

## SUMMARY OF MINUTES

### PUBLIC WORKS COMMITTEE

5:00 p.m., Tuesday, October 11, 2011

#### 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

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

Chair Clark called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. Council Member Adams asked to remove Item C-6. No other items were removed.

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. PETITION TO CLOSE AND ABANDON A PORTION OF OLD NC HWY 77 (SOUTHEAST WARD) – *Petition of Jonnie H. Tucker. Public Hearing: November 21, 2011.*
- C-2. RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH WASHINGTON PARK NEIGHBORHOOD ASSOCIATION (SOUTH WARD) - *Petition of Washington Park Neighborhood Association.*
- C-3. RESOLUTION AUTHORIZING AN AGREEMENT WITH PIEDMONT NATURAL GAS COMPANY FOR THE RELOCATION OF GAS DISTRIBUTION LINES RELATED TO THE RESEARCH PARK BOULEVARD CONSTRUCTION PROJECT.
- C-4. RESOLUTION AMENDING CONTRACT AMOUNT FOR PROFESSIONAL AND ENGINEERING SERVICES FOR BAYLAND CONSULTANTS AND DESIGNERS, INC. [*Increase Purchase Order amount by \$104,161.91.*]
- C-5. RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF RURAL HALL.

- C-7. CONSIDERATION OF ITEMS RELATED TO THE PRIORITY SIDEWALK PROGRAM:
- a. RESOLUTION ADDING LOWERY STREET TO THE PRIORITY SIDEWALK LIST.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-8. CONSIDERATION OF ITEMS RELATED TO SIDEWALK REPAIRS:
- a. RESOLUTION APPROVING SIDEWALK REPAIRS AT CORPENING PLAZA.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.
- C-9. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *September 13, 2011.*
- C-6. CONSIDERATION OF ITEMS RELATED TO SIDEWALK CONSTRUCTION:
- a. RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO SHARE THE COSTS OF CONSTRUCTING SIDEWALK ALONG UNION CROSS ROAD.
  - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2011-2012.

In response to Council Member Adams' question, Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that the projects are categorized by plateaus. Currently, there are two plateaus, three if projects that haven't been approved are included. The top plateau consists of those projects on the first priority list approved by the Council. Mr. Turner also stated that to be added to this list, citizens must make the request of staff or a member of the City Council, or staff adds areas that have been observed in the community. The projects are then evaluated according to certain criteria, and those meeting the guidelines are taken to Council for approval every few years. At that time, staff recommends the streets considered to be most critical. The Council will then approve the list, with the highest plateau of projects to be constructed first. Mr. Turner further explained that there are projects on the list that are being done by the North Carolina Department of Transportation or by roadway construction projects. In addition to the City process there are other construction projects that generate a second process.

Council Member Besse noted that there is a Sidewalk Construction Request Form that is available to citizens to ask that a sidewalk project be added to the first tier list that hasn't been approved by the Council. This can be confusing because there is also a list of projects that staff is working on that is purely retrofit, trying to catch up on the backlog of streets that were originally built without sidewalks. In addition, there is a process that brings in requests for projects associated with the reconstruction or expansion of the road or street itself. He further stated that though it may appear that a sidewalk construction project associated with new construction is put ahead of others, it makes sense to construct the sidewalk as the road is being built. He noted that this is the case with the Union Cross project, because the road is being substantially widened.

Chair Clark stated that staff maintains the criteria list and Council Members add their input regarding their respective wards. He asked that staff ensure a balance of spending needs within wards, since staff is adding projects in two wards.

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

#### GENERAL AGENDA

- G-1. ORDINANCE AMENDING CHAPTER C OF THE UNIFIED DEVELOPMENT ORDINANCES TO PROVIDE AN ADDITIONAL EXCEPTION TO THE TEN (10) FOOT MAXIMUM HEIGHT PROVISION FOR MECHANICALLY STABILIZED SLOPES - *Proposal of the City Manager's Office - UDO-224. [Remanded by City Council at the September 19, 2011 Meeting.]*

Mr. Turner stated that there are certain situations where developers are trying to establish a development on an existing piece of property, and due to the topography of our community, the site does not work under existing City rules. The City has a specific condition that stipulates retaining walls cannot exceed 10 feet in height. If the site's grade has more than 10 feet of elevation change then the developer must build a 10 foot maximum height wall, then a 10 foot horizontal area, then another wall up to 10 additional feet. This process can be repeated, however, the higher the elevation, the more horizontal land is required. He reported that staff has reviewed a specific request for a Walgreens Drug Store at the intersection of University Parkway and Shattalon Drive. Staff realizes that the developer cannot make the site work for a drugstore with the existing restrictions. However, if there was an allowance to have a 15 foot retaining wall, this development would work. Staff is proposing that if a site cannot work after consideration of alternative design/configuration options and if after adequate supplemental safety devices are installed, an exception could be approved. Staff has developed procedures to review the validity of requests for the exception. The developer in question has proposed to install a guard railing system at the top of wall as well as a wrought iron appearance or more decorative fence as a safety device.

In response to Council Member Leight's question, Mr. Turner stated that the same rules would govern a request for an exception in a residential area, with no input from the neighborhood. He also stated the request would be evaluated according to the site conditions that exist in the field. He responded that in order to expedite the development approval process, staff didn't include a

process of taking the item before an elected body. The process includes the finding of conditions being unacceptable or impracticable to build without the higher wall, which staff could evaluate on behalf of the Council. Staff is proposing a public notification process as part of the procedures.

Council Member Adams remarked that the McDonald's Restaurant on Northpoint Boulevard has been built on the hill replacing the Blockbuster Video building. A wall of substantial height was erected at that location without visual amenities. She stated that she expressed her concerns, and fencing, trees and shrubs, etc. have been installed, beautifying the area. She noted a similar wall that was erected at Winston-Salem State University, close to Reynolds Park Road with a nice design of mulch, gravel and low-growing shrubs to protect runoff. She stated that she commends anyone who adheres to safety aspects and government restrictions. Council Member Adams welcomed Walgreens to the North Ward.

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

Mr. Eric Bushnell stated that he lives in the North Ward, and that he is President of the Winston-Salem Neighborhood Alliance. He expressed concerns about setting a precedent of changing the law for one project and other consequences that might come from this.

Chair Clark responded to Mr. Bushnell that there have been numerous instances where the UDO has been changed for one project throughout history.

Council Member Besse stated that there is a difference when changing something that has been carefully mapped out for a specific technical reason. If the standard is tied to a scientific, engineering or safety design, revising that item should be done very carefully. He remarked that if there is something other than a relatively arbitrary selection of 10 feet as a rule of thumb involved and Mr. Bushnell is familiar with that, he requested to hear it. He further stated that it seems more likely that there was no special reason for selecting 10 feet, other than it was in the ballpark as a reasonable figure, and 15 feet is not necessarily outside that ballpark. He added that he didn't see any public interest argument that Council shouldn't take individual circumstances into account when looking at reasonable range requests that may be paralyzed by arguments for specific requirements.

Mr. Turner responded that the 10 foot recommendation came from two staff concerns: one, that a height above 10 feet would create a fall safety issue for pedestrians who were at the top of a taller wall, and two, a 10 foot wall would provide a visual feature because anything taller would create a less-appealing visual feature.

Council Member Leight remarked that she trusts staff's judgment on the engineering aspect, but she still has concerns with the visual aspect.

The motion for approval carried unanimously.

ADJOURNMENT: 5:32 p.m.