



Office of the
City Manager

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Memorandum

TO: Lee D. Garrity, City Manager
FROM: Gregory M. Turner, Assistant City Manager
DATE: August 14, 2017
SUBJECT: Information – Stormwater Concerns of Ms. Doreen Pollock

At the May 9, 2017 meeting of the Public Works Committee information was brought to address the concerns of Ms. Doreen Pollock regarding property located at 1401 N. Main Street. Ms. Pollock has voiced concerns of trash and debris buildup, rats in the storm drain system and vegetation issues from adjoining properties affecting her property. In 2009, upstream and downstream trash grates were installed on Norfolk Southern property to alleviate some of her concerns.

Upon recent inspection, the grates appear to be functioning, however they were in need of maintenance. There was some trash along Main Street and 14th Street which was picked up. There was no evidence of erosion on Ms. Pollock's property. Ms. Pollock is requesting additional assistance from the city to address her concerns.

This memorandum outlines supplemental information requested by the Public Works Committee regarding the history of the property regarding the City's role taken in the development, cost associated with drainage improvements, current City policies regarding drainage assistance on private property and legal remedies that Ms. Pollock might have to require the developer to address the issue. It is important to note that Staff has made an offer to purchase the adjacent parcel but this offer was declined.

History of the Property

The subdivision was originally called Goshen Place then became Providence Square when the developer changed from Marshall Isler to Sandra Anderson in the early 1990's. The April 6, 1994 purchase contract between the City and Sandra Anderson lists individual lots by prices ranging from \$3,500 to \$4,000, and shows lot 37 sold for \$4,000. The 1991 subdivision map shows Lot 37 was platted as one large, irregularly shaped lot (like it is now) in 1991. A deed shows the sale of lot 37 to Sandra Anderson occurred June 27, 1996, which would indicate that Sandra Anderson had negotiated an agreement for sell & purchase of a house at that time. Another deed shows Ms. Pollock took possession of the house and lot on September 30, 1996. Geo-data shows the price was \$73,500.

CityLink311

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City Council: Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Council Actions Taken

D-24561--termination of Goshen Place Development Agreement with Marshall Isler (Feb 15, 1993)(Attached)

D-24599--designation of Sandra Anderson as Preferred Developer (June 21, 1993)(Attached)

Drainage improvement project to address Ms. Pollock's concerns

A drainage improvement project could be implemented to improve Ms. Pollock's situation by constructing a new 24 inch storm drainage system from the intersection of 14th Street and Main Street down to Oak Street. The estimate includes piping and filling the area on Ms. Pollock's property and the work would be performed by in-house crews. If the work were performed by a private contractor thru the formal billing process, the cost would increase.

Approximate construction cost: \$ 516,100

Current Policy for drainage assistance on private property

The following set of criteria is used to determine if a property owner is eligible for the 70/30 cost share program. The Assistant City Manager must determine that the drainage condition is:

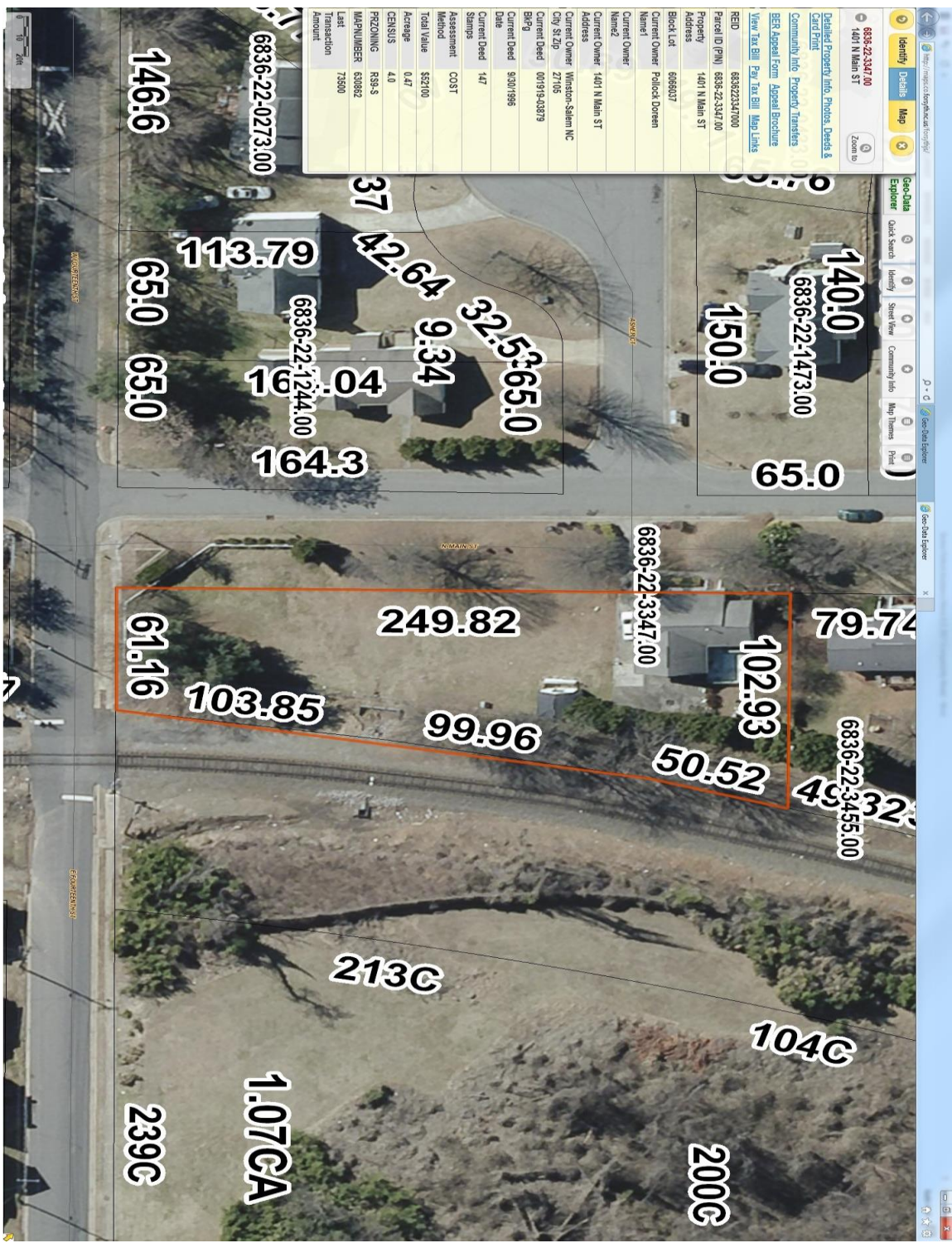
- An immediate threat to the structural integrity of the dwelling.
- Causing flooding of the dwelling
- Causing severe erosion of the drainage way (factors considered may include size of drainage way, linear footage of erosion, slope of drainage way, frequency of erosion causing events and location of eroded area in relation to residences).
- Denying or threatening to deny access to property that would be accessible but for the degradation of the drainage way
- Impeding the flow of water due to fallen brush and vegetative debris.

Note: The action taken must significantly improve conditions.

Staff have reviewed the site and found that it does not meet the requirements for the 70/30 program.

Legal remedies to require the original developer to address the issue

Legal staff have advised that they are not aware of any way to require the original developer to address the issue. As mentioned above, Lot 37 was platted and sold as one large, irregularly shaped lot (like it is now).





View looking west from rail road into Ms. Pollock's property.



View looking east along the drainage path back toward the railroad property.