

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

5:30 P.M., TUESDAY, DECEMBER 13, 2005

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Council Member Joycelyn V. Johnson, Chair*
Council Member Evelyn Terry, Vice Chair
Council Member Dan Besse
Council Member Robert Clark (out at 6:23 p.m.)

OTHERS PRESENT: *Council Member Nelson L. Malloy, Jr. (out at 6:30 p.m.)*

Chair Johnson called the meeting to order at 5:43 p.m. and asked everyone in attendance to introduce themselves. She pointed out that a new Council Member had become a member of the Committee and introduced Council Member Evelyn Terry. She asked if there were any questions concerning the Consent Agenda.

Council Member Besse expressed a concern about Item C-2. He pointed out that on Page 5, "Additional Item" under #3, "Berl Street" should be "Burlwood Drive," and asked if he could get an update from staff on contact with those residents. He also inquired as to why there was no Noise Ordinance update on tonight's agenda.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, indicated that he had handout information on the item and it would be discussed.

Council Member Besse made a motion to approve the Consent Agenda, with amendment to Item C-2. The motion was duly seconded by Council Member Clark and unanimously carried.

CONSENT AGENDA

2. APPROVAL OF SUMMARY OF MINUTES FROM NOVEMBER 15, 2005 PUBLIC WORKS COMMITTEE MEETING.
3. CONSIDERATION OF ITEMS RELATING TO REQUESTS FOR DECORATIVE STREETLIGHTING:
 - a. RESOLUTION APPROVING AN AGREEMENT WITH ARBOR PLACE HOMEOWNERS ASSOCIATION, INC. TO INSTALL AND MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM.

- b. RESOLUTION APPROVING AN AGREEMENT WITH BETHANY TRACE HOMEOWNERS ASSOCIATION, INC. TO INSTALL AND MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM.
- c. RESOLUTION APPROVING AN AGREEMENT WITH BETHABARA TRACE HOMEOWNERS ASSOCIATION, INC. TO INSTALL AND MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM.

Chair Johnson stated that the Committee would begin with Item G-1 and noted that she had also asked staff for a summary of discussions regarding Finance Committee Item G-3 and Public Safety Committee Item 4.

GENERAL AGENDA

- 1. DISCUSSION REGARDING THE L.A. IMAGE SITE PLAN LOCATED AT THE OLD GRIFFITH FIRE STATION SITE.

Mr. Turner presented the staff report and noted that there is a disagreement between City staff and Mr. and Mrs. Felty about work to be performed under the conditions of their Special Use Permit.

Mr. William Felty indicated that he and his wife were unaware that conditions of their Special Use Permit had changed when these conditions were approved by the City Council until several days after that approval. He stated that the engineer who drew up the site plans had met with City staff prior to Council consideration and agreements were made about paving requirements without Mr. Felty's knowledge. Mr. Felty also expressed a concern that other businesses in the area had not been required to meet the same standards as L.A. Image Tanning Salon.

In response to Council Member Clark, Mrs. Felty stated that they were being asked to pave to the center line of the roadways with cracks in the asphalt along the curb and gutter installed by L.A. Image.

Mr. Turner explained that L.A. Image had been asked to pave where there is currently gravel along the side of the roadways, and to center line along Griffith Road due to the width of the crack in the pavement and the volume of traffic on this road.

Mr. Felty responded to Council Member Besse's question, stating that Steve Calaway was his attorney who was present at the City Council meeting at which the Special Use Permit was approved.

Council Member Besse noted that Mr. Calaway had a responsibility to represent any objections to the provisions of the Permit during the City Council meeting and Council Members had no reason to believe there were any problems when the decision was made to approve the Permit.

Chair Johnson explained that standard procedure had been followed in approving the Permit and the Felty's should have been aware of meetings to discuss the case.

Council Member Clark made a motion for the City to perform the paving job at a cost of \$2,000 to Mr. and Mrs. Felty covering the portion of the work for which L.A. Image is responsible.

The motion died for lack of a second.

In response to Council Member Clark, Mr. Felty stated that L.A. Image is operating under a Temporary Certificate of Occupancy (T.C.O.)

Council Member Terry suggested extending the T.C.O. until issues could be resolved.

Council Member Besse noted that he would prefer the issues get resolved as soon as possible in order to address any safety hazards involving the curb drop-off.

Mr. Turner stated that completing the paving job would cost approximately \$3,000 to \$4,000.

Council Member Besse made a motion for the City to complete the paving job at a cost of no more than \$3,000 for the portion of work to be done between the edge of the pavement and the edge of the gutter. The motion was duly seconded by Council Member Clark.

By consensus, the Committee requested that staff extend the T.C.O. until the paving work could be completed.

The motion for the City to complete the paving job at a cost of no more than \$3,000 to Mr. and Mrs. Felty was unanimously carried.

Council Member Clark requested staff report to him regarding the Noise Ordinance discussion to be held and he exited the meeting at 6:23 p.m.

ADDITIONAL ITEMS

NOISE ORDINANCE DISCUSSION

Mr. Turner presented the staff report and proposed amendments for the noise ordinance. In response to Council Member Terry, he stated that the Winston-Salem Police Department would be responsible for enforcement of the ordinance.

Chair Johnson inquired about the response to amendments by Larco Construction.

Mr. Turner indicated that Larco representatives had expressed a concern that some of their jobs require around-the-clock operations. They listed the Dell job as an example and stated that the proposed amendments could put them at a competitive disadvantage.

Chair Johnson suggested that companies could address possible problems by informing surrounding neighbors of special jobs prior to beginning the work.

Council Member Besse expressed his support for the ordinance and noted that there is a unique problem with noise from dumpster unloading and stated that issue should be dealt with as soon as

possible.

(Council Member Malloy exited the meeting at 6:30 p.m.)

Council Member Terry inquired as to what had precipitated such specific response to amendments to the ordinance.

Chair Johnson explained that a resident had approached the City regarding problems with recurring dumpster unloading noise beginning at 4:00 a.m.

Council Member Besse explained that some businesses employ waste removal contractors to empty their dumpsters prior to their morning breakfast traffic, resulting in early morning removal in some areas.

In response to Council Member Terry, Mr. Turner stated that many downtown residents receive daily trash removal by City staff, usually beginning at 6:00 p.m. and ending by 10:00 p.m. He noted that there are some instances, involving dumpster placement, where residents employ private contractors for waste removal.

Mr. Turner noted that downtown City collection is done on foot and with front-end loaders, depending upon the nature of the collection. In response to Council Member Terry's concerns, Mr. Turner reviewed exemptions to the ordinance, including noise from emergency vehicles and certain road work.

Council Member Besse suggested bringing the amendment back to the Committee in January, to consider moving forward with the amendments, but with the possibility of adding or deleting some items in the ordinance.

VECTOR CONTROL – SUMMARY FROM FINANCE COMMITTEE ITEM #3 DISCUSSION

Mr. Turner summarized the staff report, noting that in order to increase efforts to combat the problem, funding would occur through the Utilities Division in the amount of \$20,000, Stormwater Department in the amount of \$20,000, and the Housing and Neighborhood Services budget would be increased to \$11,000 per year. He stated that the Finance Committee had suggested the possibility of putting more money into the first year of operations, resulting in a more aggressive attack on the problem, and pointed out that the abatement program would result in killing the rats, preventing them from moving to other parts of the City.

Council Member Terry noted that there is a rat problem in the creek area behind Sink Street near Business I-40 construction. She suggested that staff consider educating individuals with unique waste disposal issues that could affect storm drains and result in rat problems.

WINTER WEATHER PREPAREDNESS – SUMMARY FROM PUBLIC SAFETY COMMITTEE ITEM #4 DISCUSSION

Mr. Turner explained that as part of Homeland Security regulations ensuring nationwide responsiveness to major incidents, there is a requirement for all major government entities to provide

training in the National Incident Management System. He noted that the training would entail chain-of-command operations in the event of an incident, and the City has until October 2006 to comply with training requirements, which includes major City officials. Mr. Turner stated that there is information on obtaining the training in the staff report, and the training is also available via the Internet.

Chair Johnson pointed out that although Fire and Police are considered first responders, Public Works staff has to ensure a clear route for emergency personnel to respond.

In response to Council Member Besse, Mr. Turner indicated that the City generally applies salt after the roads get wet, creating a salt brine on the pavement. He pointed out that the State applies a brine application to State-maintained roads prior to an event due to the larger area to be maintained. Mr. Turner noted that the previous week's event had not entailed any road treatments due to the temperature not falling below freezing.

Council Member Besse noted that he had received a complaint from a resident that solutions were needlessly applied to the road during the previous week's event.

Mr. Turner explained that the City pre-treats streets that are problem areas due to street layout, sun exposure, streets leading to emergency facilities, etc.

Chair Johnson inquired about a color-coded map of City streets, with ratings for treatment requirements, and asked if staff could provide the map to Council.

In response to Council Member Besse's concern, Mr. Turner stated that he periodically reviews special needs areas involving hills, dead-ends, etc. to change treatment rankings of those areas. He pointed out that accommodations are some times made in situations with residents requiring dialysis, etc.

Council Member Besse requested special consideration for the dead-end block of Birchwood Drive, off of Bethesda Road, as well as the dead-end block of Lindberg Street, off of Country Club Road.

Chair Johnson requested that copies of Duke Power's hand-outs during the Public Safety Committee be provided to the Council Members. She also mentioned that Duke Power had created a brochure last year for the newspaper and requested staff obtain that information.

ADJOURNMENT: 7:10 p.m.