

Midtown Citizens Advisory Council

<http://www.raleighnc.gov/community/content/CommServices/Articles/CAC/MidtownCAC.html>

Monday, November 27th 7:00p.m.

**Five Points Center for Active Adults
2000 Noble Rd. Raleigh, NC 27608**



Agenda:

- I. Welcome, introductions, review of minutes
- II. RPD Report
- III. Parks, Recreation, and Cultural Resources Report
- IV. Community Engagement Report
- V. Code Enforcement Report
- VI. Presentation and vote regarding creation of a North Hills Neighborhood Conservation Overlay District. Jason Hardin (COR Planning Dept.), Kim Dittmann and Amy Bullington (North Hills neighborhood NCOD committee)
- VII. Comp Plan Updates, Jason Hardin (COR Planning Dept.)
- VIII. Presentation and vote regarding rezoning request Z-26-17 for property at 5101 Six Forks Rd. converting from R-4 to OX-3-PL with conditional uses added by the property owner
- IX. New Business

MCAC Information

Leadership Team:

Chair: Patrick Martin, Acemar@aol.com
First Vice Chair/Secretary: Susan Donn
Second Vice Chair: Lubin Prevatt
Third Vice Chair: Dwight Otwell
Meeting Coordinator: Peggy Reaugh
Liaisons: Thad Obriant, Lubin Prevatt, David Jones
Community Specialist: Michelle Bandklayder,
Michelle.Bandklayder@Raleighnc.gov

Registered Neighborhoods:

Anderson Forest HOA
Birchwood Hills Association
Briarwood Community
Chandler Place HOA
Farrior Hills Garden Club
Hill & Hollow Community Watch
Inman Park Community Association
North Hills NA
Ridgeloch HOA
Yorkshire Downs HOA

***To register your neighborhood in the MCAC,
reach out to your Community Specialist!***

City of Raleigh Information

City Manager: 919-996-3070
Public Utilities: 919-996-4540
Community Engagement: 919-996-4330
Planning: 919-996-2626
Street Lights Out: 800-419-6356
Graffiti Hotline: 919-996-6001
Solid Waste Services: 919-996-6890
Public Works: 919-996-3030
Code Enforcement: 919-996-2444
Parks, Recreation, and Cultural Resources: 919-996-6833

Mayor: Nancy McFarlane
nancy.mcfarlane@raleighnc.gov
Council Member (District A): Dickie Thompson
dickie.thompson@raleighnc.gov
Council Member (District E): Bonner Gaylord
bonner.gaylord@raleighnc.gov
Council Member (at large): Mary Ann Baldwin
mary-ann.baldwin@raleighnc.gov
Council Member (at large): Russ Stephenson
russ.stephenson@raleighnc.gov

Midtown CAC
Minutes from October 23, 2017
Patrick Martin, Chair
Eastgate Park, 4200 Quail Hollow Drive

Welcome: Patrick Martin, Chair, Midtown CAC

Chair Martin welcomed residents and guests (COR employees and Guest Speaker, Lawyer Amanda Martin). He also reminded everyone to sign in at the welcome desk. Attendees introduced themselves and identified their neighborhoods.

Attendees: Total attendance: 29. There were 23 residents; 5 Raleigh Staff (Police, Community Engagement, Code Enforcement, Planning, and Parks and Recreation) and our speaker.

Review of Minutes of the September 25, 2017 meeting – Chair Patrick Martin

After Chair Martin gave the attendees a few minutes to read over the Minutes from September 25, 2017, a motion was made, seconded, and unanimously approved to accept the minutes as written.

Raleigh Police Department Report – Senior Officer Kenneth Klos-Weller

Officer Klos-Weller began his report with the sweepstakes robbery from last month. There were two robberies recently attempted one was an employee behind Red Lobster (outside MCAC) and another at Newton Road and a third in Cary. Police were able to find someone in jail for another reason to confess to these multiple attempts/robberies.

Q: I heard there were shots fired at Crabtree Mall.

A: As of 7:00 p.m. tonight, there is someone in custody,

Q: Why are these sweepstakes places allowed in neighborhoods?

A: Gaming is allowed in this zoning because it is a form of entertainment. Rezoning is possible, but likely the owners would just change their name and remain.

Housing and Neighborhoods Dept. - Code Enforcement – Blade Perdue, Inspector

Mr. Perdue provided a brief report saying that he continues to “write up” over-grown grass a lot. He also asked residents if they had any questions/issues. Chair Martin asked if Mr. Perdue had seen the overgrowth on one corner of Six Forks, and he said he had been there.

In order to accommodate the needs of our guest speaker, Chair Martin changed the typical order of our presenters.

NC Public Records Law – Amanda Martin, Attorney (Stevens, Martin, Vaughan and Tadych)

Ms. Martin has been using and helping others (including the media, students) use the NC Public Records Law for 25 years. She is happy to respond to email (amartin@smvt.com) and she has a blog (1stForAReason.wordpress.com). She made a PowerPoint presentation and gave us “North Carolina Public Records Law: A Practical Guide,” which is attached.

I. First things first

1. Understand your rights and be prepared – you can ask for documents but you cannot demand answers to questions

2. You must identify a document – they cannot create one. A document can be an email which is also a public record. What are you looking for?

3. What does it cover? In NC we can ask any of the three branches of government. “If it meets the definition of a public record it must be provided unless it is specifically exempted by statute (and has a statute number).”

4. How to tell which records are public? “Records made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of the NC government or its subdivisions.” Your personal Yahoo account can be both private, “I’m off to get some milk.” or public if it relates to “business.” The content matters!

5. Documents can be straightforward or not. Documents are anything you can name, that is tangible: photos, letters, email, text messages. They range from unequivocally public to unequivocally not public. Or from “red light” to “green light” to discretionary yellow light.

red light – cannot give you that info (tax returns, trade secrets)

green light – can give you that info (routine correspondence, budgetary and financial documents, meeting records/minutes)

yellow light – giving this info depends - it’s discretionary (police interviews and records)

6. An example of public vs. non-public: the city outsourced a traffic study. When the city receives it, it is now a public record. Be aware of, “I cannot give it to you” vs. “I will not give it to you.”

7. Who to talk to? Go to who has the document. “A public official in charge of an office having public records.” You don’t have to say who you are, or why you want the record, or what you are going to do with the information.

The Office of the Attorney General has a 16 page pamphlet you can obtain.

Q: How can someone get the pamphlet?

A: Go on NC Attorney General website and make request.

Q: Are Facebook and Twitter public records?

A: I would need to know more. Is it set up to be a public page? Text messages could be public records but sometimes people delete them.

Q: What is the retention time/schedule? How long must records be held?

A: That is complicated. I tried to get a copy of schedules, but there is a different schedule for different items.

Q: What about consultants to government agencies?

A: All of their correspondence is open. A company doing a bid or RFP can ask to keep it silent. A lawyer’s advice to a public servant is not open. You can ask for communication from the lawyer, but cannot speak directly.

Q: How long should it take to get information? I work for the News and Observer.

A: The statute says you have the right to get information “as quickly as possible.”

What to ask and how to ask: You should fish with both a line and a net. You can say, I’d like the following, “and any other documents.”

Use detail to speed response time. Do you want an email? or are you looking for a database?

You decide the format you want and ask for it.

To keep down costs, look at the documents first (that’s free) then pay to get copies of what you want.

Q: Do you have to go to the place the documents are kept?

A: You do not need to be present. “Please email these documents to me.”

Q: What about the cost of scanning.

A: You can be charged for the actual cost of producing the records (cost of paper, ink, amount of energy used by the copier, etc.). Court records are different. A provision of the law is being litigated based on your wanting an excessive amount of information. There is a provision in the law that says if they have confidential and non-confidential information, you don’t have to pay for them to separate the material.

Tips: If you ask for a lot of material, suggest that they send it in batches as they become available.

If you know they will fight, tackle it head on.

If there is a statute or case that is directly on point, cite it.

Public records are public from the time they are created. They need not be final. (“I understand this is a draft, you can stamp that on the documents if you’d like.”)

You don’t have to say “why.”

You don’t need to pay to sort confidential vs. non-confidential documents.

You only pay the actual cost.

If you have a cap on costs, include that in your cover letter.

They don’t have to, but ask for an explanation for why they won’t give it to you.

If you are willing to discuss/narrow your request, say so.

When you get them, scan them before you do anything else. (Avoid using white-out!)

Do you need to know specifics in advance? It will help but it’s not required.

You can see it and take photos. You can take a portable scanner to the office.

An individual does not need an attorney. But groups do.

The complete PowerPoint is located at: <http://tinyurl.com/SMVT-Midtown-PP>

Other sites Attorney Martin included: tinyurl.com/NC-Open-Meetings

<https://canons.sog.unc.edu/category/open-government>

Rezoning (Z-26-17) - Sharon Hammill, property owner

Ms. Hammill introduced herself as the property owner at 5101 Six Forks Road. She has an in house hair salon business for the past 26 years. She plans to rezone her home and try to sell it. There is a gas line on the Shelley Road side of the property and it supplies and has been supplying all of North Raleigh with natural gas for a number of years. “It is a magnet for cars.”

Q: How large is the property?

A: .54 acres

Q: Will you be closing off the driveway that goes onto Six Forks Road?

A: That hasn’t been discussed.

“There is no buyer yet. I don’t think it will sell as a house because of the gas line.”

Rezoning (Z-26-17) - Jason Hardin, COR Case Planner

Mr. Hardin talked about some of the properties near this property and their zoning. There are no specific conditions at this time, but they are asking for OX-3-PL. PL means parking limited. The application is likely going to the Planning Commission on November 14 or 28.

Q: Will City Planning close the driveway onto Six Forks?

A: There is no driveway on the Study maps.

Q: How much will be lost if the Six Forks Corridor Study is approved?

A: 20 feet

Q: Can we make recommendations as a CAC about what we want to see on that corner?

C: We don’t want restaurants.

A: You are welcome to share your opinions. This would be most conducive to office use. The UDO has conditions that will affect this rezoning.

Chair Martin added that there are no conditions proposed, but the other commercial lots in this area have conditions. The conditions include time when deliveries can be made, outdoor lighting, plantings, square footage, etc. Chair Martin proposed that we postpone the vote until November, and that we form a subcommittee to develop conditions for this case. “Ms. Hammill, are you willing to wait to file the application?” “Yes, I am happy to wait and work with a group.”

Chair Martin asked for volunteers to help craft conditions.

Q: Can I email recommendations or do we have to meet in person.

A: An in-person meeting would be best.

Four residents agreed to meet and discuss the conditions at another time.

North Hills NCOD – Jason Hardin, COR Case Planner

Mr. Hardin summarized the steps associated with the North Hills NCOD which provides customized zoning. The process included:

1. citizen’s petition

2. neighborhood study
3. text change
4. rezoning

The NCOD is at stage 4, and City Council voted to have CoR staff file the necessary paperwork for the rezoning.

The North Hills NCOD provides a minimum lot size of 14,000 sf, a minimum lot width for an interior lot of 90 ft. and minimum lot width for a corner lot as 110 ft.

Q: Will this get a Z number?

A: Yes and it will be brought to the CAC for a vote.

These are the final steps in the process:

There will be a neighborhood meeting on October 20 at St. Timothy's from 6:00-7:00 p.m.

Staff review will take two weeks.

Then on November 27th MCAC will vote.

Next the Planning Commission will review and recommend.

Then the City Council will review and hold a public hearing and vote.

Q: How did the City Council react?

A: Council member Kay Crowder was in support of the NCOD and the City Council sees this is likely to happen in other neighborhoods too and they made positive remarks.

Q: What if a lot is currently less than 14,000 sf.?

A: Those lots will be accepted as is.

C: This is customized zoning based on a community conversation.

Nominating Committee – Mrs. Frances W. Brooks, Chair

(Full report is attached with the original minutes.)

Chair Frances Brooks reported on the slate of officers for 2018 that she and fellow committee members David Jones and Thad O'Briant proposed at the September 2017 MCAC meeting. She read the names of the Nominees: Patrick Martin, Chair; Susan Donn, 1st Vice Chair and Secretary; Lubin Prevatt, 2nd Vice Chair; Dwight Otwell, 3rd Vice Chair; Peggy Reaugh, Meeting Coordinator; and Lubin Prevatt, David Jones and Thad O'Briant, Liaisons. There was a motion to accept the slate that Chair Brooks had respectfully presented. There was subsequently, a second to that motion. A voice vote was unanimous to accept the slate (20 to 0). Officers will begin serving January 1, 2018 and serve for one year.

New Business and Announcements - Chair Patrick Martin

Chair Martin announced an Environmental Town Hall at Meredith College Jones Auditorium Thursday, October 27th at 6:30 p.m. - 8:00 p.m. N.C. Rep. Cynthia Ball is sponsoring a panel on the Environment and the Risks of Regulatory Reform.

Wake Transit is holding a series of 10 meetings throughout the county for citizens to learn more about and to offer feedback about public transport. Residents may drop in any time between 5:30 to 7:30 p.m. unless otherwise noted on this website:

<http://www.waketransit.com/upcoming-public-meetings>.

There will be a ground-breaking ceremony November 9 and construction will start November 13th on a renovation of Moore Square, downtown.

Chair Martin proposed changing our meeting day to the first Monday of the month. When MCAC was formed, City Council met on a different schedule than they currently meet. They now meet on the first and third Tuesdays and it would be wise for us to meet earlier in the month. Chair Martin suggested that council members might be more likely to attend our meetings if they are held early in the month, plus we would avoid conflicting with a number of holidays that occur at the ends of months. We will vote at the November 27, 2017 meeting.

Q: Are there better meeting room options?

A: Chair Martin responded that he prefers to not meet at Eastgate. Then he referred the question to Ms. Bandklayder who explained that the answer to a different meeting space is being handled by Sheila Lynch, Supervisor in Community Engagement. She is working directly with Parks and Recreation.

Q: Chair Martin wondered aloud why some time ago the calendar at Five Points Center was open, and now it is not!

A: Vice Chair/Secretary Donn requested a vote on how many residents would prefer the Five Points Center for Active Adults (8 in favor) and how many prefer the Eastgate location (5). The rest abstained from voting.

Q: Is the Five Point Center in the MCAC area?

A: Ms. Bandklayder responded that it is not.

Holding up a recently purchased lawn/street sign announcing the next meeting, Ms. Donn asked residents if they liked them. Given a positive response, she explained that more will be ordered and be available for residents to put in their yards from Thursday before a meeting until Monday night when the meeting had been held.

There is a meeting of the Planning Commission Committee of the Whole, on Thursday at 4 p.m. in Council Chambers about the Six Forks Corridor Study.

Chair Martin asked Vice Chair Dwight Otwell for an update of the meeting he, Vice Chair Lubin Prevatt and Ms. Karen Solari had with City Planners Roberta Fox and Travis Crane about a small area plan for Midtown. A contractor will be hired for \$250,000. But, MCAC members want to see how we can be involved in the process. The area plan can help with capital projects, road upgrades and some rezoning recommendations, but not traffic calming.

Planner Jason Hardin stood up with some maps and described the impact the Small Area Plan might have on the NCOD that Kym Dittmer has been shepherding. He also explained that they are close to naming the consultant. There is not yet a project page online for this project. But the map shows the Area Plan roughly forms a triangle bounded by Millbrook Road, Six Forks Road, and Atlantic Avenue.

Vice Chair Otwell continued that MCAC should form a steering/advisory committee to get residents involved. Council Member Russ Stephenson suggested we form a “Confirmation Group.” Planner Hardin said that the process is likely to take 18 to 24 months.

Chair Martin suggested we continue the conversation at our next meeting. He will reach out to Shelley Winters, Chair of the Atlantic CAC since Atlantic Ave. is one of the boundaries.

Parks and Recreation - Susan Adams, Optimist Community Center

Ms. Adams announced the Boo Bash for children 12 and under, at Millbrook Exchange Park, on Friday October 27th from 5:30-8:30 p.m. This is a carnival type event with hay rides, etc. Be sure to wear a costume!

The Dog Park at Millbrook Exchange Park will be closing on November 1st for renovations

Beginning on November 18th at Johnson Community Center they will be collecting “Coats Because We Care,” and we were highly encouraged to drop off a coat or two.

Community Engagement Report – Michelle Bandklayder, Community Specialist

Ms. Bandklayder provided a brief update on their two classes: RNC and CLA. She then thanked Mrs. Frances Brooks for helping her design the new MCAC letterhead. If you are a member of a neighborhood association, please register it with Ms. Bandklayder.

The meeting was adjourned at 9:05 p.m.

The next meeting of the Midtown CAC is scheduled for Monday, November 27, 2017

City of Raleigh News

Green Stormwater Infrastructure Efforts Underway

The City of Raleigh’s Stormwater Management Division has had many successes over the last year, including establishing policies and procedures that can change the way land is developed today by including “green” options, like green roofs and rain gardens, in development plans. Green Stormwater Infrastructure uses landscape features that mimic nature to absorb and store rainwater while removing pollutants from the water before it goes to storm drains and local waterways. Including these practices in land development will reduce water pollution of streams and lakes and help reduce flooding. To learn more visit raleighnc.gov and enter the search term “Green Stormwater Infrastructure”.

Z-26-17

Property Address: 5101 Six Forks Road

Nearest Intersection: Six Forks Road and Shelley Road

Property Owner: Darryl Hammill, 5101 Six Forks Road, Raleigh, NC 27609; Phone: 919-673-7202; Email: drhammill@live.com

Project Contact: Sharon Hammill, 5101 Six Forks Road, Raleigh, NC 27609; Phone: 919-906-1780; Email: hammillsm@gmail.com

Property Size: .54 acres **Existing Zoning:** R-4 **Proposed Zoning:** OX

For more information on rezoning cases please go the following link:

<http://www.raleighnc.gov/business/content/PlanDev/Articles/DevServ/CurrentDevelopmentActivity.html>

