

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

6:00 P.M., TUESDAY, MARCH 18, 2008

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 Wanda Merschel (out at 7:03 p.m.)*
Council Member Molly Leight

Chair Johnson called the meeting to order and recognized Rachel Gray, a tenth grader at Glenn High School.

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

With regard to Item C-8, Chair Johnson requested that Mr. Gregory M. Turner, Assistant City Manager/Public Works, provide the definition of a high hazard structure.

Mr. Turner stated that a high hazard structure is a structure or pond created to hold back water, and if the pond fails, it will create a high hazard for downstream properties. The structure is not at a high risk of failing, but the consequences of a failure, would be high.

With regard to Item C-6, Chair Johnson requested that Mr. Turner explain what the Department of Transportation contract will do.

Mr. Turner stated that the item will change the City's contract with the North Carolina Department of Transportation to comply with its requirements for disadvantaged business enterprises.

With regard to Item C-7, Chair Johnson requested that Mr. Turner explain the term "toughbook."

Mr. Turner stated that a toughbook is a laptop that has been hardened to work in the outside environment.

Chair Johnson requested that staff provide information regarding how much money is owed on parking decks.

Council Member Clark made a motion to approve the Consent Agenda. The motion was duly seconded

by Council Member Terry and carried unanimously.

CONSENT AGENDA

- C-1. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES – *February 12, 2008.*
- C-2. RESOLUTION APPROVING CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS – *Nottingham Drive, Adams Gate Road, and Brondesbury Drive.*
- C-3. PETITION TO CLOSE AND ABANDON A PORTION OF CASEDY DRIVE IN THE EAST WARD (Council Member Johnson) – *Petition of Roger S. Bolin, Jr.*
- C-4. RESOLUTION APPROVING CHANGES IN THE STATE HIGHWAY SECONDARY ROAD SYSTEM WITHIN THE EXISTING CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA - *Grandview Club Road.*
- C-5. RESOLUTION AUTHORIZING THE RECORDING OF A PLAT DEDICATING PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT IN CONJUNCTION WITH THE CONSTRUCTION OF FIRE STATION 20 LOCATED ON BETHANIA-RURAL HALL ROAD.
- C-6. RESOLUTIONS AUTHORIZING THE CITY MANAGER TO ENTER INTO MUNICIPAL AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR: SNOW AND ICE REMOVAL, MOWING, AND ROUTINE ROAD MAINTENANCE AND REPAIR; MAINTENANCE OF TRAFFIC CONTROL DEVICES; COMPUTERS AND COMMUNICATIONS EQUIPMENT AND SYSTEM OPERATION FOR COMPUTERIZED TRAFFIC SIGNAL SYSTEM.
- C-7. IN-HOUSE CITY-WIDE VECTOR CONTROL BAITING PLAN UPDATE AND CITY SURVEY. *[The Public Works Committee voted in February to remand this item to the Community Development/Housing/General Government Committee.]*
- C-8. STORMWATER CONCERNS OF MS. DOREEN POLLOCK.
- C-9. INFORMATION - DOWNTOWN PARKING.
- C-10. INFORMATION ONLY – ROAD BONDS AND SIDEWALK CONSTRUCTION PROGRAM.
- C-11. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.

GENERAL AGENDA

G-1. PUBLIC HEARING AND ORDINANCE RENAMING "WEST CLEMMONSVILLE ROAD EXTENSION" TO "STAFFORD VILLAGE BOULEVARD."

Ms. Cynthia Ennis, 3015 Kaymoore Drive, stated that she received a notice on the public hearing, and wanted to know whether or not there would be a street cut through Old Salisbury Road that will go directly to Peters Creek Parkway.

Mr. Turner stated that there will be an extension of the current road construction to extend the road from where it currently ends to the Old Salisbury Road intersection. He also stated that the road will be renamed to distinguish between the existing Clemmons Road to the north and Clemmons Road to the south. In response to Ms. Ennis's question, he verified that the road will be extended across the intersection at Clemmons and West Clemmons Roads and cut through directly to Highway 150.

Seeing no one else, Chair Johnson declared the public hearing closed.

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

G-2. CONSIDERATION OF A RESOLUTION APPROVING NEW ORDINANCE, CREATING ARTICLE IV OF CHAPTER 27 TITLED "POST CONSTRUCTION STORMWATER CONTROL ORDINANCE" UNDER CHAPTER TITLED "STORMWATER MANAGEMENT."

Chair Johnson shared additional information with citizens that was included in the Agenda Book which outlines major changes in the draft ordinance.

Mr. Turner provided some background on the project and stated that staff has been working on the ordinance over 13 months. He stated that several meetings between staff, neighborhood organizations and the development community have been held and the main objectives are to stop flooding in the future, comply with federal clean water requirements, and address concerns from neighborhoods and development community. He also stated that the ordinance has been reviewed by the City Attorney's office, City staff and state for assurance that it will satisfy their requirements. He further stated that the ordinance has been revised several times and major changes made since the last review have been outlined in the memo included in the Agenda Book. He noted that the stormwater advisory body will be an independent body appointed by the City and will be composed of one developer, one neighborhood association member and three professionals. He also noted that the City Council Members proposed that the ordinance should look at managing for the two, ten and 25 year storms, so the ordinance still proposes that. He further noted that there have been some questions from the public as to what the ordinance will mean and staff has tried to answer those questions, but some will require significant amounts of money and have not been answered. In response to Council Member Besse's question, Mr. Turner stated that in the presented draft, if an item is not represented by a strikethrough or underline, it has not been changed.

The following citizens spoke in regard to Item G-2:

Mr. Gus Preschle, 7711 Lassiter Road, Clemmons, NC 27012

Council Members, yes, I'm Gus Preschle, thank you. And I'm a, my name is Gus Preschle and I live at 7711 Lassiter Road in Clemmons, North Carolina and I'm here in two capacities tonight. First, as a homeowner who believes that I will be affected by what decisions you make here in these deliberations, and I'll explain that in a moment. And second, as an Executive Committee Member of the Foothills Sierra Club and our Executive Committee has reviewed these, uh, the material and tried to track the changes on the website. Submitted a letter under the signature of Henry Fansler. Unfortunately, it was undated but it was directed to Greg Turner and it is on your website so I know that it's in your possession. And I state for the record tonight that the Sierra Club stated it's position back then in that letter and has no major changes to that, comments made in that letter with reference to the changes that have been made on the emails that we've followed since then. So we respectfully request that you consider that letter which you have on file. Now, as a homeowner, the property we live on is on Lassiter Lake which is fed by Blanket Bottom Creek which as far as I can tell originates on a western border of Winston-Salem and collects water from Winston-Salem and leads it to that lake. And as a homeowner, we're concerned about problems we've seen already. The Lassiter Lake is in fact water shed and as it runs the level goes up, it collects water and it drains it out in towards the Yadkin River and it does a nice job of that. Goes up a foot or so after a moderate rain. Unfortunately sometimes the lake rises much more than a foot. Six months after we moved in on January 1, 2007, there was approximately 32 inches in a few short hours. This flood damaged a number of docks on the lake, including those, Ok. So it damaged a number of properties and unfortunately this is all too familiar to us because in our prior home, we lived on a stream that had no prior history of major flooding before we bought it, but after we bought it, we had more frequent floods. We're concerned that we might experience the same thing here over the next few years unless you do implement strong quantity control measures. We, we feel that the absence of such measures would constitute the unlawful taking of value from our property and many other properties. Not to mention, property damage caused disruption to commerce throughout the area and possibly injury and loss of life which sometimes happens when floods occur. And finally, I would like to address a comment I saw in the writing from a developer, I believe who indicated that the cost of these mitigations should be born by all citizens and taxpayers. If this were a school or a public facility, I might agree with that. But these, these homes and developments will benefit developers, realtors and owners directly who should bear the cost and not the general public. Thank you very much.

CHAIR JOHNSON: Thank you. And this is a question, so you, would you just quickly for the audience describe what the Sierra Club's findings were?

MR. PRESCHLE: Ok, very briefly, we did review the material and we had three points. First of all, the provision to manage the first one inch of rain is indeed critical in terms of water quality and I won't go into the details. You're familiar with these. Furthermore, we thought that the 25 year storm event was an appropriate event to monitor rather than the degradation of the draft to a ten year event. The, also, the, the point that homeowners and homeowner's associations should bear the cost of the mitigation measures and the maintenance of those mitigation measures in the future. And finally, we feel that the five members of the stormwater advisory board should be representative of the entire community with members drawn from the environmental representatives, neighborhood associations, homeowners, stormwater professionals, realtors and developers as, as reasonably can be done. And also we did thank the Council for taking this matter on. Thank you.

MR. GREG TURNER: Members of the Committee, the letter is on page 69 of your package.

Ms. Jane Milner, 2321 Maplewood Avenue, Winston-Salem, NC 27103

Good Evening, I'm Jane Milner with Partners for Home Ownership and I think you all know we are a non-profit housing developer that works very, very closely with the City to develop affordable housing for low and moderate income families. Our organization has not, and by that, I mean our Board, has not taken a position on the pros and cons of this ordinance. I wanted to stress that. I on the other hand, as the Executive Director am concerned because I have not yet heard from anyone how we will offset some of the costs of all of the new regulations that are coming down with this and other things recently.

And, in our case, since we don't typically have homeowners associations and our homebuyers are not in a position to bear increase costs, so we have a dilemma. And so therefore, I am asking you sincerely to take into consideration how the increased costs will impact the kinds of work we and the other community development organizations in this city are doing. I know you've heard some of these things from me before but with the proposed ordinances, we will have increased site development costs, we will lose some of the lots in a potential development because of the ponds that would be required. Liability as insurance would be difficult. I have no idea where we're going to get it and because we don't have a homeowners association, typically, that would be a continued problem. So I guess we would need to form homeowners association which means a whole other thing with our homebuyers or potential homebuyers. And then there's the on-going ownership and maintenance of ponds, so there's a whole bunch of issues there that I really just don't feel have been, anybody has talked with me about in any way and I really would appreciate that if we could get some answers. I see a changing landscape and I think some of it's good. Personally, I think some of it's very good. I see fewer quality built single-family homes for low and moderate income folks. What I do see is the potential for more sprawl and even more I see the only way we will be providing starter affordable housing for folks in the future in this income range will be doing more multi-family developments. So I see, I just came back from D.C. recently and I just saw miles and miles and miles of townhouses. I just begin to see how our landscape's going to be changing to look more like other urban areas. And the final thing I wanted to say is, I just want to make sure that we have ways to meet the needs of people that are under 50% or under 80% of median income. The folks we're serving, 30,000 to 40,000 income typically, but there's also the much lower income folks that will be impacted by their need for housing. And the more costs of housing, the more we're going to find it harder to serve people at 30% of median income and we all know that there's a need for that too, so I just ask for your consideration on these things. Thank you.

Mr. Jim Armentrout, 3822 Ryan Way, Winston-Salem, NC 27106

Jim Armentrout, 3822 Ryan Way, Winston-Salem, 27106. I think I've told you before that I wear several hats in this whole process. One of which is an attorney and I said, I think you have some writings from me. I thought it was very much a nuance look at the last one that we had a whole lot different than what I was seeing before and I appreciate that very much. I still have some concerns about definitions, about owners and who can be forced to be penalized if something doesn't happen. I mean, owner, to most every body in this room, means owner. It doesn't mean those other ten or twelve things that are in that definition. As a, as a developer, I'm very concerned about the quantity aspect of what you all are having to review and look at. It puts a huge additional cost on the quantity side when you require these BMP's above what you have for the quality side. I know you're mandated to do the quality and I understand that, and we all understand that. We've emphasized I think, on the development side, let's go ahead and put that in place. You have no choice in that matter, but I do think you need to be concerned about the quantity side because there are so many unintended consequences

of anything that a legislative body does. And speaking as a developer, I'm sorry as a, yes, as a developer, we just had to go through a process of videoing sewer lines. It's something new and different in this town and I'm not saying it's wrong, I'm just saying it's something new and different. We had gone out and spent approximately \$200,000 in order to do this for my company and now we can't get various offices' videos and CD receivers and VCRs and that sort of thing to, to accept what we're doing, including accepting things that your own vendor has told us we need to do in order to, to satisfy you. Nobody anticipated that. There are no standards, there are no rules, there are no (inaudible) to what's acceptable or not. There are lots of things in legislation such as this that you don't think about and I'm going to tell you, they're very costly. And when you look at the bureaucracy that you're going to have to set up to do the things that Keith's office is going to be mandated to do, you're looking at a tax increase. I don't see how else you can do it. That's all I have to say, thanks.

Ms. Gayle Anderson, 601 West 4th Street, Winston-Salem, NC 27101

Good evening, I'm Gayle Anderson with the Winston-Salem Chamber, 601 West 4th Street. And I'm here today to ask you to go ahead with the quality regulations but give us additional time to work on the quantity regulations. And, and let me just say that we've worked very closely with your staff over the last year but the, the items that we've worked on are what I would consider minute, little tweakings of the proposed ordinance. The major questions that are out there have yet to be addressed. And it is our understanding that the staff believes that without further direction from you all it does not have the time resources or the financial resources to do that. I will give you basically a summary of the list of the seven major questions that we continue to ask and have been asking for the last year, five of which have still not been answered. And, and in those five cases the answer from the City staff has been that they do not have the information because they don't have the resources to pull the information. And that includes trying to understand what the added cost is going to be to comply with these regulations, particularly the differences between the ten and the twenty-five year storm. What is going to be the cost for insurance while insurances companies have said yes, we'll provide it, our experience is, they tell us they have no experience and so the cost for premiums would be significantly high until there is a number of years of experience generated. What will be the cost of the City to administer this at a time where you all are facing I believe, what looks like a deficit this year. The staff cannot even project to you what your own costs are going to be to administer these regulations. The financial impact on affordable housing which we estimate to be a 20% increase as best we can determine. The other question, two questions had to do with how the stormwater plans might be different if we looked at this on a watershed by watershed basis. And finally, what is the cumulative effect of all the Legacy requirements and we think this is the most important thing. There are a lot of other requirements that are coming down right now and when you pile those on top of each other, you get to a point where it may simply be too expensive for somebody to develop. We are particularly concerned about infill housing and affordable housing within the City limits. Because as best as we can determine, that is, that housing is going to be put of the reach. And we're going to see affordable housing developed in the County which is going to create other issues for our citizens particularly those who depend on public transportation to get to working and shopping, et cetera. So, we're ready to continue to work with the staff. We would hope that you would ask the staff to, to go ahead with the quality regulations which are mandated and to continue to work with a group of folks that represent all the interests in the community to take a comprehensive look at what Legacy is requiring and to try to address some of these other things so that when we come back to you, we can give you a much more definitive answer about what the effects are going to be of this ordinance. And I'll pass out...

CHAIR JOHNSON: I, I think there is a question from Mr. Besse.

COUNCIL MEMBER BESSE: Yes, thank you, Ms. Anderson. Do you have the study that developed your 20% impact?

MS. ANDERSON: What we've tried to do is look at some housing developments and try to estimate as best as we could how much land would have to be set aside for the retention ponds in addition to some of the other requirements and that's where we came up with an estimate. If we had more time and resources, we could do a better job of coming up with specifics. I believe we asked the City, we listed about twelve developments throughout the community, we asked the City to help us identify what all of those constraints might be, but their answer was that they didn't have the resources to do that.

COUNCIL MEMBER BESSE: And so do you have anything in writing that you can share with us?

MS. ANDERSON: I don't have anything I can share with you in writing today. We really feel that you've got to look at more than one or two examples to fully understand what the effect could be.

CHAIR JOHNSON: Council Member Terry.

COUNCIL MEMBER TERRY: Thank you. I'd be curious to know Ms. Anderson what standards or what you may have used to consider the increased cost of infill housing. I, I, that, that just boggles my mind. I cannot perceive that that would...

MS. ANDERSON: Well, once one begins to do infill construction, then one has to comply with the new proposed ordinances if it is passed. And what that is going to mean is significant amounts, if you have an existing neighborhood, now the entire neighborhood is going to have to comply with the new regulations, which means a significant portion of the undeveloped land would have to be used for developing the stormwater retention ponds et cetera. The more land you use, obviously the less land you can develop on which costs, not only the cost of producing the stormwater pond, but also the lack of, the ability to develop as many units on, on a site. And that, that is why we wanted, we made a very specific list of areas where we thought the City could help us better estimate those costs and that was in our original request. But the answer was that they didn't have the ability to do that to help us with it.

COUNCIL MEMBER TERRY: Two questions about that. If you could lead me to where I could see, see the information about that and then if I could defer to you Mr. Turner regarding how that would work, in terms of, I mean, what, what does this ordinance impose upon someone who is, is dealing, or providing infill within our inner-City activity areas.

MR. TURNER: Council Member Terry, it depends on the level of development. If you're talking about single-family being built inside the City, single-family structure, then this ordinance has a provision for a threshold and if you're below that threshold which is 20,000 square foot of disturbed area, you wouldn't trigger this ordinance. However, if you're above that with an infill development, then the ordinance would require the construction of stormwater management devices to handle both water quality and quantity for the impacts from your new development that is infill. And in answer to the question about what does that mean for a development, it does mean that it's possible and probable that ponds, or area that might otherwise be used for development sites would be set aside for rain gardens, ponds or other stormwater management devices.

COUNCIL MEMBER TERRY: Thank you.

CHAIR JOHNSON: Any other questions? Ms. Anderson, just one quick question. What was the Chamber's position on increasing the minimum wage.

MS. ANDERSON: We did not take a position on that issue.

CHAIR JOHNSON: What about a livable wage?

MS. ANDERSON: We did not have a position on that.

CHAIR JOHNSON: What, what would be the Chamber's position on increasing the minimum wage?

MS. ANDERSON: I would have to take that through our Board and our executive committee. Generally, on an issue that's that controversial, since we're a membership organization, we try to take into consideration all the views of our members and quite often on that kind of an issue, our membership is divided and so we may not take a position. For, I'll give you another example. The two hospitals that are looking at expansion, we did not take a position on that because our membership was divided on that.

CHAIR JOHNSON: And that's understandable, but my concern is that a number of the business communities perhaps not the Chamber by itself, did not want to see the minimum wage increase. I'm concerned now that the position is that we're, we're concerned about the affordable housing when at the same time, a number of the businesses were not interested in increasing the availability of dollars for those same persons that we would like to create affordable housing. Any other questions?

Ms. Lonnie Clark, 1212 Watson Avenue, Winston-Salem, NC

Thank you, my name is Lonnie Clark, 1212 Watson Avenue. I'm here just as an individual citizen and homeowner. I want to state that I support planning for a 25 year flood event. I think it's prudent and wise to note that changes in our climate, the increase in flooding events that are happening around the county and locally. I think it's less costly to plan in advance for such things than it is to repair later. We have mentioned, or several people have mentioned the cost to people who have low-housing, low-cost housing. Unfortunately, here and in other cities, a lot of people are currently in low-cost housing on or near flood plains and changes that we make with our development affects people that are on the edge of flood plains. Some of the flood plains maps round the country are having to be changed, as we increase impervious surface in cities. So, learning from other cities' events, I think it would be less costly to plan ahead. Perhaps we do need to look at some of the new technologies that are coming up. It may be that we are building low-cost housing, such less costly measures as rain barrels and rain gardens may be able to help them meet their requirements and that would be something to be aware of. Certainly, none of use want increased bureaucracy, so if there is a way to decrease the bureaucracy and decrease the burden on your staff, that would be good as well. Thank you.

Mr. John Beeson, 503 High Street, Winston-Salem, NC 27101

Thank you. My name is John Beeson, 503 High Street. First of all, I'd like to thank Keith and the others for all of their patience on our questions. And following the other speakers, of course, I have nothing left to talk about. But I will. There's only one thing that we know for sure, in all of this ordinance and all of its statements, and that is it would have no effect on the existing flooding and erosion problems that we have. And I think the public should absolutely know that will have no effect on those existing conditions. The things that we do not know have all been mentioned, cost of administration, the effect on affordable housing, the possibility of creating additional flooding,. There's so many things that we don't know and we get involved in thinking 25 year has certainly got to be better than a 10 year storm, but if we delay that runoff and we hold it in a pond and we delay it until a later time, in which the water from the upper reaches of the watershed now reach that point, there is a very good chance that we will increase the flooding downstream. Now, computer models say that, don't say that, I don't think Keith and I have ever disagreed on this and I hope I'm not today, but we just don't know. But there is a possibility and you think about holding back the water and releasing it when other waters get there the downstream may do. We've seen the effects of doing things for the good in the past that didn't turn out that way. We see they are flooding the Grand Canyon now because the water is too clean and too cool. It needs some sediment. Not massive amounts, I'm not predicting that, but I'm just saying there's so many questions we don't know. We have got to look at also four other requirements for impervious surface, parking requirements, width of streets, there's a lot of things that have been put on us making wider streets, than we really need. Sure they're convenient for safety, parking and other things, but we're real conflict. We're having conflict now from runoff that some of it's created from additional paving and concrete we're putting down. We need to look at that very, very carefully. I have a suggestion, and I haven't heard it from anyone else. None of us like to make a decision and go back to it later and say that we didn't know everything, but we honestly don't. The quality part of this will give us some good effect of quantity, just the quality part itself. I would like to sunset this in five years, the quantity part, giving us four years for Keith to know what his expenses are and his effects, for the development community to know what it has on affordable housing, for you to know from comments around that we've helped or we haven't helped. Four years of that study, that background that we can't afford to put the money out now, we will have built then, and one year to go back and revisit it, and if it's working, we'll all know it's working. If it's not working, then it won't. But only by sunseting that, we can say we'll go back and look at it in two years, but you know that gets delayed.

Mr. John Wells, P.O. Box 369, Lewisville, NC 27023

I'm John Wells with Security Underwriters. We're been an independent insurance agency and we've been located on Shallowford Road in western Forsyth County for about the last 27 years. In the course of things, we developed a bit of a specialty working with risk management for residential general contractors and developers and when I received the survey in December, I think I did what most of my colleagues did, I felt like, well I need to give a response. Which I did, so I appreciate the intent. But I'll have to admit that when I was filling that thing out, not reading any more into it than I did, I didn't know exactly what we were talking about. We were accustomed to talking about dry ponds or detention ponds and in doing that for existing homeowners associations and we can usually write the insurance for those with, with very little difficulty. It's usually combined as a part of a larger account because there's usually some property exposures and things to put with it. But as I read the stuff coming from our homebuilder's association, I became, that the, aware that the issue is much larger than that. We've got a really different, different beast than what we had with the traditional dry ponds. I started talking with Keith Rogers of Keith Rogers Homes and John Beeson, Beeson Engineering and

started getting a little bit of education here and learning that this wet pond and a retention pond is an entirely different deal. And I started looking at how the requirements were to work. So, they were asking for insurance information, was what the questionnaire had been so I went to work looking for my standard markets and, and we got several folks that said that they would not write such a beast. Keep in mind now, that for most situations where, in the insurance arena, insurances is required, there's also a residual mechanism to take, folks that nobody wants to write. Auto insurance we've got the reinsurance facility, workers' comp, we've got the assigned risk pool, we have a beach plan for coastal exposures, got the flood insurance plan for all those things in a residual market. But we don't have such a thing for what we're talking about here so we're left going to specialty carriers. And we sort of pride ourselves in being able to find a market for most anything that we insure or that we ask for so we went to our specialty brokers. And I looked specifically for folks all through the southeast where that they'd had some of these types of exposures before looking for a simplified boiler plate kind of a program, and there is none. So what we're left with is an individually underwritten program. And keep in mind there that we have underwriters sitting at their desk whose job it is, to justify their own jobs. They're going to be asking all sorts of questions about what's downstream in the event of dam failure, they're going to be asking questions about what's upstream and what kind of hazardous waste are we going to have. They're going to be asking questions about what kind of attractive nuisance it's going to be. I don't think anything I've seen is going to look too attractive anyway. So we have issues of availability. All these specialty kinds of things are going to become pretty pricey. So we have issues of affordability. But my biggest issue is the administrative nightmare that will happen, because as a practical matter we're going to be hurting (inaudible). You know, for a homeowner association whose sole purpose is retaining the attention, is maintaining the retention plans, ponds, we've got to keep in mind that the players change, the purchasers are not likely to be experienced in the process. How do we collect from our property owners and enforce it? What do we do when the policy cancels for non-pay? How are we going to enforce the maintenance that's required under the statutes? Thank you.

COUNCIL MEMBER CLARK: May I ask a question please? Do you have any idea, order of magnitude, what this insurance would cost if you could get it?

MR. WELLS: Well, it's kind of like asking how long is a piece of string. It's going to depend on the size of the development. A small development, you could probably get by with as little as \$3,000, you know, just on the low end of what's required, but realistically, it will be more than that depending on the height of the dam and again, all those variables in there. And again, they haven't laid out...

COUNCIL MEMBER CLARK: Do you write any insurance on dams, larger bodies of water?

MR. WELLS: Not large bodies of water, no. But smaller ones we write.

Mr. Keith Rogers, 3455 Polo Road, Winston-Salem, NC 27106

Keith Rogers, Keith Rogers Homes, 3455 Polo Road. You know, I'm sure that after a year of going through this stuff, in a lot of ways, you guys just as everyone else is, is feeling like this topic maybe has, has seen everything it needs to see, that there's been every detail looked at. But, the problem is, is that this is an extremely complex issue with a whole lot of different ramifications, both from standards of design, maintenance responsibility for ownership and maintenance, enforcement, plan review, appeals process, and you've heard the bits and pieces of all of this. That process still has a need, at

least from our point of view to, to continue, because there are still substantial issues here that are of concern. I do want to boil part of it down to it's most simplistic thing. As we look at these quantity regulations, we are talking about the impoundment of water on the site. And what we're talking about as we talk about the standards that we're using, whether it be a one, two, ten, 25 year storm, is that we're talking about the quality of water that will be impounded on the site, in one form or fashion or another and then the standards of how it will be let off over time. As we start debating these things and going back and forth, there, there are all kinds of issues from you know, how, how high you're going to let it go or then how broad it's going to go, how it falls off and how much is allowed to, to go to the next property. But none of this addresses the fact that our current, our current approach is all about the onsite thing without looking at the actual standards that affect this. As we start looking at impervious surface area and other alternatives like low-impact development, there are other ways to do this than strictly by impounding water on the site. And it's that more holistic approach to looking at street standards, looking at parking standards, looking at low-impact development, making these things easier, that at this point we seem to be in a rush to move on with our specific proposal, and we have a real failure to really push these other parts. I really sincerely believe that unless the City Council pushes for those individual parts to really be explored and to be brought together in a single package, it's not going to happen. They, they are being looked at in some form or fashion, but like every proposal and everything, there are other priorities, there are other things going on. So unless City Council gets behind, unless this Committee gets behind a more holistic approach to this looking at the other things that create the need for these larger ponds, I don't believe that it's going to happen.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, Winston-Salem, NC 27106

Robert Vorsteg, 3620 Marlowe Avenue. I want to address a limited issue and I know the issues are swirling around and even hearing a few new ones this evening that I'm not prepared to comment on at this time. But I do want to focus on one particular one regarding the 25 year storm event as a criterion going beyond the two and the ten. And in particular, it seems it's been repeatedly asserted or claimed that we have no way to know or have no good reason to believe that the use of the 25 year storm criterion and the BMP's, structural BMP's that they're required, that that they would make a significant difference and repeatedly hear requests to quantity. And when I try to make sense out of these, it seems to me, that the, the demand here is that, what, what, what the criticism is asking for is for some sort of prediction concerning downstream windpipes, expressed in quantitative terms. I don't see how else those objections could be met. But anyone who has driven across Forsyth County in a rainstorm can figure out why this argument is irrelevant. Rainfall is highly variable from place to place within the watershed or within a subwatershed. Predictions are possible only when you control the relevant variables, while modifying the variable you want to test. The variable wanting to test is the structure device existing in one place but not in another place. So, and of course, that will not be possible, but we keep getting stressed on a requirement that cannot be fulfilled given the nature of the, the hydrological features of a given site. What we do know is that engineers can take a given site and tell you what you need to do to control the runoff so that it will meet the two year storm, the ten year storm or the 25 year storm. And once this is known, we can, at a given site, quantify the size of the pond you need, the cubic feet it will have to hold and so forth. And if we know that the runoff from the given site has not been a source of negative impact, as this ordinance, and if I read the ordinance correctly, there is a place where it tells us that if you can have someone certify that it will have no negative impact upstream or downstream, this ordinance, the provision, doesn't even apply. And, but we can have that. That's a useful thing if the, if we haven't been troubled by stormwater coming from an undeveloped site we won't have any reason to think that, so how do we know that these ponds will work? If you

think of the, the detention pond like a bucket, and that holds all the water coming off the site, if you have it for a ten year bucket, it'll match the predevelopment, control for the predevelopment site at that bay. If it's a 25, it'll control for that. And, so the bigger bucket required by the 25 year storm will reduce the number and severity of floods so far as we know from that site or any other given site. That's all we need to know, in order to know to make a significant difference. Thank you.

Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103

Julie Magness, 630 Fenimore Street. I do want to say that I support strongly some sort of 25 year storm implementation. I think it's very important, I think it's very short-sighted for us to say that that's too much to handle. But I think where we're really missing the boat is maybe we need to look at better ways to retain water on site and not release at any point in time as this ordinance addresses. We need to be reusing our water. We're very fortunate that our aquifer is not drying up. The Yadkin River seems to be able to keep producing and producing. But aquifers are drying up all over the place because everybody just shovels off their stormwater down to another place. It hasn't happened to us, but it's going to. There are studies being out, looking at the aquifers and the aquifers are being lowered. There is not an, just, you know, un, what's the word I, it's, the end is going to come. It's going to start creating problems, just like oil is drying up different places. When I first heard John Beeson mention one of the unintended consequences of the release of these detention ponds, you know that thought crossed my mind. Ok, what are we doing? You know, where are we sending this water? How are we impacting it someplace else? Maybe there is something to be said for that. And, so, you know, if we aren't releasing the water, maybe if we're reusing it, you're not going to have those unintended consequences. I'm going to kind of tongue in cheek, go with an idea that popped into my head as I was sitting here listening to people, that if we could funnel this water back into our City's sewer system, perhaps the big blue truck that's been going through my neighborhood with great frequency lately, wouldn't be needed. Could go ahead and clean out the sanitary sewer lines and it wouldn't be backing up into our house. However, I know that with the condition our stormwater pipes are in, it might blow a few out if we really had a storm. But my point being, I think that, that maybe we need to at least, down the road here, be looking at reuse of our water rather than retaining and releasing our water. Thank you. And thank you for all the hard work, I know, tremendous amount of research.

Ms. Melynda Dunnigan, 1875 Mallard Lakes Drive, Winston-Salem, NC 27106

Hello. Melynda Dunnigan, 1875 Mallard Lakes Drive, Winston-Salem, 27106. And I'm speaking on behalf of the Board of the Mallard Lakes Neighborhood Association. They wanted me to let you know that the Board is strongly in favor of this ordinance, in particular, the 25 year design storm standard. We've heard the argument made that this ordinance won't do anything to control the current flooding, but that is not a reason not to pass the ordinance. What we need to do is make sure that we don't create new flooding and new problems. And that's why my neighborhood is so concerned. We are in an area, we have lakes in the neighborhood and right upstream from us, within our watershed is a lot of undeveloped land with creeks that snake through and we're very concerned that as this land gets developed, that it's going to negatively impact our dams, our lakes, and cause sedimentation and really, a big problem for the neighborhood. We worked very hard to maintain the dams over the years. We're an association that collects dues and I'm here to tell you that it can be done, that you can maintain these things. We maintain three earthen dams, not just containment ponds, three large earthen dams, and we do it and we've done it for 40 years. We do carry insurance. We have insurance through State Farm, and we pay about \$1500 a year for it. We haven't had any trouble getting insurance. The, the 10 year,

it's very clear that the 10 year design storm is not adequate. It's not adequate because we have flooding now and we have flooding hot spots that are spread through out the city as you see in the presentation that was given about a year ago. It's really just a function of our topography. Here in this area, we have creeks and streams. If you've looked at a map of Winston-Salem, you see that where these stream and creeks are throughout the whole City. This is what drew the Moravians here. This is why they settled here, because of the abundance of water. But as we develop more and more, we are having problems and we cannot sit back any longer and just wait and allow these to continue to mount and create new problems for new homeowners. I really think we need to move on and we need to pass this ordinance. I think this Committee has been very, very patient and attending to every concern that's been brought up and to having more and more meetings and more and more discussions on this. And I would just encourage you not to delay and to make a decision on this. Thank you.

Mr. George Bryan, 1001 Reynolda Road, Winston-Salem, NC

George Bryan, 1001 Reynolda Road. I am president of the Winston-Salem Neighborhood Alliance, representing neighborhoods on this issue and our concerns on that. Let me just mention briefly, that we did have the opportunity to meet with Ms. Gould and Mr. Armentrout to look at commonalities of approach on this and, and areas of agreement. And, I must say that Mr. Simmons in the first, at the Committee hearing that occurred here today, did show a fine example of low-impact development, that showed a narrow road with no curbing and things like Mr. Beeson were talking about and Mr. Rogers were talking about. And, we're in full agreement that we need to review that throughout and we do think that the tree ordinance will also impact this. But, let me also speak to three issues that affect the 200 houses that currently are sitting in a flood plain right now and the thousands of homeowners that are getting affected by stormwater, as well as the \$24 million that it's going to take to just ameliorate what's going on right now. The 200 houses is going to be in a worse situation if we continue to head in this direction without making a difference. And, I think you add, need to ask Mr. Huff some tough questions about that 25 year flood plain because it hasn't been revised recently enough to really get a sense of what, what's happening on these 100 year floodings because things have changed. And they need to be revised and they need to be looked at because we're going to be impacted and we are being impacted right now. Secondly, let's don't push the cost of this over to the taxpayer. Let's be careful about that. If the associations can't handle handling the escrows and the maintenance of these, then let's come up with another plan where they can contract with the City to do that and that there will be regulations in place that will watch associations so that it doesn't get to the point where you all and us taxpayers are having to bail out neighborhoods or that, that have these retainments and BMP's. And thirdly, I don't know that we've paid enough attention to appearance. We really have the possibility here of moving into this with, with adding a new feature, water features to Winston-Salem and each of the neighborhoods which Winston-Salem truly is missing. And, and we need to pay some attention to this appearance and, and, in that, as these are developed because it really has an opportunity to make Winston-Salem look like a better place. Thank you.

CHAIR JOHNSON: The Queensbury example, George, was there a...

MR. BRYAN: Well I just, is, that's just an example of, of how those houses are already caught up in the midst of that. Thank you.

Ms. Nancy Gould, 195 Executive Park Boulevard, Winston-Salem, NC 27103

Hi. Nancy Gould, 195 Executive Park Boulevard, 27103. I want to echo some of what Jane Milner has said. For those of you who have known me, I am an affordable housing advocate way back and I am lucky enough to work for two associations now who are also interested in affordable housing, so that makes it nice for me. I want to share with you, a recent news article from the National Association of Homebuilders and I hope I have time to read a few paragraphs of it and I will also be giving you and your attorneys copies of it. "Simple steps can keep local governments in compliance with Fair Housing Act. Congress created the Fair Housing Act in 1968 to ensure that certain classes of people, most likely to experience discrimination, including racial minorities, would not be victims of discrimination in the sale or rental of housing. The Fair Housing Act also makes it unlawful to interfere with someone who seeks to aid or encourage racial minorities to enjoy their right to housing. The recent resolution of a litigation in South Carolina demonstrates that local governments can run afoul of the federal Fair Housing Act even when government officials do not intend to discriminate. The effect of a local government action related to development can trigger serious fair housing concerns for racial or ethnic minorities. Fortunately, local governments can take steps to make sure they are in compliance with the federal Fair Housing Act. The key is to be attentive to the needs of minorities and families, within the community and to work closely with developers who seek to meet those needs by producing affordable housing." And one of the, the ways that they say that communities can stay in compliance with the Fair Housing Act is to seek alternatives to otherwise legitimate, legislative and regulatory actions that place home prices beyond the reach of protected persons. And I think that's exactly what, what Ms. Milner has brought forward, is that there are some things we need to do before this ordinance is adopted and one of those is to discuss how this is going to affect affordable housing and, and how we are going to mitigate that. I'll be glad to leave these for your consideration.

Mr. Kerry Avant, 1645 Westbrook Plaza Drive, Winston-Salem, NC 27103

My name is Kerry Avant, 1645 Westbrook Plaza Drive, Winston-Salem, 27103. I was late coming in tonight and I wasn't sure I was going to make any comments because I've already commented before this Committee before. But in listening to the different backgrounds of speakers tonight, it, it just reinforced to me that the quality issue is a very complex issue. This regulation is one of those regulations that comes around sometimes that has far-reaching tentacles to it. I mean, questions have been asked tonight which I would think that the Finance Committee would certainly be wanting to find out, what this going to cost, from a budgetary standpoint, to enforce this new regulation. And I know you're probably asking those questions. But there are some, we can't get complete answers as to what it's going to cost, so I would assume you all aren't either. But it is a complex issue and unfortunately as developers, we're not opposed to going ahead and implementing the quality standard. But by the nature of the development business, we can't look at this in a vacuum. It does reach out and touch inspections and touch zoning, touch sprawl. All the issues that we're back up before maybe another Committee or the Council in talking about something else, where we're having to defend what we're doing with sprawl. Something like this may create that, may contribute to that. All the standards that have been talked about, so I would really urge you because of the complexity of it, to take more time, get more input from people that have been here speaking tonight. Because I'm not sure that anybody is real definitive or real committed in their position tonight of what this quality portion of this is going to mean. So take the time, get a committee together, City staff, neighborhood groups, whatever. And before we rush in and do the quantity standard portion of this, it needs more discussion, because I'm telling you there are going to be unintended consequences of this thing that you're going to, one day be at a Council meeting saying, oh I didn't know it was going to have that affect. And I just think we, if

we deal with it now and discuss it more, we can come up with something that will be good for Winston-Salem. Because that's what we all want. Thank you.

In response to Council Member Clark's question, Mr. Turner stated that requirements for residential and commercial property in the two, ten and 25 year storms are the same, at 20,000 square feet of impervious area. He also stated that currently, properties conform to a ten year storm requirement, but under the proposed ordinance, all property will have to meet requirements for two, ten and 25 year storms.

In response to Council Member Clark's questions, Mr. Keith Huff, Stormwater Director, stated that quantity control requirements are not state or federally mandated, rather they are requirements based on the discretion of the City Council. He also stated that the quality control storm is treating the first one inch of runoff while the quantity control storms are the two, ten and 25 year models. He further stated that the state currently requires treating for the first one inch of runoff.

Mr. Turner stated that some cities allow as much as a 100 year storm but most are using the ten year storm. He also stated that Charlotte is using the 25 year or greater storm.

In response to Council Member Clark's inquiry, Mr. Huff stated that unincorporated areas of Forsyth County currently control for quality only, which is the first one inch of runoff. He also stated that those plans will be directly submitted to the Division of Water Quality, who will be receiving, reviewing and approving those plans in Raleigh. He further stated that communities such as Kernersville and Clemmons are currently crafting an ordinance but there is not one currently in place.

Mr. Turner stated that Clemmons is currently reviewing standards similar to the City's.

In response to Council Member Clark's question, Mr. Huff stated that 20,000 square feet of disturbed area is the chosen infill requirement because it is consistent with current erosion control practices. He also stated that it would take less than five homes to achieve that requirement. He further stated that a situation referred to by Mr. Beeson is known as coinciding peaks, where a delayed flow of runoff intersects with another flow. Mr. Huff noted that some rudimentary modeling has been done and the proposed ordinance recommends a volume control release. He noted that peak control is a quick release of runoff over four to six hours and is more prone to cause the coinciding peaks issue. He also noted that a volume control release is over a two to five day period, allowing a more gradual release. The two, ten and 25 year storms in the proposed ordinance call for a volume control release.

In response to Council Member Besse's questions, Mr. Turner stated that the provision for strip paving streets is located in the subdivision standards section of the City's policies. He also stated that at the staff level, a ribbon-paved street standard has been approved to supplement the traditional curb and gutter requirement. He further stated that elements in the City code allowing for a reduction of parking are located in the section for pedestrian-oriented business, and will allow for reduced parking or shared parking between developments. Mr. Turner noted that staff will provide citations on the questioned information within the City code, as well as information on parking records where it could be used as a stormwater runoff mechanism.

In response to Council Member Terry's question, Mr. Turner noted that the example of video-taping sewer lines presented earlier will have no impact related to the proposed ordinance. He also noted that

the example showed a rule that was difficult for the development community to implement; therefore it would be difficult for staff to utilize. He further noted that there seems to be a concern that the proposed ordinance might generate unintended consequences.

Council Member Leight expressed concern that the ordinance only has a provision for a 30 foot buffer, while other cities match buffer requirements with the size of a development. She requested that staff review the possibility of adding some stepwise increase in buffer areas according to the size of the development. She also requested that staff modify the exemptions of redevelopment and stormwater controls that will need to be in place, so as not to be counter-productive. She further expressed concern that staff and the development community have had opportunities to use ingenuity to discover other ways to resolve flooding concerns, such as low-impact development, but it has not been done.

In response to Council Member Clark's question, Mr. Huff stated in current commercial standards, the ten year storm plan has been in place eleven years and in current residential standards, the ten year storm plan as been in place the last three to four years.

In response to Chair Johnson's question, Mr. Turner stated that when the state reviewed the proposed ordinance, there were a few changes made, but none were significant or specific.

Council Member Clark requested to know the costs that will be associated with the proposed ordinance.

Chair Johnson suggested that the Committee make a recommendation to the full Council for the April meeting, assuming all questions and concerns have been addressed.

Council Member Besse questioned whether or not all questions and concerns could be addressed within the next few weeks as open-ended questions, such as associated costs, may require more research and discussion. He made a motion to approve the item and send to full Council.

The motion was duly seconded by Council Member Terry.

Council Member Clark stated that there is a need for stronger flood control than in the past and expressed concern that associated cost will dramatically increase. He also stated that there has been no analysis by an engineer to see what a possible cost would be and is concerned with the impact that an increased cost will have on the development community. He further stated that the issue should not be prolonged and encouraged a two and ten year storm plan to get started with for review. Council Member Clark noted that most do not think of insurance as an issue, but most companies will not insure what they cannot quantify, and research would help. He also expressed concern that affordable housing will be driven out of the City.

Council Member Besse stated that there have been no definitive answers to the research questions posed, and questioned whether or not staff was moving forward simultaneously with quality and quantity controls or would the issue be postponed. He also expressed concern with the insurability of the proposed ordinance. He further stated that he would like to entertain discussion at the next Council meeting regarding the pros and cons of the proposed ordinance.

The consensus of the Committee was to place the item on the April 7, 2008 City Council meeting agenda.

Chair Johnson requested that staff prepare a letter for non-committee members to review the information discussed and that a compilation of the citizen comments be sent out in Thursday packets.

Council Member Clark suggested that staff review an ordinance already in place and using the two, ten and 25 year storm plans, see what effects are made and assess a dollar value along with it.

Council Member Besse stated that he has signaled to the community that an indefinite delay of the proposed ordinance is irresponsible, and that definitive information based on questions and concerns was never brought forward to the Committee.

Council Member Leight stated that the question of cost cannot be answered until time has passed to see what effects the ordinance will have. She also stated that she hopes the proposed ordinance will prompt people to think about using green building practices.

The motion passed on a vote of three in favor and one opposed. Those voting in favor of the motion were Council Members Johnson, Terry and Besse, with council Member Clark voting in opposition.

ADJOURNMENT: 7:35 p.m.