

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

5:40 P.M., TUESDAY, MAY 13, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Council Member Joycelyn V. Johnson, Chair*
 Council Member Dan Besse
 Council Member Robert C. Clark (out at 7:00 p.m.)

MEMBER ABSENT: *Council Member Evelyn A. Terry, Vice Chair*

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 requested to pull Item C-4. Council Member Besse made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Clark and carried unanimously.

Chair Johnson requested a brief update on Item C-7 from Monday's Finance Committee meeting, regarding landscaping on Business 40 and U.S. 52 in Winston-Salem.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that Vegetation Management will be working with the North Carolina Department of Transportation (NCDOT) to improve the visual appearance of these areas through landscaping.

Chair Johnson noted that as these are busy major thoroughfares within the City, it is important that they be visually appealing.

CONSENT AGENDA

- C-1. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *April 15, 2008.*

- C-2. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REVISED MEMORANDUM OF UNDERSTANDING FOR WINSTON-SALEM URBAN AREA METROPOLITAN PLANNING ORGANIZATION.

- C-3. PETITION FOR THE ANNEXATION OF 32.28 ACRES LOCATED OFF OF MEADOWLARK DRIVE (WEST WARD) - PETITION OF BROOKBERRY FARMS, LLC - *Petition of Brookberry Farms, LLC. Public Hearing: June 16, 2008.*
- C-5. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-4. CONSTRUCTION & DEMOLITION RECYCLING INFORMATION.

Mr. Turner stated that a summary of information regarding this item was included in the Council Member's Agenda packets and that David Saunders, Director, City/County Utilities, and Jan McHargue, Solid Waste Administrator, City/County Utilities, were in attendance to answer questions.

In response to Council Member Clark's question, Mr. Saunders stated that a new Construction and Demolition (C&D) site could accommodate a recycling facility, but there is also some value in grading a portion of a current site or developing land adjacent to a current site, to place a recycling process on. He also stated that costs would be approximately \$5 million to invest in equipment for the recycling process and \$0.5 million to establish it. He further stated that not all details have been resolved, and that a potential C&D recycling site could exist at the Old Salisbury Road or Hanes Mill landfill sites. Mr. Saunders noted that there are eight to ten years remaining at the Old Salisbury Landfill, but through a C&D recycling program, the waste stream could be cut by up to 40%, and possibly increase the usable time left at the site.

In response to Council Member Besse's question, Mr. Saunders stated that staff's analysis will be complete in the next few months.

GENERAL AGENDA

- G-1. UPDATE INFORMATION REGARDING THE STORMWATER CONCERNS OF MS. DOREEN POLLOCK. *[This item was continued from the April 15, 2008 Public Works Committee meeting.]*

Mr. Turner stated that staff has worked with the Neighborhood Services Department in an effort to clean up the area around Ms. Doreen Pollock's property. He also stated that staff has not received a response from Norfolk & Southern Railroad as to whether or not they will aid in the clean up effort. He further stated that it will take several months of work to repair the damage to the property.

Ms. Pollock stated that she emailed pictures of her property after last week's storm to City staff and Council Members to show the flooding and trash that had accumulated on her property. She also stated that rocks from around the railroad tracks washed onto her property and she is unable to maintain the yard due to the rocks.

In response to Council Member Clark's question, Mr. Turner noted that trash which washed onto Ms. Pollock's property originated from the railroad property.

Council Member Clark noted that he is not optimistic that the railroad will assume responsibility and clean the property.

Ms. Pollock noted that the railroad has removed trash which originated on its property once in 12 years.

Chair Johnson noted that City staff will continue to work to repair damage caused by the recent storms throughout the City. She requested that staff review the storm drain on Ms. Pollock's property to determine why it did not filter trash as it should have during the storm.

In response to Chair Johnson's question regarding work and precedence, Mrs. Angela I. Carmon, City Attorney, stated that staff was still working on that issue.

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." *[This item was continued from the April 15, 2008 Public Works Committee meeting.]*

Mr. Turner stated that the Stormwater Task Force met several times and a revised ordinance stemming from those meetings was distributed. He noted that areas of revision included the refined definition of an owner to be consistent with the City Attorney's definition, exceptions for developments below three acres and 24% impervious area, and an allowance for variable buffer widths based upon the size of the development.

Mr. Keith Huff, Stormwater Director, stated that on page seven, section number six, was a provision that will exempt developments that cumulatively disturb less than three acres and 24% built upon area, and will only implement two and ten year peak controls. He also stated this will be a reduction in stormwater controls for developments that fall into this range. In response to Council Member Clark's question, Mr. Huff noted this provision will most likely affect small residential or minor subdivisions.

Council Member Besse noted this provision is designed to reduce the cost increment on smaller residential projects as there are fewer lots to distribute the cost of control measures.

Mr. Huff stated the next revision was on page nine and that the City Attorney's office worked with the development community to tailor the definition of an owner to be more direct and concise.

In response to Council Member Leight's question, Mr. Tony Baker, Risk Administrator, stated that page ten will show the changes from the section that was stricken through to the new definition. He also stated that the new definition will focus more on the manager of a property rather than the tenant.

Mr. Huff stated that the last revision was outlined on page 18 in section 75-302, and includes two alternatives for buffers. Alternative one is broken down into three zones of undisturbed, limited harvest or undeveloped property, and each of these zones conform to specifics based on the size of the affected property. Exemptions were also included for greenways and utilities. Alternative two is a 30 foot buffer where the first ten feet must remain undisturbed.

Mr. Turner noted that alternative one was recommended by the Task Force while alternative two is more simplified.

In response to Council Member Leight's concern that alternative one may not work with the percentages presented, Mr. Turner noted that adjustments were made before the Committee meeting and Committee members may recommend changes.

Council Member Leight stated that she feels larger buffers are needed to filter larger areas.

In response to Council Member Clark's questions, Mr. Huff stated that concern lies with the drainage area of the stream, not the development. He also stated that the width of a buffer area is based on the drainage area of a stream itself from its point of origin to the point of interest through a given property.

In response to Council Member Clark's question, Mr. Turner stated that the ordinance could be written to affect the drainage area of a stream within the development itself, so as not to be unfair if a stream runs through several properties.

Council Member Clark stated that the definition of an undisturbed buffer needs to be clarified because an area that is considered undisturbed may have had trees or grass cut previously, therefore, it has been disturbed at some point in time. He also stated that area currently serving as a buffer may not be the best option for that property.

In response to Council Member Besse's questions, Mr. Huff stated that staff elected to go with the watershed area rather than the development area because other communities use the watershed approach and developments would require a case by case review and require different criteria, whereas the watershed provides a uniform approach. He also stated that if there is more water, more filtration time will be needed to get to a larger stream. He further stated that while it is recommended to preserve headwaters, down grading will produce wider buffers with wider stream corridors for infiltration. Mr. Huff also noted another tier may need to be added for streams that drain less than 50 acres that are identified.

Council Member Besse suggested that verbiage could be added to include site-plan approved road crossings.

Mr. Gus Preschle, 7711 Lasater Road, Clemmons, NC 27012, stated that he wanted to make three points. His first point was that the ordinance represents a strong compromise against what will happen in the future. His second point was that the ordinance is an expensive proposition because virtually nothing can be done to stop flooding from getting worse, even if the ordinance allows better management of the water. His third point was that there has been a major focus on the cost of the ordinance to all parties involved and there should be a broader balance of that cost. He also stated that flooding can cause damage to property, loss of use of a property, buildings or roads can lose service, increased costs to deploy emergency services, disruption or loss of business, risk to health and safety, increased capital investment, increased maintenance, and the loss of use of public facilities. He further stated that while living in a 100 year flood plain in New Jersey, he experienced a 50 year storm twice in nine years, receiving nine inches of rain in six hours. Mr. Preschle noted that the effect of flooding on homeowners can be property damage, loss of property value, anxiety of the next flood, increased flood insurance cost, and difficulty in selling property after a flood.

Chair Johnson noted that the storm last week was estimated to be the equivalent of a 25 year storm.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, stated that there should be more than a distance requirement to replace where there are non-disturbing activities and a bufferable requirement will be an improvement to the ordinance. He also stated that the compromise should not be ruled out especially if a stronger ordinance can come from it. He further stated that it will be difficult to decide how to best protect the community without destroying the options of builders and developers. Mr. Vorsteg noted that change has been a long time coming and read from a document published by the National Association of Homebuilders, which cited a need for stormwater control 50 years ago. He also noted that benefits and burdens of stormwater control are not equally balanced.

Mr. Steve Scroggin, 421 Spring Lake Farm Circle, stated that there is a modeling error as predicted floods will happen more often than is stated in the probability occurrence. He also stated his appreciation for the time and effort that staff has spent on the ordinance. He further stated that the root problem is the cost of development and any regulations imposed on developers should be bore by developers, and they should be forced to develop in a sensible way.

Ms. Elyse Jung, 521 Lynhaven Court, stated that she was representing the Sierra Club and thanked staff for their efforts. She also stated that ordinance revisions are done frequently but staff should think ahead so any changes or recommendations will be valid in the future, as the community changes. She further stated that she recommends additional consultation with experts who know the effectiveness of undisturbed buffers and the purpose they serve. Ms. Jung expressed concern with who will be responsible for enforcement of the ordinance and that the City ensure resources are in place to enforce adequately with constant growth in the City and County. She also encouraged that builders and developers be educated on fines and that incentives be given to those who use low-impact development. She further stated that fines should be unpredictable enough and flexible enough that repeat offenders will respect the purpose of the ordinance and not just roll the fine into the cost of doing business.

Chair Johnson noted that staff is currently working to resolve the damage at Hanes Park, and are particularly focused on the tennis courts.

Ms. Nancy Gould, 195 Executive Park Boulevard, stated that a \$1,000 per day fine will grab developer's attention but there is a need to ensure buffers apply to all projects, not just low-density projects. She also stated that some communities have a separate ordinance for stream buffer standards and she encourages City staff to spend adequate time reviewing buffer standards.

Council Member Clark made a motion to approve the item. The motion was duly seconded by Council Member Besse.

Council Member Clark noted that it should not be assumed that undisturbed areas have always been undisturbed, and what is currently in place in a buffer area, may not be the best option for that site. He also noted that everyone generates stormwater runoff and everyone is part of the problem, so everyone should help bear the burden. He requested that staff review areas less than 50 acres, undisturbed buffers that may have been disturbed, and if it is 50 or 100 acres on the area that is counted.

Council Member Leight questioned whether or not language should be added to acknowledge stream buffers that have already been disturbed and how to remediate those cases.

Council Member Clark made a motion for approval of the amended ordinance selecting alternative one as outlined by staff.

Mr. Turner clarified the motion to approve the ordinance as presented with alternative one, but revised to include exceptions for things that need to be in the buffers, such as greenways and utilities, add a provision to alternative one to cover developments less than 50 acres, and to review the area of coverage for those buffers, such as the entire drainage basin or the development area.

Council Member Besse stated that the ordinance should apply to high and low density projects. He also stated that he would prefer an ordinance that would allow uniform buffers unless the full Council can reach an agreement on variable sized buffers. He amended his second to the motion that the variable width buffer concept be refined and presented for discussion to the full Council so that a majority conclusion may be reached.

Council Member Leight suggested that if the Council does vote to use a standard width buffer, that the distance be at least 50 feet.

Council Member Clark clarified his motion to approve the amended ordinance, accepting buffer alternative two, and increasing the distance from 30 to 50 feet.

Council Member Besse clarified that the ordinance include low and high density projects, refine the exceptions to include site-plan approved crossings, and refine the variable width buffer concept to bring to full Council for discussion.

Mr. Turner clarified that staff will bring forward alternative two related to constant width buffers as part of the ordinance and bring an alternative for Council to consider that would be a revision to alternative one. Council would then review alternative one related to variable width buffers and decide whether or not they want to incorporate that in contrast to the constant 50 foot width, which is part of the proposed ordinance.

Mrs. Carmon clarified that buffer exemptions will include greenways, utilities and site-plan approved road crossings.

In response to Mr. Baker's question, Chair Johnson requested that a minimum requirement for utilities be added as part of the recommendation for the full Council to review along with the additional language for alternatives one and two.

In response to Council Member Leight's question, Council Member Clark stated that parks were not added to the list of exemptions.

Council Member Besse requested that the minimum distance from the top of the stream bank within the buffer for utilities be included in additional language for the full Council to review.

The motion carried unanimously.

Chair Johnson noted that the updated ordinance would be available on the City's website for citizens to review on Friday.

ADDITIONAL ITEM

Mr. Ken Sparks, 495 Salem Vista Court, stated that his home was not impacted by the recent storms, but he has lived within the Tanners Park community for many years and he saw the Tar Branch flood many years. He also stated that the culvert under Marshall Street cannot accommodate the amount of water that runs from Tar Branch. He also stated that he is unsure if Tar Branch is a part of the problem that caused the removal of two homes on Second Street. He further stated that there is a lot of new development in the area and that water is now running through culverts rather than across property and emptying into Tar Branch. Mr. Sparks noted that a pipe put in place by a developer is larger than its entrance into the culvert. He also noted that the intersection of the two storm drains acts as a fountain because water moves from the larger culvert to the smaller one, where it backs up.

Mr. Turner confirmed that the pipe size is smaller under Marshall Street than the pipe that was installed through the Tanners Run development.

In response to Chair Johnson's question, Mr. Huff stated that the pipe system needs to be upsized to flood more efficiently but there are downstream effects to consider as staff evaluates the situation.

Council Member Clark out at 7:00 p.m.

In response to Council Member Leight's question, Mr. Huff stated that although the culvert may be larger, the pressure of the water's release may be greater due to a buildup of pressure in the system, that will add velocity to the release of that water on downstream properties.

Mr. Turner noted that the pressure would be greater under Council Member Leight's scenario but under the scenario Mr. Huff is describing, the water volume or velocity would be less, but if opened up, more water would be allowed to flow through, creating downstream problems.

Mr. Harold Lloyd, 475 Marshall View Court, stated that he lives at the lowest point of Marshall View Court and there is a serious problem with flooding, and not just water retention in certain areas. He also stated that his community has received a lot of flooding and he wants to bring attention to the area to get some help. He further stated that he was very appreciative of the assistance and attention he received from the City this past weekend after the storm. Mr. Lloyd noted that he had 34 inches of water in his garage, which ran into a family room, along with water up to the dash on two automobiles that have considered totaled by his insurance company. He also noted that a next door neighbor lost a furnace and heating system to the flooding. He further noted that every few years there is a damaging storm similar to this one, and residents are unable to sell their homes or are threatened by erosion of their properties.

Ms. Alice Revelle, Tanners Park Court, thanked the City for their assistance after the recent storm and requested that staff continue their efforts to find solutions to the flooding.

Chair Johnson noted that the Public Works Committee would continue to follow this problem and work with staff to find maintenance methods.

Mr. Lloyd stated that there was good communication between the residents and City staff and that he is proud to be a part of the City.

Chair Johnson noted that citizens can thank staff via the "I Got Caught" program listed on the City's website.

- G-3. CONSIDERATION OF ITEMS RELATED TO PERMANENT HONORARY STREET NAME SIGNS:
- a. RESOLUTION AUTHORIZING PERMANENT HONORARY STREET NAME SIGNS FOR CLARK S. BROWN AVENUE.
 - b. RESOLUTION AUTHORIZING PERMANENT HONORARY STREET NAME SIGN FOR JIM SHAW BOULEVARD.

Council Member Besse made a motion to approve the item. The motion was duly seconded by Chair Johnson and carried unanimously.

Mr. Turner noted that the Mayor can issue a proclamation for an honorary street naming that will remain in place for one year. During that time, the City Council can recommend permanency of that sign by issuing a resolution that it remain in place.

ADJOURNMENT: 7:13 p.m.