COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, April 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 Rabbi Lucy Dinner, Temple Beth Or. The Pledge of Allegiance was led by Council Member Crowder.

The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION –RALEIGH HISTORY MONTH - PROCLAIMED

Mayor McFarlane read a proclamation proclaiming April, 2016 as Raleigh History Month in the City of Raleigh. The proclamation was received by Brynn Harpman, President of the Raleigh Heritage Trail. In accepting the proclamation, Ms. Harpman talked about the work of the group and various events that would be taking place and invited all to attend.

PROCLAMATION – NATIONAL SERVICE RECOGNITION DAY – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming April 5, 2016 as National Service Recognition Day in the City of Raleigh. The Proclamation was accepted by Dorothy Cross, Foster Grandparent Program who talked about her work and the Foster Grandparent program. He talked about her feeling that each child has a purpose and all children are valuable. She talked about volunteers nationally and pointed out it is felt that we all become better people because of service and volunteerism in the city, state and country. She expressed appreciation to the Senior Citizen and American Corp representatives in the audience and asked them to stand. She again expressed appreciation and gratitude for volunteer service given by all.

PROCLAMATION – CHILD ABUSE PREVENTION MONTH – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming April as Child Abuse Prevention Month in the City of Raleigh. In accepting the proclamation, Diane Sauer, Parks and Recreation and

Cultural Resources Director of the City of Raleigh talked about the 3 year history of the partnership between the City of Raleigh and Prevent Child Abuse North Carolina including the important role of this organization and explained the National Pinwheel Garden Program pointing out they started with 9 and there will be 38 in the City of Raleigh this year. She pointed out 300 pinwheels will be planted in Nash Square and talked about the significance of the pinwheel.

Sharon Hirsch, President/CEO of Prevent Child Abuse North Carolina presented each Council member with a pinwheel and a pen.

PROCLAMATION – NATIONAL DONATE LIFE MONTH – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming April 2016 as National Donate Life Month in the City of Raleigh. The proclamation was accepted by Deanna Mitchell, Executive Director of Donate Life, North Carolina. Council member David Cox pointed out he and his wife have been involved in this program for some 20 years and this program and this recognition is very important to them and expressed appreciation for all that is done. Ms. Mitchell talked about the 4.7M people who have chosen to give a part of themselves to save lives by becoming organ donators. She stated in addition there are many living donators and talked about encouraging people to register and thanked all of those involved. Council member Cox expressed appreciation for all involved and encouraged others to become involved.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – CATHOLIC CHARITIES - RECEIVED

Rick Miller – Harraway, Catholic Charities, talked about the 48,888 residents the group has served over the past year. He talked about the partnership with the City of Raleigh including Oak City Outreach Center and the program for homeless families. He stated they received some $51,000 from the City and talked about how that money is utilized. He pointed out records show that some 450 Wake County school aged children are living in hotels because they are homeless. He talked about their participation and work with the Ending Homelessness program Support Circle Teams and how that partnership has grown over the years. He stated the money which comes from the City of Raleigh provides one-third of the funds to run the rental program pointing out it supported some 372 people last year, talked about the fact that 90% of the families remain in housing for a year after participating in the program and gave examples of the success of the program including the story about a mother and child who were homeless, paired with a High Point Church and now that person has become a teacher and provides for her children. He talked about the Oak City program which feeds about 300 people each week. He expressed appreciation to the Police Department for their leadership and work in the program.

Mayor McFarlane and other Council members expressed appreciation for the work done.

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. Mayor McFarlane stated she had received a request from Mr. Gaylord to withdraw the item relating to Traffic – Temporary removal of Taxi/Bus zones on Martin and Harrington Street. 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 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. The items on the Consent Agenda were as follows.

SURPLUS PROPERTY – SALE – RESOLUTION ADOPTED

Council approval is required for the sale of surplus property when the estimated value of the property exceeds $30,000. The Yard Waste Center has one compost turner, manufactured in 1992, that has been replaced and is now considered surplus; the estimated value of the equipment exceeds $30,000. In order for staff to proceed with disposition a resolution is necessary declaring the equipment as surplus.

Recommendation: Adopt the resolution and authorize the Purchasing Manager to conduct the sale. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes. See Resolution 279.

I-40 – BRIDGE PEDESTRIAN RETROFIT – PUBLIC HEARING SCHEDULED FOR MAY 3, 2016

A public meeting was held March 22 for the I-40 Bridges Pedestrian Retrofit at Trailwood Drive public improvement project. The scope of the project runs from Lineberry Drive to Main Campus Drive, and will include installation of curb, gutter and sidewalk extensions; bridge rails and fencing; and will also include pavement striping for the addition of bicycle lanes. The project is unrelated to the currently closed bridge on Trailwood Drive and other than intermittent lane closures will not involve the closing of Trailwood Drive at I-40. It is appropriate to schedule a public hearing to consider final authorization of the project; as property assessments will apply to the project a resolution of intent to schedule a public hearing needs to be adopted by the City Council.

Recommendation: Adopt the resolution of intent to schedule a public hearing for May 3, 2016. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes. See Resolution 280.

MUNICIPAL SERVICE DISTRICTS - PROPOSED CONTRACTORS – DOWNTOWN AND HILLSBOROUGH STREET – PUBLIC HEARING AUTHORIZED FOR APRIL 19, 2016

Public hearings pursuant to General State Statute 160A-536 to consider the contractor selected via a request for proposal process to provide services in the Downtown Municipal Service District and the Hillsborough Street Municipal Service District are to be scheduled and advertised. It is recommended that Council schedule one hearing for each district on April 19, 2016, to comply with the requirements of the statute.

Previous Council discussions of the Municipal Service Districts (MSDs):

January 5 – Council presentation on MSDs.

January 19 – Council work session.

February 2 – Council reviewed scope of work and selection criteria.

February 16 – Public hearing to receive MSD resident and property owner feedback. This hearing was not required by statute. Council approved the scope of services and selection.

Recommendation: Authorize the public hearings for April 19 to consider vendor selection. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes.

MUNICIPAL AGREEMENT – RUSH STREET AND HAMMOND ROAD REPAIRS – MANAGER AUTHORIZED TO EXECUTE AGREEMENT

In December 2014 a sinkhole developed in the intersection of Hammond Road and Rush Street. At that time the City had already developed repair plans for the section of the pipe that caused the failure; this repair plan was limited to the City-controlled right-of-way within Rush Street.

Following development of the larger failure under Hammond Road, right-of-way controlled by the North Carolina Department of Transportation (NCDOT), staff contacted the State and proposed that NCDOT include repair of the Rush Street pipe in the scope of the repair to Hammond Street, due to the emergency nature of the combined failure.

The original budget for the City project was $100,000; NCDOT was able to complete repairs for $60,000. NCDOT moved forward with the project immediately due to the critical nature and location of the failure. A retroactive municipal agreement has been prepared to compensate NCDOT in the amount of $60,000 for emergency work performed within the Rush Street right-of-way. Approval of the agreement is recommended.

Name of Project:	Rush Street and Hammond Road Repair
Managing Division:	Public Works – Stormwater Management
Approval Request:	Contract approval

Reason for Council Review:	Municipal agreement
Original CIP Project Budget:	$100,000 (Approved by Council on December 2, 2014)
Vendors:	North Carolina Department of Transportation
Prior Contract Activity:	N/A
Amount of this Amendment:	N/A
Encumbered with the Approval:	$60,000
Budget Transfer Required:	N/A

Recommendation: Authorize the City Manager to execute the municipal agreement. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes.

PARKS AND RECREATION SUMMER PROGRAM TRANSPORTATION – BID AWARDED TO ACADEMY TOURS, LLC

The City utilizes contract services to provide transportation from City sites to various participant field trip destinations for summer camp and year-round schools track out programs. The current contract expires June 30, 2016. Following a request for proposals (RFP) process, staff received two bids to provide transportation services. Academy Tours, LLC (Durham, North Carolina) was selected based on price and experience. The Academy Tours, LLC proposal includes a first-year cost of $275,940, with an annual cost escalator of three percent. The contract would provide services from July 1, 2016 to June 30, 2020 for a total contract term amount $1,154,431.

Name of Project:	Summer Camp and School Based Program Transportation
Managing Division:	Parks, Recreation, and Cultural Resources – Recreation Division
Request Reason:	Contract Award >$150,000
Cause of Contract:	Transportation services for field trips
Vendor:	Academy Tours, LLC
Amount of this Contract:	$1,154,431
Encumbered with this Approval:	$275,940

Recommendation: Authorize the City Manager to execute a contract in an amount not to exceed $1,154,431. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes.

POLICE MOUNTED PATROL UNIT – LEASE AMENDMENT/415 SOUTH BLOUNT STREET – MANAGER AUTHORIZED TO EXECUTE LEASE

The City has leased space at 415 South Blount Street for location of the Police Department mounted patrol since May 1, 2008. The lease was last amended in 2015 for a one-year period, which is scheduled to expire May 15, 2016. Sanders Greystone, LLC, owner of the property, has agreed to amend the lease on a four and one-half month renewal period to begin May 15, 2016 and ending September 30, 2016. The short term amendment will allow for completion of

necessary renovations to the new location for the mounted patrol unit, at the site of the former Street Maintenance facility at 1027 North West Street, on City-owned property.

The current annual lease rate of $50,280, or $4,190 per month, will remain in effect. A report was included with the agenda packet. Staff recommends amending and extending the lease at 415 South Blount Street.

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

WILLIS, INC. – GENERAL BENEFITS CONSULTING SERVICES AMENDMENT #3 – APPROVED

The City implemented a contract with Willis, Inc. for general benefits consulting services. Willis, Inc. provides assistance with the evaluation, marketing, financial analysis, and regulatory compliance of the City's core benefits plans, including medical, dental, and pharmacy. The term of the current contract in force is January 1, 2016 through December 31, 2016.

The purpose of this amendment is to allow for inclusion of medical and pharmacy marketing services. Periodically, these services are performed to evaluate potential new administrators for core benefits services and to ensure the highest quality and most cost effective services.

For the contract amendment, Willis, Inc. shall receive a fee in the total amount of $38,000. With the approved amendment, the total value of the contract is as follows:

Original Contract P3-15 Amount:	$88,500
Amendment Number One:	$26,000 (Pharmacy auditing services)
Amendment Number Two:	$88,500 (Contract extension)
Amendment Number Three:	$38,000 (Medical and pharmacy marketing services)
New Contract Total:	$241,000

Recommendation: Authorize the City Manager to execute a contract amendment in an amount not to exceed $38,000. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes.

PERSONNEL – CHANGES RECLASSIFICATION AND NEW POSITION IN PUBLIC UTILITY/POLICE DEPARTMENT – APPROVED

One new position and one reclassification of an existing position have been reviewed by the Human Resources Department. The Public Utilities reclassification is to support and assist with the increasing demand for testing services; the fiscal impact of the reclassification will be absorbed within existing salary and benefit appropriations.

The new position in the Police Department is a time-limited position receiving funding through the federal Trauma Counselor grant. A budget amendment in the amount of $63,388 is required to appropriate the grant funding for the position.

Public Utilities
Customer Service Representative (code 0069; PG 26; position 3485) to Laboratory Analyst (code 4305; PG 31)

Police
Authorize one Trauma Counselor (code 3279; PG 37).

Recommendation: Approve the reclassification and authorize the new position; authorize a budget amendment in the amount of $63,388. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes.

STC-1-2016- NORTH HARRINGTON STREET ALLEY – PUBLIC HEARING SCHEDULED FOR MAY 3, 2016

Ken Thompson, JDavis Architects, is petitioning the City to close the right-of-way known as North Harrington Street Alley. The subject right-of-way is a paved alley located off North Harrington Street to the east between the intersections of West Jones Street and West Lane Street. This is an alleyway that currently provides vehicular access to 208 North Harrington Street and pedestrian access to 325 West Jones Street. The applicant has obtained title to all of the tracts lying adjacent to the alley and plans to develop the properties.

Recommendation: Adopt a resolution authorizing a public hearing to be held May 3, 2016 to consider closure of the right-of-way. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes. See Resolution 281.

STC-2-2016 – SYLVIA DEAN STREET – PUBLIC HEARING AUTHORIZED FOR MAY 3, 2016

Steven Beattie, Advanced Civil Design, Inc., is petitioning the City to close Sylvia Dean Street in its entirety. The subject right-of-way is a paved road located off Litchford Road to the east, north of Johnsdale Road. This road currently provides access to eight properties; the applicant has obtained title to all of the properties accessed by this road and has submitted site plans to redevelop the site.

Recommendation: Adopt a resolution authorizing a public hearing to be held May 3, 2016 to consider closure of the right-of-way. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes. See Resolution 282.

ENCROACHMENT – OBERLIN ROAD/SMALLWOOD DRIVE AND GARDNER STREET – APPROVED CONDITIONALLY

A request has been received from Fiber Technologies Networks, LLC to install 748 feet of fiber optic cable in the right-of-way. A report was included with the agenda packet.

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

ENCROACHMENT – SOUTH SALISBURY STREET, WEST DAVIE STREET AND GALE STREET – CELITO CLEC, LLC – APPROVED CONDITIONALLY

A request has been received from Celito Clec, LLC to install 1,295 feet of underground conduit and nine underground vaults in the right-of-way. A report was in the agenda packet.

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

BUDGET AMENDMENTS – POLICE – APPROVED

The agenda presented the following recommended budget amendments.

Police - A donation in the amount of $10,000 for expenses related to the RPD Youth and Family Services Unit's youth programs has been received. Accounting detail was included with the agenda packet.

The Raleigh Police Department requests to use funds from the sale of ammunition brass to purchase ammunition for departmental training and replacement of ammunition magazines for department weapons. Funding is available in the Brass Ammo Liability Account.

Recommendation: Approval of the Budget Amendments as outlined. Upheld on Consent Agenda Baldwin/Crowder – 8 ayes. See Ordinance 568 TF 272.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following recommended changes in the traffic code.

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Plainsfield Circle. Plainsfield Circle is classified as Neighborhood Local and is constructed to typical residential street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75 percent of the residents or property owners along each street in support of the speed reduction request.

It is recommended that a Commercial Loading Zone be established on the south side of Stafford Avenue near the entrance to the 401 Oberlin Apartments Building. A request was received from the Raleigh Police Department and 401 Oberlin Apartments staff to install a Commercial Loading Zone for numerous daily deliveries. The complex does not have a loading dock on any street frontage and delivery vehicles are subsequently parking wherever they can find a vacant space, often creating unsafe conditions in the adjacent travel lanes on Oberlin Road and Clark Avenue. The recommended change will resolve this issue.

It is recommended that the existing Law Enforcement Vehicle Only parking zone on the west side of Bloodworth Street adjacent to the Terry Sanford Federal Building be extended to the end of the block at Hargett Street. A request was received from the U.S. Marshals Service to extend the parking restriction due to security and personal safety concerns of judges and other government officials who park inside the perimeter fence at this location.

It is recommended that the Traffic Schedule be updated to reflect the current signage that is in place on the north side of the 400 block W. South Street. As the result of a request from parking enforcement staff to replace several weathered signs, it was subsequently determined that the Traffic Schedule was not updated. Checks with the local businesses in this block confirmed that these changes were implemented many years ago.

Recommendation: Approved as recommended and authorized the appropriate changes in the traffic code as included in the agenda packet. Upheld on Consent Agenda Baldwin/Crowder - 8 ayes. See Ordinance 569.

END OF THE CONSENT AGENDA

TRAFFIC – TEMPORARY REMOVAL OF TAXI AND BUS ZONES – MARTIN AND HARRINGTON STREETS – APPROVED

It is recommended that an existing Taxi Zone on Martin Street and a Bus Zone on Harrington Street be removed to allow for the blocks of Harrington, Martin, and West Streets immediately adjacent to the old Dillon Warehouse site to be encumbered in the construction zone surrounding the new multi-level development project by Kane Realty. It is further recommended that the Taxi Zone be relocated to the west side of West Street for the duration of the project, which is expected to last approximately 22 months.

Mr. Gaylord stated he asked that this be withdrawn from the Consent Agenda as he needed to recuse himself because of his employer's involvement. Ms. Baldwin moved that Mr. Gaylord be excused from participation on this item. Her motion was seconded by Mr. Thompson and put to a vote which resulted in all members voting in the affirmative. The Mayor rule the motion adopted on an 8-0 vote.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was excused from

participation on this item. The Mayor ruled the motion adopted on a 7-0 vote (Gaylord excused). See Ordinance 569.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-3-16 – FORESTVILLE ROAD – PUBLIC HEARING SCHEDULED FOR APRIL 19, 2016

This is a request to rezone property from R-4 to RX-3-CU.

The Planning Commission recommends approval**.** The proposal, though inconsistent with the Future Land Use Map, is consistent with pertinent policies of the Comprehensive Plan. The proposed zoning is reasonable and in the public interest. The proposal would allow for residential development only. Staff suggests a public hearing date of May 3, 2016.

Planning Commission Chair Schuster an April 19 public hearing date has been requested. Ms. Baldwin moved approval of the April 19 public hearing day. Her motion was seconded by Mr. Thompson 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.

REZONING Z-43-15 – TRYON ROAD – PUBLIC HEARING SCHEDULED FOR MAY 3, 2016

This is a request to rezone property from Residential-1, with Swift Creek Watershed Protective Overlay District (R-1 w/SWPOD) to Residential-10, with Conditions and Swift Creek Watershed Protective Overlay District (R-10-CU w/SWPOD).

The proposal is consistent with the Future Land Use Map and the Comprehensive Plan, including the Urban Form Map. The proposed zoning is reasonable and in the public interest. The proposal would allow for residential development at low densities in an area surrounded by low density residential and agricultural uses. The proposal is compatible with the surrounding area and will provide open space necessary to meet policy guidance with the Comprehensive Plan.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 3, 2016.

Ms. Baldwin moved approval as recommended. Her 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.

REZONING Z-4-16 – OBERLIN ROAD – PUBLIC HEARING AUTHORIZED FOR MAY 3, 2016

This is a request to rezone property from Residential-10 with Neighborhood Conservation Overlay District and Special Residential Parking Overlay District (R-10 w/NCOD & SPROD) to

Office Mixed Use – 3 stories – Parking Limited – Conditional Use with Neighborhood Conservation Overlay District and Special Residential Parking Overlay District (OX-3-PL-CU w/NCOD & SPROD).

While the proposal is inconsistent with the Future Land Use map of the Comprehensive Plan, it is consistent with the Urban Form map and most pertinent policies of the Comprehensive Plan. The conditioned density cap is consistent with the Future land Use designation (maximum 14 units/acre).

The proposed rezoning is reasonable and in the public interest. Retention of the existing overlay districts assures continuity with adjoining properties' zoning, while case conditions provide added measures for maintaining site form and character. Transit provisions support multi-modal access.

The proposal is compatible with the surrounding area. Conditioned limitations on building additions, site use, lighting, and parking locations offer improved transitions to neighboring properties.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 3, 2016.

Ms. Baldwin moved approval of the May 3, 2016 public hearing. 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.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

WORK SESSION – APRIL 12, 2016 – CANCELED

City Manager Hall pointed out because of various staff schedule conflicts, etc., he is suggesting that the April 12, 2016 Work Session be canceled. Without objection, it was agreed to cancel the April 12, Work Session.

REPORT AND RECOMMENDATION OF THE HISTORIC RESOURCES AND MUSEUM ADVISORY BOARD

HISTORIC RESOURCES AND MUSEUM ADVISORY BOARD – WORK PLAN APPROVED

Established in 2012, the Historic Resources and Museum Advisory Board was created to advise the City Council with regard to City assets which tell the story of Raleigh past, present, and future. The mission of the board is to promote, coordinate, and strengthen advocacy and advancement of historic programs to further the cultural development of the City. The annual work plan will be presented during the meeting.

Recommendation: Approve the annual work plan.

Barbara Freedman and Troy Burton, were at the meeting to present the annual work plan of the Historic Resources and Museum Advisory Board which was established in 2012. Ms. Freedman read the following statement:

> Good afternoon. I am Barbara Freedman, chair of the Historic Resources and Museum Advisory Board. I appreciate being able to present for your approval our 2016 Work Plan for this fourth year of our existence since City Council created our Advisory Board in September 2012. We want to thank the Mayor, Council and City Manager for your support of the programs and facilities of the Historic Resources and Museum Program, part of the Parks, Recreation and Cultural Resources Department.
>
> It is my pleasure to be here during April, which is Raleigh History Month. The City of Raleigh Museum staff has organized walking tours of the city for each Saturday in April. Last Saturday was "A Tale of Two Cities: African American Walking Tour" of 15 sites key to Raleigh's African American past. Upcoming topics include a tour of the old Hebrew cemetery inside Historic Oakwood Cemetery, the monuments on the Capital grounds, Raleigh in the Civil War, and finally a tour exploring the evolution of Fayetteville Street.
>
> There are two events coming up that we hope you will be able to attend. On Thursday evening, April 21st, the HRMP will honor its volunteers at the annual volunteer banquet. Outstanding volunteers will be honored with awards, and we will enjoy an evening together on the grounds of the Mordecai House. The program will recognize the more than 150 persons and groups who throughout the year enrich our programs and sites through their contribution of time and knowledge. The number of volunteers we recognize has grown every year for the last four years, just as attendance at our events and programs has grown. We are very grateful for this success.
>
> The Advisory Board also wants to acknowledge the exemplary work of Troy Burton and his staff. We often say at our AB meetings that we don't know how they accomplish so much. Diane Sauer and Scott Payne of PRCR have been exceptionally supportive of our AB and our efforts to understand the complexity of our program in "the big picture."
>
> Speaking of accomplishments, the City of Raleigh Museum will have an opening night celebration for a new permanent exhibit at the Museum on First Friday, July 1, 2016. The name of the exhibit is “The People's Politics: Local Democracy in Raleigh.” The exhibit, in the main exhibition space, will include a table with eight seats for Mayor and Council, with a ninth seat for the City Clerk where visitors can take minutes! There will be narrative material and exhibits explaining the history of our city government, how City government works and encouraging citizen involvement. We hope you will mark your calendars now and help us celebrate this debut of part of the “Raleigh Then, Raleigh Now, Raleigh Next” Museum theme.

> The members of the Advisory Board thank you for appointing us. I am in the second year of a two-year term as chair. Our chair-elect is Ed Morris, a veteran of the North Carolina Department of Cultural Resources, director of the Wake Forest Historical Museum, a member of the Wake County Historical Commission and many other important organizations in the public history arena. I know the Ed will continue to lead the AB in advocating for the teaching and preservation of our history in Raleigh.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Gaylord 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 and expressed appreciation for all of the work done.

REPORT AND RECOMMENDATION OF THE WASTE REDUCTION TASK FORCE

WASTE REDUCTION TASK FORCE REPORT – APPROVED IN PART – ADDITIONAL INFORMATION REQUESTED

On November 5, 2014, the City Council created a Waste Reduction Task Force with the objectives to identify waste reduction goals and further evaluate the strategies outlined in the Comprehensive Material Resource Management Plan through a set of guiding principles to be developed considering social equity, fiscal impact to the City and its citizens, as well as environmental impacts.

A request for proposals (RFP) for facilitation services to select a qualified consultant to assist in planning and convening meetings of the task force was issued. Following proposal evaluation, the consulting engineering firm HDR, Inc. was selected to assist with planning, convening, and facilitating discussion during task force meetings. Following Council guidance to include commercial interests as well as a geographically diverse representation of Raleigh neighborhoods, eighteen task force members were recruited in the spring 2015. The task force was charged with three specific responsibilities:

(a) Development of a waste reduction goal for the City;
(b) Recommend specific strategies for achieving that goal, by developing a set of guiding principles; and
(c) Recommend revisions to waste related action items addressed in the adopted 2030 Comprehensive Plan.

Included with the agenda packet is the report of the task force. The consensus recommendations presented in the report follow highly participatory debate and discussion on the impacts and effectiveness of existing strategies, potential new strategies, and waste reduction goals. A total of four task force meetings were convened and covered a range of topics regarding waste reduction.

Recommendation: Accept the report of the Waste Reduction Task Force and refer to staff for additional review and consideration.

Solid Waste Services Director Fred Battle introduced Jennifer Martin explaining Ms. Martin represents the Greater Raleigh Merchants Bureau, is a stakeholder and a member of the Task Force.

Jennifer Martin pointed out the charge to the Waste Reduction Task Force included determining waste diversion goal for the City adopt, guiding principles for the solid waste system and recommend strategies for achieving the diversion goal, including changes to action items in the 2030 Comprehensive Plan.

Ms. Martin pointed out the recommended waste diversion goal is reaching 50% diversion goal by 2020 which would allow the City to craft a consistent message across all waste generator sectors within the City. She explained the waste total waste equals garbage plus yard waste, plus recycling. Diversion would be the yard waste plus recycling, divided by the total waste. She gave statistics on the City's diversion rate beginning with 31% in FY05 increasing to 36% in FY14 pointing this shows a fairly consistent increase in our diversion rate.

Ms. Martin pointed out the recommended strategies for achieving the diversion goal includes the following Universal Recycling – implement a universal recycling ordinance by 2017 that may include a phased approach for different waste sectors and providing technical assistance pointing out specific waste sectors could be named.

Pay As You Throw
Create a pay as you throw program also known as volume based pay or variable rate pay that utilizes a volume base disposal fee system to encourage residents and contractors to reduced waste.

Alternative Waste Disposal Techniques

Study economically viable opportunities for disposal alternatives that arise in the future including opportunities involving regional cooperation.

Economically – Friendly Product Use

Working with local and regional agencies to explore options for assuring the use of compostable, recyclable paper, and/or reusable check out bags by stores throughout the region, as well as a reduction in the use of Styrofoam food services containers.

Construction and Demolition Debris Recycling

Implement an ordinance requiring a diversion program for construction and demolition debris materials.

Organic Recycling relates

Have the Raleigh Environmental Advisory Board assess development of an organic/food waste diversion strategy or strategies.

Ms. Martin presented the following recommendations pointing out they are not in priority order.

Strategy/Action Item	Time Frame	Priority
Universal Recycling	Implement by end of 2017	High
Pay-As-You-Throw	Short Term (1-2 years)	High
Alternative Waste Disposal Techniques	Continual (On-going)	Low
Environmentally-Friendly Product Use	Short Term (1-2 years)	Consensus not reached
Construction and Demolition Debris Recycling	Short Term (1-2 years)	Consensus not reached
Organics Recycling	Short Term (1-2 years)	Consensus not reached

Ms. Martin stated the Task Force talked about developing a vision statement to serve as a theme for the City's solid waste system as follows: "Develop a forward – thinking and inclusive solid waste management system that fosters the reduction of waste in a practical and fiscally responsible manner, embracing proven and innovative approaches that incorporate convenience, flexibility, transparency and mutually beneficial partnerships. She stated it was felt that the strategies will help meet that vision statement. She recognized the members of the Task Force who were present by asking them to stand.

In response to questions, Ms. Martin talked about the timeframes and priority ratings.

Mayor McFarlane questioned the strategy/action item "construction and demolition debris recycling" pointing out she did not quite understand that strategy. Ms. Martin pointed out there is nothing in existence now and all of the different materials whether it be metal, wood or what are going into the same dumpster and the Committee felt that was something that needs to be studied or something we may need to implement in the next couple of years.

Mr. Branch had questions on the "pay as you throw" about the financial implications and bench marking in other cities such as whether they would have the same economic diversity as Raleigh. Ms. Martin stated it was her understanding that they had looked at other cities and done some

comparison on cost and savings. She stated in Raleigh every one is paying the same amount whether there was one person or 10 or more in the household. The comparison seems to indicate that "pay and you throw" encourages citizens and businesses to recycle, look more at what they are purchasing and make decisions as to what they are throwing away or recycling. Anything that is recycled decreases the amount of trash in our landfill. She stated the Task Force did discuss the economic diversity in Raleigh and there was quite a bit of discussion about the need for education and everyone agrees there would have to be a strong educational component and explained discussions on the fact that everyone pays the same now regardless of how much waste they generate. She stated the short term timeframe indicates that the studies would continue and hopefully implement some of the strategies within that timeframe. That is, look at all of the research how the strategies could be implemented, the educational components and establish timeframes to get some of the strategies implemented pointing out the plan goes through the 2030 Comprehensive Plan.

Ms. Baldwin stated she would like to ask staff to look at the "pay as you throw" model and do some analysis, pointing out it is something that the Council has talked about for quite some time. She stated there are some questions such as the financial implications, how we implement a "pay as you throw" program in various parts of the city, a need to have a good communications plan, how we convert from what we are currently doing to a "pay as you throw" system, if it is possible, etc. She stated Mr. Branch and others have good questions but if we do the analysis in the next year or year and a half, get the answers and may be the Council could look at it for the budget cycle two years from now.

Mr. Gaylord stated we do need to work towards a fairer system of payment pointing out his family of five pays the same for waste disposal as the widow across the street from him and that is not fair. We need to go to the next step. Ms. Crowder had questions as how this would affect the very poor and how we could implement something to help. Ms. Martin pointed out that was a point of discussion in the Task Force as everyone is currently paying the same thing. It was felt that a "pay as you throw" system would help encourage more recyclables and help people decrease their cost. She stated it is not a fool proof system but it is felt that it is something that we should try.

Ms. Baldwin stated as we look at the "pay as you throw" system and answer some of the questions that have been asked, we also need to work with the County as they control the landfill and the cost of putting things in the landfill. She stated if the City moves toward a "pay as you throw" system and it reduces the amount of waste put in the land fill the county may have to raise the fees there would not be a reduced cost therefore we have to have a working relationship with the County to make sure they are on board.

Ms. Martin pointed out one of the things the Task Force discovered is that a lot of the apartment communities do not have recycling options or ways and methods for their residents to recycle either because of the high cost for the apartment complex or no space for them to put recycling containers. She stated something they discussed in depth was a possibility of making it mandatory for new buildings coming on line to have to have space for recycling or something in their work plans to offer recycling to the occupants. The City needs to make sure that builders

and contractors provide that opportunity with it being pointed out that is part of the mandatory recycling section of the recommendations.

Mr. Stephenson stated the "pay as you throw" option has been discussed for quite some time, and questioned the level of depth in analyzing what other cities lessons learned as well as best practices. Ms. Martin talked about the level of the Task Force's work, the number of meetings and hours of discussion, the facilitator who had knowledge from working in other communities as it relates to best practices, implementations, examples provided, including such things as drop off centers, old lumber, paint, hazardous waste, and the information they gathered. She stated the "pay as you throw" was probably one of the highest discussed in-depth items basically because of concern of equitability, diversity, social situations and different factors and the feeling that if the City went to "pay as you throw" with recycling being mandatory then it would help people with their cost of waste disposal.

In response to questioning, Ms. Martin pointed out the recommendation is to continue studying "pay as you throw" make it a high priority for the next year or two, and staff would continue to look at things such as construction demolition, debris, organic diversions, swap shops, and more in depth study of best practices. In response to questioning, Ms. Martin pointed out that in terms of the information provided on the "pay as you throw" the Task Force generally sees it as a viable option for the City of Raleigh and something the City needs to continue to work on.

Ms. Baldwin stated she would like make a motion on one item and then the Council can discuss the rest of the items. Ms. Baldwin suggested that the Council ask staff to do an analysis of the "pay as you throw" system and take into account all of the questions that were asked at the table including financial analysis, how it would impact the poor, how it would impact the elderly, how it would work with Wake County, provide information on the communication strategy and how that would look, what a roll out of such a system would look like, how the City would manage equipment, etc. It was suggested that the analysis include the life cycle cost pointing out if it ends up costing a lot more then that would be a big issue. Mr. Branch questioned if Ms. Baldwin would be amendable to adding mandatory recycling to her motion as he feels if the two are tied together it would make a bigger impact. Mr. Branch stated if mandatory recycling is a part of a "pay as you throw" system, the incentive to recycle would be higher because you would be paying less for your total waste. Mr. Thompson talked about the cost of companies to handle recycling and it would be good to tie the two together. Mayor McFarlane pointed out she likes the idea of extending the recycling to multi-family units but does not like "mandatory" recycling. Ms. Baldwin talked about partnerships involved in recycling, referring to various types of recycling such as clothing that is resold, composted, there are different meanings to recycling. After other discussions, the motion as made by Ms. Baldwin 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.

Other discussion took place on ways of extending recycling to multi-family units and additional information on construction industry debris. Mr. Thompson talked about construction debris, LEED requirements as it relates to government projects and private projects, what is required for waste disposal on things such as dry wall, how that has to be taken to other locations, etc. How to proceed from this point was talked about the City Manager pointing out he understands the

Council is interested in getting some additional information about mandatory recycling programs including multi-family with Council members indicating they did not like the "mandatory" being hooked to recycling. City Manager Hall stated he would bring back some additional information on the topic of recycling programs including multi-family possibilities, construction debris, etc., and the Council could go from there with the Mayor agreeing to that concept.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

ECONOMIC DEVELOPMENT TOOL KIT – TARGETED ECONOMIC DEVELOPMENT ZONES – MAP ADOPTED; ITEM RETAINED IN COMMITTEE

Mayor McFarlane reported Council members received in their agenda packet a map entitled Targeted Economic Development Zones dated April 5, 2016. The Committee recommends adoption of the map as a part of the City's Economic Development Tool Kit.

The Committee understands that the Planning Commission is considering a Comprehensive Plan Amendment to replace Map ED-1 with the Targeted Economic Development Zones map dated April 5, 2016.

On behalf of the Committee, Mayor McFarlane moved the recommendation be upheld. 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.

ECONOMIC DEVELOPMENT TOOL KIT – FAÇADE GRANTS – PROGRAM EXPANDED; ADMINISTRATION TO PROVIDE A REPORT

Mayor McFarlane reported the Economic Development and Innovation Committee recommended that the facade grant program be amended as follows:

(a) Expand the eligibility area to include the newly adopted Targeted Economic Development Zones (map dated April 5, 2016); and
(b) Expand scope of eligibility to cover additional "peacemaking" items such as art and murals

The annual appropriation will remain at $50,000. Staff will monitor results and report back to Council after one year.

On behalf of the Committee, Mayor McFarlane moved approval as read. Her motion as seconded by Mr. Stephenson.

Mr. Branch had questions as to how this will be implemented. He stated he understands we have some people, businesses, etc., who have participated in this façade grant program many times. He stated it was his understanding that we would be helping those who haven't participated in the past in this program and pointed out he needs to see how that is going to work.

Economic Development Director Sauls pointed out we would be working with the Urban Design Center who will be managing this program under the direction of Roberta Fox. He talked about the plan for marketing and implementing pointing out they have a limited amount to spend, and they have a scoring process that will help determine who gets the grants. It is his understanding it would be for any qualified building which is within the targeted areas. Mr. Sauls stated he does not think there is anything in the scoring that asks whether the applicant has previous participation in the program, etc. Mr. Branch stated he felt it would be good to have that so that we could encourage new entities. Mr. Thompson agreed pointing out he feels it would be best to encourage people who have not used the program before. Ms. Baldwin asked about a formal outreach program/plan and how we would gage the effectiveness of the outreach program.

Mr. Branch suggested that we not move forward with awarding any grants until the Council has a chance to review the plan that has been put together and made that as a substitute motion which was seconded by Mr. Thompson. Mr. Gaylord questioned if the Council sees the grants before they are awarded with Mr. Branch stating he just wants to see the procedure for awarding the grants.

Economic Development Director Sauls pointed out the façade grant program is the same as had previously been approved by Council. He stated what is being recommended today is to enlarge that program to align it with the Targeted Economic Development Zones and expanded to include artwork and murals. He stated if what the Council is requesting is that the staff look at the existing policy that could be done. Mr. Branch expressed concern pointing out he understands we have a history of the same people utilizing these grants and he would like to see what procedure is used and the process that is going to be utilized to reach out and try to encourage others to participate. He wants to see the plan.

Discussion took place with the City Manager asking for interpretation or explaining his understanding of the motion with various Councils providing input on their intent, that is, they want to see the plan for promoting the grant program, the approval policy, for recommend award of a grant, etc. Ms. Baldwin asked to make another substitute motion which would be approved for the policy amendments as outlined by the Committee but the procedure and process for recommending grant awards, and the communication policy come back to the Council before any grants are processed/approved. Her substitute motion was seconded by Mr. Branch 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.

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE RESOURCES

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

NORTHEAST REGIONAL LIBRARY – WAKEFIELD – GRAND OPENING ANNOUNCED

Mr. Cox stated he would like to call attention to the grand opening of the Northeast Regional Library in Wakefield scheduled for April 16, 2015. He stated it is a brand new facility and invited all to come out and be a part of the celebration.

TRIANGLE COMMUNITY FOUNDATION – EVENT – ANNOUNCED

Mr. Stephenson passed out information from the Triangle Community Foundation which is holding an event on April 27 and the keynote speaker will be talking about healthy communities and pointed out he feels it will be a very good event and encouraged all to attend.

JULIAN DURANT – INTRODUCED

Mr. Branch introduced Julien Durant a student at NC Central University pointing out Mr. Durant has been shadowing him today. He stated Mr. Durant is working on a better understanding of city government and how it does things. He asked Mr. Durant to stand and be recognized and commended him for his work pointing out he hopes he is learning from the experience today.

The Council welcomed Mr. Durant.

LIAISONS – RALEIGH YOUTH COUNCIL AND UNITED ARTS COUNCIL – NAMES

Mayor McFarlane indicated two additional organizations have asked to have liaisons and expressed appreciation to the City Council who agreed to participate and named Mr. Branch as the City Council Liaison to the Raleigh Youth Council and Mr. Thompson as the City Council Liaison to the United Arts Council.

WAKE COUNTY SCHOOL SYSTEM – LETTER APPROVED

Mayor McFarlane indicated she had provided City Council members with an email relative to a letter she had been asked to write on behalf of Wake County School System which is applying

for a grant. She passed out a copy of the letter with Mr. Thompson moving concurrence with the Mayor's action on writing the letter. 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.

LAKE JOHNSON WOODLAND CENTER – NAMED THE THOMAS G. CROWDER WOODLAND CENTER

Mayor McFarlane indicated the City is in the process of constructing the Woodland Center at Lake Johnson Park. She asked that the City Council consider naming that facility for Thomas G. Crowder who worked for many years with the residents, Friends of Lake Johnson and others to secure financing and approval for construction of the facility. She stated she could think of no better way to honor Mr. Crowder's legacy, his district and the City than naming it the Thomas G. Crowder Woodland Center and moved approval. Her motion was seconded by Mr. Baldwin. City Attorney McCormick questioned if this also includes suspending the rules relative to adoption of resolutions upon introduction with the Mayor pointing out that is included in her motion. The motion as stated was put to roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

Ms. Crowder expressed appreciation and thanked everyone for the honor which makes her and her family very happy.

PERSONNEL – CITY EMPLOYEES - COMMENDED

Mr. Thompson pointed out he recently attended a tour at the Sunoco Recycling Center and pointed out it was festinating, he learned a lot, talked about the labor intensity of the facility and commended Bianca Howard and Amanda Astor who conducted the tour. He stated they were very enthusiastic and gave a wonderful tour. He stated they did a great job interacting with the 8 or 10 people on the tour. He asked that congratulations be passed on to them.

Mr. Thompson indicated he recently attended the Pinwheels for Prevention at Pullen Park relating to prevention of child abuse. He commended all involved pointing out kids really enjoyed the super heroes who appeared to help them have a great time. He commended all involved.

AMERICAN RESTAURANT ASSOCIATION – COMMENTS RECEIVED

Ms. Baldwin expressed appreciation to Mr. Cox who recently attended the American Restaurant Association Awards Banquet honoring women in the restaurant association in the area. She stated it was a great event and expressed appreciation for all who participated and to the honorees who contribute to our economy and food scene.

GLENWOOD SOUTH EVENT – COMMENTS RECEIVED

Ms. Baldwin expressed appreciation to the Police Downtown Team including Captain Mathews who participated in the Glenwood South Partnership meeting recently. She stated it was a very

successful event with property owners, business owners, etc. talking about the educational program including how to reduce noise, etc. She asked Communications Director Graham to look at improving our web portal as some things came up about user friendly and need to improve the ability to use it.

BARBERSHOP TALKS – ANNOUNCED

Mr. Branch talked about an event he borrowed from a nearby town, Barbershop Talks which was held on New Bern Avenue. He talked about the event pointing out it was about 50/50 law enforcement and citizens just sitting down talking about these in their area just having conversations. He hopes to continue and improve the concept. He commended all involved.

APPOINTMENTS

COMMITTEE APPOINTMENTS – VARIOUS ACTIONS TAKEN

The City Clerk announced the following results of the ballot vote:

Appearance Commission – One Vacancy – Bob Geary – 5 (Cox, Thompson, Stephenson, Branch, Crowder). The City Clerk reported Ms. Baldwin had nominated Albert McDowell. The City Clerk reported the Council could proceed as it so desires, Mr. Geary had received 5 votes but there was an additional nominee. Ms. Baldwin withdrew Mr. McDonald's name therefore Mr. Geary was appointed.

Stormwater Management Advisory Commission – The City Clerk reported Ms. Crowder, Mr. Thompson and Mr. Stephenson had nominated Marion Deerhake. Mr. Thompson moved that Council suspend the rules and appoint Ms. Deerhake by acclamation in order to have a full component on the board. His motion was seconded by Mr. Stephenson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

NOMINATIONS

ARTS COMMISSION – STAN WILLIAMS – REAPPOINTED

The City Clerk reported the term of Stan Williams is expiring. He is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and reappoint Mr. Williams by acclamation. Her motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0.

BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – REAPPOINTMENTS MADE; ONE VACANCY REMAINING

The terms of Paul Nevill and Harry Johnson are expiring. Both are eligible for reappointment and would like to be considered for reappointment.

A letter of resignation has been received from Seth Palmer. Ms. Baldwin moved that the Council suspend the rules and reappoint Mr. Nevill and Mr. Johnson by acclamation. Her motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

The City Clerk reported Mr. Gaylord had nominated Nate Humphrey. That item will be carried over to the next meeting.

CONVENTION AND PERFORMING ARTS CENTERS AUTHORITY

The City Clerk reported the term of Daniel Douglas is expiring. He is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and Mr. Douglas reappoint by acclamation. Her motion was seconded by Mr. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

ENVIRONMENTAL ADVISORY BOARD – REAPPOINTMENTS MADE

The City Clerk reported the terms of Larry Larson, Robert (Rob) Geblum, and Anya Gordon are expiring. All are eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and reappoint Mr. Larson, Mr. Geblum and Ms. Gordon by acclamation. Her 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.

HUMAN RELATIONS COMMISSION – REAPPOINTMENTS MADE

The City Clerk reported terms of Tanzell Chohan, Wrenia Batts-Brown, and Chris Moutos are expiring. All are eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and reappoint the three by acclamation. Her motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

PLANNING COMMISSION – NOMINATION MADE

The City Clerk reported she had received a letter of resignation from Lemuel "Uel" Whitsett. Mr. Stephenson nominated Steve Smith. Ms. Baldwin suggested that the Council not suspend the rules and allow nominations to be made. She stated she was making this recommendation because of the lack of diversity on the Planning Commission. There is only one female. She asked that the Council takes this very seriously and look for a candidate that will add diversity to the Planning Commission. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

The City Clerk reported Council members received minutes of the February 9, 2016 and March 15, 2016 Council Work Sessions which are recommended for approval.

Mr. Gaylord moved approval of the minutes as submitted. His 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.

ASSESSMENT ROLLS 492 AND 420 – WADE AVENUE AND 943 – JOHN'S POINTE – ADOPTED

The City Clerk reported Council members received the following preliminary assessment rolls will be presented. Adoption, which would set a public hearing to consider confirmation of cost on Tuesday, May 3, 2016, is recommended.

- AR 942 and 420 – Paving and Sidewalk Assessments – Wade Avenue Widening and Pedestrian Improvements (PW 2010-4)

- AR 943 – Paving Assessments – John's Pointe Subdivision Resurfacing (PW 2015-2)

Mr. Gaylord moved approval. His 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. See Resolutions 283, 284 and 285.

RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 2:15 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC04-05-16

The City Council of the City of Raleigh met in a regular reconvened at 7:00 p.m. on Tuesday, April 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.

Mayor McFarlane called the meeting to order and the following items were discussed with action taken as shown.

JOINT HEARING WITH RALEIGH HISTORIC DEVELOPMENT COMMISSION

HISTORIC LANDMARK DESIGNATIONS – 1028 COWPER DRIVE, 11 SOUTH BLOUNT STREET AND 3200 HILLSBOROUGH STREET – HEARING – REFERRED TO THE RALEIGH HISTORIC DEVELOPMENT COMMISSION FOR REPORT BACK ON MAY 3, 2016

This was a hearing to consider the following applications for historic landmark designations:

PROPERTY	ADDRESS
Anna Riddick House	1028 Cowper Drive
Horton-Beckham-Bretsch House	11 South Blount Street
Wilmont Apartments	3200 Hillsborough Street

Raleigh Historic Development Commission Members present included Scott Shackleton, Caleb Smith, Don Davis, Miranda Downer Potthoff, Laurie Jackson, Ester Hall, Sara David, Rachel Rumsey, Kaye Webb and Jenny Harper.

Tania Tully, Department of City Planning, made the following presentation:

> The City has received two applications for landmark designation and one technical boundary change for an existing landmark.
>
> All requirements of North Carolina General Statutes and city code, preceding the scheduling of this public hearing have been complied with. The RHDC reviewed the reports on January 19 and found that they meet the criteria for designation. The reports and boundary change were referred by the City Council to the North Department of Cultural Resources, as required by statute.
>
> 1. Horton-Beckham-Bretsch House
>
> Location: 11 S. Blount Street
>
> Constructed/altered: Built ca, 1895; Relocated 1982.

Signature: The house possesses special significance architecturally as a bold example of the Eastlake cottage style in Raleigh and as one of a handful of residential buildings in the Capitol Square Historic Overlay District. The crowning feature of the Bretsch House is its hipped-roof Eastlake-style porch that extends the width of the façade, with a projecting central porch bay. It is significant also historically for its association with the sisters Sallie Beckham Bretsch and Mary Partin, and later Sallie and Emma Smethurst, who boarded with Sallie from 1927 to her death in 1979. The women lived there longer than any of the men, and, as often single women, maintained a household not only by holding down jobs but also through the rent provided by boarders.

2. Anna Riddick House

Location: 1028 Cowper Drive

Constructed/altered: Built 1952, 1960.

Significance: The house has special architectural significance as an intact and distinctive mid-twentieth-century Georgian Revival-style residence designed for a single woman. The residential complex, facing generally west to Cowper Drive, consists of three buildings; the main house (1952) with attached guest house (ca. 1960); a carport (ca. 1980, noncontributing); and a storage shed (ca. 1980, noncontributing). The house has town house plan with a narrow footprint rather than the wide country house form commonly utilized in the neighborhood. This design represents an unusual house type for Raleigh-a small town house built for a single person. It is constructed of bricks salvaged from the Oddfellows orphanage in Goldsboro and bricks and heart pine boards from the central section of Raleigh's Dorothea Dix Hospital. The house has special historic significance for its association with Miss Anna Riddick, one of Raleigh's earliest interior decorators, whose career spanned forty years from the 1920s to the 1960s.

3. Wilmont Apartments Boundary Change

Location: 3200 Hillsborough Street

Constructed/altered: Built 1926.

Significance: The four-story U-plan building Wilmont Apartments is significant architecturally and historically. The most significant site element is the placement of the building on its approximately 9/10th acre lot. The building is set back from the street at a slight angle, making it visually more prominent as approached from the east (downtown).

Reason for Boundary Change: The City has acquired approximately 798 SF (0.018 acre) of the property for right-of-way. A COA for changes within this area

was approved in 2015 (086-15-CA) in part because it did not affect the sitting of the building or its visual prominence. The now City owned property is .02% of the designated .89 acre lot.

Following the conclusion of the public hearing, the RHDC will make a final review of these materials and any public hearing comments. The commission will make a final recommendation regarding the designation ordinances to City Council at Council's May 3 meeting.

The Mayor opened the hearing no one asked to be heard, thus the hearings were closed. Ms. Baldwin moved approval of the request which would be referral to the Raleigh Historic Development Commission. 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.

REQUEST AND PETITIONS OF CITIZENS

UDO – REVISION TO INFRASTRUCTURE CONSTRUCTION/ACCEPTANCE LANGUAGE – REFERRED TO STAFF

Susanne Harris representing the Homebuilders Association of Raleigh-Wake County made the following prepared statement:

> I am coming before you this evening to request a revision to the infrastructure construction and acceptance language in the UDO (Section 8.1.3-8.1.5).
>
> Specifically, I am speaking of a change to the currently required 2 year construction and 2 year warranty period instead to a 3 year construction and 1 year warranty period. Overall, 4 years would be maintained.
>
> When this policy was first presented by staff to the Development Stakeholders/DSAC group in February 2015, it was presented under the basis of creating a policy to implement the approved 2 year construction and 2 year warranty. During that initial presentation feedback was given by members of that group with regard to concerns about the aggressive nature of that timeframe and a desire on members of the industry for more time. We have had more expanded conversations over the course of the last year related to this issue with our developer members. They too share the concerns regarding the aggressiveness of the timeframe that is currently in the UDO.
>
> I respectfully request that you consider changing this policy to provide an extra year on the construction side to lessen the aggressive nature of the policy, while maintaining the 4 year window of time provided in the original UDO language by then adding a 1 year warranty.

Mayor McFarlane questioned why this did not come up during the UDO discussion with Ms. Harris pointing out they were present through all of the discussion but this did not stand out as a

big problem until it was put into action. Mr. Gaylord moved the item be referred to staff to work on development of a text change for submission back to Council. His 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.

LEESVILLE ROAD WIDENING PROJECT – CONCERNS – REFERRED TO STORMWATER STAFF

Scott J. Benrube, 11416 Leesville Road, expressed appreciation to the Council for making sure his driveway and curb repairs were completed. He stated however he has a couple of other issues. He presented slides showing how his property looked prior to the street widening project questioning why there are so many drainage outlets on both sides of the street however for 480 feet in front of his property there are no drains which would take the water off the road; therefore it ends up on his property. He talked about how his property had swales, etc.; however with the sidewalks the property drops off and the water runs onto his property. He pointed out there are no drains in front of his property nor the median in front of his property or across the street. He stated he had been told by City personnel that the water would go to the median. He presented slides showing a level on the road and pointed out everything drains to the road and it takes it to the drainage system; however since there are no drains in front of his property, the water runs onto his property. He presented photos showing how his property looked after recent rains. He talked about previous discussions before Council and questions that had been asked.

Engineer Chris Johnson talked about the repairs that have been made and the drainage situation as well as the lay of the land of Mr. Benrube's property. He stated the lot is relatively flat but drains to the back. He talked about the drainage patterns on the property, the work that was done, how the sidewalks drain to the road, discussions that have been held on with the consultant on site and how the water flows. Mr. Benrube pointed out prior to the construction the water would drain into the swales. There were no problems prior to the sidewalk construction. He again expressed concern that there were no drains in the new construction for 480 feet and talked about the drainage situation in general.

Council Member Thompson stated he understands Mr. Benrube's frustration. He stated however the purpose of the curb is to catch water. He stated he did not see how the water from the street could go over the curb and onto Mr. Benrube's property. He stated he understands there is a water issue as it relates to Mr. Benrube's property but he does not see how it could come from the road.

Ms. Baldwin questioned if we could have the Stormwater staff to look at the situation pointing out clearly there is a flooding problem on Mr. Benrube's property and the City does have some cost shore programs that might benefit Mr. Benrube. Stormwater Manager Hinkle pointed out staff feels the drainage problem was an existing condition prior to the project. After discussion about the existing conditions and previous conditions, it was agreed to refer the item to the stormwater staff to see if the problem may be eligible for some of the City's cost share programs.

STORMWATER PROBLEM – 4401 DELTA LAKE DRIVE – COMMENTS RECEIVED

Khaled Assel, 6558 Grand Hill Place, pointed out he owns property at 4401 Delta Lake Drive in Raleigh. He stated the stormwater from the City property comes onto his private property through a city-owned pipe. He stated he wanted the pipe taken off of his property so he could use the property. He stated the lake which is created by the stormwater coming from City property unusable. No one will buy the property and asked that the City purchase the property.

Stormwater Manager Blair Hinkle stated as far as the City knows the property has been consumed by the lake since the 60s. He stated there does not seem to be any value to the city purchasing the property. He again stated the lake has been in existence for decades and it is a natural drainage way for areas upstream which is no different than any other areas on private property throughout the City. Water naturally flows to the area. Mr. Assel stated he cannot use the property. Mayor McFarlane pointed out the lake has been there a number of years, was there when Mr. Assel purchased the property so the City has no responsibility. It was a private transaction and the City has no responsibility in the situation. No action was taken.

PAULA STREET ESTABLISHMENTS – CONCERNS – RECEIVED

Nicholas Voss, 2128 Bellaire Avenue pointed out he has enjoyed working with the Raleigh Police Department and he supports the Raleigh Police Department 100%. He stated however he does have an issue and concern as it is his belief that the Hawg Pen located at 900 Hodges Street is a police owned, police operated and police protected nightclub which has willfully and deliberately disregarded the City's requirement for an amplified entertainment permit. He stated representatives of the club did state to him in letter form that they did not get the permit because of the cost to meet fire, safety and electrical codes was too great. They disregarded their customer's safety by packing their building without the proper inspections being completed. He stated they also discredit or do a disservice to their neighbors as many times they leave the side door wide open allowing the 100 decibels of noise to bleed into the neighborhood. He stated there are several neighboring clubs that have received over two dozens citations; however the Hawg Pen has never received a noise violation citation. Mr. Voss stated when he discovered that they did not have an AEP he talked with Captain Tommie Klein and asked him why they had not been issued a citation and why they were allowed to operate without an AEP and he was told that the Police would work with them to get an AEP. He stated he contacted representative who seems to be the guru for noise violations in the downtown and asked him how many warnings a club normally gets before an AEP violation is issued. Mr. Voss stated he was told no one in the City of Raleigh operates without an AEP. It is an arrestable offense and anyone operating without an AEP would be shut down immediately. He stated when he talked to that person, he told him he knew a club that was operating without an AEP and no one seem to care, he told them it was a biker club type location and the person immediately knew about the Hawg Pen. He stated they had contacted the Raleigh Police Department to report that the club was operating without an AEP and Captain Klein showed up but allowed them to continue to operate. The very next day they showed up with a video camera and a citation was written. He stated however the following week the Hawg Pen promoted many events which were reported to the Police Department and when he reported this he was told by Captain Klein that the City Revenue

Department stated representatives of the Hawg Pen just applied but continued to operate without the permit. He stated he was told that Officer Christopher Gay gave them permission however he could not confirm that. Mr. Voss stated he had been told by members of the Raleigh Police Department and people who worked at the club that it was a law enforcement owned and operated club.

City Manager Hall pointed out their representatives from the Police Department are available to answer questions and the City Attorney had also been working on this issue.

In response to a request from Ms. Baldwin, City Attorney McCormick stated he really has nothing to add to the memorandum that he sent to the City Council about a week ago which contained confidential/privilege information.

Captain Klein pointed out he had talked with Mr. Voss on multiple occasions, met with him, exchanged emails, etc. He stated he has provided Mr. Voss information on the clubs in the area which have received citations and pointed out when he first did research he did it by block and had provided information as to what type citations had been issue. He stated however when he later did the research by location, he found that the Hawg Pen had been cited twice, once for not having an AEP and once for a noise violation.

Captain Klein pointed out the Hawg Pen just like any other business is allowed to have four unpermitted events per year. He stated representatives of the Hawg Pen just like Club Reign, directly across the street have always been very cooperative. He stated there are other clubs in the area closer to Mr. Voss' neighborhood which have had multiple noise violations. Captain Klein stated he sees nothing to indicate that the Hawg Pen is a police owned or operated facility. He stated he is not saying that Police Officers do not frequent the location like they may at any other club but he finds no evidence of ownership.

In response to questioning, Captain Klein pointed out there are four clubs in this particular area. Club Reign at 808 Hodges Street, Hawg Pen at 900 Hodges Street, Club Luc at, 2414 Paula Street and El Tucanaso at 2400 Paula Street.

Mayor McFarlane suggested that the City Attorney's office look at the additional information Mr. Voss provided at today's meeting and follow up accordingly.

Mr. Voss stated he does not know what other action could be taken at this point as the club has received an AEP license. He stated however he brings all of this up to demonstrate the steps that he and his neighbors had to go in order to get a club to secure an AEP license and concern about what he has been told personally and in written form about the law enforcement connection with the Hawg Pen. He stated he does feel they are getting a different attitude from the Police department on other clubs. It was pointed out the issue has been referred to the City Attorney.

STORMWATER CONCERNS – THE RESERVE AT BROOKHAVEN – WITHDRAWN

Jason Swicegood, 6104 Winthrop Drive, had requested permission to discuss stormwater concerns related to the Reserve at Brookhaven. The City Clerk reported the item had been withdrawn as Mr. Swicegood had a conflict. No action was taken.

LORIMER ROAD – STORMWATER PROBLEMS/SIDEWALK PETITION CONCERNS – WITHDRAWN

David Simonton, 1218 Lorimer Road, had requested permission to address the Council about concerns regarding a citizen questionable use of the neighborhood's stormwater problems to secure signatures on a sidewalk petition. The City Clerk reported Mr. Simonton had called just prior to the meeting indicating there was sickness in the family therefore he would withdraw his request and may ask to appear later. No action was taken.

POLICE WORN BODY CAMERAS – BEST PRACTICES FOR POLICY - SUGGESTIONS RECEIVED

Sarah Preston, American Civil Liberties Union of North Carolina had requested permission to present ACLU-NC's recommended best practices for policy regulating the use of police worn body cameras. Ms. Preston expressed appreciation and delight that the Council is moving forward for the use of body worn cameras. It is something that the ACLU views as a win-win situation. She stated however there are several policy suggestions relative to best practices that they encourage all cities and law enforcement agencies to adopt or consider when developing policies. She stated the first issue relates to when cameras can be activated and deactivated. She stated there are circumstances where a citizen would like to give input and asks for deactivation. She stated the camera should be activated whenever the police interact with the public but allow a victim to ask for deactivation. It is a situation where the policy should be very clear as to when the police could use or deactivate upon request.

Ms. Preston stated the second issue relates to the need to include reasonable public access to the film. The subject of any recording should have access and in the best situation be able to get a copy of the recording or at least have the ability to review or have some one else review. She stated the third issue relates to use of force and talked about the need to allow the face to be blurred and the face distorted to protect privacy. The policy should also look at retention periods/procedures. She stated her group would be very happy to work with the City and police department in developing the procedures. The comments were received.

POLICE ACCOUNTABILITY – WITHDRAWN

Wanda Hunter, A. Phillip Randolph Institute – Raleigh Chapter, had requested permission to address the Council about police accountability and conditions in Southeast Raleigh. It was pointed out Ms. Hunter could not attend and Kimberly Muktarian, President of Save Our Sons asked to speak in her place. Ms. Muktarian talked about conversations she had with Chief Deck-Brown at various community meetings and expressed concern about community policing not being what community policing is all about. She talked about what the City of Raleigh has planned as it relates to safety and the community being involved in the policy for their

neighborhoods. She talked about the need to have an oversight board, have their community representatives present at the table, called for transparency and pointed out the oversight board needs tools such as subpoena power, investigative power, something aside from the internal affairs investigation. She stated they want to feel safe. She talked about the people in their community particular the young men being searched for marijuana, various problems and commended the Council on approving the use of body worn cameras. She stated however we must go further. Transparency in the community and policing in general is needed. The comments were received.

MARIJUANA LAWS – ENFORCEMENT – COMMENTS RECEIVED

Geraldine Alshamy, Mary Magdalene Ministries, talked about her 30 years of work advocating for the poor and as a social justice artist. She stated she is a member of PACT and stated she hopes the Council had seen the video about young men being targeted, talked about reasonable suspicion of marijuana being used and how young men of color are being targeted or searched. She talked about the reasonable suspicion of marijuana being used to pull the young men over, handcuff them in front of their families and children stating that type of policing damages the relationship between the community and the police and takes police away from doing law enforcement proactive worked and helping the community. She indicated 67% of the marijuana arrests are of young black men but who represent only 21% of the population. She talked about the high number of black and brown people in jail for minor infractions and how it damages their reputation and affects their ability to get employment. She called on the Council to make marijuana arrest a low priority in law enforcement and asked the Council to work with the community. The comments were received

OVERSIGHT BOARD – REQUEST – COMMENTS RECEIVED

Charnessa Ridley, North Carolina Women United, was at the Council to request support for a strong community oversight board. She talked about her work relating to sexual assaults and domestic violence, the Boards she has worked on and pointed out there are a lot of barriers faced by survivors of sexual assaults, expressed appreciation to the Council for upholding the pack projects, talked about the barriers for people of color, and talked about how an oversight board would help people work together and get along better.

City Attorney McCormick indicated the ladies made three excellent presentations. He stated Ms. Alshamy talked about marijuana enforcement and asked that the Council give direction to the Police Chief to make it a low priority. City Attorney McCormick indicated the City Council does not have the authority to pass an ordinance or tell the Police which criminal laws to enforce and which ones not to enforce. He stated there is clearly a national movement on-going about how these laws are enforced in all 50 states. He stated he recently attended a continuing educational seminar and that subject came up and he knows that Chief Deck-Brown is interested in following the discussion but at this point the Council does not have authority to give the direction suggested by Ms. Alshamy.

City Attorney McCormick indicated two of the speakers talked about some sort of oversight board and mentioned the words subpoena power, investigative power, etc. He stated the City Council does not have the authority to give subpoena power to any board or commission. He stated the Council certainly has the authority to create some sort of oversight or advisory board however in the legal structure in North Carolina all cities which are under the Council Management form of government which Raleigh is, the City Manager is in charge of all of the employees of the City with the exception of himself and the City Clerk and their staff; therefore the Council has three separate independent groups that can provide information upon request. He stated the City Manager is in charge of the police department so if there are issues or concerns or needed direction, it needs to come from the City Manager. He stated he thinks the City actually already has an oversight board and that is the 8 Council members sitting at the table who are elected by the people of Raleigh and are responsible to the people of Raleigh. He stated the Raleigh City Council is very transparent and provides more opportunities for public input than most cities in the state. Before the law was passed to require Council's to have public input at least once a month the Raleigh City Council had been allowing public input at all meetings for a number of years. He stated he feels if the Council had an oversight board as it relates to the police department we may have conflicts with the direction from the City Manager. He pointed out the City Manager has expertise, has input of professional associations, consultants, etc. and if he makes a recommendation and an advisory group appointed by the Council makes a separate recommendation or opposing recommendation then you have conflict. He stated the way the system is set up works well here, as opposed to what occurs in cities which have the strong mayor form of government with separate executive branches, legislative branches, etc. He stated he feels the City Council in Raleigh needs to rely on the City Manger and if the Council is not happy with what the City Manager is doing, the Council knows that city managers and city attorneys can be replaced. He pointed out the City Attorney is independent from the City Manager and in the past the Council has used the City Attorney's Office to do separate investigations, etc., such as a serious incident which occurred 15 to 20 years ago involving a police shooting. He stated his office did an independent investigation, made a lengthy public presentation about the results, etc. His office also did an independent investigation of some activities at the wastewater treatment plant which resulted in many changes that has left the City of Raleigh with one of the top treatment plants in the country. He talked about as a result of the shooting a number of years ago, the City ended up with the five day requirement for a public report involving any police shooting incident. It is a public report. He stated in addition the District Attorney, State Bureau of Investigation and or FBI. He stated the Council has assets available to it and if the Council wants to create a board that has investigative or subpoena power, permission would have to be given from the General Assembly and he is not sure they are in the mood to give that to the City of Raleigh. He stated if the Council wanted just an advisory board that is something different but he does not see how that would help this Council in fulfilling its mission.

Mayor McFarlane indicated the Council did receive a letter with some suggestions and recommendation such as the internships and other items and questioned what is happening with those suggestions. City Manager Hall indicated there was a letter submitted several weeks ago that included seven or eight points for the staff to consider some of which were mentioned

tonight. He stated the staff has already been looking at those comments or suggestions and will be happy to give a report to the Council at a later date.

Mr. Branch indicated one of the items mentioned in the citizens' letter related to the process by which citizens can get things looked at with the City Manager indicating they would include that as a part of the report.

MATTERS SCHEDULED FOR PUBLIC HEARING

ANNUAL ACTION PLAN – U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – HEARING – COMMENTS RECEIVED – REFERRED TO HOUSING AND NEIGHBORHOODS DEPARTMENT

This is a hearing to provide citizens with the opportunity to express views on the draft 2016-17 Annual Action Plan for addressing housing and community development needs and priority non-housing community needs in the City. The hearing is required by the U.S. Department of Housing and Urban Development (HUD) as a part of the preparation of the annual action plan governing the use of federal Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) funding for fiscal year 2017.

Following the hearing, comments should be referred to the Housing and Neighborhoods Department for consideration of inclusion in the application.

Shawn McNamara, Housing and Neighborhoods Department, pointed out this is year two of the five year period covered by the City's 2016-2020 Consolidated Plan of Housing and Community Development. He pointed out the action plan describes three formula grants provided by the US Department of Housing and Urban Development that will total over $4M for cost of providing affordable housing and improving neighborhoods. The grants include Community Development Block Grant (CDBG), HOME Investment Partnership; Emergency Solutions Grant (ESG) and local funding is included in the plan. He stated the plan priorities match those in the affordable housing improvement plan and City's strategic plan which includes increase the supply of affordable housing, enhance the homeless to housing continuum, revitalized neighborhoods (College Park and South Park). He stated the programs funded include apartment development loans, housing rehab loans, homeownership second mortgages, grants to nonprofits addressing homelessness, neighborhood revitalization, etc.

Ms. Baldwin questioned if the plan covers offering grants to nonprofits to allow putting people who cannot afford housing into hotels on a temporary basis with Mr. McNamara pointing out that is included in the Emergency Solutions Grant.

Mr. McNamara stated HUD requires two public hearings, one was held December 1, 2015 and tonight's hearing is on the draft plan. There will be a 30 day public comment hearing March 22 through April 22 and hopefully the City Council will adopt a final action plan on May 3, 2016 for delivery to HUD by mid May or 45 days prior to beginning the fiscal year.

Council Member Branch questioned how many comments were received during the 30-day comment period with Mr. McNamara indicating none were directed to the department. He stated however a couple of weeks ago he participated at the South CAC meeting at Roberts Park and there were comments there and they have been incorporated into the draft. He stated South Central CAC turned down their request to be on the agenda. He stated they will accept comments by email, telephone call, whatever. The Mayor opened the hearing.

Octavia Rainey, 1516 East Lane Street, talked about the Analysis of Implement which is a requirement for an action plan. She talked about affordable housing and civil rights, the 1989 Analysis of Impediment as well as the 2007. She stated affordable housing is not a civil rights issue. She stated the analysis talked about citizen involvement and referred to page 190 but that doesn't happen. She stated she sees no where anything about a citizen participation plan and she is concerned about the 10 day and 30 day public notice not being followed. She stated an open house should provide for an educational process, and talked about the 2006 Analysis of Impediments that was developed by James Johnson. She feels we should ask him to come back and update the document and expressed concern that no one connects with the document.

The resident at 1112 Oakwood Avenue pointed out she lives in the redevelopment area and 1112 Oakwood Avenue is the home of her parents. She pointed out the house is old and needs a lot of work, talked about city inspectors visiting the home, citing things and every time they come back there are different things that she has to take care of. She stated she is not aware of the programs that the City will help, the inspectors hasn't told her anything, she looked into Resources for Seniors to try to get help but that is not working. The speaker was referred to Shawn McNamara.

Judith Lewis, 1111 South Person Street, talked about mental health and substance abuse and pointed out a lot of the HUD programs are for housing and substance abuse. She talked about housing for the homeless and pointed out every year the Raleigh Housing Authority gives out over a 1,000 Section 8 certificates but only about 100 homes were found. She questioned why the City of Raleigh could not take the money and do more affordable housing. She talked about people who work and are living in houses that landlords will not take care of. She talked about taking some of this money and the City of Raleigh do the projects. She asked the Council to look into this situation and help these people who have nowhere to live or cannot get their property fixed.

Laura Gaines, a high school student in Raleigh, talked about the Alliance for Climate Education which is a group that amplifies her voice in a fight against environmental degradation and climate injustice. She stated there were other high school Action Fellows who are with her and pointed out they represent a network of 1,000 of high school students from across the state who care passionately about climate justice and working together to advocate for climate solutions needed. She talked about her passion for protecting the world, the health of our forest, coast, rivers, etc. She stated as Raleigh develops and grows, it is crucial that we adopt environmental responsible practices that advance the health of the citizens and increase the wealth of those who have the least. She stated Raleigh is a wonderful place to live, its growing fast but this growth has not benefited everyone. In fact it has made things worse for people who are already struggling to make ends meet pointing out the poverty rate has increased 5% during that period

and now approximately 16.5 percent of Raleigh's residents live below the poverty level. She stated the revitalization of our city should benefit rather than displace families. The growth and development being experienced in Raleigh represents an opportunity to consider a problem that threatens our planet. She stated climate change driven by relentless consumption of fossil fuels threatens our coastal communities with rising sea levels, jeopardizes the security of our agricultural systems and destabilizes global weather patterns. She stated we have the opportunity to work against climate change while promoting the welfare of Raleigh citizens and she is before the Council today to urge the City to create a comprehensive development plan that prioritizes energy efficiency and renewal energy while we are rejecting the expansion of natural gas and any other fossil fuel infrastructure. She stated building new energy efficiency homes and retrofitting old homes can generate good green jobs for people who need them most. At the same time we would be using fewer fossil fuels for heating and cooling which lowers energy costs and reduces our carbon footprint. No one else asked to be heard thus the hearing was closed and the comments referred to the Housing and Neighborhoods Department for consideration of inclusion in the application.

ANNEXATION – MAGNOLIA GROVE APARTMENTS AND CARDINAL GIBBONS HIGH SCHOOL – HEARINGS – ORDINANCES AND RESOLUTION ADOPTED

This was a hearing to consider the following petitioned annexations:

LOCATION	ELECTORAL DISTRICT
Magnolia Grove Apartments	B
Cardinal Gibbons High School	D

Recommendation: Following the hearing, the Council may take action to annex the properties effective April 5, 2016 and adopt a resolution placing the properties in the appropriate electoral districts.

The Mayor opened the hearing, no one else asked to be heard thus the hearings were closed. Ms. Baldwin moved adoption of ordinances annexing the properties effective April 5, 2016 and adopting a resolution placing the properties in the appropriate electoral districts. Her motion was seconded by Mr. Branch 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. See Ordinances 570 and 571 and Resolution 286.

REZONING Z-34-13 – HILLSBOROUGH STREET – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This was a hearing to consider a request by Kamal and Nargis Toma to rezone approximately 6.4 acres from Residential-4 and Residential-10 (R-4 & R-10) to Residential-10 – Conditional Use (R-10-CU).

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

Planner Doug Hill presented the case explaining a valid statutory protest petition has been filed on this case pointing out the case was in this system before the legislative activity relating to VSPP petitions occurred. He presented a map showing the location of the property, aerial views, views from different locations along Hillsborough Street, photographs showing surrounding development including single family units on the east and west of the area in question, talked about the property being primarily wooded, presented information on the topo/drainage, Future Land Use Map, Urban Form Map and proposed conditions which relate to limitation on peak stormwater runoff and transit stop easements. He explained what would be allowed under the existing and proposed zoning pointing out the Comprehensive Plan analysis outlined several consistencies but no inconsistent policies, outstanding issues relating to the fact that the site does not meet UDO maximum block perimeter standards and the sewer and fire flow matters may need to be addressed upon development.

Planner Hill pointed out there is stream across the property and talked about the stormwater concerns that have been voiced by the neighbors and also the fact that the stream limits the building placement.

Planner Hill went over the Planning Commission's recommendation for approval on a 7-0 vote as they felt the proposal is consistent with the Future Land Use Map, Urban Form Map and pertinent policies of the Comprehensive Plan, is reasonable and in the public interest and the conditions exceed code in addressing stormwater runoff and support transit use on Hillsborough Street. The Planning Commission recommendation indicates the proposal is compatible with surrounding area, building type, height caps are compatible to those of adjoining properties and onsite stream course and tree conservation areas will serve to buffer neighboring low density parcel from site development. He pointed out the West CAC reviewed the case but deferred the vote a neighborhood meeting was held on January 27, 2016 and subsequently requested changes which would alter the tally. At the January 22, meeting, there were 7 yeses, one no and one abstaining with the later tally being 2 yeses, 4 noes and 3 abstaining. The Mayor opened the hearing to the public.

Nichole Toma made the following statement:

> I am here on behalf of my father and grandparents who have owned the property for more than 30 years. The front portion of the property is currently zoned R-10 and the rear is R-4. Our application is to rezone the rear portion of the property from R-4 to R-10, so that there is consistent zoning of R-10 conditional use throughout the property.
>
> First of all I would like to apologize for our case taking so long to be resolved. We are new to this process and had other individuals representing us at the beginning. I took over in January of this year and am committed to carrying this process out and keeping clear lines of communication with our neighbors now and as we move forward into the site plan approval process.

Secondly, I do want to note that there have been complaints regarding the CAC vote at the neighborhood meeting we had in January. Unfortunately, after all of the neighbors heard the planning board postpone their vote until after the CAC meeting, none of our neighbors attended the CAC meeting. The CAC elected to defer to the neighbors and the CAC chairs attended our neighborhood meeting the following week and held a vote. I had already sent out the letters prior to the CAC meeting and so I did not know to note that there would be a vote at the meeting. The meeting was very helpful in understanding our neighbors concerns and discussing ways we could collectively achieve a solution. We committed to another neighborhood meeting and revisiting the CAC during the site plan approval process.

Thirdly, Stormwater runoff – the neighborhood adjacent to the property on the west and south side has serious flooding issues not caused by our property during any rain event. After meeting with them in January and although their issues are arising from far more than the water funning off from our property we decided that we would revise our application to conditional use with one of the conditions being to design for the 25 year flood even going above the state mandate of designing for the 2 and 10 year flood events. Based on discussions with our stormwater engineer, this will not only ensure that we do not worsen the current conditions but will actually assist in slowing down the water that is coming from the other side of Hillsborough Street through our property therefore improving the neighborhood's current conditions I would also like to note that there have been discussions of us not cleaning out the stream on our property; it is in the Neuse River Riparian Buffer, it was our understanding that we could not do so.

Fourth in response to the Planning Commission's concerns we added a second condition committing to providing a transit easement on Hillsborough Street.

Finally – The neighbors have addressed concerns about the view from their houses being disturbed. The majority of our property adjacent to the neighborhood will be undisturbed as there is a 50' Neuse River Riparian Buffer which goes from approximately the northwest corner of the property to the middle of the Anderson's lot in the south eastern portion of our property. The remainder of the southeast portion of the property will likely be the location of the retention pond as it is the lowest portion of the lot.

This will leave a large buffer between any development and our neighbors to the south and west.

In conclusion, we feel that this rezoning is consistent with the City of Raleigh's Comprehensive Plan and Future Land Use Map and will be beneficial to our community and may improve some of our neighbors flooding problems concerns. Thank you for your time. I'd be happy to answer any question s at this time.

The resident at 9105 Fawn Hill Court, talked about the Wolf Creek Apartments, the fact that the property is well kept and benefits the area. He stated he feels the proposed use would help clean up the activities and provide benefit to the neighborhood.

No one else asked to be heard thus the hearing was closed.

Ms. Crowder pointed out this case has been going on since 2013. She stated she drove out, looked at the property and feels the R-10 at the front makes sense but she does not feel that R-10 on the whole property makes sense as it would be adding a lot more density and it would not help the existing flooding situation.

Brief discussion took place relative to the location of the creek and where flooding is occurring.

Mr. Thompson indicated he is very familiar with this area as his office is in the general vicinity. It is a water challenged site and he agrees with Ms. Crowder about the concern of making the entire site R-10. He stated it is a very sloped site. The Council talked about the topography with it being pointed out the applicant indicated about the bottom back third of the property is restricted because of the stream. Mr. Hill talked about the development would be on the front of the site and what could go on the back such as ancillary uses such as parking, landscaping, etc. After brief discussion on how to proceed, the Council agreed that the case should be referred to the Growth and Natural Resources Committee.

REZONING Z-39-15 – TRAILWOOD DRIVE – HEARING – CLOSED – ITEM TO BE PLACED ON APRIL 19 MEETING TO CONSIDER ADDITIONAL CONDITIONS

This was a hearing to consider a request by Addie B. Clark, Grady Langston, Erica D. Langston, and Dartmouth Associates to rezone approximately 5.61 acres from Residential-6 with Special Highway Overlay District-1 and Special Residential Parking Overlay (R-6 w/SHOD-1 & SRPOD) to Residential Mixed Use – 4 stories – Conditional Use with Special Highway Overlay District-1 and Special Residential Parking Overlay (RX-4-CU w/SHOD-1 & SRPOD).

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

Planner Doug Hill indicated this item was discussed in the Growth and Natural Resources Committee and when the public hearing was scheduled it was pointed out that there could be some amended conditions to be presented after the public hearing is closed. Mr. Hill presented the request showing the adopted zoning map, aerial view of the property which is mostly wooded, site view from Trailwood Drive from various locations frontage on I-40, surrounding apartment development, topography, I-40 bridge retrofit and the proposed conditions which includes a maximum of 14 dwelling units per acre, site development restricted to residential uses and transit easements. He presented information on what would be allowed under existing versus proposed zoning, the Future Land Use Map, Urban Form Map and the Comprehensive Plan Analysis which indicated no inconsistent polices. He stated the outstanding issues relate to existing block perimeter which exceeds the UDO standards and sewer and fire flow matters may need to be addressed upon redevelopment.

Planner Hill indicated the Planning Commission recommends approval on a 7-3 vote as the felt the proposal is consistent with the Future Land Use Map and applicable policies of the Comprehensive Plan; proposed rezoning is reasonable and in the public interest; transit services are available, sidewalk, while not continuous to the north or east, exist to the west along Trailwood Drive and are being constructed along Trailwood Drive on the south. The opportunity for cross access is limited due to existing grade and transition yards. He stated the Planning Commission felt the proposal is compatible with the surrounding area, heights could provide a transition between 3 story apartments to the west and potential 5-story development to the east on Centennial Campus. He stated the West CAC opposes the proposal on a 0-27 vote which occurred on November 17, 2015. On January 19, 2016, 22 people opposed the development with 0 in favor.

The Mayor opened the hearing.

Attorney Lacy Reeves, 150 Fayetteville Street, indicated the landscape architect and planner are present to answer questions. He stated this case has had a lot of dialogue and has evolved as it moved through the process. He stated after the discussions at the Growth and Natural Resources Committee they had explained that once the public hearing is closed, they will be making changes to the case therefore at the end of this hearing he will be asking the Council to defer action and allow the case to be addressed on April 19. He stated they plan to submit revised conditions which will have an RX-3 base zoning, parkway frontage for the two larger parcels. He stated however the third parcel or smaller parcel is only 6/10 of an acre and it has SHOD on the south side and is already notched by the right-of-way. He stated the request probably will be to approve the case on the two larger parcels with the new conditions and removal or denying the rezoning on the 6/10 of an acre parcel. He stated the new conditions will speak to limiting development to 10 units per acre, will propose a number of different types of building materials to be prohibited, provide that only one half of the dwelling units would be four bedrooms, dedicate transit easement on Trailwood and build a transit shelter. He stated he feels this will address the concerns brought forth by the neighbors and the CAC.

Ms. Crowder pointed out the neighbors along Trailwood Drive appreciated the approach in trying to find a way to make the project work for everyone.

Tom Kwak, 1333 Trailwood Drive, representing the Trailwood Community especially the residents to the north of the proposed development, stated some of the neighbors are in the audience. He stated they were opposed to the RX-5 and RX-4 and have somewhat come to an agreement about the case as outlined by Attorney Reeves. He applauded the Council in their efforts to direct student housing to be close to the campus as it is understood this development will be marketing toward students. He stated it is hard to say they support the case until they see the conditions in writing. He stated he feels they would drop the opposition if the conditions as outlined by Attorney Reeves are offered.

No one else asked to be heard, thus the hearing was closed.

Attorney Reeves indicated they will prepare the new conditions and will be in contact with the neighborhood and give them an opportunity to review all of the documents. He stated if there is still controversy they could ask for another two week delay. It was agreed that this would be a special item on the April 19, 2016 Council Agenda.

REZONING Z-41-15 – HILLSBOROUGH STREET – HEARING – TO BE PLACED ON APRIL 19 AGENDA

This was a hearing to consider a request by Rosemary Development, LLC to rezone approximately 3.22 acres from Commercial Mixed Use – 3 stories with Special Residential Parking Overlay District and Commercial Mixed Use – 3 stories – Urban General with Special Residential Parking Overlay District (CX-3 w/SRPOD & CX-3-UG w/SRPOD) to Neighborhood Mixed Use – 4 Stories – Urban Limited – Conditional Use with Special Residential Parking Overlay District (NX-4-UL-CU w/SRPOD).

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

Planner Doug Hill presented the case and explained part of his PowerPoint include slides of the pre UDO zoning. He presented information on the adopted zoning map, aerial view of the area, views of the site from various locations from Hillsborough Street, Concord Street and ME Valentine Way, etc. Planner Hill went over the 14 proposed conditions pointing out the newest condition #14 speaks of improvements and public access to space on Rosemary Street being specified. He went over what uses would be allowed under the existing and proposed zoning. He went over the Future Land Use Map, Urban Form Map and the Comprehensive Plan analysis which indicated numerous policies the case is consistent with and inconsistent polices. He stated outstanding issues relate to sewer and fire flow matters that may need to be addressed upon development and potential loss of historic resource.

Planner Hill pointed out the Planning Commission recommends approval on an 8-0 vote indicating the proposal is consistent with the Future Land Use Map, Urban Form Map and most of the pertinent policies of the Comprehensive Plan; is reasonable and in the public interest – the proposal would permit predominantly – residential, mixed-use development in close proximity to the NCSU Campus on a main street/transit emphasis corridor. The proposal is compatible with the surrounding area and conditions help mitigate potential impacts on the adjacent neighborhood and promote pedestrian oriented uses. He stated the West CAC voted to oppose the proposal by 3 yes votes and 22 no votes on December 8, 2015. On January 26, 2016 they voted to oppose the proposal by 10 “yes” – 15 “no” vote.

Mayor McFarlane asked about the historic designation of the building with it being pointed out it is on the National Register. The district is very large and this is on the southeast edge and there would be tax credits for rehab. Ms. Crowder pointed out she loves the building and wishes something else could happen instead of what is being proposed.

The Mayor opened the hearing.

Attorney Lacy Reeves, 150 Fayetteville Street, indicated Blaire Sweeney and several members of the development team are present. He stated this proposal has undergone a number of changes as it has gone through the process. He stated about a year ago the current owner made the decision to make the property available for redevelopment and got a lot of interest. He stated the changes that have come about as the case was in process are reflected in the conditions. He talked about the proposal for a mixed use development and elements for student oriented development next to NCSU. He stated this property is almost on top of the University and they are proposing NX-4 and talked about reducing the potential density to NX instead of CX but asking for an additional story in height. He talked about Stanhope mixed use 4 story development which is adjacent to this property and is completely leased including the retail on the bottom floor. He talked about the height being limited to three-stories adjacent to Rosemary Street, how this development would provide a transition from rapidly developing portion southwest of Hillsborough, how the conditions have been revised to include parking being completely internal and being completely wrapped by active uses on the first floor, the number of uses that would be prohibited including drive-thru, bars, lounges, etc. He talked about the orientation of the building, prohibiting certain building materials requiring articulated façade on Hillsborough Street, providing transit easement and willingness to build a transit shelter if requested by staff. He talked about the prohibited locations of retail, prohibiting window openings towards the Stanhope Community. location of swimming pool, requirement that the tractor sign to be retained and pointed out it is consistent with the Future Land Use Map and the Urban Form Map.

Ms. Crowder questioned if the Council did not specify a certain number or limit the number of 4 bedroom units with Planner Sweeney indicating that was never requested but they would be open to considering doing so. Right now it is caped at 51% as it relates to 4 bedroom units. Mr. Stephenson talked about the time and attention given to the neighborhood, committing to building height and non residential uses on the ground floor. Mr. Stephenson pointed out if we start talking about the number of bedrooms we also need to talk about non residential use on the ground floor with Attorney Reeves indicating they are prepared to make those commitments. Discussion took place on the mix of 4/3 stories with attorney providing illustrations, the transition, conditions that have been offered, how certain terms are described, wrapping of the parking deck on the first floor, UDO requirements, etc. Attorney Reeves indicated there were conversations at the previous meeting when this case was delayed, the time it took to get through the CAC process and the fact that they are approaching a very serious timing problem as it relates to the contract on the property.

Donna Bailey, Wade CAC Chairs, indicated they had taken two votes on this case and both votes were in opposition to the case. She stated the applicant came back with the proposal for the 3-4 stories but pointed out the CAC continues to oppose the case and talked about Hillsborough Street being flooded with student housing projects. She talked about the applicant being very willing to meet with the group and make changes and it was a very positive discussion. This project is more appropriate as it is on the south side of the street than on the north side.

Peggy Seymore, 3125 Stanhope Avenue, expressed appreciation to the applicant who had spent a lot of time meeting with the group. She stated however she asked a month and a half ago for dimensions and asked for different heights on Concord. She questioned where the three story heights would be, asked about sidewalks, locations, the hope to get the same thing that was awarded in the Capestone/Stanhope project, asked about more offset for the neighbors across the street, asked the Council to look at the southwest corner and submitted for the file, email correspondence relative to the case.

No one else asked to be heard, thus the hearing was closed.

Discussion took place relative to the setback on Rosemary, location of sidewalks, street tree plantings, how far the building is behind the right-of-way, the height of the building in various locations, the location of the parking deck and the entrance and exists and Ms. Seymore's comments. Mr. Sweeney talked about the slope of the property, roof line, topography in general, height from various locations, etc. Mr. Thompson indicated the developer has been very generous with the time and gone out of the way to meet with the neighborhood and try to address the concerns. He moved approval of the rezoning. His motion was seconded by Mayor McFarlane.

Mr. Stephenson asked about the commitment to limiting the four bedroom units with Attorney Reaves talking about what commitments they have made so far and pointed out no one has communicated a request to limit the number of four bedroom units or a minimum amount of retail. He stated the number of 4 bedroom units was discussed but no one asked for a condition. The time limitation on the contract and the fact that the applicant has addressed all concerns brought to them was discussed with Mr. Thompson pointing out he does not feel it is fair to the applicant to bring requests for conditions at the 11th hour. Mr. Stephenson and Ms. Crowder stated they were under the impression there was to be a commitment to a cap on the number of four bedroom units. Whether it is too late to add conditions, if the 51% condition would work, and how to proceed from this point as it relates to the time already spent and the purchase contract as well as the fact that presubmittal meetings have been scheduled.

Mr. Gaylord stated he thought the issues had been resolved, what retail actually means, the concern that is not defined in the condition, the commitment to Urban Limited Frontage. Mr. Sweeney and Attorney Reeves indicated they would defer for two weeks if that would make every one more comfortable. They stated this is the first time they have heard some of these requests. Ms. Baldwin indicated she was ready to move forward and the motion to approve the rezoning was put to a vote with results as follows: Ayes - 5 (McFarlane, Baldwin, Branch, Gaylord, Thompson; Noes - 3 (Crowder, Stephenson, Cox). The Mayor ruled the motion adopted on a 5-3 vote with it being pointed out the item would have to come back for a second reading at the next meeting as the ordinance received only 5 votes.

Discussion took place as to how to proceed with Mr. Gaylord moving to reconsider the previous vote. His motion was seconded by Mayor McFarlane and put to a vote which resulted in all members voting in the affirmative except Ms. Crowder who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

Mr. Thompson moved approval of the case. His motion was seconded by Ms. Baldwin and put to a vote with results as follows: Ayes – 5 (McFarlane, Baldwin, Branch, Gaylord, Thompson); Noes – 3 (Stephenson, Crowder, Cox). The Mayor ruled the motion adopted on a 5-3 vote with City Attorney McCormick pointing out the item would appear under special items at the 4-19-16 meeting for a second reading.

Ms. Baldwin indicated she nor Mr. Branch would be at the next meeting. How to proceed from this point was discussed. Mr. Branch moved that the Council reconsider the previous action close the hearing and defer the vote to the 4-19-16 meeting. His 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.

The hearing is closed but the Council would defer the vote on the case until the next Council meeting and the applicant would have time to file revised conditions.

REZONING Z-46-15 – WEST LENOIR STREET – HEARING – ORDINANCE ADOPTED

This was a hearing to consider a request by Silverplate Properties, LLC to rezone approximately 3.7 acres from Residential Mixed Use – 3 stories (RX-3) to Industrial Mixed Use – 4 stories, with Parking Limited frontage and Conditions (IX-4-UL-CU).

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

Planner Doug Hill presented the case providing information on the adopted zoning map, aerial views of the area and surrounding area, views from various surrounding streets and the proposed conditions which prohibit a number of uses and establishes additional requirements for otherwise permitted uses, establishes a maximum FAR for any multi unit living residential use to 30 units per acre, establishes maximum FAR for medical uses and office uses. He outlined proposed prohibited uses which include group living, social services, public and institutional usages, major utilities, daycare, telecommunication towers, passenger terminals, funeral homes and parlors, detention centers, jails, prisons, self storage, bars, night clubs, taverns or bars. The permitted uses would allow for restaurants, food trucks, retail sales, light industrial and manufacturing research and development and/or schools. He went over the uses, setback, etc, allowed under existing zoning versus proposed zoning. He went over the Future Land Use Map, Urban Form Map and the Downtown West Gateway Plan. He explained the Comprehensive Plan analysis which includes inconsistent policies, LU1.2 and 1.3 and AP-DWG1. Outstanding issues relate to a number of conditions needing revising to conform with UDO terms and definitions and to address staff and community concerns and sewer and fire flow capacities that may need to be addressed upon development. He stated the Planning commission recommends approval on an 8-0 vote as the proposal though inconsistent with the Future Land Use Map is consistent with pertinent policies of the Comprehensive Plan, is reasonable and in the public interest and would allow for the development of a mix of uses consistent with the Downtown West Gateway Plan

and the Saunders North Area Redevelopment Plan, is compatible with the surrounding areas. Conditions provide a range of measures to mitigate impacts on adjacent and surrounding usage including limits on usage, noise and development intensity. The Central CAC voted to support the proposal on an 18-0 vote.

Mr. Thompson questioned if gas sales are prohibited with Mr. Hill indicating that was correct. Mr. Branch asked the definition of light industrial with Planner Hill responding that it included things such as fabrication, welding, assemblage of manufactured items, etc.

The Mayor opened the hearing to the public.

Attorney Ben Kuhn, 3940 Plaza Place, representing James Goodnight and Silverplate properties explained the building has been used for some type automotive purposes over the past 65 years. He stated the plan is to preserve and rehabilitate the building; however the existing RX zoning would not allow for that. He stated there is no use designated right now, the existing tenant can remain. He stated they went to the CAC in January and there was a good debate. There was a neighborhood meeting with only one attendee. The CAC voted on a 12-0 to approve the request. He stated there were questions about bars, and the hours of operation with it being pointed out the conditions would prohibit bars and restaurant could not stay open past 2:00 a.m. He talked about the area in general, the surrounding zoning and the transition that this would provide. No one else asked to be heard thus the hearing was closed.

Ms. Baldwin moved approval of the application as submitted. 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 Ordinance 574 ZC 727.

TC-3-16 – GENERAL HISTORIC OVERLAY/STREET SIDE HISTORIC OVERLAY – HEARING – APPROVED

This was a hearing to consider adoption of an ordinance to amend the regulations associated with the General Historic Overlay District and the Street side Historic Overlay District.

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

Tania Tulley presented the case and summarized the ordinance change which include changing "equal to" to "capable with" with regard to height and setbacks, removes review of color from HOD-S; excludes alleyways as rights of ways in HOD-S. It also provides clarification that staff approves COA, appeals are heard by the Raleigh Historic Development Commission; people able to speak to an application will meet the criteria of GS160-A-393 and the appeal time periods would be adjusted to reflect that the decision date is when the meeting minutes are approved. She stated in the Street Side Historic Overlay District the following areas are subject to COA review:

- Public streets rights of way (but not alleys) front 25% of yards

- Front 50% of main buildings
- Side addition; tall additions
- Side yard accessory buildings
- New main buildings

The Mayor questioned the removal of review of color with Planner Tulley pointing out through various meetings with citizens there was concern about the level of detail for review.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of TC-3-16 as presented. Her motion was seconded by Mr. Gaylord 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 573 TC 378.

REZONING Z-2-16 – GLENWOOD BROOKLYN – HEARING – APPROVED – ORDINANCE ADOPTED

This was a hearing to consider a request by the City of Raleigh to rezone approximately 77 acres, which includes multiple properties located within the Glenwood-Brooklyn National Register Historic District, to apply Streetside Historic Overlay District (HOD-S). Base zoning districts will not change.

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

Planner Doug Hill presented the case pointing out this would be the first application of a Historic Overlay District – Street Side since passage of the UDO. He presented a powerpoint which included slides showing the area proposed for Historic Overlay, application of Street Side HOD, explaining base zoning would not change, a history of the application starting with the 2002 Glenwood Brooklyn National Register Historic District designation. He pointed out this includes some 77 acres and 280+ properties and provided information on the base zoning, the application of Street Side HOD, Comprehensive Plan analysis which indicated no inconsistent policies and no outstanding issue. He pointed out the Planning Commission recommends approval on a 9-0 vote as they felt the proposal is consistent with the Future Land Use Map, Urban Form Map and applicable policies of the Comprehensive Plan, is reasonable and in the public interest, will protect the historic character of one of Raleigh's earliest street car suburbs without impacting land uses permitted in base zoning districts and the Historic Overlay District is not expanded so there is no increase in development density or intensity and will require a design review and a COA for proposed changes to applicable exterior areas of the property. The Five Point CAC voted 23 to 3 in support of the proposal. The Mayor opened the hearing.

Bob Fessmeier, 1502 Filmore Street, asked that those in support of the proposal stand and approximately 10 persons stood. He stated they have done everything they were asked to do to present this application, talked about the level of support and asked that the Council adhere to the bodies of experts who have developed the proposal and boundaries and asked for approval

tonight and to also make it clear that rules for projects begun between approval and what rules apply.

Don Davis, 603 South Boylan, Vice-Chair of RCAC pointed out that group supports this proposal. The boundaries are clear, they are based on the National Register Districts and asked the Council to move forward and support the application.

Attorney Andy Petesch presented Council with a packet of information relative to the Glenwood Brooklyn deferred items/neighborhood. He stated he has worked very closely with 8 of the 9 properties in the area along St. Mary' Street explained these properties were not a part of the remapping discussion but the consultant used the National Register boundaries for the Glenwood Brooklyn Overlay District. He stated the Council discussion during the UDO did not include these properties but they are included in the proposed Overlay District. He stated it is felt if they are included it would result in a down zoning of the property. He explained what can currently occur such as 3 stories or 50 feet of height but under the Overlay it would cause the loss of probably one story or more and that would eliminate up to a 1/3 of the developable space. He asked the Council to redraw the lines and leave these properties out of the Overlay. He stated the properties would still have tax credits available but including them in the Overlay would restrict their development. He asked that they be excluded.

A representative Cyrus Holdings indicated they own property at 614 West Peace Street. He explained he has a problem with the inconsistency of the line. He stated he is in support of the concept but suggested that the line include either all of West Peace Street or none of West Peace Street. He talked about the houses that have businesses and the current uses and the two story house that is the home of a business.

James Johnson, 1021 Harvey Street, stated he owns apartments at 609, 611, 613 and 615 Hinsdale Street. They are investment income producing properties. He stated he has no plans for the properties other than what they are presently used for but suggested moving the boundary of the Historic Overlay District to the north side of Hinsdale Street along the Partnership Elementary School and on the west side of the North Boylan between Hinsdale and Peace Street. It would thereby exclude this block which was never zoned Special R-30, the properties are currently zoned RX-3 and asked that the Street Side Historic Overlay not be applied to that property. The owner of the property at 718 St. Mary's Street asked what the value is in having the Peace Street properties included. They stated they were not involved with the Glenwood Brooklyn Neighborhood and they feel the proposed overlay would devalue their property.

Joe Edwards stated his office is at 716 St. Mary's Street. This is not a part of the neighborhood and they oppose being included.

Philip Poe, 620 Devereux Street, talked about the history of the proposal pointing out the neighborhood is being confronted with tear downs that will alter the character of the neighborhood. They did their homework and found out that some 98% of the people wanted to preserve the historic character. They could not get an NCOD so they applied for the HOD Street Side. He talked about the National Register designation, the number of buildings that are

contributing properties, how the R-30 has worked well and how the proposal is simply to try to protect and preserve the historic resources within the area. He stated if this Overlay is applied it would not affect demolition other than have a required waiting period. He talked about the number of the buildings that are contributing buildings and talked about discussions with Linda Edmiston, who provided advice and direction and helped with protecting the historic resources.

Attorney Tom Worth indicated his client, Filmore Street Cottage Court (SR-8-16) is in the process and asked that whatever decision is made, not have an adverse impact on the site plans in process.

The Mayor closed the hearing.

Discussion followed on the fact that the Overlay would not have an impact on the underlining zoning or use but would affect the front part of buildings or properties as they would be subject to RHDC review. It was pointed out that tax credits would still be available as the National Register is a Federal program and applications can be made. Lengthy discussion followed as to the impact of the properties along St. Mary's Street, the fact that only the front part of the building would be impacted, setbacks that would guild or determine the impacts, when the property would require a COA, the 365 day waiting period before demolition additions that can be made, what is considered the front and the back of the building, what prompted the nine properties to be included in this proposal and what constitutes down zoning. Whether the properties along St. Mary's have always been included in the National Register whether that part of St. Mary's Street is part of the Glenwood Brooklyn Historic boundaries, whether there are any official boundaries of that neighborhood with various Council members expressing concern that if the overlay is applied it may be a down zoning and would impact the property rights. Mr. Thompson moved approval of the HOD-S as applied for with the exception of the nine properties on St. Mary's Street and the vacant lot on Brooklyn. The motion was put to a vote which resulted in Mr. Gaylord, Mr. Thompson, and Ms. Baldwin voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated on a 3-5 vote.

Mr. Stephenson moved approval of the Planning Commission's recommendation. His motion was seconded by Ms. Crowder and put to a vote with all Council members voting in the affirmative except Mr. Thompson and Ms. Baldwin who voted in the negative. The Mayor ruled the motion adopted on a 6-2 vote. In response to questioning from Planner Tally, City Attorney McCormick indicated the Ordinance would be effective immediately unless stated otherwise. No different date was mentioned. See Ordinance 573 TC 378.

It was pointed out that adoption of this ordinance/recommendation would not have any impact whatsoever on Filmore Street Cottage Court or any other plans in process.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 10:15 p.m.

Gail G. Smith
City Clerk

jt/CC04-05-16