

## SUMMARY OF MINUTES

### PUBLIC WORKS COMMITTEE

5:30 P.M., TUESDAY, DECEMBER 15, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:*            *Council Member Robert C. Clark, Chair*  
   *Council Member Derwin L. Montgomery, Vice Chair*  
   *Council Member Denise D. Adams*  
   *Council Member Dan Besse (out at 6:12 p.m.)*

Chair Clark called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. He requested to pull Item C-3. No other items were removed for discussion.

Council Member Montgomery made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Adams and carried unanimously.

#### CONSENT AGENDA

- C-1.    CONSIDERATION OF ITEMS RELATING TO STORMWATER IMPROVEMENTS ON SHATTALON DRIVE:
- a.      RESOLUTION APPROVING THE REPLACEMENT OF A CULVERT ON SHATTALON DRIVE AS PART OF THE SHATTALON DRIVE WIDENING PROJECT. [*\$165,000 from Stormwater Funds.*]
  - b.      ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-2.    CONSIDERATION OF ITEMS RELATING TO THE DOWNTOWN CENTER FOR THE ARTS:
- a.      RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS TO IMPROVE DRAINAGE AND PROVIDE BETTER ACCESSIBILITY FOR PEDESTRIANS AND BUSES ON SPRUCE STREET. [*\$171,885 from the N.C. Department of Transportation.*]

- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A SIDEWALK ALONG SPRUCE STREET. [*\$30,000 from the N.C. Department of Transportation.*]
  - c. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL ASSUMPTION AGREEMENT WITH THE ARTS COUNCIL, INC. TO PASS THROUGH FUNDING FOR IMPROVEMENTS ON SPRUCE STREET.
  - d. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-4. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-5. TYPES OF AGENDA ITEMS REVIEWED BY THE PUBLIC WORKS COMMITTEE.
- C-3. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

In response to Chair Clark's question, Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated many projects are being funded with formula funds, and in some cases both formula funds and competitive grants are reimbursable. If a grant is provided to the City as reimbursable, the money will not be received until the project has expended those funds. The funds may be received throughout the project or the reimbursement may be received once the project is completed. For projects where grant money is provided up front, reimbursement should be coming in soon, such as the Energy Efficiency Conservation Block and Community Development Block Grants. For the first category of funding where the City is being reimbursed as funds are spent, such as for road projects recently approved by Council, those funds should be arriving shortly as well.

#### GENERAL AGENDA

- G-1. PUBLIC HEARING ON THE PROPOSED RENAMING OF "PARRISH STREET" TO "HEWES LANE".

Mr. Paul Norby, City/County Planning Director, stated that occasionally, streets are renamed to avoid confusion for emergency responders and to prevent confusion to other commercial service providers. Residents along Parrish Street have been referring to it as Hewes Street which can create confusion, so staff notified property owners with street frontage of the situation and allowed a comment period for any suggestions.

Chair Clark noted that this was now a public hearing on the proposed renaming of "Parrish Street" to "Hewes Lane" and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

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

Council Member Adams and carried unanimously.

G-2. RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM AND THE HOUSING AUTHORITY OF WINSTON-SALEM FOR THE RESURFACING OF A PARKING LOT LOCATED AT THE INTERSECTION OF HOLLY AVENUE AND NORTH POPLAR STREET.

Mr. Turner stated that the Housing Authority of Winston-Salem (HAWS) approached the City regarding the repaving of a parking lot, the City provided an estimate for the project, which HAWS will fund and staff recommends approval for the City Manager to enter into an agreement for the project.

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

G-4. UPDATE ON THE STORMWATER CONCERNS OF MS. DOREEN POLLOCK.

Mr. Turner provided a brief history of Mrs. Pollock's concerns regarding stormwater runoff and stated that her particular issues do not qualify for a 70/30 project for stormwater repairs as outlined by the Council.

Mrs. Doreen Pollock, 1401 N. Main Street, stated that she refuses to pay any of the cost of repair to her property because the drainage issue was not brought to her attention when she acquired the property. She also stated that had she been informed of the issues, she never would have had a house built on that property. She further noted that the gates installed by Norfolk Southern Rail Road Corporation were an improvement to the property as were repairs to her driveway, but the portion of her yard that was repaired is beginning to sink again. Mrs. Pollock noted that there are safety concerns because of vagrants traveling along the railroad tracks, hiding behind and around overgrown kudzu on neighboring properties and she provided pictures of the destruction to her property. She expressed concern that no one seems to be willing to help find a solution to the problem.

Chair Clark requested that staff visit the property to investigate kudzu vegetation issues as noted by Mrs. Pollock, along the adjoining properties. He also requested that staff verify if the Railroad is keeping trash cleaned up around the gate they installed, and verify if any new erosion has taken place. He further requested that Mrs. Pollock contact Mr. Turner when she notices a private leaf removal service dumping leaves on her property, further adding to her concerns.

Mr. Turner noted that staff will visit Mrs. Pollock's property in early January. In response to Mrs. Pollock's concern of vermin, he noted that mosquitoes and rats have been baited in surrounding areas, where she may not be able to see the traps, rather than on her property specifically, and that staff will bring a report back to the Committee.

In response to Council Member Montgomery's suggestion, Mrs. Pollock stated that she would not sell any portion of her land to the City because she feels that even though it would be the City's

property to maintain, she feels she would still have to take care of it.

In response to Council Member Adam's question, Mr. Turner stated that if the City were to purchase a portion of Mrs. Pollock's property, it would be responsible for the future maintenance and care of that property and any future erosion effects that may occur.

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. Norby stated that this item was listed in the Strategic Plan for floodway fringe regulations, in relation to various flooding concerns across the city. The City Council originally asked staff to review a total ban of filling activity on floodway fringe and floodplain areas but due to the varying sizes of floodway fringe, staff recommended a 15% allowance at the outer edge of the floodway fringe to be available for development filling. The Planning Board felt that stormwater regulations may resolve some of the issues, but staff has drafted a preliminary ordinance for an 85% ban on filling within the floodway fringe. Since 1995, the *Unified Development Ordinances* have had a 50% ban on filling within the floodway fringe.

*Council Member Besse out at 6:12 p.m.*

Mr. Glenn Simmons, Principle Planner, provided various diagrams and descriptions regarding floodplains, floodways and floodway fringe.

Mr. Norby noted that this item does not require any action from the Committee and still has to go through the Planning Board's public hearing process before it comes to City Council.

Ms. Nancy Gould, 195 Executive Park Boulevard, Government Affairs Director for the local board of Realtors and Homebuilders Association, noted that she sent a letter from Partners in Housing to all Committee Members. One major point of the letter is that residents do not understand the need for this proposed ordinance, as Winston-Salem has some of the strictest regulations for stormwater quantity and quality, which help to control flooding, and citizens need convincing that an extra level of control is needed. She also noted that if there are problems in particular areas, perhaps just those areas should be considered. She further noted that various issues may add to flooding problems, such as under-road culverts and not just citizen interference, and those areas should be reviewed. Ms. Gould stated that citizens may feel that regulations are too stringent and may look to build elsewhere. She also stated that several questions are outlined in her letter, and hopes that they will be considered to help make the best decision.

Mr. Paul Williams, 605 Woodbrier Court, stated that the Federal Emergency Management Association (FEMA) flood regulations have a huge effect on developers and that more ordinances will affect the amount of usable land, making it increasingly difficult to build affordable housing.

Mr. Greg Garrett, Shugart Enterprises, 221 Jonestown Road, stated that he was deeply disturbed by the emails he received regarding the proposed regulations. As a land developer, it is becoming increasingly difficult to obtain bank financing for construction projects, so developers are reviewing

their scope of work and cutting costs where they can. Due to the current economy, more and more costs are being added to land development, such as reduced operations by suppliers, difficulty of obtaining materials and increased costs. He also stated that he does not see any evidence that this ordinance is needed. He provided pictures of development projects as they have been proposed and the land that would be lost with the proposed regulations. He further stated that FEMA currently governs flooding and questioned why the City wants to further govern it.

Council Member Adams requested further information from any scientific studies, results, proven occurrences or outcomes, to validate the need for this ordinance and indicated that she would be in favor of an engineering study. She also questioned the age of properties reviewed, if impartial consultants were involved in the review and if the areas noted were still having the same flooding issues.

Mr. Turner noted that recent heavy rains have not caused the amount of flooding experienced with storms in 2005 and 2006. He also noted that many of the properties which experienced flooding were built in the 1950s and 1960s, prior to floodplain regulations. In response to Council Member Montgomery's question, Mr. Turner stated that the initial catalyst for the proposed regulations began with a Strategic Plan initiative from the Council, and as a response to comments heard during deliberations of the stormwater ordinance.

Chair Clark suggested that the item remain in Committee, requested that it be included on the agenda for the City Council's January Strategic Retreat, and placed on the February Public Works Committee Agenda.

In response to Chair Clark's question, Mr. Turner confirmed that there are 200 or more homes currently in the floodplain.

Chair Clark noted that many homes were built prior to mapping and flood regulations, but the Committee does hear homebuilder's concerns. He also noted that he would like to see the major impacts from the stormwater ordinance prior to the establishment of a new one.

ADJOURNMENT: 6:44 p.m.