need representatives from the two neighborhoods to agree in writing to the delay.

Mrs. Angela Carmon, City Attorney, indicated that without a specific date, the hearing would have to be re-advertised and she was unsure of the cost.

Ms. Oldham stated that she could get an agreement in time for the June meeting and the public hearing could be rescheduled now in open session.



Mr. Norby explained that the two parties should submit a letter to the Planning Department or the City Secretary's Office to be placed on the agenda stating they agree to the change.

Council Member Merschel made a motion to continue the public hearing on the item to the first City Council Meeting in June.

Council Member Taylor: Second.

Council Member Clark asked that staff continue to monitor these types of cases. He indicated he would reluctantly support the continuation tonight, but this case has gone on too long and this would be the last time he would support continuing the item.

Council Member Montgomery expressed his opposition to continuing the item, noting that City Council had been very patient.

The motion to continue the item to City Council's first meeting in June was carried with seven in favor and one opposed. Those voting in favor were Council Members Leight, Clark, Besse, Burke, Adams, Merschel and Taylor, with Council Member Montgomery voting in opposition.

5. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ESTABLISH PROVISIONS FOR UNATTENDED DONATION CONTAINERS - *Proposal of Goodwill Industries - UDO-221. [Planning Board recommends approval.]*

Mr. Art Gibel, Chief Executive Officer, Goodwill Industries, Inc., 2701 University Parkway, requested a ban on the use of unattended donation containers. He noted that many cities have experienced a recent increase in the number of installations of these containers, affecting health, welfare, etc. of their residents. The containers resemble trash dumpsters and have unintended consequences on nearby neighborhoods. There are currently 33 bins in Winston-Salem, with more than a 50% increase in the past two months. The City of Durham

effectively addressed the problem through its *Unified Development Ordinances* (UDO) and the City of Miami is pursuing the same thing. This petition has the support of the Chamber of Commerce, Habitat for Humanity, The Salvation Army, Goodwill Industries, and the Rescue Mission, all non-profit organizations that rely on donations for funding many community programs. Most of these containers appear to be unattended and operated by nonprofit organizations, but only a small portion of the income (less than 6%) benefits local charities; the remaining income is for profit.

Mr. Dan Parsons, Executive Director, Rescue Mission, 718 N. Trade Street, indicated that the Rescue Mission had been in Winston-Salem working for the homeless and needy for 44 years and depends upon donations put into these bins in order to give back to the community. He expressed his support for the petition.

Major Kent Davis, Salvation Army, 1029 Crossgate Road, stated he fully supports the proposal. He noted that the Salvation Army also relies heavily on the operation.

Ms. Sylvia Oberle, Executive Director, Habitat for Humanity, 845 Sylvan Road, stated she supports her colleagues. She pointed out the importance of being proactive in this way because issues can snowball. If an organization relies on donations to run its mission then they should remain in the community. These organizations need to remain transparent about how donations are distributed.

Mr. Pat Shea, Director, DARE America, 104 Orion Court, Cary, spoke in opposition to the text amendment noting that the DARE organization uses the bins to raise funds. He explained that DARE has worked with youth on drug prevention programs since 1983 and is a non-profit with no state or federal funding. DARE partners with companies that have been carefully reviewed to help fund the program for the bins. He noted that a majority of funding for

the program is derived from bin collections and is used to train police officers who teach the program. Mr. Shea explained that the DARE program was cut out of the Winston-Salem/Forsyth County Schools years ago due to personnel issues; however, it has many good causes. He noted that approximately 90,000 children in the state benefit from the program. The bins DARE uses are identified with contact information if there are any questions or problems. He encouraged the City Council to consider that aspect and pointed out that having a bin monitored by a person for five hours a day would be very difficult.

Ms. Megan Atkins, 4104 Wingate Drive, Raleigh, spoke on behalf of Planet Aid. She stated she would like to meet with City staff before the ordinance is adopted, noting that she was unaware of this proposal prior to tonight. She indicated that Planet Aid is a non-profit organization that collects shoes, handbags, clothing, and other used textiles to help support under-served countries around the world. The funding provided in Fiscal Year 2008-2009 resulted in \$16.8 million which was used to train teachers, HIV and AIDs research, and education. Planet Aid fundraising is active in 20 states across the U.S.

Mr. Sam Ebenezer, 536 William Hooper Circle, Hillsborough, Operations Manager with Planet Aid, explained that the organization monitors its bins with scanners and assigns data based on how much material is collected in a bin. It ensures bins are cleared out within 24 hours or if any phone calls are received. He noted that Planet Aid would be happy to donate to the Rescue Mission in Winston-Salem since it does receive items that are unusable for its fundraising operations.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Mr. Norby explained the proposed definition to be inserted into the ordinance in regards to the use of containers. The proposal would regulate the number of containers allowed on a zoning lot and mandate that they be attended by a person no less than five hours per day. They would also have to be identified with ownership information. He noted that there was much discussion at the Planning Board and staff suggested different language from the first proposal, such as limiting to only one container per site and requiring daily maintenance. There was no opposition at the Planning Board meeting and the Planning Board recommended approval of the text amendment mainly to ensure proper upkeep of the containers.

Council Member Taylor questioned how other cities had addressed the issue.

Mr. Norby indicated that the City of Durham had undertaken the question and decided to disallow unattended containers.

Council Member Adams noted that no one doubts the wonderful work of these agencies. She expressed concern with asking some of the smaller agencies to have a person attend a container for five or more hours per day. She also inquired about how many containers are currently located in the city that would be considered unsightly and in violation of any ordinances.

In response to Council Member Montgomery, Mr. Norby explained that the five hour time period for an attendee was the proposal of the petitioner and upon discussion, the Planning Board agreed noting it should be a significant part of the day.

Council Member Montgomery inquired if staff was aware if the Secretary of State or Attorney General's office has looked into any misguidance of advertising of the bins.

Mrs. Carmon indicated she was unaware of any such findings.

Council Member Besse noted that it appears there are two lines of proposal; one would be a litter issue, and one which is not appropriate to consider in a public forum which is competition. He indicated that he was unsure that all questions had been answered to determine a sufficient cause regarding unsightliness and the need to address maintenance on a daily basis. He made a motion to remand the item to the Community Development/Housing/General Government Committee for continued discussion, with a report back within two to three months.

Council Member Montgomery: Second.

Council Member Leight noted that the item needs further study since on the surface it appears a larger organization wants all of the reward and someone standing by a bin for five hours a day seems undoable.

Council Member Burke stated that when the containers began showing up years ago, the organizations spent a lot of time and money on preventing an unsightly appearance. She asked that staff research the history of that issue. She stressed the need to maintain control to prevent unsightly areas and noted that the Community and Business Development Department should be available during the Committee's discussion of the item.

Council Member Merschel stated she understood that some organizations partner in operating the bins, and she was not sure about the total amount of donations going to DARE. She indicated that since the program no longer operates in Winston-Salem, that takes money out of the community. Planet Aid lists its address as Raleigh, and has no programs in Winston-Salem. The containers do create a sense of an unkempt area. Goodwill attendants are employees and a large number of them are here in Winston-Salem. She stated that she sees no need to send the item back to Committee for further discussion.

Council Member Montgomery stated he feels all of the organizations do great work and the City Council should really take a closer look at the item. He indicated he supports the motion for further conversation at Committee.

Council Member Clark expressed support for the ordinance, but noted he will support remanding the item to the Community Development/Housing/General Government Committee. A majority of the containers are run by large thrift stores. He noted that although they are adhering to the law, he has an ethical issue with companies operating under the auspice of non-profit work. He stated that the issue needs to be nipped in the bud, and expressed concern that it is not a coincidence that those opposed do not live near here.

Council Member Adams noted that they heard from some big organizations with bins, but her concern is with smaller groups such as churches, Boy Scouts, etc., who may want to pursue use of bins.

Council Member Taylor indicated his support of the ordinance and noted it needs to be remanded for further discussion.

Mayor Joines called for the vote on the motion to remand the item to the Community Development/Housing/General Government Committee with a timeframe to return in two months.

The motion carried with seven in favor and one opposed. Those voting in favor of the item were Council Members Leight, Clark, Besse, Montgomery, Burke, Adams and Taylor, with Council Member Merschel voting in opposition.

Council Member Besse asked staff to add the item on next week's Community Development/Housing/General Government Committee Agenda.

6. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO INCREASE NOTIFICATION REQUIREMENTS FOR ELECTED BODY SPECIAL USE PERMITS AND ZONING MAP AMENDMENTS - *Proposal of City-County Planning Board Staff - UDO-223. [Recommended by Planning Board.]*

Ms. Nancy Gould, 1031 VanHoy Avenue, indicated she had been involved in development and zoning for many years and felt this was a good proposal. She stated it will do a good job of making it possible for those living near rezoning areas to be notified and will not lengthen the process, which is important.

Ms. Lonnie Clark, 1212 Watson Avenue, stated it is a good proposal, but with lots with very large and long driveways should be added. Planning is good about asking petitioners in advance of pursuing the process and encourages meetings between residents and petitioners.

Mayor Joines asked if anyone else wished to be heard. See no one, he declared the public hearing closed.

Mr. Norby explained that the text amendment would increase notification requirements for elected body amendments. It was discussed at length with the Community Development/Housing/General Government Committee. He pointed out that staff and the Planning Board have always encouraged applicants to conduct meetings with residents, and in fact, the Planning Board will continue an item if they see no discussions have been held. He noted also that more signage is being used now for rezoning requests, they are being advertised on WSTV13, and staff sends letters to neighborhoods asking them to assign someone to keep an eye on the City's website to be aware ahead of time of any requests in their areas. Mr. Norby explained that this same amendment is scheduled to go before Forsyth County next week.

Council Member Clark inquired what would happen if the City votes in favor of the item and the County votes against it.

Mr. Norby indicated that any jurisdictions following Forsyth County would fall under its vote. Others would have to adopt their own version.

Council Member Besse: Motion for approval.

Council Member Merschel: Second.

Council Member Leight inquired if the City conducts meetings with those affected by proposals made by City staff and stressed the need for the City to practice what it preaches.

Council Member Besse noted that the 500 foot requirement is likely to be rare within the city limits but asked staff to continue to monitor the situations in case there is an issue. If a minor change is being requested, a formal requirement for meeting with neighbors does not seem to make sense; however, City Council will always encourage petitioners to meet with residents.

Council Member Montgomery expressed similar concerns to Council Member Leight. He also asked that if it is not included in the UDO, he would like to see a written policy for petitioners to meet with residents.

Mr. Norby indicated that the policy is included in the UDO, and is in writing on the application form, as well as on the City's website.

The motion for approval was carried with seven in favor and one opposed. Those voting in favor of the item were Council Members Clark, Besse, Montgomery, Burke, Adams, Merschel and Taylor, with Council Member Leight voting in opposition.

7. PUBLIC HEARING ON RESOLUTION AUTHORIZING A TEN PERCENT MINIMUM MINORITY AND WOMEN BUSINESS ENTERPRISE GOAL FOR FORMAL CITY CONSTRUCTION PROJECTS. *[Recommended by Community Development/Housing/General Government Committee.]*



Reverend Ryan Eller, 389 N. Green Street, indicated he was speaking both as a citizen and also on behalf of the Communities Helping All Neighbors Gain Empowerment (CHANGE) organization. In working with bond items, he indicated he realized M/WBE ratings were generally not good. Many minorities are unemployed. He thanked Council Member Taylor for pushing forward with this action.

Mr. Hobart Jones, 4645 Palace Avenue, expressed his support for the item. He expressed the need to have meetings with minority representative to explain the procedure for bidding on M/WBE projects.

Mary-Lynn Wigodsky, 1140 East Kent Road, stated that in looking at CHANGE efforts in the past, there had been a disproportionate number of women contractors and minority contractors. She stressed that this could be done, and staff needs to pay attention to the bids and the numbers.

Mr. Ghali Hassan, 4945 Tutelo Trail, thanked Council Member Taylor for introducing this item. He inquired if this would all be considered one goal or separate for minority versus women-owned businesses. The goals are set by federal standards automatically at 10% and should remain at that amount, with anything above being considered extra. He noted that women are earning more than minority-owned businesses and should not be lumped together. He expressed concern that many of the companies that are women-owned are a front or sham for others who put their names on them.

Council Member Burke expressed concern that since the program was introduced, minorities have not benefitted from it in the way they should have and noted that the City should do a better job in administering the program.

Mr. Derwick Paige, Deputy City Manager, explained that it is a challenge to find businesses that are willing to get certified for the program. He indicated that many initiatives are in place, including the small business loan and construction loan programs, as well as construction training. There may be a need to create a position or department to try and address the concerns.

Council Member Burke stated that she wants Winston-Salem's program to be unique and requested a report on how it ranks in the state among other municipalities.

Council Member Clark stated that the City buys a lot of services, such as natural gas, police cars, and fire trucks, but noted this would apply more to construction as opposed to general services.

Mr. Paige explained that a project has to cost \$300,000 to qualify and staff considers the entire scope in what is able to be contracted out. Numbers have been captured on expenditures for supplies. If a goal is set for less than 10%, it will come to City Council for approval.

Council Member Clark expressed concern with making this proposal work. He noted that it seems staff would be looking more at what could be subcontracted out as opposed to general contracted work, and that there needs to be more available M/WBE general contractors.

Council Member Leight noted that the 10% is a minimum goal and has been exceeded many times. She stated she also agrees with Council Member Clark that with the way the data is collected, it does not make sense. The goal setting is mandated in Raleigh but the counting system may be off.

Mr. Paige indicated that although the goal-setting does not capture subcontracting spending, it does capture construction and demolition and shows a category of minority/women where this would fall.

Council Member Montgomery noted he raised concern in Committee regarding the split and asked staff to ensure that we reach out to both women and minority-owned businesses. He stated that staff should be advised on how to reach out and teach the process for certification. He cautioned against resting at the 10% goal as there may be need to work for more in certain cases. If a goal is not reached, staff should pursue and require those contractors to provide the reason for not reaching the goal.

Council Member Besse noted that concerns had been raised during the public hearing about entities that were fronts. He stressed the value of the certification program in preventing this type of issue. He also noted that there needs to be some sort of public reaffirmation of the City's intent to work with the community; there should be an increased outreach to the public to ensure potential contractors are aware of City's opportunities. He pointed out that the Community Development/Housing/General Government Committee is looking at making those efforts more effective.

Council Member suggested staff set up sessions on WSTV13 demonstrating how the process works, and always televise bid opportunities as they arise.

Council Member Taylor noted that the City needs to take care of its small, minority and women owned businesses. He requested that staff conduct a disparity study of the program.

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

8. RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL REGARDING LEGISLATION INTRODUCED DURING THE 2011 LEGISLATIVE SESSION.

Mrs. Carmon indicated that Town Hall Day is on Wednesday, May 4th and this resolution expresses the City Council's support for some of the legislations as discussed in Committee; however, as listed in Exhibit B, there are some bills that the Council does not support. She indicated that Exhibit C lists those bills that are of some concern and for which there are still some unanswered questions.

Council Member Burke: Motion for approval.

Council Member Adams: Second.

In response to concerns expressed by Council Members Merschel and Taylor, Mrs. Carmon stated that Police Chief Cunningham has expressed concern about the handgun bill and that is one of those listed on Exhibit B.

The motion for approval of the item was unanimously carried.

ADJOURNMENT: 9:26 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**May 16, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, May 16, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Pro Tempore Vivian H. Burke presiding and the following members present:

Council Members	Robert C. Clark Dan Besse Derwin L. Montgomery Vivian H. Burke	Denise D. Adams Wanda Merschel James Taylor, Jr.
Member Absent	Molly Leight	
Secretaries:	Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary	
Invocation	Ms. Debra Daniels of Delta Sigma Theta Sorority, Inc.	

Council Member Adams welcomed the Winston-Salem Alumnae Chapter of Delta Sigma Theta in honor of "Delta Day" at City Hall and recognized Ms. Lisa Smith, the Chapter's President, for remarks.

Ms. Smith thanked the Mayor and City Council for the invitation to attend tonight's meeting and for the proclamation recognizing "Delta Day" at City Hall. She gave a brief history of Delta Sigma Theta Sorority, Inc. and described the Chapter's recent service activities.

Mayor Pro Tempore Burke expressed appreciation on behalf of the Mayor and City Council to the members of Delta Sigma Theta for making a difference in the community and moving it in a positive direction.

Mayor Pro Tempore Burke indicated Mayor Joines was in Washington, D.C. and could not attend tonight's meeting.

Pledge of Allegiance

Sergeant at Arms      Lieutenant T.E. Craven

**PROCLAMATION RECOGNIZING MAY 15-21, 2011 AS NATIONAL PUBLIC WORKS WEEK**

Mayor Pro Tempore Burke recognized Council Member Clark for the presentation of the proclamation.

Council Member Clark presented the proclamation to Mr. Gregory M. Turner, Assistant City Manager, and noted the Public Works Department does a lot of the heavy work for the City, which could not function without this staff.

Mr. Turner thanked the City Council for the opportunity and extended his appreciation for the proclamation on behalf of the employees doing the hard work in the Public Works Departments.

**CONSENT AGENDA**

Mayor Pro Tempore Burke stated the City Council would now consider the Consent Agenda and asked if any items needed to be pulled for discussion.

Council Member Taylor requested to pull Item C-3. Council Member Montgomery requested to pull Item C-12.

Council Member Merschel made a motion to approve the balance of the Consent Agenda.

Council Member Adams: Second. Unanimous.

**C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:**

- a. RESOLUTION RELEASING THE EXISTING DEED RESTRICTION PLACED ON A PROPERTY AT 300 S. MAIN STREET. *[Recommended by Finance and Public Works Committees.]*
  - b. RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH DAVID G. SOUTHERN FOR THE POLICE DEPARTMENT'S SPECIAL ENFORCEMENT TEAM, GANG UNIT AND K-9 UNIT - *Located at 400 Northgate Park Drive. [Recommended by Finance and Public Safety Committees.]*
  - c. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, APPROVING A RELEASE OF REAL PROPERTY, ROLLING HILLS APARTMENTS. *[Recommended by Finance Committee.]*
  - d. RESOLUTION GRANTING FEE SIMPLE RIGHT-OF-WAY AND EASEMENTS TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF NORTH CAROLINA, PURSUANT TO N.C.G.S. 160A-274 - *Located on the north side of Business I-40/US 421. [Recommended by Finance and Public Works Committees.]*
- C-2. RESOLUTION AUTHORIZING FINANCING FOR DEVELOPMENT OF HOUSING ON WEST SECOND STREET. *[Recommended by Finance Committee.]*
- C-4. 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. Recommended by Community Development/Housing/General Government Committee.]*
- a. Alex I. Scarbough 819 Graham Avenue
  - b. Shirley S. Lyon 1816 Center Street
  - c. East Atlantic Properties, LLC 721 Ontario Street
  - d. Harold E. Ashburn, Jr. 5595 Pineview Drive
  - e. Ferrell Construction Co., Inc. 3526 Tyler Street
  - f. Diletta Mouzon 2617 Lewis Street  
Accessory Bldg.
  - g. Ann H. Angel 717 E. Brookline Street

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. Harold E. Ashburn, Jr. 5595 Pineview Drive  
Accessory Bldg.
- b. E. Vernon Ferrell 2351 Sprague Street  
Accessory Bldg.
- c. Bryan A. and Tina Parker 1909 Lyons Street  
Accessory Bldg.
- d. E. Vernon Ferrell 4869 Monte Vista Street  
Accessory Bldg.
- e. Epic Investments 1215 Motor Road  
Accessory Bldg.
- f. Noe Velazquez-Ruiz 5238 Pineview Drive  
and Reyna A. Velazquez  
Accessory Bldg.
- g. Stephen T. Williams 3622 Main Street  
Accessory Bldg.
- h. C.W. Myers Trading Post 1008 Cayuga Street  
Accessory Bldg.
- i. Alex I. Scarborough 819 Graham Avenue  
Accessory Bldg.

C-6. CONSIDERATION OF ITEMS RELATING TO THE REPLACEMENT OF A STRUCTURALLY DEFICIENT CULVERT UNDER PATTERSON AVENUE: *[Recommended by Finance and Public Works Committees.]*

- a. RESOLUTION ALLOWING THE CITY MANAGER TO REIMBURSE THE PIEDMONT TRIAD RESEARCH PARK FOR REPLACEMENT OF A STRUCTURALLY DEFICIENT CULVERT UNDER PATTERSON AVENUE.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.



- C-7. ORDINANCE AMENDING CHAPTER 78 OF THE CITY CODE RELATING TO THE REGULATION OF VEHICLES FOR HIRE. *[Recommended by Public Safety Committee.]*
- C-8. RESOLUTION APPROVING THE FISCAL YEAR 2011-2012 OPERATING MEMORANDUM BETWEEN THE CITY OF WINSTON-SALEM AND THE RISK ACCEPTANCE MANAGEMENT CORPORATION. *[Recommended by Finance Committee.]*
- C-9. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: *[Recommended by Finance Committee.]*
  - a. RESOLUTION APPROVING A SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC. TO DEPLOY PREMIERONE CUSTOMER SERVICE REQUEST SOFTWARE - *Motorola Solutions, Inc. - \$155,140.*
  - b. RESOLUTION AWARDED PURCHASE ORDER FOR ONE BUCKET TRUCK UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(e)(9a) - *Time Manufacturing Company - \$218,382.*
  - c. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF SLOPE STABILIZATION ALONG HUTTON STREET - *Smith-Rowe, LLC - \$199,422 (Estimated Amount).*
- C-10. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CITY OF WINSTON-SALEM, NORTH CAROLINA SPECIAL OBLIGATION BONDS: *[Recommended by Finance Committee.]*
  - a. BOND ORDER AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA IN TWO SERIES.
  - b. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF WINSTON-SALEM, NORTH CAROLINA, SPECIAL OBLIGATION BONDS, PROVIDING FOR THE PLACEMENT OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS.

- C-11. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO ALL NECESSARY UTILITY RELOCATION AGREEMENTS WITH DUKE ENERGY CAROLINAS, LLC FOR THE RELOCATION OF UTILITY FACILITIES ON CLEMMONSVILLE ROAD. *[Recommended by Finance and Public Works Committees.]*
  
- C-13. APPROVAL OF OFFICIAL MINUTES OF THE CITY COUNCIL BEGINNING JANUARY 6, 2003 THROUGH DECEMBER 1, 2003.
  
- C-3. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RECIPIENT ORGANIZATIONS FOR REVITALIZING URBAN COMMERCIAL AREAS, PHASE II. *[Recommended by Finance and Community Development/Housing/General Government Committees.]*

Council Member Taylor requested a brief summary of the program.

Mr. Ruben Gonzales, Business Development Administrator, explained the item is a request for Phase II funding for the Revitalizing Urban Commercial Areas (RUCA). The City-County Planning Department devised a list of declining commercial areas, identifying 18 areas ranked on two levels. The City Council appropriated \$2.5 million from the Dell Repayment Fund for the program. These areas are eligible to apply for grants and loans to help revitalize their business districts. The five areas being considered are Ogburn Station, West Salem, Peachtree/Waughtown Street, King Plaza, and Cherry-Polo Street. If approved, the funding will be available immediately to help businesses in these areas make improvements to their properties.

Council Member Taylor stated he is very excited about the RUCA program and indicated it will do wonders for the city, particularly in the Kings Plaza and Peachtree/Waughtown Street areas. The total investment in those areas is \$3.5 million, with just over \$2.3 million from private investors. He added the City has heard citizens' concerns about the area and is actively working to ensure economic vitality and prosperity. He made a motion to approve the item.

Council Member Adams: Second.

Council Member Montgomery indicated he is in support of the organizations and communities that presented proposals for the program, but expressed concern about the change to the original authorization amount approved by the City Council. He noted some citizens may not have applied for the program because they believed the City's investment in the second phase was not enough to have a large impact. He requested following through with programs as they are presented.

Council Member Besse stated the RUCA program is one of the City's most effective community and economic development tools, adding it is an effort to improve the opportunities for small businesses, especially in declining commercial areas in the city's urban core. He noted participating with the private sector in helping to spruce up those areas improves the public infrastructure, increases the tax base, creates jobs, and improves the surrounding neighborhoods. He further noted the Peters Creek Community Initiative submitted an excellent proposal and he is delighted it is included in the package for the City Council's consideration. He also stated the program effectively leverages public and private investments in areas of the community that are in need and can benefit from a public-private partnership moving the economy forward.

Council Member Merschel suggested addressing urban renewal in a manner that sets it up for success. She expressed concern that dollars have been spread too thin in the past. She stated she is hopeful that with the new program and the public-private partnership, the City can make a significant change in these areas.

Mayor Pro Tempore Burke noted both the Finance Committee and the Community Development/Housing/General Government Committees discussed the item.

Council Member Adams commended staff for their work on the program. She requested to see before and after results of the funding. She further requested to see before and after photos of properties from Phase I of the program.

Mayor Pro Tempore Burke noted she and staff discussed airing before and after photos on WSTV 13 so citizens will see the City's accountability for the money being spent. She indicated the program will generate funds and create jobs in the community.

The motion for approval of the item was carried unanimously.

C-12. RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A TEN YEAR SERVICE AGREEMENT WITH WASTE MANAGEMENT, INC. FOR THE COLLECTION, PROCESSING AND MARKETING OF A SINGLE-STREAM, BI-WEEKLY RECYCLING PROGRAM. *[Recommended by Public Works Committee.]*

Council Member Adams requested a brief description of the program's benefits to the community.

Mr. Turner explained the item will provide a bi-weekly, single-stream recycling program. Currently, the City operates a dual-stream program using 18 gallon recycling bins. With the new program, the City will provide 96 gallon rollout containers that will hold all recyclables without the need for sorting. Once collected, the materials will be taken to a processing and recovery center where they will be separated into commodities. The program will make it easier for citizens to recycle, reduce costs to the City, and decrease the City's carbon footprint. He added the program will also include an educational component.

Council Member Clark noted the City placed 1,800 rollout carts in selected neighborhoods throughout the community one to two years ago as part of the program's testing phase and was surprised by the significant increase in the amount of recyclable materials. The program is a more efficient system, with more than \$1 million in projected savings, although the rollout carts must be purchased upfront, so the savings will be lower during the first few years of

the program. He further noted schools will be able to tour the state-of-the-art materials processing facility. He indicated the official contract should come to the Public Works Committee for review in the next couple of months.

Council Member Besse stated the program is an unusual opportunity for significantly saving taxpayer money, improving service, and helping the environment all at once.

Council Member Adams: Motion for approval.

Council Member Taylor: Second. Unanimous.

#### GENERAL AGENDA

##### G-1. PUBLIC COMMENT PERIOD.

Ms. Cissy McCoy, 5350 Old Walkertown Road, representing Lutheran Home Winston-Salem, presented the organization's 8th Annual Community Stewardship report. She explained the organization serves an average of 104 residents per day. Payroll funds and supply purchases flow directly into the community. Lutheran Home is an active, busy place where multiple generations meet in a spirit of fun, fellowship, and cooperation. The organization has supported other charities in the community including Second Harvest Food Bank, Meals on Wheels, and Susan G. Komen. There is a site on the property for use by the SWAT team and K-9 units. The organization is committed to training a care-giver workforce for the future by providing internships to students at local colleges, high schools, and middle schools. She thanked the City Council for its tireless work on behalf of the citizens of Winston-Salem and added the Lutheran Home wants to play an active role in the community.

Mayor Pro Tempore Burke thanked Ms. McCoy and noted it takes agencies like the Lutheran Home to help the city be a city. She requested Mr. Ritchie Brooks, Community and Business Development Director, follow up with Ms. McCoy regarding the organization's volunteer hours.

ADJOURNMENT: 7:33 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**June 6, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, June 6, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms Lieutenant Bart Stone

Invocation Imam Arif Bilal of Masjid Al Mu-Minum

1. PUBLIC HEARING ON ZONING PETITION OF TAMMY ERWIN FROM RS-20 TO NB-L [Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Repair and Maintenance; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Restaurant (Without Drive-Through Service); Retail Store; Services A; Utilities; and Veterinary Services]: Property located on the north side of Union Cross Road, west of Wallburg Road- Containing approximately 0.79 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3101. *[Planning Board recommends approval of petition.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

Council Member Taylor made a motion to continue the item to July.

Council Member Burke: Second. Unanimous.

Mayor Joines indicated that this item would be continued to the July 5, 2011 City Council Meeting.

2. PUBLIC HEARING ON SITE PLAN AMENDMENT OF FRANCIS D. HARRIS, III AND DEBRA T. HARRIS FOR AN HB-S ZONED SITE: Property located on the east side of Peters Creek Parkway, south of Bridgton Road - Containing approximately 0.68 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3102. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Taylor requested a brief staff presentation.

Mr. David Reed, Principal Planner, explained that this property was rezoned for motor vehicle sales several years ago, with a requirement that the structure remain permanent. Since that time, the use has been abandoned. It is located within the South Suburban Area Plan which supports business at that location. No opposition was expressed at the Planning Board hearing.

Council Member Taylor expressed concern with the petitioner's request to use the modular sales unit for an additional five years after issuance of the certificate of occupancy. He requested that it be changed to three years.



Mrs. Angela Carmon, City Attorney, explained that the consent of the petitioner would be needed to make that type of change.

Mayor Joines noted that the petitioner was not present. He suggested continuing the item to July to allow time for getting the petitioner's consent on the change.

Council Member Taylor made a motion to continue this item to the July 5, 2011 City Council Meeting.

Council Member Burke: Second.

Mayor Joines noted that the public hearing on the item would be kept open.

Council Member Clark inquired how the City enforces a condition three years after its effective date.

Mr. Reed explained that the Inspections Department tracks these types of actions and if an owner chooses not to comply when that date arrives, they are cited.

Mr. Chris Murphy, Assistant Inspections Director, stated that Inspections sent a notice of violation to remove the modular building and construct a permanent site building or close down the site. The same conditions were approved by Forsyth County but now the property has been annexed. The property was cited for non-compliance when it was in the County.

The motion to continue the item was unanimously carried.

3. PUBLIC HEARING ON ZONING PETITION OF GATEWAY MANAGEMENT SERVICES, LTD. FROM HB TO PB-S [Restaurant (Without Drive-Through Service); Residential Building, Single Family; Offices; Bed and Breakfast; Combined Use; and Services A] AND CONSIDERATION OF FOUR FINDINGS OF FACT FOR A SPECIAL USE PERMIT FOR REDUCTION IN OFF-STREET PARKING REQUIREMENTS: Property located on the west side of Spring Street between Fourth and One-Half Street and Fifth Street - Containing approximately 0.50 acre located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3103. *[Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of the petition, permits and approval of the site plan with staff recommendations.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

APPROVAL OF SPECIAL USE PERMIT FOR REDUCTION IN OFF-STREET  
PARKING REQUIREMENTS

APPROVAL OF SPECIAL USE PERMIT

Mayor Joines noted that there were individuals signed up to speak and he noted that since this is a quasi-judicial matter, the Deputy City Secretary would need to swear in the speakers.

After being sworn in to speak, Ms. Lynette Matthews-Murphy, 1880 Runnymede Road, noted that the property is a historic landmark and they intend to be good stewards of the property for future residents. They plan to make it enjoyable with its new use as a restaurant and winery, and wish to enhance downtown. She stated that the Spring House Restaurant Kitchen and Bar will once again serve as a meaningful gathering place for the community.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Merschel asked for brief overview of the item.

Mr. Reed presented the staff report, noting that there would be some parking available alongside the house, but it would not be allowed on both sides. The remaining parking will be across the street via permit. Pedestrian Business zoning will be more appropriate in this area than the current Highway Business zoning. The request will allow the property to retain its National Historic Registry status.

Council Member Adams inquired about the number of parking spaces that will be required for the business.

Mr. Reed indicated that 38 spaces are required and it currently has 17 spaces available. He stated that there is some on-street parking available nearby in a CB district with no parking requirements and the City's Department of Transportation is satisfied that there is enough parking nearby to absorb the needs of the business.

Council Member Merschel made a motion that: 1) the City Council affirm the four findings as required by Section 6-1.5(F) of the Unified Development Ordinance, and detailed on the first page of the ordinance in the agenda packet; 2) that the City Council approve the site plan that is included with this special use permit request, along with the conditions included in the special use permit and staff report; and 3) that the City Council issue a special use permit to Gateway Management Services, Ltd. for a reduction in off-street parking requirements.

Council Member Adams: Second.

Council Member Burke indicated that she was glad to see renovations being done to the property.

The motion for approval of the special use permit was unanimously carried.

Council Member Merschel made a motion for adoption of the statement of consistency set forth on Page 69 of the agenda book and approval of W-3103 including the site plan.

Council Member Burke: Second. Unanimous.

Council Member Merschel thanked the petitioners for their efforts and willingness to take on the property along with its obstacles. She noted that she passes by the property often as it is a part of the West End Historic Homes and she anticipates the grand opening.

4. CONTINUATION OF PUBLIC HEARING ON SITE PLAN AMENDMENT OF ALLERTON PLACE ASSOCIATION, INC. AND CB DEVELOPMENT CO., INC. FOR A RM-5-S (PLANNED RESIDENTIAL DEVELOPMENT) ZONED SITE:

Property located along both sides of Allerton Lake Drive between Gatehouse Road and Lakeshore Drive - Containing Approximately 1.60 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3081. *[Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the May 2, 2011 City Council meeting.]*

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Ms. Mallory Oldham, 100 N. Cherry Street, Ste. 600, indicated that everyone was now in agreement and stated that the petitioner was present to answer questions if needed. She expressed her appreciation for the City Council's patience and consideration.

Mayor Joines asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Merschel made a motion for adoption of the statement of consistency set forth on Page 105 of the agenda book and approval of W-3081 including the site plan amendment.

Council Member Taylor: Second. Unanimous.

5. PUBLIC HEARING ON ORDINANCE APPROVING LOCAL HISTORIC LANDMARK DESIGNATION OF THE ROBERT M. HANES HOUSE, 140 NORTH STRATFORD ROAD. *[Finance Committee forwarded this item to Council with three in favor and one opposed. Recommended by Community Development/Housing/General Government Committee.]*

Mayor Joines requested brief staff presentation.

Ms. LeAnn Pegram, Project Planner, explained that the historic landmark program is authorized under the North Carolina General Statutes and administered locally by the Forsyth County Historic Resources Commission (HRC). There are currently 122 landmarks in Forsyth County, with 101 of those being in Winston-Salem. The purpose of the program is to recognize

individual properties with singular outstanding local historic significance and with a high degree of architectural integrity. Statutes require that the State Historic Preservation Office participate by reviewing and commenting on all applications. Once landmarked, any alterations of the property have to meet strict criteria and receive approval by the HRC. Property owners eligible to apply for a 50% tax deferral since maintaining the integrity of the property and keeping it up to State standards is expensive. If a designation is lost, an owner is required to pay three previous years' tax deferral plus interest. This house was constructed in 1926-1927 and is associated with the life of Robert M. Hanes of local, state and national significance. Mr. Hanes was the head of Wachovia Bank for 25 years. The property is of extreme architectural and landscape integrity; the architect also designed the Reynolda House, and the grounds were designed by a nationally renowned landscape architect. The HRC held a public hearing and assigned a designation to the interior and exterior of the house, the garden house, the landscape and the garage.

Council Member Adams inquired about taxes paid on the property for the past ten years.

Mrs. Carmon indicated that none had been paid based upon the property owner's understanding that there was a previous designation.

Council Member Adams asked if the City or Forsyth County made the designation.

Mr. Lee Garrity, City Manager, explained that the Forsyth County Tax Assessors' office made the certification, according to Mr. Pete Rodda, and someone in that office informally made the change without documentation ten years ago. Mr. Rodda informed us that is not a common practice.

Council Member Adams stated that although she is sincere about protecting the history of Winston-Salem, she is concerned about this way this action was undertaken. She stated that

either the City or the County should take the lead on discovering how this happened and ensure it will not happen again. When declaring these types of properties, it is indicative of the makeup of the community and how the dwellings have been listed as historic. She stressed the need for an investigation into this matter.

Mrs. Carmon pointed out that the property owner did pay the 50% in property taxes that was required.

Council Member Besse asked that staff follow up on the question of property taxes and the legal implications of an approval of landmark status at this point.

In response to Council Member Besse, Mrs. Carmon indicated that the City's ordinance states that a designation is effective upon approval by the City Council, and an owner cannot seek tax deferral until after City Council takes that action.

Council Member Merschel asked staff to investigate when the State landmark designation program took effect, allowing for an additional property tax deferral.

Mayor Joines called for the public hearing on the matter.

Mr. Noah Reynolds, 405 Wiley Avenue, indicated that he is the petitioner's son. He applied for the designation and received it ten years ago. He stated his father has been deceased now for two years and upon his death, a letter was received from the Tax Assessor that the property was no longer under deferment. Mr. Reynolds stated that although the incident was no fault of his family's, but was instead the mistake of either the City or the County, they decided to follow through with the formal process. He noted that the house is an asset to Winston-Salem and has been owned by the Reynolds family for more than 90 years. He stated his mother has maintained it with her own money for many years.

Mr. Jeff Harbinson, 1311 Brookstown Avenue, expressed his support for the local designation. He indicated that he had served on the HRC for the past few years, and had reviewed no other properties that exceeded the merits of this one; the house itself qualifies alone. It still retains its original owner family and is remarkably intact. The interior, exterior and landscape are of museum-quality presentation. He noted that Robert M. Hanes was instrumental in the development of North Carolina's Research Triangle Park in mid-1950's and was appointed by President Truman to help lead the stabilization of post-World War II Europe. The owners of this property have been exceptionally good stewards of its upkeep and it deserves designation.

Ms. Sandra Reynolds, 140 N. Stratford Road, stated that she lived here for 40 years. Public policy behind the Statutes created states that historical preservation of state property is one of the most valuable. Local historic designation helps to restore long-term preservation of local historically significant properties. Over time, those designations can increase the value of surrounding property and neighborhoods. This action also helps communities retain their special character.

Ms. Laura Phillips, architectural historian, indicated that she had consulted on historic designation projects for more than 30 years and reported on a number of local designations. A property must be compared with all of the other properties around it during its era along with the people living in that area during the time. She stated she was convinced that this is a very significant property and noted that this type of maintenance of historically significant details is rarely seen. Also, Robert M. Hanes was very significant locally and statewide to the banking industry and for his efforts in developing the Research Triangle Park. He was also nationally and internationally recognized for his accomplishments. The State came away agreeing with the local designation as well as a National designation for this property.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Merschel: Motion for approval.

Council Member Leight: Second.

Mrs. Carmon stated that, in reference to Council Member Merschel's earlier question, the Statute under which the Council is currently operating dates back 1989.

Council Member Merschel indicated that she views this as an issue to approach on a case-by-case basis. She stated that she has been fortunate enough to have traveled to some countries with great historic background, but they have failed to recognize that and are losing that history forever. The city has a quilt work of housing stock but if sections are taken away, we risk losing the makeup of our communities. She noted that she understands the concerns about taxes, but feels there is an obligation to protect the value of the community.

Council Member Clark pointed out that the owners of the property have paid all tax bills received and expressed concern at the Tax Assessors' actions. He stated that it should be straightforward for the County to run lists, determine why this happened and ensure it does not occur again. Council Member Clark noted that although he has no problem with the designation, he has concerns with the 50% reduction in property tax. He stated that he owns a house and is well aware of the cost to maintain it; however, he questioned if it is responsible for taxpayers to have to bear the taxes of a few.

Council Member Burke pointed out that the City had nothing to do with the false designation and noted that the County was responsible for the mistake. She stated that she has enjoyed the history of this property and its contributions to the city's history. Winston-Salem is a



very historical city and when these types of places can be kept and maintained, the City needs to pursue these designations. She thanked the Historic Planning staff for their efforts.

Council Member Adams indicated that although she supports historic preservation, there needs to be an investigation into why this mistake occurred and a process put into place to ensure it does not happen again.

Council Member Montgomery expressed his support for the historic properties program, but indicated that without some sort of preventive measures to ensure no more false designations, he would find it difficult to approve this item.

Council Member Leight pointed out that the owners were sent tax bills by the County and they paid the taxes. They were under the impression that they were paying what was owed and that the house was designated. The entire process is done on a national, state, local level, and the State HRC and legislators have passed guidelines. Forsyth County has a superb HRC that takes its responsibilities very seriously. She noted that there are many large non-profits locally that have tax deferrals including schools, hospitals and churches and they have massive property footprints. She stated that if we start expressing concern about the loss of property tax, then we also need to look at the large non-profits.

Council Member Besse pointed out that the only vote to be taken tonight is on the designation of this property, which would be effective going forward, which more than qualifies. This is an exceptionally good example of the wrong format to debate a back tax issue. He indicated that perhaps the issue of the property taxes should be considered by the Finance Committee.

Mayor Joines called for a motion on the item.

Council Member Taylor made a motion of No Consideration on the item.

The item will be placed on the City Council's June 20, 2011 agenda for consideration.

6. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/  
REAPPOINTMENTS:

a. MEDICAL REVIEW BOARD

Dr. Andreas Runheim - *Appointment*

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

Referring to Item 5, Council Member Clark asked the Mayor to explain to the citizens what the vote of No Consideration entails.

Mayor Joines explained that "No Consideration" is a parliamentary decision to carry the item over to City Council's next meeting, at which time a simple vote would be taken with no discussion of the item.

b. TOURISM DEVELOPMENT AUTHORITY

John Deluise Sorrell - *Appointment - Term Expiring October 2011*

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

c. RECREATION AND PARKS COMMISSION

Daymond C. Lindell - *Appointment - Term Expiring May 2014*

Ernest V. Logemann - *Appointment - Term Expiring May 2014*

Jim Conrad - *Appointment - Term Expiring May 2014*

Robin B. Ervin - *Reappointment - Term Expiring May 2014*

Janet F. Pauca - *Reappointment - Term Expiring May 2013*

Charles H. Hauser - *Reappointment - Term Expiring May 2013*

Council Member Adams: Motion for approval.

Council Member Burke: Second. Unanimous.

d. COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE

Teresa Drummond - *Appointment - Term Expiring May 2013*  
Jason Frichner - *Reappointment - Term Expiring May 2013*  
Donald E. Hamrick, Jr. - *Reappointment - Term Expiring May 2013*

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

7. CONSIDERATION OF COUNCIL'S AUGUST 2011 MEETING SCHEDULE.

Mayor Joines noted that the National Black Theater Festival (NBTF) kicks off the night of August 1, 2011 and several members of City Council typically attend the opening event. He stated that the zoning cases scheduled for that meeting would be carried over to City Council's August 16, 2011 meeting.

Council Member Burke: Motion for approval.

Council Member Clark: Second.

In response to Council Member Clark, Mrs. Carmon stated that when Council Meetings fall on a Monday holiday, they are automatically rescheduled to the following Tuesday.

Council Member Burke indicated she had attended a committee meeting today regarding the NBTF and today is purple and black day. She recognized that several City staff members were wearing purple.

The motion for approval was unanimously carried.

8. CONSIDERATION OF SUMMARIES OF MINUTES:

a. APPROVAL OF SUMMARY OF MINUTES - *October 4, 2010.*

b. APPROVAL OF SUMMARY OF MINUTES - *October 18, 2010.*

Council Member Adams: Motion for approval.

Council Member Burke: Second. Unanimous.

MAYOR/COUNCIL COMMENTS

Council Member Montgomery requested an update on current Board/Commission membership as well as any upcoming vacancies.

Council Member Burke noted that staff keeps Council Members updated with the information on a regular basis.

Council Member Leight stated that the information is also available online.

Mayor Joines stated that he sends preliminary information on upcoming appointments to City Council and the vacancies are advertised in the newspaper as well as on the City's website.

Council Member Merschel pointed out that the Finance Committee will meet tomorrow at 4:00 p.m. and will conduct a public hearing on Thursday at 7:00 p.m. on Winston-Salem's Proposed Fiscal Year 2011-2012 Budget.

ADJOURNMENT: 8:17 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**June 20, 2011**

A Regular Meeting of the Winston-Salem City Council was held on Monday, June 20, 2011 at 7:00 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	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Secretaries: Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms Lieutenant Catrina Thompson

Invocation Reverend Chad Armstrong of Phillips Chapel Baptist Church

RESOLUTION RECOGNIZING "100,000 PEOPLE" MUSIC VIDEO

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Burke commended citizens and City staff for their creativity and talent in developing the video and pointed out that it has been playing on local television. She presented resolutions to the musicians as well as City staff in recognition of their efforts.

Ms. Judy Hunt, City/County Planning Department, thanked the Mayor and Council Members for the recognition. She commended the WSTV13 production staff and the musicians

who played on the video. She noted that the musicians were paid a nominal amount and they all came from Virginia to shoot the video in one day.

#### CONSENT AGENDA

Mayor Joines indicated that City Council would now consider the Consent Agenda and asked if any items needed to be pulled for discussion.

Council Member Clark requested to pull Item C-2 and Council Member Adams requested to pull Item C-4(1). No other items were pulled.

Council Member Burke made a motion to approve the balance of the agenda.

Council Member Merschel: Second. Unanimous.

#### C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:

- a. RESOLUTION AUTHORIZING EXECUTION OF A LAND LEASE WITH THE UNITED STATES OF AMERICA UNDER THE PROVISIONS OF N.C.G.S. 160A-272 - *Property located at 1245 Martin Luther King, Jr. Drive. [Recommended by Finance and Public Works Committees.]*
- b. RESOLUTION AUTHORIZING DEDICATION OF FEE SIMPLE RIGHT-OF-WAY ON CITY-OWNED PROPERTY FOR CONSTRUCTION OF THE CLEMMONSVILLE ROAD WIDENING - *Properties located on Brewer Road and W. Clemmons Road. [Recommended by Finance and Public Works Committees.]*
- c. RESOLUTION AUTHORIZING CONDEMNATION OF A TELECOMMUNICATIONS FACILITY LOCATED ON PROPERTY DONATED TO THE CITY OF WINSTON-SALEM FOR CONSTRUCTION OF THE BATH CREEK AND SALEM CREEK RESTORATION AND STORMWATER MANAGEMENT PLAN - *Property located at 201 Linden Street. [Recommended by Finance Committee.]*

#### C-3. RESOLUTION REGARDING THE ELIGIBILITY OF THE FOLLOWING PROPERTIES FOR THE NATIONAL REGISTER OF HISTORIC PLACES - *Chatham Manufacturing Company – Western Electric Company, 750 and 800 Chatham Road. [Recommended by Community Development/Housing/General Government Committee.]*

C-4. 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. [Recommended by Community Development/Housing/General Government Committee.]*

- a. Joppa and Evelyn Acree 1500 E. 21st Street
- b. Broderick Williams 1516 E. 24th Street
- c. Barbara Parker 2110 E. 25th Street
- d. Daisy L. Hinton 2440 John Street
- e. C.W. Myers Trading Post, Inc. 2523 Manchester Street
- f. Mila Dubose and Barry Sales 2820 Ansonia Street
- g. Jamaro Lyn Jackson Williams 1105 Louise Road  
c/o John William Jackson
- h. Darakar Hillcrest Fuel Mart, Inc. 2509 N. Patterson Avenue
- i. Calvin Lowery 2723 N. Patterson Avenue
- j. Mary B. Thompson, Heirs 442 W. 27th Street
- k. Annie R. Brown 1111 Manly Street
- m. Bridgetta Capers 2944 N. Patterson Avenue  
Accessory Bldg.
- n. C. W. Myers Trading Post 3015 N. Glenn Avenue
- o. Norman Carome Shelton 209 W. 23rd Street
- p. Leatha H. Hall 2048 K Court

- C-5. 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).* [*Recommended by Community Development/Housing/General Government Committee.*]
- a. Mary B. Thompson, Heirs            544 24th 1/2 Street
  - b. Barbara Jean Bullock            2706 Patrick Avenue  
   Accessory Bldg.
- C-6. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Crestwood Drive; Toddler Place Drive; Horizon Lane; Miller Street; Oak Grove Road; Neighborhood Limits: Blake Street, Kerrybrook Lane, and Bogart Circle; Neighborhood Limits: Parkside Place Drive, Creekside Court, Parkview Court, Leak Creek Court, and Eastside Court; Neighborhood Limits: Long Creek Drive, Finwick Drive, Crestlawn Trail, Landon Drive, Amberwood Drive, Beaver Pond Court, Beaver Pond Trail, Ferntree Court, Brakenwood Lane, Chesridge Lane, Ferncrest Court, and Willowdale Drive.* [*Recommended by Public Safety Committee.*]
- C-7. ORDINANCE AMENDING SECTION 42-123 (c) OF THE CITY CODE RELATING TO 45 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Stafford Village Boulevard.* [*Recommended by Public Safety Committee.*]
- C-8. ORDINANCE AMENDING SECTION 42-123(b)(c) OF THE CITY CODE RELATING TO 45 AND 50 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Bethania-Rural Hall Road.* [*Recommended by Public Safety Committee.*]
- C-9. CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2010-2011 ANNUAL APPROPRIATION/TAX LEVY ORDINANCE AND THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM: [*Recommended by Finance Committee.*]
- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- C-10. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [*Recommended by Finance Committee.*]



- a. RESOLUTION AWARDED CONTRACT FOR DEVELOPMENT OF FINANCIAL SYSTEMS INTERFACES - *Integrity, Inc.*- \$36,400 (*Estimated Amount*).
  - b. RESOLUTION AWARDED CONTRACT FOR QUARRY PRODUCTS - *Vulcan Construction Materials* - \$1,476,917.50 (*Estimated Amount*).
  - c. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF BATH BRANCH PIEDMONT TRIAD RESEARCH PARK BOULEVARD PROJECT - *Blythe Construction, Inc.* - \$15,432,474.96 (*Estimated Amount*).
  - d. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF PEACE HAVEN AND POLO ROAD INTERSECTION IMPROVEMENTS - *Atlantic Contracting Company, Inc.* - \$162,079 (*Estimated Amount*).
  - e. RESOLUTION AWARDED CONTRACT FOR RESURFACING CITY STREETS - *APAC-Atlantic, Inc., Thompson-Arthur Division* - \$1,320,503.40 (*Estimated Amount*).
- C-11. ORDINANCE AMENDING SECTION 74-142 OF THE CITY CODE RELATING TO CITY SIDEWALK PERMIT AND RESTORATION FEES. [*Recommended by Public Works Committee.*]
- C-12. RESOLUTION FIXING DATE FOR HEARING ON CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS – *Friendly Acres Drive, Andys Drive, Rainwood Drive and Rainwood Court.* Public Hearing: July 18, 2011. [*Recommended by Public Works Committee.*]
- C-13. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE – *914 Woodcote Drive.* [*Recommended by Public Works Committee.*]
- C-2. RESOLUTION ESTABLISHING A DEVELOPMENT REVIEW-RELATED ADVISORY COMMITTEE. [*Recommended by Community Development/Housing/General Government Committee.*]

Council Member Clark asked for a brief explanation of the item.

Mr. Derwick Paige, Deputy City Manager, explained that staff brought the development review process plan to City Council for review in 2008 proposing the process and enhancements. Eight of the 12 processes have been implemented. Those remaining have been delayed due to cost. The committee would review the process and make recommendations on ways to enhance

or discuss concerns and challenges that the community finds critical or to be a hindrance to development.

Council Member Clark commented that this will be a multi-departmental committee charged with streamlining the process.

Mr. Paige indicated that the committee will be searching for ways to enhance the development review process.

Council Member Clark: Motion for approval.

Council Member Taylor: Second. Unanimous.

C-4. 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. [Recommended by Community Development/Housing/General Government Committee.]*

1. Richard Miller 526 W. 24th 1/2 Street

Council Member Adams indicated she had been approached by Mr. Miller who indicated the property had been brought into compliance and she asked staff about the repair status of the property.

Mr. Ritchie Brooks, Director, Housing and Neighborhood Development, indicated that staff would have to inspect the property to verify the status. If it has been brought up to Code, it will be removed from the list and classified as repaired. He noted that Mr. Miller did not appear at the Community Development/Housing/General Government Committee Meeting and he was advised that, as of this evening, Mr. Miller had not contacted staff.

Council Member Adams made a motion to continue the item to City Council's July 18th meeting, to allow staff the opportunity to re-inspect the property.

Council Member Clark: Second. Unanimous.

CONSIDERATION OF ITEMS RELATING TO THE FISCAL YEAR 2010-2011  
BUDGET FOR THE CITY OF WINSTON-SALEM

G-1. PUBLIC HEARING ON THE FISCAL YEAR 2011-2012 BUDGET FOR THE CITY  
OF WINSTON-SALEM.

Council Member Burke pointed out that some students were present tonight, mentoring for their government classes.

Mayor Joines indicated that City Council would begin consideration of the City's Proposed Fiscal Year 2011-2012 Budget adoption and he opened the public hearing on the budget.

Mr. Lee French, 2770 Thornfield Road, spoke on behalf of Old Salem and thanked the Mayor and City Council for their support. He asked the members of Old Salem who were present to stand. He indicated that they take their responsibility to the City very seriously.

Ms. Regan Folen, 2020 Buena Vista Road, thanked City Council for their support on behalf of the Old Salem Board. She noted that they are currently implementing a strategic plan and the City's support is crucial.

Mr. David Smitherman, 633 Jersey Avenue, Creative Corridors, thanked City Council for its support. He explained that efforts are underway to unite the community through infrastructure and by inserting artful and unifying solutions to 11 bridges to be rebuilt as well as others. A community meeting will be conducted on July 30th to gain input to the process. He indicated that he wanted to publicly recognize Council Member Taylor as a liaison between the City and the Creative Corridors group and he asked supporters in the audience to stand.

Mr. Harold Day, 1422 S. Main Street, stated that in looking at the proposed Budget on WSTV13, most people in the city did not get a cost of living raise or any other kind of raise, and they feel lucky just to have a job. He stated that it is regretful that City staff is getting a raise.

He stated that the Fire Department pumping station is pointless because this is already done jointly by the City and County, and it is questionable what the Fire Marshals are doing with their time. Money is being given to shopping centers for repairs and some owners have more money than the City has. Tax values went up allowing for no raise in our property taxes, but more needs to be cut.

Ms. Lonnie Clark, 1212 Watson Avenue, spoke on behalf of the Ardmore Neighborhood Association, and expressed concern that the Cloverdale Pedestrian Plan contained within the Capital Budget does not specifically mention Cloverdale and noted that is an area where a lot of accidents seem to happen. She indicated that she did not want to see that area fall through the cracks.

Mr. Richard Miller, 626 N. Trade Street, stated he would like to see an across the board effort to cut and conserve funds. He noted that a property revaluation was coming up and values will go down. Many citizens are taking pay cuts.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Mr. Lee Garrity, City Manager, explained that the Finance Committee had been working on the budget since May. He noted that City Council adopted strategic budget guidelines three years ago and have followed those guidelines very closely ever since. There is no proposal for a reduction in services, no change in the property tax rate, no increase in user fees (with the exception of the Utility Commission's previously adopted increase), and the General Fund balance reserve is being maintained. The proposed budget also provides for the first time in three years a 1.5% merit increase for City employees; however, it proposes a reduction in force of 15 positions due to the economic downturn.

Mayor Joines pointed out that the Finance Committee began its review of the budget in May but City Council actually began reviewing it in January and it was very out of balance at that time.

Mr. Garrity noted that over 45 positions had been cut in the past three years and every budget was down each year.

Council Member Montgomery inquired if there were any fee increases anywhere in the budget.

Mrs. Ann Jones, Director, Budget and Evaluation, explained that water reserve fees had gone up due to a previously approved increase by the Utility Commission.

Council Member Montgomery requested information on the previous budget's fee increases related to Parks and Recreation, noting that he had received many questions about those fees.

Mr. Garrity noted that last year City Council voted to increase fees for youth soccer for non-residents, but the increase has since been modified to allow non-profit entities to negotiate a 50% reduction. He stated that staff will get additional information to Council Members.

Council Member Merschel noted that registration is the responsibility of team managers and they all have varying levels of access to technology. She suggested that the City consider allowing the additional option of online payment of fees for the Soccer leagues.

**G-2. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY FOR FUNDING THE COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS AT THREE COUNTY DROP-OFF SITES AND AT WINSTON-SALEM/FORSYTH COUNTY SCHOOLS FACILITIES.**

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.

G-3. ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Council Member Merschel: Motion for approval.

Council Member Taylor: Second. Unanimous.

Council Member Clark stated that times are still tough but he wanted to compliment staff on preparing a budget with no tax increase. Although there have been many lay-offs in the private sector, the public sector has had to maintain comparable levels of service with less revenue. Fourteen officers are being added as School Resource Officers at the request of the School System, in coordination with the Forsyth County Sheriff's Department with no loss. There is a proposed reduction of nine positions in the construction area. These are all proposals requiring difficult and careful decision-making and staff is to be commended. He expressed concern about the Mass Transit Fund and using the General Fund balance in that area, as well as adding a pump station if there is currently one located in King. He also stressed the need to look at ongoing maintenance areas and noted he basically agrees with 95% of the proposed budget.

Council Member Besse expressed support for the budget noting that it includes investments through economic development, environmental protection and the fulfillment of human needs. It takes care of employees and citizens, without increases. Winston-Salem has a lower combined tax and fee burden than the average city. He noted, however, that three items did come to his attention during the budget review for future discussion, and those are the artificial division between solid waste management, appropriations to community agency funding without previously reviewing an agency's performance, and a debate over the appropriateness of property tax deferral for historic landmarks. He noted that staff may need to look at performing a cost benefit analysis for City Council's consideration.

Council Member Montgomery indicated his support for the proposed budget and saluted staff for their hard work and dedication. He stressed the need to look at a comparison of taxes and fees on individuals and ensure no undue burden on citizens. He stated that although he would like to see an increase in community development, he understands that the current economic outlook prevents any changes at this time. As funding is approved, he asked staff to make sure the City continues to adhere to the standards currently maintained, and if anything changes in the future as far as available funding, please ensure citizens are made aware prior to the City's consideration of any requests. He noted that there is a need to monitor grantee agencies more closely.

Council Member Leight thanked staff for a job well done and having accomplished a balanced budget over the last several years.

Council Member Adams thanked staff and stated that although they don't always agree, she feels staff has done a good job over the last three years. She pointed out that there are many non-profit entities in the city that deserve equal treatment, but also should equally contribute to the community.

Council Member Burke pointed out that discussions were held in the Finance Committee Budget Workshops and the Committee Members listened with open minds. Several suggestions were made and taxpayers should not feel ignored by staff regarding their budget suggestions.

Council Member Merschel thanked staff and noted that their work started 40 months ago. She also thanked Police and Fire staff noting that they have gone three years without a pay raise and they are indebted and grateful to Public Safety staff for their daily heroic efforts.

G-4. PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Council Member Merschel: Motion for approval.

Council Member Adams: Second.

Council Member Besse asked staff to clarify public comments made earlier regarding the Cloverdale Pedestrian Plan.

Mr. Gregory M. Turner, Assistant City Manager, explained that there are intersection plans included in the General Fund appropriations; Cloverdale Avenue is not on the list but it is on a workplan approved by the Transportation Advisory Committee and it can be updated.

The motion for approval of the item was unanimously approved.

**G-5. RESOLUTION APPROVING THE CAPITAL PLAN FOR FISCAL YEARS 2011-2012 THROUGH 2016-2017 AS A FINANCIAL PLANNING GUIDE.**

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.

**G-6. RESOLUTION AMENDING ARTICLE II OF THE CITY OF WINSTON-SALEM PERSONNEL RESOLUTION MAKING CHANGES TO THE PAY PLAN.**

Council Member Merschel: Motion for approval.

Council Member Leight: Second. Unanimous.

Mayor Joines congratulated the Council Members and staff on developing and passing the budget.

**GENERAL AGENDA**

**G-7. ORDINANCE AMENDING SECTIONS 14-18, 14-44, AND 14-53 OF THE CITY CODE RELATING TO CEMETERIES.**

Council Member Taylor noted that a citizen in the Southeast Ward indicated his father's last wish was to have his urn added to his wife's casket, and he inquired about the feasibility. He made a motion for approval of the item.



Council Member Burke: Second.

Mrs. Angela Carmon, City Attorney, indicated that the City ordinances do not allow for disinterment and the burial of the urn would have to occur simultaneously with the casket burial.

In response to Council Member Clark, Mr. James Mitchell, Director of General Services, indicated that the City cemeteries do not have columbarium areas solely for urn burials.

The motion for approval of the item was unanimously carried.

G-8. CONTINUATION OF CONSIDERATION OF ORDINANCE APPROVING LOCAL HISTORIC LANDMARK DESIGNATION OF THE ROBERT M. HANES HOUSE, 140 NORTH STRATFORD ROAD. [*This item was heard at the June 6th City Council meeting and received a motion of No Consideration.*]

Mayor Joines explained that this item received a motion of No Consideration at City Council's previous meeting and he called for a vote on the item.

The item received a vote of five in favor and three opposed. Those voting in favor of the item were Council Members Leight, Besse, Burke, Merschel and Taylor, with Council Members Clark, Montgomery and Adams voting in opposition. Mayor Joines explained that since this item is an ordinance, because of the vote, it will require a second reading and will be placed on City Council's July 18, 2011 agenda.

G-9. CONSIDERATION OF COUNCIL'S JULY 2011 MEETING SCHEDULE.

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.

G-10. MAYOR PRO TEMPORE BURKE'S RECOMMENDATION FOR APPOINTMENT TO THE PIEDMONT TRIAD AIRPORT AUTHORITY - *William Mark Moore, III - Term Expiring August 2013.*

Council Member Taylor: Motion for approval.

Council Member Merschel: Second. Unanimous.

## G-11. PUBLIC COMMENT PERIOD.

Mr. Harold Day, 1422 S. Main Street, spoke on behalf of the 17,000 fans that attend racing at Bowman Gray Stadium on Saturdays during the summer. He stated that it is a good source of entertainment for the working man, noting that you can take an entire family for \$10. He expressed concern that if Winston-Salem State University purchases the Stadium, they may make a lot of changes and requested that the City let someone else purchase the Stadium.

Mr. Richard Miller, 626 N. Trade Street, complimented the City on its efforts with downtown, noting that it is a great area around the Arts District, but he expressed concern over getting boost to the Liberty Street area. He noted that Bowman Gray Stadium is the oldest NASCAR venue in the country and one of the few venues that makes money for the City. Preserving racing at Bowman Gray is essential and he stated the City should look at long-term leases. He noted it will be tough for anyone who assumes ownership of the Stadium to maintain it without maintaining the racing events. It is very important and the current business model should be retained to keep things running as smoothly as possible. He noted that residents would like to see a workable option for all parties involved.

Ms. Marguerite Smith, 2900 Country Club Road, stated that she lives in a home that was designed by Charles Barton King and noted that there are at least 14 others in the city. She noted that most of the owners maintain their homes with great care and at a great expense. They believe in equity and expect justice and fairness for everyone. Tax break such as that given to homeowner of the Hanes House is unfair to the rest of those who pay taxes. The last revaluation caused a 3% raise on property taxes and it is unfair to designate some compared to others. She questioned why some privately owned homes are singled out to receive the tax break.

Mr. Michael Baldwin, 1712 Green Oaks Drive, stated he had been trying for three years to get a job with the City. He indicated he had a CDL license, a college degree and stated he was more than capable of working. He noted he had met with Mrs. Martha Wheelock, Assistant City Manager, Human Resources personnel, and the City Manager. He said that he had also spoken with Council Member Taylor who advised him to address City Council.

Mayor Joines asked Mr. Garrity to speak with Mr. Baldwin regarding his concerns.

Mr. David Bergstone, 2432 Fairway Drive, Preserve Historic Winston-Salem, spoke in support of the designation of the Robert M. Hanes House.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the Public Comment Period closed.

#### MAYOR/COUNCIL COMMENTS

Council Member Burke stated she had been reading about the redistricting issue and noted that we should go to the correct sources to research the issue and not be quick in judgment. She stated that it appears the change will benefit everyone. There will be a public meeting on the issue at Jamestown Community College on June 23, 2011 from 6:00 until 9:00 p.m. Additionally, she asked staff to bring an item to the Public Safety Committee on the Ballistic Engineered Armored Response (BEAR) vehicle in regards to its usage, policies, etc.

Mayor Joines pointed out that the redistricting issue is in regards to the State and has no effect on City Council.

Council Member Besse stated that on June 27, 2011, there will be a groundbreaking ceremony for Brushy Fork Greenway in the East Ward at Skyland Park located at Old Greensboro Road and Fifth Street.

Council Member Adams invited everyone to attend the Juneteenth Celebration on Saturday from 11:00 a.m. to 4:00 p.m. at the Coliseum Annex. She pointed out that it is being hosted by the North Ward and admission is free.

ADJOURNMENT: 8:25 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**June 18, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, July 18, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.
Secretaries:	Renée L. Phillips, City Secretary and Melanie Johnson, Recording Secretary	
Invocation	Reverend Nathan Scovens of Galilee Missionary Baptist Church	

Council Member Burke pointed out that Galilee Baptist Church is now officially located in the Northeast Ward.

Pledge of Allegiance

Sergeant at Arms                      Lieutenant Wilson Weaver

**CONSENT AGENDA**

Mayor Joines stated that Council would now consider the Consent Agenda and asked if any items needed to be pulled. Council Member Leight requested to pull Item C-8 for discussion.

Council Member Clark made a motion for approval of the balance of the Consent Agenda.

Council Member Taylor: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF CONSERVATION EASEMENT WITH THE DOWNTOWN WINSTON-SALEM FOUNDATION. [Recommended by Finance and Community Development/Housing/General Government Committees.]
- b. RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY LOCATED AT 4545 OAK RIDGE DRIVE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270 AND AUTHORIZATION FOR ACCEPTANCE OF A FLAT \$500 BID DEPOSIT. [Recommended by Finance Committee.]

C-2. RESOLUTION AUTHORIZING A COMMITMENT OF FUNDS TO THE HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM IN SUPPORT OF A FISCAL YEAR 2011 CHOICE NEIGHBORHOODS PLANNING GRANT. [Recommended by Finance Committee.]

C-3. 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. [Recommended by Community Development/Housing/General Government Committee.]

- 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. Linda and Albert Smith                4040 Lexwin Avenue

C-4. 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. Phillip R. and                            4924 Old Rural Hall Road  
Barbara N. Childress

- C-5. 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.]
- a. Roy L. Lawson                      4810 Frankie Street  
    Accessory Bldg.
  - b. Wanda S. Brendle                      2232 Cole Road
  - c. Phillip R. and                      4825 Old Rural Hall Road  
    Barbara N. Childress
  - d. Mildred Davis                      1016 Pacific Drive
  - e. Tarryton L. and                      3514 Chevy Chase Street  
    Lashanda Thacker
- C-6. ORDINANCE WITHDRAWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF BANNER TRANSPORTATION SERVICE FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM. [Recommended by Public Safety Committee.]
- C-7. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Manly Street; Leight Street; Flatrock Street; Saint Marks Road; Neighborhood Limits: Spach Drive, Orchard View Drive, and Peach Avenue. [Recommended by Public Safety Committee.]
- C-9. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:
- a. RESOLUTION AWARDING CONTRACT FOR CURBSIDE COLLECTION SERVICES - Waste Management, Inc. - \$1,515,000. [Recommended by Finance and Public Works Committees.]
  - b. RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE PROPERTY, BOILER, AND MACHINERY INSURANCE FROM THE BERKLEY MID-ATLANTIC GROUP THROUGH SURRY INSURANCE - \$0.0441/\$100 Property Value. [Recommended by Finance Committee.]

- c. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH QUEST DIAGNOSTICS FOR BIOMETRIC SCREENING - \$124,325. [Recommended by Finance Committee.]
  - d. RESOLUTION AWARDED PURCHASE ORDER FOR FIRE TRUCK REPAIRS - Anchor-Richey EVS, Inc. - \$121,694.44. [Recommended by Finance Committee.]
  - e. RESOLUTION AWARDED CONTRACT FOR NEW SIDEWALK CONSTRUCTION ALONG OLD VINEYARD ROAD - Premier Design Builders, Inc. - \$110,590. [Recommended by Finance Committee.]
- C-10. CONSIDERATION OF ITEMS RELATING TO A MUNICIPAL AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION ACCEPTING JOB ACCESS REVERSE COMMUTE AND NEW FREEDOM FUNDS FOR THE WINSTON-SALEM URBAN AREA: [Recommended by Finance and Public Works Committees.]
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION ACCEPTING JOB ACCESS REVERSE COMMUTE AND NEW FREEDOM FUNDS FOR THE WINSTON-SALEM URBAN AREA.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-11. CONSIDERATION OF ITEMS RELATING TO INTERLOCAL AGREEMENTS:  
[Recommended by Finance and Public Works Committees.]
- a. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF BERMUDA RUN TO REIMBURSE THE TOWN FOR THEIR COSTS OF THE US HIGHWAY 158 GATE TRAFFIC SOLUTIONS STUDY MINUS THEIR REQUIRED 20% LOCAL MATCH.
  - b. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF KERNERSVILLE TO REIMBURSE THE TOWN FOR THEIR COSTS OF THE SOUTH MAIN STREET TRANSPORTATION STUDY MINUS THEIR REQUIRED 20% LOCAL MATCH.
- C-12. RESOLUTION AUTHORIZING PERMANENT HONORARY STREET NAME SIGN - F.D. Patterson, Sr. [Recommended by Public Works Committee.]
- C-13. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NORTH CAROLINA SERVICE AGREEMENT FOR GOVERNMENTAL LIGHTING WITH



DUKE ENERGY CAROLINAS, LLC. [Recommended by Finance and Public Works Committees.]

- C-14. CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY: [Recommended by Public Works Committee.]
- a. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 460 Creekway Drive.
  - b. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 828 and 830 Melrose Street.
  - c. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 1388 Still Point Court.
- C-15. APPROVAL OF SUMMARY OF MINUTES - November 15, 2011.
- C-8. RESOLUTION AUTHORIZING EXPANSION OF THE BONNER-REDD-SURRATT-DAVIS JUSTICE STUDIES SCHOLARSHIP PROGRAM. [Recommended by Public Safety Committee.]

Council Member Leight inquired about the success of the grant process program.

Police Chief Scott Cunningham explained that the program started in late 2007 with one successful individual now being employed with the City. He indicated that there is one other student currently in the program at Winston-Salem State University (WSSU), and two applications are being reviewed for individuals enrolled at WSSU.

Council Member Leight: Motion for approval.

Council Member Clark: Second. Unanimous.

#### GENERAL AGENDA

- G-1. PUBLIC HEARING ON ZONING PETITION OF HOLLY VILLAGE HOMEOWNERS ASSOCIATION, ELLEN AND THOMAS BLAIR, KIMBERLY AND RICKY BROWN, JONATHAN AND KAREN PAYNE, CHRISTOPHER MILLSAPS, MICHAEL

MCCONVILLE, AND SCOTT ANDERSON FROM PB-S (Arts and Crafts Studio; Offices; Services, A; Museum or Art Gallery; Retail Store; and Residential Building, Townhouse) TO PB-L (Residential Building, Townhouse): Property located on the southeast corner of West Second Street and North Poplar Street - Containing approximately 0.41 acre located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3104. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

No one heard.

Council Member Merschel made a motion for adoption of the Statement of Consistency set forth on Page 15 of the agenda book and approval of W-3104.

Council Member Taylor: Second. Unanimous.

G-2. PUBLIC HEARING ON SITE PLAN AMENDMENT OF LITTLE CREEK, LLC AND LITTLE CREEK ELEVEN, LLC FOR A GB-S ZONED PROPERTY: Property located on the north and south sides of Creekshire Way, south of Hanes Mall Boulevard - Containing approximately 12.31 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3106. [Planning Board recommends approval of petition and site plan with staff recommendations.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Council Member Besse made a motion for adoption of the Statement of Consistency set forth on Page 41 of the agenda book and approval of W-3106 including the Site Plan Amendment.

Council Member Burke: Second. Unanimous.

- G-3. PUBLIC HEARING ON ZONING PETITION OF CHARLES J. EVANS AND MARY MAXINE EVANS FROM RS-9 TO NO-L (Offices; and Residential Building, Single Family): Property located on the north side of Country Club Road, west of Turner Street - Containing approximately 0.61 acre located in the WEST WARD (Council Member Clark) - Zoning Docket W-3099. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

No one heard.

Council Member Clark requested a brief staff report.

Mr. Paul Norby, Director, City/Council Planning Department, explained that the area surrounding the property was mostly zoned RS-9. He indicated that the local area plans and Legacy do not support this proposal and City Council's approval of it may set a precedent for similar nonresidential rezoning requests in the future. There was no opposition from the neighborhood at the Planning Board hearing. The petitioner is willing to attach a condition to the permit limiting the use of the office to a dental lab and maintain the house as a residential structure. The Planning Board did recommend approval of the item.

Council Member Clark pointed out that most of the RS-9 zoned property shown on the map is a large church and actually most of the other property is largely nonresidential. He stated that the traffic count is already large in this area and Country Club Road has a challenge with houses facing a street that is already at 16,000 cars per day. Most people will not buy an isolated house with this much traffic in the neighborhood. He noted that this would be a creative adaptive reuse of the property with no square footage limitations. He expressed his support for the item and made a motion for adoption of the Statement of Consistency as set forth on Page 61 of the agenda book and approval of W-3099 including the Site Plan Amendment.

Council Member Adams: Second.

Council Member Leight stated that although she understood that argument, the fact remains that all of the other area is still zoned residential and she stated she could not support this rezoning request.

Council Member Montgomery asked if there would be any other requirements in the permit as far as signage.

Mr. Norby stated it was his understanding the signs would be fairly small.

Mr. Chris Murphy, Assistant Inspections Director, stated that there is a limitation for signs and that they could be no larger than eight square feet in total size.

In response to Council Member Besse's question, Mr. Norby stated that the only ingress will be the driveway on Country Club Road.

Council Member Besse expressed concern about encroachment into residential neighborhoods and noted that those on the south side are already under ongoing potential commercial development. He stated he would not be inclined to agree to a lot on Country Club Road in this area as it is mainly a residential community. The problem is that there is no opening to a side street and there is an issue with the only one onto Country Club Road.

Council Member Clark pointed out that there were no objections at the Planning Board hearing and he has not heard from any residents.

Council Member Merschel inquired about the age of the area plan for the area.

Mr. Norby explained that the Jonestown Area Plan was completed in the 1980's without recommendations to change the residential nature of the area. He noted that another plan is currently in process and also does not recommend changes to single family zoning of the area.

Council Members Besse and Merschel expressed concern with setting a precedence for future commercial encroachment if this item is approved.

The motion for approval carried with five in favor and three opposed. Those voting in favor of the motion were Council Members Clark, Montgomery, Burke, Adams and Taylor, with Council Members Leight, Besse and Merschel voting in opposition.

Second Reading for this Item at the August 15, 2011 City Council Meeting.

G-4. PUBLIC HEARING ON ZONING PETITION OF GRACE SHEETS FROM RS-9 TO RSQ-L (Residential Building, Single Family; Residential Building, Duplex; and Residential Building, Twin Home): Property located on the southeast corner of Alspaugh Street and Shamel Street - Containing approximately 0.68 acre located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3105. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

No one heard.

Council Member Adams made a motion for adoption of the Statement of Consistency set forth on Page 85 of the agenda book and approval of W-3105.

Council Member Burke: Second. Unanimous.

G-5. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF TAMMY ERWIN FROM RS-20 TO NB-L [Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Repair and Maintenance; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Restaurant (Without Drive-Through Service); Retail Store; Services A; Utilities; and Veterinary Services]: Property located on the north side of Union Cross Road, west of Wallburg Road- Containing approximately 0.79 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3101. [Planning Board recommends approval of petition. Item continued from the June 6, 2011 City Council meeting.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

Ms. Tammy Erwin, Walkertown, indicated that she was the petitioner and the property was formerly the Anderson Grocery. She noted that she wanted to open up a grocery store for residents in the area, pointing out that the store would provide jobs for up to 12 people and bring revenue into the city.

Mr. Thomas Black, 4310 Pinehall Road, Walkertown, stated that he would be working with Ms. Erwin and the business would be welcome in the community, as it will help prevent residents from travelling so far to the store.

Mr. Dan Little, 480 Braeburn Drive, Addiction Recovery Care Association, Inc. (ARCA), spoke in opposition to the petition. He indicated that ARCA is a public rehabilitation facility serving the entire population of Forsyth County. He noted the proposed store is approximately 250 feet from ARCA's location and would be a distraction to its clients who are mostly indigent and some fresh off the streets. In fact, he pointed out, some of the clients are not fit to cross the street alone. Mr. Little stated that the district was established to serve everyday household needs without disrupting the character of the neighborhood and he indicated he felt this store would disrupt the neighborhood.

Ms. Shelly Walden, 3258 Stockton Street, explained that she was an employee of ARCA and a recovering client, which meant she could speak exactly to what this place means. The clients need the safe and comfortable environment of the center to help restart their lives. She indicated that this store would be a terrible distraction to those learning how to live again.

In her rebuttal remarks, Ms. Erwin stated she felt the business would not affect the clients of ARCA, noting that if they really wanted help, they would not leave the premises.

Mr. Jack Hall, 309 Goldfloss Street, stated that he was a previous client at ARCA, but he supports the petition for the rezoning.

Mr. Josh Clapp, 1930 Union Cross Road, indicated he lives directly across the street from ARCA and next to the proposed store. He noted there was never a problem before with the former grocery. He indicated that traffic from ARCA seems to be more of a nuisance to residents.

Ms. Amber Clapp, 1930 Union Cross Road, expressed her support for a new convenience store close by her residence. She stated that she currently has to travel to Wallburg to the nearest store and this would be much more convenient.

Mr. Bobby Lee Spates, 1010 Nance Lane, expressed support for the grocery, indicated that he would be part owner.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Mr. Norby explained that the property involves a two-third acre lot on the north side of Union Cross Road and west of Wallburg Road. It has been used for commercial purposes before but under non-conforming status. There is a condition on the rezoning that would call for removal of two mobile homes on the property. The request could accommodate the needs of nearby residents and cut down on traffic. He noted that there is also a streetyard landscaping condition for the property frontage. In response to Council Member Taylor's question, Mr. Norby indicated that the property was previously used as a grocery store.

Council Member Clark expressed surprise that the property was zoned residential, noting that the structure does not appear to be a residential dwelling.

Mr. Norby stated that the property was in the County until recently. He noted that if it remains empty more than six months, it could lose its non-conforming use status.

Council Member Taylor indicated that many residents had approached him to express their support for this store in the community. He stated that although he understands the concerns of ARCA, it is not the responsibility of the local corner store to attend to the needs of those in treatment. He pointed out that the State prohibits zoning laws to deal with the sale of alcohol. He made a motion for adoption of the Statement of Consistency set forth on Page 107 of the agenda book and approval of W-3101.

Council Member Adams: Second.

Council Member Burke inquired if ARCA had residents on-site.

Mr. Little explained their clients' length of stay is typically two weeks and that timeframe is critical.

Council Member Montgomery indicated that he has family and friends who have dealt with substance abuse and understands the concerns. He indicated, however, that he agreed with Council Member Taylor on the part of decision-making and State laws do not allow zoning law control. He stated he will support the petition.

Council Member Burke noted that if it becomes a nuisance, calls can be made complaining that violations are being committed.

The motion for approval carried unanimously.

- G-6. CONTINUATION OF PUBLIC HEARING ON SITE PLAN AMENDMENT OF FRANCIS D. HARRIS, III AND DEBRA T. HARRIS FOR AN HB-S ZONED SITE: Property located on the east side of Peters Creek Parkway, south of Bridgton Road - Containing approximately 0.68 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3102. [Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the June 6, 2011 City Council meeting.]



ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Mr. Norby explained that this site has a multifamily zoned property to the west, a dry cleaner to the north, and a golf course and unused land to the east. The area plan calls for commercial use. He noted that there is a condition requiring replacement of the modular unit on the property with a permanent building within five years of development.

Council Member Taylor indicated he had asked for a continuance of this item in an effort to gain a better understanding of the requirement for replacement of the modular building within the five year period. He stated he had since met with the attorney and has no issues with the rezoning petition. He made a motion for adoption of the Statement of Consistency set forth on Page 127 of the agenda book and approval of W-3102 including the Site Plan Amendment.

Council Member Burke: Second. Unanimous.

- G-7. CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS - Friendly Acres Drive, Andys Drive, Rainwood Drive and Rainwood Court. [Recommended by Public Works Committee.]
- a. PUBLIC HEARING ON RESOLUTION APPROVING CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS - Friendly Acres Drive, Andys Drive, Rainwood Drive and Rainwood Court.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
  - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.

No one heard.

Council Member Clark: Motion for approval of Items (a), (b) and (c).

Council Member Burke: Second.

In response to Council Member Burke's request, Mr. Gregory M. Turner, Assistant City Manager, provided a brief staff report, noting that the City Code provides for the City to participate in the cost of paving work to bring private streets up to City standards. He noted that due to the low value of housing in this area, City participation will be 90% and the neighborhood will be responsible for 10% of the cost. After paving, the City will take over maintenance of the streets.

The motion for approval was unanimously carried.

G-8. SECOND READING ON ORDINANCE APPROVING LOCAL HISTORIC LANDMARK DESIGNATION OF THE ROBERT M. HANES HOUSE, 140 NORTH STRATFORD ROAD. [This item was heard at the June 20th City Council meeting and received a vote of five in favor and three opposed.]

The motion for approval on the second reading carried with five in favor and three opposed.

Those voting in favor of the motion were Council Members Leight, Besse, Burke, Merschel and Taylor, with Council Members Clark, Montgomery and Adams voting in opposition.

G-9. RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA AND THE COUNTY OF FORSYTH, NORTH CAROLINA TO SHARE A 2011 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD. [Public Safety Committee forwarded this item to City Council without a recommendation.]

Mr. Lee Garrity, City Manager, explained that the Public Safety Committee considered a portion of the grant for safety equipment and protective gear. Since there will be a discussion of SWAT issues at the August Public Safety Committee Meeting, that portion of the grant could be discussed at that time. He noted, however, that the grant is under a deadline for the portion going

towards purchase of the radar, LED flashlights, and GPS equipment to ensure drug seizure funds are available for this purpose.

Council Member Burke made a motion to approve the resolution as amended.

Council Member Merschel: Second.

Council Member Clark indicated that he does not sit on the Public Safety Committee and questioned the timing for the request given the deadline.

Mr. Garrity explained that the City was just made aware of the funding and the fact that it has to be shared with Forsyth County.

Chief Cunningham indicated that the federal government gave short notice of availability of the grant, resulting in a six week advance notice.

The motion for approval was carried unanimously.

#### G-10. PRESENTATION OF COMMUNITY APPEARANCE COMMISSION'S 2010 ANNUAL REPORT.

Mayor Joines recognized the Chair of the Community Appearance Commission, Mr. Russell DuBois for the presentation.

Mr. DuBois recognized Mr. Steve Zorn, Vice Chair and Ms. Amy Crum, City staff representative. He noted that a project beautification event was conducted at Forest Park Elementary School and another event will be held this fall at Easton Elementary and Winston-Salem Prep Academy. A strategic planning retreat last fall resulted in increased public awareness and outreach, and a partnership with the Human Relations Commission. Mr. DuBois indicated that the Commission members would like to meet with the Council Members in the next couple of weeks to discuss a non-categorical opening forthcoming for the City.

Council Member Taylor thanked Mr. DuBois for the Commission's tireless work and expressed his pride in the work that was done at Forest Park Elementary School.

Council Member Burke expressed her sincere appreciation for the Community Appearance Commission and asked that anyone with a recommendation for the opening give that information to the City Secretary.

G-11. DISCUSSION OF ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ESTABLISH PROVISIONS FOR UNATTENDED DONATION CONTAINERS - Proposal of Goodwill Industries - UDO-221. [Planning Board recommends approval. Community Development/Housing/General Government Committee approved an amended version of this item with three in favor and one abstaining from the vote.] Public Hearing: September 19, 2011.

Council Member Besse noted that the City Attorney has recommended conducting an additional public hearing on this item due to the many changes that were made to the text amendment. He made a motion to hold a public hearing at City Council's September 19, 2011 meeting.

Council Member Taylor: Second. Unanimous.

G-12. PUBLIC COMMENT PERIOD.

Ms. Alice Wood, 4119 Carver School Road, indicated she uses the Winston-Salem Transit Authority (WSTA) as means of transportation and does not own a vehicle. On May 11th, she boarded a crowded bus and although she did not mind standing, the driver took off quickly and she fell into the lap of another passenger. She stated that she has documented all of the information and has even taken it to the Winston-Salem Journal but has received no response. She stated she has been told there have been numerous complaints against this particular WSTA driver.

Mayor Joines asked Mr. Turner and Mr. Garrity to follow up with Ms. Wood.

Council Member Burke noted that many residents believe the City has authority over WSTA drivers. She indicated that staff needs to be clear about the City's authority and asked Mr. Garrity to explain further.

Mr. Garrity explained that WSTA is funded by the City but contract to a private company. The City can set standards for WSTA through the WSTA Board, but the drivers have a union and the City is not allowed to become involved in those negotiations. Their employees are not City employees. He stated that he will, however, follow up on this complaint.

Mr. Jack Fisher, 3408 Mill Run Lane, Pfafftown, taken in through forced annexation and although he does have a streetlight, he still does not have sewer. He noted that there is an appearance issue at the corner of Reynolda Road and Yadkinville Road with the former Food Lion building and laundromat. He indicated it had been a real eyesore for a long time and is overgrown resulting in a snake and rat problem. Mr. Fisher stated that he lives off of Yadkinville Road and there is a school for special children in the area and a lot of development. Reagan High School is also in the area. He expressed concern with the speed limit being set too high, noting some places it is 45 mph and should be much lower.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the Public Comment Period closed.

#### MAYOR/COUNCIL COMMENTS

Council Member Leight noted that the Big Chill event was conducted yesterday by the Shalom Project to raise money for individuals in need of food and medication. She stated that Council Members Besse and Montgomery, and the Mayor volunteered and a lot of money was raised. She expressed her appreciation as a tester and taster who tried all of the ice creams, and recognized a very special dog, Schwartzly whose birthday was coming up on August 6th and it should be declared "Schwartzly Day".

Council Member Burke pointed out that the National Black Theater Festival begins on August 1st and letters will be going out to churches and businesses requesting partnerships to help

support the Festival. She noted there will be plenty to do downtown, including youth events. She stressed that downtown is for everyone and no one should be aggravated when youth walk by them. They will be discouraged from loitering and the City is working with the Festival to ensure everyone has a positive experience. A lot of money will be spent in the city and visitors should not be made to feel uncomfortable. Some parents of minority youth have been uncomfortable about allowing their children to go downtown. She stressed that the City is not saying that minority children are not allowed downtown; everyone has contributed to the revenue in downtown and everyone is welcome.

Council Member Merschel noted that downtown is the living room for our community. She stated she is delighted that the restaurants are filled with people, but wants to be sensitive to ADA requirements. She pointed out that in many areas, outdoor dining seating has encroached upon the five foot easement and she cautioned restaurant owners to be vigilant about those requirements. Council Member Merschel also noted that Dr. David Burr was a resident of the West Ward, and the community lost a genuinely nice person. She expressed her deepest sympathies to Dr. Burr's family.

Mayor Joines indicated that he attended a wonderful service yesterday for Dr. Burr.

Council Member Montgomery stressed that downtown is for everyone and he supports all downtown business regardless of the owners. He noted that the City and the Youth Council have been working closely with Festival representatives to ensure there are activities for youth during the event this year.

ADJOURNMENT

8:10 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**August 15, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, August 15, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members Present:	Robert C. Clark	Vivian H. Burke
	Dan Besse	Denise D. Adams
	Derwin L. Montgomery	Wanda Merschel
	James Taylor, Jr.	

Council Members Absent: Molly Leight

Moment of Silence

Pledge of Allegiance

Recognition of Sergeant-At-Arms Lieutenant T.E. Craven

**RECOGNITION OF DENISE C. BELL AS THE TRIAD BUSINESS JOURNAL'S  
GOVERNMENT CHIEF FINANCIAL OFFICER OF THE YEAR**

Council Member Merschel and members of the Finance Committee presented the award to Mrs. Bell.

Council Member Clark noted the recently refinanced bonds coordinated by Mrs. Bell and how they had saved the City \$1.6 million in interest.

Mrs. Bell thanked the Mayor and City Council for their support over the years and thanked staff for their support and assistance.

**CONSIDERATION OF AN EXTRA ITEM TO BE ADDED TO THE AGENDA.**

Council Member Taylor made a motion to add an item to the agenda regarding the Waughtown Post Office.

Council Member Merschel: Second.

Council Member Taylor expressed concern about the proposed closing of the Waughtown Branch Post Office, and noted that many of his constituents were also concerned. He indicated that it is a vital part of that community and he would like assure citizens he is doing all he can to try to keep it open. He indicated he has prepared a resolution supporting that effort on behalf of his constituents for the Council's consideration.

The motion to consider the extra item was unanimously carried.

#### CONSENT AGENDA

Mayor Joines stated the Council would now consider the Consent Agenda and asked if any items needed to be pulled for discussion. Council Member Taylor requested to pull Item C-11 and Council Member Adams requested to pull Item C-5. No other items were removed.

Council Member Merschel made a motion to approve the balance of the Consent Agenda.

Council Member Montgomery: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO A LEASE AGREEMENT:  
[Recommended by Finance and Public Works Committees.]

- a. RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH KDM OF WILMINGTON, LLC PROVIDING A SITE FOR A LEAF MULCHING FACILITY FOR THE SANITATION DEPARTMENT - 3 W. Thirty Second Street.
- b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

C-2. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY BY PRIVATE SALE (N.C.G.S. 160A-279) TO THE NORTHWEST CHILD DEVELOPMENT CENTERS AND FINANCING THE SALE OF THE LAND.  
[Recommended by Finance and Community Development/Housing/General Government Committees.]

C-3. RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE HOUSING AUTHORITY



OF WINSTON-SALEM AND THE CITY OF WINSTON-SALEM COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT. [Recommended by Finance and Community Development/Housing/General Government Committees.]

C-4. RESOLUTION AUTHORIZING SUBORDINATION AND MODIFICATION OF A LOAN TO TFG-FOREST RIDGE COMPANY, LLC FOR REHABILITATION OF KENSINGTON VILLAGE. [Recommended by Finance Committee.]

C-6. 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. Eugene Attucks 321 E. 15th Street

b. Goldfloss #3 Trust 1003 Goldfloss Street

c. Goldfinger #7 Trust 1007 Goldfloss Street

C-7. 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.]

a. Jonda L. Corne 1323 Houston Street

b. Virginia Baldwin 244 W. 23rd Street

c. Eugene Attucks 321 E. 15th Street  
Accessory Bldg.

d. Virginia Baldwin 1320 Waughtown Street

e. Kevin E. Davis 1460 Douglas Street  
Accessory Bldg.

f. C.W. Myers Trading Post 1915 E. 26th Street

- C-8. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Madison Street and West Sixth Street. [Recommended by Public Safety Committee.]
- C-9. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO. Public Hearing: September 19, 2011. [Recommended by Finance Committee.]
- C-10. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]
  - a. RESOLUTION AWARDDING CONTRACT FOR CRS2L ASPHALT EMULSION CEMENT - Hammaker East, Ltd. - \$152,250.
  - b. RESOLUTION AWARDDING PURCHASE ORDER FOR PURCHASE OF ONE BUCKET TRUCK UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(E)(9A) - Time Manufacturing Company - \$218,382.
  - c. RESOLUTION AWARDDING PURCHASE ORDER FOR YEAR 2011 FORD CROWN VICTORIA POLICE INTERCEPTORS - Vic Bailey Ford, Inc. - \$579,800.
- C-12. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-13. CONSIDERATION OF ITEMS RELATING TO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION: [Recommended by Finance and Public Works Committees.]
  - a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PEDESTRIAN IMPROVEMENTS IN THE CLOVERDALE AVENUE AREA.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-14. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PRELIMINARY ENGINEERING PHASE OF A

- PROJECT TO REPLACE BRIDGE #296 ON WEST FIRST STREET. [Recommended by Finance and Public Works Committees.]
- C-15. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE ADDITION OF MUNICIPAL OWNED FIBER OPTIC CABLE TO THE CONGESTION MITIGATION AND AIR QUALITY FUNDED PROJECT FOR COMPUTERIZED TRAFFIC SIGNAL SYSTEM MODERNIZATION/REHABILITATION/EXPANSION. [Recommended by Finance and Public Works Committees.]
- C-16. RESOLUTION AUTHORIZING THE CITY TO ASSUME RESPONSIBILITY FOR CERTAIN SIDEWALK SECTIONS ALONG UNION CROSS ROAD. [Recommended by Finance and Public Works Committees.]
- C-17. CONSIDERATION OF ITEMS RELATING TO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION: [Recommended by Finance and Public Works Committees.]
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH THE CONVERSION OF FOURTH AND FIFTH STREETS TO TWO-WAY OPERATION BETWEEN LIBERTY STREET AND MARTIN LUTHER KING, JR. DRIVE.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-18. ORDINANCE RENAMING "MAURINE WAY NORTH" TO "AUSTIN PLACE COURT" - South Ward. [Recommended by Public Works Committee.]
- C-19. RESOLUTION FIXING DATE FOR HEARING ON A PETITION TO CLOSE AND ABANDON A PORTION OF VIRGINIA AVENUE LOCATED IN THE NORTHEAST WARD - Petition of VFW Post #1134. Public Hearing: September 19, 2011. [Recommended by Public Works Committee.]
- C-20. RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PUBLIC ART DONATION FROM ARTSFEST WINSTON-SALEM. [Recommended by Community Development/Housing/General Government Committee.]
- C-21. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT ON WALKERTOWN AVENUE WITH VASTU INVESTMENT, LLC (EAST WARD) - Petition of Vastu Investment, LLC. [Recommended by Public Works Committee.]

C-22. CONSIDERATION OF SUMMARIES OF MINUTES:

a. APPROVAL OF SUMMARY OF MINUTES - December 6, 2010.

b. APPROVAL OF SUMMARY OF MINUTES - December 20, 2010.

C-5. 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. [Recommended by Community Development/Housing/General Government Committee.]

b. Maria L. Ferguson                      2407 N. Cherry Street

Council Member Adams indicated that she actually supports Item C-5 but made a motion to delay action on Item (b) for an additional three months.

Council Member Taylor: Second.

Council Member Burke questioned how the property was allowed to fall in disrepair and what efforts staff had made.

Mr. Ritchie Brooks, Director, Community and Business Development, explained that the house is still livable and repairable, and could actually qualify for in rem repair. He noted, however, that there are heirs to the property that staff has been trying to contact. In response to Council Member Clark, he indicated that the 90 day delay in action is feasible in this case.

Council Member Besse pointed out that typically with heir property, the will specifies who gets a property when the owner passes to help prevent a home from falling apart in the first place.

Council Member Burke noted there was an heir property in the Northeast Ward some years ago on which a lot of research had to be done to track down the heirs. One of the family members eventually raised the funds to purchase the house. She requested that the City Attorney review alternative methods of tracking down relatives and heirs to these properties.

The motion to delay action on Item C-5(b) for 90 days was carried unanimously.

C-11. CONSIDERATION OF ITEMS RELATING TO THE CONSTRUCTION OF CLEMMONSVILLE ROAD WIDENING: [Recommended by Finance Committee.]

- a. RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF CLEMMONSVILLE ROAD WIDENING - Larco Construction, A Division of Branscome, Inc. - \$6,767,674.35 (Estimated Amount).
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Council Member Taylor noted that there is a lot of community interest in this project. He inquired about the Project Budget Ordinance.

Mr. Jerry Bates, City/County Purchasing Director, explained that funds had become available that could be added to the project.

Council Member Taylor expressed concern that a lot of projects seem to be awarded to Larco Construction Company and he inquired if anyone was monitoring those projects to ensure they were on track with the M/WBE goals.

Mr. Brooks indicated that he was in the process of advertising to hire an M/WBE Coordinator and until someone is hired, staff is closely monitoring projects to ensure goals are being met.

Council Member Taylor: Motion for approval.

Council Member Clark: Second.

Council Member Burke stressed that the best candidate for the position must have an understanding of what they are going to be doing before they get started. She suggested that after the person is hired, they give a presentation to the Community Development/Housing/General Government Committee.

The motion for approval of the item was unanimously carried.

GENERAL AGENDA

RECONSIDERATION OF C-5. (a) and (c)

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

- a. Tiffini Williamson Canty                      820 Granville Drive
- c. Deutsche Bank National Trust Co.    3095 Apollo Drive

Mrs. Angela Carmon, City Attorney, noted that since all of Item C-5 was pulled from the Consent Agenda and the vote was only on C-5(b), there still needed to be a vote on Items C-5(a) and (c).

Council Member Burke made a motion to approved Items C-5(a) and (c).

Council Member Adams: Second. Unanimous.

- G-1. PUBLIC HEARING ON ZONING PETITION OF MARK AND CATHERINE ENGLISH FROM GB-S (Shopping Center) TO GB-S [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); Banking and Financial Services; Offices; Services A; Services B; Testing and Research Lab; and Recreation Services, Indoor]: Property located on the north side of Hanes Mall Boulevard along the Eastern Right-of-Way of Interstate 40 - Containing approximately 2.16 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3107. [Planning Board recommends approval of petition and site plan with staff recommendations.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Mr. Paul Norby, City/County Planning Director, provided background information on the item.

Council Member Besse made a motion for adoption of the Statement of Consistency set forth on Page 21 of the agenda book and approval of W-3107 include the Site Plan.

Council Member Taylor: Second. Unanimous.

- G-2. PUBLIC HEARING ON ZONING PETITION OF CHARLIE AND VIRGINIA HARDESTY AND EDDIE AND MIRIAM MCCARTER FROM HB AND RS-7 TO PB-S [Restaurant (Without Drive-Through Service) and Food or Drug Store]: Property located on the northwest corner of Martin Luther King, Jr. Drive and East First Street - Containing approximately 0.85 acre located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3109. [Planning Board recommends approval of petition and site plan with staff recommendations.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Mayor Joines recognized Council Member Montgomery.

Council Member Montgomery indicated that he had spoken with the involved parties and he made a motion to continue the public hearing to City Council's September 19, 2011 meeting.

Council Member Merschel: Second. Unanimous.

- G-3. SECOND READING ON ZONING PETITION OF CHARLES J. EVANS AND MARY MAXINE EVANS FROM RS-9 TO NO-L (Offices; and Residential Building, Single Family): Property located on the north side of Country Club Road, west of Turner Street - Containing approximately 0.61 acre located in the WEST WARD (Council Member Clark) - Zoning Docket W-3099. [Planning Board recommends approval of petition. This item was heard at the July 18th City Council meeting and received a vote of five in favor and three opposed.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

Council Member Clark made a motion for adoption of the Statement of Consistency set forth on Page 71 of the agenda book and approval of W-3099.

Council Member Adams: Second.

Mayor Joines noted there could not be discussion of the item since it was the Second Reading of the item.

The motion for approval of the item carried with five in favor and two opposed. Those voting in favor of the item were Council Members Clark, Montgomery, Burke, Adams and Taylor, with Council Members Besse and Merschel voting in opposition.

G-4. CONSIDERATION OF ITEMS RELATING TO EMPLOYEE HEALTH INSURANCE AND PHARMACY BENEFITS: [Finance Committee forwarded this item to City Council with three in favor and one opposed.]

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLUE CROSS/BLUE SHIELD OF NORTH CAROLINA FOR ADMINISTRATION OF THE CITY'S HEALTH CARE PLAN.
- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EXPRESS SCRIPTS, INC. FOR ADMINISTRATION OF THE CITY'S PHARMACY BENEFIT PLAN.

Council Member Clark made a motion to approve Items (a) and (b).

Council Member Adams: Second.

Mr. Lee Garrity, City Manager responded to Council Member Burke's question, stating that no other Council Members had expressed concern about this item and all of the changes will be effectively communicated so there should not be any issues for employees.

Council Member Merschel expressed her appreciation to staff for the thought process of separating the plans to achieve the best bid but expressed concerned that the product had not been bid out since 2008.



Council Member Burke asked if there were any disadvantages to not approving the changes.

Ms. Martha Wheelock, Assistant City Manager, explained that the primary concern is employee satisfaction. Although the City competitively bid out the pharmacy portion of its healthcare program, it would be cumbersome to transfer two plans. Also, a relationship has already been developed with Blue Cross/Blue Shield. The increase would be less than what has been experienced the last two years, and the change will enable the City to better manage overall healthcare costs, and its wellness goals.

Council Member Burke inquired about the City's wellness goals.

Ms. Wheelock indicated that over the past three years, the motivating factors for the plan have been biometric screening, the smoking and tobacco cessation program, an enhanced accountability of employees, and meeting the holistic and physical needs of employees. Each year, employees are asked to make improvements which are measured through biometric scores.

Council Member Adams pointed out that corporations are moving toward wellness programs and trying to find middle ground to help stabilize health care costs. She inquired about what was driving the uncertainty of City Council.

Ms. Wheelock noted the positive elements of the plan including the estimated and expected savings based on factors such as improved employee health, a focus on core levels of disease management, employee relationships with their primary care physicians, and guaranteed coverage at the beginning of the health care process.

Council Member Clark stated that since the City is self-insured, there is no way to really predict health insurance costs. Although screening is proactive, administrative costs are a small portion with a big impact.

Council Member Burke inquired as to how the plan provides for those employees with the lowest salaries.

Ms. Wheelock explained that the wellness discount reduces the monthly healthcare premium, and biometric screening is the best way to control long-term healthcare costs.

Council Member Merschel asked if the success of the wellness program would reduce administrative responsibilities and if so, she inquired how long it would take to bid out the healthcare portion of the plan.

Mr. Garrity indicated that process would take approximately four months. He noted the main reason staff did not bid out the healthcare portion of the plan was on advice from the consultant, who indicated the City's best return on its investment was to bid out only the pharmacy portion of the plan.

Council Member Merschel inquired as to why City Council was taken out of the conversation.

Mr. Garrity explained that based on a review from the consultant, staff made the best decision for the City.

Council Member Merschel inquired if the item were brought back to committee in September, would it give time for additional discussion about concerns.

Ms. Wheelock indicated that if the item were delayed, the Annual Open Enrollment process would need to be delayed.

The motion for approval of Items (a) and (b) carried with six in favor and one opposed. This voting in or favor were Council Members Leight, Clark, Besse, Montgomery, Burke, with Council Member Merschel voting in opposition.

G-5. CONSIDERATION OF COUNCIL'S SEPTEMBER 2011 MEETING SCHEDULE.

Council Member Merschel: Motion for approval.

Council Member Burke: Second. Unanimous.

G-6. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/  
REAPPOINTMENTS:

a. MEDICAL REVIEW BOARD

Dr. Tadhg O'Gara - Appointment

Council Member Burke: Motion for approval.

Council Member Merschel: Second.

Council Member Montgomery requested to know if any current Board/Commission members have previously served and if so, on what Boards.

The motion for approval was unanimously carried.

b. POLICE OFFICERS' RETIREMENT COMMISSION (Category: Not-Officially  
Connected/Non-Plan Participating Citizen)

Brenda B. Diggs - Appointment - Term Expiring May 2013

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

c. M/WBE ADVISORY COMMITTEE

Charlie V. Shaw - Appointment - Term Expiring April 2013

Mia Hash Sloan - Appointment - Term Expiring April 2013

Council Member Taylor: Motion for approval.

Council Member Burke: Second. Unanimous.

d. HISTORIC RESOURCES COMMISSION

Rebecca Gould Gibson - Appointment - Term Expiring June 2013

Council Member Merschel: Motion for approval.

Council Member Burke: Second. She commented that diversity should continue to be an important part of this process.

The motion for approval was unanimously carried.

**EXTRA ITEM: RESOLUTION URGING RETENTION OF THE WAUGHTOWN BRANCH POST OFFICE.**

Council Member Taylor indicated he had asked for this item because the U.S. Postal Service (USPS) is proposing shutting down its Waughtown Branch Post Office. That location serves approximately 29,000 and the community desperately needs the office to remain open. He made a motion to approve the Resolution Urging Retention of the Waughtown Branch Post Office.

Council Member Merschel: Second. Unanimous.

Council Member Montgomery indicated he has been advising his constituents with concerns about branch closings to let others know they want their Post Office to stay open.

In response to Council Member Burke, Mr. Turner stated that there is an independent Board over the USPS.

**G-7. PUBLIC COMMENT PERIOD.**

Ms. Eleanor Caldwell, 1523 Turfwood Drive, Pfafftown, indicated she first lived in Winston-Salem in 1975 in Buena Vista. She moved in 1993 back to Pfafftown and her property was part of the citywide annexation. She stated she is only offered garbage pickup now, and although she pays City taxes, she receives no other benefits. Ms. Caldwell showed pictures of deterioration on Turfwood Drive. There was a water main break that was patched, but the road has not been paved in over one month, and there is now a culvert running under the road that picks up water from both sides going downhill.

Mr. John Hopkins, 1635 Brightleaf Road, Pfafftown, stated that his street is paved with gravel and cars have been nicked and dinged, and the gravel eats into lawns. He indicated that he drove through the city and saw what other neighborhoods are paved with and his deserves the same. Forced annexation brings these neighborhoods into the city but they are not treated equally, but instead given substandard paving. He stated that he was just asking for basic equality of services.

Mr. Yussef Suggs El, 877 Yellowstone Lane, stated that there was an incident on Saturday, August 6th, in which a Winston-Salem Police Office unlawfully used a Taser on someone. He stated that different laws may apply to different people who are visiting, and since his group was peacefully assembled and drumming in front of a place of business, he feels they were stripped of their rights, as well as put under threat, duress and coercion. Under Human Rights of Indigenous People, Mr. Ed McNeal, City Marketing and Communications Director, and police officers disassembled them. Mr. Suggs El expressed concern that Mr. McNeal abused his power and stated he also wants the police officers to engage in some type of training because the same type of events took place on previous nights, involving the abuse of power

Council Member Burke indicated that staff has clearly heard Mr. Suggs El's concerns and the Public Safety Committee will be reviewing the issue. She noted the Festival is important to the community, and the City wants everyone to enjoy themselves. She noted that staff will be meeting with him personally.

Ms. Blondina Simon, 750 Ferrell Court, Apartment 9, indicated she witnessed the incident on August 6th. She noted that the night, sounds, and rhythms were wonderful. But she was sick and tired of every time she is enjoying her culture and heritage, being asked to stop. She stated that her natural born rights were taken away when she was asked to stop drumming. Democracy

is a joke and she noted that everyone needed to speak out against the wrongs in the African-American communities. How is it allowable for people to be mistreated that way and not stand up for rights of the people.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the Public Comment Period closed.

#### MAYOR/COUNCIL COMMENTS

Council Member Burke noted that this had been a good Festival. She stated that the City Manager had not turned a deaf ear on everyone's comments, and there will be follow-up. The Theater Festival is one of the best things going for the city and staff will work toward making things even better and show more sensitivity toward everyone involved.

Council Member Montgomery stated he recently attended Community Day on Carver School Road and it was a great event with great participation. He congratulated Mr. Suggs son on his award for community service.

Mayor Joines indicated he had attended a deployment ceremony yesterday for the 883rd Combat Engineer Division that were deploying to Afghanistan.

#### ADJOURNMENT

8:04 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**September 19, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, September 19, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise D. Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Invocation by Pastor Waymon L. Monroe, Jr. of Solid Rock Baptist Church

Council Member Burke thanked Pastor Monroe for his efforts in mentoring youth in the community.

Pledge of Allegiance

Recognition of Sergeant-At-Arms    Lieutenant Bart Stone

**RESOLUTION RECOGNIZING THE VIC JOHNSON, JR. GOLF CLINIC**

Council Member Taylor: Motion for approval.

Council Member Adams: Second. Unanimous.

Council Member Burke stated that it is wonderful to have the opportunity to thank citizens who believe in helping students grow. The parents are happy to have their children involved in the sport and the children are interested in what they are doing. She asked Mr. and Mrs. Johnson to come forward so she could present the resolution.

Mr. Johnson thanked the Mayor and Council Members and indicated it had been an enjoyable 15 years working with the kids. He noted that most people do not realize the importance

of the recreation centers and their vital role in providing an after school activity for many children. He stated he could not have asked for a better group of people to work with and pointed out that he had never had to suspend one child from the program in 15 years.

Mrs. Johnson expressed her appreciation for the honor and stated that it does her heart good to work with young people.

#### RESOLUTION RECOGNIZING SYLVIA SPRINKLE-HAMLIN AND THE NATIONAL BLACK THEATRE FESTIVAL

Council Member Taylor: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Burke asked that the Mayor and other members of the Finance Committee stand and present the resolution with her. She stated that the City is indebted and appreciative of the work that Ms. Hamlin has done with the National Black Theater Festival which is one the best things going for the community.

Ms. Hamlin thanked the Mayor and Council, and recognized her staff for their teamwork, and noted that many of them were in attendance tonight. She thanked Mayor Joines for co-chairing the Fundraising Committee, as well as all of the community volunteers, City partners, and City staff including Martha Wheelock, Ed McNeal, Art Barnes, Barry Rountree, Bill Cobb, Kemonia McCarter, and Tim Grant for their contributions and for making the 2011 Theater Festival a "Marvtastic" event.

#### CONSENT AGENDA

Mayor Joines stated that the Council would now consider the Consent Agenda and asked if any items needed to be pulled for discussion.

Council Member Burke requested to pull Item C-12, Council Member Besse requested to pull Item C-10 and the Mayor requested to pull Item C-13. No other items removed for discussion.



Council Member Burke made a motion to approve the balance of the Consent Agenda.

Council Member Montgomery: Second. Unanimous.

- C-1. CONSIDERATION OF ITEMS RELATED TO THE ACQUISITION/SALE OF PROPERTY: [Recommended by Finance and Public Works Committees.]
  - a. RESOLUTION AUTHORIZING THE FINAL DISPOSITION OF PROPERTY LOCATED AT 4545 OAK RIDGE DRIVE THROUGH A PUBLIC AUCTION AS PERMITTED IN N.C.G.S. 160A-270. [Receipt of \$59,900.]
  - b. RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A PERMANENT UTILITY EASEMENT FROM CHARLES H. HUNEYCUTT - Property located at 1656 Ebert Street.
- C-2. RESOLUTION AUTHORIZING FINANCING FOR REHABILITATION OF HAWLEY HOUSE AND FORGIVENESS OF TWO REHABILITATION LOANS - \$110,000 loan and \$53,500 loan forgiveness. [Recommended by Finance Committee.]
- C-3. RESOLUTION AUTHORIZING SUBMISSION OF CONTINUUM OF CARE HOMELESS GRANT APPLICATION, ACCEPTANCE OF GRANT FUNDS, AND EXECUTION OF SUBGRANTEE AGREEMENTS. [Recommended by Finance and Community Development/Housing/General Government Committees.]
- C-4. 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). [Recommended by Community Development/Housing/General Government Committee.]
  - a. Trawick Marshall, Jr.                      3653 Yale Avenue
  - b. Billy J. & Giene M. Winchester      5418 Old Rural Hall Road 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 - Renon Road, Glencoe Street, Burgandy Street, Maynard Drive, Smith Farm Lane, Troy Landing, Johnny Knoll, Gary Trail, Denny Drive, and Gloria Ridge. [Recommended by Public Safety Committee.]
- C-6. RESOLUTION AUTHORIZING ACCEPTANCE OF A SINGLE VENT BOMB TRAILER DONATED BY THE RICHLAND COUNTY, SOUTH CAROLINA

SHERIFF'S DEPARTMENT TO THE WINSTON-SALEM POLICE DEPARTMENT.  
[Recommended by Public Safety Committee.]

- C-7. RESOLUTION ACCEPTING THE FISCAL YEAR 2011 ANNUAL TAX SETTLEMENT AND ADOPTION OF AN ORDER TO COLLECT CURRENT TAXES FOR 2011 (FISCAL YEAR 2011-2012) AND DELINQUENT TAXES FROM 2002 THROUGH 2010. [Recommended by Finance Committee.]
- C-8. CONSIDERATION OF ITEMS RELATED TO 2011 GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FUNDING: [Recommended by Finance and Public Safety Committees.]
- a. RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR SECOND YEAR FUNDING OF THE FORSYTH COUNTY JOINT DWI TASK FORCE AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA, THE COUNTY OF FORSYTH, NORTH CAROLINA, AND THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO ACCEPT GRANT FUNDING AND EXECUTION OF A MUTUAL ASSISTANCE AGREEMENT BETWEEN THE SAME PARTIES FOR CONTINUED IMPLEMENTATION OF THE DWI JOINT TASK FORCE.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
  - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-9. CONSIDERATION OF AMENDMENTS TO THE FY 10-11 ANNUAL APPROPRIATION/TAX LEVY AND PROJECT BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA TO APPROPRIATE ADDITIONAL POWELL BILL FUNDS FOR STREET MAINTENANCE: [Recommended by Finance Committee.]
- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.

C-11. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF VARGRAVE STREET (EAST WARD) - Petition of Winston-Salem State University. Public Hearing: October 17, 2011. [Recommended by Public Works Committee.]

C-10. RESOLUTION IN SUPPORT OF RENEWING FUNDING FOR THE FEDERAL SURFACE TRANSPORTATION PROGRAM. [Recommended by Public Works Committee.]

Council Member Besse thanked staff for asking the Forsyth County Delegation for these critical resources. He made a motion for approval of the resolution.

Council Member Taylor: Second. Unanimous.

C-12. ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - GEORGE BLACK HOUSE AND BRICKYARD, 111 DELLABROOK ROAD - Public Hearing: October 17, 2011. [Recommended by Finance and Community Development/Housing/General Government Committees.]

Council Member Burke asked Mr. Lee Garrity, City Manager, to provide additional information to the Historic Properties staff. She noted that in 1985, Ms. Nell Davis wrote music and lyrics about George Black's life. Also, Mr. Black was nationally known and invited to visit the White House. His bricks are known and seen in all Wachovia Banks. She made a motion for approval of the item.

Council Member Adams: Second. Unanimous.

C-13. CONSIDERATION OF ITEMS RELATED TO THE DISSOLUTION OF THE CITIZENS' BASEBALL STADIUM REVIEW COMMITTEE: [Recommended by Finance, Public Works and Community Development/Housing/General Government Committees.]

a. RESOLUTION DISSOLVING THE CITIZENS' BASEBALL STADIUM REVIEW COMMITTEE.

b. ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 5 OF THE CITY OF WINSTON-SALEM CODE OF ORDINANCES MAKING CHANGES TO THE PUBLIC ASSEMBLY FACILITIES COMMISSION.

Mayor Joines noted that this is a request from the Committee itself and it was not initiated by City Council. He indicated that City Council has been very pleased with the Committee's work; it has been a very independent committee, with no connections to the team, the City or the owners. Its primary role was to review construction of the ballpark and the members are now moving on.

Ms. Martha Wheelock, Assistant City Manager, explained that the Committee met quarterly and now feels the Public Assembly Facilities Commission (PAFC) could resume the oversight role on a more regular basis. She noted that several members have offered to fill a vacancy in in the PAFC to offer a continuity of service.

Mayor Joines indicated that the Committee Members will be recognized for their efforts at a future meeting.

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

#### GENERAL AGENDA

G-1. PUBLIC HEARING ON ORDINANCE AMENDING CHAPTER C OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE AN ADDITIONAL EXCEPTION TO THE TEN (10) FOOT MAXIMUM HEIGHT PROVISION FOR MECHANICALLY STABILIZED SLOPES -Proposal of the City Manager's Office - UDO-224.

Mr. David Reed, Principal Planner, gave short presentation on the background of the request.

Council Member Clark indicated he noticed that some of the retaining walls along Business 40 coming through downtown are more 25 feet tall.

Mr. Reed indicated that the Text Amendment would apply to development outside of the public right-of-way and the N.C. Department of Transportation may allow exceptions.

Council Member Leight inquired if there would be any additional safety measures outside of higher walls.

Mr. Reed explained that safety conditions would become part of the site plan conditions and considered additional measures for approval by City Council. He noted that larger walls would have to be approved by Fire Inspectors.

Council Member Taylor inquired about the concern of one of the Planning Board members.

Mr. Reed explained that some concern was expressed regarding additional oversight or the need for a public meeting, and more than just the approval of the Director of Public Works.

Council Member Adams stated that there are some places in town with walls that although they may have had a permit and the walls are safe, they are unattractive. Many walls have no trees or plantings and appear to be a somewhat impervious space turned on the side. She inquired as to how to prevent this type of problem going forward.

Mr. Reed explained that this amendment would require larger walls to have a two foot running strip between 10 to 15 feet high.

Council Member Montgomery expressed concern with safety issues being left to the discretion of the Public Works Director and noted that there may be different variables for different projects.

Mr. Garrity pointed out that the standard would be when there is no practical development alternative, the project would be reviewed.

Council Member Leight noted that residents of the South Ward dealt with a situation in which a wall on a slope collapsed, resulting in the closing of a thoroughfare for several months. She stated she would like to review safety concerns more.

Mayor Joines called for the public hearing on the matter.

Mr. Eric Bushnell, 2113 Walker Road, President, Winston-Salem Neighborhood Alliance, spoke against the proposal. He stated he was encouraged by the Council Members' remarks and

concerned by what staff had said. He indicated that the Neighborhood Alliance had received only a small amount of material and had only a small amount of time to comment on it. He inquired as to why nothing was communicated about a specific site being a problem, and noted that if there is a real problem with the current Unified Development Ordinances, staff should develop a set of practices and policy to address the issues. Mr. Bushnell expressed concern that the amendment is not ready to become public policy, and urged the City Council to send it to Committee for analysis and review.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Clark made a motion to remand the item to the Public Works Committee for further review.

Council Member Merschel: Second. Unanimous.

#### ITEM REMANDED TO PUBLIC WORKS COMMITTEE

G-2. CONTINUATION OF PUBLIC HEARING ON ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ESTABLISH PROVISIONS FOR UNATTENDED DONATION CONTAINERS - Proposal of Goodwill Industries - UDO-221. [Planning Board recommends approval. Item discussed at the July 18, 2011 and continued to the September 19, 2011 City Council Meeting.]

Mr. Aaron King, Principal Planner, presented a background summary of changes that have been made through several reviews of the item to date.

Mayor Joines stated that this was now a public hearing and asked if anyone wished to be heard.

Mr. Art Gibel, 2701 University Parkway, CEO, Goodwill Industries, expressed support for the resulting amendment, providing as long as it receives proper enforcement and support.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Besse made a motion for approval of the Committee's recommended version of the amendment.

Council Member Adams: Second. Unanimous.

G-3. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF CHARLIE AND VIRGINIA HARDESTY AND EDDIE AND MIRIAM MCCARTER FROM HB AND RS-7 TO PB-S [Restaurant (Without Drive-Through Service) and Food or Drug Store]: Property located on the northwest corner of Martin Luther King, Jr. Drive and East First Street - Containing approximately 0.85 acre located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3109. [Planning Board recommends approval of petition and site plan with staff recommendations. Item continued from the August 15, 2011 City Council meeting.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Mr. Reed gave a brief presentation on the petition.

Council Member Montgomery recognized the community's dedication to the improvements along the Martin Luther King, Jr. Drive Corridor and pointed out the investments being made by the Hardesty and McCarter families. He made a motion for adoption of the Statement of Consistency as set forth on Page 57 of the agenda book and approval of W-3109 including the site plan.

Council Member Taylor: Second.

Council Member Burke indicated that the McCarter and Hardesty families have both done a good job, and it is wonderful to see development along that corridor.

The motion for approval was unanimously carried.

- G-4. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF VIRGINIA AVENUE (NORTHEAST WARD) - Petition of VFW Post #1134.

[Recommended by Public Works Committee.]

No one heard.

Council Member Burke: Motion for approval.

Council Member Adams: Second. Unanimous.

- G-5. PUBLIC HEARING AND RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT WITH SUNTRUST EQUIPMENT FINANCE AND LEASING CORPORATION IN AN AGGREGATE AMOUNT NOT TO EXCEED \$21,500,000, A DEED OF TRUST WITH RESPECT THERETO AND DELIVERY THEREOF, AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS.

Mrs. Denise Bell, Chief Financial Officer, explained that this action will provide the City the opportunity to refinance an installment contract with a 1% reduction in interest, resulting in a savings of approximately \$1.2 million.

Council Member Clark inquired if there are any similar opportunities for the City to refinance and save money.

Mrs. Bell indicated that staff is looking into the possibility of pairing some General Obligation Bonds with a Two-Thirds Bonds issuance sometime in the spring.

Mayor Joines called for the public hearing on the matter. Seeing no one who wished to be heard, he declared the public hearing closed.

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.



- G-6. RESOLUTION AUTHORIZING PARTIAL FORGIVENESS OF LOANS TO THE HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM (HAWS) FOR OAK CREEK APARTMENTS. [Finance Committee forwarded this item without a recommendation on a vote of three in favor and one abstaining.]

Council Member Merschel: Motion for approval.

Council Member Taylor: Second.

Council Member Burke expressed her appreciation for the Housing Authority of Winston-Salem (HAWS) consulting with the City on this matter, but noted that the City does not own this property. She pointed out that in 1995, the City did loan money to HAWS for purchase of the property and has since made some loans for improvements. She noted that staff cannot find information where the City ever entered into a business agreement with anyone pertinent to this complex. To date, HAWS has repaid \$405,000 on the purchase loan and owes the entire amount for improvement loans of \$2.4 million. The current debt on the property is \$2.7 million. The investment represents 92.2% and the total remaining 7.8% is from HAWS.

Mr. Paige explained that HAWS has invested in other property and made loans on the property resulting in approximately \$218,000 investment on their part, leaving the remaining \$2.5 million in rehabilitation loans and \$218,000 remaining on the acquisition loan due to the City.

Council Member Burke explained that HAWS has received an offer for \$800,000 which amounts to 28.5% of the total debt owed. The City forgives the debt of \$1.9 million to HAWS and Mr. Nathan Tabor has proposed to purchase the property at \$770,000 leaving \$3 million in debt.

Mr. Nathan Tabor, 5556 Longwall Drive, Kernersville, responded to Council Member Burke's concern, stated that there are five units that have foundation cracks. They may be salvageable. He stated he will have to get an engineer to evaluate them and he plans to do so if possible. If they are not, they will be demolished. He noted that his realtor has tracked down the

owner of the single family house nearby and made a verbal offer on it, which is pending the deal on these units.

Council Member Burke requested that Mr. Tabor plan to make improvements to the entrance to make it look more inviting for the residents. She also suggested that he have a playground constructed for the children living in the complex.

Mr. Tabor expressed concern about the playground, noting that he attempted to install playgrounds in other developments and the request was rejected by his insurance company.

Council Member Burke inquired if there were issues when the LaDeara Crest playground was installed.

Mr. Paige stated that staff worked with Home Depot to obtain a grant for the equipment but he was not aware of any insurance issues.

Council Member Merschel thanked Mr. Tabor for visiting with Mr. Woods and several City staff members at the site. She noted that it appears there were, at one time, two different playground areas but there is no equipment left. She inquired if they could possibly be grandfathered in as potential playground areas, or possibly could the open spaces there be used to create play areas for children.

Mr. Tabor stated that basketball goals or soccer goals would not be a problem but, according to his insurance company, equipment such as monkey bars or swings could pose a safety threat.

Mr. Larry Woods, 2455 Northwoods Drive, HAWS, stated that there was at one time some passive equipment on the site, such as slides and one basketball goal. He noted that most of the complexes have insurance liability clauses.

Council Member Merschel made a friendly amendment to her motion that the developer should make a good faith effort to seek insurance to obtain playground equipment and if it proves cost-prohibitive, he does not need to pursue the matter.

Council Member Taylor: Second.

In response to Council Member Clark's question, Mr. Woods stated that there is playground equipment in a few of the public housing complexes and they are covered under the public housing insurance which is considered "pool" insurance in which the housing agencies across the state are all members.

Mrs. Angela Carmon, City Carmon, responded to Council Member Montgomery's question, stating that it would be up to the City Council or the City Manager to set the standards for what would be considered a good faith effort on the part of the developer.

By consensus, the Council decided it would be best to allow the City Manager to make that determination.

Council Member Burke requested that staff keep her well-informed of the status of the project at all times.

The motion for approval of the motion and friendly amendment were carried unanimously.

- G-7. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Finance forwarded these items to City Council with three in favor and one abstaining from the vote. Recommended by Public Works Committee.]
- a. RESOLUTION APPROVING A CONTRACT WITH HDR ENGINEERING, INC. TO COMPLETE A STREETScape DESIGN AND CORRIDOR IMPROVEMENT PLAN FOR THE PETERS CREEK PARKWAY (NC 150) CORRIDOR FROM BUSINESS 40 (US 421) TO INTERSTATE 40 - \$126,223.
  - b. RESOLUTION APPROVING A CONTRACT WITH DESIGN WORKSHOP, INC. TO COMPLETE A STREETScape PLAN AND DESIGN DRAWINGS FOR THE MARTIN LUTHER KING, JR. DRIVE CORRIDOR FROM US 52 TO BUSINESS 40 (US 421) IN EAST WINSTON - \$150,000.

Council Member Merschel made a motion to approve Items (a) and (b).

Council Member Clark: Second. Unanimous.

- G-8. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Finance forwarded these items to City Council with three in favor and one abstaining from the vote.]
- a. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF TWO FIRE PUMPER TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(G) - Sutphen Towers, Inc. - \$948,993.84.
  - b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF ONE BERGKAMP FLAMELESS PAVEMENT POTHOLE PATCHER MODEL FP5 UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(G) - Carolina Industrial Equipment, Inc. - \$144,206.86.
  - c. RESOLUTION AWARDED CONTRACT FOR INTERNET MERCHANT SERVICES - Fifth Third Processing Solutions - \$250,000.

Council Member Merschel made a motion to approve Items (a), (b) and (c).

Council Member Clark: Second.

Council Member Burke expressed concern about the employment of minorities on City projects.

Mr. Garrity explained that a report has been sent to Council Members on the matter.

Council Member Burke stressed the need to stay abreast of the issue and noted that the City should set a good example for other municipalities.

The motion for approval was unanimously carried.

- G-9. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR AN ALTERNATIVE ANALYSIS FOR AN URBAN CIRCULATOR PROJECT - HDR Engineering, Inc. - \$699,656. [Finance Committee forwarded this item to City Council without a recommendation. Recommended by Public Works Committee.]

Council Member Merschel: Motion for approval.

Council Member Besse: Second.

Council Member Clark expressed concern that two studies have already been conducted, and since he feels that streetcars are too expensive to operate anyway, he does not see the need for a third study to be conducted.

Council Member Besse pointed out that a third study will provide a cost analysis, route possibilities and engineering design considerations, as well as travel demand expectations. He noted that it will put the City in a position to decide whether it wants to seek federal approval for a match in funding.

Council Member Adams noted that the study will be funded with federal, state and Piedmont Area Regional Transportation funds. She expressed her support for the item since no City funding will be used for the study.

Council Member Burke expressed concern that the City is not ready for streetcars and stated she could not support paying for studies that are not needed.

Council Member Leight noted that the city will potentially grow by 150,000 more people in next 20 to 30 years and something needs to be done to determine how to move these individuals about the region. She stated the streetcar option is an important alternative to consider.

Council Member Montgomery noted that since the City coffers will not fund the study and there is a need to review all options for connecting people in the city, he would support conducting the study.

Council Member Merschel indicated that although she had struggled with the idea of streetcars, she had come to appreciate their use. As light rail development explodes, this is a timely topic and it might be some of the only federal funding that may be avail to the City.

Council Member Taylor stated that he felt this issue is important to the future of the city and conducting these types of studies are important in considering how to put citizens to work. He expressed support for the study.

The motion for approval carried with six in favor and two opposed. Those voting in favor of the item were Council Members Leight, Besse, Montgomery, Adams, Merschel and Taylor, with Council Members Clark and Burke voting in opposition.

G-10. RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CONDUCT HEARINGS REGARDING THE WITHDRAWAL OF BIDS PURSUANT TO N.C.G.S. 143-129.1. [Community Development/Housing/General Government Committee forwarded this item with three in favor and one abstaining from the vote.]

Council Member Besse: Motion for approval.

Council Member Adams: Second. Unanimous.

G-11. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS:

a. ZONING BOARD OF ADJUSTMENT

Gregory C. Hairston – Appointment – Term Expiring September 14

Council Member Burke: Motion for approval.

Council Member Taylor: Second. Unanimous.

b. CITIZENS' SUSTAINABILITY PROGRAM COMMITTEE

Wendi Hartup – Appointment – Term Expiring March 2012

Alison Wright – Appointment – Term Expiring February 2012

Council Member Adams: Motion for approval.

Council Member Taylor: Second. Unanimous.

c. CITIZENS' BUDGET ADVISORY COMMITTEE

Sara Blackburn – Appointment – Term Expiring June 2014

Bruce K. Shelton – Appointment – Term September 2013

Carolyn L. Redding – Reappointment – Term Expiring 2014

Council Member Merschel: Motion for approval.

Council Member Taylor: Second. Unanimous.

d. UTILITY COMMISSION

Janeen Lalik – Reappointment – Term Expiring June 2016

David Neill – Reappointment – Term Expiring June 2015

Council Member Merschel: Motion for approval.

Council Member Adams: Second. Unanimous.

e. DEVELOPMENT REVIEW ADVISORY COMMISSION

Charles Michael Powers – Appointment

James W. Armentrout – Appointment

Jeff MacIntosh – Appointment

John-Troy Witherspoon – Appointment

Stan Senft – Appointment

Nancy C. Gould – Appointment

Wendy K. Poteat – Appointment

Phillip Rector – Appointment

Council Member Montgomery: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Burke questioned the review process for the racial makeup of the Boards and Commissions.

Mayor Joines assured Council Member Burke that he thoroughly reviews all applicant information and Board makeup prior to making recommendations.

#### G-12. PUBLIC COMMENT PERIOD.

Mayor Joines asked if anyone wished to be heard. Seeing no one, he declared the Public Comment Period closed.

#### MAYOR/COUNCIL COMMENTS

Mayor Joines stated that there would be a meeting regarding the Legacy update tomorrow at 6:00 p.m. in the Winston Room at the Coliseum. He also noted that Rock the Block was held this past weekend, and thanked Mr. Ed McNeal, Marketing and Communications Director for coordinating such a successful event for the City.

Council Member Burke requested that staff provide her with information on the number of agencies in the city addressing problems with homelessness and noted that many of them offer overlapping services.

Council Member Merschel indicated that she would be holding a Northwest Ward Talk of the Town Meeting on Thursday, September 22nd from 6:00 to 7:30 p.m. in Womble Carlyle Room at the Baseball Stadium. She noted that numerous e-mails and inquiries about the possible closure of the Fourth Street Bridge after a public input meeting with the N.C. Department of Transportation and she wanted to address those issues.

Council Member Taylor indicated that there would be a meeting tomorrow at Forest Park Elementary School at 6:30 p.m. to discuss efforts to keep Waughtown Post Office open.



Council Member Besse pointed out that it is Hunger Action Month and noted that there is a serious problem with hunger in our country. The Second Harvest Food Bank is running low due to a high demand, and there are currently several programs ongoing in the community to help out. He encouraged all citizens to help meet those needs in any way they could.

Council Member Burke requested that staff address any traffic congestion concerns ahead of time regarding the upcoming Winston-Salem State University Homecoming Parade.

ADJOURNMENT

8:24 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**October 3, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, October 3, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Invocation by Reverend Scott Venable of Fairview Moravian Church

Pledge of Allegiance

Led by Boy Scout Troop 958 from St. Leo the Great Catholic Church and Boy Scout Troop 722 from Highland Presbyterian Church.

Council Member Clark noted he had met with the patrol from Troop 722 and they are here learning about city government.

Recognition of Sergeant-At-Arms    Lieutenant Wilson Weaver

**RESOLUTION RECOGNIZING SPECIAL OCCASIONS OF WINSTON-SALEM, INC.**

Council Member Montgomery: Motion for approval.

Council Member Taylor: Second. Unanimous.

Council Members Burke and Montgomery presented the resolution to Mrs. McCarter. Council Member Burke pointed out that this was both a sad and happy event for the McCarter's, noting that Specials Occasions had always been a fixture in the community.

Mrs. Miriam McCarter, thanked the Mayor and City Council for the recognition. She stated that the store closing is bittersweet since the property will become a part of the renewed Martin Luther King, Jr. Corridor activity. She noted this is a landmark project along the Corridor that is much needed to initiate growth and support, and this property will assist in allowing that to happen.

Mr. McCarter expressed his appreciation to the community for its support over the years.

Council Member Taylor noted that Winston-Salem is a better place having been home to the store and noted that his children have been inspired during their visits to the store. He thanked the McCarter's for what they have done in the community.

#### PROCLAMATION HONORING OUR CUSTOMERS AND DECLARING THE CITY AS A SUPPORTER OF CUSTOMER SERVICE WEEK OCTOBER 3 - 7, 2011

Mayor Joines explained that although great customer service is recognized every day, the City Council takes time to recognize special attention employees have given over the last few months. He noted that there are representatives present tonight from three different Customer Service Excellence teams.

Mr. Steve Jokinen, Property Maintenance explained that supervisors, project managers and service leaders had attended leadership awareness sessions and provided feedback from their departments.

Ms. Sophia Sparks, CityLink, indicated that the Design Team had successfully planned and conducted over 100 sessions for all staff members. She stated, also, that new employees receive program information during their first month of employment, during which they learn the ten keys of customer service, define their customers, and provide some feedback.

Ms. Shantell Davis, Finance/Payroll Department, explained that the Employee Recognition Program had been revamped to demonstrate what excellent customer service looks like. Department heads and supervisors have conducted "My One Thing" meetings to discuss

periodically focusing on one key per month. She noted that department head support has been great and employees have worked hard to increase awareness of excellent customer service. She thanked the Mayor and City Council for their continued support of the initiative.

Mayor Joines recognized Mr. Jeff Vaughn, Inspections, for his leadership of the teams.

1. PUBLIC HEARING ON ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO CREATE THE MARTIN LUTHER KING, JR. DRIVE OVERLAY (MLKO) DISTRICT STANDARDS - Proposal of City-County Planning Board Staff - UDO-226. [Planning Board recommends approval.]

Mayor Joines explained that Items 1 and 2 will be considered together as they are linked and a single public hearing will be held for both items.

(ITEMS 1 AND 2 ARE CONNECTED; ONE PUBLIC HEARING WAS HELD FOR BOTH)

2. PUBLIC HEARING ON ZONING PETITION OF CITY-COUNTY PLANNING BOARD FROM HB, HB-S, RS7, RM5-S, IP, PB-S, AND RM18 TO HB (MLKO), HB-S (MLKO), RS7 (MLKO), RM5-S (MLKO), IP (MLKO), PB-S (MLKO), AND RM18 (MLKO): Property is generally located on the east and west sides of Martin Luther King, Jr. Drive between Business I-40 and Cleveland Avenue - Containing approximately 49.54 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3112. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Burke indicated that although she sits on the Winston-Salem State University (WSSU) Board of Trustees and owns residential property in an affected area, she will not be prohibited from voting on this item per a conversation with the City Attorney.

Council Members Montgomery and Taylor indicated that they are both employed by WSSU, but there is no prohibition from voting on this item under the City's ethics policy.

Mr. Paul Norby, Director, City/County Planning Department, presented background information on the property.

Ms. Carol Davis, Executive Director, Simon G. Atkins Community Development Center (CDC), 1922 S. Martin Luther King, Jr. Drive (MLK), indicated that as a result of the public meetings that had been held by the CDC, the proposed ordinance is a step in the right direction. Redevelopment is long-overdue in the MLK Corridor, and this action should encourage the type of development preferred by residents and property owners. She noted that the CDC worked with City and Forsyth County staff on the proposal.

Mr. Russell Smith, Assistant Professor of Geography, WSSU, 601 Martin Luther King, Jr. Drive, explained that tonight's presentation comprises more than a year of work that began with visual preference meetings held at the Anderson Center. Meetings were conducted with residents and property owners, as well as the CDC Board, and as development occurs, all of the pieces will tie together. The development will result in a more unified look, feel and vision for the MLK Corridor; it is in a good location, close to downtown, the Research Park, WSSU, and in the middle of a lot of great things. He expressed his support for the items.

Ms. Virginia Hardesty, Forsyth Seafood, 108 Martin Luther King, Jr. Drive, noted that there is a lot of work going on with the exit and infrastructure changes. She stated that she has great customers and her business is surviving the interruptions. She expressed her support for the changes and overlay, and pointed out that she had been involved in some of the meetings. She did express concern with customers parking in the rear or side of her building, and stated that although it is currently in a transitional period, if it continues moving forward, she will need assistance from the Police Department to help customers come to the community. She expressed her hope that the amendment will be a tool to help businesses, rather than adding extra cost or stipulations.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

In response to Council Member Clark's question, Mr. Norby indicated that in discussions with the CDC, this area was most naturally suited for use due to its urban form and structure. Thought was also given to the ongoing growth on the WSSU campus as well as the Research Park, and the prospect of the Housing Authority of Winston-Salem (HAWS) development along Cleveland Avenue. He noted that there have been several issues of disparity with uses and size of properties in the area leading to concerns expressed by HAWS for property development to the north and they have asked to be left out of the development at this point. Forsyth County does not want to voluntarily work with it at this time either. Mr. Norby stated, however, that staff suspects when HAWS develops, everything will blend together well.

Council Member Clark inquired if the CVS Store would meet proposed design requirements.

Mr. Norby explained that it would need to be closer to the street to meet those requirements. He noted that the ordinance does not dictate architecture and there are various options for parking.

Council Member Merschel inquired about the timeframe for review, and asked if staff could add a condition that the item come back for review in two to three years.

Mr. Kirk Ericson, Project Planner, responded to Council Member Montgomery's concern, explaining that the Downtown Overlay District had an alternate compliance provision. A church in that area, however, had expressed concern about the unique historical nature of its downtown location. He noted that certain properties may not be compatible due to the sheer nature of the structures. In conversation with CDC representatives, staff has determined that there is no need for alternate compliance in this case due to the property's geographical scope and the small size of the area.

Council Member Adams inquired about the process of obtaining an overlay district.

Mr. Norby indicated that it is always a possibility through the Planning process. Various unique qualities and characteristics in the area would have to be developed and aspired to and it would be important to work with the affected property owners to ensure everyone is comfortable. He noted that the process must establish common goals within an area.

Council Member Adams inquired as to how many overlay districts are currently located within the city.

He noted there is currently an overlay district in Historic West End and the district established Downtown last year. He noted that the floodplain regulations are a type of overlay and the airport also is a type of overlay that considers the height of structures.

Council Member Besse pointed out that there is also a neighborhood conservation overlay district.

Council Member Montgomery made a motion for adoption of the Statement of Consistency set forth on Page 31 of the agenda book and approval of W-3112, with an effective date 12 months from now and a review in 2 years.

City Attorney Angela Carmen asked that the City Council vote on the items separately.

Council Member Taylor: Second.

Council Member Montgomery made a motion for approval of UDO-226 with an effective date of October 1, 2012, and a two year review.

Council Member Taylor: Second.

Council Member Clark expressed concern that the overlay will have an opposite effect than desired, noting that it would place another layer of restrictions upon an already grossly underdeveloped area and none of the buildings there would meet the requirements given their lot sizes. He inquired if any developers were interviewed during the review process.

Council Member Besse stated he believed the ordinance to be counter-intuitive, and the regulation may in fact encourage development in an area by ensuring proposed developers that they are all going to be held to a higher standard and in turn encourage development.

Council Member Leight inquired why there should be a one-year period prior to the ordinance becoming effective.

Council Member Burke noted that meetings were conducted several years ago to help determine what could be done to encourage development east of Highway 52 and the Martin Luther King, Jr. Drive and Liberty Street corridors were suggested at that time. While this proposal may not be perfect, it will motivate others in the area and she commended Ms. Davis and the CDC for their efforts.

The motions for approval of both items with amendments were unanimously carried.

3. PUBLIC HEARING ON ZONING PETITION OF ELIZABETH MYERS FROM RM5 TO HB-L (Outdoor Display, Retail; Motorcycle Dealer; and Retail Store): Property located on the west side of Gregory Street, north of Wachovia Street - Containing approximately 0.38 acre located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3115. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

Ms. Beverly Myers, 9200 Center Grove Church Road, Clemmons, spoke on behalf of the petitioner, who simply requests all property inside the fence to be zoned accordingly. She noted that the home is not used as a residence, but the property is used solely for parking inventory. She noted that Mrs. Myers has agreed to and complied with all requests of the City and conducted a community meeting on October 2 which went well.

Mr. Brandon Vickers, 916 Shoher Street, President of the West Salem Neighborhood Association, expressed support of the Planning staff recommendation to deny the request. He



noted that the petitioner argues prior illegal use of the prop as defense for non-compliance but that is unacceptable.

Ms. Patricia Olmstead, 620 S. Broad Street, Winston-Salem Neighborhood Alliance, indicated that her association represents 26 neighborhoods, and urges the City Council to deny this request because it has been in violation of zoning for years. She expressed concern that approving the request would set a negative precedent and lead to increased misuse of property zoning laws, which are in existence to prevent this type of situation.

Ms. Sarah Hill Carter, 305 Gregory Street, stated her property is adjacent to the property to be rezoned. She indicated she has been a homeowner for 32 years and requested that the property not be rezoned. She noted that it is a disgrace to the community and will increase traffic. She said she has had to call the City several times because the owners placed tires and other car parts on the other side of the house near her property line.

In her rebuttal comments, Ms. Myers indicated there would be no reason for traffic increase since there is no gate and no entrance. It is a clean, well-kept lot, and although there may have been tires or parts placed in visible locations on occasion, they are usually quickly moved away. She indicated that the petitioner does not detail cars at the lot.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed.

Mr. Norby gave the report of the Planning Board.

Council Member Adams inquired as to how this property had gone on with a non-conforming status for so long.

Mr. Norby explained that it had been illegally operating since the owner acquired the property and used it and nothing was discovered. He noted that no complaints were received and nothing noticed until a change request came from the Department of Motor Vehicles.

Council Member Leight made a motion for denial of Zoning Petition W-3115.

Council Member Adams: Second.

Council Member Leight thanked the Myers family for their willingness to work with the conditions set by the Planning Board, but noted that the rezoning would not be helpful to the community. She indicated that it could cause a "domino" effect with other rezoning cases and she stated that she was not willing to approve that type of action.

Council Member Montgomery questioned if there was an entrance to the house from Gregory Street.

Mr. Norby indicated that there is a curb cut on that side of the house.

Council Member Montgomery stated that although the community leaders have a great point, the impact on the community could be little if any to allow the petitioner to continue and include buffers on the plan. He indicated he would not support denial of the petition.

The motion for denial of the petition carried with seven in favor and one opposed. Those voting in favor were Council Members Leight, Clark, Besse, Burke, Adams, Merschel and Taylor, with Council Member Montgomery voting in opposition.

4. PUBLIC HEARING ON SITE PLAN AMENDMENT OF CHALLENGES OF THE 21ST CENTURY FOR AN IP-S ZONED SITE: Property located on the northwest quadrant of US 52 and I-40 - Containing approximately 11.87 acres located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3113. [Planning Board recommends approval of petition and site plan with staff recommendations.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

No one heard.

Mr. Norby presented the staff report.

Council Member Taylor made a motion for adoption of the Statement of Consistency set forth on Page 79 of the agenda book and approval of W-3113, including the site plan amendment.

Council Member Burke: Second.

Council Member Taylor pointed out that Carter G. Woodson currently has 480 students and 27 teachers with a 100% graduation rate, and many going on to secondary or higher education. The school receives approximately \$4,800 per year leasing this billboard and with its funding being consistently cut, this is a necessary source of dollars for the school.

Council Member Leight expressed concern that the billboard is located in an illegal spot and technically should come down under the requirements of Legacy. She suggested perhaps giving the school more time to relocate the billboard.

Council Member Besse expressed concern about the precedence that would be set by approving this request. He noted that the amount made from the billboard will not make or break the positive efforts of the community. The staff recommendation was to deny the request, which the Planning Board overruled. The petitioners originally agreed to remove the billboard and did not. The billboard is large, highly visible, within a thoroughfare overlay district, and he noted that this is just a bad place to backtrack from a decision made within the last five years.

Council Member Montgomery pointed out that things change and the City Council should help and protect the community, and consider all cases individually, regardless of any precedence.

Council Member Burke inquired about the article in the newspaper regarding a sign in town.

Mr. Lee Garrity, City Manager, explained that Upper Crust Pizza on Peters Creek Parkway is subject to the City's sign ordinance. The requirements for how quickly messages can change and how they change as far as scrolling or flashing is an issue with that business sign.

Council Member Adams stated she would consider things in a new light dependent upon what the circumstances are with the case. She expressed her support for this item.

Council Member Taylor pointed out that \$4,800 goes a long way at a school and there are other signs in the area, not in view of the school property. He noted that the billboard does fit within spatial regulations.

The motion for approval of the item carried with five in favor and three opposed. Those voting in favor were Council Members Clark, Montgomery, Burke, Adams and Taylor, with Council Members Leight, Besse and Merschel voting in opposition. The item will require a second reading to be held at the October 17, 2011 City Council Meeting.

**SECOND READING ON THIS ITEM WILL BE HELD AT THE OCTOBER 17, 2011 CITY COUNCIL MEETING**

5. **PUBLIC HEARING ON SITE PLAN AMENDMENT OF JEMSITE DEVELOPMENT, LLC FOR AN MRB-S ZONED SITE:** Property located on the northwest corner of Peters Creek Parkway and Stafford Village Boulevard - Containing approximately 1.8 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3114. [Planning Board recommends approval of petition and site plan with staff recommendations.]

**ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM**

**APPROVAL OF SITE PLAN**

**APPROVAL OF SPECIAL USE DISTRICT PERMIT**

No one heard.

Council Member Leight made a motion for adoption of the Statement of Consistency set forth on Page 107 of the agenda book and approval of W-3114 including the Site Plan Amendment.

Council Member Clark: Second.

In response to Council Member Clark's question, Mr. Melvin Cline, Jemsite Development, 1608 US Hwy. 221 North, Jefferson, indicated that the building has two functional stories, but they do not need all of that space.

Council Member Clark expressed concern that the building looks awkward.

Council Member Burke noted that Mr. and Mrs. Brandon, owners of Eastway Shopping Center. The shopping center became an anchor in that area and she commended Mr. Cline for his efforts.

Council Member Besse indicated that the project looked interesting, he welcomed the breakup between flat, one-story buildings.

The motion for approval of the item was unanimously carried.

6. PUBLIC HEARING ON ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE USE CONDITIONS FOR RETAIL STORE RELATING TO OUTDOOR DISPLAY OF MERCHANDISE - Proposal of HD Development of Maryland, Inc. - UDO-225. [Planning Board recommends approval.]

Mr. Norby presented the staff report on the item.

Mayor Joines called for the public hearing. Seeing no one who wished to be heard, he declared the public hearing closed.

Council Member Clark: Motion for approval.

Council Member Besse: Second. Unanimous.

7. PUBLIC HEARING ON ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO EXEMPT "CHILD DAYCARE, LARGE HOME" FROM THE PLANNING BOARD REVIEW PROCESS - Proposal of City-County Planning Board Staff - UDO-227. [Planning Board recommends approval.]

Mr. Norby presented the staff report.

Council Member Merschel mentioned a previous case in which a ramp was installed at a daycare for a special needs child and it caused many issue to ensue regarding requirements and effects on the surrounding neighborhood. She questioned if this ordinance would have prevented such an issue at that time.

Mr. Norby explained that the Planning Board would not have reviewed that request but it may have been one reviewed by the Zoning Board of Adjustment. He noted that the ramp installation likely went through the Inspections Department for building code and State regulations review, however, there is nothing in this ordinance that could have prevented that situation.

Mayor Joines called for the public hearing. Seeing no one who wished to be heard, he declared the public hearing closed.

Council Member Clark: Motion for approval.

Council Member Merschel: Second. Unanimous.

#### MAYOR/COUNCIL COMMENTS

Council Member Besse invited everyone to attend the upcoming Ardmore 5K Run, raising money for the Second Harvest Food Bank. He noted that if anyone would like to register, they could do so by applying on-line at [Ardmore5k.com](http://Ardmore5k.com).

Council Member Montgomery noted that the East Ward Talk of the Town meeting would be tomorrow at 6:00 p.m. at United Metropolitan Baptist Church, 450 Metropolitan Drive.

#### CLOSED SESSION

Council Member Merschel made a motion that City Council enter into Closed Session to commence the City Manager's annual performance evaluation pursuant to N.C.G.S. 143-318.11(a)(6).

Council Member Adams: Second. Unanimous.

City Council entered into Closed Session at 8:45 p.m.

At 8:59 p.m., Council Member Merschel made a motion to end Closed Session and resume Regular Session.

Council Member Adams: Second. Unanimous.

ADJOURNMENT

8:59 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**October 17, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, October 17, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Invocation by Pastor David B. Wood of Crestwood Baptist Church

Pledge of Allegiance

Recognition of Sergeant-At-Arms

Lieutenant Danny Watts

**CONSENT AGENDA**

Mayor Joines stated without objection, the Council would now consider the Consent Agenda. He asked if any items needed to be pulled for discussion.

Council Member Clark requested to pull Item C-9 and Council Member Besse requested to pull Item C-5. No other items were pulled.

Council Member Burke made a motion for approval of the balance of the Consent Agenda.

Council Member Adams: Second.

Motion carried unanimously.

C-1. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, APPROVING A RELEASE OF REAL PROPERTY, OAK CREEK APARTMENTS. [Recommended by Finance Committee.]



C-2. RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT DEED FROM THE ROBERT HAYWOOD MORRISON FOUNDATION. [Recommended by Community Development/Housing/General Government Committee.]

C-3. 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. [Recommended by Community Development/Housing/General Government Committee.]

- a. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. A
- b. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. B
- c. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. C
- d. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. D
- e. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. A
- f. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. B
- g. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. C
- h. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. D
- i. Pinnacle Prop. of Randolph Co. 931 New Hope Lane, Apt. A
- j. Pinnacle Prop. of Randolph Co. 931 New Hope Lane Apt. B
- k. Pinnacle Prop. of Randolph Co. 931 New Hope Lane Apt. C
- l. Pinnacle Prop. of Randolph Co. 931 New Hope Lane Apt. D
- m. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. A
- n. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. B
- o. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. C
- p. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. D
- q. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. A

- r. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. B
- s. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. C
- t. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. D
- u. William & Elizabeth Schachte 2401 Lyndhurst Avenue

C-4. RESOLUTION AUTHORIZING AN AGREEMENT WITH PIEDMONT NATURAL GAS COMPANY FOR THE RELOCATION OF GAS DISTRIBUTION LINES RELATED TO THE RESEARCH PARK BOULEVARD CONSTRUCTION PROJECT. [Recommended by Finance and Public Works Committees.]

C-6. CONSIDERATION OF ITEMS RELATED TO A HIGHWAY SAFETY EQUIPMENT GRANT: [Recommended by Finance Committee.]

a. RESOLUTION AUTHORIZING ACCEPTANCE OF A 2011 NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY EQUIPMENT GRANT TO FUND THE PURCHASE OF SPEED ENFORCEMENT EQUIPMENT.

b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

C-7. RESOLUTION AMENDING CONTRACT AMOUNT FOR PROFESSIONAL AND ENGINEERING SERVICES FOR BAYLAND CONSULTANTS AND DESIGNERS, INC. - Increase Purchase Order amount by \$104,161.91. [Recommended by Finance and Public Works Committees.]

C-8. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]

a. RESOLUTION AWARDED CONTRACT FOR TWO ONE-TON STANDARD CAB UTILITY TRUCKS - Modern Chevrolet Company - \$110,810.

b. RESOLUTION AWARDED CONTRACT FOR RESURFACING CITY STREETS IN FRIENDLY ACRES SUBDIVISION - Yadkin Valley Paving, Inc. - \$133,475.21.

c. RESOLUTION AWARDED CONTRACT FOR ROAD SALT FOR STREETS DIVISION - Cargill, Inc. - \$160,580.

- d. RESOLUTION AWARDED CONTRACT FOR TWO AERIAL LIFT TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(G) - Map Enterprises, Inc. - \$177,092.
  - e. RESOLUTION AWARDED CONTRACT FOR ASPHALT EMULSION CEMENT - Slurry Pavers, Inc. - \$130,119.35.
- C-10. CONSIDERATION OF ITEMS RELATED TO CONTRACTS FOR FIRE SERVICE:  
[Recommended by Finance Committee.]
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH MINERAL SPRINGS AND UNION CROSS VOLUNTEER FIRE DEPARTMENTS FOR CONTRACTED FIRE SERVICE.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-11. CONSIDERATION OF ITEMS RELATED TO CONSTRUCTION OF FIRE STATION 19: [Recommended by Finance Committee.]
- a. RESOLUTION ALLOWING WITHDRAWAL OF A BID FOR CONSTRUCTION OF FIRE STATION 19 LOCATED AT 4430 GLENN HI ROAD.
  - b. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF FIRE STATION 19 LOCATED AT 4430 GLENN HI ROAD - Farley Associates, Inc. - \$2,224,950.
- C-12. CONSIDERATION OF ITEMS RELATED TO THE HUMAN RESOURCES AND PAYROLL SYSTEM: [Recommended by Finance Committee.]
- a. RESOLUTION APPROVING AN AGREEMENT WITH SUM TOTAL, INC. TO DEPLOY NEW AND ENHANCED CAPABILITIES TO THE CITY'S HUMAN RESOURCES AND PAYROLL SYSTEM. [\$348,288 over three years.]
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-13. CONSIDERATION OF AMENDMENTS TO THE BUDGET ORDINANCES:  
[Recommended by Finance Committee.]

- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-14. RESOLUTION AUTHORIZING REFINANCING OF NOTES IN SECTION 108 PUBLIC OFFERINGS BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. [Recommended by Finance Committee.]
- C-15. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF RURAL HALL. [Recommended by Finance and Public Works Committees.]
- C-16. CONSIDERATION OF ITEMS RELATED TO SIDEWALK CONSTRUCTION: [Recommended by Finance and Public Works Committees.]
- a. RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO SHARE THE COSTS OF CONSTRUCTING SIDEWALK ALONG UNION CROSS ROAD.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-17. CONSIDERATION OF ITEMS RELATED TO THE PRIORITY SIDEWALK PROGRAM: [Recommended by Finance and Public Works Committees.]
- a. RESOLUTION ADDING LOWERY STREET TO THE PRIORITY SIDEWALK LIST.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-18. CONSIDERATION OF ITEMS RELATED TO SIDEWALK REPAIRS: [Recommended by Finance and Public Works Committees.]
- a. RESOLUTION APPROVING SIDEWALK REPAIRS AT CORPENING PLAZA.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-19. RESOLUTION FIXING DATE ON PETITION TO CLOSE AND ABANDON A PORTION OF OLD NC HWY 77 (SOUTHEAST WARD) Petition of Jonnie H. Tucker. Public Hearing: November 21, 2011. [Recommended by Public Works Committee.]

- C-20. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH WASHINGTON PARK NEIGHBORHOOD ASSOCIATION (SOUTH WARD) - Petition of Washington Park Neighborhood Association. [Recommended by Public Works Committee.]
- C-5. CONSIDERATION OF ITEMS RELATED TO THE 2010 SECURE OUR SCHOOLS GRANT: [Recommended by Finance Committee.]
- a. RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA, THE COUNTY OF FORSYTH, NORTH CAROLINA, THE TOWN OF KERNERSVILLE, NORTH CAROLINA, AND THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION TO PROVIDE MATCHING FUNDS FOR THE 2010 COMMUNITY ORIENTED POLICING SERVICES SECURE OUR SCHOOLS GRANT.
- b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Council Member Besse inquired about the types of security measures the grant funds will cover and if the Ordinance will remove any matching funds from the County.

Police Chief Scott Cunningham explained that the federal grant program will be used to strengthen security by installing cameras and monitoring devices in schools in Winston-Salem and there is a 50/50 match between the federal government and local entities. He noted there was a change in the funding formula due to recent School Resource Officer (SRO) program changes and Forsyth County has opted not to continue with its commitment to funding. Children will benefit from this program by being kept safe. Chief Cunningham indicated that the remaining \$45,000 will have to be City-funded.

Council Member Besse inquired if all four area schools were now covered by Winston-Salem Police Department (WSPD) SRO personnel.

Chief Cunningham indicated that three of the four schools were now staffed with SRO's from the WSPD. In response to Council Member Montgomery's question, he stated that new wiring and connectivity for cameras in the schools was being installed.

Council Member Leight inquired as to who was responsible for installing the security equipment in the schools.

Chief Cunningham indicated that the School System was responsible for the installation but local law enforcement agencies are partners, and will utilize the permanently mounted equipment to monitor hallways during and after school hours.

Council Member Burke: Motion for approval.

Council Member Taylor: Second.

Council Member Burke thanked Chief Cunningham for his efforts to ensure the schools and community stay safe.

Motion carried unanimously.

- C-9. CONSIDERATION OF ITEMS RELATED TO THE PURCHASE OF RECYCLING CARTS: [Recommended by Finance Committee.]
- a. RESOLUTION AWARDED CONTRACT FOR RECYCLING CARTS FOR SANITATION DIVISION - Toter, Inc. - \$3,218,100.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
  - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Council Member Clark mentioned that several months ago, City Council approved a contract with Waste Management, and asked for an update on the implementation.

Mr. Gregory M. Turner, Assistant City Manager, explained that delivery of the carts should begin in December and the program should to start in April 2012.

Council Member Clark: Motion for approval.

Council Member Adams: Second.

Motion carried unanimously.

## GENERAL AGENDA

### G-1. CONSIDERATION OF ITEMS RELATING TO WARD BOUNDARIES:

- a. PUBLIC HEARING ON PROPOSED CHANGES TO WARD BOUNDARIES.
- b. RESOLUTION ADOPTING REVISED WARD BOUNDARIES.

Mr. Paul Norby presented the staff report.

Mayor Joines opened the public hearing and asked if anyone wished to be heard.

Ms. Jennifer Dale, Voting Rights Coalition, 1565 Woods Road, #B5, expressed her appreciation for staff's efforts, but noted she would recommend more time for review. She indicated that not everyone has access to the website and people want to know how their neighborhoods will be affected. Citizens need more information to really understand what will happen to the wards. She stated that the City should take the time to educate voters since the change will not take effect until 2012.

Ms. Carolyn Highsmith, 3335 Anderson Drive, South Ward resident, President of the Konnoak Hills Community Association, thanked Planning staff for their hard work. She noted she was surprised to see citizens had less than one week for review and respectfully asked City Council to postpone adoption of the item for one more meeting to consider tonight's comments. She pointed out that the final draft of the item will move nearly 10,000 residents into new wards, confusing voters and creating more work for the Board of Elections.

Mr. Brian Allison, 1141 Bent Grass Lane, spoke on behalf of the Kingstree neighborhood. He indicated that the residents are divided and split, noting that 2/3 of them will be moved from the South to the Southeast Ward under the plan. He stated that all of Kingstree should be in the South Ward and asked that City Council postpone its vote tonight to allow residents time to review the plans.

Ms. Joycelyn Johnson, 2426 Edison Court, stated that citizens have not had enough time to review the maps. She stated that she wanted to review the street detail, and noted that many of the changes could affect prop values.

Mark Chiarello, 401 E 4th Street, Vice President of Downtown Residents' Associations, explained the association has no objection to being split between two districts and has no position on which district is placed, but is concerned with the split among Council Members. He stated this is a complex issue and request further consideration be given

John Berry, 3116 Hickory Ridge Drive, Kingstree, wants more time for consideration and knowledge among his neighbors and others to review plan.

Mayor Joines asked if there were anyone else in the Council Chamber that wished to speak for or against this item. Seeing none, declared Public Hearing closed.

Council member Besse stated he is satisfied with the proposal but has no objection to postponing final vote.

Council Member Besse: Motion to continue this item to the 2<sup>nd</sup> meeting in November.

Council Member Taylor: Second.

Council Member Burke commended staff and the City Manager for ensuring elected officials were kept informed. She asked if the citizens could be kept as informed as the elected officials.



Lee Garrity, City Manager, stated maps were put online Thursday of last week but did not have proposal to show. Continuing this item would allow for further public review.

Council Member Burke requested staff keep a record of the number of citizens showing interest in this plan. Through the years, when reviewing ward lines, the city has been recognized for being a unique positive place to live, work, and play.

Council Member Montgomery thanked staff for their hard work, and noted the importance for the public to understand and know staff did work to try and keep communities and neighborhoods together.

Paul Norby, Planning Director, stated staff on its own will not change the map unless directed by Council. has info on kingstree history, has been split btwn 2 wards since 2001. in 1996, as a new subdivision, has always been split, has not ever ben in S ward in entirety. try to keep ward boundaries same

Council Member Montgomery requested before next meeting, have maps printed and placed in recreation centers and libraries.

Council Member Leight stated she is interested to hear history of Kingstree,

Council Member Adams thanked staff and requested data back to 90s and further.

Motion carried unanimously.

ITEM CONTINUED TO THE NOVEMBER 21, 2011 CITY COUNCIL MEETING.

G-2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF VARGRAVE STREET (EAST WARD) Petition of Winston-Salem State University. [Recommended by Public Works Committee.]

Mayor Joines opened the Public Hearing.

Proponent

Pat Norris, 601 S MLK, Jr. Drive

Mayor Joines closed the Public Hearing.

Council Member Clark: Motion for approval.

Council Member Adams: Second.

Motion carried unanimously.

- G-3. PUBLIC HEARING AND ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - GEORGE BLACK HOUSE AND BRICKYARD, 111 DELLABROOK ROAD. [Recommended by Finance and Community Development/Housing/General Government Committees.]

LeAnne Pegram, Historic Resource Commission presented background information.

Mayor Joines opened Public Hearing and asked if anyone wished to be heard.

John Hauser, 319 S Main Street, speaking on behalf of Preserve History Forsyth, stated he is in favor of the consideration noting it promotes preservation of cultural, social, economic and historical past.

Evelyn Terry, Reynolds Park Road, spoke in favor of the landmark.

Mayor Joines closed the Public Hearing.

Council Member Taylor: Motion for approval.

Council Member Adams: Second.

Motion carried unanimously.

- G-4. CONSIDERATION OF ITEMS RELATED TO THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION: [Finance Committee forwarded this item to Council without a recommendation.]
- a. RESOLUTION AUTHORIZING FUNDING SUPPORT FOR THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Council Member Taylor: Motion for approval.

Council Member Adams: Second.

Motion carried with Council Members Leight, Besse, Montgomery, Burke, Adams, Merschel, and Taylor voting in favor and Council Member Clark opposed.

- G-5. CONTINUATION OF CONSIDERATION OF ORDINANCE AMENDING CHAPTER C OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE AN ADDITIONAL EXCEPTION TO THE TEN (10) FOOT MAXIMUM HEIGHT PROVISION FOR MECHANICALLY STABILIZED SLOPES - Proposal of the City Manager's Office - UDO-224. [Recommended by Public Works Committee. The public hearing on this item was held on September 19, 2011.]

Council Member Clark: Motion for approval.

Council Member Adams: Second.

Motion carried with Council Member Clark, Besse, Montgomery, Burke, Adams, Merschel, and Taylor voting in favor and Council Member Leight opposed.

- G-6. SECOND READING ON SITE PLAN AMENDMENT OF CHALLENGES OF THE 21ST CENTURY FOR AN IP-S ZONED SITE: Property located on the northwest quadrant of US 52 and I-40 Containing approximately 11.87 acres located in the SOUTHEAST WARD (Council Member Taylor) Zoning Docket W-3113. [Planning Board recommends approval of petition and site plan with staff recommendations. This item was heard at the October 3, 2011 City Council meeting and received a vote of five in favor and three opposed.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Taylor: Motion for adoption of Statement of Consistency set forth on page 75 of the Agenda Book and approval of the W-3113 including the Site Plan Amendment.

Council Member Montgomery: Second.

Motion carried with Council Member Clark, Montgomery, Burke, Adams, and Taylor voting in favor and Council Members Leight, Besse, and Merschel opposed.

- G-7. MAYOR PRO TEMPORE BURKE'S RECOMMENDATION FOR APPOINTMENT TO THE COMMUNITY APPEARANCE COMMISSION:

Council Member Merschel: Motion for approval.

Council Member Adams: Second.

Motion carried unanimously.

G-8. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/  
REAPPOINTMENTS:

a. HUMAN RELATIONS COMMISSION

Council Member Adams: Motion for approval.

Council Member Taylor: Second.

Motion carried unanimously.

b. COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE

Council Member Adams: Motion for approval.

Council Member Merschel: Second.

Motion carried unanimously.

c. PUBLIC ASSEMBLY FACILITIES COMMISSION

Council Member Adams: Motion for approval.

Council Member Merschel: Second.

Motion carried unanimously.

d. CITIZENS' POLICE REVIEW BOARD

Council Member Leight: Motion for approval.

Council Member Taylor: Second.

Motion carried unanimously.

G-9. PUBLIC COMMENT PERIOD.

Heard.

#### CLOSED SESSION

Council Member Adams made a motion that the Council enter into Closed Session pursuant to N.C.G.S. 143-318.11 (a)(3) to preserve the Attorney-Client privilege and to provide instructions to the City Attorney regarding the case of In Re Release of Silk Plant Forest Citizen Committee Report v. Michael Barker et. al. 09 SP 2403 at 8:46 p.m.

Council Member Merschel: Second.

Motion carried unanimously.

Council Member Taylor: Motion to resume Regular Session.

Council Member Adams. Second.

Motion carried unanimously.

#### ADJOURNMENT

9:13 p.m.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**November 7, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, November 7, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise Adams
	Dan Besse	James Taylor, Jr.
	Derwin L. Montgomery	

Council Member Absent: Wanda Merschel

Invocation by Dr. Don Mann of Calvary Baptist Church

Pledge of Allegiance

Mayor Joines recognized Ken and Mackie Scott to sing the National Anthem. Mr. and Mrs. Scott were invited by President Obama to the White House for National Celebration for Christmas.

Recognition of Sergeant-At-Arms

Mayor's Announcements

1. PUBLIC HEARING AND RESOLUTION ADOPTING THE WEST SUBURBAN AREA PLAN. [Planning Board recommends approval of the plan.]

Mr. Paul Norby, Director, City/County Planning Board, provided a brief update, noting this is the next to last of area plan in the series of area plans covering all of the urban and suburban areas of the City and County as recommended in the Legacy Plan of 2001. The Area Plan Process takes several months beginning with a community meeting in November 2010. There were six additional meetings with the Citizens Advisory Committee to help the draft plan. The final

community meeting was held in June, 2011 to review the draft plan. Planning Board Public Hearing was in September, 2011, in which the Planning Board recommended approval.

Mr. Kirk Ericson, Principal Planner, provided some back ground information of the area plan as well as the area boundaries. He noted this is a larger planning area both in size and population. He stated staff created a proposed land use plan as part of this document. The main changes were converting vacant land to single family land use.

Mr. Greg Osmon, 3446 Dixiana Lane, Pfafftown,

Oppose specific sections of plan.

Mr. Barry Schlein, 531 Staffordshire Road,

Stated he was a Realtor, and asked to serve as a citizen on the committee.

Mr. Reni Adcock, 3440 Dixiana Lane, Pres of Homeowners Association

Opposes the Area Plan.

Mr. James Potter, 3460 Dixiana Lane,

Opposes Transou/Yadkinville recommendation.

Mr. Nick Hristoff, 3104,

Supports the Area Plan.

Mr. Andrew Eaton, 3635 Stimpson Drive, Pfafftown

Wishes for the area plan to be sent back to the Planning Board.

Ms. Sarah Johnson, 3465 Dixiana Lane,

Opposes Area Plan.

Mr. Andrew Hobbs, 914 Carolina Ave,

Supports Area Plan, wishes to work with the City.

Mr. Charlsey Cornail, 4964 Rural Run,

Supports the Area Plan

Mayor Joines asked if there were anyone else in the Council Chamber that wished to speak.

Seeing none, he closed the Public Hearing.

Council Member Besse motioned to approve the resolution for the West Suburban Area Plan with the modification on page 42 The West Suburban Area Plan Book. This is under the Yadkinville/Transou Road Map and the substitute language would read:

The Yadkinville Road/Transou Road NAC contains approximately 45 acres and is located on Yadkinville Road between Stimpson Drive and Grandview Club Road. This NAC currently contains a large amount of conventional suburban commercial and office development as well as low-density residential development and vacant land. This Activity Center serves the northern part of the Planning Area. New development and redevelopment in this NAC should take the form of pedestrian-oriented development with buildings oriented to Yadkinville Road and parking located to the side and rear of the buildings. New moderate-density residential development is recommended for the vacant land at the northwest corner of Transou Road and Yadkinville Road. Similarly, the existing single-family residences in the southeast corner of the Activity Center are recommended for comprehensive redevelopment as moderate-density residential development. These parcels should not be developed individually but should be comprehensively developed.

Council Member Clark: Second.

Motion carried unanimously.

#### LEGACY UPDATE

Paul Norby provided the Legacy update.

#### CLOSED SESSION

Council Member Derwin Montgomery made a motion, seconded by Council Member Denise Adams, that the City Council go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with and provide instructions to the City Attorney regarding a legal matter and to preserve the attorney-client privilege.



Motion carried unanimously.

Closed Session began at 8:10 p.m.

Council Member Adams made a motion, seconded by Council Member Burke, to end the Closed Session and return to regular session.

Motion carried unanimously. Closed Session ended at 8:20 p.m.

#### ADJOURNMENT

Council Member Adams: Motion to adjourn.

Council Member Taylor: Second.

Motion carried unanimously.

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING  
Council Chambers  
101 N. Main Street  
November 21, 2011**

Regular Meeting of the Winston-Salem City Council was held on Monday, November 21, 2011 at 7:00 p.m. in the Council Chamber at City Hall, Mayor Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Invocation by Reverend John D. Rights of Konnoak Hills Moravian Church

Pledge of Allegiance

Recognition of Sergeant-At-Arms  
Lt. Tyrone Phelps

**RESOLUTION RECOGNIZING HONORARY FIREFIGHTERS OF THE 2011 CITIZENS' FIRE SAFETY ACADEMY**

Council Member Taylor made a motion, seconded by Council Member Denise Adams, to approve the Resolution.

Motion carried unanimously.

Council Member Burke presented the Resolution to the members present. She stated she is pleased and happy when people make partnership a part of their agenda for the City.

Chief Farmer thanked the City Council and stated it is exciting when people come to learn about the Fire Department.

**RECOGNITION OF CENTURY OF LIFE CELEBRATION FOR MRS. EVERLEEN M. BYRD**

Council Member Burke stated Ms. Byrd is a citizen of the Northeast Ward and she is very pleased to wish her Happy 102<sup>nd</sup> Birthday.

**PRESENTATION REGARDING THE PIEDMONT TRIAD AIRPORT AUTHORITY**

Mr. William Moore, Representative of the Piedmont Triad Airport Authority appointed by Council Member Burke, presented a report regarding the following airport improvements: terminal tunnel repair, new terminal furniture, landscaping and new entrance sign/wall, and runway repaving project for runway 1432. He stated the airport expects to create more jobs in the future and looks forward to the success of the airport.

**CONSENT AGENDA**

Mayor Joines stated without objection the City Council will first consider the Consent Agenda and asked if there were any items that needed pulled. He noted staff has requested to pull item C-18. Council Member Clark requested item C-1a be pulled for discussion.

Council Member Burke made a motion, seconded by Council Member Adams, to approve the balance of the Consent Agenda.

- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:
  - b. RESOLUTION AUTHORIZING EXECUTION OF A LEASE WITH WINSTON-SALEM SPEEDWAY, INC., FOR THE USE OF BOWMAN GRAY STADIUM FOR MOTOR SPORTS RACING UNDER THE PROVISIONS OF N.C.G.S. 160A-269. [Recommended by Finance Committee.]
  - c. RESOLUTION AUTHORIZING THE SALE OF THE TRIAD PARK PARKING DECK UNDER THE UPSET BID PROCEDURE (N.C.G.S. 160A-269). [Recommended by Finance Committee.]
- C-2. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS ON BEHALF OF THE CITY OF WINSTON-SALEM FOR PROPERTY ADJACENT TO CIVIC PLAZA. [Recommended by Public Works Committee.]



SALEM CITY CODE: Repairs more than 65% of value of structure (>65). [Recommended by Community Development/Housing/General Government Committee.]

- a. James M. and Dorothy Haley 210 Alspaugh Drive  
Accessory Bldg.
  - b. Beatrice Walker 812 Glencoe Street
  - c. Robert Young 931 E. Twenty Second Street
  - d. Juan Olan De La Cruz 814 Kapp Street
- C-7. ORDINANCE AMENDING SECTION 42-122(F) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Meadowwood Drive, Gyddie Drive, Lyndhurst Avenue, Neighborhood Limits: Century Oak Lane, Shady Maple Lane, Century Oaks Court, Ashton Place Drive, Ashton Place Circle, Wild Dogwood Lane, Wild Spruce Court, Chestnut Hill Lane, Chestnut Hill Court, Poplar Grove Road, Neighborhood Limits: Ashlyn Drive, Jansu Lane, Bevlon Court and Timothy Lane. [Recommended by Public Safety Committee.]
- C-8. CONSIDERATION OF PERSONNEL ITEMS: [Recommended by Community Development/Housing/General Government Committee.]
- a. RESOLUTION AMENDING THE PERSONNEL RESOLUTION OF THE CITY OF WINSTON-SALEM.
  - b. ORDINANCE AMENDING CHAPTER 2, SECTION 2-312 OF THE CITY CODE.
- C-9. RESOLUTION AUTHORIZING A NEW LOAN TO SUMMIT SQUARE GARDEN APARTMENTS AND RESTRUCTURING OF THE EXISTING LOANS. [Recommended by Finance Committee.]
- C-10. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF KERNERSVILLE RELATING TO THE UPPER KERNERS MILL CREEK GREENWAY DESIGN. [Recommended by Finance Committee.]
- C-11. CONSIDERATION OF AMENDMENTS TO THE FY 11-12 BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA TO APPROPRIATE ONE-TIME FUNDING FOR UNFUNDED MAINTENANCE NEEDS: [Recommended by Finance Committee.]

- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-12. RESOLUTION AUTHORIZING A COMMITMENT OF FUNDS TO S. G. ATKINS COMMUNITY DEVELOPMENT CORPORATION FOR THE ENTERPRISE CENTER. [Recommended by Finance Committee.]
- C-13. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FY 2011-2012. [Recommended by Finance Committee.]
- C-14. CONSIDERATION OF ITEMS RELATED TO CONTRACTS:
  - a. RESOLUTION AWARDED CONTRACT FOR NEW SIDEWALK CONSTRUCTION ALONG REYNOLDA ROAD - Dalton's Quality Concrete, LLC- \$107,965. [Recommended by Finance Committee.]
  - b. RESOLUTION APPROVING A CONTRACT CHANGE ORDER FOR ADDITIONAL WORK ASSOCIATED WITH PROJECT A - BATH BRANCH/PTRP STORM WATER MANAGEMENT FACILITY, AND PROJECT B - RESEARCH PARK BOULEVARD - Blythe Construction, Inc. - \$360,000. [Recommended by Finance and Public Works Committees.]
  - c. RESOLUTION APPROVING CONTRACT FOR GRIFFITH ENTERPRISES TO PROVIDE ENVIRONMENTAL SERVICES FOR CITY PROJECTS INVOLVING SOIL AND GROUNDWATER ISSUES. [Recommended by Finance and Public Works Committees.]
  - d. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF BROOKWOOD BUSINESS PARK INFRASTRUCTURE IMPROVEMENTS. [Recommended by Finance Committee.]
- C-15. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WETHERILL ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE REPLACEMENT OF TWO BRIDGES ON REYNOLDS PARK ROAD. [Recommended by Finance Committee.]
- C-16. RESOLUTION OF SUPPORT FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO REPAVE THE SHOULDERS ON THE RAMPS AT THE

- INTERCHANGE OF SILAS CREEK PARKWAY AND US 421. [Recommended by Finance Committee.]
- C-17. CONSIDERATION OF ITEMS RELATED TO THE BRUSHY FORK GREENWAY PHASE IV PROJECT: [Recommended by Finance Committee.]
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE BRUSHY FORK GREENWAY PHASE IV PROJECT.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-19. RESOLUTION APPROVING THE DESIGN GUIDELINES FROM THE CREATIVE CORRIDORS COALITION. [Recommended by Finance and Public Works Committees.]
- C-20. RESOLUTION DECLARING CERTAIN CITY-OWNED EQUIPMENT SURPLUS AND AUTHORIZING THE SALE THEREOF. [Recommended by Finance Committee.]
- C-21. CONSIDERATION OF ITEMS RELATED TO THE REALLOCATION OF GRANT FUNDS: [Recommended by Finance Committee.]
- a. RESOLUTION APPROVING THE REALLOCATION OF ENERGY EFFICIENCY CONSERVATION BLOCK GRANT FORMULA FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-22. RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION. [Recommended by Public Works Committee.]
- C-23. RESOLUTION APPROVING A REDUCTION OF MEMBERSHIP WITHIN THE COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE. [Recommended by Community Development/Housing/General Government Committee.]
- C-24. ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE RELATING TO ADMINISTRATION. [Recommended by Community Development/Housing/General Government Committee.]

C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:

- a. RESOLUTION AUTHORIZING THE ACCEPTANCE OF DONATIONS OF EASEMENTS RELATED TO THE MUDDY CREEK GREENWAY. Donated by Brooks Landing Homeowners Association, Piedmont Natural Gas Co., Inc., and Lantern Ridge Association, Inc. [Recommended by Finance and Public Works Committees.]

Council Member Clark requested Greg Turner, Assistant City Manager, to give a brief presentation regarding the walking path installed from Country Club to Robinhood, and provide an overview of potential parking.

Mr. Turner provided a map which showed access between the Muddy Creek greenway and Lantern Ridge, which will be utilize for public parking.

Council Member Clark made a motion, seconded by Dan Besse, that this Resolution be approved.

Motion carried unanimously.

C-18. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT FOR OCCUPY WINSTON-SALEM. [Recommended by Public Safety Committee.]

Mr. Lee Garrity, City Manager, read an email from Ethan Smith, a Representative of Occupy Winston-Salem, which read that Occupy Winston-Salem finds the site at Seventh and Marshall street to be unacceptable for their needs since it is removed from the center of downtown, it is ringed by various trees, it is a paved site, and it is close to a daycare center.

For these reasons, Mr. Garrity request this item be pulled from discussion.

By general consensus this item was pulled from discussion.

GENERAL AGENDA

- G-1. PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO DYNAMIC MACHINING X MANUFACTURING, LLC. [Recommended by Finance Committee.]



Jill Ashturn, Winston-Salem Chamber of Commerce, stated the Winston-Salem Chamber of Commerce supports Dynamic Machining X Manufacturing, LLC, They are a contract manufacture of small precision machine parts, and is the kind of business we want here in Winston-Salem.

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

Council Member Merschel made a motion, seconded by Council Member Leight, to approve the resolution.

Council Member Besse noted that the project should pay for itself with new net tax revenues and bring additional advanced manufacturing into community

Council Member Burke stated she is pleased this company will be in the Northeast Ward.

She asked the owner to come to the podium. She stated that this company does not currently have minorities on staff and encouraged him to encourage minorities for employment.

Leonard Speaks, 132 Pam Drive and Joe Landry, Rural Hall and Damascus, VA,

Owners, stated they will collaborate with Forsyth Technical Community College to aide them to hire the most diverse staff possible.

Mayor Joines stated he was pleased that the company chose to bring their business to Winston-Salem.

Council Member Burke stated she appreciates the efforts of Mr. Derwick Page, Assistant City Manager, as well as the Winston-Salem Chamber of Commerce in making this happen.

Motion carried unanimously.

G-2. PUBLIC HEARING AND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, APPROVING ISSUANCE OF BONDS FOR WINSTON SUMMIT APARTMENTS. [Recommended by Finance Committee.]

Denise Bell, Chief Financial Officer, gave a brief presentation on this item.

Mayor Joines asked if there were anyone in the Council Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

Council Member Merschel made a motion, seconded by Council Member Clark, to approve this Resolution.

Council Member Besse noted that while in Phoenix for National League of Cities, this mechanism was discussed as an innovative approach to leverage investment into community without increasing local tax burden, glad to see it here

Motion carried unanimously.

G-3. PUBLIC HEARING AND RESOLUTION ORDERING CLOSING OF A PORTION OF OLD NC HWY 77 (SOUTHEAST WARD) - Petition of Jonnie H. Tucker. [Recommended by Public Works Committee.]

Mayor Joines asked if there were anyone in the Council Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

Council Member Taylor made a motion, seconded by Council Member Burke, to approve this Resolution.

Motion carried unanimously.

G-4. RESOLUTION ADOPTING REVISED WARD BOUNDARIES. [This item continued from the October 17, 2011 City Council Meeting. The public hearing was conducted at that time.]

Council Member Merschel made a motion, seconded by Council Member Adams, to approve this Resolution.

Motion carried unanimously.

G-5. ORDINANCE AMENDING CHAPTER 38, SECTION 38-10 OF THE CITY CODE RELATING TO POSSESSION AND DISCHARGE OF FIREARMS. [Public Safety Committee forwarded this item to Council without a recommendation. Community

Development/Housing/General Government Committee forwarded this item to Council with three in favor and one opposed.]

Angela Carmon, City Attorney, gave the staff report on this item.

Council Member Clark asked if this included the parking lots at parks etc.

Ms. Carmon stated legislation permits concealed handgun to be locked in a car, in a trunk or glove compartment, in the parking lot

Council Member Besse made a motion, seconded by Council Member Adams to approve this Ordinance.

A discussion ensued among Council and staff regarding this item.

Motion carried with a 7-1 vote.

Ayes – Council Members Leight, Clark, Besse, Montgomery, Burke, Adams, and Merschel

Nay – Council Member Taylor.

**G-6. MAYOR PRO TEMPORE BURKE'S RECOMMENDATIONS FOR APPOINTMENTS TO THE COMMUNITY APPEARANCE COMMISSION:**

Carmina R. Eder - Term Expiring February 2012

Charlsey Cornejo - Term Expiring February 2013

Council Member Taylor: Motion for approval.

Council Member Merschel: Second.

Motion carried unanimously.

**G-7. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS:**

**a. PLANNING BOARD**

Barry Alan Lyons - Reappointment - Term Expiring February 2014

Council Member Leight: Motion for approval.

Council Member Burke: Second.

Motion carried unanimously.

b. ZONING BOARD OF ADJUSTMENT

Robert Aubrey Smith - Appointment - Term Expiring October 2014

Sheila Dye - Appointment - Term Expiring October 2014

Kristen Scott Nardone - Reappointment - Term Expiring October 2014

Council Member Burke: Motion for approval.

Council Member Adams: Second.

Motion carried unanimously.

G-8. PUBLIC COMMENT PERIOD.

Public Comment period was heard.

ADJOURNMENT

8:46 pm

**WINSTON-SALEM CITY COUNCIL REGULAR MEETING**  
**Council Chambers**  
**101 N. Main Street**  
**December 5, 2011**

A Regular Meeting of The Winston-Salem City Council was held on Monday, December 5, 2011, at 7:00 p.m. in the Council Chamber at City Hall, Mayor Allen Joines Presiding and the following Members were present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Moment of Silence

Pledge of Allegiance

Recognition of Sergeant-At-Arms  
Lt. Wilson Weaver

**RESOLUTION HONORING MR. JOHN WALTER MCDOWELL AS AN OUTSTANDING COMMUNITY VOLUNTEER**

Council Member Merschel made a motion, seconded by Council Member Adams, to approve this Resolution.

Motion carried unanimously.

Council Member Burke presented the Resolution and stated she read about Mr. McDowell's involvement in education and various other community interests, and felt the need to recognize him for his efforts.

Mr. McDowell thanked Council Member Burke, the Mayor and City Council for the recognition and challenged everyone to find ways to help every student be successful.

**RESOLUTION OF COMMENDATION TO THE WINSTON-SALEM FIREFIGHTER'S COMBAT CHALLENGE TEAM OF THE WINSTON-SALEM FIRE DEPARTMENT**

Council Member Taylor made a motion, seconded by Council Member Adams, to approve this Resolution.

Motion carried unanimously.

Council Member Burke asked all Public Safety Committee Members to approach the podium.

Council Member James Taylor thanked the Combat Members for their efforts and noted that their efforts allow the City and citizens to appreciate their work. Citizens can be assured of their safety.

Chief Farmer thanked the Mayor and City Council as well as members of Public Safety Committee.

#### PRESENTATION OF AWARD FROM THE CENTER FOR DIGITAL GOVERNMENT

Mayor Joines recognized Council Member Montgomery for the presentation.

Council Member Montgomery noted that Winston-Salem achieved second place recognition for its effort by the Center for Digital Government.

Council Member Taylor and Council Member Montgomery jointly presented the award to Mr. Tom Kureczk and thanked him and his staff's continued efforts to promote the city's IT initiatives.

Mr. Tom Kureczka, IT Director, thanked the Mayor and Council for the recognition, as well as his staff for their many efforts.

#### MAYOR'S ANNOUNCEMENTS

Mayor recognized Mr. Gary Gilbert which is a participate of Winston-Salem Leadership Class 2011/2012.

Mayor Joines asked to consider Item 4 first.

4. PUBLIC HEARING ON ZONING PETITION OF JONATHAN WATERBURY FROM LI TO PB: Property located on the east side of Main Street, south of Martin Luther King, Jr. Drive - Containing approximately 0.07 acre located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3117. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

ITEM CONTINUED TO THE JANUARY 3, 2012 CITY COUNCIL MEETING

Council Member Montgomery made a motion to continue this item to the January 3, 2012 meeting.

Council Member Taylor: Second.

Motion carried unanimously.

1. PUBLIC HEARING ON ZONING PETITION OF LINDA AND SCOTT NEEDHAM FROM RS-12 TO LB-L [Combined Use; Arts and Crafts Studio; Food Or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (Without Drive-Through Service); Retail Store; Shopping Center; Bed and Breakfast; Car Wash; Funeral Home; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services, A; Veterinary Services; Recreation Services, Indoor; Recreation Facility, Public; Adult Day Care Center; Animal Shelter, Public; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station; School, Private; School, Public ; School, Vocational or Professional; Borrow Site; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Transmission Tower; Utilities]: Property located on the east side of University Parkway, south of Laura Avenue - Containing approximately 1.33 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-3118. [Planning Board recommends approval of petition.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

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

Council Member Burke: Motion (1) adoption of the Statement of Consistency on page 23 of the Agenda Book and (2) Approval of W-3118 including the Site Plan if any.

Council Member Adams: Second.

Motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF JARVIS AND JOHNNIE HAUSER FROM RS-9 AND GO-S (Offices; and Banking and Financial Services) TO GO-L (Fraternity or Sorority; Arts and Crafts Studio; Banking and Financial Services; Funeral Home; Offices; Services, A; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station ; School, Vocational or Professional; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Transmission Tower; Utilities): Property located on the southwest corner of Forrestgate Drive and Westbrook Plaza Drive - Containing approximately 4.89 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3119. [Planning Board recommends approval of petition.]

**ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM**

**APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT**

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Besse.

Council Member Besse: Motion for (1) adoption of the Statement of Consistency set forth on page 47 of the Agenda Book and (2) approval of W-3119.



Council Member Taylor: Second.

Motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF BANK OF NORTH CAROLINA FROM HB-S (Retail Store; Outdoor Display, Retail; Motor Vehicle, Repair and Maintenance; Storage Service, Retail; Motor Vehicle, Rental and Leasing; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Storage Yard) TO GB-L (Manufacturing A; Offices; Retail Store): Property located on the northwest side of Reidsville Road, north of U.S. Hwy. 421 - Containing approximately 1.52 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3120. [Planning Board recommends approval of petition.].

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SPECIAL USE LIMITED DISTRICT PERMIT

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Montgomery.

Council Member Montgomery requested a short presentation.

Paul Norby, Director of Planning Services, presented an overview of this item.

Council Member Montgomery: Motion for (1) adoption of the Statement of Consistency set forth on page 67 in the Agenda Book and (2) approval of W-3120 including the site plan if any.

Motion carried unanimously.

5. PUBLIC HEARING ON ZONING PETITION OF ESTIE M. CHARLES TRUST; ROBERT AND TREVA BOYLES; AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FROM RS-9 TO GB-S [Academic Biomedical Research Facility; Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care Institution; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Convenience Store; Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public;

Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Non-Store Retailer; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Multifamily; Residential Building, Townhouse; Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); Retail Store; School, Private ; School, Public; School, Vocational or Professional; Services, A; Services, B; Shopping Center; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Utilities; Veterinary Services; and Wholesale Trade A - TWO PHASE]: Property located on the northwest corner of I-40 and Union Cross Road, south of Solomon Drive - Containing approximately 16.91 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3116. [Planning Board recommends approval of petition and site plan with staff recommendations.]

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

SUFFICIENT PROTEST PETITION

Mayor Joines opened the Public Hearing.

Proponents:

Mr. Doug Stimmel, Stimmel & Assoc., 601 N. Trade St., Ste. 200 WS 27101

Opponents:

Mr. Dave King, 1095 Solomon Drive, Kernersville  
Alex King, 1095 Solomon Drive, Kernersville  
Michael Zalinski, 1045 Solomon Drive, Kernersville

Proponent Rebuttal:

Mr. Doug Stimmel, Stimmel & Assoc., 601 N. Trade St., Ste. 200 WS 27101

Opponents Rebuttal:

Mr. Dave King, 1095 Solomon Drive, Kernersville

Mayor Joines declared the Public Hearing closed.

Mr. Paul Norby gave a presentation on this item.

Council Member Montgomery: Motion for (1) adoption of the Statement of Consistency set forth on page 141 of the Agenda Book and (2) adoption of W-3116 including the Site Plan if any.

Council Member Adams: Second.

Motion carried unanimously.

#### MAYOR/COUNCIL COMMENTS

Mayor Joines expressed his pride in this season's achievements of Winston-Salem State University athletics.

Council Member Burke noted she had attended all of the Winston-Salem State University games and encouraged citizens to become involved.

#### CLOSED SESSION

Council Member Burke motion for City Council to enter into Closed Session to consider the location or expansion of an industry and/or business within the city pursuant to N.C.G.S. 143-318.11(a)(4).

Council Member Montgomery: Second.

Motion carried unanimously.

Council entered into Closed Session at 8:24 p.m.

At 8:41 p.m., Council Member Taylor, seconded by Council Member Adams, made a motion to end the Closed Session and resume Regular Session.

#### ADJOURNMENT

8:42 p.m.

WINSTON-SALEM CITY COUNCIL REGULAR MEETING  
Council Chambers  
101 N. Main Street  
December 19, 2011

The Regular Meeting of the Winston-Salem City Council was held on Monday, December 19, 2011, at 7:00 p.m. in the Council Chamber at City Hall, with Mayor Joines presiding and the following members present:

Council Members Present:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Denise Adams
	Dan Besse	Wanda Merschel
	Derwin L. Montgomery	James Taylor, Jr.

Invocation by Dr. Earl Wilson, Jr. of Mt. Tabor United Methodist Church

Pledge of Allegiance

Recognition of Sergeant-At-Arms

Lt. Danny Watts

#### CITY STARS PRESENTATION

Mayor Joines recognized Jeff Vaughn, Senior Inspector, which is an employee that is in charge of the new design for City Employees Service Excellence Awards.

Mr. Vaughn stated the Service Excellence design team implemented this new design in July and recognizes those employees that go above and beyond the call of duty. He gave a brief overview of the new program and shared what a City of Excellence employee should be.

Mr. Lee Garrtiy, City Manager, presented the winner, Mike McFayden,, Sanitation Department, with the Service Excellence Award and explained that Mr. McFayden drives a yard waste truck. Citizens wrote in to nominate Mike for his helpfulness in reminding them of the need for a yard waste decal on their cart, to prevent a miss pickup.

Mayor Joines congratulated Mr. McFayden and thanked him for his Service Excellence and requested he come and shake hands with everyone.

#### ADDITIONAL ITEM ADDED TO AGENDA

Mayor Joines recognized Council Member Besse.

Council Member Besses made a motion to add an item for discussion regarding the interpretation of City Code Section 38.

Council Member Leight: Second.

Motion carried unanimously.

Mayor Jones stated the item would be added to end of the regular agenda for consideration.

#### CONSENT AGENDA

Mayor Joines stated without objection the Council will first consider the Consent Agenda and asked if there were any items Council wished to pull for discussion.

Council Member Taylor: C-1(b)

Council Member Clark: C-1 (b), C-3 and C-7

Council Member Montgomery: C-2

Council Member Merschel: Motion to approve the balance of the Consent Agenda.

Council Member Adams: Second.

Motion carried unanimously.

#### C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: [Reviewed by Finance Committee.]

- a. RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY OWNED BY MORRIS COMMUNICATIONS COMPANY, LLC RELATING TO THE BRUSHY FORK GREENWAY THROUGH A NEGOTIATED SETTLEMENT - Property located adjacent to the Brushy Fork Greenway, north of U.S. Highway 421 and south of Fifth Street.

- C-4. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Kesteven Road, Brookwood Drive, and Ellington Drive. [Reviewed by Public Safety Committee.]
- C-5. ORDINANCES RENEWING THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF THREE LIMOUSINE SERVICES, ONE HORSE DRAWN CARRIAGE COMPANY AND TWO TAXICAB SERVICES IN THE CITY OF WINSTON-SALEM - Here 2 There Van Service, Travel Aid Special Care, Fly P.T.I Transportation, Heritage Carriage Company, Classic Cab and Winston-Salem Yellow Cab, LLC. [Reviewed by Public Safety Committee.]
- C-6. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Reviewed by Finance Committee.]
- a. RESOLUTION AWARDED CONTRACT FOR CONCRETE PIPE - Smith Setzer & Sons, Inc. - \$118,909.
- b. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF READY MIXED CONCRETE - Hartley Ready Mix Concrete Mfg., Inc.- \$277,385 (Estimated Amount).
- c. RESOLUTION AWARDED CONTRACT FOR ASPHALTIC CONCRETE FOR STREETS DIVISION - Larco Construction - \$2,499,875.
- d. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF THERMAL IMAGING CAMERAS - Municipal Emergency Services, Inc. - \$112,950.
- e. RESOLUTION AWARDED PURCHASE ORDER FOR MOBILE COMPUTER SYSTEMS - Hubb Systems, LLC., dba Data911 - \$127,393.75.
- f. RESOLUTION AWARDED PURCHASE ORDER FOR CHEVROLET CAPRICE POLICE VEHICLES - Modern Chevrolet Company - \$820,793.60.
- g. RESOLUTION AWARDED PURCHASE ORDER TO CAPITAL FORD, INC.- \$153,980 - Ford Fusions for the Police Department.
- h. RESOLUTION AWARDED CONTRACT FOR BANKING SERVICES TO BB&T.
- C-8. CONSIDERATION OF STREET CLOSING PETITIONS: [Reviewed by Public Works Committee.]
- a. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF A 10-FOOT ALLEY OFF OF MARTIN LUTHER KING,

JR. DRIVE IN THE EAST WARD - Petition of Charles and Virginia Hardesty. Public Hearing: January 17, 2012.

- b. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF HENNING DRIVE IN THE NORTHWEST WARD - Petition of Wake Forest Acquisitions, LP. Public Hearing: January 17, 2012.
  
- C-9. RESOLUTION APPROVING AN AGREEMENT WITH THE PIEDMONT TRIAD RESEARCH PARK DEVELOPMENT CORPORATION FOR THE OWNERSHIP AND MAINTENANCE OF STREETLIGHTS. [Reviewed by Public Works Committee.]
  
- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: [Reviewed by Finance Committee.]
  
- b. RESOLUTION AUTHORIZING THE SALE OF THE CHERRY-MARSHALL PARKING DECK ALONG WITH THE PEDESTRIAN BRIDGE UNDER THE UPSET BID PROCEDURE (N.C.G.S. 160A-269) - Property located in the 400 Block of Cherry Street and Marshall Street between Fourth and Fifth Streets.

Council Member Clark requested information regarding the upset bid process as far as what the incremental differences are in bids, the time differences between the bids, and is there a requirement for a bid deposit?

Kirk Bjorling, Real Estate Administrator, stated A Request For Proposal was submitted on the two decks beginning several months ago. We received initial proposals but they still have to go thru upset bid process. If this resolution is approved tonight, on December 27<sup>th</sup> an offer will be published for 10 days. During the 10 days any entity could upset the bid by bidding 10% of first \$1000 and 5% of balance. A 5% bid deposit is required.

Council Member Clark requested the City Manager to keep the City Council updated via his weekly update.

Council Member Taylor asked how much is earned annually in daily operations of Cherry Marshall parking deck?

Greg Turner, Assistant City Manager, stated he would provide that data. We have analyzed the data and found that if we do sale the deck we would avoid some cost that is far greater than the revenue.

Council Member Taylor asked if there is an estimate on cost of repairs.

Mr. Turner stated \$3 million dollars.

Council Member Taylor asked how many City Employees are working are working at both decks.

Mr. Turner stated approximately 20 employees and will attempt to relocate them with the existing parking program, if that is not successful we will review positions within the City and they would be eligible under the City's RIF program.

Council Member Taylor stated everyone should be aware of unintended consequences of these type of decisions that will affect employees. He stated if this decision is made he wants to be sure the employees are taken care of.

Mr. Garrity stated no employee would be laid off as a result of this sale.

Council Member Burke stated all items concerning selling taxpayer property should be discussed, even if on Consent. She asked what the amount is being proposed.

Mr. Bjorling stated \$1.9 million was the initial offer and upset bid would be nearly \$2 million.

Council Member Burke request the cost and revenue of the parking decks.

Mr. Turner stated he will provide the information to Council but notes the income is significantly less than debt.

Council Member Burke stated those figures should be provided in advance to ensure Council makes a sound decision.



Council Member Burke called No Consideration. This item will be considered at the January 3, 2012, City Council Meeting.

C-2. RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL ENDORSING THE CLEVELAND AVENUE INITIATIVE MASTER PLAN. [Recommended by Community Development/Housing/General Government Committee.]

Council Member Montgomery asked for a brief synopsis of this item.

Larry Woods, Chief Executive Officer, Housing Authority Winston-Salem (HAWS), gave a brief report on this item. He stated the Cleveland Avenue Initiative Master Plans covers about 130 acres between MLK and New Hope Lane. HAWS is one of largest advocate land owners in this particular area, and wants to transform public housing while maintaining support of the Community. This Initiative will bring new city services (streets connector). HAWS conducted several community meetings and residents seemed to like the plan.

Council Member Taylor expressed support for the plan and appreciates the work of HAWS.

Mr. Woods thanked and recognized the work of the City Manager and Deputy City Manager.

Council Member Adams thanked Mr. Woods as well as Council Members Montgomery and Burke.

Council Member Montgomery: Motion for approval.

Council Member Adams: Second.

Motion carried unanimously.

C-3. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION. Public Hearing: January 17, 2012.

Council Member Clark asked how often is funding from assessments collected.

Denise Bell, Chief Financial Officer, explained the City will contact the property owner to try to collect the funds without placing a lien on the property but normally, it will require a lien on the property. It is difficult to collect the funds unless there is a transfer or sale of the property.

Council Member Clark asked could the property be foreclosed on and then sold at auction.

Ms. Bell stated many times if it is a vacant lot the fees and expenses will exceed the property worth.

Council Member Clark requested information regarding how many vacant lots there are from 2009 - 2010 because of demolitions.

Council Member Clark: Motion for approval.

Council Member Leight: Second.

Motion carried unanimously.

C-7. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012. [Reviewed by Finance Committee.]

Council Member Clark questioned the \$700,000 regarding the Brookstown project.

Mr. Darwick Paige, Assistant City Manager, explained the lot will need to be extended as well as extensive fill for the other vacant lot and both will need water and sewer.

Council Member Clark: Motion for approval

Council Member Adams: Second.

Motion carried unanimously.

## GENERAL AGENDA

G-1. CONSIDERATION OF ITEMS RELATING TO APPROVAL OF FINANCIAL ASSISTANCE TO PIEDMONT PROPULSION SYSTEMS, LLC: [Reviewed by Finance Committee.]

- a. PUBLIC HEARING ON RESOLUTION APPROVING FINANCIAL ASSISTANCE TO PIEDMONT PROPULSION SYSTEMS, LLC.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Mayor Joines requested Derwick Page, Assistant City Manager, to give a brief presentation.

Mr. Paige stated this in a request from Piedmont Proportions for a grant in the amount \$31,500 over the next five years as well as a loan for \$100,000 to use for the purpose of equipment, new machinery and expansion of the business. The company will add up to 25 new jobs over the next five years with an estimated salary of about \$31,000 and will pay about \$9,500 a year in new property taxes. The grant will be recovered in about three to four years.

Mayor Joines opened the Public Hearing asked if there were anyone in the Council Chamber that wished to speak for against this item.

Jill Atherton expressed support for this Economic Development from the Chamber of Commerce.

Council Member Adams requested one of the owners to explain what kinds of job skills will be required for the jobs.

Sammy Oakley, Vice President and General Manager of Piedmont Proportions, stated the company is very excited to move forward with the expansion. These jobs will be for technicians, sales and engineer positions.

Mayor Joines asked if there were anyone else that wished to speak for or against this item. Seeing none, he closed the Public Hearing and asked for a motion.

Council Member Clark: Motion for approval.

Council Member Merschel: Second.

Council Member Burke stated she appreciates the efforts of Mr. Paige and the company owners for their hard work in bringing this company to the Northeast Ward.

Mayor Joines stated the motion is to approve both a and b of this item.

Motion carried unanimously.

G-2. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/  
REAPPOINTMENTS FOR BOARDS AND COMMISSIONS:

a. CITIZENS' POLICE REVIEW BOARD

Robert H. Vorsteg - Appointment - Term Expiring April 2014

Council Member Taylor: Motion for approval.

Council Member Merschel: Second

Motion carried unanimously.

b. HUMAN RELATIONS COMMISSION

Michael L. McIntosh - Appointment - Term Expiring December 2013

Pam Peoples-Joyner -Reappointment - Term Expiring December 2014

Chanthini Cruise&nbsp;- Reappointment - Term Expiring December 2014

Council Member Burke: Motion for approval

Council Member Taylor: Second.

Motion carried unanimously.

c. YOUTH COUNCIL

*Appointments*

Jesus Barreto, Randall Bissette, Kalli Bunch, Daisy Hernandez, Amethyst Johnson, Nabil Lachgar, Rae-Ling Lee, De'Gary Martin-Hargrave, Kristen McHale, Anna Naples, Herman Odens, Madeleine Scanlon, Sarah Semke, Santiago Suarez, Truett Williams, II, Colin Woolard, Jesse Zhu

*Reappointments*

Jon Cunningham, Sierra Gulley, Lilly Kautz, Grace Lassiter, Natasha Morales, Regina Mundy, Jordan Sapp, Jakkia Taylor

Council Member Adams: Motion for approval.

Council Member Taylor: Second.

Motion carried unanimously.

d. COLLEGE ADVISORY BOARD

*Appointments*

Gina Autry, Mario Castro, Synettha Eldridge, Sonya Muhammad, Nilam Patel, Kimberly Quick, Mackenzie Schmidt

*Reappointments*

Carrie Stokes

Council Member Burke: Motion for approval.

Council Member Adams: Second

Motion carried unanimously.

G-3. PUBLIC COMMENT PERIOD.

Mayor Joines opened the Public Comment Period.

Adam Price, 1250 Stonegate Drive, Winston-Salem

Mr. Price stated the City Manager claimed that he and a group of citizens were breaking laws outside of City Hall, but could not be specific about which laws were being broken. Mr. Adams suggested that City Managers as well as Council Members be knowledgeable of the laws.

Jason Scriggs, 3530 Tyler Street, Winston-Salem

Mr. Scriggs enquired about the City of Winston-Salem University and how he would be notified if his application was accepted.

Mayor Joines responded he would be notified by phone.

Mayor Joines asked if there were anyone else in the Chamber that wished to speak for Public Comment Period. Seeing none, he closed the Public Hearing.

**ADDITIONAL ITEM - ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE  
ADDING SECTION 38-5.2 RELATING TO EXCLUSIONS AND LIMITATIONS.**

Mayor Joines stated Council will now consider the added Agenda Item and recognized Council Member Besse.

Council Member Besse stated there is an unanticipated and controversial interpretation to the City Code regarding open air meetings, parades and picketing. He proposes that the City Council temporarily clarify the Ordinance in a way that will advert problems and provide opportunities over the next couple of months to address the issue in a long term approach. He provided a proposal that was drafted with the help of the City Attorney's Office. The proposal will add Section 38-5.2 Exclusion and Limitations and would first clarify that open air meetings are not intended to be events without end, but would be between the hours of 6:00 a.m. and 11:00 p.m. and would apply to open air meetings on city property and parades. Second it would clarify that for purposes of the section the lawn and grounds of City Hall are excluded from the definition of those areas subject to restricted open air meetings. Finally it sets a very short time frame on the existence of this clarification long enough to give the City Council the opportunity to conduct and discuss this item in committee, receive public input, and sunset it on March 27, 2012.

Council Member Besse: Motion for approval.

Council Member Leight: Second.

Council Member Leight stated she supports Occupy Winston-Salem's right to express their concerns but the problems that were evident over the weekend regarding the group's intentions and rights would be evidence that clarifications of the law and City Code are needed.

Council Member Burke questioned why this issue has not been addressed before in committee meetings.

City Manager Lee Garrity stated the issue arose over the weekend with Occupy Winston-Salem in regards to what is considered an Open Air Meeting and the limitations of said meeting.

Discussion ensued among Council Members and Staff regarding the legality of the clarification proposals and some detail of the clarifications.

Council Member Merschel: Motion for a Substitute Motion to continue this item to the January 3, 2012, City Council Meeting with public notification.

Council Member Taylor: Second.

Motion carried with six in favor and two opposed.

Aye: Council Members: Besse, Montgomery, Burke, Adams, Merschel and Taylor.

Nay: Council Members Clark and Leight.

#### MAYOR/COUNCIL COMMENTS

Council Member Burke stated Old Salem 100 year celebration was wonderful and wished everyone a very blessed Holiday Season.

#### ADJOURNMENT

Adjournment at 8:17 p.m.