



## Summary

### Public Works Committee

*Council Member Dan Besse, Chair  
Council Member John Larson, Vice Chair  
Council Member Derwin L. Montgomery  
Council Member James Taylor, Jr.*

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Tuesday, September 11, 2018

6:00 PM

Committee Room 239, City Hall

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#### CALL TO ORDER

**Present:** Chair Dan Besse, Council Member James Taylor, Council Member Derwin Montgomery, Council Member John Larson.

**Council Member Jeff MacIntosh was also present**

Rollcall

**Present:** 5 - Council Member Dan Besse, Council Member John C. Larson, Derwin L. Montgomery, James Taylor Jr. and Jeff MacIntosh

#### G GENERAL AGENDA

**G-1.** [18-0664](#) Motion to Excuse Council Member Taylor from Voting on Item G-2.

**Council Member Montgomery: Motion for Approval.**

**Council Member Larson: Second.**

**The motion carried by the following vote:**

**Aye:** 3 - Council Member Besse, Council Member Larson and Council Member Montgomery

**Abstain:** 1 - Council Member Taylor

**G-2.** [18-0626](#) Resolution Authorizing the Grant of an Access Easement for Three Parcels Land Locked by City-Owned Property Pursuant to N.C.G.S 160A-273 (Southeast Ward). [Public Works Committee forwarded this item with three in favor, none opposed and one excused.]

**Attachments:** [Hubert Court - Access Easement - CARE](#)  
[Hubert Court - Access Easement - Resolution](#)  
[Access Easement - Hubert Court - MAP](#)

**Damon Dequenne, Assistant City Manager presented this item.**

**Council Member Larson asked if this is a public right away, it looked like a street, do we plan to ever use this street? It is a city owned property, does not**

understand why we got this? Why are we not just abandoning it?

Mr. Dequenne said it is not going to be a public Street but we are providing the easement to access the property. If it does become a real estate issue, the developer will be responsible for getting things done to make it a street for the public. It is not an abandonment because it is not a right away, it is a city owned property.

Chair Besse said that is not what we are being asked.

Council Member MacIntosh said if the three property owners want to build a house back there, they could improve the easement or bring it up to city standards to make it a road.

If the property were sold to any other individual, it would not grant access. The others would have to get approval for another easement. The easiest way would be for the city to provide the easement to all the property owners who back up to this lot to gain access instead on one property owner.

Chair Besse said this is a very routine request.

Council Member Montgomery: Motion for Approval.

Council Member Larson: Second.

Motion carried with the following vote:

**Aye:** 3 - Council Member Besse, Council Member Larson and Council Member Montgomery

**Excused:** 1 - Council Member Taylor

**G-3.** [18-0621](#) Presentation on the Long Creek Master Plan.

**Attachments:** [Presentation-Long Creek Master Plan](#)  
[Presentation-Long Creek Park Master Plan Cost Estimate](#)  
[Presentation-Long Creek Park Preliminary Master Plan Map](#)  
[Presentation-Long Creek Park Map Surrounding Area](#)

Item presented by William Royston, Director of Recreation and Parks. He described the updates and changes planned for Long Creek.

Chair Besse said Looks good.

Council member Larson Impressed by the golf course.

Council Member MacIntosh said it was a great idea for that part of town, they currently do not have facilities.

Mr. Royston said it is used mainly for walking now.

Council Member Larson asked if any parts of this are in the town of Bethania, answer was No. He welcomed them.

This item was Information Only.

**G-4.** [18-0624](#) Presentation on Dockless Bicycle and Scooter Share Programs.

**Attachments:** [DocklessBicycleandScooterShareProgramsSeptember2018 - Information](#)  
[WS Scooter Share Presentation - 2018.pdf](#)

Chair Besse said this is a hot topic.

City Attorney Angela Carmon has done research on these devices. There are some legitimate questions about whether they can be driven on public streets and if they can be driven on sidewalks.

Chair Besse - said it is not lawful to drive them on sidewalks.

Council Member Montgomery what separates segways from scooters? How is one allowed on the sidewalks and not the other.

Attorney Angela Carmon said the general assembly went back and specified the laws regarding segways (20-1-4) there is a definition of segways t be operated on being driven on city streets. The scooters are not considered 2 wheel tandem devices. 50-51. Proceed with caution.

Besse - there is a special law allowing the segways to be operated on city streets, city attorney will look into them being driven on public sidewalks. Any other question about the legal aspects of this. 20-51 - last revision was in 2016.

Presentation was made by Mr. Matthew Burczyk from the Transporation Department. Described scooter share with powerpoint. Told how to get them started and to leave them, etc. This is the evolution of dockless transportation sharing.

Council Member Montgomery questioned safety and how this is policed. We have things in place but how if the safety being monitored? Behavior needs to be addressed and policed. There needs to be a cost and how do we properly address that. He gave an example of someone not following lights and looking out for cars. We do have downtown bike patrol, but they are not just downtown. Challenge is safety and how it is policed.

Council Member MacIntosh - We are in an evolving legal environment. Wants to hear from a representative from the company.

Kendall Miller, Community Representative for the State of North Carolina. 1305 Central Avenue, Apt. 320, Charlotte, NC. 28205. She has been in conversation with NC of Transportation, as well as, DMV to discuss what the E scooter is. It is in a gray area because the BIRDS do not fit into a category.

Council Member Larson said there is a lot of information online but does not find any good information on injury data. Would like to see us get some type of revenue for us for administration cover costs and the increase of bike lanes. Would work to both advantage. If we are going to write a ticket on these, where will the money go? Doing nothing would not be good, people's behavior will make this a good or bad idea having the BIRDS here. Need an evaluation period.

Council Member Larson had lots of questions and concerns. Does not like to way the company just showed up and put 100 scooters out all over the City. They were placed on city sidewalks with permission from the city. The way you came into the city is insulting, but sure this is the marketing way for this company. The company has abused our city by coming in a just dumping them on sidewalks. We should have been given some notice on where to put them. No one was given information on how to contact anyone from your company. There are a lot of things to discuss legally. Not sure they should be on the streets right now. We have the accountability of these objects. Your company cannot police that so our city will be responsible for that. We have licensed bicycles and petal bar but no one came to the city to speak with anyone prior to placing them on city sidewalks.

Council Member Montgomery - understands Council Member Larson but you came in as a different model. We are facing a decentralization of any mechanisms. Where will one item go and another place to leave. They is not a person to call to discuss. This is not what we are used to. It is new to us, a way of the future.

Chair Besse said this is a way of a business decision. This should have been a public discussion prior to the BIRDS being left here.

Council Member Montgomery said he will applaud the equitable ay they were placed in the city. In places where everyone can use them.

Ms. Miller said they are picked up at 7:00 p.m., charged and placed back out by 7:00 a.m. every day. They move throughout the city and placed on sidewalks. They are picked up at 7:00 p.m. so people do not scoot and drive.

Chair Besse said we need more information from the City Manager or City Attorney.

City Attorney Angela Carmon said we first need to get clarification on where the birds can be operated (city streets)?

Chair Besse said we need to report back with further information.

City Manager, Lee Garity requested for this information to be brought back with more answers.

Chair Besse said in the meantime, they are left on the city streets and used at the user's risk.

Council Member Larson said this was a guerrilla attack, they way these were planted in our city. He would like to request that no more be placed in the city.

Chair Besse said the request has been heard, but that is not something we can do (Larson).

An agreement was made by the committee and Ms. Miller to meet again on November 20, 2018 and to come with more answers.

Council Member Taylor asked how to get in touch with them.  
kmiller@bird.co 262-490-1507

This item was Information Only.

**C CONSENT AGENDA**

**Council Member Taylor: Motion to Approve the Consent Agenda.**

**Council Member Montgomery: Second.**

**Motion carried with the following vote:**

**Aye:** 4 - Council Member Besse, Council Member Larson, Council Member Montgomery and Council Member Taylor

**C-1.**     [18-0662](#)     Approval of Public Works Committee Summary of Minutes - August 14, 2018.

**Attachments:**   [August 2018 Public Works Committee Minutes](#)

This item was approved by Consent Vote.

**ADJOURNMENT**

7:34 p.m.