

SUMMARY OF MINUTES

PUBLIC WORKS COMMITTEE

5:02 P.M., TUESDAY, MARCH 22, 2011

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Robert C. Clark, Chair (in at 5:03 p.m.)
Council Member Derwin L. Montgomery, Vice Chair
Council Member Denise D. Adams
Council Member Dan Besse

OTHERS PRESENT: Council Member Molly Leight

Vice Chair Montgomery 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 Besse requested to pull Item C-3. Council Member Adams requested to pull Item C-1. 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-2. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH FORSYTH COUNTY (EAST WARD) - *Petition of Forsyth County.*
- C-4. CITY/COUNTY UTILITY COMMISSION EXECUTIVE SUMMARY.
- C-5. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *February 15, 2011.*

Chair Clark in at 5:03 p.m.

- C-1. APPROVAL OF A DESIGNATION OF APPLICANT'S AGENT FORM ALLOWING STAFF TO EXECUTE AND FILE APPLICATIONS FOR FEMA GRANT ASSISTANCE.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, indicated that this item will allow staff to act as the primary and secondary agents when applying for Federal Emergency Management Assistance (FEMA) grant funding for stormwater projects for those citizens suffering flood damage.

In response to Council Member Adams' questions, Mr. Turner stated this will simply allow staff to complete the paperwork on behalf of the City as opposed to having to bring an item forward to Council, which will speed up the process. Staff has performed in this capacity in the past in other programs, when required to act as a designated agent, and staff has assisted citizens with applications on three different occasions in the past.

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

In response to Council Member Leight's inquiry regarding this type of FEMA application, Mr. Turner stated that the window for these applications may not have opened yet but staff wants to be prepared when it does become available.

In response to Council Member Besse's question, Mr. Turner indicated that staff would be purchasing the threatened property.

The motion for approval was unanimously carried.

C-3. MONTHLY REPORT ON ECONOMIC STIMULUS PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

In response to Council Member Besse's inquiries, Mr. Turner stated that under the Community Development Block Grant category, of the projects listed, he does not know of any that have been completed, and will provide another update next month. He also stated that there may be some projects on the list which are no longer viable or have other outstanding issues. He further stated that all of the projects under the Surface Transportation have been completed, with the exception of the WSFC Area Projects item, as noted in the item.

Council Member Besse noted that amounts under Law Enforcement Support Services for "total expected amount to be received" and "funding received thus far" appear to have been transposed and should be corrected.

In response to Chair Clark's comments regarding the identification of area projects, Mr. Turner indicated that projects will be identified through the Transportation Advisory Committee process, whereby the original list was created which staff pared down to those projects that could be stimulus funded. He also indicated that Council has a sidewalk approved project list and if there are remaining funds, staff will look to that list for additional projects to complete.

In response to Chair Clark's question, Mr. Turner stated the funding amount that has been received thus far does not mean that the City has been compensated for all projects that have been completed thus far.

Council Member Montgomery noted that while Council Members were in Washington, D.C. last week, they did discuss the issue of expectant funding versus what has been funded with legislators.

GENERAL AGENDA

G-1. UPDATE ON STREAM EROSION AT 995 SOMERSET DRIVE.

Mr. Keith Huff, Stormwater Director, provided background information on the erosion of the property. He indicated that staff has identified some options to improve the property, but due to the location of the house in relation to the bank, and the cost of the improvements, they will be difficult to employ. Erosion of the property has increased over the last several years and staff recommends that the project be put on hold until the property becomes available for sale. Staff has offered a life estate to the property owners, at tax value, which would be a sum paid to the owners by the City and upon their leaving the property, it would become property of the City.

In response to Council Member Adams' question, Mr. Turner stated that the City is not responsible for the damage of the property as the bridge was designed by the North Carolina Department of Transportation, construction was completed as a City project, and the culvert replaced a previously existing bridge. Staff does not assume liability but they are willing to participate in a cost-sharing project with the property owners.

Council Member Adams requested pictures of the property.

In response to Council Member Besse's questions, Mr. Huff indicated that the City's cost-sharing provision was triggered as the structure is threatened by erosion, but the property owners are unwilling to participate in that provision. Mr. Huff stated that FEMA has indicated that the dwelling is not situated within a 100-year floodplain boundary, and within several options offered by them, this property is not in compliance. The severe slope and repetitive loss options would be triggered only if the property was in a floodplain.

In response to Council Member Besse's inquiry, Mr. Turner noted that the erosion is approximately 50 feet from creating erosion within the public right-of-way.

Council Member Besse requested that staff provide cost information on the threat to the public street, in addition to that of the lot and structure.

Council Member Leight noted that further development upstream may be an unknown part of the equation and should be determined before any party assumes responsibility for the erosion.

In response to Chair Clark's question, Mr. Turner stated that under a life estate option, the City would acquire the property, remove the house and re-grade the property so that it would be manageable only after the property owners no longer live in the house.

Mr. Huff noted that the homeowners contend that the problem was not started by them and they had no involvement in the erosion, so the solution and cost should be provided by someone else.

Chair Clark stated that by consensus, this item would remain in Committee for one month.

G-2. UPDATE ON CONTAMINATION AT CITY YARD.

Mr. Huff indicated that in association with Piedmont Triad Research Park efforts to construct a regional stormwater pond, the project team sited this location and determined that located on the site was fly ash, batteries and diesel fuel. Staff has facilitated a remediation plan in coordination with the Department of Natural Resources (DNR) to remediate the soil in phases. Phase I is currently under bid and the estimated cost is provided in the report found in the agenda book.

In response to Council Member Leight's questions, Mr. Huff stated that moving and encapsulating the contaminated soil would be done utilizing the existing asphalt layer, and then building a retaining wall. Fly ash contains arsenic and selenium which does not leach out in water so an asphalt layer above and below the pollutants will prevent them from being exposed to the environment. The diesel fuel is interspersed within the groundwater and soil, so a network of pipes will be utilized to extract the fuel from the ground, which will be routed to a filtration system to separate it from the water, where it will be stored and the filtered water will be routed to Salem Creek.

In response to Chair Clark's inquiry, Mr. Huff stated that the aquifer will run continuously for the duration of the project.

In response to Council Member Besse's question, Mr. Huff indicated that it would be possible to stabilize the lead contamination on site for less cost if the stormwater pond was placed in another location, but staff would have to consult DNR regarding the stabilization of the fly ash.

Council Member Besse noted that it may be more cost effective to shift the location of the stormwater pond and stabilize the contaminants on site.

Mr. Turner noted that staff sought alternative locations for the stormwater pond but because of the topography of the area, there are no practical alternatives.

In response to Council Member Adams's inquiries, Mr. Turner stated that staff identified the problem when environmental work began on the stormwater pond and as test wells were being dug for the site, contamination was identified in the soil, and further excavation revealed further contamination. He also stated that staff takes these issues into consideration any time there is a construction project involving excavation.

Council Member Adams encouraged staff to ensure they are good stewards of the earth while championing sustainability and green living in the area, bearing in mind, there may be other areas of contamination in the city.

G-3. PRESENTATION BY WORLD CONSTRUCTION ENERGY GROUP.

Mr. Lee Garrity, City Manager, stated that Mr. Tyrone Homes, World Construction Energy Group, would not be present tonight, but his local partner, Mr. Cedric Russell, would make the presentation.

Chair Clark noted that as Mr. Russell was not yet present and there were no further agenda items, the Committee would allow him extra time if he were to arrive late.

ADDITIONAL ITEM - DISCUSSION OF UTILITY COMMISSION STUDY ON SOLID WASTE DISPOSAL OPTIONS

Mr. David Saunders, City/County Utilities Director, confirmed that the City/County Utility Commission (CCUC) was given a similar presentation to what the City Council and County Commissioners received and it feels that the next step would be to establish an advisory or implementation team to break down the R.W. Beck report and prioritize what steps to take and to make recommendations to either the Committee or full Council.

In response to Chair Clark's question, Mr. Saunders noted that R.W. Beck recommends the advisory group be a cross-section of interested individuals with a working knowledge of solid waste issues, not necessarily just CCUC members.

Chair Clark expressed concern that the new construction and demolition (C&D) landfill will not be developed for a while and it is difficult to project how long the current landfill will remain open. He questioned what can be done now regarding recycling to extend the life of the current landfill and requested that staff look into companies that are performing C&D recycling for the April Committee meeting. He noted that the City controls its own facilities so theoretically, it could form a solid waste authority and be the only member. He also expressed concern that a large amount of surplus cash from the Solid Waste Fund was depleted and staff is now issuing Special Obligation bonds to cover some of that cost.

In response to Council Member Leight's question regarding white goods and on-site recyclable sorting at the landfill, Mr. Saunders indicated that the landfill currently has white goods recycling and offers recycling drop off services for other landfills. He also indicated that staff works with a third-party contractor that removes tires delivered to the landfill for recycling.

Council Member Besse stated that he feels there are three questions that need to be addressed regarding solid waste disposal: governance and how to oversee the waste management program, how the program is to be paid for and what technologies to use. He also stated that the issue needs to be addressed comprehensively, rather than in pieces. He further stated that the inter-relation of financing and governance should be addressed by evaluating a potential regional or multi-county waste authority.

Council Member Montgomery suggested that staff have more conversations about new and emerging technologies, whether the City chooses to take advantage of them or not.

Council Member Leight noted that staff should discuss flow control, not just within the County, but with surrounding counties as well.

In response to Chair Clark's question, Mr. Garrity stated that he had a conversation with staff members from the City of Greensboro as they are still struggling with whether or not to reopen their landfill.

Mr. Turner noted that staff met with the City of Greensboro's executive team several weeks ago and they are in the process of beginning to entertain proposals for the landfill.

Chair Clark encouraged staff to continue informal conversations with the City of Greensboro regarding their landfill.

Council Member Adams requested that staff develop a timeline encompassing new technologies for solid waste disposal as she does not feel the process is moving quickly enough. She encouraged staff to be aggressive, sort information that they currently have, and encouraged more dialogue with citizens.

ADJOURNMENT: 5:54 p.m.