

## City Manager's Weekly Report

[raleighnc.gov](http://raleighnc.gov)



Issue 2020-39

October 16, 2020

### IN THIS ISSUE

#### Council Follow Up Items

Housing Vouchers and City Financial Assistance (Council Member Melton)

Halloween Events and Mask Giveaway (Mayor Baldwin)

Rezoning Z-45-20: Buffalo and New Hope Roads – Neighborhood Meeting Requirements (Council Member Cox)

Construction Update for 800 St. Mary's Street / 809 Brooklyn Street (Public Comment)

Triangle Bikeway Update (Council Member Knight)

### INFORMATION:

#### Regular Council Meeting Tuesday, October 20; Work Session at 11:30

Council will meet in regular work session at **11:30 A.M.** Please note the agenda for the work session is included with the regular meeting agenda and may be accessed via the BoardDocs electronic agenda system:

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

The **regular** Council meeting begins at **1:00 P.M.** Please note there will be a **Closed Session** immediately following the regular meeting. All meetings continue to be conducted via remote electronic format.

**Reminder:** If there is an item you would like to pull from the consent agenda for discussion, please e-mail [mayorstaff@raleighnc.gov](mailto:mayorstaff@raleighnc.gov) by 11 A.M. the day of the meeting.

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

## Council Member Follow Up Items

### Follow Up from the February 18 City Council Meeting

#### Housing Vouchers and City Financial Assistance (Council Member Melton)

Staff Resource: Larry Jarvis, Housing & Neighborhoods, 996-6947, [larry.jarvis@raleighnc.gov](mailto:larry.jarvis@raleighnc.gov)

Brandon Poole, City Attorney's Office, 996-6560, [brandon.poole@raleighnc.gov](mailto:brandon.poole@raleighnc.gov)

During the meeting Council requested that staff evaluate and report back on the utilization and acceptance of housing vouchers by recipients of financial assistance from Housing and Neighborhoods programs. Housing and Neighborhoods staff has worked with the City Attorney's Office and outside counsel to review program requirements and documentation and to, where appropriate, strengthen existing requirements associated with requiring beneficiaries of City programs to accept housing vouchers.

#### ***Financial Assistance for Rental Housing Production***

The federal low-income housing tax credit program ("LIHTC") requires that owners of rental units financed, in part, through the LIHTC program may not refuse to lease to an otherwise qualifying prospective tenant because they are a voucher holder. This restriction runs through, at minimum, the 15-year base compliance period under the LIHTC program.

City loans to LIHTC developments are typically for a 30-year term. To ensure the intent of the federal requirement is reflected through the full period where the project benefits from the City loan, Housing and Neighborhoods staff have recently added the same requirement into loan documents and agreements for new loans. Housing and Neighborhoods staff intend to expand the requirement to all loans to multi-family rental developments.

#### ***City-Owned Rental Properties***

Housing and Neighborhoods oversees the management, by a private firm, of 196 rental units that are owned by the City. Prospective tenants with housing vouchers are evaluated in the same manner as tenants without vouchers in the qualification process. The City is currently seeking a new management partner for its rental units and intends to continue this policy position with the new manager through the management contract.

#### ***Financial Assistance for Homeowners***

Currently, the City's homeowner financial assistance programs, ranging from rehabilitation loans to ownership assistance programs, do not include a requirement that the owner allow for rental by voucher holders. For these programs, a requirement associated with the City financing is owner-occupancy, so renting the full dwelling to a tenant (with or without a housing voucher) would trigger a default under the loan documentation and require repayment to the City.

#### ***Options to Expand Voucher Utilization***

Opportunities exist to ensure voucher acceptance for developments that receive other types of City financial support as a condition of providing the assistance. In particular, the City could require projects receiving City-funded infrastructure assistance (through CDBG funds or other sources) or conveyance of City-owned property

interests (such as sales or long-term ground leases) to consider housing vouchers as equivalent to other sources of income in the evaluation of prospective tenants.

(No attachment)

## Follow Up from the October 6 City Council Meeting

### Halloween Events and Mask Giveaway (Mayor Baldwin)

Staff Resource: Ken Hisler, Raleigh Parks, 996-4823, [kenneth.hisler@raleighnc.gov](mailto:kenneth.hisler@raleighnc.gov)

During the meeting Council requested staff to evaluate opportunities to celebrate annual holidays and special events with the Raleigh community. While COVID-19 has impacted so many traditional annual events, activities and gatherings, staff has continued to be innovative in the provision of programs and services that allow individuals and families to connect and celebrate in a responsible manner. Understanding that typical Halloween activities will be a challenging endeavor this year, staff has developed numerous activities and events to safely enjoy the season. For a full listing of events and programs, visit the Raleigh Parks webpage [Celebrate Halloween with Raleigh Parks](#).

To further support the community, staff has partnered with WakeMed and Wake County government to include mask giveaways at the following events (listed by calendar date and location):

#### Event: Fall Festival (Drive thru Event)

**Date/Time:** Thursday, October 22 from 6:30 - 8:30 P.M.

**Location:** John Chavis Memorial Park

**Estimated Attendance:** 75 - 150 attendees

#### **Event Description:**

Participants will pre-register online for a designated time to attend the event to assist with gathering sizes. Participants will drive through the park, remaining in their cars while they take in the Halloween display set up around the roundabout. At the conclusion of the event, each participant will receive a treat bag with some other goodies by way of a fun and creative distribution method that allows staff to maintain social distancing and non-contact with each vehicle.

#### Event: Drive thru Trunk or Treat at Honeycutt Park

**Date/Time:** Friday, October 23 from 6:00 - 8:00 P.M.

**Location:** Honeycutt Park

**Estimated Attendance:** 250 attendees

#### **Event Description:**

Participants will drive through the park, remaining in their cars while they take in the Halloween themed trunks on display. Participants will pre-register online for a designated time to attend the event to assist with gathering sizes. At the conclusion of the event, each participant will receive a treat bag with a craft kit along with some other goodies by way of a fun and creative distribution method that allows staff to maintain social distancing and non-contact with each vehicle.

**Event: A Treat at Carolina Pines**

**Date/Time:** Monday, October 26 from 6:30 - 8:00 P.M.

**Location:** Carolina Pines

**Estimated Attendance:** 50 attendees

**Event Description:**

Participants will pre-register online for a designated time to attend the event to assist with gathering sizes. Participants will drive through the park, remaining in their cars while they take in the Halloween display set up around the roundabout. At the conclusion of the event, each participant will receive a treat bag with some other goodies by way of a fun and creative distribution method that allows staff to maintain social distancing and non-contact with each vehicle.

**Event: Scarecrow Event**

**Date/Time:** Friday, October 30 - Sunday, November 1/regular park hours

**Location:** Powell Drive Park

**Estimated Attendance:** 100 attendees (over the three days)

**Event Description:**

This event will be a self-guided, walk-through event where families will follow the paved path around the pond at Powell Dr. Park to enjoy the different scarecrow submissions on display from local families. The scarecrow display will remain up from Friday, October 30 through Sunday, November 1, allowing families to visit the park at their leisure from dawn to dusk each day in compliance with park hours to encourage social distancing. Families will register to enter a submission and will be given basic supplies and guidelines to assist them in creating their scarecrow. Supply distribution, pick up, and drop off will adhere to all COVID guidelines regarding non-contact pick up.

**Event: Trunk or Treat at Sanderford Road**

**Date/Time:** Friday, October 30 from 6:00 - 8:00 P.M.

**Location:** Sanderford Road

**Estimated Attendance:** 50 attendees

**Event Description:**

Participants will pre-register online for a designated time to attend the event to assist with gathering sizes. Participants will drive through the park, remaining in their cars while they take in the Halloween trunks displays set up with two spaces clear between each trunk. At the conclusion of the event, each participant will receive a treat bag with some other goodies by way of a fun and creative distribution method that allows staff to maintain social distancing and non-contact with each vehicle.

**Event: Trunk or Treat Trail**

**Date/Time:** Saturday, October 31 from 2:00 - 4:00 P.M.

**Location:** Lions Park

**Estimated Attendance:** 120 vehicles (4 people per vehicle) = 480 attendees

**Event Description:**

You are invited to enjoy our Trail of Trunks & Treats from the safety of your vehicle. Dress the kids up and bring them by to see the creatively decorated trunks displayed by City Staff as well as local community businesses and programs. Participants will drive through the park, remaining in their cars while they take in the Halloween themed trunks on display and participate in a scavenger hunt while viewing the

trunks. Participants will pre-register online for a designated time to attend the event to assist with gathering sizes. At the conclusion of the event, each participant will receive a treat bag with goodies by way of a fun and creative distribution method that allows staff to maintain social distancing and non-contact with each vehicle.

**Event: Trick or Treat at Ralph Campbell**

**Date/Time:** Saturday, October 31 from 6:00 - 8:00 P.M.

**Location:** Ralph Campbell

**Estimated Attendance:** 50-100 attendees

**Event Description:**

Decorations will be set up in front the community center along with a staffed table. Youth will walk to the facility during the event time and will be provide a pre-packaged bag of candy that will distributed using grabbers to avoid direct contact.

**Event: Halloween Family Drive-In Movie**

**Date/Time:** Saturday, October 31 from 7:00 - 9:00 P.M.

**Location:** Dorothea Dix Park

**Estimated Attendance:** 200 vehicles (4 per vehicle) = 800 attendees

**Event Description:**

Bring the family in your favorite spooky costumes and enjoy a Halloween Family Drive-in movie on Saturday, October 31 at Dorothea Dix Park. The event is free, but pre-reserved tickets are REQUIRED for the event. All attendees are required to remain in their vehicle.

*(No attachment)*

**Rezoning Z-45-20: Buffaloe and New Hope Roads – Neighborhood Meeting Requirements (Council Member Cox)**

*Staff Resource: Matthew Klem, Planning & Development, 996-4637, [matthew.klem@raleighnc.gov](mailto:matthew.klem@raleighnc.gov)*

During the meeting Council Member Cox asked if an in-person option for meeting could be provided to avail access to residents of the area who may lack technological resources or ability to participate virtually.

The UDO states that the rezoning applicants shall provide an opportunity to meet with property owners within or adjacent to the rezoning site; the responsibility to organize and host these meetings falls to the applicant. For this rezoning request, 335 property owners would receive mailed notice of the second neighborhood meeting. While virtual meetings have been the predominant meeting format used to satisfy this requirement during the pandemic, any additional meetings (conducted in-person or otherwise) would be conducted at the discretion of the applicant.

As Council is aware, the State of North Carolina, Wake County, and the City of Raleigh have all declared States of Emergency in response to the ongoing COVID-19 pandemic. Because of the risks to the public that would arise from in person meetings, pursuant to N.C.G.S. §166A-19.24, the City has recommended to rezoning applicants that neighborhood meetings should be conducted virtually to minizine the public health risks of gathering.

Staff has communicated this specific request to the applicant. More information about this rezoning request can be found [here](#). Staff anticipates that this rezoning request will be delivered to the Planning Commission for review by November 29. Following Planning Commission review, the City Council will conduct a public hearing and act on the request.

*(No attachment)*

#### **Construction Update for 800 St. Mary's Street / 809 Brooklyn Street (Public Comment)**

*Staff Resource: Karen Ray, Planning & Development, 996-2379, [karen.ray@raleighnc.gov](mailto:karen.ray@raleighnc.gov)*

During the meeting Council requested staff to follow up on various issues presented during the Public Comment portion of the agenda and associated with ongoing construction activities in the vicinity of St. Mary's and Brooklyn Streets. Staff from the Planning and Development and Transportation departments, in coordination with Engineering Services and the Stormwater division, partnered to provide a memorandum which is included with the *Weekly Report* materials. The memorandum and supplemental information explain the current construction status; resource availability to assist residents and neighborhood organizations with understanding expectations of construction contractors; and a review of potential stronger enforcement rules for violations of construction requirements.

Also included are the notices of violation and photographs from the site taken October 13.

*(Attachments)*

## **Follow Up from the October 13 Work Session**

#### **Triangle Bikeway Update (Council Member Knight)**

*Staff Resource: : Michael Moore, Transportation, 996-3030, [michael.moore@raleighnc.gov](mailto:michael.moore@raleighnc.gov)*

During the work session Council requested a more detailed description of next steps in the Triangle Bikeway project feasibility evaluation, planning, and design process, and when Council might receive another project update.

The Implementation Study overview shared with the Council is a joint effort undertaken by the Capital Area Metropolitan Planning Organization (CAMPO) and the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization. The effort is managed by CAMPO staff, which has provided a memorandum and schedule in response to the request. Raleigh Transportation staff will continue to coordinate with the project team and will share other updates with the Council as these become available.

*(Attachments)*

# Council Member Follow Up



Raleigh

## MEMO

TO: Ruffin L. Hall, City Manager  
THRU: Patrick Young, Director  
FROM: Karen Ray, Interim Assistant Director  
CC: Michael Moore, Transportation  
Richard Kelly, Engineering Services

DEPARTMENT: Planning and Development

DATE: October 16, 2020

SUBJECT: Construction Update for 800 St. Mary's St. / 809 Brooklyn St.

At its October 6, 2020 meeting, City Council requested that staff present an update regarding a citizen petition. The citizen's petition was pertaining to ongoing construction concerns in the vicinity of St. Mary's St. and Brooklyn St. Staff from the Planning and Development, Transportation and Engineering Services Departments partnered to provide the following project updates, notice of violations and photo sheets, links to available resources and additional information, and information regarding enforcement of violations.

### **Project Update**

#### **Transportation Updates**

- Contractor completed asphalt patching at the intersection of St Mary and Clay St.
- Sidewalk remains closed along project frontage on St Mary's St.
  - Scheduled to reopen by the end of this week if broken sidewalk is completed. Work is anticipated to extend into next week and will be followed with intermittent closures due to landscape installation.
- All obstruction permits are currently valid in work areas.
- Paving is scheduled to begin on Brooklyn St next week.
- Duke Energy removed a portion of the tree at the Kincaid residence as scheduled today. The General Contractor (GC) committed to removing the remainder of the tree prior to Certificate of Occupancy.
- Communication has remained constant with neighborhood representatives Ms. Kincaid and others. There have been no new complaints or issues. Staff has a standing meeting scheduled each week with the residents that will be held as needed should any new issues arise.

City of Raleigh  
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)



## Stormwater Division Updates

### *809 Brooklyn St.*

- Prior action occurred on October 2, 2020 when Stormwater staff issued a Notice of Violation (NOV) (see attached) for “Failure to Protect Public or Private Property” for minor sediment in street and some on private property at the rear of the site *and* “Failure to Maintain Measures” for failure to install/maintain silt fence at the front of the lot.
- On October 13, 2020 Stormwater staff re-inspected the site and determined that the site was “In Compliance”. The sediment in street and on private property had been removed and silt fence has been re-installed. An “In Compliance” report was issued to the developer.
- Staff have been told by the contractor that the top layer of asphalt is scheduled to be put down no later than October 15, 2020 and that final landscaping will follow. The contractor stated that he is anticipating that final landscaping will be completed within the next two weeks. Some utility work will continue on Brooklyn St, but they are hoping to re-surface Brooklyn this week as well.

### *800 St. Mary’s St.*

- Prior action occurred on October 6, 2020 when Stormwater staff inspected the site and issued a NOV (see attached) for “Failure to Keep Dirt and Mud off Public Street” for sediment deposition on Brooklyn St which is the result of street cuts for sanitary sewer tie ins. The NOV was received by the developer on October 13, 2020. Per the UDO, the developer has 10 days from the date the NOV is received to correct all required actions listed in the NOV. Therefore, the street is required to be cleaned by October 23, 2020.
- On October 13, 2020 Stormwater staff inspected the site and determined that Brooklyn St. is cleaner than what was documented in the NOV. However, there is still dirt in the street mostly due to utility cuts in the road not being completed on Brooklyn. Again, they are hoping to have Brooklyn St. re-surfaced this week, which should take care of this issue. Final landscaping has started, they are spreading topsoil around the building and the landscape plants have been delivered. Silt fence is still in place back of curb around a portion of the building. They are hoping sod installation will begin within a week’s time.
- NOV’s for each of the sites are included as an addendum below. In addition, there are also attached photo sheets documenting October 13, 2020 inspection results and site condition for each site.

## **Resource Availability**

The following are existing websites that contain project related information:

- Detours and closures can be found at: <https://raleighnc.gov/closures-and-detours>
  - This includes private construction projects impacting roads and/or sidewalks.

- Stormwater inspection and construction information can be found at:  
<https://raleighnc.gov/SupportPages/stormwater-inspections>

### **Enforcement of Violations**

Staff have begun conversations with internal development stakeholders to identify all potential opportunities for additional notification and enforcement of violations on construction sites. Staff are considering website updates, process changes for construction sites as well as process changes for staff who are observing and issuing violations on construction sites. Once all potential options are identified, staff will engage members of the development and construction industry to provide input on feasibility of additional requested action.

Photograph 1: Silt fence re-installation



Photograph 2: Side of lot silt fence repairs





Photograph 3: Silt fence outlet repair



Photograph 4: Off-site sediment clean up.



Photograph 5: Street view in front of 809 Brooklyn St.



800 St. Mary's St – 10/13/2020 Inspection Photos

Photograph 1: Curb line at 800 St. Mary's St.





Photograph 2: 800 St. Mary's landscape preparation



Photograph 3: 800 St. Mary's St rear entrance





CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
(S&E NOV#1784)

October 8, 2020

800 St. Mary's JV, LLC,  
Property Owner  
Attn: C. Grey Poole, IV, Registered Agent  
605 Lexington Avenue, Suite 100  
Charlotte, NC 28203

800 St. Mary's JV, LLC,  
Financially Responsible Party  
4310 Park Road, Suite 101  
Charlotte, NC 28209

Jon Callahan, Owner's Appointed Agent  
John A. Edwards & Company  
333 Wade Avenue  
Raleigh, NC 27513

Reference: **Notice of Violation**

Project Name: 800 St Mary's  
Permit: LD-109076  
Transaction: 536837

Dear Property Owner and Financially Responsible Party:

An inspection of the above referenced site revealed violations to the Unified Development Ordinance (UDO) and/or the City issued permits. The attached Compliance Inspection Report details the specific violations, the required remedies and the time period in which remedies must be completed. **Failure to comply with this Notice of Violation will result in an initial civil penalty of \$1,000.00 for failure to keep dirt and mud off public streets as well as continuing civil penalties of \$5,000.00 per day for failure to correct a violation after notice.** Non-compliance could also result in one or more of the following enforcement actions:

1. Denial of Permits and/or Inspections - No permits shall be issued to any person who has failed, after notice, to remedy any violation or to otherwise comply with the UDO.

2. Criminal Penalties - The violator could be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days or by a fine not to exceed \$5,000, or both, in the discretion of the court [Raleigh UDO, Section 9.4.11(C)].
3. Injunctive Relief - Whenever the Raleigh City Council has reasonable cause to believe that any person is violating any provision of the City Code or approved erosion and sediment control plan, the City may institute a civil action for injunctive relief to restrain the violation. The institution of the action for injunctive relief would not relieve any party from any civil or criminal penalty described above [Raleigh UDO, Section 9.4.11(D)].
4. SPECIAL NOTE - Subdivider's Forfeiture - Failure by the subdivider to correct any violation shall result in forfeiture of any and all reimbursements stated in Section 8.10.2(E) of the Raleigh UDO.

If you have questions concerning this Notice of Violation and associated Compliance Inspection Report, or you prefer to propose alternatives to the required Immediate Corrective Actions listed on the attached Compliance Inspection Report, please contact Stormwater Inspections immediately. The main office number for the Stormwater Management Division is (919) 996-3940.

Sincerely,



A handwritten signature in black ink, appearing to read "Lauren C. Witherspoon".

Lauren C. Witherspoon  
Stormwater Inspections Supervisor  
Office (919) 996-3505  
[Lauren.witherspoon@raleighnc.gov](mailto:Lauren.witherspoon@raleighnc.gov)

enclosure

cc:

Scott Vinson, DWR  
Bill Denton, DEMLR  
Rich Kelly  
Blair Hinkle  
Wayne Miles  
Ben Brown  
Project File

 <p><b>COMPLIANCE INSPECTION REPORT</b></p> <p>City of Raleigh Stormwater Management Division (919) 996-3940</p>	<b>PROJECT</b>		800 St Mary's St.
	<b>PERMIT #</b>		LD- 109076
	<b>TRANSACTION</b>		T# 536837
	<b>INSPECTOR</b>		Eric Christopher, CPESC, CESSWI (919) 278-6962 <a href="mailto:Eric.Christopher@raleighnc.gov">Eric.Christopher@raleighnc.gov</a> Stormwater Main Office (919)996-3940
	<b>DATE</b>	10/06/20	
	<b>ARRIVE</b>	11:30am	
	<b>DEPART</b>	12:00pm	

## NOTICE OF VIOLATION

The City of Raleigh, Stormwater Management Division has performed a stormwater compliance inspection of this project and found the following violation(s) of the land disturbing permit, associated approved plans & specifications, and/or the Raleigh Unified Development Ordinance. Specific violations and associated penalties are indicated below. Penalty assessments, if any, will be issued under separate cover. See Immediate Corrective Actions below for required remedies and deadlines.

	VIOLATION	CIVIL PENALTY <sup>1</sup>
<input checked="" type="checkbox"/>	Failure to keep dirt and mud off public streets Section 9.4.4(J), 9.4.11(F)(14)	\$1,000.00

<sup>1</sup> Per state statute, no initial civil penalty shall exceed \$5,000.00.

## REQUIRED IMMEDIATE CORRECTIVE ACTIONS

### 1. Failure to keep dirt and mud off public streets:

- (a) Dirt and/or mud in excess of one thirty-second (1/32) inch measured at least six (6) feet from an entrance/exit of the land disturbing activity is prohibited. Dirt/mud has accumulated on Brooklyn St., a public street. See Photographs 1 through 4 below. Remove accumulated dirt/mud. Clean street

### 2. See Comments Section below.

Stormwater Inspections Form 103  
Rev 7, May 2017  
Page 1

## COMPLIANCE IS REQUIRED WITHIN TEN (10) DAYS OF RECEIPT OF THIS NOTICE OF VIOLATION

ONCE THE LISTED REQUIRED IMMEDIATE CORRECTIVE ACTIONS HAVE BEEN COMPLETED YOU  
MUST CALL FOR REINSPECTION.

THIS PROJECT WILL BE REINSPECTED TO CONFIRM CORRECTION OF ALL  
VIOLATIONS / IMMEDIATE CORRECTIVE ACTIONS LISTED ABOVE.

Failure to remedy the listed Immediate Corrective Actions / violation(s) within the time limitations established in this notice shall result in assessment of an initial penalty of one thousand dollars (\$1,000.00) as well as assessment of five thousand dollars (\$5,000.00) per day for failure to correct a violation after notice [Raleigh Unified Development Ordinance, Section 9.4.11(F)(11)]. The \$5,000.00 per day civil penalty shall be retroactive following the date of this notice and cumulative until the violation(s) are remedied and found to be in compliance [Raleigh Unified Development Ordinance, Section 9.4.11(A)].

### COMMENTS:

- Site inspection was conducted. At time of inspection Brooklyn St was open to vehicular traffic.
- If the ten (10) day timeframe required for compliance falls on a weekend/holiday or close to a rain event please take photographs and provide to the inspector to document completion of required immediate corrective actions. Although pictures may be accepted, it is the discretion of the inspector to determine if the project is "In Compliance".

WEATHER: 70 °F Clear

PROJECT STATUS: Active

### OTHER ACTIONS:

1. On-site review of this report was ☒ was not performed.

### GENERAL INFORMATION:

- Standard Detail Drawings are available at <http://www.raleighnc.gov/projects/content/PlanDev/Articles/DevServ/DrawingsStandardDetailsIndex.html>
- City of Raleigh Unified Development Ordinance is available at: <http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance/>

Stormwater Inspections Form 103  
Rev 6, June 2015  
Page 2





CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
(NOV S&E#1783)

October 1, 2020

800 St. Mary's JV, LLC,  
Property Owner &  
Financially Responsible Party  
Attn: C. Grey Poole, IV, Registered Agent  
605 Lexington Avenue, Suite 100  
Charlotte, NC 28203

Jon Callahan, Owner's Appointed Agent  
John A Edwards & Company  
333 Wade Avenue  
Raleigh, NC 27513

Reference: **Notice of Violation**

Project Name: 809 Brooklyn St.  
Permit: LD-120756  
Transaction: 599146

Dear Property Owner and Financially Responsible Party:

An inspection of the above referenced site revealed violations to the Unified Development Ordinance (UDO) and/or the City issued permits. The attached Compliance Inspection Report details the specific violations, the required remedies and the time period in which remedies must be completed. **Failure to comply with this Notice of Violation will result in an initial civil penalty of \$7,500.00 for failure to protect public or private property and failure to maintain measures as well as continuing civil penalties of \$5,000.00 per day for failure to correct a violation after notice.** Non-compliance could also result in one or more of the following enforcement actions:

1. Denial of Permits and/or Inspections - No permits shall be issued to any person who has failed, after notice, to remedy any violation or to otherwise comply with the UDO.
2. Criminal Penalties - The violator could be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days or by a fine not to exceed \$5,000, or both, in the discretion of the court [Raleigh UDO, Section 9.4.11(C)].

3. Injunctive Relief - Whenever the Raleigh City Council has reasonable cause to believe that any person is violating any provision of the City Code or approved erosion and sediment control plan, the City may institute a civil action for injunctive relief to restrain the violation. The institution of the action for injunctive relief would not relieve any party from any civil or criminal penalty described above [Raleigh UDO, Section 9.4.11(D)].
4. SPECIAL NOTE - Subdivider's Forfeiture - Failure by the subdivider to correct any violation shall result in forfeiture of any and all reimbursements stated in Section 8.10.2(E) of the Raleigh UDO.

If you have questions concerning this Notice of Violation and associated Compliance Inspection Report, or you prefer to propose alternatives to the required Immediate Corrective Actions listed on the attached Compliance Inspection Report, please contact Stormwater Inspections immediately. The main office number for the Stormwater Management Division is (919) 996-3940.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren C. Witherspoon".


Lauren C. Witherspoon  
Stormwater Inspections Supervisor  
Office (919) 996-3505  
[Lauren.witherspoon@raleighnc.gov](mailto:Lauren.witherspoon@raleighnc.gov)

enclosure

cc:

Scott Vinson, DWR  
Bill Denton, DEMLR  
Rich Kelly  
Blair Hinkle  
Wayne Miles  
Ben Brown  
Project File

Notice of Violation  
Permit No.: LD-120756  
October 1, 2020  
Page 2 of 8

 <p><b>COMPLIANCE INSPECTION REPORT</b></p> <p>City of Raleigh Stormwater Management Division (919) 996-3940</p>	PROJECT	809 Brooklyn Street
	PERMIT #	LD- 120756
	TRANSACTION	T# 599146
	INSPECTOR	Eric Christopher, CPESC, CESSWI (919) 278-6962 <a href="mailto:Eric.Christopher@raleighnc.gov">Eric.Christopher@raleighnc.gov</a> Stormwater Main Office (919)996-3940
	DATE	9/30/20
	ARRIVE	7:00am
	DEPART	7:30am
		<i>E. J. Christopher</i>

## NOTICE OF VIOLATION

The City of Raleigh, Stormwater Management Division has performed a stormwater compliance inspection of this project and found the following violation(s) of the land disturbing permit, associated approved plans & specifications, and/or the Raleigh Unified Development Ordinance. Specific violations and associated penalties are indicated below. Penalty assessments, if any, will be issued under separate cover. See Immediate Corrective Actions below for required remedies and deadlines.

	VIOLATION	CIVIL PENALTY <sup>1</sup>
<input checked="" type="checkbox"/>	<b>Failure to protect public or private property</b> Sections 9.4.4(A)(2), 9.4.4(F), 9.4.11(F)(3)	\$5,000.00
<input checked="" type="checkbox"/>	<b>Failure to maintain measures</b> Section 9.4.5, 9.4.11(F)(6)	\$2,500.00

<sup>1</sup> Per state statute, no initial civil penalty shall exceed \$5,000.00.

## REQUIRED IMMEDIATE CORRECTIVE ACTIONS

### 1. Failure to protect public or private property:

- (a) Off-site sedimentation has occurred at the rear of site on private property and in Brooklyn Street (a public street). The sediment is the result of failure to maintain temporary measures. The extent of the impacts are moderate. See Photographs 1 and 3 below. Obtain adjoining property owner's permission to enter, remove and properly dispose of accumulated sediment utilizing low impact methods. Stabilize disturbed areas once sediment is removed. If permission is not granted by the adjoining property owner(s), a letter from the owner(s) must be provided that clearly demonstrates that permission to enter for purposes of remedying this violation have been declined and that the owner(s) accept responsibility for the accumulated sediment.

### 2. Failure to maintain temporary and/or permanent measures:

Stormwater Inspections Form 103  
Rev 7, May 2017  
Page 1

- (a) Maintain silt fence per approved plans. Silt fence along front of site requires maintenance/re-installation. Silt fence and silt fence outlet structure at rear of site requires maintenance. See Photographs 2, 3, & 4 below. At a minimum, removal of accumulated sediment is required when sediment has accumulated to a maximum depth of one half the height of the silt fence and silt fence must be securely trenched in and functioning properly. Repair silt fence as needed throughout site. Clean out and repair rear silt fence outlet structure.

### 3. See Comments Section below.

## COMPLIANCE IS REQUIRED WITHIN **TEN (10)** DAYS OF RECEIPT OF THIS NOTICE OF VIOLATION

ONCE THE LISTED REQUIRED IMMEDIATE CORRECTIVE ACTIONS HAVE BEEN COMPLETED YOU MUST CALL FOR REINSPECTION.

THIS PROJECT WILL BE REINSPECTED TO CONFIRM CORRECTION OF ALL VIOLATIONS / IMMEDIATE CORRECTIVE ACTIONS LISTED ABOVE.

Failure to remedy the listed Immediate Corrective Actions / violation(s) within the time limitations established in this notice shall result in assessment of an initial penalty of seven thousand five hundred dollars (\$7,500.00) as well as assessment of five thousand dollars (\$5,000.00) per day for failure to correct a violation after notice [Raleigh Unified Development Ordinance, Section 9.4.11(F)(11)]. The \$5,000.00 per day civil penalty shall be retroactive following the date of this notice and cumulative until the violation(s) are remedied and found to be in compliance [Raleigh Unified Development Ordinance, Section 9.4.11(A)].

### COMMENTS:

A site visit was conducted at 800 St Mary's St site location with Clayton (Resolute) and Todd (Resolute) on September 28, 2020. Maintaining temporary measures and keeping the street clean was discussed for both sites, 800 St. Mary's St & 809 Brooklyn St.

1. If the ten (10) day timeframe required for compliance falls on a weekend/holiday or close to a rain event please take photographs and provide to the inspector to document completion of required immediate corrective actions. Although pictures may be accepted, it is the discretion of the inspector to determine if the project is "In Compliance".

WEATHER: 60 °F Clear

PROJECT STATUS: Active

### OTHER ACTIONS:

1. On-site review of this report was ☒ was not performed.

### GENERAL INFORMATION:

- Standard Detail Drawings are available at <http://www.raleighnc.gov/projects/content/PlanDev/Articles/DevServ/DrawingsStandardDetailsIndex.html>
- City of Raleigh Unified Development Ordinance is available at: <http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance/>

October 15, 2020

To: Michael Moore

From: Kenneth Withrow, Senior Transportation Planner  
Capital Area MPO

RE: Triangle Bikeway Study Update

The Capital Area Metropolitan Planning Organization (CAMPO) and the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization have embarked on an Implementation Study for a regional bicycle connection from Raleigh to the Park Center site at Research Triangle Park in Durham County via a separated greenway type facility generally following the I-40 corridor; and a Feasibility Study for a regional bicycle facility between the Park Center site and US 15-501 (Fordham Boulevard) in Chapel Hill; which will also address bicycle/pedestrian facility gaps along NC 54 in Durham County.

The Study will build upon the feasibility study work completed by Wake County in December 2017. The purpose of this bikeway is to serve commuters between Raleigh, Durham, Cary, RTP and Morrisville; and connect with existing and planned extensions of a facility in the City and County of Durham, which ultimately connects to US 15-501 in the Town of Chapel Hill. The website for the study is located at <http://trianglebikeway.com>.

This study, which is managed by CAMPO has hired the consulting firm McAdams, along with WSP and Toole Design. Over the past few months extensive work has been done between the consultant, staff members from both MPOs, and the Triangle Bikeway Working Group. The work done thus far includes five interjurisdictional meetings with the municipal staff leadership of Raleigh, Cary Morrisville, Durham, and Chapel Hill, meetings with four of the mayors from the aforementioned cities, stakeholder meetings with GoTriangle, RTP, the U.S. Army Corps of Engineers, the North Carolina Wildlife Resource Commission, and NCDOT. Additional activities include two Working Group meetings (July 16 and September 17), participation in work sessions for the municipalities of Morrisville and Raleigh; and monitoring the outcomes that are being captured within the Triangle Bikeway Survey that will close within a few weeks.

The following next steps that will be underway for the Triangle Bikeway Study include:

- (1) Mayoral Briefing - Town of Chapel Hill. October 26<sup>th</sup> 2:00 pm
- (2) Triangle Bikeway Virtual Public Workshops. October 29<sup>th</sup> 12:00 pm & 4:00 pm
- (3) Focus Group meetings. November 9<sup>th</sup> – November 13<sup>th</sup> Meeting times vary
- (4) Triangle Bikeway Working Group Meeting November 19<sup>th</sup> 1:30-3:30 pm
- (5) Continue Stakeholder Meetings Dates and times to be determined

The latest overall project schedule is included as an attachment. Regular project working group meetings are scheduled to continue to occur bi-monthly. Future local board briefings on recommendations and findings are envisioned to occur in mid to late 2021.

# Schedule

