

COUNCIL MINUTES

The City Council of the City of Raleigh met in regular session at 1:00 p.m. on Tuesday, July 3, 2012 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 Nancy McFarlane, Presiding
Mayor Pro Tem Russ Stephenson
Councilor Mary-Ann Baldwin
Councilor Thomas G. Crowder
Councilor Bonner Gaylord
Councilor John Odom
Councilor Randall K. Stagner
Councilor Eugene Weeks

Mayor McFarlane called the meeting to order and invocation was rendered by Reverend Scott Shannon, Mount Vernon Baptist Church. The Pledge of Allegiance was led by Councilor Odom. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION – DR. WILLIAM (BILL) HEDRICK DAY - PROCLAIMED

Mayor McFarlane read a proclamation proclaiming July 3, 2012 as Dr. William “Bill” Hedrick Day in the City of Raleigh. The proclamation indicated 2012 is a dual milestone for Dr. Hedrick. He celebrates his 80th birthday and his 50th year in practice as a family doctor in Raleigh and Wake County. Dr. Hedrick is a life long resident of Raleigh, a graduate of Raleigh public schools, Wake Forest College, and Bowman Gray School of Medicine. He worked as a U.S. Army Doctor in France and was the first doctor to work in the newly opened Wake Medical Hospital (now WakeMed) running its emergency room. He continues to make house calls and often treat patients brought to his farm on weekends, never turning anyone away and many times accepts caramel cakes, fresh turnip greens, homemade country sausage or any other goodies from those who are unable to pay. He served as Wake County Medical Examiner; President of the North Carolina Academy of Family Physicians and help led the successful efforts to establish a medical school at East Carolina University.

Dr. Hedrick accepted the proclamation pointing out he considers it a privilege and honor to go to his office and work each day. He introduced family members who were present to witness the proclaiming of Dr. William Bill Hedrick Day of the City of Raleigh.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor request discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor McFarlane indicated there are two corrections that should be made. The first relates to the acreage fee exception and the recommendation should be amended by dropping the phrase “subdivision or” and correcting the address on the Lake Wheeler condemnations for property owned by Sean Hennessey and Patricia Brezny to be 2000 Sierra Drive. She stated in addition, Ms. Baldwin had withdrawn the item relating to acreage fee exception and Mr. Odom and Mr. Stagner had withdrawn the item relative to Ecological Consultants for water quality monitoring.

Mr. Crowder moved approval of the consent agenda as amended. His motion was seconded by Mr. Weeks 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.

ASSESSMENT RATES – WATER AND SEWER – ORDINANCE ADOPTED

Each year an analysis is made of the costs for water and sewer line installations, including actual costs over five years and the formula as prescribed by General Statute. Based on this analysis, adjustments to the water and sewer assessment rates are proposed as follows:

Current rate for 8” Sanitary Sewer:	\$45.45/Lft.
Proposed rate for 8” Sanitary Sewer:	\$47.03/Lft.
Current rate for 6” Water:	\$33.79/Lft.
Proposed rate for 6” Water:	\$33.79/Lft.

There were no water line construction projects in 2011, so that rate is proposed to remain the same.

Recommendation: Approve the proposed utility assessment rate adjustments for FY 2013, to be effective upon adoption by City Council and applicable to projects approved for construction through June 30, 2013. Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Resolution 639.

NEIGHBORHOOD STABILIZATION PROGRAM GRANTS – DISPOSITION OF CITY OWNED PROPERTIES – RESOLUTION ADOPTED

The City of Raleigh was awarded federal Neighborhood Stabilization Program (NSP) Grants totaling \$3,025,000 through the North Carolina Department of Commerce Division of Community Assistance (DCA). The grants have provided funding for the revitalization of neighborhoods through the elimination of blighted and/or foreclosed homes; creating new homeownership opportunities for households at or below 50% AMI (Area Median Income),

reversing the current declining homeownership rates and rising public safety concerns. The eight foreclosed and/or blighted properties that were acquired with Neighborhood Stabilization Program (NSP1) funding have been sold to Habitat for Humanity of Wake County, as approved by City Council through Resolutions 2010-173 (June 2, 2010) and 2011-334 (April 5, 2011). The City followed the land sale process consistent with State law while adhering to NSP requirements. State NC GS160A-279) allows the direct sale of City lots to nonprofit organizations engaged in affordable housing development. In addition, the City has followed private sale procedures of NC GS160A-267.

An additional property, 1108 Beverly Drive, has been acquired with Neighborhood Stabilization Program (NSP) funding. Approval is requested to sell this property to Habitat for Humanity of Wake County, pursuant to State law NC GS160A-279 and NC GS160A-267, for a proposed sale price of \$30,000. In partnership with the Community Development Department, Habitat for Humanity would rehabilitate the house for the purpose of creating affordable housing for a low-income buyer. The City would make available a rehabilitation grant of up to \$75,000 and a second mortgage of up to \$20,000, using NSP funding.

Recommendation: Authorize adoption of a resolution for the sale of 1108 Beverly Drive to Habitat for Humanity of Wake County according to the stipulated guidelines and approve an amendment to the existing contract with Habitat for Humanity, increasing it by \$95,000 and extending the expiration date to June 30, 2013. Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Resolution 614.

LENOVO THINKPADS – DONATION – ACCEPTED

The Triangle United Way wishes to donate a total of 12 Lenovo ThinkPads and carrying bags to the Raleigh Police Department's Youth and Family Services Unit. These laptops will be given to girls participating in the department's Charm School II Program at the IBM STEM Day on July 10, 2012 through IBM's Teaming for Technology Program. The laptops will come equipped with Windows 7 and Office 7. A representative from the Triangle United Way will be at IBM to make the presentation to the girls. After receiving their laptop, IBM volunteers will work with the girls to introduce them to their new laptop and show them how to operate Windows and Office 7. The estimated value of the donation is \$14,724.

Recommendation: Accept the donation of laptops and carrying bags from the Triangle United Way for the department's Charm School II Program. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

TAXES – ORDERS DIRECTING TAX COLLECTORS – ADOPTED

To comply with General Statute 105-321, the following orders directing the Tax Collector of the City of Raleigh, the Tax Collector of Wake County, and the Tax Collector of Durham County to collect taxes charged in the tax records are required to be adopted annually and entered into the Council meeting minutes.

- **Raleigh Revenue Manager**
The City of Raleigh Revenue Manager (Tax Collector) requests that the City adopt and enter into their minutes orders directing the Tax Collector to collect taxes charged in the records pursuant to advice from the Institute of Government and in compliance with NC General Statute 105-321. It is requested that such an order be provided, executed by the Mayor, to fulfill this requirement.
- **Wake County Revenue Administrator**
The Wake County Revenue Administrator (Tax Collector) has requested that the City adopt and enter into their minutes orders directing the Tax Collector to collect taxes charged in the records pursuant to advice from the Institute of Government and in compliance with NC General Statute 105-321. He is requesting that we provide such an order, executed by the Mayor, in fulfilling this requirement.
- **Durham County Tax Administrator**
The Durham County Tax Administrator (Tax Collector) has requested that the City adopt and enter into their minutes orders directing the Tax Collector to collect taxes charged in the records pursuant to advice from the Institute of Government and in compliance with NC General Statute 105-321. He is requesting that we provide such an order, executed by the Mayor, in fulfilling this requirement.

Recommendation: Adopt the orders. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

**PARADE ROUTE – 2500 BLOCK OF KENMORE DRIVE – APPROVED
CONDITIONALLY**

The following request for a parade appeared on Council agenda:

Denise Hughes, representing the Fallon Park Neighborhood Association, requests permission to hold a parade on Wednesday, July 4, 2012 from 9:45 a.m. until 10:30 a.m.

Recommendation: Approve subject to conditions noted on the report in the agenda packet.
Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

**ROAD RACES – 200 BLOCK OF SOUTH BLOUNT STREET – APPROVED
CONDITIONALLY**

The agenda presented the following request for a road race.

Elizabeth Pagano, representing the Nog Run Club and Pete Pagano representing Tir Na Nog Irish Pub, requests permission to hold a road race and after party on Saturday, October 20, 2012 from 3:00 p.m. until 11:00 p.m.

She is also requesting a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on city property.

Recommendation: Approve subject to conditions noted on the report in the agenda packet. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

STREET CLOSINGS – VARIOUS DATES AND EVENTS – APPROVED CONDITIONALLY

The agenda presented the following requests for temporary street closings:

Elizabeth Niemeyer, representing the Raleigh Times Bar, requests permission for a street closure the first Friday of each month, Friday, September 7, 2012, Friday, October 5, 2012, Friday, November 2, 2012 and Friday, December 7, 2012 from 6:00 p.m. until 11:00 p.m. for an outdoor entertainment event.

She is also requesting a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on city property.

Elizabeth Niemeyer, representing the Raleigh Times Bar, requests permission for a street closure on Saturday, September 8, 2012, from 12:00 Noon until 11:00 p.m. for an outdoor entertainment event.

She is also requesting a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on city property.

Recommendation: Approve subject to conditions noted on the reports in the agenda packet. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

YOUTH DEVELOPMENT INITIATIVE PROGRAM – NOTIFICATION OF AWARD – APPROVED – BUDGET AMENDED

The City has been awarded a \$99,100 grant from the Wake County Juvenile Crime Prevention Council for Raleigh's Youth Development Initiative program. A collaborative effort between the Parks and Recreation Department's Teen Program and the Police Department's Youth and Family Services Division, this program provides after-school recreation and summer enrichment programming for at risk youth. Matching funds of \$30,000 are available in 100-6230-878100-517.

Revenue Accounts:

810-6210-513190-93313-GRT03-73006033	County Grant	\$99,100
810-6210-550900-93313-GRT03-73006033	City Match	<u>30,000</u>
		\$129,100

Expense Accounts:

810-6210-600110-93313-GRT03-73006033	Salaries – PT Temp	\$110,081
810-6210-620050-93313-GRT03-73006033	Social Security	6,825
810-6210-620060-93313-GRT03-73006033	Medicare	1,772

810-6210-701010-93313-GRT03-73006033	Operational & Maint Supp	9,422
810-6210-712040-93313-GRT03-73006033	Mileage Reimbursement	<u>1,000</u>
		\$129,100

Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Ordinance 84 TF 188.

ZEBULON – UTILITY MERGER AGREEMENT AMENDMENT – APPROVED

Slowed growth resulting from the economic downturn and reduced per capita water consumption have negatively impacted the Town of Zebulon’s ability to repay the utility merger related debt in accordance with the original schedule outlined in the Utility Merger Agreement. On March 20, 2012, the City Council agreed to the Town’s request to extend the merger debt payback period by three years from July 1, 2021 to July 1, 2024. In return for the three-year extension, the Town of Zebulon agreed to reduce the merger-related debt by requiring a 5.5% annual rate increase for Zebulon customers, reducing the merger related capital improvements costs, and returning 300,000 gallons per day of excess water capacity allocation, all of which have been included in amendment number one to the Merger Agreement. The Town of Zebulon has executed the amendment and it is now ready for execution by the City.

Recommendation: Approve the three-year extension of the merger debt payback period and authorize the City Manager to execute amendment number one. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

PUBLIC UTILITIES WASTEWATER TREATMENT FACILITIES – JANITORIAL SERVICES – BID AWARDED TO JOY CLEANING SERVICES

On January 20, 2012, eight competitive bids were received and publicly opened for janitorial services for Wastewater Treatment Facilities. The low bid was submitted by Joy Cleaning Services for a total of \$141,552 for three years of service with the option of renewal for two additional years.

Recommendation: Approve the contract for \$47,184 per fiscal year for three years with the understanding that the contract can be renewed for two additional years based on vendor’s performance. Funds are available in the operating budget. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

PUBLIC UTILITIES – RESIDENTIAL TRANSPORTATION/DISPOSAL – BID AWARDED TO MCGILL HAULING

The Public Utilities Department currently administers a contract for private hauling of sludge composting materials. Hauling fees for McGill range from of \$38.50/ton and \$44.71/ton (if more than four loads per day.) These prices are subject to fuel surcharge depending on fuel prices at the time of service. This contract will not exceed \$1,080,000 per year. The contract will also allow an annual renewal option for the next three years at the same rate.

Recommendation: Approve the contract to McGill for one year with the understanding that the contract can be renewed for three additional years based on vendor's performance. Funds are available in the operating budget. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

PUBLIC UTILITIES – RESIDUALS TRANSPORTATION/DISPOSAL – CONTRACT WITH ALWAYS TRUCKING – APPROVED

The Public Utilities Department currently administers a contract for private hauling for lime-stabilized bio solids hauling and transportation. Hauling fees for Always Trucking range from \$8.00 to \$17.50 per ton depending upon the distance of the agricultural sites and the price of fuel at the time of service. This contract will not exceed \$400,000 per year. The contract will also allow an annual renewal option for the next three years at the same rate.

Recommendation: Approve the contract to Always Trucking for one year in the amount of \$400,000 per year with the understanding that the contract can be renewed for three additional years based on vendor's performance. Funds are available in the operating budget. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

PUBLIC UTILITIES – SUPERVISORY CONTROL AND DATA ACQUISITION – CONTRACT WITH CITI, LLC - RENEWED

The Public Utilities Department operates a SCADA system for the purpose of water treatment and water distribution, which includes wastewater collection system. After the events of 9/11 and a series of integration errors between multiple software and service providers that resulted in system failures, the City Council authorized single-source procurement of system integrator services. The service provider selected was CITI, LLC. From the period of 2005 to 2012 CITI has provided services that included SCADA system integration, system updates, system security, 24/7 emergency service during storm events or equipment failure, and system modification via Council approved capital contracts and service contracts. Staff has negotiated a contract in the amount of \$181,980 with CITI, LLC for the continued system integration and maintenance of those components of the SCADA system tasked for the water treatment division.

Recommendation: Approve the CITI, LLC contract renewal. Funds will be transferred administratively. Upheld on Consent Agenda Crowder/West – 8 ayes.

RADIO COMMUNICATIONS – SUPERVISORY CONTROL AND DATA ACQUISITION – CONTRACT RENEWED

A contract was signed on 7/22/11 for \$95,744 with Radio Communications Company to provide Remote SCADA Communications Maintenance for the Water and Wastewater Plants. The original contract offered three one-year renewal clauses.

Recommendation: Approve the Radio Communications Company contract renewal for an additional year with the understanding that the contract can be renewed for two additional years based on

vendor's performance. Funds are available in the operating budget. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

PHARMACY PLAN – AUDITING AND CONTRACTING SERVICES – MANAGER AUTHORIZED TO NEGOTIATE AND EXECUTE CONTRACT WITH ADVANCE PHARMACY CONCEPT

The City of Raleigh Benefits Committee initiated a process to solicit proposals from qualified persons or firms to provide auditing and consulting services related to the City's Pharmacy Benefits Manager (PBM), CVS Caremark. The Committee received nine responses to the request for proposals. Proposals were evaluated and five finalists were selected based upon each firm's stated project approach and methodology, independence and objectivity, prior experience with similar services, dedicated staffing, proposed timelines and deliverables, quoted pricing, and references. Finalists included:

- Advanced Pharmacy Concepts
- Buck Consultants
- Pharmacy Outcome Specialists
- Piedmont Pharmaceutical Care Network
- Pinnacle Benefits Resources

Following finalist interviews the consensus of the Benefits Committee was that Advanced Pharmacy Concepts offered the most competitive proposal. Advanced Pharmacy Concepts has indicated that the initial audit will be completed within 8 to 12 weeks following receipt of claims data from CVS/Caremark.

Recommendation: Authorize the Benefits Committee to negotiate and the City Manager to execute a contract with Advanced Pharmacy Concepts for pharmacy benefits management auditing and consulting services. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

TRAFFIC – LENOIR AND SOUTH STREETS TWO WAY CONVERSION - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH KIMLEY HORN & ASSOCIATES

The consultant selection process has been initiated to provide design services for the Lenoir Street & South Street Two-Way Conversion Project. Eight proposals were received for these projects. The selection committee reviewed the proposals and selected the three top-rated firms:

- Kimley-Horn & Associates, Inc. – Lenoir Street & South Street Two-Way Conversion Project. Kimley-Horn proposes to utilize approximately 30% SDMWOB sub-consultant participation.
- Atkins
- Martin/Alexiou/Bryson, P.C.

Recommendation: Authorize staff to negotiate a contract with Kimley-Horn & Associates, Inc., the first ranked firm. In the event that negotiations with the first-ranked firm are unsuccessful, authorize negotiation with the other firms in ranked order. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

STREAM GAGE PROGRAM – AGREEMENT WITH UNITED STATES GEOLOGICAL SURVEY – MANAGER AUTHORIZED TO SIGN

The City has an annual agreement with the United States Geological Survey to monitor stream gages for the City. These gages are part of the Stormwater Management Program, the Flood Control System on Crabtree Creek, and water quality monitoring. The City's share of the 2012-2013 program is \$153,000 (\$42,000 – Stormwater Utility and \$111,000 – Public Utilities) and the funds are budgeted in accounts 460-2240-708900-00209 and 310-5290-710080-00622.

Recommendation: Approve and authorize the City Manager to sign the 2012-2013 agreements with the United States Geological Survey. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

NORTH RIDGE PHASE 2 AND 3 STORMWATER PROJECT – MANAGER AUTHORIZE TO NEGOTIATE CONTRACT WITH BROWN AND CALDWELL

Brown and Caldwell, Inc. has completed the design services for Phases 2 and 3 of the North Ridge drainage system improvements (Harps Mill Road Haymarket Lane and Favorwood Court area). The construction contract for this project was awarded at the June 19, 2012, Council meeting. City Inspections staff does not have the capacity to perform construction inspections for this project due to work on other roadway and stormwater projects. Funding is available in 470-791080-2240-00975-CIP05-80270001 and will be transferred administratively.

Recommendation: Authorize the City Manager to negotiate a contract with Brown and Caldwell for a total amount not to exceed \$190,000 to perform construction services for construction of the drainage improvements for Phases II & III of the Harps Mill Road, Haymarket Lane, and Favorwood Court projects. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

LICENSE MANAGEMENT ENTITY – INTERLOCAL AGREEMENT WITH ALLIANCE BEHAVIORAL HEALTHCARE APPROVED – BUDGET AMENDED

The Parks and Recreation Department for many years has received funding from Wake County LME [Licensed Management Entity] to provide recreation and leisure support for individuals with developmental disabilities and also to provide inclusion opportunities. Recently the Wake County LME and Durham County LME merged to form Alliance Behavioral Healthcare. Alliance Behavioral Healthcare has provided an Interlocal Cooperation Agreement to support funding of \$110,000 in FY2013 for Parks and Recreation to continue services to Wake County residents who require specialized services due to intellectual disabilities and or physical [mobility] impairments for year-round recreational programs. Also, the funding continues to

support inclusion services and opportunities to Wake County residents with disabilities who wish to participate in general Parks and Recreation programs.

Recommendation: Authorize the City Manager to execute the Interlocal Cooperation Agreement with Alliance Behavioral Healthcare and approve budgetary adjustments.

Revenue Account:

100-6230-513670-00000-00000	P & R Spec Rec – Alliance Behav HC	\$110,000
-----------------------------	------------------------------------	-----------

Expense Accounts:

100-6230-600110-516-00000	Salaries – PT Temp	\$102,185
100-6230-620050-516-00000	Social Security	6,335
100-6230-620060-516-00000	Medicare	<u>1,480</u>
		\$110,000

Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Ordinance 84 TF 188.

HOUSING/ENVIRONMENTAL INSPECTIONS – SOFTWARE CONTRACT – CITY MANAGER AUTHORIZED TO SIGN CONTRACT WITH SOFT DESIGNS, INC.

The City currently has a contract with Soft Designs Inc. to provide software to manage the Housing, Public Nuisance and Vehicle Code enforcement operations. The vendor also provides software to operate the Rental Dwelling Registration Program, PROP Program, and a complaint database. The two-year contract expired on June 30, 2012. H/E Inspections is requesting that a new two-year contract be approved. Funding has been appropriated in the 2012-2013 budget.

Recommendation: Authorize the City Manager to sign a new contract with Soft Designs Inc. for a two year period beginning July 1, 2012 through June 30, 2014. Upheld on Consent Agenda Crowder/Weeks – 8 ayes.

PERSONNEL – PLANNING AND DEVELOPMENT – RECLASSIFICATION – TRANSFERS APPROVED

Planning and Development requests the reclassification of the following 13 positions as part of the continued reorganization efforts. The following positions have been reviewed and approved for reclassification by the Human Resource Department. Funding for these reclassifications was built into the FY13 budget. The annual budget impact of these reclassifications is \$64,000.

- Code Enforcement Specialist (code 4216, Pos 4087; PG 35) to a Planning Technician (code 1112; PG 31,)
- Housing Inspector I (code 4226; Pos 1412; PG 32) to a Traffic Engineering Technician (code 4513; PG 32)
- Senior Building Plans Examiner (code 4207; Pos 1433; PG 34) to a DS Project Coordinator (code 0483; PG 36)

- Senior Building Plans Examiner (code 4207; Pos 1429; PG 34) to a DS Technician III (code 4262; PG 33)
- Permit Specialist (code 0036; Pos 1421; PG 29) to a DS Technician II (code 0039; PG 31)
- Planning Manager (code 1128; Pos 1286; PG 40) to a Development Services Manager (code 0491; PG 43)
- Senior Housing Inspector I (code 4228; Pos 1414; PG 34) to a Housing Inspector Supervisor (code 4227; PG 36)
- Staff Support Specialist (code 0003; Pos 1253; PG 23) to a Senior Staff Support Specialist (code 0004; PG 25)
- Administrative Support Specialist (code 0010; Pos 1334; PG 27) to an Administrative Assistant (code 0401; PG 31)
- Staff Support Specialist (code 0003; Pos 1254, PG 23) to an Administrative Support Specialist (code 0010; PG 27)
- Administrative Support Specialist (code 0010; Pos 1416; PG 27) to an Administrative Assistant (code 0401; PG 31)
- Administrative Assistant (code 0401; Pos 1423; PG 31) to a DS Field Services Supervisor (code 0484; PG 32)
- Senior Planner (code 1127; Pos 1275; PG 38) to a Planner II (code 1122; PG 36)

Recommendation: To approve the reclassifications and transfer salary reserve funding to the correct accounts.

Transferred From:

100-2410-601300-201	Salary Reserve	\$64,000
---------------------	----------------	----------

Transferred To:

100-2410-600010-201	Salary	\$55,000
100-2410-620010-201	Retirement	3,500
100-2410-620020-201	Supplemental Retirement	1,000
100-2410-620050-201	Social Security	3,400
100-2410-620060-201	Medicare	700
100-2410-625030-201	Group Life	400
		\$64,000

Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Ordinance 84 TF 188.

BUDGET AMENDMENTS – VARIOUS – ORDINANCE ADOPTED

The agenda presented the following budget amendments:

Public Works – Transit Planning Grant – \$697,195 - The FY 2012-2013 Budget for an anticipated Section 5307 (& 5303) FTA Planning Grant has been prepared to establish budgetary accounts to continue receiving funds from the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT) for planning activities within the Transit Division of the Public Works Department. Of those funds \$140,000 are being allocated on behalf of North Carolina State University to use towards a transit study. NCSU will fund 10% of

this study. This proposed budget is incorporated in the Unified Planning Work Program (UPWP) which was adopted by the Transportation Advisory Committee (TAC) and the North Carolina Department of Transportation (NCDOT). The funding is 80% Federal funds, 10% State funds, and 10% City funds. The City cash match is budgeted in 100-2210-878100-215.

Public Works – Transit TDM Grant - \$114,323 - The purpose of this amendment is to establish FY 2012-2013 budgetary accounts to continue receiving funds from the Triangle J Council of Governments (“TJCOG”) in order to fund one Travel Demand Management (TDM) position and associated planning activities. The TDM position is housed within the Transportation Operations Division of the Public Works Department. The City match is available in 410-2260-878100-580 and 515-2410-790010-975-878100.

Capital Area Metropolitan Planning Organization - \$2,736,307

The FY 2012- 2013 Budget, for an anticipated UPWP FHWA Grant, has been prepared to establish budgetary accounts to continue receiving funds from the Federal Highway Administration (FHWA) and the North Carolina Department of Transportation (NCDOT). This grant is for planning activities within the Capital Area MPO Division of the Planning Department in the amount of \$2,736,307.

The proposed budget is outlined in the Fiscal Year 2013 Unified Planning Work Program (UPWP), which has been adopted by the Transportation Advisory Committee (TAC) of the MPO and the North Carolina Department of Transportation (NCDOT)

The funding is as follows:

Federal PL Sec 104(f) funds	\$938,646
NCDOT STP DA Funds	\$1,200,000
Other MPO Members matching funds	\$393,984
City of Raleigh Matching funds	\$203,677

Recommendation: Approve the FY 2012 - 2013 budget amendment for Unified Planning Work Program (UPWP) activities to establish budgetary accounts for continued receipt of grant funding from the Federal Highway Administration (FHWA) and the North Carolina Department of Transportation (NCDOT). The City Match funds are budgeted in account 100-2410-878100-230.

Police Department - \$14,925 - increase in the associated revenue and expense accounts to reflect collections from the use of police vehicles. Funds are to be used for FY13 vehicle upfit equipment costs.

Police Department - \$30,000 - The Police Department sponsors many programs for kids throughout the year. To continue these youth initiatives, the Department requests that \$30,000 be allocated from the Controlled Substance Tax fund balance reserve (100-0000-400010-40016) for FY13.

Community Services - \$412,591 - To set up the budget to disperse funds to the appropriate line items in the Foster Grandparent Program as specified in the 2012/2013 grant year.

The agenda outlined revenue and expenditure accounts in all of the recommended budget amendments.

Recommendation: Approval of budget amendments as outlined. Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Ordinance 84 TF 188.

CONDEMNATIONS – SIDEWALK AND TURN LANE IMPROVEMENTS ON LAKE WHEELER AND SIDEWALK ON CREEDMOOR ROAD – VARIOUS LOCATIONS – RESOLUTIONS ADOPTED

The City of Raleigh has obtained competitive grants from the Capital Area Metropolitan Planning Organization (CAMPO) to install sidewalks along two streets in the City. Grants are funded by Federal Highway Administration STPDA funds on an 80% Federal, 20% City basis. The grant includes milestone deadlines for construction authorization. To meet these milestones, right-of-way must be acquired by July 31, 2012. Negotiations are ongoing; however, due to a pressing project schedule, and the potential loss of a federal grant, it is recommended that a resolution of condemnation be authorized for the following properties. Staff will continue negotiations with the property owners and anticipate reaching agreements with owners of most of the outstanding parcels. Listed below are the parcels currently recommended for condemnation if necessary

Creedmoor Road Sidewalk Improvement Project Glenwood Avenue to Strickland Road

AMFP I Hamilton Ridge, LLC	5000 Beaverbrook Road
Jean P. Hunt	5114 Creedmoor Road
Jean Hunt, Et. Al.	5118 Creedmoor Road
Clarence E. Chavis, Sr.	5120 Creedmoor Road
Edward H. Chavis	5200 Creedmoor Road
Hardees Food Systems	5601 Creedmoor Road
Cary Development, Partners	5550 Creedmoor Road
Cary Development, Partners	5624 Creedmoor Road
Sadika, Inc.	5728 Creedmoor Road
Sadika, Inc.	5806 Creedmoor Road
Josephine C. Watson	5904 Creedmoor Road
Wyatt T. Closs	6124 Creedmoor Road
Shurgard Freemont Partners	6220 Creedmoor Road
Stonehenge Associates	7600 Creedmoor Road
Brennan Station Outparcel, LP	8107 Creedmoor Road
Wendy's International, Inc.	8209 Creedmoor Road

**Lake Wheeler Road Pedestrian & Turn Lane Improvements
Centennial Parkway to Tryon Road**

David R. & Susan B. Bevan
Sean P. Hennessey & Patricia Brezny
Kenneth F. and Nancy C. Nyren
Pruitt Properties, Inc.

2001 Sierra Drive
2000 Sierra Drive
2000 Lawrence Drive
2412 Lake Wheeler Road

Recommendation: Authorize resolutions of condemnation and authorize staff to proceed with right-of-way condemnations for each sidewalk project, as necessary, to meet federal construction milestone requirements. Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Resolutions 615 through 634.

TRANSFERS – VARIOUS – ORDINANCE ADOPTED

The agenda presented a transfer in the Parks and Recreation Department in the amount of \$157,500. This relates to transferring the Raleigh City Museum funding from agency appropriations to the Parks and Recreation Department following Council's approval of the operating budget on June 18, 2012 and the lease agreements with the Museum on June 19. The remaining of the funds for FY 13 operation is already budgeted in Park and Recreation.

The agenda also presented a transfer in the amount of \$1,096,434.85 to fund the purchase of the Jones property at 1827 Capital Boulevard and other associated expenses.

The agenda outlined the code accounts involved in the various transfers.

Recommendation: Approve. Upheld on Consent agenda Crowder/Weeks – 8 ayes. See Ordinance 84 TF 188.

EBENEZER CHURCH ROAD ANNEXATION WATER AND SEWER IMPROVEMENTS – BID AWARDED TO TRIANGLE GRADING AND PAVING – FUNDS TRANSFERRED

Seven construction bids were received and publicly opened on May 8, 2012 for the Ebenezer Church Road Annexation Water and Sewer Improvements Project. The effective annexation date for this project was July 2009 and is anticipated to be completed prior to an NCDOT project in this corridor. The project consists of approximately 4,700 linear feet of 8" gravity sewer main extension and approximately 1,800 linear feet of 8" and 6" water main extension. Triangle Grading & Paving submitted the lowest bid amount of \$779,899 which was below the estimate with 15% SDMWOB participation plan (8% minority owned firms, 7% women owned firms). Triangle Grading & Paving is properly licensed and experienced in the type of work involved with this project.

Recommendation: Award of the contract to Triangle Grading & Paving in the amount of \$779,899. The funds transfer will be handled administratively.

Transferred From:

349-5210-790010-975-CIP01-80110000	Annexation Water	\$660,230
320-5210-790010-975-CIP01-80100000	Annexation Sewer	<u>119,669</u>
		\$779,899

Transferred To:

349-5210-792020-975-CIP01-80110000	Annexation Sewer	\$660,230
320-5210-792020-975-CIP01-80100000	Annexation Water	<u>119,669</u>
		\$779,899

Upheld on Consent Agenda Crowder/Weeks – 8 ayes. See Ordinance 84 TF 188.

END OF CONSENT AGENDA

ACREAGE FEE EXCEPTION AREA – DELETION IMPLEMENTATION PLAN – APPROVED AS AMENDED

On June 19, 2012, the City Council adopted the revision to City Code Part 8, section 8-2093 to eliminate the 1959 acreage fee exemption area, which became effective upon adoption. Several projects that were submitted prior to the effective date, and are in various states of approval are impacted by the code change, the financial viability of which included consideration of the acreage fee exemption.

Recommendation: Staff recommends that projects with the following status be exempted from the code change:

Any preliminary “subdivision or” site plan that has been submitted on or before June 19, 2012.

Any construction drawings or building permits related to an administratively approved site plan or building permit, submitted on or before June 19, 2012.

It was pointed out the words “subdivision or” was deleted on Consent agenda approval.

Ms. Baldwin stated she withdrew this from the Consent Agenda indicating she understands why this proposal is made. She stated it is understood that there are people who have projects in the pipeline and we need to have an effective date. She stated however there are others that are about to enter the pipeline and had not planned on this fee; therefore she would suggest that the June 19 date be changed to September 1 or October 1 which would give people time to redo their financials, etc.

Mr. Crowder stated he had a problem with delaying it to September or October as he feels we should move this forward so we can address the infrastructure issues. He feels delaying it is just kicking it down the road, we need to move forward. Ms. Baldwin contended that there should be some advance notice, the development community did not know about his proposal. She stated

staff says we need to make some adjustments and set an implementation plan but she feels that the Council should give a couple of months and give notice to all people so that they can get their finances in line.

Mr. Gaylord pointed out acreage fees can be significant in some projects, the fact that when you get to site plan approval you may be way into the project and may be it would be best to give a heads up to the development community. Mr. Crowder pointed out in some cases developers are coming in asking for permits and finding out at that point we do not have adequate capacity and they have to participate in the replacement of the infrastructure. He talked about the need to go ahead and address the issue and talked about the timing in general.

Mr. Odom talked about an October 1, time frame. City Manager Allen pointed out staff tried to structure this in such a way to provide information and notice. City Manager Allen stated if we have too long a window it could cause problems with people rushing to submit to beat the deadline. He stated they did suggest the language change to delete "subdivision or" and it would simply read any preliminary site plan that has been submitted on or before June 19, 2012 and any construction drawings or building permits related to administratively approved site plan or building permit submitted on or before June 19, 2012. He stated at this point the developer hasn't pulled a permit and they feel this is structured the proper way. He again stated administration did not want to provide too much window of opportunity as submittals would be rushed in to take advantage of the exemption with Mr. Crowder pointing out that is his concern.

Mr. Gaylord talked about the process, timing and concern about changing the rules in the middle of the game and his feeling that the City should give a heads up and then change the rules. City Manager Allen pointed out staff did change the recommendation to delete subdivision with Mr. Gaylord pointing out some projects do not require subdivision or preliminary site plans. Ms. Baldwin moved approval of the recommendation as made and amended by Administration with the date being changed to October 1, 2012. Her motion was seconded by Mr. Odom. Mr. Stagner indicated he agrees with the concerns expressed by the City Manager and he agrees that we should give some advance notice and suggested that the date be changed to September 1. Ms. Baldwin and Mr. Odom accepted that as a friendly amendment and the motion as amended which was projects with the following status being exempted from the code change relating to eliminate in the 1959 acreage fee exemption area to be any preliminary site plan that has been submitted on or before September 1, 2012 and any construction drawings or building permits submitted on or before September 1, 2012 was 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.

WATER QUALITY MONITORING – CONTRACT WITH ECOLOGICAL CONSULTANTS, INC. – APPROVED

A contract has been negotiated with Ecological Consultants, Inc. for the continuing special Water Quality Monitoring Program. The contract shall not exceed \$281,210 per year. The contract has three one- year renewal options.

Recommendation: Approve the contract for one year with the understanding that the contract can be renewed for three additional years based on vendor's performance. Funds are available in the operating budget.

Mr. Odom questioned what this contract or consultant will do for the City that we do not do ourselves. City Manager Allen pointed out it is monitoring over and above what the City Staff does. He talked about water quality management, what the City does and what this contractor would do. TJ Lynch pointed out it is a part of our information gathering for mitigation projections, stream monitoring, etc. Mayor McFarlane questioned if this is monitoring at Falls Lake with Mr. Lynch pointing out it is mainly along the Neuse River and the City Manager pointing out it analyzes the condition of the streams. Mr. Odom moved approval. 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.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA – APPROVED AS PRESENTED

Mayor McFarlane presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regulator consult agenda. The Mayor stated no one had requested to withdraw an item from the Planning Commission Consent Agenda. Mr. Odom moved the Planning Commission's Consent Agenda be approved as presented. His motion was seconded by Mr. Weeks 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 Planning Commission Consent Agenda were as follows.

REZONING Z-11-12 – STRICKLAND ROAD – 45-DAY EXTENSION APPROVED

The applicant is requesting a 45-day time extension. The Planning Commission deadline for recommendation is July 16, 2012. The additional 45 days will allow the applicant more time to work on addressing the outstanding issues and in completing the Traffic Impact Analysis.

CR-11469 from the Planning Commission recommends a 45 day time extension. Planning Commission recommendation upheld on Consent Agenda Odom/Weeks – 8 ayes.

REZONING Z-15-12 – SANDY FORKS ROAD – APPROVED

This is a request to rezone property from Residential-4 and Office and Institution-1 Conditional Use to Office and Institution-1 Conditional Use.

CR-11470 from the Planning Commission recommends approval based on the findings and reasons stated herein, and that the request be approved in accordance with zoning conditions dated June 14, 2012.

Planning Commission recommendation upheld on Consent Agenda Odom/Weeks – 8 ayes. See Ordinance 852 ZC 674.

REZONING Z-19-12 – HOMEWOOD BANKS DRIVE/BLUE RIDGE ROAD – APPROVED

This is a request for a new Master Plan for property zoned Shopping Center and Office and Institution-2 with Planned Development Overlay District.

CR-11471 from the Planning Commission recommends approval based on the findings and reasons stated herein, and that the request be approved in accordance with zoning conditions dated February 15, 2012. Planning Commission recommendation upheld on Consent Agenda Odom/Weeks – 8 ayes. See Ordinance 852 ZC 674.

MP-1-12 – CRABTREE VILLAGE MASTER PLAN – APPROVED

This request is to consider a preliminary Master Plan request in accordance with 10-2057(f)(2)a. The Master Plan associated with the request is for rezoning of a 23.73-acre property currently zoned Shopping Center and Office and Institutional-2 and Planned Development Conditional Use Overlay District to create a new Planned Development Conditional Use Overlay District with a new Master Plan document and accompanying plan.

CR-11472 from the Planning Commission recommends approval of the Master Plan dated June 26, 2012. Planning Commission recommendation upheld on Consent Agenda Odom/Weeks – 8 ayes. See Ordinance 85 ZC 674.

TC-3-12 – UNIFIED DEVELOPMENT ORDINANCE – 45 DAY EXTENSION GRANTED

This is a request for a 45-day time extension. The Planning Commission deadline for recommendation is July 17, 2012.

CR-11473 from the Planning Commission recommends a 45-day time extension. Planning Commission recommendation upheld on Consent Agenda Odom/Weeks – 8 ayes.

SPECIAL ITEMS

REZONING Z-10-12 – WESTGATE ROAD – APPROVED – ORDINANCE ADOPTED

Mr. Gaylord pointed out he has a friend that works for the applicant and it is a pretty tight relationship therefore he needs to recuse himself from voting on this item. Ms. Baldwin moved that Mr. Gaylord be recused from participating in Z-10-12. Her motion was seconded by Mr. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted and Mr. Gaylord left the table.

During the June 19, 2012 Council meeting the Planning Commission made the following recommendation:

This is a request to rezone property from Neighborhood Business District Conditional Use District, Office & Institution-1 Conditional Use District, Thoroughfare District Conditional Use District, Thoroughfare District, Residential-4 with Airport Overlay District & Special Highway Overlay District-2 to Industrial-1 Conditional Use District with Special Highway Overlay District-2.

CR-11468 from the Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, recommends that this request be approved in accordance with conditions dated June 5, 2012.

At the request of Mr. Stephenson, it was directed that the item be placed on this agenda for discussion. It would be appropriate to further consider the Planning Commission's recommendation. Council members received amended conditions dated June 28, 2012 in their agenda packet.

Mr. Stephenson moved that this item be held an additional two weeks. His motion was seconded by Mr. Crowder. Attorney Lacy Reeves representing the applicant indicated he had hoped to speak with representatives of the Homeowners Association but it appears that progress may not be possible. Mr. Stephenson stated there were a number of items that the applicant agreed to pointing out the items of concern were not within the confines of the zoning case. The applicants; however, offered but they were not put into any type document for the Homeowners Association to review.

Ms. Baldwin questioned the issues with Mr. Stephenson talking about the location which is adjacent to Ebenezer Church Road, explaining a 150 foot tract that was left out of the case which was suppose to be an undisturbed buffer, Homeowners Association concern about protecting their property rights and again explained the first 150 feet are outside of the zoning case. Discussion followed as to whether there was anything that could be done to address the issues and whether the City had any leverage with the City Attorney pointing out we could not make anyone accept conditions, etc. He stated he thought Mr. Stephenson was simply trying to find out if some consensus had been reached.

Mr. Stagner pointed out we are dealing with a company that has been above boards they have listened to the community and everything has been addressed as far as it can as it relates to the zoning case so he feels we should move forward. Mr. Crowder stated he does not agree that the case meets all of the rules and regulations as it is not in compliance with the comprehensive plan; therefore he feels the Council should hold it two weeks and see if the issues can be addressed. The motion to hold this case and place it on the July 17 agenda was put to a vote with results as follows: Ayes – 3 (Stephenson, McFarlane, Crowder); Noes – 4 (Stephenson, Baldwin, Odom, Stagner, Weeks), (Gaylord excused). The Mayor ruled the motion defeated on a 4-3 vote.

Mr. Stagner moved approval with the amended conditions dated June 28, 2012. His motion was seconded by Mr. Odom and put to a vote which resulted in all members voting in the affirmative

except Mr. Crowder and Mr. Stephenson who voted in the negative (Gaylord absent and excused). The Mayor ruled the motion adopted on a 5-2 vote. See Ordinance 85ZC674.

COUNCIL TERMS – DIRECTION GIVEN – ITEM TO BE PLACED ON JULY 17 AGENDA

During the February 7, 2012 Council meeting, the City Attorney was asked to provide information on the process for changing City Council terms. That information was provided.

During the June 19, 2012 Council meeting, Mr. Odom suggested that the City Attorney draft a resolution of intent to make a charter change as it relates to City Council terms. It was directed that the item be placed on this agenda for further consideration as to what type of change is being considered.

Mr. Odom moved that the City Attorney draft a resolution and schedule a public hearing so we could hear from the people on a proposal to have four-year terms with Council members and Mayor all being voted on at the same time. His motion was seconded by Ms. Baldwin.

Mayor McFarlane stated she understands it is a pain to have to run every two years. She stated however she feels that the Council of the City of Raleigh is one of the better functioning elected bodies around. She stated the City Council of Raleigh represents the people and if the people do not like Council members then they can vote against them in two years. She stated she could not support 4 year terms.

Mr. Crowder stated he understands it may be a burden to run every two years but he feels that keeps Council members or candidates connected with their constituents. He stated he feels we have a system that is working well and he could not support four-year terms.

Mr. Gaylord pointed out there are different options and exploring looking at the options would be fine but he generally he feels that our system is working well. He stated it may be good not to have to run every two years and he understands the options and he is very conflicted on this issue as he thinks we are in a pretty good spot, it just depends on the makeup of the Council.

Ms. Baldwin pointed out this is not action to change the terms it is action to schedule a public hearing to hear from the people. Mayor McFarlane stated she understood that but she is trying to get a sense from the Council pointing out if the Council does not support any changes there was no need to go to public hearing.

Ms. Baldwin stated she has heard from a lot of people who would like a chance to speak on the issue and feels that four year terms may be good.

Mr. Weeks stated it is probably good to have a public hearing to hear from the people. Mr. Stephenson stated he would like to hear from the people pointing out he hadn't heard any particular comments. He stated it is not a very productive use of time and money for a person to have to run every two years but it would be good to hear from the people. Mr. Crowder stated he

thought the people give an annual review. This is for the citizens to give their review. He stated he does not want to waste time and money with Mr. Gaylord talking about productivity and the best use of time and resources. Mr. Stagner stated he feels it would be good to have a public hearing and let the people speak with Mr. Weeks pointing out he feels the Council is presently getting daily reviews. The motion was put to a vote which resulted as follows: Ayes – 5 (Baldwin, Gaylord, Odom, Stagner, Weeks); Noes – 3 (McFarlane, Stephenson, Crowder). The Mayor ruled the motion adopted on a 5-3 vote.

Brief discussion took place with the City Attorney pointing out he would draft a resolution of intent for consideration at the July 17 Council meeting. The hearing could not be held until after the Council passes a resolution of intent but would need to be held within 45 days of passage. He stated as he understands the Council wants the resolution of intent to consider changing terms to four year terms with everyone being elected at the same time.

CITIZENS UNITED V FEC – RESOLUTION ADOPTED

During the June 18 Budget Work Session, Mr. Crowder presented a resolution to support an amendment to the United States Constitution directed at regulating certain political speech by corporations and labor unions. It was directed that the item be placed on this agenda for consideration of adoption. A copy of the proposed resolution was included in Council Members' agenda packets. Mr. Crowder moved adoption. His motion was seconded by Mr. Stephenson.

Mr. Gaylord pointed out there are some valid points but he does not feel what is being discussed has a direct correlation with the mission of the City Council. He stated he is not for or against the proposal he just does not feel it is in the City Council's purview to act on resolutions such as this. Mr. Stagner agreed pointing out he doesn't feel we need to do a resolution every time something like this pops up. Mr. Stephenson talked about the importance of every one speaking out on this issue. Mr. Odom stated as he understands this is a resolution to amend the constitution of the United States and he could not vote for that. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Odom and Mr. Gaylord. The Mayor ruled the motion adopted on a 6-2 vote. See Resolution 635.

FRACKING PROHIBITION – ORDINANCE ADOPTED

During the June 19, 2012, Council meeting at the request of Mr. Odom, the City Attorney was asked to draft a resolution similar to the one passed by the Town of Creedmoor relative to prohibiting fracking within the City of Raleigh. Mr. Odom moved approval. 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. See Ordinance 86.

CONTRACTS/CHANGE ORDER/AMENDMENTS – INFORMATION RECEIVED

During the June 19, 2012, Council meeting, Mr. Gaylord asked that Council be provided information on the city's policies relative to contracts as it relates to when a project should go out to bid as opposed to being handled as a change order, contract amendment, etc. He asked

that the item be placed on this agenda and Administration provide a chart or “cheat sheet” which outlines the process.

Mr. Gaylord expressed appreciation for the information pointing out it is very helpful and may be it is something that should go into every agenda packet so that Council members can be made aware of the policies. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NO REPORT

REPORT OF THE ENVIRONMENTAL ADVISORY BOARD

ENVIRONMENTAL ADVISORY BOARD – COMMENTS ON REVISED UNIFIED DEVELOPMENT ORDINANCE – ACCEPTED AND REFERRED TO THE PLANNING COMMISSION

John Burns, Chairperson of the Environmental Advisory Board, explained their last letter of recommendation dated June 25, 2012 was in the agenda packet. He highlighted the letter indicating on February 21, 2012 the Advisory Board sent a letter to the Council and Planning Commission presenting certain concerns and suggestions regarding the revised unified development ordinance. The letter addressed areas from their July 14, 2011 comments on the original draft which had not been addressed and the revisions. He stated Council members received those letters in their agenda packet and pointed out while the June 25 letter is the latest they have not dropped their concerns as outlined in the two earlier letters. He stated they are asking the Council to consider their comments in all three letters. He explained the Environmental Advisory Board and the Stormwater Management Advisory Commission have been working diligently in making recommendations in changing the way the City regulates runoff and he will refer those comments to the SMAC. He stated without withdrawing their previous comments, their last letter is focusing on 4 areas of continued concern: Runoff and surface water quality, piping of watercourses, waste and building transparency. Their June 25 letter details the concerns and the work being proposed.

Mr. Burns indicated the Environmental Advisory Board unanimously recommends that the following concept be integrated into the language of the UDO.

1. City standards for managing stormwater runoff and confining traffic flow along streets, which currently require curb and gutter, should be revised to allow additional methods that slow, filter, retain, and absorb stormwater.
 - Use of curbs should be considered separate from use of gutters, and vice versa.
 - Curbs should be limited to areas needed to control traffic and provide public safety, and should be designed to allow the passage of stormwater.

- Installation of gutters should be limited to where they are needed to convey runoff where vegetated areas cannot be provided. Where conditions allow, streets should be designed to convey runoff to vegetated areas along or near the ROW, rather than to gutters, catch basins, and storm drain pipe systems.
2. The City should encourage early consultation by private developers with city planning staff, stormwater management staff, roadway design staff, public works staff, and street maintenance staff and any other appropriate city personnel on all projects.
 3. Landscape design and stormwater design should be integrated into all projects, so that landscape features enhance stormwater management, and stormwater management features enhance project aesthetics,
 4. Roadway edges without curb and gutter should be designed to structurally support traffic while allowing passage and absorption of stormwater runoff.
 5. Progressive and innovative practices and technologies should be explored for the drainage of roadways to prevent trash, leaves, and road debris from entering the storm drainage system and hold those materials for removal while allowing stormwater to pass.
 6. Stormwater drainage systems should use the existing right of ways to reduce velocity, filter, and absorb as much stormwater as possible. Below ground rock structures should be used to retain the initial, most polluted, stormwater runoff while piping would be sized to move large rain events,
 7. Medians, islands and other vegetated areas adjacent to street pavements and other paved surfaces should be utilized to capture, filter, retain, and absorb stormwater.
 8. Sidewalks and trails should be designed for absorption of rainwater with pervious paving or porous base materials that store and release rainwater to underlying soils.

Mr. Burns stated the Environmental Advisory Board hopes the Council will adopt the 8 recommendations in the UDO and they are before the Council to ask for support and acceptance of their recommendations. Without discussion, the Council received the report and referred the comments to the Planning Commission.

**REPORT AND RECOMMENDATION OF THE STORM WATER MANAGEMENT
ADVISORY COMMISSION**

STORMWATER MANAGEMENT ADVISORY COMMISSION – 2012 WORK PROGRAM – APPROVED

Kelvin Boyer pointed out Council members received the following proposed work program in their agenda packet.

I. Sustainable Development and Water Quality

- A. Low impact development (LID): Proceed with evaluations and recommendations for encouraging and implementing LID practices (per work plan outline Council approved in March 2012).
- B. Incentives for reducing stormwater impacts: Evaluate possible incentives such as stormwater utility fee credits, reduction of impervious area, and City funding participation.
- C. Volume-based stormwater controls: Evaluate how the City might incorporate volume-based controls into City ordinances and practices to improve water quality and reduce stream bank erosion,
- D. Water quality policy for installing stormwater best management practices on private property: Periodically review the policy for potential revisions. Review proposed revisions as requested by staff, Council, and other advisory bodies. Recommend proposed revisions as appropriate.
- E. Stormwater utility credit and adjustment manual: Periodically review the manual for potential revisions. Review proposed revisions as requested by staff, Council, and other advisory bodies. Recommend proposed revisions as appropriate.

II. Drainage System Policies

- A. Policies for maintaining, inspecting, and constructing private and public drainage facilities: Review and recommend revisions as appropriate.
- B. City stormwater drainage policy for drainage improvements on private property: Review and recommend revisions as appropriate.
- C. Policy for public drainage easements for drainage systems on private property that will be maintained by the City: Review and recommend revisions as appropriate.

- D. Policy for private and public lakes: Review and recommend revisions as appropriate,

III. Regulatory Programs

- A. Planning and development ordinances: Identify and list ordinances that directly regulate stormwater management and that indirectly effect stormwater management and water quality. Review and recommend revisions as appropriate.
- B. Stormwater drainage and flooding ordinances: Identify and list ordinances that directly and indirectly regulate stormwater drainage and flooding. Review and recommend revisions as appropriate.
- C. Soil erosion control ordinance and other requirements related to soil erosion: Review and recommend revisions as appropriate.
- D. New development/redevelopment in flood-prone areas: Review definition of “flood-prone area” and describe and quantify effects of development of flood prone areas in terms of flood damage, diminished public safety, and degradation of water quality.

IV. Stormwater Utility Education Program

- A. Stormwater utility education program: Periodically review and recommend revisions as appropriate.

V. Work Requiring Review for Recommendations to Council

- A. Proposed water quality cost share projects (quarterly) and proposed drainage cost share projects (semi-annually): Review projects proposed by property.
- B. Requests for variances to stormwater control ordinances: Review variance requests as submitted by the regulated community and provide recommendations to Council.
- C. Stormwater Capital Improvement Program (annually): Review the CIP and provide comments to Council.

Mr. Boyer pointed out the Commission has a menu of items to work on and highlighted work on the UDO, curb and gutter requirements, low impact development, merging stormwater with the water and sewer utilities among others. He stated he is before the Council to ask for approval of their 2012 Work Program. Mr. Crowder moved approval. His motion was seconded

by Mr. Odom and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

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

SURPLUS PROPERTY – 3514 WADE AVENUE – DECLARED SURPLUS

Chairperson McFarlane reported the Budget & Economic Development Committee recommends that the City Council declare property at 3514 Wade Avenue as surplus and authorize the sale of the approximately 0.12 acres or 5,188 square feet of real property interest to Ridgewood Shopping Center, LLC for \$100 subject to the upset bid process with the understanding that the winning bidder will pay all accrued advertising costs. On behalf of the Committee, Mayor McFarlane moved the recommendation be upheld. Her 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.

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

REZONING Z-18-12 – FALLS OF NEUSE ROAD CONDITIONAL USE – DENIED

Mr. Stephenson reported by split vote the Comprehensive Planning Committee recommends upholding the Planning Commissions recommendation for approval of Z-18-12 as outlined in CR-11467 and so moved. Mr. Odom stated he would second the motion for the sake of discussion.

Mr. Stagner pointed out the applicant came to him earlier and talked about the process and they discussed playing by the rules and engaging the neighborhood. He stated that is usually done by applicants on a zoning case; however, in this particular case that hasn't occurred. The neighbors are against the rezoning but he feels if the applicant had spent a little time explaining the proposal, etc. there could have been a compromise; however, that has not occurred. The motion as stated was put to a vote which resulted in all members voting in the negative. The Mayor ruled the motion defeated on an 8-0 vote.

**REPORT AND RECOMMENDATION OF THE LAW AND PUBLIC SAFETY
COMMITTEE**

**PRODUCE STANDS/TRUCKS AND FOOD TRUCKS – VARIOUS ACTIONS TAKEN –
ORDINANCE ADOPTED; ITEM RETAINED IN COMMITTEE**

Chairperson Baldwin reported this is a two part item, produce stands and food trucks. Chairperson Baldwin reported as it relates to produce stands the Law and Public Safety Committee recommends the following:

Produce Stands

- The Committee recommends approval for the LoMo Market, Inc. (Local Market) truck to operate a produce stand.
- The Committee also recommends allowing the property owner (Abbotswood at Stonehenge) 10 days to apply for a variance in order to allow LoMo Market, Inc. due process to attempt to remedy.
- The Committee recommends suspending zoning enforcement until the Board of Adjustment (BOA) acts on the request.
- The Committee recommends that Staff draft a text change for the October, 2012 public hearing to allow produce stands to locate within all zoning districts.
- The Committee also recommends that the City Attorney request the BOA to defer action on the request until such time that the Council can adopt the new text change allowing produce stands in all zoning districts.

Chairperson Baldwin moved the recommendations as outlined be upheld. Her motion was seconded by Mr. Odom. Mr. Crowder asked about the zoning at Abottswood. Mr. Crowder stated he is very supportive of getting fresh produce in the neighborhoods but he hopes everyone understands the consequences which include unintended consequences that could occur with this recommendation. He talked about the 60s in which every neighborhood had fruit stands, produce stands, etc. but that was a different environment. We have so much more traffic and there can be concerns with produce stands popping up all through the neighborhoods. He just asked that every one consider the possible unintended consequences.

City Attorney McCormick indicated Council members received in their agenda packet a proposed ordinance which would allow expanded locations for produce stands, etc. The rest of the recommendation is a mechanism to get this issue considered through a text change. The staff will look at possible unintended consequences, traffic concerns, etc., when they develop the text change. Mr. Odom expressed concern pointing out we encourage people to come down to Fayetteville Street Farmers Market and others and questioned possible concerns about produce stands popping up everywhere. Mr. Crowder stated that is his point, we need to move very deliberately on this issue. The motion as stated was 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 87.

Chairperson Baldwin indicated the next part of the issue related to food trucks which is being held in Committee. She reported the Law and Public Safety Committee recommends the following:

Food Trucks

The Committee recommends that Staff complete an impact analysis on the following:

- Allowing food trucks to locate within the entirety of the Downtown Overlay District

- Permitting two food trucks on lots less than 0.5 acre in size (current law only allows one per 0.5-acre lot). Staff will complete this study and report back to the Committee in time for a text change to be heard at the October public hearing.

Chairperson Baldwin moved the recommendation as outlined be upheld. Her motion was seconded by Mr. Odom and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

SECURITY GATES – ROSEMONT SUBDIVISION RECOMMENDATION FOR APPROVAL – FAILED

Chairperson Baldwin reported by split vote, the Law and Public Safety Committee recommends approval of the request for installation of the Rosemont Subdivision Security Gates as long as the residents pay all related costs. The Committee recommends Rosemont Subdivision sign a standard City Encroachment Agreement. The Committee would like to review this item in 12 months. On behalf of the Committee, Chairperson Baldwin moved the recommendation be upheld. Her motion was seconded by Mr. Odom.

Mayor McFarlane spoke against the recommendation expressing concern about the precedent setting of this action. She stated she does not think that the Council has granted permission to gate a public street before and she sees this as a precedent setting move which will cause problems in the future. Mr. Stagner stated he was the split vote, he voted against this in Committee because of the precedent it would set.

Mr. Stephenson pointed out he had talked with Police Chief Dolan who has offered to sit down and talk about the Police Department's concerns. He suggested holding this item until the Police Chief has that discussion with the neighborhood. Mr. Gaylord questioned who requested the meeting and asked about ways to address the concerns. Mr. Stagner pointed out representatives of the Police Department have been at the meetings and he does not feel discussions will change any ones mind. Mr. Stephenson stated he understands the Police Department and the Fire Department object to the gates. Mr. Stephenson moved that the Council hold this issue until the Police Chief has had an opportunity to discuss the issues with the neighborhood and made that as a substitute motion. The substitute motion did not receive a second. The original motion to approve the installation of the gates with the conditions as outlined was put to a vote with results as follows: Ayes – 4 (Baldwin, Gaylord, Weeks, Odom); Noes – 4 (McFarlane, Crowder, Stephenson, Stagner). The Mayor ruled the motion defeated on a 4-4 vote.

APPOINTMENT POLICY – NO CHANGES MADE – INFORMATION RECEIVED

Chairperson Baldwin reported the Law and Public Safety Committee recommends reporting the item out with no change to the current policy. It is understood the City Clerk will supplement existing information relative to the Council's appointment policy by including an Interest Form on the City of Raleigh's website. On behalf of the Committee, Chairperson Baldwin moved the recommendation be upheld. Her motion was seconded by Mr. Stagner and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

Ms. Baldwin pointed out at the last meeting there was quite a lot of discussion about how the Council should follow its rules relative to reappointments to various committees. She stated it is quite simple if the Council wants to reappoint a person by acclamation the first time the announcement is made, the Council member simply makes a recommendation that the Council suspend its rules and reappoint by acclamation. The comments were received.

NOISE CONCERNS – CHURCH – COMMENTS RECEIVED

Mayor McFarlane pointed out the Law and Public Safety Committee is dealing with the issue relating to neighborhood concerns relating to Glorious Church on Glascock Street. She stated if the Committee felt that a mediator would be helpful she feels the City may be able to authorize that. Ms. Baldwin pointed out she feels they are moving ahead pretty well. She stated this is a very unique situation. She stated there needs to be some type assessment done on the church to determine what is causing the problems and what would be needed to prevent the noise leaving the church and then they would have to look at how to get it fixed. She stated the issues could not be fixed until we have the assessments done. No one knows how that is going to happen as the Church as stopped holding its weekday events which means the attendance has gone down and they are not able to collect enough funds to make changes. The possibility of putting up some money say approximately \$2,000 and the neighborhood and the church to get together to come up with what needs to be done to fix the problem was questioned. The precedent setting of that type action was talked about. Mr. Stagner stated he is not sure he would be comfortable with a proposal such as that. We need to continue to work to try to develop a solution. Mr. Weeks questioned Mr. Turner's role in this situation. Ms. Baldwin pointed out Mr. Turner's role is to bring the neighborhood and the church representatives together and participate in the discussion not be a facilitator. The CAC would be involved and Mr. Weeks and Ms. Baldwin would attend.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

BRENTWOOD TODAY LAKE AND DAM REHABILITATION PROJECT – TO BE PLACED ON AUGUST 7 AGENDA AS A SPECIAL ITEM

Mr. Weeks pointed out the Committee was prepared to make a recommendation by a split vote. He stated after the meeting was held, some additional information came forth. Mr. Weeks asked Mr. Odom to provide a report.

Mr. Odom pointed out the neighbors would like to see what a stream restoration process would do and look like. They want to see what could be done. Bob Mulder has agreed to set up a meeting and provide information as to how that would look. After brief discussion, it was agreed to hold this item at the table and place in on the August 7 agenda as a special item to receive a report from the meeting.

REPORT OF MAYOR AND COUNCIL MEMBERS**TRAFFIC – SIGNAL AT CYPRESS OF RALEIGH – COMMENTS RECEIVED**

Mr. Odom pointed out there had been some discussion about the need for a traffic light at the Cypress of Raleigh which is located just off of Strickland Road. He stated the Council had received a report that it could not be done at this point and he would like to know what our policy is.

Mr. Stagner pointed out he had brought up this issue previously and a traffic light has been approved at that location by NCDOT but it has not been funded. There is one also been approved for the intersection of Lead Mine and Bridgeport but it has not been funded either. Mr. Odom questioned if the City ever pays for the installation of lights in situations such as this. Traffic Engineer Mike Kennon talked about the warrants and what the City looks at and reviews. He stated he thought the City did pay for one when there was a safety issue involved; however, he does not remember the City ever paying for one in a situation and circumstances similar to the Cypress and Lead Mine/Bridgeport locations. Mr. Stagner expressed appreciation to the Staff for their quick response on this issue. No further action was taken.

NORTH CAROLINA ALLIANCE TO CREATE OPPORTUNITY THROUGH EDUCATION - \$2,000 SPONSORSHIP APPROVED – FUNDS APPROPRIATED

Mr. Weeks asked that the City Council consider appropriating \$2,000 from the City Council contingency to sponsor the 2012 North Carolina Alliance to Create Opportunity Through Education. He stated last year it was held at the McKinnon Center pointing out it is a one-day event to inspire, inform and education students and parents on STEM (Science, Technology, Engineering and Mathematics) education at all levels. He pointed out a number of area schools have participated in the program including NCSU, Shaw, St. Augustine's, Broughton, Enloe, Heritage, Holly Springs, Millbrook, Southeast Raleigh, Carnage, East Millbrook, Ligon as well as others in the Wake County area. Mayor McFarlane questioned if they have approached the County Commissioners or the School Board with Mr. Weeks pointing out he does not know. Mr. Odom pointed out it sounds like more than half of the schools that have participated are inside the City limits. Mr. Weeks moved approval of a \$2,000 appropriation from City Council Contingency to provide sponsorship of the event. 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. See Ordinance 84 TF 188.

UNFIT BUILDING – 3327/3329 TRYON ROAD – EFFECTIVE DATE OF DEMOLITION DELAYED UNTIL JULY 17

Mr. Weeks indicated at the last meeting the Council adopted an ordinance declaring the buildings at 3327 and 3329 unfit and directed their demolition. He stated the property owner lives in Tennessee and was not able to attend the meeting. She is sending information. Inspector Ashley Glover pointed out it was an order to demolish. The property contains two old houses which are in very bad shape. He stated he had talked to the owner but she doesn't seem to feel

that she has the funds to repair the dwellings. In response to questioning from the City Attorney, Mr. Glover pointed out they have held off on issuing a contract because they had received word that Mr. Weeks was working on the issue. It was agreed to hold off and place the item on the July 17 agenda for further consideration.

ANIMALS – BARKING DOGS – COMMENTS RECEIVED

Mr. Weeks stated he had received some complaints about locations which have a number of dogs which bark constantly. He stated he had talked to the City Attorney as to whether the City has any limitations on the number of dogs that can be in one location pointing out he understands there is no limit; however, a dog which barks constantly could be declared a public nuisance or a violation of the noise ordinance. He stated he would pursue his concerns through that avenue.

PUBLIC NUISANCE – 2325 SANDERFORD ROAD – REFERRED TO ADMINISTRATION

Mr. Weeks indicated the property at 2325 Sanderford Road has a lot of tree limbs, debris, etc. He stated he understands the Inspections Department had gone out and left a note on the door however nothing has happened, the tree limbs and trees are still down everyone. He asked administration to revisit the situation.

WATER BILL – CONCERNS – REFERRED TO ADMINISTRATION

Mr. Weeks stated he had received concerns relative to a water billing problem. He stated as he understands the person had their water turned off, they paid the delinquent bill and was told that was the only thing they would have to pay. The water was turned back on but then they received an additional bill of \$50. He stated he would provide the information to the City Manager to investigate.

COUNCILOR STAGNER'S COMMENTS – RECEIVED

Mr. Stagner expressed appreciation to Mr. Mulder for his offer to assist in the Brentwood Today Lake situation pointing out hopefully we can come up with a win/win situation there.

Mr. Stagner stated he would like to publicly apologize to the Greenway volunteer Group Event pointing out he missed a recent meeting that he had committed to attend as he put it on the calendar wrong and it conflicted with his son graduation from a Special Operation event.

Mr. Stagner talked about the recent situation at the General Assembly in which votes were being taken to overturn the Governor's veto. One of the members mistakenly voted incorrectly but was not allowed to do so. He stated he feels it was wrong to not allow the mistaken vote to be changed.

SUMMER RETREAT – SCHEDULED FOR AUGUST 6 – TIME AND LOCATION – TO BE DETERMINED

Mayor McFarlane indicated she had not received responses from all Council members as to when they would like for the summer retreat to be scheduled. She gave out the possible dates – July 23, August 6 and August 13. After discussion among Council members as to availability it was agreed that the retreat would be scheduled for the morning of August 6, 2012. Depending on the number of priorities to be discussed, a determination will be made as to whether it would be a half a day or whole day retreat. At this point, it is scheduled for the morning of August 6 with a time and place to be announced.

Mayor McFarlane asked all Council members to get their priorities to her by next Friday so that an agenda could be prepared.

TRIANGLEWIKI.COM – REPORT REQUESTED

Mr. Gaylord talked about Trianglewiki.com which is a website a lot of citizens are developing. He stated he learned a lot about it at CityCamp and it was recently featured in an interview on North Carolina Now. He pointed out they are working on a partnership with a mobile app and he would like to explore how the City can support their effort by uploading or copying and pasting the City's information on their website. This will enable citizens to get to that data quicker and have the data in an editable form. He stated he would like to get a report on how staff could assist with these efforts in conjunction with their day to day operations. Mr. Gaylord stated he did not want to add on additional task but questioned how we could assist or how it could be supported. Once the Council receives the report it could be decided how to proceed.

City Manager Allen pointed out staff is working on the open data catalog and it seems that would be important to this effort. Mr. Gaylord stated that is a totally different animal. He stated this is things such as public parks, art etc. He stated some departments have been excited about getting their information out in various forms but it has not been presented to all departments. He would like feedback as to how that could be deployed to all departments in a uniform manner so that all could participate. The item was referred to Administration.

RED LIGHT CAMERAS – COMMENTS RECEIVED

Mr. Crowder indicated he is a big supporter of the Red Light cameras where needed. He stated however he has been seeing reports about Cary being sued relative to the yellow lights being too short. He stated he wants to make sure that we do not get in the same situation. It may be an issue of checking the timing to make sure that we have safe timing for stopping and not have a situation where it seems to become a speed trap. Mr. Gaylord talked about his mother-in-law receiving a ticket.

INTERNET SWEEPSTAKES – COMMENTS RECEIVED AND INFORMATION REQUESTED

Mr. Crowder expressed appreciation to the City Manager for the memo on the internet sweepstakes. He asked about the possibility of locational criteria such as we have for adult entertainment, etc. It was pointed out that item is pending in Law and Public Safety Committee.

Mayor McFarlane questioned the privilege license schedule and questioned if there is any reason there is a maximum on the privilege license for sweepstake business. City Manager Allen pointed out there is a maximum on all privilege licenses. Mr. Crowder stated maybe we could look at some of the other municipalities in terms of amounts. City Manager Allen pointed out when the fees were placed on this type business staff did look around and established a pretty aggressive fee schedule. Mr. Crowder pointed out there has been a lot of discussion about this lately and explained discussion that took place at a recent Triangle J meeting. He stated maybe the City could look at other municipalities such as Hillsborough as they just changed their fees and he thought they were pretty high. Administration was asked to provide information.

BEAUTIFY EMERGING SPACES TOGETHER – COMMENTS RECEIVED

Ms. Baldwin indicated at a recent Triangle Transit meeting, they had a presentation from Beautifying Emerging Space Together – BEST. She stated they asked about doing a project in Raleigh and talked about work they have done such as a bakery store front. Ms. Baldwin stated they are going to transform one of the Dillon Supply buildings on South West Street. Ms. Baldwin stated it is an exciting concept and pointed out Council and the public could view the proposal at Raleighemergingspaces.com. She explained Jason Craighead, Arts Commission, is going to head up the effort. She explained this is a fairly loose community that comes together for these projects. On July 27, they are planning to have a fund raising event and she feels it would be important for the Council to attend and support the efforts. She stated the Triangle Transit Authority will be supporting them in this effort. She stated she wanted to make the Council aware of the proposal, the fund raising event, and explained they are looking at an October/November time frame for this project. It will have a transportation theme as well as people in movement.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

The City Clerk reported the following results of the ballot vote:

Appearance Commission – One Vacancy – Mr. Crowder nominated Matt Tomasula, Damien Graham had been nominated. It will be carried over to the next meeting.

Convention Center Commission – One Vacancy – John Burns – 6 (Stephenson, Gaylord, Crowder, Baldwin, McFarlane, Stagner)

Environmental Advisory Board – Two Vacancies – Ms. Baldwin nominated Harry C. Johnson, IV. Mr. Stagner nominated Patricia Moilan.

Housing Appeals Aboard – Four Vacancies – No Nominees

Parks, Recreation and Greenway Advisory Board – Two Vacancies – (Under nominations it was pointed out that the Council recently reappointed Jan Pender to the Parks, Recreation and Greenway Advisory Board but it is now been determined that she is not able to serve; therefore, there is one additional vacancy making two vacancies on the Board). Mr. Crowder nominated Megan Hinkle. Mr. Gaylord nominated Robert Putze; Ms. Baldwin nominated Steve Hepler.

Raleigh Historic Development Commission – Three Vacancies – Elizabeth Caliendo – 6 (Stephenson, Gaylord, Crowder, Baldwin, McFarlane, Stagner); Sarah Woodard David – 8 (All Council Members); Rachel Rumsey – 6 (Stephenson, Gaylord, Crowder, Baldwin, McFarlane, Stagner). The three will be appointed.

Human Relations Commission – One Vacancy - Mr. Weeks nominated Melissa Martin.

Substance Abuse Advisory Commission – One Vacancy – No nominees

The vacancies in the Appearance Commission, Environmental Advisory Board, Housing Appeals Board, Parks, Recreation and Greenway Advisory Board, Housing Appeals Board, Human Relations Commission and Substance Abuse Advisory Commission will be carried over to the July 17 meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

Council Members received in their agenda packet copies of the minutes of the June 11 and June 18, 2012 Work Sessions and the June 19 City Council meeting. Mr. Weeks moved approval as presented. His motion was seconded by Mr. Odom and a roll call vote resulted in all members voting in the affirmative. The Mayor rule the motion adopted on an 8-0 vote.

DANGEROUS DOG APPEAL BOARD – JOE BLOMQUIST – APPOINTED

In October 1990, State law concerning dangerous dogs became effective. A part of the law involves the City designating a person or group who would be responsible for designating potentially dangerous dogs and administrative appeals board. The City's board consists of Lawrence E. Wray and Elizabeth Murphy, and Assistant Director of Inspections Jim Tschupp. Mr. Tschupp, who is retiring, does not wish to continue to serve. Administration recommends

the appointment of Joe Blomquist to replace Mr. Tschupp. Mr. Blomquist retired in 2006 as Animal Control Supervisor for the City of Raleigh after thirty years of service and currently works for North Carolina Department of Agriculture in the Veterinary Division as Outreach Coordinator in the Animal Welfare section. Mr. Blomquist has agreed to serve. It would be appropriate to appoint him to this committee.

Mayor McFarlane pointed out Lawrence E. Wray is a member of this Board and questioned if he was appointed to represent the City. The City Clerk reported he was appointed to the Board when he was Assistant City Manager; however, there is nothing in the criteria which indicates there should be a City employee on the Board. In response to questioning, the City Clerk explained the City recently received an appeal and as she was setting up the Board meeting, it was determined that Mr. Tschupp did not wish to continue to serve. The Animal Control Supervisor for the City made contact with Mr. Blomquist who indicated he would be glad to serve. In response to questioning the City Clerk pointed out this is the first time the Board would have met in about three years. She stated; however, the appeal that brought the question up has been withdrawn.

Mr. Weeks moved approval of the appointment of Mr. Blomquist as recommended. His motion was seconded by Mr. Odom and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane stated a motion is in order to enter closed session pursuant to G.S. 143-138.11(a)(3) and (5) for the purpose of instructing City staff concerning negotiation for properties in the following area: 1) acquisition of potential park site and to consult with the City Attorney regarding the recently filed arrival star patent infringement case and one workman's compensation case. Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Mr. Stephenson and put to a vote which passed unanimously. The Council went into closed session at 2:38 p.m.

The Council reconvened in open session at 3:05 p.m. Mayor McFarlane pointed out the City Council received a report from the City Attorney and the City Manager and provided guidance.

Recess: There being no further business, Mayor McFarlane announced the meeting recessed at 3:05 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC07-03-12

The City Council of the City of Raleigh met in regular reconvened meeting at 7:00 p.m. on Tuesday, July 3, 2012 in the City Council Chamber of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 West Hargett Street, Raleigh, North Carolina. All Council members were present.

The following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

CATCH THE FIRE RALEIGH – VOLUNTEER WORK – COMMENTS RECEIVED

Carlos Rodriguez, lead Pastor at Catch the Fire Raleigh pointed out their Church as been in Raleigh some 4 years. Mr. Rodriguez expressed appreciation to the City Council for their work and leadership for the City of Raleigh. He stated most of the members of his Church are not native Raleigh but come from all over the country and many different countries. They are very happy to be in the Raleigh area. He explained their church is close to Leesville School pointing out they do a lot of volunteer work including teaching and tutoring English as a second language to student at Leesville School. He also stated they work to help the poor and explained their activities in the Bragg Street area. He stated they have a lot of young people in their church and again expressed appreciation to all for the wonderful city. Mr. Rodriguez introduced Duncan Smith who had the vision for the Church to come to Raleigh.

Duncan Smith apologized that they had not been before the Council before to show their respect to the leadership of Raleigh. He explained their Church is located at 922 South Leeville Road and they have some 400 members. He stated they received an anonymous contribution of \$1.2M and a second anonymous contribution of some \$100,000 pointing out they felt it was from the same source and they were able to build and pay for their church. He again stated they are before the Council to show their respect for the leadership of the City and say thank you for a job well-done. The comments were received.

STORMWATER COST SHARE REQUEST – 3402 BRADLEY PLACE - APPROVED

John Kelly had requested the Council to approve a petition to the City of Raleigh for water quality cost share assistance for the installation of a 1,000 gallon above ground cistern. Mr. Kelly indicates the City of Raleigh stormwater utility staff has reviewed the project; however, it has not been reviewed by the Stormwater Management Advisory Commission because of the type guidelines.

City Manager Allen pointed out staff had reviewed the request and it does meet all of the City's criteria and he feels it would be reasonable for the City Council to grant the request. Mr. Crowder moved approval. His motion was seconded by Ms. Baldwin.

Mr. Stagner questioned why this did not go through the normal process. Mr. Kelly explained the cistern has been put in place already. He explained they were trying to save on the use and cost of watering and started to work installing the cistern. At that point they became aware of the

stormwater program. He stated he is requesting reimbursement in the amount of \$1,762.50 under the cost share program. Back up information provided to the Council stated the total cost of the cistern installation was \$2,350, the petitioner has agreed to a 10 year maintenance term and has all of the information and documentation needed for seeking a reimbursement. Mr. Kelly pointed out when he became aware of the program he contacted the City and city staff came out and observed the installation.

Mr. Stagner applauded the efforts to conserve but we have our process in place and questioned why we did not follow the process. He feels this request should go through the normal process. It was pointed out this is a routine request and going through the process would just slow it down. The work has already been done. Mr. Stephenson asked about the possibility of changing the process so that they will not have to come back to Council or go through the process if all of the requirements have been met. When a request is received and it meets all the criteria it may save time and effort not to have to go through the total process. Mr. Crowder stated under the circumstances, he is ready to move forward on this. There is no need to send them through the approval process and waste the time of the Stormwater Management Advisory Commission, staff, etc. Staff has looked at it, it meets all of the criteria and they would be supportive of the request.

Mr. Stagner stated he understands but we have a process in place and it seems that we should follow the regular process. How the process works was talked about. Mr. Kelly stated he had already got into the process when he found out about the program and because of the planting season and the fact that he already had the cistern onsite, he moved forward. He made a mistake as he should have complied with the regulations or the process but did not.

Mr. Stagner made a substitute motion that this go through the Stormwater Management Advisory Commission or the regular process. His motion was seconded by Mr. Odom and put to a vote with results as follows. Noes – 4 (Crowder, Baldwin, McFarlane, Weeks); Yes – 4 (Odom, Stephenson, Gaylord, Stagner). The Mayor ruled the motion defeated on a 4-4 vote. The original motion to approve the request was put to a roll call vote which resulted in all members voting in the affirmative except Mr. Odom and Mr. Stagner who voted in the negative. The Mayor ruled the motion adopted on an 8-0 vote.

ZONING – REQUEST TO FILE FOR PARCEL AT 5916 SANDY FORKS ROAD – APPROVED

Attorney Jason Barron, representing Kimberly Development Group, requests permission to late file a conditional use zoning petition with respect to 0.59 acre parcel located at 5916 Sandy Forks Road. In order for the case to be heard at the regularly scheduled public zoning hearing on October 16, 2012.

City Manager Allen pointed out staff has reviewed this and we can meet all of the statutory requirements. If the Council chooses to approve the request. Staff recommends that the submittal, deadline be Friday, July 13, 2012. Ms. Baldwin moved approval as outlined by the

Manager. Her motion was seconded by Mr. Crowder and put to a roll call vote which passed unanimously. The Motion ruled the motion adopted on an 8-0 vote.

MATTERS SCHEDULED FOR PUBLIC HEARING

SIDEWALK ASSESSMENT ROLLS 411, 413 AND 414 – VARIOUS – CONFIRMING RESOLUTIONS ADOPTED

This was a hearing to consider adoption of resolutions confirming the cost outlining the following preliminary assessment rolls:

- Sidewalk AR411 – Barrett Drive according to charges outlined in Resolution 2012-593 adopted on June 5, 2012.
- Sidewalk AR413 – Daniels Street according to charges outlined in Resolution 2012-594 adopted on June 5, 2012.
- Sidewalk AR414 – South Street according to charges outlined in Resolution 2012-595 adopted on June 5, 2012.

The Mayor opened the hearing on each location no one asked to be heard thus the hearings were closed. Mr. Crowder moved adoption of confirming resolutions as outlined. 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. See Resolutions 336, 337 and 338.

COMMITTEE MEETINGS – VARIOUS – REPORTS RECEIVED

Mr. Weeks stated the Public Works Committee meeting scheduled for July 10 has been canceled. Ms. Baldwin reported the Law and Public Safety Committee meeting scheduled for July 10 has been canceled. Mr. Gaylord reported the Technology and Communication Committee scheduled for July 10 has been canceled. Mr. Stephenson stated the Comprehensive Planning Committee meeting scheduled for July 11 will be held on schedule. Mayor McFarland stated she will check to determine if there are items that need to be discussed in Budget and Economic Development Committee. If there are none needing discussion, it too will be canceled.

Adjournment. There being no further business, Mayor McFarlane announced the meeting adjourned at 7:20 p.m.

Gail G. Smith
City Clerk

jt/CC07-03-12