

## AGENDA

### PUBLIC WORKS COMMITTEE

6:00 p.m., Tuesday, March 22, 2016

COMMITTEE ROOM

Room 239, City Hall

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*COMMITTEE MEMBERS: Council Member Dan Besse, Chair  
Council Member Derwin L. Montgomery, Vice Chair  
Council Member Robert C. Clark  
Council Member James Taylor, Jr.*

### GENERAL AGENDA

- G-1. ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE RELATING TO "STREETS AND SIDEWALKS".
- G-2. RESOLUTION OF SUPPORT WITH FINANCIAL COMMITMENT AND AUTHORIZATION TO APPLY FOR THE 2016 TRANSPORTATION INVEST GENERATING ECONOMIC RECOVERY GRANT.
- G-3. PRESENTATION ON CITY/COUNTY WATER SYSTEM WATER QUALITY.
- G-4. PRESENTATION ON PROPOSED IMPROVEMENTS TO THE PASSAGEWAY BETWEEN CHERRY STREET AND TRADE STREET BY THE DOWNTOWN WINSTON-SALEM PARTNERSHIP.

CONSENT AGENDA

- C-1. CONSIDERATION OF ITEM RELATING TO THE 28TH STREET STORMWATER DRAINAGE IMPROVEMENTS AND WATER AND SEWER REPLACEMENT:
- a. RESOLUTION AUTHORIZING A CHANGE ORDER TO CHARLES D. LOWDER INC. IN THE AMOUNT OF \$270,000 FOR REPLACEMENT OF A 72" CULVERT SYSTEM ON IVY AVENUE (NORTHEAST WARD).
  - b. RESOLUTION AUTHORIZING A CHANGE ORDER TO HDR ENGINEERING IN THE AMOUNT OF \$40,000 FOR CONSTRUCTION OBSERVATION AND ADMINISTRATION SERVICES.
  - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2015-2016.
- C-2. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DAVENPORT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WHITAKER PARK NEW ROADWAY FEASIBILITY IMPROVEMENT PROJECT.
- C-3. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC MODELING FOR THE BUSINESS 40 PROJECT.
- C-4. CONSIDERATION OF A PETITION TO CLOSE AND ABANDON A PORTION OF N. MAIN STREET AND ALLEYWAYS LOCATED EAST OFF OF TRADE STREET (EAST WARD) – *Petition of E. G. Forrest. Public Hearing: May 2, 2016.*
- C-5. INFORMATION ON HICKORY CREEK SUBDIVISION ROADS.
- C-6. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *February 9, 2016.*

**City Council – Action Request Form**

**Date:** March 1, 2016  
**To:** The City Manager  
**From:** Marilena J. Guthold, Assistant City Attorney

**Council Action Requested:**

ORDINANCE AMENDING CHAPTER 74, ENTITLED “STREETS AND SIDEWALKS”

**SUMMARY OF INFORMATION:**

Council has requested that staff recommend a financing option to allow neighborhood residents to pay their share of their neighborhood’s cost of a street improvement project on a sliding scale and over time. Currently, residents who are assessed for the cost of a street improvement, under 74-179(a)(8), either pursuant to petition or Council order, pay the cost of materials, but not labor and equipment. Residents who enter into a contract with the City for the street improvement, or who pay the cost of the project before it commences, under 74-179(b), pay the cost to bring the street up to City ribbon pavement standards. This latter category of resident (one who pays per contract or before the project commences) is divided into two classes: 1) those whose streets already have water and sewer installed, and whose streets can, therefore, be paved with hot mix asphalt, and 2) those whose streets may not have both utilities installed, and whose streets the City will only seal with bituminous surface treatment, which is easier to remove when utilities are eventually installed. Residents whose streets can be paved with hot mix asphalt are given the option to pay on a sliding scale.

Total Project Cost: Staff recommends requiring all residents whose projects are executed under 74-179(a)(8) or (b), those who are assessed, as well as those who contract with the City or who pay the cost of the project in advance, to pay their share of the entire cost of the project, not just the cost of materials.

Sliding Scale: Staff also recommends allowing all residents whose streets will be paved with hot mix asphalt, whether they are assessed, per 74-179(a)(8), or pay beforehand or pursuant to

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_

contract, per 74-179(b), to pay a *percentage* of the total project cost, based on a formula which compares their neighborhood's average dwelling value to the City-wide median dwelling value, as shown in the table below. Thus, if a neighborhood's average dwelling value is \$50,000 and the City-wide median dwelling value is \$100,000, then the neighborhood's average dwelling value will be 0.5 or half that of the City wide median dwelling value, and the neighborhood's residents would only pay 10% of the cost of the project.

<u>Neighborhood Avg. Property Values Divided by City Avg. Property Values</u>	<u>City Share of Pavement Work</u>	<u>Neighborhood Share of Pavement Work</u>
< 0.4	100%	0%
0.4—0.6	90%	10%
0.61—0.8	80%	20%
0.81—1.0	70%	30%
1.01—1.2	60%	40%
1.21—1.4	50%	50%
1.41—1.6	40%	60%
1.61—1.8	30%	70%
1.81—2.0	20%	80%
2.01—2.2	10%	90%
> 2.2	0%	100%

Payment Over Time: Staff also recommends allowing residents whose projects are executed per assessment, under 74-179(a)(8), to choose between the following two (2) repayment terms. Applicable law permits the payment of an assessment in not fewer than five (5) equal annual installments.

<u>Financing Period</u>	<u>Financing Calculation</u>	<u>Rate</u>
5 Years	Prime interest rate plus 1.5%	4.75%
10 Years	Prime interest rate plus 2%	5.25%

Staff, furthermore, recommends allowing residents whose projects are executed per contract, under 74-179(b), to choose among the following three (3) repayment terms.

<u>Financing Period</u>	<u>Financing Calculation</u>	<u>Rate</u>
3 Years	Prime interest rate plus 1%	4.25%
5 Years	Prime interest rate plus 1.5%	4.75%
10 Years	Prime interest rate plus 2%	5.25%

Interest, in both cases, will be charged according to the length of the repayment term.

Property owners whose projects are executed pursuant to contract, and who choose to pay over time, will execute a promissory note and deed of trust to secure their repayment obligation. Property owners who are assessed will not be required to execute such instruments because the assessment operates as a lien on their land, which secures the payment of the assessment.

Additional administrative edits will be made to the ordinance in future, in order to bring it into compliance with current session laws, as amended.



**ORDINANCE AMENDING CHAPTER 74, ENTITLED  
“STREETS AND SIDEWALKS”**

**BE IT ORDAINED** by the Mayor and the City Council of the City of Winston-Salem as follows:

Section 1. Sec. 74-179. – “City participation in the costs of local improvements.” is, hereby, amended to read as follows:

**Sec. 74-179. - City participation in the costs of local improvements.**

- (a) The following is the city policy on road projects done under assessments:
- (1) The procedure provided by Private Laws 1927, Chapter 224, shall replace the procedure now contained in the Charter when there is a difference between the two procedures.
  - (2) The assessment for any property owner for paving of a dirt street will be waived if a minimum of 60 feet of street right-of-way or 30 feet of right-of-way plus ten feet of utility easements on each side of the street is dedicated and platted. If the property owners wish to have curb and gutter installed, they shall pay 100 percent of the actual cost of installing such improvements.
  - ~~(3) In all instances where a substandard paved street or dirt street is to be improved to city standard curb and gutter by a petition, the amount to be assessed against any property owner per property front foot for such curb and gutter and associated improvements shall be 100 percent of the actual cost of installing such improvement.~~
  - (4) Reserved.
  - (5) With respect to all sidewalk improvement projects to be constructed within approved and designated community development areas, for which project the city receives federal community development financial assistance, the amount to be assessed against abutting properties shall be one-half the amount that would be assessed at the assessment rate generally prevailing at the time such projects are approved by the city council.
  - (6) Within approved and designated community development areas, the total cost of constructing or reconstructing any portion of a driveway within the sidewalk area shall be assessed against the lot served by such driveway; provided, however, that the cost of reconstruction of an existing city standard concrete driveway which is necessitated by the construction or reconstruction of an adjoining sidewalk shall be paid in full by the city. The cost of reconstruction of an existing substandard driveway necessitated by the construction or reconstruction of an adjoining sidewalk shall be assessed against the lot served by such driveway at one-half its actual cost.
  - (7) Reserved.
  - (8) With respect to private streets within the city limits of Winston-Salem, if the street has a minimum of 30 feet of right-of-way, plus ~~a ten-foot-feet~~ of utility easements on each side of the street, and water and sewer services installed, then, at a petition request from the property owners, the City of Winston-Salem Streets Division will prepare an estimate to bring the street construction up to

city ribbon pavement standards. A sufficient petition must then be turned in by the property owners. According to Chapter 224 of the 1927 Private Laws, for the petition to be considered legally sufficient, it must be signed by over 50 percent of the affected property owners who own over 50 percent of the property frontage. City staff will recommend a project for approval only if the petition has been signed by over 60 percent of the property owners who own over 60 percent of the property frontage. Further, according to Chapter 224 of the 1927 Private Laws, city council can approve any request for improvements when, in its judgment, the street is unsafe or dangerous or whenever the paving or repaving is necessary in order to connect streets already paved or if it is necessary in order to connect any paved portion of any municipality's streets with a paved highway outside the corporate limits. If either of these ~~forgoing~~ foregoing conditions exists, and, in the judgment of council, the abutting property will be benefited by said improvements, the council may, without petition, order the making of such improvements and assess the abutting property owners. Once a project is approved by the city council, the property owners will be responsible for ~~the a~~ a percentage of the total cost to bring the street up to city ribbon pavement standards ~~project cost associated with the material costs (i.e., asphalt, stone, etc.) and the city will be responsible for the percentage of the total project cost associated with the labor and equipment costs.~~ The city will require financial participation by the neighborhood at a variable percentage of the total cost, based on the neighborhood's average dwelling value relative to the city-wide median dwelling value. The participation percentages will be as shown in the table below:

<u>Neighborhood Avg. Property Values Divided by City Avg. Property Values</u>	<u>City Share of Pavement Work</u>	<u>Neighborhood Share of Pavement Work</u>
<u>&lt; 0.4</u>	<u>100%</u>	<u>0%</u>
<u>0.4—0.6</u>	<u>90%</u>	<u>10%</u>
<u>0.61—0.8</u>	<u>80%</u>	<u>20%</u>
<u>0.81—1.0</u>	<u>70%</u>	<u>30%</u>
<u>1.01—1.2</u>	<u>60%</u>	<u>40%</u>
<u>1.21—1.4</u>	<u>50%</u>	<u>50%</u>
<u>1.41—1.6</u>	<u>40%</u>	<u>60%</u>
<u>1.61—1.8</u>	<u>30%</u>	<u>70%</u>
<u>1.81—2.0</u>	<u>20%</u>	<u>80%</u>
<u>2.01—2.2</u>	<u>10%</u>	<u>90%</u>
<u>&gt; 2.2</u>	<u>0%</u>	<u>100%</u>

Payment for said materials will be collected by the City of Winston-Salem through an assessment on the affected properties. Property owners may choose to pay over a period of time not to exceed ten (10) years. Property owners who elect to pay their share of the project cost over time may choose between the two financing options indicated in the table below. Interest will be charged according to the length of the repayment term.

<u>Financing Period</u>	<u>Financing Calculation</u>	<u>Rate</u>
<u>5 Years</u>	<u>Prime interest rate plus 1.5%</u>	<u>4.75%</u>
<u>10 Years</u>	<u>Prime interest rate plus 2%</u>	<u>5.25%</u>

As limited by Chapter 224 of the 1927 Private Laws, the assessment will not include the cost of paving the intersection. Also, exemptions will be granted to corner lots when a project is undertaken along both sides of such lots. Said exemption will be up to 75 percent of the frontage of any side of the corner lot, or 200 feet, whichever is greater. Once the street is brought up to City of Winston-Salem standards, the streets division will take over the street as a city-maintained street and will be responsible for all further maintenance.

- (9) If the street or sidewalk along the side of a corner lot, used as a single lot, is paved or otherwise improved, such lot shall be exempt from assessment for such improvement along the side of such lot to the extent of 40 percent of the frontage on such street or 60 feet, whichever is less. If the street or sidewalk in front of a corner lot, used as a single lot, is paved or otherwise improved, no exemption shall be allowed. The provisions contained in the two preceding sentences shall be subject to the following exception: If the street or sidewalk in front of a corner lot is not paved at the time of the improvement of the street or sidewalk, as the case may be, along the side of the lot, such lot shall be exempt from assessment for the improvement along the side of such lot to the extent of 20 percent of the frontage on such street or 30 feet, whichever is less; and thereafter, upon the improvement of the intersecting street or sidewalk on which such lot fronts, such lot shall be exempt from assessment for the improvement of the street or sidewalk to the extent of 50 percent of the frontage on such street or 30 feet, whichever is less. This exception shall apply to situations where the street along the side of a lot was improved prior to the adoption of the ordinance from which this section is derived, as well as to situations where the street along the side of a lot is improved after the adoption of the ordinance from which this section is derived.
- (10) The total cost of constructing or reconstructing a sidewalk shall be assessed against the lots or parcels of land abutting in accordance with Private Laws of 1927, Chapter 224, § 14(b), except where the corner lot relief policy, as defined in subsection (1) [(9)] of this subsection, and within the infrastructure development standards, shall apply.
- (11) The total cost of constructing or reconstructing any portion of a driveway within the sidewalk area shall be assessed against the lot being served by such driveway; provided, however, the cost of any reconstruction of an existing city standard concrete driveway, made necessary by construction or reconstruction of the adjoining sidewalk, shall be paid in full by the city. The cost of reconstructing any existing substandard driveway shall be paid by the abutting property owner.
- (12) It is hereby declared to be the policy of the city to grant relief with respect to street and sidewalk improvement assessments to the property owner of a double-frontage lot in areas zoned residential as set forth in this subsection. For the purposes of this section, a double-frontage lot is defined to be a lot which adjoins two streets, front and back, and which is not a corner lot. If one street abutting a double-frontage lot has been improved (with respect to street paving, this shall mean improvement to full city standards), the lot shall be exempt

from assessment for the same or a comparable type of improvement (street or sidewalk) on the second street to the extent of 40 percent of the lot's frontage on such street or 60 feet, whichever is less, provided:

- a. The residentially zoned lot is vacant and the total area and lot depth are less than twice the minimum zoning lot requirements for the zoning district.
- b. There is a principal building on the lot which is so located that the area and lot depth remaining between the rear of the principal building and the street abutting the rear of the lot, after deduction of the rear yard required by the city zoning ordinance for the principal building, is less than one-half the area and lot depth indicated for the zoning districts tabulated in subsection (1) [a.] of this subsection; or
- c. The topography of the lot is such that it would not be feasible to build more than one principal building on the lot regardless of size. In those cases where topography is the determining factor, the city council shall determine whether or not the lot is to receive the assessment exemption under this subsection.

(13) It is hereby declared to be the policy of the city that, in all instances in which streets and sidewalks are paved on petition to a width in excess of that required by the city, the abutting property owners shall be assessed in accordance with the policies set forth in this section for that portion of the cost of the improvement attributable to the improvement of a 26-foot wide street and a five-foot wide sidewalk. The city shall absorb that portion of the cost, if any, attributable to any extra width required by the city, and the property owners shall be assessed for that portion of the cost attributable to any excess width requested in the petition but not required by the city.

(14) Street intersections and private alleys intersecting street improvement projects, where the alley is owned by more than one adjoining property owner, shall not be subject to sidewalk and street ~~paying~~ paving improvement project assessments.

(b) The following is the city policy on road projects done without assessment, but under contractual agreements with neighborhoods or individual residents, thereof. With respect to private streets within the city limits of Winston-Salem:

(1) ~~With respect to private streets within the city limits of Winston-Salem, if~~ the street has a minimum width of 30 feet of dedicated public right-of-way and water and sewer services installed, ~~plus two one ten-foot utility easements on each side of the right-of-way, then,~~ at the request of the property owners, the City of Winston-Salem Streets Division will prepare an estimate to bring the street construction up to city ribbon pavement standards, using hot mix asphalt (“HMA”). If the City Council and the property owners decide to execute the project, the city will require financial participation by the neighborhood at a variable percentage of the total cost based on the neighborhood's average dwelling value relative to the city-wide median dwelling value. The participation percentages will be as shown in the table below:

<u>Neighborhood Avg. Property Values Divided by City Avg. Property Values</u>	<u>City Share of Pavement Work</u>	<u>Neighborhood Share of Pavement Work</u>
<u>&lt; 0.4</u>	<u>100%</u>	<u>0%</u>
<u>0.4—0.6</u>	<u>90%</u>	<u>10%</u>
<u>0.61—0.8</u>	<u>80%</u>	<u>20%</u>
<u>0.81—1.0</u>	<u>70%</u>	<u>30%</u>
<u>1.01—1.2</u>	<u>60%</u>	<u>40%</u>
<u>1.21—1.4</u>	<u>50%</u>	<u>50%</u>
<u>1.41—1.6</u>	<u>40%</u>	<u>60%</u>
<u>1.61—1.8</u>	<u>30%</u>	<u>70%</u>
<u>1.81—2.0</u>	<u>20%</u>	<u>80%</u>
<u>2.01—2.2</u>	<u>10%</u>	<u>90%</u>
<u>&gt; 2.2</u>	<u>0%</u>	<u>100%</u>

(2) If the street has a minimum width of 30 feet of dedicated public right-of-way, but may not have both water and sewer services installed, ~~plus two~~one ten-foot utility easements on each side of the right-of-way, then, at the request of the property owners, the City of Winston-Salem Streets Division will prepare an estimate to bring the street construction up to city ribbon pavement standards using a bituminous surface treatment (BST) standard.

~~(3) For all road projects done with HMA under the provisions of this subsection and that are over ten years old, the City of Winston-Salem Streets Division shall prepare a total cost for the roadway improvements needed for the city to accept the street for maintenance. The city will then require a financial participation by the neighborhood at a variable percentage of the total cost based on the neighborhood's average dwelling values relative to the city wide median dwelling value. The participation percentages shall be as shown in the table below:~~

<u>Neighborhood Avg. Property Values Divided by City Avg. Property Values</u>	<u>City Share of Pavement Work</u>	<u>Neighborhood Share of Pavement Work</u>
<u>&lt; 0.4</u>	<u>100%</u>	<u>0%</u>
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<u>1.21—1.4</u>	<u>50%</u>	<u>50%</u>
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<u>1.61—1.8</u>	<u>30%</u>	<u>70%</u>
<u>1.81—2.0</u>	<u>20%</u>	<u>80%</u>
<u>2.01—2.2</u>	<u>10%</u>	<u>90%</u>
<u>&gt; 2.2</u>	<u>0%</u>	<u>100%</u>

~~(3) Property owners who request the project must either (a) pay their neighborhood's entire share of the cost of the project before any work is performed or, (b) in lieu, thereof,~~

each property owner who requests the project must either (i) pay their individual, pro rata share of the neighborhood’s overall portion of the cost of the project before work commences or (ii) execute an agreement, promissory note, and deed of trust, satisfactory to the city attorney, to secure that property owner’s obligation to pay their individual share of the neighborhood’s overall portion of the cost of the project, and permitting the property owner to pay over a period of time not to exceed ten (10) years. Property owners who elect to pay their share of the project cost over time may choose among one of the three financing options indicated in the table below. Interest will be charged according to the length of the repayment term.

<b><u>Financing Period</u></b>	<b><u>Financing Calculation</u></b>	<b><u>Rate</u></b>
<u>3 Years</u>	<u>Prime interest rate plus 1%</u>	<u>4.25%</u>
<u>5 Years</u>	<u>Prime interest rate plus 1.5%</u>	<u>4.75%</u>
<u>10 Years</u>	<u>Prime interest rate plus 2%</u>	<u>5.25%</u>

Whichever payment option property owners choose, payment up-front or payment over time, the total sum of money the city receives must equal the neighborhood’s entire share of the cost of the project. The city will not proceed with a project, unless it receives payment of, and/or appropriate documents to secure the payment of, the neighborhood’s entire share of the cost of the project.

- (4) City council must approve any projects done under this provision. If no payment is required from a neighborhood, work may begin immediately, upon city council approval.
- (5) Roads less than 15 fewer than ten (10) years old and roads in non-residential neighborhoods areas do not qualify for this program. For purposes of this subsection 74-179(b), “non-residential areas” shall be defined as areas that are neither zoned residential, nor adjacent to an area that is zoned residential.
- (6) Neighborhoods must be seventy-five (75) percent or greater developed to qualify for this program. Mobile homes are not considered real estate and mobile home developments would not qualify for this program. The required payment for the improvements will be made by the residents of the affected neighborhood after city council approval of the road improvement project but before any work is performed. There will be no assessment for work done under this subsection. If there is no payment required from the residents, work can begin upon city council approval.

Section 2. This ordinance shall become effective upon adoption.

<b>City Council – Action Request Form</b>	
<b>Date:</b>	March 21, 2016
<b>To:</b>	The City Manager
<b>From:</b>	Gregory M. Turner, Assistant City Manager
<b>Council Action Requested:</b>	
Consideration of a Resolution of Support with Financial Commitment and Authorization to apply for the 2016 Transportation Investment Generating Economic Recovery Grant.	
<b>Summary of Information:</b>	
<p>The U.S. Department of Transportation released the Notice of Funding Opportunity for the next round of Transportation Investment Generating Economic Recovery (TIGER) competitive grants on February 23, 2016. The Consolidated Appropriations Act, 2016, appropriated \$500 million to be awarded by the US Department of Transportation for National Infrastructure Investments.</p> <p>The 2016 TIGER discretionary grant program will continue to make transformative surface transportation investments by providing improvements over existing conditions. The grant program will focus on capital projects that generate economic development and improve access to reliable, safe and affordable transportation for communities. Funds will be awarded on a competitive basis for projects that will have a significant impact on the nation, a metropolitan area or a region.</p> <p>The minimum grant request for urban areas is \$5 million and maximum request is \$100 million. Applications for TIGER grant funding must be submitted by April 29, 2016. Funds are available for obligation until September 30, 2019.</p> <p>Staff has consulted with Leslie Mozingo, Strategies Consulting LLC concerning this year’s grant and potential candidate projects for submission. After discussing the candidate projects, she advised that the Multi-Use Path was the most viable project at this time. Ms. Mozingo also advised that applications with a high commitment for the local match have a higher probability for success.</p>	
<b>Committee Action:</b>	
<b>Committee</b>	<b>Action</b>
<b>For</b>	<b>Against</b>
<b>Remarks:</b>	

## **G-2. DRAFT**

The multi-use bicycle and pedestrian path (MUP) adjacent to Business 40 will link Baptist Medical Center with BB&T Ballpark, downtown Winston-Salem, the Wake Forest Innovation Quarter (WFIQ) with nearby residential neighborhoods and commercial areas. A portion of the work for the MUP is included in the Business 40 project. The remaining segments of the MUP are requested in the Capital Improvement Plan at an estimated cost of \$10 million. Staff recommends requesting a 50/50 cost share with the minimum \$5 million in TIGER funds and local match of \$5 million.

The attached resolution supports the submission of the MUP for grant consideration and provides a financial commitment to provide a 50% match for the project.

**RESOLUTION OF SUPPORT WITH FINANCIAL COMMITMENT AND  
AUTHORIZATION TO APPLY FOR THE 2016 TRANSPORTATION INVESTMENT  
GENERATING ECONOMIC RECOVERY GRANT**

**WHEREAS**, the U.S. Department of Transportation released the Notice of Funding Opportunity for the next round of Transportation Investment Generating Economic Recovery (TIGER) competitive grants on February 23, 2016; and

**WHEREAS**, the Consolidated Appropriations Act, 2016, appropriated \$500 million to be awarded by the US Department of Transportation for National Infrastructure Investments; and

**WHEREAS**, the minimum grant request for urban areas is \$5 million and maximum request is \$100 million and applications for TIGER grant funding must be submitted by April 29, 2016; and

**WHEREAS**, the multi-use bicycle and pedestrian path (MUP) adjacent to Business 40 will link Baptist Medical Center with BB&T Ballpark, downtown Winston-Salem, the Wake Forest Innovation Quarter (WFIQ) with nearby residential neighborhoods and commercial areas and is considered the most viable project for TIGER grant submission; and

**WHEREAS**, a portion of the work for the MUP is included in the Business 40 project and the remaining segments of the MUP are estimated at \$10 million; and

**WHEREAS**, staff recommends a 50/50 cost share with the minimum \$5 million in TIGER fund request and local match of \$5 million.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Winston-Salem supports the Multi-Use Path and approves the project for submission for the 2016 TIGER grant and commits to fund a 50% local match if a grant is awarded.



Presentation to be made at the Public Works Committee Meeting.



Presentation to be made at the Public Works Committee Meeting.



<b>City Council – Action Request Form</b>	
<b>Date:</b>	March 8, 2016
<b>To:</b>	The City Manager
<b>From:</b>	Gregory M. Turner, Assistant City Manager
<b>Council Action Requested:</b>	
<p>Consideration of item relating to the 28<sup>th</sup> Street Stormwater Drainage Improvements and Water and Sewer Replacement:</p> <ul style="list-style-type: none"> <li>a) Consideration of a resolution authorizing a change order to Charles D. Lowder Inc. in the amount of \$270,000 for replacement of a 72”culvert system on Ivy Avenue (Northeast Ward);</li> <li>b) Consideration of a resolution authorizing a change order to HDR Engineering in the amount of \$40,000 for construction observation and administration services;</li> <li>c) Ordinance Amending the Project Budget for the fiscal year 2015-2016 to appropriate funds.</li> </ul>	
<b>Summary of Information:</b>	
<p>On December 14, 2014 City Council awarded a unit price construction contract to Charles D. Lowder Inc. in the estimated amount of \$6,399,703. The purpose of this capital improvement project was to repair, rehabilitate, and/or replace deficient drainage, sewer, and water infrastructure in an area bounded by Indiana Avenue to the north, Liberty Street to the east, 25<sup>th</sup> Street and Blum Park to the south, and Ivy Avenue to the west. An integral part of the drainage work was the re-purposing of a portion of Blum Park that frequently flooded. This area was converted to a constructed wetland, i.e. a natural stormwater management facility (SMF) that provides flooding attenuation and water quality enhancements.</p> <p>During construction of the SMF’s outlet structure, a segment of the existing outfall culvert failed. This outfall culvert is a 72” diameter corrugated metal pipe that conveys stormwater from approximately 168 acres through Blum Park and under Ivy Avenue before it discharges into an open channel. An inspection of the culvert revealed that this metal pipe was severely corroded and had reached the end of its service life.</p>	
<b>Committee Action:</b>	
<b>Committee</b>	<b>Action</b>
<b>For</b>	<b>Against</b>
<b>Remarks:</b>	

Staff requests a change order to install 276' of a 72" corrugated metal pipe from Blum Park through Ivy Avenue. To cover the cost of the excavation, pipe, stone for subgrade and additional paving a contract change order of \$270,000 is requested bringing the total contract value to \$6,669,703 for Charles D. Lowder, Inc.

In addition, a contract change order of \$40,000 is requested for HDR Engineering to provide construction inspection, observation and administration services to complete the Ivy Avenue culvert replacement and the remainder project. The amended contract value for HDR Engineering would be \$157,744.

The attached budget amendment covers the cost of these change orders, as well as the cost for additional engineering, inspection and testing expenses.

**RESOLUTION AUTHORIZING A CHANGE ORDER TO CHARLES D. LOWDER INC.  
IN THE AMOUNT OF \$270,000 FOR WORK ON THE 28<sup>TH</sup> STREET STORMWATER  
DRAINAGE IMPROVEMENTS AND WATER AND SEWER REPLACEMENT  
PROJECT**

**WHEREAS**, on December 14, 2014, City Council awarded a unit price construction contract to Charles D. Lowder, Inc. in the estimated amount of \$6,399,703 for 28<sup>th</sup> Street drainage improvements and water and sewer replacement; and

**WHEREAS**, this drainage improvement and utility replacement project is a unit price contract and the City pays for actual quantities used; and

**WHEREAS**, during construction, a 72” diameter pipe located downstream from the stormwater management facility failed and is in need of replacement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council that an increase in the purchase order in the amount of \$270,000 is authorized to Charles D. Lowder Inc. for additional quantities of work and additional contract contingency associated with the 28<sup>th</sup> Street drainage improvements and water and sewer replacement project.



**RESOLUTION AUTHORIZING A CHANGE ORDER TO HDR ENGINEERING, INC.  
OF THE CAROLINAS IN THE AMOUNT OF \$40,000 FOR WORK ON THE 28<sup>TH</sup>  
STREET STORMWATER DRAINAGE IMPROVEMENTS AND WATER AND SEWER  
REPLACEMENT PROJECT**

**WHEREAS**, City Council awarded a construction services contract to HDR Engineering Inc. of the Carolinas in the amount of \$117,744 for 28<sup>th</sup> Street drainage improvements and water and sewer replacement; and

**WHEREAS**, during construction, a 72” diameter pipe located downstream from the stormwater management facility failed and is in need of replacement; and

**WHEREAS**, additional construction inspection, observation and administration services are needed to complete the project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council that an increase in the purchase order in the amount of \$40,000 is authorized to HDR Engineering, Inc. of the Carolinas for additional inspection, construction observation and administration services associated with the 28<sup>th</sup> Street drainage improvements and water and sewer replacement project.



**ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE  
CITY OF WINSTON-SALEM, NORTH CAROLINA  
FOR THE FISCAL YEAR 2015-2016**

**BE IT ORDAINED** by the Mayor and City Council of the City of Winston-Salem that the Project Budget Ordinance for the Fiscal Year 2015-2016 be amended to transfer funds for change orders to the 28<sup>th</sup> Street Stormwater Drainage Improvements project.

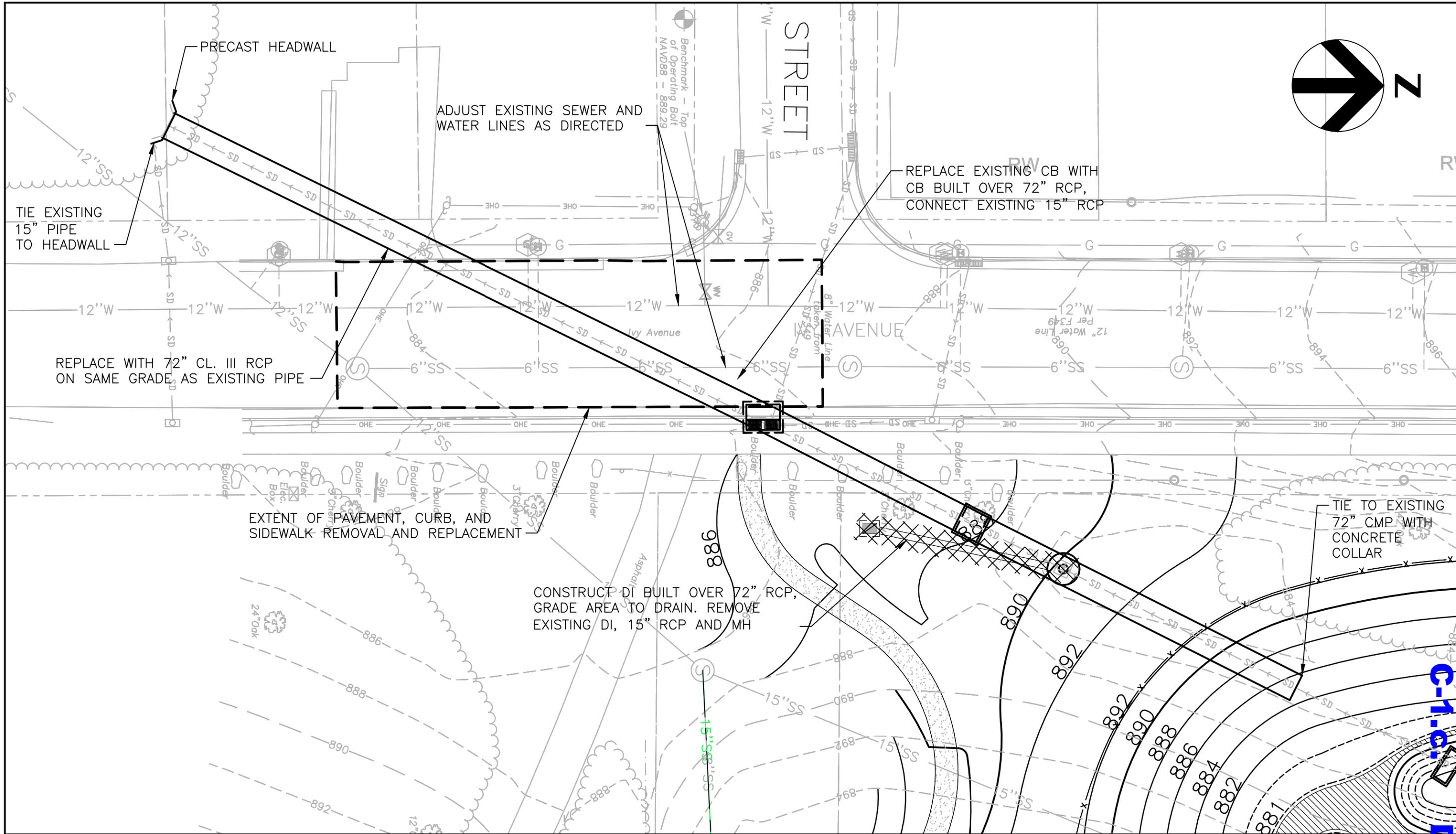
**SECTION 1.** That the Project Budget Ordinance of the City of Winston-Salem, adopted on June 15, 2015 and amended on July 20, 2015, August 17, 2015, September 21, 2015, October 26, 2015, November 16, 2015, December 21, 2015, January 19, 2016, and February 15, 2016, shall be further amended by changing the expenditure appropriations in the following funds.

**Enterprise Capital Projects Funds**

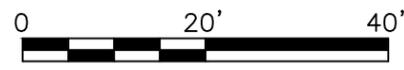
Stormwater Capital Projects Fund	
Stormwater Infrastructure Projects	-\$310,000
28 <sup>th</sup> Street Stormwater Drainage Improvements	310,000
<b>Total Enterprise Capital Projects Funds Expenditures</b>	<b>\$0</b>

**SECTION 2.** That this amendment to the Project Budget Ordinance shall become effective as of the date of adoption.





-27-



HDR Engineering Inc.  
of the Carolinas  
440 S Church St. Suite 1000  
Charlotte, NC 28202-2075  
704.338.6700  
N.C.B.E.L.S. License Number F-0116

**IVY AVENUE DRAINAGE MODIFICATION**

Winston Salem - 28th Street Drainage Improvements

DATE	02/2016
FIGURE	Figure 1

**C-1-01 DRAFT**

C:\pwworking\tpa\0399287\Figure New Storm Exiting Blum Park.dwg, Plot, 2/3/2016 8:17:38 AM, swalz



**City Council – Action Request Form**

**Date:** March 21, 2016

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**To:** The City Manager

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**From:** Gregory M. Turner, Assistant City Manager

**Council Action Requested:**

Consideration of a Resolution Authorizing the City Manager to enter into an Agreement with DAVENPORT for Professional Engineering Services for the Whitaker Park New Roadway Feasibility Improvement Project.

**Summary of Information:**

R. J. Reynolds Tobacco Company opened a manufacturing facility in Whitaker Park in 1961. It had 2000 workers at this location at its peak. In 2010 the company announced the closure of the plant. The Whitaker Park Development Authority (WPDA), a non-profit group, has been formulating plans for redevelopment of 120 acres from this site which was recently donated to them. WPDA commissioned a study in 2012 by the Urban Land Institute to assess redevelopment of the site. This study recommended “extending Akron Drive to the west and building an architecturally significant bridge over Indiana Avenue and the Norfolk Southern Railroad line” to provide direct access to US 52.

In March of 2014, Winston –Salem residents, business owners and government officials gathered to participate in a community design workshop focused on the vicinity of Polo Road and North Cherry Street in the City’s North Ward. The workshop was facilitated by the Center for Creative Economy through its Design Link program. This workshop developed alternatives to improve accessibility incorporating complete streets implementation strategies and again emphasized the need for better east-west connectivity from University Parkway to US 52. The workshop also looked at redevelopment potential in the area and cultivated redevelopment ideas for underutilized properties. The potential for Whitaker Park with long term phased redevelopment could include industrial, some mixed use commercial and medium density residential could create 3500 jobs over the next 15 years.

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:**

The City desires to assess the feasibility of construction a roadway on new alignment through the park and crossing the railroad at Indiana Avenue and Akron Drive. The City selects firms for professional engineering services in accordance with public policy established in N.C.G.S. §143-64.31, which provides for a qualifications-based selection process. In November 2015, the City of Winston-Salem received Letter of Interest/Statement of Qualifications to perform professional engineering services for this project from four engineering firms. After review of these proposals, City staff identified DAVENPORT as the most qualified firm to provide professional engineering services for this project.

The City and DAVENPORT have negotiated the full scope of professional engineering services to be provided for this study. A fee of \$150,000 has been negotiated with DAVENPORT to provide professional engineering services for the planning, functional designs and project oversight, and that the fee has been determined to be fair and reasonable based on the scope of services to be provided.

The Transportation Advisory Committee will review a request for approval of planning grant funds for this project on March 17, 2016, prior to the March 21 City Council meeting. If approved, funds for this study are available in 145010-329304-527105.

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH DAVENPORT FOR PROFESSIONAL ENGINEERING  
SERVICES FOR THE WHITAKER PARK NEW ROADWAY FEASIBILITY STUDY**

**WHEREAS**, the Whitaker Park Development Authority (WPDA), a non-profit group, has been formulating plans for redevelopment of 120 acres in Whitaker Park; and

**WHEREAS**, WPDA commissioned a study in 2012 by the Urban Land Institute to assess redevelopment of the site and this study recommended “extending Akron Drive to the west and building an architecturally significant bridge over Indiana Avenue and the Norfolk Southern Railroad line” to provide direct access to US 52; and

**WHEREAS**, in March of 2014 a community design workshop in the area developed alternatives to improve accessibility incorporating complete streets implementation strategies and again emphasized the need for better east-west connectivity from University Parkway to US 52; and

**WHEREAS**, the City desires to assess the feasibility of constructing a roadway on new alignment through the park and crossing the railroad at Indiana Avenue and Akron Drive; and

**WHEREAS**, the City selects firms for professional engineering services in accordance with public policy established in N.C.G.S. §143-64.31, which provides for a qualifications-based selection process; and

**WHEREAS**, in November 2015, the City of Winston-Salem received Letter of Interest/Statement of Qualifications to perform professional engineering services for this project from four engineering firms; and

**WHEREAS**, after review of these proposals, City staff identified DAVENPORT as the most qualified firm to provide professional engineering services for this project; and

**WHEREAS**, the City and DAVENPORT have negotiated the full scope of professional engineering services to be provided for this study; and

**WHEREAS**, a fee of \$150,000 has been negotiated with DAVENPORT to provide professional engineering services for the planning, functional designs and project oversight, and that the fee has been determined to be fair and reasonable based on the scope of services to be provided; and

**WHEREAS**, the selection process and fee negotiation followed public policy established in N.C.G.S. §143-64.31; and

**WHEREAS**, funds for these professional engineering services have been approved by the Transportation Advisory Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Winston-Salem hereby authorizes the City Manager and City Secretary to enter into an agreement with DAVENPORT to provide professional engineering services for the Whitaker Park New Roadway Feasibility Study for a fee of \$150,000.

<b>City Council – Action Request Form</b>	
<b>Date:</b>	March 21, 2016
<b>To:</b>	The City Manager
<b>From:</b>	Gregory M. Turner, Assistant City Manager
<b>Council Action Requested:</b>	
<p>Consideration of a Resolution Authorizing the City Manager to Enter into a Municipal Agreement with North Carolina Department of Transportation for Traffic Modeling for the Business 40 Project</p>	
<b>Summary of Information:</b>	
<p>The North Carolina Department of Transportation (NCDOT) conducted intensive Traffic Modeling, Traffic Analysis and Capacity Analysis for the Business 40 project to determine the impacts the project would have on the road network. City staff requested the study include during construction in detour conditions and in the longer term with the reconfiguration of ramps within downtown Winston-Salem. This analysis was imperative to understand the potential traffic impacts to the local street network during construction.</p> <p>Attachment A is a summary of the work conducted. The detour analysis was conducted between 2012-2015 and included work tasks from Supplement 5 and 6. The analysis determined intersection improvements that would be necessary to accommodate changes in travel patterns. These improvements are the addition of turn lanes mostly by restriping and will be included in the Business 40 Project.</p> <p>This agreement for cost sharing of the study is coming to Council after the work has been performed. The Business 40 Project is the first accelerated construction project in the state. This made determining the total study cost and proportion to be covered by the City difficult. This is evident based on the need for six supplemental agreements. In analyzing the cost of the study, the total cost of the additional study is \$1,050,297. The City’s share is approximately 45% or \$476,341.63 shown in Attachment B. The Transportation Advisory Committee will review a recommendation to approve this project at the March 17, 2016 meeting, prior to the March 21<sup>st</sup> City Council meeting. If approved, funds are available in 145010-329202, 329204 and 329304.</p>	
<b>Committee Action:</b>	
<b>Committee</b>	<b>Action</b>
<b>For</b>	<b>Against</b>
<b>Remarks:</b>	



**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION FOR TRAFFIC MODELING FOR THE BUSINESS 40 PROJECT**

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) will begin the design/build process to re-construct the bridges and interchanges on Business 40 in downtown Winston-Salem in early 2016; and

**WHEREAS**, the NCDOT and City agreed that a Project Planning and Environmental and Engineering Study is needed to evaluation and coordinate improved transportation service both during the project construction and in the design year; and

**WHEREAS**, the City of Winston-Salem requested that NCDOT prepare and Area Model Analysis and Operational Analysis for detouring traffic to supplement the planned study with the use of Planning Grant funds; and

**WHEREAS**, the portion of the study subject to cost sharing between NCDOT and the City of Winston-Salem totals \$1,050,297; and

**WHEREAS**, the City would be responsible for reimbursement of 45% of the estimated cost or \$476,341.63; and

**WHEREAS**, the funding for the study is available in Planning Grant funds which have been approved by the Transportation Advisory Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council authorizes the City Manager and City Secretary to sign and execute a municipal agreement with the NCDOT for Traffic Modeling, Traffic Analysis and Capacity Analysis for the Business 40 project.



## Business 40 NCDOT Traffic Modeling Agreement Attachment A

U-2827B Traffic Modeling, Traffic Analysis and Capacity Analysis  
NCDOT / RS&H Contract

Contract	Type	Date	Description of Work	Cost
TPB Contract No. 6300013456	Original	01/31/2006	Origin-Destination study for project	\$250,479.27
	Supplement No. 1	02/28/2007	Develop Area Model and Traffic Forecast (2015)	\$60,000.00
	Supplement No. 2	09/26/2007	Prepare Alternative Roadway Scenarios, Develop Peak Hour Volumes, and Intersection Capacity Analysis and Simulation	\$68,472.30
	Supplement No. 3	11/25/2008	Supplemental Intersection Capacity Analysis and Public Involvement	\$204,538.79
	Supplement No. 4	07/13/2011	Traffic Forecasting (2011 Existing, 2040 No-Build and 2 -2040 Build Alternatives) and Traffic Operations Analysis	\$302,481.07
	Supplement No. 5	04/11/2012	Supplemental traffic counts, Travel Demand Model update (2007 to 2011), 2020 Base Model, 2020 Closure Models, Capacity Analysis and Traffic Operations Analysis	\$758,328.74
RS&H Planning and Design LSA Contract No 6300040608	U-2827B TO No. 6	07/22/2015	Additional Travel Demand Model Analysis, Daily Capacity Analysis, 2021 Detour Traffic Operations Analysis - 2021 No-Build and Build, Additional Traffic Operations Analysis - 2040 Build and Public Involvement	\$477,042.40
Total				\$2,121,342.57



## Business 40 NCDOT Traffic Modeling Agreement Attachment B

U-2827B Traffic Modeling, Traffic Analysis and Capacity Analysis  
NCDOT & City of Winston-Salem Proportional Shares

Item	Total Cost	%	NCDOT Cost	%	City W-S Cost
TPB Contract No. 6300013456 - Supplement No. 5					
Analysis - Tasks 1 -7*	\$699,884.99	54	\$377,937.89	46	\$321,947.10
Directs					
Analysis*	\$13,143.75	54	\$7,097.63	46	\$6,046.13
Counts**	\$45,300.00	69	\$31,257.00	31	\$14,043.00
RS&H Planning and Design LSA Contract No 6300040608 - U-2827B TO No. 6					
Analysis - Task 3*	\$291,968.26	54	\$157,662.86	46	\$134,305.40
<b>TOTAL</b>	<b>\$1,050,297.00</b>		<b>\$573,955.38</b>		<b>\$476,341.63</b>

\* Based on the list of 91 intersections when compared to the network proportional split (NCDOT 54%, City W-S 46%).

\*\* Based on the list of 42 intersections; 29 intersections are within the NCDOT portion and 13 intersections are within the City W-S portion. Resulting in a 69% - 31% split.



**Q. WORK ZONE, TRAFFIC CONTROL AND CONSTRUCTION PHASING**

The tentative Construction Phasing for the project is stated in Section IV.P [Work Zone, Traffic Control and Construction Phasing] of the EA. Final Work Zone, Traffic Control and Construction Phasing will be developed based on final plans.

**R. LIGHTING**

The Peters Creek Parkway interchange will be lit with high mast lighting. The City of Winston-Salem has requested that the US 421/I-40 Business corridor have lighting on the shoulders with conduit in the median for future decorative lighting. The City of Winston-Salem has requested lighting of the Green Street pedestrian/utility bridge and the Strollway pedestrian bridge and under bridge lighting of the US 421/I-40 Business crossing of Brookstown Avenue.

The City of Winston-Salem is reviewing the Broad, Marshall, Cherry, Liberty, Main and Church Street Bridges to determine appropriate lighting requirements. Once appropriate lighting is determined for the facilities within the project area the City of Winston-Salem will assume maintenance responsibilities per a municipal agreement prior to construction.

**S. OFF-SITE IMPROVEMENTS**

Traffic patterns shifts will occur as a result of the project. Some of these shifts are temporary during construction and others will become permanent changes resulting from the construction of the project. To mitigate the impacts of the shifting traffic, off-site improvements may be required. Both temporary and long term off-site improvements are discussed below.

**1. Temporary (During Construction) Off-Site Intersection Improvements**

The thirteen (13) intersections with recommended improvements were determined to be constructible with only minor impacts/changes but would yield significant improvement in the intersection operations. The thirteen intersection locations with the proposed temporary improvements listed in Table 13 below.

**Table 13. Temporary Off-Site Intersections Improvements**

No.	Location	Proposed Improvement
1	Peters Creek Parkway at I-40 Business Eastbound Ramp (New)	Use the on-ramp pavement to provide two left turn lanes and two right turn lanes on the off-ramp (loop)
2	Peters Creek Parkway at I-40 Business Westbound Ramp (New)	Convert the left most southbound through lane to a separate left turn lane (providing a second left turn lane)
3	Peters Creek Parkway/Second Street at First Street	Provide a second left turn lane eastbound and a third left turn lane westbound

**Table 13. Temporary Off-Site Intersections Improvements (Cont.)**

No.	Location	Proposed Improvement
4	Broad Street at Second Street	Convert the left most eastbound through lane to a shared left/through lane
5	Broad Street at Fifth Street	Provide a separate left turn lane westbound
6	Broad Street at Sixth Street	Provide a separate left turn lane westbound
7	Marshall Street at Academy Street	Provide a separate left turn lane southbound
8	Third Street at Liberty Street	Provide a separate left turn lane westbound
9	Martin Luther King Jr. Drive at Marshall Street & Cherry Street	Provide a second left turn lane southbound
10	First Street at Northwest Boulevard	Provide a separate right turn lane westbound
11	First Street at Hawthorne Road	Provide a separate right turn lane northbound
12	Northwest Boulevard at Broad Street/Thurmond Road	Provide a separate left turn lane eastbound
13	Peters Creek Parkway at Silas Creek Parkway	Provide a second left turn lane southbound, convert the right most eastbound left turn lane to a through lane and convert the right most eastbound through lane to a second right turn lane

**2. Temporary (During Construction) Off-Site Roadway Improvements**

The project was analyzed for areas where temporary improvements may be necessary during construction in the year 2021, worst case construction scenario, with the closure of US 421/I-40 Business and the removal of Broad, Marshall and Cherry Street bridges or the removal of Broad, Liberty and Main Street bridges. The analysis included the roadway network and major intersections to determine the impacts on traffic. The Traffic and Community Working Group (T&C WG) has reviewed the results of the analysis and made suggestions as to road network improvements and possible detour options. Additional coordination with the public, the City of Winston-Salem and NCDOT staff is needed prior to construction to determine offsite roadway improvements and proposed detour routes during construction.

**3. Long Term (2021 Project Opening) Off-Site Intersection Improvements**

The future Levels of Service (LOS) - 2021 No-Build for the road network within the PSA is discussed in Section II.C.4 [Traffic Carrying Capacity] of the Environmental Assessment. The future LOS - 2021 Build Conditions for the Preferred Alternative showed no change, i.e. remained the same as No-Build, in 114 of the 164 intersections analyzed. The Preferred Alternative will have varying effects on the roadway network in and around the PSA; providing a net positive improvement to 37 intersections and minor degradation of 13 intersections in the network.

At the project opening, 2021, the Marshall Street and Cherry Street at Martin Luther King, Jr. Drive intersections indicate the need for improvements under the Preferred

Alternative. The improvements span from Marshall Street to east of Trade Street on Eighth Street/Martin Luther King Jr. Drive and are the same as those needed for 2040, see Section VII.P.4 below.

#### **4. Long Term (2040 Design Year) Off-Site Intersection Improvements**

Shifts in travel patterns were anticipated as a result of eliminating and reconfiguring interchanges with each alternative. To better understand the shifts in travel patterns the project was analyzed in the build year 2040 for both alternatives. The analyses included the roadway network and major intersections to determine the impacts on traffic.

Of the forty-two (42) major intersections analyzed for the Preferred Alternative, the following three (3) were identified for improvement:

- **Peters Creek Parkway/Second Street at First Street** intersection improvements were based on the reversion of First and Second Streets from a one-way pair to each being two-way. Though the City of Winston-Salem has been discussing the reversion of First and Second Streets no decision has been made if or when the reversion will occur. The proposed improvements are not required for the one-way pair system, thus the Peters Creek Parkway /Second Street at First Street intersection improvements were deleted from the Preferred Alternative.

The remaining two (2) intersections locations with recommended improvements are listed below.

- Peters Creek Parkway at Academy Street – widen Academy Street to the south on both approaches to the intersection to provide a westbound exclusive right turn lane, see Figure 7.
- Marshall Street at Martin Luther King, Jr. Drive and Cherry Street at Martin Luther King, Jr. Drive. Due to the short distance between the two (2) intersections they work as one (1) intersection. The improvements span from Marshall Street to east of Trade Street on Eighth Street/Martin Luther King Jr. Drive. Intersection improvements, see Figure 8, for this location include the following:
  - Add an additional southbound left turn lane from Marshall Street to Eighth Street;
  - Add an additional lane to provide a three (3) lane section from Marshall to Cherry Streets;
  - Add an additional lane to provide a four (4) lane section from Cherry to Trade Streets which will tie to existing four lane section, and;

- Construct a center median from Cherry to Trade Streets to prohibit left turns and convert the off-set Oak Street intersections to right in/right out.

While shifts will occur during construction, bicycle and pedestrian access will be maintained to the greatest level possible in accordance with the NCDOT Accommodating Pedestrians within Work Zones procedure.

#### **T. SIGNAGE**

Due to the shifts in travel patterns with the proposed project, the City of Winston-Salem requested additional Trailblazing signage (a.k.a. Wayfinding signage) to augment the existing Trailblazing signage within the Downtown area, see Appendix C. An estimated 70 additional signs will be needed at an estimated cost of \$400,000.00. This cost includes the planning and engineering, removal of additional or unnecessary signs and the installation of new signs. NCDOT and FHWA concur with the request provided the proposed signs meet the Manual on Uniform Traffic Control Devices (MUTCD) standards.

#### **U. FUTURE TRAFFIC VOLUMES**

Based on the Traffic Projections, all roadways in and around the PSA will experience an increase in traffic volumes in the 2021 and 2040 No-Build Condition, see Section II.C.4.b [Future Traffic Volumes] of the Environmental Assessment (EA) for further details. The 2021 and 2040 Build Conditions for both Alternatives were analyzed to provide an assessment of the proposed improvements to the network, see Section IV.S [Future Traffic Volumes] of the EA for further details.

The Preferred Alternative projected traffic volumes for the 2040 Build Conditions - AADT volumes with design hourly volume, directional splits and truck percentages are shown in Figure 9.

#### **V. FUTURE LEVELS OF SERVICE**

The future Levels of Service (LOS) - 2040 No-Build for the road network within the PSA is discussed in Section II.C.4 of the EA and is shown in Figure 10. The future LOS - 2040 Build Conditions for the Preferred Alternative are shown in Figure 11. The significant changes in LOS between the 2040 No-Build and the 2040 Build Conditions for the Preferred Alternative are shown in Table 14 below. The LOS of all other streets within the PSA remain the same between the 2040 No-Build and the 2040 Build Conditions for the Preferred Alternative.

**City Council – Action Request Form**

**Date:** March 4, 2016

**To:** The City Manager

**From:** Gregory M. Turner, Assistant City Manager

**Council Action Requested:**

Consideration of a petition to close and abandon a portion of N. Main Street and Alleyways located east off of Trade Street (East Ward) – Petition of E. G. Forrest Co.

**Summary of Information:**

The City of Winston-Salem has received a petition to close and abandon a portion of N. Main Street and alleyways east off of Trade Street. That portion of N. Main Street petitioned for closure is an unopened right-of-way of variable width, located between Ninth Street and a 10-foot alley. This right-of-way is approximately 460 feet in length. The area is bounded on the west by Tax PIN 6835-19-9912 and on the east by Norfolk-Southern Railroad. The 10-foot alley is located between Trade Street and that portion of N. Main Street petitioned for closure. It is bounded on the north by Tax PIN’s 6836-10-8141 and 6836-10-9171, and on the south by Tax PIN’s 6835-19-9699 and 6835-19-9912. The 20-foot alley extends north from the 10-foot alley and is bounded on the west, east, and north by Tax Pin 6836-10-9171.

The Public Works Department has reviewed the request. There are no Planning or Winston-Salem Department Of Transportation concerns if this right-of-way is closed. No property owner would be denied access to their property if this petition is approved. Public utilities are located in this right-of-way and easements should be retained.

Approval of the petitioner’s request to close and abandon a portion of N. Main Street and alleyways off of Trade Street is recommended.

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_



NORTH CAROLINA)  
)  
FORSYTH COUNTY)

PETITION TO CLOSE AND ABANDON A  
PORTION OF an alleyway, north of 901 N. Trade street  
and surrounded by tax pin #'s 6835-19-9699,  
6836-10-9171, 6835-19-9912 and 6836-10-8141  
and street east of pin # 6835-19-9699

TO: HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WINSTON-SALEM

The undersigned respectfully petitions the Honorable Mayor and City Council of the City  
of Winston-Salem as follows:

I.

Your petitioner declares that he is the owner of Tax pin #'s 6835-19-9699, 6836-10-9171,  
6835-19-9912, and 6836-10-8141 (Parcels surrounding described Alleyway and street  
that as to other property abutting the portion of The described Alleyway and  
Street east of 6835-19-9699 which he wants to

have closed and abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>
<u>E6 Forrest Company</u>	<u>901 N. Trade street</u> <u>Winston-Salem, NC 27101</u>
_____	_____
_____	_____
_____	_____

(If additional space is needed, please use separate sheet.)

Please state your reason / purpose for closing a portion of said street / alleyway

It is an encumbrance on the land that is surrounded  
by the same owner.

Said portion of The described Alleyway and street was dedicated to public use upon the public records appearing in the Office of the Register of Deeds of Forsyth County, North Carolina. Its use as a street or public way is unnecessary for the normal flow of traffic through the surrounding area.

II.

Your petitioner respectfully petitions that the following described portion of said Alleyway and street east of pin 6835-19-9699 officially be closed and abandoned: (insert property description of the property listed above)

An alleyway, North of 901 N. Trade Street, and surrounded by tax Pin #'s 6835-19-9699, 6836-10-9171, 6835-19-9912, and 6836-10-8141. See Attachment - Exhibit A. Also to include street east of Pin # 6835-19-9699

III.

No individual owning property in the vicinity of the aforesaid portion of The Alleyway and street east of 6835-19-9699 will be deprived of reasonable means of ingress to and from his property, nor is the closing thereof contrary to the public interest.

WHEREFORE, your petitioner respectfully requests the City of Winston-Salem, acting through its City Council to close and abandon for street purposes that portion of said Alleyway and street east of pin # 6835-19-9699 described, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the 30<sup>th</sup> day of December, 20 15.

Edgar Shuill  
Signature(s) of Petitioner(s)

VP - EG Forrest Company  
Petitioner's Title (if representing an organization)

ATTESTED BY:

[Signature]  
Signature of Witness

VP Operations - EG Forrest Company  
Witness's Title

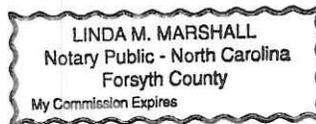
NORTH CAROLINA)  
)  
FORSYTH COUNTY)

I (we) Edgar Shevill Forrest / EG Forrest Company, being duly sworn, depose and say that I am (we are) the petitioner(s) in the above entitled matter; that I (we) have read the foregoing petition and know the contents thereof; that the same is true of my (our) own knowledge except as to those matters therein stated on information and belief and as to those matters, I (we) believe it to be true.

Edgar Shevill Forrest  
Signature(s) of Petitioner(s)

SWORN AND SUBSCRIBED before me, this the 30, day of Dec, 20 15

Linda M. Marshall  
Signature of Notary Public



My commission expires: April 1, 2020

Date Petition Received in Engineering Office:

12/30/15

Signature of Engineering Office staff member verifying information in this petition:

J.C. Hendrick

DATE PETITION RECEIVED IN CITY SECRETARY'S OFFICE: December 30, 2015

FEE PAID: \$ 1400.00

AUTHORIZED AGENT

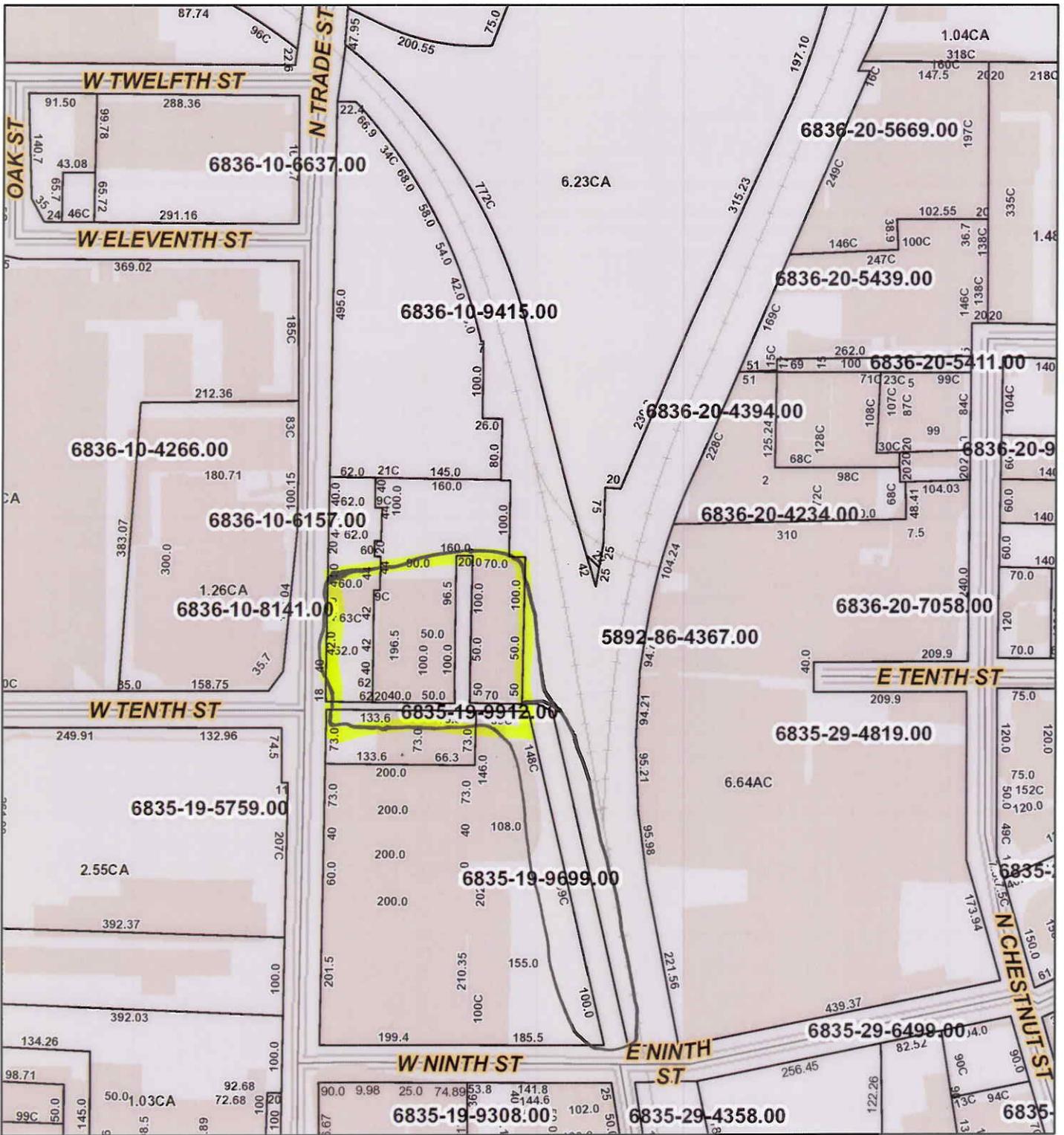
The authorized agent may be the petitioner or another person designated by the petitioner to answer questions and to represent the petition at public hearings. All correspondence will be sent to this agent.

Name: Edgar Forrest

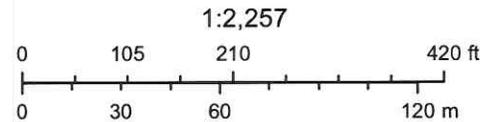
Mailing Address: PO Box 228  
Winston-Salem, NC 27102

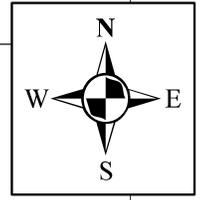
Daytime telephone number (landline and/or mobile): 336-399-9622

# Alleyway Description - EXHIBIT A



December 30, 2015





E G Forrest Co, Inc  
PIN 6836-10-8141 &  
PIN 6836-10-9171

N TRADE ST

N CHESTNUT ST

AREAS PETITIONED  
FOR CLOSURE

E TENTH ST

W TENTH ST

E G Forrest Co  
PIN 6835-19-9699 &  
PIN 6835-19-9912

W NINTH ST

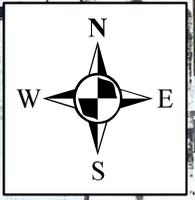
E NINTH ST

N MAIN ST

March 3, 2016

**RIGHT-OF-WAY CLOSURE FOR A PORTION OF N MAIN STREET  
AND ALLEYS OFF OF TRADE STREET  
Petition of E G Forrest Co.**

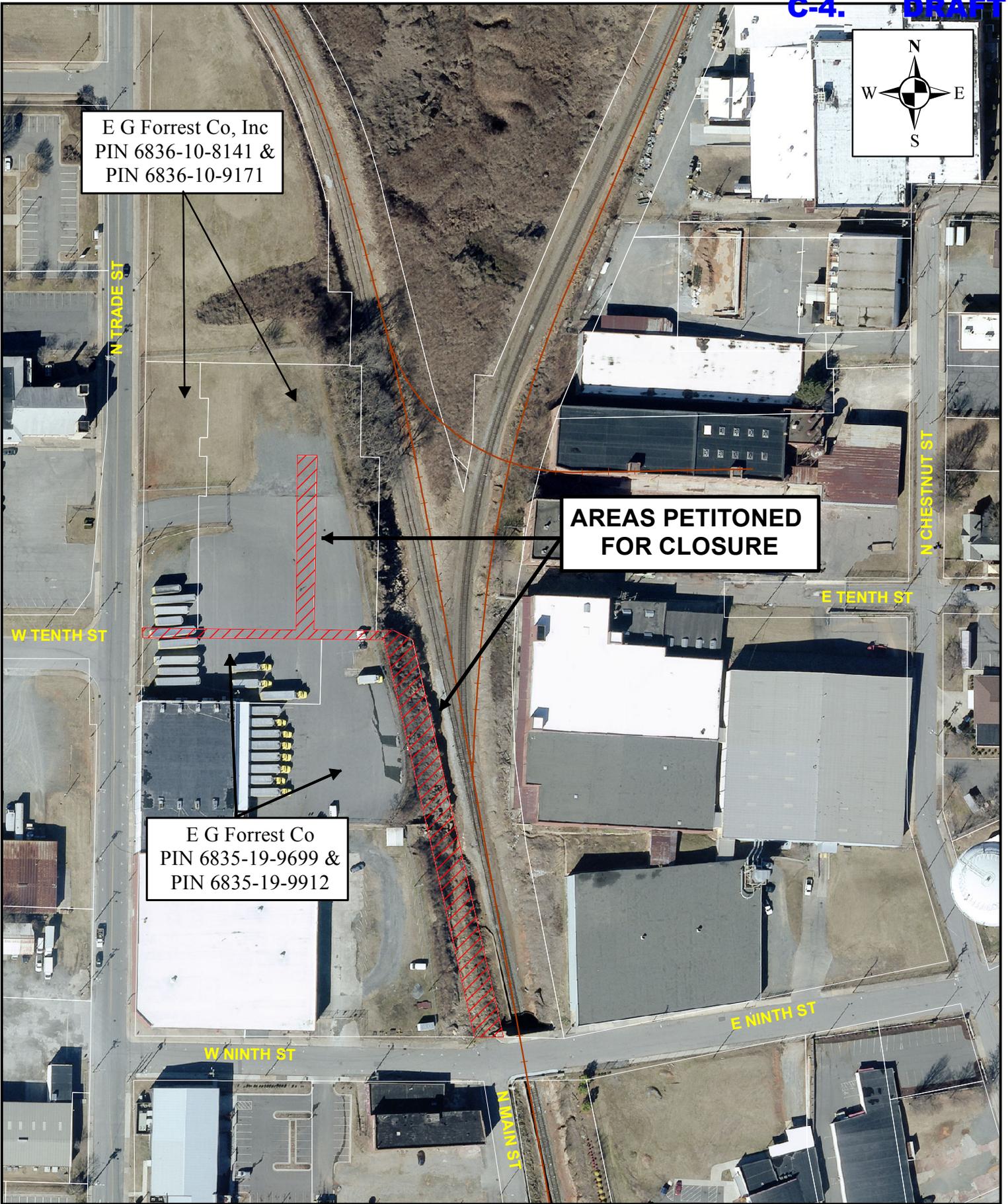




E G Forrest Co, Inc  
PIN 6836-10-8141 &  
PIN 6836-10-9171

AREAS PETITIONED  
FOR CLOSURE

E G Forrest Co  
PIN 6835-19-9699 &  
PIN 6835-19-9912



March 3, 2016

**RIGHT-OF-WAY CLOSURE FOR A PORTION OF N MAIN STREET  
AND ALLEYWAYS OFF OF TRADE STREET  
Petition of 1-55-3. Forrest Co.**



# Memorandum

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**TO:** Lee D. Garrity, City Manager  
Gregory M. Turner, Assistant City Manager

**FROM:** Angela Carmon, City Attorney  
Marilena Jensen-Guthold, Assistant City Attorney

**DATE:** March 9, 2016

**SUBJECT:** Hickory Creek Subdivision Roads

**City Attorney's Office**

P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3816

The following memo is a response to three questions posed of the City by Pastor Charles Fernandez, a resident of the Hickory Creek subdivision. Questions and responses are set out below.

Question #1:

*“Why is Public Works Committee framing this issue as "CONSIDERATION OF CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS" when Hickory Creek Rd., Hickory Creek Ct. and Stacy Ct. are listed as PUBLIC STREETS by the Forsyth County Register of Deed's Office Plat Book (Book 38 Page 18; copy attached)?”*

Answer#1:

Although Hickory Creek Road, Hickory Creek Court and Stacy Street are denoted as “public” on the plat of the Hickory Creek Subdivision, recorded at Deed Book 38, Page 18, the aforementioned road are not public roads. Unless ***both*** an offer of dedication for the streets was made to the State or the City, ***and*** one or the other entity accepted the streets, the streets remain private.

The plat for the Hickory Creek subdivision was recorded on March 28, 1995. At the time that the instant plat was recorded, the streets in question had not yet been annexed by the City, and were within the North Carolina Department of Transportation’s jurisdiction. Therefore, the offer of dedication was made to the State. Staff’s research indicates that the State did not accept these streets for maintenance. Depending upon whether or not the city possessed extraterritorial jurisdiction at that time, the City, in theory, could have adopted a resolution accepting the streets, but such an action did not occur.

Consequently, at the time the annexation occurred approximately twelve years later, the streets in question had not been accepted by either the State or the City. Thus, the streets were and remain private.

Question #2:

*“The Plat records that the "proposed subdivision road construction standard certification" was approved by the Department of Transportation Division of Highways District Engineer. It also records the "Final Subdivision Plat Approval" which certifies "that this plat meets the recording requirements of the Subdivision Regulations for Winston-Salem/Forsyth County ..." and is signed by the Director of Planning.”*

Answer #2:

The above statement, as it relates to the City’s Director of Planning, simply means that the plat meets the recording requirements of the subdivision regulations of the City. According to G.S. § 160A-374, the approval of a plat does not constitute or effectuate acceptance by a city or the public of the dedication of a street; nor does it impose any duty to open, operate, repair or maintain the street. By law, even the acceptance by a city of a street in its extraterritorial jurisdiction does not bestow such a duty.

The above statement, as it relates to the State’s District Engineer, simply means that the plans for the public street were in accordance with the State Board of Transportation’s minimum standards for acceptance of a street for maintenance. However, according to G.S. § 136-102.6, the District Engineer’s certificate of approval does not constitute an acceptance by the State of the dedication of a street. According to the attached letter from the Department of Transportation, the streets in the Hickory Creek subdivision were also *constructed* to State standards, but an application would have had to have been made to add these streets to the State’s system for maintenance.

Question #3:

*“How can the City of Winston-Salem in good conscience justify forcibly annexing the Hickory Creek Subdivision (or any other subdivision) and levy full city taxes upon its residents yet know it will deny these residents the full city services, including street maintenance that it provides to the rest of its tax-paying residents?”*

Answer #3:

N.C.G.S. § 160A-58.53 requires the City, when it annexes an area, to establish a plan to provide street maintenance and other municipal services to the annexed area on substantially the same basis and in the same manner that the City provides them to the rest of the municipality. The City requires private streets within its corporate boundaries to be brought up to a certain standard before the City will accept them. Consequently, the City is allowed, by law, to apply the same requirement to annexed streets, as well. Consequently, the same standard for acceptance has been applied to the private streets in question as has been and is applied to private streets in the City prior to and since the annexation.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT, JR.  
GOVERNOR

DIVISION OF HIGHWAYS  
2125 Cloverdale Avenue  
Winston-Salem, NC 27103  
March 28, 1995

R. SAMUEL HUNT III  
SECRETARY

Division 9  
District 2  
Forsyth County

Subject: Certification of the Completion of Hickory Creek CCPB #94045

Mr. Ronnie Grubbs  
City-County Planning Board  
Post Office Box 2511  
Winston-Salem, NC 27102

Dear Mr. Grubbs,

This is to advise that the streets in the above subject subdivision have been constructed to State Specifications. Street signs are not in place.

These streets will be eligible to be placed on the Highway Secondary Road System upon application. At the time of application they will be required to be in compliance with current standards for road addition to the Secondary Road System.

Sincerely,

  
D. L. Petrea  
ASSISTANT DISTRICT ENGINEER

tds

c: Mr. Douglas B. Waters, Division Engineer





**SUMMARY OF MINUTES**

**PUBLIC WORKS COMMITTEE**

6:13 p.m., Tuesday, February 9, 2016

COMMITTEE ROOM

Room 239, City Hall

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*MEMBERS PRESENT:* Council Member Dan Besse, Chair  
Council Member Derwin L. Montgomery, Vice Chair  
Council Member Robert C. Clark  
Council Member James Taylor, Jr.

*OTHERS PRESENT:* Council Member Molly Leight  
Council Member Jeff MacIntosh

Chair Besse called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. Chair Besse removed Items C-3, and C-7 and Council Member Clark removed Item C-6 for discussion. No other items were removed.

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

**CONSENT AGENDA**

- C-1. RESOLUTION DEFINING THE EASEMENT AREA RETAINED BY THE CITY AS PART OF THE N. CHESTNUT ROAD CLOSURE ON OCTOBER 26, 2015.
- C-2. CONSIDERATION OF ITEMS RELATING TO WORK ON THE RUNNYMEDE ROAD DRAINAGE IMPROVEMENTS AND WATER AND SEWER REPLACEMENT PROJECT:
  - a. RESOLUTION AUTHORIZING A CHANGE ORDER TO RAMEY, INC. IN THE AMOUNT OF \$35,000 FOR WORK ON THE RUNNYMEDE ROAD STORMWATER DRAINAGE IMPROVEMENTS AND WATER AND SEWER REPLACEMENT PROJECT (NORTHWEST WARD).
  - b. ORDINANCE AMENDING THE PROJECT BUDGET FOR THE FISCAL YEAR 2015-2016.
- C-4. RESOLUTION APPROVING CHANGES IN THE STATE HIGHWAY SECONDARY ROAD SYSTEM WITHIN THE EXISTING CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM.

- C-5. RESOLUTION AUTHORIZING THE CONVEYANCE OF AN ENCROACHMENT AGREEMENT FOR A PEDESTRIAN BRIDGE, ACROSS CHURCH STREET TO REYNOLDS AMERICAN, INC. (EAST WARD).
- C-8. CITY COUNTY UTILITY COMMISSION ANNUAL REPORT.
- C-9. APPROVAL OF PUBLIC WORKS COMMITTEE SUMMARY OF MINUTES - *January 12, 2016.*

CONSENT AGENDA

- C-3. CONSIDERATION OF ITEMS RELATED TO THE BUSINESS 40 PROJECT BETTERMENTS:
- a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PEDESTRIAN AND SIDEWALK IMPROVEMENTS ON CLOVERDALE AVENUE AND MILLER STREET.
  - b. PROJECT BUDGET ORDINANCE AMENDMENT TO APPROPRIATE FUNDS.

In response to Chair Besse, Mrs. Angela Carmon, City Attorney, stated the City will be able to enforce solicitation regulations on these streets.

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

- C-6. RESOLUTION AUTHORIZING THE PURCHASE OF FLOOD RAVAGED PROPERTY LOCATED AT 2870 MARGUERITE PARK DRIVE AS PART OF A SEVERE REPETITIVE FLOOD CLAIMS GRANT PROJECT.

In response to Council Member Clark, Mr. Keith Huff, Director, Stormwater Management Department, stated the land will have a deeded restriction on it and will prevent anyone for building a home on it.

Council Member Clark requested staff investigate if the land can be split and deeded to the adjoining property owners.

Council Member MacIntosh suggested urban agriculture as a use for the land.

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

**C-7. INFORMATION ON FUTURE TRANSPORTATION PROJECT FUNDING SOURCES.**

Ms. Toneq' McCullough, Director, Transportation Department, gave the staff report on this item.

In response to Chair Besse, Ms. McCullough replied the stroll way pedestrian bridge is part of the nine million that was already approved.

**GENERAL AGENDA****G-1. PUBLIC HEARING ON THE PROPOSED RENAMING OF A DISCONNECTED SEGMENT OF "LAKEWOOD DRIVE" TO "DEACON POINT LANE" - North Ward.**

Mr. Gregory Turner, Assistant City Manager, gave the staff presentation on this item.

Chair Besse stated this was a Public Hearing and asked if anyone wished to be heard on this item. Hearing no one he closed the public hearing.

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

**G-5. CONSIDERATION OF CITY PARTICIPATION IN LOCAL IMPROVEMENTS OF PRIVATE STREETS - Hickory Creek Court, Forest Hills Drive And Stacey Court. [Item continued from the December meeting of the Public Works Committee.]**

Ms. McCullough gave the staff presentation on this item.

Council Member Taylor stated portion of Forest Hills Drive and a portion of Stacey Court are state maintained and have been accepted by the City.

Chair Besse requested the number of streets annexed before 2007.

Council Member Taylor requested staff research why the homeowner's deeds and other paperwork designate these streets as public streets. He requested a report reflecting a payment option for this issue.

Chair Besse requested staff include a multiyear payment option when this item returns next month.

Mrs. Carmon suggested if any homeowners have questions about legal avenues toward the developer or questions concerning their deeds they should contact a private attorney.

This item will be held in Committee until March 2016 Public Works Committee Meeting.

**G-2. UPDATE ON MERSCHEL PARK MASTER PLAN.**

Mr. Jason Theil, President, Downtown Winston-Salem Partnership, 305 W. 4<sup>th</sup> Street and Mr. Scott Miller, MLA Design Group, 120 Club Oaks Court, gave the presentation on this item.

In response to Council Member Montgomery, Mr. Miller explained the grade difference on the North Liberty side of the plan could be left as shown or the parking could be extended over the top of the grade difference. He noted the plan was designed to incorporate flexibility and scalability.

Council Member Clark requested the cost of this project.

In response to Chair Besse, Mr. Turner stated the bond amount was three million.

Mr. Theil stated they will have public workshops in the future to help shape this plan.

**G-3. AIRPORT COMMISSION OF FORSYTH COUNTY REQUESTS TO REDUCE STORMWATER IMPERVIOUS SURFACE BILLING *[Item continued from the October, November and December meeting of the Public Works Committee.]***

Mr. Keith Huff gave the staff presentation on this item.

In response to Council Member Clark, Mr. Huff replied none of the six airports in phase 1 give and exception to stormwater fees.

Council Member Clark requested staff research if incentivizing the airport to implement their own ways of handling stormwater runoff would be an option.

Mr. Ted Kaplin, Forsyth County Commissioner, 301 Chestnut Street, stated he felt this was a County-City cooperation issue. He felt the airport is unique and does provide economic revenue for the City. He stated the runways are public and should be exempt.

Council Member Leight suggested offering a 50% reduction with the understanding that the savings will be used to install remediation to handle stormwater.

Mr. Scott Piper, Chairman, Airport Commission, 3801 North Liberty Street, stated there are FAA rules that regulate the creation of new water near runways.

This item was held in Committee until the April 2016 Public Works Committee Meeting.

**G-4. UPDATE ON PROVIDING A 'HEAT-TYPE' SERVICE IN WINSTON-SALEM.**

Ms. McCullough gave the staff presentation on this item.

Council Member Montgomery requested staff move forward with surveying the students at the colleges and universities listed. He also suggested including the College Advisory Board into this discussion.

ADJOURNMENT: 7:40 p.m.

