

## **COUNCIL MINUTES**

The City Council of the City of Raleigh met in regular session at 1:00 p.m. on Tuesday, April 15, 2008, in the City Council Chamber of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

Mayor Charles C. Meeker  
Mayor Pro Tem James P. West  
Councilor Mary-Ann Baldwin  
Councilor Thomas G. Crowder  
Councilor Philip R. Isley  
Councilor Rodger Koopman  
Councilor Nancy McFarlane  
Councilor Russ Stephenson

Mayor Meeker called the meeting to order and invocation was rendered by Jerry Coleman, First Church of Christ, Scientist. Mr. Coleman, an Army Veteran, led the City Council and audience in the Pledge of Allegiance. The following items were discussed with action taken as shown.

### **RECOGNITION OF SPECIAL AWARDS**

#### **CERTIFICATES OF APPOINTMENT – PRESENTATIONS MADE**

Mayor Meeker explained the Certificate of Appointment presentation and presented certificates to Benjamin Beatty who was recently appointed to the Fair Housing Hearing Board and Les Seitz who was recently appointed to the Raleigh Transit Authority.

#### **PROCLAMATION – DRINKING WATER WEEK – PROCLAIMED**

Mayor Meeker read proclamation proclaiming the week of May 5-9, 2008 as Drinking Water Week in the City of Raleigh. The Proclamation was accepted by Public Utilities Director Dale Crisp, and Public Utilities employees Marti Gibson, George Watkins, Ed Buchan, John Garland and Andy Brogden. In accepting the proclamation, Ms. Gibson pointed out Waterfest is scheduled for May 6 thru 8 and invited all to come out and participate. She stated at present we have over 3,200 kids registered for Waterfest 2008. She stated this is the City of Raleigh's big water education event and due to the circumstances and drought over the past year, we are putting emphasis on water conservation this year. She invited all to attend.

#### **PROCLAMATION – NATIONAL VOLUNTEER WEEK – PROCLAIMED**

Mayor Meeker read a Proclamation proclaiming April 27 through May 3, 2008 as National Volunteer Week in the City of Raleigh. The Proclamation was accepted by RSVP Unsung Hero Aileen Tarver and Foster Grandparent Doris Holden. In accepting the proclamation Ms. Holden

pointed out she works with the New Bern Avenue Daycare Center and Ms. Tarver works with the Whitaker Mill Senior Center. They expressed appreciation for the recognition.

### **PROCLAMATION – ARBOR DAY – PROCLAIMED**

Mayor Meeker read a proclamation proclaiming April 15, 2008 as Arbor Day in the City of Raleigh. The Proclamation was accepted by Urban Forester Sally Thigpen. She expressed appreciation for the recognition and the emphasis on urban forestry in the City of Raleigh.

### **PROCLAMATION – NATIONAL TELECOMMUNICATORS WEEK - PROCLAIMED; EMPLOYEES RECOGNIZED**

Mayor Meeker read a proclamation proclaiming April 13-19, 2008 as National Telecommunicators Week in the City of Raleigh. He recognized Mikaela Kelsey and Marcus Wells, Emergency Communications Center Employees of the Year and Mark Ostranber Rookie of the Year. The Proclamation was accepted by Kelly Palmer Deputy Director, Technology and Staff Services at the 911 Center and Barry Furey, Emergency Communications Center Director. Mr. Furey talked about the employees being honored and indicated he was accepting the Proclamation on behalf of the people who work 365 days a year, 24-hours per day. He pointed out last year they took over 855,000 calls.

### **TREE CITY USA FLAG AWARD – RECEIVED**

Mayor Meeker introduced Jennifer Rall, North Carolina Division of Forestry, explained the Tree City USA Flag Award pointing out the City of Raleigh received its 20<sup>th</sup> Tree City Award. She explained the history of the award and how Raleigh qualified including annual Arbor Day observance, tree management program, the fact that the City of Raleigh spends \$3.44 per capita on tree management or a total of \$1,266,700. She told of the event scheduled for Saturday, April 19 in which Raleigh will again be recognized for the Tree City USA Award at the Planet Earth Celebration. She told of the celebration pointing out it will be a family friendly activity.

### **LAKE JOHNSON EVENT – INFORMATION RECEIVED**

Dr. W. Benson Kirkman, former City Council member pointed out he is probably the life time chair of Friends of Lake Johnson. He explained some years ago, 12 acres on the shores of Lake Johnson was scheduled for development. The neighbors started expressing concern and he and others came up with a plan for the City to acquire the property. He pointed out it was agreed that the group, Friends of Lake Johnson would pay ½ the cost and the City of Raleigh and Wake County would pay the other half. The Friends of Lake Johnson are still working to pay off the private contribution. He explained the Friends of Lake Johnson's Second Annual Art in the Park event scheduled for April 28 and talked about events that will be held including a silent auction, heavy hors d'oeuvres and the fact that all proceeds from the event would go towards the land purchase.

He gave information on the ticket price, schedule and left posters and newsletters and asked all to attend and support the event.

### **E.M. JOHNSON WATER TREATMENT PLANT – DRINKING WATER RECOGNIZED**

City Manager Allen recognized John Garland, Mike Hughes, Jeremy Ennis, Ken Cheek, Craig Brown, Jarrod Bihlmeyer, Ken Best, Ken Knober and Jessee Walker pointing out during the recent North Carolina American Water Works Association Water Environment Association held in December 2007 the City of Raleigh for the second time in a row received second place in a blind water taste testing competition. Mr. Allen stated being in the top 2 two years in a row to him shows the consistency of the operation of our plant. He stated these people work 24 hours a day, 7 days a week, 365 days a year making sure we have good water. He commended all. John Garland pointed out these men represent different disciplines at the plant. It is because of their hard work and dedication, the City of Raleigh has a great quality of drinking water.

### **DEATH – FALLS OF NEUSE ROAD – MOMENT OF SILENCE OBSERVED**

Mayor Meeker pointed out we had a tragic event in our city last week when two young children were fatally injured on Falls of Neuse Road. He stated the only bright spot is that another Raleigh youth was able to have a kidney transplant as the family of the deceased youth donated the organs. He asked for a moment of silence in memory of those involved in this fatal, tragic event.

### **PARKS AND RECREATION DIRECTOR JACK DUNCAN – RETIREMENT RECOGNIZED**

Mayor Meeker pointed out the City received word that Parks and Recreation Director Jack Duncan is retiring in June after 23 years of service to the City of Raleigh. He stated the City of Raleigh has one of the best park systems in the Country and expressed appreciation for Mr. Duncan's leadership. He stated if possible we would like to do something special for Mr. Duncan in the way of some type retirement ceremony with City Manager Allen pointing out he had already told Mr. Duncan that he would be subject to that and it would be his choice of location.

### **RALEIGH QUARTERLY AND GOODNIGHT RALEIGH - INFORMATION RECEIVED**

Mayor Meeker talked about a new internet newspaper, "The Raleigh Quarterly" and the photo blog Goodnight Raleigh. He recognized these new features about our city.

## **CONSENT AGENDA**

### **CONSENT AGENDA – APPROVED AS AMENDED**

Mayor Meeker presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. He stated he had received the following request to withdraw items. Bring it Home America (Crowder); Relinquishment of Existing Raleigh ETJ/Knightdale's Future Annexation Area (Isley); Nutrient Reduction Fee (Isley/Koopman); Utility Acreage Fee, Acreage Fee Reimbursement, Water Meter Installation Sewer Main (Isley); City of Oaks Marathon (Crowder); Grant Award – Solid Waste Services (McFarlane); Clearance E. Lightner Public Safety Center items (Stephenson/Crowder/McFarlane); Encroachment 4801 Hargrove Road (Koopman); E. M. Johnson Water Treatment Plant (Stephenson/Crowder); Sunnybrook Road Reuse Water Storage Project (Stephenson/Crowder/McFarlane). Without objection those items were withdrawn from the Consent Agenda.

Mayor Meeker stated on Page 6, Item 10.7 – Street Closing 100 Block of St. Wilmington Street the agenda indicates the recommendation is for approval when actually the recommendation is for denial. Mayor Meeker stated Council members received at the table a request for street closings relating to the Moore Square Farmers' Market every Wednesday April 16, 2008 through August 27, 2008. This would be added to the Consent agenda. Mr. Crowder moved administration's recommendations on the remaining items on the Consent Agenda plus the correction and addition made by the Mayor be upheld. His motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the Consent Agenda were as follows:

### **PARADE ROUTES – VARIOUS – APPROVED CONDITIONALLY**

The Agenda presented the following requests for parade routes.

#### **Various Streets in the Vicinity of Hillsborough Street**

Lt. John Rehbock, representing the Raleigh Fire Department, requests permission to hold a parade to commemorate fallen firefighters on Saturday, May 3, 2008, from 8:00 a.m. until 4:00 p.m.

Lt. Rehbock also requests authorization to string a banner across South Dawson Street at the intersection of Hargett Street.

#### **8300 Block of Apple Orchard Way**

Beth Pishko, representing the Annual Summerfield North Memorial Day Parade, requests permission to hold a parade on Monday, May 26, 2008, from 10:00 a.m. until 12:30 p.m.

Various Streets in the Vicinity of Halifax Mall

Katie Stuart, representing the 2008 AIDSWALK & RIDE, requests permission to hold a fundraising walk on Saturday, May 3, 2008 from 4:00 p.m. until 5:30 p.m.

**Recommendation:** Approval subject to conditions on reports in the agenda packet. Upheld on Consent Agenda Crowder/Stephenson – 8 ayes.

**ROAD RACE – WEST NORTH STREET ON APRIL 26, 2008 – APPROVED CONDITIONALLY**

Butch Robertson, representing the Skirt Sports and in conjunction with Hibernian Pub, requests a street closure on Saturday, April 26, 2008, from 8:00 a.m. until 2:00 a.m. for a road race and block party.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:** Approve subject to conditions on the report in the agenda packet. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

**STREET CLOSING – VARIOUS LOCATIONS AND DATES – APPROVED**

The agenda presented the following for temporary street closings for various events on various days:

00 Block of Edenton Street

Doug Grissom, representing the Raleigh Convention Center and the North Carolina Museum of Natural Sciences, requests an addition to their request of March 18, 2008. On that date Council approved the closing of the 00 Block of Jones and 00 Block of Edenton Street for an Earth Day Celebration on Saturday, April 19, 2008, from 12:00 p.m. until 7:00 p.m.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

500 Block of West Johnson Street

Rebecca Hoovler, representing Rocky Top Hospitality, requests a street closure on Thursday, April 24, 2008, from 12:00 p.m. to 2:00 a.m. for an outdoor entertainment event.

She also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

Breeze Road between Byrd Street and Beechridge

Jane Ford, representing her neighborhood, requests a street closure on Saturday, April 26, 2008, from 5:00 p.m. to 11:00 p.m. for a neighborhood block party.

900 Block of North Boylan Avenue

Dennis Poteat, representing his neighborhood, requests a street closure on Saturday, April 26, 2008, from 12:00 p.m. to 9:00 p.m. for an outdoor entertainment event.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

400 Block of Fayetteville Street

Lilyn Hester, representing CAPSTRAT, Inc. and Blue Cross Blue Shield, requests a street closure on Tuesday, April 29, 2008, from 6:00 a.m. to 3:00 p.m. for a healthy life initiative event.

100 Block of South West Street

Charles Bleden, representing the Buckhead Saloon, requests a street closure on Saturday, May 3, 2008, from 11:00 a.m. to Sunday, May 4, 2008, at 4:00 a.m. for an outdoor entertainment event.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

100 Block of South Wilmington Street

Angela Salamanca, representing Dos Taquitos Centro Mexican Restaurant, requests a street closure on Saturday, May 3, 2008, from 3:00 p.m. to 12:00 a.m. for a Cinco De Mayo event.

She also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

1800 Block of Wills Avenue

John Cassidy, representing his neighborhood, requests a street closure on Sunday, May 18, 2008, from 2:00 p.m. to 8:00 p.m. for a neighborhood celebration.

2700 Block of Webb Street

Susan Ingram, representing her neighborhood, requests a street closure on Sunday, May 18, 2008, from 5:00 p.m. to 8:00 p.m. for a neighborhood celebration.

100 Block of South East Street

Samantha Smith, requests a street closure on Saturday, June 21, 2008, from 3:00 p.m. to 11:00 p.m. for her wedding reception.

She also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinance.

200 Block East Martin Street

Ellen Fragola, Downtown Raleigh Alliance, requests the encumbrances of all metered parking spaces on the north side of the 200 block of East Martin Street from 6:00 a.m. – 2:30 p.m. every Wednesday between April 16-August 27, 2008 and the adjacent sidewalk from 10:00 a.m. until 2:30 p.m. during the same period to conduct the Moore Square Farmers Market.

**Recommendation:** Uphold recommendations for approval of all subject to conditions on reports in the Agenda packet with the exception of Dos Taquitos Centro Mexican Restaurant which was recommended for denial. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

**EASEMENT EXCHANGE – OLD K-MART SITE – APPROVED**

In 1992, the City acquired a park-and-ride transit easement at the K-Mart in the Wilders Grove Master Plan (in the vicinity of Corporation Parkway, New Hope Road, and Highway 64). Since that time, K-Mart has closed and the City has acquired a park-and-ride transit easement at the new Wal-Mart across New Hope Road from the old K-Mart. Therefore, the City no longer uses or needs the park-and-ride transit easement at the K-Mart site.

Lowe's Home Improvement Centers, Inc. has filed a pre-application that shows the removal of the existing K-Mart store and the redevelopment of the site into a new Lowe's Home Improvement store. The transit program has reviewed the layout and desires to acquire four new transit easements that will enhance the convenience of transit services for citizens in this area. These are: (1) a transit shelter and stop on Corporation Parkway; (2) two transit shelters and stops on New Hope Road; and (3) a non-exclusive ten parking space park-and-ride easement in the Lowe's parking area.

Lowe's has agreed to the transit program's request and asks that the existing park-and-ride transit easement as well as internal access agreement and internal Transit Easements be exchanged for the new easements that are needed for the City.

**Recommendation:** Approved as recommended. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

**EASEMENT EXCHANGE – ST. DAVID’S SCHOOL – RESOLUTION OF INTENT ADOPTED**

A request has been received from Kevin J. Lockerbie, Headmaster of St. David’s School, property owner, to exchange an existing 40-foot City of Raleigh sanitary sewer easement for a proposed 30-foot City of Raleigh sanitary sewer easement and a 20-foot sanitary sewer easement at St. David’s School in Raleigh. The easement exchange is because the existing sanitary sewer is now a building service lateral and its associated easement is no longer needed. An alternate route for the public sanitary sewer main has been constructed which requires a public easement. The construction plans for the sanitary sewers have been approved by the City of Raleigh Public Utilities Department. The property owner is responsible for all costs of the easement exchange.

**Recommendation:** Approve the easement exchange and authorize the City Clerk to advertise. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Resolution 518.

**RISK MANAGEMENT CONSULTANT SERVICES – THIRD PARTY CLAIMS ADMINISTRATION – ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH PMA**

The City’s current contract with the North Carolina League of Municipalities for third party risk management claims administration services is effective through June 30, 2008. With the assistance of Bickmore Risk Services consulting, a request for proposals (RFP) was issued on January 18, 2008, encompassing General Administration and Adjudication of Claims Brought for Workers’ Compensation, Automobile and General Liability. Eleven providers responded to the RFP. Through a quantitative and qualitative evaluation of the responses that included initial and ongoing costs, advanced technology and reporting capabilities, ability to support the City of Raleigh locally, customer references, and presentations from the vendors, the firm PMA was selected as the top candidate that can best meet the City’s current and future needs for both lines of coverage. The estimated annual cost of the services was estimated at \$220,000.

**Recommendation:** Authorize Administration to enter into a contract with PMA to provide claims administration and adjudication services as described in the RFP for the three years ended June 30, 2011, with a renewal option for two additional years. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

**CENTRAL PARKING SYSTEM – EXTENSION OF ON-STREET PARKING CONTRACT – APPROVED**

Central Parking System commenced its three-year On-Street parking contract with the City on August 1, 2005. The contract provides for up to two (2) one-year extensions exercisable at the City’s option. Staff recommends extending the contract until October 31, 2009. The purpose for requesting the extension is to bring the end date of this contract in line with that of the Off-Street contractor, McLaurin Parking, whose contract also expires October 31, 2009. It is the desire of City staff to initiate an RFP for one contractor to operate both the On-Street and Off-Street operations. It is the consensus of City staff that extending the CPS contract will best serve the



City's interests in fulfilling this goal which will effectively streamline the management and administration of its parking program, and raise the level of customer service.

**Recommendation:** Approved as recommended. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

### **POPLAR CREEK SANITARY SEWER IMPROVEMENT PROJECT – AMENDMENT #1/MCKIM & CREED – APPROVED**

The City currently has an agreement with McKim & Creed for the Upper Poplar Creek Basin Sanitary Sewer Improvements Project. Contract Amendment #1, in the amount of \$752,585 is for final design services for the gravity interceptors, “Interim” duplex vacuum prime pump station, and force main connecting to the existing Wendell force main on Grasshopper Road

**Recommendation:** Approve Amendment #1 (transfer to be handled administratively).

**Transferred From:**

349-9534-79001-944 Knightdale Pop Crk/W Pop Crk Interc \$752,585.00

**Transferred To:**

349-9534-79201-944 Knightdale Pop Crk/W Pop Crk Interc \$752,585.00

Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

### **ENCROACHMENT – VARIOUS DOWNTOWN STREETS RELATING TO WAY FINDING PROJECT – APPROVED CONDITIONALLY**

A request has been received from the City of Raleigh Planning Department to encroach on City right-of-way in various locations for the purpose of installing various ways finding, vehicular and guide signs. The locations and type of encroachment are according to a map by Corbin Design entitled, “Master Way Finding Program.”

**Recommendation:** Approval of the encroachment subject to conditions outlined in Resolution 1996-153, owner obtaining a right-of-way permit from the Inspections Department prior to installation, owner of contacting NC One Call Center, 48 hours prior to excavation and shall remain 10 feet from existing utilities and the owner obtaining a vegetation impact permit from the City Urban Forester should any existing trees be affected by the installation or maintenance of the signs. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

### **BUDGET AMENDMENTS – VARIOUS – ORDINANCE ADOPTED**

The agenda presented the following budget amendments:

Administrative Services - \$8,000 – to accept funds from local area businesses to support the Environmental Awards Program

Parks and Recreation - \$21,150 – to increase revenues and expenditures (within the Barwell Road Center revolving budget) to accommodate greater interest and participation in recreation programs and events at Barwell Road Center. Adequate funds exist in prior years appropriations to accommodate this budget amendment

Public Utilities - \$6,500 – to purchase WaterFest Supplies. The agenda outlined the revenue and expenditure accounts involved in each of the recommended budget and amendments.

**Recommendation:** Approval of the Budget Amendments as outlined. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Ordinance 380 TF 85.

### **REIMBURSEMENT CONTRACT – MAJOR WATER AND SEWER – APPROVED**

The agenda presented the following

Water Area 90 Contract 62  
AAC Real Estate Service/  
ARCO Corporate Drive/  
Construction of 12 inch and larger water mains  
Total Reimbursement \$20,850

Water Area 90 Contract 63  
AAC Real Estate Service/  
ARCO Corporate Drive/  
Construction of 12 inch and larger water mains  
Total Reimbursement \$59,125

The following reimbursable contracts have been prepared for Council approval and the City Manager's signature. Costs have been certified by the Public Utilities Department.

Water Area 02 Contract #6  
North Wake Developers, LLC  
Granite Falls Subdivision Watermain Project in Rolesville  
Construct 12-inch water main  
Total Reimbursement \$37,500

Water Area 02 Contract #5  
Young Street Investment Group, LLC  
Willow Crest Subdivision Watermain Project in Rolesville  
Construct 12-inch water main  
Total Reimbursement \$54,650

**Recommendation:** Approve reimbursement contracts. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes.

**CONDEMNATION – BEAVERDAM LAKE SANITARY SEWER EXTENSION PROJECT – RESOLUTIONS ADOPTED**

Efforts have been unsuccessful to obtain needed easements; therefore, it is recommended that a resolution of condemnation be authorized for the following:

**Project Name:** Beaverdam Lake Sanitary Sewer Extension-Raleigh Project  
**Name:** Richard A. Hill  
**Location:** 0 Old Milburnie Road  
**Name:** Richard Alex Hill and Johnny Marshall Hill  
**Location:** 0 Old Milburnie Road

**Recommendation:** Approve a resolution of condemnation for the necessary easements from the above properties. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Resolutions 519 and 520.

**HYDROSTRUCTURES CHANGE ORDER #3 – SANITARY SEWER CLEANING – APPROVED**

This change order is for a net increase of \$115,000.

Reason:

For additional work cleaning sanitary sewer in right-of-way and in easement.

History:

Original contract amount	\$146,500.00
Previous net changes (ADD)	\$230,000.00
New contract amount	\$491,500.00

Budgetary accounts to be amended:

Transferred From:

310-5260-70890-613	Contractual Svcs-Other	\$25,500.00
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Transferred To:

310-5260-70890-614	Contractual Svcs-Other	\$25,500.00
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**Recommendation:** Approve the change order in the amount of \$115,000 and the budgetary transfer in the amount of \$25,500. Remaining funds are available in the existing account. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Ordinance 380 TF 89.

**NORTHEAST OPERATIONS CENTER/EXISTING OPERATIONS CENTER –  
RENOVATION CHANGE ORDER #G-7 – HARROD & ASSOCIATES  
CONSTRUCTORS, INC. – APPROVED**

This change order is for a net increase of \$224,562.85 and time extension of 42 calendar days.

Reason:

For additional work including roofing repairs, replacing diffusers, additional plumbing, casework, and additional telephone cable associated with the Northeast Public Utilities Operations Center and Existing Operations Center Renovations.

History:

Original contract amount	\$2,421,000.00
Previous net changes (ADD)	\$ 621,385.37
New contract amount	\$3,266,948.22

Budgetary accounts to be amended:

Transferred From:

320-8889-79001-975	Garner Water Main Replacement	\$ 30,206.91
320-9026-79202-975	Water Tank Rehab/Maint	5,578.89
320-9572-79209-975	Laurel Hills Annexation	34,154.90
325-9572-79209-975	Laurel Hills Annexation	48,967.01
325-9604-79102-975	Lake Wheeler Annexation	69.00
325-9604-79201-975	Lake Wheeler Annexation	13,694.97
348-8889-79202-975	Garner Main Replacement	7,986.56
348-9020-79202-975	EM Johnson Filter Rehab	33,167.71
348-9399-79001-975	Ten Ten Road Water	<u>50,736.90</u>
		\$224,562.85

Transferred To:

320-9156-79202-975	Lake Woodard Ops Center	\$ 55,474.98
325-9156-79202-975	Lake Woodard Ops Center	62,730.98
348-9156-79202-975	Lake Woodard Ops Center	<u>106,356.89</u>
		\$224,562.85

**Recommendation:** Approve the change order in the amount of \$224,562.85, time extension of 42 calendar days, and the budgetary transfer. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Ordinance 380 TF 89.

**FALLS OF NEUSE ROAD WATER TRANSMISSION MAIN – CHANGE ORDER  
#1/W.M. J. KELLER & SONS CONSTRUCTION CORPORATION – APPROVED**

This change order is for a net increase of \$522,370.

Reason:

For installation of ductile iron pipe water transmission main from Jones Sausage Road to Creech Road.

History:

Original contract amount	\$1,368,299.60
New contract amount	\$1,890,669.60

Budgetary accounts to be amended:

Transferred From:

348-8099-79001-975	EMJ Pilot Plant	\$200,000.00
348-8820-79201-975	Lab Info Mgmt System	100,000.00
348-9019-79001-975	Water Booster Pump Station Rehab	100,000.00
348-9158-79001-975	EM Johnson Spill Containment Impvts	<u>122,370.00</u>
		\$522,370.00

Transferred To:

348-8103-79202-975	Falls of Neuse Rd Main	\$522,370.00
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**Recommendation:** Approve the change order in the amount of \$522,370 and the budgetary transfer. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Ordinance 380 TF 89.

**TRANSFER – SOLID WASTE SERVICES – APPROVED**

The agenda presented a transfer in Solid Waste Services in the amount of \$77,500 to provide funding for the balance of FY08 in the Solid Waste Services residential collection amount for daily operations in special projects anticipated through June 2008. The agenda outlined the Code Accounts involved.

**Recommendation:** Approval of the transfer as outlined. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Ordinance 380 TF 89.

**TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED**

The agenda presented changes in the Traffic Code relating to temporary parking restrictions on West Hargett Street, no parking zone on a portion of Renfrow Road. The agenda outlined the exact locations involved and the reasons for the changes in the Traffic Code.

**Recommendations:** Approval of the changes in the Traffic Code as outlined. Upheld on Consent Agenda Crowder/Stephenson - 8 ayes. See Ordinance 381.

## **END OF CONSENT AGENDA**

### **BRING IT HOME AMERICA CAMPAIGN – CITY TO PARTICIPATE**

The City of Raleigh along with the cities of Fort Wayne, Kansas City, Houston, Milwaukee, Chicago, San Francisco and Atlanta have been asked to join a two-year campaign to become part of a member city organization *Bring IT Home America* in partnership with the One Economy Corporation ([www.one-economy.com](http://www.one-economy.com)). The *Bring IT Home America* campaign is a member-supported effort that brings together government, business, and the nonprofit sector to expand technology adoption and education. The overall objective of this initiative is to recognize the dramatic changes in technology - particularly broadband Internet technology and to make it a focus for the City. By joining this initiative the City of Raleigh supports One Economy's Community Connections program which highlights the importance that state and local governments play in ensuring the active development and deployment of broadband Internet and related technologies to all of its citizens. On April 8<sup>th</sup>, One Economy is launching the *Bring IT Home America* campaign at the National Press Club in Washington, DC. *Bring IT Home America* is a national call to action that will open the doors of the 21<sup>st</sup> century to all. A *Bring IT Home America* member city will receive a long-term commitment to community development by One Economy and its corporate and philanthropic partners. There is no cost to the City.

**Recommendation:** Approve participation in this initiative. Mr. Crowder stated he withdrew this from the Consent Agenda as he wanted to commend City Staff for bringing this program forward. He feels it would be a very key component in helping with our neighborhood empowerment initiative. Mr. Crowder moved approval as outlined. His motion was seconded by Mayor Meeker and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

### **KNIGHTDALE – RELINQUISHMENT OF EXISTING RALEIGH ETJ – RESOLUTION ADOPTED**

Wake County has requested that Raleigh formally relinquish existing Raleigh ETJ over land generally between I540 and Wil Mar golf course. Raleigh and Knightdale had previously agreed to make this land part of Knightdale's future annexation agreement area per our mutual annexation agreement modification that took place in 2006.

**Recommendation:** Adopt a resolution to relinquish extraterritorial jurisdiction over certain properties in the I540 and Old Milburnie Road vicinity with the effective date of relinquishment being upon adoption of a resolution granting Knightdale jurisdictional authority over subject property by Wake County. Direct staff to forward adopted resolution to Wake County.

Mr. Isley stated he had asked that this item be withdrawn from the Consent Agenda as his family owns property in the area. Mayor Meeker moved that Mr. Isley be excused from participation in

his matter. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote and Mr. Isley left the table.

Mr. Crowder moved approval of the recommendation and adoption of the resolution as outlined. His motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative (Isley excused). The Mayor ruled the motion adopted on a 7-0 vote. See Resolution 529.

## **PUBLIC UTILITIES – VARIOUS FEES – APPROVED TO BE EFFECTIVE JULY 1, 2008**

The agenda presented the following changes in various public utility fees:

### Nutrient Reduction Fee

The City, with its contract sewer customers, established the sewer nutrient reduction fee in June 1998 to fund nitrogen removal facilities construction and operation at the Neuse River Wastewater Treatment Plant. Due to the increase in cost of the chemical used by the nitrogen removal facilities and the additional cost of biosolids reuse, it is necessary to increase the nutrient reduction fee. The water nutrient reduction fee, established in June 2007, is not scheduled to change at this time.

### Utility Acreage Fees

The City Code provides for an annual adjustment based on the construction cost index of Engineering News Record. For 2007, the cost increase was 2.8%, and the rates have been adjusted to reflect this increase.

### Acreage Fee Reimbursement

City policy provides a schedule of reimbursement amounts for the different sizes of oversized mains that are eligible for acreage fee reimbursement. The costs are adjusted annually by the construction index from the Engineering News Record as the acreage fees are adjusted. The increase in the construction index for 2007 was 2.8%, therefore, City Code, Section 8-2094(C), should be amended to reflect this increase. A copy of the revised schedule is in the agenda packet.

### Water Meter Installation Charge

In March 1986, the City began installing all water meters. The proposed water meter installation fee ordinance annual adjustment reflects an approximate 2.8% increase in all the meter sizes indicated in the schedule. The “not ready” fee remains unchanged.

### Sewer Main Extension and Sewer Service Connection Inspection Fees

Prior to being placed into service, all sewer main extensions and sewer service connections to the City's sanitary sewer system installed by a private contractor are inspected to determine if they have been properly installed. An adjustment to increase both the base inspection fee and the per lineal foot fee by 2.8% is proposed.

Mr. Isley stated he had withdrawn all of these items pointing out there was nothing in the backup to indicate why these fees are being increased. He questioned where the funds come from and how the funds are used. Mr. Koopman had withdrawn a couple of the items pointing out he had the same questions.

City Manager Allen pointed out by ordinance these fees are adjusted annually. They are brought forth each year about this time and the increases are based on certain calculations, indexes, figures, etc. It also relates to keeping up with construction cost, etc. Brief discussion took place on the fees after which Mr. Crowder moved approval of the revised fees and code amendments to implement the fees effective July 1, 2008. His motion was seconded by Mr. Koopman and a roll call vote resulted in all members voting in the affirmative except Mr. Isley who voted in the negative. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinances 375, 376, 377, 378 and 379

#### **ROAD RACE – CITY OF OAKS MARATHON – REFERRED TO PUBLIC WORKS COMMITTEE**

Jim Micheels, representing the City of Oaks Marathon, LLC, requests a street closure on Sunday, November 2, 2008, from 7:00 a.m. until 2:00 p.m. for a marathon road race.

The Downtown Events Task Force expressed concern with the potential disruption of traffic in the downtown area because of the concentration of churches and the extended periods of time that some roadways will be closed.

**Recommendation:** Approve subject to conditions on the report in the agenda packet.

Mr. Crowder pointed out he had withdrawn this from the Consent Agenda as the Downtown Events Task Force had expressed concern with the potential disruption of traffic in the downtown area. City Manager Allen pointed out he understands the route has been changed to have better flow and hopefully the runners will have cleared downtown by 8:00 a.m. Mr. Crowder again stated he feels we should look at it as there is concern about disrupting church traffic, etc. He asked that the request be referred to the Public Works Committee. Without objection the item was so referred.



**SOLID WASTE SERVICES – GRANT AWARD FROM NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, DIVISION OF POLLUTION PREVENTION AND ENVIRONMENTAL ASSISTANCE – ACCEPTED**

The City of Raleigh has received a grant from the North Carolina Department of Environment, Division of Pollution Prevention and Environmental Assistance, in the amount of \$10,800 to improve recycling services to Alcoholic Beverage Control (ABC) permit holders. The funds will be used to purchase indoor recycling containers, which will be distributed to ABC permit holders who participate in the City’s Downtown Raleigh Recycles program. Indoor containers will help permit holders to separate recyclable items from trash, which should improve the quality of materials set out for curbside collection by Solid Waste Services employees. A possible increase in recyclable tonnage would help the City save money through avoided landfill disposal costs. The grant requires a 25% cash match from the City in the amount of \$3,600. This funding is available in Account 100-5031-71213-465.

**Recommendation:** Approve acceptance of the grant, disbursement of matching funds and the budget amendment.

Revenue Accounts:

810-7037-51317-983	State Grants	\$10,800.00
810-7037-51316-983	City Match	<u>3,600.00</u>
		\$14,400.00

Expense Account:

810-7037-70801-983	Small Equipment	\$14,400.00
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Ms. McFarlane stated she had withdrawn this from the Consent Agenda pointing out as she understands this is just for the downtown area. The possibility of it being extended to other parts of the City and how the grant came about was discussed briefly. Mr. Stephenson moved approval as outlined. His motion was seconded by Mr. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 380 TF 89.

**CLARENCE E. LIGHTNER PUBLIC SAFETY CENTER – CONTRACT AMENDMENT WITH KLING-STUBBINS – TO BE PLACED ON MAY 6 AGENDA AS A SPECIAL ITEM; AMENDMENT WITH HNTB – APPROVED**

As authorized by City Council at its meeting March 4, 2008, City staff has proceeded with the next steps. One of these is to continue with overall interim project planning work for critical City functions such as the relocations of the traffic control center, the print shop and Police headquarters plus schematic design, planning and estimating for the new facility. These are included in a proposed amendment increasing the authorized amount by \$1,856,300 in the Kling-Stubbins contract for design services. Additional material is in the agenda packet outlining the services, costs and funding sources to continue the Clarence E. Lightner Public Safety Center project design work effort.

As authorized by City Council at its meeting March 4, 2008, City staff has proceeded with the next steps. One of these is to continue with interim relocation work for critical City functions such as the design for the relocation of the current traffic control system center. HNTB is the current design consultant for the update of the City's traffic control system. An amendment in the amount of \$132,901 is needed to authorize them to include additional services for design of the relocation of the traffic control center to enable demolition of the 110 McDowell Street Building. A memo is in the agenda packet outlining the services, costs and funding sources to continue the Clarence E. Lightner Public Safety Center project design work effort using HNTB for these additional services.

It was pointed out Mr. Stephenson, Mr. Crowder and Ms. McFarlane had asked that these items be withdrawn. Mr. Crowder stated before we move forward he just wants to take a look at the programming of the proposed public safety center. He stated he knows we were trying to diversify our services but he just thinks we need to take another look at how the building will be used. City Manager Allen pointed out that was reviewed with the Council a short time back with Mr. Crowder stating he understands that but he would like to drill down a little further to look at the programming, how the facility will be used, etc. City Manager Allen pointed out we can give as much detail as the Council wishes. Brief discussion took place on the timing with City Manager Allen pointing out the we are on a critical path which includes moving the police and other occupants of the present building. He stated two weeks will not cause too much of a delay and if there are any concerns we do need to address those. Mayor Meeker suggested holding the items for two weeks to allow Ms. McFarlane, Mr. Stephenson and Mr. Crowder to talk with staff and try to get their concerns or questions answered.

It was pointed out the second item which relates to authorizing the City Manager to proceed with executing the amendment for additional design services for HNTB to continue the interim process of designing and implementation does need to proceed. We are going to have to move the traffic control system out of that building and we need to continue moving ahead with that part of this issue. Mr. Crowder moved approval of this section relating to additional design services with HNTB. His motion was seconded by Mayor Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

#### **ENCROACHMENT – 4801 HARGROVE ROAD – APPROVED CONDITIONALLY**

A request has been received from Progress Energy to encroach on City right-of-way at 4801 Hargrove Road to install 3 1.25 inch inner ducts and 171 feet of fiber optic cable by 2 directional bores crossing Hargrove Road at the southeast corner entrance at the Thayer Building at a depth of 5 feet. The cable is needed to provide diverse fiber optic service for a backup network data center.

**Recommendation:** Approve the encroachment subject to conditions outlined in Resolution 1996-153, owner obtaining a right-of-way permit from the Inspections Department prior to the installation, owner contacting NC One Call Center 48 hours prior to excavation and shall remain 10 feet from existing utilities, owner obtaining a vegetation impact permit from the City Urban Forester prior to excavation should any existing trees be effected in the area.

Mr. Koopman stated he had withdrawn this from the Consent Agenda pointing out there have been some concerns and discussions relative to the tree cutting practices of Progress Energy. He questioned if any trees will be involved. City Manager Allen pointed out he does not believe any trees are involved this is a separate issue from Progress Energy tree cutting policies. Mr. Koopman moved approval. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

**E. M. JOHNSON WATER TREATMENT PLANT – CHANGE ORDER #9 – DELLINGER INCORPORATED – APPROVED**

This change order is for a net increase of \$109,812.54 and time extension of 30 calendar days.

Reason:

For additional work including installation of a new loading dock on the west side of the E.M. Johnson Water Treatment Plant Operations Building, paving, landscaping, storm drain improvements throughout the Water Plant site and the transport of a package water treatment plant from Cullowhee, North Carolina.

History:

Original contract amount	\$ 9,634,963.00
Previous net changes (ADD)	\$ 1,767,356.65
New contract amount	\$11,512,132.19

Budgetary accounts to be amended:

Transferred From:

348-9158-79001-975	EM Johnson Spill Containment Impvts	\$109,812.54
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Transferred To:

348-9284-79202-975	EMJWTP 50 MGD Pump Installation	\$109,812.54
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**Recommendation:** Approve the change order in the amount of \$109,812.54, time extension of 30 calendar days, and the budgetary transfer.

Mr. Stephenson and Mr. Crowder had withdrawn this item from the consent agenda. Mr. Stephenson question what we would do with this package water treatment plant. City Manager Allen talked about how it would be used in helping with future water shortage situations or various events and this is to pay for the transportation of getting the plant to Raleigh. Mr. Crowder moved approval. His motion was seconded by Mayor Meeker and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 380 TF 89.

**SUNNYBROOK ROAD ELEVATED REUSE WATER STORAGE PROJECT – REFERRED TO PUBLIC WORKS COMMITTEE**

Pursuant to advertisement as required by law, bids were received and publicly opened on March 18, 2008, for the 750,000 Gallon Sunnybrook Road Elevated Reuse Water Storage Project. CB&I submitted the lowest responsive bid in the amount of \$2,349,000. CB&I submitted an 8.3% MWBE participation plan.

**Recommendation:** Approve the low bid of CB&I in the amount of \$2,349,000 (transfer to be handled administratively).

Transferred From:

349-8530-79001-975	NRWWTP Reuse Expansion	\$2,349,000.00
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Transferred To:

349-8530-79202-975	NRWWTP Reuse Expansion	\$2,349,000.00
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Mr. Stephenson stated he would like to put this issue in Public Works Committee. He stated he feels that we should look at the situation pointing out as he understands 60% of the water will be used for irrigation and talked about the drought situation and stated he would like for the Council to look at how we are going to finance this going forth. Mr. Crowder stated he would like for staff to evaluate using this for fire protection. He stated we flush our lines on a regular basis and there may be an opportunity to use reuse water for fire protection. He asked that the committee take a look at that opportunity. Brief discussion took place with City Manager Allen pointing out if the item goes to Committee it could be a timing issue as the bids are only good for a certain length of time and if the Committee does not make a decision in that time the bids could expire. He stated he does not know exactly how much study or evaluation the Council wants as this has been in our capital improvement program for quite some time and was approved by Council recently. He stated this is not just for reuse but also relates to nitrogen reduction. He stated that report could be provided to the Council.

Ms. Baldwin questioned if we are talking about changing our policy. Mayor Meeker pointed out may be we are talking about taking a new look at the question and suggested may be we put it in committee to see where we are to see if a change of policy is warranted or needed. Mr. Stephenson talked about his concern including the fact that we are talking about approximately \$2.5 million for a system that will be paid for by many but used by few. He wants the City to look at other opportunities such as recapturing water, rain barrels, ways to incentivize conservation. Mr. Crowder pointed out we are still having to release water downstream and that water comes out of Falls Lake and talked about whether there is a need for a reuse water storage. Ms. Baldwin pointed out reuse goes to large users and named some of those pointing out she feels this is sort of like the “newcomers versus people who live here” philosophy. Mayor Meeker pointed out it is somewhat like reuse water use versus use of drinking water and maybe we should take a look at it and stated without objection the item would be referred to Public Works Committee. City Manager Allen pointed out it would be good if the Council would let

staff know of the major questions. He stated it is hard to put together a comprehensive report in just a few days. Without further discussion the item was referred to Public Works Committee.

### **REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION**

#### **PLANNING CONSENT AGENDA – APPROVED AS AMENDED**

Mayor Meeker presented the Planning Commission consent agenda indicating it would be handled in the same manner as the regular consult agenda. He stated he had received a request from Mr. Stephenson and Mr. Crowder to withdraw Z-12-08 – SSP-1-08 from the Planning Commission consent agenda. Without objection that item was withdraw. Mr. Stephenson moved the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. West and put to a vote which unanimously. The Mayor ruled the motion adopted on an 8-0 vote. The items on the Planning Commission Consent Agenda were as follows.

#### **REZONING –9 – 08 – BUFFALOE ROAD – 90 DAY TIME EXTENSION REQUEST – APPROVED**

This request is to rezone approximately 70.68 acres, currently zoned Office & Institution-1 Conditional Use District, Shopping Center Conditional Use District, Residential-4 with Special Highway Overlay District-1. The proposal is to rezone the property to Shopping Center Conditional Use District, Office & Institution-1 Conditional Use District with Special Highway Overlay District-1.

CR-11184 from the Planning Commission recommends that the City Council grant a 90-day Time Extension for additional review by the Planning Commission. Planning Commission recommendation upheld on Consent Agenda Stephenson/West - 8 ayes.

#### **REZONING Z-10-08 – FORESTVILLE ROAD – 90-DAY TIME EXTENSION REQUEST – APPROVED**

This request is to rezone approximately 6.58 acres, currently zoned Residential-4 with Special Highway Overlay District-1. The proposal is to rezone the property to Office & Institution-1 Conditional Use District with Special Highway Overlay District-1.

CR-11185 from the Planning Commission recommends that the City Council grant a 90-day Time Extension for additional review by the Planning Commission. Planning Commission recommendation upheld on Consent Agenda Stephenson/West - 8 ayes.

#### **SNC-2-08 – MASON’S GLEN DRIVE – ROYAL MEADOWS WAY – APPROVED – RESOLUTION ADOPTED**

This request is to approve a street name change from Mason’s Glen Drive to Royal Meadows Way, pursuant to Standard Procedure 900-9(D) regarding 100% property owner approval of non-duplicative street name.

CR-11186 from the Planning Commission recommends that this item be forwarded to City Council for action changing the name to Royal Meadows Way; and that this name change be made effective April 30, 2008. Planning Commission recommendation upheld on Consent Agenda Stephenson/West - 8 ayes. See Resolution 521.

**SNC-3-08 – STAATSBURG LANE – STEWART PINES DRIVE – APPROVED – RESOLUTION ADOPTED**

This request is to approve a street name change from Staatsburg Lane to Stewart Pines Drive, pursuant to Standard Procedure 900-9(D) regarding 100% property owner approval of non-duplicative street name.

CR-11187 from the Planning Commission recommends that this item be forwarded to City Council for action changing the name to Stewart Pines Drive; and that this name change be made effective April 30, 2008. Planning Commission recommendation upheld on Consent Agenda Stephenson/West - 8 ayes. See Resolution 522.

**SNC-4-08 – SLEEPY SHADOW LANE – DUKES DYNASTY DRIVE – APPROVED – RESOLUTION ADOPTED**

This request is to approve a street name change from Sleepy Shadow Way to Dukes Dynasty Drive, pursuant to Standard Procedure 900-9(D) regarding 100% property owner approval of non-duplicative street name.

CR-11188 from the Planning Commission recommends that this item be forwarded to City Council for action changing the name to Dukes Dynasty Drive; and that this name change be made effective April 30, 2008. Planning Commission recommendation upheld on Consent Agenda Stephenson/West - 8 ayes. See Resolution 523.

**END OF PLANNING COMMISSION CONSENT AGENDA**

**REZONING Z-12-08/SSP-1-08 – HINSDALE STREET – REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE**

This request is to rezone approximately 0.92 acre, currently zoned Residential-30 and Special Residential-30. The proposal is to rezone the property to Residential-30 Conditional Use with Pedestrian Business Overlay District.

CR-11183 from the Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the Findings and Reasons, the Planning Commission recommends that this request be approved in accordance with conditions dated April 7, 2008 and the Hinsdale Street Streetscape and Parking Plan dated April 8, 2008.

Planning Commission Chairman Mullins explained the history on this case starting with the public hearing in January. He stated there has been quite a bit of discussion between the neighborhood and the applicant and what is before the Council is a working compromise. Mr. Stephenson pointed out he has been very impressed with the quality of discussion and he feels they are close to addressing all the issues and he would like to take the item into Comprehensive Planning Committee for one term. Mr. Crowder agreed pointing out he had not had time to study the recommendation in detail. Without objection the item was referred to Comprehensive Planning Committee.

### **SPECIAL ITEMS**

#### **WATER CONSERVATION – FLUSHING OF LINES BY CONTRACTORS – REFERRED TO WATER CONSERVATION COUNCIL**

During the April 1, 2008, Council meeting, Councilor Crowder had questions concerning allowing developers to flush lines on projects which were approved prior to passage of Stage 2 Mandatory Water Restrictions. He asked that the item be placed on this agenda for consideration of revisiting or revising the ordinance.

Mayor Meeker reported Council members received the following memorandum in their agenda packet:

City Council requested information on the subject work effort of capturing in tanker trucks the flush test water supplied by the City and transport / recycling it back to the EM Johnson Water Treatment Plant for re-treatment and re-distribution. This work came about from two initiatives – one a voluntary effort by the City to conserve water using this method that started on December 14<sup>th</sup> and continued till Monday, April 7<sup>th</sup> when the work effort was terminated. The second work effort was a mandatory program as a result of the City making this a water use restriction under the Stage 2 water conservation ordinance that was effective on February 15<sup>th</sup> and also rescinded on Monday, April 7<sup>th</sup> when the City returned to Stage 1 water use restrictions.

During the period of time Stage 2 water use restriction ordinance was in effect, Public Utilities issued 24 water main extension permits authorized for construction only as noted in the Stage 2 ordinance. None of these projects were completely constructed during the 52 days Stage 2 was effective, therefore none of these projects requested to proceed with the flush test water capture and recycling process. These projects have now been issued construction and operation permits and will be permitted to flush their test water per normal without capturing the water and recycling it back to the water plant.

Also, during the period of time Stage 2 was in effect, there were some water main extensions and water service connection projects that were permitted for construction prior to Feb. 15<sup>th</sup> that completed construction and performed their flushing and testing per the City's normal process. Attached are the February and March spreadsheet lists of those various projects where the flush test water was not voluntarily captured. As noted

on the spreadsheets, many of these are fire lines and water service lines which would not have used a significant volume of water.

During the City's voluntary flush test water capture and recycling process, which occurred over a 115 day period, a total slightly more than 4.3 million gallons of water was captured and recycled. The voluntary flush test water came from water quality flushing, water main break flushing, new City funded water main extension project flushing and fire flow flush testing performed and /or managed by City staff. The City utilized 10 privately owned 6,000 tanker trucks contracted for this work effort making over 700 trips to the EMJWTP at a total direct cost of \$150,000 paid to the private trucking companies (approximately 3.5 cents per gallon). There were also indirect cost that were not recorded for the staff time to manage and support this work from multiple Public Utilities Divisions and other City Department's such as Public Works, Inspections and the Fire Department.

I must point out that we were not able to capture and recycle all of the flush test water used during these periods due the type of event, the amount of water used and / or the time it occurred, but as you can see our staff made a significant effort to capture and recycle as much water as reasonably possible.

Mr. Crowder pointed out when the Council first looked at this it was his understanding that it was going into effect immediately and would cover all not just permits issued after passage of the Ordinance. He stated if we hadn't seen the rain we would not have got any benefit from the permits that were already in line. He stated he feels we need to relook at this position. Mayor Meeker suggested the item be referred to the Water Conservation Council. Without objection the item was so referred.

#### **AFFORDABLE HOUSING TASK FORCE – TO BE APPOINTED – MS. BALDWIN, MR. WEST AND MR. CROWDER TO MAKE RECOMMENDATIONS**

During the April 1, 2008, Council meeting, representatives of Congregations for Social Justice requested the City Council to establish an Affordable Housing Task Force at this time so they can be orientated and hit the ground running at such time as the Comprehensive Plan is completed. Following discussion, it was directed the item be placed on this agenda and receive a report from City Administration on recommendations as to how to proceed.

Council members received the following memorandum in their agenda packet.

**What is requested:** Council direction and guidance regarding an Affordable Housing Task Force which will provide input into affordable housing policies and strategies that should be considered as part of the City of Raleigh Comprehensive Plan Update Process.

**Background:** On November 7, 2007, the City Council approved a recommendation from the Planning Commission (CR-11146) to establish a citizen task force for the purpose of



completing a comprehensive study on Affordable Housing. The recommendation was referred to the Budget and Economic Development Committee. On January 29, 2008, the B&ED Committee approved a motion that the Task Force would be created after the completion of the Comprehensive Plan and would be responsible for implementing affordable housing strategies contained in the Comprehensive Plan. At the April 1, 2008 City Council meeting, there was a Citizen Request presented by the Congregations for Social Justice asking the City Council to create an Affordable Housing Task Force before the Comprehensive Plan is completed.

Many jurisdictions around the country have established affordable housing task forces in recent years. Typically, these temporary committees bring together many different interest groups in order to develop recommendations on affordable housing funding, new affordable housing programs to either increase or preserve affordable housing, and identification of any regulatory or policy barriers.

This memo proposes a time frame, proposed tasks, proposed membership, and proposed staffing for the Task Force.

**Time Frame:** The Task Force is expected to be in operation for a five to six month period and would present its recommendations concerning affordable housing strategies for Council review and approval at the end of this period. The Task Force is expected to start in June and would conclude its work by December 2008. The Task Force would meet on a monthly basis with all meetings open to the public.

**Proposed Tasks:** The Task Force would be responsible for the following tasks:

1. Reviewing Affordable Housing Needs and Issues Identified during the Comprehensive Plan Process
2. Reviewing the existing Housing Element and current City of Raleigh Housing Programs and Resources
3. Reviewing Best Practices in Other Jurisdictions.
4. Submitting recommendations on potential affordable housing strategies to City Council
5. Reviewing the Draft Comprehensive Plan, including the Community Inventory and the Housing Element.

**Proposed Membership for Task Force:** In order to bring various organizations and interests together to understand affordable housing needs and to build consensus on potential strategies, the Task Force should represent a wide range of expertise in the areas of housing finance; housing development, policy and program development, land use policies and planning, development costs and taxation; and human services. The Task Force would have between 8 to 10 members appointed by the City Council. The City Council could select members based on the following categories:

1. Private Sector Housing Developers
2. Nonprofit Housing Developers
3. Government Entities (Wake County, NC Housing Finance Agency, Raleigh Housing Authority, Raleigh Fair Housing Hearing Board, Raleigh Planning Commission, Raleigh Citizens Advisory Council, Southeast Raleigh Assembly, Mayors Disabilities Committee)
4. Business/Trade Associations (Homebuilders Association, Downtown Raleigh Alliance, Chamber of Commerce, Triangle Apartment Association, Board of Realtors, Manufactured Housing Association)
5. Advocacy Groups (NC Housing Coalition, NC Justice Center, Arc of North Carolina, National Alliance for the Mentally Ill, Mental Health Association for North Carolina, Congregations for Social Justice, ACORN, El Pueblo, Ten Year Plan to End Homelessness, Continuum of Care)
6. Legal Entities (Land Use/Real Estate Attorneys, Legal Aid)
7. Financial Entities (Lenders, Wake County Revenue Dept)
8. Civic Organizations (League of Women Voters, Triangle Community Foundation, Triangle United Way)
9. At Large Citizen Representatives

Proposed Staffing: The City of Raleigh Community Development Department will be responsible for staffing the Task Force meetings (public meetings open to the public), in coordination with the Planning Department. The City Council will need to appoint a Chair and Vice-Chair.

City Manager Allen highlighted the memorandum explaining the staff's recommendation and pointing out by the time the Comprehensive Plan comes out the Task Force would be able to review it and give reports during the open comment period and once they have provided their recommendations and report their work would be finished.

Mr. West pointed out staff did a great job; however, he has one concern and that relates to the numbers. He stated as he looks at the number of agencies, organizations or groups that should be involved may be we should have at least 15 on the task force to make sure we have adequate representation and diversity. He feels having only 8 to 10 members would limit the diversity. Mayor Meeker suggested that Mr. Crowder, Ms. Baldwin and Mr. West form an adhoc committee to make recommendations on the membership. Mr. Crowder stated he agrees with Mr. West on the need to expand the number and he would also recommend that the Council ask the City to engage Ken Maness to oversee the project. He would be an excellent addition as he knows City policy, the groups, the task, etc. Mr. West stated he would have to question that request, pointing out he has no problems whatsoever with Mr. Maness and pointed out the Community Development Department understands the housing issues, the history, etc., they work with the different agencies and he does not want to get into reinventing the wheel. He pointed out he is liaison to the 10-year ending homelessness effort and Mr. Maness works with that effort and he just returned from a trip to Atlanta which Mr. Maness set up. He has high respect for Mr. Maness but he feels the central leadership for this task force should come through Community Development.

Mr. Crowder stated he is in no way saying leave the Community Development Department out of the process, he just feels that because of Mr. Maness history and knowledge he would be a good leader and he could work under the direction of the Community Development Department. Mayor Meeker suggested the subcommittee that he just mentioned could talk with Mr. Maness and find out about his desires, recommendations, etc. It was pointed out Mr. Maness is already under contract with the City for the 10 year ending homelessness effort. Mr. West stated he has no problem with Mr. Maness providing input but he could not support him heading this effort. After brief discussion, Mayor Meeker suggested that the Council go on record as supporting the formation of an affordable housing task force to be staffed by the Community Development Department with the Task Force having up to 15 members. Ms. Baldwin, Mr. West and Mr. Crowder would meet, look at the recommendations and make recommendations to the full Council on the 15 members. They could also consult with Mr. Maness on what his role could or should be. The motion was seconded by Mr. Crowder. City Manager Allen pointed out the subcommittee should consult with the City Manager and staff also. He stated Mr. Maness is an excellent facilitator but he may not know the total work plan, etc. The feeling that we need to have a city employee as the leader or facilitator of the task force was talked about with the Mayor pointing out he is just suggesting that Mr. Maness be consulted and get his recommendations he is not necessarily saying that he should lead the effort.

The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor the motion adopted on an 8-0 vote and suggested if any Council member has recommendations for people to serve on the Task Force to let the subcommittee know.

#### **MISSION STATEMENT – CITY OF RALEIGH – REFERRED TO THE BUDGET & ECONOMIC DEVELOPMENT COMMITTEE**

During the April 2, 2008, Council meeting, Councilor Crowder presented a proposed City of Raleigh Mission Statement and asked that it be placed on this agenda as the beginning of a discussion for a City of Raleigh Mission Statement. A copy of Mr. Crowder's proposal was in the agenda packet.

Mr. Crowder stated he hoped everyone had an opportunity to look at his proposal pointing out the City of Raleigh does not have a mission statement and talked about a recent Institute of Government program some of the Council members attended in which the Institute of Government stated it is imperative that City Councils adopt a mission statement for its city. He read over the Mission statement and moved approval of the statement or referring the item to Comprehensive Planning Commission for further study.

Mr. West stated he thought Mr. Crowder was on the right track but in his opinion what we have before the Council is two vision statements Mr. Crowder's and he one in the Comprehensive Plan.

## DEVELOPING A MISSION STATEMENT

To be useful a mission statement must be clear and effective tool for communicating the central purpose of the organization or group.

A clear and effective mission statement:

Describes the primary function of the organization; the business that the organization is about, its reason for being, without which it would cease to exist; the thing that the organization does uniquely well; the purpose it serves that justifies its being.

Includes the ONE critical purpose (not the trivial many)

Is brief, simple and easy to understand

Is today-focused (possibly a little into the future)

Identifies the intentions of the organization toward clients, customers, the public, etc.

Is a means for aligning what the organization says it does, what it actually does, and what the rest of the world believes it is about

Is a management tool that establishes broad, overall direction for the organization

Is a screen or filter for making critical decisions

Is communicated throughout the organization through a wide variety of communication channels

Is continuously articulated by the leadership of the organization

Is memorable; the message is well known and remembered throughout the organization.

Mr. Crowder talked about the difference in a vision and a mission statement. He pointed out a mission statement should not come from staff it should come from the City Council. He talked about different mission statement, the aspects of what people want our city to be and the need to have a mission statement.

Mr. Stephenson talked about the program put on by the Institute of Government and their discussion on a mission statement. He stated after that discussion he contacted the City Clerk and was told the City of Raleigh does not have a mission statement. He stated he doesn't have a problem with the Planning Director putting this into the right form with Mr. West stated he too does not have a problem with staff putting this in the right form. Mr. Koopman suggested that the item be placed in committee for a total discussion. City Manager Allen talked about what has been done as a part of the Comprehensive Plan. He stated he has had some experience with

other city councilors trying to create a mission statement the difficulties involved. City Manager Allen stated he has said many times that the most important policy statement a City Council can make is adoption of a budget document. He questioned what the Council would do in committee and what would be expected of staff if the item is referred to committee. Ms. Baldwin talked about the difficulties in getting people to buy in to a consolidated mission statement pointing out most departments have different business cards and talked about the need for city staff or Public Affairs to look at a holistic approach to put forth as a city. She stated in her opinion upholding the city charter is the mission statement of the City Council. She stated she would rather see this done in a comprehensive manner rather than piecemeal by departments, etc. Mr. Koopman talked about the need to have a mission statement pointing out it is recommended by the Institute of Government. He talked about the Air Force mission statement being short and concise and one that can be identified with. After other discussion on the need, how to approach the question and expectations Mayor Meeker suggested the item be referred to the Budget & Economic Development Committee. Without objection the item was so referred.

### **REPORT AND RECOMMENDATION OF THE CITY MANAGER**

#### **VISION STATEMENT – 2030 – REPORT RECEIVED**

A Vision Statement plays a central role in the development of a comprehensive plan as it articulates where the City should be in 2030, and provides overall direction for the Plan. City staff and the Comprehensive Plan consultants prepared and presented a draft vision statement supported by three themes at the November 2007 workshops on the update to the Comprehensive Plan. Participants at these workshops provided hundreds of helpful ideas and suggestions about how to revise the draft vision statement. City Planning staff read through each and every one of these comments and summarized the results in a report which was released in February of this year. Based on this report, as well as the results of the joint City Council-Planning Commission meeting, a revised Vision Statement supported by six themes has been prepared. Staff will give a presentation on the Vision Statement and Six Themes for the Comprehensive Plan.

**Recommendation:** That the report be received.

Deputy Planning Director Bowers pointed out the purpose of the presentation today is to check in and present the revised vision statement. He talked about the process starting with November workshops on visions and values, work session with the City Council and Planning Commission, draft community inventory report, revised vision statement and the March work sessions. He went over the next steps which involve workshops surveys online, summary reports, public comment on community inventory, additional meetings and round tables discussion through June 15, the final policy audit and beginning the work on the administrative draft of the 2030 Comprehensive Plan with a due date of October 2008. He talked about what they heard from the citizens and how the vision statement was revised. He indicated Raleigh's vision for 2030 is that Raleigh will be a city that cultivates innovation and creativity that expands the city's competitive advantages and reputation. Raleigh will embody environmental conservation, energy efficiency and sustainable development. Raleigh will be a great place to live with distinctive and attractive neighborhoods, plentiful parks and green spaces, outstanding educational opportunities and a

vibrant downtown. The vision is reinforced with the following six themes: economic prosperity and equity, expanding housing choices, managing growth, coordinating land use and transportation, greenprint Raleigh, sustainable development and growing successful neighbors and communities. Deputy Director Bowers went over information covered by the six themes. Mr. Bowers talked about the community inventory and where information is available to the citizens.

Mayor Meeker suggested that the Council receive the report pointing out this is just a check point and there was no further discussion.

### **REMOTE OPERATIONAL FACILITIES – CITY MANAGER AUTHORIZED TO PROCEED**

JACOBS Carter Burgess and Maintenance Design Group (MDG) and the Construction Management Division completed a study, begun in 2005, related to concept, program, and cost estimates for future City of Raleigh Operational Facilities. This program was presented to Council on March 18, 2008. The purpose of the study was to inventory, evaluate and analyze current facilities, project future needs, prepare a plan that would facilitate economical operations and provide adequately located and sized facilities, and estimate costs. This has been designated the Remote Operations Facilities project. The project proposes operational facilities for the Public Works Department divisions of Street Maintenance, Vehicle Fleet Services, Traffic Engineering, and the Departments of Solid Waste Services and Parks and Recreation, including the Building Maintenance division at sites located throughout the city. Staff has developed the planned next steps and short term funding plan since the March 18, 2008, Council meeting. Backup material is in the agenda packet.

Authorize the City Manager to proceed with recommended next steps for the design, development and implementation of staff support, solicitation of design services and the short term funding plan outlined in the budget amendment and transfer of funds shown below to continue progress of the project.

#### Increase Revenue Accounts:

505-0000-53299-000	Appropriation from Prior Year	\$392,500.00
505-0000-52110-000	Interest Income	50,000.00
505-0000-53266-000	Sale of Surplus Property	<u>20,000.00</u>
		\$462,500.00

#### Increase Expense Account:

505-9396-79201-975	Design/Planning	\$462,500.00
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#### Transferred From:

505-9191-79001-975	Capital Reserve	\$137,500.00
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#### Transferred To:

505-9396-79201-975	Design/Planning	\$137,500.00
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City Manager Allen highlighted the information included on the agenda pointing out this is proceeding with decentralized approach of our operational facilities. Mayor Meeker moved approval. His motion was seconded by Mr. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 380 TF 89.

### **REPORT AND RECOMMENDATION OF THE ARTS COMMISSION**

#### **ARTS COMMISSION – BYLAW REVISIONS APPROVED SUBJECT TO CITY ATTORNEY’S APPROVAL; ART GRANT ALLOCATION RECOMMENDATIONS – REFERRED TO BUDGET WORK SESSION**

Brian Starkey, Chair of the Arts Commission, pointed out Council members received in their agenda packet the revised bylaws of the Arts Commission. He pointed out most of the changes are pretty mundane a lot have to do with technology, notification processes, pointing out he would be glad to answer questions. Ms. Baldwin moved approval of the revised bylaws as presented. Her motion was seconded by Ms. McFarlane and put to a vote which passed unanimously. The Mayor ruled the motion the motion adopted on an 8-0 vote.

Later in the discussion, City Attorney McCormick raised the question concerning the Commission’s ability to appoint people not on the commission to various committees. That was discussed briefly and the Mayor asked that the motion be amended to approval of the bylaws subject to conferring with the City of Attorney. The Council agreed.

Mr. Starkey presented the recommended proposed 2008-2009 grant allocations. He explained the process and pointed out the recommendations include recommendations with a \$4.00 per capita funding and a \$4.50 per capita funding. He went over how the recommendations were made. Mr. West asked about the African American Cultural Complex with it being pointed out that they did not apply for funds this year nor last year. Brief discussion took place as to the recommendation and the fact that some of the recommendations were lower than last year. Arts Commission Director June Guralnick talked about the rating scale, the rankings, how the scores are developed, the fact that there were 36 grant applications, the shortage of funds at the \$4.00 per capita allocation and the \$4.50 per capita allocation. She explained the rating process which is based on a set of criteria. After brief discussion and clarification on the recommendations and the selection criteria, Mayor Meeker suggested that the recommended grant allocations be referred to budget sessions. Without discussion, the recommendations were referred to budget session.

### **REPORT AND RECOMMENDATION OF THE HUMAN RELATIONS COMMISSION**

#### **HUMAN RELATIONS COMMISSION – GRANT ALLOCATION RECOMMENDATIONS – REFERRED TO BUDGET SESSION**

Human Relations Commissioner Lorrin Freeman pointed out this is the first opportunity she has had to chair the Human Relations Grant Committee. She went over information included in the agenda packet which indicated of the 33 agencies funded in 2007-2008, thirteen (13) requested

an increase in the 2008-2009 funding, six requested a decrease in funding, 9 requested the same funding and five agencies did not request funding. There was one new agency Wake Teen Medical Services which requested funding for the first time and the Raleigh Lions Clinic for the Blind previously funded in 2006-2007 made an application. She talked about the amount of funding pointing out they have a \$500,000 budget or funding from which to make recommendations pointing out that amount was set in 1999. Since that time there has been a 30% growth and pointed out calculations show that the City spends \$1.36 per capita for human service agencies and compared that to funding for arts and trees. She talked about the problems and needs, talked about the process for making recommendations and how well it works and the feeling that all human service grant allocations should go through the process rather than being funded outside the process referring to requests that go directly to the Council, again explaining the process and urging the City Council to increase the \$500,000 allocation.

Mr. West expressed appreciation for all of the work but questioned the status the Garner Road YMCA with Ms. Freeman pointing out money has been approved for the Garner Road YMCA for the last 3 years but they have not been able to garner the full benefit due to lacking adequate financial reports and details. The money is being held and hopefully those issues can be resolved. She stated the Committee is not making a recommendation for any money for this year and that was a difficult decision but the money has been reserved from previous years and can be released once all of the requirements are met. Without further discussion, the item was referred to Budget Session.

#### **REPORT AND RECOMMENDATION OF THE STORMWATER MANAGEMENT ADVISORY COMMISSION**

#### **HOBSON COURT SUBDIVISION LOTS 4, 7 AND 14 AND FAIRFIELD MANOR AT WAKEFIELD PHASE II – VARIANCE REQUEST – APPROVED**

The Stormwater Management Advisory Commission has reviewed two requests for a variance to the stormwater regulations for stormwater quality and quantity control.

The variance requests are for the Hobson Court Subdivision (Lots 4, 7, and 14) and Fairview Manor at Wakefield Phase 2 (Lot 21).

The Stormwater Management Advisory Commission believes these requests meet the City Code requirements for a variance to the stormwater regulations.

**Recommendation:** Approve the variance requests to the stormwater regulations for the Hobson Court Subdivision (Lots 4, 7, and 14) and Fairview Manor at Wakefield Phase 2 (Lot 21). City Manager Allen explained the item, Mr. Crowder moved approval but indicated hopefully we can give the Stormwater Management Advisory Commission more time to look at these items and to make a site visit if they so choose. Mr. Crowder's motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.



## **REQUEST AND PETITIONS OF CITIZENS**

### **PUBLIC NUISANCE – 6500 CHAPEL HILL ROAD – APPEAL – ORDINANCE ADOPTED**

Joseph S. Fourie with Blue Ridge properties indicated his company owns property located at 6500 Chapel Hill Road. There are 6,000 to 8,000 cubic yards of materials that has to be removed. The facility was approved by the City and DEHNR. He pointed out the tenant just took off and left the property owners with the mess. He is negotiating with several contractors to have the property cleaned. They have a draft contract. They are trying to get the property cleaned and talked about the language in the contract. He pointed out Chris Bridges of the City of Raleigh Public Works Department has been working with the contractor relative to the erosion control methods needed including fencing, etc. He pointed out he has been given 60 days by the City to get this cleaned up but he is trying to get approval from the City to move in with the cleanup.

Inspections Director Strickland pointed out Mr. Fourie has been working with the Inspections Department and the Conservation Engineers have agreed that he can start the work as soon as his erosion plan is submitted for review. Mr. Stephenson asked about DEHNR's involvement with Mr. Fourie indicating they have been talking with DEHNR and they will provide them with a copy of the plan. Mr. Koopman pointed out this is the compost facility that is a significant nuisance to the neighborhood. Mr. Crowder stated he has received a lot of complaints, there are some serious environmental issues and he is reluctant to let this go on 60 days and he is really reluctant to giving additional time. Mr. Strickland indicated he understands the property owner says he could get the work done within 60 days but he needs to get started. Discussion took place as to what needs to be done at this point, how much time the property owner actually needs, concern about fire protection, the need to have fire fighting equipment on site, and a request to Mr. Strickland to meet with the Fire Chief to see if there are any requirements. Mr. Isley moved adoption of an ordinance giving 60 days from today to have the nuisance abated. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative except Mr. Crowder who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 388.

### **DOWNTOWN ITEMS – COMMENTS RECEIVED**

Ben Taylor, 622 Daniels Street, was at the meeting to talk about various downtown issues. He stated he likes the new lights in the parking deck and the new street name signs. Mayor Meeker credited Former Council Member Mary Cates with the larger street signs with Mr. Taylor pointing out he really likes them. Mr. Taylor pointed out he is in support of the current updating of the comprehensive plan. He stated the update must include the capital improvement funding plan to ensure implementation. Development follows the infrastructure system therefore we can ensure a development pattern to concentrate urban development and limit suburban sprawl if the infrastructure is funded and built. He stated a complete mobility system is required for a world class city. He stated some items need special attention. Some long range, some short range and maybe some mid range which are a part of the 1990 Stroud/Taylor plan. He presented a copy of

that plan which included the proposed removal of the old civic center that blocked the corridor between the Capitol building and Memorial Auditorium. He stated that is now being done and that is great. There are three additional items that need to be done. The Traleigh Loop needs to be electrified rail and included in the downtown plan as this is especially important as the residential development grows downtown. He stated the center city plaza should be unique space without “outparcel buildings.” The plaza should be clear of permanent structures and a flexible clear space, not a park, for a variety of functions year round. The five squares or parks as defined in the 1792 Christmas plan must be maintained. The City of Raleigh and the State of North Carolina needs to develop a short and long-range plan to ensure that those five squares are a part of the future of our city.

Mr. Taylor stated there is one other item of concern and talked about the new US 64 entering Raleigh from the east. He stated he is told by one of his children that there is not a sign anywhere within 16 miles telling you how to get to Raleigh or that you are in Raleigh.

Mr. Crowder talked about the State master plan and the return of Caswell Square with Mr. Taylor talking about Dix. Mr. Taylor’s comments were received with the Mayor commenting how futuristic the Stroud/Taylor plan was and administration was asked to look into the sign issue.

## **DOWNTOWN – COMMENTS RECEIVED**

Steven Waters, American Walks presented the following prepared statement:

### **Progress in Raleigh’s Urban Renaissance**

- **Planning Department**
  - The **Raleigh 2030 Comprehensive Plan** update is well underway, with numerous workshops and roundtable discussions being held throughout the city. A **new master plan for downtown** will be included that will build on the Livable Streets 5-year plan.
  - The **City Plaza** project led by the Urban Design Center represents the **state-of-the-art in placemaking and community building**. It will be a signature spot in the center city that will be a critical component of the public realm and bring people together on foot from all backgrounds.
- **Zoning and Inspections Department**
  - **Historic preservation and low-rise development** is important because the greenest building is the one you don’t have to build. **Raleigh was one of the first in the state to use the State Rehab Code**, and has done a great deal of positive work in helping owners, developers, and preservationists in restoring buildings in the urban core. The building code and permit procedures for restorations are still somewhat cumbersome, and **more work should be done to find ways to make historic preservation both safe and affordable**.
- **Public Works Department**

- The Transportation division is updating the 1991 **Bicycle Plan** with guidance from the Bicycle Committee. The first open house was held two weeks ago to receive public comments. This plan aims to provide an **integrated, seamless transportation framework to make bicycling a viable mode of transportation.**
- The traffic signal system is being updated from cable wire to fiber optics, and **timing plans are being looked at for all of our corridors.**
- **Pedestrian countdown timers and LED signal heads** are being installed on a systematic basis
- **15 new buses just received** after being ordered 18 months ago, and three more have been ordered for the downtown circulator bus route.
- **Parks & Recreation Department**
  - A **dedicated crew maintains Fayetteville Street** and some of the grounds around the premiere facilities, including the **Convention Center when it opens in September.**
  - Planning, Public Works, and Parks & Recreation staff are working together to **expand the tree pit space** under city sidewalks to increase the lifecycle of street trees and **raise the tree canopy.**
- **Additional opportunities**
  - **Continue investing in downtown** because it generates significant tax revenue that helps to curb sprawl and keep taxes low for all city residents and businesses.
  - **Support full funding for the City Plaza project** when it comes before you.
  - **Attend the Bicycle Plan workshops, and fund the dedicated staffing position** requested by staff so that the plan can actually be implemented!
  - Tonight you'll hear about new policies for downtown to **wrap parking decks with active uses, designate pedestrian priority and green streets, and designate "A" and "B" retail streets.**
  - Build an **entertainment-anchored development** that clusters restaurants, movie theatres and other entertainment venues, a **vibrant arts district**, and in the next ten years, a **sports arena.**
  - **Reduce pedestrian fatalities** by calming traffic speeds.

Mayor Meeker expressed appreciation to Mr. Waters for his presentation. He questioned when the next action will be on the City plaza. City Manager Allen pointed out the City is still working to get some final easements with Mayor Meeker questioning how long that would take. City Attorney McCormick pointed out the City is negotiating and working to get the issues resolved but there are two sides to any negotiations so he could not answer the Mayor's questions.

### **UNFIT BUILDING – 312 PLAINVIEW AVENUE – REQUEST FOR EXTENSION – 30 DAY EXTENSION APPROVED**

Randy Norris, 312 Plainview Avenue, was at the meeting to request an extension of time and remediation of fees and penalties for home improvements to meet minimum housing code

requirements. He stated he needs additional time. Inspections Director Strickland indicated Mr. Norris was before the Council in January and requested a 90-day extension at that time. The City Council granted 60 days. Mr. Strickland stated Mr. Norris has not done a whole lot of work since that time pointing out the repairs are approximately 75% complete. Mr. Norris stated he has not been able to work, he has financial difficulties and would really like some additional time. He needs money to pay the electricians, plumbers, etc. Mayor Meeker stated he did not want to do an additional 60 days and suggested a 30-day extension but warned Mr. Norris this would be the last extension.

Mr. Koopman moved granting an additional 30 days to complete the repairs. His motion was seconded by Mr. West and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

#### **ANTIOCH BIBLE FELLOWSHIP – REQUEST FOR PAYMENT PERIOD FOR FEE IN LIEU – APPROVED**

Reverend Frank T. White, Jr., Antioch Bible Fellowship, had requested permission to appear before Council to request a 10-year payment period for a fee in lieu associated with construction of their Church on Holloway Street. City Manager Allen pointed out staff had looked at the request and the City Code allows the 10-year payment period under certain conditions. The staff supports the request to pay the \$28,719.62 over a 10 year period as spelled out in Standard Procedure 100-29 with the understanding the applicant will enter into a contract agreement with the City of Raleigh to be approved by the City Attorney and executed prior to the issuance of any construction permit or the recording of any new lots, specifying the amount and payback conditions of the fee. Mr. Isley moved approval as outlined by the Manager. His motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

#### **SUBDIVISION S-97-07 – HEDRICK SUBDIVISION – REQUEST FOR VARIANCE – REFERRED TO THE PLANNING COMMISSION**

Dr. Bill Hedrick, 1805 New Hope Road, was at the meeting to question the necessity of the requirement to install one-half road on a small 1.93 acre lot off of Oak Forest Drive. He had asked that the requirement as part of the subdivision approval be waived. He asked that this issue be referred to committee for further discussion. It was pointed out the normal procedure is to go before the Planning Commission with this request. City Code Section 10-3013(b) describes the process to request a variance. It was agreed the item should go through the Planning Commission as outlined in the code.

#### **WATER CONSERVATION VIOLATION – 801 HILLSBOROUGH STREET – APPEAL – NO ACTION TAKEN**

Ben Falk, North Carolina State Employees Credit Union was at the meeting to ask the Council to review the violations received from the City of Raleigh for Stage I amended water restrictions relating to 801 Hillsborough Street. Mr. Falk pointed out he works at the 1000 Wade Avenue

location. The first violation was received on January 23. He stated at that time he met with Don Casterlin and according to the State Employees Credit Union's plans, they do not have an irrigation system at the 801 Hillsborough Street location. She stated in talking with Mr. Casterlin, Mr. Casterlin stated he would check on it but he never heard back. He received a second violation and he went out to check and did find irrigation sprinkler heads. He stated no one had any knowledge that they had an irrigation system and they tried to figure out how to turn it off. This was after a second violation was hand delivered on March 5 with a \$200 penalty. He stated then they were told it was a \$1000 penalty and the water service would be cut off. The City shut off the water supply to the irrigation system and he was very happy about that because he did not know they had an irrigation system. He told the various calls he had made, the penalties, etc. He didn't want an irrigation system. He stated they thought they had resolved the issue in January and never heard anything back from the City so they didn't know they still had a problem. Discussion took place as to why it would be the City's responsibility to check to see if they had an irrigation system and to check to see how to turn it off or on. City Manager Allen pointed out Mr. Falk did appeal to him but he did not think it was the City's responsibility to check the system out, that is the owner's responsibility. Mr. Falk pointed out according to the City's policy the first offense is a \$200 penalty, the second is a \$1,000 and the third is an interruption of water service. He got all three at the same time. Whether there were two or three violations, what exactly occurred and whose responsibility and whether the procedure was followed was discussed but no action was taken.

#### **LATTA HOUSE FOUNDATION – WITHDRAWN**

Representatives of Latta House Foundation Board of Directors would like to request the City to have an archaeologist conduct a survey at the site of the Latta School, and to discuss partnerships with the City regarding use, design, program management and funding and an opportunity to meet with various groups relative to the plans for the property. The City Clerk reported the item had been withdrawn.

#### **ENCROACHMENT – 2333 BYRD STREET – APPROVED CONDITIONALLY**

William B. Strobe, Old North State Landscape Development, Inc. had requested permission to appeal Administrations denial of an encroachment to allow the stone columns and wing walls to remain at 2333 Byrd Street. City Manager Allen pointed out the City had reviewed this request pointing out Byrd Street is a residential street build on an established 50 foot right-of-way. However it is not in the center of the right-of-way. According to a landscape plan provided by Sears Design Group a stone fence was designed to be installed outside the right-of-way of Byrd Street. The landscaping contractor made an error in staking the fence and installed it two to three feet inside the right-of-way. Having recognized the error, the property owners or their contractor applied for a right-of-way encroachment requesting that the new fence be allowed to remain. The application was reviewed by the encroachment committee which recommended denial. The applicant is now appealing. City Manager Allen pointed out the committee did recommend denial as they have done consistently throughout the city; however, they did recognize that the request was the result of an error in construction layout and not an intentionally act on the part of the property owner or the contractor. It was brought to the City's attention by the applicant does

not propose a significant safety hazard and the Encroachment Committee would not object to the encroachment being granted. Mr. Isley moved approval of the encroachment subject to normal conditions. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

### **MATTERS SCHEDULED FOR PUBLIC HEARING**

#### **UNFIT DWELLINGS – VARIOUS LOCATIONS – HEARING THAT ORDINANCE ADOPTED**

This was a hearing to consider the adoption of an ordinance prohibiting occupancy of the unfit dwellings until repaired to comply with the requirements of the Housing Code and pursuant to the provisions of Section 10-6130 of the Code of the City of Raleigh:

<b><u>LOCATION</u></b>	<b><u>PROPERTY OWNER</u></b>	<b><u>TAX ID NO.</u></b>	<b><u>TIME LAPSE</u></b>
619 Cumberland Street (C)	Dorothy Mitchell Gibbs, Mary M Overton Heirs	0047741	98 Days
1508-1508 ½ Pender Street (C)	Robert Youssef	0047828	91 Days
1603 Pender Street (C)	Carl E Smith	0031696	63 Days

The Mayor opened the hearing on each location, no one asked to be heard thus the hearings were closed. Mr. Isley moved adoption of the ordinance as outlined. His motion was seconded by Mr. West and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 382.

#### **UNFIT BUILDINGS – VARIOUS LOCATIONS – HEARINGS; 312 CUTLER STREET – SIX MONTH EXTENSION GRANTED; ORDINANCE ADOPTED ON REMAINING ITEMS**

This was a hearing to adopt an Ordinance authorizing the demolition of the unfit buildings as listed below and pursuant to the provisions of Section 10-6127(d) of the City Code if the repairs necessary to render the dwellings fit for human habitation are not completed within ninety (90) days.

<b><u>LOCATION</u></b>	<b><u>PROPERTY OWNER</u></b>	<b><u>TAX ID NO.</u></b>	<b><u>VACATED &amp; CLOSED</u></b>
312 Cutler Street (D)	Betty L. McElveen	0045814	February 23, 2007
2613 Fernbrook (C)	Joseph D. Lee	0044374	May 1, 2006
1306 Glenwood Avenue (D)	Bryan Dale Webb	0000065	November 27, 2006
511 Holden Street (C)	The Coleman Group, Inc. c/o R. Edwin Coleman, Jr.	0011129	December 19, 2006
3205.5 Tryon Road (Outside)	Robert Lee Terrell	0034188	November 28, 2006
421 Watson Street (C)	Carl Ellington Smith	0065384	January 2, 2007

The Mayor opened the hearing on each location.

### **312 Cutler Street**

Daniel Coleman, 517 Rock Quarry Road, member of the Historic Districts Commission, indicated city policy relative to unfit buildings and the historic districts regulations clash. He stated when there is an unfit building within a historic district, the Historic Districts Commission would like to see the building required to be repaired not demolished. He stated everyone would like to see some kind of process to get the buildings repaired and everyone is excited about this particular one moving toward renovation and it would be good if we would make our preservation efforts so that every person or landowner can try to resolve the issue. Betty McElveen pointed out she has an application in with the Community Development Department for funding to make these repairs and she hopes that application will be approved. She stated this is where she grew up and pointed out if there is anything she can do to repair the building she will. Inspections Director Strickland pointed out even if the ordinance is adopted it will give a six month window. Mayor Meeker pointed out the house has been abandoned for quite some time and there is concern about getting the work done. No one else asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of an ordinance which would allow six months extension on the 312 Cutler Street. Her motion was seconded by Mr. West and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 384.

### **511 Holden Street**

Edwin Coleman pointed out he is the property manager, his family has owned this property over 10 years and it is rented as a duplex. He explained about six months ago they got some inspection violations and talked about work they are trying to do to convert the property back to the single family use. He pointed out they have purchased, renovated and sold over 30 properties in the area and talked about the work they are trying to do to get this renovated. He talked about the permits that have been obtained and they anticipate the work being completed within 90 days and he would like to see this removed from the list as they will have it completed within the 90 days. Inspections Director Strickland stated it would be best to adopt the ordinance and if the work is completed within 90 days no action would take place. Discussion took place as to whether rental property is treated differently than owner occupied property as it relates to the unfit buildings with Mr. Strickland pointing out it applies the same for all.

No one else asked to be heard on any of the items therefore the Mayor closed the hearing. Mr. Crowder moved adoption of an ordinance declaring the remaining items unfit as recommended. His motion was seconded by Mr. Koopman and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 383.

**PUBLIC NUISANCE COST CONFIRMATION – VARIOUS LOCATIONS – HEARING  
– RESOLUTION ADOPTED**

A hearing to consider the adoption of a resolution confirming the charges for the abatement of public nuisances as a lien against the property as listed below:

<u>LOCATION</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NO.</u>	<u>ABATEMENT</u>
2526 Creech Road (C)	Anthony M & Helen V Horton	0079919	\$220.00
6023 Fox Road (Outside)	Fox Road LLC c/o Capital Land Investment Co	0013578	\$250.00
7305 Longstreet Drive (A)	Michael Andrew Janus	0064656	\$260.00
1017 South Person Street (C)	Reginald F & Furney L Pretty	0054930	\$270.00
1108 Savannah Drive (C)	Paul E Murton	0078781	\$280.00
4213 Stonewall Drive (Outside)	Jennifer Lynn & John C Konik	0072138	\$270.00
4710 Western Boulevard (D)	Arif H & Mehmet Z Kelesoglu Oktay	0028009	\$260.00

Mayor Meeker stated 7305 Long Street Drive should be removed as the charges have been paid. He opened the hearing on the other items no one asked to be heard thus the hearing was closed. Mr. West moved adoption of a resolution confirming remaining charges as outlined. His motion was seconded by Mr. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 524.

**ANNEXATION – SOUTHEAST 40 INDUSTRIAL PARK – HEARING – RESOLUTION  
AND ORDINANCE ADOPTED**

This was a hearing to consider the annexation of property known as Southeast 40 Industrial Park pursuant to petition. If following the hearing the Council wishes to proceed, it would be appropriate to adopt an ordinance annexing the property effective June 30, 2008, and a resolution placing the property in City Council Electoral District C. The Mayor opened the hearing no one asked to be heard, thus the hearing was closed. Mr. Koopman moved adoption of an ordinance annexing the property effective June 30, 2008 and adoption of a resolution placing the property in the appropriate electoral district. His motion was seconded by Mayor Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 385 and Resolution 525.

**STC-1-08 – HAMPTON ROAD – HEARING – RESOLUTION ADOPTED**

This was a hearing to consider the permanent closing of a portion of Hampton Road cul-de-sac, pursuant to Resolution 2008-496. The hearing is pursuant to petition, resolution of intent, advertisement and notification as required by law. (STC-01-08). The Mayor opened the hearing



no one asked to be heard thus the hearing was closed. City Manager Allen pointed out we need to reserve easements for sewer, gas, telephone and power. Mr. Isley moved adoption of a resolution authorizing the closing with the reservation of appropriate easements. His motion was seconded by Mr. West and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 526.

#### **EASEMENT EXCHANGE – NORTH HILLS EAST – HEARING – RESOLUTION ADOPTED**

This was a hearing to consider the exchange of an existing 20-foot wide sanitary sewer easement for road right-of-way where sanitary sewers will be relocated relating to the North Hills East project. The hearing is pursuant to resolution-of-intent and notification as required by law.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Mayor Meeker moved adoption of a resolution authorizing the exchange. His motion was seconded by Mr. West and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 527.

#### **EASEMENT EXCHANGE – BRIER CREEK COUNTRY CLUB – HEARING – RESOLUTION ADOPTED**

This was a hearing to consider exchanging sanitary sewer easements relating to Brier Creek Country Club, Land Bay W-1, Tract 14 in Raleigh. The hearing is pursuant to petition and resolution 2008-504. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Mayor Meeker moved approval. His motion was seconded by Mr. West and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 528.

#### **REPORT AND RECOMMENDATION OF THE BUDGET & ECONOMIC DEVELOPMENT COMMITTEE**

#### **GARBAGE DISPOSAL PROHIBITION – REPEALED; ADMINISTRATION TO ELEVATE EDUCATION PROGRAM**

Mayor Meeker reported the Budget & Economic Development Committee recommends that the prohibition of waste disposals or garbage disposals be lifted by repealing Ordinance 2008-363. It is understood as additional information is received relative to the use of food waste disposals or garbage disposal units that additional consideration may occur.

On behalf of the committee Mayor Meeker moved the recommendation be upheld. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted see Ordinance 386.

Mayor Meeker reported the Budget & Development Committee also recommends that the Code be amended to indicate that food, oil, grease nor meats are allowed to be put into the sanitary sewer system.

Mr. Koopman talked about the State code and permitted usage and talked about oil on a person's body that would come off in a shower that would possibly violate an ordinance that says "no oil," allowed in the sanitary sewer system. Discussion took place as to what is in the code now, how this would be enforced, need to have complete information before making a decision, the fact that this would just clarify the existing ordinance and concern as to enforcement what would be meant by this recommendation, etc. Mayor Meeker suggested no action be taken at this point.

Mayor Meeker reported the Budget & Economic Development Committee also recommends that City administration elevate our education program to help citizens understand the need to keep these items out of our sewer system. Mr. Crowder questioned if staff could provide information on whatever initiatives or services could be provided that would prove more sustainable in this area. The comments were received.

### **REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE**

#### **REZONING Z-33-07 – BUFFALO ROAD CONDITIONAL USE – APPROVED AS AMENDED**

Chairperson McFarlane reported the Comprehensive Planning Committee recommends upholding the Planning Commission's recommendation for approval of Rezoning Z-33-07 as outlined in CR-11177 with revised conditions dated April 2, 2008. On behalf of the committee, Ms. McFarlane moved the recommendation be upheld. Her motion was seconded by Mr. Stephenson. Mr. Stephenson asked to make a friendly amendment relating to the concept plan that would be provided at the time of site plan. He talked about striking the language in the condition that relates to the concept plan but ask for a comprehensive plan amendment to make this into a neighborhood center. He talked about the urban design guidelines compliance. City Attorney McCormick pointed out the Code prohibits staff from taking that type action. The City Attorney suggested deleting the first and last section and leaving the rest of the information about the concept plan, that will leave us with the request for the concept plan and then we could go to public hearing in July to amend the Comprehensive Plan. The site plan would come to the City Council. Ms. McFarlane and Mr. Stephenson accepted that as a friendly amendment. Later in the meeting, it was pointed out the timing would be difficult to have the Comprehensive Plan amendment heard in July so it was agreed that the motion would be to approve the Planning Commission's recommendation as outlined in CR-11177 with revised conditions dated April 2, 2008 and the section relating to concept plan be amended by deleting the first and last paragraph and the issue of a comprehensive plan amendment would go to public hearing as soon as possible. The restated motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

**SP-99-07 – ST. DAVID SCHOOL – APPROVED WITH ADDITIONAL CONDITIONS**

Ms. Baldwin asked to be excused from participation because of her company's involvement in this plan. Mayor Meeker stated Ms. Baldwin had previously been excused from participating in this item so she would remain excused. Ms. Baldwin left the table.

Chairperson McFarlane reported the Comprehensive Planning Committee recommends approval of a modified site plan which shows removal of just two trees within the secondary tree conservation area along White Oak Road as well as a change in the parking lot layout near the Lassiter House and along White Oak Road. This recommendation to uphold the Planning Commission's recommendation for approval of SP-99-07 as outlined in CR #11182 with the conditions contained in the Staff Report also includes the following additional conditions:

- a. That a revised site plan be submitted to the Planning Department showing the designated tree conservation areas along White Oak Road and the revised parking layout. The revised plan will be similar in layout to the concept plan "C" as approved by the Comprehensive Planning Committee.
- b. That prior to building or grading permit issuance a final tree conservation plan showing the approved alternate means of compliance for tree conservation and the payment in lieu of tree conservation shall be approved by the Inspections Department.

On behalf of the Committee, Ms. McFarlane moved the recommendation be upheld. Her motion was seconded by Mr. Crowder and put to a vote which resulted in all members voting in the affirmative except Ms. Baldwin who was excused. The Mayor ruled the motion adopted on a 7-0 vote. Ms. McFarlane expressed appreciation to Attorney Reaves, the community, the staff, the school and all who worked so hard to come up with this compromise.

**REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE****OBERLIN ROAD – BICYCLE ACCESS – REMOVED FROM THE AGENDA**

Chairperson Stephenson reported the Public Works Committee recommends that the item relating to Oberlin Road bicycle access be reported out with no action taken. Without objection the item was removed from the agenda.

**REPORT OF MAYOR AND COUNCIL MEMBERS****PAVING – OXBRIDGE COURT – REFERRED TO LAW AND PUBLIC SAFETY COMMITTEE**

Mr. Isley talked about a situation of Oxbridge Court paving. He stated there is an area in his district that is not within the City and paving is occurring on a street that appears to be part of the City but is not. He stated there is some confusion and he would like for the item to be referred to the Law and Public Safety Committee. Without objection the item was so referred.

**SCHOOLS – WAKE COUNTY PUBLIC SCHOOLS – RESOLUTION EXPRESSING SUPPORT – TO BE PLACED ON THE MAY 6 AGENDA**

Mr. Stephenson talked about the recent trip to Nashville and the leadership as it relates to public schools. He presented the following proposed resolution asking that it be included in the legislative agenda which will be presented April 20. Brief discussion took place relative to the City's policy of not acting on a resolution that is submitted at the table, after which, it was agreed to place the item on the May 6 agenda for further consideration. The resolution read as follows:

**A RESOLUTION EXPRESSING THE SUPPORT OF THE RALEIGH CITY COUNCIL OF THE WAKE COUNTY PUBLIC SCHOOLS**

**WHEREAS**, The Wake County Public School System has consistently provided our citizens with one of the best school systems in the state and in the nation, providing a solid educational foundation for our children's future that is the keystone of our county's economic prosperity; and

**WHEREAS**, a combination of rapid growth and inadequate funding have led to widespread school overcrowding, with almost one quarter of our elementary students being schooled in trailers, and with constant pressure for more year round schools;

**WHEREAS**, the upkeep of our Wake County Schools is imperative for our continued economic and cultural growth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT: THE CITY SUPPORTS THE FUNDAMENTAL AND SUSTAINED SUCCESS OF THE WAKE COUNTY PUBLIC SCHOOL SYSTEM, WITH THE CURRENT DISTRICTING SYSTEM, AND THE ONGOING EFFORTS OF ALL STAKEHOLDERS TO DEVELOP INNOVATIVE PROGRAMS FOR DELIVERING HIGH QUALITY EDUCATIONAL FACILITIES IN THE MOST EFFICIENT MANNER, TO ASSURE THAT NEW GROWTH PAYS ITS FAIR SHARE OF EDUCATIONAL AND INFRASTRUCTURE COSTS, AND TO IMPROVE COOPERATION BETWEEN ELECTED BODIES SERVING THE WAKE COUNTY AREA.**

**LAW AND PUBLIC SAFETY COMMITTEE – APRIL 22, 2008 – COMMENTS RECEIVED**

Mr. Isley pointed out he will probably be in mediation next week therefore will probably cancel the Law and Public Safety Committee. He stated he would not know until later this week and advised staff if they had heard no different by Thursday afternoon to cancel the meeting. The comments were received.

**NUISANCE – ROCK QUARRY AND I-440 – COMMENTS RECEIVED**

Mr. West talked about the nuisance at the intersection of Rock Quarry and I-440 pointing out we did get a response. He thought the Mayor talked with DOT representatives and that he talked with some of our representatives and he hopes they got the message and are cleaning up the nuisance.

**SPEEDING – SANDERFORD ROAD – COMMENTS RECEIVED**

Mr. West expressed appreciation to the Police Department for their work in addressing the speeding issue on Sanderford Road. He stated everyone appreciates the Police Department presence and he hopes it will be ongoing.

**LINCOLN THEATRE – EVENT – COMMENTS RECEIVED**

Mr. West pointed out during a recent consent agenda the City Council approved an event at the Lincoln Theatre. He stated Tupper Memorial has services at 8:00 a.m. on Sunday and regular events over the weekend. In the past there has been parking problems, noise, etc., pointing out he had been contacted by Edna Ballentine and suggested someone in administration contact her and see what can be done to address the issues.

**TRAFFIC – LYNHURST, CROSS LINK, DANDRIDGE AREA – REFERRED TO ADMINISTRATION**

Mr. West pointed out he was recently at a south CAC and an issue relative to speeding on Lynhurst Drive came up. He stated as he understands there was an accident at the intersection of Lynhurst and Platinum and there has been a request for a 3-way stop. He asked administration to look into the issue.

Mr. West stated in addition there was concern expressed by residents of Crosslink Trace which is just off of Poole Road. There seems to be a lot of cut-thru traffic on Dandridge and Arrow Drive. Administration was asked to look at the situation.

**TRAFFIC – FALLS OF NEUSE/SPRING FOREST ROAD INTERSECTION – INFORMATION REQUESTED**

Mayor Meeker pointed out earlier in the meeting he talked about the tragic event which took place at the intersection of Falls of Neuse and Spring Forest Road in which two young children lost their lives. He asked if staff could give a report as the need for adjustment to the timing of the lights or other safety improvements.

## **WAKE COUNTY GROWTH MANAGEMENT TASK FORCE – CROWDER AND MCFARLANE APPOINTED**

Mayor Meeker pointed out the County has reintroduced the Growth Management Task Force and pointed out the City of Raleigh needs to have two representatives. Mayor Meeker moved that Mr. Crowder and Ms. McFarlane be the City's representatives. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

## **PERSONNEL – POLICE – COMMENDED**

Mr. Koopman talked about a recent meeting he attended in Starmount and pointed out Captain Davis of District 23 had been on duty since 4:00 a.m. however he went the extra mile and participated in the meeting. He stated Captain Davis should be commended for going beyond the call the duty. He also expressed appreciation to Officer Porter and his work in the Community Watch Program.

## **LEED CERTIFICATION PROGRAM – REFERRED TO BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE**

Mr. Crowder talked about the recent trip to Nashville and compared Nashville to Raleigh and the realization of what a great City we have particularly with our education system, etc. He talked about Nashville's efforts in branding and entertainment locations. He stated the City of Raleigh is working on being a leader in environmental sustainability. He pointed out Nashville has a mandated LEED Certification Program for public facilities. Brief discussion took place with it being pointed out the City of Raleigh is working on a program and it was agreed to refer the item to the Budget & Economic Development Committee to receive a report from administration.

## **SENATE BILL 1507 – PROPOSED RESOLUTION – TO BE PLACED ON MAY 6 AGENDA**

Mr. Crowder presented a proposed resolution declaring Raleigh City Council's opposition to North Carolina Senate Bill 1507. The resolution was as follows:

### **A RESOLUTION DECLARING RALEIGH CITY COUNCIL OPPOSITION TO NORTH CAROLINA SENATE BILL 1507**

**WHEREAS**, North Carolina Senate Bill 1507 proposes to limit municipalities from conducting periodic rental inspection programs regarding zoning and minimum housing conditions; and

**WHEREAS**, Senate Bill 1507 was adopted by the North Carolina State Senate and is scheduled for consideration in the North Carolina House of Representatives; and

**WHEREAS**, the Raleigh City Council believes adoption of such a bill into law will impair the ability of the Inspections Department to conduct effective minimum housing and zoning code inspections, in order to insure safe and adequate housing conditions within the City of Raleigh and its extraterritorial jurisdiction;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**Section 1.** The members of the Wake delegation of the North Carolina House of Representatives should be formally notified that the City of Raleigh opposes any legislation limiting municipalities from conducting periodic inspection programs regarding zoning and minimum housing conditions.

**Section 2.** Members of the Wake delegation of the North Carolina House of Representatives are accordingly urged to vote against Senate Bill 1507.

Without discussion it was agreed to place the item on the May 6 agenda as a special item for further consideration.

**REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**

**UTAH – 10<sup>TH</sup> CIRCUIT RULING RELATIVE TO CITY PARKS – CITY ATTORNEY GIVEN DIRECTION**

City Attorney McCormick explained the law suit filed in Utah whereby a public entity accepted a statute/sculpture to be placed in a city park. The 10<sup>th</sup> Circuit Court has ruled that if a city accepts a statute or sculpture for a city park then it makes that a public forum so that governing unit would have to let anyone do the same and talked about the free speech issue. He indicated the City has been asked to file an amicus brief in the case. He pointed out the City does not have time to do that but would like to review those briefs and if it is felt it would be good for the City to authorize him to sign on behalf of the City. He pointed out there is a split opinion between the circuits. He briefly explained the issue. Mr. Isley moved approval of the Attorney's recommendation. His motion was seconded by Mr. Koopman and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

**APPOINTMENTS**

**APPOINTMENTS – VARIOUS ACTIONS TAKEN**

The City Clerk read the following results of the ballot vote.

Fair Housing Hearing Board – Two Vacancies – Carlotta B. Drew – 8 (All Council Members)

Housing Appeals Board – One Vacancy – Jason Hibbets – 8 (All Council Members)

Substance Abuse Advisory Commission – Two Vacancies - No nominees

Telecommunications Commission – One Vacancy – Mr. Isley nominated David Clegg

The appointment of Carlotta B. Drew to the Fair Housing Hearing Board and Jason Hibbets to the Housing Appeals Board was announced. The other items will be carried over to the next meeting.

### **REPORT AND RECOMMENDATION OF THE CITY CLERK**

#### **MINUTES – APRIL 1, 2008 – APPROVED**

Minutes of the April 1, 2008 Council Meeting were presented. Mayor Meeker moved approval as presented. His motion was seconded by Mr. Koopman and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

### **CLOSED SESSION**

#### **CLOSED SESSION – HELD; CITY MANAGER’S ANNUAL PERFORMANCE REVIEW – RESULTS ANNOUNCED**

Mayor Meeker stated a motion is in order to enter closed session pursuant to NCGS 143-318.11(a)(3) and (5) to consult with the City Attorney and give direction to him regarding the following matters: a possible claim against the City and pursuant to NCGS 143-318.11(a)(6) for the purpose of conducting the City Manager’s annual performance review. Mayor Meeker moved approval of the motion as read. His motion was seconded by Mr. Koopman and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote and the Council went into closed session at 3:50 p.m.

The Council reconvened an open session at 6:05 p.m. Mayor Meeker announced that the Council advised the City Attorney on a possible claim against the City. Mayor Meeker stated the Council also in closed session conducted the City Manager’s annual performance review. The Council is pleased with the Manager’s work and agreed to recommend extending his contract for one year pointing out it is a two-year rolling contract. The Council also agreed to increase the City Manager’s base salary to \$210,000 a year, increase the City’s contribution to the Manager’s deferred compensation to 13 percent, allow the Manager to accumulate up to 90 days vacation and increase his car allowance to \$700 per month. Mayor Meeker stated the other conditions of the contract would remain the same.

**Adjournment:** There being no further business, Mayor Meeker announced the meeting adjourned at 6:08 p.m.

Gail G. Smith  
City Clerk