

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:05 P.M., TUESDAY, FEBRUARY 9, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Mayor Allen Joines
Council Member Dan Besse, Chair
Council Member Denise D. Adams, Vice Chair
Council Member James Taylor, Jr.
Council Member Molly Leight

OTHERS PRESENT: Council Member Robert C. Clark (in at 4:51 p.m.)
Council Member Derwin L. Montgomery (in at 4:56 p.m.)

Chair Besse called the meeting to order and stated that, without objection, the Committee would first consider the Consent Agenda. He requested to pull Items C-5(b & c). No other items were removed.

Council Member Adams made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Taylor and carried unanimously.

CONSENT AGENDA

- C-1. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE FIRE STATION NO. 19 CONTRACT. *Located on Glenn Hi Road - Public Hearing: February 15, 2010.*
- C-2. RESOLUTION ADOPTING THE COMMUNITY SUSTAINABILITY PROGRAM COMMITTEE ACTION PLAN.
- 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*].
 - a. C. W. Myers Trading Post Inc. 913 Ferndale Avenue

- C-4. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: [*Repairs more than 50% of value of structure (>50) six months*].
- a. Council J. Linebarger, heirs 1120 Rundell Street
- C-5. ORDINANCE ORDERING THE NEIGHBORHOOD SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [*Repairs more than 65% of value of structure (>65)*].
- a. James W. Morgan, Jr. 5568 Old Rural Hall Road
- C-6. UPDATE ON THE CITY'S REVITALIZING URBAN COMMERCIAL AREAS PROGRAM.
- C-7. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *January 12, 2009*.
- C-5. ORDINANCE ORDERING THE NEIGHBORHOOD SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [*Repairs more than 65% of value of structure (>65)*].
- b. Decature Shouse, Heirs 1840 Bethania Rural Hall Road
c/o William Shouse

Mr. Bruce Bailiff, Project Supervisor – Code Enforcement, gave the report on the property.

Dr. Michael O. Hartley, 1100 Buck Meadow Lane, King, Historical Archaeologist for Old Salem Museum and Gardens, noted that both properties on Bethania Rural Hall Road are meaningful structures even if they are not fit for human habitation, because they are located in a recently recognized historic area. In 2007, the Bethania Freedman's community was recognized as historically significant and these structures are part of that community, which stretches from 1420 Bethania Rural Hall Road past Bethania AME Zion Church. This property was an important structure to African-Americans in that area, prior to the Civil War. He also noted that citizens with limited means are placed in an uncomfortable position about whether or not to demolish a house or to repair and sustain it when they do not have the funds to do so. He further noted that the Bethania Development Center was in severe disarray prior to the expense of over \$500,000 by the North Carolina Department of Transportation to restore it and make it a significant structure.

Ms. Catherine Hendren, 915 West End Boulevard, president of Preserve Historic Forsyth (PHF), noted that PHF has a vested interest in the property as it is focusing on preserving African-American historic resources. She also noted that this is heir property owned by 14 different individuals, who

could not come to an agreement to sell the property last year, and due to the current economic situation, purchasing the property is no longer an option. She further noted that this is the oldest of all the structures on a 16-acre family parcel, dating back to the late 19th century. In response to Chair Besse's question, Ms. Hendren stated that she has not spoken with the heirs recently, but as a member of PHF, she would be willing to further review the property.

Council Member Adams noted that a large portion of the community's African-American structures have been wiped away and that while it may not look good, the structure does have historic value. She also noted that the City should do more to engage citizens in efforts to preserve these properties. She further noted that this area should be given the same attention as Old Salem and Bethabara. Council Member Adams suggested that staff engage other organizations interested in preserving historical structures and tout the area as part of the City's tourism efforts. She requested to know the recommendation of the Historic Resources staff.

Ms. Michelle McCullough, Project Planner, noted that the structure represents African-American agricultural heritage and while she cannot determine the level of deterioration to the structure, it would be best to investigate and determine the financial need for restoration. She also noted that protection of the structure is of great concern to surrounding property owners.

Ms. Hendren noted that the heirs all have a different level of appreciation for the structure but support from the City would help family members to understand the value of the structure. She also noted that members of the family are active in the Bethania AME Zion Church.

Council Member Adams noted that surrounding property owners are not concerned with the exterior condition of the homes, rather they want the structures to be preserved.

Mr. Derwick Paige, Deputy City Manager, stated that the City has the authority to acquire properties in this type of condition through condemnation. He also stated that staff could draft an ordinance stating such for City Council to consider and in the meantime, staff could work to acquire the property for a non-profit to take ownership and restore the property.

Council Member Leight expressed her support of an ordinance that will help to preserve historic structures by turning them over to non-profits for rehabilitation. She made a motion to continue the item for one year to allow staff time to consult the family and to allow research on the property.

Chair Besse suggested bringing the item back to the Committee in six months, at which time, staff will report on any discussion with the family and any further research as to the historical significance of the property. By consensus, the Committee decided to continue its consideration of the item after six months, pending staff research and further contact with the property owners.

c. William Conrad, Heirs

1420 Bethania Rural Hall Road

Mr. Bailiff gave the report on the property.

Mr. Ali Shabazz, representative for the William Conrad Heirs, 1420 Bethania Rural Hall Road, stated that this structure reveals certain facts regarding how the techniques of architecture have changed over the last century as it was built from cast off materials. He also stated that he is seeking

the support of the Council or any funds from the City that may help to rehabilitate the home. He further stated that he would like to establish a Community Development Corporation aimed at showcasing the Bethania Rural Hall Road corridor extending from Highway 52 to the edge of the Town of Bethania, in an effort to increase property values and grow the City's tax base. In response to Council Member Adams' question, Mr. Shabazz stated that he is not working with an historical preservation group to preserve the structure or materials but he is completing the work himself, and requests eight months for completion.

By consensus, the Committee decided that this item would come back for review in six months, at which time, staff will report on any discussion with the family and any further research as to the historical significance of the property.

Ms. Hendren noted that the board of PHF wanted to help meet safety concerns and will erect a construction fence around Mr. Shabazz's site.

GENERAL AGENDA

G-1. CONSIDERATION OF ITEMS RELATING TO CITY COUNCIL MEETING TIMES:

a. RESOLUTION ADJUSTING CITY COUNCIL COMMITTEE MEETING TIMES.

Council Member Taylor made a motion to approve the item. The motion was duly seconded by Council Member Adams and carried unanimously.

b. ORDINANCE AMENDING SECTION 2 OF THE CITY CODE RELATING TO THE CITY COUNCIL MEETING TIME.

Council Member Adams made a motion to approve the item. The motion was duly seconded by Council Member Taylor and carried unanimously.

G-2. DRAFT NON-RESIDENTIAL BUILDING CODE ORDINANCE UPDATE.

Chair Besse requested that staff present a brief history of the item and review any additional material presented and then comments would be heard from Committee members, followed by comments from citizens.

Mr. Bailiff stated that the non-residential code was considered by the Committee last year and was presented to interested parties at several area meetings. Staff made changes based on Committee and citizen comments, consulted Charlotte and Raleigh to compare similar ordinances and those comparisons are included in the Agenda Book. He also stated that the draft being presented focuses on abandoned non-residential structures.

Council Member Leight expressed her discontent with an ordinance for empty buildings and noted that she would prefer to see an ordinance for occupied non-residential buildings, in the interest of health, safety and welfare of the public. She gave an example of an occupied non-residential building currently facing various structural problems, which the owner will not repair and leasing occupants are not in the position to repair. She also noted that warehouses and factory facilities

probably face similar situations and this ordinance should be for citizens in those buildings. She further noted that she will not support an abandoned non-residential ordinance.

Council Member Adams noted that the community should be vigilant about the appearance of non-residential buildings, which may be vacant, blighted or infested. With the current economy, if vacant building owners do not take responsibility for these buildings, the problem will continue to grow.

Council Member Clark in at 4:51 p.m.

Mayor Joines noted that he is in agreement with the comments that have been made, especially in the interest of ensuring the safety of citizens and workers. He also noted that comments heard from the public were concerns that as the ordinance is written, it would have a number of unintended consequences to already struggling small business owners. He requested that those concerns be addressed in the ordinance and that definitions as outlined in the residential code may need to be adjusted for the non-residential code.

Council Member Clark stated that Mr. Bailiff presented good examples of buildings that should be demolished and he feels that an unused office building should be treated differently than an unused residential building. He also questioned what would be the appropriate ordinance for the Pepper Building or Baity Power Plant, which are dilapidated structures inside and out.

Council Member Montgomery in at 4:56 p.m.

Chair Besse summarized the Committee's concerns to address the community eyesore problem, to solve public health and safety problems that are posed by dilapidated structures and to minimize unintended consequences. He also noted that there is a clearly defined code in place for addressing these problems from residential properties, and that staff should not overly complicate matters as there are codes, provisions and laws already in place to address many of the concerns that were raised. He further noted that staff is limited in its capabilities and should ensure that it does not legislate beyond what the City can imply and enforce.

In response to Council Member Leight's question regarding health and safety concerns at the Hewitt Business Center, Mr. Bailiff stated that the City has no authority to address those issues because it is an occupied non-residential structure. He suggested that the occupants consult their lease agreements for any recourse if the property owner is not willing to address the issues. He also stated that he consulted with the Fire Marshal, Fire Chief and Inspections Director Charles Norton, and noted that there is a gap with no legislation at the State or local level to address these issues.

Chair Besse requested that staff report back on what can be addressed with existing code.

In response to Council Member Taylor's question regarding what could be done to address gaps in the non-residential code that are not addressed on a State or local level, Mr. Bailiff suggested a possible review committee to hear from interested parties on what they would like to see included and those suggestions be forwarded to staff.

Mr. Walt Kinsey, 409 Herndon Drive, member of the Winston-Salem Chamber of Commerce and Realtors Commercial Alliance of the Winston-Salem Regional Association of Realtors, questioned the need for an ordinance at all. He noted that he shares the concern for employed persons in businesses that this ordinance would not address, but that those issues could be addressed outside of City Code by organizations such as the Occupational Safety and Health Administration. He also noted that he sees a need for the community to appear nice, but that cannot be addressed with this proposed code. He expressed concern that the proposed code is more aggressive than it is appropriate as far as what has been designed. He further stated that ridding the community of blight and providing a safe working environment is important, but to bring a vacant building up to Code would be inappropriate until a tenant is in place to see that needs are met. Mr. Kinsey noted that there are methods of dealing with abandoned buildings through processes already in place.

Mr. Richard Miller, 626 N. Trade Street, Vice Chair of the North Carolina Association of Realtors, Property Management Division, noted that property managers are already subject to yearly inspections with the Fire Marshal and various other inspections. He also noted that aside from the concern for safety, the proposed ordinance would duplicate services already in place and will have an adverse affect on small businesses. He expressed concern that there will be a snowball effect and it will become increasingly difficult to lease space. He further noted that there may be underlying issues with ground leases where a property owner does not own the building.

Mr. Charles Miller, 430 Sherwood Forest Road, Chair of the Change of Use Task Force, noted that in 1985, the City disposed of all records and that staff should first concentrate on having the correct use of every building before trying to bring it up to Code.

Mr. George Dunn, 3120 Burkeshore Road, representing the Realtors Commercial Alliance in Winston-Salem, stated that the ordinance is redundant because many of the concerns expressed are addressed through current Code and while he agrees that the appearance of buildings should be addressed, he is concerned of that impact on small businesses. He also stated that there is a misconception that business owners lease their buildings because many of them are the property owners as well. He further stated that the Fire Marshal addresses health and safety issues for businesses each year upon inspection. Mr. Dunn expressed concern that a vacant non-residential code may cross over into interpreting leases and landlord and tenants rights and expressed an increased concern with the incorporation of change of use. He noted that the ordinance should only address the exterior portions of abandoned buildings because the interior is already addressed through existing Code.

By consensus, the Committee requested that the item be continued to the April meeting and asked staff to report back with additional discussion items, such as an in-depth review of conditions addressed through other codes/laws/processes, to develop an approach that the Committee could choose to recommend to the full Council and to develop a non-residential code that would be applicable to all non-residential structures. Staff should also plan the agenda to allow time for public comments at the April meeting as well.

G-3. REPORT ON CODE ENFORCEMENT CONCERNS/ISSUES EXPRESSED BY COUNCIL MEMBERS, CITIZENS AND INTERESTED PARTIES.

Chair Besse stated that given the time, this item would be continued to the March meeting.

G-4. OPERATION IMPACT STATUS REPORT.

Mr. Ritchie Brooks, Neighborhood Services Director, noted that the report presented was staff's recommendation in regards to citizen comments, concerns and questions regarding Operation Impact (OI).

Council Member Taylor requested to see an OI process that would be by recommendation only for properties that meet a certain criteria and a citizen review process for nominated properties. He noted that the Easton community felt unjustly targeted and feels that a review process will make the process fairer. He suggested that landowners, citizens and various neighborhood representatives could serve on the review committee and bring recommendations to staff. He also noted that nominations could come from neighbors, members of the community or individual property owners.

Council Member Leight noted that OI began as individual property nominations being reviewed by various community members and that it should no longer be an area-wide nomination.

In response to Chair Besse's concern regarding individual property nominations, Mrs. Angela I. Carmon, City Attorney, stated that individual properties will have to meet specified criteria to be considered and arbitrary nominations will not be considered.

Chair Besse requested that legal staff prepare alternatives to approaching OI, keeping in mind the concerns of Committee members and present it at the March meeting.

Council Member Clark suggested that any property or area recommended for OI be reviewed with the corresponding Council Member for their endorsement.

Council Member Leight reiterated that nominated properties will have to meet specified criteria and personal vendettas will not allow a property to be subject to OI. She expressed concern with discussing nominations with Council Members because OI should be separate from the political arena.

Council Member Taylor noted that the OI concept was designed to review a certain area, and any personal vendettas could be eliminated by the review process.

In response to Chair Besse's question, Mrs. Carmon stated that an update on the CVS Discount Drug Card program would be presented at the March meeting.

ADJOURNMENT: 5:33 p.m.