

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

5:30 P.M., TUESDAY, AUGUST 14, 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
Council Member Robert C. Clark

OTHERS PRESENT: Council Member Molly Leight
Council Member Wanda Merschel (in at 6:24 p.m., out at 7:02 p.m.)

Chair Johnson called the meeting to order at 5:30 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 stated staff requested to pull Item C-3 for consideration in September. 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 Terry, and unanimously carried.

CONSENT AGENDA

1. APPROVAL OF SUMMARY OF MINUTES FROM THE JULY 10, 2007 PUBLIC WORKS COMMITTEE MEETING.
2. RESOLUTION AUTHORIZING A CHANGE ORDER TO LARCO CONSTRUCTION COMPANY, INC. FOR WORK ASSOCIATED WITH THE WIDENING OF WATERWORKS ROAD IN THE ESTIMATED AMOUNT OF \$140,000.
4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE UPGRADE TO THE EXISTING TRAFFIC SIGNAL SYSTEM.
5. PETITION TO CLOSE AND ABANDON A PORTION OF EVERIDGE ROAD (SOUTH WARD) – *Petition of Matt J. Osborne.*

6. RESOLUTION APPROVING ABANDONMENT OF TWO SANITARY SEWER EASEMENTS LOCATED OFF OF PROFESSIONAL PARK DRIVE (SOUTHWEST WARD) ACROSS TAX BLOCK 3901, LOT 130 – *Petition of Vest Mill Ventures, LLC.*
7. PETITION FOR THE ANNEXATION OF 2.06 ACRES LOCATED OFF OF HILLTOP DRIVE (NORTHWEST WARD) – *Petition of Dennis Newman.*
8. CONSIDERATION OF ITEMS RELATING TO DECORATIVE STREETLIGHTING:
 - a. RESOLUTION APPROVING AN AGREEMENT WITH THE BONNIE RIDGE HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.
 - b. RESOLUTION APPROVING AN AGREEMENT WITH THE HERITAGE PATH HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.
9. CONSIDERATION OF PETITIONS FOR EXEMPTION TO THE STREETLIGHTING POLICY:
 - a. PETITION FOR EXEMPTION TO THE STREETLIGHTING POLICY ALONG DENISE LANE.
 - b. PETITION FOR EXEMPTION TO THE STREETLIGHTING POLICY ALONG GLENSHIRE DRIVE.

GENERAL AGENDA

1. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 28.8(c) OF THE CITY CODE RELATING TO SERVICE LEVELS AND FEES FOR BULK CONTAINER.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, gave a brief overview of bulk container usage and fees.

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

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

Mr. Turner reported that there is currently a reduced price fee for interment of the infant deceased but there is no reduced price fee for disinterment. He further commented that baby or infant graves are one fourth to one half smaller than adult or youth graves, therefore, the disinterment cost for these graves is considerably less, and warrants a lesser fee.

Chair Johnson commented that disinterment requests are infrequent but do require a separate set of fees.

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

3. DISCUSSION OF PROPOSED POST-CONSTRUCTION STORMWATER CONTROL ORDINANCE. *[Item continued from the June Committee meeting.]*

Mr. Turner gave an overview of the supplemental information packet that was provided regarding the proposed stormwater ordinance.

Chair Johnson stated that while the Committee was not ready to vote on the item, the members would like to hear the questions and concerns of citizens.

Ms. Gayle Anderson, Winston-Salem Chamber of Commerce, 601 West 4th Street, thanked staff for their hard work and efforts in explaining the proposed ordinance. Ms. Anderson requested that staff create a working group composed of staff and citizens to discuss areas of the ordinance that lack specificity. She further shared several areas noted in the ordinance that she feels are unclear and requested clarification on the cost of the proposed ordinance and how it might affect future projects within the City. Ms. Anderson shared that several members from the business community are committed and open to discussion with staff on the future of the ordinance.

Council Member Besse requested that Ms. Anderson submit in writing her questions and concerns that have not been previously addressed.

Ms. Nancy Gould, Government Affairs Director, Home Builders and Realtors Association, 195 Executive Park Boulevard, commented on Tab 6 in the supplemental book. She stated that concerns and questions of the Home Builders and Realtors Association were outlined, as well as a section where each paragraph of the proposed ordinance was commented on separately. She further stated that the Home Builders and Realtors Association outlined several recommendations to the ordinance and submitted letters that were included in the supplemental information as well. Ms. Gould expressed that she had similar concerns to that of the Chamber of Commerce and would encourage staff to look at the future impact that the proposed ordinance will have on affordable housing. She also suggested that the ordinance be rewritten so as to be more easily understood. She further expressed concern with the unlimited authority portion of the proposed ordinance and suggested that a stormwater management advisory board with members knowledgeable about stormwater issues be created to review the ordinance. Ms. Gould further made several requests of staff: investigate optional ways of taking care of Best Management Practices, review quality and quantity standards, and create an advisory board separate from the Board of Adjustments to review the proposed ordinance.

Mr. Jason Thiel, President, Downtown Winston-Salem Partnership, 500 West 4th Street, thanked staff for the information that has been provided. He expressed concern over the current cost of land in the downtown area and whether or not the proposed ordinance will have unintended consequences such as higher land costs. He stated that he had a few questions on the research of the proposed ordinance and would like to be involved in a working group for review.

Mr. John Beeson, Beeson Engineering, 503 High Street, noted that there could be hazardous dam

consequences with the proposed ordinance. He commented that he would like to see the ability to construct residential streets without the use of curb and gutter because it will allow for more control of water through vegetated swells. He also noted that installing catch basins increases the maintenance budget of a project. He suggested staff educate the population on best stormwater management practices.

Mr. Jim Armentrout, 3882 Rhyne Way, thanked staff for the written answers provided to his questions regarding the proposed ordinance. He expressed concern that the proposed ballpark area and current developers are not being held to the same standard where stormwater is concerned. He recommended that a citizens group be organized to perform further study and investigation on the proposed ordinance. He also expressed doubt that homeowners would be able to get liability insurance for these BMPs based on his experience as a developer.

Mr. Kerry Avant, Adams, Egloff and Avant, 1645 Westbrook Plaza Drive, suggested that staff poll or survey various City departments to see if the end result of the proposed ordinance will adversely affect any of their pending projects.

In response to Chair Johnson's question, Mr. Lee Garrity, City Manager, stated that there were several departments working on projects that would interact with one another for the best end result.

Mr. Robert Vorsteg, Vice President, Winston-Salem Neighborhood Alliance, 3620 Marlowe Avenue, questioned whether or not the impact on citizens was being weighed carefully. He also expressed concern that no one was mindful of the common good or speaking for the public interest and suggested that staff find a way to meet the needs of the public and promote the good of the City.

Ms. Carol Strittmatter, 817 Clovelly Road, shared that she has been dealing with stormwater issues in her neighborhood since the 1960's. She also commented that she has had to have her house waterproofed five times because several local developments have inadvertently caused flooding in the neighborhood.

Council Member Besse commented that stormwater is a complex issue and it will be difficult to come to a consensus that will please everyone. He suggested that staff and citizens continue discussions on stormwater for another two months and also noted that he would like to see further development on five areas: a detailed analysis of the relative value for controlling for the first inch versus the one year, 24 hour storm; additional analysis on the size and cost of the final engineered structure to control for the quantity of the two year and ten year storms versus the two year, ten year and twenty five year storms; more development on an option of regional controlled areas; more information on the experience of other jurisdictions containing homeowner's associations with insurability and maintenance; and the development of a potential for adjustable pavement standards and parking requirements.

(Council Member Merschel in at 6:24 p.m.)

Council Member Clark shared that he realizes the proposed ordinance will solve future problems for stormwater but is concerned that future residents will be bearing the burden of current residents' shortfalls, and is concerned about what the community can do to solve the issue. He suggested that the beaver pond adjacent to Reynolda Road could be used as a future catch basin, and that there is

also a former lake area located behind the Reynolda House that could be used. He further expressed his concern on how the downtown community will capture and control stormwater. Council Member Clark commented that the proposed baseball stadium developers should be required to adhere to the same laws and standards as current developers. He further commented that an alert system needs to be created to make citizens aware that the ordinance may be changing and they will have to consider how they will adapt to those changes. He expressed concern with affordable housing sites being smaller and to make sure that these sites have adequate stormwater protection. Council Member Clark suggested that if neighborhood associations build retention ponds, they would need help from City staff on their annual reports. He also expressed support for a group of staff and citizens to develop specific examples and apply a certain set of standards to those to see how various areas will be affected.

Council Member Terry requested that staff locate the year of the catastrophic dam failure that caused flooding on Northwest Boulevard and information as to how it relates to current conditions.

Council Member Leight questioned when and why curb and gutter was chosen for use as the streets standard. She also stated that allowing vegetated areas to remain or be newly constructed will be a step in the right direction of controlling stormwater. She further requested that staff look at the frequency of the size of storms in recent years and see how it has affected the community. She also expressed concern about the idea of dropping the twenty five year storm standard.

Chair Johnson suggested that a specified amount of time be set aside during each Public Works Committee Meeting to discuss progress on the proposed stormwater ordinance.

Council Member Clark recommended that staff meet with local developers to discuss the language in the ordinance for clarification.

Council Member Besse suggested that staff continue to work with the development community and neighborhoods on the proposed ordinance and reiterated Chair Johnson's request for discussion time in the Public Works Meetings. He further suggested that staff prepare an update at two month intervals until the committee is ready to vote on the proposed ordinance.

Mr. Garrity stated that staff will begin working with community groups on some of the smaller pieces of the proposed ordinance and will present the larger issues at the two month intervals for discussion.

In response to Council Member Clark's question, Mr. Turner stated that if a development installs a stormwater management lake, the developer puts in a certain amount of maintenance money then the homeowner's association is responsible for the remaining costs.

In response to Council Member Clark's concern, Mr. Keith Huff, Director, Stormwater Division, stated that there is a provision in the proposed ordinance that requires a performance maintenance security bond for the development that would alleviate the City from liability for the pond.

Council Member Besse encouraged communities to find alternate methods of stormwater management so if a private entity fails, the City is not responsible.

Chair Johnson thanked everyone for their comments and requested that citizens contact Mr. Turner if they wished to participate in further discussions regarding the proposed ordinance. She further requested that staff present an update on the proposed stormwater ordinance at the October Public Works Committee Meeting.

4. REPORT ON FOWLER LAKE DAM #3.

Mr. Turner gave a brief report on the Fowler Lake Dam.

Council Member Clark requested to know the size of the culvert that would be placed under the road at the former lake site.

In response to Council Member Leight's question, Mr. Turner stated that each of the other lakes in the area is interconnected by underground streams.

In response to Council Member Besse's inquiry, Mr. Turner commented that the other lakes were not considered high hazard.

In response to Council Member Merschel's concern, Mr. Turner stated that the feeding of the lake through the steams is a concern for stormwater management and flooding, as the lake may have acted as a stormwater retention pond for the area.

In response to Council Member Leight's question, Mr. Turner commented that the State review noted that the dam was not properly maintained and local homeowners may have been responsible.

Council Member Clark suggested that this situation be used as a cautionary tale to neighborhoods to carefully consider the size of dam they want built and who will maintain the dam.

Council Member Merschel expressed concern that stormwater now has no collection site in the neighborhood and several dynamics of the development could cause concern. She requested that staff provide another update on the site prior to September 6.

Council Member Clark requested that staff provide an estimate of the cost to tear up a portion of the parking lot at Sherwood Plaza to install a catch basin.

Council Member Besse noted that a representative of the Winston-Salem/Forsyth County School System asked him about their being exempt from stormwater management fees.

Chair Johnson mentioned that some residents along 11th and 12th Streets between Cameron Avenue and Jackson Avenue, are noticing erosion in their backyards and requests that staff review that area.

(Council Member Merschel out at 7:02 p.m.)

ADDITIONAL ITEM

Council Member Leight stated that a citizen was present that would like to request street lights not be erected in her neighborhood.

Ms. Toni Holiday indicated she would like to petition for exemption of streetlights in the Siponi Village development. She stated that there is no homeowner's association, but she is personally contacting neighbors to sign the petition. She expressed concern that the streetlights are a distraction from the rural look and feel of the neighborhood. Ms. Holiday also noted that the neighborhood was informed that installation of the lights would begin in October, but has already been completed through one quarter of the neighborhood. She noted that the neighborhood has not had any criminal or problem activity without the streetlights and would like to be exempt from the installation. She also shared that she had done some research on streetlighting in surrounding cities.

In response to Council Member Clark's question, Mr. Turner stated that the recently installed poles would not be difficult to remove. Mr. Turner further stated to Ms. Holiday that she should clarify in her petition that streetlights are not to be erected in the development. Mr. Turner recommended that she bring the completed petition back in September or October and be sure to have both owners of each property to sign the petition since there is sometimes disagreement between husband and wife on issues like this.

Ms. Blair Carr, Assistant City Attorney, commented that the weight of signatures and number of signatures are considered in this type of petition, and to be certain that signatures are actual property owners.

In response to Council Member Terry's concern, Mr. Turner commented that if current residents are to move and future residents want streetlights erected, the request will fall under whatever rule is in place at that time.

Mr. Garrity commented that staff would look into comparable neighborhoods to avoid this situation in the future.

Chair Johnson suggested that Ms. Holiday create a neighborhood association in her area to discuss general concerns, and that she work with Council Member Leight and one of the Neighborhood Assistance Specialists.

ADDITIONAL ITEM

Mr. Thomas Abbott, 3430 Forest Lane, stated that a portion of Whippoorwill Drive is partially paved and requests that the City finish paving the length of the road. Mr. Abbott stated that after speaking with several staff members, he was alerted that the road could not be paved in its entirety because part of it is privately maintained. He further stated that one property owner along a portion of the road parks his car in the road and blocks other residents from driving through.

Officer R.M. Hogan, Winston-Salem Police Department, presented a map of the road and surrounding area to show that the entire road is in the public right-of-way.

Ms. Pamela Watson, 3435 Forest Lane, stated that when she was injured during an ice storm, it took an ambulance an hour and a half to reach her because of the blocked road. She also stated that a property owner along that portion of the road allows his grandchildren to ride their bikes and play in the road, prohibiting other residents from driving through.

In response to Council Member Terry's question, Ms. Carr stated that staff would need to verify that the street frontage in question has been adopted for maintenance and improvement. She further stated that while the street may not have been identified as a state-maintained road previously, it is now within the City limits and is the City's responsibility for maintenance.

Ms. Jackie Wiles, 5785 Whippoorwill Drive, stated that she would just like to see the issue resolved.

Ms. Greta Waters, Whippoorwill Drive, commented that the developer of the area, died prior to completion of that section of road.

Mr. Turner clarified that while there was a portion of the road not maintained by the state, gravel was in place, so it was drivable. He also stated that the City will improve a portion of the road with bituminous surface treatment asphalt. Mr. Turner further commented that a current property owner does have a driveway encroaching into the road right-of-way and that there is a large tree on the opposite side of the road. He also commented that an agreeable resolution will have to be achieved between all adjacent property owners.

Council Member Terry suggested that staff use the authority of the law to move the encroaching driveway and tree and open access to the road.

Council Member Leight suggested that staff notify the property owner of the encroaching driveway, and that it may need to be relocated.

Chair Johnson requested that staff look at several scenarios for moving the encroaching driveway and tree and opening access to the road and to provide an update at the September Public Works Committee Meeting.

Council Member Besse requested that staff try to find a solution that would leave the established tree in place.

ADJOURNMENT: 7:56 p.m.