

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

5:39 P.M., TUESDAY, NOVEMBER 14, 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

OTHERS PRESENT: *Council Member Molly Leight*

Chair Johnson called the meeting to order at 5:39 p.m. and explained that the agenda items would be taken out of order to accommodate residents in attendance with interest in some of the items. She asked that everyone observe a moment of silence.

ADDITIONAL ITEM

Mr. Gregory M. Turner, Assistant City Manager, explained that a report was presented at the Public Safety Committee regarding Emergency Response Levels responding to previous questions raised about which agencies would manage events and handle notifications, as well as information on the reverse-911 system.

Mr. Turner also reported that a fuel spill occurred today at a residence on Glen Oak Drive involving a fuel leak from the home's tank and into a downspout system into the street and subsequently into a nearby creek. He stated that the City's Emergency Management office, the Fire Department, Stormwater Division and Police Department responded to the event, involving the leakage of approximately 125 to 150 gallons of fuel. A press release was sent out, and the owner of the home where the leak occurred was notified. Mr. Turner explained that extensive work would have to be completed by the property owner to take care of the leak and the City will hire a contractor to complete clean-up of the affected streams. He stated that the reverse-911 system was used to alert residents and Police officers went door-to-door to notify residents on both sides of the stream. Signage was also installed to notify of the creek contamination.

Chair Johnson asked if any items needed to be pulled from the Consent Agenda.

Mr. Turner requested to pull Item C-11 and that this item be held pending information from the petitioner for changes to the area to be annexed.

11. PETITION FOR THE ANNEXATION OF 153.07 ACRES LOCATED OFF OF SHORE ROAD (NORTH WARD) – *Petition of Pierce Homes of Carolina, Inc.*

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

CONSENT AGENDA

9. APPROVAL OF SUMMARIES OF MINUTES FROM SEPTEMBER 12, 2006 AND OCTOBER 10, 2006 PUBLIC WORKS COMMITTEE MEETINGS.
10. CONSIDERATION OF ITEMS RELATING TO STREET CLOSING PETITIONS:
 - a. PETITION TO CLOSE AND ABANDON A PORTION OF FISHEL ROAD (SOUTH WARD) – *Petition of Jerry and Carolyn Bauguess. [This item was continued from the October 10 Committee meeting.]*
 - b. PETITION TO CLOSE AND ABANDON A PORTION OF HARRIET TUBMAN DRIVE (NORTHEAST WARD) – *Petition of Smith Phillips Lumber Company, Inc.*
12. RESOLUTION GRANTING AN ENCROACHMENT AGREEMENT TO JAMES MANUEL (NORTH WARD) – *Petition of City of Winston-Salem.*
13. RESOLUTION GRANTING AN EASEMENT TO WB HOLDINGS, LLC (EAST WARD) – *Petition of WB Holdings, LLC.*
14. RESOLUTION IN SUPPORT OF A SEAMLESS MOBILITY STUDY OF THE URBAN TRANSIT SYSTEMS, PART EXPRESS, AND THE HUMAN SERVICE TRANSPORTATION SYSTEMS IN FORSYTH AND GUILFORD COUNTIES.

ADDITIONAL ITEM REGARDING EMERGENCY RESPONSE LEVELS

Council Member Besse inquired about the reverse-911 notification procedure for residents without land line phone service.

Mr. Turner explained that the report provided details that notification would also be made via caution tape and signage, as well as door-to-door notification being made by Public Safety personnel.

GENERAL AGENDA

1. CONSIDERATION OF ITEMS RELATED TO EXTENSION OF THE CONTRACT FOR CURBSIDE RECYCLING SERVICES:
 - a. PUBLIC HEARING AND RESOLUTION EXTENDING THE CONTRACT FOR CURBSIDE RECYCLING SERVICES.

b. AMENDMENT TO THE ANNUAL OPERATING AND TAX LEVY BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 06-07.

Chair Johnson asked if anyone wished to be heard regarding this item.

No one was heard.

At the request of Chair Johnson, the Secretary read the summary paragraph of the item.

In response to Council Member Besse, Mr. Turner indicated that the contract will allow residents to stack cardboard boxes no larger than 3' x 3' and bring them to the curb to be recycled.

Council Member Besse requested that the contract be amended to allow for annual review of commodities collected. He noted that in speaking with his constituents, they indicated that bins would be adequate for their recycling needs.

Council Member Besse made a motion to approve the contract as recommended by staff. The motion was duly seconded by Council Member Clark and unanimously carried.

Council Member Clark suggested that staff conduct periodic meetings with other municipalities to discuss best practices to ensure all of the City's services are being offered competitively and effectively.

Council Member Besse pointed out that the important improvements being made via this action involve the collection of all types of plastic bottles and aerosol cans, as well as the loosening of restrictions on cardboard recycling. He also noted that an increase in public education efforts will help to increase participation levels.

In response to Chair Johnson, Mr. Lee Garrity, City Manager, indicated that the Marketing Department has designed a campaign called "Feed the Bin", similar to the program being used by the City of Greensboro.

7. RESOLUTION AUTHORIZING THE CONSTRUCTION OF A MEMORIAL MONUMENT IN EVERGREEN CEMETERY.

Mr. Turner presented a brief summary of the staff report. He responded to Council Member Clark's question, stating that the marketing campaign for the wall has not yet begun and official requests have not been received from any citizens for placement on the memorial wall.

Chair Johnson pointed out that the only changes were to the site and estimated expense of construction and financing of the wall.

Mr. Turner pointed out that since original plans were for memorials to be placed on a retaining wall that is now no longer needed, this proposal would have to be a self-funded project.

Council Member Clark made a motion to approve the resolution. The motion was duly seconded by Council Member Terry and unanimously carried.

2. BRIEFING ON FLOODING PROBLEMS ON KINARD DRIVE.

Mr. Turner noted that no residents were present to discuss issues on Kinard Drive.

Chair Johnson stated that a meeting was held with residents regarding these issues and if any of those residents arrive later, the Committee can revisit the item.

3. UPDATE ON PICKFORD COURT SEWER ISSUES.

Mr. David Saunders, Director of City/County Utilities, presented the staff report.

Ms. Virginia Newell, 2429 Pickford Court, explained that she experienced a sewage leak into her basement in mid-October and upon the City's review of the incident, was told that the leak was not the City's responsibility. She stated that she hired two different plumbers and was told by both that they could not find a problem. Ms. Newell expressed her frustration that she had made several calls to City and County staff and was unable to receive an explanation or suggestions regarding her situation. She stated that she received a letter from the City explaining that she needs a back water valve and she inquired about the process.

Chair Johnson indicated she had been in a similar situation, and explained that the valve will not allow the back flow of any water or sewage back into Ms. Newell's home.

Mr. Turner noted that a plumber would need to decide whether or not Ms. Newell's home is already equipped with the valve and if not, determine the installation process.

Mr. Saunders explained that the cost for installation of the valve could start at \$200 and increase depending upon the scope of the work for the installation.

Mr. Turner indicated that Ms. Newell's situation was caused by the fact that her basement level is below the next upstream house. In response to Ms. Newell's question, Mr. Turner explained that although there is a requirement for the valve that new construction inspections of her home should have caught, the requirement has not been thoroughly enforced in the past.

Ms. Newell pointed out that she would not have had to address the Public Works Committee if a City staff member had phoned her with this information.

8. REPORT ON CITY PRACTICES FOR ACCEPTING PRIVATE STREETS.

Chair Johnson indicated she had been contacted by several newly annexed residents in the Silver Chalice neighborhood about concerns related to City practices for accepting private streets. She asked Mr. Saunders and Mrs. Caruso to come to the table to discuss their concerns.

Mr. Saunders handed out a map of his neighborhood, which illustrates the streets in the Silver Chalice and Beeson Acres neighborhoods. He noted that most of the Beeson Acres homeowners access their properties through the Silver Chalice neighborhood.

Chair Johnson pointed out that Beeson Acres was satellite annexed into Winston-Salem several years ago.

Mr. Saunders noted that Silver Chalice residents have received initial information that the City would maintain their streets, but after the annexation, they were told that the City would not maintain the streets since they were considered private streets. He stated that the citizens feel that the City should maintain the roads utilizing tax revenue from their property and if not, allow them to close off the neighborhood and prevent unnecessary traffic from utilizing their streets.

Mrs. Caruso explained that her family has lived in Silver Chalice for 11 years and she is now concerned about the safety of her children. She noted that the large pothole on her street has created safety issues with the amount of traffic coming through the neighborhood and pointed out that Beeson Acres residents can access their property via another route.

Mr. Saunders presented a letter from the North Carolina Department of Transportation (NCDOT) stating that at the time of construction, the roads met State maintenance specifications. He noted that residents prefer not to have to close off access through their neighborhood as it would interfere with use of the street by school buses.

Mr. Jerry Hege, 3940 Silver Chalice Drive, stated that residents were misled by the City regarding public maintenance of their streets. He expressed concern that a new development is being constructed and there are now industrial vehicles accessing the development via the streets in Silver Chalice.

Mr. Doug MacLean, 3680 Signet Drive, stated that plat maps show that there are only three roads in the neighborhood that are considered private streets. He noted that he was told that school buses cannot access the roads unless they are publicly maintained and school buses are currently accessing the roads. Mr. MacLean pointed out that someone has been maintaining the roads and filling in potholes in the past.

Council Member Johnson indicated that the State maintains roads for the County.

Mr. Garrity pointed out that the State does not accept all roads in the County, and will only maintain roads that it accepts.

Mr. Sylvester Jones, 3934 Silver Chalice Drive, stated he was told that his is a private street that is open to the public. He indicated that the large pothole previously referred to is located in front of his house and since someone has filled it with gravel, he is cleaning gravel out of his yard on a regular basis.

Mr. Eric Jenkins, 3938 Silver Chalice Drive, indicated that a bulldozer related to construction on the new development has been parked by his house causing traffic hazards in front of house.

Ms. Gloria Holmes, 3824 Crusade Drive, stated that her family recently moved to the City and were unaware of pending problems until they were involved in the closing process. She stated that safety

of children, property values, and vehicle maintenance have all become cause for concern given the ongoing street maintenance issues.

Mr. Ron Jones, 3857 Crusade Drive, explained that his family has been in Silver Chalice for nine years and this problem has become a quality of life issue, and stated that residents can no longer walk and ride bikes through the neighborhood. He indicated that the amount of traffic and speed issues have created a need for traffic calming devices.

Chair Johnson stated that even though Highway 158 is a State-maintained road, the City is addressing signaling issues at the intersection of Highway 158, Old Belews Creek Road and Gaither Road.

In response to Council Member Clark, Mrs. Caruso stated that the neighborhood is approximately 11 years old.

Council Member Clark explained that it is the responsibility of a developer to dedicate streets to the City for public maintenance.

Mr. Turner responded to Council Member Clark's inquiry, stating that the residents of Silver Chalice do receive City/County water and sewer services.

Mr. Ron Jones indicated that the developer has repaired potholes in the past.

Mr. Saunders stated that the developer has indicated that an agreement was worked out with the School Board for maintenance of the roads for use by school buses.

Council Member Clark noted that the letter from NCDOT implies that the developer never dedicated the roads for public maintenance.

Mrs. Caruso stated that City staff has informed them that in order for the roads to be brought up to City standards, they would have to be paved.

Mr. Turner indicated that staff has spoken with NCDOT and they indicated that the roads were up to their standards when built, but after the houses are built the developer had to submit a request. He stated that City staff has not contacted the developer and it is unknown whether or not the request was submitted or if it was turned down.

Council Member Clark pointed out that there are many streets that have been in the City limits for years that are considered private streets and noted that there are 18 miles of private streets listed in the newly annexed areas. He stated that it would cost millions of dollars if the City were to take over all of those private streets.

Mr. Saunders stated that question should have been considered prior to the annexation. He noted that the streets in Silver Chalice have all of the required infrastructure and only need to be resurfaced for the City to resume maintenance.

Mr. Garrity indicated that all materials and information provided via the Annexation Hotline contained data regarding acceptance of private streets.

In response to Council Member Clark, Mr. Turner stated that as part of the annexation, the City took over approximately 100 miles of streets previously maintained by the State.

Council Member Clark requested that staff speak with the developer to get the background on State acceptance of the streets.

Council Member Terry also stated that staff should also determine the level of involvement of the School Board.

Mr. Saunders responded to Council Member Besse's question, stating that Beeson Acres has another access into their neighborhood from Beeson Dairy Road.

Council Member Clark inquired if the developer gave an easement for the new development.

Chair Johnson indicated that staff would continue to study options for accepting private streets and the Public Works Committee will reconsider this request in December and contact the developer and School Board in the interim.

In response to Council Member Besse, Mrs. Caruso indicated that Beeson Acres has always had an alternate access from the Silver Chalice neighborhood.

Council Member Besse explained that if the City approved a satellite annexation and assumed that the only access would be through another development, the City assumes that those are public streets.

Mr. Garrity explained that there are many private streets that are considered public right-of-way, but are not publicly maintained. He recommended that the Committee be consistent with their decision given the number of private streets that are considered public right-of-way.

In response to Council Member Besse, Mr. Turner explained that the City only has to maintain a street at its current state.

Council Member Terry made a motion to have staff fill in the problematic potholes in the Silver Chalice neighborhood. The motion was duly seconded by Council Member Clark.

Discussion ensued regarding safety issues of all of the potholes in the neighborhood.

Council Member Clark explained that the City's decision for taking in private streets will have broad implications.

The motion for repair of the potholes was unanimously carried.

Chair Johnson called for a break at 7:13 p.m.

The meeting was reconvened at 7:18 p.m.

2. BRIEFING ON FLOODING PROBLEMS ON KINARD DRIVE.

At the request of Chair Johnson, Mr. Turner presented a brief synopsis of the item.

Council Member Terry noted that the flooding issues have been ongoing for many years and suggested that staff obtain a report previously issued by the Army Corps of Engineers regarding stormwater runoff on Kinard Drive.

Mr. Turner pointed out that the Strategic Plan has a section considering the City's involvement with stormwater issues.

4. CONSIDERATION OF ITEMS RELATING TO THE CITY'S STRATEGIC PLAN:

a. REPORT ON STRATEGIC PLAN DRAFT.

b. RESOLUTION ADOPTING THE CITY'S 2006-2009 STRATEGIC PLAN.

Council Member Terry made a motion for approval of the resolution. The motion was duly seconded by Council Member Clark and unanimously carried.

Chair Johnson asked the Committee Members to direct their questions and suggestions to staff.

5. RESOLUTION APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC. OF THE CAROLINAS FOR DESIGN SERVICES FOR THE REPLACEMENT OF SIX DRAINAGE STRUCTURE LOCATIONS. [*\$105,400 from Stormwater Funds.*]

Mr. Turner presented the staff report.

Council Member Clark made a motion to approve the resolution. The motion was duly seconded by Council Member Besse and unanimously carried.

6. PRESENTATION OF CITY/COUNTY UTILITY COMMISSION REPORT.

Mr. Turner presented an overview of the report, including history, ownership and governance, finances, operations and major projects.

In response to Council Member Clark, Mr. Saunders explained that revenue bonds outstanding would rise to approximately \$350 million over the next ten years.

Chair Johnson asked that the chart on Page 11 be adjusted to reflect that Winston-Salem's number of customers serviced actually includes City and County residents, as well as reflect that the total does not break down the water and sewer customers.

In response to Council Member Besse, Mr. Turner explained that methane is generated as waste materials are digested and the methane would be used in the drying process for residuals.

Council Member Besse noted that other jurisdictions are advertising the process as an environmentally-friendly option and the City should pursue advertising.

Mr. Turner stated that the Winston-Salem Journal plans to run an article on the process in this weekend's edition. He responded to Council Member Terry, indicating that staff is conducting a study to evaluate the market potential for the materials.

Mr. Saunders stated that although no profit could be generated from the program, it will offset the cost of disposal.

In response to Council Member Clark, Mr. Turner explained that the Utility Commission has contracts with various counties to accept their waste at the Hanes Mill Landfill until expiration of those contracts.

Council Member Clark suggested that, upon their contract expirations, those other counties should be asked to be willing to accept our waste when the Hanes Mill Landfill fills up.

Chair Johnson pointed out that some members were present from the Utility Commission.

Following is a Verbatim of a Statement made by Mr. Paul McGill of the Utility Commission

CHAIR JOHNSON: We have members from the Utility Commission with us. Any comments, Paul, you want to make?

MR. MCGILL: No. We're working hard to keep the water flowing and the sewer (*unclear*) drains. It's very expensive to do that so it's...we've got a good staff here working hard. We've had a few hiccups along the way and things we need to work on, but other than that, I think it's going very well."

ADJOURNMENT: 7:39 p.m.