

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

6:25 P.M., TUESDAY, APRIL 11, 2006

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Joycelyn V. Johnson, Chair
Council Member Evelyn A. Terry, Vice Chair
Council Member Dan Besse
Council Member Robert C. Clark

ALSO PRESENT: Council Member Molly Leight

Chair Johnson called the meeting to order and after introductions, stated that the committee would first consider the Consent Agenda and asked if anyone wished to remove any items for separate discussion. No items were removed.

Council Member Clark made a motion that the items on the Consent Agenda be approved. The motion was duly seconded by Council Member Besse and unanimously carried.

CONSENT AGENDA

5. APPROVAL OF SUMMARY OF MINUTES FROM MARCH 21, 2006 PUBLIC WORKS COMMITTEE MEETING.
6. CONSIDERATION OF ITEMS RELATING TO STREET CLOSING PETITIONS:
 - a. PETITION TO CLOSE AND ABANDON A PORTION OF RIGHT-OF-WAY ALONG SALEM AVENUE IN THE SOUTH WARD – *Petition of Idealliance.*
 - b. PETITION TO CLOSE AND ABANDON A PORTION OF HARDIMAN PLACE COURT IN THE SOUTH WARD – *Petition of Thomas M. Green, V.*
 - c. PETITION TO CLOSE AND ABANDON A PORTION OF OLD EBERT ROAD IN THE SOUTH WARD – *Petition of Chris Parr.*
7. CONSIDERATION OF PETITION FOR ANNEXATION OF 0.147 ACRES LOCATED OFF OF OLD SALISBURY ROAD TO BE SUBDIVIDED INTO SIX SINGLE-FAMILY LOTS – *Petition of Wake Forest University, Louis R. Morrell and Patty Hull.*

8. REPORT ON TRAFFIC CALMING PROPOSAL FOR SALEM AVENUE - *Request of Salem College and Academy – For Information.*
9. REPORT ON ROAD BONDS AND SIDEWALK CONSTRUCTION PROGRAM – *For Information.*

GENERAL AGENDA

1. RESOLUTION APPROVING A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES FOR ENVIRONMENTAL SITE STUDIES RELATED TO THE RENOVATION OF UNION STATION.

Assistant City Manager/Public Works Greg Turner made the staff presentation. He explained that this is a contract to do the environmental work for the Davis Garage Building, also known as the Union Station property. He stated that this work has to be done to determine an appropriate price for the property and whether the City will be able to purchase the property with federal dollars.

Council Member Clark asked if the City has reached an understanding with Mr. Davis regarding the purchase of his property.

Mr. Turner responded that Mr. Davis understands the City's position, but there is a difference of opinion as to the value of the property and therefore, the acquisition cost. This particular scenario involves the City purchasing the property and relocating Mr. Davis' business. If other scenarios develop and are viable, then that issue would go away.

Council Member Johnson commented that there is another proposal under development which may address the concerns of both parties.

In response to Council Member Besse, Mr. Turner stated that there would be access to the property if the alternative proposal is successful. Otherwise, the City does not have access. However, the attorneys have advised that the City can compel access to the property through previously stated intentions to pursue condemnation, but access to the building remains an issue that will need to be worked out.

Council Member Johnson remarked that the possible scenario she mentioned may need to be brought to the Council in Closed Session first. She stated that this proposal should take care of access and acquisition issues.

Council Member Clark stated that he was going to abstain on this item because he believed that the City should work out the issue of access before authorizing a contract for an environmental study.

Council Member Terry made a motion for approval of the item, contingent upon the City acquiring proper access to the property. The motion was duly seconded by Council Member Besse. Those voting in favor were Council Members Johnson, Terry, and Besse. Opposed: None. Abstaining: Council Member Clark.

Chair Johnson stated that this project may be at the point where the Council needs to be briefed on the preliminary plan of the scenario she mentioned. She requested that appropriate staff take the lead on this matter.

2. ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE RELATING TO CEMETERIES.

Mr. Turner presented the staff report on this item, which primarily updates the language of the ordinance and removes old references and job titles.

Council Member Clark: Motion for approval.

Council Member Terry: Second. Unanimous.

3. DISCUSSION OF TOWN AND COUNTRY NEIGHBORHOOD CONCERNS ABOUT RADIO STATION INTERFERENCE.

Mr. Turner presented this item for discussion. He explained that Council Member Merschel has requested that staff provide information regarding this matter. He stated that staff has made contact with the Federal Communications Commission (FCC), the regulatory authority, and the City has no jurisdiction over the electrical interference issues. Mr. Turner remarked, however, that the City could serve as a conduit of information from the FCC to the Town and Country neighborhood or a resource for technical questions.

Appearing before the committee at this time was Mr. Bill Zwigard, 4040 Winburn Lane, on behalf of the Town and Country Neighborhood Association. Mr. Zwigard advised that there are six radio towers in the community, which are creating a variety of problems with hearing the Que Pasa Radio Station's transmissions over telephones. The signal also affects televisions, garage door openers, baby monitors, and even electronic appliances. Mr. Zwigard stated that this has been an on-going problem for many years, and he would appreciate any advice or support the City can give as the residents contend with this problem.

After a brief discussion, the committee recommended that Mr. Zwigard contact Congresswoman Virginia Foxx's constituent services office to act as liaison between the neighborhood and the FCC. In addition, the neighborhood could file a complaint during the public comment period when the radio station's license comes up for renewal.

Chair Johnson requested that the City send a letter to Congresswoman Foxx's office on the neighborhood's behalf.

Council Member Terry left the meeting at 6:55 p.m.

ADDITIONAL ITEMS.

Chair Johnson asked Mr. Turner to report on the commercial permitting process at the May Public Works Committee meeting.

At Chair Johnson's request, Mr. Turner briefed the committee on the Public Works Department's response plans for summer weather emergencies. He explained responsibilities of Vegetation Management, Streets, and the Department of Transportation.

4. DISCUSSION OF ISSUES RAISED BY GHALI HASAN REGARDING THE BARBARA JANE AVENUE LANDFILL. *[Continued from March 21 committee meeting.]*

Mr. Ghali Hasan, 4945 Tutelo Trail, addressed the committee regarding his on-going problem with the regulation of his property at 701 Barbara Jane Avenue, for which he received a permit from the City to operate a landfill. The permit was subsequently revoked, and Mr. Hasan asserted that the City denied him due process. He discussed enforcement actions taken against him by the City, County, State, and Court system in some detail and provided copies of documents relevant to his claims.

This matter was discussed at some length with committee members asking questions for clarification and reviewing the documents distributed by Mr. Hasan.

Council Member Besse stated that from his review of the matter, there is nothing that the City can do to assist Mr. Hasan. The court has granted a judgment in favor of the North Carolina Department of Environment and Natural Resources (NCDENR) and ordered a permanent injunction against Mr. Hasan. There is no action the City can take to overrule or otherwise turn aside this decision. In fact, the City is not a party in interest, and cannot help Mr. Hasan with this matter.

Discussion continued.

Chair Johnson asked Mr. Hasan what he was asking of the City at this point.

Mr. Hasan responded that he would like the City to acknowledge that it gave him permission to put the waste that is currently on the site.

Council Member Besse noted that the record does not support this statement.

Council Member Clark left the meeting at 7:35 p.m.

Chair Johnson noted that the committee has heard Mr. Hasan's concerns.

ADJOURNMENT: 7:36 p.m.