

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

7:00 P.M., TUESDAY, OCTOBER 12, 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 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.

Council Member Montgomery requested to pull Items C-5 and C-8. Mr. Gregory M. Turner, Assistant City Manager/Public Works, indicated that staff would like to pull Item C-11. Chair Clark indicated that item would be considered as part of the General Agenda. No other 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. ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 PROJECT BUDGET ORDINANCE TO APPROPRIATE FUNDING FOR SUBDIVISION INFRASTRUCTURE IMPROVEMENTS.

- C-2. CONSIDERATION OF A RESOLUTION APPROVING A CONTRACT FOR HDR ENGINEERING OF THE CAROLINAS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR DESIGN OF A CONCRETE IMPOUNDMENT AS PART OF THE PIEDMONT TRIAD RESEARCH PARK STORMWATER PROJECT - *Amount Not to Exceed \$125,000.*

- C-3. RESOLUTION AWARDED CONTRACT FOR ENGINEERING SERVICES FOR SHATTALON LAKES DAM - *Schnabel Engineering - \$125,000 (Estimated Amount).*

- C-4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR SURFACE TRANSPORTATION PROGRAM-DIRECT ATTRIBUTABLE FUNDS FOR INTERSECTION IMPROVEMENTS AT PEACE HAVEN ROAD AND POLO ROAD.
- C-6. RESOLUTION APPROVING AN AGREEMENT WITH THE WILLIAMSTON PARK HOMEOWNER'S ASSOCIATION, INC. TO MAINTAIN DECORATIVE STREETLIGHTS IN WILLIAMSTON PARK.
- C-7. REPORT ON MOTORIZED WHEELCHAIRS.
- C-9. CITIZENS' BASEBALL STADIUM REVIEW COMMITTEE REPORT TO THE CITY COUNCIL.
- C-10. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.
- C-12. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-13. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *October 12, 2010.*
- C-5. CONSIDERATION OF ITEMS RELATING TO STREET CLOSING PETITIONS:
- a. PETITION TO CLOSE AND ABANDON A PORTION OF OLD LOCKLAND AVENUE (SOUTHWEST WARD) – *Petition of Deborah M. Osman. Public Hearing: December 20, 2010.*
 - b. PETITION TO CLOSE AND ABANDON A PORTION OF WINNIPEG STREET, AKA WINNEPEG STREET (NORTHEAST WARD) – *Petition of Michael Carter and David Black. [Item remanded to Public Works Committee by City Council on October 18, 2010.] Public Hearing: December 20, 2010.*

In response to Council Member Montgomery's question regarding a citizen concern with Winnipeg Street, Mr. Turner noted that in the original petition for closure, one adjoining property owner would have been landlocked, so this proposal shrinks the area proposed for closure to address that concern. In regards to his question regarding street closings in general, and specifically Seventh Street next to the library, Mr. Turner stated that that street was closed by City Council in 1977 and barricaded for several years by the County as it dealt with concerns of cut-through traffic. When a road is closed, be it paper or real, one half of that property is dedicated to each adjacent property. Forsyth County owned both halves of the road in front of the library, and thereby received the entire dedication. In the early 1980's, the County was concerned about cut-through traffic and went through various methods to reduce speeding in that area, and as they own the entire street, it is within their legal limits to erect a barrier at that location.

In response to Council Member Adams' questions, Mr. Turner stated that there are several streets on paper that are not really considered streets. He also stated that paper streets are established by developers who are dedicating the land for future construction of a road and they often are not constructed because plans change or a development does not occur. Typically, a request is received from an adjacent property owner who wants to take advantage of that land. Staff reviews the request and determines that there is no longer a public benefit to having the road, and makes a recommendation to City Council that it be closed and abandoned.

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

C-8. MONTHLY REPORT ON THE CURBSIDE GARBAGE COLLECTION PROGRAM.

In response to Council Member Montgomery's inquiry, Mr. Turner indicated that the distribution of all primary carts has been completed and requests for additional carts are now being filled. Staff is in the process of strictly enforcing the rules for collection. If there are bags of trash outside of the can, staff will place a notice of violation on the can or on the resident's door as to why the bags cannot be picked up.

Council Member Adams expressed concern that college students who may be renting a home on Polo Road may not be aware that excess bags will not be picked up. She suggested that staff communicate with Wake Forest University and share that information.

Council Member Montgomery suggested that staff contact those property owners to communicate this information and inform them that they may need to request additional carts.

In response to Chair Clark's question, Mr. Turner noted that there has been an increased amount, approximately 3,000, requests for exceptions from curbside pickup.

Mr. Lee Garrity, City Manager, stated that the City's average for exemptions is at least twice that of other major cities.

Council Member Montgomery noted that some senior citizens have contacted him regarding missed trash pick-up and they are having to contact the City several times. He noted his original objection to the City's liberal policy for exemption from curbside collection.

Council Member Besse noted that he anticipates the number of exemptions will decline over time.

GENERAL AGENDA

G-1. RESOLUTION APPROVING CITY MEMBERSHIP IN THE NORTH CAROLINA WATER QUALITY ASSOCIATION. *[Item continued by the Public Works Committee at its October meeting.]*

Mr. David Saunders, City/County Utilities Director, stated that the North Carolina Water Quality Association (NCWQA), was initially the idea of several major publicly owned systems within North

Carolina, modeled after similar programs in Virginia and South Carolina, and membership is exclusive to publicly-owned wastewater treatment plant operators. Approximately 29 organizations within N.C. have committed to being a part of the NCWQA and reviewed the organization's fact sheet.

Council Member Besse reviewed the primary practice areas and core services provided by AquaLaw, the firm retained by NCWQA, and expressed concern that the organization may attempt to preclude municipalities from enforcing rules or regulations if there is not enough scientific evidence to support its standard regulation.

Discussion ensued regarding the regulation of environmental problems through litigation, including maintenance of water/sewer facilities and the failure of these facilities resulting in a spill, how and when a fine may be assessed and how it is determined that an entity is responsible.

Council Member Besse noted that he is in favor of regulatory policy but he is against pressure from any association of users toward making the regulations less effective by reducing their liability.

Chair Clark noted that there may be an upcoming policy regarding nitrate limits within sewer discharge and as it is costly, he wants to be ensured that there is scientific evidence to validate those requirements and fees. He also noted that there is a legitimate need to have an organization looking after the City's interest and expressed concern that the North Carolina League of Municipalities (NCLM) has not undertaken this cause.

Council Member Adams questioned the process of auditing systems within the City and noted that she contacted the NCLM and the National League of Cities to determine what firms were available for the City's use and did not receive an answer. She expressed concern that the NCWQA sounds good in theory but questioned if the City had systems in place to audit its water systems, indicating preventative or predictive maintenance. She questioned what measures the City was taking to determine that its systems are operating effectively and safely.

Mr. Saunders indicated that the City's water collection system operates under a permit issued by the state of N.C., and as part of that permitting process, there is a requirement that each utility must initiate an audit and evaluate its product based upon a set of technical standards. When the audit was performed, it enabled staff to restructure its collection system operations, allowed for recommendations for staffing levels, and it is referred to from time to time. Staff is in the process of concluding a distribution, maintenance, operations and management audit, which is not regulatory, but staff felt it was necessary to perform.

Council Member Adams suggested that going forward, staff should be proactive in identifying organizations to help explain internal audits and what should be done with that information once it is determined. She also suggested that staff be proactive and cautious when paying for membership in various organizations and determine if it is beneficial to the City.

Chair Clark suggested that the City become a member for one year and assess the membership to determine its benefits.

Council Member Montgomery made a motion for approval of the item. The motion was duly seconded by Chair Clark. Council Member Adams abstained from the vote. The motion carried on a vote of three in favor, none opposed, and one abstaining.

Chair Clark noted that water/sewer regulation is a very technical area and expertise is needed to assist the City. He also noted that it appears to be more beneficial to join with various municipalities to gain that expertise rather than funding it individually.

In response to Council Member Taylor's question, Mr. Saunders stated that membership in the NCWQA is by calendar year.

Mr. Turner noted that membership will be paid through the Water/Sewer Fund rather than through the General Fund.

Council Member Montgomery requested a list of what may be gained from membership in the NCWQA and how the fees are allocated.

Mr. Garrity noted that staff will be providing a report on the City's memberships and individual professional memberships. He also noted that as the NCWQA develops its agenda at the state level for lobbying, staff will bring that information to the City Council to ensure it is supportive.

G-2. RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF CERTAIN SEWER EASEMENTS RELATED TO THE HOFFMAN BRANCH OUTFALL - *Properties located east of Shore Road.*

Mr. Turner stated that a developer dedicated additional sewer easements and is requesting to be released from those easements in exchange for the dedication of new ones.

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

G-3. STREETLIGHTING REPORT.

Mr. Turner gave the streetlighting report.

Council Member Montgomery questioned how areas are chosen to receive additional lighting, if there was a lighting survey to determine the adequacy of lighting, the type of lights used, and the dispersement of that light, and specifically expressed concern about the area of Martin Luther King, Jr. Drive.

Mr. Turner stated that staff uses non-cutoff fixtures to spread light up and down the road more effectively but it creates a glare problem. He also stated that there is an issue with trees blocking light spillage up and down a roadway, so staff works with Duke Energy or Recreation and Parks to have trees trimmed to distribute the light. He further stated that there are some options for providing more efficient lighting to reach the ground. Lighting is installed according to the City's policy and staff is hesitant to erect more streetlights as they are a perpetual monthly cost. Regarding brighter

light, staff can review those requests within the policy, keeping in mind any budgetary implications.

Chair Clark noted that light emitting diode (LED) fixtures will be installed downtown with stimulus funds.

In response to Council Member Adams' question, Mr. Turner stated that the vast majority of streetlights in the City are owned and maintained by Duke Energy and the stimulus funds stipulate that they must be used on systems the City owns, which are only downtown. The street lighting system on Fourth Street is the most extensive in terms of the number of fixtures.

Council Member Adams requested that staff work with Duke Energy to locate neighborhoods outside of the downtown area and what it would cost to light those areas.

Council Member Besse noted that stimulus funding was not awarded to increase the level of light, rather it was awarded to switch out fixtures to more energy efficient ones. LED lights are only adequate in areas where low light is needed and should not be placed in an area where there is an issue of darkness.

Mr. Garrity noted that staff does receive requests from neighborhoods or Council Members to conduct a streetlighting audit in areas with security issues and develops a plan to increase lighting or ask merchants to include lighting on their properties. Even in those cases, Duke Energy still requires the City to pay for those fixtures.

Chair Clark noted that LED lights are driven by energy savings but the downside of them is that they do not offer as bright a light as other bulbs. He also noted that it is an issue of how dark a neighborhood will allow their street to be in the interest of saving energy and the lifespan of the bulbs.

Council Member Taylor noted that staff should be conscious of how citizens view the treatment of downtown in comparison with other parts of the city.

Council Member Besse noted that when a lighting improvement was requested within his ward, the Public Works Department was very responsive and he encouraged Council Members to use this process. He also noted that maintenance is a recurring issue when a bulb goes out and Duke energy may take some time to replace it.

C-11. UTILITY DIVISION CAPITAL IMPROVEMENT PLAN.

Mrs. Denise Bell, Chief Financial Officer, noted that the debt within the Utility Division has doubled within the last seven years, but the cash balance has maintained at the same level. She also noted that during the 1980's and previously, the City was fortunate to receive several grants, matching funds at the state and federal level and the 1990's saw substantial cash balances and investment earnings. Beginning in 2000, several other sources expired and the City is now dealing with a system that has to be maintained and updated with its own funding.

In response to Chair Clark's question, Mrs. Bell stated that the anticipated debt level for the foreseeable future is as high now as it should get, and should begin to decline. Staff should not need to finance another capital project until 2013, at the cost of approximately \$50 million, then the debt will begin to drop off around 2019.

Mr. Saunders gave the presentation.

In response to Chair Clark's question, Mrs. Bell noted that the City of Durham's figures seem out of line with other comparable municipalities as it has not issued debt in a while and it has a list of projects that have not been adequately addressed. It is also surrounded by other municipal systems, giving it a smaller area to serve.

Council Member Besse noted that for any citizens utilizing Hawthorne Road, the work in that area is scheduled to be finished on Thursday, and he encouraged drivers to move slowly when traveling in that area.

ADJOURNMENT: 8:23 p.m.