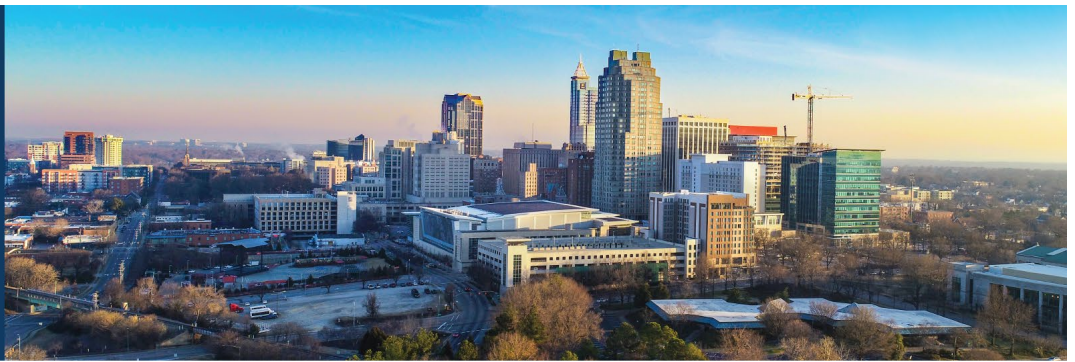


Manager's Update

raleighnc.gov



Issue 2021-20

May 28, 2021

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Regular Council Meeting Tuesday, June 1 - Afternoon and Evening Sessions

Reminder that Council will meet next **Tuesday** in regularly scheduled sessions at **1:00 P.M.** and **7:00 P.M.** The agenda for the meeting was published on Thursday:

<https://go.boarddocs.com/nc/raleigh/Board.nsf>

Please note there will be a **Closed Session** immediately following the afternoon session of the Council meeting.

Reminder: If there is an item you would like to have pulled from the consent agenda for discussion, please send an e-mail mayorstaff@raleighnc.gov by 11 A.M. on the day of the meeting.

You will be receiving information on joining the WebEx Events session on Monday; staff will be available to assist with log ins and joining the virtual City Council meeting.

Reminder – Upcoming Budget Deliberations

Reminder that Council has scheduled a series of budget work sessions to deliberate the proposed operating budget and capital improvement program presented during the May 18 City Council meeting.

The budget work session will take place at **4:00 P.M.** beginning **Monday, June 7**. The statutory **public hearing** to receive comment on the proposed budget will take place during the June 1 City Council meeting, during the **7:00 P.M.** evening session.

INFORMATION:

New Bern Station Area Planning - Kickoff Events

Staff Resource: Jason Hardin, Planning and Development, 996-2657, jason.hardin@raleighnc.gov

This planning process will begin its first phase of engagement, “Community Connections,” in June with a set of live conversations and an online survey. The events will include sharing information about the process and understand the top priorities of residents, businesses, institutions, and other stakeholders before detailed workshops take place in late summer or early fall.

Events will be promoted with a postcard to all properties and residents, city email updates, social media, and other means. Staff and consultants have also met with the Council-appointed Community Partner Group and ambassadors, who will assist with outreach as well. Specific times are:

- **Live online.** June 7, 2021 6-7:30 p.m. [Link here.](#)
- **Live online.** June 9, 2021 Noon-1:30 p.m. [Link here.](#)
- **Outdoor in person.** June 5, 2021 1-3 p.m. Roberts Park. Drop-in style event.

The project updates are also listed as part of the virtual BRT open house which was conducted April 26 - May 21, 2021.

<https://raleighnc.gov/events/wake-brt-virtual-open-house-spring-2021>

The study draft report is anticipated for Council review in Fall 2021.

(No attachment)

GoRaleigh Pedestal Seat Update

Staff Resource: David Eatman, Transportation-Transit, 996-4040, david.eatman@raleighnc.gov

During the Raleigh Transit Authority (RTA) meeting earlier this month, the RTA approved a waiver of the ten boarding's per day for bus stop improvements at all DHIC and Raleigh Housing Authority (RHA) sites.

Staff has identified 24 stops within the current GoRaleigh system that serve DHIC and RHA locations. Of these, 11 stops have an existing shelter or bench in place while seven have designs in progress. Staff will submit the remaining six locations for design within the next 30 days.

Also during the RTA meeting a program for installation of a new type of amenity, a “pedestal seat”, was authorized; these seats can be installed at stops with less than ten boarding's per day or as temporary installations at sites qualifying for a shelter, but not yet constructed. For eligibility for the “pedestal seat” amenity, sites must have a minimum five-foot wide sidewalk to qualify for an installation of a pedestal seat and meet all other ADA regulations.

The first pedestal seat in the GoRaleigh system was installed May 27 at Walnut Terrace (see images below).

A total of 12 additional pedestal seats are in the procurement process.



(No attachment)

Weekly Digest of Special Events

Staff Resource: Derrick Remer, Special Events Office, 996-2200, derrick.remer@raleighnc.gov

Included with the *Update* materials is the special events digest for the upcoming week.

(Attachment)

Council Member Follow Up Items

Follow Up from the April 6 City Council Meeting

Parklets, Pedlets, and Curbside Dining on NCDOT-Managed Streets (Mayor Baldwin)

Staff Resource: Michael Moore, Transportation, 996-3030, michael.moore@raleighnc.gov

During the meeting Council requested that staff contact the North Carolina Department of Transportation (NCDOT) about processes and permissions to determine the viability to allow parklets, pedlets, outdoor dining, and other pedestrian-friendly approaches to support local Raleigh restaurants and retail businesses in their recovery from COVID-19 restrictions. NCDOT manages and maintains several streets in downtown Raleigh, including:

- E. and W. Edenton Street, from Glenwood Avenue to New Bern Avenue
- E. and W. Morgan Street, from S. Glenwood Avenue to S. Person Street (where it becomes New Bern Avenue)
- New Bern Avenue from S. Person Street to I-440
- New Bern Place from N. Wilmington Street to N. Blount Street
- S. Glenwood Avenue, from Hillsborough Street to W. Morgan Street
- N. and S. McDowell Street, from Western Boulevard (where it transitions to S. Saunders Street) to W. Lane Street (where it transitions to Capital Boulevard)

- N. and S. Dawson Street, from Western Boulevard (where it transitions to S. Saunders Street) to W. Lane Street (where it transitions to Capital Boulevard)
- N. and S. Blount Street, from Hoke Street (where it transitions to Hammond Road) to Delway Street (where it then becomes Wake Forest Road)
- N. and S. Person Street, from Hoke Street (where it transitions to Hammond Road) to Wake Forest Road (where it becomes Wake Forest Road)
- Western Boulevard/Martin Luther King, Jr. Boulevard, for its full length

A map of these downtown streets is included at the conclusion of the report.

Administrative Framework

NCDOT manages these streets through a combination of permits and special project agreements. Under North Carolina General Statute (NCGS) 136-27.4 (attached), NCDOT has the authority to enter into agreements with local municipalities to permit use of the right of way for sidewalk dining activities. This agreement allows the local municipality administrative rights to permit sidewalk dining activities subject to several requirements and conditions, including clearances to travel lanes and fixed objects, sidewalk clearances, maximum posted roadway speeds, and requirements to cease or relocate the dining activities for roadway and/or utility construction. Other requirements and conditions related to maintenance of licenses and permits, insurance, indemnification of the public parties, and rights of revocation of the sidewalk dining permits are also included.

A local government applying to NCDOT for administrative rights under this statute is required to have passed an ordinance consistent with, but not necessarily limited to, the requirements of this section of the statute. Raleigh does have these administrative rights through a 2016 “Sidewalk Dining Agreement” with NCDOT (attached) and our adoption of an ordinance, now included in the City Code (Section 12-1041). NCGS 136-27.4 also requires permission from the Federal Highway Administration (FHWA) to permit the right-of-way to be used for sidewalk dining for applications along a “federal-aid” route. Federal-aid routes are those streets and roads eligible for federal funding for construction, maintenance, and operations.

All streets itemized above are federal-aid streets and require this additional level of approval. Additionally, because federal funds are used for the maintenance and operation of these streets, FHWA can require Fair Market Value (FMV) reimbursement for their non-transportation use. Due to the extraordinary and exceptional nature of COVID-19 and its impact to local economies, FHWA recently began to approve FMV exceptions on a case-by-case basis for the temporary use of sidewalks and parking areas for additional restaurant seating or retail space. Exceptions may be granted for an initial period of 120 days, subject to approval by FHWA and to several safety assurances assigned to NCDOT. There may also be an opportunity for 30-day extension of the FMV waiver at the conclusion of the 120 days. FMV payments would be required at the end of the waiver period.

Other Considerations

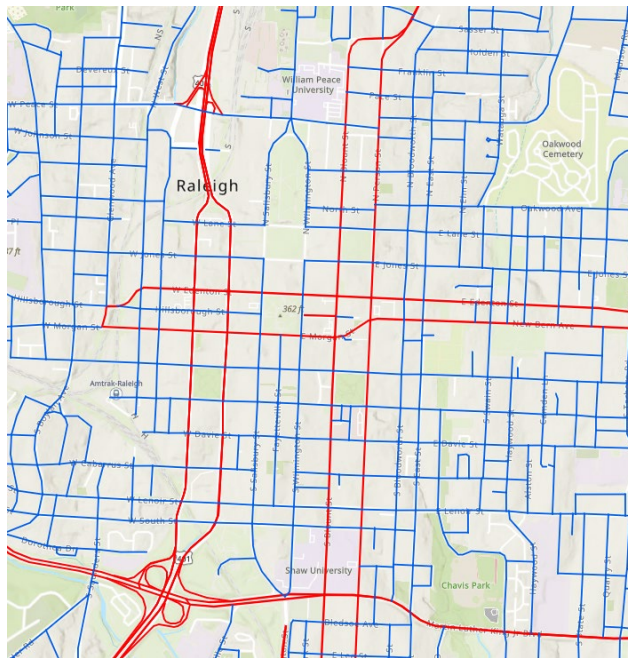
One NCDOT condition of note requires that “tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.” This condition would eliminate parklets from consideration since they occupy the parking lane adjacent to traffic, but it may allow sidewalk dining buffered by a pedlet or parking lane. Another NCDOT condition limits outdoor dining to streets with speed limit of 45 MPH or less. Although it’s unlikely that a business would install outdoor dining on such a relatively high-speed street, this condition could limit participation in the program for businesses located outside of downtown.

NCDOT also suggested that the City of Raleigh may request to assume management and maintenance responsibilities for a particular street, or streets, thus removing from the NCDOT and federal aid system. This assumption of responsibility has long term fiscal impacts for street maintenance. However, this responsibility may be inevitable for the Blount and Person Street corridors as NCDOT has foreshadowed that City maintenance acceptance may be required to convert these streets to two-way operation, as is anticipated with the Blount-Person Two-Way Conversion Project.

Next Steps

Staff has contacted the NCDOT Division 5 Office for information and consultation on this issue, who have in turn consulted with FHWA. They have confirmed the FMV waiver process and noted that the review and approval times have been timely, usually in a matter of days. Given Raleigh's administrative rights under the 2016 agreement, Staff suggests the following process to assist businesses wishing to utilize outdoor dining:

1. A business submits a request (including a basic drawing) for an outdoor dining or retail option to Emergency Management and Special Events (EMSE), per current practice.
2. EMSE and other Raleigh Staff review the request for conformity with both Raleigh's and NCDOT's standards.
3. Raleigh Transportation would submit a memo to NCDOT Division 5 with the outdoor dining request, some basic technical information like speed limits, number of roadway lanes, etc., and the FMV waiver request.
4. NCDOT would forward the waiver request on to FHWA.
5. Assuming the FMV waiver is granted and there are no other NCDOT issues, EMSE and other Raleigh staff will finalize the application and work with the applicant to facilitate the outdoor dining/retail installation.



NCDOT/Federal Aid Streets are indicated in red. City-maintained streets are indicated in blue.

(Attachments)

Follow Up from the May 4 City Council Meeting

Raleigh Street Right-of-Way Maintenance (Council Member Cox)

Staff Resource: Chris McGee, Transportation, 996-6446, christopher.mcgee@raleighnc.gov

During the meeting, following the Public Comment portion of the meeting, Council requested information regarding mowing and grounds maintenance along street rights-of-way and how the City of Raleigh compares with the Town of Cary. Staff contacted Town of Cary staff about their program; a comparison of operations, available resources, and policy guidance follows for both communities.

Operations

Raleigh staff provides mowing and grounds maintenance for 392.5 acres of roadside and medians spread out over 180.3 square miles with a total of 29 employees, or an average of 7.4 employees per 100 acres. Mowing is generally completed on a 3- to 4-week cycle. The Town of Cary maintains 175.3 acres spread over 66.5 square miles with 19.5 employees, or an average of 11.1 employees per 100 acres. Mowing is generally completed on a 1- to 2-week cycle.

Raleigh is more geographically spread out than Cary, covering roughly 2.7 times more land area, thus considerably increasing travel times between maintenance sites for Raleigh staff. Cary also has 50% more staff per 100 acres of maintenance than Raleigh. Fourteen (14) additional positions, along with equipment, would be required to match Cary's staffing levels in grounds maintenance.

Most Raleigh residents are familiar with the North Carolina Department of Transportation (NCDOT) recent budget situation that result in a curtailing of mowing and litter collection services along the right-of-way. This service reduction has a negative effect on perceptions of the region. NCDOT has recently re-started roadside maintenance and are slowly catching up on the program backlog. Over 440 centerline miles of NCDOT highways and roadways lie within the City of Raleigh, as opposed to 157 centerline miles of NCDOT roads in the Town of Cary.

Policies

The Town of Cary places a great deal of emphasis and priority on the condition of their roadway roadsides and medians, and this priority is evident not only in the staffing of their program, but also in their policies. The Town of Cary Policy Statement 75 details specific maintenance responsibilities for the town, individual residents, homeowners' associations, and planned unit developments. Cary defines responsibility for grounds maintenance to major thoroughfares, with some exceptions. Individual property owners are responsible for mowing all areas between their property lines and the edge of the street, including any utility and planting strips that lie between the edge of pavement and the property line. All traffic islands and medians located within a subdivision are the responsibility of the homeowner's association (HOA).

Cary also manages several agreements obligating developers and HOAs to maintenance of roadsides and medians on thoroughfares near the community; however, this practice of requiring these agreements has been discontinued in recent years. Cary also has a robust program called "Spruce" to encourage volunteer beautification efforts in the Cary community and an "Adopt-A-Spot" program with over 50 locations.

In comparison, the City of Raleigh does not have highly specific policy guidance defining similar maintenance requirements. The Raleigh Code of Ordinances, Section 12-6001, Enforcement by Inspections Department, has language regarding public nuisances in open spaces with grass and weeds greater than 8 inches in height constituting a violation. There is no clear requirement for property owners to maintain any part of the

adjacent right-of-way to any other standard. Raleigh does not have any documented agreements with developers or HOAs for maintenance assistance on roadsides.

Transportation is exploring options to organize and support more volunteer activities like the recent clean-up event held on May 22, including identifying key partnerships to assist in the effort. Recently Transportation has been comprehensively mapping median and roadside maintenance areas. This data is being analyzed to efficiently allocate and route resources; this effort will continue through this year.

(No attachment)

Follow Up from the May 18 City Council Meeting

Youth Tackle Football Program (Council Member Branch)

Staff Resource: Ken Hisler, Parks, 996-4823, kenneth.hisler@raleighnc.gov

During the meeting Council requested an update on the status of the youth tackle football program provided by the Parks, Recreation and Cultural Resources Department (PRCR), to include the cost to fund restoration of the program. The \$70,000 expense budget allocated to support this program was eliminated in response to budget reductions associated with the public health crisis.

Football, specifically tackle football, has been a long-standing staple for PRCR youth athletics. Players could participate in one of three age groups (Mighty Mite: 5-7; Little League: 8-11; Junior League: 11-13). In each of these categories there were weight limits that participants were required to comply to prevent significant size differences per age category. Youth participating in individual and/or team-oriented sport programs are taught foundational, character building life-skills delivered in a safe, encouraging, and positive environment. Over the last decade, PRCR has realized a 60% decline in registration influenced by: 1) significant increases in head trauma, 2) sport specialization, and 3) competition for the remaining participants. As a result PRCR began the transition to flag football in 2019. By moving to flag football, at a significantly lower unit cost, PRCR remains committed to providing participants the opportunity to learn all of the same foundational life-skills and teach the fundamentals of the game while substantially reducing the potential effects of high-level head trauma. A staff memorandum containing additional detail is included with the *Update* materials.

(Attachment)

Weekly Events Digest

Friday, May 28 – Thursday, June 3

City of Raleigh Office of Emergency Management and Special Events
specialevents@raleighnc.gov | (919) 996-2200 | raleighnc.gov/special-events-office

Permitted Special Events

[Dine Out Downtown City Market](#)

City Market

Saturday, May 29

Event Time: 5:00pm - 9:00pm

Associated Road Closures: Wolfe Street between Blount Street and Blake Street, Blake Street between Martin Street and Davie Street, and Parham Street between Martin Street and Wolfe Street will be closed from 3:00pm until 11:00pm.

[Black Flea Market](#)

Raleigh Union Station Plaza

Sunday, May 30

Event Time: 1:00pm - 5:00pm

Associated Road Closures: No roads will be closed for the event. Union Station Plaza will be used from 11:00am until 6:00pm.

Raleigh Union Station Community Yoga Programs

Raleigh Union Station Plaza

Sunday, May 30 through Thursday, June 3

Event Times: 5:00pm - 8:00pm on Mondays, Wednesdays, and Thursdays; 6:00pm - 8:00pm on Tuesdays; and 9:30am - 11:00am on Sundays

Associated Road Closures: No roads will be closed for the events. Raleigh Union Station Plaza will be used during the above dates and times from 3-22-21 until 11-24-21. Details regarding class registration can be found through [Yoga Soul·lect·tive](#) for Mondays, [Oak City Yoga](#) for Tuesdays and Wednesdays, and [Current Wellness](#) for Thursdays and Sundays.

[Noon Tunes @ City Plaza](#)

City Plaza

Wednesday, June 2

Event Time: 12:00pm - 1:00pm

Associated Road Closures: No roads will be closed for the event. The off-street portion of City Plaza will be used from 10:30am until 2:00pm.

Other Upcoming Events

[Friday Favorites: Beethoven Symphony No. 4 – North Carolina Symphony \(streaming\)](#)

Friday, May 28

Streaming from Meymandi Concert Hall

[Game 7: Hurricanes vs. Predators \(if necessary\)](#)

Saturday, May 29

PNC Arena

[Campaneria Ballet School Performance of The Nutcracker](#)

Saturday, May 29

Fletcher Opera Theater

Moore Square Market

Sunday, May 30
Moore Square

Prestige Dance Institute's 9th Annual Recital

Sunday, May 30
Fletcher Opera Theater

Amped Up Music Series: Hank, Pattie & The Current featuring The Mallarmé Chamber Players with Rebekah Todd & The Odyssey

Thursday, June 3
Red Hat Amphitheater

Public Resources

Pilot Text Alert Program: Sometimes spontaneous events happen downtown and in other areas that could affect local businesses. If you'd like to receive notifications when those events happen, including unpermitted ones, sign up for text alerts.

Event Feedback Form: Tell us what you think about Raleigh events! We welcome citizen and participant feedback and encourage you to provide comments or concerns about any events regulated by the Office of Emergency Management and Special Events. We will use this helpful information in future planning.

Road Closure and Road Race Map: A resource providing current information on street closures in Raleigh.

Online Events Calendar: View all currently scheduled events that impact City streets, public plazas, and Dorothea Dix Park.

Council Member Follow Up

§ 136-27.4. Use of certain right-of-way for sidewalk dining.

(a) The Department may enter into an agreement with any local government permitting use of the State right-of-way associated with components of the State highway system and located within the zoning jurisdiction of the local government for sidewalk dining activities. For purposes of this section, "sidewalk dining activities" means serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The agreement between the Department and the local government shall provide that the local government is granted the administrative right to permit sidewalk dining activities that, at a minimum, comply with all of the following requirements and conditions:

- (1) Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
- (2) Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
- (3) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
- (4) The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
- (5) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the Department and the local government as additional insureds on any policies covering the business and the sidewalk activities.
- (6) The restaurant operator shall provide an agreement to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining activities.
- (7) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.
- (8) The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the Department, the local government, its agents or employees, or by any other governmental entity or public utility.
- (9) Any other requirements deemed necessary by the Department, either for a particular local government or a particular component of the State highway system.

A local government given the administrative right to permit sidewalk dining activities under this section may impose additional requirements on a case-by-case basis, and nothing in this

section requires the local government to issue or maintain any permit for sidewalk dining activities if, in the opinion of the local government, such activities cannot be conducted in a safe manner. Nothing in this section requires the Department to give a local government the right to establish a permit program for sidewalk dining activities if, in the opinion of the Department, such activities cannot be conducted in a safe manner.

(b) A municipality applying to the Department for administrative rights under this section shall:

- (1) Enact an ordinance consistent with, but not necessarily limited to, the requirements of this section.
- (2) For applications along a federal-aid route or where the laws of the United States otherwise require, obtain permission from the Federal Highway Administration to permit the right-of-way to be used for the sidewalk dining. (2013-266, s. 2.)

NORTH CAROLINA
WAKE COUNTY

SIDEWALK DINING AGREEMENT

DATE: 6/24/2016

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

CITY OF RALEIGH

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Raleigh, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the North Carolina General Assembly (NCGA) has enacted legislation to allow sidewalk dining (or the serving of food and beverage) on property within or adjacent to State right of way; and,

WHEREAS, this AGREEMENT is made under the authority granted to the Department by the NCGA including, but not limited to, the following applicable legislation: North Carolina General Statutes (NCGS), Section 136-18(9) and Section 136-27.4; and,

WHEREAS, this AGREEMENT outlines the Municipality's administrative rights and responsibility to enact a Sidewalk Dining Ordinance and issue Permits for such;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

I. SIDEWALK DINING ORDINANCE AND PERMITS - CONDITIONS OF APPROVAL

The Municipality is given approval to administer a sidewalk dining ordinance and issue approval of permits allowing such in State right-of-way in or near the vicinity of the Municipality under the condition that the Municipality meets the following criteria:

- A. The Municipality shall enact an ordinance that meets the requirements of, but not necessarily limited to the requirements of the General Statutes of North Carolina (NCGS), Section 136-27.4.
- B. The Municipality shall provide the Department a copy of the ordinance once enacted and shall provide the Department any updates to the ordinance.

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C. The permit issued by the Municipality shall require the restaurant operator to provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the Department and the local government as additional insureds on any policies covering the business and the sidewalk activities.

D. The permit issued by the Municipality shall require the restaurant operator to provide an AGREEMENT or evidence to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining activities.

E. The permit shall require the restaurant operator to provide a copy of all permits and licenses issued by the State, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued to the Municipality. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.

F. The Municipality shall also meet any other requirements deemed necessary by the Department, either for a particular local government or a particular component of the State highway system to safely allow sidewalk dining.

G. The Municipality may impose additional requirements on a case-by case basis and nothing in this AGREEMENT requires the Municipality to issue or maintain any permit for sidewalk dining activities if, in the opinion of the Municipality, such activities cannot be conducted in a safe manner in the State right-of-way.

H. The Department shall cancel this AGREEMENT and revoke the permission of the Municipality to issue permits if at any time the Department considers that the safety of the traveling motorist, pedestrians, or any other third party may be compromised.

I. The Department reserves the right to cancel this AGREEMENT on a case-by-case basis if the Department deems the activities permitted by the Municipality cannot be conducted in a safe manner.

J. No permits may be issued for sidewalk dining on any federal-aid route on the National Highway System.

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K. The Municipality shall obtain permission from the Department to permit the right-of-way of any federal-aid route off the National Highway System to be used for sidewalk dining. A request for permission should be coordinated with the Department's Division Engineer.

L. The Municipality shall keep and maintain a list or database of all current permits and issued parties that may be requested by the Department at any time. A copy of all paperwork and submitted documents shall be kept on hand and provided to the Department if requested. If the permit is incomplete or does not meet the standards of this AGREEMENT, the Department reserves the right to cancel this AGREEMENT.

II. SIDEWALK DINING ORDINANCE AND PERMITS - MINIMUM CONDITIONS OF ORDINANCE

The ordinance enacted by the Municipality shall be consistent with, but not necessarily limited to, the following minimum criteria:

- A. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
- B. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
- C. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
- D. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
- E. The standards set forth by this AGREEMENT are minimums according to General Statute. Every potential site for Sidewalk Dining shall be reviewed by the Municipality for safety. Meeting these minimum guidelines alone does not imply that minimum standards for safety have been met. NCDOT reserves the right to limit or restrict application of this AGREEMENT along specific corridors or locations if safety becomes an issue.
- F. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the

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Department, the local government, its agents or employees, or by any other governmental entity or public utility.

III. SIDEWALK DINING ORDINANCE AND PERMITS - TIME FRAME

This AGREEMENT shall remain in place until canceled in writing by either party with thirty (30) days written notice to the other party.

IV. ADDITIONAL PROVISIONS

- A. This AGREEMENT shall not preempt or override local ordinances which have been enacted within the authority of the NCGS that are currently in place.
- B. The Department shall not be held liable for any damages resulting from implementation of any ordinances or issuance of any permits under the terms of this AGREEMENT.
- C. This AGREEMENT contains the entire AGREEMENT between the parties and there are no understandings or AGREEMENTs, verbal or otherwise, regarding this AGREEMENT except as expressly set forth herein.
- D. The parties hereby acknowledge that the individual executing this AGREEMENT on their behalf is authorized to execute this AGREEMENT on their behalf and to bind the respective entities to the terms contained herein and that he has read this AGREEMENT, conferred with his attorney, and fully understands its contents.
- E. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).
- F. Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.* requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Disinvestment Act. The State Treasurer's Final

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Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/iran and will be updated every 180 days.

By execution of this AGREEMENT each Party certifies that neither it nor its Agents or Contactors/Subcontractors 1) are on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran; 2) shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and 3) that the undersigned are authorized by the Parties to make this Certification.

During the term of this AGREEMENT, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and provided for by law, rule, or contract. Should this Act be voided by NC General Statute, this AGREEMENT will remain valid; however this certification will no longer be required.

IN WITNESS WHEREOF, this AGREEMENT has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

BY:

TITLE:

Devin J. Smith
City Clerk

CITY OF RALEIGH

BY:

TITLE:

Luffin Z. Hall
City Manager

DATE:

9-30-16

Approved by

Raleigh City Council

of the local governing body of the City of Raleigh as

attested to by the signature of Clerk of said governing body on *9-30-16* (Date)

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Jay A. Grassicole
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(SEAL)



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DEPARTMENT OF TRANSPORTATION

BY:

Theresa H. H.
(CHIEF ENGINEER)

DATE:

10/24/16

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: *8-4-2016*

Agreement ID # 6512

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To	Marchell Adams-David, City Manager
Thru	Oscar Carmona, Director
From	Ken Hisler, Assistant Director
Department	Parks, Recreation and Cultural Resources
Date	May 26, 2021
Subject	Council Follow-up Item: May 18, 2021 Meeting Tackle Football

At the May 18, 2021 City Council Meeting, Council Member Branch requested an update on the status of the youth tackle football program provided by the Parks, Recreation and Cultural Resources Department (PRCR). Included with the request was the cost to fund restoration of the program.

Provision of youth recreational athletics have long been core to the inventory of programs delivered by PRCR. Youth participating in individual and/or team-oriented sport programs are taught foundational life-skills such as hard-work, discipline, problem-solving, teamwork, leadership, how to be gracious in defeat and resilient in failure; all while done in a safe, encouraging and positive environment. An essential PRCR operating value is to provide an opportunity where all youth participants can learn the fundamentals of a respective sport, whether the result is to simply have fun or use as the foundation that will propel their playing at the professional level.

Football, specifically tackle football, has been a long-standing staple of youth athletics. Regrettably, over the past decade we have seen a steady decline in youth tackle football participation. Since 2009 – 2019 (last season before COVID) registration has dropped by nearly 60% (see table 1). This can be attributed to the following key impacts:

1. Youth focusing on single sports - No longer do we see the majority of youth as three sport athletes. Rather they are playing year-round in the sport they enjoy the most and are most talented. We have seen this specific to baseball where our fall program has grown over the years. The other impact has been the popularity of lacrosse.
2. Rise in significant head trauma – It has been well documented the long-term effects of head trauma resulting from prolonged exposure to high impact activities like tackle football. In March 2021 the National Alliance for Youth Sports (NAYS) recognized one of the most recent studies conducted on this topic. The [CDC Study](#) as published in *Sports Health* by Dr. Dana Walzman (Centers for Disease Control and Prevention) revealed tackle football athletes were 15 times

more likely to sustain a head impact during an athletic exposure (game or practice) compared with flag football athletes. And 23 times more likely to incur a high-magnitude impact compared with a flag football athlete.

3. Increased competition - For those program participants seeking more competitive football options they are turning to programs like Pop Warner and “school ball.” A key indicator of the impact was in our Junior League (11-13 yr. age) that was once eight teams which dwindled to four and was ultimately eliminated after 2018 due to WCPSS no longer “cutting” players after tryouts. Whoever signed up made the team.

Table 1: Football Registration

Year	Course Fee	Tackle Football	Flag Football	Total Registered	Total Revenue
2009	\$35.00	873		873	\$62,142.00
2010	\$42.00	854		854	\$108,792.00
2011	\$42.00	808		808	\$102,960.00
2012	\$48.00	724		724	\$105,084.00
2013	\$48.00	726		726	\$105,192.00
2014	\$48.00	674		674	\$97,884.00
2015	\$55.00	685		685	\$114,060.00
2016	\$55.00	644		644	\$107,652.69
2017	\$55.00	534		534	\$59,490.00
2018	\$55.00	444		444	\$49,380.00
2019	\$55.00	297		297	\$33,060.00
	\$40.00		63	63	\$5,100.00
Grand Total		7263	63	7326	\$950,796.69

In response to the challenges the tackle football program was enduring, PRCR recognized how the science relative to head trauma was impacting program participation. In 2014, PRCR aligned with the [USA Football](#) program, endorsed by the National Football League (NFL), which focused on restoring the fundamentals of the game in an effort to limit the traumatic physical injury to youth participants. PRCR was one of the initial stakeholders in Wake County to bring this level of coach training and certification. We hosted one of the first USA Football coaching certification clinics in Wake County, welcoming coaches from public schools, private schools, Parks and Recreation and Pop Warner programs. While optimistic this was a new path forward for the sport, participation continued to trend in the wrong direction.

In 2017 it was becoming more evident that the future of youth tackle football was not bright. Recognizing that the local flag football program offered at Lake Lynn Park was having positive results PRCR began researching the potential conversion of our city-wide tackle football program to [NFL Flag Football](#). Working with department leadership we established a timeline to transition. 2018 would be the final season of all ages playing

tackle football and beginning in 2019, starting with our youngest age group, we would phase from tackle to flag football.

In 2019 we offered the tackle football program with a \$55.00 registration fee (Pop Warner fee is \$175.00 - \$200.00) to ensure that cost would not be a barrier to participation. However, the cost to outfit a participant in tackle football is roughly 3x's the registration fee (helmet, shoulder pads, pants, pads, jersey). In comparison, flag football requires a jersey. Being associated with the NFL they present the official brand of the NFL teams. By moving to flag football, at a significantly lower unit cost, we continue to provide participants the opportunity to learn all of the same foundational life-skills and teach the fundamentals of the game while substantially reducing the potential effects of high-level head trauma.

In March 2020 COVID-19 halted the delivery of all PRCR programs. Further, all departments were asked to evaluate delivery of services to see where operating reductions could be introduced to meet the immediate financial challenges as we closed out FY20 and planned for FY21. Understanding that PRCR was already moving to flag football the \$70,000 expense budget allocated to support tackle football was accepted as a reduction. In addition to the \$70,000 reduction to the FY22 operating budget that would need to be restored, all football helmets would require reconditioning by the manufacturer before they could be used. The one-time cost to have that completed is estimated at \$20,000 for a total budget need of \$90,000.

Emerging from COVID, we prepared to deliver flag football for all three-age divisions in fall of 2020. Even with the pandemic as a backdrop, we had 129 registrants. Regrettably the grip of COVID prevented delivery of the program. As we approached spring 2021, we offered again as an option for those youth who prefer football to softball and baseball and had 94 registrants.