COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, January 5, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

Mayor Nancy McFarlane, Presiding
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Kay C. Crowder
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order and invocation was rendered by Reverend Paul Anderson, the Fountain of Raleigh Fellowship. The Pledge of Allegiance was led by Mr. Cox. Mayor McFarlane expressed appreciation to all involved for the new screens which will help all see better during presentations before the City Council. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CITY OF OAKS – CONTRIBUTIONS - NOTED

Chris Heagarty, Executive Director of City of Oaks stated Board Member Nell Joslin was present for the presentation. Mr. Heagarty talked about the mission of City of Oaks, their work with landowners to acquire conservation natural areas, their objectives, properties they have acquired, the importance and the utilization of these properties. He also presented information on their new program "Give Play" which helps provide scholarships for children of low income families. He stated it is a need based scholarship pointing out this year with the help of their partners, Duke Energy and the Woman's Club of Raleigh they raised $27,000 which allowed them to provide scholarships for 73 weeks of camp to 68 campers from 53 families. They extended the locations from 2 to 4 and stated since 2013 the Foundation has raised $54,000 for the Give Play program. He expressed appreciation to their partners and presented a video showing information on the Give Play program as well as their work in general.

Mayor McFarlane expressed appreciation to the City of Oaks Foundation for all the work they do on behalf of the City of Raleigh.

NATIONAL ARTS PROGRAM EXHIBITION AND COMPETITION – CITY OF RALEIGH WINNERS - ANNOUNCED

Mayor McFarlane pointed out the 13th Annual National Arts Exhibition at the Block Gallery features nearly 100 works of art by City of Raleigh and Wake County employees and their families. The National Arts Program is designed to give all artists, at every skill level, an opportunity to exhibit their artwork in a professional manner. The exhibition is sponsored by the United Arts Council of Raleigh and Wake County and the City of Raleigh Arts Commission, in collaboration with the National Arts Foundation Program of Malvern Pennsylvania. Mayor McFarlane stated judges for this year's exhibition were Joanne Sullivan, Commissioner with the City of Raleigh Arts Commission, Visual Artist Kiki Farish and Visual Artist Linda Kimball with the help of Stacey Bloom Rexrode, curator of exhibitions and collections from Parks, Recreation and Cultural Resources Department Office of Raleigh Arts and introduced the winners by category and presented certificates and prizes paid for from the National Arts Program:

Amateur Category:
First Place Mikey Craps, nature's overtaking, relative of City Employee in Public Works
Second place Becky Humphries, Owly Oops, relative of City Employee in Public Works
Third place Theodore Savage, Out of Focus, City employee in Public Affairs

Intermediate Category:
First Place Sarah Heinsohn, One Day, He Decided He Was Tired of Building Walls, - City employee in City Manager's Office

Second Place John Johnson, Out With A Friend – City employee in the Fire Department
Third Place David Burke – Desert – relative of City employee in Human Resources

Honorable Mention:
Jared Greenwood – Man's Best Friend – City employee in Public Utilities
Meghan Gay, Drift Away – City employee in Police Department

Professional Category:
First Place Jenn Hales – House Plant, City employee with Parks, Recreation and Cultural Resources

Second Place Susan Soper, Leaves, City employee with Parks, Recreation and Cultural Resources

Third place Eliza Kiser, She Always Wondered What Was on the Other Side – City employee with Parks, Recreation and Cultural Resources

Youth Category:
First Place – Maya Copeland, Indian Woman's Small Pot – relative of City employee with Parks, Recreation and Cultural Resources

Third Place – Laurette Kiser, Halloween: The Ladybug family, relative of City employee with Parks, Recreation and Cultural Resources

Honorable Mention:
Jackson Meder, My Sea Turtle and His Friends, relative of City employee with Parks, Recreation and Cultural Resources

Teen Category:
Second Place – Tyler Mae Stempien – Two-ways to Tell a Story – relative of City employee in Public Utilities

Honorable Mentioned:
Haley McCay, Under Mama's Watchful Eye – relative of City employee in Public Affairs

Best In Show Award
Celina Mount, Glow, relative of City employee in City Attorney's Office

AGENCY GRANTEE PRESENTATION

HOPELINE OF NORTH CAROLINA – COMMENTS RECEIVED – REFERRED TO ADMINISTRATION

Barry Bryant, Executive Director of HopeLine of North Carolina, indicated this grant was awarded in July or August of 2015. He became the executive director in October of 2015. He stated the grant has not been enacted as he learned they needed to provide liability insurance for volunteer responders. He stated that is a process that takes time, they have applied to three different agencies but do not have that insurance at this time. Mr. Bryant stated at this point he does not have much progress to report on. He stated he would like to work with staff to modify the proposal as the grant as awarded is not something they can do. He stated maybe the previous director had some ideas that he is not aware of. He stated there was no transition between the previous director and him, he never met the previous director but had heard great things about her. He stated however the way the application and award occurred it is not something he feels they can do. He pointed out the grant targets homeless, disabled or substance abusers. He stated he knows they have people who fall in that category calling them daily; however, the grant specifies that the funds should be used for Raleigh residents. He stated because of confidentially they to not ask the person's name, address, etc., all calls are anonymous. He explained he has been talking with members of the Raleigh staff and he hopes that they can reach some agreement to find a way to modify the grant so that they could utilize it. He pointed out suicides happen every day in North Carolina and in Raleigh and it is a huge tragedy event for all involved and also an expense to local and state officials, etc.; therefore he feels that the City of Raleigh and HopeLine are natural partners but at this time they cannot fill the requirements of the grant. He stated hopefully they can work out something and he can provide a report on the progress of the program later.

City Manager Hall suggested that Mr. Bryant work with city personnel to look at this stipulations approved in the grant and see if there is someway they can be modified, etc. He stated if they can be modified or should be modified, he can provide a report at a later date.

Mayor McFarlane expressed appreciation to Mr. Bryant for coming forth with the information stating hopefully things could be worked out. She stated some one from staff would reach out to him to work on the situation.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the consent agenda will be a roll call vote. Mayor McFarlane stated she had received a request from Ms. Baldwin to withdraw the Downtown Hotel Parking Requirements Item. Without objection that item was withdrawn from the Consent Agenda. Ms. Baldwin moved approval of the Consent Agenda as amended. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the Consent Agenda were as follows.

DEBT FINANCING – FIRE STATION AND PERFORMING ARTS CENTER IMPROVEMENTS – VARIOUS ACTIONS TAKEN INCLUDING AUTHORIZING A JANUARY 19 PUBLIC HEARING

City Council has previously authorized debt issues to finance capital improvements to Fire Station 14 as well as for interior improvements to the Performing Arts Center. To date, a temporary drawdown loan program has financed a portion of the improvements to the Performing Arts Center. It is appropriate at this time to issue permanent financing for both the fire station and performing arts improvements. With current market conditions, the City may also realize debt service savings by refinancing installment financing obligations issued in 2005 and 2007. The gross savings from such a refunding are estimated to exceed $2.7 million; if authorized, staff would pursue the refinancing of previously issued debt at the same time as financing the permanent capital improvements.

To proceed with the recommended debt issues it is necessary for Council at the January 5 meeting to adopt a resolution with the following attributes; a draft resolution that meets statutory requirements is included with the agenda packet:

(1) Make certain findings and determinations regarding the issuance of $52,000,000 Series 2016 Limited Obligation Bonds (LOBs) for financing the cost of certain fire station improvements and improvements to the Performing Arts Center, as well as to refinance a portion of the City's prior installment financing obligations;

(2) Authorize the filing of an application with the Local Government Commission for approval of the LOBs, related trust agreements and financing arrangements;
(3) Set a public hearing on the above matters for January 19, 2016 at 1:00 p.m.;
(4) Direct the City Clerk to publish notice of the public hearing in the News and Observer.

Recommendation: Adopt the resolution of findings and determinations; authorize staff to file application with the Local Government Commission for approval of the bonds, related trust agreements, and financing arrangements; authorize a public hearing to be conducted on January 19. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

WAKE FOREST – INTERLOCAL AGREEMENT/GRANDMARK AVENUE EXTENSION – AGREEMENT AUTHORIZED

The Town of Wake Forest has a project to extend Grandmark Avenue between Capcom Avenue and Rogers Road, within the town's municipal boundary and within the Raleigh utility service area. Installation of a water main within this corridor in coordination with the construction project provides benefits to the City, to include improved water quality, hydraulic capacity, cost savings for surface restoration, and project administration. An interlocal agreement to reimburse Wake Forest to include the water main extension as part of the road project has been negotiated. The City will reimburse for the publicly bid water main unit price line items associated with the project, in the amount not to exceed $88,690 without subsequent amendment. Funding is appropriated in the capital budget.

Recommendation: Authorize the City Manager to execute the agreement in an amount not to exceed $88,690. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

STONEWATER DEVELOPMENT – TOWN OF ROLESVILLE OVERSIZE MAIN REIMBURSEMENT – APPROVED

One oversized sewer main extension project has been completed by a private developer within the municipal jurisdiction of the Town of Rolesville. The amount of the reimbursement has been certified by the staff and reimbursement is in accordance with city code. The project is as follows:

MBA Land Group, LLC completed 715 linear feet of 12-inch sewer main and 2,884 linear feet of 24-inch sewer main along Sanford Creek in June, 2015 to serve the Stonewater development. The project is eligible for $389,349 in reimbursement.

Recommendation: Authorize the City Manager to execute the reimbursement agreement in the amount of $389,349. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

UTILITY EXTENSION – DORAN PLACE – CAMBRIDGE DEVELOPMENT VENTURES – AGREEMENT AUTHORIZED

A request has been received from Cambridge Development Ventures, LLC to extend water and sewer mains along frontages for properties located at 2301-2315 Doran Place, and to install a sewer main in Skycrest Road. The properties to be served are located outside the City limits, but within the City's extraterritorial jurisdiction. The extension request complies with the city code. Total cost for the extension will be borne by the property owners.

Recommendation: Authorize staff to proceed with the utility extension agreement. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

HISTORIC OVERLAY DISTRICT STANDARDS – STAFF AUTHORIZED TO INITIATE TEXT CHANGE

Staff requests a text change to the Unified Development Ordinance (UDO) related to the General Historic Overlay and Streetside Historic Overlay districts. These changes would include:

- Remove the requirement to obtain a certificate of appropriateness for paint color in the Streetside Historic Overlay District
- Clarify that a certificate of appropriateness is not required for additions adjacent to an alley in the Streetside Historic Overlay District
- Revise the language to change the term "equal" to "congruous"; this was the language included in the previous Part 10 zoning code
- Clarify the path to appeal a minor works certificate of appropriateness
- Clarify the appeal period for Raleigh Historic Development Commission decisions

Recommendation: Authorize staff to initiate a text change to the UDO to modify the language related to the Historic Overlay Districts. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ANNEXATION PETITION – HOLDEN RIDGE SUBDIVISION AND SYCAMORE RUN APARTMENTS – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE PUBLIC HEARINGS FOR FEBRUARY 2, 2016

The agenda presented the following annexation petitions:

AREA NAME AND DISTRICT	PETITIONER	ACRES	PROPOSED USE
Contiguous Petition			
Holden Ridge Subdivision, 3900 Holden Road (B)	Robert Defeo of Holden Ridge Properties	20.1	Residential
Sycamore Run Apartments, 4629 Old Poole Road (C)	Thomas Honeycutt of SP&D Raleigh, LLC	4.2	Residential

Recommendation: Acknowledge the annexation petition and direct the City Clerk to check the sufficiency of the petitions pursuant to State statute, and if found sufficient, authorize advertisement for public hearing on February 2, 2016. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SIDEWALK IMPROVEMENTS – ORLEANS PLACE – PUBLIC HEARING SCHEDULED FOR FEBRUARY 2, 2016

The following sidewalk petition has been received and signed by a majority (50 percent plus one) of the adjacent property owners as required by the Residential Sidewalk Petition Policy.

Orleans Place (south side) from Quail Hollow Drive to the cul-de-sac on Orleans Place for an approximate distance of 160 linear feet. Staff recommends installation of a five-foot wide sidewalk on a 3.5 foot setback from the curb on the south side to the cul-de-sac on Orleans Place. The petition received a 75 percent sufficiency percentage with three out of four property owner signatures in favor of the proposed sidewalk installation. The estimated cost of construction is $15,000.

Funding is appropriated in the Sidewalk Petition Program capital budget for design and construction.

Recommendation: Schedule a public hearing for February 2, 2016 for approval of the petition and authorization to move forward with design and construction. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

TARHEEL CLUBHOUSE ROAD – RIGHT-OF-WAY CONVEYANCE AND CONSTRUCTION EASEMENT – APPROVED

A request has been received from the Wake County Board of Education for the conveyance of new public street right-of-way and temporary construction easement on City-owned property located at 3303 Tarheel Clubhouse Road. The purpose is for the completion of roadway improvements required for development of the new Beaverdam Elementary School. The real property interests needed are a total of 392.04 square feet of new public street right-of-way and 566.28 square feet of temporary construction easement. Staff is in agreement with the request by the Wake County Board of Education in exchange for compensation in the amount of $100. The settlement value represents the fair market value of the property as determined by recent appraisal information completed in this area. A report was included with the agenda packet.

Recommendation: Authorize conveyance of real property interests to the Wake County Board of Education and the North Carolina Department of Transportation. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ENGINEERING DESIGN PROFESSIONAL SERVICES – CONTRACTS AWARDED TO DEWBERRY ENGINEERING INC, ENGINEERED DESIGNS, FROEHLING AND ROBERTSON, INC, IBI GROUP OF NC, PC, MBP CAROLINAS, INC., REI ENGINEERS, INC, AND TERRACON CONSULTANTS, INC.

Sixty proposals for on-call professional services were received following a request for qualifications process; a total of seven firms have been selected to provide engineering, architectural, or other professional design services; environmental and surveying services; and cost estimating and construction related services.

Typical projects expected to fall within the purview of these agreements include fire stations and fire department support facilities, police and public safety facilities, public works facilities, solid waste facilities, general government facilities (offices, parking decks, and other support facilities), municipal infrastructure, and public recreation facilities.

Projects under these agreements are anticipated for projects whose construction cost estimates are at less than $1,000,000 or for emergency situations. Staff recommends authorization of master service agreements for up to $500,000 each over the two-year period. Funds will be encumbered as statements of work are developed and issued to each firm throughout the contract term.

Name of Project:	2015 On-Call Professional Engineering Services
Managing Division:	Public Works – Construction Management
Approval Request:	Contract Award
Reason for Council review:	Contract Award >$150,000
Original CIP Project Budget:	$3,500,000
Vendors:	Dewberry Engineers, Inc. ($500,000) Engineered Designs ($500,000) Froehling and Robertson, Inc. ($500,000) IBI Group of NC, PC ($500,000) MBP Carolinas, Inc. ($500,000) REI Engineers, Inc. ($500,000) Terracon Consultants, Inc. ($500,000)
Prior Contract Activity:	None
Encumbered with this Approval:	$3,500,000

Recommendation: Authorize the City Manager to execute the contracts. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

TRANSIT – FTA COMPLIANCE – CAPITAL PROJECT CONSULTING, INC. – AMENDMENT NUMBER TWO – APPROVED

The City has an existing contract with Capital Project Consulting, Inc. to provide project management assistance on Federal Transit Administration (FTA) projects through December 31,

2016. Services provided under the terms of the contract include review of documentation and project management for compliance with federal grant funds.

This amendment is for an amount not to exceed $112,000, and will provide project management and FTA compliance oversight for selected transit projects, including the GoRaleigh Station Renovations; renovations for Accessible Raleigh Transit operations at the Blount/Wilmington Street ADA Facility; GoRaleigh employee parking along Bus Way Park at the Transit Operations Facility on Poole Road; and the bus component of the Raleigh Union Station, all of which are active projects during the period of the contract amendment.

Name of Project:	Transit Project Management Services
Managing Division:	Public Works – Transportation Operations/Transit
Reason for Action:	Contract amendment >$150,000
Cause of Contract:	Amendment is necessary as a result of upcoming construction activities associated with GoRaleigh station and programmed transit projects.
Vendor:	Capital Project Consulting, Inc.
Prior Contract History:	Original contract $120,000 – October 14, 2014
Amendment Number One:	$28,500 – November 4, 2015
Currently Encumbered:	$148,500
Amount of this Amendment:	$112,000
Encumbered with this approval:	$260,500

Recommendation: Authorize the City Manager to execute the contract amendment. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

INFORMATION TECHNOLOGY – MASTECH, INC. AMENDMENT #3 – APPROVED

The City currently utilizes the services of Mastech, Inc. to provide one onsite software developer to support open data initiatives and system integrations. Specifically, the resource creates automated data loading programs to support the open data platform and also develops integrations between data within City enterprise software systems and public facing platforms. A contract amendment is necessary to continue ongoing design and development beyond 6 months; the total cost for the original agreement and the amendment will not exceed $328,400 with work to be complete by July 31, 2017. This contract amendment is for an additional $166,429 would allow for a total of 12 months of services should this service be needed for the full time period. Funding for the contract amendment is appropriated in the department operating budget.

Name of Project:	Open Data Software Integration
Managing Division:	Information Technology – IT Applications Support
Request Reason:	Contract amendment approval (Contract amendment >$150,000)
Cause of Contract Amendment:	Continuation of services

Vendor:	Mastech, Inc.
Prior Contract Activity:	Original contract $16,211
Amendment One (Administrative):	$56,160
Amendment Two:	$89,600
Currently Encumbered:	$161,971
Amount of this Contract Amendment:	$166,429
Encumbered with this Approval:	$245,171

Recommendation: Authorize the City Manager to execute the contract amendment. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

MOORE SQUARE IMPROVEMENTS – SASAKI ASSOCIATES AMENDMENT #4 – APPROVED

The next phase of work in the design process for the Moore Square Improvements project will include development of 100 percent complete construction documents, permitting, and bidding. Council authorized the use of a 2/3rds General Obligation bond issuance to fund the implementation of the Moore Square Master Plan in the spring of 2014. As part of the design process, City Council approved the Moore Square Implementation Priorities Report in August 2015 and the 15% Schematic design in December 2015.

The next review of design work by Council will include 40 percent construction documents.

Name of Project:	Moore Square Improvements Project
Managing Division:	Strategic Planning, Communications and Analytics
Request Reason:	Contract amendment number four ($1,007,100)
Cause of Contract:	Phase three, construction documents
Original CIP Project Budget:	$12,600,000
Design Estimate:	$1,300,000
Vendor:	Sasaki Associates
Prior Contract Activity:	Original contract: $138,600
Amendment Number One:	No cost, extended completion date
Amendment Number Two:	$241,500
Amendment Number Three:	$68,500
New Project Budget:	N/A
Currently Encumbered (% of estimate):	$448,600 (31 percent)
Amount of this Contract:	$1,007,100
Encumbered with this Approval:	$1,455,700

Recommendation: Authorize the City Manager to execute the contract amendment in the amount $1,007,100. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

WATERLINE REPLACEMENT PROJECT 4A – 2011 – MOFFAT PIPE, INC. – CHANGE ORDER 7 – APPROVED

The City is under contract with Moffat Pipe, Inc. for the 2011 Waterline Replacement Project 4A. This project includes replacing aging and undersized water and sewer lines within Raleigh and improves water distribution within Wendell. The project contains approximately 14,650 linear feet of six-, eight-, and 12-inch water lines and 3,000 linear feet of eight-inch sewer lines. On August 5, 2014 Council awarded a contract to Moffat Pipe, Inc. in the amount of $2,694,837.

Change order number seven, in the amount of $188,000, includes installation of a new pressure sustaining valve, new boundary valves, and the removal of existing water valves along Glenwood Avenue. Installation of a new pressure sustaining valve will allow the City to convert existing and proposed businesses in the Glenwood Avenue, Oak Park Road, and Munford Road area to a higher pressure zone. Recently, it was identified that these businesses did not have adequate fire protection. Converting the businesses to the higher pressure zone will provide adequate fire protection and improve water pressure.

Contract History:	
Name of Project:	2011 Waterline Replacement Project 4A
Managing Division:	Public Utilities – Capital Improvements Division
Request Reason:	Contract amendment (construction contract >$500,000)
Vendor:	Moffat Pipe, Inc.
Prior Contract Activity:	$2,694,837 (approved by City Council August 5, 2014)
Change Order Number One:	$28,968 (administrative)
Change Order Number Two:	$47,719 (administrative)
Change Order Number Three:	$76,735 (administrative)
Change Order Number Four:	$59,881 (administrative)
Change Order Number Five:	$15,864 (administrative)
Change Order Number Six:	$125,221 (administrative)
Currently Encumbered:	$3,049,225
Amount of this Contract Change Order:	$188,000
Encumbered with this Approval:	$3,237,225

Recommendation: Authorize the City Manager to execute change order number seven with Moffat Pipe, Inc. in the amount not to exceed $188,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

STC-11-15 – WOODLAND AVENUE ALLEYWAY – RESOLUTION SETTING PUBLIC HEARING ADOPTED

Craig and Heather McCall are petitioning to close the unimproved portion of an unnamed alleyway located on the southeast side of Woodland Avenue. The affected parcels front either

Glenwood Avenue on the north side or Creston Road on the south side. A report was included with the agenda packet.

Recommendation: Adopt a resolution authorizing a public hearing to be held on Tuesday, January 5, 2016 to consider closure of the right-of-way. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 244.

At the evening portion of the meeting, the Mayor pointed out the public hearing date should be February 2, 2016 rather than January 5. Without objection, the action was changed to reflect the February 2, 2016 date.

ENCROACHMENTS – VARIOUS LOCATIONS – APPROVED

The agenda presented the following requests for encroachments:

Computer Drive, Browning Place, Merton Drive, Barrett Drive, Haworth Drive, West North Street, North West Street, Corporate Center Drive, and Conference Drive

A request has been received from Celito CLEC, LLC to install 10,796 feet of conduit in the right-of-way. A report was included with the agenda packet.

St. Albans Drive

A request has been received from Windstream to install 2,855 feet of conduit in the right-of-way. A report was included with the agenda packet.

Harrod Street

A request has been received from Fiber Technologies Networks, LLC to install 90 feet of conduit in the right-of-way. A report was included with the agenda packet.

3800 Greywood Drive

A request has been received from Chris Kousis to install stormwater pipe in the right-of-way. A report was included with the agenda packet.

314 West Jones Street, 208 North Harrington Street and 328 West Jones Street

A request has been received from Banner Apartments, LLC to install shrubs/ornamental plants, building (canopy, balcony, stoops, and steps) and stormwater pipe in the right-of-way. A report was included with the agenda packet.

Recommendation: Approve the encroachments subject to completion of liability agreement and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ENCROACHMENT – MOORE SQUARE AND BLOUNT STREET PARKING DECKS – APPROVED CONDITIONALLY

Edison Land, LLC is seeking temporary construction licenses to swing a construction crane over portions of the Blount Street Parking Deck and Moore Square Parking Deck during construction of the Edison Office Tower, located in the northwest corner of Wilmington Street and Martin Street. Live loads over either parking deck will be prohibited. Indemnity and insurance requirements, with overage limits recommended by the Risk Management division of the Finance Department, have been incorporated into the proposed construction license agreements to ensure both the developer and the contractor have proper and reasonable coverage; the City will be listed as an additional insured entity under such insurance policies. There is one construction license agreement for each deck. Staff and the City Attorney's office are expected to finalize the construction license agreements in January. The encroachments relate to 233 South Wilmington Street and 314 South Blount Street.

Recommendation: Authorize the City Manager to execute the construction license agreements with Edison Land, LLC following finalization of the agreements by staff and the City Attorney. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

CONDEMNATION – MITCHELL MILL ROAD WIDENING – RESOLUTION ADOPTED

The Mitchell Mill Road widening project will begin near Louisburg Road (US Highway 401) and extend to the east of Forestville Road. The proposed project will widen Mitchell Mill Road to provide additional travel lanes in each direction between Louisburg Road (US 401) and Forestville Road to improve capacity. The project objective is to improve safety for all travelers, including motorists, pedestrians, and bicyclists. Construction of a median facility, additional left-turn lanes, an additional signalized intersection, U-turn movements, bicycle lanes, and sidewalks should contribute to safety along this corridor. The additional travel lanes eastbound and westbound should reduce traffic congestion at existing and new signalized intersections as well as allow vehicles to pass slower-moving vehicles within this heavily traveled corridor. Sidewalks will be provided on both sides of Mitchell Mill Road from Louisburg Road (US 401) to Forestville Road. Bicyclists will be accommodated with the addition of 5-foot bike lanes on both sides of Mitchell Mill Road. Public meetings were held April 8, 2010, September 23, 2010, May 5, 2011, May 20, 2014, and September 11, 2014. The project was approved by City Council on December 2, 2014. Final plans and contract documents are 95 percent complete. Efforts have been unsuccessful to obtain needed easements; therefore, it is recommended that a resolution of condemnation be authorized for the following:

PROPERTY OWNER	ADDRESS
Mitchell Mill, LLC	3805 Mitchell Mill Road

Recommendation: Adopt the resolution of condemnation. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 245.

MUNICIPAL ELECTIONS – 2015 – TRANSFER AUTHORIZED

A transfer in the amount of $222,500 is required for payment to Wake County for costs associated with the October 2015 municipal election and the November runoff election. The election costs are higher than previous elections due to the change to the date of elections for the Wake County Board of Education, which are no longer on the ballot in odd-numbered years. Partially as a result of the change to the Board of Education election, and associated with the fact that no other countywide elections took place in the 2015 election cycle, Wake County did not split the cost of municipal elections with Raleigh and other municipalities; the additional cost was not projected in the annual budget.

Recommendation: Authorize a budget transfer in the amount of $222,500. Accounting detail was included with the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 530 TF 266.

TRANSIT – GORALEIGH TRANSIT STATION RENOVATION – BID AWARDED TO AMERICAN SOUTH GENERAL CONTRACTORS COMPANY

Bids were opened for the GoRaleigh (formerly Moore Square) Transit Station Renovation Project December 3, 2015. The GoRaleigh Transit Station project will provide a comprehensive renovation to the Downtown Raleigh Transit Transfer Facility. Improvements will include but are not limited to new restrooms, crew quarters, northern stairwell, elevator, and ticket/information office. The facility will have enhanced passenger waiting areas and advanced technologies for customer convenience, such as Wi-Fi-access and real-time arrival and departure information. American South General Contractors Company submitted the lowest responsive bid of $9,560,000; the proposed award contains the addition of five alternates with a final proposed bid award of $9,671,000. American South General Contractors Company submitted the lowest base bid and remained the lowest bidder when factoring the alternate options. American South Contractors Company proposes to utilize 9.9 percent Disadvantaged Business Enterprise (DBE) and 15.5 percent Small Disadvantage Minority and Women Owen Business (SDMWOB) firms. The Raleigh Transit Authority unanimously recommended this bid award during the December 10, 2015 meeting.

Name of Project:	GoRaleigh Transit Station Renovation
Managing Division:	Public Works – Transportation Operations/Transit
Approval request:	Bid Award
Reason for Council review:	Formal Bid Award
Construction Bid Award:	$9,671,000
Vendor:	American South General Contractors Company
Prior Contract History:	None
Encumbered with this approval:	$9,671,000

Recommendation: Award the bid to American South General Contractors Company in the amount not to exceed $9,671,000. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SURPLUS PROPERTY – 11317 FALLS OF NEUSE ROAD – RESOLUTION AUTHORIZING SALE ADOPTED

On November 3, 2015, Council authorized use of the upset bid process to dispose of surplus property located at 11317 Falls of Neuse Road following declaration of the property as surplus and acceptance of an offer in the amount of $60,000 from Ashiquallah Pardisi and Mangal Khan. The property contains 0.34 acres after a 15-foot right-of-way dedication is made. The proposal was advertised on November 7, 2015 and November 28, 2015 in the News & Observer and the City of Raleigh website. The last upset bid period closed on December 8, 2015. Ashley M. Wallace was the winning high bidder with a bid amount of $65,000.

Recommendation: Adopt a resolution authorizing the sale of property located at 11317 Falls of Neuse Road to Ashley M. Wallace in exchange for $65,000 plus accrued advertising costs, with the understanding that a 15-foot right-of-way dedication will occur after closing. Authorize the Mayor and appropriate staff to execute all conveyance documents necessary. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 246.

TRAFFIC – VARIOUS CHANGES – APPROVED

The agenda presented the following recommended changes to the Traffic Code to become effective seven days after Council action.

Bus Zone - East Street

It is recommended that a Bus Zone be established on the west side of East Street, beginning 25 feet south of Cabarrus Street and extending southward 60 feet. GoRaleigh staff has requested a no parking/bus zone in order to move an existing bus stop a short distance to a location where parking is in less demand. The location is a vacant city-owned lot and no other property owners would be directly affected by the proposed change.

Bus Zone – Halifax Street

It is recommended that a Bus Zone be established on the east side of Halifax Street, north of Delway Street. Raleigh Housing Authority has requested a no parking/bus zone at this location. No other property owners would be affected by this change.

No Parking Zone – Noble Road

It is recommended that a No Parking Zone be established along the east side of Noble Road beginning at Pine Drive and extending 475 feet northward. A request was received from the

Parks, Recreation, and Cultural Resources Department to have parking restricted along the Five Points Center for Active Adults to improve traffic flow and sight distance issues.

Speed Limit Reduction – Scouting Trail

It is recommended that the speed limit be reduced from 35 mph to 30 mph on Scouting Trail. Scouting Trail is classified as Neighborhood Street and is constructed to typical residential street standards. A signed petition has been received by staff representing at least 75 percent of the residents or property owners along the street in support of a speed limit reduction. The associated speed study found the street's volume to be 4,252 vehicles per day. Per the requirements of the adopted Neighborhood Traffic Management Program, streets with volumes over 4,000 vehicles per day may only be reduced to 30 mph.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code as included in the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 531.

END OF CONSENT AGENDA

PARKING REQUIREMENTS – DOWNTOWN HOTEL – TEXT CHANGE AUTHORIZED – ADMINISTRATION TO PROVIDE INFORMATION

At the October 20, 2015 meeting, City Council directed staff to investigate reducing parking requirements for downtown hotels in response to a recommendation presented as part of the Raleigh Downtown Hotel Market Study. The current requirement downtown is the same as the citywide standard: one parking space per room. Staff analysis finds that the parking requirement can be reduced by half or more without adverse impact, which would greatly improve the economics of downtown hotel development. Additional information was provided with the agenda packet.

Recommendation: Authorize a text change to the Unified Development Ordinance to effect a reduction to parking requirements for hotel and lodging in the downtown mixed use (DX) zoning district.

Ms. Baldwin stated she had asked that this be removed from the consent agenda pointing out the recommendation is that the item be sent to Planning Commission and she would suggest that the Planning Commission take a look at a further reduction. She stated from her office, every day she looks at a parking deck where there are many empty spaces. She stated she would like for staff and Planning Commission to look at further reduction in the hotel parking requirements.

Assistant Planning Director Crane pointed out staff has performed some preliminary investigations and comparisons of required parking in various locations for hotels. However they will be performing a full range as we look at developing the text change.

Mr. Gaylord pointed out he feels this would be a good opportunity to reduce parking requirements for a large scale developments. He stated he hears the same concerns from large scale developments as we are hearing from hotel developers and maybe we should look at other property types and the possibility of reducing the parking requirements:

Ms. Crowder expressed concern pointing out here the Council gave staff direction and staff has come back with a proposal and the Council is already talking about changing the direction before action is taken on the first request. She cautioned the Council to go slow and get it right the first time get a change in place and if tweaking is needed that could occur at that time. It seems a little risky to start changing before we see how the original proposal would work. Mr. Branch questioned when the downtown parking requirements were studied last with it being pointed out at least a decade ago. City Manager Hall pointed out staff is doing a parking study of downtown and that information will be brought back at a later date.

The Mayor questioned if Ms. Baldwin is suggesting that the City consider reducing the requirements more than what is being suggested. Ms. Baldwin pointed out she would like for staff and the Planning Commission to look at this a little more pointing out some cities do not have any required parking for a hotel use. She stated she looks at the deck next to her work and it seems empty and she just questions if required parking for hotels is the best use of the land. Mr. Stephenson stated as he understands the discussion some feels there is an opportunity for further investigation and talk about uses other than just hotels. He stated he feels that could be investigated in preparation of the text change; however, he understands Ms. Crowder's concern about jumping ahead. Mr. Stephenson stated we are in the investigative stages so he feels it might be a good time to open up and investigate further. The difference in parking requirements for hotels as opposed to other major developments was talked about. Mr. Thompson pointed out back up information referred to the City of Miami which he feels is a totally different situation. He stated he would like to see some statistics relative to occupancy rates in the City as it relates to parking decks. Whether the investigation should include more than hotel required parking was talked about.

City Manager Hall pointed out there are several hotel projects under consideration and the question has been raised. He stated in addition the City is in the process of doing a parking study in the downtown in general and suggested separating the two issues. Let the Planning Commission go ahead and consider the parking requirements for hotels as that can be addressed quickly and the study of the entire downtown parking could look at the other issues. Ms. Baldwin moved approval as outlined. Her motion was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

NO REPORT

SPECIAL ITEMS

REZONING Z-15-15 – SPRING FOREST ROAD/ATLANTIC AVENUE – PUBLIC HEARING AUTHORIZED FOR JANUARY 19, 2016

The following item appeared on the December 1, 2015 Council agenda:

This is a request to rezone property from Shopping Center Conditional Use District (SC CUD) to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU).

The proposal is consistent with the Future Land Use Map, Urban Form Map and pertinent policies of the Comprehensive Plan. The proposed rezoning is reasonable and in the public interest and provides the opportunity for retail development in a City Growth Center close to existing and planned transit infrastructure. The proposal is consistent with the surrounding area and allows uses and development intensities similar to existing surrounding development.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of January 5, 2016.

At the December 1, 2015 Council meeting and pursuant to the request of the applicant, no action was taken on this request other than to ask that it be placed on this agenda for consideration and to establish a public hearing date.

New conditions are included in the agenda packet. It is suggested that the public hearing be established for January 19, 2016.

Planner Bynum Walter indicated new conditions have been submitted timely. Attorney Michael Birch representing the applicant indicated they are fine with the suggested January 19, 2016 public hearing. Ms. Baldwin moved Rezoning Z-15-15 be scheduled for public hearing on January 19, 2016. Her motion was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

DANGEROUS DOG ORDINANCE – PROPOSED REVISIONS – TO BE PLACED ON JANUARY 19, 2016 AGENDA

The following item appeared on the December 1, 2015 Council agenda:

During the November 17, 2015 Council meeting, the Law and Public Safety Committee requested revisions to the existing dangerous dog ordinances. Included with the agenda packet is a proposed ordinance with revisions. If adopted, the proposed ordinance would make several changes to the existing ordinances.

Specifically, the proposed ordinance would:

- Clarify and expand the definition of “dangerous dog”;

- Eliminate the need to declare a dog "potentially dangerous" by expanding the definition of "dangerous dog";
- Define "provocation" and "serious injury";
- Establish clear restrictions for keeping a dog that has been declared dangerous;
- Establish what actions Animal Control can take when a dog that has been declared dangerous is found at large or inflicts serious injury on a person or domestic animal;
- Establish an appeal process when a dog has been declared dangerous or when a determination has been made that a dog should be destroyed;
- Authorize summary destruction of an animal that has been determined to be dangerous and who cannot be seized, humanely trapped or tranquilized if destruction is necessary for the protection of life or property or for public health and safety; and
- Require notification to the Animal Control division when an animal bites a person, unless the person has provoked the animal.

The intent behind the changes is to clarify and simplify both the identification of a dangerous dog as well as to specify actions the Animal Control division of the Police Department should take once a dog has been determined to be dangerous.

After brief discussion, it was directed that action be deferred and the Mayor suggested Council members submit any questions or comments to the City Attorney and to place the item on this agenda for further consideration. The City Attorney received questions from two Council members.

City Attorney McCormick stated he had received a couple of questions but suggested because of the holiday schedule, etc. that maybe the Council would want to hold the item until the next meeting to allow time to get their questions to him.

Mayor McFarlane suggested holding the item and place it on the January 19 agenda, suggested Council members get their questions to the City Attorney and when the item is on the next agenda that the Council be supplied a copy of the existing and proposed ordinance. Without further discussion it was agreed to follow that course of action.

COMMITTEE STRUCTURE – CITY COUNCIL – ORDINANCE REPEALING CODE OUTLINING STANDING COMMITTEE'S ADOPTED; CITY ATTORNEY TO PROVIDE PROPOSED RESOLUTION OUTLINING CHAIN OF COMMAND IN EMERGENCIES

During the December 1, 2015 Council meeting, Mayor McFarlane announced a new City Council Committee structure and named four new standing committees. The City Attorney was asked to develop an ordinance to eliminate the previous committee structure and establish the new committee structure. Council members will receive a proposed ordinance with the agenda packet. It would be appropriate to consider adoption of the ordinance.

City Attorney McCormick stated at the December 1, 2015 Council meeting the City Council decided to change the names and the functions and the Council Committee structure. He pointed out the present committee structure is outlined in the City Code and he would suggest that the Council simply repeal the sections of the code that sets out the standing committees as that does not need to be in the Code. The Council can name committees as it so desires. He stated Council members received a proposed ordinance in their agenda packet which would delete those sections of the code. He stated in addition Ordinance No. 1986-736 utilizes that committee structure to outline the chain of command in emergencies stating local law requires a chain of command. He stated the Council should adopt a new chain of command and he would suggest that it be the Mayor, Mayor Pro Tem and designate a list of Council members based on seniority with the understanding if two Council persons have the same seniority they would be alphabetical. He stated if the Council agrees with that concept he will prepare a resolution and bring it to the next meeting. Mayor McFarlane moved adoption of the ordinance as included in the agenda packet and direct the City Attorney to bring the chain of command resolution to the next meeting. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 532.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

RIPLEY STATION – LOAN MODIFICATION REQUEST – VARIOUS ACTIONS APPROVED

On November 14, 1995, Council authorized $583,479 in funding to DHIC, Inc. for the construction of the 48-unit Ripley Station affordable housing complex for families. The tax credit compliance period ended in October 2015 and investors transferred complete ownership of the property to DHIC.

DHIC desires to obtain new financing for the project which will allow for the reinvestment of cash flows to maintain an aging property. The new mortgage lender for the project requires all subordinate loans to be coterminous with the first mortgage. The current City loan interest rate is 6.5% and was structured as a cash flow loan. To date, available cash flows have not been sufficient to repay any of the principal; the current principal balance on the original City loan is $581,363. There is no fiscal impact to the City for amending the loan; the benefit will be to provide the City with amortizing principle and interest loan repayment.

DHIC has submitted a request to amend the existing loan as follows:

1. Subordinate the City loan to a new Community Investment Corporation of the Carolinas (CICCAR) loan in the amount of $875,000; this allows DHIC to obtain additional financing in order to make necessary repairs and to improve the energy efficiency of the housing units;
2. Extend the existing loan term to match the CICCAR maturity date, which is a requirement of first mortgage lenders;
3. Modify repayment terms to $12,000 annually, to be paid in monthly installments; and

4. Reduce the interest rate from 6.5 percent to 2 percent.

Additional information was included with the agenda packet.

Recommendation: Authorize the City Manager to execute all documents necessary to modify the existing Ripley Station loan agreement.

Housing and Neighborhood's Director Larry Jarvis explained this item and the process utilized and what is being proposed pointing out this is a project that meets the requirements for refinancing. The City would subordinate its loan. Mr. Branch moved approval. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

MUNICIPAL SERVICE DISTRICTS – CHANGE IN STATE LAW – INFORMATION RECEIVED TO BE PLACED ON JANUARY 19, 2016 LUNCH WORK SECTION AGENDA

In September 2015, the State adopted legislation that impacts the process by which a local government contracts with a private agency to provide services within a municipal service district (MSD). The City has two MSDs, one in downtown and another along the Hillsborough Street corridor. The current providers of services in each district are the Downtown Raleigh Alliance and the Hillsborough Street Community Services Corporation, respectively. Staff will provide general information on the existing MSDs and provide an overview of the recent legislative changes as well as recommended next steps for the City to remain compliant with the revised legislation.

Recommendation: Receive as information.

City Manager Hall briefly explained the changes in State law which requires some modifications to the City's process.

Kirsten Larson, Budget and Management Services expounded on the following presentation:

- What is a Municipal Service District (MSD)?
    - Defined area with additional property tax
    - Funding used for statute-defined functions

      Downtown revitalization
      Urban revitalization

- Raleigh has two MSDs
    - Downtown
    - Hillsborough Street

DOWNTOWN MSD – Explained the boundaries

- Established in FY0l
- Current Tax Rate: $.0786 per $100 of assessed property value
- Total FY16 estimated revenue: $1,282,250
- Current Service Provider: Downtown Raleigh Alliance (DRA)

Ms. Larson presented the following DRA information

- Non-Profit 501(c)(6); 8 FTEs
- Total FY16 Budget: $2.26M
- Revenue Sources:
    - Downtown MSD funding: $1.27M
    - Safety Ambassador Contract with City: $470K
    - Corporate Sponsorships & Memberships: $362K
    - COR Other Outside Agency Grant for retail recruitment: $108,450
    - Other Grants/Contracts: $50K

CURRENT EXPENSE BUDGET

- Security & Clean Team Ambassador Program: $961K
- Management, Office & Operations: $644K
- Economic Development, Downtown Planning: $249K
- Branding, Marketing & Communications: $210K
- Events & Community Engagement: $197K

HILLSBOROUGH MSD – Explained boundaries

- Establishment in FY09
- Tax Rate: $.15 per $100 of assessed property value
- Total FY16 estimated revenue: $326,510
- Current Service Provider: Hillsborough Street, Community Services Corporation (HSCSC)

Ms. Larson provided the following information about HSCSC

- Non-Profit 501(c)(6); 3 FTEs, 1 Part-Time
- Total FY16 Budget: $620K
- Revenue sources
    - Hillsborough St. MSD funding: $296K
    - COR Other Outside Agency Grant: $125,513
    - NCSU: $100K

- Donor Contributions/Other Revenue: $52K
- Stanhope Property: $47K

CURRENT EXPENSE BUDGET

- Personnel & Operations $296K
- Special Events $123K
- Clean & Safe Initiative $115K
- Marketing $ 54K
- Contingency/Miscellaneous $ 24K
- Business & Economic Development $ 8K

Ms. Larson explained the new MSD Legislation: New Contracting Requirements (S.L.2015-241)

- City Council shall:
  - Determine current needs, long-range plans and goals for the service district
- City shall:
  - Determine RFP selection criteria
  - Solicit input from MSD residents and property owners
  - Use a bid process to select private agency best suited to meet MSD needs
  - Hold a public hearing prior to contract award
  - Require annual written and verbal report from the awarded private agency
- Contract award is time-limited (not to exceed 5 years)

FY17 MSD SERVICE CONTRACT PROCESS TIMELINE

- January
  - Council presentation
- February
  - Public input on current needs in MSD
  - Issue RFP
- March/April
  - RFPs received and evaluated
  - Contractors selected
- May
  - General public hearing
- By July 1st 2016 – MSD contracts must be in place

COUNCIL FEEDBACK REQUESTED 1/19

1. What are the current needs, long-range plans and goals for the service district?
2. How should the City solicit input from MSD residents and property owners?
3. How should the City address its representation on DRA and HSCSC boards?

Ms. Larson talked about setting goals and how to go about that and looking at the current needs, long-range plans and goals for the service district.

HILLSBOROUGH STREET AREA PLAN

- Joint effort with Cameron Village Small Area Plan
- Update to 1999 Vision for Hillsborough Street
- Project kick-off December 2014
- Most recent public meetings October 2015
- Draft Plan report in progress
- Council review in 2016

Services outlined in Original Resolution for Raleigh MSDs

- Advocacy
- Business development services
- Coordinated sidewalk cleaning
- Safety patrols
- Increased awareness of events

COMMON SERVICES IN MSDS

- Capital Improvement Projects
- Consumer Marketing
- Economic Development
- Maintenance
- Policy advocacy
- Security
- Transportation

Ms. Larson talked about Options for public input

- Public Input Meeting(s)
- Survey
- Public Hearing
    - Regular Council meeting or
    - Special session

  Note: A general public hearing following selection of contractors is required.

Ms. Larson compared the current City representation on the two boards as follows:

- DRA AND HSCSC BYLAWS
    - Two City representatives (one Council member, one City staff) on board

        1. DRA: Council Member Baldwin, City Manager Hall

- Non-Voting Board Members

2. HSCSC: Mayor Pro Tem Crowder, Assistant City Manager Adams-David
   - Voting Board Members

NEXT STEPS IN FY17 MSD PROCESS

- January 19th – Staff receives Council feedback
- Public input received
- RFP drafted, approved by Council, and advertised
- RFP proposals evaluated
- Contractors recommended for MSDs
- Public hearing
- Council approval of contracts by June 30, 2016

Ms. Crowder pointed out this is very complicated and an important issue and she feels the Council needs to have further discussion in work session. It was pointed out it could be discussed on January 19 at the lunch work session as the only item scheduled is the Wake Transit Plan. Discussion took place on the time schedule and questioned if there was a reason it should be discussed on the 19th with City Manager Hall pointing out it is a 6-month process and the Council needs to start making the decisions in order to have everything completed. He stated the longer we delay moving forward the longer the RFP is delayed, etc. After discussion on how to proceed, it was agreed to use the January 19 lunch work session to discuss this item and place the Wake Transit Plan update on the regular Council agenda. City Manager Hall pointed out if Council members have questions they would like to provide prior to the January 19 meeting that would be fine. Ms. Baldwin pointed out she feels it is very important for all Council members to hear each others questions and points of view. Without further discussion, it was agreed to place the item on the January 19 lunch work session.

NC540 – DRAFT ENVIRONMENTAL IMPACT STATEMENT – MAYOR AUTHORIZED TO SUBMIT COMMENTS

In early November, the Federal Highway Administration approved a draft Environmental Impact Statement (EIS) for the "Complete 540" Outer Loop project. The North Carolina Department of Transportation (NCDOT) is soliciting official comments from citizens, state and local governments, agencies, and other interested parties with a deadline for comments of January 8, 2016. NCDOT will select a preferred alternative and develop a final EIS for approval. Staff has coordinated to review the document and supporting technical reports in order to identify (a) major impacts to City facilities and interests; and (b) preferred routes and alternatives.

Recommendation: Authorize the Mayor to submit comments to NCDOT endorsing Detail Study Alternative Two as the preferred alternative and that reflect concerns over the major impacts to City facilities and interests.

Senior Planning Engineer Todd Delk provided a history of the outer loop beginning in the 70's when the northern loop was first seen in region plans through NC540 toll - the western segment which opened in the 2011-2012 timeframe. He stated the current NCDOT schedule for the southeast extension is 2021-extend west from NC55 bypass to US401; 2025-extend west to I-40; 2029/30 extend north to I-495/US64 bypass. He talked about the alternative development plans and changes in the 2009-2013 corridor studies, outlined the 17 detailed study alternatives, explained the 540 draft EIS was completed in October 2015, approved November 2015, public meetings held between December 7 and 9, 2015 with comments due January 8, 2016. The schedule calls for selecting an alternative in the Spring of 2016.

Engineer Delk highlighted the following city comments/areas of concern on the various routes.

CITY COMMENTS – RED ROUTE
Swift Creek Watershed

- 6.7 acres of critical watershed area
- Induced development in watershed

General Water Service

- Service Lines
- D. Benton Water Treatment Plant

NC 50 Sewer Force Main

- 30" line along Raynor Road/Auburn-Knightdale Road

CITY COMMENTS – LILAC ROUTE
Wrenn Road Facility

- Holding ponds
- Water treatment plant sprayfields
- **Lilac**: 88.7 acres
- **Orange**: 10.8 acres

CITY COMMENTS – GREEN, MINT, TAN ROUTES
Randleigh Farm

- WCPSS Sites
- Future development
- **Green**: 62 acres
- **Mint/Tan**: 30 acres

Hodge Road Extension

CITY COMMENTS – BROWN ROUTE
Neuse R. Wastewater Treatment Plant

- Sprayfields/biosolid fields
- Guard house

City/County Law Enforcement Training Center

CITY COMMENTS – GENERAL

Utility Impacts

- Water distribution in Garner
- Sewer lines along eastern alignment
  - Two 72" interceptors
  - Planned 99" line

Neuse River Greenway Trail

Development patterns for Purple/Blue Routes

Previous opposition to Tan Route (2011)

Mr. Delk talked about the preferred route/alternatives which would include a combination of the orange route for the southern segment and the mint with green for the eastern segment known as Alternative Two. Engineer Delk pointed out it is recommended that the Council authorize the Mayor to submit comments to NCDOT reflecting the city's concern, endorse Detail Study Alternative 2 as the City's preferred alternative and staff will be providing technical comments on the EIS and the supporting documents.

Mr. Stephenson expressed appreciation to staff for all the work and the presentation highlighting the concerns and/or impacts on city property of the various routes. He stated as he understands Alternate 2 is pretty much what the Town of Garner has supported. He pointed out he understands Wake County is in the process of voicing their support for the orange route. Ms. Crowder moved approval of staff's recommendation. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

PERSONNEL – VARIOUS – INTRODUCED

City Manager Hall introduced Monica Chaparro, Manager of the Strategic Planning and Performance Management and gave information on her background which included work in Mecklenburg County, published articles, presentor at various events, etc.

City Manager Hall introduced D. Darnell Smith who has recently been appointed Chief Information Officer for the City of Raleigh. He explained Mr. Smith was selected after a nationwide search. Mr. Smith lives in Raleigh and has been involved in the IT private sector some 25 years. He explained his background both professional and academic.

City Manager Hall acknowledged Beth Stagner who has served as Interim Chief Information Officer while the search for the permanent position was conducted. He stated Ms. Stagner did an outstanding job and expressed appreciation for her agreeing to serve in that position and leading the department during that time period.

REPORT AND RECOMMENDATION OF THE RALEIGH ARTS COMMISSION

ARTS COMMISSION – 2016-17 COMMUNITY GRANTS PANEL APPOINTEES – CONFIRMED

The Community Grants Panel is made up of Chair-appointed Commission members, at-large community members, and a representative from the Greater Raleigh Convention and Visitors Bureau. The Commission bylaws require Council confirmation of the Grants Panel. Recommended appointees for the 2016-17 panelists are as follows:

Community Representatives
Renay Aumiller
Linda Bamford
Woody Dicus
Tony Granados
Karen Keys

Greater Raleigh Convention and Visitors Bureau
Julie Brakenbury

Recommendation: Confirm the appointees.

Sarah Corrin explained the item stating she was available to answer questions. Ms. Baldwin moved confirmation of the panel. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

COMPREHENSIVE PLANNING COMMITTEE – PENDING ITEMS – REMOVED WITH NO ACTION TAKEN

Chairperson Stephenson reported the following items have been pending in the Comprehensive Planning Committee.

Item #11-04 – TC-9-11 – Outdoor Storage Yard – Height of Materials (2/7/12)
Item #11-10 – Unified Development Ordinance Topics (5/1/12) (Multimodal Transportation Capacity Incentives
Item #11-12 – Comprehensive Plan Amendments/UDO (CP-2-12 Issues) (5/1/12)
Item #11-31 – Comprehensive Plan – Infrastructure Replacement Policy (5/21/13)
Item #11-39 – Retrofitting Suburban Retail Centers (9/3/13)

Mr. Stephenson stated without objection he would recommend that these items be reported out of committee with no action taken and so moved. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REZONING Z-22-14 – CREEDMOOR ROAD CONDITIONAL USE – APPROVED

Chairperson Stephenson reported the Comprehensive Planning Committee recommends that Z-22-14 be reported out with no action, with the understanding that the applicant will submit revised zoning conditions by December 17, 2015 to include the following: (1) no vehicular connection to Corberrie Lane will be provided or required, but a pedestrian connection will be required; (2) there will be coordination of the tree conservation area, berm, and transitional protective yard; and (3) there will be an access easement onto Creedmoor Road.

Planner Byrum Walker indicated revised conditions dated December 17, 2015 were submitted in a timely manner. She went over the conditions as it relates to commercial and/or residential development. She stated a letter has been received from the owner of the location of the access easement to Creedmoor Road indicating the easement would be available.

Mr. Stephenson pointed out this case has been discussed on a number of occasions and his sense is that the residential option would be a good buffer between the R-4 and Shopping Center Zoning and pointed out he believes the guarantee of access to Creedmoor Road makes a difference. He stated he knew Mr. Cox had some conversations with the neighborhood representatives.

Mr. Cox indicated this case provides for two options, a residential development or commercial development. He talked about access to Brandon Station which would require an easement or acquisition of property from the City to allow that to occur. He stated there is concern about office or commercial development and stated he would like for the City to state that it would not grant access to Brandon Station if the commercial option is exercised; that is, the City would not grant access or sell any property for access. He talked about access to Creedmoor Road and the cap of 36 homes which he feels would limit increased traffic.

Mr. Stephenson stated the idea of saying that the City would not grant the required easement to get access to Brandon Station would be outside the case and he does not think legal access could be provided without acquiring the rights from the City. He stated he would support having a separate note that if the office option is selected that the City will not provide/allow access across its property in any way. Ms. Baldwin questioned if that is something that can be legally done with the City Attorney indicating the Council could state that it will not allow access in any manner across its property but it could not be a part of the zoning conditions.

Mr. Stephenson stated as he understands there are questions about whether the access easement to Creedmoor Road would be legal access.

Engineer Todd Delk talked about the residential option connection to Brandon Station or Corberrie. He talked about code requirements for the nonresidential option having to be a public

street. Work of the applicant and the neighborhood was talked about. Ms. Crowder moved approval of the case with conditions dated December 17, 2015. Her motion was seconded by Mr. Stephenson and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 535 ZC 722.

Mr. Stephenson suggested that the minutes note that should an office or commercial option plan be submitted that the City not provide access (neither granted or sold) across its property for connection to Brandon Station. His motion was seconded by Mr. Cox and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REZONING Z-34-15 – OAKLAND DRIVE – REZONING Z-35-15 – SIX FORKS ROAD – CONDITIONAL USE CASES – DENIED

Planner Bynum Walter indicated the applicant submitted additional conditions relating to access to Oakland Drive via an alleyway, vegetative screening along adjacent properties, etc. Mayor McFarlane questioned if the City accepted alley access with it being pointed out if it is a public alley, it is a public street. The definition of public/private alley was talked about. It was pointed out the property will still have access to Six Forks Road and it will probably be a right in, right out. The fact that NCDOT will probably require a median treatment so left turns coming out of the property would not be allow. It was pointed out the applicant has agreed to provide an alley to Oakland Drive via an easement along the property. It would have to be a 20 foot with 16 foot pavement strip.

Lengthy discussion took place as to how the alley would work. The attorney representing the applicant Bill Jackson was present and pointed out it is a public road. Whether the alley is public or private, access to Six Forks Road, whether alleyway was discussed at the committee meetings, if they have to acquire additional property for the alleyway rather than putting it on the existing land and whether that would require another hearing was talked about at length. The conditions that indicate all partials must have access to Oakland Drive and the fact that they do not need an easement the alley could be placed on existing property was discussed with Planner Walter pointing out the conditions state that they must provide an alley. The question is whether it will be on existing property or property that they acquire. If the rezoning is approved with those conditions, the conditions must be honored before construction can take place.

Ms. Baldwin asked about the neighborhood support or opposition with the attorney explaining which property owners they had talked to, which are in support or not in support and the fact that the conversations took place prior to the rezoning request being filed.

Bill Jackson, 6405 Westgate Road, applicant, talked about previous efforts to build a day care center on the site, which property owners they have met with and who had expressed support and the fact that no immediate neighbor had voiced opposition. Mr. Stephenson pointed out he talked to three of the abutting property owners and they indicated to him that they were offered the option of a commercial versus a residential and all three said they did not support the project but they felt that was the only options they had. Who had discussed the case with Mr.

Stephenson and whether additional conditions could be added was talked about at length. Mr. Gaylord pointing out it was his understanding at the CAC meeting, is that all lots would be connected through Oakland Drive. He talked about work on the Six Forks Road Corridor plan and his concern about the traffic and entrance and exists onto Six Forks Road at the top of this hill. Mr. Stephenson talked about inconsistencies with the Comprehensive Plan and his concern about all of the work and study being developed for the Six Forks Corridor Plan. Mr. Stephenson stated for those concerns he would move denial. His motion was seconded by Ms. Crowder. Ms. Baldwin made a substitute motion to send the item to committee. Her substitute motion did not receive a second. The motion to deny the case was put to a vote and passed with all members voting in the affirmative except Ms. Baldwin who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

HAS NOT MET

REPORT AND RECOMMENDATION OF GROWTH AND NATURAL RESOURCES COMMITTEE

HAS NOT MET

REPORT AND RECOMMENDATION OF THE SAFE, VIBRANT AND HEALTHY NEIGHBORHOODS COMMITTEE

HAS NOT MET

REPORT AND RECOMMENDATION OF TRANSPORTATION AND TRANSIT COMMITTEE

HAS NOT MET

REPORT OF MAYOR AND COUNCIL MEMBERS

COMMITTEE SCHEDULE – ANNOUNCED

Mayor McFarlane asked committee chairs to make a decision on their meeting times and dates by the 7:00 p.m. section of the meetings.

She stated the Economic Development and Innovation Committee will meet at 11:00 a.m. on second and fourth Tuesdays in Room 305.

During the evening portion of the meeting, the following schedule was announced.

Growth and Natural Resources Committee – 2nd and 4th Wednesdays - 2:00 p.m. to 4:00 p.m. in the City Council Chamber

Safe, Vibrant and Healthy Neighborhoods Committee, 2nd and 4 Tuesdays at 4:00 p.m. in the City Council Chamber.

Transportation and Transit Committee, 2nd and 4th Tuesdays at 3:00 p.m. in Room 305.

HOTEL – CAPITAL BOULEVARD – INFORMATION REQUESTED

Mr. Cox asked that Council be provided information and the status of the dilapidated hotel on Capital Boulevard. He stated it is the former Holiday Inn and he would like a report from staff as to what is occurring and why the hotel is still standing in a dilapidated condition.

CITY COUNCIL PRESENTATIONS – TO BE DISCUSSED DURING RETREAT

Mr. Cox indicated with the new presentation screens in the City Council Chamber, new rules regarding the time period necessary for citizens to use the technology has been changed. He stated he understands citizens must have their presentations in on Thursdays prior to the City Council meeting on Tuesday. He stated that does away with the weekend and pointed out many times citizens are utilizing that time and the time right up to the meeting to work on their presentations. He stated he would like for the Council to have further discussion about that rule to see if the City could be a little more flexible and come up with a different time period. Mayor McFarlane stated she thinks that would be a good thing to add to the retreat discussion. It was agreed that would occur.

Mr. Stephenson pointed out the City talks about open government, etc. and asked about the possibility of lunch work session being video taped. He pointed out the City Manager came up with a system of providing information on complex or large items being presented at a lunch work session and that serves as an information gathering and an opportunity for the Council to learn about the issues. He stated that does provide a great opportunity but it would be good to have that information available to the citizens. He stated as a part of the retreat, he would like to talk about televising lunch work sessions.

RETREAT AGENDA – INFORMATION RECEIVED

Mayor McFarlane distributed the January 13-15 preliminary retreat agenda pointing out it was developed by Michelle Furgerson, Novak Consulting Group, the facilitator, after one on one sessions with Council members. She stated staff is handling the logistics and asked everyone to make sure to bring their driver's license or photo ID. She stated retreat binders will be distributed on Friday with the regular agenda packet.

COUNCIL COMMENTS – RECEIVED

Various Council members wished all a happy New Year, welcomed new staff members, talked about looking forward to working with new Council members and existing Council members and appreciation for the new display screen system.

Mr. Thompson expressed appreciation to Mr. Gaylord and his wife as the honorary chairpersons of First Night pointing out it was a great event.

Ms. Baldwin distributed copies of a book she recently read which deals with transit, public/private partnerships, civic engagements, etc. She stated it talks about a lot of the things Raleigh City Council is doing or working on and asked all to read the book.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

The City Clerk reported the following results of the ballot vote.

Environmental Advisory Board – Two Vacancies – Beverley Clark - 8 (All Council members); Aranzazu Luscurain – 8 (All Council members). The City Clerk reported the name of Kenneth Carper appeared as a nominee to the Environmental Advisory Board in error.

Parks, Recreation and Greenway Advisory Board – Two Vacancies – (Kendall Harris – 6 (Branch, Gaylord, Baldwin, Thompson, Cox, Crowder); Charles Rodman – 3 (Branch, Baldwin, Stephenson); Brad Johnson – 5 (Gaylord, Thompson, Cox, McFarlane, Crowder)

Stormwater Management Advisory Committee – One Vacancy – Kenneth Carper – 8 (All Council Members);

Raleigh Transit Authority – Alternate member – Mr. Branch nominated Tolulapa Omekaiye.

The City Clerk announced the appointments of Beverley Clark and Aranzazu Luscurain to the Environmental Advisory Board, Kendall Harris and Brad Johnson to Parks, Recreation and Greenway Advisory Board and Kenneth Carper to the Stormwater Management Advisory Commission. The Raleigh Transit Authority Alternate member vacancy will be carried over to the next meeting.

NOMINATIONS

APPEARANCE COMMISSION – JOHN A. KOONCE REAPPOINTED

The City Clerk reported the term of John A Koonce is expiring. He is eligible for reappointment and would like to be considered for reappointment. Mayor McFarlane moved that the Council suspend its rules and reappoint Mr. Koonce by acclamation. Her motion was seconded by Ms.

Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

RALEIGH CONVENTION AND PERFORMING ARTS CENTERS AUTHORITY – NOMINATION MADE

The City Clerk reported the term of John P. Healy, Jr. is expiring. He is not eligible for reappointment because of length of service. Ms. Crowder nominated Anthony McLeod. The item will be carried over to the next meeting.

DHIC – NOMINATIONS MADE

The City Clerk reported the term of Dr. Norman Camp is expiring. He is not eligible for reappointment. Mr. Branch and Ms. Baldwin nominated Mia D. Bailey. The item will be carried over to the next meeting.

RALEIGH/DURHAM AIRPORT AUTHORITY – REAPPOINTMENTS MADE

The City Clerk reported the terms of Dickie Thompson and Anrienne Cole are expiring. Both are eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend its rules and reappoint the two by acclamation. Her motion was seconded by Mayor McFarlane and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

STORMWATER MANAGEMENT ADVISORY COMMISSION – MATTHEW STARR - REAPPOINTED

The City Clerk reported the term of Matthew Starr is expiring. He is eligible for reappointment and would like to be considered for reappointment. Mayor McFarlane moved the Council suspend its rules and reappointment Mr. Starr by acclamation. Her motion was seconded by Mr. Branch and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

The City Clerk reported Council members received in their agenda packet copies of the minutes of the November 17, November 30 and December 1, 2015 Council meetings. Mr. Stephenson moved approval as presented. His motion was seconded by Mr. Crowder and a roll call vote

resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

PAVING ASSESSMENT ROLL 940 – WAKEFIELD CROSSING DRIVE – PUBLIC HEARING ESTABLISHED

Council members received in the packet the following preliminary assessment roll. Adoption which would set a public hearing to consider confirmation of costs at the February 2, 2016 meeting is recommended:

Paving AR940 – Wakefield Crossing Drive (PW2014-2).

Mr. Stephenson moved approval of the preliminary assessment roll as presented. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 247.

TAX – RESOLUTION ADOPTED

Council members received in the packet a proposed resolution adjusting, rebating or refunding penalties, exemptions and relieving interest for the late listing of property for ad valorem taxes. Adoption is recommended. Mr. Stephenson moved adoption of the resolution as presented. His Stephenson moved of the resolution as presented. His motion was seconded by Ms. Crowder and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 248.

RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 3:10 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC01-05-16

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, January 5, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with all Council members present.

The Mayor called the meeting to order and the Pledge of Allegiance was led by Boy Scout Troop 342 and Scout Master Steve Yeager. The following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

CITY COUNCIL VACANCY – COMMENTS RECEIVED

Joey Stansbury indicated recently when Thomas Crowder passed away, he became curious to know the process for filling a vacancy on City Council and he discovered that Raleigh does not have a formal process for filling a vacancy. He stated he was at the meeting to ask the Council to explore the need for a formal process such as application, time for review, public input, Council decision, etc. He suggested that an item could go to a committee to come up with a process other than what is in the Charter. He does not feel this would require a charter change. The comments were received.

PUBLIC NUISANCE – SEWER PIPE – COMMENTS RECEIVED

Jeremiah Frederick, 1109 Marks Street, was at the meeting to explain his concern about a sewer pipe which he feels is a part of the city's infrastructure and is on his property. He read from the North Carolina and City Code information on what constitutes a public nuisance and he feels this sewer pipe which he contends is the city's pipe is a public nuisance as it is open and exposed. He talked about tax reevaluation of property which is on going and pointed out he feels this is decreasing the value of his property. The Mayor and Mr. Stephenson both pointed out this has been discussed and before it has been determined it is not a city sewer.

SIDEWALK PETITION PROCESS – COMMENTS RECEIVED

David Simonton, 1218 Lorimer Road presented the following prepared statement.

> I'm here to ask Council to review the current citizen-initiated sidewalk petition polices. For whatever reason, the City has two very different polices now in place.
>
> If a citizen wants a sidewalk on a UDO – conforming road, they can request one by contacting the City. Staff reviews the request and contacts all residents who will be affected. This letter includes the engineers' recommendation for the location, width and placement of the sidewalk, along with a Petition Form, which, in this case, is a kind of ballot.

The City takes responsibility for the process, acting as a neutral, objective, information gathering and disseminating entity. Using this method, the city assures due process – all residents are notified in a time manner, and the specifics of the project are clear.

But in the case of a non-conforming road (say, an older road, like Lorimer Road), the Petitioner controls the process, with little or no oversight by the city. Te City doesn't require timely notification of property owners. And there's no requirement for neighborhood meetings. The Petitioner (who's patently biased) is assumed by the City, and trusted, to handle the process responsibility; but, in our case at least, she did not.

The difference between these two polices is stark – and troubling.

Why does the City cede responsibility when street upgrades are necessitated by the request for a sidewalk? Upgrades come with assessments, and these are costly to residents.

And why does the City turn a blind eye when its own lack of oversight results in acrimony and division in a once-harmonious neighborhood like ours? Door-to-door petitioning is known to have numerous problems associated with it - look at Laurel hills Drive; and now, Lorimer Road.

Given the likelihood of abuse, why is there no easy appeal process in place for the average citizen, to help assure the veracity and validity of this type of petition - - some recourse short of having to sue the City?

The City of Charlotte has an appeal process built in, and it mandates that at least two informational meetings be held.

Finally, I believe Council should be required to table a proposal when an instance of abuse of the petition process is brought to its attention, instead of proceeding to a vote.

In conclusion, I hope you'll look closely at these policies, and in particular the often-contentious door-to-door policy for sidewalks on a non-conforming road; consider changing IT to a mailed ballot. And please revise the petition document itself, so it clearly states the measurements of sidewalks, setbacks and the City easement required for a project so that no one can misrepresent this information ever again.

Doing so will add credibility to the process, and help put Raleigh on track to becoming a truly progressive city.

Thank you. This is just a summation. I'm happy to follow up with supporting materials ad additional information.

The comments were received and no action taken.

HILLSBOROUGH STREET REVITALIZATION PROJECT PHASE II – COMMENTS RECEIVED

Tony Coates representing the Donald Lewis Coates Estate presented the following prepared statement:

> Since 1979 my Family has operated a business and owned property at 2912 Hillsborough Street. On November 19th City Staff informed us of intention to commence the condemnation process on our property in January.
>
> While we are certainly not happy about a forced condemnation of our property and the resultant loss of our current and future income stream from that location. . . we actually share in the City's desire to revitalize Hillsborough Street.
>
> We'd just like to participate in that redevelopment opportunity!
>
> The City's "taking" of our property effectively delivers that opportunity to others at our expense. If such a sacrifice for the common good is truly necessary on our part, then I submit we should at least be kept economically whole. Let me assure you, the "settlement offer" recently made to us by City Staff does not even come close to keeping us whole.
>
> We think there's an understandable reason for the huge gap we're seeing there. Because Hillsborough Street redevelopment has commenced in advance of the Phase II project, property values along Hillsborough Street have ALREADY increased DRAMATICALLY!
>
> We believe THAT City Staff are failing to capture this in the current "settlement offer" to us. In fact not a single Hillsborough Street comp is referenced in the City's appraisal of our property.
>
> So, when LOCATION! – LOCATION! – LOCATION! is finally given property consideration, we expect it's going to be MUCH more expensive for the City. . . the taxpayers. . .to purchase our property than the Phase II budget is anticipating. And, keep in mind, we're just 1 of 32 properties where the City needs right-of-way and easement rights for Phase II.
>
> So, as a concerned citizen and taxpayer, I feel it fair to ask:
>
> Does the Council currently have genuine believe and expectation that the Phase II project. . . as designed and planned years ago now. . .can be completed within the existing budget constraints. . .and for a reasonable cost to the taxpayers?

We've also become aware of several experts who believe the Phase II project, as designed, will be overly expensive and, in fact, not necessary as a catalyst for Hillsborough Street redevelopment. . . which, again, is already well underway.

We understand that City Staff will be meeting with North Carolina State Professor Frank Harmon and a panel of those experts to review and discuss that very topic later on this month.

In light of what would appear to be predictable cost over-runs for land acquisition, combined with expert concerns about both the need and the cost effectiveness of the Phase II project as designed. . .

It is our request that Council act to:

cause City Staff to pause in the forced condemnations of properties like our own; and. . .
cause City Staff to revisit the Phase II design.

HILLSBOROUGH STREET PHASE II PROJECT – COMMENTS RECEIVED

Larry Booth had requested permission to speak to the Council relative to relocating the Duke Energy Transformer bunker proposed at 3111 Hillsborough Street and relocate the temporary construction easement to help save the oak tree at 3109 Hillsborough Street. Mr. Booth was not at the meeting.

Later in the meeting, Mr. Booth appeared pointing out he does not live in Raleigh now but has a history of living in Raleigh. He presented a map showing the location of the property in question in relationship to the proposed roundabout. He pointed out when he was at NC State he lived on Stanhope and has a property there that his 8 children lived in when they were going to State. He stated he has owned and managed this property for some 18 years and showed what the City of Raleigh is wanting to acquire. He stated there will be damages to the property, showed the location of the proposed transformer vault, talked about an alternative location on Rosemary and the damage this project will do to his livelihood and his property.

No action was taken.

TEXT CHANGE – FENCES WITHIN TREE CONSERVATION AREA – COMMENTS RECEIVED

Attorney Kieran Shanahan talked about a situation in Oakwood North which is an infill project in a transition area. He talked about the crime in the area and the fact that the property owners installed a fence. He talked about the lots in Oakwood North Subdivision has an area on their deeds designated a "Alternate Compliance Secondary Tree Conservation area,' and talked about the tree conservation area on property controlled by the Homeowners Association. He stated the fences were installed by a fence builder; however they later received a notice of violation from

the City indicating that the installation of fences is not allowed within the tree conservation area. He stated as he understands, the UDO does not have a mechanism to allow the installation of fences in those areas. Attorney Shanahan stated UDO Section 9.1.6 provides a process under which tree disturbing activity may occur within a tree conservation area and suggested a similar procedure be developed which would allow a process for a homeowner to request permission to locate a fence within a tree conservation area. He talked about discussions with the City; however, to this point City staff has been unwilling to discuss options other than removal of these fences. He asked that the City Council consider an amendment to the UDO which would allow a process for homeowners to make such an appeal or process similar to the one outlined in Section 9.1.6.

The comments were received; however no action taken.

MATTERS SCHEDULED FOR PUBLIC HEARING

ANNUAL BUDGET – 2016-17 – HEARING – COMMENTS REFERRED TO ADMINISTRATION

This was a hearing to receive input as the City prepares FY2016-17 Annual Budget. Following the hearing the comments will be referred to administration for consideration.

City Manager Hall pointed out this is not the required public hearing just an option to allow citizens and others to provide feedback or make suggestions as to things that should or should not be included in the proposed budget.

The Mayor opened the hearing.

The City Clerk represented Council members with a letter from Mark L. Paterni, 3317 Roller Mill Court. She stated Mr. Paterni could not be at the meeting and asked that his letter become a part of the record.

> A path along Trenton Road from the Rt. 40 overpass north to Reedy Greek Road is in the Raleigh Capital Improvement Program FY2016-FY2020 and is funded through the bond referendum passed in 2014. **We ask that planning and design of the Trenton Road Path commence in 2016 and that construction begin as soon as possible.**
>
> While funded as a Parks, Recreation and Cultural Resources project, this project has a significant public safety impact for residents and non-resident users of the roadway.
>
> There is significant history relating to the improvements to Reedy Creek Road and Trenton Road and concern of many local residents regarding traffic safety and parking in the vicinity of the Trenton Road gate to Umstead State Park. A Raleigh Police Department traffic survey in January 2015 indicated 1100 vehicle trips a day and speeding traffic sufficient to result in several enforcement efforts to slow traffic between January and now. Fair weather traffic is significantly higher but has not, to our

knowledge, been measured recently.

The development of Trenton Pointe and The Woods at Umstead communities has resulted in the addition of sixty (60) new homes to this section of Trenton Road and its side streets. There are now at least 149 residences along this section of road and its side streets.

Non-motor vehicle use of this roadway has increased significantly including use by joggers, bicyclists, and pedestrians. The Track Team from Cary Academy, runners from Cardinal Gibbons High School, and area biking clubs routinely use the roadway. Many young families with children in strollers are often on the roadway. Without the Trenton Road Path, all of these citizens are within a few feet of the cars traveling on Trenton Road.

Concerned citizens have signed an online or paper petition requesting that planning and design of the Trenton Road Path commence in 2016 and that construction begin as soon as possible.

The following is the petition posted to the Internet site ThePetitionSite.com (http:.ffwww.thepetitionsite.com/901/788/916/trenton-road-path-raleigh-nc-build-it-now/)

> The Trenton Road Path (Rt. 40 overpass to Reedy Creek Road section) was approved for funding in the 2014 Raleigh Parks, Recreation, and Cultural Resources bond referendum. Currently scheduled to receive funding in 2019 ($200 K) and 2020 ($800 K), the project is the last of the twenty-seven projects under this bond initiative. While this project has important recreational aspects, the residential growth in the area and increased non-vehicular use of this section of roadway greatly endangers motorists and residential pedestrians and non-resident recreational users.
>
> There are now 149 homes along this section of Trenton Road and its side streets. 60 of these homes were added since 2013 (Woods at Umstead and Trenton Pointe communities). This growth has increased use of the roadway by residents. Recreational use by non-residents continues to increase on this road because it provides a gateway to Umstead State Park and the Reedy Creek greenway.
>
> Trenton Road is used as an access point to the SAS campus; this significantly increases rush hour traffic and the potential for conflict with pedestrian/ recreational users.
>
> - The timing of this approved project should be accelerated due to traffic mid pedestrian safety concerns.
>
> - A design contract should be awarded in the near future so that neighbors

and stakeholder input ·can facilitate the project design and construction.

We have attached a list of 148 signatures affixed to this petition. The signers are residents of Raleigh and the immediate area who share the concerns for traffic safety on this section of roadway and ask you to accelerate the planning, design and construction of this pathway.

We have also attached 62 signatures on paper copies of the petition.

We would appreciate a response indicating what action will be taken to address our concerns and when we should expect the design contract to be awarded and work to commence.

Nicole Bruno, Executive Director of Guiding Lights Caregiver Support Center, explained they are an area nonprofit which works to provide the very best resources and means of support for all local families and professional caregivers. She explained their work and education opportunities and had received funds from the City Council for several years. She explained their work over the past couple of years, their programs and how the grants they received from the city were utilized. She stated however they were not funded this year but hope to get back in the funding cycle. She stated many people could not take their classes and become certified without the grant funding from the City of Raleigh. She talked about the change in the licensing requirements pointing out they had to go through a different process and did not spend their funds on a timely basis; therefore this year when they applied and they hadn't spent the required amount of the previous years funding, they were denied. She stated it is a complicated situation as a result in the law change. Ms. Baldwin asked that staff contact Ms. Bruno to explain the process and hopefully get her application in timely.

Ms. Bruno introduced one of their graduates who talked about how she was homeless, had a child, her car broke down she lost everything but she went through the training and is now working, has her own apartment, car and talked about how appreciative she was for the training she received through Guiding Lights.

No one else asked to be heard, thus the hearing was closed and the comments referred to Administration for consideration.

ANNEXATION PETITIONS – VARIOUS LOCATIONS – HEARING – ORDINANCES AND RESOLUTION ADOPTED

This was a hearing to consider the following petitioned annexations:

LOCATION	CITY COUNCIL DISTRICT
Linville Ridge/Shady Grove Road	E
Children's Lighthouse	E

Following the hearing, if the Council wishes to proceed, it would be appropriate to adopt an ordinance annexing the properties effective immediately and placing the properties in appropriate electoral districts.

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of ordinances annexing the properties effective January 5, 2016 and adoption of a resolution placing the properties in the appropriate electoral districts. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinances 533 and 534 and Resolution 249.

REZONING Z-38-15 – SHADY GROVE ROAD – HEARING – CLOSED – ITEM TO BE PLACED ON JANUARY 19, 2016 AGENDA

This was a hearing to consider a request from Waylon E. Lynn, Jr. to rezone approximately 22.9 acres of property located on the east side of Shady Grove Road at its intersection of Leesville Road within Durham County from Residential Rural with Airport Overlay 60-65 LDN (RR w/A-60 – Durham County) to Residential-6 Conditional Use (R-6 – CU – City of Raleigh). This request is in conjunction with the annexation petition and is in accordance with an interlocal agreement with Durham County.

Following the hearing, the Council may take action to approve, deny or refer the request to committee.

Planner Bynum Walter pointed out the Council in the previous action annexed this property and placed it in City Council Electoral District E. She explained the existing zoning, location, surrounding zoning and development, site views, conditions, etc. She stated this is not in the airport overlay district but the Planning Commission had recommended that people when they are considering purchase of the property be put on notice that they are close to the airport. She went over the uses allowed under existing and proposed zoning, comprehensive plan analysis and went over the recommendations of the Planning Commission.

Mayor McFarlane questioned why a traffic study is not required. Mr. Thompson asked about a copy of the aircraft noise statement with it being pointed out that would be provided.

The Mayor opened the hearing.

Phil Layton, representing the applicant, explained the request, pointing out the zoning is consistent with the Future Land Use Map, low density residential, encourages single-family, talked about how this meets all of the requirements, meetings with the CAC and changes they had agreed to. He also talked about the density being capped, etc.

Kimberly Brown, highlighted and explained the following prepared statement:

I. Opening Remarks

Good evening Raleigh City Council Members. My name is Kimberly Brown. I am the Harrington Pines HOA President.

We are adjacent to Parcel 194341. I stand before you tonight, on behalf of Harrington Pines residents, to respectfully request your lime in support of our goal ... responsible development.

I. Neuse River Basin Requirements

A. Harrington Pines Protective Covenants

The Harrington Pines HOA owns 5 Parcels that reside on Federally Protected Wetlands. Each parcel contains a 50' Neuse River Riparian Buffer.

Wetland and Buffer conditions are controlled by our Protective Covenants.

Section 7.29 states, "For all areas within the Community designated as Wetlands, the Association shall abide by all local, state, and federal regulations concerning such wetlands, including Section 404 of the Federal Clean Water Act."

Section 7.30 states, "For all areas within the Community designated as Neuse River Buffers the Association shall abide by all local, stale, and federal regulations concerning Neuse River Buffers, including North Carolina Administrative Code at 15 N.C.A.C. 2B.0233 through 2B.0242."

We respectfully request the following:

1) Section 404 of the Clean Water Act must be adhered to and included in the new subdivision's covenants.

2) North Carolina Administrative Code at 15 N.C.A.C. 2B.0233 through 2B.0242 must be adhered to and included in the new subdivision's covenants.

3) Periodic water quality testing must be conducted, by a delegate appointed by the Harrington Pines HOA, at the applicant's expense throughout the duration of development.

II. Public Interest (Page 2)

A. Fire, Police, and EMS

I spoke with Captain Williams at Fire Station 29 on Leesville Road yesterday. He called City of Raleigh Dispatch to verity our service area in the CAD system. Our area is serviced by City of Raleigh Fire and Police. EMS Services are provided by Durham County. The closest Durham County EMS is 17 miles away.

4) We respectfully request the opportunity to work with the City Manager to determine if a "county mutual aid agreement is in place for the first in unit for Fire Station 29." Otherwise, we will have to specifically request Fire Station 29, which is less than 1 mile away, when we call 911 for a fire or health related emergency.

B. Protective Buffers

Harrington Pines has a 30' Protective Buffers for Frontier phone lines that run through them. Buffer conditions are controlled by our Protective Covenants.

Section 7.30 states, "Protective Buffers must remain in their original natural undisturbed state."

5) We respectfully request the applicant be required to leave the Protective Buffers undisturbed.

III. Sewer Capacity & Traffic Studies (Page 18)

A. Sewer Capacity Study

City of Raleigh staff noted an increase of 57,250 gallons per day to our sewer system. This is 3 1/2 times the amount of waste water that flows through our pipes today. Per Lisa Booze with the City of Raleigh Stormwater Division, at least one of our existing sewer pipes need to be up sized.

6) We respectfully request the applicant be required to submit a Sanitary Sewer Capacity Study.

B. Traffic Study

Per Durham County Commissioner Meeting Minutes in 2008, “Prior to the 250th certificate of occupancy, Leesville Road and Shady Grove Road shall have constructed a single lane roundabout or a new traffic signal with an exclusive eastbound right-turn lane on Leesville Road and an exclusive northbound left-turn lane on Shady Grove Road.”

7) We respectfully request the applicant be required to submit a traffic study.

IV. Closing Statement

In closing, we respectfully request City Council approve request Z-38-15 Shady Grove Road with the conditions we have requested.

Thank you for your time and attention tonight.

Mr. Stephenson indicated it seemed that most of Ms. Brown's concerns are about things that will be reviewed and solved at site plan. Ms. Brown talked about sewer and traffic studies, concern about the traffic at the intersection and her concern about the EMS response and how they would respond. Planner Bynum pointed out the items of concern would be addressed at site plan review. Any development would be subject to all local and state regulations. A trip generation study could be considered at site plan. Planning Traffic Engineer Delk talked about when a traffic study is required but pointed out the Council or the Planning Commission could request one at any time.

Mr. Layton objected pointing out he feels it would be a waste of money or a hardship placed on him if the Council required a traffic study when NCDOT nor the City required a traffic study. He questioned what it would reveal. He stated this project would not have more than 60 lots at the most and City staff and the local engineer for NCDOT stated they did not feel it would have a significant impact and NCDOT said they would not even require an additional traffic lane. Ms. Crowder pointed out it is not particularly this project but the cumulative affect of all of the projects. Mr. Layton contended that he could not be held responsible for traffic generated by other projects or the cumulative effect. The Council should take each project on its own. He again talked about his discussions with NCDOT and City Transportation. The amount of traffic a project of 60 units would generate what was talked about at length.

Ms. Brown talked about the 2030 Comprehensive Plan, the extension of North Exeter Way, the history of the concerns of the Harrington Grove Homeowners Association, and continued fight about the road network in the area. Mr. Layton talked about the amount he will have to pay which is some $1/4M fee in lieu of payments for improvements to Shady Grove Road in the future. Ms. Brown continued to have questions concerning the extension of North Exeter Way, how trucks from Fire Station 29 have to travel through the area, the fact that Leesville is a single lane road with no shouldars and has ditches on each side and talked about her discussions with the captain at Fire Station 29 about who would respond if people in this area called as it relates to fire service and EMS.

City Manager Hall suggested that the Council let staff provide a report on the service questions in the area pointing out that seems to be a separate issue. Mayor McFarlane stated it seems that most of the issues or concerns will be addressed at site plan. Mr. Layton stated he would be happy to change the conditions to cap it at 57 units.

No one else asked to be heard thus the hearing was closed. The Council directed that the item be placed on the January 19 agenda which would allow the applicant an opportunity to present additional conditions as he so desires.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 8:10 p.m.

Gail G. Smith
City Clerk

jt/CC01-05-16