

## SUMMARY OF MINUTES

### PUBLIC WORKS COMMITTEE

5:48 P.M., TUESDAY, JULY 14, 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 (out at 6:10 p.m.)*

*OTHERS PRESENT:*            *Council Member Molly Leight*

Chair Johnson called the meeting to order at 5:48 p.m.

G-1.    FOLLOW UP ON ISSUES WITH STREAM EROSION AT 995 SOMERSET DRIVE.  
         *[Item continued from the June meeting of the Public Works Committee.]*

Chair Johnson indicated that Item G-1 would be held until August because the residents on Somerset Drive are not present for tonight's meeting.

At this time, she stated that the Committee would consider the Consent Agenda and asked if any items should be pulled for consideration. No items were pulled.

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

#### CONSENT AGENDA

- C-1.    RESOLUTION OPPOSING A PUBLIC LIGHTING RATE INCREASE AND A PROPOSED NEW GOVERNMENT LIGHTING RATE BY DUKE ENERGY.
- C-2.    RESOLUTION APPROVING A CONTRACT WITH SUSAN HATCHELL LANDSCAPE ARCHITECTURE, PLLC TO CONDUCT FEASIBILITY STUDIES FOR THE YADKIN RIVER GREENWAY AND LEWISVILLE GREENWAY AND PEDESTRIAN CONNECTIONS PLAN - \$144,965.
- C-3.    CONSIDERATION OF ITEMS RELATING TO FEDERAL TRANSIT ADMINISTRATION FUNDS FOR JOB ACCESS REVERSE COMMUTE AND THE NEW FREEDOM PROGRAM:

- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION ACCEPTING JOB ACCESS REVERSE COMMUTE AND NEW FREEDOM FUNDS FOR THE WINSTON-SALEM URBAN AREA. *[\$200,571.18 from Federal Transit Administration.]*
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-4. CONSIDERATION OF ITEMS RELATING TO CONGESTION MITIGATION AND AIR QUALITY FUNDING FOR PUBLIC TRANSPORTATION PROJECTS:
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR USING CONGESTION MITIGATION AND AIR QUALITY FUNDING FOR THE PUBLIC TRANSPORTATION PROJECTS FOR THE WINSTON-SALEM TRANSIT AUTHORITY. *[\$7,295,500 from the North Carolina Department of Transportation.]*
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-5. CONSIDERATION OF ITEMS RELATING TO CONGESTION MITIGATION AND AIR QUALITY PROJECTS:
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONGESTION MITIGATION AND AIR QUALITY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. *[\$2,437,500 from the North Carolina Department of Transportation.]*
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-6. CONSIDERATION OF ITEMS RELATING TO THE OLD LEXINGTON ROAD WIDENING PROJECT:
- a. RESOLUTION AUTHORIZING A CHANGE ORDER TO LARCO CONSTRUCTION COMPANY FOR WORK ASSOCIATED WITH THE OLD LEXINGTON ROAD WIDENING PROJECT FOR \$300,000.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.

- C-7. CONSIDERATION OF ITEMS RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY:
- a. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - *905 Ashley Glen Drive.*
  - b. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - *700 Roslyn Road.*
  - c. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY ACCORDING TO SECTION 75-35 OF THE CITY CODE - *838 W. Sixth Street, 835 Pilot View Street, and 837 Pilot View Street.*
- C-8. INFORMATION ON INSPECTIONS OF SUBDIVISIONS.
- C-9. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.
- C-10. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-11. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *June 9, 2009.*

Chair Johnson indicated that the Committee would now proceed with consideration of the General Agenda.

G-2. REPORT ON SINGLE STREAM PILOT RECYCLING PROGRAM.

Mr. Johnnie Taylor, Director, Sanitation Department, explained that the pilot program began in December 2008, in two neighborhoods with 64-gallon carts being issued to the residents, along with education tools on how to properly dispose of their recyclables, and collections began, using automated side loader vehicles to retrieve the carts from the curbs. He noted that upon calculating the time involved to retrieve the carts, it was determined that time had been cut in half from the time involved for the dual stream process currently used by the City, in which the recyclables are sorted by hand at the curb. When the pilot program started, everyone in both neighborhoods participated; however, the current set-out rate is 50% each week. The poundage per household for the program has averaged about 13 pounds, whereas the citywide average for the dual stream recycling program is 5.8 pounds. There have been no problems with spacing in utilizing the carts. In response to Council Member Clark, Mr. Taylor indicated that the pilot program began with 64-gallon carts, but several industry representatives now recommend using 96-gallon carts for recycling.

Mr. Gregory M. Turner, Assistant City Manager, noted that the 64-gallon carts cost approximately \$50 each and the 96-gallon carts cost about the same.

In response to Council Member Clark's inquiry, Mr. Taylor indicated there are approximately 73,500 single family households located within the city. He indicated that further study is needed to determine the total net savings for the single stream recycling program, but the collection costs should definitely decrease.

Mr. Turner indicated that staff would conduct a lifecycle cost study to determine whether or not the payback on the single stream program, including the cost of the carts, would be less than the current recycling program.

Council Member Clark inquired about the difference between the current participation rate versus the rate of participation in the pilot program.

Mr. Taylor stated that the current set-out rate with the bins is approximately 50%.

Mr. Turner noted that with a 96-gallon cart, the program could be changed to a bi-weekly pickup rate and there would still be no issues with overflowing carts.

Council Member Clark pointed out that this factor should be worked into the economic analysis and noted that he would be interested in the differences.

Council Member Besse pointed out that the participation rate in the pilot program is 100% and the set-out rate per week has been about 50%. The participation rate seems to be fairly successful and if the 96-gallon carts are used, there would be a potential for even higher success rates if households have longer periods of time in which to fill up the carts.

Mr. Turner also noted that recyclables, unlike garbage, can sit for longer periods of time without having to be collected.

In response to Council Member Leight, Mr. Taylor indicated that the sorting task is more efficient during collection of recyclables with the automated side loaders.

Council Member Leight inquired if these carts would be handled similar to yard waste carts, where fees would be charged for the carts themselves.

Mr. Tuner indicated that there is no cart fee currently planned for the recycling program.

Council Member Besse pointed out that this is a very encouraging experiment.

In response to Council Member Terry's question, Mr. Turner indicated that the timeframe for rolling this program out on a citywide basis would depend upon the amount of money the City could commit to the purchase of roll-out carts and the transition process from the current contract to a citywide mechanism. He noted a new contract would need to be developed to explicitly detail this type of scenario and develop a better price.

Mr. Garrity indicated that there are three years on the current contract and he noted that Charlotte had just switched to this method.

Mr. Taylor responded to Mr. Garrity's question, indicating that Durham just switched this week and Greensboro previously switched.

Chair Johnson inquired if a Budget item could be brought back for this item a year and a half from now.

Mr. Turner explained that staff would begin a feasibility study and lifecycle cost analysis and bring an item back as soon as that information is complete, but it should not take a year and a half.

Mr. Garrity noted that part of the analysis would include a recommendation whether or not collections should be made with City crews or a contractor.

G-3. DISCUSSION OF PROPOSED REVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCES AMENDING REGULATIONS LIMITING DEVELOPMENT IN THE FLOODWAY FRINGE. *[Item continued from the June meeting of the Public Works Committee.]*

Mr. Paul Norby, Director, City/County Planning Department, explained that this item was continued from last month and originated from discussions during consideration of the Stormwater Ordinance.

Mr. Jeff Kopf, Floodplain Administrator, City/County Planning Department, gave a brief presentation of various floodplain definitions and maps. He noted that the City currently allows 50% of the floodway fringe to be encroached upon, which is better than the federal standard, allowing up to 100% of the fringe to be built upon. Allowing 15% of the fringe to be filled will permit some flexibility in development of a few of the areas currently considered undevelopable and should not create a problem with flooding.

Council Member Clark pointed out that the Southeast Gateway area is in a particularly low lying area, where approximately 42% of the site west of Broad Street and 40% of the site south of Salem Creek is located in the floodway fringe. He noted that if a large amount of land is unusable due to the fact that a small amount of that land is located within a fringe area, that would create a problem for a property owner; however, there is a need to balance that issue with flooding problems, which have been paramount in this community recently.

*(Council Member Clark out at 6:10 p.m.)*

Council Member Besse inquired about regulations in comparable sized cities.

Mr. Kirk Ericson, Project Planner, City/County Planning Department, explained that other ordinances were researched and the current 50% fill provision is the most restrictive of any other city of comparable size to Winston-Salem in the state. He noted that Raleigh has the same provision; however, Durham and Charlotte each have a 100% fill allowance with a two-foot free board, which he noted was also adopted by the City of Winston-Salem last year.

Mr. Turner explained that a "two-foot free board" means that all houses must be built so that living space is two feet above the base flood elevation.

Mr. Kopf pointed out that the two-foot free board requirement only applies to new structures being built. If floodwaters are allowed to rise even more, with all of the new development, there are more existing structures that could be potentially damaged.

Council Member Leight noted that staff should also take into consideration Winston-Salem's hilly topography as compared to other cities.

In response to Council Member Besse's question, Mr. Norby indicated that staff could develop a text amendment based on the Committee's suggestion for a fill requirement and meet with stakeholder groups or develop a draft ordinance.

Chair Johnson requested that the Stormwater Task Force be involved in the review process.

Council Member Besse expressed concern about taking staff time away from the Tree Ordinance and inquired about a timeline for drafting an ordinance for this item.

Mr. Norby indicated that staff should be able to maintain focus on the Tree Ordinance and still bring a draft for this ordinance back possibly in November.

Council Member Leight pointed out how each of these recently discussed ordinances play an integral part in the roles of one another and she inquired if there had been any discussion on the possibility of an ordinance to address grading issues.

Mr. Norby indicated that there had been no discussion of a grading ordinance but the Tree Ordinance would certainly set some parameters along those lines.

By consensus, the Committee agreed to ask staff to develop a draft ordinance with a fill requirement of 85% and bring the item back by November, however, all documents regarding the Tree Ordinance will take priority at all times.

Mr. Turner noted that also the draft would go to the Stormwater Review Committee after review by the Public Works Committee.

#### ADDITIONAL ITEM – BACKBILLING OF STORMWATER FEES FOR CHRIST WESLEYAN CHURCH

Council Member Terry stated that she was contacted by representatives of Christ Wesleyan Church regarding an unusually large stormwater fee billing the Church received and she invited a representative to come before the Public Works Committee to plead the case for having the bill reduced or forgiven.

Mr. Joel Steindale, 212 Springouse Court, spoke on behalf of Christ Wesleyan Church located on Union Cross Road, explaining that the Church received a stormwater backbilling in the amount of \$3,750. He noted that the Church is currently stretched in paying \$2,000 per year for the current stormwater fees and is asking for forgiveness of the backbilling amount if possible.

Chair Johnson explained that there could be options for payment arrangements.

Mr. Turner noted that other individuals and organizations have been backbilled in the past and payments arrangements have been set up for them.

In response to Council Member Besse, Mrs. Angela Carmon, City Attorney, explained that she was not aware of a Statute granting the City authority to forgive a stormwater fee; however, it is within the City's authority to work out a payment plan for the fee.

Council Member Terry requested that staff investigate the City's policy on forgiving these fees and the amount of time allowed to make payments on a payment plan.

Chair Johnson requested a status report be brought to the Public Works Committee in August and include information on what would be considered a reasonable amount of time for someone to pay off this type of backbilling. In response to Mr. Steindale, she encouraged him to speak with Mr. Turner to work out the payment details for the Church.

ADJOURNMENT: 6:40 p.m.