

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

5:42 P.M., TUESDAY, OCTOBER 9, 2007

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 (out at 6:50 p.m.)
Council Member Robert C. Clark

OTHERS PRESENT: Council Member Molly Leight
Council Member Nelson Malloy (out at 6:29 p.m.)

Chair Johnson called the meeting to order at 5:42 p.m. and asked everyone in attendance to introduce themselves. At this time, she stated that the Committee would first consider the Consent Agenda and asked if any items needed to be pulled for discussion.

Chair Johnson requested to pull Item C-3(a). No other items were pulled for discussion.

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

CONSENT AGENDA

- C-1. APPROVAL OF SUMMARY OF MINUTES FROM THE SEPTEMBER 11, 2007 PUBLIC WORKS COMMITTEE MEETING.
- C-2. CONSIDERATION OF ITEMS RELATING TO THE CLEMMONSVILLE ROAD WIDENING PROJECT:
 - a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) TO INCREASE THE MAXIMUM AMOUNT OF FUNDING FOR THE CLEMMONSVILLE ROAD WIDENING PROJECT. [*\$9,625,000 from NCDOT*]
 - b. PROJECT BUDGET ORDINANCE AMENDMENT TO APPROPRIATE ADDITIONAL FUNDS.
 - c. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH EARTH TECH OF NORTH CAROLINA, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE

CLEMMONSVILLE ROAD WIDENING PROJECT. [*\$640,000*]

C-3. CONSIDERATION OF STREET CLOSING PETITIONS:

- b. PETITION TO CLOSE AND ABANDON A PORTION OF BOND STREET (SOUTH WARD) – *Petition of Gary Byrd.*

C-4. CONSIDERATION OF PETITIONS FOR EXEMPTION TO THE STREETLIGHTING POLICY:

- a. PETITION FOR EXEMPTION TO THE STREETLIGHTING POLICY IN THE LAKEVIEW HILLS DEVELOPMENT.
- b. PETITION FOR EXEMPTION TO THE STREETLIGHTING POLICY IN THE SAPONI VILLAGE AND FARBROOK NEIGHBORHOODS.

C-5. REPORT ON CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.

C-3. CONSIDERATION OF STREET CLOSING PETITIONS:

- a. PETITION TO CLOSE AND ABANDON AN UNNAMED RIGHT-OF-WAY OFF OF FLAG STREET (EAST WARD) – *Petition of James A. Garner.*

Mr. James Garner, 5095 Oak Garden Road, Kernersville, stated that he plans to create approximately five single-family home sites on the property.

In response to Chair Johnson's questions, Mr. Garner stated that the homes will be valued at approximately \$110,000, will be sized between 1200 and 1500 square feet and construction will begin in late 2008. He also stated that he has the support of the SG Atkins Community Development Center for this project.

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

GENERAL AGENDA

G-1. CONSIDERATION OF ITEMS RELATED TO WHIPPOORWILL DRIVE:

- a. PETITION TO CLOSE AND ABANDON A PORTION OF WHIPPOORWILL DRIVE AND BUNTING LANE (NORTH WARD) – *Petition of A. Dennis Peck.*
- b. UPDATE ON WHIPPOORWILL DRIVE. [*Continued from September Committee meeting.*]

Mr. Greg Turner, Assistant City Manager/Public Works, gave a brief review of the item to the Committee.

Council Member Clark noted that the Committee has three options for the petition: to leave the street as is, to pave the remainder of the street, or to abandon the street.

In response to Council Member Malloy's inquiry, Mr. Robert Prestwood, Streets Director, commented that in a time trial performed by the Streets Division, it takes approximately two minutes longer to reach residents without traversing Whippoorwill Drive.

In response to Council Member Leight's question, Mr. Prestwood stated that the street had not moved, but the driveway of 5791 Whippoorwill Drive overlaps the public right-of-way. He further stated that the proposed street construction will replace part of the driveway at 5791 Whippoorwill Drive.

Mr. David Wells, 5785 Whippoorwill Drive, commented that the Forsyth County Commissioners rejected the petition to close and abandon a portion of Whippoorwill Drive because the closure would not benefit the community. He is in favor of the petition to have the road remain open and to have the remainder of the road paved.

Mr. Thomas Abbott, 3430 Forest Lane, stated that the time trial differential noted earlier is immaterial in fair weather, because the need for emergency service arose in bad weather and the road is impassible in snow or ice. He further stated that many residents in the community are elderly and cannot park their car down the street from their homes in inclement weather. He also supports the paving of the road.

Mr. Jim Thrift, Whippoorwill Drive, noted that the proposed road closure has no impact on him, so he would favor that the petitioner be granted the closure. He also noted that the gravel road adds to the rustic character of the neighborhood and would prefer that the road not be paved.

Ms. Kaila Hires, 3775 Lakeview Drive, commented that the Lake Hills Neighborhood Association met and the majority of the residents prefer that the road remain open and that five residents wanted the remainder of the road be paved.

Ms. Pamela Watson, 3435 Forest Lane, stated that she was in favor of the road remaining open and being paved because it took emergency services one and a half hours to reach her home in 2003 due to ice and fallen trees. She further stated that Mr. Hickman built the home that the petitioner now resides in and did not receive permission to place the driveway where it currently is, in the right-of-way.

Mr. Dennis Peck, 5791 Whippoorwill Drive, petitioned to have a portion of Whippoorwill Drive and Bunting Lane closed because until 2005, no residents used that portion of the road because it was blocked by a gate. Residents then removed the gate and placed gravel on a portion of the road for easier travel. He also commented on certain laws regarding the closing of streets and legalities for neighborhood public roads. He further commented that his driveway was not in the public right-of-way and a City engineer that reviewed the property, stated that the road did not meet City, County or State codes. Mr. Peck noted that the time trials mentioned for emergency medical service to reach the neighborhood are inconsistent. He then stated his opposition to two trees being removed from the area to complete the paving of the road. He also commented that items from his property had been removed or stolen by other residents and that there was a better way for the City to spend \$31,000.

Ms. Blair Carr, Assistant City Attorney, reviewed the legal statutes mentioned by Mr. Peck and stated that if the road was officially dedicated in the past, and has been used by the public, even if not taken over for maintenance or formally improved, it does not fall under abandonment. She further stated that

if the road is used by one or more families, it is classified as a neighborhood street and is subject to closure requirements, based on the amount of usage.

Mr. Turner noted that the road has been recently used and staff members and police officers have reviewed the area and can attest to that usage, therefore, it does not meet the automatic close/abandonment provision.

Ms. Carr stated that the proven usage of the road negates any application of automatic close/abandon procedures related to statute 13667.

In response to Council Member Besse's question, Ms. Carr stated that the statute does not specifically refer to pedestrian or vehicular access, rather it refers to public use, but the public use is not defined.

In response to Council Member Clark's question, Ms. Carr commented that a community can petition to have a "paper street" declared as abandoned, based on the amount of usage that street receives. She further commented that it appears Mr. Peck is asking the Committee if the proposed portion of Whippoorwill Drive meets the definition of abandoned. Ms. Carr also confirmed that the closing or abandonment of a street cannot leave a property land-locked.

Council Member Clark made a motion to deny the petition to close and abandon a portion of Whippoorwill Drive and Bunting Lane. The motion was duly seconded by Council Member Terry and carried unanimously.

Mr. Turner noted that staff needs direction from the Committee regarding the construction of the remainder of Whippoorwill Drive.

Council Member Besse commented that the remainder of the street should be paved to provide adequate emergency vehicle access to the neighborhood.

Mr. Turner commented that for the street to be useful, it will need to be paved.

In response to Council Member Leight's question, Mr. Prestwood stated that a portion of the street has been paved with bituminous surface treatment (BST).

In response to Council Member Terry's question, Mr. Prestwood stated that if the remainder of the street is paved, it will meet the City's standards for streets.

In response to Council Member Leight's inquiry, Mr. Prestwood stated if staff paved the remainder of the street around the existing tree that is partially in the right of way, the tree would not survive.

In response to Ms. Hires' request, Mr. Turner stated that BST does allow for slower traffic than an asphalt street, and that the City does not install "children at play" signs. He also stated that staff would look into other traffic calming methods that may be implemented at that location.

Council Member Clark made a motion that staff paves the remaining portion of Whippoorwill Drive with BST. The motion was duly seconded by Council Member Terry and carried unanimously.

In response to Mr. Peck's question, Mr. Turner stated that he would have to re-petition to have Bunting

Lane closed.

(Council Member Malloy out at 6:29 p.m.)

G-4. DISCUSSION OF PROPOSED POST-CONSTRUCTION STORMWATER CONTROL ORDINANCE.

Mr. Turner reviewed the changed elements of the proposed ordinance and reviewed the supplemental information provided.

In response to Council Member Besse's question, Mr. Turner stated that the reason for including the retention of the 25 year storm is that type of storm would cause catastrophic destruction and flooding. Including the 25 year design storm will help staff to remediate the effects of that type of storm. He also commented that other cities of comparable size to Winston-Salem use the 25 year design storm.

Council Member Besse noted that while substantial progress regarding the proposed ordinance has been made, he would request that the item be continued to the December meeting, as it is a topic of major importance and he would like more time to review the information.

Council Member Terry thanked staff for their efforts on the proposed ordinance. She also requested to meet one on one with Mr. Turner to review questions and concerns so that she will be able to make educated decisions regarding the item.

Ms. Hires noted that as a representative of the Winston-Salem Neighborhood Alliance, she would like more time to review the document before a decision is made.

Ms. Nancy Gould, 195 Executive Park Boulevard, Government Affairs Director, Homebuilders Association of Winston-Salem, stated that she has visited other communities that will be adopting similar ordinances. She also stated that other communities can custom design stormwater regulations based on watershed design. She further stated that a stormwater management consultant met with these community groups and reviewed the ordinance paragraph by paragraph so that everyone understood the details. Ms. Gould commented that specific details of the proposed ordinance were not discussed at a previous meeting and recommends that a stormwater review board be formed of citizens and Council Members to discuss any concerns.

Ms. Gayle Anderson, 601 West 4th Street, commented that she would like to see a citizen group review the ordinance along with a water control expert. She further commented that answers have not been provided to the questions that have been asked by some existing citizen groups. She also noted that in an urban area, staff should consider a watershed basis rather than an individual property basis for stormwater control. Ms. Anderson requested that quantity and quality be separated within the ordinance for clarity and that staff review other urban communities, perhaps in Virginia or South Carolina for comparisons, effects on affordable housing, and any increase in construction costs. She would also encourage a working group for discussion of the proposed ordinance.

Council Member Besse stated that he would be in support of a working group in addition to Committee discussions, and suggests that the item be brought back for discussion in December.

(Council Member Besse out at 6:50 p.m.)

Mr. John Beeson, 503 High Street, stated that he was pleased at the inclusion of ribbon pavement, but is concerned with street widths because they may be too wide for infill. He also recommended that a stormwater committee be formed to address ongoing situations that will be faced regarding stormwater. He further stated that it is not clear that quantity will stop, prevent or limit the problems that are seen in some areas, or if it will have a long-term effect. Mr. Beeson also commented that there are several critical watersheds in the area and they should be maintained in their present condition.

Mr. Jason Thiel, 500 West 4th Street, Suite 101, Downtown Winston-Salem Partnership, commented that continued discussion of the proposed ordinance will only help foster conversation and bring about positive development, and that a working group can have a word for word discussion. He further commented that the research park will construct on offsite master stormwater facility and would like to see that in other areas.

In response to Chair Johnson's question, Mr. Turner stated that the City and research park are partnering on the project. The City applied for and received a grant from the Clean Water Trust Fund and the research park will provide the land for the project, design services, and participation in the rest of the project. He further stated that regional facilities are included in the proposed ordinance.

Chair Johnson commented that the Committee discussed forming a stormwater task force and will look at selection of members for that group. She also commented that the supplemental document regarding stormwater is available on the City's website, and that the Committee will dedicate some time in each meeting to this issue until it is resolved.

Council Member Terry requested that a citizen review group be formed and that discussions continue to take place within the Committee.

Council Member Clark requested that staff discuss the formation of a citizen review group with interested parties from within the community and schedule a meeting, perhaps all day, to discuss in detail, the specifics of the proposed ordinance. Members of the citizen review group should be aware that it will be a multi-year commitment to address any issues going forward. He further requested that Council Members discuss the item personally with Mr. Turner and that real-life examples of stormwater concerns be provided to staff by local homebuilders. He expressed concern that affordable housing rates may increase with the proposed ordinance.

Chair Johnson requested that Council Members and staff seek out individuals who may want to serve with the citizen review group, invite them to the December meeting, assess their willingness and commitment to serve an extended term, and have something in place by January or February 2008. She also suggested that members of local neighborhood associations and citizen groups should serve on the citizen review group.

Council Member Terry requested that staff review the impact of the new airport development and any downflow that may be caused. She also requested that in regards to regionalism, that staff provide examples of similar projects, like the airport project, and any effects those may have.

In response to Council Member Leight's question, Mr. Turner suggested that she meet with him one on one to discuss specific mathematical questions.

Chair Johnson requested that Council Members provide their availability to the City Manager's or City Secretary's office to arrange a group meeting and discussion with Mr. Turner.

G-2. REPORT ON PROPOSED ELAND COVE DEVELOPMENT.

Mr. Turner gave the report and noted that a request was made to modify the ordinance where homeowner's associations can have a portion of their costs covered when repairs are made for City acceptance of public streets.

Council Member Clark stated that some neighborhoods may need assistance in getting private roads repaired to meet public standards, but he is concerned that developers may take advantage of the City's kindness.

Mr. Beeson commented that there are some subdivisions located in an area where paved roads exist, but after annexation, they were still not listed in the City-maintained system. He further commented that many of these roads are not paved with BST and do not meet standards, therefore, developers are required to resurface those streets. He also commented that developers are asking for the same consideration that homeowners would be given in the same situation. He also expressed concern that streets taken in under annexation, are not yet listed in the City system.

In response to Chair Johnson's question, Mr. Beeson noted that affordable housing is around \$175,000, but could be higher due to land costs.

In response to Council Member Leight's question, Mr. Prestwood noted that certain streets were not maintained by the NCDOT prior to annexation.

In response to Council Member Terry's request, Mr. Turner commented that staff will review connectivity options for Rosie Street and Fir Street. He further commented that if a new development is relieved of connectivity requirements, sometimes the connections do not get made.

Council Member Clark requested to see a map of developments that may apply for City assistance with the paving of streets.

Chair Johnson requested that any further questions or concerns be addressed to Mr. Turner and that the item would be continued to the December meeting for further discussions.

G-3. REPORT ON CURB AND GUTTER ISSUES.

Mr. Turner gave the report which was accepted for information only.

Chair Johnson requested that Mr. Prestwood bring options for the Nottinghill and Adam's Gate communities to the November Committee of the Whole meeting. She also requested that the curb and gutter report be brought to the Committee of the Whole meeting.

Council Member Clark requested the City Manager be cognizant of the number of items placed on the November Committee of the Whole agenda.

ADJOURNMENT: 7:29 p.m.