COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, May 3, 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 Kay C. Crowder, Mayor Pro Tem
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order and in the absence of the scheduled minister, asked every one to take a moment of reflection. The Pledge of Allegiance was led by Council Member Thompson.

The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATE OF APPOINTMENT – MARION DEERHAKE - PRESENTED

Mayor McFarlane explained the Certificate of Appointment process and presented a Certificate to Marion Deerhake who was recently appointed to the Stormwater Management Advisory Committee.

PROCLAMATION – NATIONAL HISTORIC PRESERVATION MONTH – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming May 2016 as National Historic Preservation Month in the City of Raleigh. The Proclamation was accepted by Sara David, Chair of the Raleigh Historic Development Commission. In accepting the proclamation, Ms. David invited everyone to events taking place on May 20 and May 21 in connection with a tour of five historic properties in the City.

ARTSPLOSURE – INFORMATION RECEIVED

Mayor McFarlane introduced Terri Dollar, Cameron Laws and Michael Lowder representing Artsplosure. Ms. Dollar talked about the events scheduled for May 20, May 21 and May 22 which will be on Fayetteville Street, its Cross Streets in Moore Square, talked about the number of events, number of groups performing, various events pointing out they had a record number of

applications to participate in the 2016 Raleigh Arts Festival. Cameron Laws presented the 2016 poster recognized Dianne Dividian as the Honorary Chairperson and listed the major sponsors of the event.

RALEIGH HALL OF FAME – PROPOSED INDUCTEES ANNOUNCED

Meredith McLaurin, Chairperson of the Raleigh Hall of Fame; stated that group was formed in 2005. This year's event will be Monday, October 3, 2016 in the Convention Center.

Genevieve Farmer, Chair of the Selection Committee, presented the 2016 Raleigh Hall of Fame proposed Inductees for 2016.

INDIVIDUAL NOMINEES

Dr. Bill D. Brittain

Thousands of individuals throughout Raleigh and the Carolinas have been touched by Dr. Bill D. Brittain's compassion and caring for displaced youth, adults and families. In 1976 out of an office in Raleigh's Holy Trinity Lutheran Church, Bill began what would become Lutheran Family Services of the Carolinas. When he retired in 2001, Lutheran Family Services was the largest non-profit dedicated to youth and family services in the state with a staff of 450, six counseling centers, 400 foster homes and 50 group homes for adults and children with special needs.

Gov. J. Melville Broughton

The only Raleigh native to be elected governor of the state, Gov. J. Melville Broughton was an instrumental civic and political leader. Several measures were enacted under him as governor which the City of Raleigh and the state still benefit from today. Under his leadership (1941-1945), the state was the first in the country to appropriate funds for a symphony – the North Carolina Symphony. His administration also supported funding for the North Carolina Museum of Art and public libraries. It was also during his time in office that a retirement plan for state employees and teachers was created.

Jill Staton Bullard

Jill Staton Bullard, as co-founder of the Inter-Faith Food Shuttle (IFFS), has been a champion for ending hunger in Raleigh and surrounding counties for over 25 years. Throughout the years, Jill has worked to provide not just fresh and nutritious food but the tools to end food insecurities through education. IFFS provides education programs on careers in food service, urban gardening and nutritious meal preparation to further reduce hunger. Through her never-ending desire to erase hunger in our community, hard work and collaboration with others, IFFS is a leader and example for others across the country in addressing food insecurity.

Mary Josephine Conrad Cresimore

For close to fifty years, Mary Josephine Conrad Cresimore (Jo) has contributed to the City of Raleigh as a volunteer, leader and fundraiser for many local organizations. A supporter of the arts and humanities, Jo with others convinced the Raleigh City Council to establish the Raleigh Arts Commission (the first such commission in the state) dedicated to enhancing the city through art. Her commitment to the arts and humanities led to an appointment by President Ronald Reagan to the National Council on the Humanities bringing national recognition to the City of Oaks.

Anne McLaurin

In 1976, Anne McLaurin accepted a position with Wake Health Services as a physician. This would begin her many years of service to the City of Raleigh not only as a professional but as a volunteer and promoter for healthcare, children, affordable housing and community involvement. For the past forty years, Anne McLaurin has strived to make Raleigh a better place whether it was in the public eye as a Wake County School Board member, a doctor or quietly as a friend to someone in need.

Dr. J. C. Raulston

Dr. J. C. Raulston encouraged his students, colleagues and friends to "plan and plant for a better world." He did just that himself when he founded an arboretum in 1976 as a faculty member of NC State University's Department of Horticulture Science. The arboretum, celebrating its 40th anniversary this year, is visited by over 100,000 people yearly and is a vital part of the Raleigh community.

O. Temple Sloan, Jr.

In 1961, O. Temple Sloan decided to relocate his business, General Parts Warehouse, to Raleigh from Sanford. With this move he would provide thousands of jobs to area residents for several decades. During this time he created CarQuest Auto Parts, an auto parts supplier acquired by Advance Auto Parts, Inc. in 2014, and co-founded Highwoods Property where he serves as Chairman of the Board of Directors. Temple has also supported the youth and families of Raleigh through his
involvement with the Capital Area YMCA and area Boy Scouts.

Cliffornia Wimberly

An educator and activist, Cliffornia Wimberly helped shape the current Wake County Public School System into the successful and nationally recognized system it is today through her leadership and dedication to education and the community. She was vital to the success of integrating the city schools, merging the city and county systems and bringing the magnet program to Wake County. As a member of the national organization, Panel of American Women, she travelled across the country to help ease tensions due to cultural differences.

ORGANIZATIONS

Boys and Girls Clubs

Fifty years ago in downtown Raleigh, a group of citizens gathered to incorporate the Boys Club of Wake County, Inc. From the first day of operation, the club welcomed all boys regardless of race and has provided a safe, positive and inclusive place for children ages six to 18 to go to after school and during school breaks. In 1988 the club opened a center for girls, becoming the Boys and Girls Clubs of Wake County. Today, the clubs welcome 5,000 boys and girls annually to its five centers in Raleigh and one each in Zebulon and Wake Forest.

Triangle Family Services, Inc.

For over seventy-seven years, Triangle Family Services (TFS) has been fulfilling its mission, "Building a stronger community by strengthening the family." TFS has impacted thousands since 1937 throughout the Raleigh community by providing family safety, financial stability and mental health services. In 2014, over five thousand individuals and families benefited from TFS. By continuing to provide such services regardless of economic challenges, TFS has contributed to the health and wellbeing of Raleigh.

CENTENNIAL

Dr. Calvin Jones 1775-1846

Calvin Jones was the first physician in the state to inoculate people against smallpox. He established the North Carolina Medical Society and was highly regarded for his work in ophthalmology. Beyond his medical career, he provided leadership in both the political and military arena, serving as Raleigh's mayor in 1803 and as a representative in the House of Commons in 1807. As the state's chief military officer during the War of 1812, he led the efforts that kept the British war fleet from invading the North Carolina coast.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE – PLM FAMILIES TOGETHER - RECEIVED

Lisa Rowe, families together presented Council members with a packet of information outlining information about their mission which includes helping strengthen the community by helping address urgent housing needs of families. She talked about the number of children in Wake County who will experience homelessness this year. .She stated the grant they received from the City helps meet that need. They help provide emergency, short term housing which allow families stay together, help them find housing and work to create a community wide system of care to help end homelessness. In the past seven years they have assisted 413 families. Their

goal this year is to assist 90 families find stable housing. She expressed appreciation for the grant they receive and for the Council work on the issue of affordable housing.

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 Ms. Baldwin, Mr. Branch, Mr. Thompson, Mr. Stephenson and Mr. Gaylord to remove the item Joint Venture Rental Program – Developer Recommendations, a request from Ms. Baldwin and Mr. Thompson to remove the Stone's Warehouse Project – change of contractor and a request from Ms. Baldwin to remove the item relating to Hillsborough Street Phase II Revitalization project. Without objection, those items were withdrawn from the consent agenda. Ms. Baldwin moved approval of the consent agenda as amended. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the Consent Agenda were as follows.

BOND FUNDING RECOMMENDATIONS – VARIOUS ACTION APPROVED

In late 2015, the Housing and Neighborhoods Department issued a Request for Proposals to provide gap financing for developers applying for tax credits for affordable housing. In response, the City received two proposals for existing developments that are applying for four-percent tax credits and tax-exempt bond volume. Both proposals involve the purchase and rehabilitation of existing developments in order to extend the useful life of the properties as affordable housing resources. The developers propose to submit a four-percent bond application to the North Carolina Housing Finance Agency (NCHFA) on May 13, 2016.

DHIC is requesting $2,800,000 in City bond proceeds for the acquisition and rehabilitation of the 298-unit Capital Towers development for low-income elderly individuals or couples. The proposal would benefit 125 elderly individuals or couples earning less than 50 percent Area Median Income (AMI) and 173 individuals or couples earning less than 60 percent AMI. The project would preserve 120 efficiencies and 178 one-bedroom units. The site is located in the North Hills area where there is little existing affordable housing.

Steel Properties is requesting $1,100,000 in City bond proceeds for the acquisition and rehabilitation of the 229-unit Raleigh North and Millbank Court development for low-income families. Their proposal would benefit 229 individuals or families earning less than 60 percent Area Median Income (AMI). The project would provide 115 two-bedroom units and 114 three-bedroom units.

Both sites are exempt from the Affordable Housing Location Policy; bond proceeds are available for allocation and will be transferred upon confirmation of tax credit awards by NCHFA, anticipated to occur in August 2016

Recommendation: Authorize conditional commitment of gap financing and construction/permanent financing respectively for a total allocation of bond proceeds in the amount of $3,900,000, subject to confirmation of tax credit awards. Authorize staff to proceed with budget transfers as eligible projects are approved. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

BOND REISSUE – LIMITED OBLIGATION – VARIOUS ACTIONS TAKEN; PUBLIC HEARING AUTHORIZED FOR MAY 17, 2016

In 2009, the City issued $47,630,000 in Limited Obligation Bonds (LOB) as a combined refunding of several prior debt issuances related to various projects, including financing the South Street Parking Deck, One Exchange Plaza and certain remote operations and public safety facilities. The 2009 LOBs were issued as variable rate bonds utilizing a self-liquidity program by Citigroup to sell and remarket the bonds whenever necessary. Due to regulatory changes and an evolving variable rate bond market, it is now in the City's best interest to convert from this type of liquidity arrangement to a more traditional third party liquidity facility.

Through a request for proposal process, PNC Bank has been selected to provide a three-year liquidity facility and perform the related remarketing of the City's variable rate bonds. This transaction will reissue the 2009 variable rate LOBs with a corresponding PNC Bank liquidity facility; the transaction will not result in any additional debt burden as it entails only the reissue of existing bonds.

To proceed with the LOBs reissue, it is recommended that a resolution be adopted which:

(1) Makes certain findings and determinations regarding the issuance of not to exceed $31,500,000 Series 2016A LOBs;
(2) Authorizes staff to file an application with the Local Government Commission for approval of the LOBs, related trust agreements and financing arrangements;
(3) Schedules a public hearing on the debt reissue for May 17, 2016 at 1:00 p.m.; and
(4) Directs the City Clerk to publish notice of the public hearing in the News and Observer.

A draft resolution which meets the requirements to proceed was included with the agenda packet.

Recommendation: Adopt the resolution. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Resolution 292.

ANNEXATION PETITIONS – VARIOUS – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARINGS

The agenda presented the following annexations petitions.

AREA NAME AND DISTRICT	PETITIONER	ACRES	PROPOSED USE
Contiguous Petition			
12000 Leesville Road/Leesville Grove (E)	Lance Williams, Jeff Batten, Shirley Batten	6.97	Residential
6701 Fox Road/Foxwood Apartments (B)	Ken Burntam	45.95	Residential

Recommendation: Acknowledge the annexation petitions and direct the City Clerk to check the sufficiency of the petitions pursuant to State statute and if found sufficient, authorize advertisement for public hearing to be held on June 7, 2016. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

URBAN SEARCH AND RESCUE – NC TASK FORCE NUMBER EIGHT GRANT – MANAGER AUTHORIZED TO EXECUTE; BUDGET AMENDMENT APPROVED

The North Carolina Urban Search and Rescue Task Force Eight has been awarded a Homeland Security Grant from the North Carolina Department of Public Safety. Grant funds in the amount of $65,000 will provide training for a swift water rescue class and a boat operator class. There is no required match for this grant. The grant application was administratively approved by the Grants Committee on March 17, 2016.

Recommendation: Authorize the City Manager to execute grant documentation and authorize a budget amendment in the amount of $65,000. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 578 TF 274.

EASEMENT – PLUMMER T. HALL HOUSE/814 OBERLIN ROAD – APPROVED

The Raleigh Historic Development Commission (RHDC) has been tasked with the sale of the Raleigh Historic Landmark Plummer T. Hall House. Capital Area Preservation, Inc. holds historic preservation easements on the house and approximately half of the property. In anticipation of relocation of the structure to the recently recombined property out of the right-of-way, it is necessary to reestablish the easements to encompass the entire property.

Recommendation: Authorize the easements to be executed. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

STORMWATER DRAINAGE PROJECTS – SPRING 2016 CYCLE – APPROVED – BUDGET TRANSFERS AUTHORIZED

As part of the semi-annual project review schedule for the Drainage Assistance Program, the Stormwater Management Advisory Commission recommends the following four petition projects for approval in accordance with the provisions of the Storm Drainage Policy:

Property Petition	Total Cost	City Share	Owner's Share
3412 Astro Court	$65,000	$65,000	N/A
1338/1340 Courtland Drive, 1329 Mordecai Drive	220,000	220,000	N/A
6818 Valley Lake Drive	43,000	38,000	5,000
5009 Wickham Drive	40,500	35,500	5,000
Total Projects Cost	$368,500	$358,500	$10,000

Funding is appropriated in the capital budget.

Recommendation: Authorize the projects to proceed and authorize staff to proceed with budget transfers as authorized projects are awarded. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

GO-PASS CONTRACT – WAKE TECHNICAL COMMUNITY COLLEGE – MANAGER AUTHORIZED TO EXECUTE CONTRACT

GoRaleigh and Wake Technical Community College have agreed to begin a GoPass program. Wake Tech students will be eligible to receive a GoPass and be eligible to ride the transit system fare free.

GoRaleigh has established a park and ride lot near the City limits south of town on Highway 401. This park and ride facility allows commuters to park just outside of Garner and commute into downtown. The City sought and received approval from Wake Technical Community College to utilize their contracted route, 40X Wake Tech Express to serve the park and ride lot. The 40X Wake Tech Express is a fully funded route and is paid for under contract by Wake Technical Community College. In discussions with Wake Technical Community College regarding the GoPass program, they requested a credit for the mileage within the City of Raleigh to the park and ride facility since this portion of the route is being utilized for non-Wake Technical Community College service. The City has tentatively agreed to offer a credit of up to 42.7 percent of the route cost, based on total route miles, of an amount not to exceed $164,107 towards the GoPass program with Wake Technical Community College.

GoRaleigh has an existing fully allocated revenue contract with Wake Tech for the provision of service on the 40X route from GoRaleigh Station to the Wake Tech main south campus on Hwy 401; this is a general public, open door route.

- Wake Tech pays GoRaleigh approximately $350K annually for the 40X route
- Wake Tech students ride the 40X route for free since the college pays the fully allocated cost for the route; Wake Tech students pay full transit fare on all remaining GoRaleigh routes

Wake Tech GoPass Proposal

- Wake Tech has expressed interest in participating in the GoPass program; North Carolina State University, Meredith College, Saint Augustine's University, and Shaw University all have existing or pending contracts
- Due to budget constraints Wake Tech has not been able to negotiate a GoPass contract for Wake Tech students on GoRaleigh routes outside of 40X
- GoRaleigh has a park and ride lot near Garner; general public riders use this service to connect to destinations in Downtown Raleigh and beyond
- GoRaleigh depends on the 40X route to provide service to the southern park and ride in close proximity to Garner
- GoRaleigh has offered to provide Wake Tech a GoPass credit for the portion of the 40X route wholly serving Raleigh, the mileage split within the City of Raleigh represents 42.7 percent of the 40X route

Wake Tech Route 40X

- Under the proposed arrangement, Wake Tech will not pay for GoPass ridership in any contract fiscal year unless their total GoPass expenditures exceed $164,107, or 42.7 percent of the cost and mileage of the 40X route.
- Annual credits cannot be rolled from year to year, the annual credit of $164,107, or any portion thereof, must be used in a single fiscal year

Similar Service Arrangements

- GoRaleigh currently shares the cost of the Wake Forest Loop with the Town of Wake Forest; this cost split is based on route mileage per jurisdiction

The Raleigh Transit Authority approved the proposed contract on April 14, 2016.

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed $164,107. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

SOLID WASTE COLLECTION – MULTI-FAMILY AND CITY PROPERTY – CONTRACT WITH WASTE INDUSTRIES APPROVED

The City provides solid waste container collection service to multi-family complexes and to City government sites through a contract with a private hauler. The final extension of the current contract ends June 30, 2016.

Solid Waste Services issued a Request for Proposals (RFP) to provide container collection service to multi-family complexes and City government sites beginning July 1, 2016. The RFP includes cardboard collection and container rental for City facilities. Three haulers attended the mandatory pre-proposal conference:

- Waste Industries
- Republic Services
- Waste Management

Of the three haulers Waste Industries, the current service provider, submitted the only proposal. The proposal contains rates that are significantly below current market rates. The contract is for a term of three years with two one-year options to extend.

Recommendation: Authorize the City Manager to execute a service contract with Waste Industries in an amount not to exceed $140,000 per year. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

JANITORIAL SERVICES – ENVIRONMENTAL SERVICE SYSTEMS LLC AMENDMENT #2 – APPROVED

A service contract was executed August 24, 2015 with Environmental Service Systems, LLC for janitorial services at multiple City facilities. Contract amendment number two includes the reallocation of services at some police and cultural resources facilities throughout the parks system, as well as the addition of services for the new Central Communications Center, located on Westinghouse Boulevard.

Name of Project:	Janitorial Services
Managing Division:	Parks, Recreation, and Cultural Resources – Facilities and Operations
Approval Requested:	Professional services contract
Reason for City Council Review:	Contract >$150,000 (City Council policy)
Original Contract Total:	$3,613,154
Vendor:	Environmental Service Systems, LLC
Prior contract activity:	$40,525 - Amendment number one
Amount of this amendment:	$139,369 - Amendment number two
Reason for this amendment:	Reduction and addition of janitorial services at various city facilities
Anticipated future amendments:	Amendments may occur as locations are added or removed from the contract.
Budget transfer required:	N/A

Recommendation: Authorize the City Manager to execute the contract amendment in an amount not to exceed $139,369. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

CODE ENFORCEMENT SOFTWARE – CONTRACT WITH SOFT DESIGNS, INC. – APPROVED

The City currently has a contract with Soft Designs Inc., to provide software to manage the Housing, Public Nuisance, and Vehicle Code enforcement operations. The vendor also provides software to operate the Rental Dwelling Registration Program as well as a complaint database. The two-year contract expires June 30, 2016. The Housing and Neighborhoods Department is requesting that a new two-year contract be approved. Funding is included with the proposed 2017 budget. Sole source procurement is recommended due to the ongoing nature of the software services and support provided by the current vendor.

Recommendation: Authorize the sole source procurement and authorize the City Manager to execute a contract with Soft Designs Inc. for a two-year period beginning July 1, 2016 through June 30, 2018, in an amount not to exceed $202,200 for the contract period. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

INFORMATION TECHNOLOGY – CONTRACT WITH ORACLE PLANNING AND BUDGETING CLOUD SERVICE IMPLEMENTATION – CONTRACT WITH INNOFIN SOLUTIONS – APPROVED

The City uses Oracle PeopleSoft Enterprise Performance Management (EPM) software to develop the annual operating and capital budgets. PeopleSoft EPM is being discontinued and support will end in 2018. A cross-functional team selected the Oracle Planning and Budgeting Cloud Service as a replacement for PeopleSoft EPM. This tool allows for greater analytical functionality and operational efficiencies. Funding for software procurement and implementation services are appropriated in the capital budget.

The City procured the software on November 24, 2015 and posted a request for proposals (RFP) for implementation services on March 14, 2016. A multi-departmental steering committee scored the proposals based on public sector experience, experience with projects of similar size and scope, project schedule and approach, and cost for services. Innofin Solutions was selected as the preferred vendor. If unable to successfully negotiation contract terms with Innofin Solutions, staff recommends negotiating with the second highest rated firm, Metaformers Enterprise Solutions Architects. Both vendors received high marks due to experience with implementing the Oracle Planning and Budgeting Cloud Service within the public sector and, more specifically, with units of local government.

The project was funded as part of the capital improvement program with a total budget of $1,346,000. Annual operating costs are estimated at $95,000, and will be included with the proposed 2016-17 annual operating budget.

Recommendation: Subject to the negotiation of terms acceptable to the City, authorize the City Manager to execute a contract not to exceed $925,000 with Innofin Solutions. If terms cannot be reached with the preferred vendor, authorize negotiation with Metaformers Enterprise Solution

Architects and subsequent contract execution. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

STC-03-2016 – MANCHESTER DRIVE AT RAMPART STREET – PUBLIC HEARING AUTHORIZED FOR JUNE 7, 2016

Lewis Woodard is petitioning the City to close the right-of-way known as Manchester Drive at Rampart Street. The subject right-of-way is approximately 4,400 square feet, located northeast of the intersection of Manchester Drive and Rampart Street. This is a remnant piece of right-of-way associated with the realignment of the intersection when Manchester Drive was extended.

Recommendation: Adopt a resolution authorizing a public hearing to be held on Tuesday, June 7, 2016 to consider closure of the right-of-way as requested. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Resolution 293.

ENCROACHMENT – NORTH WEST STREET/WEST JONES STREET/NORTH HARRINGTON STREET/WEST MARTIN STREET/SOUTH WEST STREET/WEST DAVIE STREET – CELITO CLEC, LLC – APPROVED CONDITIONALLY

A request has been received from Celito Clec, LLC to install 5,086 feet of underground conduit and twenty-five underground vaults 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/Branch - 8 ayes.

DEVELOPMENT SERVICES – REALLOCATION OF FUNDS – BUDGET TRANSFER AUTHORIZED

A transfer in the amount of $147,500 is recommended to support space reconfiguration and office alteration needs for the Development Services Department on the fifth floor of One Exchange Plaza.

Recommendation: Authorize a budget transfer in the amount of $147,500. Accounting detail was included with the agenda packet. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 578 TF 294.

PUBLIC UTILITIES – TRANSFER AUTHORIZED

A transfer in the amount of $425,000 is recommended to cover the cost of unplanned equipment failure repairs at the wastewater treatment plants for the remainder of the fiscal year. The transfer will be made from existing divisional budget appropriations. Accounting details were included with the agenda packet.

Recommendation: Authorize a budget transfer in the amount of $425,000. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 578 TF 294.

MITCHELL MILL ROAD WIDENING PROJECT – BID AWARDED TO RIFENBURG CONSTRUCTION

The project was originally bid on March 23, 2016, however only two bids were received and therefore returned to the contractors. The project was rebid on April 14, 2016 and four bids were received. Lowest bid received is from Rifenburg Construction for $11,950,000. The engineering estimate for the project is $14,129,177, which is 15 percent lower than the engineer's estimate. Minority and Woman Business Enterprise (MWBE) participation is 15.22 percent.

Name of Project:	Mitchell Mill Road Widening Project
Managing Division:	Public Works – Design and Construction
Approval Request:	Bid award
Reason for Council Review:	Formal bid award
Original CIP Budget:	$14,169,534
Vendor:	Rifenburg Construction
Budget Transfer:	Administrative
Construction Bid Award:	$11,950,000
Prior Contract Activity:	N/A
Encumbered with this approval:	$11,950,000

Recommendation: Authorize the City Manager to execute a contract in an amount not to exceed $11,950,000. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following traffic changes to become effective seven day after Council action unless otherwise indicated.

Extension of Two-Hour Parking Zone – 600 Glenwood Avenue

It is recommended that an additional 31 feet be added to the two-hour parking zone on the east side of the 600 block of Glenwood Avenue to encompass a No Parking Area that was previously installed for a driveway that has recently been removed. The affected property owner was consulted and is in favor of the change.

No Parking Zone - Kidd Road

It is recommended that a No Parking Zone be established on the south side of Kidd Road. A request was received from the Wake County Facilities Design and Construction Department to have parking restricted in front of the Wake County Emergency Management Services (EMS)

station because EMS workers are unable to effectively perform their duties due to the congested on-street parking in front of the station.

No Parking Zone Removal - Morning Edge Drive

It is recommended that a No Parking Zone be removed from the west side of Morning Edge Drive from Village Dawn Drive westward 65 feet. A petition was received from the Village at Harrington Grove Homeowners Association to have the parking restriction removed as it is no longer required.

Valet Zone Removal - West Jones Street

It is recommended that a Valet Zone be removed from the north side of West Jones Street near the corner of Glenwood Avenue. Staff recently completed a review of all Valet Zones in the Downtown area and found that the Valet Zone previously installed for the 518 West Italian Café is no longer required as the establishment closed in 2015 and a business office will be moving into this location.

Traffic Schedule Updates - 00 Horne Street

It is recommended that the Traffic Schedule be updated to reflect the signage that has been in place for many years in the 00 block of Horne Street.

Valet Zone Removal - 400 South Wilmington Street

It is recommended that the Valet Zone be removed from the west side of South Wilmington Street just south of the intersection at Davie Street. Staff completed a review of all Valet Zones in the Downtown area and found that this zone was installed at the request of the Capital Club in the Duke Energy building. The Club has since moved to the Wells Fargo Building and there is no further need for this Valet Zone as confirmed by the Duke Energy staff, which has approved the proposed change. This zone is shared usage as a Materials Loading Zone in the daytime, which would then become open parking after 5:00 P.M.

Recommendation: Authorize appropriate changes to the traffic code as included with the agenda packet. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 579.

END OF CONSENT AGENDA

JOINT VENTURE RENTAL PROGRAM – DEVELOPER RECOMMENDATIONS – APPROVED AS AMENDED

The Joint Venture Rental Program provides low-interest loans to developers of affordable multi-family housing in order to build or purchase and rehabilitate privately owned and managed rental units. City funds are leveraged with federal low-income housing tax credits, conventional

financing, and/or other public funding sources. The program has operated since 1988 and has provided funding for more than 2,000 affordable units since that time.

In 2015 a request for proposals (RPF) process for joint venture participation was issued; three proposals were submitted in response to a request for proposals issued in 2015. Proposals for redevelopment of Booker Park North (DHIC), Amber Spring (Evergreen Construction), and Beacon Ridge (DHIC) were received, which include the following:

Booker Park North	72 Elderly Units	$2,200,000
Amber Spring	42 Elderly Units	$525,000
Beacon Ridge	72 Elderly Units	$720,000

At this time the DHIC proposal for Beacon Ridge is not recommended for the joint venture rental program. Additional information regarding the proposals was included with the agenda packet.

Based on evaluation of proposals, staff recommends the extension of conditional commitments, subject to the award of tax credits in August, to Booker Park North and Amber Spring, two elderly affordable housing projects. Staff further recommends the transfer of appropriated funding from federal HOME Investment Partnership (HOME), Community Housing Development Organization (CHDO) appropriations, and local funding resources to the Joint Venture Rental program, subject to the announcement of tax credit awards expected in August 2016. Transfers will be initiated upon confirmation of tax credit awards. Additional details were included with the agenda packet.

Recommendation: Authorize the conditional commitment to Booker Park North and Amber Spring developments. Authorize staff to proceed with budget transfers as eligible projects confirm the award of tax credits.

Mayor McFarlane pointed out Ms. Baldwin, Mr. Branch, Mr. Thompson, Mr. Stephenson and Mr. Gaylord asked that this item be withdrawn from the Consent Agenda.

Ms. Baldwin stated she had withdrawn this as she had questions about a potential conflict of interest. She stated Holt Brothers, her employer, is doing some work with the YMCA and she had asked the City Attorney if she had a conflict. City Attorney McCormick indicated he did discuss this with Ms. Baldwin and her company's involvement in one of these potential projects has nothing to do with her work or this item therefore she would be required to vote.

Mr. Branch indicated Beacon Ridge is a proposed development which will be a part of a larger development with the YMCA, Wake County School and others along Rock Quarry Road. He pointed out DHIC is working with the YMCA and other providers and negotiating with partners on a multi-purpose development in Southeast Raleigh. He questioned why it is being recommended for denial as he feels it is a great project and he would like to see it move forward.

Housing and Neighborhoods Director Jarvis indicated DHIC has received funding for other projects and talked about the need to spread the money around. He stated he understands the

multi-development partnership is still in the planning stage, their discussions with the school system have not been finalized and they don't have healthcare in the area. He stated as some of the other parts of the project moves forward staff will have a more comfort level to recommend approval and recommend waiver of the housing location policy. He stated however because of the uncertainty or the lack of approval of all of the other aspects, staff did not feel comfortable in recommending a waiver and recommending approval. He stated may be by next year some of the other elements will be finalized and staff could recommend approval.

Mr. Thompson stated he understands what Mr. Jarvis is saying; however he has had conversation with representatives of the school system who assure that they are on track to approving their portion of this multi-development. He stated this is a very important project and he would move approval of all three of the projects outlined on the agenda and grant a waiver to the Housing Location Plan as it relates to Beacon Ridge. His motion was seconded by Mr. Branch.

Mayor McFarlane had questions about the three projects which are 9% projects and which are 4%, how funding all three projects would impact other projects within the city and/or Wake county and asked about some of the reasons staff had recommended denial. Mr. Gaylord pointed out things on the Beacon Ridge projects are changing as recently as earlier today. He stated he thought they had raised some $5M for the total project and the County has approved funding. The long history in bringing this development together was talked about. The City's Scattered Site Policy and Housing Relocation Policy, the YMCA development, how approval of this project would leverage other dollars was discussed. Mr. Gaylord gave an analysis of the cost per unit of the three projects pointing out the cost for the Beacon Ridge development would be the lowest cost per unit and talked about the ratio of leveraging of our funds.

Mayor McFarlane pointed out she felt all Council members are supportive of the project but questioned whether this one is ready to go. She questioned if the Council would be putting other projects at risk if all three of these are approved. Ms. Baldwin questioned if it would cause problems to move ahead and fund the projects including Beacon Ridge. Mr. Jarvis stated staff would not object and he does not feel it would put anything in jeopardy. He pointed out what is before the Council includes staff's recommendation and talked about how they came up with the recommendation and some of the things they considered were whether the project was ready to move forward and how to best spread the money around. The project that Beacon Ridge would be a part of was talked about with Mayor McFarlane questioning if we have any idea when the other elements of the total project would be funded or will be ready to move forward.

John Mills, YMCA talked about the discussions that have been ongoing and the hope for YMCA project moving forth. He talked about upcoming meetings to discuss when the project will go forth pointing out it is hoped the school will open in the Fall of 2018 or at worst case 2019. He talked about the status of the project, and when the housing needs to come on line with Kia Baker, Southeast Raleigh Promise talking about the projects projections. The total cost of the project and how much the Y has raised was discussed.

Mayor McFarlane stated she feels it is a great project and she supports this project but she needs to get some time line information. Ms. Crowder had questions as to whether a year delay in

funding the Beacon Ridge project would have a negative impact on the overall project. The hope that the project is moving forth and having all partners on site was talked about. Other discussion as to what projects and the impact of funding the Beacon Ridge project and/or the three projects before the Council was talked about. Mr. Gaylord talked about the project and how everything has come together and everyone is working together and he would hate to see this opportunity lost. The motion to approve all three projects as outlined and grant a waiver of the Housing Location Policy as it relates to the Beacon Ridge project was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

STONE'S WAREHOUSE PROJECT – CHANGE OF CONTRACTOR – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

On August 4, 2015, City Council approved the Purchase, Sale and Development contract with Transfer Development, LLC, for the purchase of the Stone's Warehouse property. The contract listed the general contractor as Clancy & Theys. On April 6, 2016, the Housing and Neighborhoods Department received a letter from Transfer Development, LLC, requesting permission to replace the originally proposed general contractor with C.T. Wilson Construction Company. In reviewing C.T. Wilson's qualifications, staff found that the contractor has a strong history completing similar historic rehabilitation projects. Additional details were included with the agenda packet.

Recommendation: Authorize the City Manager to execute an amendment to the Purchase, Sale and Development Contract with Transfer Development, LLC.

Mr. Thompson stated he had asked that this be withdrawn from the Consent Agenda pointing out this is a change in the general contractor and a change from what was approved when this project was awarded to Transfer Development, LLC and he would like to have some further discussion and would request that the item be referred to Growth and Natural Resources Committee. Without objection or discussion, the item was so referred.

HILLSBOROUGH STREET PHASE II REVITALIZATION PROJECT – BID AWARDED TO PIPELINE UTILITIES, INC. – FUNDS TRANSFERRED

Bids were opened March 3, 2016 with only two bids received. The project was re-advertised March 9; two bids were received at the bid opening April 14, 2016. Pipeline Utilities, Inc. submitted the low bid of $14,645,188. Minority and Woman Business Enterprise (MWBE) participation is 15 percent. The pre-bid engineer estimate for the project was $ 12,821,274, resulting in a low bid which exceeds the engineer's estimate by 14.23 percent.

Staff recommends project design changes for value engineering options #1, #2, #3, #4, and #6, which provide a cost savings of $ 401,945. Details for the value engineering options are included with the agenda packet. In addition, a number of budget transfers and budget amendments are necessary. Transfer recommendations include appropriations from the utilities capital budget in the amount of $4,014,087 to cover project costs for water and sanitary sewer

improvements. Budget transfers are also necessary from previously completed transportation projects (Perry Creek Road and Tryon Road Part D), facility fees, and fund balance totaling $ 4,191,535. The bid summary and accounting details of all budget transfers are included with the agenda packet. The table below summarized the evolution of cost estimates for the project to date:

	October 2014 est.	February 2016 est.	May 2016 Low Bid	Value Engineering	Adjusted Cost
General Construction	$6,800,000	$ 7,900,000	$10,631,101	$(401,945)	$10,229,156
Water and Sewer	1,900,000	4,900,000	4,014,087		4,014,087
Totals	$8,700,000	$12,800,000	$14,645,188	$(401,945)	$14,243,243

Staff recommends award of the bid to Pipeline Utilities, Inc. in accordance with the results

Name of Project:	Hillsborough Street Phase II Revitalization Project
Managing Division:	Public Works – Design and Construction
Approval Request:	Bid award
Reason for Council Review:	Formal bid award
Vendor:	Pipeline Utilities, Inc.
Budget Transfers:	Yes
Encumbered with this approval:	$14,243,243

An alternative to the recommended approval would be to reject the bids and re-advertise the project. Consequences of this alternative include several months of delay to the project schedule and increasing the amount of construction impact during in-peak class sessions (fall/spring) vs. off peak sessions (summer) for North Carolina State University. Rebidding may or may not provide savings and may result in higher costs due to further escalations in construction costs.

Recommendation: Award the bid and authorize the City Manager to execute the contract with the low bidder, Pipeline Utilities, Inc. in an amount not to exceed $14,243,243 which reflects value engineering reductions totaling $401,945 and related leasing costs. Authorize budget transfers totaling $4,191,535 for general construction and $4,014,087 for water and sewer work associated with the project.

Ms. Baldwin stated she had withdrawn this from the Consent Agenda as she had concerns about some of the issues such as staff capability, project cost for the roundabout versus signals, lack of contingency and she would like for staff to comment on some of these issues. Chris Johnson, Public Works Department talked about the process, the roundabouts, operating costs for the signals versus the cost of roundabouts overall project cost, etc.

In response to questioning from Ms. Baldwin, Mr. Johnson stated we do not have the cost for Phase II side by side as it relates to signals versus roundabouts. Ms. Baldwin expressed concern about not having a project contingency and how that would be addressed if we run into some

problems. Mr. Johnson stated staff will be bringing another agenda item to City Council addressing that issue stating staff would like to have about a 5% contingency. He talked about the construction schedule of trying to get the work done during off peak sessions for NCSU to lessen the impact. Ms. Baldwin asked about the staff evaluation of capacity with Mr. Johnson pointing out there are a couple of different options. He stated the department has five or six major projects ongoing and talked about allocating someone to assist or outside consultants. Ms. Baldwin asked that when staff brings the item back to address that situation also.

Mr. Thompson talked about the engineering cost estimates and the difficulty in developing those. Ms. Baldwin talked about the open nature of the project and talked about the difficulty of the estimates and actual bid prices, etc. Mr. Johnson talked about urban projects being more difficult and escalating cost because of the incrusted construction activity.

Mr. Stephenson asked about the construction schedule with Mr. Johnson pointing out it is hoped that the project could begin in June pointing out timing is critical and pointed out when you get into the late November/December time frame, the cold weather is not good for construction. Mayor McFarlane moved approval of staff' recommendation with the understanding staff will bring back information as requested. 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. See Ordinance 578 TF 274.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

TC-7-15 SHORT-TERM RESIDENTIAL LODGING FACILITY – PUBLIC HEARING AUTHORIZED FOR JUNE 7, 2016

This is a request that amends Sections 6.1.4.of the Part 10A Raleigh Unified Development Ordinance to create a new use called "short term residential lodging facility." A definition and use standards have been created for the use. Additionally, Section 6.2.2.B is being modified to clarify that the Boardinghouse use is intended as a residential use and as such is not a short term residential lodging facility.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of June 7, 2016.

Planning Commission Chair Shuster pointed out the Text Change Committee spend a considerable amount of time and effort trying to find a common ground to move this item forward. He stated what is included in this proposal is a good starting point.

Mayor McFarlane questioned how much lead way the Council would have making changes at the public hearing with Planning Director Bowers pointing out it is a fairly general advertisement and proposal. Ms. Baldwin stated she wanted to make sure this was not like the situation the Council got into with the UDO, that is, things could be made more restrictive or less restrictive depending on how it is advertised with Mr. Bowers pointing out the proposal if fairly general and could be modified to be more or less restrictive. Mr. Gaylord questioned if the Council has the

opportunity of removing and/or allowing whole house rentals with it being pointed out the Council would have that latitude. Ms. Baldwin questioned if it is the Planning Commission and Staff's recommendation to move forward with this text change. Mr. Shuster stated where was a lot of discussion about the utilization of the whole house for short term rentals and talked about the balanced approach they tried to utilize. It was pointed out we would be having a public hearing and some people would feel that the proposal is too narrow and others would feel it was too liberal.

Discussion took place on what is being sent to public hearing and the desire to have a balanced approach.

Mr. Cox questioned how this would affect or impact the ability of homeowner associations to allow or restrict short term rentals within their development. City Attorney McCormick pointed out a homeowners association is a private entity and they would have the ability to limit/prohibit or allow short term rentals under certain provisions. He talked about homeowner association declarations and covenants and pointed out if they wanted to go through the process outlined in their declarations they could prohibit or limit. Ms. Baldwin moved the item be scheduled for public hearing on June 7, 2016. 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.

TC-4-16 – OVERNIGHT LODGING – VEHICLE PARKING REQUIREMENTS – PUBLIC HEARING AUTHORIZED FOR MAY 17, 2016

This is a request that amends Section 7.1.3.A.1.of the Part 10A Raleigh Unified Development Ordinance, Specialized Vehicle Parking Requirements – Downtown District (DX), to reduce the amount of required parking for *Overnight Lodging* uses in the DX district.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of June 7, 2016.

Planning Commission Chair Shuster explained this is a text change that was requested by the Council relating to the parking components for hotels in the downtown districts. In response to questions it was pointed out in the DX district it would have cut the required parking in half. Mayor McFarlane pointed out she understood there was a request that this hearing be held on May 17 as there are some projects that are in the wings to move forward. Various Council members questioned if there is time enough to advertise and get it on the May 17 agenda with it pointing out that is possible. Ms. Baldwin moved TC-4-16 be authorized for public hearing on May 17, 2016. 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-6-16 – LEESVILLE ROAD – PUBLIC HEARING AUTHORIZED FOR JUNE 7, 2016

This is a request to rezone property from Residential-4 and Residential-6 (R-4 & R-6) to Neighborhood Mixed Use – 3 stories – Conditional Use (NX-3-CU).

While the proposal is inconsistent with the Future Land Use map of the Comprehensive Plan, it is consistent with most pertinent policies of the Comprehensive Plan (e.g., density transitions, buffering; complementary uses). The proposed rezoning is reasonable and in the public interest. Rezoning would permit added provision of goods and services near existing residential development. Case conditions serve to mitigate potential development impacts. The proposal is compatible with the surrounding area. Conditions aim to reduce development intensity (e.g., limiting density, square footage, and building height) and impacts (e.g., prohibited uses, restricted lighting, and enhanced buffers).

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of June 7, 2016.

Mayor McFarlane moved approval of the recommendation for a June 7, 2016 public hearing. Her motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

SPECIAL ITEMS

REZONING Z-39-15 – TRAILWOOD DRIVE – TO BE PLACED ON MAY 17, 2016 AGENDA

A public hearing to consider this rezoning request was held by City Council on April 5, 2016. Following the closing of the hearing, the Council deferred action to permit the applicants opportunity to submit additional amendments. The rezoning request is by Addie B. Clark, Grady Langston, Erica D. Langston, and Star Brite Housing to rezone approximately 5.61 acres from Residential-6 with Special Residential Parking Overlay District and Special Highway Overlay District-1 (R-6 w/SRPOD & SHOD-1) to Residential Mixed Use – 3 stories – Parkway – Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (RX-3-PK-CU w/SRPOD & SHOD-1) [northern two properties] and Residential Mixed Use – 3 stories – Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (RX-3-CU w/SRPOD & SHOD-1) [southernmost property].

New zoning conditions were not received from the applicant in a timely manner. Staff will provide an update at the meeting.

Planner Bynum Walter pointed out the sign conditions have not been received; however, they were not received in time for the Council to vote on the issue today; therefore the item needs to be held and considered at the May 17, 2016 meeting.

Without objection, it was agreed that Z-39-15 would be placed on the May 17, 2016 agenda.

FAÇADE GRANT UPDATE – INFORMATION RECEIVED

During the April 5 Council meeting, expansion of the façade grant program was approved with an intention to align the program with the newly adopted Targeted Economic Development zones (map dated April 5, 2016) and the inclusion of additional items such as art and murals as part of an overall façade improvement program. Council directed staff to return with additional information including the procedure and policy for recommending grant awards, as well as information on communications and public information about the program.

Roberta Fox, Assistant Planning Director, went over the goals of the Economic development toolkit, the history of the façade grant program which was created in 1980, has assisted some 120 businesses, awarded close to $1M in funds which generated some $3M in investments. She talked about the community development statutes relating to low or moderate income areas, cure blight or restore to positive economic use and restoration or preservation of existing buildings. She explained currently the City appropriates $50,000 a year for the program. She went over the façade grant award conditions of receiving a grant which includes that it has to be used for:

- Existing, mixed-use buildings in eligible areas
- Construction timeline requirements
- Approval of plan required before construction
- All construction and renovation to comply with all applicable building codes, ordinances, reviews and design standards
- 50/50 matching funds awarded after work completed and inspected
- Proof of cost and payment is required
- Maintenance requirement of 10 years

She stated construction must be complete within 12 months of the approved application and renovations must completely follow plans as approved by Raleigh's Urban Design Center, meet all applicable building codes, ordinances, review site plans, etc. She went over a history of the program, talked about the number of awards given in various years pointing out there were peaks and valleys based on marketing efforts, economic conditions and how in 2007 Hillsborough Street Phase I project area was added as an eligible area. She pointed out the Council recently expanded the eligibility areas to include targeted economic development zones and increased the scope to cover "place-making" items such as art and murals when part of a façade renovation effort. She talked about the eligible areas and pointed out their outreach and promotion will include the City's website, social media, distribute to partner organizations including DRA, Hillsborough Street CSC and the New Bern Corridor Alliance, RCAC and CAC committee chairs, building owners, developers, consultants, brochure and mailing list and other creative ways that may be identified. She talked about their increase marketing efforts.

Ms. Baldwin suggested that the partner organizations include Shop Local Raleigh and the Merchants Bureau.

The report was received without further comment.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

2030 COMPREHENSIVE PLAN ANNUAL PROGRESS REPORT – RECEIVED

The annual Progress Report to the 2030 Comprehensive Plan was recommended for approval by the Planning Commission during the April 12 commission meeting. The report includes information on key accomplishments, critical issues, and agencies tasked with implementing action items of the plan. In 2015, the City completed 33 action items, approved 47 rezoning, and adopted 13 text changes to the Unified Development Ordinance. The report also amends text associated with ongoing action items.

Recommendation: Receive as information.

Planner Bynum Walter pointed out Council members received the report in their agenda packet outlining status of various items pointing out this is different from the 5 year update which the staff is in the mist of working on. She stated the Planning Commission has already reviewed this information and is working on Comprehensive Plan Amendments which will be coming to public hearing. She stated she would be glad to answer any questions. The item was received as information.

DOWNTOWN CITY CAMPUS – MASTER PLANNING – DIRECTION GIVEN

In a work session March 8, 2016, staff briefed City Council on the ways in which City services and operations would benefit from a consolidated downtown campus. Besides meeting current and future space needs, a new campus would improve customer service and civic engagement, improve staff efficiency, and create economic development opportunities. Staff has provided Council members with a memorandum responding to questions raised during the work session. In addition to some follow-up information, this presentation lists specific assumptions that staff would follow during the master planning phase, including the assumption that the City would consolidate services on the Municipal block adjacent to Nash Square.

Recommendation: Authorize staff to initiate a Request for Qualifications process to identify a consultant for the master planning process; authorize staff to conduct the master planning process using the specified planning assumptions; authorize staff to negotiate with a consultant and authorize the City Manager to execute a contract for master planning services.

City Manager Hall pointed out this is a long term process and a 5 to 7 year work schedule.

Beth Nooe reported that on March 8, 2016, the City staff presented a proposal to consolidate many city services and staff onto one campus which will help improve customer service and civic engagement, improve staff efficiency and create economic development opportunities. She pointed out the strategic plan talks about organizational excellence objective 2 – align facilities,

staff and technology with organizational needs. It compliments other initiatives in Economic Development and Innovation, increases opportunities for downtown private development, realize the best return on downtown assets and minimizing public expenditures. She presented the downtown plan focusing on Nash Square and the various organizational/centralization scenarios Municipal block Southern Gateway and East of Moore Square with the pros, cons and cost implications of each. She talked about the planning process which would start with a 12 to 18 month master plan phase, 6 to 9 months with schematic design phase, 9 to 12 months design development phase, 6 to 9 months construction document phase and construction administration phase which would be some 18 to 24 months. The master planning process includes value and goals statement, program requirements for city services, relationship among city functions, adjacency and flow diagrams, approaches to grouping public and nonpublic services, data collection and analysis to verify program and space needs for the facility and project cost estimates and project schedules. Ms. Nooe pointed out the process does not include schematic designs, material selections, construction drawing, building design, renderings or environmental testing. She went over the major assumptions which include consolidate downtown services onto one campus, the existing municipal block adjacent to Nash Square; selected service areas may not be on the consolidated campus mainly police and fire administration, retaining the Raleigh Municipal Building but consider renovations and improvements and demolish and replace the building at 110 McDowell Street (former police headquarters) and the Municipal Building parking deck. Major assumptions also includes space for future city growth in new facilities by constructing additional square footage and identifying best practices to manage long-term space usage, provide options to replace or renovate the City Council Chamber and the sale of existing city buildings could help off-set part of the construction costs. She stated the planning processes would include stakeholder input, input from employees, citizens, downtown business community, etc. It would also help establish a city parking philosophy and goals for employee parking and identify alternatives to mitigate parking challenges during the construction phase as well as begin financial analysis and debt modeling.

Ms. Nooe pointed out the next steps would be for staff to begin the master planning process for the Civic Campus following the major assumption that have been outlined. Staff would then begin selection process for planning consultant. The Council's next touch point would be reviewing and approving a contract and appropriate funding in the FY16 adopted CIP.

Mr. Cox talked about the consolidated work force and questioned how many employees we are talking about with it being pointed out approximately 1100 and a 10% growth over the next years.

Ms. Baldwin questioned why police and fire employees would not be on the consolidated campus. Ben Canada, Budget and Management Services, talked about additional police and fire facilities pointing out we don't necessarily want those police facilities in places where people can just walk in. He stated that issue or discussion could be included in the master planning process. He pointed out we are looking to address their needs through other projects. Ms. Baldwin talked about the possibility of public private partnerships questioning if this master plan process would preclude that or if this would take them off of the table. Mr. Canada pointed out the tentative recommendation does not include public private partnerships and assumes financing our own

facilities but public/private partnerships could be looked at in the scope of the proposal. Ms. Baldwin stated she is not necessarily suggesting that be included, she is just asking the question as she doesn't have enough information to know whether that would be good or not. City Manager Hall pointed out we are looking at scenarios for this block we can incorporate staff analysis of financing, etc, but that does not need to be included in the master plan consultants contract. That could be done separately.

Ms. Baldwin pointed out the City had designs done and spent quite a bit of money doing so for a new facility on this campus and questioned if there is anyway to use some of the information that was gathered with it being pointed out nothing would be ruled out. Mr. Thompson pointed out it is worth looking at old plans but the City has changed a lot since those plans were developed with it being pointed out the development that was looked at was more public safety oriented than general government. Interim Public Works Director Kelly pointed out we would definitely be looking at existing information and see if any or what could apply with various Council members stating that would be a good idea. Ms. Baldwin moved approval of the recommendation as outlined. 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.

NORTH RIDGE SOUTH – NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT STUDY – STAFF AUTHORIZED TO INITIATE TEXT CHANGE

On December 1, 2015, residents of the North Ridge South neighborhood submitted a petition requesting consideration for a neighborhood built environmental characteristics and regulations analysis. This analysis is the first step in the potential creation of a Neighborhood Conservation Overlay District (NCOD), a zoning overlay used to preserve and enhance the general quality and appearance of neighborhoods by regulating built characteristics such as Jot size, setbacks, and building height.

Staff will present the results of the analysis for North Ridge South, as well as a summary of a neighborhood meeting that was held in March. City Council may decide whether to authorize a text change to incorporate these built characteristics and regulations into the Unified Development Ordinance (UDO).

Recommendation: Authorize staff to initiate a text change that would incorporate the North Ridge South neighborhood built characteristics and regulations into the UDO.

Planner Vivian Ekstrom explained the history of this item providing information on the request from the citizens which shows the study area includes 132 properties and comprises nearly 80 contiguous acres. It provides information on the specific built environmental characteristics and regulations, gave information on the lot size, lot frontage, front yard setback, vehicular surface area and the predominate character of the area. She talked about the study pointing out a neighborhood meeting was held on March 9 and went over a comparison of existing zoning standards and predominant built character. She talked about the community neighborhood meetings that were held and explained the next steps pointing out if the Council decides to go

forward with a text change and it is approved the property owners would then be able to petition for a rezoning to apply the built environmental characteristics and regulations to the North Ridge South area through an Overlay District. A majority of property owners are required to sign the rezoning petition that would apply the NCOD.

She talked about the community participation and work in this project.

Mr. Cox questioned why the property is zoned as it is given the character of the neighborhood with Ms. Ekstrom pointing out she thinks that's the zoning it had when the property came into the city. It was pointed out this is the first NCOD adopted under the UDO. Mr. Stephenson asked about the impact moving forward on this would have on pending subdivisions, permits, etc. Ms. Ekstrom stated it would have to meet existing zoning and NCOD regulations. Mr. Branch moved approval of the recommendation as outlined. 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.

DOWNTOWN MUNICIPAL SERVICE DISTRICTS – VENDOR CONTRACT AWARDED; DOWNTOWN CLEANLINESS TO BE HANDLED BY THE CITY

During the April 19, 2016 meeting, a hearing to receive citizen input related to the City entering into a contract for provision of supplemental municipal services with the Downtown Raleigh Alliance to provide services in the Municipal Service District was held. The hearing was closed and it was directed that the item be placed on this agenda for further consideration.

Staff recommends the award of a four-year contract with the Downtown Raleigh Alliance to provide supplemental municipal services within the Downtown Municipal Service District. On an annual basis the City Council will set the ad valorem tax rate for the MSD as well as approve the budget for the expenditure of MSD funds. Specific provisions of the contract include a hold back amount of MSD revenue which will partially offset the cost associated with direct provision of downtown cleanliness services by the City.

Recommendation: Authorize the City Manager to execute a contract.

City Manager Hall introduced the item. Kirsten Larson, Budget and Management Services, explained the process to date - February 19, 2016 RFPs were published with a due date of March 18. Downtown Raleigh Alliance was the only vendor which submitted a proposal. A public hearing was held on April 19, the purpose of the item being on the agenda today is to recommend authorizing the Manager to execute a contract with the Downtown Raleigh Alliance would service areas including safe environment, economic development, target visitor marketing and communications and a conflict resolution and consensus building. It is suggested that it be a 4 year term with the understanding the DRA will submit quarterly written performance measures and accomplishment reports, annual report of program activities and board membership including a mix of small, medium and large businesses with gender and ethnic diversity to reflect the downtown. The MSD tax rate and budget is set annually during the City's budget process.

Ben Canada, Budget and Management Services, talked about the proposal for downtown cleanliness pointing out there has been a steady increase in downtown residents and storefront businesses and talked about a better way to address the issue of cleanliness. Right now there are multiple service providers for downtown cleanliness including Parks, Recreation and Cultural Resources, Solid Waste Services, Public Works and the Downtown Raleigh Alliance. The City is looking at a higher service levels which would include two passes per day in the Phase I area, an additional 50 trash receptacles at street corners and 10 new "big bellies" higher frequency of cleaning and maintenance, sidewalk furnishings, trees, tree grates and the proposal would help consolidate accountability. The phase I area was explained. The City Manager's proposed budget includes a 15 person crew dedicated to downtown cleaning, coordinator position and centralization of the program in the City's Transportation Department. The total cost of this proposal is $850,000. It is proposed to hold back $307,000 from MSD Funds which would show a net cost to the City of $543,000. This proposal allows for higher service areas and more efficiency, coordination, provides stakeholders a signal point of contact which would be responsible to the Transportation Department and would provide the Parks, Recreation and Cultural Resources Crew more capacity to maintain other park facilities.

Mr. Thompson asked about the conflict resolution portion questioning exactly what that refers to. Ms. Larson pointed out we are talking about noise and other issues that may come up, conflict between the different groups and stakeholders and the DRA would provide this conflict resolution and/or try to resolve the issues. Ms. Baldwin talked about the actions DRA took in Glenwood South and the hospitality district and how that worked. Mr. Stephenson talked about the DRA Board membership and questioned if we are talking about boarder representation from the business or residential community with it being pointed out we are talking about diversity of all stakeholders.

Ms. Baldwin moved approval of the DRA contract including Mr. Stephenson's comments about diversity and moving forward with the cleanliness program as optional. Her motion was seconded by Mr. Thompson and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

HILLSBOROUGH STREET MUNICIPAL SERVICE DISTRICT – VENDOR CONTACT AWARDED TO HILLSBOROUGH STREET CSC

On April 19, 2016, a hearing was held to receive citizen input related to the City entering into a contract for the provision of supplemental municipal services with the Hillsborough Street Community Service Corporation to provide services in the designated municipal service district. The hearing was closed and it was directed that the item be placed on this agenda for further consideration.

Staff recommends the award of a four-year contract with the Hillsborough Street Community Services Corporation to provide supplemental municipal services within the Hillsborough Street Municipal Service District. On an annual basis the City Council will set the ad valorem tax rate for the MSD as well as approve the budget for the expenditure of MSD funds. A brief presentation will be made at the meeting.

Recommendation: Authorize the City Manager to execute a contract.

Ms. Larson pointed out the Hillsborough Street MSD vendor selection followed the same process as the Downtown MSD – RFP published February 19, public hearing on April 19, 2016. The item is before Council today with the recommendation to authorize the Manager to execute a contract with the Hillsborough Street Community Services Corporation to provide services in the Hillsborough Street MSD pointing out the Hillsborough Street CSC was the only RFP received. The service areas include clean environment, safe environment, economic development, target visitor marketing and communications, conflict resolution and consensus building. The contract would be a four year term and require submittal of quarterly written performance measures and accomplish reports and an annual report of program activities. The MSD tax rate and budget would be set annually during the City's budget process.

Ms. Baldwin moved approval of the Hillsborough Street MSD contract being awarded to Hillsborough Street CSC with the terms as outlined. 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.

REPORT AND RECOMMENDATION OF THE RALEIGH HISTORIC DEVELOPMENT COMMISSION

HISTORIC LANDMARK APPLICATIONS – ANNA RIDDICK HOUSE, HORTON-BECKHAM-BRETSCH HOUSE AND WILMONT APPARTMENTS – ORDINANCES ADOPTED

Two properties were the subject of a joint public hearing on April 5, 2016 to consider Raleigh Historic Landmark designation:

(1) Two owner-initiated applications for Historic Landmark designation have been received:
- Anna Riddick House, 1028 Cowper Drive
- Horton-Beckham-Bretsch House, 11 South Blount Street

(2) One staff-initiated technical boundary change to an existing landmark is proposed:
- Wilmont Apartments, 3200 Hillsborough Street

The Council referred the matter to the Raleigh Historic Development Commission (RHDC) to consider public hearing comments. The RHDC reconvened at its regular meeting on April 19, 2016 to finalize recommendations on the proposed designations and draft ordinances. The RHDC voted unanimously to recommend that the Council adopt the draft ordinances for the three properties.

Recommendation: Adopt the ordinances designating the two new Raleigh Historic Landmarks and one boundary modification. Tania Tully, City Planning Department was available to answer questions. Ms. Baldwin moved adoption of the ordinances as outlined. 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. See Ordinance 580, 581 and 582.

REPORT AND RECOMMENDATION OF THE PARKS, RECREATION AND GREENWAY ADVISORY BOARD

PARKS USER FEES AND CHARGES POLICY – ADOPTED

During the April 19, 2016 Council Work Session, the staff review a process for establishing a comprehensive user fee policy for parks and recreation facilities, programs and services. Mike Sursky, Parks, Recreation, and Greenway Advisory Board Chair explained the process and pointed out there was unanimous recommendation of the Parks, Recreation and Greenway Advisory Board to approve the following policy.

Parks, Recreation and Cultural Resources Department
Policy for User Fees and Charges of Programs and Services

I. Purpose:

Fees and charges are necessary to provide financial support to Raleigh Parks, Recreation and Cultural Resources (PRCR) for the operation and maintenance of programs, facilities, and services. Revenue generated by these lees constitutes only a portion of funds required for operating and maintaining the entire park system, including programs and services.

The purpose of this policy is to provide a framework and guidance to City stall as they develop ideas and proposals for fees and charges. This policy ensures decision-makers (Council and City Administration) fee development and implementation will:

1) Be guided by the community's understanding of benefit for the complete array of PRCR programs and services;
2) Be administered fairly and equitably, pricing programs and services proportionally to where the benefit accrues with respect to the participant and non-participants (taxpayers who choose to not participate); and
3) Safeguard programs and services availability for citizens regardless of financial means.

II. Policy:

It is the mission of the PRCR department to connect and enrich the community through exceptional experiences. This policy supports the provision of innovative, creative and specialized programs and services on an equitable basis through a comprehensive system of fees and charges. Through a systematic process, PRCR's broad arrays of programs are organized into similar categories of service. With

guidance from the community these categories of programs and services are classified into tiers of service based upon where the benefit of the program or service accrues.

General cost recovery guidelines will be established for services and programs for which fees and charges are collected and will be maintained by the PRCR Director. Consistent with the Department's mission to never deny access to programs or services due to economic status, a lee assistance program will be administered by PRCR.

The chart below presents the live pricing classifications. Aligning the programs and services with the benefit accrual, from mostly community to mostly individual, provides guidance and direction to PRCR on the pricing of programs and services.

Pricing Classifications					
Type of Program or Service	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
Who benefits?	All people in the community	Mostly people in the community	An even combination of people in the community and the individuals who participate	Mostly the individuals who participate	Only the individuals who participate

Utilizing the pricing classifications, the PRCR Director or his/her designees shall have the authority to create arid modify pricing for programs and services, as needed, due to changes in facilities, City of Raleigh residency, market conditions and/or other variables as determined.

Guided by the pricing classifications, pricing for use of or access to city-owned assets, i.e. rental of athletic fields, gate entrance into a swimming pool, Pullen and John Chavis Memorial Park amusement ride tickets, etc., will be reviewed on an annual basis. Proposed pricing changes will follow a public participation process through the Parks, Recreation and Greenway Advisory Board (PRGAB) recommendation to City Councilor consideration and approval.

III. Governance:

This policy once adopted by City Council will be reviewed once every three (3) years by PRCR and City of Raleigh Finance Department to ensure pricing for categories of service is within policy goals or market conditions. Pricing classifications will be measured against program and services cost recovery goals to determine progress made towards achieving policy goals during the three year period.

Substantive changes proposed to the policy must be reviewed by the PRGAB for recommendation to City Council.

City Council will review and approve substantive changes to the policy.

Recommendation: Approval of the user fees and charges policy. Ms. Baldwin moved approval. 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.

REPORT AND RECOMMENDATION OF THE RETAIL TASK FORCE

RETAIL TASK FORCE – REPORT OF FINDINGS – INFORMATION RECEIVED

During the May 5, 2015 Council meeting, staff was directed to establish a Retail Task Force with objectives to convene meetings with retail owners; to determine expectations of the City; to identify challenges and barriers to market entry; identify challenges and barriers for retail operations; and to determine existing advantages for retail in Raleigh.

The task force consisted of representatives from Shop Local Raleigh, the Downtown Raleigh Alliance, Hillsborough Street Community Services Corporation, Mid-town Raleigh Alliance, retail business owners, retail support organizations, and City staff.

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 and potential new strategies. A total of six task force meetings were convened and covered a range of topics regarding retail in Raleigh.

Recommendation: Receive as information.

James Sauls, Economic Development Director, explained on May 5, 2015 the Council asked staff to develop a retail task force and on May 19, 2015 the Council approved the formation of a task force. The first meeting was held on August 11, 2015 and six meetings were held. The purpose was to convene meetings with small retail owners to determine the expectations of the city, identify challenges and barriers to market entry, identify challenges and barriers for retail operations and determine existing advantages for retail in all of Raleigh.

Pam Blondin, Task Force Member, indicated there were representatives on the Task Force from Shop Local Raleigh, Downtown Raleigh Alliance, Hillsborough Street Community Services Corporation, Mid-Town Raleigh Alliance, retail business owners, retail support organizations and City staff. It was pointed out the four themes involved incubate retailers; physical space; existing support; marketing and promotion. The group indicated the top priorities related to retail recruitment and existing retail support. Ms. Blondin indicated the group looked at who is responsible and pointed out it relates to the public sector, private sector, Downtown Raleigh Alliance, Hillsborough Street Community Service Corporation, MidTown Raleigh Alliance and

various partnerships. They talked about the discussions which took place during the meetings and outlined the following for retail recruitment:

- Facilitate discussions between landlords and retailers
- Create pop-up shop spaces
- Emphasize retail zones within the downtown plan
- Activate ground floor space for retail
- Market Raleigh as a retail destination
- Coordinate efforts with other organizations
- Create on-line support center for new retailers
- Create a retail assistance team
- Create and promote city grants.

Existing retail support recommendations:

- Facilitate discussions between landlords and retailers
- Develop surveys for existing retailers.
- Create promotional tools to showcase existing retailers
- Coordinate efforts with other organizations
- Create online support center for existing retailers
- Create and promote city grants.

Mr. Sauls pointed out it has been a long process and expressed appreciation to all involved. Ms. Baldwin stated the group came up with great recommendations but questioned if there is a plan to execute or implement the recommendations. Mr. Sauls pointed out the City and other areas will work together with the private sector and various groups and they plan to take this on and develop it into a business model. Ms. Baldwin stated she does not want this to end up being a study on a self. Ms. Crowder talked about information being good as it helps people to understand what it takes to run a business. The Council expressed appreciation to the group for the fine work.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

REZONING Z-34-13 – HILLSBOROUGH STREET CONDITIONAL USE - DENIED

Chairperson Crowder reported the Growth and Natural Resources Committee recommends denial of Z-34-13 – Hillsborough Street conditional use. On behalf of the committee, she moved

the recommendation be upheld. Her motion was seconded by Mr. Thompson and put to a vote which passed unanimously. They Mayor ruled the motion adopted on an 8-0 vote.

REZONING Z-3-16 – FORESTVILLE ROAD CONDITIONAL USE – APPROVED; ADMINISTRATION TO PROVIDE INFORMATION

Chairperson Crowder reported the Growth and Natural Resources Committee is reporting Z-3-16 – Forestville Road conditional use out with no recommendation. Attorney Michael Birch representing the applicant indicated the applicant has come to an agreement with the Homeowners Association and many of the neighbors in the Braefield area. They have come up with a number of restrictions and conditions that will be part of a private agreement. The restrictions and conditions relate to additional setback, additional landscaping, construction material, lighting, parking, reducing the density to 85 units among other things. He expressed appreciation to Attorney Petesch and members of the neighborhood who have continued to work with his client to get this issue moving. He stated they also plan to have on site management, provide a telephone number to an association representative if there is a need to get in touch with someone in charge, no four bedroom units, and the 3 bedroom units would be limited to 30% maximum of the total complex, height, setback, street trees, plantings, etc. Ms. Baldwin asked about the open space with Attorney Birch explaining the play area, community building, covered patio, 8 foot tall fence, etc. Mr. Stephenson asked what the applicant could provide to give comfort as to what is represented by affordable housing. Attorney Birch pointed out they will be applying for credits and talked about work with all involved. Mr. Thompson talked about the management company and various policies.

Attorney Andy Petesch, 127 West Hargett Street, representing the Braefield Homeowners Association expressed appreciation to all involved particularly Council Members Cox and Stephenson were able to facilitate an agreement. He stated they worked on this agreement until 5 minutes prior to the meeting. He stated the opposition has no objection to the case moving forward. Mr. Cox questioned if this and all affordable or subsidized multi-family development require review by the Housing and Neighborhoods Department. Larry Jarvis, Housing and Neighborhoods Director, indicated if a project is requesting funds from the City, his department would review the issue. Mr. Cox stated he would like for the City Manager to review that and put some type policy in place that if a rezoning case or project relates to or presents itself as an affordable housing development that the Housing and Neighborhoods Department would review it for consistency with our plans. City Manager Hall pointed out there would need to be some discussion on how to address that concern. Mr. Cox talked about the North Carolina Housing Finance Agency low income housing tax credits and the fact that several applicants for rezoning have come in and talked about the deadline for submitting applications to the North Carolina Housing Financial Agency and the Council is put in the position of being pitted against the deadlines. Whether the zoning has to be in place in order to apply for tax credits was talked about with Mr. Cox pointing out he understands the deadlines and if everyone knew those in advance the Council would not be put into that position. City Manager Hall stated staff would give that some thought as to how to address that situation. Mr. Thompson moved approval of the rezoning. His motion was seconded by Ms. Baldwin. Mr. Stephenson talked about the rush and being put up against deadlines at the end of the process and how that concerned him. He stated

he knew the Planning Director had been talking with the CAC so we could hopefully come up with some type standards on notification, expand the notification area, various standards, etc.

Jim Yeager, 8031 Marsh Hallow, asked to be heard with the Mayor agreeing to allow him one minute. He talked about how he moved to the area some 30 years ago and how things were then and how disappointed he is with what is going on to now. He asked to continue his presentation with the Mayor pointing out the hearing had been closed, he had provided testimony at a previous meeting, etc. Mr. Cox pointed out there is a request and petition process where someone can request 3 minutes and he would provide information to Mr. Yeager as to how that works. The motion to approve the rezoning case was put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 583 ZC 728.

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

NO REPORT

REPORT AND RECOMMEMDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

NOISE METER/STUDY – REFERRED TO ADMINISTRATION

Mr. Branch indicated he recently attended the Central CAC meeting; met and talked about Lionel Morgan who is working on noise problems and pointed out it is good to see we have students involved in trying to address issues such as this. He stated Mr. Morgan is working with CIO Smith and commended Mr. Morgan for his work and being involved.

TRAFFIC – BICKETT BOULEVARD AND HANNOVER STREET – REFERRED TO ADMINISTRATION

Mayor McFarlane spoke about a speeding/traffic concern relating to the Bickett/Hannover Street area. She asked Administration to look at the situation stating we may need a three way stop sign.

REZONING Z-41-15 – HILLSBOROUGH STREET – MR. GAYLORD'S VOTE CLARIFIED

Mr. Gaylord indicated the Council voted on Z-41-15 – Hillsborough Street at the April 19 meeting. He stated the Council has not received the minutes of that meeting however he had checked with the City Clerk who indicated she had him shown as voting against the motion to approve the rezoning case and the news reported it that way. He stated he actually voted to

approve the case and asked that the Clerk be allowed to show his vote in this matter. There was no objection therefore when the Clerk transcribes the minutes from the April 19 meeting, she will show Mr. Gaylord as voting yes to approve Z-41-15.

PERSONNEL – COMMENTS RECEIVED

Council Member Thompson expressed appreciation to City Manager Hall and the Assistant City Managers for doing such a great job answering Council members' questions in such a timely and efficient manner.

CROSSWALK – WILMINGTON STREET – REFERRED TO ADMINISTRATION

Ms. Baldwin talked about the high pedestrian traffic at the crosswalk in the midblock point of Wilmington Street. She stated there is a major issue with visibility and with the reopening of the plazas and the upcoming construction, she feels we should look at the whole area, increase the visibility, make it more attractive and enforce the laws. She stated there is a safety hazard and asked Administration to look at how to resolve the number of issues in the area.

INNOVATIVE IDEAS – PROPOSED FUNDING – APPROVED AND REFERRED TO ADMINISTRATION

Ms. Baldwin stated having come back from the San Diego trip she would like for the City of Raleigh to look at a program similar to what they have which is an innovation fund but she would call it an idea program to reward employees for innovative ideas and solving some of Raleigh's issues and reward people for externally helping solve some of the issues. She suggested that the Council appropriate $10,000 from City Council contingency to start this fund and so moved. Her motion was seconded by Mr. Branch. Ms. Crowder questioned if we have a scope defined or a program and exactly how it would work. Ms. Baldwin suggested may be the City Manager convene a committee to come up with the scope of study and ideas on how it would work, see how innovative it could be. Mr. Thompson questioned if the Council would have final approval of the plan before any of the money is spent with Ms. Baldwin pointing out that is correct. She would also like to see the plan include an annual report on what programs or ideas have been generated. Mr. Gaylord pointed out it could be tied in to other programs and suggested not having a predetermined dollar amount, let staff come back with a program and examine options and/or what funding may be needed. Ms. Baldwin stated she feels $10,000 is the right amount so they know what they are working with. She asked that staff look at this, look at the diversity ideas throughout the City, etc. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote explaining the final vote would occur when the program comes back.

R-LINE AND PULLEN ROAD EXTENSION – UPDATE REQUESTED

Ms. Baldwin asked that Council be provided an update on the R-Line Study and the extension of Pullen Road. She stated this has been asked for before but she has not heard anything.

Mr. Stephenson stated there was a report in the R-Line in a recent City Manager update. The Manager stated he would send it out again.

HOMELESS CHANGE PROGRAM – REQUEST FOR FOLLOWUP

Ms. Baldwin pointed out at a recent meeting she talked about a homeless change program she saw at the San Diego Airport. She had asked staff to talk with the Partnership to Prevent Homelessness and the Airport Authority to see if all could work together on a program at the airport and/or downtown. She stated she had asked for a report on this but had not received a follow-up.

APPOINTMENTS

PLANNING COMMISSION – NOMINATIONS MADE

The City Clerk reported there is one vacancy on the Planning Commission. Ms. Baldwin has nominated Kelli Goss. The item will be carried over to the next meeting.

NOMINATIONS

APPEARANCE COMMISSION – C. BRIAN O'HAVER – REAPPOINTED

The City Clerk reported the term of Appearance Commission Member C. Brian O'Haver 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. O'Haver to the Appearance Commission. 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.

ARTS COMMISSION – REAPPOINMENTS MADE

The City Clerk reported the terms of Arts Commission members Joanne Casey Sullivan, Linda Dallas and Chanda Branch are expiring. All are eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend its rules and reappoint all three by acclamation. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

CIVIL SERVICE COMMISSION – EXPIRATION OF TERM – ANNOUCED

The City Clerk reported the term of Frank Golden on the Civil Service Commission is expiring. He is an at-large member. He does not wish to be reconsidered for appointment. Brief discussion took place on possible members; however, no nominations were made.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

The City Clerk indicated the Council members received in their agenda packet copies of minutes of the March 20, 2016 UDO Work Session, April 5, 2016 Council meeting and April 19, 2016 Work Session. Mr. Stephenson moved approval of the minutes as presented. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

HOUSING – CONVEYANCE OF CITY OWNED PARCEL – APPROVED

During the April 19, 2016 Council meeting, the City Council adopted a resolution of intent to exchange property – 219 Parkland Road for 805 Bragg Street – to provide replacement housing. All legal procedures have been followed; therefore, it is recommended that the Council adopt a resolution authorizing the exchange according to information outlined on April 19, 2016.

Mr. Thompson moved approval. His motion was seconded by Mayor McFarlane and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 294.

ASSESSMENT ROLLS – SANDERFORD ROAD AND FREEDOM DRIVE – RESOLUTIONS OF INTENT ADOPTED

The City Clerk presented the following preliminary assessment rolls. Adoption, which would set a public hearing to consider confirmation of cost on Tuesday, June 7, 2016, is recommended.

- Paving and Sidewalk Assessments – Sanderford Road Improvements (PW 2012-1) AR 944 and 421
- Paving and Sidewalk Assessments – Freedom Drive Improvements (PW 2012-3) AR 945 and 422

Mr. Stephenson moved approval of the June 7 public hearing. His motion was seconded by Mayor McFarlane and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolutions 295, 296, 297 and 298.

RECESS

Mayor McFarlane stated the meeting is recessed at 3:25 p.m. to be reconvened at 7:00 p.m.

Gail G Smith
City Clerk

jt/CC05-03-16

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, May 3, 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 members present.

The following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

ADVANCE COMMUNITY HEALTH – SUPPORT OF FUNDING – RECEIVED

Virginia Tally, representing the Voter Education Coalition, Raleigh – Wake Citizens Association, Wake Missionary Baptist Association and Southgate Community Outreach presented the following prepared statement in support of funding in the amount of $250,000 for Advance Community Health located in Southeast Raleigh.

> The Mission of Advance Community Health is to deliver quality, compassionate primary healthcare to "every patient, every time" – in response to the needs of the community.
>
> For more than forty years, Advance Community Health, formerly Wake Health Services, has been providing quality primary healthcare to the community as its Federally Qualified Health Center (FQHC). With five locations across Wake and Franklin Counties, Advance serves 25,000 people, with about 15,000 being residents of the City of Raleigh. The new site on Rock Quarry Road consolidated two medical practices into a 35,000 sq. ft. medical facility, with administration, community conference and computer lab space.
>
> An outpatient pharmacy, which will open this summer, will provide the full spectrum of medications to Advance's patients with medications discounted to meet the needs of patients.
>
> Advance serves everyone including pediatrics, teens, adults and seniors and eliminates barriers to service by offering a sliding fee scale along with wrap-around services such as behavioral health, dental, pharmacy and lab, as well as a specialized healthcare for the homeless program.
>
> At Advance, about 90% of patients live in poverty and lack adequate insurance, 25% of Wake County's residents live at or below 200% of the Federal Poverty Level. In Southeast Raleigh, that number jumps to more than 35% in the six zip codes surrounding Southeast Raleigh. Many of these residents don't have a Primary Care Physician. An estimated 100,000 residents utilize emergency rooms or go without needed medical care when they get sick.

In addition to providing access to primary healthcare to an additional 10,000 people, Advance Community Health envisions its investment in the community to allow it be a leader in developing the Southeast Raleigh service corridor – with several new partners, including the Southeast Raleigh Promise Project and the YMCA of the Triangle. This will be a great opportunity to establish a solid foundation to address all social determinants of health including education, affordable housing, access to healthy food, and spaces for recreation.

Advance is striving to be the catalyst for change to play a crucial and unifying role in the integration of healthy living, wellness and revitalization in Southeast Raleigh. Now, and even more in the future, people living in these regions served by Advance will have access to affordable health services and a connection to resources including affordable housing and will be empowered to make life style choices that provide greater opportunities for their families' health and prosperity.

In order to be a healthy capital city, all parts including Southeast need to have equal access to the tools and resources necessary to build healthy lives. Southeast Raleigh is at a critical moment and advance, along with the citizens of Southeast Raleigh, ask for your help. In funding this project, advance and ensure a brighter future for this city and its people.

To name a few the Wake County Voter Education Coalition; Raleigh-Wake Citizens Association (RWCA); Raleigh-Apex NAACP; Southgate Community Outreach; Local Faith Based Communities; and local Sororities & Fraternities request that Raleigh City Council approve and fund $250,000 to Advance Community Health in the 2016-17 City Budget. Will all the supporters of Advance Community Health please stand?

Mayor McFarlane and Council Members thank you for your attention to this matter and we know that you will confidently do the will of your constituents.

Approximately 40 people stood in support of her remarks.

Mayor McFarlane expressed appreciation for the comments and pointed out it will be a budget note in an upcoming budget work session.

RALEIGH TENNIS ASSOCIATION – REQUEST FOR NEW COURTS – COMMENTS RECEIVED

Billy Trott introduced Susan Flanagan President of the Raleigh Tennis Association pointing out Raleigh tennis courts are used by persons 4 years old to 96 years old. They expressed support for the City's plan to build 8 courts at Biltmore Hills. Mr. Trott stated almost two-thirds of their players utilize public funded courts. He stated the last courts built by the City were in 1997 and many are in bad shape. He stated more courts are needed as is renovation of the existing courts. He talked about the Raleigh Tennis Association which is a 501(c)(3) organization. He pointed out it is a team sport. Many of the members play league tennis but pointed out it is played in

middle school, high school, etc. He stated because of the innovation in tennis equipment kids can start how playing as young as 4 years old. He introduced Jim Shevass, pointing out Mr. Shevass is 96 years old, he has won five national tennis tournaments and is still playing. Mr. Trott stated it is felt that people who play tennis live longer, function better mentally and are happy people versus those who are couch potatoes. He stated inactivity of our youth is bad and called on everyone to help support the tennis program in the city.

Mr. Trott and Cy King presented Council members with copies of the book "Tennis In North Carolina." The comments were received.

PACT – VARIOUS COMMENTS – RECEIVED

Mayor McFarlane stated there are a number of people who want to speak on the same item. The Council will hear all and then make comments.

Dona Osakwe had requested permission to talk about police practices in her neighborhood.

Earl Quiller, 500 St. George Road, stated Ms. Osakwe was in a car accident but he has her remarks. He highlighted the following letter.

> My name is Dona Osakwe, I'm 26 years old and a lifelong Raleigh resident. I've lived all over so I've experience Raleigh policing all over the city. When you're black, you're a target no matter where you are. One thing that's different in Southeast, where I live now, is that you see cops, sometimes four cars, two in a car, posted on every corner. You get the impression that they're trying to intimidate. I'm here tonight to let you all, our elected officials, know that Raleigh is no different than other major cities. If those of you on our City Council are unwilling to acknowledge it following our presentations, meetings, and emails, it won't be because you're not experiencing, hearing it, or seeing it for yourself, but because you chose to turn a blind eye to it.
>
> I want you to hear my experiences of being a young, black woman in Southeast Raleigh and do four things tonight:
>
> 1. Recognize that there is a systemic pattern of biased and bully policing practices happening here
> 2. For those who haven't met with a representative of our coalition, commit to sitting down with us to hear out our recommendations before the June 7 Council meeting.
> 3. Commit to responding to our submitted recommendations by May 24, two weeks before the next Council meeting.
> 4. Make police accountability reforms a public hearing agenda item at the June 7 meeting so anyone who is interested in voicing concerns about this topic can do so.

The policy recommendations that PACT has made are the way to act on your commitment to a Raleigh that works for all of us. They deserve a chance in front of this body and our community. They would have made a difference if they had been in place when I had my own encounters with Raleigh Police.

One day, I was driving around town with my brothers and got pulled over three times in the same day; once each on Rock Quarry Road, King Charles and Poole Road. Each time we were questioned about where we were going and what we were doing and let go. Its' gotten to the point that I'm scared to even let them borrow my car.

Another time, my boyfriend and I were driving down Raleigh Boulevard in my new car. A patrol car pulled us over. At first, the officer said it was because the dealer stickers on the car were illegal though he never cited us for that. He asked us to step out of the car and sat us on the curb while they searched my car. An officer had us take off our shoes and socks on that cold November day and even searched our hair. He asked me, "What are you doing with that guy? He's got a record," and "Why do you have all that money on you?" I was on my way to pay my rent.

About a week ago, my house was robbed. When the police came, I was asked if I sell drugs and what kind of company I keep. All of a sudden, I was the one on trial.

I've learned that where you are makes you suspect, guilty until proven innocent. It never occurred to me to file a complaint with internal affairs. It feels pointless because they'll find a way to justify their actions. How can we expect police to change if we depend on them to discipline themselves?

Our coalition is asking for basic things such as consent-to-search forms like Fayetteville Police has implemented, a resolution calling for an external oversight board to end police policing themselves and an anti-bias policy that requires regular review of all officers' stop-and-search data (Durham and Fayetteville are doing something like this already).

I hope you'll take a first step tonight by recognizing that Raleigh has a problem that needs to be addressed and make specific commitments about how we can move forward. Thank you.

David Lawrence, Justice for Communities of Color asked the Council to support the demands which have been submitted by PACT.

Barbara Smalley McMahan, Pastor and licensed counselor, explained her background and how she got involved in PACT. She stated she is talking as a white person and explained how she see policing relating to whites different than when dealing with blacks. She stated there are police officers who are big hearted and want to do right but stated they are working in a system that includes lies and racism. She stated it beaks her heart to see the people in Southeast Raleigh not getting the same treatment as white privileged. She asked for good passionate policing. White people don't realize how great the black race is.

Manzoor Cheema, Muslims for Black Justice, talked about how he and his people have experienced racism across the country. He talked about institutional racism, the percentage of black and brown people in the country and the percentage of those people in our jails, percent shot and killed compared to others. Raleigh has institutional racism, larger percentage who are stopped for different reasons and asked Council to approve outside review board and respond to the PACT and have a public hearing on the issue during the June 7 Council meeting.

Terrene Perry highlighted the following prepared statement:

> Hello, my name is Terrence Perry; I'm a community member and a part of the PACT. I'm here in support of the police accountability policy recommendations that have been presented to the City Council.
>
> We sent each of you a letter addressing questions about the creation of a community oversight board and the de-emphasizing of marijuana. We hope you had a chance to read it. In case you did not, I want to give a summary of what that letter contained.
>
> It was suggested that our current police accountability infrastructure is sufficient. We want to make it clear that:
>
> - This current system is completely dependent on an "internal" review: an Internal Affairs department within RPD staffed by police officers. Checks and balances require objectivity not possible within this current system.
> - The SBI probes only criminal allegations, not patterns of biased policing like stops-and-searches
> - The people we've been organizing with don't have faith in the current system and with good reason. When they file a report ---- people received a letter, months later, with only one or two words sustained," "not sustained" but no details about why. In a city of 440,000 people the average annual number of complaints received in this last five years has been just 39 and on average only 25% of complains have been sustained. Here are too many PACT partners with stories of harassment, use of force, and racial profiling that have not found justice within this system to suggest it is working.
>
> In response to our proposal for a Community Oversight Board, we were advised to use our City Council, City Attorney, and City Manager.
>
> - None of these are set-up to process, investigate, or decide on complaints of police.
> - Also, all are internal and what we desperately need is something outside the system to provide objective checks and balances.
>
> Last time we were here, there was hesitation to put anything before the General Assembly. Since then you have exercised integrity and moral courage in speaking out against HB2, an attack on local autonomy and civil rights. Similarly, we're calling on

you to pass a resolution asserting your support for an oversight board with investigatory, subpoena, and disciplinary power. Working toward anything less relegates us to advisors rather than active participants in the implementation of justice.

Lastly, there were questions about the City's authority to pass an ordinance making marijuana a low-level enforcement priority.

- A marijuana low-level enforcement ordinance similar to the one in Fayetteville, Arkansas, calls on this body to exercise its power under State Statute (160A-146) to organize departments under their control in the name of equity in policing.
- Such an ordinance would direct a City department to focus resources on things more important to public safety than misdemeanor marijuana possession.
- We can provide sample policies as a model for Raleigh.

I hope that with this we can continue in a dialogue to draft city policy and resolutions to create equitable, accountable, and transparent Raleigh policing.

David Salazar stated he was working with Akiba Byrd read the following statement:

I am part of PACT and a local group called "Yes to Licenses" and I am here to ask for justice for Communities of Color. I hope that you understand that we need to bridge the gap between the community and the police. There needs to be trust that is why we are here today to demand that there is an oversight board and body cameras are implemented.

Also, as many of you know, the undocumented community does not have access to an ID. Faith Action IDS have been widely recognized in the state. I hope that you take into account that we have been building Raleigh since the late 80s. I, along with many immigrants poured concrete in the Wake County Sheriff's Office building. Please consider supporting the PACT demands and the implementation of the Faith Action IDS in Raleigh.

Akiba Byrd, 3509 Haywood Drive, highlighted the following prepared statement:

Greetings Council, my name is Akiba Byrd with NCFSCDC and I represent PACT. I think we have demonstrated our commitment and the importance this issue has with a significant portion of your constituency.

The last time we addressed this Council, we were told that we should look to you to serve as our independent review board.

If serving as an independent reviews board is your role, I hope that you'll follow up with me and provide the results of your investigation regarding the officer's behavior and your recommended disciplinary action.

Mayor McFarlane, I was told that you made a statement about running for the love and future of your grandchild. So I gather you can imagine the pain that Moma Byrd is going through as well as all of us who have had their rights or the frights of their child violated. We need help, Branch, Crowder, Gaylord & Stephenson, you all shared that you would support a review board while you were campaigning for that seat. . . A lot of us voted for you on the basis of your stance for justice and accountability.

I hope that like us, you'll find that this is not City Council's role to play. If so, then we ask that you do assist us by:

1. Recognize that there is a systemic pattern of biased and bully policing practices happening in Raleigh.
2. For those who haven't met with a representative of our coalition, commit to sitting down with us to hear out our recommendations before the June7th Council meeting.
3. Commit to responding to our submitted recommendations by May 24, two weeks before the next Council meeting.
4. Make police accountability reforms a public hearing agenda item at the June 7th City Council meeting so anyone who is interested in voicing their concerns about this topic can step up and do so.

Thank you. If we leave it up to the current system our police have just been granted the right to come into our neighborhood and execute us as long as they claim self-defense.

City Manager Hall pointed out the City has received the written request of the organization and are working on a written report. He stated he wanted to make sure the questions are answered and hopefully the report will come back to Council within 10 days to 2 weeks. The group asked if the Council would schedule a public hearing when the report was received with the Mayor pointing out until the Council gets the response it does not know how it will act. It was pointed out the City Manager will share the report with those who spoke as well.

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT BUILDING DEMOLITION – 507 MONTAGUE LANE – ORDINANCE ADOPTED

This was a hearing to consider adopting an ordinance, pursuant to Article 11.6.13 of the Unified Development Ordinance Code for the City of Raleigh to authorize the demolition of the unfit building listed below.

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	TIME LAPSE
507 Montague Lane (C)	Mary Jane Locklear heirs	0042551	137 days

An heir of the property pointed out there is an active contract to sell the property to Raleigh Restoration. He stated he realizes he was the one who failed to repair the dwelling, talked about the problems he has had in housing his homeless mother; however the closing date for the sale of the house is May 15.

Housing and Neighborhood Inspector Ashley Glover pointed out the property was severely damaged by fire in November of 2015. It is heir property and so there was a time lapse to serve people to give all the heirs proper notice. He suggested that the Council go ahead and adopt the ordinance pointing out if the property is closed on by May 15, the owners could go ahead and start the repairs or demolish.

Helen Hinton pointed out she was born and raised in the house. She stated here was no will and it was felt that the grandfather left the house to his children. There are a lot of memories and talked about her mother dying when she was very young and the name on the deed is Mary Jane Locklear.

In response to questioning, Mr. Glover pointed out if the Council adopts the ordinance it will be 60 days or so before demolition starts. Mr. Thompson questioned is the house is sold if it is going to be repaired or demolished with Mr. Hinton pointing out it will be torn down. Mr. Glover pointed out if the Council goes ahead and adopts the ordinance and the sale goes through, then the owner would have time to demolish the dwelling. City Attorney McCormick suggested going ahead and adopting the ordinance with an effective date of May 15 and if it is not closed on or an extension is needed they could come back to Council.

No one else asked to be heard, thus the Mayor closed the hearing. Mr. Thompson moved adoption of the ordinance to be effective May 15, 2016. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 584.

PUBLIC NUISANCE COST CONFIRMATION – 6913 GLENDOWER ROAD – HEARING – RESOLUTION ADOPTED

This was a hearing to consider adopting a resolution to confirm as a lien against the property as listed below for the charges for abatement of the public nuisance:

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	COST OF ABATEMENT
6913 Glendower Road (E)	NC Patriot, Inc.	0122799	$961

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of a resolution confirming the cost as outlined. 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. See Resolution 299.

SALE OF CITY OWNED PROPERTY – VARIOUS LOCATIONS – HEARING – RESOLUTION ADOPTED

This as hearing, pursuant to NCGS 160A-457, to consider the sale of 14 City-owned lots on Oakwood Avenue, Idlewild Avenue, East Jones Street, East Lane Street, and Seawell Avenue to Evergeen Construction, RD Construction Company and Habitat for Humanity of Wake County via private sale with the requirement that the property will be used for creation of affordable home ownership opportunities.

The location, sales price and proposed purchasers were included in the agenda packet.

Following the hearing, the Council may take action to authorize the sale of the properties as included in the agenda packet.

The Mayor opened the hearing.

Octavia Rainey expressed concern about citizen participation plan pointing out she did not know anything about this. She questioned the HUD requirements when public funds are being used. She questioned why Mr. Jarvis and the City continue to deny citizens an opportunity to participate. She talked about the goals of HUD, the Fair Housing Act, her concern that the City seems to continue to go around the CACs and questioned why they were not notified of this process.

Council Member Branch questioned the notification with Mr. Jarvis pointing out the recommendation was shared with the CAC, he went through the steps and talked about the advertisement requirements pointing out they have been met.

Judith Lewis, 1111 South Person Street talked about the incident that occurred in Raleigh recently where a young lady's son was hurt and a revitalization area. She talked about Raleigh needing to be a Catalyst for turning these bad situations around. She questioned who is monitoring the notification process and asked if this should be extended so everybody can get a chance to look at it. She talked about a negative situation being turned into a positive situation, talked about Raleigh needing to help deal with homeliness, affirmative action, talked about her background and the feeling that everybody is fed up with what is going on.

No one else asked to be heard thus the hearing was closed. Ms. Baldwin moved approval of the sale as outlined in the agenda packet. 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. See Resolution 300.

STC-8-15 – BELVIN DRIVE – HEARNG CONTINUED UNTIL JULY 5, 2016

During the November 3, 2015 City Council meeting, a hearing was held to consider a request from Carolyn Elliott to close a right-of-way known as Belvin Drive, according to information included in Resolution 2015-204.

During the hearing, an issue related to flooding problems in the area and possible solutions were presented by Thomas Craven, representing an adjacent property owner. It was agreed to hold action on the request until the stormwater issue was resolved and place it on this agenda for a report and consideration.

Following the hearing, the Council may take action to close the right-of-way.

Eric Lamb, City Planning, indicated the applicant has requested that this item be held for two months and talked about the ongoing work. Without objection it was agreed to continue the hearing until July 5, 2016.

STC-1-16 – NORTH HARRINGTON STREET ALLEY – HEARING – RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a right-of-way known as North Harrington Street Alley according to Resolution 2016-281.

Following the hearing, the Council may take action to close the right-of-way.

Eric Lamb, City Planning, pointed out this relates to a development plan in the area. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Mr. Branch moved adoption of a resolution closing the street as advertised. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 301.

STC-2-16 – SYLVIA DEAN STREET – HEARING –RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a right-of-way of Sylvia Dean Street, according to information included in Resolution 2016-282.

The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Ms. Crowder moved adoption of a resolution ordering the closing as outlined. Her motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 302.

I-40 BRIDGES PEDESTRIAN RETROFIT – HEARING – RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider authorizing bicycle and pedestrian improvements along Trailwood Drive, starting near Lineberry Drive and ending near Main Campus Drive to include installation of sidewalks, curbs, gutters, bike lanes, metal rails, and fencing along both sides of the roadway for approximately 1495 linear feet. Assessment for new curb and gutter along both sides of City- and State-owned parcels would apply.

Following the hearing, the Council may take action to direct the improvements as advertised.

Following the hearing, the Council may take action to close the right-of-way.

Silvester Percival, Public Works Department, was available to answer questions. The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Mr. Branch moved adoption of a resolution directing the project as advertised. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 303.

PAVING ASSESSMENT ROLL 943 – JOHN'S POINTE SUBDIVISION – HEARING – RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming the cost for completion of deficient punch list items/developer required improvements to the public streets in John's Pointe Subdivision Phases One and Three according to charges outlined in Resolution 2016-285, adopted on April 5, 2016.

Following the hearing, the Council may take action to adopt a resolution confirming the cost.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of a resolution confirming the cost as outlined. Her motion was seconded by Mr. Thomas and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 304.

PAVING ASSESSMENT ROLL 942 AND SIDEWALK ASSESSMENT ROLL 420 – WADE AVENUE - HEARING – CONTINUED UNTIL MAY 17, 2016

This was a hearing to consider adoption of a resolution confirming Sidewalk Assessment Roll 420 related to improvements on Wade Avenue from west of Westridge to Faircloth Street pursuant to charges outlined in Resolution 2016-283, adopted on April 5, 2016.

Following the hearing, the Council may take action to adopt a resolution confirming the cost.

The Mayor opened the hearing. Attorney Michael Birch representing Ridgewood Shopping Center asked that the item be continued for two weeks pointing out they are investigating and

have asked the City questions relative to use of Federal funds and how that would impact the assessment.

Craig Martin Barfield, Meredith College, indicated they object to the assessment. He stated they paid for improvements to their driveway; however, Wade Avenue is a controlled access facility and they do not have access to Wade Avenue only Hillsborough Street. He talked about how greenway goes through their campus, almost half of their students being from Raleigh, the work of their students and how they try to keep the cost of education as low as possible. He questioned if the paving portion can be waived or help given.

Attorney Birch indicated Federal funds were used on this project and they had questioned if the other projects that were built with Federal funds have been assessed. Mr. Thompson moved that the item be continued to the May 17, meeting. His motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REZONING Z-27D-14 – UNIFIED DEVELOPMENT ORDINANCE VARIOUS PARCELS – HEARING – ORDINANCE ADOPTED

This was a hearing to consider UDO remapping of 69 parcels to be rezoned from legacy zoning districts to UDO zoning districts. These items have different zoning requests since they were advertised at public hearing in 2015. The properties listed below represent the final remaining parcels to be rezoned as part of zoning case Z-27-14, otherwise known as the UDO city-initiated remapping. At the July 2015 public hearing, the City Council received comments from these property owners requesting a less restrictive zoning district. The City Council could not respond to those requests at that time given the process identified in the UDO. The City Council referred these items to the Planning Commission for review and recommendation.

The Planning Commission reviewed the requests and recommends approval as stated in the "Summary of Planning Commission Recommendations." For ease of the public hearing, the requests are sorted by geographic location, as follows:

Downtown

Item 1	600 Blount Street; 121 and 125 E. South Street
Item 2	401 N. Harrington Street
Item 16	118 E. Lenoir Street; 101, 111, and 117 E. South Street
Item 17	600 W. Hargett Street
Item 18	230 and 234 E. South Street; 706 S. Person Street

East

Item 7	4208 New Bern Avenue
Item 9	3312 and 3600 New Bern Avenue

Northeast

Item 11	3900 Sumner Boulevard
Item 12	6830 Old Wake Forest Road; 5857 Capital Boulevard; 5839 and 6001 Capital Boulevard

Item 13	4205 Pleasantville Drive; 4125 and 4133 Mitchell Mill Road
Item 14	5420, 5500, and 5510 Capital Boulevard
Item 15	0 Gresham Lake Road
Item 19	9721, 9733, and 9745 Fonville Road

Northwest

Item 3	6301 Mt. Herman Road
Item 4	8024 Glenwood Avenue
Item 8	1900 Blue Ridge Road
Item 10	Brier Creek area

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

Mayor McFarlane opened the hearing, no one asked to be heard, thus the hearing was closed. Ms. Baldwin moved approval of the rezonings as included in the agenda packet. 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. See Ordinance 585 ZC 729 and 586 ZC 730.

REZONING – Z-43-15 – TRYON ROAD – HEARING – ORDINANCE ADPOTED

This was a hearing to consider a request from Macnair Starnes Property, LLC to rezone approximately 18.39 acres from Residential-1 – Swift Creek Watershed Protective Overlay District (R-1 w/SWPOD) to Residential-10 – Conditional Use – Swift Creek Watershed Protective Overlay District (R-10-CU-SWPOD).

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

Planner Bynum Walter presented the case including current zoning, what is allowed under current versus proposed zoning, aerial views, proposed conditions, recommendations from the Planning Commission which was for approval and explained the West CAC voted 25-0 in favor of the rezoning. Mr. Stephenson questioned if this property is a part of the new urban watershed and is consistent with all watershed protection regulations with Planner Bynum indicating that is correct. The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Ms. Baldwin moved approval as recommended by the Planning Commission in CR-11693. 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. See Ordinance 583 ZC 728.

REZONING Z-4-16 – OBERLIN ROAD – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This was a hearing to consider a request from Jonathan Anderson to rezone approximately 0.36 acre from Residential-10 with Neighborhood Conservation Overlay District and Special Residential Parking Overlay District (R-10 w/NCOD & SRPOD) 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 &SRPOD).

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

Planner Bynum presented the case going over the current zoning, aerial views, views of this site from various locations, explained it is inconsistent with the future land use map and consistent with the Urban Form, went over the proposed conditions, what would be allowed under existing and proposed zoning, the Comprehensive Plan analysis, the Planning Commission's recommendation as well as the CAC which recommended on a 26-0 vote. The Mayor opened the hearing.

Sabrina Goode, 4701 St. Thomas Place, Executive Director of Friends of Oberlin Village and a member of Wilson Temple United Church pointed out Friends of Oberlin Village voted against this proposal citing a fear that it will be turned into an apartment or office complex. She talked about the median in the road to prevent left turns out of the property and questioned why this property would be approved for more development. She talked about homeowners having to have circular drives and pointed out this case needs further vetting before being acted upon. She talked about discussions that were held and pointed out her group does not feel it is something that could be a viable neighbor next to the church. Mayor McFarlane pointed out she understands the CAC supports the case and questioned if Ms. Goode's groups were not present. Ms. Goode stated they were against an office development at this location and talked about the number of people at the last meeting. Ms. Goode stated she is not sure exactly what is being proposed as it seems to be continuously changing.

Karen Throckmorton, 602 Chamberlin Street, stated she represents the church and also represents the Morgan family. She stated Wilson Temple Church is not for this rezoning. She stated it had been discussed, they have traffic concerns and she is not sure where the break down occurred. It is a dangerous area traffic wise and she does not see how you can get a doctor's office in this location. Mayor McFarlane stated there seems to be a disconnect and questioned if the church had an official meeting with minutes taken and a vote.

Dr. Christopher Parnin indicated he walks in the area daily and questioned a doctor's office in this location. He stated it would be good to have some new medical facilities in the area but he is not sure how people would get to it. There is no way to cross the street you have to walk quite a ways before you can cross the street safely. He stated if it is rezoned there must be a pedestrian friendly area.

Marshall Rich, 712 Mills Street spoke in support. He stated they would work within the existing structure pointing out under the existing zoning it could be student housing. He stated this is a transit corridor. No one else asked to be heard thus the hearing was closed.

Ms. Crowder suggested the item be referred to Growth and Natural Resources Committee. Her motion was seconded by Mr. Thompson and without objection the item was so referred.

EVIDENTIARY HEARING

SU-1-16 – THE MERRIMON-WYNNE HOUSE – OUTDOOR AMPLIFIED ENTERTAINMENT PERMIT – HEARING – CONTINUED UNTIL JUNE 7, 2016

This was a hearing to consider a request from Jodi Heyens Strenkowski, on behalf of Heyens Holding NC, LLC, d/b/a The Merrimon-Wynne House, LLC, for renewal of a previously approved outdoor amplified entertainment for The Merrimon Wynne House, located at 500 North Blount Street. The request is for renewal of an amplified entertainment special use permit to allow amplification to occur between the hours of 4:00 p.m. and 10:00 p.m., Monday through Thursday, and 1:00 p.m. and 11:00 p.m., Friday through Sunday, for a permit duration of 24 months.

The Mayor turned the hearing over to the City Attorney to conduct the hearing.

City Attorney McCormick explained the history on this case pointing out the last time it was heard a special use permit was granted for outside amplified entertainment and it was felt that they would have a new facility constructed and would not need another permit. He stated the construction for the venue has been completed however the owners feel they need another permit. City Attorney McCormick explained the procedure for an evidentiary hearing pointing out Council members can only act on the facts heard at this hearing and explained what can and cannot be presented.

The City Clerk sworn in those persons who indicated they plan to speak.

John Strenkowski (sworn) indicated he is one of the owners of the Merrimon-Wynne House. He stated his wife could not be present as she had just given birth to their first child. He stated they did not plan to come back and ask for another permit or an extension pointing out they had planned to build a carriage house on the property to replace the temporary tent which would provide a permanent structure and all of the events would be inside. He stated however they are in a historic district and had to go before the Raleigh Historic Development Commission to get a permit. RHDC granted a permit, however, limited it to a smaller footprint than the tent they had in place. He stated they are asking for the permit in order to be able to open the doors on one end of the structure on very rare occasions when the number of guest exceeds the number allowed in the structure. He stated since they received their first permit they had not received any noise violations. He stated since they had opened the venue with the outdoor amplified entertainment permit, all people who have moved in signed an addendum to their purchase contract stating they knew they were moving behind a wedding venue. He presented, for the record, a copy of the addendum that people received. He talked about the number of weddings or events they have held pointing out they spent over $500,000 on the structure, went through the findings pointing out they hope to host about 100 events per year and on Friday, Saturday and Sunday nights all of the amplified music would end by 11:00 p.m., talked about when the timing of the events and explained how they met the criteria. In response to questioning he stated the rare weekday events would end by 9 or 10 p.m. Mr. Strenkowski testified that his application

outlines the seven factors that have to be met and he would submit his answers into the record as evidence that they meet all requirements.

Chris Schlenker, 525 John Haywood Lane, stated his home is directly behind the Merrimon-Wynne House and he is very surprised that this came up as he thought the structure settled the noise issue. He stated the applicant's may not have received any violations but sometimes it is quit loud and music played until 11:15 on a recent occasion. He stated there is a 10 foot fence but it doesn't do much to limit the noise going to the adjacent properties. He stated they do not want the City to allow bands outside in any matter.

Sam Stone (sworn) 520 John Haywood Lane, expressed concern as to whether the applicants will do as they say. He indicated Ms. Strenkowski had stated that the noise level would be addressed but that does not always occur. He stated they were told the structure was being built so that they could contain the noise inside but now they are asking for another permit and questioned if the noise level would be monitored.

Anne Bullard, 208 Forest Road pointed out she is chairperson of Burning Coal Theatre. She was accompanied by Jerome Davis, Director at Burning Coal and they pointed out their hours of operation are similar to the hours of operation of the Merrimon-Wynne House. They stated there is no problem or noise concern when the doors are closed. They pointed out there have been occasions were the noise traveled into their space and their patrons could not even hear the actors and left the theatre. They expressed concern.

Kim Hibler, 505-102 John Haywood Lane, pointed out there was a tent there when they purchased the property. She stated they felt that the music would be kept inside, talked about infringing on the historic regulations, the number of events that have been planned and/or booked at the facility stating music on the inside is not an issue. She pointed out however people walk up and down the street which is next to their bedrooms and talked about the problems that caused; problems with clean up noise such as dumpsters, glass bottles going in, etc. The cleaning up noise is what causes the most problems.

Adam Schoenfeld, 505-101 John Haywood Way, pointed out he purchased a sound meter and put it in the window and the decibels go above 70 many, many times. He stated if the Council granted the new request which will allow them to continue to exceed the noise levels, there would not be a recourse for the neighbors. He stated he would like to see stricter enforcement of the decibel levels and would like more information on what is being proposed.

Elizabeth Mason, 511-101 John Haywood Way, questioned what this proposed permit would allow. It was pointed out the structure has been operating less than a month and they have already had a wedding outside and she heard every word in their house and questioned what type music and at what level is allowed outside. She stated the parties extend beyond 11:00 p.m. and now the cleanup is taking place behind the structure and all of that restocking, putting empty containers in the trash, etc., it is very loud and disturbing. She pointed out there have been times that events do go beyond 11:00 but the biggest problem is the cleanup noise. She pointed out in

addition she understands the noise is being checked by the noise meter from across the street not at the property line.

Mr. Strenkowski pointed out all bands and amplified music will be inside, they are just asking permission to open the doors in case there is an open flow crowd. He talked about the breakdown of an event and where that occurs. He pointed out there have been some eight weddings since the structure opened and there was one police complaint but when the police checked they were in compliance. He stated they are not asking for anything over the 65 decibel level, talked about how they walk the perimeter regularly to make sure everything is in line and pointed the decibel meters the police department uses are much more accurate than one purchased at some place like Radio Shack. He stated their parties always end no later than 11:00 p.m. or the music ends by the time; however some people may linger with conversation, etc.

City Attorney McCormick pointed out all of the speakers who spoke against the application seem to address Item #7 which relates to general noise requirements. He suggested that the Council could continue the hearing to allow the applicant an opportunity to work with the neighbors, could close the hearing and grant a permit for a short period of time to see how it may affect neighbors, grant the permit as requested or deny the application. Ms. Crowder asked if she could repeat a statement she made at the last hearing with City Attorney McCormick indicated that is not relevant to this request.

Discussion took place as to how to proceed; the size of the tent which was 40' x 80' with the new structure being 40' x 60' and questions about the reason for the request. How the Council could condition or restrict the number of performances or the number of people outside during an event was talked about. The Council agreed to continue the hearing until June 7 to allow the applicant an opportunity to work with the neighbors. Mr. Stephenson pointed out he was involved with the first hearing and to the applicant's credit they went through extensive measures to keep from having outdoor entertainment but now the applicant is back before the Council and he hopes the applicant has heard the neighbors' concerns and questions. The applicant asked if they could have outdoor music while this hearing is being continued with it being pointed out the existing permit has expired. It was agreed to place the item on the June 7 agenda for a continuation of the hearing.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 8:55 p.m.

Gail G. Smith
City Clerk

jt/CC05-03-16