



City of Virginia Beach

OFFICE OF THE CITY MANAGER
(757) 385-4242
FAX (757) 427-5626
TTY: 711

VBgov.com
MUNICIPAL CENTER
BUILDING 1
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23456-9001

September 6, 2012

Mr. David M. Williams, President
Shore Drive Community Coalition

Virginia Beach, Virginia 23451

david@SDCC.info

Dear Mr. Williams:

Councilmember Rosemary Wilson forwarded me a copy of your numerous questions related to the Neighborhood SSD Dredging Program. Attached you will find responses to each. Let me assure you that the City of Virginia Beach adheres to all regulatory and safety provisions when performing construction work either in-house with our City workforce or by contractors. Additionally, we have a fiduciary responsibility to inspect all work to ensure it meets our specifications and that it was performed in a suitable manner. We document these efforts as compensation for the work performed is based upon recordation of the completion of required work items.

The truck transport of dredged material resulting from the neighborhood SSD dredging projects is not an unusual or unique work item. There are local and State laws along with Federal safety standards which we in this City enforce and mandate that our contractors adhere to. The scrutiny which our City Council places on the safety of its citizens is without question and, as staff, we recognize the importance of evaluating all aspects of our projects to reduce risk and maximize efficiency; both of which can be costly to the taxpayer if poorly executed. I appreciate your concern but want to reassure you that we will take every step to make certain public safety is preserved.

Should you have any additional questions, feel free to contact me or our technical lead for the Neighborhood SSD Dredging Program, Phillip J. Roehrs, or our legal liaison for the Beaches and Waterways Advisory Commission, Kay Wilson.

Respectfully,

David L. Hansen
Deputy City Manager

Attachment

c: Councilmember Rosemary Wilson
James K. Spore, City Manager
Mark Stiles, City Attorney
Phil A. Davenport, Director of Public Works

Shore Drive Community Coalition
Questions Related to the Neighborhood Dredging Program
CONSOLIDATED RESPONSES

Impact on Neighborhoods:

NOTE: IF IT IS NOT DONE SAFELY, IT WILL IMPACT NEIGHBORHOODS, therefore Neighborhood Impact Related.

1. Will there be or has there been a city Safety Impact Study of issues related to the Neighborhood Dredging Program related to combining heavily laden dump trucks with the normal traffic flow on North Great Neck Road through three major school traffic and pedestrian areas?

No, there has not been a Safety Impact Study performed nor does staff feel that such a study is necessary. All vehicles used in the program will be legally loaded and fully compliant with applicable safety regulations. The number of trucks anticipated at any given time during operations does not create a significant traffic issue on roads such as North Great Neck.

2. What are the professional qualifications and previous experience of the city's person doing this NDP associated Safety Impact Study?

The City's professional engineering staff does not feel such a study is necessary, or that expenditure of appropriated taxpayer funds is warranted.

3. Will there be or has there been a city safety impact study of issues related to the Neighborhood Dredging Program related to traffic flow with normal traffic on N. Great Neck through three major school traffic and pedestrian areas?

The number of trucks anticipated at any given time during operations does not create a significant traffic issue on roads such as North Great Neck.

4. Will there be or has there been a city safety impact study of issues related to the NDP related to burdened barge traffic along narrow or congested channels?

No, such a study has not been conducted, and like the traffic issue above, it is City staff's position that such a study is not necessary. In the same sense as described in the answer to question #1 above, barges and workboats utilized in these projects will be licensed and fully compliant with applicable safety regulations. The number of barges anticipated to be operating at any given time during the program should not create a significant issue in relation to the amount of channel traffic that can occur on any given day.

5. What are the professional safety qualifications and previous experience of the city's person doing this NDP associated with barge traffic on the waterways safety impact study.

The City's professional engineering staff does not feel such a study is necessary, or warranted.

6. What safety precautions will be implemented and monitored to provide for adequate safety for work-tug and barge traffic anchored in the waterway during night and inclement weather?

Compliance with U.S. Coast Guard regulations will be required.

7. As there are 4 or more crosswalks along N. Great Neck Road between Shore Drive and Virginia Beach Boulevard, will the present 45 mph speed limit be reduced to 35 mph to provide for increased dump truck-vehicle safety?

No, the number of trucks operating on North Great Neck Road, at any given moment during operations, does not warrant consideration of speed limit reductions.

8. What are the professional safety qualifications and previous experience of the city's person evaluating the contracted companies Traffic and Safety Plans associated with this NDP? Associated Safety Impact Study?
The City's licensed professional engineering staff, along with contracted professional service providers, will review the traffic control and safety plans for the various contracts and activities of the program. They will then monitor contractor operations to ensure conformity with the approved traffic control and safety plans.
9. Who in the city will monitor spoils loaded dump trucks to ensure DOT Weight limitations for that vehicle are maintained?
The Virginia Beach Police Department maintains motor carrier inspection units and always has the ability to check any commercial vehicle for proper safety equipment and weight. A City construction inspector will be assigned to each contract under this program and will monitor the contractor's methods and operations for compliance with the contract and all applicable regulations and approved plans.
10. Who in the city will monitor spoils loaded dump trucks to ensure DOT, State and city Weight limitations for that designated truck route (primary roads/neighborhood roads) are not exceeded?
Same answer as provided to question #9 above.
11. Who in the city will monitor spoils loaded dump trucks to ensure DOT and State Weight Limitations are not exceeded for the Lesner Bridge prior to its replacement?
Same answer as provided to question #9 above.
12. How will tug-barge traffic be managed between city contracted barges and privately contracted barges approaching and at dredge transfer sites?
We do not anticipate having more than one operation at a time at any one dredge material transfer station. They will be designed for single users. Accordingly, we do not anticipate there will be a conflict between municipal and private contracted barges at these sites.
13. Who in the city will monitor, mitigate, correct, and report safety violations?
All NDP contracts will be managed by the Department of Public Works, Engineering Division.
14. How will these safety records be maintained?
IAW standing regulations and our internal recordation practices.
15. Will the public have access to these safety violations records?
The rules of FOIA govern the release of information. HIPA restrictions may also apply in some cases.
16. What will be the process for citizens who sustain damage(s) to their property to have that damage repaired in the case of broken street pipes, broken sewage lines, broken storm water drains, or damage to their residential roadbed?
The City of Virginia Beach has long established procedures for citizens to file a claim. Claims for damages are managed by the Risk Management and the City Attorney's Office. Claims submitted to Risk Management are carefully reviewed, and bona fide damages are corrected or reimbursed. Damage to public infrastructure will be repaired by Public Works or Public Utilities.
17. What will be the process for citizens who sustain damage(s) to their property to have that damage repaired in the case of broken street pipes, broken sewage lines, broken storm water drains, or damage to their residential roadbed?
Same answer as provided to question #16 above.

18. What will be the process for citizens who sustain damage(s) to their residential property associated with NDP dump trucks and equipment to have that damage repaired in the case of damaged foundations, or slabs, interior walls due to cracking, or sewage or water backup due to broken street drains, or damage to their residential roadbed?

Same answer as provided to question #16 above.

19. What qualifications does the City's Attorney have to accept the tasking of the Beaches and Waterways Commission to conduct a safety study of the NDP related to significant associated safety issues?

If the question is why does the City Attorney's Office provide legal counsel to Beaches and Waterways, then the answer is that by City Charter, "the city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. He shall have such powers and duties as may be assigned by the council." City Council tasked the Beaches and Waterways Advisory Commission with specific issues as outlined in Resolution 03502—attached hereto. These were the issues that they studied and on which they presented their report.

Operational Planning

1. What is the City's break-even cost point for the initial cycle of the Neighborhood Dredge Spoils Program (where the cost of the City's dredging equals the revenue generated by the City's Special Service District contract revenue)?

The SSD's are established with 16-year duration, where all SSD channel dredging costs are fully repaid. Sixteen years is the break-even point; the point at which the taxes generated have paid for all construction, engineering, permitting and contract administration.

2. How will individuals who privately contract to have dredge spoils removed from their private dock turn around to the city spur pay for the hauling and removal of those private spoils?

Funding for private work done in connection with a SSD contract will be paid in advance by the property owner to the City as a part of each neighborhood SSD dredging project. The City will escrow the funds and pay the contractor upon successful completion of the work.

3. Will the city dredge spur channels to areas that have not signed SSD agreements?

No. The current City Council policy for Neighborhood Dredging SSDs does not authorize expanding the amount of City-funded dredging outside of each specific neighborhood SSD dredging project.

4. Will the city dredge spur channels to remote areas when adjacent areas have not signed SSD agreements?

Same answer as provided to question #3 above.

5. What will be the city's cost determination to construct a SPUR channel into areas that do not have a signed nor approved SSD agreement?

Spur channels are not anticipated for areas not participating in the neighborhood SSD dredging program.

6. If the SSD process is incorrectly calculated, cost underestimated, or optimistically over assessed, who will identify these additional costs to the taxpayers and take responsibility for the increased tax rates to cover these NDP expenses?

The SSD's have a built-in re-evaluation every four years. Three times during their 16-year life the dredging committee and City staff will review the calculations and current conditions. The first adjustment will be conducted after the first dredging of the channel, where actual costs and actual assessments for the then current year will be used to fine tune the real estate tax surcharge.

7. Should the Beaches and Waterways Advisory Committee Study Report to be submitted to City Council serve as a COMPREHENSIVE study of the majority issues related to the NDP?
The scope of the assignment to the Beaches and Waterways Advisory Commission was specific, and they accomplished their task. The tasking of the Beaches and Waterways Advisory Commission was by Resolution 03502—attached hereto.
8. Should the Beaches and Waterways Advisory Committee Study Report to be submitted to City Council serve as an INDEPENDENT study of the majority issues related to the NDP?
The Beaches and Waterways Advisory Commission is a Council-appointed board, and they act independently. The tasking of the Beaches and Waterways Advisory Commission was by Resolution 03502—attached hereto.
9. If the Beaches and Waterways Advisory Committee Study Report to be submitted to City Council serves as neither an independent nor comprehensive study of the majority issues related to the NDP, when will such an independent and comprehensive study be funded and conducted?
There are no current plans for further study of the program. Expenditure of taxpayer funds to accomplish this is not warranted.

REQUESTED BY VICE MAYOR JONES AND COUNCILMEMBER WOOD

**A RESOLUTION REQUESTING THE BEACHES AND
WATERWAYS ADVISORY COMMISSION TO STUDY
DREDGE SPOILS REMOVAL AND TRANSFER STATIONS**

WHEREAS, by ordinance adopted on June 13, 2000, City Council established the Beaches and Waterways Advisory Commission;

WHEREAS, the Commission serves in an advisory capacity to City Council with respect to beach and waterways-related issues, and its responsibilities include reviewing issues referred to it by City Council concerning, among other things, the City's navigable waterways;

WHEREAS, on May 10, 2011, City Council adopted a Council policy entitled, "Neighborhood Dredging Program" that establishes the program, which is funded by a partnership between the City and neighborhood residents to ensure that the Lynnhaven River, Rudee Inlet, the Elizabeth River, Broad Bay, and Linkhorn Bay navigation channels are adequately dredged;

WHEREAS, the public has received a substantial amount of incomplete and inaccurate information regarding dredge spoils removal and transfer stations, which points to the need for a study on those issues that contains complete and accurate information; and

WHEREAS, such a study by the Commission would also assist the City in carrying out Council's policy and would provide vital information for City Council in determining the specific utilization of spoils sites.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

1. That the Beaches and Waterways Advisory Commission is hereby requested to study the issues of dredge spoils removal and transfer stations and to present a report to City Council detailing its findings by February 7, 2012.

2. That the study shall include, at a minimum:

- The feasibility of alternative dredging methods, such as hydraulic rather than mechanical dredging;
- The potential for beneficial re-use of spoils;
- Opportunity for public input from all concerned citizens with at least one facilitated structured meeting for public input;
- An analysis of the impact on affected communities (both those receiving dredging and those in the vicinity of the existing and proposed transfer stations) with a focus on identifying sites that are

- 45 sufficient to support the needs of the project but that have the least
46 potential adverse impact for the community; and
47 • A proposed framework with parameters for operation of the spoils
48 sites, including potential use of the sites by the public for dredging by
49 entities or individuals other than the City
50

51 3. That the City Manager shall direct his staff to assist and support the Board
52 in preparing this study.
53

54 Adopted by the City Council of the City of Virginia Beach, Virginia, this _____
55 day of _____, 2011.

APPROVED AS TO LEGAL
SUFFICIENCY:

City Attorney's Office

CA11884 R-4 June 8, 2011