

## SUMMARY OF MINUTES

### PUBLIC WORKS COMMITTEE

6:45 P.M., TUESDAY, MAY 11, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:*            *Council Member Robert C. Clark, Chair*  
   *Council Member Denise D. Adams*  
   *Council Member Dan Besse*

*MEMBER ABSENT:*            *Council Member Derwin L. Montgomery, Vice Chair*

*OTHERS PRESENT:*           *Council Member Molly Leight*  
   *Council Member James Taylor, Jr.*

Chair Clark called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda and asked if any items needed to be removed for discussion. Chair Clark requested to pull Item C-8. Council Member Adams requested to pull Items C-4 and C-6. No other items were removed for discussion.

Council Member Besse 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. RESOLUTION AWARDDING A CONTRACT FOR RESURFACING BROAD STREET - *Yadkin Valley Paving, Inc. - \$157,929.51 (Estimated Amount).*
- C-2. UPDATE ON CONTRACT ENHANCEMENTS.
- C-3. UPDATE FOR CITY COUNCIL ON THE BOWEN BOULEVARD ROAD CLOSURE IN THE NORTHEAST WARD.
- C-5. REPORT ON USE OF ASPHALT ON CONCRETE SIDEWALKS.
- C-7. RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH THE PEACHTREE MEADOWS HOMEOWNERS ASSOCIATION TO INSTALL AND MAINTAIN ADDITIONAL DECORATIVE STREETLIGHTS IN PEACHTREE MEADOWS.

- C-9. RESOLUTION AUTHORIZING THE PURCHASE OF FLOOD RAVAGED PROPERTY LOCATED AT 164 QUEENSBURY ROAD AS PART OF A REPETITIVE FLOOD CLAIMS GRANT PROJECT. [*\$160,000 in Federal FEMA Funds.*]
- C-10. CONSIDERATION OF AN ORDINANCE AMENDING SECTIONS 75-35, 75-46, 75-105, 75-107, 75-111, 75-402, AND 75-408 OF THE CITY CODE RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY AND TO POST-CONSTRUCTION STORMWATER REGULATION.
- C-11. CITIZENS' BASEBALL STADIUM REVIEW COMMITTEE MONTHLY REPORT TO THE CITY COUNCIL.
- C-12. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.
- C-13. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-14. APPROVAL OF COMMITTEE OF THE WHOLE SUMMARY OF MINUTES - *April 12, 2010.*
- C-4. SPRING 2010 RESURFACING.

In response to Council Member Adams' question, Mr. Gregory M. Turner, Assistant City Manager/ Public Works, stated that each year, all streets are rated from worst to best condition then staff begins work on those with the worst rating and completes as many repairs as funding will allow. He also stated there is no guarantee that a street's rank will be the same from year to year. Factors affecting a street's rating are traffic, the condition of any part of the street that may have already been resurfaced and weather conditions from the previous year. He further stated that if multiple streets in one neighborhood are on the list at different rankings, repairs may be completed on all streets at one time so as not to further disrupt the neighborhood.

Council Member Besse noted that these rankings and repairs are considered separate from any pothole work or patchwork that may have been completed.

- C-6. UPDATE ON CITY SIDEWALK PROJECTS.

In response to Chair Clark's question, Mr. Turner stated that there are six different funding sources for sidewalks and staff will provide a list of sidewalk projects for the next several years. The actual funding amount will be identified in the capital improvement packet and projects outlined on Table 2 in the agenda packet are the ones staff wishes to complete first.

Mr. Lee Garrity, City Manager stated that sidewalks are priority items for future bond referendums.

Mr. Turner noted that if there are any areas Council Members believe are in need of sidewalks, that information should be shared with the Department of Transportation for list compilation. He also noted that curb and gutters are not required for sidewalk installation, but it does make them more

viable. In response to Council Member Besse's question, he stated that traffic volume, street width, presence of pedestrian activity and accident history are factors taken into account when ranking areas in need of sidewalks.

Council Member Besse clarified that staff reviews vehicular traffic and street conditions that may indicate a threat to pedestrians walking on the side of a street and whether pedestrians use the street as a walking path for connectivity to services like parks or schools. In making recommendations to City Council, staff should consider street scores or ranking and the geographic location of the area.

**C-8. REPORT ON THE METHODS OF FINANCIAL SECURITIES USED BY OTHER COMMUNITIES TO ENSURE LONG TERM MAINTENANCE FOR STORMWATER FACILITIES.**

Mr. Keith Huff, Stormwater Director, stated that this item was originally discussed at the March 9 Public Works Committee meeting where community members expressed concern at the difficulty of obtaining bonds of insurance for the long-term maintenance of stormwater facilities. Proposed alternatives to the bonds are a cash payment in lieu of the bond or letter of credit to be placed in a City-maintained fund or the establishment of a stormwater maintenance crew to provide services for stormwater controls. Option two would be a costly startup and would allow minimal input from developers. In response to Chair Clark's question, Mr. Huff noted that the City of Durham has a similar process of requiring an insurance bond or letter of credit or a payment in lieu of either.

In response to Council Member Leight's question, Mr. Huff stated that alternative two may not be the most viable option because there will be staff, equipment, fuel and cleaning costs, as well as dumping fees and it would have to be subsidized by the stormwater utility.

Chair Clark noted that given the current economic environment, banks are not willing to lend in perpetuity and developers will likely continue having difficulty obtaining a bond or letter of credit. He suggested that staff proceed with alternative one.

Mr. Turner noted that staff will bring back a revised ordinance with alternative one for the Committee's formal consideration at a later date.

**GENERAL AGENDA**

**G-1. CONSIDERATION OF ORDINANCES ON THE PROPOSED RENAMING OF CERTAIN CITY STREETS:**

- a. PUBLIC HEARING ON THE PROPOSED RENAMING OF A SEGMENT OF "FERNDALE AVENUE" TO "NANCY LANE".
- b. PUBLIC HEARING ON THE PROPOSED RENAMING OF A SEGMENT OF "CRANFORD STREET" TO "HEITMAN COURT".

Mr. Norby, City/County Planning Director, stated that both street renamings are in the same neighborhood and are disconnected streets with a ravine running across them. He also stated that it

is not likely that the east and west portions of the streets will ever be connected, which leaves duplicate street names for each portion and concerns for public safety response. In response to Chair Clark's question, he noted that if the portions were to be connected, it would be a substantial project and the property owner would have to build up the land to connect them.

Chair Clark stated that this was now a public hearing on Item G-1(a) and asked if anyone wished to be heard.

In response to Chair Clark's question, Mr. Ben Stamey, Project Planner, stated that the road is a public right-of-way with very little gravel, no pavement and is essentially a wooden footbridge over a stream that is impassible by a vehicle.

Mr. Robert West, 960 B Ferndale Avenue, presented a petition signed unanimously by the four households on Ferndale Avenue. He also provided a police report for Ferndale Avenue and Nancy Lane, noting that none of the public safety needs for the last several years occurred in the section proposed for renaming, and there has never been a time when police or fire rescue could not reach the area. He then read a letter from a citizen residing on Ferndale Avenue who was unable to attend but wanted to express her opposition to the proposed name change. Mr. West presented an original letter from the City dated from the 1950's when Rosedale Avenue was changed to Ferndale.

Seeing no one else who wished to be heard, Chair Clark declared the public hearing closed. He stated that this was now a public hearing on Item G-2(b) and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

In response to Council Member Taylor's question, Mr. Norby stated that of 11 letters sent to property owners on Cranford Street, one response was received regarding the proposed change to Heitman Court.

Council Member Taylor expressed concern that adjoining property owners may need more response time and noted it may be helpful to have additional public hearings for these items.

In response to Council Member Leight's concern that there were not 11 properties on Cranford Street, Mr. Stamey displayed a map showing all of the properties notified.

In response to Council Member Besse's question, Mr. West stated that his community was annexed in 1956.

In response to Council Member Taylor's concern that there needed to be further outreach to citizens for proposed street name changes, Mr. Norby stated that citizens affected by either street name change have received two letters. The first letter notified them of the need for the change requesting their feedback and the second notified them of this meeting and the public hearing that would take place.

Chair Clark stated that by consensus, the public hearings for Items G-1(a & b) would be continued to the June 15 Public Works Committee meeting.

G-2. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 74, SECTION 179 OF THE CITY CODE RELATING TO CITY PARTICIPATION IN COST OF LOCAL IMPROVEMENTS.

Mr. Turner stated that this item is staff's response to City Council's concern for private streets to be taken over by the City as public streets. The policy has been expanded to provide more flexibility on assessments and additional allowances for developments to have their roads accepted. For a street to be accepted by the City, it must have an adequate amount of right-of-way, installed utilities and pavement conditions up to City standards. One proposed change is a provision for properties without installed utilities to receive bituminous surface treatment asphalt at no cost to the neighborhood. A second proposed change, if full pavement is desired and the neighborhood has installed utilities and adequate right-of-way, the cost for pavement improvements would be covered under a sliding scale. Staff would take the average value of the properties in that neighborhood divided by the average value of residential properties in the city and if the ratio is less than .4, the City would cover all costs for pavement improvements. If the ratio is 2.2 or greater, then the neighborhood would cover the costs for pavement improvements. These changes will increase the ability for neighborhoods to have their roads accepted by the City at less cost to them.

In response to Council Member Leight's example of a neighborhood with narrow streets and clustered homes, Mr. Turner stated that those streets would not qualify for acceptance as a City street if the necessary right-of-way cannot be demonstrated. He also stated that one of staff's core requirements is that any accepted street must be able to be included on the Powell Bill Report because that qualifies them for funding. He further stated that some neighborhoods have been built such that they cannot obtain a 40 foot right-of-way because it violates setback requirements. Mr. Turner also responded that some neighborhoods were designed and built such that they would remain private streets and will never be eligible for acceptance as a City street. He further stated that staff's goal with this item is to make a way for those developments that may have been in the process of having private streets converted to public streets and for whatever reason, the change was never completed. Mr. Turner confirmed that when some developments were built in the County, the State should have taken over the maintenance of those roads but many neighborhoods were not able to meet the State's housing density requirement. He also stated that there are probably 12 developments being considered under these recommendations but there are probably several dozen cluster developments that may never qualify for public streets.

In response to Council Member Adams' question, Mr. Turner stated that most of the streets being considered have been annexed because they were built in the County and were private streets anticipated to be State roads and they were caught up in the issue of not meeting the housing density requirement.

In response to Chair Clark's question, Mr. Turner stated that the City will not have a density requirement under these provisions but the average price of the property would be considered.

Chair Clark requested that Council Members be provided with maps outlining all the private streets in their ward. He also expressed concern that the City does not subsidize developers and that there should be a minimum age requirement for a street wishing to change from private to public. He further expressed concern with vacant lots being considered in the average property value of a

neighborhood because it could drastically reduce the value of a development. Chair Clark questioned why a dwelling value was not assigned to mobile homes and expressed concern that the City will pay the entire cost of paving streets in a mobile home park because the homes essentially have no value.

Mr. Turner stated that the mobile home Chair Clark referred to had no real estate value assigned as far as the tax office was concerned.

Chair Clark requested to know the cost proportions associated with Silver Chalice and the development off of Glen Hi Road that were similar projects.

In response to Council Member Besse's question, Mr. Turner clarified that city-wide average property value refers to average residential single family property value.

Council Member Besse suggested that definition be further refined to take into account multi-family or unimproved property.

In response to Chair Clark's question, Mr. Turner confirmed that staff is excluding private commercial property from the averages.

Council Member Taylor expressed support of the item as it will provide some relief to annexed areas of the City.

In response to Council Member Leight's question, Mr. Turner stated that some developments were built to remain private streets. He also stated that the policy is in response to how the City can obtain ownership of private streets to become public streets and maintain them in the future. If City Council were to request individual streets for acceptance, equity issues would arise as to why one street was chosen or approved over another, so this policy allows for a consistent procedure without the appearance of bias.

Council Member Leight noted that some citizens expressed concern that the City uses private streets for garbage collection and other functions that adds to the deterioration of the surface and questioned that if there are only a few of these streets, could some sort of assistance be provided to them.

Council Member Besse noted a couple of developments in his ward with very narrow streets that will prevent the private street from being accepted as a public street. He also noted that he would be reluctant to bring in that type of street knowing that the City will indefinitely have to cover all maintenance costs.

In response to Chair Clark's question, this policy will not cover multi-family developments because the City Council's philosophy adopted several years ago was to consider them commercial in nature. Chair Clark requested that multi-family verbiage be included in the policy for clarification. He stated that by consensus, this item will remain in Committee.

G-3. INFORMATION ON NEW ON-STREET PARKING RATE STRUCTURE.

Since this item was previously discussed by the Finance Committee, there was no discussion on this item.

G-4. REPORT ON ALTERNATIVE DISPOSAL TECHNOLOGIES BY CITY CONSULTANT.

Mr. Jeremy O'Brien, owner of O'Brien Environmental, gave the presentation on municipal solid waste conversion technology.

Discussion ensued during the presentation.

Chair Clark requested that copies of Mr. O'Brien's presentation be provided to Council Members.

In response to Chair Clark's question, Mr. O'Brien stated that permitting is an area of concern for any waste energy facility and that an air permit for this type of facility will be difficult to obtain.

In response to Council Member Taylor's question, Mr. Tyrone Homes, 3170 Shaftsbury Lane, noted that each state has varying guidelines for permitting, and since a thermoselect facility is a closed loop system, he assumes it would take six months to obtain the permit in North Carolina.

Mr. O'Brien noted that there will still be emissions from a thermoselect facility and that the City should expect some resistance from environmental groups.

In response to Chair Clark's question, Mr. O'Brien stated that the City of Charlotte reduced its tipping fee from \$100 per ton to \$25 per ton through conversations with the developers, through long-term use of the site and by taking advantage of the 30% tax credit being offered.

Council Member Besse clarified that staff was still researching this technology and as Mr. Homes proposal was unsolicited, he did not want to give the false impression that it was the only option being considered by the City.

Chair Clark requested that Committee Members send and further questions or comments to Mr. Turner.

Council Memembr Leight requested a copy of the information list given at the end of the proposal.

ADJOURNMENT: 8:46 p.m.