



Date: August 5, 2014

To: Thomas J. Bonfield - City Manager
Through: W. Bowman Ferguson - Deputy City Manager
From: Marvin G. Williams – Director of Public Works
Subject: Citizen Matters – Ms. Thalea Lyras – 603 Brookwood Drive

Executive Summary

Ms. Thalea Lyras of 603 Brookwood Drive has requested to appear at the August 7, 2014 work session concerning a compromised drainage system on her property.

Public Works Department staff has been in contact previously with Ms. Lyras several times since July 2013 regarding her concerns, including on-site meetings that took place in July 2013, December 2013, March 2014, and April 2014, and letters sent by Public Works staff dated March 25, 2014 and May 14, 2014. Based on staff’s review of the information made available to them, it was concluded that Ms. Lyras’ concerns are a private property matter.

Recommendation

The Administration recommends that the City Council receive Ms. Lyras’ comments.

Background

Ms. Lyras originally contacted Public Works Department staff in July 2013 concerning sinkholes that had formed over a drainage system located on her property at 603 Brookwood Drive (see attached map). Maintenance staff determined that the sinkholes were caused by the separation of joints between the pipes of the drainage system. Over time these separations have allowed the surrounding soil to be washed away. As more soil is washed away the joint separations increase enlarging the sinkholes. Maintenance staff informed Ms. Lyras that the compromised drainage system is on private property and that the property owner is responsible for the maintenance of the system.

Ms. Lyras contacted Public Works staff again in December 2013. Staff informed her of the Private Drainage Assistance Program (PDAP) and provided an application. During an on-site meeting to review the situation Ms. Lyras asked staff if they believed her problem would be eligible for the program. Staff indicated that since the home and driveway were not impacted or threatened at this time, the request for assistance would likely not be eligible. Staff also indicated to Ms. Lyras that she would be welcome to request subsequent on-site meetings to evaluate eligibility if the condition of the system changed at any time. After this meeting Maintenance staff also addressed several drainage issues within the right-of-way that concerned Ms. Lyras.

In January 2014 Ms. Lyras submitted an application to the PDAP. The application was reviewed and it was determined that the request for assistance was not eligible at that time for the reasons previously stated. A letter explaining this was sent out on March 25, 2014 (attached). Ms. Lyras requested an additional meeting on-site to discuss the specifics related to eligibility in April 2014. Staff agreed and answered all of Ms. Lyras' questions at that time. After this meeting Ms. Lyras appealed to the City Manager's Office, the City Attorney's Office, and to City Council. A response letter to address these appeals was sent from the Director of Public Works on May 14, 2014 (attached).

Issues and Analysis

Ms. Lyras has requested that the City relocate the existing stormwater drainage away from her property. Staff has responded to this request in person on several occasions. The bulk of the developed property within the City was designed to accommodate the existing stormwater drainage while meeting the stormwater regulations in place at the time the property was improved. The Durham Code of Ordinances requires property owners to maintain these drainage systems.

Staff has reviewed all available information and has concluded that Ms. Lyras' concerns are a private property matter. Ms. Lyras disagrees with staff and has indicated that she intends to consult with an attorney to explore her options.

Ms. Lyras is welcome to request an on-site meeting to reevaluate the eligibility of her PDAP application if the condition of the drainage system changes at any time threatening her home or primary driveway.

Alternatives

The Department of Public Works has not identified any alternatives at this time.

Financial Impact

There is no financial impact to the City for this item.

SDBE Summary

The Ordinance to Promote Equal Opportunity in City Contracting does not apply to this item.

Attachments

1. Map for 603 Brookwood Drive dated August 5, 2014.
2. Letter to Thalea Lyras dated March 25, 2014.
3. Letter to Thalea Lyras dated May 14, 2014.