

## SUMMARY OF MINUTES

### COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

6:30 p.m., Tuesday, December 13, 2011

COMMITTEE ROOM

Room 239, City Hall

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*MEMBERS PRESENT:*        *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 Derwin L. Montgomery (in at 6:44 p.m.)*

Chair Besse called the meeting to order at 6:37 p.m.

Chair Besse stated that the Committee would first consider the Consent Agenda and asked if either of the two items required discussion. Council Member Taylor requested that item C-1 be removed from the Consent Agenda and discussed as he has questions on the item.

Council Member Adams made a motion for approval of the remaining item on the Consent Agenda. The motion was duly seconded by Council Member Leight and unanimously carried.

#### CONSENT AGENDA

C-2. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *November 15, 2011.*

C-1. RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL ENDORSING THE CLEVELAND AVENUE INITIATIVE MASTER PLAN.

Chair Besse noted that Committee Members agree that there is no need for a formal presentation, but asked Mr. Larry Woods, Chief Executive Officer of the Housing Authority of Winston-Salem (HAWS), to come to the podium to respond to questions.

Council Member Taylor stated that a lot of funding cuts have occurred at the federal level, and asked Mr. Woods to describe the funding sources for the Master Plan.

Mr. Woods responded that HAWS has received a \$300,000 planning grant which will be matched by \$600,000 from HAWS, \$300,000 of which will be in the form of in-kind services.

This will allow completion of the Master Plan, at which time HAWS will be eligible to submit an application for a \$35 million Housing and Urban Development (HUD) Choice Neighborhood Grant to partially fund the implementation plan. Tax credits and debt service will be utilized as needed.

In further response to Council Member Taylor, Mr. Woods stated that HAWS has received excellent support and input from residents, businesses, and other institutions within the study area. Several community meetings have been held to receive feedback. He welcomed any additional recommendations or comments, and stated that his office would be glad to hear from anyone. He noted that Katrina Redmon, Chief Development Officer, will be glad to see that any concerns are addressed.

Council Member Taylor remarked that this is an excellent collaborative effort and he made a motion for approval of the item.

Council Member Adams seconded the motion.

Council Member Leight asked about the expected timeframe.

Mr. Woods responded that it depends on HUD, but HAWS is moving forward with the redevelopment of Johnson Square and is partnering with the Experiment in Self-Reliance to make units available for graduates from that program.

Council Member Taylor stated that he was glad to support this project to help highlight HAWS's positive influence in the City.

The motion for approval was unanimously carried.

#### GENERAL AGENDA

(Council Member Montgomery entered the meeting at 6:44 p.m.)

#### G-1. NO PARKING ON THE FRONT LAWN ORDINANCE UPDATE.

Mr. Ritchie Brooks, Community and Business Development Director, made the staff presentation on this item. He explained that in March of 2008, staff presented a report and draft ordinance to the Community Development/Housing/General Government Committee concerning a No Parking on Front Lawn ordinance. The Committee asked for feedback from the community and Mr. Brooks stated that comments were received via the City's website. Three options were drafted by staff and the City Council conducted a public hearing on the matter on July 7, 2008. This item was subsequently remanded to the CD/H/GG Committee with directions for staff to contact other municipalities with front lawn parking restrictions. Mr. Brooks proceeded to review the findings from five municipalities – Charlotte, Greensboro, Chapel Hill, Concord, Spencer – including implementation and enforcement. In general, Mr. Brooks explained that these municipalities experienced substantial enforcement activity for the first six to twelve months following ordinance adoption. Afterward, enforcement action is complaint driven. He added that those cities have observed very little increase in paving front lawns due to the expense. Rather, in those cities, it appears that more citizens have chosen gravel, mulch, or staggered pavers to establish a parking area.

Discussion ensued among members of the Committee regarding neighborhood concerns and the proliferation of parkers on front lawns in and around university campuses, and older neighborhoods with smaller lots.

Council Member Leight suggested that since many of these parking situations occur at night or over weekend hours, the Police Department could note problem areas and refer them to Code Enforcement. She recommended a simplified process for documentation purposes. She asked if ordinances in other cities allow for only a certain amount of lawn to be paved.

Mr. Brooks replied that he would provide this information. In response to a question from Council Member Taylor, Mr. Brooks stated before implementation of any option, a process would have to be developed to ensure orderly enforcement.

With regard to any cost for issuance of a special permit, City Manager Lee Garrity noted that the intent was that there would be no special permit fee.

Mr. Bruce Bailiff, Code Enforcement Supervisor, responded to questions regarding complaint, enforcement, and exemption processes in the municipalities which have a similar ordinance.

In response to a question regarding effective enforcement, Mr. Brooks stated that the City would do its best to enforce all City ordinances with the resources allowed. He stated that frankly, there may be some service reductions in other areas if this ordinance is added, but assured the Committee that City staff enforces ordinances to the best of their ability.

Chair Besse commented that Committee Members have received information from the Budget and Evaluation Office regarding existing code enforcement personnel and comparative workloads. He asked for a staff presentation.

Mrs. Ann Jones, Director of Budget and Evaluation, explained that information was solicited from six cities, two of which provided good comparative information – Raleigh and Wilmington. She noted that there are several variables which inhibit line item comparisons, but the analysis indicated that Winston-Salem's Code Enforcement Department has a greater workflow with fewer personnel than other cities. In addition, Winston-Salem has more reinspections per case than any of the polled cities. She stated that although the department is meeting its performance measures, more inspections are being handled per inspector and the time frame is slightly longer.

Council Member Taylor commented that the Council may need to consider adding staff.

Council Member Leight stated that this is a real problem in the community, particularly in older neighborhoods. She stated that she favored a complaint driven process with sufficient punitive damages to discourage people from violating the ordinance.

Council Member Adams remarked that the North Ward is severely impacted by this, especially along the University Parkway corridor. She stated that improper parking is not tolerated downtown and it should not be tolerated anywhere else, especially when it causes problems for a neighborhood. She commented that with proper enforcement, she believed this situation can be addressed, and she would support it.

Council Member Montgomery stated that he would be interested to know if these other cities saw increased congestion in the streets when citizens were prohibited from parking on their front lawns. He stated that while he understood the concern, he believed it was a personal right to be able to park wherever you want on your own property. He asked if the ordinance could be tailored to address specific concerns in targeted areas.

Chair Besse noted that he has previously inquired about options for creating special districts for additional rules to address student-driven localized problems, and he asked the City Attorney to comment.

Mrs. Angela Carmon, City Attorney, responded that her office has done research on this question, and she would be glad to provide information to the committee.

Council Member Taylor commented that he has not received a large number of concerns from his constituents. He stated that he knows there is citizen apprehension regarding increasing government controls. He expressed his opinion that while he cares about aesthetics, he is not sure this is the correct way to address the issue, especially when monetary fines may be imposed.

Chair Besse stated that he was concerned about developing a City-wide ordinance to address a concern without extensive review of its purpose. He commented that if this is a neighborhood appearance issue, he doubted that aesthetics will be improved with property owners graveling their front lawns to comply with the ordinance. He expressed his concern about exceptions that will be needed and how effective enforcement can be managed with current staff. He raised the question of practical enforceability and will the ordinance be perceived as an exclusionary tool with a disproportionate impact on large families on small lots. Chair Besse stated that while he understood the specific problems, he would be unwilling to move forward with any of the options presented by staff at this time because of the possibility of unintended consequences and impracticability of enforcement. However, if staff presents a proposal based on a district basis, he would be willing to consider that.

Council Member Leight stated that this is a major problem around universities and older neighborhoods, such as British Woods. She commented that she has received numerous complaints about certain properties and she sees this no different than enforcement of zoning or environmental regulations. She said that while some areas may see more enforcement activity than others, she believes that all areas of the City ought to comply. She stated that she was very interested in receiving more information and pursuing an effective way of addressing this concern.

Council Member Adams remarked that benchmarking is a valuable tool, but she believed that there are always options for improvement. She suggested that the City seek a cooperative partnership with Wake Forest University, Winston-Salem State University, Forsyth Technical Community College, and other institutions to come together and discuss how Winston-Salem can do better. She stated that there are overlay districts throughout the City which provide for certain property guidelines. Council Member Adams stated that it was time for thinking “out of the box” and engaging community institutions in dealing with this issue.

Council Member Montgomery suggested that the College Advisory Board be consulted as well.

Chair Besse advised that the Committee has three options at this point: direct staff to move forward with drafting an ordinance, table the issue, or request additional feedback on alternative approaches and/or districts. He stated that an opportunity for public comment could also be re-opened.

Council Member Adams stated that she would make a motion for the third option as outlined by Chair Besse, but asked him to repeat it for clarification.

Chair Besse stated that his suggestion would be to ask the legal staff for additional feedback on the availability of district restrictions and ask management staff for feedback on possible alternatives to regulations that may be more effective and include specific feedback from the College Advisory Board. When this information is available for discussion, citizens will be invited to provide input and suggestions.

Council Member Adams stated she would make this her motion. The motion was duly seconded by Council Member Taylor. Those voting in favor of the motion were Chair Besse, Council Member Adams, and Council Member Taylor. Opposed: None. Abstaining: Council Member Leight. The motion carried on a vote of three in favor, none opposed, and one abstaining.

Chair Besse asked staff for a reasonable time when this can be brought back to the Committee. Hearing from Ms. Carmon and Mr. Brooks, he stated that this matter will be placed on the CD/H/GG Committee agenda in March 2012.

Council Member Montgomery asked staff to advise on whether restrictive covenants in neighborhood associations may be a way to address the concern.

ADJOURNMENT: 7:52 p.m.