

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

6:30 P.M., TUESDAY, JUNE 15, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

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

OTHERS PRESENT: *Council Member Molly Leight*
Council Member James Taylor, Jr. (in at 6:36 p.m.)

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. No items were removed for discussion.

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

CONSENT AGENDA

- C-1. RESOLUTION APPROVING CHANGES IN THE STATE HIGHWAY SECONDARY ROAD SYSTEM WITHIN THE EXISTING CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM, NORTH CAROLINA.
- C-2. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF CLEMMONS TO REIMBURSE FOR THE COSTS OF THE LEWISVILLE-CLEMMONS ROAD STREET INTERCONNECTIVITY STUDY.
- C-3. CONSIDERATION OF ITEMS RELATING TO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT SPRAGUE STREET AND KERNERSVILLE ROAD:
 - a. RESOLUTION APPROVING AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT SPRAGUE STREET AND KERNERSVILLE ROAD.

- 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 A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF A SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE GRANT:
- a. RESOLUTION APPROVING AUTHORIZATION TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF A SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE GRANT. [*\$50,000.*]
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-5. ORDINANCE AMENDING SECTION 42-177 OF THE CITY CODE RELATING TO NONRESIDENTIAL PARKING IN RESIDENTIAL AREAS.
- C-6. REPORT ON TRANSIT MANAGEMENT CONTRACT.
- C-7. CITIZENS' BASEBALL STADIUM REVIEW COMMITTEE MONTHLY REPORT TO THE CITY COUNCIL.
- C-8. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.
- C-9. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-10. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *May 11, 2010.*

GENERAL AGENDA

Chair Clark noted that the Committee would hold consideration of Item G-1 until Council Member Taylor returned.

- G-4. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 74, SECTION 179 OF THE CITY CODE RELATING TO CITY PARTICIPATION IN THE COST OF LOCAL IMPROVEMENTS (PRIVATE STREETS).

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that this ordinance will provide more flexibility for staff to accept private streets and that staff took comments from previous

discussions of this item and incorporated those changes.

In response to Council Member Adams' question, Mr. Turner stated that staff receives regular requests from citizens for the City to assume responsibility for roads that it has not maintained before, nor has the State. Staff attempts to respond to those requests but if the City is unable to assume responsibility of the street due to any number of reasons, they will probably never become City streets.

Council Member Taylor in at 6:36 p.m.

In response to Council Member Montgomery's inquiry, Mr. Turner stated that the ordinance addresses the majority of concerns heard previously but some streets were built in such a way that they will never qualify as a City-maintained street or they were built with the intention to remain private.

In response to Chair Clark's questions, Mr. Turner noted that staff felt as though 10 years was a reasonable period of time that a developer could not take advantage of a private street but it could be extended up to 20 years. He also noted that staff proposes to consider vacant lots as a lot within a development and the price of that vacant lot will be included in the average for the development. Dependent upon the final average, cost participation by the City may increase or decrease but the recommendation is for all involved properties to be considered. For those lots containing a home, the lot price will include the value of the land and the home combined but if there is a higher number of vacant lots, the City's cost participation will decrease.

Mr. Lee Garrity, City Manager, noted that instead of a median house value, staff could set the formula based upon the median lot value or an average value for lots alone, not counting the homes. He also noted that improving streets increases the property value of the lots adjoining it so the formula was set this way.

Council Member Besse questioned if there would be any concern with considering the average of developed lots only, especially if the objective is for property owners to provide the cost of the improvements.

Chair Clark requested that staff include a minimum number of developed lots or a percentage of developed lots that must be met for a neighborhood to qualify for the improvements.

Mr. Turner noted that staff would include these revisions and bring the item back for further review.

Chair Clark stated that by consensus, the item will remain in Committee.

G-3. CONSIDERATION OF PROPOSED ORDINANCE LIMITING DEVELOPMENT IN THE FLOODWAY FRINGE.

Mr. Glenn Simmons, Principal Planner, gave an overview of the discussion that took place at the December Committee meeting and stated that the goal was to determine to what extent encroachment in the floodway fringe should be limited.

In response to Council Member Adams' questions, Mr. Simmons stated that the development community feels that limitations currently in place are adequate and any further restriction would create a hardship on developers. He also stated development within residential and commercial areas could be considered but commercial development tends to be larger in scale due to extended grading in some areas to accommodate larger buildings.

Council Member Leight noted that she was in favor of limiting development in those areas.

In response to Council Member Besse's question, Mr. Simmons stated that staff reviewed similar ordinances from other cities within North Carolina.

Council Member Besse requested to see information from other states, specifically similar ordinances from medium to large-sized cities. He also suggested that Committee members visit sites to acquire a better understanding of what is being considered.

Chair Clark requested that staff bring back comparisons to other cities within North Carolina, as well as examples, and questioned if there were any local sites that Committee members could visit.

Council Member Leight suggested Committee members visit Salem Creek at the Gateway.

Council Member Besse suggested Committee members visit Muddy Creek, another annexed area or an area with a higher percentage of developed land.

Chair Clark stated that, by consensus, this item would remain in Committee for two months.

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

- a. CONTINUATION OF PUBLIC HEARING ON THE PROPOSED RENAMING OF A SEGMENT OF "FERNDALE AVENUE" TO "NANCY LANE" - *Southeast Ward. [Item continued from the May 11, 2010 Public Works Committee meeting.]*

Chair Clark stated that this public hearing was continued from the May 11 Public Works Committee meeting and asked if anyone wished to be heard.

Mr. Robert West, 960 B Ferndale Avenue, noted that four residents in the area are 100% opposed to the street renaming and that they had signed a petition stating such, and cited the current crime statistics from Nancy Lane as supporting information. He also noted that he was informed by his insurance company that his renters' insurance will increase if the renaming is adopted, due to his residence being in what will be considered a higher crime area. He further noted that the street has been known as Ferndale for more than 50 years. Mr. West stated that he was informed the extended emergency response time was a factor in the proposed change but that time could be decreased if emergency responders took the most direct route, rather than following one street around the neighborhood. He also stated that the best option would be to designate the property at 924 Nancy Lane as 990 Ferndale Avenue, which should please all involved parties.

Ms. Sharon Williams, 924 Nancy Lane, noted that her home has four different addresses, that her utilities all go to different addresses, that she has to go to various post offices to collect her mail and that police have to contact her for directions to her home because they cannot find her address. She also noted that when she purchased her home, she was told the address was 924 Nancy Lane, but the post office states it is 990 Nancy Lane, then the street was renamed Ferndale Avenue, so the address was 924 Ferndale Avenue and 1020 Ferndale Avenue. Her home is located on the corner of Ferndale Avenue and Heitman Drive and she has no objection to changing the house number of the property or the street name.

Seeing no one else, Chair Clark declared the public hearing closed.

Ms. Glynis Jordan, Deputy Planning Director, stated that several years ago, it was intended for the street to be continued through but it was not, so now there is a duplicate street name situation. She also stated that staff is reviewing over 100 situations of duplicate names similar to this one and that it increases the occurrence for postal route confusion.

Council Member Taylor clarified that the suggestions heard are to rename Ms. Williams' property to 990 Ferndale Avenue or the whole street to Heitman Court.

Ms. Jordan noted that the retention of the Ferndale Avenue name is not recommended and that Heitman Court was derived from nearby Heitman Drive. Nancy Lane is a continuation of the street onto Ferndale Avenue, and this is how the post office currently has it addressed.

Mr. West noted that if this portion of the Ferndale Avenue is changed to Nancy Lane, there will be confusion at the footbridge because it encompasses both streets. In response to Chair Clark's question, he noted that he would be ashamed to live on Nancy Lane due to it being known as a high crime area, but he would accept a new street name.

Council Member Taylor expressed concern about returned mail, about residents who did not receive the initial letter outlining the proposed change and that some citizens may want to voice concerns but are unaware there is an opportunity to do so.

Ms. Williams stated that she never received a letter due to the address confusion, but staff did reach out to her by phone and she was able to receive the letter via email.

In response to Chair Clark's question, Ms. Jordan stated that staff reached out to all residents via direct mail, but the letters were sent to property owners and many of these are renter situations.

Mr. Ben Stamey, Project Planner, noted that staff spoke to residents and everyone was included on the petition with the exception of Ms. Williams, although it was she that drew the attention of staff because of the postal concern when it was discovered to be a disconnected street. He also noted that the City's policy of continuing street names across intersections is well known. He further noted that police dispatch prefers that new street names not be added to avoid further confusion.

Mr. Turner noted that if Committee members have concerns, the item could be returned to staff to develop options for alternative street names.

Mrs. Angela I. Carmon, City Attorney, stated that if staff were to propose another change, the item will have to be advertised as a new public hearing.

In response to Council Member Montgomery's question, Mr. Stamey stated that directional names such as east and west are generally reserved for streets that cross the City's four meridians because to do otherwise would cause confusion for emergency response agencies.

Chair Clark requested that Council Member Taylor communicate his recommendations to staff.

Ms. Williams noted that she has lived with this issue for the past two years and because of the hassle, she will be moving next month. She also noted everyone involved may not be happy with whatever solution is determined but there is clearly a need for change.

Chair Clark stated that, by consensus, staff was directed to develop alternative names and advertise a new public hearing accordingly.

- b. CONTINUATION OF PUBLIC HEARING ON THE PROPOSED RENAMING OF A SEGMENT OF "CRANFORD STREET" TO "HEITMAN COURT" - Southeast Ward. *[Item continued from the May 11, 2010 Public Works Committee meeting.]*

Chair Clark stated that this public hearing was continued from the May 11 Public Works Committee meeting and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed.

Council Member Taylor noted that all residents were contacted, one resident expressed support of the proposed change and no opposition had been heard.

Ms. Jordan stated that 11 property owners were notified and that it is common to receive no resident response in these situations.

Mr. Stamey noted that three homes are tenant occupied and staff heard from one property owner but no residents.

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

- c. REQUEST TO RENAME A DISCONNECTED SEGMENT OF A PUBLIC STREET FROM "BONBROOK DRIVE" TO "DAWN COURT" - Northwest Ward.

Ms. Jordan stated that this item was a similar situation due to a small portion of the street being undeveloped and that emergency responders discovered the issue.

Chair Clark stated that this was now a public hearing and asked if anyone wished to be heard. Seeing no one, he declared the public hearing closed. He questioned the likelihood that the undeveloped portion of the street would ever be developed.

Ms. Jordan stated that it was unlikely and the street had been this way for years, but staff was notified of the issue due to the emergency situation of a citizen.

In response to Chair Clark's questions, Mr. Turner stated that there has been no petition to close the undeveloped portion and that a property owner would need to file a street closing petition.

Mr. Garrity noted that staff could initiate a street closing if the Committee so desired.

Chair Clark noted that if the street would never be developed, he would rather staff contact citizens to determine if there would be any petition to close it.

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

Mr. Garrity noted that Planning staff is working on updating policies for renaming streets and an item will be brought to the Committee in the future. He also noted that staff should ensure that not only property owners are notified, but residents/tenants as well.

G-2. CONSIDERATION OF ITEMS RELATING TO CURBSIDE GARBAGE COLLECTION:

- a. REPORT ON CURBSIDE GARBAGE COLLECTION IMPLEMENTATION PLAN.
- b. ORDINANCE AMENDING SECTION 26 OF THE CITY CODE RELATING TO RESIDENTIAL GARBAGE COLLECTION.

Mr. Johnnie Taylor, Sanitation Director, reviewed the implementation plan outlined in the agenda book.

Mr. Ed McNeal, Marketing Director, reviewed the marketing campaign to inform citizens of the upcoming change.

Council Member Adams requested that staff add partnerships with churches and other civic organizations in the community to reach out to illiterate citizens. She also suggested that staff take advantage of events downtown during the summer to address any questions or concerns.

In response to Chair Clark's question, Mr. Turner stated that buried trash cans will be eliminated in the proposed ordinance and no longer allowed.

In response to Chair Clark's inquiries, Mr. Taylor stated that carts will be delivered the first week of August and the manufacturer indicated that it can deliver up to 1,500 carts per day once they are assembled at City Yard. He also stated that after surveying other cities, one to two percent of citizens may request to opt out of the program, but that percentage could be larger due to the exemption policy. He further stated that staff anticipates a large number of exemptions will be requested early in the process which will help to gauge the potential number of requests. Some exemption cases will need to re-qualify, especially if the situation at a residence changes and

someone is able to pull the cart to the street. Very few citizens may be able to qualify for a permanent exemption and once any exemptions are received, they will be logged and kept in an exemption file for reference. The City will also dispose of any old carts or cans citizens may have.

Chair Clark suggested that exemptions be renewable, possibly every two years, and that a sticker may be utilized to identify the exempted properties.

Council Member Besse noted that the process of obtaining an exemption should eliminate frivolous requests and suggested a renewal cycle of three to five years.

Chair Clark requested that staff review other cities' exemption policies.

Council Member Montgomery suggested that self-certification exemptions should not be accepted and that staff should require additional information or a physician's signature.

Council Member Besse noted that there probably will not be a high level of abuse for exemptions and that it may be a hardship for elderly or disabled citizens to obtain written consent from a physician.

Mr. Garrity noted that the policy could allow for self-certification and staff could review the City's exemption rate in comparison to other communities, so as not to increase the burden on the elderly or disabled population.

Council Member Adams requested that staff add a maintenance component to the policy to educate citizens on how to care for their trash cans. She also requested that staff collect data on missed collections to monitor customer efficiency and obtain initial feedback within the first three to six months to determine citizen satisfaction with the process.

Chair Clark noted that \$25 seems too low a fee for additional carts and suggested that it be increased to between \$35 and \$40.

Mr. Taylor noted that the cost of each cart is approximately \$47, which includes the purchase, assembly and delivery.

In response to Chair Clark's question regarding trash collection for residents who are not home on their specified collection day, Mr. Turner stated that various options are outlined in the frequently asked questions (FAQ) section of the proposal.

Chair Clark questioned if a citizen could opt to pay an increased fee so that their trash may be collected from the back yard.

Mr. Turner noted that if a citizen is exempted from the curbside collection program, they will not receive a cart.

Mr. Taylor noted that in the FAQ section, segments of the community such as Old Salem are

addressed.

Mr. Turner noted that Old Salem and Bethabara are exempted from these requirements due to the historic character of those areas.

In response to Council Member Adams' question, Mr. Turner stated that no other community in North Carolina has similar historic districts with such a high level of residential activity and staff felt it best to exempt the Old Salem area.

In response to Council Member Montgomery's question, Mr. Turner stated that Old Salem does utilize back yard collection.

In response to Council Member Montgomery's concern with exempting historic districts, Mr. Taylor noted that it would be difficult to locate collection containers to match the historic era that will still meet the City collection requirements without posing a safety hazard.

Council Member Adams requested that staff ensure students, realtors and property owners are aware of the new procedures for collection.

Council Member Besse made a motion to approve the item with the additional cart price of \$40. The motion was duly seconded by Council Member Montgomery and carried unanimously.

ADJOURNMENT: 7:51 p.m.