

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING

Council Chambers
101 N. Main Street

January 3, 2012

CALL TO ORDER

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

ROLL CALL

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

INVOCATION BY REVEREND LANE SAPP OF CALVARY MORAVIAN CHURCH

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Wilson Weaver

5. CONTINUATION OF 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. Item continued from the December 5, 2011 City Council meeting.]
Council Member Montgomery made a motion, seconded by Council Member Merschel, to continue this item to the March 5, 2012 City Council Meeting. The motion carried unanimously.
2. PUBLIC HEARING ON ZONING PETITION OF NO. EIGHT, INC. FROM LI TO PB: Property located on the northeast corner of North Main Street and East Seventh Street - Containing approximately 0.25 acre located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3123. [Planning Board recommends approval of petition.]
Council Member Montgomery made a motion, seconded by Council Member Taylor, to continue this item to the March 5, 2012 City Council Meeting. The motion carried unanimously.
1. PUBLIC HEARING ON ZONING PETITION OF LA VICTORIA PLAZA, LLC FROM LB AND RM-12 TO PB: Property located on the northwest corner of Indiana Avenue and Inverness Street - Containing approximately 0.51 acre located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3122. [Planning Board recommends approval of petition.]

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 Adams.

Council Member Adams made a motion, seconded by Council Member Burke, for adoption of 1) the Statement of Consistency set forth on page 21 of the agenda book, and 2) approval of W-3122. The motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF JAMES B. PAUL FROM RS-Q TO NB-L [Residential Building, Single Family; Combined Use; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Restaurant (Without Drive-Through Service); Retail Store; Offices; Services, A; Veterinary Services; Recreational Facility, Public; Adult Day Care Home; Child Care, Drop-In; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Museum or Art Gallery; and Police or Fire Station]; Property located on the northwest corner of Academy Street and Granville Drive - Containing approximately 0.34 acre located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3121. [Planning Board recommends approval of petition.]

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 Leight.

Council Member Leight requested a short presentation.

Paul Norby, Planning and Development Services Director, gave the staff report.

Council Member Leight made a motion, seconded by Council Member Taylor, for adoption of 1) the Statement of Consistency on page 67 of the agenda book, and 2) approval of W-3121. The motion carried unanimously.

4. PUBLIC HEARING ON ZONING PETITION OF RICHARD AND KATHERINE RIERSON FOR PROPERTY OWNED BY WALTER AND HELEN WILSON FROM RS-9 TO HB-S [Academic Biomedical Research Facility; Academic Medical Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General Building Materials Supply; Car Wash; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Convenience Store Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Golf Course; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Hotel or Motel; Institutional Vocational Training Facility; Motor Vehicle, Rental and Leasing; Motorcycle Dealer; Museum or Art Gallery; Nursery, Lawn and Garden Supply Store, Retail; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); Retail Store; School, Vocational or Professional; Services A; Services B; Shopping Center; Signs, Off-Premises; Storage Services, Retail; Testing and Research Lab; Theater, Indoor; Utilities; Veterinary Services; and

Warehousing - TWO PHASE]: Property located on the east side of Peters Creek Parkway and west side of Sides Road, south of Clemmons Road - Containing approximately 8.87 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3124. [Planning Board recommends denial of petition and approval of the site plan with staff recommendations.]

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.

Proponents:

Stephen Calaway

Larry Folds

Richard Rierson

Sherri Puckett

Opponents:

Brian Allison

Hayden Irland

Carolyn High Smith

Elaine Renegar

Proponents' Rebuttal:

Stephen Calaway

Larry Folds

Opponents' Rebuttal:

Eric Bushnell

Mayor Joines closed the Public Hearing and recognized Paul Norby, Planning and Development Services Director.

Mr. Norby gave the staff report.

Council Member Leight made a motion, seconded by Council Member Besse, for adoption of the Statement of Consistency set forth on page 107 of the agenda book, and denial of W-3124, including the site plan.

Council Member Clark made a substitute motion, seconded by Council Member Montgomery, to allow the petitioner to withdraw this rezoning petition. The motion was failed with the following vote:

Aye: Council Member Clark, Council Member Montgomery, Council Member Burke, Council Member Adams

Nay: Council Member Leight, Council Member Besse, Council Member Merschel, Council Member Taylor, Mayor Joines

Council Member Taylor made a motion, seconded by Council Member Montgomery, to reconsider the substitute motion to allow the petitioner to withdraw

this rezoning petition. The motion carried with the following vote:

Aye: Council Member Clark, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Taylor

Nay: Council Member Leight, Council Member Besse, Council Member Merschel

Council Member Clark made a substitute motion, seconded by Council Member Montgomery, to allow the petitioner to withdraw this rezoning petition. The motion carried with the following vote:

Aye: Council Member Clark, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Taylor.

Nay: Council Member Leight, Council Member Besse, Council Member Merschel

6. ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE ADDING SECTION 38-5.2. RELATING TO EXCLUSIONS AND LIMITATIONS. [Item continued from the December 19, 2011 City Council meeting.]

Mayor Joines stated without objection, the Council would take a 5 minutes recess.

Council Member Besse made a motion, seconded by Council Member Leight, for adoption of City Code Section 38-5.2 Exclusions and Limitations.

Council Member Burke made a substitute motion, seconded by Council Member Adams, to refer this item to the Public Safety Committee. The motion carried with the following vote:

Aye: Council Member Leight, Council Member Clark, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Merschel, Council Member Taylor

Nay: Council Member Besse

Mayor Joines stated without objection, Council would set aside 30 minutes to hear comments relating to this item.

Speakers:

William Martin

Randy Terry

James McCabe

Adam Price

Michael McGuire

Thomas Leinbach

Janet Owen

William Cox

Stan Nutter

Thomas Garner
Carol Herman
Carrie Davis
Tony Ndege
Eric Johnson
Andrew Hobbs
Asna Sheva
Karen Brown

7. 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. [This item was heard at the December 19, 2011 City Council meeting and received a motion of No Consideration.]

Mayor Joines stated without objection, the Council would discuss this item.

A motion was made by Council Member Merschel, seconded by Council Member Burke, to refer this item to the Finance Committee. The motion carried unanimously.

8. SECOND READING OF 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. [The first reading of these ordinances was conducted on December 19, 2011.]

A motion was made by Council Member Burke, seconded by Council Member Merschel, for approval of these Ordinances. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:41 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

Council Chambers

101 N. Main Street

January 17, 2012

CALL TO ORDER

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

ROLL CALL

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

INVOCATION BY REVEREND RUSSELL MAY OF TRINITY MORAVIAN CHURCH

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Danny Watts

RESOLUTION RECOGNIZING THE PARTICIPANTS OF PROJECT WE CARE

A motion was made by Council Member Merschel, seconded by Council Member Leight, for approval of this Resolution. The motion carried unanimously.

RESOLUTION RECOGNIZING WINSTON-SALEM STATE UNIVERSITY RAMS FOOTBALL TEAM AS THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION CHAMPIONS

A motion was made by Council Member Taylor, seconded by Council Member Adams, for approval of this Resolution. The motion carried unanimously.

RECOGNITION OF THE MARTIN LUTHER KING, JR. YOUNG DREAMERS' AWARD RECIPIENTS - Reverend Russell May and Kenyetta Richmond

CONSENT AGENDA

Mayor Joines stated the Council would now consider the Consent Agenda, and asked if there were any items that needed to be pulled. Items C-1(e) and C-9 were removed for discussion.

A motion was made by Council Member Burke, seconded by Council Member Montgomery, for approval of the balance of the Consent Agenda. The motion carried unanimously.

C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:

- a. 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. [Item heard at the December 19, 2011 City Council meeting and received a motion of No Consideration. On January 3, 2012, Council remanded the item to Finance Committee. Recommended by Finance Committee.]
Approved by Consent Vote.
- b. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR CLEMMONSVILLE ROAD WIDENING BY DEED OR CONDEMNATION - Property located at 18 W. Clemmons Road. [Recommended by Finance Committee.]
Approved by Consent Vote.
- c. RESOLUTION AUTHORIZING THE SALE OF THE TRIAD PARK PARKING DECK UNDER THE UPSET BID PROCEDURE (N.C.G.S. 160A-269) - Property located in the 200 Block of W. Second Street, between Liberty Street and S. Cherry Street. [Recommended by Finance Committee.]
Approved by Consent Vote.
- d. RESOLUTION DESIGNATING THE FORMER VULCAN QUARRY AS AN ADDITION TO THE WINSTON-SALEM RECREATION AND PARKS DEPARTMENT'S PARKLAND INVENTORY - Property located south of Reynolds Park Road and north of Waughtown Street. [Recommended by Finance and Community Development/Housing/General Government Committees.]
Approved by Consent Vote.
- C-2. RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN THE CENTRAL BUSINESS DISTRICT FOR THE WINSTON FACTORY LOFTS PHASE II PROJECT. [Recommended by Finance Committee.]
Approved by Consent Vote.
- 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. Robert L. and Kathy Anderson, Jr., 2034 Temple Street
Approved by Consent Vote.
- b. Hamilton Investment Group, Inc., 4332 Tise Avenue
Approved by Consent Vote.
- c. Oglesby Properties, LLC, 608 E. 16th Street
Approved by Consent Vote.
- d. George L. Allen, 3336 York Road
Approved by Consent Vote.
- 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. Donald L. Evans, 2408 Ivy Avenue
Approved by Consent Vote.
- 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. James R. Davis, 420 Barbara Jane Avenue
Approved by Consent Vote.
- C-6. RESOLUTION AUTHORIZING SUBMISSION OF A LEAD HAZARD CONTROL GRANT AND EXECUTION OF VARIOUS AGREEMENTS. [Recommended by Finance Committee.]
Approved by Consent Vote.
- C-7. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING

TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Brookline Street.
[Recommended by Public Safety Committee.]

Approved by Consent Vote.

- C-8. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MERCER HEALTH AND BENEFITS, LLC TO ASSIST WITH THE DEVELOPMENT OF GUIDING PRINCIPLES FOR THE ADMINISTRATION OF EMPLOYEE AND OTHER RELATED BENEFITS. [Recommended by Finance Committee.]

Approved by Consent Vote.

- C-10. RESOLUTION AUTHORIZING THE CONVEYANCE OF AN ACCESS EASEMENT AND A PORTION OF CERTAIN CITY-OWNED PROPERTY TO TWIN CITY LODGE #3283 GRAND UNITED ORDER OF ODD FELLOWS OF WINSTON-SALEM, NORTH CAROLINA. (North Ward) - Property located off of Shorefair Drive. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-11. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE- 912 and 914 Woodcote Drive. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-12. RESOLUTION REGARDING THE ELIGIBILITY OF PROPERTY FOR THE NATIONAL REGISTER OF HISTORIC PLACES - PEPPER BUILDING, 100-106 WEST FOURTH STREET. [Recommended by Community Development/Housing/General Government Committee.]

Approved by Consent Vote.

- C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:

- e. RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT DEED FROM THE E.M. LEIGHT HEIRS - Property located off Waughtown Street, adjacent to the City's undeveloped quarry property. [Finance and Community Development/Housing/General Government Committees forwarded the item to Council with two in favor and one excused.]

A motion was made by Council Member Adams, seconded by Council Member Besse, to excuse Council Member Leight from voting on Item C-1(e). The motion

carried unanimously.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for approval of this item. The motion carried unanimously, with Council Member Leight excused.

C-9. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:

- a. RESOLUTION APPROVING A CONTRACT WITH STIMMEL ASSOCIATES, PA TO COMPLETE A STREETScape MASTER PLAN AND DESIGN SPECIFICATIONS FOR THE SALEM CREEK CONNECTOR FROM RAMS DRIVE (OLD STADIUM DRIVE) TO MARTIN LUTHER KING, JR. DRIVE. [Recommended by Finance and Public Works Committees.]
- b. RESOLUTION AWARDING CONTRACTS FOR MOWING SERVICES FOR VEGETATION MANAGEMENT DIVISION - Contract C - Russell & Son Landscaping - \$19,950.88; Contract D - Turnkey International - \$22,176; Contract E - Riverhill Landscaping Company - \$25,120; Contract F - Turnkey International - \$14,480; Contract G - Thompson's Lawn Care - \$5,984; Contract H - Russell & Son Landscaping - \$11,075.36; Contract I - Turnkey International - \$11,232; Contract J - Russell & Son Landscaping - \$11,209.92; Contract L - Crawford Landscaping - \$14,784; Contract M - Turnkey International - \$9,968; Contract N - Russell & Son Landscaping - \$12,801.60; Contract O - Crawford Landscaping - \$9,568; Contract P - Crawford Landscaping - \$9,792; Contract Q - Riverhill Landscaping Company - \$10,160; Contract R - Riverhill Landscaping Company - \$18,784; Contracts S, T, U, V, W and X - Re-Mulch, Inc. - \$6,063.20, \$3,368.92, \$1,027.20, \$530.64, \$2,290.64, and \$3,148.56. [Recommended by Finance Committee.]
- c. RESOLUTION AWARDING CONTRACT FOR OAK SUMMIT PARK PLAYGROUND RENOVATIONS - Creative Design and Construction, Inc. - \$274,069. [Recommended by Finance Committee.]
- d. RESOLUTION AWARDING CONTRACT FOR SHAFFNER PARK PLAYGROUND RENOVATIONS - Creative Design and Construction, Inc. - \$211,469. [Recommended by Finance Committee.]
- e. RESOLUTION AWARDING CONTRACT FOR PINEY GROVE PARK AND EASTON PARK PLAYGROUND RENOVATIONS - Fabco Construction, Inc. - \$160,000. [Recommended by Finance Committee.]
- f. RESOLUTION AWARDING CONTRACT FOR KIMBERLEY PARK AND FAIRVIEW PARK PLAYGROUND RENOVATIONS - Creative Design and Construction, Inc. - \$275,238. [Recommended by Finance Committee.]
- g. RESOLUTION AWARDING CONTRACT FOR ROOF REPLACEMENT AT FOURTEENTH STREET RECREATION CENTER - Triad Roofing Company, Inc. - \$105,664. [Recommended by Finance Committee.]
- h. RESOLUTION AWARDING CONTRACT FOR ROOF REPLACEMENT AT MARTIN LUTHER KING, JR. RECREATION CENTER - Triad Roofing Company,

Inc. - \$113,594. [Recommended by Finance Committee.]

- i. RESOLUTION AWARDING CONTRACT FOR RESURFACING CITY STREETS - Larco Construction, a Division of Branscome, Inc. - \$1,097,559.97 (Estimated Amount). [Recommended by Finance Committee.]

A motion was made by Council Member Adams, seconded by Council Member Montgomery, for the approval of these Resolutions. The motion carried unanimously.

GENERAL AGENDA

- G-1. PUBLIC HEARING ON RESOLUTION CONFIRMING ASSESSMENT ROLL FOR DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing, and noted that staff has requested for this Resolution to exclude Exhibit B, as it has incorrect information.

A motion was made by Council Member Besse, seconded by Council Member Montgomery, for approval of this Resolution, with the removal of Exhibit B. The motion carried unanimously.

- G-2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A 10-FOOT ALLEY OFF OF MARTIN LUTHER KING, JR. DRIVE (EAST WARD) – Petition of Charles and Virginia Hardesty. [Recommended by Public Works Committee.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Montgomery.

A motion was made by Council Member Montgomery, seconded by Council Member Taylor, for approval of this Resolution. The motion carried unanimously.

- G-3. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF HENNING DRIVE (NORTHWEST WARD) – Petition of Wake Forest Acquisitions, LP. [Recommended by Public Works Committee.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for approval of this Resolution. The motion carried unanimously.

- G-4. RESOLUTION ESTABLISHING A COUNCIL POSITION ON PUBLIC TRANSIT. [Public Works Committee forwarded this item to Council with two in favor and one opposed.]

A motion was made by Council Member Besse, seconded by Council Member Adams, for approval of this Resolution. The motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Taylor

Nay: Council Member Clark, Council Member Merschel

G-5. CONSIDERATION OF COUNCIL'S MEETING SCHEDULE.

A motion was made by Council Member Burke, seconded by Council Member Leight, for approval of this item. The motion carried unanimously.

G-6. MAYOR JOINES' RECOMMENDATION FOR APPOINTMENT:

a. RECREATION AND PARKS COMMISSION.

A motion was made by Council Member Adams, seconded by Council Member Taylor, for approval of this Appointment. The motion carried unanimously.

G-7. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

CLOSED SESSION

A motion was made by Council Member Merschel, seconded by Council Member Burke, for the City Council to go into Closed Session pursuant to: (1) N.C.G.S. §143-318.11(a)(4) to discuss the location or expansion of several industries and/or businesses within the City; and (2) N.C.G.S. § 143-318.11(a)(3) to consult with the City Attorney and to preserve the attorney-client privilege. The motion carried unanimously.

Closed Session began at 7:51 p.m.

A motion was made and duly seconded to end Closed Session. The motion carried unanimously.

Closed Session ended at 9:03 p.m.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 9:03 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

Council Chambers

101 N. Main Street

February 6, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Mayor Joines asked Boy Scout Troop 910 to lead the Pledge of Allegiance.

**RESOLUTION HONORING THE 2011 CITY OF WINSTON-SALEM RETIRED
EMPLOYEES**

A motion was made by Council Member Taylor, seconded by Council Member Adams, for the approval of this Resolution. The motion carried unanimously.

ZONING AGENDA

- 7.** PUBLIC HEARING ON ZONING PETITION OF 514 WEST 25TH STREET, LLC FROM RS-7 TO RSQ-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Multifamily): Property located on the southeast corner of University Parkway and 25th Street - Containing approximately 0.23 acre located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3125. [Planning Board recommends denial of petition and approval of site plan with staff recommendations.]

A motion was made by Council Member Adams, seconded by Council Member Clark, to allow the petitioner to withdraw this item. The motion carried unanimously.

- 1.** PUBLIC HEARING ON ZONING PETITION OF CHRIST RESCUE TEMPLE APOSTOLIC CHURCH FROM RM-12-S (Residential Building, Multifamily) TO RM-18-S (Residential Building, Multifamily): Property located on the southeast corner of Dunleith Avenue and 18th Street - Containing approximately 1.91 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-3126. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing.

*Proponents:**Jerry Long**Opponents:**Beverly Jared, 1420 E 18th Street**Robert Young, 1804 Dunleith Avenue**Proponents Rebuttal:**Jerry Long*

Mayor Joines closed the Public Hearing and recognized Paul Norby, Planning and Development Services Director.

Mr. Norby gave the staff report.

A motion was made by Council Member Burke, seconded by Council Member Taylor, for adoption of the statement of consistency set forth on page 23 of the agenda book, and for approval of W-3126, including the site plan. The motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF TWIN CITY INDUSTRIAL CENTER, LLC AND CHARLES JOHNSON AND MARY BROWN FROM GI & GB-L [Offices; Manufacturing A; Restaurant (Without Drive-Through Service); Services A; Motorcycle Dealer; Retail Store) TO GB-S (Residential Building, Townhouse; Residential Building, Multifamily; Combined Use; Life Care Community; Arts and Crafts Studio; Building Materials Supply; Convenience Store; 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; Wholesale Trade A; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Hotel or Motel; Non-Store Retailer; 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; 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, Post Office, Neighborhood Organization; 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; Manufacturing A; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; and Utilities]: Property located on the southwest corner of Chatham Road and Northwest Boulevard - Containing approximately 7.79 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3128. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Merschel.

Council Member Merschel requested a short presentation.

Paul Norby, Planning and Development Services, gave the staff report.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for adoption of the statement of consistency set forth on page 53 of the agenda book, and approval of W-3128, including the site plan. The motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF UNITARIAN UNIVERSALIST FELLOWSHIP OF WINSTON-SALEM, INC. AND CONSIDERATION OF FOUR FINDINGS OF FACT FOR A SPECIAL USE PERMIT FOR THE EXPANSION OF INSTITUTIONAL PARKING IN A RESIDENTIAL ZONING DISTRICT: Property located on the north side of Robinhood Road, across from Woodrow Avenue - Containing approximately 1 acre located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3129. [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.]

Council Member Besse requested to be excused from voting on this item to avoid a conflict of interest.

A motion was made by Council Member Burke, seconded by Council Member Clark, to excuse Council Member Besse from voting on this item. The motion carried unanimously.

Mayor Joines read the guidelines for a Quasi-Judicial Hearing.

Proponents and Opponents wishing to speak concerning this item were sworn in.

Proponents:

Pattie Ricono, 7000 May Lake Road, Clemmons, NC

Mayor Joines closed the Public Hearing and asked Paul Norby, Planning and Development Services Director, gave the staff report.

Mr. Norby gave the staff report.

A motion was made by Council Member Merschel, seconded by Council Member Taylor, that the City Council 1) affirm the four findings as required by section 61.5f of the Unified Development Ordinance and detailed on the first page of the Ordinance in the agenda package, 2) the City Council approve the site plan that is included with the special use permit request, along with the conditions included in the special use permit and staff report, and 3) the City Council issue a special use permit to Unitarian Universalist Fellowship of Winston-Salem, Inc. for the expansion of institutional parking in a residential zoning district. The motion

carried unanimously, with Council Member Besse being excused.

4. PUBLIC HEARING ON ZONING PETITION OF WHISPER DEVELOPMENT, INC. FOR PROPERTY OWNED BY JEFFREY AND CARROL CRAVER FROM GI TO RM-18: Property located on the northwest corner of Thurmond Street and Northwest Boulevard - Containing approximately 1.27 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3130. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Adams.

A motion was made by Council Member Adams, seconded by Council Member Burke, 1) adoption of the statement of consistency set forth on page 95 of the agenda book, and 2) approval of W-3130. The motion carried unanimously.

5. PUBLIC HEARING ON ZONING PETITION OF STAFFORD PLACE, LLC FROM MU-S [Residential Building, Multifamily; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Retail Store; Restaurant (Without Drive-Through Service); Restaurant (With Drive-Through Service); Wholesale Trade A; Wholesale Trade B; Building Contractors, Heavy; Shopping Center; Banking and Financial Services; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Child Care Institution; Child Daycare Center; Government Offices, Neighborhood Organization, or Post Office; School, Private; School, Vocational or Professional; and Manufacturing A] TO SITE PLAN AMENDMENT: Property located on the south side of Stafford Village Boulevard, west of Peters Creek Parkway - Containing approximately 22.07 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3131. [Planning Board recommends approval of petition and site plan amendment with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Leight.

Council Member Leight requested a short presentation from Paul Norby, Planning and Development Services Director.

Mr. Norby gave the staff report.

A motion was made by Council Member Leight, seconded by Council Member Clark, for 1) adoption of the statement of consistency set forth on page 125 of the agenda book, and 2) approval of W-3131, including the site plan. The motion carried unanimously.

6. PUBLIC HEARING ON ZONING PETITION OF DOUGLAS REID FROM RS-12 TO NB: Property located on the west side of North Cherry Street, southeast of Maysol Drive - Containing approximately 0.19 acre located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-3127. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Burke.

A motion was made by Council Member Burke, seconded by Council Member Taylor, for 1) adoption of the statement of consistency set forth on page 149 of the agenda book, and 2) approval of W-3127. The motion carried unanimously.

8. 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: [Recommended by Public Safety Committee.]

- a. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WHITE LIGHTNING TAXI FOR THE OPERATION OF FOUR TAXICABS IN THE CITY OF WINSTON-SALEM.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Burke.

A motion was made by Council Member Burke, seconded by Council Member Taylor, for approval of this item. The motion carried unanimously.

- b. PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO SAFE RIDE TRANSPORTATION FOR THE OPERATION OF TWENTY TAXICABS IN THE CITY OF WINSTON-SALEM.

A motion was made by Council Member Burke, seconded by Council Member Taylor, for approval of this item. The motion carried unanimously.

CLOSED SESSION

A motion was made by Council Member Clark, seconded by Council Member Merschel, that the City Council go into Closed Session to commence the City Attorney's annual performance evaluation pursuant to North Carolina General Statute 143-318.11 paragraph A6. The motion carried unanimously.

A motion was made by Council Member Merschel, seconded by Council Member Montgomery, to end closed session. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:11 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

**Council Chambers
101 N. Main Street
February 20, 2012**

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Cub Scout Pack 749 from Ardmore Methodist Church led the Pledge of Allegiance.

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Catrina Thompson

RESOLUTION RECOGNIZING DR. MANDERLINE WILLIS SCALES CITY OF
WINSTON-SALEM CIVIL RIGHTS MOVEMENT

A motion was made by Council Member Burke, seconded by Council Member Leight, for approval of this item. The motion carried unanimously.

CONSENT AGENDA

Mayor Joines stated without objection, Council would first consider the Consent Agenda. Item C-15 was removed for discussion.

A motion was made by Council Member Leight, seconded by Council Member Merschel, to approve the balance of the Consent Agenda. The motion carried unanimously.

C-1. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, APPROVING THE LEASE AGREEMENT WITH NORTH CAROLINA MUNICIPAL LEASING CORPORATION AND RELATED MATTERS. [Recommended by Finance Committee.]

Approved by Consent Vote.

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. Joseph T. Fevola and David Schoeps, 313 Corona Street

Approved by Consent Vote.

- 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. Jennifer E. Dial, 138 N. Cameron Avenue

Approved by Consent Vote.

- b. Larry L. and Elizabeth G. Eubanks, 4474 Carrie Avenue Accessory Bldg. 1

Approved by Consent Vote.

- c. Eboni Byrd, 415 Wales Street

Approved by Consent Vote.

- C-5. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: [Recommended by Public Safety Committee. First reading of these items was at the February 6, 2012 City Council meeting.]

- a. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WHITE LIGHTNING TAXI FOR THE OPERATION OF FOUR TAXICABS IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- b. SECOND READING OF ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO SAFE RIDE TRANSPORTATION FOR THE OPERATION OF TWENTY TAXICABS IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- C-6.** CONSIDERATION OF ITEMS RELATING TO SIDEWALK DINING:
[Recommended by Public Safety and Community Development/Housing/General Government Committees.]
- a.** ORDINANCE AMENDING CHAPTER 74, ARTICLE X RELATING TO SIDEWALKS.
Approved by Consent Vote.
- b.** ORDINANCE AMENDING CHAPTER 46 RELATING TO NOISE.
Approved by Consent Vote.
- C-7.** RESOLUTION AMENDING THE 1999 HANES PARK AGREEMENT AND TO ALLOW THE CITY MANAGER TO EXECUTE THIS AMENDED AGREEMENT.
[Recommended by Community Development/Housing/General Government Committee.]
Approved by Consent Vote.
- C-8.** CONSIDERATION OF ITEMS RELATING TO CONTRACTS:
- a.** RESOLUTION AWARDED CONTRACT FOR ROOF REPLACEMENT AT THE PUBLIC SAFETY CENTER - AAR of North Carolina, Inc. - \$223,250.
[Recommended by Finance Committee.]
Approved by Consent Vote.
- b.** RESOLUTION AWARDED CONTRACT FOR PURCHASE OF ONE SIDE LOADING REFUSE TRUCK UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) - Ingram Equipment Company, LLC - \$231,951. [Recommended by Finance Committee.]
Approved by Consent Vote.
- c.** RESOLUTION AWARDED CONTRACT FOR PURCHASE OF TWO REAR LOADING REFUSE TRUCKS UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) - Carolina Environmental Systems, Inc. - \$299,298. [Recommended by Finance Committee.]
Approved by Consent Vote.
- d.** RESOLUTION AWARDED CONTRACT FOR MOTOR ROAD EXTENSION - Smith Rowe, LLC - \$4,388,811.87 (Estimated Amount). [Recommended by Finance Committee.]
Approved by Consent Vote.
- e.** RESOLUTION AWARDED CONTRACT WITH HDR ENGINEERING OF THE

CAROLINAS, INC. FOR DESIGN OF DRAINAGE SYSTEM IMPROVEMENTS AS PART OF THE TWENTY-EIGHTH STREET DRAINAGE IMPROVEMENT PROJECT - Amount not to Exceed \$256,000. [Recommended by Finance and Public Works Committees.]

Approved by Consent Vote.

C-9. CONSIDERATION OF ITEMS RELATING TO A PURCHASE ORDER FOR CHEVROLET CAPRICE POLICE PURSUIT VEHICLE: [Recommended by Finance Committee.]

a. RESOLUTION AWARDED PURCHASE ORDER FOR CHEVROLET CAPRICE POLICE PURSUIT VEHICLES - Modern Chevrolet Company - \$906,493.

Approved by Consent Vote.

b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.

c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.

C-10. CONSIDERATION OF ITEMS RELATING TO A CONTRACT FOR REYNOLDS PARK GOLF COURSE GREENS RENOVATION: [Recommended by Finance Committee.]

a. RESOLUTION AWARDED CONTRACT FOR REYNOLDS PARK GOLF COURSE GREENS RENOVATION - New Life Turf, Inc. - \$205,000.

Approved by Consent Vote.

b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.

C-11. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, AUTHORIZING THE AMENDMENT OF FOUR STANDBY BOND PURCHASE AGREEMENTS AND THE REPLACEMENT OF ONE STANDBY BOND PURCHASE AGREEMENT RELATING TO CERTAIN OF THE CITY'S DEBTS AND CONTRACTUAL OBLIGATIONS AND OTHER DOCUMENTS RELATED THERETO. [Recommended by Finance Committee.]

Approved by Consent Vote.**C-12.** CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2011-2012 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.

Approved by Consent Vote.

- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.**C-13.** RESOLUTION SUPPORTING THE APPLICATION OF A NATIONAL ENDOWMENT FOR THE ARTS GRANT FOR IMPROVEMENTS TO THE CONCRETE MEDIAN ON MARTIN LUTHER KING, JR. DRIVE. [Recommended by Finance Committee.]**Approved by Consent Vote.****C-14.** RESOLUTION TO REVISE REIMBURSEMENT SCHEDULE WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF TRAFFIC SIGNALS. [Recommended by Public Works Committee.]**Approved by Consent Vote.****C-16.** CONSIDERATION OF ITEMS RELATING TO THE CITY OF WINSTON-SALEM LEGISLATIVE PROGRAM FOR THE 2012 LEGISLATIVE SESSION [Recommended by Community Development/Housing/General Government Committee]:

- a.** RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM LEGISLATIVE PROGRAM FOR THE 2012 LEGISLATIVE SESSION.

Approved by Consent Vote.

- b.** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA AFFIRMING ITS CONTINUED SUPPORT FOR THE 2011 LEGISLATION THAT MADE CROSSOVER.

Approved by Consent Vote.

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

Approved by Consent Vote.

- d. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE NORTH CAROLINA METROPOLITAN MAYORS' COALITION 2011 ADVOCACY AGENDA.
Approved by Consent Vote.
- e. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES' 2011-2012 MUNICIPAL ADVOCACY GOALS.
Approved by Consent Vote.
- f. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE RESTORATION OF LOCAL AUTHORITY OVER MUNICIPAL PARKS.
Approved by Consent Vote.
- g. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA REQUESTING CHANGES TO CHAPTER 122C TO CLEARLY ALLOW FOR SERVICE OF INVOLUNTARY COMMITMENT CUSTODY ORDERS BY HOSPITAL PERSONNEL.
Approved by Consent Vote.
- h. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING AN INCREASE IN THE TAX RATE CAP IMPOSED UPON THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION ("PART").
Approved by Consent Vote.
- C-17. CONSIDERATION OF ORDINANCES AMENDING CHAPTER 74 OF THE CITY CODE: [Recommended by Public Works Committee.]
 - a. ORDINANCE AMENDING SECTION 74-12 OF THE CITY CODE RELATING TO CITY SIDEWALKS TO BE KEPT CLEAN AND REMOVAL OF SNOW.
Approved by Consent Vote.
 - b. ORDINANCE AMENDING SECTION 74-142 OF THE CITY CODE RELATING TO SIDEWALK PERMIT AND RESTORATION FEES.
Approved by Consent Vote.
 - c. ORDINANCE AMENDING SECTION 74-91 OF THE CITY CODE RELATING TO REMOVAL OF DANGEROUS OBSTRUCTIONS.

Approved by Consent Vote.

- d. ORDINANCE AMENDING SECTION 74-172 OF THE CITY CODE RELATING TO MATERIAL FOR PAVING SIDEWALKS; WHEELCHAIR RAMPS; AND INSTALLATION IN ACCORDANCE WITH CITY STANDARDS.

Approved by Consent Vote.

- e. ORDINANCE AMENDING SECTION 74-179 OF THE CITY CODE RELATING TO CITY PARTICIPATION IN THE COSTS OF LOCAL IMPROVEMENTS.

Approved by Consent Vote.

- C-18. RESOLUTION CHANGING THE NORMAL MEETING TIME OF THE COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE MEETING. [Recommended by Community Development/Housing/General Government Committee.]

Approved by Consent Vote.

- C-15. ORDINANCE ESTABLISHING A CREATIVE CORRIDORS DESIGN REVIEW COMMITTEE. [Recommended by Public Works Committee.]

Council Member Montgomery pulled this item.

Greg Turner, Assistant City Manager, gave the staff report.

A motion was made by Council Member Montgomery, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

G GENERAL AGENDA

- G-1. PUBLIC HEARING ON RESOLUTION APPROVING FINANCIAL ASSISTANCE TO INMAR, INC. [Recommended by Finance Committee.]

Mayor Joines opened the Public Hearing.

Proponents:

Jill Atherton, 601 W 4th Street

David Mounts, 601 W 4th Street

Mayor Joines closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

- G-2. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

- C-2. RESOLUTION AUTHORIZING THE VOIDING OF THE PREVIOUSLY APPROVED

SALE OF PROPERTY TO TABERNACLE COMMUNITY DEVELOPMENT CORPORATION - Property located on Old Walkertown Road. [Recommended by Finance Committee.]

A motion was made by Council Member Burke, seconded by Council Member Taylor, to reconsider item C-2. The motion carried unanimously.

A substitute motion was made by Council Member Merschel, seconded by Council Member Adams, to remand this item back to the Finance Committee. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 9:03 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING

Council Chambers
101 N. Main Street

March 5, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Bart Stone

1. PUBLIC HEARING ON SITE PLAN AMENDMENT OF BROOKBERRY FARM, LLC FOR A MU-S ZONED SITE [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; Retail Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (Without Drive-Through Service); Arts and Crafts Studio; Food or Drug Store; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Outdoor Display, Retail; Restaurant (With Drive-Through Service); Shopping Center; Wholesale Trade A; Wholesale Trade B; Banking and Financial Services; Offices; Services A; Services B; Bed and Breakfast; Car Wash; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Golf Course; Golf Driving Range; Recreation Services; Indoor; Recreation Services; Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Daycare Center; Library, Public; Museum or Art Gallery; Adult Daycare Home; Child Daycare, Large Home; Child Daycare, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Police or Fire Station; School, Private; School, Public; and Stadium, Coliseum, or Exhibition Building - TWO-PHASE]: Property located on the west side of Meadowlark Drive, south of Robinhood Road - Containing approximately 68.3 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-3132. [Planning Board recommends approval of the site plan amendment and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing.

*Proponents:**Jim McChesney, 2901 Country Club Road**Opponents:**Raymond Stout, 950 Meadowlark Drive**Rebuttal Proponents:**Jim McChesney**Mayor Joines closed the Public Hearing and recognized Paul Norby.**Paul Norby, Planning and Development Services Director, gave the staff report.*

A motion was made by Council Member Clark, seconded by Council Member Taylor, for approval of this item. The motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF SANTOS AND KELLY MOLINA FROM RS-9 TO PB-L [Residential Building, Single Family; 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; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishing 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; Funeral Home; Hotel or Motel; Motor Vehicle Rental or Leasing; Motor Vehicle Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care, Small Home; 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; 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; Postal Processing Facility; School, Vocational or Professional; Stadium, Coliseum or Exhibition Building; Borrow Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities]: Property located on the north side of Indiana Avenue, east of Motor Road - Containing approximately 0.58 acre located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3133. [Planning Board recommends approval of petition.]

*Mayor Joines opened the Public Hearing.**Proponents:*

Santos Molina, 4161 Kennison Village Drive

Mayor Joines closed the Public Hearing and recognized Council Member Adams.

Council Member Adams asked for a brief presentation.

Paul Norby, Planning and Development Services Director, gave the staff report.

A motion was made by Council Member Adams, seconded by Council Member Merschel, for 1) adoption of the Statement of Consistency set forth on page 53 of the Agenda Book, and 2) approval of W-3133. The motion carried unanimously.

3. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF NO. EIGHT, INC. FROM LI TO PB: Property located on the northeast corner of North Main Street and East Seventh Street - Containing approximately 0.25 acre located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3123. [Planning Board recommends approval of petition. This item was continued from the January 3, 2012 City Council meeting.]

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 brief presentation.

Paul Norby, Planning and Development Services Director, gave the staff report.

A motion was made by Council Member Montgomery, seconded by Council Member Taylor, for 1) adoption of the statement of consistency set forth on page 73, and 2) approval of W-3123. The motion carried unanimously.

4. CONTINUATION OF 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. Item continued from the December 5, 2011 and January 3, 2012 City Council meetings.]

Mayor Joines opened the Public Hearing.

Proponents:

Bryce Sherburn, 301 N Main Street

Opponents:

Don Nielsen, 100 N Cherry Street

Rebuttal Proponents:

Everett Powell, 4400 Silas Creek Parkway, Suite 200 Park West

Rebuttal Opponents:
Don Nielsen

Mayor Joines closed the Public Hearing and recognized Paul Norby.

Paul Norby, Planning and Development Services Director, gave the staff report.

Council Member Montgomery made a motion of No Consideration.

This item will be considered at the City Council's March 26, 2012 meeting.

5. PUBLIC HEARING AND RESOLUTION ADOPTING THE NORTHWEST WINSTON-SALEM AREA PLAN. [Planning Board recommends approval of the Area Plan. Recommended by Community Development/Housing/General Government Committee.]

Paul Norby, Planning and Development Services, gave a brief introduction of the area plan.

Steve Smotherman, Project Planner, gave the staff report.

Mayor Joines opened the Public Hearing.

Proponents:
Rob Hildebrand, 1615 Hyde Avenue

Mayor Joines closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Clark, for approval of the Northwest Area Plan. The motion carried unanimously.

6. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS:

- a. PLANNING BOARD:

Arnold G. King - Reappointment - Term Expiring February 2016

Brenda Smith - Reappointment - Term Expiring February 2016

A motion was made by Council Member Burke, seconded by Council Member Adams, for approval of this item. The motion carried with the following vote:

Aye: Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor

Nay: Council Member Leight

b. CITIZENS' POLICE REVIEW BOARD:

Casey Ryan Leftwich - Appointment - Term Expiring April 2014

Eddie L. McCarter - Appointment - Term Expiring April 2014

Dr. Jonathon Epstein - Appointment - Term Expiring April 2014

A motion was made by Council Member Adams, seconded by Council Member Montgomery, for approval of this item. The motion carried unanimously.

7. MAYOR PRO TEMPORE BURKE'S RECOMMENDATIONS FOR REAPPOINTMENTS TO THE COMMUNITY APPEARANCE COMMISSION:

David Bergstone - Term Expiring February 2015

Carmina R. Eder - Term Expiring February 2015

A motion was made by Council Member Burke, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:25 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
March 26, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Mike Weaver

CONSENT AGENDA

Mayor Joines stated the City Council would first consider the Consent Agenda and asked if there were any items that needed to be removed for discussion. Council Member Taylor pulled item C-16.

Council Member Leight made a motion, seconded by Council Member Adams, for approval of the balance of the Consent Agenda. The motion carried unanimously.

- C-1.** RESOLUTION AUTHORIZING THE VOIDING OF THE PREVIOUSLY APPROVED SALE OF PROPERTY TO TABERNACLE COMMUNITY DEVELOPMENT CORPORATION - Property located on Old Walkertown Road. [Recommended by Finance Committee.]

THIS ITEM WAS AMENDED TO: RESOLUTION AUTHORIZING THE MODIFICATION OF THE PREVIOUSLY APPROVED SALE OF PROPERTY TO TABERNACLE COMMUNITY DEVELOPMENT CORPORATION.

Approved by Consent Vote.

- C-2.** RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO APPLY FOR THE RE-DESIGNATION OF A STATE OF NORTH CAROLINA URBAN PROGRESS ZONE. [Recommended by Finance Committee.]

Approved by Consent Vote.

- 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.** Jane Cayne, LLC - 2113 Hollyrood Street
Approved by Consent Vote.
- b.** Bank of America - 1615 Gray Avenue
Approved by Consent Vote.
- c.** Bank of America - 1619 Gray Avenue
Approved by Consent Vote.
- 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.** W.W. Disher Properties, Inc. - 1152 Conley Street
Approved by Consent Vote.
- b.** Jevi Investments - 426 W. 25th Street - Accessory Bldg.
Approved by Consent Vote.
- C-5.** ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Brookline Street; Konnoak Village Circle; Keating Drive; Neighborhood Limits: Hillcrest Center Drive, Hillcrest Center Circle, Southmont Drive, Eagle Creek Drive, Summergate Drive, Dog Leg Drive, Shady Grove Court, and Autumn Mist Drive. [Recommended by Public Safety Committee.]
Approved by Consent Vote.
- C-6.** ORDINANCE AMENDING SECTIONS 78-206 AND 78-233 OF THE CITY CODE RELATING TO THE REGULATION OF VEHICLES FOR HIRE. [Recommended by Public Safety Committee.]
Approved by Consent Vote.
- C-7.** CONSIDERATION OF ITEMS RELATING TO A CONTRACT WITH THE UNION

CROSS VOLUNTEER FIRE DEPARTMENT: [Recommended by Public Safety Committee.]

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE UNION CROSS VOLUNTEER FIRE DEPARTMENT FOR CONTRACTED FIRE SERVICE.
Approved by Consent Vote.
- b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
Approved by Consent Vote.
- C-8. RESOLUTION CHANGING THE NON-EXCLUSIVE DEFERRED COMPENSATION PLAN PROVIDER FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA.
[Recommended by Finance Committee.]
Approved by Consent Vote.
- C-9. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]
 - a. RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE FROM MITCHELL HUMPHREY & COMPANY - \$116,285.
Approved by Consent Vote.
 - b. RESOLUTION AUTHORIZING THE PURCHASE OF DESKTOP COMPUTERS FROM NEW CENTURY SYSTEMS, INC. - \$379,063.40.
Approved by Consent Vote.
 - c. RESOLUTION AWARDED CONTRACT FOR ROOF REPLACEMENT AT FIRE STATION 1 LOCATED AT 651 N. Marshall Street - Triad Roofing Company, Inc. - \$116,680.
Approved by Consent Vote.
- C-10. CONSIDERATION OF ITEMS REGARDING CONSTRUCTION OF SHATTALON LAKE DAM REHABILITATION: [Recommended by Finance Committee.]
 - a. RESOLUTION ALLOWING WITHDRAWAL OF A BID FOR CONSTRUCTION OF SHATTALON LAKE DAM REHABILITATION - Simcon Company, LLC - \$462,780.
Approved by Consent Vote.
 - b. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF SHATTALON

LAKE DAM REHABILITATION - Adams Contracting Co. - \$525,319.70 (Estimated Amount).

Approved by Consent Vote.

- c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.

- C-11. CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2011-2012 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.

Approved by Consent Vote.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.

- C-12. ORDINANCE AMENDING SECTION 42-252(a) OF THE CITY CODE RELATING TO PARKING RATES AND TIMES OF PARKING. [Recommended by Finance and Public Works Committees.]

Approved by Consent Vote.

- C-13. CONSIDERATION OF STREET CLOSING PETITIONS: [Recommended by Public Works Committee]

- a. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF A 15-FOOT ALLEY EAST OFF OF VARGRAVE STREET IN THE SOUTHEAST WARD – Petition of Goodwill Industries of Northwest North Carolina. Public Hearing: May 7, 2012.

Approved by Consent Vote.

- b. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON PORTIONS OF RIGHT-OF-WAY OFF OF LOMOND STREET AND LEMLY STREET IN THE SOUTHEAST WARD – Petition of James V. Armentrout. Public Hearing: May 7, 2012.

Approved by Consent Vote.

- C-14. RESOLUTION FIXING DATE FOR HEARING ON CITY PARTICIPATION IN

LOCAL IMPROVEMENTS OF PRIVATE STREETS – Winter Hue Drive, Spring Green Court, Summertime Place, Horn of Plenty Lane and Autumn Crest Street. Public Hearing: April 16, 2012. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-15.** RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE – 123 Westdale Avenue. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-16.** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING STATEWIDE CHANGES TO THE LEGISLATION REGULATING THE SALE, STORAGE AND TRANSPORTATION OF METALS. [Recommended by Community Development/Housing/General Government Committee.]

Council Member Taylor pulled this item and asked for a brief report on this item.

Al Andrews, Deputy City Attorney, gave the staff report.

A motion was made by Council Member Taylor, seconded by Council Member Leight, for approval of this Resolution. The motion carried unanimously.

GENERAL AGENDA

- G-1.** CONTINUATION OF 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. Item continued from the December 5, 2011 and January 3, 2012 City Council meetings. It received a motion of No Consideration at the March 5, 2012 City Council meeting.]

Mayor Joines stated that it is the practice of the City Council that there is no discussion of an item that has received a vote of No Consideration, unless the Council votes to open discussion.

A motion was made by Council Member Montgomery, seconded by Council Member Clark, to open discussion for this item. The motion carried unanimously.

Mayor Joines recognized Council Member Montgomery.

Council Member Montgomery stated that the petitioner for this item, as well as those opposed to it, all agreed to the continuance of this item.

A motion was made by Council Member Montgomery, seconded by Council Member Taylor, for this item to be continued to the City Council's April 2, 2012 meeting. The motion carried unanimously.

- G-2.** ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE RELATING TO "NO CONSIDERATION". [Community Development/Housing/General Committee forwarded this item to Council without a recommendation.]

Mayor Joines requested the City Attorney to comment on the three options that were before the City Council.

Angela Carmon, City Attorney, gave the staff report.

A motion was made by Council Member Besse, seconded by Council Member Leight, to adopt the draft Ordinance 1 option.

A substitute motion was made by Council Member Montgomery, seconded by Council Member Taylor, to adopt the draft Ordinance 2 option. The motion carried with the following vote:

Aye: Council Member Clark, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor

Nay: Council Member Besse and Council Member Leight

- G-3.** CONSIDERATION OF COUNCIL'S MEETING SCHEDULE.

A motion was made by Council Member Burke, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

- G-4.** MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS:

- a.** HISTORIC RESOURCES COMMISSION

A motion was made by Council Member Taylor, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

- b.** COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE

A motion was made by Council Member Adams, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

- G-5.** PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:38 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

**Council Chambers
101 N. Main Street**

April 2, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Danny Watts

- 6.** CONTINUATION OF CONSIDERATION OF 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. Item continued from the December 5, 2011 and January 3, 2012 City Council meetings. The public hearing on this item was held at the March 5, 2012 City Council meeting and it received a motion of No Consideration. The item was continued from the March 26, 2012 City Council meeting.]

Mayor Joines stated without objection, the City Council would first consider Item 6.

A motion was made by Council Member Montgomery, seconded by Council Member Taylor, to continue this item to the City Council's May 7, 2012 meeting. The motion carried unanimously.

- 1.** PUBLIC HEARING ON ZONING PETITION OF WINSTON-SALEM CENTER FOR EDUCATION & THE ARTS, INC. FROM GO TO IP: Property located on the south side of Sixth Street between Poplar Street and Buxton Street - Containing approximately 1.16 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3134. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for 1) adoption of the Statement of Consistency set forth on page 17 of the agenda book, and 2) approval of W-3134. The motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF WARDEN, INC. FROM RS-9 TO HB-L (Motor Vehicle, Repair and Maintenance; and Offices); Property located off the northwest side of Stratford Road, east of Mission Road - Containing approximately 0.48 acre located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3135. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Besse.

Council Member Besse noted that the surrounding neighborhood has requested for a privacy fence along part of the property line, and requested the petitioner to state for the record the agreement to the revised condition for W-3135. The petitioner confirmed the agreement to the revised condition.

A motion was made by Council Member Besse, seconded by Council Member Adams, that with the inclusion of the additional condition where the developer shall install a six foot high opaque wood fence along the western property line, adjacent to the back property line of the properties fronting on Mission Road, retaining any trees that are present, that he would move for 1) adoption of the Statement of Consistency set forth on page 37 of the agenda book, and 2) approval of W-3135. The motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF SHAFFER ASSET MANAGEMENT COMPANY, INC. AND VISION DEVELOPMENT, INC. FROM RS-9 AND RM-8 TO RM8-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; and Planned Residential Development): Property located on the northwest corner of Owen Drive and Quincy Drive - Containing approximately 1.42 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3137. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for 1) adoption of the Statement of Consistency set forth on page 65 of the agenda book, and 2) approval of W-3137, including the site plan. The motion carried unanimously.

4. PUBLIC HEARING ON ZONING PETITION OF SAMARITAN MINISTRIES, INC. AND C.W. MYERS TRADING POST, INC. FROM PB AND GI TO GB-S [Residential Building, Townhouse; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Life Care Community; Arts and Crafts Studio; 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; 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; Adult Daycare Center; Animal Shelter, Public; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Neighborhood Organization, Post Office; Group Care Facility A; Group Care Facility B; Group Care Facility C; 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 the Homeless; Manufacturing A; Park and Shuttle Lot; Parking, Commercial; Transmission Tower; and Utilities]: Property is located on the southwest corner of Patterson Avenue and Northwest Boulevard - Containing approximately 2.60 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-3138. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were any one in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Burke.

A motion was made by Council Member Burke, seconded by Council Member Adams, for 1) adoption of the Statement of Consistency set forth on page 95 of the agenda book, and 2) approval of W-3138, including the site plan. The motion carried unanimously.

5. PUBLIC HEARING ON SITE PLAN AMENDMENT AND FINAL DEVELOPMENT PLAN OF BROOKSTOWN DEVELOPMENT PARTNERS, LLC FOR A PB-S ZONED SITE [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Combined Use; Fraternity or Sorority; Life Care Community; Arts and Crafts Studio; Convenience Store; 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; 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 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, Post Office, Neighborhood Organization; 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; Stadium, Coliseum, or Exhibition Building; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities - TWO PHASE]; Property located on the west side of Peters Creek Parkway between West First Street and Park Circle - Containing approximately 2.76 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3139. [Planning Board recommends approval of the site plan amendment, final development plan and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Merschel.

Council Member Merschel requested a presentation from staff.

Paul Norby, Planning and Development Services Director, gave the staff report.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for 1) adoption of the Statement of Consistency set forth on page 139 of the agenda book, and 2) approval of W-3139, including the site plan amendment and final development plan with site plan. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:29 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

**Council Chambers
101 N. Main Street
April 16, 2012**

CALL TO ORDER

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

ROLL CALL

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

Absent: Mayor Allen Joines, and Council Member Denise D. Adams

Mayor Pro Tempore Burke noted that Mayor Joines was out of town, and Council Member Adams was sick.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Catrina Thompson

RESOLUTION HONORING THE 2012 CITY OF WINSTON-SALEM UNIVERSITY GRADUATES

Mayor Pro Tempore Burke made a brief comment about the graduates, and thanked the Marketing Department for all of their hard work with the City of Winston-Salem University program.

The City Council shook hands with each graduate who was present, and thanked them for their participation.

A motion was made by Council Member Taylor, seconded by Council Member Montgomery, for approval of this item. The motion carried unanimously.

CONSENT AGENDA

Mayor Pro Tempore Burke stated without objection, the City Council would first consider the Consent Agenda, and asked if there were any items that needed to be removed. Items C-6, C-8, and C-1b were removed for discussion.

A motion was made by Council Member Montgomery, seconded by Council Member Clark, for approval of the balance of the Consent Agenda. The motion carried unanimously.

- C-1.** CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:
- a.** RESOLUTION AUTHORIZING A LEASE FOR OFFICE SPACE IN SUITES 203, 205, AND 207 OF ALBERT HALL - Located at 101 North Chestnut Street. [Recommended by Finance Committee.]
Approved by Consent Vote.
- c.** 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 and Marshall Streets, between Fourth and Fifth Streets. [Recommended by Finance Committee.]
Approved by Consent Vote.
- C-2.** CONSIDERATION OF ITEMS RELATING TO THE FISCAL YEAR 2013 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM: [Recommended by Finance and Community Development/Housing/General Government Committees.]
Approved by Consent Vote.
- a.** RESOLUTION APPROVING THE FISCAL YEAR 2013 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM, AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2012-2013 ANNUAL PLAN, AND AUTHORIZING SUBMISSION OF A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2011-2012 ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
Approved by Consent Vote.
- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
Approved by Consent Vote.
- C-3.** RESOLUTION AUTHORIZING FINANCING FOR REHABILITATION AT GLADSTONE APARTMENTS. [Recommended by Finance Committee.]
Approved by Consent Vote.
- C-4.** RESOLUTION APPROVING A TWELVE-MONTH EXTENSION TO THE DOWNTOWN DEVELOPMENT AGREEMENT FOR PROPOSED MIXED-USE DEVELOPMENT WITH GOLER COMMUNITY DEVELOPMENT CORPORATION.
[Recommended by Finance Committee.]

Approved by Consent Vote.

- 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.]

- a.** Bank of America - 1325 Belleauwood Street

Approved by Consent Vote.

- b.** Timothy M. Flinchum - 2003 Thurmond Street

Approved by Consent Vote.

- 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.** Pearl Douthit - 6 E. 30th Street

Approved by Consent Vote.

- C-9.** ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Sink Street. [Reviewed by Public Safety Committee.]

Approved by Consent Vote.

- C-10.** CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee]

- a.** RESOLUTION AWARDED CONTRACT FOR PURCHASE OF FOUR TANDEM AXLE DUMP TRUCKS - White's International Trucks - \$419,808.

Approved by Consent Vote.

- b.** RESOLUTION AWARDED CONTRACT FOR PURCHASE OF FOUR ONE-TON CREW CAB TRUCKS - Terry Labonte Chevrolet - \$133,705.20.

Approved by Consent Vote.

- c. RESOLUTION AWARDING CONTRACT FOR CLOSED CIRCUIT TELEVISION VIDEO SYSTEM UPGRADE - Protronix, Inc. - \$151,283.

Approved by Consent Vote.

- d. RESOLUTION AWARDING CONTRACT FOR RECONSTRUCTION OF CARVER HIGH SCHOOL TENNIS COURTS - Court One, a Division of Recreational Ventures, Inc. - \$109,980.

Approved by Consent Vote.

- e. RESOLUTION AWARDING CONTRACT FOR RESURFACING CITY STREETS - APAC-Atlantic, Inc., Thompson-Arthur Division - \$879,267.60 (Estimated Amount).

Approved by Consent Vote.

- C-11. CONSIDERATION OF ITEMS RELATING TO CONTRACT CHANGE ORDERS:
[Recommended by Finance Committee]

- a. RESOLUTION APPROVING A CONTRACT CHANGE ORDER FOR BLYTHE CONSTRUCTION, INC. FOR ADDITIONAL WORK ASSOCIATED WITH PROJECT A - BATH BRANCH/PIEDMONT TRIAD RESEARCH PARK STORMWATER MANAGEMENT FACILITY AND PROJECT B - RESEARCH PARK BOULEVARD - Blythe Construction, Inc. - \$3,990,000.

Approved by Consent Vote.

- b. RESOLUTION APPROVING A CONTRACT CHANGE ORDER TO HDR ENGINEERING OF THE CAROLINAS TO PROVIDE ENGINEERING SERVICES FOR THE CONSTRUCTION PHASE OF THE BATH BRANCH STORMWATER PROJECT AND RESEARCH PARK BOULEVARD PROJECT - HDR Engineering of the Carolinas - \$255,000.

Approved by Consent Vote.

- C-12. CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2011-2012 BUDGET ORDINANCES: [Recommended by Finance Committee.]

Approved by Consent Vote.

- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR

THE FISCAL YEAR 2011-2012.

Approved by Consent Vote.

- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
Approved by Consent Vote.
- C-13.** ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012 FOR PROJECTED FUEL EXPENDITURES.
[Recommended by Finance Committee.]
Approved by Consent Vote.
- C-14.** RESOLUTION APPROVING EXPENDITURE OF MATCHING FUNDS TO IMPLEMENT STREETScape ENHANCEMENTS FOR THE SALEM CREEK CONNECTOR CORRIDOR FROM RAMS DRIVE (STADIUM DRIVE) TO MARTIN LUTHER KING, JR. DRIVE. [Recommended by Finance and Public Works Committees.]
Approved by Consent Vote.
- C-15.** RESOLUTION APPROVING FUTURE CHANGES IN THE STATE HIGHWAY SECONDARY ROAD SYSTEM WITHIN THE EXISTING CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA WITH THE INTENT TO ACCEPT RESPONSIBILITY FOR THE SALEM CREEK CONNECTOR.
[Recommended by Public Works Committee.]
Approved by Consent Vote.
- C-1.** CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY:
- b.** RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A PERMANENT SIDEWALK EASEMENT FROM SOUTHEAST PLAZA INVESTORS, LLC - Located off of Reynolds Park Road at the Southeast Plaza Shopping Center.
[Recommended by Finance and Public Works Committees.]
Council Member Taylor pulled this item.
A motion was made by Council Member Taylor, seconded by Council Member Montgomery, for approval of this item. The motion carried unanimously.
- 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. E. Vernon Ferrell 1990 Bloomfield Drive

Council Member Montgomery pulled this item.

A motion was made by Council Member Montgomery, seconded by Council Member Taylor, for approval of this item.

Council Member Clark moved No Consideration. This item will be heard at the City Council's May 7, 2012 meeting.

- C-8. RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE HOUSING AUTHORITY OF WINSTON-SALEM CONCERNING STORMWATER MANAGEMENT PERTAINING TO THE CONSTRUCTION OF FIFTY DWELLING UNITS, TO BE KNOWN AS THE OAKS AT TENTH (FORMERLY KNOWN AS JOHNSON SQUARE APARTMENTS). [Recommended by Public Works Committee.]

Council Member Leight pulled this item.

A motion was made by Council Member Leight, seconded by Council Member Clark, for approval of this item. The motion carried unanimously.

GENERAL AGENDA

- G-1. CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS: [Recommended by Public Works Committee.]

- a. PUBLIC HEARING ON RESOLUTION APPROVING CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS – Winter Hue Drive, Spring Green Court, Summertime Place, Horn of Plenty Lane and Autumn Crest Street.

Mayor Pro Tempore Burke opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item.

Robin Adams, 4030 Winter Hue Drive

Mayor Pro Tempore Burke closed the Public Hearing.

A motion was made by Council Member Taylor, seconded by Council Member Clark, for approval of this item. The motion carried unanimously.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

A motion was made by Council Member Merschel, seconded by Council Member Leight, for approval of this item. The motion carried unanimously.

- G-2. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF \$2,955,000 TWO-THIRDS GENERAL OBLIGATION BONDS: [Recommended by Finance

Committee.]

- a. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE.
 - b. INTRODUCTION OF BOND ORDERS:
 - c. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, CALLING A PUBLIC HEARING ON BOND ORDERS, DIRECTING PUBLICATION OF NOTICES OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT. Public Hearing: May 7, 2012.
A motion was made by Council Member Merschel, seconded by Council Member Clark, for approval of these items. The motion carried unanimously.
- G-3.** RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY UNDER THE UPSET BID PROCEDURE (N.C.G.S. 160A-269) - Property located at 3830 Clara Lane. [Finance Committee forwarded this item with three in favor, none opposed, one abstaining.]
A motion was made by Council Member Merschel, seconded by Council Member Leight, for approval of this item. The motion carried unanimously.

CONSIDERATION OF AN ADDITIONAL ITEM.

Council Member Leight has asked the City Council to add to the agenda, a Resolution of Concern and Opposition to Amendment I.

A motion was made by Council Member Leight, seconded by Council Member Merschel, to add an additional item to the agenda. The motion failed with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Montgomery, Council Member Burke, Council Member Merschel, Council Member Taylor

Nay: Council Member Clark

Angela Carmon, City Attorney, clarified that if a motion for an item to be added to the agenda was not unanimous, the motion failed.

G-4. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:40 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

**Council Chambers
101 N. Main Street**

May 7, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Tyrone Phelps

RESOLUTION DECLARING HISTORIC PRESERVATION MONTH IN WINSTON-SALEM, NORTH CAROLINA MAY 2012.

Council Member Adams presented the Resolution to Jeff Sowers, Forsyth County Historic Resources Commissioner.

A motion was made by Council Member Merschel, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

RESOLUTION RECOGNIZING WINSTON-SALEM STATE UNIVERSITY RAMS BASKETBALL TEAM AS THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION CHAMPIONS.

Council Member Montgomery presented the Resolution to members of the coaching staff.

A motion was made by Council Member Montgomery, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

Mayor Joines stated without objection, the Council would first consider item 5.

- 5.** CONTINUATION OF CONSIDERATION OF 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. Item continued from the December 5, 2011 and January 3, 2012 City Council meetings. The public hearing on this item was held at the March 5, 2012 City Council meeting and it received a motion of No Consideration. The item was continued from the March 26, 2012 and April 2, 2012 City Council meetings.]

A motion was made by Council Member Montgomery, seconded by Council Member Taylor, for continuance of this item to the City Council's July 2, 2012 meeting. The motion carried unanimously.

1. PUBLIC HEARING ON ZONING PETITION OF GOODWILL INDUSTRIES OF NORTHWEST N.C., INC. AND WINSTON-SALEM GOODWILL INDUSTRIES REHABILITATION CENTER, INC. FROM HB AND LI TO GB: Property located on the southwest side of Waughtown Street and the northeast corner of Vargrave Street and Haled Street - Containing approximately 3.63 acres located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3136. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Taylor.

Council Member Taylor asked for a brief presentation.

Paul Norby, Planning and Development Services Director, gave the staff report.

A motion was made by Council Member Taylor, seconded by Council Member Merschel, for 1) adoption of the Statement of Consistency set forth on page 27 of the agenda book, and 2) approval of W-3136. The motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF CRAIG AND VALERIE JOHNSON FROM RM-8-S (Child Day Care Center) TO RS-9: Property located on the northwest side of Reidsville Road north of Rickard Drive - Containing approximately 0.60 acre located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-3140. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Burke.

A motion was made by Council Member Burke, seconded by Council Member Adams, for 1) adoption of the Statement of Consistency set forth on page 45 of the agenda book, and 2) approval of W-3140. The motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF CHALLENGES OF THE 21ST CENTURY FROM GI AND IP-S (School, Public; and School, Private) TO IP: Property located on the south side of Goldfloss Street, west of US 52 - Containing approximately 22.86 acres located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3141. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Taylor.

A motion was made by Council Member Taylor, seconded by Council Member Burke, for 1) adoption of the Statement of Consistency set forth on page 67 of the

agenda book, and 2) approval of W-3141. The motion carried unanimously.

4. PUBLIC HEARING ON ZONING PETITION OF IGNACIO AND DELIA ALVARADO FROM HB-S (Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store; and Building Contractors, General) TO GB-L [Combined Use; Arts and Crafts Studio; Building Materials Supply; Convenience Store; 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; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Recreation Facility, Public; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Child Care Institution; Child Care, Sick Children; Child Day Care Center; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Shelter for Homeless; Manufacturing A; Access Easement, Private Off-Site; Terminal, Bus or Taxi; and Utilities]: Property located on the south side of Sprague Street, west of Burgandy Street - Containing approximately 0.38 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3142. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Taylor.

Council Member Taylor requested a brief presentation.

Paul Norby, Planning and Development Services Director, gave the staff report.

Council Member Taylor questioned the "Shelter for Homeless" use that was included in the petition.

Mr. Norby stated that he believed that the petitioner overlooked that use, and had no intentions of have a shelter for the homeless.

The petitioner verbally agreed to the removal of "Shelter for Homeless" from the allowed uses.

A motion was made by Council Member Taylor, seconded by Council Member Burke, for 1) adoption of the Statement of Consistency set forth on page 89 of the agenda book, and 2) approval of W-3142, with the removal of "Shelter for Homeless" as an allowed usage. The motion carried unanimously.

6. PUBLIC HEARING AND ORDINANCE TO AMEND CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE SCREENING REQUIREMENTS FOR UTILITY SERVICE AREAS AND COMMON RECREATION AREA REQUIREMENTS FOR MULTIFAMILY DEVELOPMENTS - Proposal of

City-County Planning Board Staff - UDO-229. [Recommended by Planning Board.]

Mayor Joines requested a presentation.

Paul Norby, Planning and Development Services Director, gave the staff report.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

A motion was made by Council Member Besse, seconded by Council Member Taylor, for this item to be remanded back to the May 15, 2012 Community Development/Housing/General Government Committee and the Public Hearing continued to the May 21, 2012 City Council Meeting. The motion carried unanimously.

7. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF A 15-FOOT ALLEY EAST OFF OF VARGRAVE STREET (SOUTHEAST WARD) – Petition of Goodwill Industries of Northwest North Carolina. [Recommended by Public Works Committee.]

Mayor Joines opened the Public Hearing, and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Taylor.

A motion was made by Council Member Taylor, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

8. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF PORTIONS OF RIGHT-OF-WAY OFF OF LOMOND STREET AND LEMLY STREET (SOUTHEAST WARD) – Petition of James V. Armentrout. [Recommended by Public Works Committee.]

Mayor Joines opened the Public Hearing, and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Taylor.

A motion was my by Council Member Taylor, seconded by Council Member Clark, for approval of this item, with the condition of an easement being provided to PIN 6834-54-0215 if the property changes ownership, and to the adjacent property at PIN 6834-54-0714. The motion carried unanimously.

9. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF \$2,955,000 GENERAL OBLIGATION BONDS AND \$16,800,000 GENERAL OBLIGATION REFUNDING BONDS:

Denise Bell, Chief Financial Officer, gave the staff report.

- a. PUBLIC HEARING AND ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$400,000 PUBLIC SAFETY BONDS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.

A motion was made by Council Member Taylor, seconded by Council Member

Merschel, to open the Public Hearing. The motion carried unanimously.

Mayor Joines asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he asked the Council for a motion to close the Public Hearing.

A motion was made by Council Member Taylor, seconded by Council Member Adams, to close the Public Hearing. The motion carried unanimously.

- b. PUBLIC HEARING AND ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,050,000 STREET AND SIDEWALK BONDS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.**

A motion was made by Council Member Adams, seconded by Council Member Burke, to open the Public Hearing. The motion carried unanimously.

Mayor Joines asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he asked the Council for a motion to close the Public Hearing.

A motion was made by Council Member Adams, seconded by Council Member Burke, to close the Public Hearing. The motion carried unanimously.

- c. PUBLIC HEARING AND ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,505,000 RECREATION AND PARKS BONDS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.**

A motion was made by Council Member Clark, seconded by Council Member Taylor, to open the Public Hearing. The motion carried unanimously.

Mayor Joines asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he asked the Council for a motion to close the Public Hearing.

A motion was made by Council Member Burke, seconded by Council Member Adams, to close the Public Hearing. The motion carried unanimously.

- d. BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,800,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.**

- e. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE.**

- f. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, PROVIDING FOR THE ISSUANCE OF \$2,955,000 GENERAL OBLIGATION BONDS, SERIES 2012A AND \$16,800,000 GENERAL OBLIGATION**

REFUNDING BONDS, SERIES 2012B OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.

A motion was made by Council Member Taylor, seconded by Council Member Burke, for approval of items 9a-f. The motion carried unanimously.

- 10. RESOLUTION OF CONCERN AND OPPOSITION TO AMENDMENT ONE.**
[Forwarded to City Council by the Committee of the Whole with six in favor, none opposed, one abstaining.]

A motion was made by Council Member Leight, seconded by Council Member Burke, that the City Council pass this Resolution Expressing Concern and Opposition to the Proposed Amendment to the North Carolina Constitution. The motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor

Nay: Council Member Clark

- 11. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS:**

- a. RECREATION AND PARKS COMMISSION**

A motion was made by Council Member Taylor, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

- b. POLICE OFFICERS' RETIREMENT COMMISSION**

A motion was made by Council Member Montgomery, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

CLOSED SESSION

A motion was made by Council Member Clark, seconded by Council Member Adams, that the City Council go into Closed Session, pursuant to: 1) N.C.G.S. § 143-318.11(a)(4) to discuss the location or expansion of an industry and/or business within the City, and 2) N.C.G.S. § 143-318.11(a)(3) to preserve the attorney-client privilege and provide instructions to the City Attorney in the matter of City vs. LLD Properties, LLC, Case 10CVS9266. The motion carried unanimously.

At 8:40 pm, a motion was made by Council Member Taylor, seconded by Council Member Besse, to end Closed Session. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:40 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
May 21, 2012

CALL TO ORDER

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

ROLL CALL

Present: Council Member Robert C. Clark, Council Member Dan Besse, Council Member Molly Leight, Mayor Allen Joines, Mayor Pro Tempore Vivian H. Burke, Council Member Denise D. Adams, Council Member Wanda Merschel, and Council Member James Taylor Jr.

Absent: Council Member Derwin L. Montgomery

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Steve Ogburn

RESOLUTION RECOGNIZING THE FORSYTH COUNTY ENTERTAINMENT AWARDS.

Council Member Taylor presented the Resolution to Mrs. Ellen Denise Leak, Founder of Forsyth County Entertainment Awards.

A motion was made by Council Member Taylor, seconded by Council Member Clark, for approval of this item. The motion carried unanimously.

CONSENT AGENDA

Mayor Joines stated without objection, the City Council would first consider the Consent Agenda, and asked if there were any items that needed to be removed for discussion. Item C-10 was removed.

A motion was made by Council Member Clark, seconded by Council Member Merschel, for approval of the balance of the Consent Agenda. The motion carried unanimously.

- C-1.** RESOLUTION AUTHORIZING ACQUISITIONS OF REAL ESTATE PROPERTY FOR VARIOUS PROJECTS BASED ON TAX VALUE AND AUTHORIZING ACQUISITIONS OF REAL ESTATE PROPERTY BY THE CITY MANAGER OR HIS DESIGNEE(S). [Recommended by Finance Committee.]
Approved by Consent Vote.

- C-2.** CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION OF PROPERTY FOR SIDEWALK PROJECTS: [Recommended by Finance Committee.]
- a.** RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR CHERRY STREET SIDEWALK IMPROVEMENTS BY DEED OR DONATION - Properties located on North Cherry Street and Reynolds Boulevard.
Approved by Consent Vote.
- b.** RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR LONG DRIVE SIDEWALK PROJECT BY DEED, DONATION, OR CONDEMNATION - Properties located on University Parkway, Long Drive and Polo Road.
Approved by Consent Vote.
- c.** RESOLUTION AUTHORIZING ACQUISITION OF PROPERTIES FOR THE LANSING DRIVE SIDEWALK PROJECT BY DEED, DONATION, OR CONDEMNATION - Properties located on Carver School Road and Lansing Drive.
Approved by Consent Vote.
- C-3.** RESOLUTION AUTHORIZING CHANGES TO THE ECONOMIC DEVELOPMENT REVOLVING LOAN PROGRAM. [Recommended by Finance and Community Development/Housing/General Government Committees.]
Approved by Consent Vote.
- 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.** Erline S. Dennis - 2815 Bon Air Avenue
Approved by Consent Vote.
- C-5.** ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: Repairs more than 50% of value of structure (>50) six months. [Recommended by Community Development/Housing/General Government Committee.]
- a.** Laflor Imperial, LLC - 1119 E. 23rd Street

Approved by Consent Vote.

- b. Gregory Lee Holt - 2325 Redbud Lane

Approved by Consent Vote.

- C-6. RESOLUTION AUTHORIZING THE ACCEPTANCE OF FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FUNDING TO REMOVE A FLOOD RAVAGED PROPERTY LOCATED AT 4401 MILL CREEK ROAD AS PART OF A REPETITIVE FLOOD CLAIMS GRANT PROJECT. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-7. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 465 and 475 Marshall View Court. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-8. RESOLUTION AUTHORIZING THE CITY MANAGER TO CHANGE THE CONTRACT WITH THE BEESON CROSSROADS VOLUNTEER FIRE DEPARTMENT. [Recommended by Finance and Public Safety Committees.]

Approved by Consent Vote.

- C-9. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Trent Hill Drive; Marlborough Lane; Burkewood Drive; Glen Forest Drive; Minart Drive; Bonbrook Drive; Beeson Acres Road; Forest Valley Drive; Neighborhood Limits: Kesteven Road, Chesborough Road, Gloucester Road, Dorset Road, Kerry Road, Bishop Gate Road, and Norwich Road; and Neighborhood Limits: Oakhurst Park Lane, Fiddlers Run Drive, Benjamin Court, Oakhurst Park Court, Thurston Court, and Pope Hill Court. [Recommended by Public Safety Committee.]

Approved by Consent Vote.

- C-11. ORDINANCE AMENDING SECTION 42-229(D) AND SECTION 42-230 OF THE CITY CODE RELATING TO PARKING ENFORCEMENT. [Recommended by Public Safety Committee.]

Approved by Consent Vote.

- C-12. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee]

- a. RESOLUTION AWARDING CONTRACT FOR LONG DRIVE WIDENING AND MULTI-USE PATH IMPROVEMENTS - Yates Construction Company, Inc. - \$248,878.75 (Estimated Amount).
Approved by Consent Vote.
- b. RESOLUTION AWARDING CONTRACT FOR LANSING DRIVE SIDEWALK IMPROVEMENTS - Charles D. Lowder, Inc. - \$262,112.27 (Estimated Amount).
Approved by Consent Vote.
- c. RESOLUTION AWARDING CONTRACT FOR STREET SWEEPING SERVICE - Sweeping Corporation of America, Inc. - \$307,420.90 (Estimated Amount).
Approved by Consent Vote.
- d. RESOLUTION AWARDING CONTRACT FOR LED LIGHTING UPGRADES - Beco, Inc. - \$145,000.
Approved by Consent Vote.
- e. RESOLUTION AWARDING CONTRACT FOR HEATING AND AIR CONDITIONING REPLACEMENT AT FOURTEENTH STREET RECREATION CENTER - Professional Air Systems - \$222,900.
Approved by Consent Vote.
- C-13. RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE PROPERTY, BOILER/MACHINERY, AND EMPLOYEE THEFT INSURANCE FROM THE BERKLEY MID-ATLANTIC GROUP THROUGH SURRY INSURANCE. [Recommended by Finance Committee.]
Approved by Consent Vote.
- C-14. CONSIDERATION OF ITEMS RELATED TO THE CEDAR TRAIL GREENWAY CONNECTION PROJECT: [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 THE CEDAR TRAIL GREENWAY CONNECTION.
Approved by Consent Vote.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
Approved by Consent Vote.
- C-15. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN

AGREEMENT WITH MEKURIA ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE RETIMING OF TRAFFIC SIGNALS. [Recommended by Finance and Public Works Committees.]

Approved by Consent Vote.

- C-16.** 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: June 18, 2012.

Approved by Consent Vote.

- C-17.** RESOLUTION DECLARING CERTAIN CITY-OWNED EQUIPMENT SURPLUS AND AUTHORIZING THE SALE THEREOF. [Recommended by Finance Committee.]

Approved by Consent Vote.

- C-18.** RESOLUTION APPROVING DONATION OF COMPUTERS TO GOODWILL INDUSTRIES OF NORTHWEST NORTH CAROLINA. [Recommended by Finance Committee.]

Approved by Consent Vote.

- C-19.** RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH THE ARBOR PLACE HOMEOWNERS ASSOCIATION TO INSTALL AND MAINTAIN AN ADDITIONAL DECORATIVE STREETLIGHT IN ARBOR PLACE. [Recommended by Public Works Committee.]

Approved by Consent Vote.

- C-10** ORDINANCE AMENDING SECTION 42-98 OF THE CITY CODE RELATING TO WEIGHT LIMITATIONS ON CERTAIN BRIDGES - Reynolds Park Road, east of Martin Luther King, Jr. Drive. [Recommended by Public Safety Committee.]

Council Member Taylor pulled this item.

A motion was made by Council Member Taylor, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

GENERAL AGENDA

- G-1.** CONSIDERATION OF ITEMS RELATING TO FINANCIAL ASSISTANCE TO CATHTEK, LLC: [Recommended by Finance Committee.]

- a.** PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO CATHTEK, LLC.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

Mayor Joines opened the Public Hearing.

Speakers:

Jill Atherton, 601 W Fourth Street

Mayor Joines closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

- G-2. PUBLIC HEARING ON ORDINANCE APPROVING LOCAL HISTORIC LANDMARK DESIGNATION OF THE R.J. REYNOLDS TOBACCO COMPANY FACTORY COMPLEX 64, 500 EAST FIFTH STREET. [Recommended by Finance and Community Development/Housing/General Government Committees.]

LeAnn Pegram, Project Planner, gave the staff report.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he Closed the Public Hearing.

A motion was made by Council Member Burke, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

- G-3. CONTINUATION OF PUBLIC HEARING ON ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE SCREENING REQUIREMENTS FOR UTILITY SERVICE AREAS AND COMMON RECREATION AREA REQUIREMENTS FOR MULTIFAMILY DEVELOPMENTS - Proposal of City-County Planning Board Staff - UDO-229. [Recommended by Planning Board. This item was remanded to the Community Development/Housing/General Government Committee by the City Council on May 7, 2012 with the public hearing to be continued at the May 21, 2012 City Council meeting.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

A motion was made by Council Member Besse, seconded by Council Member Taylor, for approval of this item. The motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Burke, Council Member Adams, Council Member Merschel, Council Member Taylor.

Nay: Council Member Clark

- G-4. RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT TO SHARE FUNDS WITH FORSYTH COUNTY UNDER THE 2012 JUSTICE ASSISTANCE GRANT PROGRAM AWARD. [Public Safety Committee forwarded this item to

Council with three in favor, none opposed and one abstaining.]

A motion was made by Council Member Burke, seconded by Council Member Taylor, for approval of this item. The motion carried unanimously.

G-5. MAYOR JOINES' RECOMMENDATIONS FOR REAPPOINTMENTS TO BOARDS/COMMISSIONS:

a. RECREATION AND PARKS COMMISSION:

S. Wayne Patterson - Reappointment - Term Expiring May 2015

A motion was made by Council Member Burke, seconded by Council Member Taylor, for approval of this item. The motion carried unanimously.

b. M/WBE ADVISORY COMMITTEE:

Steve Fowler - Reappointment - Term Expiring February 2014

Constance H. Johnson - Reappointment - Term Expiring August 2013

Manya M. Stewart - Reappointment - Term Expiring February 2014

Stephanie Vestal - Reappointment - Term Expiring February 2013

A motion was made by Council Member Besse, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

G-6. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

CLOSED SESSION.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for the City Council to go into Closed Session, pursuant to: 1) N.C.G.S. § 143-318.11(a)(4) to discuss the location or expansion of an industry and/or business within the City, and 2) N.C.G.S. § 143-318.11(a)(3) to preserve the attorney-client privilege and to provide instructions to the City Attorney in the matter of City v. HLD Properties, LLC, Case 10CVS9266. The motion carried unanimously.

At 8:26 pm, a motion was made by Council Member Adams, seconded by Council Member Taylor, to end Closed Session. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:26 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

**Council Chambers
101 N. Main Street**

June 4, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Danny Watts

CITY STARS PRESENTATION

Jeff Vaughn, Service Excellence Design Team Member, and Lee Garrity, City Manager, introduced the Second and Third Quarter Winners and Semifinalists.

1. REPORT FROM THE CENTENNIAL COMMITTEE.

Aurelia Eller, Co-Chair of the Centennial Committee, gave the report.

2. PUBLIC HEARING ON SITE PLAN AMENDMENT BY LITTLE CREEK, LLC FOR A GB-S ZONED PROPERTY [Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (Without Drive-Through Service); Restaurant (With Drive-Through Service); Retail Store; Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Offices; Services, A; Services, B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Library, Public; Museum or Art Gallery; and Police or Fire Station]: Property located on the southeast corner of Hanes Mall Boulevard and Fox Trot Court - Containing approximately 2.75 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3143. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item.

Proponents:

Doug Stimmel, 601 North Trade Street, Suite 200

Mayor Joines closed the Public Hearing and recognized Paul Norby.

Paul Norby, Planning and Development Services Director, gave the staff report.

A motion was made by Council Member Besse, seconded by Council Member Taylor, for an approval Statement of Consistency with comprehensive plan W-3143 Little Creek, LLC and reads the proposed site plan amendment for GB-S zoned property with the requested modifications and conditional language is consistent with the Legacy Comprehensive Plan and the Southwest Suburban Area Plan and approval of the request is reasonable and in the public interest because:

- 1. The request would permit continued development within a pedestrian oriented development, and**
- 2. The modified site plan continues to contain pedestrian oriented features, including facade features on the building side facing the development's internal main street, direct pedestrian connections to the sidewalks lining the development's internal streets on two sides, and an outdoor pocket park with seating adjacent to the development's internal main street.**

The motion carried by the following vote:

Aye: Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor

Nay: Council Member Leight

- 3. PUBLIC HEARING AND ORDINANCE AMENDING VARIOUS SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE NON-SUBSTANTIVE CHANGES AND CLARIFICATIONS - Proposal of City/County Planning Board - UDO-231. [Recommended by Planning Board.]**

Mayor Joines requested a presentation from Mr. Norby, prior to the Public Hearing.

Paul Norby, Planning and Development Services gave the staff report.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he recognized Council Member Clark.

A motion was made by Council Member Clark, seconded by Council Member Adams, for approval of this item, with the exception of the overhead sign change, and to send the overhand sign change portion back to the Public Works Committee. The motion carried unanimously.

4. PUBLIC HEARING AND RESOLUTION ADOPTING THE GREENWAY PLAN UPDATE.

Mayor Joines requested a presentation from Mr. Norby.

Paul Norby, Planning and Development Services Director, gave an introduction to the item, and introduced Amy Crum, Project Planner.

Mrs. Crum gave the staff report.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item.

Speakers:

Henry Fansler, 919 Williams Road, Lewisville

Charlsey Cornejo, Spicewood Trails

Gary Knight, Windsor Place

Alain Bertoni, Clemmons

Catherine Harnois

Linda McCorkindale

Tony

Phillip Dickinson, 3720 Kinklees Road

Jack Smith, West Salem

Rick Mashburn, 155 Piedmont Avenue

Bill Petrie, 755 Lacock Avenue, Rural Hall

Shane Shultz, 1935 Hanna Trace

Joe Harrington

Peter Snow

David Ford, 1015 Deepwood Court

Greg Mohler, 1295 Turkey Hill Road

Tom Johnson, 5104 Hollow Bridge Court

Doug Punger, 3708 Redwing Court

Kim Brand, 2170 Faculty Drive

Jeremy Reiskind, 385 Park Boulevard

Cornelia Barr, 355 Park Boulevard

Tiesha Gray, 212 Carolina Circle

Janice Toler, Brownstone Neighborhood

Daniel Yohannes, 1211 W Fourth Street

Mayor Joines closed the Public Hearing.

A motion was made by Council Member Taylor, seconded by Council Member Adams, for approval of the Resolution as amended, with the added goal of keeping all greenways set back 150 feet from private property owner's lines. The motion carried unanimously.

5. RESOLUTION AWARDING CONTRACT FOR WINTER HUE DRIVE RESURFACING - APAC-Atlantic, Inc., Thompson-Arthur Division - \$192,184 (Estimated Amount).

A motion was made by Council Member Clark, seconded by Council Member Taylor, for approval of this Resolution. The motion carried unanimously.

6. PRESENTATION ON THE MUNICIPAL ECONOMIC OPPORTUNITY PROJECT.

Derwick Paige, Deputy City Manager, gave an introduction for this item.

Dan Kornelis, Forsyth County Housing Director, gave the presentation.

BUDGET HIGHLIGHT VIDEO

CLOSED SESSION

A motion was made by Council Member Adams, seconded by Council Member Clark, for the City Council to go in to 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). The motion carried unanimously.

A motion was made by Council Member Montgomery, seconded by Council Member Adams, to end Closed Session. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 10:13 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
June 18, 2012

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Mike Weaver

RESOLUTION HONORING MS. JOSEPHINE DUNLAP RICHARDSON AS AN
OUTSTANDING COMMUNITY VOLUNTEER

A motion was made by Council Member Taylor, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

RESOLUTION HONORING MR. FRANK WILLIAMS, JR. AS AN OUTSTANDING
COMMUNITY VOLUNTEER

A motion was made by Council Member Taylor, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

C CONSENT AGENDA

Mayor Joines stated the City Council would first consider the Consent Agenda, and asked if there were any items that needed to be removed for discussion. No items were removed.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for approval of the Consent Agenda. The motion carried unanimously.

C-1. CONSIDERATION OF ITEMS AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES UNDER THE UPSET BID PROCEDURE: [Recommended by Finance Committee.]

a. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON EAST THIRD STREET UNDER THE PROVISIONS OF N.C.G.S. 160A-269.

- b.** RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON MERRIMONT DRIVE UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
- c.** RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY AT 315 CREEKWAY COURT UNDER THE PROVISIONS OF N.C.G.S. 160A-269.
- C-2.** RESOLUTION AUTHORIZING TERMINATION OF THE SALES CONTRACT BETWEEN THE CITY AND PURCHASERS ELISABETH D. SAVAGE AND ROBYN A. REED FOR PROPERTY AT 4545 OAK RIDGE DRIVE AND RESPONDING TO A REQUEST BY PURCHASERS TO REFUND THE BID DEPOSIT ASSOCIATED WITH THE SALE. [Recommended by Finance Committee.]
- C-3.** RESOLUTION AUTHORIZING SUBMISSION OF EMERGENCY SOLUTIONS 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 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.** Richard S. Pacula - 4469 Indiana Avenue
 - b.** Stephen and Vicky Koller - 4744 White Rock Road
 - c.** Halawhite, LLC - 920 New Hope Lane
- 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.** Larry and Elizabeth Eubanks - 4474 Carrie Avenue
- C-6.** ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Cleveland Avenue, 25th Street, and Arbor Road. [Recommended by Public Safety Committee.]
- C-7.** RESOLUTION APPROVING THE CHEROKEE LANE TRAFFIC CALMING PLAN FOR FUNDING AND CONSTRUCTION. [Recommended by Public Safety and Public Works Committees.]

- C-8.** CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2011-2012 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-9.** RESOLUTION APPROVING THE FISCAL YEAR 2012-2013 OPERATING MEMORANDUM BETWEEN THE CITY OF WINSTON-SALEM AND THE RISK ACCEPTANCE MANAGEMENT CORPORATION. [Recommended by Finance Committee.]
- C-10.** RESOLUTION SETTING PUBLIC HEARING ON CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS – Buckhorn Road. Public Hearing: July 16, 2012. [Recommended by Finance and Public Works Committees.]
- C-11.** RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON PORTIONS OF RIGHT-OF-WAY ALONG PATTERSON AVENUE IN THE NORTHEAST WARD – Petition of John Franklin Meyers. Public Hearing: July 16, 2012. [Recommended by Public Works Committee.]
- C-12.** RESOLUTION APPROVING AN AGREEMENT WITH WINSTON-SALEM/FORSYTH COUNTY SCHOOLS TO SHARE THE CITY FIBER DATA NETWORK. [Recommended by Finance Committee.]
- C-13.** RESOLUTION APPROVING AN AGREEMENT WITH WYNGATE VILLAGE HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM. [Recommended by Public Works Committee.]

G GENERAL AGENDA

- G-1.** PUBLIC HEARING ON THE FISCAL YEAR 2012-2013 BUDGET FOR THE CITY OF WINSTON-SALEM.

Ann Jones, Budget and Evaluation Director, gave the staff report.

Mayor Joines opened the Public Hearing.

Speakers:

Ragan Folan, 2020 Buena Vista Road

Twana Wellman Roebuck, 570 Oxford Street

Glenice Jordan, 411 South Marshall Street

Tremus Russell, 3661 Shaw Road

Vickie Kelley, 654 Clemson Circle

John Hopkins, 1635 Bright Leaf Road, Pfafftown

Fleming El Amin, 5400 Novack Street

Irene May, 5310 Forest Mill Drive, Pfafftown

Mary Annecelli, 3430 Buena Vista Road

Mayor Joines closed the Public Hearing.

- G-2.** RESOLUTION APPROVING REVISIONS TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY RELATED TO THE FORMULA FOR FUNDING EROSION CONTROL.

A motion was made by Council Member Merschel, seconded by Council Member Taylor, that the interlocal agreement between the City of Winston-Salem and Forsyth County be revised to reflect the transfer of erosion control from Inspections to Stormwater Management in FY 11 and 12. The motion carried unanimously.

- G-3.** ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

A motion was made by Council Member Merschel, seconded by Council Member Clark, that the Annual Appropriation and Tax Levy Ordinance for the City of Winston-Salem for the Fiscal Year 2012-2013 be approved as recommended by the Finance Committee.

A substitute motion was made by Council Member Leight, seconded by Council Member Taylor, to amend the motion that the Finance Committee brought forward, to delete the \$250 increase for personnel across the board, no increase in salary, to the tune of the \$700,000, and to also delete the instruction to the City Manager to cut jobs, to the same extent of \$700,000. The motion failed with the following vote:

Aye: Council Member Leight, Council Member Montgomery, and Council Member Taylor

Nay: Council Member Clark, Council Member Besse, Council Member Burke, Council Member Adams, Council Member Merschel

The original motion carried with the following vote:

Aye: Council Member Leight, Council Member Clark, Council Member Besse, Council Member Burke, Council Member Adams, Council Member Merschel

Nay: Council Member Montgomery and Council Member Taylor

- G-4.** PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

A motion was made by Council Member Merschel, seconded by Council Member Adams, that the Project Budget Ordinance for the City of Winston-Salem, for the Fiscal Year 2012-2013, be approved as recommended by the Finance Committee. The motion carried unanimously.

- G-5.** RESOLUTION AMENDING THE PERSONNEL RESOLUTION OF THE CITY OF WINSTON-SALEM, MAKING CHANGES TO THE PAY PLAN.

A motion was made by Council Member Merschel, seconded by Council Member Clark, that the City's Personnel Resolution be approved, with changes to the pay

plan regarding merit increases. The motion carried with the following vote:

Aye: Council Member Leight, Council Member Clark, Council Member Besse, Council Member Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor

Nay: Council Member Montgomery

G-6. PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO PEPSI BOTTLING VENTURES, LLC. [Finance Committee forwarded this item to City Council with three in favor, none opposed and one abstaining.]

Derwick Paige, Deputy City Manager, gave the staff report.

Mayor Joines opened the Public Hearing.

Speakers:

Jill Atherton, 601 W Fourth Street

Garrett Owens, 2106 Ardsley Street

John Hopkins, 1635 Brightleaf Road, Pfafftown

Mayor Joines closed the Public Hearing and recognized Council Member Merschel.

A motion was made by Council Member Merschel, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

G-7. PUBLIC HEARING ON RESOLUTION CONFIRMING ASSESSMENT ROLL FOR DEMOLITION OF HOUSING UNFIT FOR HUMAN HABITATION.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

A motion was made by Council Member Besse, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

G-8. RESOLUTION REGARDING THE ELIGIBILITY OF PROPERTY FOR THE NATIONAL REGISTER OF HISTORIC PLACES - Robert M. Hanes House, 140 North Stratford Road. [Community Development/Housing/General Government Committee forwarded this item to Council with three in favor, none opposed and one abstaining.]

A motion was made by Council Member Besse, seconded by Council Member Taylor, for approval of this item. The motion carried with the following vote:

Aye: Council Member Leight, Council Member Clark, Council Member Besse, Council Member Burke, Council Member Merschel, and Council Member Taylor

Nay: Council Member Montgomery and Council Member Adams

G-9. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:

a. UTILITY COMMISSION

A motion was made by Council Member Burke, seconded by Council Member Montgomery, for approval of this item. The motion carried unanimously.

b. RECREATION AND PARKS COMMISSION

A motion was made by Council Member Merschel, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

c. HISTORIC RESOURCES COMMISSION

A motion was made by Council Member Taylor, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

d. TRIAD MUNICIPAL ABC BOARD

A motion was made by Council Member Burke, seconded by Council Member Taylor, for approval of this item. The motion carried unanimously.

e. TRANSIT AUTHORITY

A motion was made by Council Member Taylor, seconded by Council Member Burke, for approval of this item. The motion carried unanimously.

f. ZONING BOARD OF ADJUSTMENT

A motion was made by Council Member Taylor, seconded by Council Member Merschel, for approval of this item. The motion carried unanimously.

g. COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE

A motion was made by Council Member Taylor, seconded by Council Member Adams, for approval of this item. The motion carried unanimously.

G-10. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:45 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
July 2, 2012

CALL TO ORDER

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

ROLL CALL

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

Absent: Council Member Robert C. Clark

MOMENT OF SILENCE

Mayor Joines mentioned the passing of former City Attorney Ron Seeber and gave condolences to the family.

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Bart Stone.

1. PUBLIC HEARING ON ZONING PETITION OF HANESBRANDS, INC. FROM LI TO GB-L [Arts and Crafts Studio; Building Materials Supply; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (Without Drive-Through Service); Retail Store; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Offices; Services, A; Services, B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Facility, Public; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Animal Shelter, Public; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Religious Institution, Neighborhood; College or University; Dirt Storage; Government Offices, Neighborhood Organization or Post Office; Hospital or Health Center; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris; Police or Fire Station; School, Vocational, or Professional; Manufacturing A; Borrow Site; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities]: Property is located on the west side of Hanes Mill Road across from Museum Drive - Containing approximately 62.95 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3144. [Planning Board recommends approval of petition.]

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 recognized Mr. Paul Norby.

Paul Norby, Director of City-County Planning Department, gave the presentation on this item.

Council Member Adams: Motion for approval of: (1) Adoption of the Statement of Consistency set forth on page 19 of the Agenda Book; (2) Approval of W-3144.

Council Member Taylor: Second.

Motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor.

Absent: Council Member Clark.

- 2.** PUBLIC HEARING AND ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ESTABLISH THE NEW USE "SHOPPING CENTER, SMALL" - UDO-230 - Proposal of City/County Planning Staff. [Recommended by Planning Board.]

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 Paul Norby.

Mr. Paul Norby gave a presentation on this item.

Council Member Burke: Motion for approval.

Council Member Adams: Second.

Motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor.

Absent: Council Member Clark.

- 3.** ORDINANCE AMENDING CHAPTER 46 OF THE CITY CODE RELATING TO NOISE.

Angela Carmon, City Attorney, gave the presentation on this item.

Council Member Burke: Motion for approval.

Council Member Taylor: Second.

Council Member Montgomery: A Substitute Motion; Motion to Adopt the Ordinance Amending Chapter 46 of the City Code Relating to Noise with the following changes: Change distance for the time period 2:01 a.m. until 7: a.m. from

200 ft. to 100 ft. and set an Ordinance expiration date of one year from the date of adoption at which time all petitions previously granted will expire.

Council Member Merschel: Second.

Council Member Burke stated she would like the item to be remanded to the Public Safety Committee.

Council Member Montgomery: Rescind Substitute Motion.

Council Member Merschel: Substitute Motion; Remand to Public Safety Committee.

Council Member Leight: Second.

Motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor.

Nay: Council Member Montgomery.

Absent: Council Member Clark.

- 4.** CONTINUATION OF CONSIDERATION OF 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. Item continued from the December 5, 2011 and January 3, 2012 City Council meetings. The public hearing on this item was held at the March 5, 2012 City Council meeting and it received a motion of No Consideration. The item was continued from the March 26, 2012, April 2, 2012, and May 7, 2012 City Council meetings.]

Mayor Joines noted the Public Hearing for this item was conducted at the March 5, 2012 City Council meeting.

Paul Norby gave the presentation on this item.

Council Member Montgomery: Motion for approval of: (1) Adoption of the Statement of Consistency set forth on page 59 of the Agenda Book and (2): the approval of W-3117.

Council Member Burke: Second.

Motion carried with the following vote:

Aye: Council Member Leight, Council Member Besse, Council Member Montgomery, Council Member Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor.

Absent: Council Member Clark.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:36 p.m.

WINSTON-SALEM CITY COUNCIL

REGULAR MEETING

Council Chambers

101 N. Main Street

July 16, 2012

CALL TO ORDER

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

ROLL CALL

Present: Council Member Molly Leight, Council Member Robert C. Clark, Council Member Dan Besse, Council Member Derwin L. Montgomery, Mayor Allen Joines, Mayor Pro Tempore Vivian H. Burke, Council Member Wanda Merschel, and Council Member James Taylor, Jr.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Steve Osborne

CONSENT AGENDA

Mayor Joines stated the Council would now consider the Consent Agenda and asked if any item need removed for discussion. He noted that item C-7 (b) has been removed by staff. No other items were removed.

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

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

a. RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY OWNED BY ASHLEY J. STONESTREET RELATING TO CLEMMONSVILLE ROAD WIDENING THROUGH A NEGOTIATED SETTLEMENT. [\$18,700.]

Approved by the Consent Vote.

b. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON BREWER ROAD UNDER THE UPSET BID PROCEDURE, N.C.G.S. 160A-269. [\$7,100.]

Approved by the Consent Vote.

c. RESOLUTION GRANTING AN EASEMENT TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PURSUANT TO N.C.G.S. 160A-274 - Located on Martin Luther King, Jr. Drive.

Approved by the Consent Vote.

- C-2.** ORDINANCE AMENDING SECTION 42-122(F) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Hospice Lane; Neighborhood Limits: Millstone Lane, Wheaton Drive, Millwheel Road, and Honeycomb Lane. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-3.** ORDINANCE WITHDRAWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF WINSTON-SALEM YELLOW CAB, LLC FOR THE OPERATION OF 60 TAXICABS IN THE CITY OF WINSTON-SALEM. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-4.** ORDINANCE AMENDING CHAPTER 46 OF THE CITY CODE RELATING TO NOISE. [Recommended by Public Safety and Community Development/Housing/General Government Committees.]

Approved by the Consent Vote.

- C-5.** RESOLUTION PROPOSING THE DEVELOPMENT OF A REGIONAL HAZARD MITIGATION PLAN FOR FORSYTH, DAVIE, YADKIN, SURRY, STOKES, ROCKINGHAM AND CASWELL COUNTIES. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-6.** CONSIDERATION OF ITEMS RELATING TO FEDERAL TRANSIT ADMINISTRATION FUNDS FOR JOB ACCESS REVERSE COMMUTE (JARC) - SECTION 5316 AND THE NEW FREEDOM PROGRAM (NFP) - SECTION 5317: [Recommended by Finance and Public Works Committees.]

Approved by the Consent Vote.

- a.** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO GRANT AGREEMENTS WITH JARC AND NFP SUB RECIPIENTS AND TO RECEIVE AND PASS-THROUGH FEDERAL FUNDING FOR TRANSPORTATION SERVICES FOR LOW INCOME INDIVIDUALS, ELDERLY AND PERSONS WITH DISABILITIES.

Approved by the Consent Vote.

- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- C-7.** CONSIDERATION OF ITEMS RELATING TO CONTRACTS:

- a.** RESOLUTION AWARDED CONTRACT FOR MONMOUTH STREET ROAD IMPROVEMENTS - Larco Construction, a Division of Branscome, Inc. - \$169,790 (Estimated Amount). [Recommended by Finance Committee.]

Approved by the Consent Vote.

- c. RESOLUTION AWARDED CONTRACT FOR PURCHASE OF ONE TANDEM AXLE DUMP TRUCK - White's International Trucks - \$109,402. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- d. RESOLUTION APPROVING A CONTRACT FOR DATA STORAGE EQUIPMENT - Internetwork Engineering - \$534,853. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- e. CONSIDERATION OF A RESOLUTION APPROVING A CONTRACT WITH TIME WARNER CABLE FOR DATA COMMUNICATIONS SERVICES. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- f. RESOLUTION APPROVING A CONTRACT FOR HDR ENGINEERING OF THE CAROLINAS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STORMWATER MASTERPLAN UPDATES FOR THE LITTLE CREEK WATERSHED - \$669,000. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-8. RESOLUTION OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA, APPROVING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE WITH RESPECT TO THE SPECIAL OBLIGATION BONDS, SERIES 2011. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-9. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-10. ORDINANCE AMENDING SECTION 74-178 OF THE CITY CODE RELATING TO THE CLOSING OF STREETS UNDER CONSTRUCTION. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-11. RESOLUTION AUTHORIZING PERMANENT HONORARY STREET NAME SIGN - Victor Johnson, Jr. Way. [Recommended by Public Works Committee.]

- C-12. RESOLUTION APPROVING SIDEWALK PROJECTS FOR FY 2012-13. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-13.** RESOLUTION ADOPTING THE 2012 UPDATE TO THE FORSYTH COUNTY SOLID WASTE MANAGEMENT PLAN. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-14.** RESOLUTION APPROVING A FEE FOR THE RENTAL OF CIVIC PLAZA. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-15.** RESOLUTION APPROVING THE ABANDONMENT OF PUBLIC UTILITY EASEMENTS IN SOUTHERN DISTRICT OF PIEDMONT TRIAD RESEARCH PARK (EAST WARD) - Petition of Winston-Salem State University. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-16.** RESOLUTION AUTHORIZING INSTALLATION OF A DOWNTOWN OPEN AIR ART GALLERY ON CITY PROPERTY AT THE SIXTH/CHERRY/TRADE PARKING DECK. [Recommended by Community Development/Housing/General Government Committee.]

Approved by the Consent Vote.

- C-7. b** RESOLUTION AWARDING CONTRACT FOR QUARRY PRODUCTS - Vulcan Construction Materials - \$1,547,817.50 (Estimated Amount). [Recommended by Finance Committee.]

This item was withdrawn by staff.

GENERAL AGENDA

- G-1.** PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO CFS II. [Recommended by Finance Committee.]

Derwick Paige, Deputy City Manager, provided the staff report for this item.

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.

Proponent:

Bob Leak, President of Winston-Salem Business Inc.

Opponent:

None

Mayor Joines asked if there were anyone else in the Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

A motion was made by Council Member Merschel, seconded by Council Member Taylor, to approve the Financial Assistance to CFS II. Motion carried unanimously.

G-2. CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS – Buckhorn Road. [Recommended by Finance and Public Works Committees.]

a. PUBLIC HEARING AND RESOLUTION APPROVING CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS – Buckhorn Road.

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.

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 made a motion, seconded by Council Member Adams, to approve items a, b, and C. Motion carried unanimously.

G-3. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF PORTIONS OF RIGHT-OF-WAY ALONG PATTERSON AVENUE IN THE NORTHEAST WARD – Petition of John Franklin Meyers. [Recommended by Public Works Committee.]

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.

Proponents:

Ed Miller, Represents Frank Meyers

Mayor Joines asked if anyone else would like to be heard regarding this item. Seeing none, he closed the Public Hearing and recognized Council Member Burke.

Greg Turner, proved a staff report regarding this item.

Council Member Burke made a motion, seconded Council Member Taylor, to approve this Resolution. Motion passed unanimously.

G-4. PUBLIC HEARING ON PROPOSED ORDINANCE AMENDING CHAPTER 42, ARTICLE IV ENTITLED STOPPING, STANDING AND PARKING (No Parking on Front Lawns.) [Public hearing recommended by Community Development/Housing/General Government Committee.]

Mayor Joines requested Ritchie Brooks, Director of Community Development, to provide a staff report on this item.

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.

Proponents:

None

Opponents:

Robert Vorsteg, 3620 Marlow Ave, Community Liaison for the University Area Neighborhood Association and Board Member of the Winston-Salem Neighborhood Alliance

Richard Miller, 626 N. Trade St.

Dawn Simpson, 903 Hazel Wood Drive

Dwayne Davis, 4755 Randall Ave.

Barnes Daniels, 2728 Winslow Lane

Darryl. B. Tuttle, 1421 Kinwood Street

Julie Magness, 630 Fenimore Street

Nancy Gould, 1031 Van Hoy Ave.

Council Member Leight made a motion, seconded by Council Member Mershel, to remand this item back to General Government Committee. Motion carried unanimously.

- G-5. RESOLUTION AUTHORIZING PERMIT FEE REDUCTIONS PILOT ON SELECTED SUSTAINABLE TECHNOLOGIES.** [Finance Committee forwarded this item to City Council with three in favor, none opposed and one abstaining. Recommended by Community Development/Housing/General Government Committee.]

Council Member Besse made a motion, seconded by Council Member Merschel to approve this Resolution. Motion carried with the following vote:

Aye: Council Members: Leight, Besse, Montgomery, Adams, Burke, Merschel, and Taylor

Nay: Council Member Clark

- G-6. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:**

a. CREATIVE CORRIDORS DESIGN REVIEW COMMITTEE

Cheryl Harry Appointment – Term Expiring July 2014

Jimmy L. Norwood Jr. Appointment – Term Expiring July 2016

William M. Marion Appointment – Term Expiring July 2016

David J. Brown Appointment – Term Expiring July 2016

William A Davis, II Appointment – Term Expiring July 2014

James Wesley Shaw, Sr. Appointment – Term Expiring July 2016

Brian Kubecki Appointment – Term Expiring July 2016

Dianne Caesar Appointment – Term Expiring July 2014

Reverend Joseph L. Nance, Sr. Appointment – Term Expiring July 2014

Katherine Baker Appointment – Term Expiring July 2016

A motion was made by Council Member Taylor, seconded by Council Member Montgomery, to approve these appointments. Motion carried unanimously.

G-7 PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

CLOSED SESSION

Council Member Montgomery made a motion, seconded by Council Member Taylor, that the City Council go into Closed Session pursuant to N.C.G.S. 143-318.11 (a)3 to receive legal advice from the City Attorney regarding a pending request of the City Council to file an amicus brief and undertake other actions relating to the federal habeas corpus petition of Calvin Michael Smith and preserve the Attorney Client Privilege. Motion carried unanimously. Closed Session began at 8:35 p.m.

A motion was made by Council Member Montgomery, seconded by Council Member Adams to end the Closed Session and resume Regular Session. Motion carried unanimously. Closed session ended at 9:20 p.m.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 9:21 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
August 6, 2012**

CALL TO ORDER

Mayor Joines called the meeting to order and asked the City Secretary to call the roll.

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Christa Long

1. PUBLIC HEARING ON ZONING PETITION OF NMR TEXTILE, LLC FROM LI TO GB-L [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; Convenience Store; 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; 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; 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; 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; Landfill, Land Clearing/Inert Debris; 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; Borrow Site; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Parking Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities]; Property is located on the north side of Seventh Street between Main Street and Chestnut Street - Containing approximately 1.71 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3145. [Planning Board recommends approval of petition.]

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 made a motion, seconded by Council Member Taylor, for approval of the Statement of Consistency set forth on page 45 of the Agenda Book and approval of W-3146. Motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF LOWES HOME CENTER, INC. FROM GB-S TO GB-S [Offices; Restaurant (With Drive-Through Service); Restaurant (Without Drive-Through Service); Retail Store; Shopping Center; Arts and Crafts Studio; Banking and Financial Services; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; and Services A - TWO PHASE]: Property is located on the south side of Hanes Mall Boulevard, west of Stratford Road - Containing approximately 1.25 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-3146. [Planning Board recommends approval of petition and site plan with staff recommendations.]

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.

Paul Norby, Director of City-County Planning Department, gave a staff presentation on this item.

Council Member Besse made a motion, seconded by Council Member Montgomery, for approval of the Statement of Consistency set forth on page 17 of the Agenda Book and approval of W-3145. Motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF SWAN INVESTMENTS, INC. FROM RM5-S TO RS7-L (Adult Day Care Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Swimming Pool, Private; Church or Religious Institution, Community; Golf Course; Library, Public; Limited Campus Uses; Planned Residential Development; School, Private; School, Public; Utilities; Bed and Breakfast; Child Day Care, Large Home; Habilitation Facility A; Landfill, Land Clearing/Inert Debris; Manufactured Home, Class A; Park and Shuttle Lot; Access Easement, Private Off-Site; and Parking, Off-Site, for Multifamily or Institutional Uses): Property located on the northeast corner of Spring Street and Wachovia Street - containing approximately 0.25 acre located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3147. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to be heard on this item.

Proponents:

Suzi Moore, 507 Wachovia Street

Mayor Joines asked if there were anyone else that wished to be heard on this item. Seeing none, he closed the Public Hearing and recognized Mr. Norby.

Mr. Paul Norby gave a staff report on this item.

Council Member Leight made a motion, seconded by Council Member Clark, for approval of the Statement of Consistency set forth on page 67 of the Agenda Book and approval of W-3147.

Council Member Burke requested a report on Group Homes in neighborhoods.

Motion carried unanimously.

4. ORDINANCE INCREASING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF CLASSIC CAB FOR THE OPERATION OF 50 TAXICABS IN THE CITY OF WINSTON-SALEM.

Council Member Burke made a motion, seconded by Council Member Clark, for approval of this Ordinance. Motion carried unanimously.

5. PRESENTATION OF THE COMMUNITY APPEARANCE COMMISSION ANNUAL REPORT.

Russ DuBois, Chairman, gave the presentation on this item.

Council Member Montgomery requested information concerning how many hours and volunteers were put into these projects.

Presented.

MAYOR/COUNCIL COMMENTS

Council Member Burke requested a brief presentation of National Night out.

Lee Garrity, City Manager, gave a short overview of National Night Out and the importance of participation.

CLOSED SESSION

Council Member Burke made a motion, seconded by Council Member Clark, to go in to Closed Session pursuant to N.C.G.S. § 143-318.11 (a) (3) (i) to discuss location or expansion of an industry or business, and; (ii) to seek legal advice and to preserve the attorney-client privilege. Motion carried unanimously.

Closed Session began at 7:30 p.m.

At 9:09 p.m. Council Member Clark made a motion, seconded by Council Member Adams, to dissolve the Closed Session and resume Regular Session. Motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 9:10 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
August 20, 2012**

CALL TO ORDER

Mayor Joines called the meeting to order and asked the City Secretary to call the roll.

ROLL CALL

Present: Council Member Molly Leight, Council Member Robert C. Clark, Council Member Derwin L. Montgomery, Mayor Allen Joines, Mayor Pro Tempore Vivian H. Burke, Council Member Wanda Merschel, and Council Member James Taylor, Jr.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Tyrone Phelps

RESOLUTION RECOGNIZING THE 75th BIRTHDAY OF KRISPY KREME DOUGHNUT CORPORATION

Mayor Pro Tempore Burke requested that Council Members Besse and Leight come to the podium to help her present the Resolution, since headquarters is presently located in the Southwest Ward but was originally in the South Ward. She expressed her pride in having Krispy Kreme in Winston-Salem.

A Representative from Krispy Kreme thanked the Mayor and City Council for their acknowledgement and invited all to visit.

A motion was made by Council Member Leight, seconded by Council Member Adams, to approve this Resolution. Motion carried unanimously.

RESOLUTION RECOGNIZING MR. JAMISON BETHEA'S SERVICE TO THE COMMUNITY

Mayor Pro Tempore Burke and Council Member Denise Adams presented the Resolution to Mr. Bethea.

Mr. Berthea thanked his family and everyone that has contributed to his cause. He thanked the Mayor and City Council for their support.

Council Member Merschel made a motion, seconded by Council Member Adams, to approve this Resolution. Motion carried unanimously.

CONSENT AGENDA

Items on the Consent Agenda have been unanimously recommended by a Committee of the City Council or are submitted in accordance with established procedure. There will be no discussion of the items unless a Council Member so request, in which event the item will be removed from the

Consent Agenda and considered individually. Items not removed from the Consent Agenda will be enacted with one motion.

Mayor Joines stated Council would now consider the Consent Agenda and asked if there were any items that needed removed for discussion. No items were removed.

A motion was made by Mayor Pro Tempore Burke, seconded by Council Member Adams, to approve the Consent Agenda as presented. Motion carried unanimously.

- C-1.** RESOLUTION AUTHORIZING THE MODIFICATION OF THE PREVIOUSLY APPROVED SALE OF PROPERTY TO TABERNACLE COMMUNITY DEVELOPMENT CORPORATION. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-2.** CONSIDERATION OF ITEMS RELATED TO THE ACQUISITION OF PROPERTY: [Recommended by Finance and Public Works Committees.]

- a.** RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY AT 3800 EBERT ROAD AS PART OF THE EBERT-STRATFORD CONNECTOR PROJECT.
- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- C-3.** RESOLUTION AUTHORIZING CHANGES TO THE MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM'S GOOD FAITH EFFORT POINT SCALE. [Recommended by Community Development/Housing/General Government Committee.]

Approved by the Consent Vote.

- C-4.** RESOLUTION APPROVING A REQUEST TO DEMOLISH THE TENNIS COURTS LOCATED AT THE SUMMIT SQUARE GARDEN APARTMENTS AND REAPPROPRIATE FUNDS. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-5.** ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(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.]

Approved by the Consent Vote.

- a.** Benny L. and Virginia H. Wofford 516 E. 15th Street

Approved by the Consent Vote.

- C-6.** ORDINANCE AMENDING SECTION 42-122(F) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Weisner Street; Neighborhood Limits:

Inverness Street, Greenway Avenue, and Gilmer Avenue. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-7.** ORDINANCE AMENDING SECTION 42-123(C) OF THE CITY CODE RELATING TO 45 MILES PER HOUR SPEED LIMITS - Shallowford/Country Club Roads (SR 1001) from Phillips Bridge Road (SR 1152) to Ketner Road (SR1316). [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-8.** RESOLUTION APPROVING THE OAK RIDGE DRIVE NEIGHBORHOOD TRAFFIC CALMING PLAN FUNDING AND CONSTRUCTION. [Recommended by Public Safety and Public Works Committees.]

Approved by the Consent Vote.

- C-9.** RESOLUTION APPROVING THE WINDMERE DRIVE TRAFFIC CALMING PLAN FUNDING AND CONSTRUCTION. [Recommended by Public Safety and Public Works Committees.]

Approved by the Consent Vote.

- C-10.** RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF CHARLOTTE FOR LAW ENFORCEMENT SERVICES IN PREPARATION FOR, DURING, AND AFTER THE 2012 DEMOCRATIC NATIONAL CONVENTION. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-11.** SECOND READING OF ORDINANCE INCREASING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF CLASSIC CAB FOR THE OPERATION OF 50 TAXICABS IN THE CITY OF WINSTON-SALEM. [The first reading of this ordinance was conducted on August 6, 2012.]

Approved by the Consent Vote.

- C-12.** RESOLUTION APPROVING A CONTRACT WITH NWN CORPORATION FOR NETWORK EQUIPMENT - \$461,002. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-13.** RESOLUTION APPROVING A NEW LEASE, OPERATION AND MANAGEMENT AGREEMENT WITH T SQUARE GOLF, LLC FOR REYNOLDS PARK GOLF COURSE. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-14.** RESOLUTION ACCEPTING THE FISCAL YEAR 2012 ANNUAL TAX SETTLEMENT AND ADOPTION OF AN ORDER TO COLLECT CURRENT TAXES

FOR 2012 (FISCAL YEAR 2012-2013) AND DELINQUENT TAXES FROM 2003 THROUGH 2011. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-15.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-16.** RESOLUTION OF SUPPORT FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDING FOR THE ENHANCEMENTS TO THE SALEM CREEK CONNECTOR PROJECT (U-2925). [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-17.** RESOLUTION APPROVING AND RATIFYING AN INTERLOCAL COOPERATION AGREEMENT WITH THE COUNTY OF FORSYTH FOR THE ACQUISITION OF A TRAFFIC SIGNAL EASEMENT. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

- C-18.** CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY: [Recommended by Finance and Public Works Committees.]

- a.** RESOLUTION APPROVING CITY PARTICIPATION IN DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 440 Lawndale Drive.

Approved by the Consent Vote.

- b.** RESOLUTION APPROVING CITY PARTICIPATION IN DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 2191 Dave Street.

Approved by the Consent Vote.

- c.** RESOLUTION APPROVING CITY PARTICIPATION IN DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 4500 Fernhaven Circle.

Approved by the Consent Vote.

- d.** RESOLUTION APPROVING CITY PARTICIPATION IN DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 2801 Montclair Road.

Approved by the Consent Vote.

- e. RESOLUTION APPROVING CITY PARTICIPATION IN DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - 4100 Stonehenge Lane.

Approved by the Consent Vote.

GENERAL AGENDA

- G-1.** PUBLIC HEARING AND ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE NON-SUBSTANTIVE CHANGES AND CLARIFICATIONS REGARDING PROJECTING SIGNS - Proposal of City-County Planning Staff - UDO-231B. [Remanded to Public Works Committee by the City Council on June 4, 2012. Recommended by Public Works Committee.]

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.

Greg Turner, Assistant City Manager, and Paul Norby, Planning and Development Services Director, provided the presentation on this item.

A motion was made by Council Member Clark, seconded by Council Member Merschel, to approve this Ordinance. Motion carried unanimously.

- G-2.** REQUEST TO EXTEND THE TERM OF LEASE FOR THE CITY-OWNED UNION STATION BUILDING. [Finance Committee forwarded this item to Council without a recommendation.]

Mayor Joines stated there were citizens that wished to speak regarding this item.

Sam Petro, 124 Fishel Road

Harold Day, 1422 S. Main Street

Bob Haymore, 6450 Ridout Way

Carol Davis, Simon Green Atkins CDC, 1922 S. Martin Luther King, Jr. Drive

Bobby Wilson, 2324 Slatr Avenue

Marva Reed, 1434 N. Cameron Avenue on behalf of the East and North East Winston Neighborhood Association

Ed Crook, 3270 Peters Creek Parkway

Council Member Montgomery made a motion, seconded by Council Member Adams, for a one-time six-month extension at market rate, including full access to City and its agent.

Council Member Besse made a Substitute Motion, seconded by Council Member Leight, to continue this item to the November 5, City Council Meeting.

Council Member Montgomery withdrew his original motion.

Motion to continue this item to the November 5, 2012, City Council Meeting carried with the following vote:

Aye: Council Members Leight, Besse, Montgomery and Adams

Nay: Council Members Clark, Burke, Merschel, and Taylor

Mayor Joines voted in the affirmative to break the tie.

G-3. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS AND COMMISSIONS:

a. Zoning Board of Adjustment

Stan Przbylowicz - Appointment - Term Expiring September 2014

A motion was made by Mayor Pro Tempore Burke, seconded by Council Member Taylor, to approve this appointment. Motion carried unanimously.

b. Tourism Development Authority

Robert Swenson - Appointment - Term Expiring November 2013

A motion was made by Mayor Pro Tempore Burke, seconded by Council Member Taylor, to approve this Appointment. Motion carried unanimously.

c. Transit Authority

Pridgen J. Amos - Appointment - Term Expiring March 2015

A motion was made by Council Member Merschel, seconded by Council Member Taylor, that is Appointment be approved. Motion carried unanimously.

G-4. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

CLOSED SESSION

A motion was made by Council Member Leight, seconded by Council Member Adams, to enter into Closed Session pursuant of N.C.G.S. §143-318.11(a)(4) to discuss location or expansion of a business or industry within the City.

Closed Session began at 8:01 p.m.

At 8:29 p.m. a motion was made by Council Member Adams, seconded by Council Member Taylor, to resume Regular Session.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:30 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
September 4, 2012**

CALL TO ORDER

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

ROLL CALL

Present: Council Member Molly Leight, Council Member Robert C. Clark, Council Member Derwin L. Montgomery, Mayor Allen Joines, Mayor Pro Tempore Vivian H. Burke, Council Member Wanda Merschel, and Council Member James Taylor, Jr.

Absent: Council Member Dan Besse and Council Member Denise Adams

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Mike Weaver

1. PUBLIC HEARING ON ZONING PETITION OF DAVID AND ERNESTINE COOPER FROM RS-9 TO NO-L (Adult Day Care Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Offices; Police or Fire Station; Recreation Facility, Public; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Child Day Care, Large Home; Limited Campus Uses; Residential Building, Multifamily; Residential Building, Townhouse; Utilities; Adult Day Care Center; Banking and Financial Services; Bed and Breakfast; Child Care, Sick Children; Child Day Care Center; Park and Shuttle Lot; Access Easement, Private Off-Site): Property located on the northwest corner of Waughtown Street and Reynolds Forest Drive - Containing approximately 0.66 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3148. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wishes to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Taylor.

Council Member Taylor made a motion, seconded by Council Member Montgomery, to continue this item to the October 1, 2012, City Council Meeting. Motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF HANESBRANDS, INC. AND YMCA OF GREATER WINSTON-SALEM, INC. FROM GO AND GB-L [Arts and Crafts Studio; Building Materials Supply; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (Without Drive-Through Service); Retail Store; Wholesale

Trade A; Banking and Financial Services; Building Contractors, General; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Offices; Services, A; Services, B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Facility, Public; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Animal Shelter, Public; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Religious Institution, Neighborhood; College or University; Dirt Storage; Government Offices, Neighborhood Organization or Post Office; Hospital or Health Center; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris; Police or Fire Station; School, Vocational, or Professional; Manufacturing A; Borrow Site; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities] TO IP: Property located on the west side of Hanes Mill Road, across from Museum Drive - Containing approximately 16.16 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3149. [Planning Board recommends approval of petition.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wishes 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 and Development Services, stated that he is on the YMCA Board, and because of that, he requests Aaron King, Deputy of Planning and Development Services, to give the presentation.

Council Member Montgomery made a motion, seconded by Council Member Taylor, for adoption of the Statement of Consistency set forth on page 41 of the Agenda Book and approval of W-3149.

3. PUBLIC HEARING ON ZONING PETITION OF S.G. ATKINS COMMUNITY DEVELOPMENT CORPORATION FROM RS-9 AND GO-S (Offices; Recreation Facility, Public; College or University; Church or Religious Institution, Neighborhood; Child Daycare Center; Arts and Crafts Studio; Police or Fire Station; and Services A) TO GO-S (Offices; Recreation Facility, Public; College or University; Church or Religious Institution, Neighborhood; Child Daycare Center; Arts and Crafts Studio; Police or Fire Station; and Services A): Property located on the west side of Martin Luther King, Jr. Drive between Allen Street and Wilbur Street - Containing approximately 2.56 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3150). [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wishes to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Council Member Montgomery.

Council Member Montgomery requested a presentation.

Paul Norby, Director of Planning and Development Services, provided a staff report for this item.

Council Member Montgomery made a motion, seconded by Council Member Taylor, to adopt the Statement of Consistency set forth on page 67 of the agenda book and approval of W-3150 including the Site Plan. Motion carried unanimously.

- 4.** PUBLIC HEARING ON ZONING PETITION OF BILL BENTON FOR PROPERTY OWNED BY WACHOVIA BANK AND TRUST CO. FOR THE WINSTON-SALEM FOUNDATION FROM IP HO TO RM8-S HO (Residential Building, Single Family; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Duplex; Residential Building, Townhouse; and Planned Residential Development): Property located on the south side of Clover Street surrounded by Carolina Avenue, West End Boulevard, and Glade Street - Containing approximately 5.6 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3154. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wishes to speak for or against this item.

Proponents:

Bill Benton, 1105 Brookstown Avenue

Marty Marion, 1122 Brookstown Avenue

Christy Respass, 715 Summitt Street

Opponents:

Tom Harris, 1315 Clover Street

Mary Horan, 1309 Clover Street

Phoebe Zerwick, Clover Street

Herbert Krabel, 1311 Clover Street

Kevin Abank, Clover Street

Proponent Rebuttal:

Bill Benton, 1105 Brookstown Avenue

Opponent Rebuttal:

Tom Harris, 1315 Clover Street

Mayor Joines closed the Public Hearing and asked Mr. Norby for a presentation.

A motion was made by Council Member Merschel, seconded by Council Member Clark, for adoption of the Statement of Consistency set forth on page 95 of the

agenda book and approval of W-3154 including the Site Plan. Motion carried unanimously.

- 5.** PUBLIC HEARING ON ZONING PETITION OF THE STATE OF NORTH CAROLINA AND THE N.C. SCHOOL OF THE ARTS FROM LI AND RSQ TO C: Property located on the north side of Acadia Avenue between South Main Street and Sunnyside Avenue and the east side of Sunnyside Avenue and north side of Haled Street - Containing approximately 2.29 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3153. [Planning Board recommends approval of petition.]

Mayor Joines recognized Council Member Leight.

Council Member Leight made a motion, seconded by Council Member Taylor, to remand this item back to the City/County Planning Board Meeting on October 11, 2012 and place it on the Agenda for the October 15, 2012, City Council Meeting. Motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:16 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
September 17, 2012**

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Bart Stone

CITY STARS PRESENTATION

Jeff Vaughn presented the award to Mr. Willie Glenn.

Mr. Glenn thanked Mr. Vaughn and the Mayor and City Council for the award.

Mr. Garrity, City Manager, stated that Mr. Glenn epitomizes the City's message of customer service.

CONSENT AGENDA

Items on the Consent Agenda have been unanimously recommended by a Committee of the City Council or are submitted in accordance with established procedure. There will be no discussion of the items unless a Council Member so request, in which event the item will be removed from the Consent Agenda and considered individually. Items not removed from the Consent Agenda will be enacted with one motion.

Mayor Joines stated without objection, the Council would first consider the Consent Agenda, and asked if there were any items that needed removed for discussion. Council Member Robert Clark removed C-6, Council Member Leight removed C-7, and Council Member Dan Besse removed C-10.

A motion was made by Council Member Burke, seconded by Council Member Merschel, to approve the balance of the Consent Agenda. Motion carried unanimously.

C-1. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTIES UNDER THE UPSET BID PROCEDURE (N.C.G.S. 160A-269) -

Located between Rams Drive and City Yard, and a lot at 615 Salem Avenue.
[Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-2.** RESOLUTION APPROVING RESTRUCTURE OF A SMALL BUSINESS LOAN FOR AZZAT AMER, INC. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- 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.]

Approved by the Consent Vote.

- a.** William and Janet Wolff 1141 Apple Street

Approved by the Consent Vote.

- C-4.** CONSIDERATION OF ITEMS RELATED TO 2012 GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FUNDING: [Recommended by Finance and Public Safety Committees.]

Approved by the Consent Vote.

- a.** RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, THE COUNTY OF FORSYTH, AND THE TOWN OF KERNERSVILLE AND EXECUTION OF A MUTUAL ASSISTANCE AGREEMENT BETWEEN THE SAME PARTIES FOR CONTINUED IMPLEMENTATION OF THE DWI JOINT TASK FORCE.

Approved by the Consent Vote.

- b.** ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- c.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- C-5.** CONSIDERATION OF ITEMS RELATING TO THE 2012 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS PROGRAM AWARD: [Recommended by Finance and Public Safety Committees.]

Approved by the Consent Vote.

- a. RESOLUTION AUTHORIZING ACCEPTANCE OF A 2012 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS PROGRAM AWARD.

Approved by the Consent Vote.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

C-8. CONSIDERATION OF ITEMS RELATING TO CONTRACTS:

- a. RESOLUTION AWARDED CONTRACT TO PURCHASE GOLF CARTS FOR WINSTON LAKE GOLF COURSE - Yamaha Golf-Car Company - \$164,300.

Approved by the Consent Vote.

- b. RESOLUTION AWARDED CONTRACT FOR CRS2L ASPHALT EMULSION CEMENT - Asphalt Emulsion Industries - \$144,900.

Approved by the Consent Vote.

- C-9. RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A PERMANENT TRAFFIC SIGNAL AND INTELLIGENT TRANSPORTATION SYSTEM FACILITIES, SIGNS AND PAVEMENT MARKINGS EASEMENT FROM HANES M. OWNER, LLC AND HANES Z. OWNER, LLC. [Recommended by Finance Committee.]**

Approved by the Consent Vote.

C-11. CONSIDERATION OF ITEMS RELATING TO THE CHERRY/MARSHALL PARKING DECK: [Recommended by Finance Committee.]

- a. RESOLUTION CREATING A CHERRY/MARSHALL BALLROOM CONDOMINIUM ASSOCIATION AND NAMING THE CITY MEMBERS OF THE CONDOMINIUM BOARD OF DIRECTORS.

Approved by the Consent Vote.

- b. RESOLUTION GRANTING EASEMENTS TO LAZ PARKING REALTY INVESTORS, LLC AND ITS ASSIGNS PURSUANT TO G.S. 160A-273 IN CONJUNCTION WITH THE SALE OF THE CHERRY/MARSHALL STREET PARKING DECK.

Approved by the Consent Vote.

- C-12. RESOLUTION ESTABLISHING A CITIZENS' ORGANIZATIONAL EFFICIENCY REVIEW COMMITTEE. [Recommended by Finance Committee.]**

Approved by the Consent Vote.

- C-6.** RESOLUTION AUTHORIZING THE WINSTON-SALEM POLICE DEPARTMENT TO AMEND THE BONNER-REDD-SURRATT-DAVIS SCHOLARSHIP PROGRAM. [Recommended by Public Safety Committee.]

A motion was made by Council Member Clark, seconded by Council Member Taylor, to approve this Resolution. Motion carried unanimously.

- C-7.** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR TEMPORARY STAFFING SERVICES - Winston Personnel Group - \$1,701,350 (Estimated Amount). [Recommended by Finance Committee.]

A motion was made by Council Member Leight, seconded by Council Member Adams, to approve this Resolution. Motion carried unanimously.

- C-10.** RESOLUTION APPROVING THE SCOPE OF WORK FOR A TRANSIT STRATEGIC PLAN. [Reviewed by Public Works Committee.]

A motion was made by Council Member Besse, seconded by Council Member Adams, to approve this Resolution. Motion carried unanimously.

GENERAL AGENDA

- G-1.** CONSIDERATION OF ITEMS RELATING TO MAST GENERAL STORES: [Recommended by Finance Committee.]

Council Member Clark made a motion, seconded by Council Member Adams, to excuse Council Member Merschel from voting due to a conflict. Motion carried unanimously.

- a.** PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO MAST GENERAL STORES.
- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

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.

Proponents:

Rodney Davis, 310 W. Fourth St. Winston-Salem

Jason Theil, President Downtown Winston-Salem Partnership, 305 W 4th Street Suite 201

Ruth Kookan, 227 W. 5th St. Winston-Salem

Vivian Joyner, Co-owner Sweet Potatoes, 529 N. Trade St.

Opponents:

None

Mayor Joines asked if there were anyone else in the Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing.

Council Member Leight made a motion, seconded by Council Member Taylor, to approve items G-1 A and G-1 B. Motion carried with the following vote:

Ayes: Council Members Leight, Clark, Montgomery, Burke, Adams, and Taylor

Nay: Council Member Besse

Excused: Council Member Merschel

G-2. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENT/REAPPOINTMENTS TO BOARDS AND COMMISSIONS:

a. CREATIVE CORRIDORS DESIGN REVIEW COMMITTEE

Jo Anna Morgan - Appointment - Term Expiring September 2016

A motion was made by Council Member Clark, seconded by Council Member Adams, to approve this appointment. Motion carried unanimously.

b. CITIZENS' BUDGET ADVISORY BOARD

Nick Jamison - Reappointment - Term Expiring December 2014

A motion was made by Council Member Clark, seconded by Council Member Adams, to approve this reappointment. Motion carried unanimously.

c. YOUTH ADVISORY COUNCIL - Representatives from Local High Schools

Appointments:

Sean Thomas, Jocelyn Ganzert, Lawson Stancil, Hope Arcuri, Edith Blanco Benitez, Herbert Liles, Bre-Ida Riddick, Asia Catral, Kristy Sakano, AnnaWade Strawsburg, Mishana Sturdivant, Saidi Martinez, Corrina Parriman, Mirian Chvez-Larios, Darian Thompson, Dalia Namak, Akanksha Arora, Anita Patel, Alexis Rose Acree, Garrett Locklear, Ryan Carter, Bryelle Braswell

Reappointments:

De'Gary Martin Hargrave, Kalli Bunch, Kristen McHale, Rae-Ling Lee, Randal Bissette, Jesus Barreto, Anna Pata Glover, Regina Mundy

A motion was made by Council Member Clark, seconded by Council Member Taylor, to approve these appointments and reappointments. Motion carried unanimously.

d. COLLEGE ADVISORY BOARD - Representatives from Local Colleges and Universities

Appointments:

Donna Reynolds, Sharon Nyerere, Therese Lozada, Christopher Reyes, Xizi Liao, Taylor Anne Adams, David Samsel, Chris Iskander, David Butler, Eboni Graham, Amanda Bottoms, Ebonee Funderburk

A motion was made by Council Member Adams, seconded by Council Member Clark, to approve these appointments. Motion carried unanimously.

G-3. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:56 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
October 1, 2012**

CALL TO ORDER

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

ROLL CALL

Present: Council Member Molly Leight, Council Member Robert C. Clark, Council Member Dan Besse, council Member Derwin L. Montgomery, Council Member Vivian H. Burke, Council Member Denise Adams, Council Member Wanda Merschel, and Council Member James Taylor, Jr.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Boy Scout Troop from Ardmere Baptist Church led the Pledge of Allegiance.

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Christa Long

PROCLAMATION RECOGNIZING CUSTOMER SERVICE WEEK

Mayor Joines presented the Proclamation to Jeff Vaughn, Chair of the Customer Service Initiative.

1. PUBLIC HEARING ON ZONING PETITION OF JULIO PANDO AND DIEGO RANGEL FROM RS-9 TO NB-L (Offices; and Services A): Property located on the southeast corner of Clemmons Road and Hastings Avenue - Containing approximately 0.37 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3156. [Planning Board recommends approval of petition].

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.

Proponents:

Julie Pando, 2614 Renfor Road, Winston-Salem

Opponents:

Jessie Adams, 3643 Hastings Avenue Winston-Salem

Carolyn Highsmith, 3335 Anderson Drive, President of Konnoak Hills Neighborhood Association

Hazel Watson, 3136 Anderson Drive, Winston-Salem Neighborhood Alliance

Ann Hemrick, 3141 Plymouth Drive, South Winston-Salem Community Coalition

Proponent Rebuttal:

Julie Pando, 2614 Renfor Road, Winston-Salem

Opponent Rebuttal:

Ann Hemrick, 3141 Plymouth Drive, South Winston-Salem Community Coalition

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

Council Member Taylor, seconded by Council Member Montgomery made a motion to continue this item to the November 5, 2012, City Council Meeting. Motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF BCBB, LLC FROM RM-18 TO RMU-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; and Planned Residential Development): Property located on the southwest side of First Street and the north side of Business I-40, south of Hinshaw Avenue - Containing approximately 6.31 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3151. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations.]

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.

Proponent:

Doug Stimmel, 301 N. Trade Street, Winston-Salem

Rob Hildebrand, 1615 Hyde Ave, President of West Highland Neighborhood Association

Opponent:

Reverend Otto Gaither, 5641 Novack St. Winston-Salem

Iven King, Winston-Salem

Sam Flowers, 1620 W. First Street Apt. 11 Winston-Salem

Terry Barren, 1620 W. First St. Apt. 8 Winston-Salem

Janice Faust, 1620 W. First St. Apt. 3 Winston-Salem

Spencer Drummond, Apt. 106 Westside Apartments, Winston-Salem

Mayor Joines asked if there were anyone else in the Council Chamber that wished to speak for or against this item. Seeing none, he closed the Public Hearing and recognized Paul Norby, Director of Planning, for a presentation.

A motion was made by Council Member Merschel, seconded by Council Member Adams to continue this item to the October 15, 2012, City Council Meeting. Motion carried unanimously.

The meeting recessed at 8:41 p.m. and reconvened at 8:48 p.m.

3. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF DAVID AND ERNESTINE COOPER FROM RS-9 TO NO-L (Adult Day Care Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Offices; Police or Fire Station; Recreation Facility, Public; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Child Day Care, Large Home; Limited Campus Uses; Residential Building, Multifamily; Residential Building, Townhouse; Utilities; Adult Day Care Center; Banking and Financial Services; Bed and Breakfast; Child Care, Sick Children; Child Day Care Center; Park and Shuttle Lot; Access Easement, Private Off-Site): Property located on the northwest corner of Waughtown Street and Reynolds Forest Drive - Containing approximately 0.66 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3148. [Planning Board recommends approval of petition. This item was continued from the September 4, 2012 City Council meeting.]

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 Taylor.

Council Member Taylor made a motion, seconded by Council Member Montgomery for approval of 1) the Statement of Consistency set forth on page 107 of the agenda and book and 2) approval of W-3148. Motion carried unanimously.

4. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, ARTICLE IV OF THE UNIFIED DEVELOPMENT ORDINANCES TO ADD LANGUAGE TO CLARIFY THE INTENT OF ARTICLE 4-9.8 (HISTORIC/HISTORIC OVERLAY DISTRICTS) RELATING TO UNDUE FINANCIAL HARDSHIP SOLELY IN CASES OF DEMOLITION BY NEGLECT - UDO-234 - Proposal of City/County Planning Staff. [Recommended by Planning Board.]

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 Paul Norby.

Mr. Norby explained the amendment and presented a brief staff report.

Council Member Clark made a motion, seconded by Council Member Merschel, to approve this Ordinance. Motion carried unanimously.

ADJOURNMENT

At 9:17 p.m. a motion was made by Council Member Clark, seconded by Council Member Adams, to adjourn. Motion carried unanimously.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING**

**Council Chambers
101 N. Main Street
October 15, 2012**

CALL TO ORDER

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

ROLL CALL

Present:

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

Absent:

Council Member Derwin Montgomery (arrived at 7:03 p.m.)

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Danny Watts

CONSENT AGENDA

Items on the Consent Agenda have been unanimously recommended by a Committee of the City Council or are submitted in accordance with established procedure. There will be no discussion of the items unless a Council Member so request, in which event the item will be removed from the Consent Agenda and considered individually. Items not removed from the Consent Agenda will be enacted with one motion.

Council Member Burke made a motion, seconded by Council Member Merschel, to approve the balance of the Consent Agenda. Motion carried by the following vote:

Aye: Council Member Clark, Council Member Besse, Council Member Leight, Mayor Pro Tempore Burke, Council Member Adams, Council Member Merschel, and Council Member Taylor

Absent: Council Member Montgomery

- C-1.** RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE EXTENSION WITH PRATT RECYCLING, INC. FOR A PORTION OF THE BUILDING LOCATED AT 2000 LOWERY STREET. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-3.** RESOLUTION AUTHORIZING AWARD OF EMERGENCY SOLUTIONS GRANT FUNDS TO THE SALVATION ARMY. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-5.** ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(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. Lewis R. and Irene Melton - 1109 Apple Street
- b. Barbara M. Williams - 1508 22nd Street

Approved by the Consent Vote.

- C-6.** ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: Repairs more than 65% of value of structure (<65). [Recommended by Community Development/Housing/General Government Committee.]

- a. Dock and Bessie G. Davis - 1213 E. 22nd Street
- b. Robert Clifton Friend - 1640 E. 23rd Street

Approved by the Consent Vote.

- C-8.** ORDINANCE AMENDING SECTION 42-1222(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Yorkshire Road. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-9.** ORDINANCE AMENDING SECTION 42-124 OF THE CITY CODE RELATING TO SCHOOL ZONES - Yorkshire Road from Silas Creek Parkway to Pennington Lane and Doncaster Road from Archer Road to Yorkshire Road for Sherwood Forest Elementary School. [Recommended by Public Safety Committee.]

Approved by the Consent Vote.

- C-10.** CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]

- a. RESOLUTION AWARDING PURCHASE ORDER FOR IN-CAR CAMERAS FOR THE CITY OF WINSTON-SALEM POLICE DEPARTMENT - Kustom Signals, Inc. - \$305,684.73.

Approved by the Consent Vote.

- b. RESOLUTION AWARDING PURCHASE ORDER FOR COMPUTERS FOR THE CITY OF WINSTON-SALEM POLICE DEPARTMENT - Dell Marketing, L.P. - \$119,549.20.

Approved by the Consent Vote.

- c. RESOLUTION AWARDING CONTRACT FOR ROAD SALT FOR STREETS DIVISION - Detroit Salt Company - \$156,840 (Estimated Amount).

Approved by the Consent Vote.

- d. RESOLUTION AWARDING CONTRACT FOR QUARRY PRODUCTS - Vulcan Construction Materials - \$816,110.30 (Estimated Amount).

Approved by the Consent Vote.

- C-11. CONSIDERATION OF ITEMS RELATING TO CONSTRUCTION AT THE FIRE MAINTENANCE FACILITY: [Recommended by Finance Committee.]

Approved by the Consent Vote.

- a. RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF FIRE MAINTENANCE PUMP TEST PIT - Silas Ridge Construction Services, Inc. - \$134,293 (Estimated Amount).

Approved by the Consent Vote.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- C-12. CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2012-2013 BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA: [Recommended by Finance Committee.]

- a. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- C-13. RESOLUTION AMENDING CONTRACT AMOUNT FOR PROFESSIONAL AND ENGINEERING SERVICES FOR HAZEN AND SAWYER, P.C., INC. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-14.** RESOLUTION AUTHORIZING MEDICARE COVERAGE FOR POLICE OFFICERS EMPLOYED PRIOR TO APRIL 1, 1986. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-15.** RESOLUTION AUTHORIZING AN EXTENSION OF AGREEMENT WITH ARISTA INFORMATION SYSTEMS, INC. FOR BILL PRINTING AND MAILING SERVICES. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-16.** CONSIDERATION OF ITEMS RELATING TO ACCEPTANCE OF THE 2012 GOVERNOR'S HIGHWAY SAFETY EQUIPMENT GRANT: [Recommended by Finance Committee.]

Approved by the Consent Vote.

- a.** RESOLUTION AUTHORIZING ACCEPTANCE OF A 2012 NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY EQUIPMENT GRANT TO FUND THE PURCHASE OF A MOTORCYCLE FOR THE POLICE DEPARTMENT'S TRAFFIC ENFORCEMENT UNIT.

Approved by the Consent Vote.

- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.

Approved by the Consent Vote.

- C-17.** RESOLUTION APPROVING A CONTRACT AMENDMENT FOR JORDAN CONSULTANTS, ASLA, FOR ADDITIONAL WORK ASSOCIATED WITH BROOKWOOD BUSINESS PARK ROAD EXTENSION AND SITE IMPROVEMENTS. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-18.** RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY TOURISM DEVELOPMENT AUTHORITY AND THE CITY OF WINSTON-SALEM. [Recommended by Finance Committee.]

Approved by the Consent Vote.

- C-19.** RESOLUTION GRANTING A UTILITY EASEMENT TO DUKE ENERGY CAROLINAS, LLC, PURSUANT TO N.C.G.S. 160A-273. [Recommended by Finance and Public Works Committees.]

Approved by the Consent Vote.

- C-20.** RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY – 2679 Hickory Glenn Road. [Recommended by Public Works Committee.]

Approved by the Consent Vote.

C-2. CONSIDERATION OF ITEMS RELATING TO CHATHAM MILL APARTMENTS:
[Recommended by Finance Committee.]

- a. RESOLUTION AUTHORIZING FINANCING FOR DEVELOPMENT OF CHATHAM MILL APARTMENTS.**
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.**

Council Member Merschel made a motion, seconded by Council Member Clark, to approve this Resolution and Ordinance. Motion carried unanimously.

C-4. CONSIDERATION OF ITEMS RELATING TO THE ACCEPTANCE OF A YOUTH BUILD GRANT: [Recommended by Finance Committee.]

Richie Brooks, Community Development Director, provided a staff report on this item.

- a. RESOLUTION AUTHORIZING ACCEPTANCE OF A YOUTH BUILD GRANT AND EXECUTION OF VARIOUS AGREEMENTS.**
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2012-2013.**

Council Member Taylor made a motion, seconded by Council Member Montgomery, to approve this Resolution and Ordinance. Motion carried unanimously.

C-7. ORDINANCE AMENDING SECTIONS 75-402(A) AND 75-404 OF THE POST CONSTRUCTION STORMWATER ORDINANCE TO ESTABLISH A STRUCTURAL BEST MANAGEMENT PRACTICE (BMP) REPLACEMENT FUND AND ACCOMPANYING OBLIGATIONS. [Recommended by Public Works Committee.]

Council Member Leight made a motion, seconded by Council Member Adams, to approve this Ordinance. Motion carried unanimously.

C-21. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES - January 3, 2011.**
- b. APPROVAL OF SUMMARY OF MINUTES - January 12, 2011 Special Meeting.**
- c. APPROVAL OF SUMMARY OF MINUTES - January 18, 2011.**
- d. APPROVAL OF SUMMARY OF MINUTES - January 31, 2011 Strategic Planning Session.**
- c. APPROVAL OF SUMMARY OF MINUTES - February 7, 2011.**
- d. APPROVAL OF SUMMARY OF MINUTES - February 21, 2011.**

Council Member Besse stated on page 319 the motion should read the substitute motion "failed" instead of "carried".

Council Member Besse made a motion, seconded by Council Adams to approve the minutes as amended. Motion carried unanimously.

GENERAL AGENDA

- G-1.** CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF THE STATE OF NORTH CAROLINA AND THE N.C. SCHOOL OF THE ARTS FROM LI AND RSQ TO C AND C-S (College or University): Property located on the north side of Acadia Avenue between South Main Street and Sunnyside Avenue and the east side of Sunnyside Avenue and north side of Haled Street - Containing approximately 2.29 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3153. [Planning Board recommends approval of petition. At the September 4, 2012 City Council Meeting, this item was remanded to the October 11, 2012 Planning Board Meeting and continued to the October 15, 2012 City Council Meeting.]

Mayor Joines opened the Public Hearing.

Proponents:

Chris Boyd, Associate Vice Chancellor, University of North Carolina School of the Arts, 7274 Ridgecrest Trail, Winston-Salem

Jim Decreisto, 451 Sun Creek Drive, Winston-Salem

Opponents:

Jim Hullihan, 100 W. Banner Avenue, Winston-Salem

Jan Hullihan, 100 W. Banner Avenue, Winston-Salem

Mayor Joines asked if there were anyone else in the Council Chamber that wished to speak for against this item. Seeing none, he closed the Public Hearing and asked Paul Norby, Director of Planning, to provide a brief report.

Council Member Leight: I move for adoption of the approval of the Statement of Consistency set forth in the revised agenda packet and approval of W-3153 including the Site Plan.

Council Member Merschel: Second

Motion carried unanimously.

- G-2.** CONTINUATION OF CONSIDERATION OF ZONING PETITION OF BCBB, LLC FROM RM-18 TO RMU-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; and Planned Residential Development): Property located on the southwest side of First Street and the north side of Business I-40, south of Hinshaw Avenue - Containing approximately 6.31 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3151. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations. The public hearing on this item was held at the October 1, 2012 City Council Meeting and the item was continued.]

Mayor Joines stated the Public Hearing for this item was held October 1, 2012, City Council Meeting and recognized Council Member Merschel for the motion.

Council Member Merschel: Motion for adoption of the statement of consistency set forth on page 57 of the agenda book and approval of W-3151 including the Site Plan.

Council Member Clark: Second.

Motion carried unanimously.

G-3. ORDINANCE AMENDING CHAPTER 42, ARTICLE IV ENTITLED STOPPING, STANDING AND PARKING. (NO PARKING ON THE FRONT LAWN.) [Community Development/Housing/General Government Committee forwarded this to Council with three in favor, none opposed and one abstaining.]

Council Member Besse made a motion, seconded by Council Member Taylor, to approve the Ordinance as presented by the Committee.

Council Merschel made a substitute motion to amend page 64 to offer a substitute resolution to require a simple majority 51% of the property owners and in the last paragraph change to one person one vote no multiple votes for multiple property owners.

Molly Leight: Second.

Aye: Council Members Leight, Montgomery, Burke and Merschel

Nay: Council Members Clark, Besse, Adams, and Taylor

Mayor Joines broke the tie with a Nay vote. Motion failed.

Mayor Joines stated a vote will now be taken on the one person one vote.

Aye: Council Members Leight, Besse, Merschel, and Taylor

Nay: Council Members Clark, Montgomery, Burke, and Adams

Mayor Joines broke the tie with an Aye vote. Motion carried.

Mayor Joines stated Council would now consider the original motion and recognized Council Member Besse for an amendment to the motion.

Council Member Besse motion to amend section 3 to read this Ordinance shall be effective December 1, 2012.

Council Member Taylor: Second.

Aye: Council Members Leight, Besse, Montgomery, Burke, Adams, Merschel and Taylor

Nay: Council Member Clark

Motion carried.

G-4. PUBLIC COMMENT PERIOD.

Public Comment Period was heard.

CLOSED SESSION

Council Member Adams: I move that the Winston-Salem City Council go into closed session to commence the City Managers annual performance evaluation pursuant to N.C.G.S. §143-3318.11(a) 6.

Council Member Clark: Second

Motion carried unanimously. Close Session began at 8:58: p.m.

At 9:08 p.m., Council Member Adams made a motion, seconded by Council Member Montgomery, to end the Closed Session and resume Regular Session.

Motion carried unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 9:09 p.m.

**WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
November 5, 2012**

CALL TO ORDER

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

ROLL CALL

Present:

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Steve Osborne

RESOLUTION RECOGNIZING THE PRESBYTERIAN INTERRACIAL DIALOGUE

Council Member Burke presented the Resolution.

A motion was maybe by Council Member Taylor, seconded by Council Member Adams that this Resolution be approved. Motion carried unanimously.

- 3. PUBLIC HEARING ON ZONING PETITION OF DEACON RENTAL PROPERTIES, LLC FOR PROPERTY OWNED BY FIRST ASSEMBLY OF GOD, INC. AND DEACON RENTAL PROPERTIES, LLC FROM RS-9 TO RM-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Family Group Home A; Swimming Pool, Private; Church or Religious Institution, Neighborhood; Landfill, Land Clearing/Inert Debris; Parking, Off-Site for Multifamily or Institutional Uses; and Utilities): Property located on the north side of Palm Drive between University Parkway and Ewing Street - Containing approximately 5.78 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3155. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations.]**

Mayor Joines stated Council Member Montgomery would like to continue Item 3, so without objection, the Council will first consider Item 3.

Council Member Montgomery made a motion, seconded by Council Member Taylor, to excuse Council Member Adams from voting due to a conflict of interest. Motion carried unanimously.

Council Member Montgomery made a motion, seconded by Council Member Taylor, to continue item 3 to the December 3rd Council Meeting. Motion carried unanimously.

1. PUBLIC HEARING ON SITE PLAN AMENDMENT OF D-2/DAIRI-O FOR PROPERTY OWNED BY SOUTHPARK SHOPPING CENTER OUTPARCEL LLC FOR A HB-S [Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Retail Store; Nursery, Lawn and Garden Supply Store, Retail; Warehousing; Wholesale Trade A; Wholesale Trade B; Restaurant (Without Drive-Through Service); Restaurant (With Drive-Through Service); Offices; Banking and Financial Services; Parking, Commercial; Utilities; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Arts and Crafts Studio; Stadium, Coliseum, or Exhibition Building; Services B; Hotel or Motel; Bed and Breakfast; Boarding or Rooming House; Outdoor Display, Retail; Motorcycle Dealer; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Paint or Body Shop; Motor Vehicle, Storage Yard; Government Offices, Neighborhood Organization, or Post Office; Services A; Building Contractors, General; Building Contractors, Heavy; Car Wash; Signs, Off-Premises; Terminal, Bus or Taxi; and Postal Processing Facility] Zoned Site: Property is located on the north side of Clemmonsville Road between Peters Creek Parkway and Orchard View Drive - Containing approximately 1.3 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-3157. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations.]

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 Leight.

Council Member Leight: I move for (1) adoption of the statement of consistency set forth on page 27 of the agenda book and (2) approval of W-3157 including the site plan. Council Member Merschel: Second. Motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF PARR INVESTMENT, INC. FOR PROPERTY OWNED BY ROBERT AND TREVA BOYLES FROM RS-9 TO RM-12-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Multifamily): Property is located on the south side of Solomon Drive and north side of Pecan Lane, west of Union Cross Road - Containing approximately 7.5 acres located in the EAST WARD (Council Member Montgomery) - Zoning Docket W-3158. NOTE: The proposed rezoning is for Tract 1 as shown on the case map. Tract 2 was previously zoned and the Final Development Plan for that tract was approved by the Planning Board on October 11, 2012. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations.]

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.

Paul Norby, Director of Planning, gave a presentation.

Council Member Montgomery: I motion for adoption of (1) the statement of consistency set forth on page 57 of the agenda book and (2) approval of W-3158 including the site plan. Council Member Burke: Second. Motion carried unanimously.

4. CONTINUATION OF CONSIDERATION OF ZONING PETITION OF JULIO PANDO AND DIEGO RANGEL FROM RS-9 TO NB-L (Offices; and Services A): Property located on the southeast corner of Clemmons Road and Hastings Avenue - Containing approximately 0.37 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3156. [Planning Board recommends approval of petition. Item continued from the October 1, 2012 City Council Meeting.]

The Public Hearing for this item was held at the October 1, 2012, City Council Meeting.

Paul Norby, Planning Director, gave the staff report for this item.

Council Member Taylor: I motion for adoption of (1) the statement of consistency set forth on page 175 of the agenda book and (2) approval of W-3156 including the revised special use limited district permit as presented. Council Member Adams: Second. Motion carried unanimously.

5. PUBLIC HEARING AND ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCES BY CREATING THE USE "ENTERTAINMENT FACILITY, LARGE" AND CREATING AN ENTERTAINMENT ZONING DISTRICT - Proposal of the City Council - UDO-232. [Recommended by Public Safety and Community Development/Housing/General Government Committees.]

Paul Norby, Planning Director, gave a presentation on this item.

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.

Council Member Besse: Motion for approval of the proposal as presented. Council Member Leight: Second.

Council Member Montgomery made a substitute motion to delete the current language in paragraph 7(a) of UDO text amendment 232 relating to the parking study and to substitute in lieu thereof the revised paragraph 7(a) that allows a disapproval of the parking study to be appealed to the City Council. Council Member Besse: Second. Motion carried with the following vote:

Aye: Council Members Clark, Besse, Montgomery, Burke, Adams, Merschel, and Taylor

Nay: Council Member Leight

Mayor Joines stated the substitute motion passes and Council will now consider the original motion made by Council Member Besse.

Original motion carried with the following vote:

Aye: Council Members Clark, Besse, Montgomery, Burke, Adams, Merchel, and Taylor

Nay: Council Member Leight

6. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B, ARTICLE IX OF THE UNIFIED DEVELOPMENT ORDINANCES TO GIVE THE CITY MANAGER AUTHORITY TO SETTLE ANY ZONING ENFORCEMENT CIVIL PENALTY COLLECTION ACTION - UDO-235 - Proposal of the City Attorney's Office. [Recommended by Planning Board.]

Paul Norby, Planning Director, gave the presentation.

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.

Council Member Leight: Motion for approval. Council Member Burke: Second. Motion carried unanimously.

7. CONSIDERATION OF ITEMS RELATING TO THE KEEPING OF CHICKENS, PIGEONS, OR OTHER FOWL:

- a. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REFLECT CHANGES MADE TO CHAPTER VI OF THE CITY CODE FOR THE KEEPING OF CHICKENS, PIGEONS, OR OTHER FOWL - UDO-236 - Proposal of the City Manager's Office. [Recommended by Planning Board.]

- b. ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE CONCERNING REGULATIONS FOR THE KEEPING OF CHICKENS OR OTHER FOWL AND PIGEONS. [Recommended by Community Development/Housing/General Government Committee.]

Greg Turner, Assistant City Manager, gave the staff report on this item.

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.

Council Member Besse: Motion for approval. Council Member Merschel: Second. Motion carried unanimously.

8. PUBLIC HEARING AND RESOLUTION ADOPTING THE LEGACY COMPREHENSIVE PLAN 2030 UPDATE.

Paul Norby, Planning Director, gave the presentation on this item.

Mayor Joines opened the Public Hearing.

Proponents:

Gayle Anderson

Michael Suggs

Russ DuBois

Opponents:

Brunson Sully, III

Council Member Merschel made a motion seconded by Council Member Clark to approve the Resolution. Motion carried unanimously.

- 9.** REQUEST TO EXTEND THE TERM OF LEASE FOR THE CITY-OWNED UNION STATION BUILDING. [Item continued from the August 20, 2012 City Council meeting.]

Greg Turner, Assistant City Manager, gave the staff report on this item.

Council Member Clark requested Mr. Harvey Davis be given a chance to speak.

Mr. Harvey Davis spoke in regards to this item.

Council Member Montgomery made a motion, seconded by Council Member Leight, to deny the request to extend the term of lease for the City-owned Union Station Building.

Council Member Clark made a substitute motion to extend the lease until December 15th.

Motion failed for lack of second.

The original motion carried with the following vote:

Aye: Council Members Leight, Besse, Montgomery, Burke, Adams, Merschel, and Taylor

Nay: Council Member Clark

- 10.** MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS:

- a.** CITIZENS' BUDGET ADVISORY COUNCIL

Rosie Bethea - Appointment - Term Expiring June 2014

Jerome Capistrano - Appointment - Term Expiring July 2014

A motion was made by Council Member James Taylor, Jr., seconded by Council Member Adams, that this appointment be approved. Motion carried unanimously.

- b.** COLLEGE ADVISORY BOARD

Javar Jones - Appointment

A motion was made by Council Member Burke, seconded by Council Member Montgomery to approve this appointment. Motion carried unanimously.

c. YOUTH ADVISORY COUNCIL

Keylah Parsons - Appointment

A motion was made by Council Member Burke, seconded by Council Member Clark to approve this appointment. Motion carried unanimously.

d. CITIZENS' ORGANIZATIONAL EFFICIENCY REVIEW COMMITTEE

Appointments: Karen McNeil Miller, John W. Davis, III, Arthur T. King, Harold Holmes, Lida Hayes-Calvert, Karen Bartoletti, Paschal W. Swann, and Bruce K. Shelton.

A motion was made by Council Member Burke, seconded by Council Member Taylor, to approve these appointments.

MAYOR/COUNCIL COMMENTS

Council Member Besse encouraged people to donate to organizations such as the Red Cross and to remember the victims of Hurricane Sandy. He also encouraged people to get out and vote.

Council Member Burke stated her thoughts and prayers are with the ones touched by Hurricane Sandy and reminded citizens to get out and vote.

Council Member Taylor stated he is a member of the Creative Corridor Coalition and there are some concerns regarding new build boards on I-40.

Mayor Joines expressed deepest sympathy to the family of Fire Captain Grant Darnell.

Council Member Clark stated he was in New York to see the effects of the hurricane and encouraged support and donations.

Council Member Montgomery stated he wanted to salute the boy scouts that were in the audience.

CLOSED SESSION

Council Member Montgomery made a motion to enter into Closed Session pursuant to N.C.G.S §143-318.11 (a)4 to discuss the location or expansion of an industry and/or business within the city, seconded by Council Member Clark. Motion carried unanimously.

City Council entered into Closed Session at 8:19 p.m.

At 8:39 a motion was made by Council Member Taylor, seconded by Council Member Adams, to end the Closed Session and return to Regular Session. Motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:39 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
November 19, 2012

CALL TO ORDER

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

ROLL CALL

Present:

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Tyrone Phelps

RESOLUTION RECOGNIZING WINSTON-SALEM STATE UNIVERSITY RAMS FOOTBALL TEAM AS THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION CHAMPION.

Mayor Pro Tempore Burke and Council Member Derwin L. Montgomery presented the Resolution.

Council Member Montgomery made a motion, seconded by Council Member Taylor, to approve this Resolution.

Motion carried unanimously.

PROCLAMATION RECOGNIZING NOVEMBER 23, 2012 AS “WSSU RAMS WEAR RED DAY”

Mayor Joines presented the Proclamation.

PRESENTATION REGARDING THE PIEDMONT TRIAD AIRPORT AUTHORITY

William Moore, Representative of the Piedmont Triad Airport Authority gave the presentation.

CONSENT AGENDA

Mayor Joines stated without objection, the Council would first consider the Consent Agenda and asked if there were any items that needed removed for discussion.

Items C-8(d), C-9 (a), C-17 and C-18 were removed for discussion.

A motion was made by Mayor Pro Tempore Burke, seconded by Council Member Besse to approve the balance of the Consent Agenda.

- C-1.** RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT DEED FROM CHARLES S. TARA - Property located on the south side of Robinhood Road at Muddy Creek. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-2.** RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR THE VALLEY ROAD REDESIGN INTERSECTION IMPROVEMENTS BY DEED - Located at 3600 Yadkinville Road. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-3.** RESOLUTION GRANTING A UTILITY EASEMENT TO DUKE ENERGY CAROLINAS, LLC, PURSUANT TO N.C.G.S. 160A-273 - Located on property on the north side of Stafford Village Boulevard at its intersection with Old Salisbury Road. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-4.** RESOLUTION AUTHORIZING AN EXTENSION OF A LEASE AGREEMENT WITH KDM OF WILMINGTON, LLC PROVIDING A SITE FOR A LEAF MULCHING FACILITY FOR THE SANITATION DEPARTMENT - Located at 3 W. Thirty Second Street. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-5.** RESOLUTION AUTHORIZING A CHANGE IN USE OF PAYMENT IN LIEU OF TAXES FUNDS BY THE HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-6.** RESOLUTION AUTHORIZING MODIFICATIONS OF AN ECONOMIC DEVELOPMENT LOAN FOR AZZAT AMER, INC. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-7.** 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.]
Approved by the Consent Vote.
- a.** Pitts Memorial Baptist Church 2801 Urban Street

b. Larry Wayne Sutphin 911 Ferndale Avenue

C-8. 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.]
Approved by the Consent Vote.

a. James Thomas Britton 2000 Bertha Street

b. Jerry Allen Shepherd 401 W. Acadia Avenue

c. John Francis Osborn 1306 E. Clemmons Road

C-9. ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: Repairs more than 65% of value of structure (>65). [Recommended by Community Development/Housing/General Government Committee.]
Approved by the Consent Vote.

b. Warith F. Muhammad 3409 Del Rio Court

C-10. RESOLUTION AUTHORIZING THE CITY OF WINSTON-SALEM TO APPLY FOR A BROWNFIELDS ASSESSMENT GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. [Recommended by Finance Committee.]
Approved by the Consent Vote.

C-11. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - Sims Drive; Salem Lake Road; Cedar Springs Drive; Doncaster Road; Haverhill Street; Neighborhood Limits: Lane Street and Stowe Street; Neighborhood Limits: Ashford Drive, Ashford Court, Worthland Drive, Cherbourg Avenue, Hollinswood Avenue, Hollinswood Court, Bayeux Court and Ernsford Drive. [Reviewed by Public Safety Committee.]
Approved by the Consent Vote.

C-12. ORDINANCE AMENDING SECTION 42-124 OF THE CITY CODE RELATING TO SCHOOL ZONES - Highland Avenue from Martin Luther King, Jr. Drive to 12th Street; 11th Street from Highland Avenue to N/S Expressway; and 12th Street from Highland Avenue to Liberty Street for Carter High School. [Reviewed by Public Safety Committee.]
Approved by the Consent Vote.

- C-13.** RESOLUTION AUTHORIZING RENAMING THE KIMBERLEY PARK TENNIS COURTS TO THE ARCHIE FAMILY TENNIS COURTS. [Recommended by Community Development/Housing/General Government Committee.]
Approved by the Consent Vote.
- C-14.** CONSIDERATION OF ITEMS RELATING TO CONTRACT:
- a.** RESOLUTION AWARDED CONTRACT FOR ASPHALTIC CONCRETE FOR STREETS DIVISION - Yadkin Valley, Inc. - \$2,434,048.75 (Estimated Amount).
Approved by the Consent Vote.
- b.** RESOLUTION AWARDED CONTRACT TO PURCHASE AND INSTALL MOBILE FILE SHELVING - Patterson-Pope, Inc. - \$109,215.04.
Approved by the Consent Vote.
- c.** RESOLUTION APPROVING A CONTRACT WITH COMPUCOM SYSTEMS INCORPORATED FOR DESKTOP SUPPORT SERVICES - CompuCom Systems, Incorporated - \$97,500.
Approved by the Consent Vote.
- C-15.** CONSIDERATION OF AMENDMENTS TO THE FISCAL YEAR 2012-2013 BUDGET ORDINANCES FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA: [Recommended by Finance Committee.]
Approved by the Consent Vote.
- a.** ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR FISCAL YEAR 2012-2013.
Approved by the Consent Vote.
- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR 2012-2013.
Approved by the Consent Vote.
- C-16.** RESOLUTION APPROVING A CONTRACT CHANGE ORDER TO SMITH-ROWE, LLC FOR ADDITIONAL WORK ASSOCIATED WITH THE MOTOR ROAD EXTENSION PROJECT. [Recommended by Finance Committee.]
Approved by the Consent Vote.
- C-19.** CONSIDERATION OF ITEMS RELATED TO THE LITTLE CREEK GREENWAY PROJECT: [Recommended by Finance Committee.]
Approved by the Consent Vote.
- a.** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE LITTLE CREEK GREENWAY PROJECT.
Approved by the Consent Vote.
- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR 2012-2013.
Approved by the Consent Vote.

C-20. CONSIDERATION OF ITEMS RELATING TO THE PROVISION OF MEDICAL-RELATED TRANSPORTATION SERVICES TO MEDICAID-ELIGIBLE INDIVIDUALS: [Recommended by Finance Committee.]

Approved by the Consent Vote.

a. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE WINSTON-SALEM TRANSIT AUTHORITY AND FORSYTH COUNTY FOR THE PROVISION OF MEDICAL-RELATED TRANSPORTATION SERVICES TO MEDICAID-ELIGIBLE INDIVIDUALS.

Approved by the Consent Vote.

b. ORDINANCE AMENDING CHAPTER 78 OF THE CITY CODE CONCERNING THE GENERAL POWERS OF THE TRANSIT AUTHORITY.

Approved by the Consent Vote.

C-21. ORDINANCE AMENDING CHAPTER 42, ARTICLE IV OF THE CITY CODE ENTITLED STOPPING, STANDING AND PARKING. [Recommended by Community Development/Housing/General Government Committee.]

Approved by the Consent Vote.

C-8 (d)

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.]

Richard M. Miller

708 McCreary Street

Mr. Richard M. Miller, property owner, spoke in regards to the property.

Ritchie Brooks, Community Development Director, provided further information regarding this property and explained the process of demolition.

Council Member Besse made a motion, seconded by Council Member Burke to approve this item.

Motion carried unanimously.

C-9 (a) 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.]

William H. West

860 N. Liberty Street

A motion was made by Council Member Montgomery, seconded by Council Member Merschel that this Ordinance be approved.

Motion carried unanimously.

C-17. CONSIDERATION OF ITEMS RELATING TO THE SPRAGUE STREET AT KERNERSVILLE ROAD INTERSECTION IMPROVEMENT: [Recommended by Finance Committee.]

- a.** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE SPRAGUE STREET AT KERNERSVILLE ROAD INTERSECTION IMPROVEMENT PROJECT.
- b.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR 2012-2013.

Greg Turner, Assistant City Manager, gave the staff report on this item.

A motion was made by Council Member Taylor, seconded by Council Member Montgomery this Resolution and Project Budget Ordinance be approved.

Motion carried unanimously.

C-18. CONSIDERATION OF ITEMS RELATED TO MUDDY CREEK GREENWAY CONNECTION PROJECTS: [Recommended by Finance Committee.]

- a.** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE LANTERN RIDGE GREENWAY CONNECTION.
- b.** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR MUDDY CREEK GREENWAY TRAILHEAD.
- c.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR 2012-2013.

A motion was made by Council Member Clark, seconded by Council Member Burke, that this item be approved.

Motion carried unanimously.

GENERAL AGENDA

G-1. PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO HERBALIFE. [Finance Committee forwarded this item without a recommendation.]

Derwick Paige, Assistant City Manager, gave a brief staff report on this item.

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chambers that wished to speak for or against this item.

Proponents:

Bob Link, President of Winston-Salem Business Inc. 1080 W. 4th Street, Winston-Salem

Opponents:

None.

Mayor Joines declared the Public Hearing closed.

A motion was made by Council Member Taylor, seconded by Council Member Clark, that this item be approved.

Motion carried unanimously.

- G-2.** CONSIDERATION OF ITEMS RELATED TO THE CAROLINA FIELD OF HONOR:
[Finance Committee forwarded this item without a recommendation.]
- a.** RESOLUTION AUTHORIZING A CONTRIBUTION TO THE WAR MEMORIAL FOUNDATION FOR THE CAROLINA FIELD OF HONOR.
- b.** ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR FISCAL YEAR 2012-13.
- c.** ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR 2012-13.

Bill Knight, former Mayor of Greensboro, stated for the record that there would be a representative from Winston-Salem on this Board and this would be a onetime request for funds.

A motion was made by Council Member Taylor, seconded by Council Member Adams, that this item be approved.

Motion carried with a 7-1 vote.

Ayes: Council Members Leight, Clark, Besse, Montgomery, Burke, Adams and Taylor

Nay: Council Member Merschel

- G-3.** RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR THE 415 N. BROAD STREET DEVELOPMENT PROJECT. [Finance Committee forwarded this item without a recommendation.]

Derwick Paige, Assistant City Manager, gave the staff report for this item.

A motion was made by Council Member Merschel, seconded by Council Member Taylor that this item be approved.

Motion carried unanimously.

G-4. MAYOR JOINES' RECOMMENDATIONS FOR APPOINTMENTS/REAPPOINTMENTS TO BOARDS/COMMISSIONS:

a. EMERGENCY MANAGEMENT ADVISORY COUNCIL

C. David Jackson - Appointment - Term Expiring September 2015

Renarde D. Earl - Appointment - Term Expiring September 2015

A motion was made by Council Member Taylor, seconded by Council Member Adams, that this item be approved.

Motion carried unanimously.

b. TOURISM DEVELOPMENT AUTHORITY

Category: 100 rooms or less

Walter Smith, III - Appointment - Term Expiring October 2014

Category: Tourism

RaVonda Dalton-Rann-Appointment-Term Expiring October 2015

A motion was made by Council Member Adams, seconded by Council Member Merschel, that this item be approved.

Motion carried unanimously.

c. CITIZENS BUDGET ADVISORY COUNCIL

Ronald L. Braun - Appointment - Term Expiring December 2014

A motion was made by Council Member Merschel, seconded by Council Member Adams that this item be approved.

Motion carried unanimously.

d. PUBLIC ASSEMBLY FACILITIES COMMISSION

Ronald Bird - Reappointment - Term Expiring August 2015

George Barrow Boyd - Reappointment - Term Expiring August 2015

Cynthia W. Jeffries - Reappointment - Term Expiring August 2015

Edward H. Sehon - Reappointment - Term Expiring August 2015

Yolanda Iquan Smith - Reappointment - Term Expiring August 2015

A motion was made by Council Member Taylor, seconded by Council Member Clark, that this item be approved.

Motion carried unanimously.

G-5. PUBLIC COMMENT PERIOD.

Public Comment period was heard.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:17 p.m.

WINSTON-SALEM CITY COUNCIL REGULAR MEETING

**Council Chambers
101 N. Main Street
December 3, 2012**

CALL TO ORDER

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

ROLL CALL

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Mayor Joines requested Cub Scout Troop 749 from Ardmore Methodist Church to lead the Pledge of Allegiance.

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Mike Weaver

5. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF DEACON RENTAL PROPERTIES, LLC FOR PROPERTY OWNED BY FIRST ASSEMBLY OF GOD, INC. AND DEACON RENTAL PROPERTIES, LLC FROM RS-9 TO RM-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Family Group Home A; Swimming Pool, Private; Church or Religious Institution, Neighborhood; Landfill, Land Clearing/Inert Debris; Parking, Off-Site for Multifamily or Institutional Uses; and Utilities): Property located on the north side of Palm Drive between University Parkway and Ewing Street - Containing approximately 5.78 acres located in the NORTH WARD (Council Member Adams) - Zoning Docket W-3155. [Planning Board recommends approval of petition and approval of the site plan with staff recommendations. This item was continued from the November 5, 2012 City Council meeting.]

Mayor Joines stated without objection Council would consider Item 5 first.

Mayor Joines reminded everyone that Council Member Adams has been excused from voting on this item.

Council Member Merschel: Council Member Adams has been excused from voting on this matter which includes any and all motions to continue due to the conflict. I would move that W-3155 Deacon Rental Property, LLC be continued until February 4, 2013.

Council Member Taylor: Second.

Motion carried unanimously.

1. PUBLIC HEARING ON ZONING PETITION OF HOOTS ROLLER MILL, LLC AND PNC BANK FROM GI TO GB-L [Arts and Crafts Studio; Building Materials Supply; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply Store, Retail; Motorcycle Dealer; Restaurant (Without Drive-Through Service); Retail Store; Wholesale Trade A; Building Contractors, General; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Academic Biomedical Research Facility; Club or Lodge; Institutional Vocational Training Facility; Museum or Art Gallery; Manufacturing A; Broadcast Studio; Government Offices, Neighborhood Organization or Post Office; Parking, Commercial; and Terminal, Bus or Taxi]: Property located on the north side of Canal Drive between Manly Street and Bridge Street - Containing approximately 1.24 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-3159. [Planning Board recommends approval of petition.]

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 Merschel.

Council Member Merschel: Move for (1) adoption of the Statement of Consistency set forth on page 27 of the Agenda Book and (2) approval of W-3159.

Council Member Adams. Second.

Motion carried unanimously.

2. PUBLIC HEARING ON ZONING PETITION OF MASONIC TEMPLE FROM GO & GB TO GB: Property located on the west side of Miller Street, south of Stratford Road - Containing approximately 3.77 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-3161. [Planning Board recommends approval of petition.]

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 Clark.

Council Member Clark: Motion for (1) the adoption of the Statement of Consistency set forth on page 53 of the Agenda Book and (2) approval of W-3161.

Council Member Leight: Second.

Motion carried unanimously.

3. PUBLIC HEARING ON ZONING PETITION OF EVERARDO CORTES AND AIDE GARCIA FROM RS-9 TO PB-L: (Retail Store; Offices; and Residential Building, Single Family): Property located on the south side of Waughtown Street between Lyons Street and Cline Street - Containing approximately 0.23 acre located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3160. [Planning Board recommends approval of petition.]

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.

Proponents:

Everardo Cortes, 4808 Holders Road, Greensboro, NC 27405

Opponents:

Glen Stewart, 2103 Waughtown Street, Winston-Salem, NC

Rebekah Cummings, 1162 Waughtown Street, Winston-Salem, NC

Mayor Joines asked if there would be a rebuttal. Seeing none, he closed the Public Hearing and recognized Mr. Paul Norby, Director of Planning Services, for a presentation.

Council Member Taylor: Motion for adoption of the Statement of Consistency set forth on page 81 of the Agenda Book and denial of W-3160.

Council Member Leight: Second.

Motion carried unanimously.

4. PUBLIC HEARING ON SITE PLAN AMENDMENT OF KEVIN WOLFE AND GRETCHEN HOLZINGER FOR A PB-S (Retail Store; and Food or Drug Store) Zoned Site: Property located on the southwest corner of Waughtown Street and Peachtree Street - Containing approximately 1.15 acres located in the SOUTHEAST WARD (Council Member Taylor) - Zoning Docket W-3162. [Planning Board recommends approval of petition contingent on a revised site plan complying with recommendations made by the Planning Board.]

Mayor Joines opened the Public Hearing and asked if there were anyone present in the Council Chamber that wished to speak for or against this item.

Proponents:

George T. Barnes, 3900 Merton Drive, Suite 210, Raleigh, NC 27609

Lorraine Delacio, 2370 Peachtree St. Winston-Salem, 27107

Opponents:

Rebeka Cummings, 1162 Waughtown Street, Winston-Salem, 27107

Rebuttal Proponents:

George T. Barnes, 3900 Merton Drive, Suite 210, Raleigh, NC 27609

Mayor Joines asked if the Opponents wanted to give a rebuttal. Seeing none, he closed the Public Hearing and asked Mr. Norby to give a brief presentation.

Council Member Taylor: Motion for adoption of the Statement of Consistency set forth on page 107 of the Agenda Book and approval of W-3162 including the site plan with the additions that were made to the HVAC Unit and the revised site plan.

Mr. Barnes stated for the record that he agreed with the conditions.

Council Member Montgomery: Second.

Motion carried unanimously.

6. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ALLOW MULTIPLE DWELLING UNITS TO BE PLATTED ON A SINGLE ZONING LOT WITHIN PLANNED RESIDENTIAL DEVELOPMENTS - UDO-237 - Proposal of BSC Holdings, Inc. [Recommended by Planning Board.]

Mayor Joines requested a brief presentation.

Mayor Joines asked if there were anyone in the Council Chamber that wished to speak for or against this item.

Proponents:

*Amanda Williams, P.O. Box 8306 Greensboro, NC
Barry Siegal, P.O. Box 8306 Greensboro, NC*

Opponents:

None

Council Member Merschel: Motion to continue this item to the January 7, 2013, City Council Meeting.

Council Member Adams: Second.

Motion carried unanimously.

7. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO AMEND THE REVIEW REQUIREMENTS FOR SCHOOL STADIUMS IN GROWTH MANAGEMENT AREA 2 - UDO-233 - Proposal of Henry Lafferty. [No recommendation by Planning Board due to tie vote. Item reviewed by Community Development/Housing/General Government Committee.]

Mayor Joines requested Mr. Norby give a presentation.

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.

Proponents:

Henry Lafferty, 1619 Lywood Ave. Winston-Salem, NC

John Coyne, 214 N. Hawthorne Rd. Winston-Salem, NC

Jennifer Snowood, 1609 Lynwood Ave. Winston-Salem, NC

Ben Towelee, 1581 W. Northwest Blvd. Winston-Salem, NC

Bill Gibson, 1315 Brookstown Ave. Winston-Salem, NC

Patricia Scokoloff, 707 Summit Street, Winston-Salem, NC

Susanna Watkins, 125 North View Drive, Winston-Salem, NC

Opponents:

Bill Powell, 475 Corporate Square Drive, Winston-Salem, NC

Darrell Walker, 475 Corporate Square Drive, Winston-Salem, NC

Brad Fisher, 301 N. Hawthorne Road, Winston-Salem, NC

John Eller, 808 Pine Road, Winston-Salem, NC

Stan Dean, 215 NW Pine Valley Road, Winston-Salem, NC

Mayor Joines closed the Public Hearing.

Council Member Leight: Motion for approval of UDO 233.

Council Member Adams: Second.

Motion carried with the following vote:

Aye: Council Members Leight, Clark, Montgomery, Burke, Adams, Merschel, and Taylor

Nay: Council Member Besse

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 9:55 p.m.

WINSTON-SALEM CITY COUNCIL
REGULAR MEETING
Council Chambers
101 N. Main Street
December 17, 2012

CALL TO ORDER

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

ROLL CALL

Present:

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

CONSENT AGENDA

Mayor Joines stated without objection, the Council would consider the Consent Agenda first, and asked if there were any times that needed to be pulled. Items C-2 and C-5 were removed for discussion.

A motion was made by Council Member Merschel, seconded by Council Member Adams, to approve the balance of the Consent Agenda. The motion carried unanimously.

- C-1. RESOLUTION AUTHORIZING THE PURCHASE OF FLOOD RAVAGED PROPERTY LOCATED AT 4401 MILL CREEK ROAD AS PART OF A REPETITIVE FLOOD CLAIMS GRANT PROJECT. [Recommended by Finance and Public Works Committees.]

Approved by Consent Vote.

- 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.]

Approved by Consent Vote.

- C-4. RESOLUTION AUTHORIZING THE CITY TO SHARE A FIRST LIEN POSITION WITH THE ECONOMIC DEVELOPMENT ADMINISTRATION OF THE U.S. COMMERCE DEPARTMENT ON THE S. G. ATKINS COMMUNITY DEVELOPMENT CORPORATION ENTERPRISE CENTER BUILDING. [Recommended by Finance and Community Development/Housing/General Government Committees.]

Approved by Consent Vote.

- C-6. ORDINANCE AMENDING CHAPTER 46 OF THE CITY CODE ENTITLED "NOISE." [Recommended by Public Safety and Community Development/Housing/General Government Committees.]

Approved by Consent Vote.

- C-7. ORDINANCES RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF FIVE LIMOUSINE SERVICES IN THE CITY OF WINSTON-SALEM: [Recommended by Public Safety Committee.]

Approved by Consent Vote.

- a. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF ABC DOOR 2 DOOR TRANSPORTATION FOR THE OPERATION OF FIVE LIMOUSINES IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- b. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF ACE TRANSPORTATION FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- c. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF ALL OCCASION LIMOUSINE, LLC FOR THE OPERATION OF TWO LIMOUSINES IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- d. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF DAVE'S EXECUTIVE TRANSPORTATION FOR THE OPERATION OF FOUR LIMOUSINES IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- e. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF INDEPENDENT WHEELS FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.

Approved by Consent Vote.

- C-8. ORDINANCE AMENDING CHAPTER 50, ARTICLE II OF THE CITY CODE RELATING TO RETIREMENT. [Recommended by Finance Committee.]

Approved by Consent Vote.

- C-9. RESOLUTION AUTHORIZING APPLICATION FOR RETIREMENT COVERAGE GROUPS OF EMPLOYEES UNDER THE MEDICARE HI-ONLY PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT. [Recommended by Finance Committee.]

Approved by Consent Vote.

- C-10. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]

- a. RESOLUTION APPROVING A CONTRACT FOR PERSONAL COMPUTER EQUIPMENT - NWN Corporation - \$283,500.

Approved by Consent Vote.

- b. RESOLUTION APPROVING A CONTRACT WITH CAPE FEAR WEBMASTERS FOR SOFTWARE AND SERVICES TO REPLACE THE CITY'S WEBSITES - Cape Fear Webmasters - \$150,000.

Approved by Consent Vote.

- c. RESOLUTION AWARDING CONTRACT FOR PURCHASE OF READY MIXED CONCRETE - Hartley Ready Mix Concrete Manufacturing, Inc. - \$279,900.

Approved by Consent Vote.

- d. RESOLUTION AWARDING CONTRACT FOR CONCRETE PIPE - Foltz Concrete Pipe Company - \$112,366.20.

Approved by Consent Vote.

- e. RESOLUTION AWARDING CONTRACT FOR SECURITY SERVICES - Lankford Protective Services, Inc. - \$134,322.

Approved by Consent Vote.

- f. RESOLUTION AWARDING CONTRACT FOR ACTUARIAL SERVICES FOR CITY OF WINSTON-SALEM, NORTH CAROLINA - Boomershine Consulting Group, LLC - \$85,620.

Approved by Consent Vote.

- C-11. RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND PROFESSIONAL SERVICES CONTRACTS WITH STEWART COOPER NEWELL ARCHITECTS AND ECS CAROLINAS, LLP FOR THE CONSTRUCTION OF FIRE STATION 19 LOCATED ON GLENN HI ROAD. [Recommended by Finance Committee.]

Approved by Consent Vote.

C-12. CONSIDERATION OF ITEMS RELATED TO THE SALEM CREEK CONNECTOR STREETSCAPE IMPROVEMENTS: [Recommended by Finance Committee.]

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR STREETSCAPE IMPROVEMENTS TO THE SALEM CREEK CONNECTOR PROJECT.

Approved by Consent Vote.

- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CREATIVE CORRIDORS COALITION TO PROVIDE MATCHING FUNDS FOR THE SALEM CREEK CONNECTOR PROJECT.

Approved by Consent Vote.

- c. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR FISCAL YEAR 2012-13.

Approved by Consent Vote.

- d. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR

Approved by Consent Vote.

C-13. CONSIDERATION OF ITEMS RELATED TO THE PIEDMONT TRIAD RESEARCH PARK RAIL WITH TRAIL 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 PIEDMONT TRIAD RESEARCH PARK RAIL WITH TRAIL PROJECT.

Approved by Consent Vote.

- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE PIEDMONT TRIAD RESEARCH PARK TO PROVIDE MATCHING FUNDS FOR THE RAIL WITH TRAIL PROJECT AND TO ASSUME MAINTENANCE RESPONSIBILITIES FOR THE COMPLETED PROJECT.

Approved by Consent Vote.

- c. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR FISCAL YEAR 2012-13.

Approved by Consent Vote.

- d. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR FISCAL YEAR 2012-13.

Approved by Consent Vote.

C-14. RESOLUTION AUTHORIZING DISPOSAL OF A DAMAGED WINSTON-SALEM TRANSIT AUTHORITY BUS. [Recommended by Finance Committee.]

Approved by Consent Vote.

C-15. CONSIDERATION OF ITEMS RELATED TO UPGRADING THE FENCING, LANDSCAPING AND OTHER IMPROVEMENTS ON U.S. HIGHWAY 52: [Recommended by Finance Committee.]

- a. RESOLUTION APPROVING THE EXPENDITURE OF CITY FUNDS FOR UPGRADING THE FENCING, LANDSCAPING AND OTHER IMPROVEMENTS ON U.S. HIGHWAY 52 AS PART OF THE STATE'S OVERALL CORRIDOR AND SAFETY IMPROVEMENTS PROJECT (U-2826A AND B).

Approved by Consent Vote.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE FISCAL YEAR 2012-2013.

Approved by Consent Vote.

C-16. RESOLUTION APPROVING THE PROPOSED REVISIONS TO THE TRAFFIC CALMING POLICY ORIGINALLY APPROVED BY CITY COUNCIL IN 2003. [Recommended by Public Works Committee.]

Approved by Consent Vote.

C-17. RESOLUTION AUTHORIZING THE CONVEYANCE OF EASEMENTS FOR PEDESTRIAN BRIDGES TO PIEDMONT TRIAD RESEARCH PARK (EAST WARD) - Property located off of Vine Street and East Fifth Street. [Recommended by Public Works Committee.]

Approved by Consent Vote.

C-18. CONSIDERATION OF STREET CLOSING PETITIONS: [Recommended by Public Works Committee.]

- a. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF MANLY STREET LOCATED IN THE NORTH WARD - Petition of Whisper Development, Inc. Public Hearing: January 22, 2013.

Approved by Consent Vote.

- b. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF PARK CIRCLE LOCATED IN THE NORTHWEST WARD - Petition of Arthur Samet, Empire Holdings, LLC. Public Hearing: January 22, 2013.

Approved by Consent Vote.

- c. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF WINGHAVEN FOREST COURT LOCATED IN THE SOUTHEAST WARD - Petition of the City of Winston-Salem. Public Hearing: January 22, 2013.

Approved by Consent Vote.

- d. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON PORTIONS OF GILBERT STREET AND LAURA AVENUE LOCATED IN THE EAST WARD - Petition of Jose Isasi. Public Hearing: January 22, 2013.

Approved by Consent Vote.

- e. RESOLUTION FIXING DATE FOR HEARING ON PETITION TO CLOSE AND ABANDON A PORTION OF BOWEN BOULEVARD LOCATED IN THE NORTHEAST WARD - Petition of Edward Goode and Stephen Craver. Public Hearing: January 22, 2013.

Approved by Consent Vote.

- C-19. RESOLUTION AMENDING THE 1999 HANES PARK AGREEMENT AND ALLOWING THE CITY MANAGER TO EXECUTE THIS AMENDED AGREEMENT. [Recommended by Community Development/Housing/General Government Committee.]

Approved by Consent Vote.

- C-20. RESOLUTION AMENDING THE ETHICS POLICY OF THE CITY OF WINSTON-SALEM. [Recommended by Community Development/Housing/General Government Committee.]

Approved by Consent Vote.

- C-21. RESOLUTION DIRECTING FILING OF PRELIMINARY ASSESSMENT ROLL, FIXING TIME OF MEETING TO HEAR OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF MEETING, RELATING TO THE COST OF HOUSING RELOCATION FROM HOUSING UNFIT FOR HUMAN HABITATION. Public Hearing: January 22, 2013.

Approved by Consent Vote.

- C-22. 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 22, 2013.

Approved by Consent Vote.

- C-2. CONSIDERATION OF ITEMS RELATING TO THIRTY-SIX EAST APARTMENTS AND THIRTY-SIX EAST EXTENSION: [Recommended by Finance Committee.]

RESOLUTION AUTHORIZING RESTRUCTURING OF CITY DEBT FOR THIRTY-SIX EAST APARTMENTS AND THIRTY-SIX EAST EXTENSION.

RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY BY PRIVATE SALE (DONATION), PURSUANT TO N.C.G.S. 160A-279, TO A NON-PROFIT ENTITY CARRYING OUT A PUBLIC PURPOSE - Thirty-Six East Extension.

A motion was made by Council Member Clark, seconded by Council Taylor, to approve these resolutions with a provision that it has to remain in the ownership of the non-profit for a minimum of ten years. Motion carried unanimously.

- C-5. ORDINANCE AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE-INCOME PERSONS. [Recommended by Community Development/Housing/General Government Committee.]

A motion was made by Council Member Leight, seconded by Council Member Merschel, to approve this Ordinance. The motion carried unanimously.

GENERAL AGENDA

- G-1. RESOLUTION AMENDING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, THE COUNTY OF FORSYTH, THE TOWN OF KERNERSVILLE, AND THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION FOR THE 2010 COMMUNITY ORIENTED POLICING SERVICES SECURE OUR SCHOOLS GRANT. [Public Safety Committee forwarded this item with two in favor, none opposed and one abstaining from the vote.]

A motion was made by Council Member Burke, seconded by Council Member Montgomery, to approve this resolution. Motion carried unanimously.

- G-2. RESOLUTION AWARDED CONTRACT FOR COMPLIANCE AUDITING SERVICES - Cherry, Bekaert & Holland, LLP. - \$50,000. [Finance Committee forwarded this item to Council without a recommendation.]

A motion was made by Council Member Merschel, seconded by Council Member Adams, that this Resolution be approved. Motion carried with the following vote:

(Aye): Council Members Leight, Besse, Montgomery, Burke, Adams, Merschel, and Taylor

(Nay): Council Member Clark

- G-3. REQUEST TO REMOVE THE LONDON LANE SIDEWALK PROJECT FROM THE CITY COUNCIL APPROVED SIDEWALK LIST. [Public Works Committee forwarded this item with one in favor, none opposed and three abstaining from the vote.]

A motion was made by Council Member Leight, seconded by Council Member Adams, to approve this request. Motion carried with the following vote:

(Aye): Council Members Leight, Clark, Adams, and Taylor

(Nay): Council Members Besse, Montgomery, Burke, and Merschel

Mayor Joines breaks the tie voting in favor of the motion.

- G-4. CONSIDERATION OF THE 2013 LEGISLATIVE PACKAGE:

- a. RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM LEGISLATIVE PROGRAM FOR THE 2013 LEGISLATIVE SESSION. [Recommended by Community Development/Housing/General Government Committee.]

- b. APPROVAL OF HOUSE BILL 372 - AN ACT CONCERNING UTILITY FRANCHISES IN THE CITY OF WINSTON-SALEM, AND TO OTHER INCORPORATED MUNICIPALITIES AS TO THEIR TERRITORY WITHIN FORSYTH COUNTY. [Recommended by Community Development/Housing/General Government Committee.]
- c. APPROVAL OF HOUSE BILL 378 - AN ACT TO AMEND THE EXCLUSIONS FOR POST-CONSTRUCTION PRACTICES TO INCLUDE PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS FOR THE CITY OF WINSTON-SALEM. [Recommended by Community Development/Housing/General Government Committee.]
- d. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING AN INCREASE IN THE TAX RATE CAP IMPOSED UPON THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION (“PART”). [Recommended by Community Development/Housing/General Government Committee.]
- e. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA REQUESTING CHANGES TO CHAPTER 122C TO CLEARLY ALLOW FOR SERVICE OF INVOLUNTARY COMMITMENT CUSTODY ORDERS BY HOSPITAL PERSONNEL. [Recommended by Community Development/Housing/General Government Committee.]
- f. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE RESTORATION OF LOCAL AUTHORITY OVER MUNICIPAL PARKS. [Recommended by Community Development/Housing/General Government Committee.]
- g. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA SUPPORTING THE ISSUANCE OF LOCAL PRIVILEGE LICENSES. [Recommended by Community Development/Housing/General Government Committee.]
- h. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM FINDING THAT A LOCAL PREFERENCE ON CONTRACTS LET BY BIDS IS NECESSARY TO STIMULATE THE LOCAL ECONOMY. [Community Development/Housing/General Government Committee voted to hold this item in Committee pending input by other Council Members.]
- i. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ESTABLISH A LOCAL PREFERENCE FOR CONTRACTS LET ON BIDS. [Community Development/Housing/General Government Committee voted to hold this item in Committee pending input by other Council Members.]
- j. AN ACT AUTHORIZING CERTAIN CHANGES TO N.C.G.S. §158-7.1 RELATING TO LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM. [Recommended by Community Development/Housing/General Government Committee.]
- k. AN ACT TO ALLOW SERVICE OF THE CHRONIC VIOLATOR NOTICE ISSUED PURSUANT TO N.C.G.S. 160A-200 BY REGULAR MAIL AND POSTING. [Recommended by Community Development/Housing/General Government Committee.]

- l. AN ACT TO ALLOW SERVICE OF THE CHRONIC VIOLATOR NOTICE ISSUED PURSUANT TO N.C.G.S. 160A-200.1 BY REGULAR MAIL AND POSTING. [Recommended by Community Development/Housing/General Government Committee.]
- m. AN ACT TO REQUIRE THE EMPLOYER'S CONSENT FOR REDUCTION OF THE EMPLOYER'S SUBROGATION LIEN. [Forwarded to Council with two in favor, none opposed and one abstaining from the vote.]
- n. AN ACT REPEALING SECTIONS 1. (a)-1. (d) OF SESSION LAW 2011-141 CHANGING THE ELECTION CYCLE OF THE WINSTON-SALEM CITY COUNCIL. [Recommended by Community Development/Housing/General Government Committee.]
- o. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM CONCERNING LOSS OF "HOLD HARMLESS" REIMBURSEMENT FUNDS. [Recommended by Community Development/Housing/General Government Committee.]
- p. RESOLUTION REQUESTING THE EXTENSION OF THE OCCUPANCY LIMITS SET FORTH IN SECTION 3103.1 OF THE NORTH CAROLINA STATE BUILDING CODE FOR TEMPORARY STRUCTURES FROM 180 DAYS TO 5 YEARS FOR THE ALEXANDER BEATY PUBLIC SAFETY TRAINING AND SUPPORT CENTER, LOCATED IN WINSTON-SALEM, NORTH CAROLINA. [Recommended by Community Development/Housing/General Government Committee.]

A motion was made by Council Member Besse, seconded by Council Member Merschel, to approve items G-4 "a" through "g" and G-4. "j" through "p" and refer items G-4 "h" and G-4 "i" back to the General Government Committee. Motion carried unanimously.

G-5. CONSIDERATION OF COUNCIL'S JANUARY MEETING SCHEDULE.

A motion was made by Council Member Clark, seconded by Council Member Adams, to approve the Council's January Meeting Schedule. Motion carried unanimously.

G-6. MAYOR PRO TEMPORE BURKE'S RECOMMENDATION FOR APPOINTMENT TO THE COMMUNITY APPEARANCE COMMISSION:

A motion was made by Council Member Burke, seconded by Council Member Adams, to approve the appointment to the Community Appearance Commission. Motion carried unanimously.

G-7. PUBLIC COMMENT PERIOD.

Public Comment was heard.

CLOSED SESSION

A motion was made by Council Member Adams, seconded by Council Member Merschel for the City Council to go into Closed Session to complete the City

Managers annual performance evaluation pursuant to N.C.G.S. §143-318.11(a)(1) and (a)(6) and N.C.G.S. §160A-168. Motion carried unanimously.

Closed Session began at 8:26 p.m.

A motion was made by Council Member Taylor to end the Closed Session and return to Regular Session. Motion carried unanimously.

Closed Session ended at 8:53 p.m.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 8:54 p.m.