

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

1:00 P.M., TUESDAY
COUNCIL TOUR*
NOVEMBER 17, 2009
THE COUNCIL CHAMBER

***IMMEDIATELY FOLLOWING THE COUNCIL MEETING, THERE WILL BE A COUNCIL
TOUR OF POLICE, FIRE, PUBLIC WORKS AND SOLID WASTE SERVICE FACILITIES.**

PLEASE TURN OFF ANY WIRELESS EQUIPMENT WHILE IN THE COUNCIL CHAMBER
This equipment interferes with the meeting's sound transmission. Thank you.

NOTICE TO HEARING IMPAIRED:

Audio enhancements have been installed in the Council Chamber. Assistive listening devices are available upon request. Interpreters for Deaf and Hearing Impaired are available. If needed, please provide a 24-hour notice by calling 996-3100 (voice) or 996-3107 (TDD).

A. MEETING CALLED TO ORDER BY THE MAYOR

1. Invocation - Reverend Doctor H. C. Miller, Tupper Memorial Baptist Church
2. Pledge of Allegiance

B. RECOGNITION OF SPECIAL AWARDS**C. CONSENT AGENDA**

All items on the consent agenda are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the consent agenda will be a roll call vote.

1. Proposed January 2010 Conversion of \$55M S2004A COPs to Variable Rate Weekly Reset Mode

In January 2009, Council approved the conversion of the \$55M Series 2004A Convention Center Variable Rate Certificates of Participation (COPs) from a variable rate weekly reset mode to a one year fixed rate note which expires January 20, 2010. The purpose of the conversion at that time was to mitigate the effect of the national credit situation on the variable rate interest rate market and to serve as an alternative financing until a more beneficial long term structure would again be available. Current market conditions are such that it is deemed in the best interest of the City to effect a conversion back to a weekly variable rate reset mode at this time and to approve a new liquidity provider and remarketing agent. To proceed with the conversion, it is necessary for Council at its November 17, 2009, meeting to pass a resolution approving a new Standby Certificate Purchase Agreement between the City and Wachovia for the 2004A COPs; approving the conversion of the interest rate on the 2004A COPs back to the 7-day rate; naming Wachovia as successor Remarketing Agent and approving a new Remarketing Agreement with Wachovia; approving a Reoffering Circular for the offering of the COPs in the new 7-day rate and with Wachovia liquidity; requesting the Local Government Commission to approve the foregoing arrangements at its December 1, 2009, meeting; and, authorizing City staff to take such actions and approving such further actions as shall be necessary to carry out the conversion. Included in the agenda packet are suggested proceedings prepared by bond counsel for the above actions.

Recommendation:

Approve the above actions and adopt the resolution.

2. Recommended Areas for 2009-2010 City-Initiated Annexation Program

An initial formal step in the 2009-2010 City initiated annexation program is the adoption of the Resolution of Intent. The Resolution of Intent declares that it is the intention of the City to consider the annexation of specifically identified areas and to set public information meeting and public hearing dates on the matter. An annexation report on each area describing the area's specific statutory qualification criteria, services to be provided, the legal boundaries of the area and related matters will also be prepared. The Resolution of Intent action is followed by property owner notification. No final Council action is taken to annex until completion of the public hearing. Areas would be

considered for an effective annexation date of June 30, 2010. The approved annexation schedule calls for the formal Resolution of Intent to be adopted January 19, 2010.

Recommendation:

Defer approval of Resolution of Intent for the four (4) proposed annexation areas as a special item on the Tuesday, January 19, 2010, Council agenda.

3. Sublease of Space at 421 Fayetteville Street to Downtown Raleigh Alliance

On August 4, 2009, Council authorized the lease of office space with TSO Fayetteville, LLC, containing approximately 5,047 square feet at 421 Fayetteville Street to be used by the Parking Division for office needs in connection with the On-Street Parking Program. In the agenda report presented to Council, staff outlined the need for the space was necessitated by: 1. the City's upcoming move from contracted to "in-house" management of the On-Street Parking Program, and 2. Downtown Raleigh Alliance's need for space to house the Safety Ambassadors.

The City's lease with TSO Fayetteville, LLC authorized on August 4, 2009, has been finalized. In order to provide space to the Downtown Raleigh Alliance for the Safety Ambassadors, as described in the August agenda item, a sublease is needed. Space containing approximately 670 rentable square feet has been identified in Suite 210 for location of the ambassadors. The lease rate would begin at \$19/square foot with annual increases of 50¢/square foot. The term of the sublease would be 65 months. Rent rates and overall terms conform to those contained in the master lease between the City and TSO Fayetteville, LLC.

Recommendation:

Authorization to sublease approximately 670 square feet in Suite 210 at 421 Fayetteville Street to Downtown Raleigh Alliance for use by the Safety Ambassadors for office needs in connection with the On-Street Parking Program, under terms described above, and conforming with the master lease between the City and TSO Fayetteville, LLC for the space.

4. Amendment - Money Purchase Pension Plan

The City of Raleigh Money Purchase Pension Plan accounts for the employer contributions to the General Supplemental Retirement Plan. The plan provides that the City will contribute an amount equal to two times each participant's deferred compensation under the Deferred Pay Plan, provided that the maximum contribution made on behalf of any participant will not exceed 3% of such participant's compensation for the plan year. As part of annual City Council evaluations of the City Manager and City Attorney from 2002 (City Manager) and 2005 (City Attorney) through 2009 to-date, the Council has in some years increased the contribution percentages for those two persons. In a review of the plan by Womble Carlyle Sandridge & Rice, it was determined that the City should have approved plan amendments for all years in which the contribution percentages changed for the City Manager or City Attorney. Currently, Womble Carlyle is preparing a filing with the IRS to request retroactive plan amendments for all changes from 2002-2008. Because we are still in Plan Year 2009, it is appropriate to have Council approve the plan amendment for the contribution increase of the City Manager approved May 5, 2009, effective April 1, 2009. The Sixth Amendment to the Money Purchase Pension Plan and the accompanying resolution is provided in the Council backup materials and approves the City Manager's contribution change in 2009.

Recommendation:

Approve the Sixth Amendment to the Money Purchase Pension Plan and adopt the accompanying resolution.

5. Parade Route - West Edenton Street Vicinity

Steve Gambino, representing Sacred Heart Cathedral, requests a street closure on Sunday, December 13, 2009, from 2:00 p.m. until 4:00 p.m. for a religious walk.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

6. Easements**6.1 North Carolina Department of Transportation (NCDOT) Request for Right of Way and Temporary Construction Easements from City Property**

The North Carolina Department of Transportation (NCDOT) has requested right of way (1,557 square feet) and temporary construction easement (3,425 square feet) areas from City of Raleigh property at 2650 Wakefield Plantation Drive for construction of the NC 98 Bypass Project. Portions of a multi-purpose path now crossing the City's property along Falls of Neuse Road will be removed as part of the State's project. City staff from Parks and Public Works - Transportation Departments met with NCDOT staff and are satisfied with plans submitted by the State for reconnection of the multi-purpose path as part of the NC 98 Bypass Project. Based on an appraisal, NCDOT has offered the sum of \$1,700 as compensation for the needed real property interests. City staff has reviewed the appraisal and recommends acceptance of \$1,700 as compensation, due to the minimal area being impacted, the State's plans to reconnect the existing multi-purpose path and local real estate market sales data's support of the offer amount.

Recommendation:

Authorize conveyance of right of way (1,557 square feet) and temporary construction easement (3,425 square feet) areas to the State of North Carolina for NCDOT's construction of the NC Highway 98 Bypass project for monetary compensation in the amount of \$1,700 and subject to NCDOT's reconnection of the City's existing multipurpose path along Falls of Neuse Road.

6.2 Sanitary Sewer Easement Sale - St. Francis of Assisi Church in Raleigh

A request has been received from Russell C. Elmayer, Attorney-in-Fact for Michael F. Burbridge, Bishop, Roman Catholic Diocese of Raleigh, to purchase an existing 20-foot City of Raleigh easement. The development plans for the St. Francis of Assisi Church property have changed so that the requirements of the existing sanitary sewer main within the easement for sale changes the status of the public sanitary sewer main to private. All sanitary sewers associated with this sale of easement have previously been permitted and installed. The property owner will be responsible for all costs of the easement sale.

Recommendation:

Approve the easement sale and authorize the City Clerk to advertise.

7. Contract Amendment - Dempsey E. Benton Water Treatment Plant Construction Project - Amendment #8

The City currently has an agreement with Arcadis for the Dempsey E. Benton Water Treatment Plant Construction Project. Contract Amendment #8, in the amount of \$563,240, is for additional professional engineering services including on-site inspections for oversight of contractor activities, special inspections, design modifications for the Waste Handling system, assistance with validation of the ultra-violet (UV) Disinfection system, Startup Services for the new water plant, additional engineering services related to the LEED certification, evaluation of LED site lighting and various plant design modifications as requested.

Recommendation:

Approve Amendment #8 with Arcadis and the budgetary transfer.

Transferred From:

348-5210-790010-975-CIP01-80300001	\$563,240
DEBWTP Backwash Waste Recycle Facility	

Transferred To:

348-5210-792010-975-CIP01-88960000	\$563,240
DE Benton WTP	

8. Personnel Changes

8.1 Development Services Division - Position Reclassifications

part of the Phase I of the implementation plan of the newly-adopted organizational structure for provision of development services, the Development Services Division requests the reclassification of the exiting vacant Code Enforcement Inspector I position (PC#1376, Job Code 4204, PG32) to Development Services Records Systems Manager, Plans and Code Coordinator position (PC#1465, Job Code 4209, PG35) to Development Services Project Coordinator, Commercial Permit Specialist position (PC#1418, Job Code 4259, PG32) to Development Services Technician III, Commercial Permit Specialist position (PC#4085, Job Code 4259, PG32) to Development Services Technician III, Permit Auditor position (PC#5476, Job Code 4208, PG31) to Development Services Technician III, Permit Auditor position (PC#3807, Job Code 4208, PG31) to Development Services Technician III, Planning Technician position (PC#1165, Job Code 1112, PG31) to Development Services Technician III, Traffic Engineering Technician position (PC#1300, Job Code 4513, PG32) to Development Services Technician III, Administrative Assistant position (PC#5610, Job Code 0401, PG31) to Development Services Technician III and Senior Customer Service Rep position (PC# 1416, job code 0068, PG 27) to Administrative Support Specialist.

The Personnel Department has reviewed the request and concurs with the reclassification of the positions. Sufficient funds are currently available in Development Services salary accounts to cover the positions reclassification costs for the remainder of the current fiscal year. Attached are the budgetary transfers associated with these personnel transfers and reclassifications.

Recommendation:

Approve the reclassification of Code Enforcement Inspector I position to Development Services Records Systems Manager (Job Code 0481, PG 35), Plans and Code Coordinator position to Development Services Project Coordinator

(Job Code 0483, PG 36), Commercial Permit Specialist position to Development Services Technician III (Job Code 4262, PG33), Commercial Permit Specialist position to Development Services Technician III (Job Code 4262, PG33), Permit Auditor position to Development Services Technician III (Job Code 4262, PG33), Permit Auditor position to Development Services Technician III (Job Code 4262, PG33), Planning Technician position to Development Services Technician III (Job Code 4262, PG33), Traffic Engineering Technician position to Development Services Technician III (Job Code 4262, PG33), Administrative Assistant position to Development Services Technician III (Job Code 4262, PG33) and Senior Customer Service Rep position to Administrative Support Specialist (Job Code 0010, PG27).

Approve the budgetary transfers in the agenda packet associated with these personnel changes.

8.2 Parks and Recreation - Position Reclassification

The Parks and Recreation Department currently has a vacant Recreation Facilities and Program Supervisor I, pay grade 30 in the Recreation Division. It is desirable to reclassify the position to a Recreation Facilities and Program Supervisor III, pay grade 35. The Personnel Department completed a review of the request and concurs with the reclassification of the Recreation Facilities and Program Supervisor I to a Recreation Facilities and Program Supervisor III. Funds are available to cover the increase for the remainder of the fiscal year.

Recommendation:

Approve the reclassification of the vacant position #5151 from Recreation Facilities and Program Supervisor I, pay grade 30, class 2218 to a Recreation Facilities and Program Supervisor III, pay grade 35, class 2229.

9. Budget Amendments

9.1 Administrative Services

The following accounts should be increased by:

Revenue Account:

190-0000-532990-000	\$6,150,000
Appropriation from Prior Year	

Expense Accounts:

508-2210-791010-975-CIP00-99130000	\$6,050,000
Acquisition Costs	
508-2210-791030-975-CIP00-99130000	16,000
Legal and Recording Fees	
508-2210-791040-975-CIP00-99130000	25,000
Appraisals and Surveys	
508-2210-708030-975-CIP00-99130000	<u>59,000</u>
Appraisal/Environmental Assessment	
	\$6,150,000

Purpose:

To establish a budget for the acquisition of property located at 7704 and 7708 Burwell Road and 3222-3228 Spottswood Street in Raleigh, North Carolina that will be used for the Northeast Remote Operations Facility. Funding for this project will be provided through the transfer of prior year reserves in the Debt

Service Fund to the Remote Operations Projects Bond Fund and will be reimbursed from subsequent long term financing. Council approved this property acquisition on November 3, 2009.

9.2 Information Technology

The following accounts should be increased:

Revenue Account:

810-513270-1810-985-GRT00-70380000	\$10,000
Other Members Grant	

Expense Accounts:

810-600110-1810-985-GRT00-70380000	\$ 9,289
Salaries/PT	
810-620050-1810-985-GRT00-70380000	576
Social Security	
810-620060-1810-985-GRT00-70380000	<u>135</u>
Medicare	
	\$10,000

Purpose:

To accept a grant from Cisco Systems, Inc. and establish budgetary accounts.

10. Thoroughfare Facility Fee Reimbursement Contract

2009 #12 Thoroughfare Facility Fee
 DRPFC 1, LLC/
 8325 Six Forks Road/
 Priority 2 Project
 Total Reimbursement \$2893.70

Recommendation:

Approve contract.

11. Slope and Permanent Drainage Easement Item - (Condemnation Request)

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

Project Name: New Falls of Neuse Road Realignment and Widening Project (Phase I)
 Name: River Run Neighborhood Association. Inc.
 Location: 1905 Lowery Farm Lane

Recommendation:

Adopt a resolution of condemnation for the easements needed from the above property.

12. Change Order - Dempsey E. Benton Water Treatment Plant Construction Project - Change Order #11 - Archer Western Contractors

This change order is for a net increase of \$595,283.

Reason:

For additional work related to the construction of the Dempsey E. Benton Water Treatment Plant, including additions to the Water Plant Fire Alarm System, Field Instrumentation additions, modifications and relocations for plant operation, lighting and HVAC modifications required for LEED certification, additional waterproofing for

concrete flumes between the GAC Filters and Final Filters and modifications to Dual Media Final Filters.

History:

Original contract amount	\$104,952,042
Previous net changes (DEDUCT)	(\$8,842,621)
New contract amount	\$96,704,704

Recommendation:

Approve the change order in the amount of \$595,283 and the budgetary transfer.

Transferred From:

348-5210-790010-975-CIP01-80300001	\$295,283
DEBWTP Backwash Waste Recycle Facility	

Transferred To:

348-5210-792020-975-CIP01-88960000	\$295,283
DE Benton WTP	

13. Transfer - Community Development

It is recommended that the following transfer be authorized:

Transferred From:

724-3210-790010-975-CIP04-86670000	\$600,000
Joint Venture Rental	

Transferred To:

724-3210-794010-975-CIP04-86660000	\$600,000
First Time Homeowner Program	

Purpose:

To provide additional funding for Community Development’s First Time Homeownership Program. There has been a high demand for assistance from this program by first-time homeowners who obtain first mortgage financing with City approved participating lenders. It is anticipated that current funding will be depleted by the end of December 2009, and the transfer would provide additional funding needed to meet anticipated applications through the end of this fiscal year.

14. Bid - Neuse River Wastewater Treatment Plant Grain Handling Improvements Project

Three construction bids were received on October 8, 2009, for the Neuse River Wastewater Treatment Plant Grain Handling Improvements Project. Engineered Construction Company submitted the low base and alternate deduct bid in the amount of \$663,000. Engineered Construction Company submitted a 15.1% MWBE participation plan.

Recommendation:

Approve the low base and alternate deduct bid of Engineered Construction Company in the amount of \$663,000 and the budgetary transfer.

Transferred From:

349-5210-790010-975-CIP01-94150000	\$ 73,471
NRWWTP Land Mgmt Facility Improvements	
349-5210-790010-975-CIP01-97970000	547,889

	Randleigh Center Sewer Extension	
349-5210-792010-975-CIP01-94150000		<u>22,407</u>
	NRWWTP Land Mgmt Facility Improvements	
		\$643,767
<u>Transferred To:</u>		
349-5210-792020-975-CIP01-94150000		\$643,767
	NRWWTP Land Mgmt Facility Improvements	

15. Traffic

Ordinances adopted by the City Council authorizing the following traffic changes will become effective seven days after Council action unless otherwise indicated.

15.1 Taxi Zone - North Street

It is recommended that a Taxi Zone be established on the north side of North Street, beginning 25 feet west of Glenwood Avenue, and extending westward 80 feet. It is also recommended that the current loading, and two hour parking zone at this location be adjusted.

A request was received to add another taxi zone in the Glenwood South area to help ease traffic congestion associated with the only existing taxi zone in the Glenwood South area, located on Johnson Street.

Recommendation:

Approve and amend the following Traffic Schedules.

Delete from Traffic Schedule 15D:

North Street, north side, beginning at a point 50 feet west of Glenwood Avenue, westward 63 feet

Add to Traffic Schedule 15D:

North Street, north side, beginning 85 feet west of Glenwood Avenue, westward 80 feet

Delete from Traffic Schedule 17:

North Street, north side, beginning at Glenwood Avenue, westward 50 feet

Add to Traffic Schedule 17:

North Street, north side, 3:00 a.m. to 5:00 p.m., beginning 25 feet west of Glenwood Avenue, westward 60 feet

Add to Traffic Schedule 22:

North Street, north side, 5:00 p.m. to 3:00 a.m., beginning 25 feet west of Glenwood Avenue, westward 60 feet

15.2 No Parking Zone - Transylvania Avenue

It is recommended that a No Parking Zone be established on the south side of Transylvania Avenue, beginning 562 feet east of Alamance Drive, and extending eastward 25 feet.

A request was received from the property owner/resident of 323 Transylvania Avenue that a no parking zone be established on Transylvania Avenue.

Recommendation:

Approve and amend the following Traffic Schedule.

Add to Traffic Schedule 13:

Transylvania Avenue, south side, beginning 562 feet east of Alamance Drive, extending eastward 25 feet

15.3 Speed Limit Reductions and Parking Restrictions - Harrington Grove

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Edgebury Road/Eaglesfield Drive, Earlham Court, Fairbridge Road, Jarden Court, Mabledon Court, Inglehurst Drive, Ranleigh Court, and Queensbridge Court. These streets are all designated as residential streets and are constructed to typical residential street standards. These streets are located in The Commons at Harrington Grove neighborhood and The Vale at Harrington Grove neighborhood. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75% of the residents or property owners along these streets are in support of this speed reduction request.

It is also recommended that No Parking Zones be established on the following streets: Earlham Court, Edgebury Road, Fairbridge Road, Inglehurst Drive, Jarden Court, Mabledon Court, Queensbridge Court, Ranleigh Court, and Townmeade Court.

Recommendation:

Approve as recommended.

If the above recommendations are approved, please amend the following Traffic Schedules:

Add to Traffic schedule 5A:

Earlham Court, in its entirety
 Edgebury Road/Eaglesfield Drive, in its entirety
 Fairbridge Road, in its entirety
 Inglehurst Drive, in its entirety
 Jarden Court, in its entirety
 Mabledon Court, in its entirety
 Ranleigh Court, in its entirety
 Townmeade Court, in its entirety

Add to Traffic Schedule 13:

Earlham Court, both sides, in its entirety
 Edgebury Road, both sides, in its entirety
 Fairbridge Road, both sides, in its entirety
 Inglehurst Drive, both sides, in its entirety
 Jarden Court, both sides, in its entirety
 Mabledon Court, both sides, in its entirety
 Queensbridge Court, both sides, in its entirety
 Ranleigh Court, both sides, in its entirety
 Townmeade Court, both sides, in its entirety

THIS IS THE END OF THE CONSENT AGENDA

D. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

1. The Planning Commission recommendations on the following items were unanimous. The Council may wish to consider these items in the same manner as items on the consent agenda. Items marked with one asterisk (*) beside the Certified Recommendation number are located within flood-prone areas. Items marked with the pound sign (#) beside the Certified Recommendation number are located within the Falls Basin or the Swift Creek Watershed Protection Area. Items marked with the plus sign (+) beside the Certified Recommendation number indicate special conditions for stormwater management. Items marked with (VSPP) beside the Comment indicate that a Valid Statutory Protest Petition has been filed. **Denotes Drainage Basins

CR Number	Subject	Vote	Recommendation	Comments
1. CR-11350	Z-29-09, 90-day Time Extension	11-0	Approval	Buffaloe Road, south side, southwest of Old Milburnie intersection

(THE FOLLOWING ACTION WAS TAKEN BY THE PLANNING COMMISSION AT THEIR NOVEMBER 10, 2009 MEETING, BY UNANIMOUS VOTE)

1. **Z-29-09 - Buffaloe Road, south side, southwest of Old Milburnie intersection - 90-day Time Extension**

This request is to amend the conditions on a property currently zoned Residential-6 Conditional Use approximately 127.24 acres in size.

CR-11350 from the Planning Commission recommends that the City Council grant a 90-day Time Extension for additional review by the Planning Commission.

E. SPECIAL ITEMS

1. **Water and Sewer Rate Ordinance**

During the October 20, 2009, Council meeting, the City Council adopted Ordinance 2009-665 adjusting water and sewer rates. The ordinance received five votes; therefore, it was directed that the item be placed on the November 3, agenda for second and final consideration.

At the November 3, Council meeting, not all Council Members were present; therefore, it was directed that the item be placed on this agenda for consideration. A copy of the ordinance is in the agenda packet.

2. **Raleigh Telecommunications Commission**

During the November 3, 2009, Council meeting, the following item appeared:

The Raleigh Telecommunications Commission (RTC) has completed a full review of the Powers and Duties granted to RTC by Chapter 9, Section 9-9004 of the Raleigh City Code (Ordinance Number 1983-167, §1, 8-2-83).

The passage by the General Assembly of a state based cable franchising law in 2006 (NCSL2006-151) and the subsequent termination of the local Franchise Agreement between the City and Time Warner Cable have nullified virtually all authorities and responsibilities assigned to the RTC by the Ordinance. It is the consensus of the RTC that the remaining responsibilities under the Ordinance as currently constituted and state and federal statute can be effectively fulfilled by city staff. RTC members therefore request and recommend that Mayor and Council consider the dissolution of the Raleigh Telecommunications Commission.

Discussion took place at the November 3, meeting relative to other work for the group and it was directed that the item be placed on this agenda for further consideration.

3. SU-5-09 - Special Use Permit - Solas Dine, Lounge and Roof

During the November 3, City Council meeting, a hearing was held to consider a request for a Special Use Permit to present outdoor amplified entertainment at the Solas, Dine, Lounge and Roof located at 419 Glenwood Avenue. Following the hearing, the Council voted to approve the Special Use Permit with conditions. Proposed findings of fact and conclusions of law drafted by the City Attorney are in the agenda packet.

4. SU-6-09 - Special Use Permit - Busy Bee Café

During the November 3, 2009, Council meeting, a hearing was held to consider a request for a Special Use Permit to present outdoor amplified entertainment at the Busy Bee Café, 225 South Wilmington Street. The request was approved with conditions. Proposed findings of fact and conclusions of law drafted by the City Attorney are in the agenda packet.

F. REPORT AND RECOMMENDATION OF THE CITY MANAGER

G. REPORT FROM THE AFRICAN AMERICAL CULTURAL FESTIVAL BOARD

The City Council has previously approved a \$25,932 grant in conjunction with a matching amount from Wake County so that the African American Cultural Festival Board could plan a proposed festival. The Board engaged Artspllosure to assist with the planning. The Board Chair will provide an update to Council.

H. REQUESTS AND PETITIONS OF CITIZENS (2:00 P.M. OR AFTER)

1. [Sterling Goodwin](#) would like to request release of civil citation and extension of time relating to repairs of dwelling at 212 Haywood Street.
2. [Eddie Coleman](#), The Coleman Group, Inc., would like to request a 30-day extension to complete repairs for the historic renovation at 522 Elm Street.
3. [Britt H. Johnson](#), Chadwick Townhomes Association, would like permission to close their privately-owned, privately-maintained road to non-neighborhood traffic.
4. [Melody Ray-Welborn](#) would like for the Council to consider the installation of a three-way stop at the intersection of Sunset Drive and White-Oak Road and Five Points.
5. [Kate Hearn](#) would like to appeal fines relating to Inspection violation at 412 New Bern Avenue.

I. MATTERS SCHEDULED FOR PUBLIC HEARING (2:00 P.M. OR AFTER)

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

<u>LOCATION</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NUMBER</u>	<u>VACATED & CLOSED</u>
614 Dorothea Drive (D)	Reeds Pointe Properties, LLC	0029505	June 24, 2008
213 Kennedy Street (C)	Daisy Lila Lee Heirs c/o J.D. Lee, Sr.	0041298	July 8, 2008

504 North Person Street (C)	The Coleman Group, Inc. R. Edwin Coleman	0045880	August 26, 2008
306 South State Street (C)	Aurora Loan Services, LLC	0078826	July 7, 2008

2. [A hearing to consider the adoption of a resolution confirming the charges for boarding of the Unfit Buildings as a lien against the property as listed below:](#)

<u>LOCATION</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NUMBER</u>	<u>COST OF DEMOLITION</u>
3112 Beane Drive (B)	Milton Forte	0096279	\$1,359
559 East Edenton Street (C)	Peter Sandaluk & Olga Maksimova	0041837	\$767
1512 Oakwood Avenue (C)	David W. & Mabel S. Weaver	0029276	\$74
1713 Oakwood Avenue (C)	Jonathan K. Mitchell	0038211	\$1,639
1904 Oakwood Avenue (C)	Fred Dunn Heirs c/o Clementine Gant	0019280	\$1,457
604 Parnell Drive (C)	Jonathan Mitchell	0005432	\$1,937

3. [A hearing to consider the adoption of a resolution confirming the charges for the abatement of public nuisances as a lien against the property as listed below:](#)

<u>LOCATION</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NUMBER</u>	<u>ABATEMENT</u>
5908 Athens Clark Way (C)	Carlos Andres Villamarin	0287815	\$507
1805 Boaz Road (C)	Brenda Barnes Glover	0040346	\$317
516 Dacian Road (C)	Fraddy M. & Sandra Guzman	0050949	\$481
559 East Edenton Street (C)	Peter Sandaluk & Olga Maksimova	0041837	\$1,143
713 Grantland Drive (C)	NC Property Development LLC	0101713	\$501
2822 Herndon Village Way (C)	Shandra Blount	0339150	\$378
2830 Herndon Village Way (C)	Joseph & Shandra Blount	0339152	\$370
2442 Kennington Road (C)	Wilbur Tharpe	0019213	\$3,048
3762 Marshlane Way (C)	David R. Erst	0337829	\$453
1813 Martin Luther King Jr. Boulevard (C)	Road Runner Investment Property, LLC	0102272	\$397
306 North State Street (C)	Anita Marie Lee & Northington Goodson	0025637	\$309

310 North State Street (C)	Anita Marie Lee & Northington Goodson	0025638	\$356
2816 Red Alder Court (C)	Joseph T. & Vivian H. Phinizy	0136373	\$272
4308 Wolftrap Road (B)	Jose Arnulfo Ramos & Mima E. Reynoso	0232932	\$308

J. REPORT AND RECOMMENDATION OF THE BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE

1. 5400 Tryon Road - Relocation of House

The Committee recommends that this item be removed from the agenda and when the applicant resolves the issues and wishes to pursue the item further he will come back before the City Council.

2. Development Code Rewrite - Advisory Group

The Committee recommends the appointment of a Unified Development Ordinance Advisory Group consisting of 13 members. A copy of the revised make-up/membership recommendation is in the agenda packet.

3. Tryon Grove Loan Subordination Request

The Committee recommends approval to subordinate an existing City of Raleigh loan to New First Mortgage Loan, allowing DHIC to refinance the current loan that is maturing and to replenish reserves for repairs on the property.

4. Real Estate Report

5. Items Pending

Item #07-49 - Capacity Fee Structure - Incentives/Rebates (4/27/09)

Trains - Quiet Zones Downtown

Item #07-57 - Water Conservation Recommendations (10/20/09)

Item #07-60 - Tarboro Road Area - Public Safety Concerns (11/3/09)

Item #07-61 - Water Rates - Home Dialysis Patients (11/3/09)

K. REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

1. No report

2. Items Pending

Item #07-10 - Tree Conservation Ordinance - Tree Survey (9/2/08)

Item #07-15 - TC-1-08 - Building Lot Coverage Within O&I Districts (4/1/08)

Item #07-57 - TC-3-09 - Holly Ridge Farms Built Environmental Regulations
(7/7/09)

Item #07-60 - Hillsborough Street Streetscape and Parking Plan - Update (8/4/09)

L. REPORT AND RECOMMENDATION OF THE LAW AND PUBLIC SAFETY COMMITTEE

1. S.T. Wooten Concrete Plant - Concerns

Based on recent monitoring of the Powell Drive vicinity, Staff has reported there is no evidence of any violations. The Committee recommends this item be reported out with no action taken.

2. Items Pending

None

M. REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE**1. Historic Oakwood Traffic Safety Proposal**

The Committee recommends that Administration be directed to draft code changes to convert traffic-lighted intersections at Oakwood Avenue and North East Street, and East Lane Street and North Bloodworth Street, to 4-way stop intersections as outlined in staff memorandum dated October 1, 2009. A copy of the memorandum is in the agenda packet. These conversions will be made per City standard operating procedure.

This item will be held in committee for further discussion.

2. Solid Waste Services - "Need Assistance" Program

The Committee recommends that staff be directed to implement an honor-based verification system for current customers of the "Need Assistance" program to include criteria as outlined in the minutes of the March 26, 2009, Public Works Committee meeting. A copy of the excerpt of the minutes from that meeting is in the agenda packet.

For all new applicants only, the Committee further recommends that a doctor's verification be obtained to enter the "Need Assistance" program. A doctor's verification form will be made available on the City's website.

3. Items Pending

Item #07-65 - Historic Oakwood Traffic Safety Proposal (9/1/09)

Item #07-68 - Stormwater and Public Utilities Systems - Possible Merger (10/20/09)

Item #07-69 - Hillsborough Street - Bicycle Accommodations (11/3/09)

Item #07-70 - Honeycutt Park Greenway - Concerns (11/3/09)

N. REPORT OF MAYOR AND COUNCIL MEMBERS**O. APPOINTMENTS**

The following committees have appeared on past agendas and some nominations have been made. The Council may take action to make appointments or if the nominations have not been closed, which would be indicated on the agenda, additional nominations may be made on the ballot in the agenda packet. An asterisk beside a name means that person is presently serving on that board or commission.

Parks, Recreation and Greenway Advisory Board - One Vacancy

Rodger Koopman (Stephenson/Crowder)

Damien Graham (Baldwin)

Matthew G.T. Martin (Isley)

Kevin Leak (West)

Planning Commission - One Vacancy

Erwin Sterling (Stephenson/Crowder)

Raleigh-Durham Airport Authority - Two Vacancies

Kim Frazier* (Isley/Baldwin)

Geoff Elting* (Isley/Baldwin)

Stormwater Management Advisory Commission - One Vacancy

No nominees

P. NOMINATIONS**Appearance Commission - One Vacancy**

The term of Danny Adams is expiring. He does not wish to be considered for reappointment.

Arts Commission

The term of Beth Yerxa expires November 18, 2009, and the term of Karin Rideout expires December 6, 2009. According to the Council's action to reduce the membership of the Arts Commission, no action is needed to replace or reappoint anyone.

Firemen's Relief Fund - Board of Trustees

It has been determined that Dennis Hughes is not eligible to serve as he lives outside the City. The Fire Chief recommends the appointment of Tommy Gattis.

Q. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**R. REPORT AND RECOMMENDATION OF THE CITY CLERK**

1. [Minutes of the November 3, 2009](#), Council meeting will be presented.