COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, March 1, 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 stated prior to the beginning of the meeting, she will ask everyone to observe a moment of silence relative to the police involved shooting that occurred in the City of Raleigh on February 29, 2016.

Invocation was rendered by Dr. David C. Forbes, Sr., Shaw University Divinity School. The Pledge of Allegiance was led by Council Member Baldwin. The following items were discussed with action taken as show.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION – BOYS AND GIRLS CLUBS WEEK – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming March 7 - 12, 2016 as Boys and Girls Clubs Week in the City of Raleigh. The proclamation was accepted by Ralph Capps, President and CEO of the Boys and Girls Club, who he was accepting it on behalf of almost 5,000 boys and girls club members, of which 3,000+ are residents of the City of Raleigh. He stated they are beginning their 50 year celebration pointing out it is an organization that is often described as one that never rests on its laurels. He expressed appreciation for the proclamation.

Mayor McFarland talked abut the facility pointing out it is a great asset to the community and expressed appreciation for a job well done.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – NORTH CAROLINA SYMPHONY - RECEIVED

Rob Schiller, North Carolina Symphony, talked about the partnership with the City of Raleigh pointing out he believes which he feels is a tremendous value for all concerned. He talked about

the long standing support stating the heart of the partnership is the great concert hall they call home, pointing out about half of their concerts are the Triangle area many of which are in Meymandi Hall. He pointed out this is the 83rd anniversary season serving Raleigh and the entire State and Grant Llewellyn's 12th as the conductor. He talked about the work of the Symphony and how they take their entire orchestra not just soloists or small ensembles throughout the State. He talked about their teacher and student training and talked about the 85 performances this past year which were attended by over 100,000 people, 12 were dedicated specifically to Wake County students particularly 4th graders pointing out they serve some 15,000 in that category. Each of those performances cost about $30,000. Mr. Schiller talked about the economic benefit of the Symphony being $13M including nearly 400 jobs representing $8.5M household income and another $550,000 in revenue back to local government. He stated their revenues equate to $2.75 for every dollar the City of Raleigh invests in the Symphony. He talked about the value and the participation of the City of Raleigh's contributions. He expressed appreciation for the funding and the partnership with the City.

Mayor McFarlane and others talked about how fortunate we are to have the Symphony and the work they have done throughout the years with our schools, school children and citizens in general. Mayor McFarlane mentioned the work with the Blue Grass Festival and how amazing that partnership was. She expressed appreciation to the Symphony for all they do.

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. Mayor McFarlane explained the vote on the consent agenda will be a roll call vote. She stated she had received a request from Mr. Gaylord to withdraw the item – No Parking Zone on St. Albans Drive. 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. Thompson 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.

CASA - AFFORDABLE HOUSING DEVELOPER LOAN PROGRAM - FUNDING APPLICATION – APPROVED

The Joint Venture Rental loan program has operated since 1988, and has provided funding for over one thousand affordable housing units during that time. The program offers developers of affordable multi-family housing low interest loans, enabling them to build or purchase and rehabilitate privately owned and managed rental units. The City advertises an open request for proposals process as funding is available to assist with development financing for smaller affordable housing projects.

Under the program, CASA has requested a commitment of up to $610,697 in federal Community Development Block Grant (CDBG) funds from the City for the acquisition of a four-unit residential property located at 628 West Jones Street; the relatively high per unit cost is associated with the property location in the Glenwood South district. Underwriting information is as follows:

Loan to Value Ratio: Proposed at 93.7%. The property recently appraised for $652,000, and the debt coverage ratio meets the minimum value of 1.15.

Developer experience and financial strength: The City has a positive development experience with CASA. All properties are well-maintained and all loans are current.

Loan Terms: This would be a permanent loan of up to $610,697 at 0% with a 30-year term and annual payments of $20,357. The City would be in a first lien position.

Preservation of affordable rental units is a planned activity outlined in the 2016 Action Plan, which is part of the 2016-20 Consolidated Plan approved by Council on May 5, 2015. The annual Action Plan describes plans for the expenditure of federal housing funds for a given fiscal year. The project would preserve three one-bedroom apartments and one two-bedroom apartment for renters making less than 80 percent of the Area Median Income. Additional details were included with the agenda packet. Funding is appropriated in the budget.

Recommendation: Approve the loan and authorize staff to execute necessary documents in accordance with stipulated terms. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

ANNEXATIONS – MAGNOLIA GROVE APARTMENTS AND CARDINAL GIBBONS HIGH SCHOOL – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARINGS

The agenda presented the following petitions for annexation.

AREA NAME AND DISTRICT	PETITIONER	ACRES	PROPOSED USE
Contiguous Petition:			
Magnolia Grove Apartments 4720 Louisburg Road (B)	Dane Sambrick of Sambrick Construction	1.25	Residential
Cardinal Gibbons High School 5218 Trinity Road (D)	David Brown of WithersRavenel	1.2	School

Recommendation: Acknowledge the annexation petitions 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 to be held April 5, 2016. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

EPLUS GROUP – MASTER LEASE AGREEMENT - SCHEDULE 163 – APPROVED

The City utilizes a leasing company to provide technology equipment including desktop computers, laptops, projectors; as well as network equipment such as switches, routers, and servers. The Master Lease Agreement provides for new equipment to be leased via a series of quarterly lease schedules. Lease Schedule 163 is in the amount of $271,724 and exceeds the administrative approval threshold of $150,000 for contracts.

Recommendation: Authorize the City Manager to execute Lease Schedule 163. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

OFFICE SPACE – 421 FAYETTEVILLE STREET LEASE AMENDMENT – APPROVED

The City has leased office space at 421 Fayetteville Street (One Bank of America Plaza Building) for location of the Public Works – ParkLink program since September 30, 2009. The lease was last amended in 2015 for a one-year period, and is scheduled to expire June 30, 2016.

Highwoods has agreed to amend the lease on a one-year renewal to begin July 1, 2016 and end June 30, 2017. In addition, the lease space area will be increased and amended from 4,270 square feet to 4,395 square feet.

Staff recommends amending and extending the lease for office space at 421 Fayetteville Street.

Recommendation: Authorize the City Manager to execute a lease amendment. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

ENCROACHMENT REQUEST – CELITO CLEC, LLC AND GOOGLE FIBER NORTH CAROLINA, LLC – APPROVED CONDITIONALLY

The agenda presented the following encroachment requests.

Situs Court, Capital Center Drive, and Stonehenge Drive

A request has been received from Celito Clec, LLC to install 3,093 feet of conduit and seven underground vaults in the right-of-way. A report was included with the agenda packet.

Sugar Bush Road

A request has been received from Google Fiber North Carolina, LLC to install 2,430 feet of conduit and five underground vaults in the right-of-way. A report was included with the agenda packet.

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

BUDGET AMENDMENT – VARIOUS – APPROVED

The agenda presented a budget amendment in the Public Works Department relating to a bid award for a storm water management unit price agreement with White Oak Construction Cooperation. Included in the agenda packet was a listing of the account codes involved.

Recommendation: Approve the budget amendment as outlined. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 550 TF 270.

UTILITY FIELD OPERATIONS CENTER ANNEX – RENOVATIONS – BID AWARDED TO CENTRAL BUILDERS, INC OF MEBANE

On February 12, 2016, seven bids were received for improvements to the Utility Field Operations Center Annex facility, to provide additional support for utility billing services. This capital improvement project consists of complete renovation of approximately 7,300 square feet of office space for expansion and upgrades to the billing operations and call center to facilitate expansion of call center services. The renovation provides for revised office space, training room, conference room, and necessary HVAC, plumbing, electrical, and fire alarm work.

Central Builders, Inc. of Mebane submitted the lowest responsive bid in the amount $902,772, with a 4.67 percent Small Disadvantage Minority and Women Owned Business (SDMWOB) participation. SDMWOB documentation and good-faith effort to obtain additional participation has been reviewed.

Name of Project:	Utility Billing Renovation Project
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council Review:	Formal Bid Award
Original CIP Budget:	$1,020,000
Construction Bid Award:	$902,772
Vendor Name:	Central Builders, Inc. of Mebane
Prior Contract Activity:	N/A
Encumbered with this approval:	$902,772

Recommendation: Award the bid to Central Builders, Inc. of Mebane in the amount not to exceed $902,772. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

STORMWATER MANAGEMENT UNIT PRICE AGREEMENT – WHITE OAK CONSTRUCTION COMPANY – APPROVED – FUNDS TRANSFERRED

Bids were opened January 27, 2016 for construction of the Stormwater Management Division's Unit Price Agreement. The intent of this contract is to have contractors available for City use to provide for construction, repair, and/or replacement of certain storm drainage items at any location within the City when needed. These projects will be primarily associated with the drainage assistance petition program.

Typical drainage projects may include repairing, removing, or installing new drainage pipe, drainage structure (inlets, catch basins, and stormwater manholes) repair/replacement, stream bank/channel repair and stabilization, in-situ pipe rehabilitation, grading, paving, erosion and sedimentation control, and other tasks as necessary to complete projects within the Stormwater Program. Much of the work associated with this contract will be conducted on private property, off the right-of-way. Bidding established unit prices for general stormwater and heavy civil related construction; the bid items are comprised of materials and services compiled from 13 known project locations under the drainage petition program and the Stormwater Maintenance program. Prequalification of contractors was conducted prior to bidding, with four of the five prequalified vendors submitting bids. White Oak Construction Corporation submitted the lowest responsive bid in the amount of $1,568,521. The Small Disadvantaged Minority and Women Owned Business (SDMWOB) participation is 15 percent. Contract duration is 18 months with a recommended option to renew for one additional 18-month period based on good work. A bid summary was included with the agenda packet.

The engineer's estimate for this unit price contract was $1,442,827; resulting in a low bid that exceeds the engineer's estimate by eight percent. Budget transfers in the amount of $450,289 are necessary for the project; funding will be transferred from residual funding associated with a capital project that is substantially complete as well as a project that was reduced in scope. Accounting detail was included with the agenda packet.

Name of Project:	Stormwater Management Unit Price Agreement – Contract A
Managing Division:	Public Works – Stormwater Management
Approval Request:	Bid award
Reason for Council Review:	Formal bid award
Construction Bid Award:	$1,568,521
CIP Project Budget:	$1,394,400
Vendor:	White Oak Construction Corporation
Prior Contract Activity:	N/A
Encumbered with this approval:	$1,568,521

Recommendation: Award the bid to White Oak Construction Corporation in an amount not to exceed $1,568,521 and authorize the City Manager to execute the contract. Authorize budget transfers in the amount of $450,289. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes. See Ordinance 550 TF 270.

RESURFACING CONTRACT – ANNUAL PROGRAM – BID AWARDED TO BARNHILL CONTRACTING COMPANY

The City contracts for street resurfacing needs on an annual basis; the most recent public bid process anticipates the resurfacing of more than 28 miles of street throughout the City, prioritized based on the evaluation of existing pavement conditions. On February 4, 2016, formal bids were received from contractors for street resurfacing; three bids were received for this project. The lowest bid was submitted by Barnhill Contracting Company in the amount of $6,277,749. The Small Disadvantaged Minority and Women Owned Business (SDMWOB) is 27.4 percent.

Name of Project:	Annual Resurfacing Contract PW2016-2
Managing Division:	Public Works – Transportation Field Services
Approval Request:	Bid award
Reason for Council Review:	Formal bid award
Construction Bid Award:	$6,277,749
CIP Project Budget:	$7,200,000
Vendor:	Barnhill Contracting Company
Budget Transfers:	Administrative
Prior Contract Activity:	N/A
Encumbered with this approval:	$6,277,749

Recommendation: Authorize the City Manager to execute a contract with Barnhill Contracting Company in the amount not to exceed $ 6,277,749. Upheld on Consent Agenda Baldwin/Thompson- 8 ayes.

TRAFFIC – NO PARKING ZONE ON HILLSBOROUGH STREET AT BLUE RIDGE ROAD – APPROVED

It is recommended that a No Parking Anytime zone be installed along the eastbound side of Hillsborough Street between Blue Ridge Road and the US64 Beltline. A request from the Transportation Director at NC State was received that employees and students of the College of Veterinary Medicine are parking along this area during the day and crossing Hillsborough Street to access the campus, creating a serious safety hazard.

Recommendation: Authorize the appropriate changes in the traffic code as included with the agenda packet. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes. See Ordinance 551.

END OF CONSENT AGENDA

TRAFFIC – NO PARKING ZONE ON ST. ALBANS DRIVE – HELD FOR TWO WEEKS

It is recommended that a No Parking zone be implemented on the south side of St. Albans Drive, west of the intersection with Cardinal at North Hills Street. The parking lane at this location narrows and vehicles continue to be parked in such manner that they are encroaching into the eastbound travel lane.

Recommendation: Authorize the appropriate changes in the traffic code was included with the agenda packet.

Mr. Gaylord stated he withdrew this from the consent agenda as he would like to hold it for two weeks as he would like to get a little more information from staff on this issue. Without objection it was agreed that the item would be placed on the March 15 agenda.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-2-16 – GLENWOOD-BROOKLYN HISTORIC OVERLAY DISTRICT PROPOSAL – PUBLIC HEARING AUTHORIZED FOR APRIL 5, 2016

This is a request to rezone property to apply Historic Overlay District – Streetside (HOD-S).
The proposal is consistent with the Future Land Use Map and applicable policies of the Comprehensive Plan.

The proposed rezoning is reasonable and in the public interest. The requested historic overlay district will protect the historic character of one of Raleigh's earliest streetcar suburbs without impacting land uses permitted in base zoning districts.

The proposal is compatible with the surrounding area. The requested historic overlay district is not expected to result in increased development density or intensity. In addition, the historic overlay district will require design review and a Certificate of Appropriateness for proposed changes to applicable exterior areas of properties.

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

Planning Commission Chair Shuster indicated the community did all of the hard work on this issue. They talked to all of the property owners and bought forward amazing overwhelming support for this issue. He stated however there was a question about the boundaries from some of the commercial property owners who are requesting that their property be excluded from the request. It was pointed out the boundaries are consistent with the guidelines, Special R-30, etc. He stated it is understood that the boundaries are based on established criteria; however, the Planning Commission did hear concern and requests to move the boundary as it relates to some of the commercial development. He pointed out the Planning Commission discussed the item but chose not to germander the boundaries and go with the recommendation and boundaries as

presented to them as they did not feel they had the authority or the expertise to change the lines; however, would report that the Council will probably hear from those property owners. Ms. Baldwin moved approval of the April 5, 2016 public hearing as presented. Her motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

SPECIAL ITEMS

REZONING Z-41-15 – HILLSBOROUGH STREET – PUBLIC HEARING AUTHORIZED FOR APRIL 5, 2015

The following item appeared on the February 16, 2016 agenda.

This is a request to rezone property from Neighborhood Business & Industrial-2 w/Special Residential Parking Overlay District (NB & IND-2 w/SRPOD) to Neighborhood Mixed Use-4 Stories-Urban Limited-Conditional Use w/Special Residential Parking Overlay District (NX-4-UL-CU w/SRPOD).

The proposal is consistent with the Future Land Use Map, Urban Form Map, and most of the pertinent policies of the Comprehensive Plan. The proposed rezoning is reasonable and in the public interest. The proposal would permit mixed-use development in close proximity to the NSCU campus, on a Main Street/Transit Emphasis Corridor. The proposal is compatible with the surrounding area. Conditions help mitigate potential impacts on the adjacent neighborhood and promote pedestrian-oriented uses.

The Planning Commission suggests that the applicant add a zoning condition related to open space on Rosemary Street.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of March 1, 2016.

During the February 16 meeting, the City Council deferred action to allow the applicant an opportunity to submit the new condition. The new condition and map have timely received and were included in the agenda packet.

A public hearing may be set, and it is suggested that the hearing be scheduled for March 15, 2016.

Planner Bynum Walter presented the case pointing out the applicant has submitted additional conditions that were signed and submitted on a timely basis.

Ms. Crowder expressed concern that a March 15, public hearing would be in the afternoon and it may not give an opportunity for the neighbors to provide input, etc. She asked about having the public hearing the first meeting in April. Various Council members asked if that timing was suitable for the applicant.

Attorney Lacy Reeves, 150 Fayetteville Street, indicated as he understands the applicant is running into issues with the purchase contract. He talked about the delays that have occurred with this application including the holiday schedule going to the CAC twice and talked about the work with the community. He stated he could not tell the Council that the sale contract would be in jeopardy if the case is not heard March 15 pointing out he has not been involved in that aspect of the case. He stated however, his client had requested a March 15 public hearing.

Mr. Thompson and other Council members indicated the applicant has been very cooperative in their work with the community and the CAC. They have gone out of their way to communicate but there is still concern about the need to provide an opportunity for public input. Delays that were asked for to get the public input were talked about with various Council members indicating they had rather err on the side of getting the neighborhood involved and they would like an opportunity to hear from the neighborhood. Ms. Baldwin asked about the condition that outlines the "if permitted" with it being pointed out that would be "if permitted" by the City. It was agreed to hold the case and let Attorney Reeves talk with his client.

Later in the meeting, Attorney Reeves indicated he was successful in getting in touch with his client and his client does not want to do anything that would characterize him as cutting off dialogue with the neighborhood and the CAC. He stated in April 5 public hearing would be very close to the deadline but they do not want to do anything to cut off discussion. Ms. Thompson moved the public hearing for Z-41-15 be scheduled for April 5, 2016. His motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0.

DANGEROUS DOG ORDINANCE – PROPOSED REVISIONS – ORDINANCE ADOPTED TO BE EFFECTIVE MARCH 15

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.

During the December 1, 2015 and the January 5, 2016 meeting, it was reported that some questions had been received from Council members. However, the Council members would like additional time to look at the definition of vicious dog/dangerous dog, enclosures, rehabilitation of dogs, and penalizing repeat offenders. It was directed that the item be placed on this agenda for further consideration.

City Attorney McCormick indicated he had not received any Council member input since the last meeting so he had provided an ordinance to respond to most of the concerns and suggestions bought forward during discussions on this issue. He stated the major changes in the proposed ordinance are as follows:

- The definition of "provocation" has been redefined as suggested by Ms. Crowder.
- Language has been added to better define a secure enclosure.
- The provision about destroying a dangerous dog after the second bite has been removed as several Council members expressed concern about the provision; however the ordinance still allows destruction of the animal if it is in the process of attacking a human or another pet.
- The civil penalties have been increased as suggested by Mr. Thompson. The criminal penalty remains the same as it is already at the maximum allowed bylaw.
- Several Council members raised the issue of behavior training for dangerous dogs. He stated his office has spoken with a couple of experts in that field and they agree that behavior training can work but it requires the full cooperation of the dog's owners. Because most of the problem dogs are owned by people who do not seem to care about such things they did not pursue that idea any further.

Ms. Baldwin moved approval of the ordinance as submitted by the City Attorney. Her motion was seconded by Ms. Crowder.

City Attorney McCormick indicated the ordinance as included in the agenda packet indicates an effective date of five days following adoption. He suggested that it be made effective March 15, 2016 as that will provide an opportunity for all animal control officers, citizens, etc., to be aware of the changes. Ms. Baldwin and Ms. Crowder amended their motion to approve the ordinance

to be effective March 15, 2016. The amended motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 562.

Mr. Branch asked that the Council be provided a list of people who provided information behavior training so that it can be made available to those who request it or are in need. The City Attorney stated he would provide that information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

WORK SESSION – FUTURE AGENDAS – INFORMATION RECEIVED

City Manager Hall pointed out there were a number of issues which the Council has indicated they wish to discuss at a future work session. City Manager Hall suggested the following schedule.

March 8, 2016 Six Forks Corridor
Six Forks Corridor Plan
Downtown Facilities
West Raleigh Rail Corridor Study

March 15, 11:30 Lunch Work Session
Bike share program

Tentatively a discussion relative to Interlocal agreements. He stated this needs to be coordinated with the Wake County staff but that is tentative at this point.

City Manager Hall indicated the next item related to police body cameras pointed out it has been suggested that it be at the regular meeting on March 15. He stated the presentation as the previous meeting was intended to introduce the topic, what it is, the pros and cons of utilization of police body cameras, a look at the different type technologies, provide some options if the Council wanted to consider moving forward.

Mayor McFarlane questioned if there was enough time to have the police body camera discussion during the regular March 15 meeting. City Manager Hall stated he thought so it is mainly a presentation or a question of whether the Council wishes to move forward with the topic or how we could move forward. Mr. Stephenson pointed out the Police Chief has a lot on her plate right now with it being pointed out it was felt it could be handled.

There was no objection or discussion to the outlined schedule.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

NO REPORT

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

NO REPORT

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

ADVANCE COMMUNITY HEALTH – APPROPRIATION OF FUNDS – APPROVED

Mr. Branch pointed out in 2015, Advance Community Health built a new state of the art facility in Southeast Raleigh on Rock Quarry Road that will expand capacity for 10,000 new patients as well as assure increased access to community health. He stated through a partnership with Rex Health Care and the City of Raleigh, Advance now houses the relocated Rex Senior Health Care. These efforts further allow advanced the opportunity to make a difference in the lives of the many in the community on a daily basis.

Mr. Branch pointed out Advance Community Health has successfully launched its capital campaign in order to meet its strategic goals which include:

- Full integration of the patient centered medical home best practices module
- Enhanced role in advocating for healthy living
- Outreach in the community that takes their team of medical providers to where people are experiencing homeliness or other barriers to care.

Mr. Branch pointed out Advance previously made a substantial capital request from the City of Raleigh but he is recommending that the Council look into Council contingency fund and appropriate $50,000 to this worthy community partner whose work aligns with the City's strategic key focus area – safe, vibrant and healthy communities and so moved.

His motion was seconded by Ms. Baldwin. Ms. Crowder stated rather than using Council contingency, she would suggest that the money come out of the grant reserve with Council members agreeing. The motion was amended to approve a $50,000 appropriation from the Grants reserve for Advance Community Health was 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 550 TF 270.

Mayor McFarlane questioned if the funding issue with Rex has been resolved with the City Manager indicating it has. Ms. Baldwin thanked the Council pointing out advance community is doing great things in the community.

PUBLIC UTILITIES – CUSTOMER SERVICES – COMMENDED

Mr. Thompson expressed appreciation to Robert Massengill and Karen Ray of the Public Utilities Department for the great customer service provided during our recent matter that came up.

DOWNTOWN WALKABILITY TOUR – FUNDING APPROPRIATED

Ms. Baldwin talked about the Wakeup Wake - Downtown Walkability Tour that is coming up soon pointing out the City has fund that in recent years; therefore she would move that the Council appropriate $2,500 from Council contingency to help fund the tour. Her motion was seconded by Mayor McFarlane 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 550 TF 270.

APPOINTMENTS

ARTS COMMISSION – NANCY W. NOVELL AND JASON CRAIGHEAD – TERMS EXTENDED FOR ONE YEAR

The terms of Nancy W. Novell and Jason Craighead are expiring in March. Neither is eligible for reappointment due to length of service. During the February 16, 2106 meeting, discussion took place on the request for consideration of extending the terms. It was directed that the item be placed on this agenda for consideration and direction as to how to proceed. Mayor McFarlane pointed out Ms. Novell is the Chairperson, talked about the new arts plan and the work of the Commission and moved that the Council extend the terms of Ms. Novell and Mr. Craighead for one year. 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.

HUMAN RELATIONS COMMISSION – NOMINATIONS MADE

The City Clerk reported there are two vacancies on the Human Relations Commission. Mr. Branch has nominated Taty Padilla and Mr. Thompson nominated Blaine Wiles. The item will be carried over to the next meeting.

STORMWATER MANAGEMENT ADVISORY COMMISSION – EVAN KANE – APPOINTED; ONE VACANCY REMAINING

The City Clerk reported Evan Kane received six votes (Stephenson, Gaylord, Thompson, Baldwin, Branch, Crowder) therefore he is appointed to the Stormwater Management Advisory Commission. No other nominations were received; therefore, one vacancy remains.

NOMINATIONS

APPEARANCE COMMISSION – VACANCY ANNOUNCED

The City Clerk indicated she had received a letter of resignation from Dean Raines therefore there is one vacancy for consideration. No nominations were made.

BOARD OF ADJUSTMENT – NEIL RIEMANN – APPOINTED AS AN ALTERNATE MEMBER

The City Clerk indicated she had received a letter of resignation from Elizabeth (Betsy) Kane from the Board of Adjustment; therefore there is one vacancy. Ms. Crowder talked about the importance of the work of the Board of Adjustment and the need to have a full slate of members at all times; therefore, she would move that the Council suspend its rules and appoint Neil Riemann to the Board of Adjustment. In response to questions, the City Clerk reported it is correct the Council normally moves up an alternative member to a full regular membership slot and declares a vacancy for an alternate. She stated Ms. Kane is an alternate member.

Ms. Baldwin pointed out there are two alternates that can participate if a regular member is absent therefore she feels it would be best to wait and follow the normal process. Mr. Branch seconded Ms. Crowder's motion to suspend the rules and appoint Mr. Riemann. Discussion followed on the process with Mr. Gaylord and Ms. Baldwin both pointing out we have a process and they feel it should be followed. They see no emergency situations. Ms. Baldwin pointed out she could not support this motion therefore she would have to vote no. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord who voted in the negative. Ms. Baldwin did not vote and was not excused therefore her vote would count in the affirmative. The Mayor ruled the motion adopted on a 7-1 vote.

STORMWATER MANAGEMENT ADVISORY COMMISSION – KEVIN YATES – REAPPOINTED

The City Clerk indicated the term of Kevin Yates on the Stormwater Management Advisory Commission is expiring. He is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend its rules and reappoint Mr. Yates by acclamation. 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 CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – FEBRUARY 16, 2016 – APPROVED AS PRESENTED

The City Clerk indicated Council members received in their agenda packet copies of the minutes of the February 16, 2016 Council meeting. Ms. Baldwin moved approval. Her motion was seconded by Mr. Branch and a put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

TAXES – RESOLUTION ADOPTED

Council members will receive in the agenda packet a proposed resolution adjusting, rebating and/or refunding penalties, exemptions and relieving the late listing of property for ad valorem taxes. Adoption is recommended. Ms. Baldwin moved adoption of the resolution as recommended. 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.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane stated a motion is in order pursuant to NCGS 143-318.11(a)(3) and (5) for the purpose of consulting with City Attorney regarding the following items:

1. Settlement proposal in Cooke v. City of Raleigh
2. Settlement of another potential legal claim.
3. Additional attorney/client matter.

On behalf of the Council, Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Ms. Crowder and the Council went into closed session at 1:40 p.m.

The Council reconvened in open session at 2:45 p.m. with Mayor McFarlane stating the Council gave direction to staff on a proposed settlement in Cooke v City of Raleigh, and received information and gave direction to the City Attorney regarding an attorney/client matter.

RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 2:46 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC03-01-16

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, March 1, 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. Mayor McFarlane called the meeting to order and the following items were discussed with action taken as shown.

GUESTS – RECOGNIZED

Council Member Branch recognized a group of young men which he stated are our future. These young men are being mentored by his fraternity. He welcomed the group indicating he hopes they learn a lot.

Mayor McFarlane recognized a group of Boy Scouts who were present in the audience asking them to stand and express an appreciation for them taking the time to come and visit.

REQUEST AND PETITIONS OF CITIZENS

RALEIGH TENNIS ASSOCIATION – REQUEST FOR SUPPORT – COMMENTS RECEIVED

Susan Flanagan, Raleigh Tennis Association and Tracy Debnam pointed out they had planned to bring approximately 80 tennis players with yellow t-shirts and rackets to support their request that tennis courts be included in the next bond issue. Ms. Flanagan stated however given the events in the City over the past days, they are postponing and will be back before the Council on May 3, at which time they will ask the City to include funds in the next bond issue to build new tennis courts and a staffed facility. They passed out information about the work of the Raleigh Tennis Association stating they would be back on May 3.

PRO SE REENTRY RECOVERY SERVICES, INC. – COMMENTS RECEIVED

Coby Crandale, 211 Ashe Avenue, representing Pro Se Reentry Recovery Services, Inc. was at the meeting to provide information on a legislative mandate of Senate Bill 141 and to request Council endorsement of his program. Using a slide presentation, Mr. Crandale talked about the client experience, services available, and pointed out there is a need for a client advocate. They have all sorts of services available but no advocate. He explained Pro Se Reentry Recovery Services, and how it acts as an advocate to help the client reenter the community and become a productive citizen. He explained the phases of the program and how he would like for the City Council to endorse his program. The comments were received.

LEESVILLE ROAD WIDENING – CONCERNS – TO BE PLACED ON MARCH 15 AGENDA

Scott J. Benrube, 11416 Leesville Road, indicated he was before the Council to request immediate resolution of the problems and damages to his property caused by the widening of Leesville Road. He stated his problems started in 2012 with the property acquisition relating to

an easement and property taking for Leesville Road. He presented photographs of his property, talked about the documents relative to guarantees that his property would be restored including installation of drainage and drain pipes. He presented photographs of his property, how it looked before the project started including his asphalt driveway, sidewalk installation, the drainage, the cracked sidewalks, the yard views in 2014 how it looked in September 2015, the street views showing drainage problems, his yard prior to the work being done, the yard which has flooding, drainage problems, cracked curbs, the street curbs, before and after, how the property looked in January, 2016 being flooded, cost to replace the damaged curbs, asphalt, landscaping, etc. He presented bills relating to having a sump pump installed, heat and air conditioning replaced, showed the length where there is no drainage indicating it is approximately 400 feet, proposals to repair his damages, letters that had been written to the City, pictures of neighboring properties that are experiencing flooding, etc. He also talked about the various times he had talked with representatives of the City and DeVere, what he was told, what actually happened, presented photos showing his wife's car stuck in the driveway, water flowing down the street, emails telling him when things would occur and outlined when they actually occurred.

Mr. Benrube talked about his frustrations in trying to get something done pointing out he is a professor at Louisburg College and also teaches classes on line and told of the various times that DeVere pulled the cable out of the ground which caused him and his daughter to have to go to the library to get on line to do teaching and/or homework, times he had talked to the City's Risk Management people and was told they would get back in touch but had not. He talked about discussions he had had with Engineer Sudano of the City who told him he had no idea why the property was flooding and he could not do anything to help him, etc.

Mr. Benrube talked about discussions he had had with various parties including his son about the various locations which have had problems with DeVere Construction including Michigan, Durham, Louisburg and problems the City of Raleigh and questioned why they were awarded the contract.

Mr. Benrube pointed out he wanted to put his house on the market but he has to get some resolutions to the damages and problems and asked that the City move immediately to address and correct the problems. He stated he is willing to do the leg work, have the contractors come do the work if the City would agree to pay. He stated the situation needs to be resolved.

City Manager Hall indicated the City staff has discussed the problems with DeVere Construction pointing out the issue has been turned over to the bonding company. Mr. Hall stated the City understands and appreciates Mr. Benrube's concerns. He talked about the work with DeVere, the bonding company and the property owner. He stated he could get into details about all that has occurred but it would probably be best to provide the Council with a report.

Mr. Benrube questioned when the City would provide some answers. He stated he had contacted the insurance company and the bonding company to no avail. He stated the City should have known about the problems with DeVere and questioned why they were awarded this contract. Ms. Baldwin apologized for the problems pointing out she too would like to know what kind of time frame we are talking about getting some answers.

Engineer Tim Sudano pointed out he had been in contact with the bonding company but he does not know the schedule.

Mr. Thompson asked about the distance between the drains, questioned who did the design work and whether this is a city and a state road. He stated the distance between the drains in front of Mr. Benrube and his neighbors property seems to be lengthy. Mr. Sudano talked about the location of the drains and the fact that every thing drains towards the road, there are no outlets and he does not understand where the water issue. City Manager Hall pointed out staff acknowledges there are issues and would continue to work with the property owner. He stated we can move only so fast as we have to depend on the bonding company. He stated he does not know the time line but he pledges that the City staff would continue to work. Ms. Crowder asked about escalating this to a higher level with various Council members indicating the City does owe some answers.

Mr. Benrube talked about how long it took to pave 96 square feet, talked about the condition of his driveway, asked if something could be done to take care of his driveway. He stated every thing just keeps being left open ended and he talked about the number of emails and conversations he has had.

Interim Public Works Director Rich Kelly indicated staff is working with the bonding company and he would continue to do so. He stated he would get in touch with them to see if there is some kind of schedule and they would provide the information to Mr. Benrube.

Ms. Baldwin expressed concern pointing out we need to have some kind of time frame and questioned if the Council could get a report in two weeks. Mr. Benrube talked about his need to get something done. Mr. Kelly again stated staff recognizes the problem and pointed out staff will continue to pursue some resolutions. City Manager Hall pointed out the contractor does have significant financial difficulties and talked about projects they have not completed. He stated the City acknowledges the work has not been done properly and is moving ahead as fast as it legally can. Mr. Benrube questioned why a company of this caliber was hired with it pointing out it was a low bid. Mr. Kelly stated there are options available to the City now that were not available when this contract was awarded. Ms. Baldwin pointed out as she understands the full council will hear something in two week, therefore the item will be placed on that agenda.

LORIMER ROAD IMPROVEMENTS – CONCERNS – COMMENTS RECEIVED

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

> I've been a resident on Lorimer Road for 23 years; it's in a quiet, West Raleigh neighborhood. The house I live in with my wife Carolyn was built in 1950; the street out front is 19-leet wide.

As you know, a petition was circulated last year calling for the retrofitting of Lorimer-for imposing current-day standards for new development on this old, established neighborhood.

Our Representative Kay Crowder announced the plan in April. When residents questioned the appropriateness and need for a 27' road, a 6' sidewalk and 6' setback, Mrs. Crowder assured us, "I'll bet we can argue that back"--implying there'd be flexibility in our case.

The City staff person responsible for answering questions about the project assured a resident that, once the petition passed, "We can talk it down to something with a much smaller footprint."

Donetta Powell and Jimmy Upchurch, with the City's Public Works Department, told the Petitioner herself that "a 5' sidewalk with a 4' setback would be a feasible alternative, because of the unique situation we have here." So that's how the Petitioner characterized the project as she urged residents to sign: the dimensions are flexible, she said, and the Impact will be minimal. She emailed Mrs. Crowder afterwards, "I believe we received...approval based on this assumption."

It's now clear property owners were misled into signing Petition 1351. According to the Petitioner Donna Burford's own words, the residents she approached "all agreed [a narrower setback and sidewalk] would be less invasive and more cost effective." In other words, those who signed believed what they were told-repeatedly: that what they were signing FOR was a project whose footprint would be kept to a minimum. City staff member Powell assured a resident that a 25' road with a 4' sidewalk and 2' setback would be possible. So that resident, too, signed the petition, based on this assumption.

What we ended up with, however, was a mere one-foot reduction. So, yes, there was an outcry; and residents remain upset-because citizens object to being misled and manipulated.

I'm here tonight to ask that you reconsider Council Member Gaylord's September 1st proposal for a 3½' setback on Lorimer Road—a proposal Jimmy Upchurch has already agreed to.

That two-and-a-half feet will go a long way towards easing tensions in our neighborhood. And, as importantly, it will be a show of goodwill on your part.

The comments were received with no action taken.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 7:45 p.m.

Gail G. Smith
City Clerk

jt/CC03-01-16