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MEETING MINUTES

Subject: Hinsdale-Tinkerbelle Storm Drainage Improvement Project - Public Meeting 3
Date: October 24, 2017 6:00 – 8:00 PM
Location: Church at Charlotte
Conducted by: John Keene (City Project Manager)
Doug Lozner (City Watershed Area Manager)
Josh Letourneau (Armstrong Glen Project Manager)
Russell Parker (Armstrong Glen Project Engineer)
Kimberly Calhoun (City Real Estate Project Manager)
Matt Jordan (TELICS – Acquisition Agent)
Andrew Ponder (TELICS – Acquisition Agent)
Michael Ryan Wilfong (Michael Ryan Realty – Acquisition Agent)
Ben Alison (Michael Ryan Realty – Acquisition Agent)
Minutes by: Josh Letourneau
Attendees: Approximately 60 Attendees

I. Welcome and Introductions

- John Keene, City Storm Water Services (CSWS) Project Manager, opened the meeting by thanking the residents for their attendance and introducing the project.
- John Keene introduced himself and the team members for the project: CSWS, Armstrong Glen (AG), TELICS, and Michael Ryan Realty – see names above.
- John Keene noted that this was the 3rd and final public meeting, and there would be a formal presentation (PowerPoint) and a general question and answer period after the presentation.

II. Meeting Purpose

- John Keene explained that the purpose of the meeting was to present the designed proposed improvements, and to discuss the easement acquisition process.
- John Keene informed the residents that this will be the final public meeting before construction.

III. Charlotte Mecklenburg Storm Water Services (CMSWS)

- John Keene then talked about the project history and why the Hinsdale-Tinkerbell project was created.
- John Keene explained that there were 123 total requests reported to 311, which included issues such as inadequate and deteriorating infrastructure, road flooding, first floor and crawl space flooding, old culverts, sink holes, and erosion/blockages in streams.
- John Keene explained that projects like this deal with larger watershed-wide issues that cannot be managed by smaller spot repairs and require considering impacts to downstream areas.
- John Keene also explained that questionnaires were mailed to the entire neighborhood, and that 67 questionnaires were returned indicating drainage concerns.
- John Keene goes on and summarizes the project phases:
 - Planning (Completed February 2014)
 - Public input through requests for service
 - Existing Conditions Analysis – finding the problems
 - Public Meeting – held in March 2013
 - City Design Standards Alternatives
 - Additional Alternatives – developing alternative improvements
 - Recommended Alternative – selecting the best alternative for the project
 - Public Meeting – held in December 2013
 - Preliminary Design Plans – Current Phase
 - Designing the improvements
 - Easement Acquisition – Current Phase (typically 12 months and overlaps with design phase)
 - Permitting (typically 3-9 months, overlaps with the design phase)
 - Finalize Design Plans
 - Bid (typically 6 to 9 months)
 - Construction (approximately 2 years)

IV. Existing Conditions and Recommended Improvements

- Russell Parker from Armstrong Glen discussed the project area and defined the watershed.
- Russell Parker briefly presented the work that had been performed to assess the drainage systems, and summarized the findings of the study by highlighting problems found in the project area.

- Russell Parker first explained how the Existing Conditions Results Map works, with highlighted dark blue lines representing existing pipe we are not touching, and highlighted light blue lines indicating existing open channel.
- Russell Parker then goes on to present the recommended improvements. Mr. Parker explains how the proposed improvements map works, with highlighted green lines indicating pipe to be upsized, and highlighted orange lines indicating new pipe alignment/replacement, and highlighted red lines indicating proposed channel work.
- Russell explains that proposed channel work will include channel stabilization and channel relocation.

V. Next Step of Project:

- John Keene then wrapped up the meeting by briefly describing the next steps of the project:
 - Easement Acquisition
 - An easement is a right to use land owned by another party for a specific purpose. Easements provide Storm Water Services, with permission from the property owners, to come onto their property and repair drainage problems and perform on-going maintenance. Granting an easement does not reduce the size of your property, but it does create some limitations of the use of the area.
 - Types of Easements
 - Storm Drainage Easement (SDE) – Grants access to a specific portion of the property for the purpose of repairing and maintaining a storm drainage system, including creeks.
 - Temporary Construction Easement (TCE) – Are not permanent easements. They give the City and its contractors the right to access your property to construct this project only.
 - Permitting – Obtain all applicable permits
 - Finalize Design
 - All easements have been acquired
 - All permits have been obtained
 - Construction plans are completed.
 - Bid Phase
 - Bid advertisement
 - Bid opening
 - Recommendation for approval and City Council Award
 - Pre-construction meeting
 - Construction
 - Notifications will be sent to residents
 - Contractor is given a Notice to Proceed
 - Mailers will be sent out and the project website will be updated with construction progress

- Final walk through with the contractor
 - The City accepts the project
 - Start warranty phase (1 year)
- John Keene then discussed what happens now – a representative from TELICS or Michael Ryan Realty will contact you if we need an easement on your property for construction and/or maintenance purposes.
 - John Keene mentions that we will not have another public meeting prior to bid and construction.

VI. General Questions – During Presentation:

- Homeowner mentioned that he spent lots of money to replace storm system on his property and now the City decides to include his property in the project. John Keene requested this issue be discussed privately after presentation.
- Homeowner asked how the City will ensure existing utilities are maintained at all times during construction. John Keene assured that the City will coordinate with all the utilities within the project area during construction. Mr. Keene goes on to say that all existing utilities have been surveyed (vertically and horizontally) and are presented on the design plans. Mr. Keene warns that the contractor tries not to impact utilities, but sometimes a utility may be accidentally impacted. Residents are usually notified ahead of time for known/planned utility outages.
- Homeowner asked if the City will be removing trees in the easement area. John Keene assured that the City will minimize tree removal during construction, and that the design plans show trees that are to be protected. Mr. Keene goes on to say that some trees have grown over time within existing easements.
- Homeowner asked if the City can use utility locator services to track the utilities. John Keene mentioned that the City has already used a locator service to find the existing utilities. Mr. Keene goes on to say that vertical locations are obtained using soft digs.
- Homeowner asked which end of the project will start first. John Keene mentioned that construction will start at the downstream end, and work upstream.
- Homeowner asked if the City has a formal schedule for the project. John Keene warned that the project schedule is very dependent on the real estate phase, but the goal is to start construction in 2 years.
- Homeowner mentioned that the project seems very expensive and wondered what happens if residents refuse to sign easements. Doug Lozner stated that this project has been budgeted. Mr. Lozner goes on to say that the City has the right to condemn but would prefer not to.
- Homeowner asked how the neighborhood would be disturbed during construction. John Keene mentioned that construction could take about 2 years, but not all at one place.

Construction will move throughout the neighborhood over this period of time. Mr. Keene also goes on to say that traffic control measures will be in place to help with traffic flow.

- Homeowner mentioned that the easement language does not mention what is considered damages regarding the contractor's responsibility. The homeowner was concerned about what happens if a property owner and the contractor cannot come to an agreement about damages. John Keene assured that the City will make the contractor fix anything that is damaged during construction, including replacing the driveway.
- Homeowner asked why the City needs a temporary easement for 2 years when construction will not be on our property for that long. Kimberly Calhoun mentioned that the 2-year time frame is necessary because there are too many unknowns as to when the contractor will start work on a particular property, and many times a contractor will have to come back to a property at a later time to address issues such as plantings or warranty items.
- Homeowner asked if the contractor will leave an area damaged for 2 years. John Keene mentioned that the contractor is required to fix anything damaged before they leave to work on another part of the neighborhood.
- Homeowner wondered if the City oversees the work done by the contractor's sub-contractor. Doug Lozner mentioned that the contractor is responsible for their sub's work, but that the City's inspector will ensure all work done is completed correctly.
- Homeowner asked if any of the work is seasonal. Doug Lozner mentioned that there are no seasonal restrictions (other than channel plantings) for this project, but the contractor will not be able to work in the rain, or if the ground is too wet. John Keene mentioned that the contractor will work year-round, but there could be weather related delays.
- Homeowner asked if there would be any fencing installed to protect pets or children. Doug Lozner mentioned that temporary pet fencing can be worked out in individual real estate special provisions.
- Homeowner mentioned that contractors don't care about noise and sometimes work 24-hour days. Doug Lozner assured that contractor can only work during the day, unless there are special circumstances. John Keene mentioned that the project inspectors will be out there to make sure the contractor does not violate city noise ordinances. Noise ordinance, Section 15-63(a)(2) is provided below:

Sec. 15-63. - Sounds impacting residential life.

(a) It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residentially occupied structure in any zone of the city:

- (1) The operation of a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.
- (2) The operation of construction machinery between the hours of 9:00 p.m. and 7:00 a.m.

- Homeowner wondered if there will be a dedicated project manager for this project. John Keene mentioned that he is the project manager for this project.
- Homeowner asked if the contractor is allowed to cut down trees inside the TCE. John Keene mentioned that some trees will have to be removed, but every effort has been made to save as many trees as possible, and that tree protection is shown on the design plans.
- Homeowner stated that trees are a feature of his property, and what compensation will be provided for loss of trees. John Keene suggested the homeowner talk with the real estate agent.
- Homeowner asked how to contact the inspector. John Keene mentioned that a mailer will be sent out with contact information, and that the project website will also include contact information.
- Homeowner asked if the warranty period is 1 year, and what would happen if something breaks after the warranty period. John Keene mentioned that the 1-year warranty period actually begins once the entire project is completed. Mr. Keene goes on to say that if the pipe or channel is inside an easement, the city will continue to fix/maintain beyond the warranty period.
- Homeowner asked what channel stabilization will consist of. John Keene mentioned that channel work will grade back steep banks and install features to help slow down the flow.
- Homeowner wondered if her shed would have to move. John Keene mentioned that there are several sheds within the project area that will have to move, and that the contractor will have to move them outside the easement.
- Homeowner requested the name of a similar storm water project. Doug Lozner mentioned that the Shillington storm drainage improvement project (SDIP) was similar to the Hinsdale-Tinkerbell project. In addition, the Meadowridge SDIP (intersection of Carmel Road and Meadowridge Drive) is a similar project and finished construction in July 2017.
- Homeowner mentioned that her creek is about 80 feet below her house and that there are 200-year old trees along the creek bank. John Keene suggested she take a look at the design plans after the presentation to review the proposed improvements along her property.
- Homeowner wondered how his structure will be protected when a pipe is constructed close to his house. John Keene mentioned that foundation protection is proposed in locations where pipe work is close to the foundation of a house. Mr. Keene goes on to say that typically helical piers are permanently installed to prevent shifting of the foundation.
- Homeowner mentioned his house already has helical piers installed. John Keene suggested the homeowner discuss situation with engineer so information can be added to plans.

- Kim Calhoun mentioned that the goal of the project is to work with all property owners and help them with any concerns, and that all questions from homeowners will be answered by the City. Mrs. Calhoun goes on to say that the city will not condemn a property unless the work on the property is in the way to successfully complete the overall project.
- Homeowner asked if the presentation would be posted online. John Keene mentioned that everything will be posted on the City website, including the power point presentation, agenda, and meeting minutes.
- Andrew Ponder (TELICS) mentioned that the real estate phase may officially last 12 months, but real estate agents will be contacting you very soon to start the process.

VII. General Discussions – Post Presentation:

- **Homeowner at 3606 Huckleberry Road** asked why there was proposed grading along the creek. Josh Letourneau explained that the existing channel banks were near vertical and eroding, and that proposed grading will pull back the banks to ensure stability. Homeowner also asked if his carport would be blocked. Josh Letourneau assured that the carport would only be blocked intermittently, mainly when the contractor needs to drive a machine down to access the construction area.
- **Homeowner at 3624 Huckleberry Road** mentioned that big trees are coming out due the proposed work. Josh Letourneau mentioned that some trees along the bank were undermined, and that those trees have to be removed. Mr. Letourneau goes on to say that the channel is being relocated to form a more gradual path, which will alleviate the erosive qualities the existing channel contains. Homeowner also mentioned that there will now be so much easement in her backyard. Josh Letourneau explained that the new easement will allow the City to maintain the channel in the future.
- **Homeowner at 2818 Hinsdale Street** mentioned that water shoots out of an existing pipe coming from 3310 Tinkerbell Lane and erodes a portion of the channel behind his home. Homeowner goes on to say that he constantly places rock along the channel bank to help stabilize. Josh Letourneau and John Keene agree to look into this issue to see if anything can be done as part of the Tinkerbell project to help alleviate the scour.
- **Homeowner at 2901 Hinsdale Street** wondered why inlet F6 is being moved away from the original inlet location. Josh Letourneau explained that the inlet was moved so no permanent easement would be needed at 3706 Highview Road. Homeowner mentioned that there would still be water from his yard that would not drain to the new inlet. Josh Letourneau explained that a substantial amount of additional TCE (and yard grading) would be required to direct all of his yard runoff into the inlet. The homeowner asked Mr. Parker would the work on their property be grounds for condemnation if they did not sign the easement documents. Mr. Parker informed the homeowner, that in was in his opinion, that the City of Charlotte Storm Water Services would more than likely remove the proposed work rather than condemn.
- **Homeowner at 2801 Hinsdale Street** was interested on the channel work proposed on their property. The homeowner was also curious as to why this work was not presented at the Selected Alternative Public Meeting in December. Russell Parker explained that

the work was on their property to address channel erosion and perform bank stabilization. Mr. Parker also explained that the outfall for the pipe system located between 2801 and 2725 Hinsdale is proposed to be replaced as part of the project. The homeowner showed concern that the construction access was located on their property. Mr. Parker explained that the contractor would replace the driveway located on the property after the construction in the area was completed.

- **Homeowner at 5608 Warehip Lane** asked about the trees on his back property line and if their shed would have to be relocated. Mr. Parker explained that the trees shown with a tree protection symbol would be saved. Mr. Parker also explained the shed is shown to be relocated outside of the new SDE limits. The homeowner also mentioned the current pipe system on the property (5615 Sharon Road) behind their experiences flooding from the overtopping inlet, and asked if an additional inlet could be installed at the low point between 5615 and 5621 Sharon Road. Mr. Parker explained by upsizing the downstream pipes and setting the new pipes at a deeper depth should prevent the inlet from overtopping. Mr. Keene explained that the water flooding the low point between the properties on Sharon Road was not qualifying water and an inlet will not be proposed as a part of this project.
- **Homeowner at 2900 Hinsdale** asked what was being done on their property and if their shed would require relocation. Mr. Parker explained that some sewer relocation and channel grading would be performed on their property as part of the project. The plans currently show to protect the shed and leave it where it sits.
- **Homeowner at 2824 Hinsdale** was curious about the proposed work on their property. The homeowner has cleared some of the trees along the back part of the property near the creek and installed a fence that is not currently shown on the plans. Mr. Parker explained some sewer relocation work as well as pole relocation would be performed as a part of this project.