

Nancy McFarlane, Mayor
Russ Stephenson, Mayor Pro Tem
Mary-Ann Baldwin
Thomas G. Crowder
Bonner Gaylord
John Odom
Randall K. Stagner
Eugene Weeks

1:00 P.M., MONDAY
MAY 14, 2012
THE COUNCIL CHAMBER

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This equipment interferes with the meeting's sound transmission. Thank you.

NOTICE TO HEARING IMPAIRED:

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A. MEETING CALLED TO ORDER BY THE MAYOR

1. Invocation - Reverend Dr. Lola Fuller, Shalom Christian Community 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. [City and County Federal Aviation Administration Discretionary Grant Approval](#)

Grant awards from the Federal Aviation Administration (FAA) to the Raleigh-Durham Airport Authority (the "Authority") require approval of the governing entities of Durham County, Wake County, City of Raleigh, and the City of Durham. There are two forms of grants: entitlement and discretionary. Discretionary grants are often distributed under strict time constraints, which could not be accomplished under the typical approval process. The Authority has requested an expedited process for these discretionary grants as outlined in the attached memorandum.

Recommendation: Authorize the City Manager to execute all documents and give the assurances necessary to accept Federal Aviation Administration Discretionary Grants to be utilized by the Raleigh-Durham Airport Authority, and authorize the City Attorney to execute all related documents and give the related necessary assurances.

2. [Private Use of Public Space Manual Update](#)

The Department of City Planning is requesting authorization of an amendment to the Private Use of Public Space (PUPS) Manual. The requested amendment reflects a previous action by the City Council regarding the cost of an annual permit for pushcarts. Although the PUPS manual currently states a permit cost of \$60 for pushcarts, last year the City Council adopted a RCC Part II, Chapter 12 ordinance which increased the cost of these permits to \$150. At that time, due to an oversight, administration did not request Council's authorization to make the corresponding change in the PUPS manual.

Recommendation: Authorize administration to amend the PUPS manual to remove reference to the previous \$60 annual permit fee and replace with the current \$150 annual permit fee.

3. [Modification to Section 8, Article E Water Shortage Response Plan](#)

Council requested modification of Section 8, Article E of the Water Shortage Response Plan and ordinance to eliminate the alternate day irrigation requirement in the Permanent Conservation Measures. The alternate day irrigation language has been moved to the

voluntary section of the ordinance and removed from the Water Shortage Response Plan water use tables.

Recommendation: Approve the modifications to the Water Shortage Response Plan and ordinance.

4. **Renaming and Reallocating the Water and Sewer Nutrient Reduction Fee**

In November 2011, Council established the Watershed Protection fee to provide funding to protect and enhance drinking water resources including but not limited to land acquisitions, improvements to drinking water treatment facilities, and water quality improvement activities, thus replacing the funding mechanism for watershed protection. With the advent of this new fee, Public Utilities department staff recommends changing the scope of the funding options supported by the *Water and Sewer Nutrient Reduction Fees* to fund capital facilities including but not limited to water supply improvements, pumping, storage, and treatment facilities as well as sewer pumping and treatment facilities needed to accommodate growth. To reflect this change in scope it is also recommended to rename the fees to *Sewer Capital Facilities Fee* and *Water Capital Facilities Fee* respectively.

Recommendation: Approve the name change from Water and Sewer Nutrient Reduction Fee to Sewer Capital Facilities Fee and Water Capital Facilities Fee, effective immediately.

5. **City Employees - Military Service Call-Up**

Management Policy 100-39 provides for a leave of absence and continuation of supplemental salary and benefits for up to one year for City employees called to active duty in the National Guard or in one of the reserve branches of the military. This policy requires Council authorization for an extension. A copy of the proposed updated policy extends the time period to December 31, 2013, and is included in the agenda packet.

Recommendation: Approve the revised policy.

6. **Road Races**

6.1 **Wakefield High School Vicinity**

Marc Primanti, representing FS Series Racing, requests permission to hold a road race on Friday, June 1, 2012, from 6:30 p.m. until 8:00 p.m.

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

7. **Temporary Street Closings**

7.1 **Brewer Street Vicinity**

Landon Pond, representing his neighborhood, requests permission for a street closure on Saturday, June 2, 2012, from 2:00 p.m. until 5:00 p.m., for a neighborhood block party.

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

7.2 Bradley Place Vicinity

Stephen Neal, representing his neighborhood, requests permission for a street closure on Thursday, June 7, 2012, from 4:00 p.m. until 8:00 p.m. for an end of school year celebration.

7.3 1100 Block of South Saunders Street

Kris Weiss, representing Ray Price Harley Davidson, requests permission for a street closure on Saturday, July 14, 2012, from 7:00 a.m. until 5:00 p.m. for a customer appreciation event.

7.4 600 Block of West North Street

Jen Baker, representing the City of Raleigh Office of Sustainability, requests permission for a street closure on Thursday, May 31, 2012, from 7:30 a.m. until 11:00 a.m., for the official presentation of the Big Belly solar trash compactor and public recycling units in the Glenwood South District as part of the *Clean is Green Raleigh* campaign.

She is also requesting to encumber all parking spaces on that block Thursday, May 31, 2012, from 6 a.m. to 11 a.m.

Recommendation: Approve subject to conditions noted on the reports in the agenda packet.

8. Grants**8.1 Wake County Parks, Recreation and Open Space Grant**

The Parks and Recreation Department requests authorization to submit two grant applications under the Partnership Funding Proposals of the Wake County Open Space Program. Funding would be utilized for construction and construction administration and management costs associated with the Horseshoe Bend section of the Neuse River Greenway and the Trailwood Connection of the Walnut Creek Greenway. The estimated cost of the two projects is \$1,950,000. The Wake County Open Space Program would provide 50%, or \$975,000, for the projects. Matching funds would be transferred administratively from the Crabtree Creek Greenway Reserve.

Recommendation: Authorize staff to submit the grant applications.

9. Easements**9.1 Sanitary Sewer Easement Exchange**

As part of initial site plan approval, a previous owner (Poyner Place, LLC) dedicated sanitary sewer easement areas at 5900 Poyner Anchor Lane, Raleigh, which was necessary to connect future building improvements to the utility system. The current property owner (RCG Raleigh, LLC) has submitted a final building design and placement on the site, revealing the need to re-align the existing sewer line in order to avoid the footprint of the proposed building.

The owner has requested the exchange of approximately 4,600 square feet of existing sanitary sewer easement for a new proposed sanitary sewer easement area containing approximately 5,420 square feet. Since the proposed exchange affects no other properties, and renders the City whole in its ability to provide

perpetual sewer service to the site, no monetary consideration is recommended by staff as a condition of the exchange.

Recommendation: Approve the proposed sanitary sewer easement exchange and authorize publication of a Notice of Intent, pursuant to GS 160A-271, to conclude the property interest exchange.

9.2 Sanitary Sewer Easement Exchange

As part of initial site plan approval the owner (Foreverhome-Lynn, LLC) dedicated sanitary sewer easement areas at 0 Westborough Drive, Raleigh, necessary to connect future building improvements to the utility system. Foreverhome-Lynn, LLC has submitted a final sanitary sewer alignment and placement on the site, revealing the need to re-align the existing sewer line easement to its final location.

The owners have requested the exchange of approximately 21,272 square feet of existing sanitary sewer easement for a new sanitary sewer easement area containing approximately 30,072 square feet. Since the proposed exchange affects no other properties, and renders the City whole in its ability to provide perpetual sewer service to the site, no monetary consideration is recommended by staff as a condition of the exchange.

Recommendation: Approve the proposed sanitary sewer easement exchange and authorize publication of a Notice of Intent, pursuant to GS 160A-271, to conclude the property interest exchange.

10. Contracts and Consultant Services

10.1 Chavis Carousel Restoration Contract

The circa 1923 Chavis carousel has been disassembled and evaluated for full renovation in conjunction with the construction of a new building at Chavis Community Park. A scope of work is included in the agenda packet and serves as the basis for a contract with Carousels and Carvings, Inc. of Marion, Ohio in the amount of \$211,437. A transfer is necessary to complete this work.

Recommendation: Authorize the City Manager to execute a contract for with Carousels and Carvings, Inc. in an amount not to exceed \$211,437. Authorize the following budget transfer:

<u>Transferred From:</u>	
636-6210-790010-975-CIP03-99350000	\$150,000
<u>Transferred To:</u>	
636-6210-793080-975-CIP03-93360000	\$150,000

10.2 Reuse Water System Master Plan Update

Seven proposals were received for the Reuse Water System Master Plan Update. The top three firms are listed in ranked order:

- 1) CDM Smith
- 2) Dewberry
- 3) Kimley-Horn and Associates

Recommendation: Authorize Administration to negotiate a fee and contract with CDM Smith, the top ranked firm, for the Reuse Water System Master Plan Update.

11. Contract Amendments

11.1 Chavis Carousel Animal Restoration Amendment #3

This proposed contract amendment for Old Parr, Inc. of Highland Park, IL continues and completes the work on the Chavis Community Park carousel. This proposed contract amendment for \$51,000 requires Council approval because the total contract amount will exceed \$150,000 as outlined below:

Original Contract Amount	\$76,000
Amendment #1	12,100
Amendment #2	25,000
Proposed Amendment #3 (this request)	<u>51,000</u>
Proposed new contract amount	\$164,100

Funds from project contingency will be handled administratively.

Recommendation: Authorize the City Manager to execute contract amendment #3 with Old Parr, Inc for the completion of Chavis Community Park Carousel Animal Restoration.

11.2 Buffaloe Road Aquatics Center Change Order

A construction contract in the amount of \$6,225,000 was awarded to Resolute Building Company in August, 2010 for the construction of the Buffaloe Road Aquatics Center. At 98% of project completion, projected change orders total \$657,813 of which 67% is directly related to significant masses of bedrock unearthed at the beginning of the project.

Approval of Change Order # 48 is requested as the total amount of change orders exceeds the administrative approval amount of \$300,000.

A fund transfer from the Senior Centers' Reserve is also requested to supplement the project budget to it's completion. The Senior Center projects are near completion and estimated to be on budget with sufficient funds for project closeout.

Recommendation: Authorize execution of Change Order #48 with Resolute Building Company in the amount of \$8,488. Authorize the following budget transfer:

Transfer From:

636-6210-790010-975-CIP03-94820000	\$200,000
Senior Center Reserve	

Transfer To:

636-6210-792020-975-CIP03-80120000	\$200,000
Buffaloe Road Aquatics Center	

11.3 Pump Station Standby Power Improvements - Contract Amendment #2

The City currently has an agreement with Hazen & Sawyer for professional engineering services for the Falls Lake Raw Water Pump Station Standby Power Improvements project. Contract Amendment #2, in the amount of \$334,100, is to

provide additional professional engineering services, including Construction Office Administration and Construction Field Observation/Inspection Services as required for the project. These services will include review of shop drawings, project schedules, and on-site inspections for the oversight of the Contractor’s activities during the 14 month project. Services will also include conducting monthly construction progress meetings, preparing work change directives as required, responding to contractor requests for information, reviewing and processing contractor pay requests, and preparing record drawings at the completion of the project. The associated transfer of funds includes funding from another funding source in which the project has been completed and was below the original budgeted amount. These expenditures are included in the water and sewer rate model.

Contract History

Original Contract Amount	\$182,000
Amendment #1	117,600
Amendment #2	<u>334,100</u>
New Contract Amount	\$633,700

Recommendation: Approve Amendment #2 with Hazen and Sawyer and the associated fund transfer:

Transferred From:

348-5210-792020-975-CIP01-92840000	\$291,100
EMJWTP 50 MGD Pump Install	
348-5210-790010-975-CIP01-94900000	<u>43,000</u>
Falls Lake RWPS Improvements	\$334,100

Transferred To:

348-5210-792010-975-CIP01-94900000	\$334,100
Falls Lake RWPS Improvements	

12. Personnel Changes

12.1 Public Utilities

The Public Utilities Department requests the reclassification of position number 5227 from Utilities Technician (PG 26; JC 4365) to Maintenance Worker II (PG 26; JC 4406). The reclassification request is needed to assist the Water Plant with additional, minor maintenance functions and to align the job title more with the duties performed which will include plumbing and electrical maintenance, as well as independence in performing job duties as appropriate to the task. The reclassification has been reviewed and approved by the Human Resources Department. There is no budget impact; the request is a title change only.

Recommendation: Approve the reclassification.

12.2 Planning

The Planning Department requests the reclassification of position 1376 from Development Services Records Systems Manager position (code 0481; PG 35) to Planning and Records Systems Administrator (code 0481; PG 36). The Planning and Records Systems Administrator position will be responsible for development and implementation of records management policies and procedures across the Planning and Development enterprise. The position will also administer

Enterprise Content Management for departments and offices under the Planning & Development enterprise. The Human Resources Department has reviewed the request and concurs with the reclassification of this position. The FY12 impact is \$1,800 with an estimated annualized impact of \$10,850. Funds are available in the salary account for the remainder of the fiscal year due to lapsed salaries from current position vacancies.

Recommendation: Approve the reclassification.

13. Encroachments

13.1 401 Oberlin Road

A request has been received from Oberlin Road, LLC to encroach on City right-of-way for the purpose of installing street trees, shrubs, brick pavers, bike racks, a bench, a trash receptacle, utilities, and a building entry stoop. A report is in the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant.

13.2 Nazareth Street from Agnes Street to Crusader Drive

A request has been received from North Carolina State University to encroach on City right-of-way for the purpose of installing a telecommunication ductbank. A report is in the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant.

Encroachment Requests

14. Budget Amendments

14.1 Finance

The following accounts should be increased by:

Increase Revenue Accounts:

100-0000-534100-000	Drug Forfeitures	\$155,000
100-2810-524790-000	Housing	30,000
100-2810-524810-000	Zoning	<u>40,000</u>
		\$225,000

Increase Expense Accounts:

100-1040-710150-102	Penalty PMS-WCPSS	\$225,000
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Purpose: To increase the expenditure account for penalties remitted to the Wake County Public School System due to increased penalty activity. By statute the City must remit to the school system 90% of civil penalties and fines.

14.2 Police

The following accounts should be increased by:

Revenue Account:

100-0000-532980-000	Appropriation from Special Reserve	\$199,000
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Expense Accounts:

100-4040-714010-412	Repairs - Buildings/Structures	\$172,000
100-4040-702010-412	Computer Operations & Accessories	15,000
100-4040-752180-412	Office Furniture & Equipment	<u>12,000</u>
		\$199,000

Purpose: To allocate Asset Forfeiture reserve funds for upgrades and related equipment for the Raleigh Intelligence Center (RIC).

14.3 Police

The following accounts should be increased by:

Revenue Account:

100-0000-532980-000	Appropriation from Special Reserve	\$75,090
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Expense Account:

100-4040-711040-392	Lease-Equipment	\$75,090
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Purpose: To allocate Asset Forfeiture reserve funds for lease support associated with covert vehicles for drugs and vice personnel. This is the third year of a three-year lease for covert vehicles.

15. Right-of-Way Items - (Condemnation Requests)

Efforts have been unsuccessful to obtain needed easements in the following projects:

Project Name: North Ridge Stormwater Improvements Project – Phases 2 & 3

Name: Darby Orcutt
 Location: 7725 Harps Mill Road

Project Name: White Oak Road Stormwater

Name: John C. Griffin, III
 Location: 2055 White Oak Road

Recommendation: Adopt resolutions of condemnation.

16. Transfers

16.1 Parks and Recreation

It is recommended that the following transfer be authorized:

Transfer From:

625-6210-701010-725-CIP03-80240000	Operational and Maintenance Supplies	\$9,786
625-6210-701010-925-CIP03-80240000	Operational and Maintenance Supplies	44
625-6210-795010-668-CIP03-80240000	Beautification Improvements	250
625-6210-795010-673-CIP03-80240000	Beautification Improvements	9,923
625-6210-795010-674-CIP03-80240000	Beautification Improvements	2,512

625-6210-795010-682-CIP03-80240000	425
Beautification Improvements	
625-6210-795010-688-CIP03-80240000	100
Beautification Improvements	
625-6210-795010-702-CIP03-80240000	500
Beautification Improvements	
625-6210-795010-725-CIP03-80240000	8,993
Beautification Improvements	\$32,532
<u>Transfer To:</u>	
130-6220-701010-6416	\$5,000
Operational and Maintenance Supplies	
130-6220-706010-6416	15,098
Small Equipment	
130-6230-701060-6457-00000	2,512
Landscape/Grounds Maintenance Supplies	
625-6210-792020-975-CIP03-80550000	9,923
General Construction Contracts	\$32,532

Purpose: To allocate residual donations received for park beautification projects from Fund 625 Park Improvements to Fund 130 Revolving Fund. This will enable more efficient administration of operational expenditures for items such as park benches and landscaping, and also to consolidate funds for the Pullen Carousel into a single account.

17. Bids

17.1 2011 Street Improvements (PW 2011-01)

Bids were received on April 18, 2012 for the 2011 Street Improvements (PW 2011-01) which includes improvements to Alleghany Drive and traffic calming on Anderson Drive. Turner Asphalt, Inc. submitted the low bid of \$966,390. Turner Asphalt, Inc. SDMWOB participation is 39.2%. Additional funding of \$169,868 is available from Public Utilities in accounts 320-5210-792020-975-CIP01-84680000 and 325-5210-792020-975-CIP01-84680000.

Recommendation: Approve the low bid of Turner Asphalt, Inc. in the amount of \$966,390. Transfers to be handled administratively.

17.2 Dempsey E. Benton Water Treatment Plant Residuals Pump Station Project

Eight Construction Bids were received on April 24, 2012, for the Dempsey E. Benton Water Treatment Plant Residuals Pump Station project. The project involves rehabilitation and improvements to an existing triplex submersible sanitary sewer pump station located at the plant site. The pump station has been off-line since 2008 upon completion and startup of the HWY 50 Pump Station. The pump station is being converted to convey water plant residuals to the Garner 201 Facility for storage and handling. At the present, water plant residuals are pumped to the Neuse River Wastewater Treatment Plant for processing while the Garner 201 Facility is being renovated to receive the residuals. Major work items include replacement of the three existing submersible pumps, associated discharge piping and valves; rehabilitation of the existing concrete structure; installation of a Parshall Flume for flow measurement; a hoist for pump removal and maintenance; and the necessary instrumentation and SCADA integration for proper control of plant operations.

Work will also include the installation of a caustic feed system and associated chemical unloading area.

Eberhart Construction, Inc. submitted the lowest base bid with allowances and unit price work in the amount of \$634,703. Eberhart Construction, Inc. is a licensed General Contractor in the State of North Carolina and they have completed many successful construction projects within the surrounding area. They have submitted 15.1% SDMWOB participation plan. The participation breakdown consists of 11% for minority-owned firms and 4.1 % for women-owned firms.

Recommendation: Approve the low bid of Eberhart Construction, Inc. in the amount of \$634,703 (transfer to be handled administratively).

17.3 Little Creek Wastewater Treatment Plant Upgrade and Expansion Project

Eight bids were received on May 1, 2012, for the Little Creek Wastewater Treatment Plant Upgrade and Expansion project. The project will increase the rated plant capacity from 1.85 to 2.2 million gallons per day, serving the Town of Zebulon within the City of Raleigh service area. Construction improvements include: upgrades to the existing headworks facility to include new screening, grit equipment, and upgraded pumping; a proposed equalization basin; existing clarifier rehabilitation including surface preparation and coating of interior walls and equipment; proposed clarifier launder covers and current density baffles; RAS pump flow measurement; expansions to the existing Operations and Maintenance Buildings; roadway and storm drainage improvements; upgraded stand-by electrical power. The low bid was submitted by RTD Construction, Inc., of Zephyrhills, Florida, in the amount of \$4,990,740 with a 42.54% SDMWOB participation. The SDMWOB documentation has been reviewed and verified.

Recommendation: Approve the low bid of RTD Construction, Inc., in the amount of \$4,990,740 (transfer to be handled administratively).

18. Traffic

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

18.1 No Parking Zone - Turner Street

It is recommended that a No Parking Zone be established on the east side of Turner Street, beginning at Hillsborough Street and extending southward 265 feet.

A request was received from Progress Energy, 3401 Hillsborough Street, to restrict parking on Turner Street in the vicinity of the Energy Control Center.

18.2 Speed Limit Reduction - Betry Place, Cherry Field Drive, Landing Falls Lane, Northbrook Drive, Quarry Ridge Lane, Valley Haven Drive

It is recommended that the speed limit be reduced from 35 mph to 25 mph on the streets listed above except for Northbrook Drive. Northbrook Drive is classified as a collector street and it is recommended the speed limit be reduced from 35 mph to 30 mph. All other streets are classified as residential streets. All the

above streets have been constructed to typical residential street standards. 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 each street in support of this speed reduction request.

18.3 No Stopping or Standing Zone - Professional Court

It is recommended that a No Stopping or Standing Zone be established along both sides of Professional Court. The restriction would only apply during the school zone hours, which are during forty five minute periods for morning arrival and afternoon dismissal.

A petition was received from business owners requesting that a restriction be put in place to prevent parents from being able to use Professional Court as a drop off/pick up area. The added traffic congestion is creating problems for staff and customers accessing these businesses.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code as included in the agenda packet.

THIS IS THE END OF THE CONSENT AGENDA

D. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

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

- (1) CR-11461 Z-8-12 9-0 Approval, Lynn Road, northwest quadrant of its
Conditional Use intersection with Lynn Road/Six Forks
Road**(Mine Creek)

(THE FOLLOWING ACTIONS WERE TAKEN BY THE PLANNING COMMISSION AT THEIR MAY 8, 2012 MEETING, BY UNANIMOUS VOTE)

- (1) **Z-8-12 – Lynn Road, northwest quadrant of its intersection with Lynn Road/Six Forks Road**(Mine Creek)(North CAC)**

This is a request to rezone property from Office and Institution-1 Conditional Use to Shopping Center Conditional use.

CR-11461 from the Planning Commission recommends approval based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated May 6, 2012.

E. SPECIAL ITEMS**1. S-42-11 - Stanhope Center II**

During the May 1, 2012 Council meeting, a hearing was held to consider a request from Melton E. Valentine, Jr. for a preliminary site plan to allow a mixed-use development on a 4.5 acre tract along the southern side of Hillsborough Street between the intersection with Friendly Drive and Concord Street. Following the hearing, the Council voted to approve the special use permit with conditions and directed the City Attorney to draft the appropriate Findings of Fact and Conclusions of Law. It would be appropriate for the Council to take final action on the findings and conclusions as included in the agenda packet.

2. SU-2-12 - St. Augustine's College

During the May 1, 2012 Council meeting, a hearing was held to consider a request from St. Augustine's college to amend the previous conditions of the approval of the outdoor stadium to allow additional events. Following the hearing, the Council action was to approve the request for certain events and directed the City Attorney to draft the appropriate Findings of Fact and Conclusions of Law. It would be appropriate for the Council to consider final approval.

3. Transit Tax Referendum

During the May 1, 2012 Council meeting, Mayor McFarlane requested the City Attorney to draft a resolution urging the County Commissioners to support a fall referendum for a

county wide transit tax. The proposed resolution is included in the agenda packet. It would be appropriate to consider action on the resolution.

4. **Resolution on Hydraulic Fracturing for Natural Gas**

During the May 1, 2012 Council meeting, the City Attorney presented Council with a resolution relative to the issue of “fracking” in North Carolina as requested by the Council during the April 17 meeting. Councilor Stephenson and Councilor Crowder presented resolutions on the subject. Council members will receive the three proposed resolutions in their agenda packets. It would be appropriate to consider how to proceed.

5. **109 South Tarboro Road**

During the April 3, 2012 Council meeting, Northington V. Goodson requested additional time to complete the repairs to an unfit dwelling located at 109 South Tarboro Road. Council directed staff to provide a report as to the progress of repairs made to the dwelling after 30 days. A report is included in the agenda packet.

F. **REPORT AND RECOMMENDATION OF THE CITY MANAGER**

1. **FY 2012-13 Proposed Operating and Capital Budget Presentation**

A brief overview presentation will be made at the meeting. The proposed budget and capital improvement program documents will be distributed to the Council. The proposed budget should be referred to the Council Budget Workshop.

2. **Food Trucks - Six Month Summary Report**

The Department of City Planning has prepared a 6-month summary report on staff experience with food truck activity and the newly adopted food truck regulations since the rules became effective on October 1, 2011. A Summary Report and a list of the permits issued for Food Truck Vendors and Food Truck locations are included in the agenda packet.

Recommendation: Receive as information. If Council desires to extend Food Truck sales throughout the entirety of the Downtown Overlay District, a text change would need to be authorized by the City Council.

G. **REPORT AND RECOMMENDATION OF HUMAN RELATIONS COMMISSION**

1. **FY2012-13 Human Services Grant Recommendations**

The Chair will present the annual grant recommendations.

Recommendation: Receive the recommendations and refer to budget work session.

H. REPORT AND RECOMMENDATION OF THE PUBLIC ART AND DESIGN BOARD**1. Wilders Grove Solid Waste Services Operations Center Artist Selection Panel Recommendation**

The Public Art & Design Board, upon recommendation from the Artist Selection Panel, has approved the artist team of Matt McConnell, Lee Cherry, and Marc Russo to develop public art for the Wilder's Grove Solid Waste Services Operations Center. Staff will be available to address any questions.

Recommendation: Receive as information.

I. REPORT AND RECOMMENDATION OF THE SPECIAL EVENT SIGNAGE TASK FORCE

1. The Task Force has completed its work and recommends that Council consider several revisions to the City Code. A report is included in the agenda packet. The Chair of the Task Force will be present to address any questions.

Recommendation: Receive as information. If Council desires to implement the recommendations of the Task Force, it would be appropriate to direct Department of City Planning staff to prepare the appropriate Text Changes.

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

1. Deborah Douglas would like to discuss abatement charges against property at 1712 Bethel Road.
2. Claude R. Trotter, Jr. would like to request an extension in order to make repairs at 523 Hilltop Drive.
3. Michael Highsmith would like to request assistance in repair of a sinkhole pursuant to Resolution 2010-128, relating to his property at 2701 North Mayview Road.
4. John A. Dixon would like to discuss privilege license fees/tax on his business, Insulation Contracting Services, Inc.

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

1. A hearing to consider an agreement for the City to lease space on the city-owned water tower located at 1200 Blue Ridge road and a portion of the surrounding lot for purposes of allowing New Cingular Wireless PCS, LLC to install cellular telecommunications equipment on the tower and site. The lease is for \$37,491 per year with a three percent annual escalation during the initial five year term and has an option to extend the lease for an additional five years.

L. REPORT AND RECOMMENDATION OF THE BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE**1. The Raleigh Times Bar, LLC - Loan Request**

The Committee recommends approving a loan of \$50,000 to the Raleigh Times Bar, LLC under the guidelines and criteria as prescribed by the Downtown Loan Program.

2. Community Development Joint Venture Rental Recommendations

The Committee recommends approval of funding the Brighton Pointe Place affordable housing proposal in the amount of \$1,360,000 and transferring \$273,361 from HOME funds previously reserved for MeadowCreek, \$206,639 from HOME match funds previously reserved for MeadowCreek, \$800,000 from HOME rental FY09-10, \$14,639 from HOME rehab FY09-10, \$65,361 from HOME rental match to expenditure accounts for the Brighton Pointe Place project.

The Committee recommends denying the request for funding of Camden Glen.

3. Acreage Fee - Water and Sewer

The Committee recommends approval of the Ordinance to Amend the City's Acreage Fee and Reimbursement; Utility Main Policy for Major Water and Sewer Mains as included in the agenda packet. The committee recommends holding a portion of the item - Water and Sewer Acreage Fee Policy - in Committee for further discussion.

4. Lease - 4501 Atlantic Avenue

The Committee recommends authorizing entering into an agreement with SJ Company to reset and renew existing leases totaling 24,919 square feet and to lease additional space containing 19,343 square feet at 4501 Atlantic Avenue for Police Department office space needs. The lease would be for five years commencing July 1, 2012, with a base rental rate of \$11.15 per square foot, triple net with an escalation of 2.5 percent annually.

5. Lease - 601 Hutton Street

The Committee recommends authorization for the City to renew the lease agreement with Pylon, Inc. for 14,400 square feet in Pylon Commercial Park for location of the Police Department's District Station 26. The lease would be for a 5-year period beginning July 1, 2012, with options for renewal/termination. This is for 14,400 square feet with a base rate of \$11.95 with an escalation of three percent per year.

6. Neighborhood park site - 5401 North

The Committee recommends authorizing the City Manager to execute a real estate purchase contract and purchase 24.97± acres from 5401 North, LLC. The purchase price would be \$84,900 per acre and the property would be for a neighborhood park subject to a satisfactory due-diligence investigation. The Committee also recommends transferring \$2,145,000 from Land Acquisition - 2007 Park Site to cover the purchase.

7. Condemnation - Fire Station 29

The Committee recommends authorizing condemnation proceedings for property at 12109 Leesville Road for utilization for Fire Station 29. The property is owned by William L. Hucks and Albert Hucks, Jr.

8. Real Estate Items

A report may be made at the meeting.

9. Items Pending

Item #09-42 - PROP/Rental Registration - Updates (11/15/11)

Item #11-04 - ART Contract Policies (2/21/12)

Southlight, Inc. - Rolling RFP

M. REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

1. Public Participation and Park Master Planning Program

The Committee recommends adopting the Public Participation Guidelines, Policy, and Manual for Park Planning as amended. A copy of the proposed amendments is included in the agenda packet.

2. Items Pending

Item #09-05 – TC-7-09 – Front Yard Parking for Single Family Detached Dwellings
(2/16/10)

Item #09-26 – Traffic Impact Analysis – Glenwood Avenue/Lead Mine Road Intersection
(4/5/11)

Item #11-03 – Pauls Road Status/Improvements (1/17/12)

Item #11-04 – TC-9-11 – Outdoor Storage Yards – Height of Materials (2/7/12)

Item #11-10 – Unified Development Ordinance Topics (5/1/12)

Item #11-11 – Streetscape Projects List (5/1/12)

Item #11-12 – CP-2-12 – Comprehensive Plan Amendments/UDO (5/1/12)

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

1. No report.

2. Items Pending

Item #11-03 - Rosemont Subdivision - Security Gates (2/7/12)

Item #11-05 - Council Appointment Policy (4/3/12)

Item #11-06 - Traffic Suggestions-Falls River and Durant Roads (4/3/12)

Item #11-08 - Bus Service - CAT and TTA (4/17/12)

O. REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

1. Water Bill - 37 Red Lane

The Committee recommends that this item be removed from the agenda with no action taken.

2. Lake Wheeler Road Street Improvements

The Committee recommends adoption of a resolution authorizing street improvements on Lake Wheeler Road as advertised and recommended by staff. This includes a five foot asphalt pathway along the western side of the roadway corridor combined with six foot concrete sidewalk placed along areas of existing or proposed curb and gutter, the addition of left turn lanes at Lake Wheeler Road/Sierra Drive and Lake Wheeler Road/Carolina Pines Avenue and paving of variable widths through these intersections with assessment for curb and gutter improvements to apply.

3. Brentwood Today Lake and Dam Restoration Project

The Committee recommends the solution that involves residential property ownership of the lake and shoreline and City ownership of the dam and spillway with the understanding that property owners will work out a way for the present owner of the lake

to transfer ownership to the 34 property owners. This option would require the surrounding property owners to be responsible for future maintenance of the lake and shoreline and the City would have ownership of the dam and spillway and maintenance thereof.

4. Items Pending

Item 11-09 - School Zone/Hillsborough Street/Edenton Street Area (5/1/12)

P. REPORT AND RECOMMENDATION OF THE TECHNOLOGY AND COMMUNICATION COMMITTEE

1. Multifunction Copier Device Fleet - IKON Office Solutions - Contract Amendment

The committee recommends approving the request to adjust the “Not to Exceed” amount in the contract approved by the City Council on February 1, 2011 to \$408,000 per year/\$1,632,000 over the term of four years. The committee also recommends ratification of contract amendments previously entered into by Administration that exceeded the “Not to Exceed” amount established in the prior Council action.

2. Items Pending

Item #11-04 - Digital Minutes - Web Site (1-17-12)

Item #11-06 - Legislative Management Suite (4-3-12)

Q. REPORT OF MAYOR AND COUNCIL MEMBERS

R. 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.

Appearance Commission - One Vacancy

Brian O’Haver (Baldwin/Stephenson)

Convention Center Commission - Two Vacancies

Betsy Buford (Baldwin)

Terri Lomax (Baldwin/McFarlane)

Housing Appeals Board - Four Vacancies

No nominees.

Stormwater Advisory Commission - One Vacancy

The term of Ralph Thompson is expiring. He is eligible for reappointment, and has a good attendance record.

Substance Abuse Advisory Commission - One Vacancy

No nominees.

Parks, Recreation, and Greenway Advisory Board - One Vacancy

Richard Bostic (McFarlane)

S. NOMINATIONS

Human Relations Commission – One Vacancy

It is understood Chris Moutos has moved outside the City; therefore he is no longer eligible to serve.

T. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

U. REPORT AND RECOMMENDATION OF THE CITY CLERK

1. Minutes of the May 1, 2012 City Council meeting will be presented.