

**SUMMARY OF MINUTES**  
**PUBLIC WORKS COMMITTEE**

6:15 P.M., TUESDAY, FEBRUARY 12, 2008

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*

*MEMBERS ABSENT:*            *Council Member Robert C. Clark*

*OTHERS PRESENT:*            *Council Member Molly Leight*

Chair Johnson called the meeting to order and stated that the Committee would first consider the Consent Agenda and asked if any items needed to be pulled for discussion.

No items were pulled for discussion.

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

**CONSENT AGENDA**

- C-1.    APPROVAL OF SUMMARY OF MINUTES FROM THE JANUARY 15, 2008 PUBLIC WORKS COMMITTEE MEETING.
  
- C-2.    RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY - 2801 Northbridge Road. [*\$11,970 from Stormwater Fund.*]
  
- C-3.    RESOLUTION APPROVING CHANGES IN THE STATE HIGHWAY SECONDARY ROAD SYSTEM WITHIN THE EXISTING CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.
  
- C-4.    THE EXECUTIVE SUMMARIES FOR THE NOVEMBER AND DECEMBER UTILITY COMMISSION MEETING.

**GENERAL AGENDA**

**G-1. CITY-WIDE VECTOR CONTROL BAITING PLAN UPDATE.**

Mr. Ritchie Brooks, Director of Neighborhood Services, stated that in 2005-2006, the City adopted a baiting plan at a yearly cost of \$50,000 to cover the City within six years. In 2006-2007, the City awarded a contract to Triad Pest Control to bait approximately 4,750 drains at a cost of \$8.90 per bait site. He also stated that due to extensive construction work in the area, staff baited additional sites in and around the ballpark area and other large construction areas. Mr. Brooks noted that when staff recently sought bids for pest control services, there was a 54% increase in the lowest bid price, and noted that the lowest total bid for the second year cycle was \$98,000. Mr. Brooks outlined three options for future pest control services: 1) accept bids for a two-year contract where more sites can be baited and allow the vendor to handle complaint calls; 2) accept bids for a five-year contract where more sites can be baited and allow the vendor to handle complaint calls; or 3) accept bids for the remaining years and allow an additional vendor to handle complaint calls. He then noted that as long as there is construction, there will be rodents and staff can identify areas with multiple complaints and address those areas first.

In response to Council Member Besse's question, Ms. Stephanie Stimpson, Senior Administrative Assistant, Neighborhood Services, stated that two bids were recently received and one of those bids was from Triad Pest Control. She also stated that their first-year performance was satisfactory.

In response to Council Member Leight's question, Mr. Brooks stated that there is not a known reason as to why so few bids were received or why the cost increased so drastically.

Ms. Stimpson noted that during the first year of baiting, the contractor stated that the process was cost-prohibitive due to man-power costs.

Mr. Brooks suggested that if a multi-year contract is awarded, that business could hire one to two individuals to be dedicated solely to the project.

Council Member Terry requested that staff provide comparable information regarding how other cities of similar size handle the rodent issue.

In response to Council Member Leight's question, Mr. Brooks stated that prior to 2005-2006, baiting issues were handled on a complaint basis only by the Health Department, and was financed by the City.

Council Member Terry recommended that the City partner with the Health Department as rodents are a public health nuisance, to develop a comprehensive solution to the problem.

Chair Johnson stated that the County does not want to assume responsibility for the rodent issue, but there is an opportunity to revisit the idea of a partnership.

In response to Chair Johnson's question, Mr. Brooks stated that it is unknown whether or not the current baiting schedule within the Central Business District is sufficient. He also presented a spreadsheet highlighting areas where complaints have been received, but noted that as construction begins in the area, complaints may be received from areas that have had no problems previously.

Ms. Stimpson noted that the code strategy area is the inspected area where complaints were taken from, and that all complaint areas were on the perimeter of the area targeted for the first year of baiting.

Chair Johnson requested that staff bring the item back to the March Public Works Committee meeting and that it also be placed on the agenda for the March Community Development/Housing/General Government Committee meeting.

Mr. Brooks stated that staff will research comparable cities and bring that information back to the Committee.

Chair Johnson also requested that staff review other bid processes.

Council Member Leight requested that staff research the cost to perform pest control maintenance via an in-house operation within the City.

Mr. Derwick Paige, Deputy City Manager stated that staff would review several options and bring the item back to Committee.

Council Member Besse requested that staff review methods and strategies employed in other cities.

#### ADDITIONAL ITEM

Chair Johnson requested that staff pave access to the gym and walkway at the 14<sup>th</sup> Street Recreation Center and that additional lighting be installed. She also requested that staff check with the Board of elections to determine the feasibility of citizens use of the gym, rather than a side room as a voting site, at the 14<sup>th</sup> Street Receptions Center and the Sims recreation Center.

#### G-2. UPDATE ON PROPOSED POST CONSTRUCTION STORMWATER CONTROL ORDINANCE. *[For discussion only.]*

Chair Johnson suggested that the Committee listen to the citizen comments to get a general overview of the concerns and that comments be prepared in writing and provided to the Council.

Council Member Besse stated that he would like to hear all perspectives.

Chair Johnson stated that staff and the Committee may be better prepared to answer questions at the March meeting.

Council Member Besse stated that he would like to hear the citizen's suggestions to prepare for a possible vote on the item in March.

Council Member Terry requested that those citizens who worked most closely with the document and know the topic should speak.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, provided an update regarding major changes made to the ordinance, such as the threshold exemption increase from 10,000 square feet to 20,000 square feet, the definition of the Stormwater Advisory Board, the creation of the Stormwater

Board of Adjustment to replace the Public Works Committee as a review and appeal board, and the inclusion of conveyance systems.

In response to Council Member Leight's question, Mr. Turner stated that the previous proposed ordinance stated that any plan submitted six months after the date of adoption would be exempt from the new ordinance. The new proposed ordinance will make this four months after the date of adoption. He also stated that any plan submitted within four months after the date of adoption of the ordinance will fall under the current ordinance.

In response to Council Member Besse's questions, Mr. Turner noted that the Stormwater Advisory Board must be composed of five members appointed by the Council and there is no qualification for background or expertise. He also noted that some verbiage within the ordinance will be changed based on comments from the development community.

In response to Council Member Besse's question, Mr. Tony Baker, Risk Administrator, stated that there were no stated objective standards in Section 75-203-B which the Council could enforce. He also stated that staff recommends to raise the standard across the board for tighter controls rather than a discretionary provision that may not hold up in a court of law. He further stated that if the Council needs that discretion, it should assign some objective criteria and circumstances which could be measured. Mr. Baker then stated that an alternate provision triggered by site-specific projections of downstream flooding would not be necessary because the standard would be higher due to the conditions and would not involve discretion from the Council. He also stated that staff would look for any defined triggers that would call for a higher standard, rather than discretionary triggers. He further stated that if conditions can be defined, standards can be applied. Mr. Baker also noted that the quantity control standard is within the discretion of the Council.

Council Member Besse expressed concern that in Section 75-107, there is nothing in the ordinance or code that could be used in conjunction to safeguard against site work left incomplete for an extended period of time, resulting in erosion and problematic stormwater results.

Chair Johnson stated that citizens could state their concerns for 30 minutes and would allow as many speakers as possible in that time period.

Mr. Mitch Lowery, President, Winston-Salem Homebuilder's Association, stated that he sent a letter and documentation to Chair Johnson regarding six provisions he would like to see made to the ordinance.

Ms. Nancy Gould, Joint Government Affairs Director, Partners in Housing, reviewed the six items that Mr. Lowery referenced: a proven, cost-effective quantity standard, public ownership and maintenance of BMPs (stormwater devices and ponds), an independent citizens advisory and appeals board, clear, objective provisions and standards, incentives and changes to promote low impact development, and a more reasonable effective date and an ordinance review date.

Mr. George Bryan, 1001 Reynolda Road, Winston-Salem Neighborhood Alliance, stated that long-established neighborhoods are being most-affected by the proposed ordinance and that stormwater issues are not comprehensible to the general public. He also stated that Council should be focused on neighboring towns and areas downstream from the City because the elected body should look out for its

constituents. He further stated that current flood levels no longer stand up because many areas are continually flooded and the current standards are not enough to protect the property. Mr. Bryan then stated that the appeals board would have the citizen's best interest at heart and requested to know an estimated long-term cost for the maintenance of new development.

Mr. Kerry Avant, 1645 Westbrook Plaza Drive, stated that the proposed ordinance will not cure existing problems. He also stated that staff should take a comprehensive look at stormwater runoff and other City ordinances that contribute to it such as parking standards. He further stated that he would be in favor of a two-year review to see how the ordinance is performing and if there are any areas that need to be amended or updated. Mr. Avant noted that homeowner's associations are loose-knit groups that cannot maintain retention ponds built for entire developments. He also noted that after the two-year period, the City should take over stormwater maintenance.

Mr. Grover Shugart, 221 Jonestown Road, stated that the proposed ordinance will not work as it is currently written because homeowner's associations will have to hire someone to monitor retention ponds and some developments will have multiple ponds. He also stated that there are some insurance and liability aspects associated with it because if a pond or dam fails, homeowners cannot afford to fix it. He further stated that the development community is facing increasing costs in addition to the cost of stormwater. Mr. Shugart noted a recent lawsuit in Greensboro where a development of 18 residents is suing the City for \$200,000 because they cannot afford to maintain a retention pond in their area. He also noted that affordable housing will be more difficult to come by due to these increasing costs. He then suggested that the City adopt a state ordinance and then develop a stormwater fund to address future costs.

Mr. Templeton Elliott, 1900 Mallard Lakes Drive, stated that he maintains three lakes and upstream from his development is mainly undeveloped farmland. He also stated that when the land is developed, erosion will cause the lakes to become swamps or streams. He further stated that the 25 year design storm is most appropriate due to the concerns of major flooding and damage to existing dams. Mr. Elliott noted that he has been in an active homeowner's association for 40 years and they continually fund major repairs to the lakes, so it is possible for other homeowner groups.

Ms. Kathy Pound, 1102 Melrose St., stated that she would be upset if she had to pay for a homeowner's association's failure. She also stated that for an increased initial cost, more green construction could be done and that individual groups be held accountable for repairs and damages. She further stated that she encourages builders to construct buildings with sustainable materials.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, stated that it is very clear that the ten year storm is not adequate due to recurrent flooding. He also stated that there are testimonies of various stormwater groups proving that standards need to be raised. He further stated that he encourages staff to move forward on the 25-year storm. Mr. Vorsteg noted that while the cost of development may be increasing, the profit is shared inequitably between the developer and the public, while the public bears the cost of flooding. He then noted that Council should seek to promote the common good and subsidize private development.

Chair Johnson requested that citizens prepare their comments and return them to Mr. Turner by March 7, so that staff may evaluate them and be prepared to discuss at the March 18 Public Works Committee meeting.

ADJOURNMENT: 7:33 p.m.