

## SUMMARY OF MINUTES

### PUBLIC WORKS COMMITTEE

5:53 P.M., TUESDAY, MAY 12, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

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

*OTHERS PRESENT:*            *Council Member Molly Leight*

Chair Johnson called the meeting to order and stated that, without objection, the Committee would first consider Item G-1.

#### GENERAL AGENDA

#### G-1. PUBLIC HEARING AND ORDINANCE RENAMING A DISJOINED SEGMENT OF FALCON POINT DRIVE TO SENTRY POINTE LANE.

Mr. Paul Norby, City/County Planning Director, expressed his apologies to the property owner regarding confusion with an earlier public hearing notification. He noted that 20 years prior, this street was incorrectly named similarly to a nearby street. There is now an interdepartmental effort to address correct street naming across Forsyth County. The street naming ordinance does not allow for duplication of street names. There is also a policy dealing with emergency services to eliminate confusion so as not to delay emergency responses. Mr. Norby noted that with any change, staff will try to affect the least number of people possible.

Mr. Paul Ward, 1993 Falcon Point Drive/2009 Sentry Pointe Lane, stated that the portion of Falcon Point Drive within the apartment complex should have been named Falcon Pointe Private. He also stated that addresses chosen for Falcon Point were numbered 2000 and above so there was no duplication of the address and it should have been originally recorded as such. In 1982, he requested that the road be named Penny Lane but was told that a developer building in the area already had a right to that name. He further stated that the Agenda claims this is a disjointed segment of Falcon Point, but is not. Mr. Ward does not want his address changed, nor does he want to go through that process and noted that if this were a zoning issue, his address would be grandfathered in. He noted that police and fire personnel now are equipped with global positioning systems that give them detailed directions to an address.

Mr. Norby noted that even a phonetic difference in the name or a slight difference in the spelling can delay emergency services response. He also noted that even though it would not be ideal, staff will allow Mr. Ward to keep his street number if desired.

In response to Mr. Ward's statement that his address will show at Emergency Services if he calls from his home, Mr. Lee Garrity, City Manager, stated that the challenge is that many citizens now use cell phones versus landlines, in which case an address does not show.

In response to Council Member Terry's question, Mr. Norby stated that the Unified Development Ordinance specifies not to create street name duplications.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that there can be no homonyms or similar numerical addresses and street names because the intent is to have a clear differentiation for the address number and name of street.

Council Member Clark noted that it may be an inconvenience, but the change will be in the best interest of safety. He requested to know if there was any city policy or fund that could assist citizens with a change of address.

Mr. Ben Stamey, Address Coordinator, noted that there is helpful information of the change of address card, but there is no city fund to help with costs. He also noted that staff notifies the post office and a wide distribution of email addresses when a citizen's address is changed.

Mr. Norby commented that the road was developed in mid 1980's and there is no explanation as to how or why the naming mistake occurred the way it did.

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

Chair Johnson expressed her apologies to Mr. Ward, and noted that staff will continue reviewing and identifying other similar address issues to ensure this does not happen again. In response to Mr. Ward's question, she noted that the item will be presented to the full Council on Monday.

The motion for approval carried unanimously.

Chair Johnson requested that the item be placed on the General Agenda of the May 18 meeting to allow Mr. Ward to make comments.

Mr. Turner noted that staff will provide information on the potential costs for change of address assistance.

G-2. CONSIDERATION OF ITEMS RELATING TO A DECORATIVE STREETLIGHTING AGREEMENT WITH THE PEACHTREE MEADOWS HOMEOWNERS ASSOCIATION, INC.:

- a. RESOLUTION APPROVING AN AGREEMENT WITH THE PEACHTREE MEADOWS HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS IN PEACHTREE MEADOWS.
- b. RESOLUTION APPROVING A REQUEST FROM PEACHTREE MEADOWS HOMEOWNERS ASSOCIATION, INC. FOR EXCEPTION TO THE LIGHTING LEVEL REQUIREMENTS OF THE CITY'S STREETLIGHTING POLICY IN PEACHTREE MEADOWS.

Mr. Turner noted that this was a standard agreement and that the neighborhood requested a reduction in the level of lighting via a circulated petition. The City pays for a standard street lighting system, but the neighborhood is responsible for the upfront cost of the decorative lights, while the City is responsible for the power. He also noted that this was a closed community so there was no objection from staff to the reduction in the level of lighting.

Mr. Patrick Rizzo, 906 Peachtree Meadows Circle, stated that he canvassed the neighborhood, and received 54 responses out of 71 homes, all of which are homeowners. He also stated that most of the homeowners keep porch or garage lights on regularly, so the neighborhood requested a reduction in the number of decorative lights. He questioned what the City requires of the neighborhood by way of maintenance.

Mr. Turner noted that the lights are owned and maintained by Duke Energy and the monthly bill for electricity includes any maintenance fees.

In response to Council Member Besse's question, Mr. Turner stated that the maps on page 27 and 31 of the Agenda book did poll the same question, as one was compiled by the neighborhood and one was compiled by the City.

Council Member Clark made a motion for approval of the item. The motion was duly seconded by Council Member Terry and carried unanimously.

**G-3. CONSIDERATION OF ITEMS RELATING TO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DIVISION MANAGED FUNDS FOR THE MARTIN LUTHER KING, JR. DRIVE MEDIAN PEDESTRIAN SAFETY IMPROVEMENTS AT WINSTON-SALEM STATE UNIVERSITY:**

- a. RESOLUTION OF PROJECT SUPPORT AND AUTHORIZATION OF THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DIVISION MANAGED FUNDS FOR THE MARTIN LUTHER KING, JR. DRIVE MEDIAN PEDESTRIAN SAFETY IMPROVEMENTS AT WINSTON-SALEM STATE UNIVERSITY.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.

Mr. Turner stated that that this item will allow the City to receive stimulus funds, whereby the project would begin after July 1 and staff anticipates that it will be finished prior to the beginning of the fall semester at Winston-Salem State University. He also stated that the State determines at what time the City may begin to spend the stimulus funds on the project.

Chair Johnson noted that North Carolina Department of Transportation (NCDOT) Board Member Nancy Dunn, indicated funding was available for the intersection improvement portion of the project.

Council Member Clark expressed concern that as many citizens have yet to receive a State Income Tax return, that funding may be delayed.

Mr. Turner stated that the State has a fiduciary responsibility to manage stimulus funds and there is no concern that their operations budget problems will restrict their providing of stimulus funds.

Chair Johnson noted that a NCDOT representative indicated that while this funding is a part of the NCDOT budget, it is separate and should not be adversely affected.

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

G-4. CONSIDERATION OF RESOLUTIONS AUTHORIZING THE CITY MANAGER TO ENTER INTO MUNICIPAL AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR STIMULUS FUNDED PROJECTS:

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO MUNICIPAL AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WINSTON-SALEM URBAN AREA APPROVED LIST OF WINSTON-SALEM TRANSPORTATION PROJECTS FOR STIMULUS FUNDING.
- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO MUNICIPAL AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS FOR SHATTALON DRIVE.
- c. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO MUNICIPAL AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WINSTON-SALEM URBAN AREA APPROVED LIST OF WINSTON-SALEM BACK-UP TRANSPORTATION PROJECTS FOR STIMULUS FUNDING.

- d. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR USING FEDERAL STIMULUS FUNDING FOR PUBLIC TRANSPORTATION PROJECTS FOR THE WINSTON-SALEM TRANSIT AUTHORITY.
- e. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.

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

G-5. CONSIDERATION OF ITEMS RELATING TO THE COOPERATIVE EFFORT BETWEEN THE PIEDMONT TRIAD RESEARCH PARK AND THE CITY TO CONSTRUCT REGIONAL STORMWATER MANAGEMENT CONTROLS IN DOWNTOWN WINSTON-SALEM:

- a. RESOLUTION APPROVING A REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE PIEDMONT TRIAD RESEARCH PARK TO INCREASE THE CITY'S CONTRIBUTION FOR ADDITIONAL ENGINEERING DESIGN FOR THE BATH BRANCH REGIONAL STORMWATER CONTROL PROJECT. [*\$298,750.*]
- b. RESOLUTION ALLOWING THE CITY MANAGER TO REIMBURSE THE PIEDMONT TRIAD RESEARCH PARK FOR EXPENSES ASSOCIATED WITH PRE-CONSTRUCTION PROJECTS AS PART OF THE STORMWATER MANAGEMENT CONTROL PROJECT. [*\$570,000.*]
- c. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE PIEDMONT TRIAD RESEARCH PARK TO SHARE IN THE EXPENSE OF CONSTRUCTING REGIONAL STORMWATER MANAGEMENT CONTROLS IN DOWNTOWN WINSTON-SALEM. [*\$15,600,000.*]
- d. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2008-2009.

Mr. Turner noted that this item was a construction project that would manage stormwater in the eastern portion of downtown Winston-Salem, across City-owned property and property owned by Piedmont Triad Research Park and will flow north to south.

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

**G-6. DISCUSSION OF ISSUES WITH STREAM EROSION AT 995 SOMERSET DRIVE.**

Chair Johnson stated that information had been received from a family on Somerset Drive, and requested that staff continue to make contact with family to encourage them to attend the June Public Works Committee meeting, so they may express their concerns.

Mr. Keith Huff, Stormwater Director, stated that the property is located along Little Creek, downstream of current Hanes Mall Boulevard construction. He also stated that staff visited the property in 2007 and at the time, an assessment of the damage qualified the property owners for a 60/40 cost share repair project. Due to financial constraints of the property owner, they declined to pursue the cost share project at that time. Staff has found no alternatives to date and the situation has worsened. The property owners expressed concern that culverts along Somerset Drive may have been misaligned, but staff found no problem with the culverts. In response to Council Member Clark's question, Mr. Huff indicated there are no adjoining property owners willing to share in repair costs.

In response to Council Member Terry's question, Mr. Turner stated that the Federal Emergency Management Assistance program provides repair funding for properties damaged within flood plains, but staff is not aware of a provision that would address this type of property damage.

In response to Council Member Besse's statement that flooding upstream of Somerset Drive has increased dramatically over the last ten years, Mr. Turner stated that if staff can determine that the culverts were misaligned during placement and have caused property damage, the city would make all the necessary repairs at no cost to the property owners.

Council Member Besse questioned if it would be cheaper to rip-rap the bank than to realign the culvert and would the City assume the cost.

Mr. Turner stated that staff would review Council Member Besse's suggestion.

In response to Council Member Leight's question, Mr. Huff stated that the bank is approximately 35 to 40 feet behind the property owner's home and is retreating with each storm.

Council Member Clark questioned if there was a more appropriate place to point the culvert, or would that erode another property.

In response to Chair Johnson's question, Mr. Huff noted that the property owners contacted Attorney General Roy Cooper regarding the issue when the City would not fund 100% of the repair costs.

**CONSENT AGENDA****C-3. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.**

- C-4. RESOLUTION ACCEPTING THE FINAL REPORT OF THE UTILITY COMMISSION REVIEW COMMITTEE AND RECOGNIZING THE MEMBERS OF THE COMMITTEE AND THEIR SERVICE TO THE CITY.
- C-5. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-6. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *April 14, 2009.*
- C-1. CONSIDERATION OF A CANDIDATE FOR RECOGNITION ON THE CITIZEN'S MEMORIAL WALL LOCATED IN EVERGREEN CEMETERY - Howard L. Ward.

Chair Johnson noted that Ms. Drane McCall worked with Keep Winston-Salem Beautiful and was recommended for a plaque on the Citizen's Memorial Wall.

Mr. Turner noted that staff has not received the needed information to recommend Ms. McCall at this time, and it will be presented for approval at next month's Committee meeting.

Council Member Besse made a motion to approve this item, as well as the request forthcoming for Ms. McCall on the condition that the information is received in a timely manner. Council Member Clark seconded the motion with the condition that Ms. McCall's plaque will be approved dependent upon receipt of needed information. The motion carried unanimously.

- C-2. CONSIDERATION OF ITEMS RELATING TO DECORATIVE STREETLIGHTING:
  - a. RESOLUTION APPROVING AN AGREEMENT WITH GOLER LOFTS, LLC TO MAINTAIN DECORATIVE STREETLIGHTS AT GOLER LOFTS.
  - b. RESOLUTION APPROVING AN AGREEMENT WITH THE SUMMIT POINTE HOMEOWNERS ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS IN SUMMIT POINTE.

Council Member Clark questioned if the properties cannot make the payment for decorative streetlighting, is the city responsible for the bill.

Mr. Turner stated that the City is responsible for the cost of a basic streetlighting system, and if the homeowner's association fails to make the payment for the extra cost of a decorative streetlighting system, the City retains the right to direct Duke Energy to remove the decorative system and install a standard system, which the City will fund.

In response to Council Member Terry's question, Mr. Turner noted the cost for the decorative streetlighting systems are \$1,100 and \$3,900 annually for the two neighborhoods, respectively.

Council Member Clark made a motion to approve Item C-2 and the balance of the Consent Agenda. The motion was duly seconded by Council Member Besse and carried unanimously.

ADDITIONAL ITEM

Mr. David Johnston, Gallery Development, 181 E. 6<sup>th</sup> Street, noted that the area surrounding Gallery Lofts is located between Sixth Street and Martin Luther King, Jr. Drive and Chestnut Street and Patterson Avenue. He also noted that Goler Manor is currently inhabited, the Gallery Lofts are slated to open in June, and a third building under construction is slated to open in July. The Goler Community Development Corporation has several other properties planned for residential development in the area and would like to create a streetscape connecting the development to Trade Street, approximately five blocks away. The streetscape would run along Sixth Street to Patterson Avenue, and could include decorative lighting and sidewalks with planters and trees, to help draw citizens from the business area to the residential area. He further noted that developers have installed decorative streetlights, sidewalks, insteps, and have created a park at the corner of Chestnut and Sixth Streets. Mr. Johnston stated that he is working with Stimmel and Associates on a design similar to what was designed for Fourth and Trade Streets and other portions of downtown. In response to Council Member Besse's question, he stated that he is proposing an upgrade to the sidewalks already located along Sixth Street to connect the Gallery Lofts to Trade Street. He also stated that sections of surrounding parking lots and sidewalks are broken and need improvement, which could be completed in stages.

Chair Johnson noted that these improvements could potentially be made with a public/private partnership and this item will remain in Committee for further discussion at both Finance and Public Works Committees.

#### ADDITIONAL ITEM

Chair Johnson noted that Mr. John Beeson expressed concern with the process of stormwater management applications and delays experienced during the Community Development/Housing/General Government Committee meeting. Mr. Beeson stated that of several projects presented, two took at least five months before the application process was completed. He also indicated that some developers were so frustrated with the delays, that they withdrew their projects. Chair Johnson questioned if these delays were common or if other issues were involved.

Mr. Turner stated that staff would review the minutes of the discussion and locations of projects that were identified, to bring back a report back to the CDHGG and Public Works Committees for review.

Mr. Huff stated that the stormwater ordinance allows for a 30 day time period once a complete application is submitted and that Mr. Beeson's projects were approved within that time period. He also stated that staff has experienced difficulty in obtaining long term proof of maintenance, such as bonds or letters of credit to insure perpetual maintenance of the stormwater controls.

Mr. Turner noted that the City Attorney's staff is reviewing options in lieu of bonds or letters of credit.

Council Member Leight questioned if there was a need to change the ordinance requirements for proof of maintenance due to the current economic climate.

9ADJOURNMENT: 7:00 p.m.