

# CITY MANAGER'S WEEKLY REPORT

raleighnc.gov



CITY OF  
**Raleigh**  
MANAGER'S  
OFFICE

Issue 2020-12

March 20, 2020

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### **No Council Activity Next Week – City Continues Coordination Related to Public Health Situation**

In accordance with Council action taken Tuesday, March 17, there are no planned Council activities scheduled for the upcoming week. You have received an email request from Communications Director Damien Graham regarding video content for social media. Please let us know if you require assistance.

City staff continues coordination activities associated with the COVID-19 public health crisis. Staff will continue to provide information and updates to the City Council as appropriate.

## INFORMATION:

### **Reminder - Required Ethics Training – On-Demand Webinar Available**

**Staff Resource: Louis Buonpane, City Manager's Office, 996-4275, [louis.buonpane@raleighnc.gov](mailto:louis.buonpane@raleighnc.gov)**

As a reminder to the item which appeared in *Weekly Report Issue 2020-08* (February 21) and *Issue 2020-11* (March 14), North Carolina law requires that members of governing boards of cities and other public entities receive two hours of ethics training within 12 months after each election or appointment to office. The

ethics training requirement is an ongoing obligation, triggered by each subsequent re-election or reappointment to office.

To assist Council Members with meeting this requirement, the City has purchased the on-demand webinar - "Ethics for Local Elected Officials" - from the School of Government at UNC-Chapel Hill. Council Members will receive information on how to log-in to the webinar from their assigned Policy Analyst. At the conclusion of the webinar, participants will be prompted to open a link to the "Elected Officials Verification Form".

Printed copies of this form are available in the Council Office. Following completion of the online webinar, each Council Member should provide a signed copy of this form to the City Clerk.

Please see your assigned Policy Analyst with any questions.

*(No attachment)*

### **GoRaleigh Transit Service and COVID-19 Safety Measures**

*Staff Resource: David Eatman, RDOT-Transit, 996-4040, [david.eatman@raleighnc.gov](mailto:david.eatman@raleighnc.gov)*

GoRaleigh transit is prioritizing the health and safety of GoRaleigh customers and employees. GoRaleigh is taking the public health situation seriously and continues to monitor the situation closely. GoRaleigh public transit buses remain fully operational at this time.

In light of the COVID-19 situation, buses are cleaned, fueled and checked daily. All facilities are also cleaned daily; these activities are a part of standard daily operations. Additional precautionary measures that have been implemented include:

- spraying and wiping all bus areas with Clorox commercial disinfecting spray;
- spraying and wiping door handles, common areas and surfaces throughout GoRaleigh facilities multiple times a day with Clorox commercial disinfecting spray;
- providing sanitizing wipes for all GoRaleigh staff including bus operators;
- installing sanitizing pumps throughout GoRaleigh facilities;
- providing sanitizing pumps for bus operators and public use on all buses;
- social distancing signage for seating on buses;
- weekly fogging of buses with Zep Triton disinfectant; and
- nightly fogging with Zep Triton disinfectant for GoRaleigh Station public restrooms.

All of the information outlined above has been shared with the public.

*(No attachment)*

**Census 2020: City and Regional Outreach Efforts**

Staff Resources: Sara Ellis, Planning and Development, 996-2234, [sara.ellis@raleighnc.gov](mailto:sara.ellis@raleighnc.gov)  
Christopher Golden, Planning and Development, 996-6368,  
[christopher.golden@raleighnc.gov](mailto:christopher.golden@raleighnc.gov)



City staff, in conjunction with the Wake County Complete Count Committee, continues outreach and engagement efforts to achieve a goal of an 80% response rate for the 2020 Census. Certain planned activities are curtailed due to the public health situation; additional information may be found in the memorandum include with the *Weekly Report* materials.

(Attachment)

**Convention Hotel and Downtown Development Project - Deadline Extended**

Staff Resource: Jim Greene, City Manager's Office, 996-3070, [jim.greene@raleighnc.gov](mailto:jim.greene@raleighnc.gov)

Responses to the *Request for Interest* (RFI) issued for the Convention Hotel and Downtown Development project are due March 27; as Council will recall the consulting firm Jones Lang LaSalle (JLL) was contracted to assist the City with the process. Staff with JLL indicated this week that while there is still much interest in the project, the nationwide public health pandemic has severely impacted the hotel industry. JLL has received many calls asking if the City could extend the deadline to allow those interested in the project more time to complete a submission. Understanding the circumstances, City staff has agreed to extend the deadline for submissions to the RFI until May 1. Included with the *Weekly Report* materials is the statement added to the project website, which JLL issued via an email blast to individuals that had shown interest in the project.

(Attachment)

**White Oak Lake Reconstruction Project**

Staff Resource: Wayne Miles, Engineering Services, 996-3964, [wayne.miles@raleighnc.gov](mailto:wayne.miles@raleighnc.gov)

White Oak Lake is located in west Raleigh, northwest of Interstate 440 (I-440), southwest of Western Boulevard and in the vicinity of Athens Road High School (*Figure 1* below) The lake and dam are primarily privately-owned, with the exception of a portion of the dam that is located within North Carolina Department of Transportation (NCDOT) right-of-way for I-440. The City has no property interest in the

privately-owned lake and dam, nor does it have any legal obligation to repair or maintain either the lake or the dam structure.

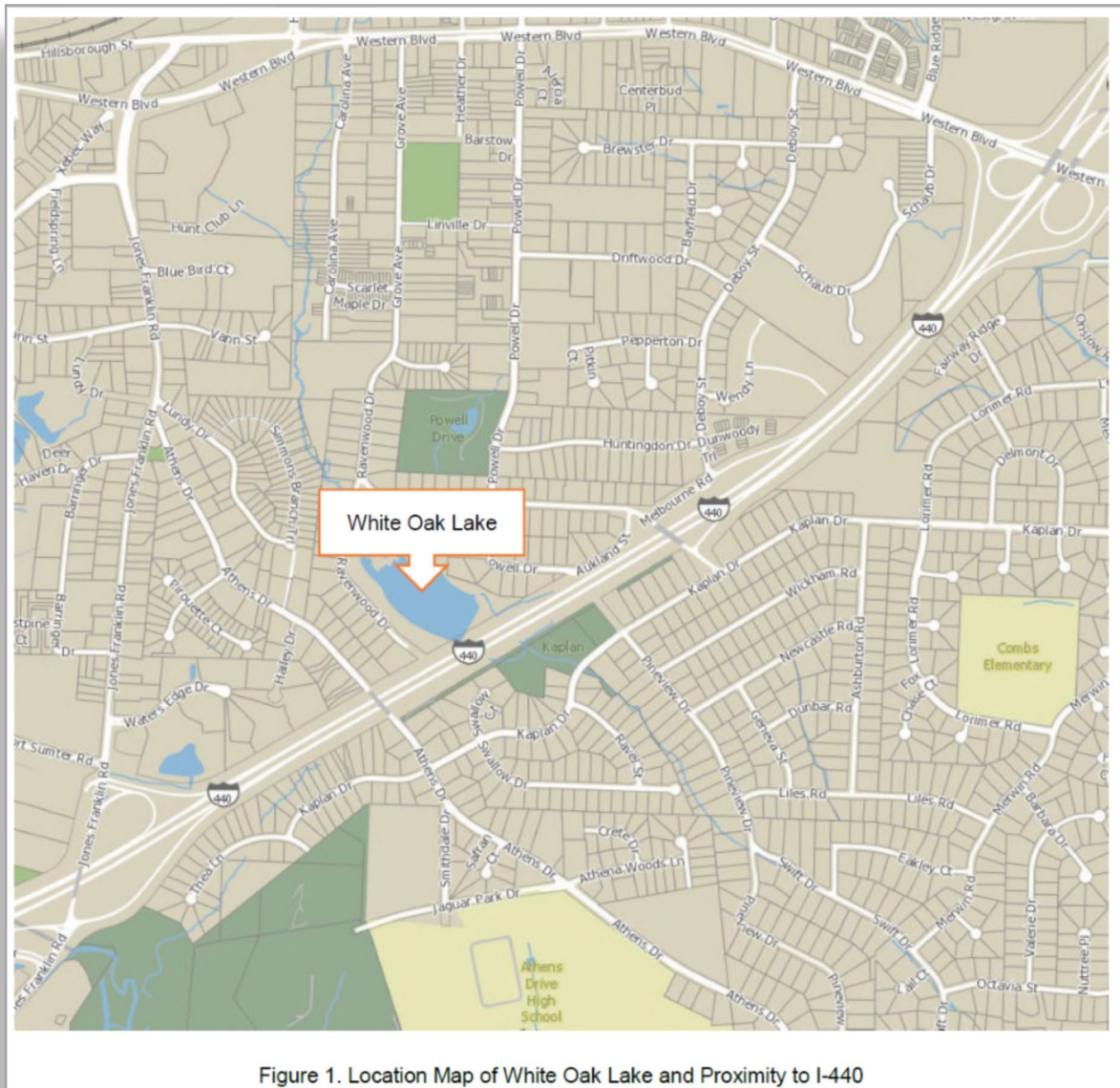


Figure 1. Location Map of White Oak Lake and Proximity to I-440

Recently, the North Carolina Department of Environmental Quality (DEQ) sent the owners of White Oak Lake Dam a *Letter of Deficiency* based on a recent inspection of the dam which indicates significant repair is necessary for safety of the public. NCDOT is a partial owner of the dam because the existing I-440 right-of-way extends onto a portion of the dam. As a result, the DEQ *Notice* was sent to NCDOT as well as White Oak Lake, Inc., a private entity which owns most of the dam and lake in fee simple. The dam has been classified as high hazard, meaning that dam failure studies have indicated that human life and significant property would be endangered by a dam failure. NCDOT plans to breach the dam, discussed below, will mitigate the risk of dam failure.

The lake and dam are upstream of Simmons Branch in the vicinity of Pineview Drive and Swift Drive, where the City is in the final stages of a \$5.6 million stormwater improvement project to address flooding issues in



the neighborhood. These downstream improvements meet the all City design standards and level of service for stormwater conveyance, which will decrease the risk of flooding and also improve resiliency of the portion of Simmons Branch flowing through the neighborhood. The decreased risk of flooding is present even if the City takes no further action at White Oak Lake. If NCDOT increases the size of the drainage culverts located under I-440, then the City would have to reevaluate the level of service provided by the current planned downstream improvements.

NCDOT recently sent a letter to the residents of the Cardinal Hills Subdivision; many of the residents have used the lake for recreational purposes. The Cardinal Hills Subdivision spans both sides of I-440 and includes Melbourne Road, Ravenwood Drive, Ashburton Road, and portions of Kaplan Drive, Pineview Drive, Liles Road, and several interior roads. The letter notifies the residents of the intent to breach the dam as a means of compliance with the *Notice of Deficiency*. The proximity of the lake to the I-440 widening project currently under construction is a complicating factor because the current location of the dam conflicts with the proposed construction of the roadway widening. Copies of both the DEQ and NCDOT letters to property owners are included with the *Weekly Report* materials.

City staff has had a capital project planned and designed to relocate the dam and rehabilitate the spillway. This project has been put on hold because of delays in securing necessary easements for the project, the need to redesign the project because of changes to the NCDOT I-440 widening design, the need to re-bid the project, and ongoing efforts by NCDOT to breach the dam. Furthermore, following authorization for condemnation by the City Council on May 7, 2019, it was discovered that the lake and dam have been the subject of private litigation between the owners of the lake (excluding NCDOT) and adjacent lot owners. The legal situation warrants a closer examination of existing property rights and maintenance obligations tied to both the lake and the dam.

Due to the underlying legal questions, the City stormwater project has been put on indefinite hold pending the completion of the I-440 widening project as well as any construction required for the dam breach. Following the dam breach by NCDOT, City staff will evaluate the post-breach conditions to determine if a dam rehabilitation project is still desirable in light of real property issues. Other considerations include meeting overall stormwater management and other policy goals.

Staff will provide updates as conditions change and as work proceeds on the planned dam breach and the I-440 road widening project.

(No attachment)

### Weekly Digest of Special Events

Staff Resource: Derrick Remer, Special Events Office, 996-2200, [derrick.remer@raleighnc.gov](mailto:derrick.remer@raleighnc.gov)

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

(Attachment)

## Council Member Follow Up Items

### Follow Up from the January 14 City Council Meeting

#### Property Tax Relief Programs (Council Member Melton)

Staff Resource: Niki Jones, Housing & Neighborhoods, 996-4278, [niki.jones@raleighnc.gov](mailto:niki.jones@raleighnc.gov)

During the meeting Council requested that staff provide information on tax relief programs administered by the City of Durham and the City of Charlotte. Included with the Weekly Report materials is a staff memorandum discussing those tax relief programs as well as the associated North Carolina General Statutes.

(Attachment)

### Follow Up from the January 21 City Council Meeting

#### Los Angeles County (California) Accessory Dwelling Unit Research (Council Member Martin)

Staff Resource: Nick Dula, Housing & Neighborhoods, 996-6935, [nicholas.dula@raleighnc.gov](mailto:nicholas.dula@raleighnc.gov)

During the meeting Council requested that staff provide information on how other cities are utilizing Accessory Dwelling Units (ADUs). Specifically, the request was to research Los Angeles and report back on the program operated by that jurisdiction. Included with the Weekly Report materials is a staff memorandum outlining the research associated with the ADU Pilot Program in Los Angeles County.

(Attachment)

### Follow Up from the March 3 City Council Meeting

#### High Impact and High Visibility Development Projects (Report of the Appearance Commission)

Staff Resource: Carter Pettibone, Planning and Development, 996-4643, [carter.pettibone@raleighnc.gov](mailto:carter.pettibone@raleighnc.gov)

Council will recall that during the meeting the Appearance Commission made a request to conduct a study and develop recommendations for how to define areas or types of site plan projects as High Impact/High Visibility, with a recommendation as to how the commission could conduct design review of those projects. As a result, City Council tasked the commission to return with recommendations.

Council also directed the commission to develop recommendations for how the commission could participate in the review of City-initiated projects, as well as how to work with staff on the development of text changes to the Unified Development Ordinance. The Appearance Commission plans to discuss these issues at the next meeting and plans to forward a proposed timeline and next steps soon thereafter.

(No Attachment)

## Follow Up from the March 17 City Council Meeting

### On-street and other Automobile Parking Issues and the COVID-19 Public Health Crisis

Staff Resource: Matthew Currier, RDOT-Parking, 996-4041, [matthew.currier@raleighnc.gov](mailto:matthew.currier@raleighnc.gov)

During the meeting Council adopted several actions related to current public health situation; RDOT staff have recently taken several steps to support the local business community and to help limit contact and potential transmission of the COVID-19 virus.

As of noon March 17, Raleigh Parking enforcement staff were instructed to focus enforcement only on safety or mobility issues such as blocking fire hydrants, driveways, crosswalks, accessible ramps, bike lanes and other safety issues. On Wednesday, March 18, Raleigh Parking staff, in coordination with multiple business alliance groups and businesses with limited storefront access, deployed approximately 100 temporary curbside pickup zones across the City. These zones are located adjacent to local businesses, restaurants, and retailers to support quick stops for food take-out services and other small deliveries. Staff continues to deploy these zones in new locations as businesses reach out, either through partners or directly to Raleigh Parking. Staff also created a GIS map of all the curbside pickup zones throughout the City. The map can be found here: [GIS curbside pickup map](#). Staff will continue to update the map as locations are added or removed.



On Thursday Raleigh Parking placed all on-street pay stations out of service. Staff placed signage on each meter notifying visitors that no payment is required at this time. This step was taken to limit contact and potential transmission of the virus.



Finally, the “\$5 After 5pm” program has been suspended until further notice due to low anticipated demand in City-owned parking decks. Council may recall that this program provides a low-cost parking option for visitors on Friday and Saturday evenings, beginning at 5:00 P.M.

The Raleigh Parking team remains in close contact with business alliance leaders and continues to monitor other jurisdictions to identify and implement parking alternatives to work through the public health crises together.

*(No attachment)*





**Raleigh**

## **MEMO**

TO: Ruffin Hall, City Manager

THRU: Ken Bowers, Deputy Director

FROM: Christopher Golden, Senior Planner  
Sara Ellis, Planner II

DEPARTMENT: Planning and Development

DATE: March 20, 2020

SUBJECT: Census 2020: City and Regional Outreach Efforts

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City staff, in conjunction with the Wake County Complete Count Committee, is continuing outreach and engagement efforts to achieve the goal of an 80% response rate for the 2020 Census, which starts April 1, 2020. Work to achieve this goal has been diverse, but strategic. City Planning, with assistance from other departments, are coordinating efforts with the Wake County Complete Count Committee and acting as a co-chair on the Census local government subcommittee.

Through this participation and cooperation, we have formed a targeted outreach plan for some of the historically undercounted census tracts in Southeast Raleigh as well as the Mini-City Area along Capitol Blvd. We have initiated Census promotion on City social media outlets, public utility bills and direct outreach to various public meetings and events citywide. Contingent on funding, targeted mailings are planned during the month of April. Various community outreach events had been planned through March and April, which are currently on hold due to the public health crisis. Situation depending, outreach events will resume, if possible, once the current public health crisis has abated.

Staff strives to increase the Census participation rate as the population count is vital to the geographic distribution of state and local tax dollars as well as to the balance of power and influence among states on the federal level.

Despite the current public health situation, there is a wealth of Census promotional material available in electronic format and available for public distribution.

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza,  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
(Mailing Address)



## **UPDATE:**

### **Extension in Timeline for Submittals to RFI for Convention Hotel and Downtown Development Project**

With consideration of the extraordinary circumstances impacting us all, the City of Raleigh is extending the due date for the submission of the RFI responses. The submissions for development interest will now be due on **Friday, May 1, 2020**. One electronic version of your response should be sent to [tony.peterman@am.jll.com](mailto:tony.peterman@am.jll.com) by 5:00 PM ET on that date. There are no other changes to the submittal requirements.

Even though these are uncertain times, the City is committed to exploring project options. Therefore, the City remains very interested in receiving and reviewing development team responses to the RFI and is enthusiastic on the new convention hotel and mixed-use tower. Predictability as to the future events is very challenging with the pandemic and thus the City cannot at this time define the path or schedule forward for this project. However, we are committed to communicating effectively with all those in the development community who express interest in the project throughout the process.

The City of Raleigh appreciates your patience and sincerely thanks you for your interest.

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director



## **NOTICE OF DEFICIENCY**

January 16, 2020

### **CERTIFIED MAIL** **RETURN RECEIPT REQUESTED**

White Oak Lake, Inc.  
Attn: William E. Stevens  
9 Auditorium Circle  
Wrightsville Beach, NC 28480-2713

USPS Tracking: 7017 2680 0000 2219 9402

NCDOT District 1  
Attn: Amy N. Neidringhaus  
4009 District Drive  
Raleigh, NC 27607

USPS Tracking: 7017 2680 0000 2219 9426

NCDOT Process Agent  
Attn: Beth Smith  
Transportation Building  
1 South Wilmington Street  
1501 Mail Service Center  
Raleigh, NC 27699-1501

USPS Tracking: 7017 2680 0000 2219 9754

RE: White Oak Dam (State ID: WAKE-195)  
Wake County, North Carolina  
Neuse River Basin

### **Responsible Parties:**

The Dam Safety Law of 1967 provides for the certification and inspection of dams in the interest of public health, safety, and welfare, in order to reduce the risk of failure of dams, to prevent injuries to persons, damage to downstream property, and to ensure the maintenance of stream flows.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources  
Raleigh Regional Office | 1628 Mail Service Center | 3800 Barrett Drive | Raleigh, North Carolina 27609  
919.791.4200

White Oak Dam  
WAKE-195  
Page 2 of 3

An inspection of the referenced dam was conducted on January 10, 2020, by staff of the Division of Energy, Mineral, and Land Resources (DEMLR) Raleigh Regional Office. During this inspection, the following conditions were noted:

1. The principal spillway (PS) is almost completely obstructed with vegetative debris which may indicate beaver activity.
2. The PS is severely deteriorated and has greatly diminished capacity as a result. The corrugated metal pipes (CMP's) have rusted through and collapsed. Some flowing water was observed bypassing the CMP's.
3. Erosion has occurred around the right end of the PS headwall. Visual evidence indicates that water is discharging from the impoundment through this area regularly.
4. The inlet/upstream end of the emergency spillway (ES) is partially obstructed by vegetative growth and debris, indicating possible beaver activity.
5. The ES floor slab has exposed aggregate indicating erosion of the concrete over its many years of use.
6. The ES joints have experienced displacement and deterioration. Water is flowing through the joints in several locations into the space beneath the concrete slab. Voids have developed as a result.
7. The ES concrete floor slabs have cracked in some locations due to tension created by removal of the underlying material.
8. A headcut has developed and progressed to the extent that large portions of the ES spillway have collapsed at the downstream end.
9. The upstream face of the dam (impoundment side) has trees and bushes of various sizes, evidence of detrimental animal activity, and wave erosion.
10. The top of dam, toe and abutment contacts, and downstream slope have small to large trees and other woody vegetation. There are several downed trees on the downstream slope of the dam.
11. A pool of seepage has collected at the dam's toe right of center of the dam. There was no evidence observed of material being moved out of the dam embankment or foundation.

(Please note: all references to right or left directions are made as if the observer is standing on the dam's crest and facing downstream.)

The deficiencies listed above endanger the safety of the dam and may result in partial or total release of the impoundment. The deterioration of the principal and emergency spillways will likely progress to the point that there is insufficient material remaining to resist the pressure exerted by the upstream impoundment. The spillway obstructions restrict flow such that the spillways do not flow at their design capacity which makes dam overtopping more likely. Trees on the dam have the potential to uproot and remove large sections of the embankment creating slope instability and

White Oak Dam  
WAKE-195  
Page 3 of 3

promoting seepage. In some cases, seepage can result in internal erosion of the dam or its foundation and result in the eventual release of the impoundment.

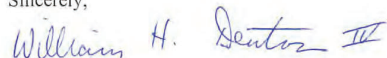
These conditions appear serious and justify further engineering study to determine appropriate remedial or other measures. In the event of a dam failure, failure studies have indicated that human life and significant property would be endangered because of potential damage I-440 and multiple single-family residences along Pineview Drive and Swift Drive. For this reason, the dam has been classified as high hazard under 15A NCAC 02K .0105.

In order to ensure the safety of this dam, you are directed to retain the services of a registered professional engineer or an experienced engineering firm to make a study of the conditions outlined in this letter. Plans and specifications for repair based on the results of the study must be filed with the Division of Energy, Mineral, and Land Resources for approval pursuant to the North Carolina Administrative Code, Title 15A, Subchapter 2K - Dam Safety (15A NCAC 2K). Plans and specifications must be submitted for review and approval by March 17, 2020.

We do not have an emergency action plan (EAP) on file for your dam. An EAP is required for this dam under NCGS 143-215.31(a1). Two copies of the EAP shall be submitted to the Division of Energy, Mineral, and Land Resources for approval by March 17, 2020. For more information regarding EAP requirements, please go to <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/dam-safety/planning-dam-emergency>.

Please contact us at (919) 791-4200 to advise us of your intended action in this matter. If we do not receive notification on or before March 17, 2020, we may present the case information for appropriate enforcement action. Enforcement action could include a civil penalty of up to \$500.00 per day of violation, and/or issuance of a Dam Safety Order requiring the repair or removal of this dam, and/or injunctive relief to gain compliance.

Sincerely,



William H. Denton, IV, PE  
Regional Engineer  
DEMLR

cc: Raleigh Regional Office File  
George Eller, DEMLR Dam Safety Engineer (via email)

## DAM SAFETY INSPECTION REPORT

<b>Name</b> White Oak Lake Dam	<b>County</b> Wake	<b>No.</b> 195	<b>Inspected By</b> Kimberly Summers/Bill Denton	<b>Date</b> 01/10/20
<b>Owner</b> 1) White Oak Lake, Inc., 2) & 3) see comments		<b>Address</b> 1) 9 Auditorium Cir, Wrightsville Beach, NC 28480		<b>Phone No.</b>
<b>Type of Dam</b> <input type="checkbox"/> Concrete Gravity <input type="checkbox"/> Concrete Arch <input type="checkbox"/> Other <input checked="" type="checkbox"/> Embankment <input type="checkbox"/> Concrete Buttress <input type="checkbox"/> Stone Masonry		<b>Type of Inspection</b> <input type="checkbox"/> Follow up <input checked="" type="checkbox"/> Periodic <input type="checkbox"/> Other		<b>Site Conditions</b> <input checked="" type="checkbox"/> Dry <input type="checkbox"/> Snow Cover <input type="checkbox"/> Wet
<b>Hazard Description</b> Potential slope damage to I-440 (Cliff Benson Beltline) embankment; residences further downstream of I-440 culvert.		<b>Condition Assessment</b> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> Not rated		<b>Hazard Class</b> <input type="checkbox"/> Low (A) <input type="checkbox"/> Intermediate (B) <input checked="" type="checkbox"/> High (C)
<b>Remarks</b> -Denton and Summers inspected at separate times on 1/10/2020. Both took photos and inspection report is based on combined observations. -Dam is in very poor condition. Both PS & ES are severely damaged and eroded. Questionable spillway capacity.		<b>Action</b> <input type="checkbox"/> None <input type="checkbox"/> Maintenance <input type="checkbox"/> Monitoring <input type="checkbox"/> Minor Repair <input checked="" type="checkbox"/> Engineering	<b>Recommendations</b> <input type="checkbox"/> Inspection letter <input type="checkbox"/> Inspection by DSE <input checked="" type="checkbox"/> Deficiency letter <input type="checkbox"/> Dam safety order <input type="checkbox"/> RE notice <input type="checkbox"/> Enforcement <input type="checkbox"/> Engineering study <input type="checkbox"/> Periodic reinspection <input type="checkbox"/> Inspection by RE <input type="checkbox"/> Other reinspection	
<b>AREA</b>	<b>PROBLEMS</b>		<b>COMMENTS</b>	
<b>UPSTREAM SLOPE / FACE</b>	<input type="checkbox"/> 1. None <input type="checkbox"/> 11. Displaced rip rap <input checked="" type="checkbox"/> 2. Trees <input type="checkbox"/> 12. Cracks <input checked="" type="checkbox"/> 3. High bushes <input type="checkbox"/> 13. Undermining <input checked="" type="checkbox"/> 4. Burrows <input type="checkbox"/> 14. Holes <input checked="" type="checkbox"/> 5. Wave erosion <input type="checkbox"/> 15. Spalling <input type="checkbox"/> 6. Livestock damage <input type="checkbox"/> 16. Displaced joints <input type="checkbox"/> 7. Slides <input type="checkbox"/> 17. Deteriorated joints <input type="checkbox"/> 8. Depressions <input type="checkbox"/> 18. Exposed reinforcement <input type="checkbox"/> 9. Bulges <input type="checkbox"/> 19. Other <input type="checkbox"/> 10. Sparse rip rap		COVER: <input checked="" type="checkbox"/> Vegetation <input type="checkbox"/> Rip rap <input type="checkbox"/> Concrete <input type="checkbox"/> Asphalt <input type="checkbox"/> Other  2,3: small to large trees/bushy vegetation 4: evidence of animal activity (muskrat runs) 5: wave erosion	
<b>TOP OF DAM</b>	<input type="checkbox"/> 1. None <input type="checkbox"/> 11. Cracks <input checked="" type="checkbox"/> 2. Trees <input type="checkbox"/> 12. Spalling <input checked="" type="checkbox"/> 3. High bushes <input type="checkbox"/> 13. Deteriorated joints <input type="checkbox"/> 4. Burrows <input type="checkbox"/> 14. Displaced joints <input type="checkbox"/> 5. Ruts <input type="checkbox"/> 15. Exposed reinforcement <input type="checkbox"/> 6. Livestock damage <input type="checkbox"/> 16. Other <input type="checkbox"/> 7. Depressions <input type="checkbox"/> 8. Unlevel <input type="checkbox"/> 9. Misalignment <input type="checkbox"/> 10. Has overtopped		COVER: <input checked="" type="checkbox"/> Vegetation <input type="checkbox"/> Gravel <input type="checkbox"/> Concrete <input type="checkbox"/> Asphalt <input type="checkbox"/> Other  2,3: small to large trees/bushy vegetation	
<b>DOWNSTREAM SLOPE / FACE</b>	<input type="checkbox"/> 1. None <input type="checkbox"/> 11. Seepage <input checked="" type="checkbox"/> 2. Trees <input type="checkbox"/> 12. Boils <input checked="" type="checkbox"/> 3. High bushes <input type="checkbox"/> 13. Cracks <input type="checkbox"/> 4. Burrows <input type="checkbox"/> 14. Holes <input type="checkbox"/> 5. Erosion <input type="checkbox"/> 15. Spalling <input type="checkbox"/> 6. Livestock damage <input type="checkbox"/> 16. Displaced joints <input type="checkbox"/> 7. Slides <input type="checkbox"/> 17. Deteriorated joints <input type="checkbox"/> 8. Depressions <input type="checkbox"/> 18. Exposed reinforcement <input type="checkbox"/> 9. Bulges <input checked="" type="checkbox"/> 19. Other <input type="checkbox"/> 10. Wetness		COVER: <input checked="" type="checkbox"/> Vegetation <input type="checkbox"/> Rip rap <input type="checkbox"/> Concrete <input type="checkbox"/> Other  2,3: small to large trees/bushy vegetation 19: downed trees laying on the downstream slope	
<b>TOE CONTACT</b>	<input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 11. Seepage <input checked="" type="checkbox"/> 2. Trees <input type="checkbox"/> 12. Boils <input checked="" type="checkbox"/> 3. High bushes <input type="checkbox"/> 13. Cracks <input type="checkbox"/> 4. Burrows <input type="checkbox"/> 14. Holes <input type="checkbox"/> 5. Erosion <input type="checkbox"/> 15. Spalling <input type="checkbox"/> 6. Livestock damage <input type="checkbox"/> 16. Displaced joints <input type="checkbox"/> 7. Slides <input type="checkbox"/> 17. Deteriorated joints <input type="checkbox"/> 8. Depressions <input type="checkbox"/> 18. Exposed reinforcement <input type="checkbox"/> 9. Bulges <input type="checkbox"/> 19. Other <input type="checkbox"/> 10. Wetness		COVER: <input checked="" type="checkbox"/> Vegetation <input type="checkbox"/> Rip rap <input type="checkbox"/> Concrete <input type="checkbox"/> Other  2,3: small to large trees/bushy vegetation 11: large seepage pool center to right at toe, no visible flow or material transport	



AREA	PROBLEMS	Dam No.	Date	Page 2
ABUTMENT CONTACTS	<input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Trees <input checked="" type="checkbox"/> 3. High bushes <input type="checkbox"/> 4. Burrows <input type="checkbox"/> 5. Erosion <input type="checkbox"/> 6. Livestock damage <input type="checkbox"/> 7. Slides <input type="checkbox"/> 8. Depressions <input type="checkbox"/> 9. Bulges <input type="checkbox"/> 10. Wetness	<input type="checkbox"/> 11. Seepage <input type="checkbox"/> 12. Boils <input type="checkbox"/> 13. Cracks <input type="checkbox"/> 14. Holes <input type="checkbox"/> 15. Spalling <input type="checkbox"/> 16. Displaced joints <input type="checkbox"/> 17. Deteriorated joints <input type="checkbox"/> 18. Exposed reinforcement <input type="checkbox"/> 19. Undermining <input type="checkbox"/> 20. Other	COVER: <input checked="" type="checkbox"/> Vegetation <input type="checkbox"/> Rip rap <input type="checkbox"/> Concrete <input type="checkbox"/> Other  2,3: small to large trees/bushy vegetation	
PRINCIPAL SPILLWAY	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. No trashguard <input checked="" type="checkbox"/> 3. Obstructed <input type="checkbox"/> 4. Plugged <input checked="" type="checkbox"/> 5. Rusted <input checked="" type="checkbox"/> 6. Damaged <input type="checkbox"/> 7. Gates leaking <input type="checkbox"/> 8. Joints leaking <input type="checkbox"/> 9. Cracks <input type="checkbox"/> 10. Joint deterioration	<input type="checkbox"/> 11. Joint displacement <input type="checkbox"/> 12. Undermined <input checked="" type="checkbox"/> 13. Voids <input checked="" type="checkbox"/> 14. Erosion <input checked="" type="checkbox"/> 15. Holes <input type="checkbox"/> 16. Conduit collapsed <input type="checkbox"/> 17. Spalling <input checked="" type="checkbox"/> 18. Outlet undercutting <input type="checkbox"/> 19. Misalignment <input type="checkbox"/> 20. Other	TYPE/SIZE: 3-12" CMP's with headwall  3: Spillway inlet obstructed by woody vegetation; possible beaver activity. 5, 6: Spillway is severely deteriorated; pipes have rusted and collapsed. 13, 15: Water appears to be flowing under PS structure in some locations. 14, 18: Severe erosion at PS outlet; erosion has started around right end of PS headwall.	
EMERGENCY SPILLWAY	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. No ES <input type="checkbox"/> 3. Same as PS <input checked="" type="checkbox"/> 4. Obstructed <input checked="" type="checkbox"/> 5. Erosion <input type="checkbox"/> 6. Displaced rip rap <input type="checkbox"/> 7. Sparse rip rap <input checked="" type="checkbox"/> 8. Joints leaking <input checked="" type="checkbox"/> 9. Cracks <input checked="" type="checkbox"/> 10. Joint deterioration	<input checked="" type="checkbox"/> 11. Joint displacement <input checked="" type="checkbox"/> 12. Undermined <input checked="" type="checkbox"/> 13. Voids <input type="checkbox"/> 14. Holes <input type="checkbox"/> 15. Exposed reinforcement <input type="checkbox"/> 16. Spalling <input checked="" type="checkbox"/> 17. Outlet erosion <input type="checkbox"/> 18. Misalignment <input type="checkbox"/> 19. Inadequate capacity <input type="checkbox"/> 20. Other	TYPE/SIZE: Concrete chute  4: Upstream end of spillway is partially obstructed by vegetative growth and debris; possible beaver activity. 5: Concrete floor slab has exposed aggregate 8, 10, 11, 13: Joints have experienced displacement, deterioration, and are allowing water to enter the space under the concrete slab creating voids. 9: Concrete floor slabs are cracked; several downstream slabs have collapsed due to undermining. 12: Downstream headcut has been progressing for years causing large portions of the spillway to collapse.	
DRAINS / OTHER OUTLETS	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. No bottom drain <input type="checkbox"/> 3. Bottom drain inoperable <input type="checkbox"/> 4. Subsurface drain dry <input type="checkbox"/> 5. Subsurface drain muddy flow <input type="checkbox"/> 6. Subsurface drain obstructed <input type="checkbox"/> 7. No animal guard <input type="checkbox"/> 8. Other	TYPE: n/a  n/a		
	SKETCHED/COMMENTS:  2) NC DOT-District 1 Attn: Amy N. Neidringhaus 4009 District Drive Raleigh, NC 27607  3) NCDOT-Process Agent Attn: Beth Smith Transportation Building 1 South Wilmington Street 1501 Mail Service Center Raleigh, NC 27699			



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

March 10, 2020

City of Raleigh  
P.O. Box 590  
Raleigh, NC 27602-0590

Dear Cardinal Hills Subdivision Property Owner,

White Oak Lake, located on the north side of Interstate 440 within the Cardinal Hills Subdivision, is a recreational lake for which the residents of the community have access. The waters of White Oak Lake are contained by a dam that is located on property owned by both the North Carolina Department of Transportation and by White Oak Lake, Inc, a private entity. The Department owned property is the existing right of way for Interstate 440 which divides the subdivision.

On January 16, 2020, the North Carolina Department of Environmental Quality – Dam Safety issued a notice to the owners of the dam, including the Department, that the dam is deficient and has been categorized as high hazard. That notice is included with this letter for reference. As the notice indicates, plans to address the many deficiencies must be provided to NCDEQ by March 17, 2020. Failure to provide a plan will result in the issuance of a Dam Safety Order in addition to a potential civil penalty. Based on feedback from NCDEQ, the condition of the dam and spillway is such that there is no feasible repair and replacement of the dam and spillway would likely be necessary. An alternative to reconstruction of the dam and spillway would be to breach the dam, thereby draining White Oak Lake. Breaching the dam and draining the lake is a requirement in the short term in order to maintain safety for all downstream properties. This would allow Simmons Branch to return to its original functioning prior to the dams' construction.

It should be noted that the City of Raleigh had plans to reconstruct this dam and spillway outside of NCDOT right of way as part of stormwater management efforts downstream; however, this project has been placed on hold indefinitely by the City. Information on the project can be found on the City's website here:

<https://raleighnc.gov/projects/content/PWksStormwater/Articles/WhiteOakLake.html>.

The Department, as a policy, does not allow dams for private lakes or ponds to be located within the highway right of way as it constitutes an unnecessary risk to NCDOT facilities and presents an unacceptable cost to maintain. White Oak Lake, Inc. has been notified of the Department's intention to pursue breaching of the dam and the Department is currently coordinating with Dam Safety to develop an approved breach plan. The costs associated with the design and

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 5 OFFICE  
2612 NORTH DUKE STREET  
DURHAM, NC 27704  
CS # 17-27-03

Telephone: (919) 220-4600  
Fax: (919) 560-3371  
Customer Service: 1-877-368-4968

Website: [ncdot.gov](http://ncdot.gov)

Location:  
2612 NORTH DUKE STREET  
DURHAM, NC 27704

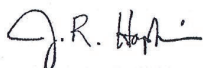


implementation of the breach plan will be borne by the Department's active I-440 widening project (NCDOT Project U-2719). The current location of the dam conflicts with the proposed construction of the roadway widening associated with the project.

The Dam Safety notice requiring breaching of the existing dam will not prevent White Oak Lake, Inc., the City of Raleigh, or other entities from rebuilding a new dam outside of the NCDOT right of way at any time in the future. Should there be an interest by other parties to construct a new dam, the Department will coordinate with them as necessary during the design of the new dam.

If there are questions or concerns regarding this matter, please contact Boyd Tharrington, Division Construction Engineer at [btharrington@ncdot.gov](mailto:btharrington@ncdot.gov) or by phone at (919) 220-4600.

Sincerely,



J.R. Hopkins, P.E.  
Division Engineer

Enclosure: Notice of Deficiency - NCDEQ

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director



## **NOTICE OF DEFICIENCY**

January 16, 2020

### **CERTIFIED MAIL** **RETURN RECEIPT REQUESTED**

White Oak Lake, Inc.  
Attn: William E. Stevens  
9 Auditorium Circle  
Wrightsville Beach, NC 28480-2713  
USPS Tracking: 7017 2680 0000 2219 9402

NCDOT District 1  
Attn: Amy N. Neidringhaus  
4009 District Drive  
Raleigh, NC 27607  
USPS Tracking: 7017 2680 0000 2219 9426

NCDOT Process Agent  
Attn: Beth Smith  
Transportation Building  
1 South Wilmington Street  
1501 Mail Service Center  
Raleigh, NC 27699-1501  
USPS Tracking: 7017 2680 0000 2219 9754

RE: White Oak Dam (State ID: WAKE-195)  
Wake County, North Carolina  
Neuse River Basin

### **Responsible Parties:**

The Dam Safety Law of 1967 provides for the certification and inspection of dams in the interest of public health, safety, and welfare, in order to reduce the risk of failure of dams, to prevent injuries to persons, damage to downstream property, and to ensure the maintenance of stream flows.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources  
Raleigh Regional Office | 1628 Mail Service Center | 3500 Barrett Drive | Raleigh, North Carolina 27609  
919.791.4200

An inspection of the referenced dam was conducted on January 10, 2020, by staff of the Division of Energy, Mineral, and Land Resources (DEMLR) Raleigh Regional Office. During this inspection, the following conditions were noted:

1. The principal spillway (PS) is almost completely obstructed with vegetative debris which may indicate beaver activity.
2. The PS is severely deteriorated and has greatly diminished capacity as a result. The corrugated metal pipes (CMP's) have rusted through and collapsed. Some flowing water was observed bypassing the CMP's.
3. Erosion has occurred around the right end of the PS headwall. Visual evidence indicates that water is discharging from the impoundment through this area regularly.
4. The inlet/upstream end of the emergency spillway (ES) is partially obstructed by vegetative growth and debris, indicating possible beaver activity.
5. The ES floor slab has exposed aggregate indicating erosion of the concrete over its many years of use.
6. The ES joints have experienced displacement and deterioration. Water is flowing through the joints in several locations into the space beneath the concrete slab. Voids have developed as a result.
7. The ES concrete floor slabs have cracked in some locations due to tension created by removal of the underlying material.
8. A headcut has developed and progressed to the extent that large portions of the ES spillway have collapsed at the downstream end.
9. The upstream face of the dam (impoundment side) has trees and bushes of various sizes, evidence of detrimental animal activity, and wave erosion.
10. The top of dam, toe and abutment contacts, and downstream slope have small to large trees and other woody vegetation. There are several downed trees on the downstream slope of the dam.
11. A pool of seepage has collected at the dam's toe right of center of the dam. There was no evidence observed of material being moved out of the dam embankment or foundation.

(Please note: all references to right or left directions are made as if the observer is standing on the dam's crest and facing downstream.)

The deficiencies listed above endanger the safety of the dam and may result in partial or total release of the impoundment. The deterioration of the principal and emergency spillways will likely progress to the point that there is insufficient material remaining to resist the pressure exerted by the upstream impoundment. The spillway obstructions restrict flow such that the spillways do not flow at their design capacity which makes dam overtopping more likely. Trees on the dam have the potential to uproot and remove large sections of the embankment creating slope instability and

promoting seepage. In some cases, seepage can result in internal erosion of the dam or its foundation and result in the eventual release of the impoundment.

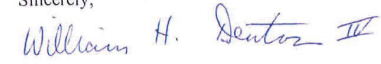
These conditions appear serious and justify further engineering study to determine appropriate remedial or other measures. In the event of a dam failure, failure studies have indicated that human life and significant property would be endangered because of potential damage I-440 and multiple single-family residences along Pineview Drive and Swift Drive. For this reason, the dam has been classified as high hazard under 15A NCAC 02K .0105.

In order to ensure the safety of this dam, you are directed to retain the services of a registered professional engineer or an experienced engineering firm to make a study of the conditions outlined in this letter. Plans and specifications for repair based on the results of the study must be filed with the Division of Energy, Mineral, and Land Resources for approval pursuant to the North Carolina Administrative Code, Title 15A, Subchapter 2K - Dam Safety (15A NCAC 2K). Plans and specifications must be submitted for review and approval by March 17, 2020.

We do not have an emergency action plan (EAP) on file for your dam. An EAP is required for this dam under NCGS 143-215.31(a1). Two copies of the EAP shall be submitted to the Division of Energy, Mineral, and Land Resources for approval by March 17, 2020. For more information regarding EAP requirements, please go to <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/dam-safety/planning-dam-emergency>.

Please contact us at (919) 791-4200 to advise us of your intended action in this matter. If we do not receive notification on or before March 17, 2020, we may present the case information for appropriate enforcement action. Enforcement action could include a civil penalty of up to \$500.00 per day of violation, and/or issuance of a Dam Safety Order requiring the repair or removal of this dam, and/or injunctive relief to gain compliance.

Sincerely,



William H. Denton, IV, PE  
Regional Engineer  
DEMLR

cc: Raleigh Regional Office File  
George Eller, DEMLR Dam Safety Engineer (via email)

## Special Events Weekly Digest

Friday, March 20 – Thursday, March 26

City of Raleigh Special Events Office  
[specialevents@raleighnc.gov](mailto:specialevents@raleighnc.gov) | (919) 996-2200 | [raleighnc.gov/special-events-office](http://raleighnc.gov/special-events-office)

---

### ***Special Event Cancellations and Postponements***

Our community is our greatest asset and with the health and well-being of our residents in mind, we have decided to cancel or postpone all permitted special events through April 15th. A list of special event cancellations and postponements can be found [here](#). As the COVID-19 situation continues to evolve, we will evaluate next steps and provide an update on event scheduling. Until that time, the Special Events Weekly Digest will be temporarily paused.

### ***Public Resources***

**[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 Special Events Office. 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 are regulated by the City of Raleigh Special Events Office.

## Council Member Follow Up



Raleigh

## MEMO

TO: Larry M. Jarvis, AICP, Director

FROM: Niki S. Jones, AICP, Assistant Director

DEPARTMENT: Housing and Neighborhoods

DATE: February 29, 2020

SUBJECT: Tax Relief Programs – Benchmarking

At January 14 City Council meeting, Councilor Melton requested that staff provide the Council with information on tax relief programs administered by the City of Durham and the City of Charlotte. This memorandum discusses those tax relief programs and NC General Statutes associated with them. Specifically, the requirements that should be considered in developing a tax relief program.

The memo will also discuss NC General Statutes and the requirements that should be considered in developing a tax relief program.

### **A. Charlotte Tax Relief program: Aging in Place**

The Charlotte program was created FY 2018 and budgeted for FY 2019. The program intended to target homeowners that are 65 years old or older with incomes at or below 80% of the area median income (AMI). The program was funded via PAYGO. PAYGO is a capital reserve fund using operating revenues. In the FY 19 budget, the program was seeded with \$750,000.

The Program guidelines are as follows:

- Person must be at least 65 years old by the end of the calendar year
- Property must be a primary residence
- Property owner's/ resident's name must be on the deed
- Owner occupied for 5 years or more
- Residence must be located within Charlotte city limits (i.e. city-wide)
- Prior years taxes must be current
- Grant up to \$1,000
- Grants are based on the net increase experienced by the homeowner for their City tax burden.
- Average amount approved was for \$109 for a total of \$25,116.
- Payments were made directly to the County Tax Office
- Homeowner cannot be participating in any County Tax Relief programs

Outreach Efforts:

- Webpage
- Pre-application made public beginning of the year
- Staff assisted with applications when needed
- Targeted neighborhood canvassing
- Predeterminations for applicants based on value increase

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza,  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
(Mailing Address)



- Once tax bills are released, staff initiates invitations to apply for Aging in Place
- County tax listening sessions
- CMPD on-site outreach
- 4 neighborhood meetings

#### Outcomes:

- 771 pre-applications from all over the city. (I have found nothing that states what happened to the 581 pre-applicants that didn't complete an application).
- 190 citizen fully completed the application
- 142 (64%) applications were approved.
- Those that qualified saw an average 80 percent increase in their 2019 property value as compared with 2018; as a result, they also experienced an average 28 percent increase in the City portion of their property tax liability.
- Program is still on-going.

### **B. Durham Tax Relief Program: Longtime Homeowner Grant Program**

The Durham program was created in November of 2017. The program intended to target homeowners with incomes at or below 80% of the area median income (AMI). In addition, the City of Durham wanted to specifically target areas that were witnessing rapid growth and property value increases. The program was funded via their dedicated affordable housing fund (comparable to Raleigh's Penny).

The Program guidelines are as follows:

- Assistance will be in the form of a grant that will not require the homeowner to repay any of the funds received.
- Payment made directly to the homeowner Homeowners must have household incomes at or below 80% of Area Median Income (AMI)
- Owned and occupied their home as their primary residence since July 1, 2012.
- Properties must be located the following neighborhoods: Southside, Northeast Central Durham, Southwest Central Durham, or within 500 feet of a City housing investment that occurred between 2010 and 2015
- Have to apply to the State's programs: Homestead Exemption, NC Circuit Breaker, Disabled Veteran
- Prior years taxes must have been paid or any delinquent taxes must be on a payment plan.
- The increase in property taxes will be determined by calculating the difference between the 2016 property tax obligation, after the reassessment, and that of the 2015 property tax obligation.
- Execution of a grant agreement (i.e. contractual document)

#### Outreach Efforts

- Mailed 1,000 letters to all homeowners in the three target neighborhoods informing them about the program.
- Program information was shared with all neighborhood associations
- Community meetings were conducted in each of the three target neighborhoods
- Home visits were made to several elderly or disabled homeowners to help them fill out their applications.
- Mailed letters in English and Spanish to all homeowners in the three target neighborhoods informing them about the program.
- Staff also reached out to all 2016 grantees to make sure they were aware of the 2017 process.
- Neighborhood meetings

#### Outcomes:

- 24 grants have been awarded over the past year and a half, for a total of about \$10,000.
- Payments were made directly to the homeowner.
- Below is the chart Durham provided to show the use of the program. There was an increase in 2017 in applications with more money awarded in 2017. There is a marked increase in the highest award between the two years (\$908 vs. \$421).
- The number of individuals served by the program is modest, as is the level of benefit provided.
- Program administration costs are high compared to the benefit being provided. During the 2016 tax year, 285 staff hours were spent in managing the program.
- The timing of the transaction is inefficient. By definition, the Longtime Homeowner Grant is a reimbursement program. Clients must either have paid their property taxes or have worked out a payment plan in order to be eligible to receive City assistance.
- Going forward, staff will focus their efforts on increasing utilization of existing state property tax programs and on homeowner education in neighborhoods where prices are rising.

	2016 Tax Year	2017 Tax Year (partial)
<b>Applications</b>		
Approved	18	24
Declined	25	13
<i>No tax increase</i>	56%	61%
<i>Over income</i>	20%	8%
<i>No increase &amp; over income</i>	12%	8%
<i>Other</i>	4%	23%
Repeat Applicants	na	16
<b>Award Amounts</b>		
Total \$ awarded	\$3,687	\$7,349
Average \$ awarded	\$205	\$306
<i>Low award</i>	\$54	\$33
<i>High award</i>	\$421	\$908
<b>Neighborhood (Approved)</b>		
Northeast Central Durham	28%	42%
Southside	22%	16%
Southwest Central Durham	50%	42%
<b>Utilization of State Exemptions (all)</b>		
Not eligible	42%	57%
Eligible, enrolled	33%	38%
Eligible, not enrolled	26%	13%

\* Application period for 2017 Tax Year will close 3/31/19.

#### C. NC General Statues

Article used for research: <https://canons.sog.unc.edu/gentrification-and-property-tax-relief/>

There are 3 property tax exemptions provided for by the state: Homestead Exemption, NC Circuit Breaker, Disabled Veteran. Local governments can't create or modify these to help meet their needs.

**\*\*Homeowners may only receive assistance from 1 tax relief program.**

### I. Homestead Exemption: N.C.G.S. 105-277.1

- Exclusion amount is the greater of twenty-five thousand dollars (\$25,000) or fifty percent (50%) of the appraised value of the residence.
- To be a qualifying owner, one must meet all of the following requirements as of January 1 preceding the taxable year for which the benefit is claimed:
  - Is at least 65 years of age or totally and permanently disabled.
  - Has an income for the preceding calendar year of not more than the income eligibility limit.
    - income eligibility limit is the amount for the preceding year, adjusted by the same percentage of this amount as the percentage of any cost-of-living adjustment made to the benefits under Titles II and XVI of the Social Security Act for the preceding calendar year, rounded to the nearest one hundred dollars (\$100.00).
      - 2020 Tax year income limit was \$31,000
  - Is a North Carolina resident.

### II. NC Circuit Breaker: NC GS 105-277.1B:

- Taxes are limited to a percentage of the qualifying owner's income
- Must file a new application every year.
- To qualify as an owner who meets all the following requirements as of January 1 preceding the taxable year for which the benefit is claimed:
  - The owner has an income for the preceding calendar year of not more than one hundred fifty percent (150%) of the income eligibility limit specified in the Homestead Exemption
    - 2020 Tax year income limit was \$31,000
  - The owner has owned the property as a permanent residence for at least five consecutive years and has occupied the property as a permanent residence for at least five years.
  - The owner is at least 65 years of age or totally and permanently disabled.
  - The owner is a North Carolina resident.

### III. Disabled Veteran: NCGS 105-277.1C:

- First forty-five thousand dollars (\$45,000) of appraised value of the residence is excluded from taxation.
- No age or income limitation for this program
- Disabled veteran. – A veteran of any branch of the Armed Forces of the United States whose character of service at separation was honorable or under honorable conditions and who satisfies one of the following requirements:
  - As of January 1, preceding the taxable year for which the exclusion allowed by this section is claimed, the veteran had received benefits under 38 U.S.C. § 2101.
  - The veteran has received a certification by the United States Department of Veterans Affairs or another federal agency indicating that, as of January 1 preceding the taxable year for which the exclusion allowed by this section is claimed, he or she has a service-connected, permanent, and total disability.
  - The veteran is deceased and the United States Department of Veterans Affairs or another federal agency has certified that, as of January 1 preceding the taxable year for which the exclusion allowed by this section is claimed, the veteran's death was the result of a service-connected condition.
  - G.S. 105-380 and -381: Provides that the only time taxes can be waived is in 2 instances: levied illegally or clerical error. Concern about a person's financial status doesn't give the local government the authority to waive property taxes.

## **E. Conclusion**

In conclusion, both tax relief programs reviewed in this memo received a low level of interest and utilization. Both cities structured their programs similarly. However, it is important to note that there are several differences between the two programs.

First, there is a contrast in each program's target audience. Durham targeted specific neighborhoods and geographic areas; whereas, Charlotte decided to make their program city-wide. Second, Durham encourages the homeowner to participate in County Tax Relief Programs while Charlotte states you must choose between the City program and the County program.

Finally, Durham makes the payment directly to the homeowner; whereas, Charlotte makes the payment directly to the Tax Office on behalf of the homeowner. These differences are technical in nature, but impact the administrative operability of the program.

After reviewing our peer's programs, staff believes there are several points to consider if the City of Raleigh wishes to create it's own property tax relief program.

First, a determination should be made as to whether or not we require that the participants of the program need maintain the home as affordable (i.e. deed restriction). It is imperative that the City is clear as to who the target audience is – for administrative and marketing purposes.

Additionally, it should be considered whether or not utilization matters. Meaning, does the City wish to have the program in place just in case a citizen needs it, or is the cost of administering the program versus the utilization of the program consequential to overall implementation.

It is important to note that the City of Charlotte is still evaluating the effectiveness and efficiency of their program. Their program has been in place approximately one year, and it will take longer to determine whether they are getting the intended outcomes. The City of Durham has phased out their tax relief program due to high administrative costs and overall limited utilization.



Raleigh

## MEMO

TO: Niki S. Jones, AICP, Assistant Director

FROM: Nicholas Dula, Program Development Administrator

DEPARTMENT: Housing and Neighborhoods

DATE: March 3, 2020

SUBJECT: Accessory Dwelling Unit Research – LA County

At the January 21 City Council meeting, Councilor Martin requested that staff provide the Council with information on how other cities are utilizing Accessory Dwelling Units (ADUs). Specifically, research Los Angeles and report back on their program.

The purpose of this report is to provide an overview on the Accessory Dwelling Unit (ADU) Pilot program created by Los Angeles County Government (LA County) in California. The program is formally titled the Second Dwelling Unit Pilot Program but will be called the ADU pilot program in the remainder of the report.

### Program Background

LA County created the ADU pilot program to encourage the use of ADUs as affordable housing for county residents. The ADU pilot program originated as part of a larger plan called the LA County Homeless Initiative (Homeless Initiative). On August 17, 2015, the LA County Board of Supervisors launched the Homeless Initiative, and, on February 9, 2016, the Board of Supervisors approved a plan for implementing the Homeless Initiative. The Homeless Initiative plan consists of six (6) sections that contain strategies to combat homelessness (see link at the end of the memo for more details).

### ADU Pilot Program Overview

The ADU pilot program was part of the Section F strategy and is specifically known as Strategy F4. The ADU pilot program provides a forgivable loan to homeowners to build an ADU on their single-family property. Homeowners are given \$75,000 to construct a new ADU or \$50,000 to renovate and legalize an existing unpermitted ADU. The ADU pilot program targeted three (3) homeowners for new construction and two to three (2-3) homeowners for the unpermitted ADUs.

In addition to the forgivable loans, the ADU pilot program provided a streamlined permitting process and technical assistance to participating homeowners. LA County expedited the review and approval process to facilitate the development of ADUs. LA County provided technical assistance to homeowners, such as pre-approved architectural plans that would not require extensive engineering

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza,  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
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(Mailing Address)



approvals. LA County also proposed waiving or reducing permit fees and/or utility/sewer hookup charges. LA County also proposed working with Community Development Financial Institutions or banks to provide easy-to-access low-interest loans, if homeowners needed additional financing.

Homeowners were required to apply to participate in the ADU pilot program. Only residents living in unincorporated areas were eligible. LA County reached out to 500 homeowners to invite them to apply and 100 applications were received. Cities in LA County were responsible for developing their own ADU programs. In fact, the City of LA created an ADU Accelerator Program and the Backyard Homes Program.

Homeowners in the ADU pilot program sign a loan agreement that commits them to renting their ADU to a formerly homeless family or individual for a period of 10 years. Homeowners are also required to accept renters with HUD Section 8 vouchers or LA County vouchers. The principal balance of loans provided by the ADU pilot program are reduced each year the unit is occupied. The ADU pilot program loans are completely forgiven after 10-years. When the 10-year commitment ends, homeowners are free to do what they want with the ADU.

### **ADU Pilot Program Administration**

LA County worked interdepartmentally to implement the ADU pilot program. LA County hired a nonprofit called LA MÁS to serve as a technical consultant to help administer the ADU pilot program. LA MÁS developed and managed the homeowner selection process. LA MÁS also worked directly with homeowners to design, finance, permit, and build the ADUs.

The budget for the ADU pilot program was \$550,000. \$500,000 was allocated to fund grants, loans, or loan guarantees. \$50,000 was allocated for administration of the pilot project.

### **ADU Pilot Program Outcomes**

The ADU Pilot Program was intended to be implemented over an 18-month period. The LA County Board of Supervisors adopted the ADU Pilot Program on August 15, 2017 and expected the completion of three new ADUs in the Summer of 2019.

LA County selected four (4) homeowners to construct new ADUs. Each homeowner needed additional finances, aside from the \$75,000 grant, to construct the ADUs. The budgets for ADU construction projects range from \$100,000 to \$180,000. Homeowners hired architects and general contractors to design and construct the ADUs. The construction of each ADU is still in progress. No decision has been made about continuing the ADU pilot program in the future.

*More Information about the Homeless Initiative can be found below:*

<https://homeless.lacounty.gov/wp-content/uploads/2017/01/HI-Report-Approved2.pdf>