

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

6:21 P.M., TUESDAY, APRIL 15, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Council Member Joycelyn V. Johnson, Chair*
Council Member Evelyn A. Terry, Vice Chair
Council Member Robert C. Clark

MEMBER ABSENT: *Council Member Dan Besse*

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.

Council Member Clark made a motion to approve the Consent Agenda. The motion was duly seconded by Chair Johnson and carried unanimously.

CONSENT AGENDA

- C-1. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES – *March 18, 2008.*
- C-2. RESOLUTION APPROVING AN AGREEMENT WITH FOX RIDGE HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN A DECORATIVE STREETLIGHTING SYSTEM IN PHASE 2.
- C-3. CONSIDERATION OF ITEMS RELATING TO THE EBERT STREET AT SILAS CREEK PARKWAY INTERSECTION IMPROVEMENT PROJECT:
 - a. RESOLUTION AUTHORIZING FINAL PAYMENT TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS ON EBERT STREET AT SILAS CREEK PARKWAY FOR \$175,008.33.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008.
- C-4. REPORT ON SALEM LAKE DAM.

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

GENERAL AGENDA

G-1. STORMWATER CONCERNS OF MS. DOREEN POLLOCK.

Verbatim comments of Ms. Doreen Pollock are as follows:

My name is Doreen Pollock. I live at 1401 North Main Street. And, I came here, let me give y'all a copy, I made copies of, how many is it of you. I received a letter on, an email from Mr. Turner dated March 19 concerning what he decided for my property, with, concerning the railroad and the post office, which I was not happy with. I responded via email with Mr. Turner and this letter on the next page is sort of outlining what his letter was about. He may have the original copy. When he talked about (inaudible) finds Sandra Anderson to see what responsibility she may have concerning the yard in my house and I had already talked to Mr. Turner last year about that, knowing that I've been in the house eleven and a half years and Ms. Anderson would not take responsibility for the land, even though she knew about the drainage when I moved there. Because after I moved there in September, and the following year is when I found out that the drainage was on the property. If you recall from the last meeting, I asked Mr. Anderson, Ms. Anderson and someone through the City, why did I have so much yard on the side of the house. They emailed me that the space was too narrow to put a house there. They did not tell me that it was a drainage there. Like I mentioned, last March 11, that if I knew drainage was there, I wouldn't have moved there. I wouldn't have built a house there because I know the problems that will arise eventually from these, drainage on the property. So my response to Mr. Turner is listed on number one, and you can read that if you like. The second one was making changes to the stormwater flow on the property to direct the flow away from my property. From my recollection without reading all this, he was concerned with how much pipe that it would take to run from my property down past 14th Street and eventually (inaudible) is going to get clogged down that way and it will cause more problems in the future. So that was a concern for him as well as the post office and the railroad. I think he's looking at the, how much it would cost the railroad to put pipes or what would need to be done to have the water from flowing on my property. So I responded to that and I responded to the railroad. To make a long story short, he said that he contacted Mr. Smith, up under number four, with Northwest and Southern Railroad. I have contacted the railroad as well since I've been there. The first year that I moved there the railroad did come and do some cleaning behind the house and they have not done anything since. You can call, call, call and they always come up with some kind of excuse of what they can do. His last conclusion was, he said that he would like to take the fourth conclusion of letting the railroad put a gate behind the property. I'll give you the pictures and you can see the gate because I went out Sunday and took pictures to prepare for this meeting. The first picture if you turn to this page, will show, I didn't number pages, picture number 8a is showing, you can pass it down here, is pointing to where the water flows on down 14th Street on Main Street where it comes from one end to the other end. That's one of the, you'll see a wider view of than that. Picture number 9a. The railroad came through last year around August and put in new railroad ties. They also brought gravel, cement, rocks and all that stuff. They did not clean up their mess. The old railroad ties, gravel and everything is still behind the house. And when you go back there to clean up that stuff, you see all kind of rats or whatever flying off from back there or whatever. It's nasty back here. So the railroad left that last year. I called Mr. Brooks. I asked the railroad. I haven't been home when they were doing it. I asked the railroad were they going to come back and clean that. One of the workers, I guess the man in charge,

when the other guy introduced me to him, he got nasty with me and told me that that wasn't their responsibility. So I called Mr. Brooks on his cell phone Sunday, hoping he would answer. He said he would look into it Monday and talk to the railroad and everything to see about having the City to come and clean that up. This was like in July or August of last year and it still has not been cleaned up. Picture number 10a. The railroad came through also, cut down trees, riding on some kind of little cart on the railroad tracks. They have a little thing they ride through and they cut all the trees down. They did not pick the trees up. The trees are still there and over the years they have built up to this. Picture number 11a. That's the end on one side of the railroad track where all the trees and stuff has built. And if you lift up some of those trees to try to clear it, you will see a lot of trash and other stuff up under those, behind that. That's the, that drainage there is the one where the water comes over my property because if you clear it, you can see the fence, if I'm not mistaken. Picture 12a, there's a further view of, that's a current view of behind my fence where you can see the angle. These trees are close to the fence, so when you cut them down, they have fell on the fence and they have bent the fence and other things on the fence. Picture 13a. You can see where the railroad came. You'll see the corner of 14th Street and you can see where the trash is coming from 14th Street down to this drainage where they put this gate at. That's picture 13a. That's supposed to be done to keep the trash from coming onto the property but it hasn't been successful because trash still comes through some kind of way. Picture number 14a is the opposite side of the railroad track. When we talked to the post office, the post office said that they prefer not to cut the kudzus off from behind there because it keeps the traffic from flowing onto their property for them to cross over. Plus it's a lot of street people walks through there. In the summer, when the kudzus grow back, you will see a lot of traffic going up through there. You'll see the prostitutes going through there, you'll see drug activities and everything go there. And if you, if each one of you guys walk through there, you'll see a lot of needles, condoms and everything else all through that. That's some of the stuff that washes onto the property, onto my property. Picture number 16 is a closer view of the gate. And I walked through all this mess Sunday. Picture number 16 is a closer, picture number 16a. On the corner, on 14th Street coming down this way and the railroad this way, you will see this picture, let me give you both these pictures, 14, 16 and 17a are right beside each other. This is where people have put furniture because it's so nasty or whatever. They leave it, it's been sitting there for, since last summer. This is one side of the pole, this is on one side and this is on the other side of the pole, 16 and 17, and that's still sitting there. Picture number 18, if you look at why, where I have the writing at, that's how much distance that I cut, between six to eight feet from the fence to keep the grass and weeds from getting on the fence. That's why you see it's so green because I keep it clean. It's not my property. It's railroad property, but I cut back there. I push mow the lawn and I cut back from where the side of my yard is maybe from this end to the end of that wall. That's how long it is from the house. Picture number 19a, 19a, 21, 22, and 22a. You'll see a bigger picture of a hole. The kids or anybody's child can go through that hole that goes on Main Street. That's where the water goes out on 14a.

COUNCIL MEMBER CLARK: This is where the water leaves the lot?

MS. POLLOCK: The water comes this way. If you look at the picture you can see where the dirt, this is higher where the dirt has washed out and it's getting deeper and deeper. I took another close picture beside the, in front of my fence where they have put the drainage. That gate. You can see where another hole is forming in front of the fence. That's another hole going from the fence. Picture number 22 is another closer look. You can see at the top where the railroad has come and cut down the trees, dropped them and they have bent the fence in several different ways. That's another picture of number 22. Number 24. You will see they may look off like it's not that close but it is close. You can see some of the railroad ties near the fence on picture number 24. All this is behind my property. Number 24a is where the beginning of my driveway, this is what the City took out last year, replaced this part of the driveway then filled this hole. This is how big that hole was that has washed, that washed out from up under the driveway. So they cut the drive, part of the driveway out, redone it and filled the hole. The guy that came, this is another hole that was maybe ten feet that they filled also, and the person that they send out to do the work was not very professional. And I guess it's because of the neighborhood. Some people could care less about the neighborhood. He left everything he drunk on the patio, he did not come back and take the forms up or anything like that. When he came to do the driveway, he took and dumped a big truckload of dirt on my bushes that I had started growing. I called Mr. Brooks about that and the guy that was over the, that project, he did come out and look at it and say they would pay for the bushes. But he did not care about where he put the dirt, so I'm going to have to plant all those bushes that I had because the bushes was killed and they did not grow back. This last picture that I'm going to show you is a picture, this is about four, three or four years old and this is where it started getting bad. This is just a little of the trash that has come on, that still comes on the yard. Sometimes it's a, before that it was three or four bags of trash that I would have to come out with gloves and shoes and socks and everything else to get up. I was unable to get out there this time to take pictures while it was raining. When it rains continuously like it does, I have a little, six to seven feet of rain standing this high in that yard, so the water is not draining out of the property. And I have sensitive skin. I have to put on, when I cut my grass, there's so many mosquitoes and insects out there in that yard, I have to go out there in gloves, socks, make sure my pants is in my socks, make sure I have the gloves that cover the, the coat up around my neck and everything because there's so many mosquitoes out there. It's rats out there, it's everything out there. And where he made the statement in, and I may be (inaudible). When he made the statement that the railroad will take responsibility to put the gate and make sure they keep that area clean, you can look and see over the years that the railroad could care less. You see the trash that's continued to build up out there and when I call Mr. Brooks or any other person for the City, the first thing they say is that they can't make the railroad do anything. This is what they tell me. They can fine the railroad but the railroad won't respond and the railroad won't do this and the railroad won't do this. It's always excuse for the railroad. It's always excuse for the post office, but what's the excuse for me? Number one, I am a taxpayer. I'm a United States citizen. I've been paying taxes for, since I was 13 and I'm 52 years old. Now I read the paper a lot and I see where you're going to have Ms., some lady going to come so y'all can raise all this money for the ball park.

COUNCIL MEMBER LEIGHT: Mrs. Foxx.

MS. POLLOCK: Ms. Foxx supposed to be coming in and supposed to help y'all raise fifteen point something million dollars for the ballpark, y'all supposed to be getting all this money for the ballpark. Don't you know those people that goes to the ballpark is going to be riding through my community. I stay behind the post office. The main post office, and it's a lot of traffic there. I keep my property up. Mr. Garrity has seen pictures of my house. I keep my yard well-maintained, I keep my house up. And I don't think any of you want to wake up and your children see rats this big inside your house. I've had two since I've been there. The first year I moved there, a rat ate through my shower and I forgot to take a picture of that to bring. The hole was this big. I took some peroxide, I think it was peroxide with some sugar and some syrup and tied it around the shower. He ate it, he went up under that crawl space and he was dead. So I have filled that back in. If you come in my house, you will see where, through the, there's three that have gotten in there. Where the heater is, the furnace, somehow through a hole that the pipe comes through, one got through there, ate a hole through my carpet and we had to kill that one. My husband did. Then one came and ate the tile around my washer, so I've had three big rats in a brand new house. So my point is that, I feel that, like I wrote in this letter, and I don't bite my tongue, I think Mr. Turner and Mr. Paige is more concerned about the post office and the railroad and their expense instead of the expense that's going to occur to me. I shouldn't have to get out here and clean up the railroad mess. People walk past my house everyday. 14th Street, you know the area, you know the area. Prostitutes, whatever, drug dealers walk through there. Anybody will tell you that I keep mine clean so if I have to get out here and pick up behind these people, why can't they? Why can't they keep it clean? Why can't I get my yard fixed? Because number one, the City and Sandra Anderson I feel is responsible because number one, you failed to tell me that it was a drainage there. Now Mr. Turner wrote the question that (inaudible). If you look on this page, he says that Mr. Paige made a comment that he gave me that lot. I don't feel that he gave me anything because if you look at the tax value of my house, on the first page, the land value is at \$20,000. If you look at the other, I have some other people in the neighborhood that I print their tax value, theirs are \$18,000. Most people in the neighborhood is valued at, tax value about \$18,000. So if he gave me anything, why is mine \$20,000? Mine should be \$18,000 just like theirs. And I don't feel that he gave me anything because I pay taxes on the property and he also wanted to buy the land back. I'm willing to sell the land back to him if he wants to buy the house, the land and everything and build me another one. He can have it. That's the only way I'll sell it. I shouldn't have to go through this as a taxpayer and as a citizen of North Carolina.

In response to Council Member Leight's question, Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that the railroad has been somewhat responsive and noted that they will maintain the grate, but they will not maintain the entire property.

Mr. Lee Garrity, City Manager, stated that it has been difficult to achieve resolution through citing or fining the railroad because collection of the fines and compliance with the citations is hard to enforce. He also stated that he will review this issue and will cite the railroad immediately if they are found not to be in compliance.

Council Member Terry noted that there is a similar problem with trash along the railroad at the bridge between Sprague and Waughtown Streets.

In response to Council Member Leight's question, Ms. Pollock stated that the post office does own the kudzu field and while there are no trespassing signs posted, there is no enforcement of the signs.

Council Member Clark requested that staff review the clean sweep process that is used to clean local streams to see if it can be applied to railroad tracks.

Ms. Pollock noted that problems similar to hers will not be seen in all areas surrounding railroad tracks. She also noted that because her neighborhood is predominantly black and used to be considered a housing project, that no one wants to invest in it or support it. She further noted that she is not ashamed to live near the Soup Kitchen or in an area close to housing projects. Ms. Pollock also noted that cases similar to hers are what keep people from moving to the downtown area.

In response to Council Member Clark's question, Mrs. Angela Carmon, City Attorney, stated that she will look into issues with the railroad and may possibly be able to assess a lien for the cost of clean up.

Council Member Clark noted that while the railroad company is powerful, they should also be required to clean their areas periodically.

Ms. Pollock stated that in 1996, she asked the City and Ms. Anderson about the property and feels that she was lied to.

Chair Johnson stated that the City did not own the property at the time, but Ms. Anderson did. She also stated that the Committee requested to know Ms. Anderson's responsibility level on the property.

Ms. Pollock noted that after she had several disagreements with City staff regarding this issue, she contacted Council Member Vivian Burke and Council Member Burke specified that she would speak with Mr. Derwick Paige, Deputy City Manager, and Mr. Turner.

Mr. Turner stated that Council Member Burke questioned whether or not the City acted improperly regarding the property and if it was obligated to repair the property. He also stated that any acquisition questions for Ms. Pollock's property were speculative. He further stated that there was a time lag in the question of purchase by Mr. Paige that Council Member Burke may not have been aware of at the time she spoke with Ms. Pollock.

In response to Ms. Pollock's question, Mr. Turner stated that if the City were to acquire the affected property, it would be kept clean in accordance with City property maintenance policies.

In response to Council Member Clark's question regarding the installation of fencing to keep trash off the property, Mr. Turner stated that the majority of trash on the property is from a railroad ditch line, but some trash also comes from surrounding public right-of-ways and other private properties.

Ms. Pollock noted that there is a lot of walk through traffic on the railroad and many people dump trash in trees and bushes where it can blow onto her property.

Chair Johnson suggested that the Committee brainstorm solutions or alternatives to Ms. Pollock's needs. She noted that the City could purchase the affected property and maintain it.

Council Member Clark noted that low spots on the property could be filled in to keep water moving across the property or a channel could be created to move water in other directions. He also noted that staff should meet with representatives from the railroad to address trash along their right-of-way.

Council Member Terry stated that more efforts should be taken on the front end of development. In low-wealth communities, funding sources for development should be identified and a preferred list of developers and development standards should be compiled. She further stated that this is not an isolated incident and the City should be proactive to ensure it does not continue.

Mr. Garrity stated that new pipes could be installed to help control the flow of water.

In response to Chair Johnson's question, Mr. Turner noted that if the low spot in the yard is filled in, it will still be up to the property owner to maintain the land. He also noted that this instance would not qualify as a 70/30 project and would be treated as a special project.

In response to Chair Johnson's inquiry, Mrs. Carmon stated that that type of project may give other citizens the idea that the City is responsible for similar problems and may set a precedent that will be hard to distinguish.

Council Member Clark noted that everyone has stormwater issues and downstream flow issues. He requested that City staff make contact with railroad representatives, find a state statute regarding the fining of railroads, reach out and contact groups that have had positive responses from railroads, and note that there is a legally strong case against the railroad.

Mr. Garrity stated that staff would provide the proposed cost and design for Council Member Clark's suggestion.

Council Member Terry requested that vector control and baiting be added to the design right away.

Chair Johnson requested staff bring the item back to the May Public Works Committee for an update. She also requested that community service workers could be enlisted to aid in the clean up effort.

Council Member Terry expressed concern that allowing those doing community service may not be the best option for this scenario.

G-2. PROPOSED NEW POST CONSTRUCTION STORMWATER CONTROL ORDINANCE BRIEFING.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, stated that he has read through the discussion of the printed material on the ordinance and would like to address a topic that has not been heard in the public forums. He also stated that in response to reading comments from Partners in Housing, he feels he should have done more research to be more educated on the topic. He further stated that upon compliance with federal requirements of the clean water act, bodies of water will need to be restored to their original functions, therefore, expenses will increase. Mr. Vorsteg noted that new mandates will be forthcoming in the next two to three years and costs will increase. He also noted that Charlotte assessed costs of its stormwater control ordinance with and without the 25 year storm control. He further noted that studies have shown that without mandated quantity controls, the cost of implementing stormwater controls will increase. Mr. Vorsteg stated that he feels there should be equitable distribution of benefits and burdens of developing among all interested parties, which has not been addressed under the current recommendations.

Mr. John Beeson, 503 High Street, stated that the next logical step to reducing stormwater runoff is to reduce the amount of impervious surface in an area and noted that a reduction in parking requirements for buildings is a good first step. He also stated that wider street standards are different in other cities and he recommends an 18 foot width standard for streets. He further stated that impervious surfaces create problems and that there are certain requirements that have to be met in residential developments.

Mr. Beeson stated that staff should review street paving standards and eliminate storm drainage pipes. He also stated that wider streets are wanted for safety reasons, but they create more stormwater problems.

Council Member Leight stated that wider streets are not necessarily safer because they encourage speeding.

Council Member Clark stated that there is a demonstrated need to reduce the amount of impervious surface. He also stated that he learned the difference in ten and 25 year storm standards and that some ten year storm situations are more restrictive than 25 year storm standards because it all depends on how quickly the water is released. He further stated that the issue of draw down was mentioned in a meeting he attended and that stormwater control needs can be very project/site specific.

Mr. Keith Huff, Stormwater Director, stated that a longer detention time will yield a larger stormwater pond but it is very site specific.

Council Member Clark noted that there are issues of how wide to make streets, who will monitor detention ponds, long-term effects, issues of phased development, discretion given to the Stormwater Advisory Board, application of the ordinance when it is site specific and a need to better understand the draw down rate.

In response to Council Member Terry, Mr. Turner stated that the City of New Orleans was built below sea level and was reliant upon a series of levees to control the flow of water. He also stated that the core of the City is now sinking due to fundamental construction problems.

Council Member Leight expressed concern that developers are allowed to build on flood plains and that it will only cause problems in the future.

Council Member Clark stated that he and Council Member Besse will meet with Mr. Huff to get a better understanding and noted that Mr. Beeson shared an example of incremental building in a previous meeting and showed that there was an increased cost associated. He also stated that he feels a professional group may have to review each development plan as stormwater needs and concerns are site specific, but there is also a struggle as to who will be authorized discretion.

Mr. Turner stated that the intent is that professional staff will have an appeals body to take in consideration of an item to direct and advise on a site by site basis. If a developer is not satisfied with the assessment, the item could be appealed to the Stormwater Appeals Board and then directly appealed to the City Council. He also stated that the initial decisions on a site by site basis will be done by Engineering staff in stormwater as well as supporting technicians. He further stated that the package of information presented covers questions from Council Members and supplemental information has been provided with specific site examples.

Mr. Huff stated that he agrees with Mr. Beeson that impervious surface area is a core issue in stormwater control.

Mr. Turner stated that staff will be happy to meet with Council Members who may have additional questions.

Chair Johnson requested that Council Members Clark, Besse, Leight, and Terry form a subcommittee to communicate between Stormwater staff, the community, and Council Members.

Council Member Clark suggested that developers could reduce impervious surface area rather than building retention ponds.

Mr. Turner stated that staff is reviewing the idea of narrowing streets but he cannot recommend anything less than 22 feet based on transportation experience and other issues.

Mr. Garrity noted that other major cities have a 22 foot minimum width requirement for streets and recommends that if the Committee still has concerns, to hold the item in Committee for another month.

Mr. Turner stated that staff would bring the item back to the May Public Works Committee meeting.

ADDITIONAL ITEMS

Chair Johnson requested that staff review parking and speeding issues at the intersection of Trade Street and Glenn Avenue where some Habitat for Humanity units have been built behind the Kimberley area, and suggest any traffic calming devices.

ADJOURNMENT: 7:40 p.m.