

**SUMMARY OF MINUTES**

**PUBLIC WORKS COMMITTEE**

5:55 P.M., TUESDAY, JULY 10, 2007

COMMITTEE ROOM

ROOM 239, CITY HALL

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*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 (out at 7:08 p.m.)*

Chair Johnson called the meeting to order and asked that without objection, the Committee would first consider the Consent Agenda.

Chair Johnson stated that she would pull Item C-4. No other items were pulled for further 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 Besse, and unanimously carried.

Chair Johnson commented that any citizens wishing to comment on the proposed stormwater ordinance would need to have their comments to staff prior to the August 14 meeting.

CONSENT AGENDA

1. APPROVAL OF SUMMARY OF MINUTES FROM THE JUNE 12, 2007 PUBLIC WORKS COMMITTEE MEETING.
2. CONSIDERATION OF CITY PARTICIPATION IN DRAINAGE PROJECTS:
  - a. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE (NORTHWEST WARD) – *4401 Mill Creek Road.*
  - b. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE (NORTH WARD) – *1737 Cannon Avenue.*
3. ORDINANCE AMENDING SECTION 75-44 OF THE CITY CODE REGARDING

## STORMWATER MANAGEMENT SYSTEM USER FEES.

5. CONSIDERATION OF ITEMS RELATING TO DECORATIVE STREETLIGHTING:
  - a. RESOLUTION APPROVING AN AGREEMENT WITH THE LOCHURST RECREATION & MAINTENANCE ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.
  - b. RESOLUTION APPROVING AN AGREEMENT WITH THE COLLEGE PARK AT THE GATEWAY HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS.
6. CONSIDERATION OF PETITIONS FOR EXEMPTION TO THE STREETLIGHTING POLICY:
  - a. PETITION FOR EXEMPTION TO THE STREETLIGHTING POLICY ALONG LAKESIDE DRIVE.
  - b. PETITION FOR EXEMPTION TO THE STREETLIGHTING POLICY FOR KAYMOORE SUBDIVISION.
7. RESOLUTION APPROVING AN AGREEMENT BETWEEN THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION (PART) AND THE CITY OF WINSTON-SALEM FOR THE LEASE OF PARKING SPACES AT FOURTH AND CHURCH STREETS PARKING DECK. *[Receipt of \$72,000.]*
8. RESOLUTION APPROVING CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRANSPORTATION PLANNING AND TRAFFIC ENGINEERING SERVICES FOR THE PEACE HAVEN ROAD/STYERS FERRY ROAD CONNECTOR FEASIBILITY STUDY.
9. REPORT ON THE CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.

GENERAL AGENDA

1. CONSIDERATION OF STREET CLOSING PETITIONS FOR VARIOUS STREETS AND ALLEYS IN THE AREA FOR THE BROOKSTOWN DEVELOPMENT PROJECT (NORTHWEST WARD) – *Petition of Brookstown Development Partners, LLC.*

Mr. Gregory M. Turner, Assistant City Manager/Public Works, presented that there are nine proposed road and alley closures within the Brookstown Development Project site. He stated that it is not the intent after completion of the project to have through streets in the development, but there will be access into the development. He suggested the Public Hearing date be set for August 20.

In response to Council Member Clark's question, Mr. Turner indicated that the South Green Street Bridge has been left in its current condition by the state and there is discussion that it will be utilized as a pedestrian bridge. It has also been identified as a potential utility corridor for Business 40. He

further indicated that the bridge will no longer serve as a vehicular crossing. Mr. Turner also stated that the Green Street block between Brookstown Avenue and First Street will be part of the Brookstown Development Project.

A motion was made by Council Member Clark that the item be sent forward to City Council for a Public Hearing date to be set. The motion was duly seconded by Council Member Besse and unanimously carried.

## 2. CONSIDERATION OF NOISE AND LIGHT LEVELS FOR BROOKSTOWN DEVELOPMENT PROJECT.

Mr. Turner reviewed the proposed light levels for the Brookstown Development Project. He suggested that Committee recommend a threshold of 0.5 foot candles where spill lighting would affect adjacent properties and a threshold of 0.75 foot candles where spill lighting would affect public rights-of-way.

In response to Council Member Clark's request, Mr. Turner stated that a lighting presentation could be made if so desired. In response to Council Member Besse, he also stated that the Council Action handed out today only contained updates on proposed noise levels.

Mr. Turner then reviewed the proposed noise levels for the Brookstown Development Project. Staff has completed several analyses on noise generated by the stadium and how that would affect boundary properties. Staff has recommended that the noise threshold presented to Council be 55 decibels at the boundary of the development. The developer will also provide a certification that noise from the proposed stadium will not exceed that threshold. He also stated that the packet contained three requests from the developer. Those requests are that the noise measurement be based upon the A-Scale as opposed to general decibels, that it be stated clearly that amplified sound is what is regulated, and that there is an exception for special events.

In response to Council Member Merschel's concern, Mr. Turner stated that any remediation provision for a violation of the noise level thresholds would be addressed as a zoning violation. He also clarified that decibels on the A-Scale most closely reflects how the human ear hears sound and is therefore a more appropriate method of measuring sound, rather than standard decibels. He also explained that decibels are measured by logarithm rather than arithmetic and therefore, an additional 55 decibels would not be added to the current 55 decibels of sound. The equation would allow for three decibel increase, resulting in a level of 58 decibels and reflect a doubling of the power of the sound, not the volume.

Council Member Merschel requested a copy of the study that sound engineers performed for informational purposes.

In response to Council Member Terry's question, Mr. Turner stated that there is no current noise study for Bowman Gray Stadium.

Chair Johnson requested that Council be given readings of noise levels at the following intersections: Stadium Drive and Martin Luther King, Jr. Drive, Waughtown Street and Martin Luther King, Jr. Drive, and Waughtown Street and Reynolds Park Road.

Mr. Turner pointed out that several sound readings were given around the proposed stadium as a frame of reference in the Council packet. These measurements were taken between 6 p.m. and 7 p.m. and there is no comparative data for 10 p.m.

Council Member Clark alluded to the Council visit to the Greensboro Grasshoppers Stadium and that the noise could barely be heard from two blocks away, while the game was in progress.

Dr. Pranab Das, 1159 West End Boulevard, stated that the proposed ordinance should state sound levels “at and beyond” the site boundary because of his concern that the sound would grow in volume as it moved away from the boundary. He is also concerned that concerts will be exempt from the proposed ordinance.

Mr. Joe Bellissimo, Project Coordinator, Brookstown Development Project, 1560 Northwest Boulevard, commented on the exemption of concerts from the proposed ordinance. He further commented that the proposed stadium may host Sunday afternoon concerts, similar to Charlotte’s Pops in the Park series, but these concerts should not meet or exceed the proposed sound threshold. He also stated that the Brookstown Development Project is considering two to three concerts per season that could be set up in the infield, as larger concerts will be destructive to the outfield. These concerts would last no more than one to two hours.

Mike Limpach, Musco Sports Lighting, gave a presentation on the lighting plan of the proposed stadium.

John Wise, OneSource Building Technologies, gave a presentation on the possible noise levels for the proposed stadium, using the sound design program Enhanced Acoustic Simulator for Engineers. He also commented that any properties that may lie higher than the proposed stadium bowl should not hear much, if any noise, from the stadium.

In response to Council Member Merschel’s request, Mr. Wise clarified that the sound study regarding existing and proposed elevations was completed based on the assumptions of the existing elevations and the proposed development. Mr. Doug Stimmel, Stimmel and Associates, clarified that grade elevation was being referenced.

Mr. Turner confirmed that the revised site plan conditions state that fireworks and concerts would be exempt from the proposed noise and light thresholds, but they would still be subject to existing noise ordinances. He noted that the County noise ordinance states that there can be no disturbing noise after hours, which is considered 11 p.m. or other specified time.

Council Member Merschel expressed concern that the ordinance wording is ambiguous regarding fireworks and concerts and a “disturbing noise” needs to be clarified.

In response to Chair Johnson’s question, Mr. Bellissimo stated that concert promoters can bring their own sound and lighting equipment. He also noted that if the number or type of events is limited, there won’t be activity to generate revenue for the City and that such limitations should not be imposed.

Council Member Clark suggested that a time limit for the events be imposed rather than limiting the number of events.

Dr. Das reiterated his concern with concerts and fireworks regarding the timing of these events. He stated that either event would be a disturbance to nearby neighborhoods. He further stated that fireworks can cause pets to run away. He would also prefer to see these events separately permitted, or somehow notify the neighborhoods prior to these events taking place.

Pat Sisson, 1121 Fenimore Street, stated her concern with the parking and traffic leaving events at the proposed stadium. Mr. Turner noted that there will be on-site parking for events.

Mr. Stimmel commented that there are several on-site parking areas designated and that there should be no more traffic than currently seen with the Thursday, Friday and Saturday events downtown.

In response to Council Member Merschel's question, Mr. Turner noted that concerts will not require additional permits because the proposed stadium will be considered private property.

Council Member Merschel suggested that once completed, the traffic study should go before the Public Safety Committee for review. She also requested that staff look at a permitting process for concert and fireworks events that are to take place in the proposed stadium.

Mr. Turner commented that during special events at the proposed stadium, traffic will be managed going to and from the facility.

In response to Chair Johnson's request, Blair Carr, Assistant City Attorney, stated that staff could draft a permitting procedure for these events for City Council to review. She also suggested that the basis for Council regulation would be public health and safety. She further stated that facilities would need to be equally addressed and any proposed permitting would need to apply to all facilities and events, not just a select few.

Council Member Besse suggested that a decibel and time limit be placed on specific events in accordance to the time of day the event is taking place at the proposed stadium.

Council Member Terry suggested that a study be done to differentiate events, noise levels, and time of day that events take place, to see what would be most pleasing to all concerned parties. She also suggested that a matrix of these items be created for clarification.

Mr. Turner clarified that the Committee was requesting two thresholds. One for baseball games in the proposed stadium and one for concerts or fireworks events taking place at the proposed stadium. He also questioned whether or not fireworks would be exempt from the thresholds pending notification to surrounding neighborhoods.

Chair Johnson would like to see a draft document presented to Council for review, prior to making recommendations.

A motion was made by Council Member Clark to move the item without recommendation to Council, pending further information. The motion was duly seconded by Council Member Terry and

unanimously approved. (*Clarification was received from Chair Johnson to send the item to the August 6 Council meeting.*)

#### CONSENT AGENDA

4. PETITION TO CLOSE AND ABANDON A PORTION OF CHESTNUT STREET (EAST WARD) – *Petition of Goler Community Development Corporation.*

Mr. Turner presented the proposed road closure.

*Council Member Merschel out at 7:08 p.m.*

Evon Smith, 1466 Crestlawn Trail, Goler Community Development Corporation, commented that the proposed closure would allow for further development by Goler and draw more people to the area.

Mr. William L. Spencer, 367 Pine Valley Road, JKS Motorsports, suggested that closing the road will decrease his property value. He also noted that while one end of Liberty Street is a dead end, there is no easy way out of the area for large trucks or regular traffic. He also stated that if there is less traffic, fewer people can see the property and crime vandalism will increase.

Mr. William West, Kernersville, stated that he was only informed this morning of the proposed closure. He purchased the property as an investment and owns four lots near the proposed closure. Even if the other end of Liberty is opened, there will still be crime and traffic issues. He suggested that Council visit the site to see what effects the proposed closure will have. Mr. West also noted that he plans to open a restaurant or catering business in the old Mabe's Restaurant site and that closing the road will be detriment to that business.

In response to Council Member Leight's question, Mr. Turner stated that Liberty was dead-ended because it was too close to the new intersection of Martin Luther King, Jr. Drive and Main Street.

Ms. Smith commented that the property was evaluated two years ago for potential growth and noted that while many business owners left, Mr. Spencer kept his business there. They had looked at adding an access road at the tip of the small island and putting parking in the middle. Since the Truliant Federal Credit Union building was erected, there are more eyes on the property and the police regularly patrol that area, which has reduced the amount of crime and vandalism. She stated that Goler did not take into consideration that while JKS was moving out of the area, the museum would remain and that there would still be concerns.

Mr. Spencer stated that he is committed to giving back to the City because of the opportunities that have been afforded to him, but does not want to see his property values decrease.

Ms. Smith noted that as a result of Goler development efforts, recent land appraisals have increased, and some land values have doubled. There is no guarantee that all property values have increased, but it is assumed that there has been some benefit to Mr. Spencer.

Council Member Terry questioned if Goler was designated as a Business Enterprise District, which would increase the property values.

Mr. West stated that the City required them to erect a fence around the property of the service station and that they were required to clean the soil in the area, which cost them in excess of \$50,000. He noted that they have improved the outside appearance of the building to make it more attractive and appealing to potential customers. The most important aspect of a restaurant is traffic flow and the proposed closing of Chestnut Street will negatively impact his future business.

In response to Council Member Leight's question, Ms. Smith stated that the large island is less than two acres in size, while the small island is almost one acre in size. Goler has planned to erect a commercial building on the small island site and the large island is already developed.

Mr. Turner stated that the traffic study performed did not find that the closing would create a traffic problem in that area.

Council Member Besse suggested delaying action on this item for one month to allow for further discussions between the interested parties.

Chair Johnson suggested that staff visit the site to look at redesign options and present these options to the Goler group and interested property owners in August and present again at the August Public Works Committee Meeting. Mr. Turner noted that the City's Director of Transportation would need to be present at the Goler meeting.

ADJOURNMENT: 7:39 p.m.