COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, June 7, 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 invocation was rendered by Vernon Matzen, First Church of Christ, Scientist. The Pledge of Allegiance was led by Councilmember Cox.

The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

SOCIAL MEDIA - #REFLECTRALEIGH – PRESENTED

Communications Director Damien Graham introduced a new social media #ReflectRaleigh. He stated it is felt if he took a poll and asked Council members what makes Raleigh special he would bet the unanimous response would be the people.

Raleigh is a place full of people bringing creativity, energy, innovation, and health to our community. We're not only proud of the people who call Raleigh home, we recognize that they are the foundation of the City's identity. This deserves to be celebrated and #ReflectRaleigh is how we hope to do that.

He introduced #ReflectRaleigh which is a giant mirror and people are invited to stand in front of the mirror, smile, take a picture and say what Raleigh means to them. The mirror will move from location to location starting with Exchange Plaza, none to the North Carolina Museum of Art, Pullen Park and the Contemporary Art Museum. He stated the pictures taken would be put on #ReflectRaleigh and the rest of the world could see what one thinks about Raleigh. He stated the mirror would be utilized at the July 4th and Designation Dix celebrations. He recognized Eleanor Hawthorne for all of the work she had done in putting the program together and kicked it off by showing the first photograph which was the Raleigh City Council in front of the mirror.

CITY ATTORNEY – RECOGNITION OF SUMMER INTERNS – RECEIVED

City Attorney McCormick talked about the internship program in his office and pointed out he is pleased that the Council has allowed him to utilize the program in the past. City Attorney McCormick introduced Cody Davis and Michael Francki who are now interning in his office.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – NORTH CAROLINA OPERA – INFORMATION - RECEIVED

Timothy Myers, Artistic and Music Director for the North Carolina Opera, indicated Council members received at their seat a brochure describing the 2016-2017 season.

He talked about the season which includes six events at a number of different venues and several special events. He talked about their budget and expressed appreciation for the long time support of the City of Raleigh pointing out the North Carolina Opera is the envy of many of their colleagues throughout the country as it relates to financial support received from the City. He explained the different performances in the 2016-17 season. He invited all to attend.

Mayor McFarlane expressed appreciation pointing out she had the opportunity to attend a number of events and expressed appreciation for the subtitles.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. Mayor McFarlane explained the vote on the consent agenda will be a roll call vote. Mayor McFarlane stated she had received a request from Mr. Gaylord to withdraw the item No Parking on Southwest Street. Without objection that item was withdrawn. It was also pointed out administration had withdrawn the item relating to a lease agreement – solar energy installation at the Neuse River Resource Recovery Facility. 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.

PASSAGE HOME – FUNDING RECOMMENDATION – VARIOUS ACTIONS APPROVED

Passage Home has the ability to acquire a four-unit residential property in the Brown Birch apartment community and has requested funding assistance from the City in an amount of up to $225,000. Staff recommends assisting Passage Home with the acquisition in the form of a zero-

percent, deferred payment loan that becomes due and payable upon the sale or transfer of ownership of the property. The apartment community is located at the intersection of Garner Road and Bragg Street.

Brown Birch was completed in 1985 and consists of 21 residential buildings (92 living units total) that provide both ownership and investment opportunities. Over the years, it has experienced a number of challenges, including continual minimum housing code violations, lack of maintenance of common areas, crime, a dysfunctional homeowners association, and multiple owners with no shared vision. Additional background information on the history of this affordable housing development was included with the agenda packet. Prior Council actions involving this community are as follows:

- 2000: Council authorized staff to provide two loans totaling $585,000 to Passage Home to rehabilitate four apartment buildings (16 units) acquired with private funds.
- August 2002: Garner Road Area Redevelopment Plan adopted by Council. A component of the Plan recommends the Brown Birch site be assembled under single ownership and redeveloped.
- January 2011: Council authorized a grant of $200,000 to Passage Home to acquire an additional three buildings (12 units). City funding was leveraged with private and other public funds.

The proposed purchase would increase the property holdings within the Brown Birch development by Passage Home to 15 properties, with a corresponding reduction in the total number of different owners to four, one of which is Passage Home. Passage Home would inherit and honor all current and existing lease agreements. Through attrition of current leases, the building would become vacant, with future demolition to follow.

City funding for the acquisition of the property by Passage Home will be provided through the Affordable Rental Preservation/Creation program, as outlined in the 2016-20 Affordable Housing Improvement Plan adopted by City Council on October 20, 2015. The purpose of the program is twofold: when affordability can be maintained through preservation of existing housing units, funds are made available to either non-profit or for-profit developers for the acquisition, rehabilitation and/or preservation of existing rental units for mixed-income occupancy. When affordability can be maintained only through redevelopment because the existing units have become functionally obsolete, funds are made available for the acquisition of existing units for the purpose of future redevelopment.

The funding requested by Passage Home fits the latter aspect of the Affordable Rental Preservation/Creation program. The corresponding increase in majority ownership interest in the community by Passage Home rises from 61 percent to 72 percent, and will bring the Brown Birch properties closer to a desired goal of singular ownership and eventual redevelopment of the entire site, in partnership with the City. Limitations of the Affordable Housing Location Policy are inapplicable as these are existing affordable housing units. Necessary transfers of appropriated housing funds will be handled administratively.

Recommendation: Authorize the commitment of affordable housing funds to support the property acquisition and authorize the City Manager to execute associated loan documents. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

LAKELAND ESTATES SUBDIVISION – TERMINATION OF STORMWATER MAINTENANCE AGREEMENT – APPROVED – FUNDS TO BE DISBURSED

The Lakeland Estates Homeowners Association (HOA) has requested that the City remove the maintenance requirements related to the stormwater device currently serving the subdivision. The subdivision is within Council District C and is located just northwest of the intersection of Turf Grass Court with North Rogers Lane. The original developer of Lakeland Estates, to comply with stormwater regulations, elected to utilize the pre-existing lake for stormwater management at the time the subdivision was created in 2003. In the intervening period maintenance of the lake, which serves as a wet pond retention device, has proven difficult since the HOA only owns 35 percent of the lake, a small portion of the existing dam and none of the drainage infrastructure. Use of the lake for retention was not required to comply with water quality requirements as the stormwater management plan for the overall development is below the threshold where a water quality device is required.

For the original developer, designating the existing lake for retention reduced the cost of the nutrient offset buydown but burdened the HOA with ongoing maintenance of the lake, which includes ongoing contributions to the stormwater replacement escrow account. The HOA approached the City to determine whether anything could be done to relieve the financial burden, and following review it was determined the lake could be removed from the stormwater management plan if the HOA could show the lake was not necessary to meet stormwater requirements. Subsequent evaluation and engineering analyses confirm this fact.

Termination of the maintenance agreement includes a refund of contributions to the stormwater replacement account as well as the termination of associated legal agreements. This results in a refund to the HOA in the amount of $39,839 from the stormwater replacement account. Staff supports termination of the agreement.

Recommendation: Authorize the City Manager to terminate the agreement and authorize the disbursement of a refund in the amount of $39,839 to the Lakeland Estates Homeowners Association. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SANITARY SEWER EXTENSION – 7701 RAY ROAD – EXTENSION AUTHORIZED

A request has been received from Qing Le Lin and Xiu Mei Chen Lin to extend a sewer main along properties located at 7705 Ray Road to 8016 Laurel Mountain Road. The property to be served is located outside the City limits, but within the Raleigh extraterritorial jurisdiction. The request complies with the City Code; the total cost for the extension of service will be borne by the property owners.

Recommendation: Authorize the extension of sanitary sewer service to the property. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ANNEXATION PETITION – 2409 GRESHAM LAKE ROAD/NORTH RIDGE PLACE – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARING

The agenda presented the following petition for annexation:

AREA NAME AND DISTRICT	PETITIONER	ACRES	PROPOSED USE
Contiguous Petition			
2409 Gresham Lake Road/North Ridge Place (A)	William H. Wynn	9.127	Single Family 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 a public hearing to be held July 5, 2016. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

COMMUNITY WASTE REDUCTION AND RECYCLING PROJECT – NORTH CAROLINA DIVISION OF ENVIRONMENTAL QUALITY – MANAGER AUTHORIZED TO EXECUTE; BUDGET AMENDMENT APPROVED

The City has been awarded Grant Contract Number 6866 from the North Carolina Department of Environmental Quality to expand recycling service to seven additional park facilities.

Currently the Parks Division maintains 83 recycling stations located in 33 park sites. The grant provides for funding of 80 percent of the cost for an additional 54 recycling containers. The 20 percent required match will be transferred from existing operating appropriations, and a budget amendment in the amount of $29,970 is necessary to appropriate the grant proceeds and matching funds. The grant application was administratively approved by the grants committee on February 4, 2016.

Recommendation: Authorize the City Manager to execute all required grant documentation and authorize a budget amendment in the amount of $29,970. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 592 TF 276.

FIREFIGHTER'S GRANT – FEDERAL EMERGENCY MANAGEMENT AGENCY – MANAGER AUTHORIZED TO EXECUTE GRANT; BUDGET AMENDED

The City has been awarded an Assistance to Firefighters Grant for the design and installation of fire sprinkler systems for Fire Stations 2 and 15. These facilities, which are part of a multi-year project to renovate legacy fire stations, were built in compliance with 1968 State Building Codes, neither of which contained a mandate for fire sprinkler systems. Current codes mandate that

occupancies classified as residential providing accommodations for overnight stay shall have an automatic sprinkler system installed.

This grant opportunity contributes to the City's commitment to provide essential services, which include life safety of occupants and firefighters, confinement and extinguishment of the fire, property conservation, and reduction of adverse environmental impacts. A budget amendment in the amount of $151,555 is necessary to appropriate the grant funding; the required 10 percent local matching funds will be transferred administratively. Accounting detail is included with the agenda packet. The grant application was administratively approved by the grants committee on January 7, 2016.

Recommendation: Authorize the City Manager to execute all required grant documentation and authorize a budget amendment in the amount of $151,555. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

PARKING DECK SAFETY PATROLS – CONTRACT WITH DOWNTOWN RALEIGH ALLIANCE – MANAGER AUTHORIZED TO APPROVE

The City has an existing contract for security services with the Downtown Raleigh Alliance (DRA) to provide security patrols for parking decks and surface parking lots in the downtown area. The current contract expires June 30, 2016 and a new contract has been proposed to continue this service for the period July 1, 2016 to June 30, 2017. The contract amount for the patrolling of eight parking decks and three surface parking lots is $473,800, which reflects a one percent increase from the current contract accounting for the loss of two surface parking lots due to the Dillon project. The contract has been reviewed by the City Attorney's office.

Name of Project:	DRA Safety Patrol FY17
Managing Division:	Public Works – Parking
Request Reason:	Contract amount >$150,000
Vendor:	Downtown Raleigh Alliance
Prior Contract Activity:	$329,589 FY10
	$339,477 FY11
	$367,043 FY12
	$425,985 FY13
	$432,375 FY14
	$455,646 FY15
	$469,315 FY16
Project Budget:	$473,800
Budget Transfer:	None
Currently Encumbered:	$0
Amount of this Contract:	$473,800
Encumbered with this approval:	$473,800

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

ERP ANALYSTS, INCORPORATED AMENDMENT #2 – SOFTWARE SUPPORT – APPROVED

Staff recommends an amendment to the existing managed services agreement with ERP Analysts, Inc. to provide system services and support during the upcoming fiscal year. In September 2015, the City entered into an initial managed services contract with the vendor on a trial basis to provide ongoing support of the PeopleSoft system; support for various maintenance aspects of the software is contracted out and not performed with in-house resources. The amendment provides for on-call support of the system and managed services. Funding is included with the proposed FY2016-17 operating budget and will not exceed $200,000.

Name of Project:	PeopleSoft Managed Services
Managing Division:	Information Technology – IT Application Support
Request Reason:	Contract amendment approval (contract amendments >$150,000)
Cause of Contract Amendment:	Continue PeopleSoft managed services
Vendor:	ERP Analysts, Inc.
Prior Contract Activity:	Original contract $100,000 (operating funds)
Amendment One:	$204,000 (capital funds – PeopleSoft 9.2 Upgrade project)
Amount of this Amendment:	$200,000 (operating funds)
Encumbered with this Approval:	$200,000 (July 1, 2016)

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

EPLUS GROUP, INC. – LEASE SCHEDULE 164 – APPROVED

The City utilizes a leasing company to provide technology equipment including desktop computers, laptops, and projectors; as well as network equipment such as switches, routers, and servers. The Master Lease Agreement provides for new equipment to be leased via a series of quarterly lease schedules. Lease Schedule 164 is in the amount of $235,232. Lease 164 is for a four-year term and exceeds the administrative contract approval threshold of $150,000.

Recommendation: Authorize the City Manager to execute Lease Schedule 164. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

PEDESTRIAN AND BIKE DESIGN – BLUE RIDGE ROAD – CONTRACT AWARDED TO A. MORTON THOMAS AND ASSOCIATES, INC.

In December 2015, the City solicited proposals for engineering design services for bicycle and pedestrian improvements in the Blue Ridge Road corridor, with the objective for Phase I to develop designs to fill bicycle facility and sidewalk gaps along Blue Ridge Road from north of Reedy Creek Road to Trinity Road. The project will include the development of concepts to

widen the existing bridge over Wade Avenue to improve pedestrian and bicycle connectivity along the corridor between the NCSU Biomedical Campus, State Fairgrounds, Arena complex, the NC Museum of Art, and Reedy Creek Greenway. Construction costs and funding options will be identified during this phase; Phase II final design services are included in the FY17 Capital Improvement Budget

Staff received proposals from seven teams representing 13 firms in January. Each proposal was evaluated with regard to criteria identified in the request for qualifications letter, which includes the anticipated levels of Minority and Woman Business Enterprise (MWBE) participation. A list of the firms submitting a proposal is included with the agenda packet. The proposals were evaluated by a review committee consisting of staff from Transportation Planning and Long Range Planning from City Planning and Design/Construction and Transportation Operations from Public Works. Four teams were shortlisted and invited to interview.

Based on the interviews, the committee further considered two candidates and selected the team led by A. Morton Thomas and Associates as most suited for the project based on qualifications, MWBE participation, and team availability.

Staff has completed fee negotiations and recommends award of a contract. The consultant proposes to utilize 25 percent MWBE participation.

Name of Project:	Blue Ridge Road Ped/Bike Design
Managing Division:	Planning – Office of Transportation Planning
Approval Request:	Award of contract
Design Estimate:	$250,000 (Phase I)
Vendor:	A. Morton Thomas and Associates, Inc.
Currently Encumbered:	$0
Amount of this Contract:	$230,940
Encumbered of this Approval:	$230,940

Recommendation: Authorize the City Manager to execute a contract in an amount not to exceed $230,940. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

911 EMERGENCY DISPATCH BACKUP – INTERLOCAL AGREEMENT WITH TOWN OF HOLLY SPRINGS – APPROVED

Emergency 911 services in Wake County are provided by the Raleigh-Wake Emergency Communications Center, with the towns of Cary and Holly Springs providing certain 911 services within those respective jurisdictions.

The City has an existing arrangement with the Town of Holly Springs to provide backup service for answering and processing redirected 911 calls in the event the primary Public Safety Answering Point (PSAP) operated by Holly Springs becomes disabled or the PSAP must be evacuated. In order to be eligible to receive North Carolina 911 Fund proceeds, formal

documentation of the backup arrangement is necessary. Staff recommends execution of an interlocal agreement to formalize the arrangement.

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

ENCROACHMENT REQUESTS – VARIOUS – APPROVED CONDITIONALLY

The agenda presented the following request for encroachments.

2609 Discovery Road and 2101 Westinghouse Boulevard

A request has been received from Level 3 Communications to install 2,659 feet of underground conduit and five hand holes. A report was included with the agenda packet.

West Hargett Street, East Hargett Street, and South Salisbury Street

A request has been received from Celito Clec, LLC to install 2,417 feet of underground conduit and 21 underground vaults in the right-of-way. A report was included with the agenda packet.

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

BUDGET AMENDMENTS AND TRANSFERS – VARIOUS – APPROVED

A transfer in the amount of $158,920 is recommended to cover the cost of a water main replacement in conjunction with a streets project in the Wendell service area. The transfer will be made from existing capital budget appropriations, and is being timed to coordinate with Wake County approval of a federally-funded Community Development Block Grant initiative in the Town of Wendell. Accounting details were included with the agenda packet

Recommendation: Authorize a budget transfer in the amount of $158,920. . Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 592 TF 276.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following recommendations relating to traffic changes which would become effective seven days after Council action if approved.

Speed Limit Reduction – Wescott Drive

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Wescott Drive. Wescott Drive is classified as Neighborhood Local and is constructed to typical residential street standards. This request meets the requirements of the adopted Neighborhood Traffic

Management Program. A signed petition has been received by staff representing at least 75 percent of the residents or property owners along each street in support of the speed reduction request.

Two-Hour Parking Meter Zone - Salisbury Street

It is recommended that a Two-Hour Parking Meter Zone be established on the west side of South Salisbury Street between Davie Street and Cabarrus Street. As the result of a recent staff review of current parking inventory, it was determined that the current No Parking Zone on South Salisbury Street would be better utilized as metered spaces which would enhance the area businesses with more available customer parking. The two businesses in the Alfred Williams Building that fronts this zone are in agreement with this change.

Two-Hour Parking Meter Zone - 100 North Salisbury Street

It is recommended that a Two-Hour Parking Meter Zone be established on the east side of North Salisbury Street between Jones Street and Edenton Street. As the result of a recent staff review of current parking inventory, it was determined that the current Two-Hour Parking Restriction on North Salisbury would be better utilized as metered spaces for more consistent turnover to enhance the government services relying on this parking for customers. The three Government facilities that front this zone are in agreement with this change.

Bus Zone and Commercial Loading Zone –Tucker Street

It is recommended that a Bus Zone on the north side of the 500 block of Tucker Street be permanently relocated further mid-block and that a Commercial Loading Zone be installed in its place. Staff completed a review of this block and found that the Bus Zone had been temporarily relocated from its previous location at the northwest corner of Tucker Street and Glenwood Avenue during construction of the Carolina Ale House but was never returned when construction was completed. After consultation with transit staff, a request was received to permanently relocate this Bus Zone to mid-block. This move will also facilitate a Commercial Loading Zone to be established in its place to alleviate the shortage of Loading Zones in this area. The adjacent property owner is in approval of the change.

Bus Zone and Commercial Loading Zone - Edison Apartments

It is recommended that a Bus Zone be established on the West side of the 300 block of South Blount Street and a Commercial Loading Zone be established on the North side of the 100 block of East Davie Street. A request was received from The NRP Group doing the construction on the Edison Apartments requesting that a Bus Zone and a Commercial Loading Zone be placed on the street adjacent to the property. The request for the Bus Zone has been reviewed by the Transit program, which concurs with the location.

Recommendation: Authorize the appropriate changes in the traffic code as included in the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 593.

END OF CONSENT AGENDA

TRAFFIC – NO PARKING ON WEST STREET – APPROVED – ORDINANCE ADOPTED

It is recommended that parking on the west side of West Street between Hargett Street and Martin Street be restricted to 6:00 a.m. to 6:00 p.m. to allow adequate traffic flow during construction hours at the Dillon Project. This project has encumbered the east side of the street and is expected to last 22 months. The parking restriction will provide expanded travel lane access and allow large trucks entering and exiting the construction site adequate turning distance, thereby alleviating traffic congestion. The proposed change coincides with the approved construction plans for this project.

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

Mr. Gaylord stated he had withdrawn this from the Consent Agenda as he needs to be excused from participation. Ms. Baldwin moved Mr. Gaylord be excused from participation in this item. 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.

Ms. Baldwin moved approval of the no parking 6:00 a.m. to 6:00 p.m. on South West Street as outlined. Her motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was excused from participation in the item. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 593.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-1-16 – STRICKLAND ROAD – WITHDRAWN BY THE APPLICANT

This is a request to rezone property from Residential-1 with Special Highway Overlay District and Falls Lake Watershed Protection Overlay District (R-1 w/SHOD-1 & FWPOD) to Residential-10 – Conditional Use with Special Highway Overlay District and Falls Lake Watershed Protection Overlay District (R-10-CU w/SHOD-1 & FWPOD).

The proposal is inconsistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan.

The proposal is not in the public interest. It is inconsistent with inter-local agreements pertaining to development in the watershed.

The proposal is incompatible with the surrounding area. It prohibits desirable street connectivity.

The Planning Commission recommends denial of the request. City Council may schedule this proposal for a public hearing or refer it to committee for study and discussion.

Planning Commission Chair Shuster pointed out this item has been withdrawn by the applicant. No further action was taken.

ZONING DISTRICT FRONTAGES AND BUILD-TO REQUIREMENTS – PROPOSALS – REFERRED TO WORK SESSION

The Strategic Planning Committee has discussed several enhancements to the Unified Development Ordinance. The Planning Commission requests City Council authorization to proceed with these text change amendments.

The text changes would modify the standards related to the detached frontage to better align with the original intent of the frontage; modify the standards associated with parking structures; and would disallow administrative alternates when frontage-equivalent zoning conditions are offered.

The Planning Commission recommends that the text change process proceed. If the City Council authorizes these text changes, the Planning Commission will provide review and recommendation of the proposed changes. A public hearing date could be established upon receipt of the Planning Commission recommendation.

Mayor McFarlane questioned exactly what is being proposed and why. Planning Director Bowers indicated after adoption of the UDO, the Planning Commission and staff in going through and reviewing various cases, etc., identified certain standards that need to be amended to better align with the original intent of frontage and modify various sections of the code to give direction to staff. He stated this is a little different than the usual proposed text change as no official text change has been drafted. He stated if the Council approves this recommendation, the Planning Commission would take the item and come back with a formal text change for consideration at a public hearing. He again stated this is a little different from the regular procedure but there were so many different ideas vetted by the Planning Commission and staff, it was felt it would be best to handle it this way.

Ms. Crowder indicated after talking with staff members, etc., she feels it may be better to put this in work session so that all Council members can understand what is being proposed and what could be proposed. Without objection the item was referred to work session.

CP-1-16 – OMNIBUS TEXT AMENDMENT – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

The proposed changes would amend the 2030 Comprehensive Plan.

The proposed text amendment would alter the text of the Comprehensive Plan to reflect completed plan action Items.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of June 21, 2016.

Planning Director Bowers explained the proposal pointing out this is similar to what has been done in the past as it relates to the progress report and would amend the comprehensive plan to reflect the completed plan action items. Ms. Crower stated it would be good to have a review and suggested that this item be referred to Growth and Natural Resources Committee to make sure all understand the proposal. Without objection the item was referred to Growth and Natural Resources Committee.

CP-2-16 – ECONOMIC DEVELOPMENT ELEMENT – PUBLIC HEARING AUTHORIZED FOR JUNE 21, 2016

The proposed change would amend the 2030 Comprehensive Plan.

The proposed text amendment is in the public interest, as it clarifies the City's priorities in terms of targeted economic development resources and provides language requiring updates to economic development priority area criteria at least every two years and focuses its resources on areas with high poverty rates and/or areas with predominantly industrial land uses. Staff suggests a public hearing date of June 21, 2016.

Planning Director Bowers pointed out this item was discussed in Economic Development and Innovation Committee as a part of the Economic Development Tool Kit. The Economic Development Tool Kit sets out economic development priority areas and in the discussion the Council and staff felt it would be best to amend the map in the Comprehensive Plan as well as the one in economic development tool kit. Ms. Baldwin moved approval of the June 21, 2016 public hearing. 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.

TC-8-16 – CONSTRUCTION SURETY – PUBLIC HEARING AUTHORIZED FOR JULY 5, 2016

This request amends Sections 8.1.3., 8.1.4., and 8.1.5. of Part 10A Raleigh Unified Development Ordinance to modify the Construction Surety, Acceptance, and Warranty provisions for development-related improvements to reallocate a year of the required warranty period to the required construction period to allow for more time for infrastructure completion.

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

Ms. Baldwin moved the July 5, 2016 public hearing be authorized. 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.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

BICYCLE AND PEDESTRIAN IMPROVEMENTS – LUMLEY ROAD/WESTGATE ROAD NAD EBENEZER CHURCH ROAD – ENGINEERING DESIGN PHASE – STEWART ENGINEERING, INC. SUPPLEMENTARY AGREEMENT APPROVED

On January 21, 2014, the City Council authorized staff to proceed with negotiating a contract with Stewart Engineering, Inc. in the amount of $56,000 for engineering services associated with conducting a feasibility study to improve pedestrian and bicycle accommodation along Lumley Road and Westgate Road, as well as along Ebenezer Church Road from Westgate Road to Graylyn Drive. The improvements will generally include curbs and gutters, drainage features, sidewalks, bike lanes, multiuse paths, roadway widening, pedestrian signals, and guardrails.

The feasibility study is now complete, and staff has negotiated a supplemental agreement with Stewart in the amount of $438,229 to produce engineering designs for eventual construction and installation of improvements. A presentation will be made during the meeting.

Name of Project:	Lumley Road, Westgate Road and Ebenezer Church Road Bike and Pedestrian Improvements
Managing Division:	Public Works – Design Construction
Approval Request:	Contract amendments
Reason for Council Review:	Contract >$150,000
Original CIP Project Budget:	$2,200,000
Vendor:	Stewart Engineering, Inc.
Original Contract Amount:	$56,000
New Contract Amount:	$494,229
Budget Transfer:	No
Encumbered with this approval:	$438,229

Recommendation: Authorize the City Manager to execute a supplemental agreement with Stewart Engineering, Inc. in the amount not to exceed $438,229.

City Manager Hall explained the item pointing out this project has been in discussion for quite some time. He stated staff is recommending that we go ahead with the entire project and at the completion of that we would have to reexamine the options for funding. It was pointed out the Council authorize administration to proceed with negotiating a contract with Stewart Incorporated for professional engineering services to conduct the feasibility for this project.

Engineer Sylvester Percival introduced representatives of Stewart Engineering who were present to discuss the item. Engineer Percival stated when the project first came about, the NC State wide bicycle route known as the US1 Carolina Connection showed the Lumley/Westgate corridor as a segment along its bike route. Also, during that same time the City was aggressively pursuing a greenway connection from the south side of Lumley Road (between Mt. Herman Road and US 70) to the Umstead Park trails. However, when the project was handed over to

Design Construction, we received word that the US1 Carolina Connection Bike Route had changed in this location. We also were informed that there was no longer an immediate City interest in making the greenway connection just mentioned. Receiving all of this information prompted us to conduct a small study in the northwest region of Raleigh to further evaluate pedestrian and bicycle activities in the region, mainly concentrating along the Lumley, Westgate and Ebenezer corridors. From this study, we were able to confirm the US1 Bike Route did change to exclude the previous Lumley/Westgate full segment and to include the eastern section of Westgate Road (from Leesville Road to Ebenezer Church Road) as well as to also include Ebenezer Church Road from Westgate Road to Graylyn Drive (in Umstead Forest). Hence, the reason for the inclusion of Ebenezer Church Road in the project's title.

Michael Taylor, Stewart Engineering, presented a map of the corridor pointing out it is broken down into five sections each with different characteristics. He went through the five segments explaining which have buffer bike lanes and explained section by section what is proposed.

Section 1 – Lumley Road – buffered bike lanes
Segments 2 and 3 – Westgate Road – buffered bikes lanes with a little bit different design and the City is working with all to get the bike way design to fit in.

Segment 4 Ebenezer Church Road – the bike way is widened through the quarry area and would be on both sides.

Segment 5 Ebenezer Church Road it is a protected median opening, pedestrian signals, access into Umstead has ramps to get bikes in, edge handling and a design of two one-way lanes which gives priority to bikers and pedestrians.

Mr. Taylor talked about the public involvement starting with the public meeting in July 2015 in which 454 direct notifications were sent. There was discussion at the Bicycle and Pedestrian Advisory Committee meetings in November and December of 2015.

Engineer Percival talked about the preliminary construction cost as follows:

- Segment One Lumley Road – $221,605
- Segment Two – Westgate Road A - $626,770
- Segment Three – Westgate Road D - $309,128
- Segment Four – Ebenezer Church Road A - $425,005
- Segment Five – Ebenezer Church Road B - $673,678
  Total: $2,256,186

It was pointed out he explained the original CIP budget of $2,200,000 explaining we had spent $56,000 on study and $438,229 in design. The preliminary construction cost is $2,256,187 which leaves needed funds of $550,416.

Engineer Percival pointed out it is recommended that the Council approve the design of all five segments at a total cost of $438,229; approve moving forward toward construction of three segments (Westgate Road B, Ebenezer Church Road A and Ebenezer Church Road B) for an estimated total of $1,407,811. Staff will continue to look for alternative funding sources for the Lumley and Westgate A segments.

Mr. Thompson questioned the total cost and distance and discussion followed on the cost per square foot based on that information. Mr. Thompson talked about value engineering to try to get the cost down as it seems to be a lot of money per foot. Mr. Gaylord stated with the understanding staff would continue to analyze opportunities for value engineering, he would move approval pointing out this is a fantastic opportunity and yes he too would like to save money but he feels we should move ahead as it will provide a great asset. His motion was seconded by Ms. Baldwin.

Mr. Thompson stated he doesn't disagree but it is a lot of money per square foot and he would like for staff to continue to put emphasis on getting the cost down. Staff indicated final design and cost would come back for final approval. 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.

EAST COLLEGE PARK DEVELOPMENT ALTERNATIVES – APPROVED AS AMENDED

As reviewed with Council during the May 17 work session, the City currently owns more than 140 properties consisting of mostly vacant lots in the East College Park neighborhood. Most of the former structures, which were single family or small, multi-unit structures, provided rental housing and were considered deteriorated or blighted when acquired.

The creation of mixed-income housing opportunities for both homeowners and renters is a specific objective of the approved Neighborhood Revitalization Strategy Area (NRSA) plan for the area. Achieving the objectives of the plan requires a mix of housing product types and the broadest band of price points possible for affordable homeownership. In addition to providing some rental units, including both townhome and single-family detached homes, the overall plan provides for a broader range of homeownership affordability.

In February, Council approved a contract for the replacement of water, sewer, and storm water infrastructure that currently serves East College Park. The contract is funded in part with federal Department of Housing and Urban Development (HUD) Community Development Block Grant funds, which stipulate expenditure deadlines; in order to meet the deadlines associated with grant stipulations, it is imperative for the infrastructure work to proceed. The current construction and design plans for the infrastructure replacement assumes that current property use of single-family detached will be replaced with the same use; however the infrastructure contract provides a window of opportunity to adjust services locations to accommodate the land use of other than single-family residential unit types. Designating unit types now will avoid future service cuts to newly paved streets to provide services for townhouses or multi-family units in the future.

Details of the alternatives, as requested by Council during the work session, are included with the agenda packet.

Recommendation: Approve the preferred development alternative for City-owned properties in the East College Park neighborhood.

City Manager Hall introduced the item pointing out the information received in the agenda packet provides multiple alternatives. He stated Council is being asked to review all of the alternatives and give feedback and hopefully select one of the alternatives so the City can move ahead with the contract for the replacement of water, sewer, stormwater lines; that is, select a development alternative for East College Park.

Niki Jones, Housing and Neighborhoods Department, was available to answer questions. In response to questions from Mr. Branch, Mr. Jones pointed out Alternative E1 combination provides 24 one bedroom apartment units at the intersection of Oakwood Avenue and Raleigh Boulevard reflecting the objectives of providing affordable rental housing for persons with disabilities. It also proposes townhomes at the southern end of Block B to create a transition between proposed commercial development and proposed single family homes. It proposes townhouse development on city owned property on Block G where existing topography would lessen required site preparation and the block width is conducive to conventional townhouse development. E1 provide for 24 apartment units, 66 townhouses and 82 single family homes for a total of 172 units.

Various scenarios were discussion such as taking the apartments out of alternative E1 combination, replacing with townhouses, switching townhouses and apartments on the various blocks and the resulting combination. Mr. Branch talked about the need for single family development not apartments and the desire to put single family homes back where single family homes were located. Additional different scenarios were discussed such as switching townhouses and apartments in various blocks and the resulting density or combinations. Mr. Branch talked about the need to try to keep things similar to what we have now. He talked about the New Bern Avenue Corridor development, the desire to keep College Park with options which would allow people to move back into the neighborhoods, the representative of JDavis responded to questions of the various scenarios and the net loss or gains as it relates to apartment townhouses, etc. A combination of alternatives E2 and E1 was also discussed. Ms. Baldwin questioned the dollar values of the various scenarios. The economic impact of the various scenarios was also discussed. Mayor McFarlane talked about the scenarios and the desire to respond to the neighborhood's request in providing options for the people to return to the neighborhood. Ms. Baldwin questioned the number of units proposed for Washington Terrance with Mr. Stephenson talking about the multi-family units across the street, the historical compatibility, the desire to balance the neighborhood with lower density neighborhoods across from the higher density in Washington Terrance and what is happening in the New Bern Avenue Corridor. The need to determine the development alternative which would allow the infrastructure contract to go forward was talked about with Mr. Cox questioning if there is any opportunity for this design to be tweaked as we go along. The desire to come up with the

development alternative which would allow the infrastructure to be put in place and eliminate the need to tear up the roads later to provide for the development scenarios was talked about.

Mr. Branch moved Council approve Combination E1, with the following amendments: replace Section G from Combination E1 with G from Combination E2 and in Section A remove the apartments and replace them with townhomes. The restated motion was seconded by Mr. Stephenson and after brief discussion on the break down as it relates to medium or affordable housing. 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.

REPORT AND RECOMMENDATION OF THE HISTORIC CEMETERIES ADVISORY BOARD

HISTORIC CEMETERIES ADVISORY BOARD – ANNUAL REPORT – RECEIVED; FY2016 – 17 WORK PLAN – APPROVED

Wayne Schindler, Parks, Recreation and Cultural Resources Department, talked about the successful year of the Historic Cemeteries Advisory Board pointing out that has only been possible because of the continued support of the City Council and pointed out they look forward to moving ahead with a number of new projects.

Barden Coulbreth, 318 Cook Street, newly elected chair, pointed out the Council had received their annual report and proposed work plan. He talked about the work they have done over the past year the bond allocation of $500,000 as a result of the 2014 Parks Bond. He explained the detailed spending plan which was established and approved by the Board for the restoration of the three historic cemeteries – City Cemetery, O'Rorke – Catholic Cemetery and Mount Hope Cemetery. He highlighted the work of the conversion and upfit of maintenance building at City Cemetery, development of cemetery landscape plans, fence repairs, and work at Mount Hope and the fact that City Cemetery and Mount Hope have been designated National Historic Landmarks and their continued work with the Raleigh Historic Development Commission to develop certificate of appropriateness.

The following proposed work plan was included in the agenda packet.

Goal #1: Continue inventory and stabilization efforts within City Cemetery and Mt. Hope Cemetery

Task A: The Board will initiate an assessment of headstones and other cemetery Clements to determine need for stabilization.
Task B: The Board will assist the parks, Recreation and Cultural Resources Department when prioritization of repairs to monuments, plot fencing, above ground vaults and associated items at City Cemetery and Mt. Hope Cemetery.
Task C: The Board will identify the scope and costs associated with repairs/restoration of the mausoleums located at City Cemetery and Mt. Hope Cemetery.

Task D: The Board will assist the department with the initiation of a protocol for the collection inventory, and storage of unsecured items within City Cemetery and Mt. Hope Cemetery.

Goal #2: Secured and protect existing cemetery data and records.
Task A: The Board will take a lead role in the facilitation of shared interment records between the City of Raleigh Museum, HCAB and the department.

Goal #3: Annual Retreat Review and Follow-up
Task A: The Board will review discussion from the ideas generated at it 201 annual retreat to determine appropriate direction related issues such as bylaws revision, board membership, emerging industry trends, etc.

Ms. Baldwin moved acceptance of the annual report and approval of the work plan as presented. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

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

PULLEN ART CENTER – IMPROVEMENTS – CONCEPT PLAN APPROVED

The concept plan for the Pullen Arts Center Improvements will be presented. The recommended concept incorporates the vision of the 2001 Pullen Park Master Plan and integrates public input received throughout the process to date. Additional information was included with the agenda packet.

Recommendation: Approve the concept plan.

Amy Sims, Vice Chair of Parks, Recreation and Greenway Advisory Board pointed out the parks improvement bond included $6M for improvements to the Pullen Arts Center and surrounding area. She talked about the process to access, look at the Pullen Park Master Plan approved in 2001, look at renovations and improvements and talked about the 2014 bond referendum that is to fun the improvements to North Pullen Park and the Pullen Arts Center. She stated this process started in 2015.

James Marapoli, Parks, Recreational and Cultural Resources, talked about the project and recognized the people who helped. He stated there was great support at the three public meetings for the final concept and the goal before the Council today is to receive approval of the concept so the planning for construction can move forward.

Vivian Buhrman, great-great niece of Richard Stanhope Pullen read the following statement:

I offer this statement as a representative of the remaining heirs to Richard Stanhope Pullen, whose generous bequest to the City of Raleigh made possible the existence of Pullen Park and all its subsequent additions, including the Pullen Arts Center.

We have been pleased to participate in the Citizen Planning Committee as part of the process for determining the optimal vision for the renovation of the Pullen Arts Center, and the improvements being made to the surrounding area. We take seriously our role as Pullen heirs and stewards to uphold observance of the restrictions put forth in the Pullen park Deed as to the intended use of his gift, particularly his wish for its use as "a public park for the use and enjoyment and recreation of the inhabitants of and visitors to the City of Raleigh" (from RSP's Deed to the City of Raleigh, 1887).

On behalf of the Pullen heirs, we endorse the proposal being presented to the City Council today. We believe that the process followed to arrive at this proposal has been thoughtful and inclusive to multiple stakeholders in not only the Pullen Arts Center, Theater in the Park, and the Gregg Art Museum, but also in the broader community of people who enjoy access to the park and who care about the changes being proposed.

We also offer the following ongoing observations and concerns:

According to the Pullen Park Master Plan (July 2001), there was clear recognition of Pullen's prioritization of natural spaces, and his vision for the Park as "a verdant shaded place for visitors, and he spent years planning and planting trees to make this vision come into being "(PPMP, p. 8). Applying RSP's vision to the 21st century starts with understanding his expressed wishes, while acknowledging certain other current realities such as the fact that "95% of the park's users arrive by automobile" (PPMP, p.41) and must be accommodated "while maintaining the open spaces that are Pullen Park." Resolving the inherent conflict of RSP's vision and today's cars and asphalt is not an easy process, and it requires balance between extremes. An example is that the Pullen Arts Center project increases parking from 93 to 149 spaces with less open "green" space accordingly – a compromise between stakeholders who would wish for even more convenient parking, and those who wish to maintain the least impact on the natural landscape.

The PPMP also devoted a substantial appendix to a study in 2000 of the park's 1,907 trees; 48% were in excellent to good condition, 43% of trees were in "fair" condition and the remaining 9% were poor to dead. Now, 16 years later, we wonder how many trees there are in Pullen Park today, and in what condition – surely some have been lost to storm damage, and by age and disease, but also from the NCSU and City of Raleigh Gregg Art Museum project with its expanded parking and storm water basins, as well as the PAC expansion under consideration today. Cumulative gradual changes in Pullen Park land use can have a material impact. We remain mindful that at some point further

Pullen Park development and loss of open land could violate the Pullen Deed, and we exhort the members of this Council to be guardians against such development.

Thank you for your consideration of our comments.

Mr. Stephenson thanked Ms. Buhrman and her predecessors for the advocacy for Pullen Park and the priceless gift/given to the City. He expressed appreciation to Charles Melvin and others for their participation.

Mon Peng Yueh, Clearscapes Architecture, provided a powerpoint outlining the project to date starting with the Pullen Park Master Plan which was approved in 2001. Renovations and improvements to the south part of Pullen Park were completed in 2011. The 2014 Parks, Recreation Bond funded some $6M for improvements to north Pullen Park and Pullen Arts Center.

She went over the goals, community outreach efforts which included websites, social media, stakeholders and community surveys (124 were completed) three public meetings and outlined the stakeholder engagement which included the Pullen heirs, original Pullen Park Master Plan committee members from 2001, Greg Museum, Theatre in the Park, Pullen Arts Center staff, instructors and users, Hillsborough Citizens Advisory Council and the general public. She went over the public input and Arts Centers aspirations which include maintaining the park settings, minimizing vehicular circulation between buildings, providing out door area for relaxing and conversation, creating an environment for community building, display art work throughout the building, provide program extension into outdoor spaces and provide convenient parking. She presented a diagram showing the 2001 master plan and the proposed site concept explaining the changes pointing out the existing and new buildings. She went over the project timeline which would include approval, design and construction document phase in the summer of 2016 with the construction phase to begin in the Fall of 2017.

Mr. Gaylord asked about the pedestrian access between the Pullen Art Center and the Greg Museum pointing out that is an important aspect. Mr. Thompson questioned the construction timeline with it being pointed out once started it would take approximately a year. Mr. Gaylord moved approval of the plan 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 on an 8-0 vote.

REPORT AND RECOMMENDATION ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

BUILDING UPFIT GRANT PROGRAM – APPROVED; ECONOMIC DEVELOPMENT TOOL KIT ITEM RETAINED IN COMMITTEE

Mayor McFarlane reported the Economic Development and Innovation Committee recommends adopting of the Building Upfit Grant Program as a part of the Economic Development Tool Kit pointing out Council members received a copy of the proposed program in their agenda packet.

On behalf of the Committee, Mayor McFarlane moved the recommendation be upheld. Her motion was seconded by Mr. Gaylord. Mr. Thompson questioned the amount of money that will be set aside for this program with City Manager Hall pointing out it is proposed to put $500,000 per year in the CIP. Mr. Thompson questioned if that is too much money and whether there should be a cap on each project. The amount of projects that could be funded with that amount of money was talked about with Mr. Gaylord explaining the committee did discuss the possibility of having a cap but at this point wanted to make it flexible enough for large projects and at the end of the first year it could be reassessed if needed. Mr. Branch pointed out it requires a one to one match. 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.

Mayor McFarlane indicated the Economic Development Tool Kit item would remain in committee for further discussion.

OUTDOOR DINING – CITY PLAZAS – ORDINANCE ADOPTED; ITEM REFERRED TO WORK SESSION

Mayor McFarlane reported by split vote, the Economic Development and Innovation Committee recommends adopting an ordinance that updates sections of the code that refer to the former pedestrian mall along the current Fayetteville Street, City Plaza, Market Plaza, and Exchange Plaza to bring them in line with their current state.

The Committee further recommends adopting an ordinance that removes reference to pedestrian malls, City Plaza, Market Plaza, and Exchange Plaza from the outdoor seating ordinance.

Copies of the proposed ordinances were included with the agenda packet.

Mayor McFarlane clarified the purpose of the ordinance pointing out it acknowledges that plazas are different from sidewalk areas. She stated part of the discussion in committee is that we really need to have some specific plans for these plazas. She stated there are two items being addressed; one is this vote which would say that plazas are different from sidewalks and need to be treated differently and the second is how to treat the plazas. This ordinance merely says they are different and should be treated differently.

Ms. Baldwin pointed out this proposed ordinance has a lot of specifications and questioned if it could be modified. The Mayor talked about the discussion in committee and the fact that these spaces are unique and different. City Attorney McCormick suggested passing the ordinance which simply takes the plazas out and makes them different from sidewalks. That leaves it to Council discretion to explore guidelines for the plazas and that could be handled with a separate motion and/or discussion. Ms. Crowder stated she had understood that Exchange and Market Plazas are easement areas not necessarily plazas with City Attorney McCormick indicating that is correct but it does not make a difference in this ordinance. Mr. Gaylord pointed out the Council had talked about asking the Downtown Raleigh Alliance, Convention and Visitors Bureau and the Urban Design Center to work on guidelines for plazas. City Manager Hall suggested that the Special Events office be added with Council agreeing.

Ms. Crowder suggested acting on this motion and then sending the item to Work Session to talk about what the Council wants included in guidelines for the plazas use. The motion to approve the ordinance was put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 594.

Ms. Baldwin moved that the item be referred to Work Session to develop direction to DRA, Convention and Visitors Bureau, Urban Design Center and the Special Events Office in developing guidelines. Her motion was seconded by Ms. Crowder which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

OUTDOOR SEATING DESIGN – APPEARANCE COMMISSION RECOMMENDATIONS – APPROVED – ORDINANCE ADOPTED

Mayor McFarlane reported the Economic Development and Innovation Committee recommended adopting an ordinance to amend the Outdoor Seating Ordinance which includes the following:

- Permit the usage of medallions. Staff has identified a means to create the medallions with a third party vendor. The medallions would be required for each outdoor seating area.
- Stanchions shall be used for special events and may be used by the operator at other times, but must meet the following standards:
    - Made for commercial use
    - Movable, durable and weather resistant
    - Between 18 inches and 42 inches above the sidewalk
    - Visually cohesive with surrounding architecture and other seating elements
    - Compliant with ADA guidelines
    - Well-maintained, cleaned regularly and kept in good repair
- Set a maximum size for the outdoor furniture of 42"x 42"x 42"
- Require outdoor furniture to be made for outdoor use; be movable, durable and weather resistant; be well maintained, cleaned regularly and kept in good repair
- Prohibit the stacking of tables and chairs during off-hours
- Prohibit picnic tables on Fayetteville Street
- Require the "maximum occupancy" signage to be posted in a window, or in a weather resistant frame on the building façade
- Require the "exit" signage to be posted on the menu, table or incorporated into the "maximum occupancy" signage. Table signs shall not exceed one square foot.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Gaylord.

A copy of the proposed ordinance was included in the agenda packet.

Mr. Stephenson expressed concern relative to comments he has heard that the City is not doing a good job enforcing the existing rules. He talked about the need for compliance pointing out he doesn't see anything in the ordinance to give the operator incentive for self-enforcement. He talked about going from stanchions to medallions pointing out that is fine when there is good compliance but again pointing out there is no incentive for self-enforcement. This will leave everything to the inspectors and that will put them in a difficult position pointing out he feels the medallions will be hard to enforce. He talked about operators having no incentives to self-enforce and could challenge the inspector's citation and the three strike rule. He talked about concerns of disagreements between the operator and the inspector and suggested a substitute motion that when inspectors cite for a violation of the medallions and there is conflict or disagreement between the inspector and the operator about whether there was a violation then the operator could go back to the stanchions which are easier for the inspector to enforce or they can take the violation and stick with medallions. His motion did not receive a second.

Mayor McFarlane stated she could understand Mr. Stephenson's point as that was discussed for a long time. She talked about the amount of time the Appearance Commission spent working on this and this is what the business owners had suggested and it would be put in the responsibility back on the business owner. Mr. Cox pointed out he feels the medallions could be difficult to enforce. Mayor McFarlane pointed out the permit is for a certain number of seats and she feels it would be easy to determine by whether the seats are filled or not. She suggested giving the business owners credit and letting them try this. Mr. Gaylord pointed out the business owners can use medallions or revert back after a violation. Mr. Cox seconded Mr. Stephenson's substitute motion. Discussion followed on the recommendation for going to the medallion system, concerns that had been repeatedly expressed by various Council members with Mr. Branch questioning if there is appeal to the City Council. City Attorney McCormick indicated there is an appeal process but not to the City Council.

Discussion took place on the number of violations under the current law with it being pointed out by the Police Department that there had been 31 violations mostly after hours or no permit with most of the violations relating to a minority of the businesses. There were only three violations issued for outside boundaries or lay out and that was different operators. Mr. Thompson stated he agrees that we should let the operators try this out. He understands Mr. Stephenson's suggestion and maybe we could review it after a certain time. Mr. Stephenson withdrew his motion and the motion as presented by the Committee was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 595.

Ms. Baldwin and others expressed appreciation to the Appearance Commission under the leadership of Brian O'Haver for their work on this item.

REPORT AND RECOMMENDATION OF GROWTH AND NATURAL RESOURCES COMMITTEE

UDO – HEIGHT LIMITS AND BUILDING SETBACKS – CONCERNS – DIRECTION GIVEN

Chairperson Crowder reported the Growth and Natural Resources Committee recommends that staff be directed to draft a text change which would amend Chapter Five: Overlay Districts, Section 12.f of the Unified Development Ordinance (UDO) to read "Maximum building height: 25 feet and two stories." It is requested that the text change be presented to City Council in time to advertise for a July 5, 2016 public hearing.

This item is being held in Committee for discussion on Residential Infill Standards in Neighborhood Conservation Overlay Districts (NCODs).

On behalf of the Committee, Ms. Crowder moved the recommendation be upheld. Her motion was seconded by Mr. Stephenson and put to a vote which passed unanimously.

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

NO REPORT

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

COUNCIL MEMBER COX – VARIOUS COMMENTS – MADE

Council Member Cox pointed out it has been six months since he was elected to the City Council. He expressed appreciation to the Mayor, City Council and staff for helping him as a "newbie" make the transition to City Council painless. He stated he feels it is important for a new City Council member to say what they expect, what they anticipate, etc., pointing out expectations and priorities change. Mr. Cox stated one thing he feels is extremely important is employees' salaries and benefits. He stated he understands the City is undergoing a complete compensation/salary review and he had hoped that it would had been completed in time for the upcoming budget discussions; however he understands that will not occur but he hopes it will be completed as soon as possible. He stated the staff had provided some information on compensation to date pointing out he understands the starting salaries for police in 2006 was $32,000, in 2016 it is $34,000. He stated over the past ten years the police salaries have grown 6.5% with the fire 7.8% in the same period; that is not much growth in 10 years and stated with inflation today the police salary should get to around $39,000. He expressed concern about the

salaries. He stated in addition he does not agree with the spousal surcharge for health insurance. He asked that staff complete the compensation study as soon as possible so hopefully the Council can have information to act upon.

WAKEMED FARMERS MARKET – INFORMATION RECEIVED

Council Member Branch indicated WakeMed has a farmers market every Tuesday starting May 17 and running through August 23. He stated the buses serve this area and he just wanted to make sure everyone was aware of the availability.

Mr. Branch sent congratulations to all high school seniors, parents, etc. pointing out he has one more graduation to attend. He congratulated all involved.

OAK CENTER OUTREACH – COMMENTS RECEIVED

Ms. Crowder talked about planning's involvement for selecting a location for the Oak City Center. She talked about South Wilmington Street and Capital Boulevard mixed use centers. She talked about this not being a barrier to continued growth on Wilmington Street and asked that the Planning staff be included in this process.

DISTRICT E ALLIANCE MEETING – PRESENCE OF STAFF – COMMENTS RECEIVED

Mr. Gaylord pointed out we have staff present every two months at the District E Alliance meetings pointing out this was previously approved by Council. He stated now District E Alliance is meeting monthly and he is asking that the Council approve the presence of staff at the monthly meetings. Mr. Branch asked about the financial impact with Ms. Crowder pointing out she does monthly meetings and a lot of times staff is needed but other times it is more like a community conversation and staff is not necessarily needed. She questioned if there is any flexibility in the scheduling of the District E Alliance. Mr. Gaylord stated he would not call on staff if there is not a need.

Discussion took place about the dedication of staff at various meetings including all of the CACs. City Manager Hall pointed out this is a workload issue. He stated during the January retreat there was conversation about community engagement. The staff is involved in a number of functions at night and on weekends. He stated staff needs to know what is needed so that staff time can be managed and the resources balanced. He stated staff would be glad to help and attend but it is spreading staff thin particularly of all Council members wanted staff at monthly meetings as well as CAC and various other meetings. Mr. Branch questioned what department Mr. Gaylord is requesting with Mr. Gaylord pointing out it would depend on the topic. Discussion took place on former Council Member Maiorano's meetings with it being pointed out Mr. Maiorano had 4 or 5 per year. City Manager Hall stated paying for this attendance is not in the form of writing a check but commitment of staff time. Ms. Baldwin suggested that Mr. Gaylord have the staff but cautioned against abusing the staff time. Mayor McFarlane stated she was somewhat hesitate starting this process with Mr. Branch suggesting that the staff be

provided as needed as long as it is not every month. Mayor McFarlane stated she would like to have some information as to how much time staff is already spending with Mr. Gaylord stating it would be good to have that information and decisions could be made.

BIKESHARE – COUNTY PARTICIPATION – STAFF AUTHORIZED TO SUBMIT APPLICATION

Mr. Gaylord pointed out the County has indicated an interest in helping fund the Bikeshare program; however, there is an application that has to be completed. He asked that staff be allowed to submit the required application to Wake County relative to funding of the Bikeshare program. Without objection, it was agreed to follow that course of action.

CONVENTION AND PERFORMING ARTS COMPLEX – NEW DIRECTOR RECOGNIZED; SOLID WASTE SERVICES DIRECTOR BATTLE – RECOGNIZED

Mr. Thompson recognized Doug Grissom who was recently named director of the Convention and Performing Arts Complex. Mr. Grissom received a standing ovation.

Mr. Thompson expressed appreciation to Solid Waste Services Director Fred Battle for helping resolve a recycling issue in District A.

DEVELOPMENT SERVICES – COMMENDED

Ms. Baldwin indicated in the past 10 days she has received two phone calls from people in the development community telling her what a great experience they had in dealing with Development Services. Ms. Baldwin expressed appreciation to Development Services employees Tom Hosey, Christine Darges and others pointing out the phone calls demonstrated the good work being done in that department.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Civil Service Commission – At Large Member – No nominations

Planning Commission – One Vacancy – Kelli Goss – 3 (Gaylord, Baldwin, Thompson); Edith Jeffries – 5 (Stephenson, Crowder, McFarlane, Cox, Branch)

Fair Housing Hearing Board – No nominees

Raleigh Human Relations Commission – One Vacancy – No nominees

The City Clerk reported the appointment of Edith Jeffries to the Planning Commission explaining the other items will be carried over until the next meeting.

NOMINATIONS

RALEIGH CONVENTION AND PERFORMING ARTS CENTERS AUTHORITY – NO ACTION TAKEN

The City Clerk reported the terms of David L. Clegg, Terri Lomax and Betsy Buford are expiring. All are eligible for reappointment as far as length of service and would like to be considered for reappointment. Ms. Baldwin moved that those eligible for reappointment on all of the items up for appointment be reappointed. Her motion was seconded by Mr. Branch. Mr. Thompson pointed out he is the Liaison to the Raleigh Convention and Performing Arts Centers Authority and has concern about some of the attendance records. Brief discussion took place after which Ms. Baldwin withdrew her motion and it was agreed to hold appointments to the Raleigh Convention and Performing Arts Center Authority until the next meeting.

HUMAN RELATIONS COMMISSION – REAPPOINTMENTS MADE

The terms of Gail Clements-McDonald and James Purrington on the Human Relations Commission are expiring. Both are eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend its rules and reappoint the two by acclamation. 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.

PARKS, RECREATION AND GREENWAY ADVISORY BOARD – VARIOUS ACTIONS TAKEN

The City Clerk reported the terms of Kimberley J. Siran and Richard Bostic are expiring. Ms. Siran is not eligible for reappointment due to length of service. Mr. Bostic is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and reappoint Mr. Bostic by acclamation. 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.

RALEIGH HISTORIC DEVELOPMENT COMMISSION – VARIOUS ACTIONS TAKEN

The terms of Flora J. Hatley-Wadelington, Scott Shackleton, Elizabeth Caliendo, Sara Woodard David, Rachel Rumsey, and Laurie Jackson are expiring. Ms. Hatley-Wadelington and Mr. Shackleton are not eligible for reappointment because of length of service. Ms. Rumsey does not wish to be considered for reappointment. Ms. Caliendo, Ms. David and Ms. Jackson are eligible and would like to be considered. Council members received recommendation with the agenda packet relative to appointments. Ms. Baldwin moved the Council suspend the rules and reappoint Ms. Caliendo, Ms. David and Ms. Jackson by acclamation. 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. The remaining vacancies will be on the June 21 agenda.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

WAKE FOREST – TRANSFERRED UTILITY DEPARTMENT LAND – DIRECTION GIVEN

City Attorney McCormick indicated in 2004 in the utility merger Wake Forest transferred its physical utility facilities, some 143 acres to the City of Raleigh. He stated in the transfer documents there was a clause which indicated if the land is no longer needed for the utility department the City of Raleigh would transfer it back to Wake Forest. Wake Forest would like to have the property as they want to use the property as a park. In order to transfer land back to Wake Forest, there needs to be a subdivision. He indicated staff is recommending that the Council authorize submitting a petition with Wake Forest to subdivide out less than 3 acres which the City would retain and the remainder could be transferred to Wake Forest. Mr. Cox moved approval. His motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

Council members received in their agenda packet minutes of the May 3, 2016 and May 17, 2016 Council meetings, the May 17, 2016 Council work session, and the October 12, 2015 and November 9, 2015 UDO work sessions will be presented. Mr. Gaylord moved approval as submitted. His motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane indicated a motion is in order to enter closed session pursuant to GS143-318.11(a)(5) for the purpose of instructing city/staff how to proceed in the acquisition of the following interest in real property: various locations to protect Falls Lake Watershed. Mr. Thompson moved approval of the motion as read. His 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 Council went into closed session at 2:45 p.m.

The Council reconvened in open session at 3:10 p.m. with Mayor McFarlane pointing out the Council is back from closed session at which the Council gave direction to staff regarding potential acquisitions in various locations relating to Falls Lake Watershed.

RECESS

Mayor McFarlane announced the meeting recessed at 3:11 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC06-07-16

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

REQUEST AND PETITIONS OF CITIZENS

EMINENT DOMAIN – 712 BLOODWORTH STREET – COMMENTS RECEIVED

Alphonzo Hedgepeth, II, and his wife were at the meeting. Mr. Hedgepeth highlighted the following statement:

> Don't be politicians just be moms, dads, aunts, uncles. Why is eminent domain still a function and practice?
>
> We all know what it is, for the sake of my grandmother's house, how it is benefitting the public? It's sitting in the middle of the block, no one is occupying the house, why can't my pregnant wife who is a veteran and myself live in it?
>
> More importantly why did the City take an 80 year old widow to court? What did she do to deserve that? To have her dream whipped from the depth of her soul by the city because her dream didn't fit the City's?
>
> The City won the court case, why did they add insult to injury by giving her living rights to a house she owned and still had to pay her bills and taxes just to have it completely turned over to the City when she passed?
>
> If you worked your whole life to own a house just to have the city take it away from you, how would you feel? My grandmother had 17 kids by the same man and raised them all in that house, why is a priceless yet meaningful heirloom suddenly a distance memory? For some of the kids and grandkids and so forth this is all we have to remember my grandmother by, why does the City feel they need to take that away from us? What did we do to deserve this? Why do I have to jump through hoops to plead my case to you and get my grandmother's house back. I'm just a young black male trying to make my contributions to society, why must I feel like there is a road block around every corner? What hope are ya'll giving me and other people if I see that my grandmother owned her house, paid her taxes, her bills and still had her house taken from her. I understand the eminent domain process is supposed to help but how ethical is it to tell someone "give me your property or else I'm taking you to court and take it from you."
>
> Is that what the City is doing with my tax dollars? Crushing peoples' hopes and dreams? I've been trying to get information about my grandmother's house for five months now, why hasn't Mr. Jarvis tried reaching out to me yet? Am I not good enough to live in that area? Are there certain people he is trying to put in that house? Bullying is never okay it

> should not have been done to my grandmother and it should not be used as a tactic by the city, I ask you to revisit this policy.

He asked for the city to create a task force to look at eminent domain and exactly what is the city's definition of public good, asked to create a second task force to create a cultural competency and respect in trust task force for Mr. Jarvis' division on community development. The comments were received.

OLD LEESVILLE ROAD – REQUEST FOR TRANSFER TO CITY'S JURISDICTION – COMMENTS RECEIVED

Thomas S. Erwin, representing Saintsing Properties, LLC and Edna S. Dillard, would like for the City to request NCDOT to transfer Old Leesville Road to the jurisdiction of the City of Raleigh and designate it "Sensitive – Area Residential Street." He stated later in the meeting the Council will be discussing Rezoning Z-6-16 and Attorney Michael Birch will be representing the applicant. He explained the request pointing out Old Leesville Road is a 600 foot vestige of the road which was closed off in 1999. It is a typical county road. He is requesting that the City do everything in its power to keep the property zoned as close to what it is now, transfer the road to the city's jurisdiction and classify it as a sensitive aerial street.

Attorney Michael Birch explained Z-6-16 and the conditions that are attached and how this request may relate to Z-6-16. The comments were received.

BUDGET – PROPOSED FY2016-17/CAPITAL IMPROVEMENT PROGRAM – COMMENTS RECEIVED

This is a hearing to receive public comment on the proposed 2016-17 budget and the capital improvement program.

Following the hearing, all comments will be referred to budget work session.

Mayor McFarlane explained the procedure for the hearing asking that all groups, select or designate a spokesperson. She talked about the extremely large crowd and asked every individual to hold their remarks to 2 minutes but if a person is speaking for a group they could have 3 minutes. The Mayor opened the hearing.

Jamie Rigsbee, Raleigh Chapter President, read the following prepared statement:

> The North Carolina Police Benevolent Association (NCPBA) is a professional organization dedicated to improving the law enforcement profession NCPBA members are law enforcement officers in North Carolina with nearly 10,000 members. It is not affiliated with any national or any international union. They elect instead to represent their members through political avenues which is why he is standing before the Council tonight. He stated on May 24, 2016 he sent each Council member a letter pointing out that the proposed budget does nothing to address the issues of adequate pay and retention.

The City's response to is employees regarding pay concerns is to "hold on, we are doing a comprehensive pay study." To tell the officers and employees that you are doing a "pay study" is like saying "the check is in the mail" but is there really a check? The employees of the Police Department have been "holding on" and have been continuing to get the job with less, while the city reaps the benefits. The City receives accolades and we know this is because of the constant emails the Disseminated by the City management. Last year the top executive received large pay increases for example, one executive received an 11% increase, another a 11.5 % increasing, two others received a 6 % increase. To this I asked you when was there comprehensive pay study conducted to see that such an increase was needed or warranted? Low pay is tied directly to the retention issue facing the Raleigh Police Department. Currently these officers are doing more with less. According to information received from a public records request as a May 19, there were 37 sworn vacancies with 40 recruits in the academy. This is actually 77 sworn position vacancies in the Raleigh Police Department.

As I stated in the letter, surrounding agencies have been pay and require less work so our officers are going there, who can blame them? The City's response to this is that our starting pay is competitive because other municipalities do not fund their own academy so the officer has to be pre-certified. My answer to this is that those cities and towns do have their own academy. It is named the Raleigh Police Academy. Since 2011, 116 officers have left the department. This number does not include retirements or terminations. The City is throwing away money by essentially training officers for other municipalities who are reaping the benefits of our poor effects to properly retain our employees. For positions that are not filled, Raleigh citizens are paying the salary of the 40 vacancies this year and according to the City the money is transferred into a "rainy day" fund. Members of the City Council, it is raining. The Raleigh Police Department should not be the "lowest bidder" venture undertaken by the city. The community suffers because of the lack of emphases placed on proper public safety. It is time to pay your officers the wage they deserve to continue to provide the high level of unwavering service to the city. I will close by using a headline from RPD recruiting flyer, "the time is now; are you ready?" Are you ready to fix this issue? Are you ready to support your police department? We the PBA are ready to work with you as you consider the true pay adjustments that adequately reflect the value, volume and quality of work that Raleigh Police officers provide our citizens and our great city. Your officers that risk their lives every day deserve nothing less.

Keith Wilder, President, Raleigh Professional Firefighters Association highlighted the following prepared statement:

Good evening Madam Mayor and members of the Council, my name is Keith Wilder. I am President of the Raleigh Professional Fire Fighters Association and I am here tonight representing hundreds of Raleigh Firefighters.

In 1986, my starting salary was $16,119. Adjusted for inflation that is equivalent to $35,188 today. . .which is $2,515 more. . .than our current starting Firefighter salary of $32,673. Let me reframe those figures. Thirty (30) years have passed. . .starting Firefighter pay has barely doubled and it has 7.7% less buying power than it had in 1986.

Under the Quartile System, our members have experienced years of sluggish salary growth. Unsurprisingly, this caused notable salary compression which was reflected in the 2009 public safety pay study. . .requested by former Council members Koopman and Crowder.

In June 2009, Mr. Koopman asked the Council to make a commitment to "Stop nickel and diming this problem." Instead, that pay study was completed in full and immediately put on a shelf.

Does anyone here tonight think it's a bad idea for Raleigh's employees to be somewhere on a list of "cities with the best paid employees"? After all, his city has been ranked at, or near the top, of most every other "best of list" over the past 10 years.

Tonight I know of at least 7 Raleigh Firefighters, receiving public assistance. The question I have is why does any Raleigh Firefighter with no extraordinary family situations even qualify for public assistance? For the professional, compassionate and heroic services these dedicated professionals provide to our citizens 1 Raleigh Firefighter receiving public assistance is 1 too many!

So how can this city move toward resolving our salary disparities? First, make a commitment. . .Second, review the 2009 pay study data. . .and Third, don't forget there is $191 million in the general fund's unreserved fund accounts. Which by the way, grew from $92 million to $191 million over the last 7 years alone. So while employees were being told to "hang in there it's going to get better". . .this city was stuffing millions in the mattress, increasing its asset to liability ratio and improving its credit rating to the best possible rating known as a "gilt edge."

Over the last 7 years I have sounded the alarm and used data to show Council how employees are slowly being pushed toward a cliff. What you see behind me are many employees and families who are standing on the precipice.

What we need more than anything here tonight, is another Mr. Koopman and another Mr. Crowder. Council members eager to be the first to say, "we hear your concerns and we will do something about it before July 1st.

> After 8 years, this is the last time I will represent the RPFFA at a budget hearing. I want to leave you with this final thought.
>
> Firefighters in general face 3 decades of sleep deprivation and increased incidence of heart disease and cancer. Without significant pay reform there is an up and coming generation of Raleigh Firefighters who after all they have given will face retirement with considerably less financial security than that of their predecessors.
>
> And that's why, in consideration of all things I urge Council support us today as much as we have supported you. Do what you know is right, send this budget back with directions to increase the proposed raises to a minimum of 7%.

Holley Richards, CEO, Tammy Lynn Center for Development Disabilities expressed appreciation to the Council for past support of the early childhood intervention program. She presented Council with information on the increase in their services, the amount of money they have received in the past and pointed out the number of children from Raleigh has doubled. She talked about the number of non-English speaking students they serve pointing out they have hired three bilingual therapist. She again expressed appreciation for the Council's past support and their request to the Council for $126,056 in the FY16-17 budget.

Erica Moss, 113 South Wilmington Street spoke in support of the penny tax for affordable housing being including in the budget, talked about personal situation and difficulty in finding affordable housing, conversations he has had with others who have Section 8 certificates but cannot find affordable housing and told of other situations of people who are having to do things such as live in their cars, etc., because they cannot find affordable housing.

William Terry, Halifax Court, talked about not being able to afford to go back into their neighborhood once the Halifax Court renovations are/were completed. He talked about his personal situation and the situation of a disabled friend who had lost their job and could not find housing. He asked the Council to vote for the penny tax for housing.

Kaji Reyes, 112 South Blount Street, Power of North Carolina Conservancy Party talked about the need for affordable housing and the cost of living in the area are the waiting list for vouchers. It was pointed out Raleigh is capital of North Carolina and should be a leader, gave statistics of 32,000 people who use 1/3 of their income on housing and another 16,000 who pay over 50% of their income for housing and talked about the need to create more housing and how that will provide the potential for creating new jobs.

Kirby Jones, Executive Director of the Daniel Center for Math and Science, stated the center is located in the heart of Southeast Raleigh. He stated he was before the Council regarding his application for outside agency funding. He told of their location, their proximity to two of the States most notable institutions – North Carolina State University and North Carolina Central Prison which represent two totally different life outcomes. He stated the irony is that statistics demonstrate that children native to Southeast Raleigh are much more likely to end up at Central Prison than NC State. He talked about the work of the Daniel Center for Math and Science

which is to change the trajectory of at risk and economically disadvantaged children through education pointing out they are a STEM focus education enhancement program that narrows the education gap for the children they serve. It is a year round comprehensive program serving children from 5 years old until they are enrolled in a two to four year college. They also provide a 5 star after school program. He stated without the support of groups such as the City of Raleigh, it is impossible for them to achieve their goals. A grant from the City would be valuable in helping the Daniel Center break generational poverty through education.

Sandy Scherer, representing the leadership of the Raleigh Historic Development Commission and the membership of Society for the Prevention of Historic Oakwood, pointed the Certificate of Appropriateness application for use of the roadway LED lights in historic districts was rejected during the Certificate of Appropriateness Committee review this past spring due to concerns about design and brightness of the lights. She stated with the support of the Raleigh Historic Development Commission and the great work of the city's Public Works Department who worked with Duke Energy they understand that the lighting fixtures in the historic design are an option from Duke Energy and they now have a sense as to how much this would cost. She asked for a budget allocation in the 2016-2017 budget if possible or if not in next year's budget for the purpose of the street lights that are historic in appearance and appropriate for residential use. She presented information on the number of lights - 769 throughout the seven historic districts including 114 fixtures already in historic appearance teardrop style resulting in a total of 655 lights that would require replacement. She stated she has close to 200 signatures and comments from residents across all historic districts in support of the petition. She stated the cost differential between the new roadway LED lights and the LED light more historic in appearance would total approximately $136,000 a year pointing out she had provided detail on the cost and savings. She stated they anticipate the savings realized from the move from sodium lights to roadway LED lighting and for all street lights across the city would more than provide the funds for the historic light and budget request.

Jennifer Patterson, 4312 Warfield, pointed out she is a firefighter and talked about her activities and explained what occurred when she along with the fire department responded to a fire which destroyed her apartment building. She stated when the fire department arrived at the scene she struggled with whether to fulfill her responsibilities as a firefighter or rescue the people who were her neighbors and loved ones. She stated she completed her responsibilities and worked to control the fire. She asked the Council to consider what they are offering the firefighters and the police who do their work daily.

Matt Cooper, President of the Raleigh Police Protective Association which represents over 500 Raleigh Police Officers presented the following prepared statement:

> While some things have changed since the last time we have asked the City Council to consider our input during the budget process, some things have remained the same. Police Officers are now scrutinized and demonized at a level that has never been seen before. We can make one perceived mistake and we will make the national news. We can get killed in the line of duty, and we'll maybe receive a mention from regional news outlets for a day. One thing that has not changed is the level of professionalism, of which

we as Raleigh Police Officers perform our duties on a regular basis. We have met the increased expectations and challenges of policing a growing city with a police force that has not increased in size in proportion to the growth of its population. Neighboring municipalities during this time have dramatically increased the salaries of their police forces, in most cases offering salaries and compensation packages that greatly eclipse what is currently being offered by the City of Raleigh.

We are here tonight to express our heartfelt disappointment in the budget proposal for the Fiscal Year of 2017. We are aware of the current pay study that is under way concerning employee pay. However, after hearing overwhelmingly negative responses to the proposal from our membership and while observing emerging issues with officer retention, we felt compelled to be here tonight. We have learned that many officers after hearing this latest budget proposal have decided to look for employment elsewhere.

Many officers facing the changes in health care costs will actually receive less take home pay with this proposed budget than the previous year. All the while, officers have seen top executives in city government receive handsome raises without the benefit of a pay study.

We cannot wait for the implementation of raises that the pay study should suggest. The last time RPD had a staffing crisis, a lateral entry officer program helped alleviate some of the shortages. Now, due to stiff competition with neighboring agencies, we have failed to attract many officers in recent years to join RPD as lateral entry officers. Officers are now being aggressively recruited to leave RPD once they have completed field training. These officers as well as officers with several years of experience can achieve a significant and immediate pay raise by joining these agencies.

The preliminary officer pay comparison study presented to the City Council in April shows that the City is willing to settle for being average when compared to other cities in this county and within this state. This study neglects to compare Raleigh with its peers outside of the state. The city is very willing to accept accolades when it is compared with its peers nationwide, but is unwilling to do the same when it comes to employee pay. Our officers strive for excellence every day. Professional service deserves professional pay.

We would like for the Council to consider a five to seven percent across the board pay increase and to consider eliminating some of the new provisions concerning our health care costs. We would see this is an act of good faith and an acknowledgement of our hard work. Thank you for listening to our concerns.

A presentative of Cisco and a representative of Millbrook United Methodist Church both indicated they have partnerships with the Food Bank of Central and Eastern North Carolina. The representative of Cisco talked about their partnership over the years, the number of agencies the Food Bank serves and urged Council to join and provide $100,000 for 5 years. The representative of Millbrook United Methodist Church talked about their work and support of and

from the Food Bank of Central and Eastern North Carolina and talked about the needs they serve in cooperation with the Food Bank and asked the Council for support of the food bank.

Chris Evans and Leigh Duque representing InterAct highlighted the following information and their request.

> I am Chris Evans, Incoming Board Chair of InterAct, a private non-profit agency located at 1012 Oberlin Road in Raleigh that saves lives, rebuilds lives, and secures safer futures for victims and survivors of domestic and sexual violence and our entire community.
>
> I am joined by Leigh Duque, InterAct's Executive Director, Tucker Shade, outgoing board chair, other members of InterAct's board of directors, operational volunteers, and staff.
>
> Our active and engaged board of directors, 50 staff members, and more than 1,700 volunteers work tirelessly at InterAct to ensure that individuals and families impacted by violence **don't just survive** – but **truly thrive**.
>
> Just a few short years ago, InterAct asked you to consider an investment that would more fully reflect our City's commitment to these issues AND the value of what InterAct provides for Raleigh's residents. You responded – with an increased financial commitment of $75,000 for the past three years: 2013-2014, 2014-2015, and 2015-2016, InterAct is grateful for the long-standing financial and programmatic support of the City of Raleigh.
>
> This year, InterAct has been notified of a $5,000 grant from the City of Raleigh, and this is the only funding that we are aware has been included in the City's 2016-2017 draft budget.
>
> The following statement was presented:
>
> I am Leigh Duque, InterAct's Executive Director, and I want to echo Chris's appreciation for the City of Raleigh's support and long-standing partnership.
>
> InterAct is Wake County's only provider of comprehensive emergency support for individuals and families fleeing domestic and/or sexual violence, and we are making a life or death difference 24/7, 365 days a year.
>
> InterAct brings together eight community partners to provide comprehensive services – three crisis lines, the Raleigh police Department's entire Family Violence Intervention Unit, legal services, group and individual counseling, case management, court advocacy, and North Carolina's first and only community-based sexual assault forensic examination center – all under one roof. And we provide our City's only emergency shelter program for women and children fleeing abuse – a 45-bed "home away from home."

City of Raleigh funding has helped InterAct to accomplish a great deal over the past few years:

- We have deepened our partnership with the Raleigh Police Department through the Lethality Assessment Program (LAP), which identifies victims of domestic violence who are at the highest risk of being seriously injured or killed, and connects them – at the scene – to InterAct for comprehensive services. Often with no more than the clothes they fled from their homes wearing – without adequate support. But with the continued support of the City of Raleigh, we know we can and will sustain our nationally acclaimed model of integrated services.

We are asking the Raleigh City Council to ensure that the City of Raleigh's 2016-2017 budget includes $75,000 – the total amount allocated to InterAct in each of the past three years.

Domestic and sexual violence aren't some other community's issues. They are ours. It is imperative that we all continue to support InterAct's critical, life-saving services.

Thank you for considering our urgent request. We're so proud to partner with the City of Raleigh in helping families build lives that are free from violence, abuse, and fear.

Ms. Baldwin asked that a budget note relative to the InterAct request and proposed changes in funding be developed and provided to the Council.

Becky Jacobs, Food Shuttle of North Carolina, talked about the work they do, the number of people they serve and asked the Council to continue the funding to food shuttle. Approximately 40 persons stood in support.

A representative from Partnership to Prevent Homelessness talked about their work since 2013. She talked about the need for more affordable housing and expressed appreciation to the Council for what they have done in the past and hopefully what they will do in the future. She spoke in support of the penny tax affordable housing. About 4 persons stood in support.

Jean Tedrow, Passive Homes, spoke in support of the 1 cent tax towards affordable housing. She told about the work, the number of people served, and what increasing affordable housing/work force housing would do. She talked about the special and unique needs and asked the Council to continue support to Passage Homes.

Karen Rindge, WakeUP Wake County stated she was representing the thousands of citizens concerned about planning well for our rapid growth in the Raleigh Cary metro region, Wake County and the Triangle. She highlighted the following report.

WakeUP agrees with this City Council that public transit is key to planning for Raleigh's doubling population to ensure a more prosperous and healthy future. We are thrilled the Wake County Transit Plan has now been approved by CAMPO, GoTriangle and the

Wake Board of Commissioners, and if voters approve the transit referendum in November, bus service will expand significantly and run more frequently. Still, Raleigh must continue to invest in the GoRaleigh bus system and amenities such as more bus shelters to improve transit riders' experience. WakeUP commends Raleigh for your leadership in the Wake transit plan, and for your dedication to the future Union train station. Please support sufficient funding to ensure it is a public amenity the entire county will be proud of all of us can enjoy using.

As we move forward, Raleigh has a responsibility to ensure affordable housing in close proximity to future bus rapid transit and commuter rail we may soon benefit from. We're seeing rising property values that come with the good fortune of a wonderfully growing downtown. To ensure that people of all income levels have the opportunity to live close to jobs and to have access to jobs elsewhere, Raleigh needs to plan for housing needs. Already, there is a large unmet need for housing that is affordable to people who are working. WakeUP supports dedicating increased financial resources to provide additional affordable housing and commends you for your leadership in this budget.

Raleigh is both growing and aging, and must maintain thousands of miles of water and sewer pipe to keep us all healthy and economically strong. WakeUP supports the 4% increase in water and sewer rates – most of which is to ensure aging infrastructure can be replaced. While a 6% rate increase was projected for this year, we are pleased the City was able – through budget cutting and efficiencies – to reduce that to 4% for residences. No one likes a fee increase, but the additional average increase of about $1.99 per month is good value for clean drinking water and sewers that benefit us all.

Speaking of clean water, on a State Budget matter, we urge the City Council to be steadfast in leadership to protect our drinking water reservoirs. We ask you to urge state legislators to strike the Senate budget provision that would eliminate the Falls Lake rules, and not settle for a 4 year delay and a completely new rule-making process. Legislative negotiations are moving now, so I appreciate the opportunity to speak on this

John Niffenegger, North Carolina Housing Coalition presented the following prepared statement.

Good evening, my name is John Niffenegger and I work at the North Carolina Housing Coalition, served as the chair of the board of directors for Families Together, and am a Raleigh homeowner who lives at 905 Powell Drive, 27606. I'm here on behalf of the Housing Coalition and Families Together to speak in support of the proposal to find a regular source of funding for affordable housing.

Everyone in this room is by now aware of the difficulty families with low incomes have in finding affordable housing. What many in Raleigh are beginning to feel is the trend reported by Harvard's Joint Center for Housing Studies in their rental housing report this year. In growing, urban areas around the country, the share of middle income families who are cost-burdened is growing. Every major city in North Carolina is struggling with this as well.

With the passage of the Wake Transit Plan, the potential for the Dorothea Dix site, and continued upward trends in population growth, there is a lot to be excited about. For a vibrant, growing community to continue to stay vibrant, it must be accessible to all of its residents. Affordable housing is a crucial piece of that puzzle.

However, state resources for housing have contracted over the last decade. The Housing Trust Fund saw its first increase last year to $7.6 million, which is a cause for celebration, but it is still down from more than $20 million, 10 years ago. The state's Low Income Housing Tax Credit, which supplemented the federal credit., was replaced with the Workforce Housing Loan Program. In the final year of the credit, it was worth more than $50 million. The Workforce Housing Loan Program saw an increase in the current budget proposals to $15 million, but is targeted at rural communities.

All of this is to say that local governments must step up. A regular source of money means predictability. Our members who develop and provide affordable housing are able to plan better for its production. You recently passed your affordable housing plan, but making sure it has a dedicated funding source is crucial for its success. Our have the opportunity to lead North Carolina cities in that effort.

I value inclusive, vibrant communities where people can live and work. As a property owner, I'm willing to pay that price to live in that city. Thank you.

Laurent P. deComarmond and Thomas Sayre talked about the history of the one-half percent for public art program and spoke in support of that one-half percent being increased to one percent. They talked about the importance of public art, how it got started some 10 years ago and moving to the next level of public art. Nancy Novell and Linda Dallas presented information about the Raleigh Arts Plan 2016. Ms. Novell talked about implementing the five top priorities of arts in the FY16-17 budget including neighborhood arts programs, building capacity for ADA Accessibility, cultural equity and audience diversity, public art, art marketing and community resources and arts partner grant programs. Ms. Novell also spoke in support of increasing the one-half percent for public art to one percent. She talked about the history of the per capita funding which started some 26 years ago and the hope that it will be increased.

Approximately 25 persons told in support of the remarks.

Daniel Pietrzak, Boys and Girls Club of Wake County, talked about their new program of feeding children after school. He talked about the 25,000 meals they have been able to provide so far at the Raleigh Boulevard location and pointed out he hopes that they can expand the program, specifically getting a vehicle that will allow them to go to other sites. He stressed the importance of the program and expressed appreciation to the City for their contributions in the past.

Mark L. Paterni, 3317 Roller Mill Court, highlighted the following prepared statement.

We ask that funding for the Greenway Connection Trenton Road Project be moved from FY 2019 and FY 2020 to FY 2017 and FY 2018. We also ask that the Department of parks, Recreation, and Cultural Resources be directed to shift currently planned projects in order to provide staff time to pursue the planning and construction of this pathway during the FY 2017 and FY 2018 time frame.

In September 2015 a petition with the signatures of just over 200 area residents was delivered to each of you asking that this project be initiated earlier than currently planned.

This request was repeated in January when a written request was submitted to you during the January 5, 2016 Council hearing.

We believe this project needs to be initiated as soon as possible due to increasing traffic safety concerns along this section of Trenton Road.

The current project is to build a multi-purpose path along Trenton Road from the Rt. 40 overpass to the intersection with Reedy Creek road. This path will intersect with the Reedy Creek Greenway at the entrance to Umstead State Park.

This section of Trenton Road provides access to the eastern gate to the SAS campus from the north. SAS employees, local residents, and recreational users from throughout the Triangle heavily utilize the roadway.

Members of the Cary Academy athletics program routinely run along this section of Trenton Road. Local residents walk the roadway with children in strollers. Several hundred bicyclists, joggers and walkers from SAS and outside the immediate area use this section of Trenton Road to access Umstead Park and the Reedy Creek Greenway every week.

Of the approximately 149 residences long this section of Trenton Road, over 60% were built and occupied since 2012. Many of the new residents are families with young children.

Speed survey conducted by the Raleigh Police Department (December 2014 and December 2015 attached) indicate a 67% increase in traffic volume in 2015 over 2014. Both indicated failure of most drivers to obey the speed limits.

In October 2014 SAS opened Building Q, a 200,000 sq. ft. office building bringing 600 more SAS employees to the campus. In September 2015 Cary approved SAS's plans to construct Building A, a 400,000 sq. ft. office building with more than 1,100 parking spaces. Site preparation is underway now with completion of the building planned for 2019. The growth at the SAS Campus, averaging 4% per year according to Jim

Goodnight as quoted in the Triangle Business Journal October 21, 2014, creates high traffic volumes throughout the day but particularly during traditional rush hour periods.

With the exception of improvements made during the construction of the Trenton Pointe and Woods at Umstead developments, this section of Trenton Road has narrow shoulders providing little room for walkers/joggers, dog walkers, and mothers with baby strollers who share the roadway every day with the increasing motor vehicle traffic.

While we recognize the recreational value of this project, it is the traffic safety concerns that motivate our request to move this project forward. All users of this roadway, motorist, bicyclists, joggers, and walkers deserve the increased safety and reduced congestion this pathway will provide to Trenton Road.

Thank you for your consideration. We will most appreciate hearing of your decision on this request.

Victor Boone, Legal Aid of North Carolina highlighted the following prepared statement:

I am the Regional Manager of Legal Aid of North Carolina for the Triangle area, which includes the City of Raleigh. Some of you are new to the Council and may not be familiar with what our organization does, so I am going to give a brief overview of our services.

Legal Aid is responsible for providing legal assistance, free of charge in non-criminal cases to low income residents and victims of domestic violence. For many years, our office has received a grant from the City to serve City residents with regard to various non-criminal legal matters, including family violence, mortgage foreclosures and other shelter preservation issues, unsafe and unhealthy living conditions, income maintenance, preservation of personal property, and health access for children, disabled persons, and the elderly, to mention just a few.

I am here to request that the City continue the funding it has so generously provided for more than 30 years in order that the services we have been able to provide in the past are not diminished. You gave us $50,000 the past several years for that purpose and I think the outcomes we achieved demonstrate that the City certainly got its money's worth.

If we don't get City funds we're requesting, the results will be that a significant number of residents will go without legal assistance who would ordinarily receive it. And they will very likely suffer adverse consequences because they don't have the skills to adequately represent themselves. More people will lose their shelter or not be able to obtain necessary healthcare. More victims of domestic violence will represent themselves in court and suffer the consequences of a lack of skills to do so effectively. Although we are unlikely to ever be able to assist everyone in the City who needs legal help, we can and do make a big difference for many.

Typically, at least 60% of LANC clients served by the Raleigh office reside within City limits. And we always provide far more hours of service to eligible Raleigh residents than we are required to provide under the terms of the grant.

Although every dollar in our budget counts and we need the $50,000 we are requesting, Leal Aid has a diverse funding base and does not rely on the City to assume major responsibility for its financial stability. The majority of our funding comes from the federal Legal Services Corporation.

I note for the Council as I have in previous years, that, according to an American Bar Association study, there are 19 million low-income households in the U.S. who experience at least 20 million legal problems per year. The state studies indicate that the true number may be well in excess of that number. Those numbers certainly reflect the magnitude of the problem that exists within this country as to the need for the kind of legal assistance we provide.

The Preamble of the NC State Bar Rules of Professional Conduct, which specify the minimum standards by which lawyers should conduct themselves with respect to the practice of law, states that, "As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice, and the quality of service rendered by the legal profession. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority." I emphasize the last phrase in the sentence that states, "because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority" because I think our country is at a critical point with respect to confidence in our justice system. We can ill afford to have a society that loses its faith in it because a major portion feels it has no stake in preserving it. To help maintain and restore confidence referenced in the Preamble, an organization like Legal Aid needs financial support to meet that responsibility.

The $50,000 annual investment the Council has made in Legal Aid for the past several years has been wise one, as the City's residents have benefited substantially from it.

I have a copy of our 2014 Annual Report for each of you that I hope you will review as you contemplate the extent to which you will fund Legal Aid for the coming year. The data within it reflect statewide statistics, but still indicate the kinds of outcomes, as well as their value, that are typical of each local office, including the one here.

Thank you for your past support and your service on the Council.

Jeff Murison, Hillsborough Street Community Development Cooperation, expressed appreciation to the Council for continuing to allow them to manage and work with the Hillsborough Street area and thanked the Council for the investment in Phase II. He talked about the current assessment of 15 cents and support of their request for next year's budget. He talked about the

work they have done and will do with the money supplied by the MSD assessment. He presented a packet of emails from various businesses and residences in the area in support of the 15 cents assessment for next year. He talked about the history of their work and their proposal for future work.

No one else asked to be heard thus the hearing was closed and the comments were referred to budget work session.

STC-03-16 – MANCHESTER DRIVE – HEARING – RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of right-of-way at the intersection of Manchester Drive and Rampart Street pursuant to Resolution 2016-293. A copy is with the agenda packet. The hearing is pursuant to petition, resolution of intent, advertisement, and notification as required by law.

Following the hearing, if the Council wishes to proceed, the Council could take action to approve, deny or refer the item to committee. Todd Delk, City Planning explained the location, the reason for the proposal and pointed out it meets all of the requirements for a closing and if closed it is suggested that an easement be retained for the utility poles onsite. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Mr. Stephenson moved adoption of a resolution closing the street as advertised with the retention of the easements. 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 312.

WADE AVENUE – SIDEWALK ASSESSMENT ROLL 420/PAVING ASSESSMENT ROLL 942/HEARING – CONFIRMING RESOLUTION ADOPTED AS AMENDED

During the May 3, 2016 Council meeting, a hearing was held to consider adoption of resolutions confirming Sidewalk Assessment Roll 420 and Paving Assessment Roll 942 related to improvements on Wade Avenue from west of Westridge to Faircloth Street, pursuant to charges outlined in Resolutions 2016-283 and 284 adopted on April 5, 2016.

During the hearing, a request was made by a representative of one of the property owners to hold the hearing open to allow an opportunity to gather more information.

The item was placed on the May 17, 2016 and representatives of both property owners asked that the hearing be continued to allow additional conversation with staff and place the item on this agenda for further consideration.

It would be appropriate to continue the hearing. Once the hearing is closed, the Council may take action to adopt a resolution confirming the assessment rolls.

Interim Public Works Director Richard Kelley indicated the assessments on Wade Avenue sidewalk and paving are a unique situation. There was a combination of circumstances which caused the assessment to end up being greater than the City's contribution to this project. Again

stating it is a very unique combination of property types, funding sources, and project size. He explained small project size creates a smaller construction budget. In this particular case the Federal government reimbursed 80% of the cost. He explained the City's normal assessment policies which indicates assessments are calculated on a flat rate charge per lineal foot of adjacent property which is intended to create an equitable rate across all projects. Currently the assessment rate is $6 per lineal foot for sidewalks for both residential and nonresidential properties and $32 and $64 per lineal foot for residential and nonresidential paving assessments. Meredith College and Ridgewood Shopping Center were assessed $6 per foot for sidewalk and $64 dollars per foot for paving which resulted in a 5,610 sidewalk assessment to Meredith and $79,488 for paving assessment for a total of $85,098. Ridgewood Shopping Center received a $5,052 assessment for sidewalk and $56,768 for paving, for a total assessment under the City's policy of $146,918. He explained since auxiliary funding is neither predictable nor necessarily equitable across all projects, it has been the City's practice to charge the assessment rate as explained above regardless of the funding sources or the size of the project. In this case the additional Federal funding created an uncommon scenario whereby the value of the assessments exceeded the ultimate cost required of the city, again explaining this unique scenario is due to the fact that it is a relatively small project which impacts only two fairly large commercial properties. He stated if this work had been done as a part of a larger project the property owners assessments would have remained exactly the same but the City's contribution would have exceeded the assessments and the percentage of cost recovered through those assessments would have been significantly reduced as is more typically the case in most roadway projects.

Mr. Thompson stated as he understands what has occurred as it relates to the assessments on this project is an exception rather than the norm.

Ms. Baldwin pointed out she understands there has been a compromise presented by the affected property owners and questioned if staff had time to review that. Mr. Kelly pointed out staff does not have discretion to recommend alternatives to established policy. He stated however per General Statutes the City Council has the authority to deny, modify or confirm preliminary assessments through various options such as approve the original assessments consistent with the policy, deny the assessments, approve a pro-rated assessment or approve another alternative assessment.

Lengthy debate followed looking at various possibilities. Attorney Michael Burch presenting Ridgewood Shopping Center, LLC presented the following summary with options.

Total Cost of Project: $422,127

- At time of project initiation, no grant had been awarded
- The total cost to the City would have been $275,209, taking into account assessments
    - This amount is 65.2% of total project costs
- Total assessment amount was $146,918
    - This amount is 34.8% of total project costs

Total Assessment Amount: $146,918

- Meredith College - $85,098
- Ridgewood Shopping Center - $61,820
- The percentage of the project costs assessed to Meredith College and Ridgewood Shopping Center total 34.8% of the total project costs

Then, the City received a grant award for 80% of the total Project costs

- $326,312 in grant funding (80% of total construction costs)
- The City proceeded with plan to assess Meredith and Ridgewood $146,918, which would have resulted in the City making $51,103
- Meredith and Ridgewood appeared at the May 3, 2016 public hearing in opposition to the amount of the assessment

Options for Revised Assessment Amount:

Question: How should $95,815 be apportioned between Meredith, Ridgewood and the City?

1. Apply City's cost share of 20% to the assessment amounts
    - Without assessments, the total cost to the City would be 20% of the total Project cost
    - Applying this rate to the total assessment amount reduces the total assessment amount to $29,383.60
        - Meredith College - $17,019.60
        - Ridgewood Shopping Center - $12,364
    - In this scenario, the total cost paid by the City is $66,432

2. Apply proportion of assessment as total cost of project to the assessment amounts
    - The total assessment amount would cover 34.8% of the total Project cost
    - Applying this rate to the total assessment amount reduces the total to $51,127.46
        - Meredith College - $29,614.10
        - Ridgewood Shopping Center - $21,513.36
    - In this scenario, the total cost paid by the City is $44,687.54

3. City Staff's Proposal
    - Without assessments, the total cost to the City would be $95,815
    - Staff proposes to assign City's total cost to Meredith and Ridgewood, in the same proportion between the two parties as the original assessment
        - Meredith College - $55,477
        - Ridgewood Shopping Center - $40,338
    - In this scenario, the City is bearing $0 project cost

Council members debated the various options and city staff proposal (number 3 as listed above). How they assessment policy works, the fact that the City does not recoup the full cost of most projects through assessments and the various options were talked about. How to address the

situation, the fact that it is very unique, and the hardship the city's original proposal would place on Meredith was discussed.

Steve Gurganius, Fayetteville Street, representing Meredith College expressed appreciation for the efforts the city staff took reevaluating or providing alternatives for the assessment. He stated he does not know of any precedent where the property owner would pay the full cost of a project. He stated in addition all of the cost to Meredith would have to be passed along to the students in the form of tuition. He stated they support the reduction in the assessments.

Mayor McFarlane closed the hearing. Ms. Baldwin moved approval of city staff proposal (#3) pointing out this is a very unusual circumstance and should not be considered a precedent. Her motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote. See Resolution 313.

FREEDOM DRIVE/RHYNE COURT – SIDEWALK ASSESSMENT ROLL 422/PAVING ASSESSMENT ROLL 495 – HEARING – RESOLUTION ADOPTED

This is a hearing to consider confirming Sidewalk Assessment Roll 422 and Paving Assessment Roll 945 related to improvements on Freedom Drive/Ryan Court from US-64 pursuant to charges outlined in Resolutions 2016-297 and 298 adopted on May 3, 2016.

Once the hearing is closed, the Council may take action to adopt resolutions confirming the charges as outlined.

The Mayor opened the hearing no one asked to be heard, thus the hearing was closed. Ms. Baldwin moved adoption of resolutions confirming the charges as outlined. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolutions 315 and 316.

SANDERFORD ROAD – SIDEWALK ASSESSMENT ROLL 421/PAVING ASSESSMENT ROLL 944 – HEARING – RESOLUTIONS ADOPTED

This was a hearing to consider confirming Sidewalk Assessment Roll 421 and Paving Assessment Roll 944 related to improvements on Sanderford Road pursuant to charges outlined in Resolutions 2016-295 and 296 adopted on May 3, 2016.

Once the hearing is closed, the Council may take action to adopt resolutions confirming the charges as outlined.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Mr. Branch moved adoption of Resolution confirming the charges as outlined. 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 Resolutions 317 and 318.

ANNEXATIONS – LEESVILLE GROVE AND FOXWOOD APARTMENTS – HEARINGS – ORDINANCES AND RESOLUTIONS ADOPTED

This was a hearing to consider the following annexation petitions:

LOCATION	ELECTORIAL DISTRICT
1200 Leesville Road/Leesville Grove	E
6701 Fox Road/ Foxwood Apartments	B

Following the hearings, the Council may take action to adopt ordinances annexing the properties effective June 7, 2016 and adopt a resolution placing the properties in the appropriate electoral districts.

The Mayor opened the hearing on each location. No one asked to be heard thus the hearing was closed. Mr. Thompson moved adoption of ordinances annexing the properties effective immediately and a resolution placing the properties in City Council electoral districts as outlined. His 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 Ordinances 596 and 597 and Resolution 319.

REZONING Z-5-16 – ROCK QUARRY ROAD – HEARING – CLOSED; TO BE PLACED ON JUNE 21 AGENDA FOR FURTHER CONSIDERATION

This was a hearing to consider a request from Hurshel G. Strickland to rezone approximately 11.65 acres from Residential-4 (R-4) and Neighborhood Mixed Use – 3 stories – Parkway Frontage – Conditional Use (NX-3-PK-CU) to Neighborhood Mixed Use – 3 stories – Conditional Use (NX-3-CU) and Residential Mixed Use – 3 stories – Conditional Use – Parking Limited Frontage (RX-3-CU-PL). The property is located on the south side of Rock Quarry Road, south of Jones Sausage Road and S. New Hope Church Road.

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

Planner Bynum Walter presented the request showing the location, existing zoning, aerial views, views from the property from various locations, Future Land Use Map , proposed conditions which include limiting density to 14 units per acres; establishes Build-two and associated building placement percentages and limits parking to two bays with a single drive aisle; establishes maximum development intensities for a number of potential development scenarios; provides for transit easement upon request by City transit staff. She went over what is allowed under existing versus proposed zoning, Comprehensive Plan analysis which indicates the only inconsistent policy is policy LU1.2. Planner Walter pointed out the Planning Commission recommended approval on a 10-0 vote as they felt the proposals, though not entirely consistent with the Future Land Use Map, is consistent with the Urban Form Map and pertinent policies of the Comprehensive Plan. The Proposal is also consistent with the City UDO remapping

designation for the inconsistent NX-Parcel; the proposal would allow for residential, office and retail uses located on a Transit Emphasis Corridor; the proposal provides parking limited frontage (-PL) and conditions that approximate – PL, providing for an improved pedestrian environment on Rock Quarry Road. She stated the Planning Commission requested revisions to conditions which the applicant has agreed to submit; however, in order for those revised conditions to be considered the public hearing must be closed. Ms. Walter pointed out the South CAC supports the proposal on a 33-0 vote.

Ms. Walter talked about the power easement which eliminates the parking utilization of limited parking.

The Mayor opened the hearing.

Attorney Chad Essex representing the applicant explained this involves 11.65 acres, talked about the larger parcel, the present zoning, consistency with all plans pointing out the smaller parcel was rezoned in 1991 and talked about what is carried over from the previous zoning. The parking is limited, he talked about putting the parking limit which would take over more than ½ of the site, talked about the proximity to the olde Town development which was approved in 2003 but has never been built, surrounding uses and zoning and pointed out they also went to the South East CAC. He stated there were some people present tonight to support the case; however, because of time they had left. He stated the Planning Commission had requested that the conditions be amended to include an offer to construct a transit pad upon request of the Public Works Department. He stated they have that condition but could not submit them until the hearing is closed. He stated once the hearing is closed he would ask that the case be held to allow him an opportunity to submit the additional conditions. Discussion about roadway improvements followed with it being pointed out that would be taken into consideration at the site plan. Mr. Cox had questions about the power easement and the amount of property it takes. No one else asked to be heard thus the hearing was closed. By consensus it was agreed to place the item on the June 21 agenda which would allow the applicant the opportunity to submit the revised conditions.

REZONING Z-6-16 – LEESVILLE ROAD – HEARING – CLOSED – ITEM REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This is a hearing to consider a request from Mason Street LLC, Stewart D. Marlowe and John D. Titchener, Jr. to rezone approximately 7.72 acres from Residential-4 and Residential-6 (R-4 & R-6) to Neighborhood Mixed Use – 3 Stories – Conditional Use (NX-3-CU). The property is located on the east side of Leesville Road, north of Lakewood Valley Way, extending eastward to Old Leesville Road.

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

Planner Bynum Walter presented the case by providing a powerpoint showing the location, surrounding zoning, aerial view of the property, views of the property from various locations,

site frontage on Leesville Road, topography, inventory historic resource including the Leesville School/Park, Future Land Use Map, Urban Form Map, Future Land Use Designation, what is allowed under existing verses proposed zoning, and pointed out there are 18 different conditions which prohibits certain uses, outlined maximum floor area, number of dwelling units, building heights, hours of retail sales and truck deliveries, lighting, no commercial use or public entrance facing Old Leesville Road, no driveway cuts allowed, no solid waste facilities within certain locations, no delivery truck access in certain areas, lighting, prohibited drive-in or drive thru, solid waste service hours, no building permitted to extend south of Old Leesville Road public right-of-way, tree conservation, sidewalk requirements, primary building material, relocation of the residents at 9513 Old Leesville Road. Planner Bynum Walter went over the comprehensive plan analysis, pointing out the two inconsistent policies – LU1.2 and LU10.6. Outstanding issues relating to various matters identified and staff comments, existing block perimeter exceeds UDO standards and sewer and fire flow matters may need to be addressed upon redevelopment.

Planner Walter went over the recommendations of the Planning Commission which recommended approval by unanimous vote but requested revisions to conditions which the applicant has agreed to submit. She explained the findings and reasons upon which the Planning Commission recommendation was made. She stated the Northwest CAC supported the proposal by a split vote of 17 yeses and 14 noes.

Mr. Cox questioned access into the site particularly by delivery trucks, etc. Transportation Engineer Todd Delk indicated the City does not have a site plan and the truck access and access in general would be addressed at site plan approval stage. He talked about unenforceable conditions.

The Mayor opened the hearing.

Attorney Michael Birch representing the applicants pointed out this request is the result of nearly 2 ½ years of work. He talked about meetings and negotiations with surrounding neighborhoods, the 18 zoning conditions, and went through the various conditions explaining what is prohibited, what is allowed, what is requested to protect, retail, traffic impact analysis and the fact that it is inconsistent with some of the land use policies but it is in the public interest. He talked about the Planning Commission and the CACs positive recommendations. He suggested that the public hearing be closed so that they could submit revised conditions. He talked about the turn lane on Leesville Road, traffic access possibilities, etc.

Jerry Cram, 3224 Ashford Park Drive, representing the Draymoor Manor Homeowners Association, expressed appreciation for the developer and their representatives who have been most accommodating.

Mr. Cox questioned if there is any prohibition relating to time and location of delivery trucks with Mr. Birch explaining those conditions. No one else asked to be heard thus the hearing was closed. Ms. Crowder moved that the item be referred to Growth and Natural Resources Committee. Without objection the item was so referred.

GROWTH AND NATURAL RESOURCES – MEETING TIME ANNOUNCED

Chairperson Crowder pointed out the Growth and Natural Resources Committee meeting time would be changed from 2:00 p.m. to 3:00 p.m. going forth. It would meet on the same days, just the time change. The comments were received.

REZONING Z-8-16 – WAKE FOREST ROAD – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request from 4106 Wake Forest Road, LLC to rezone approximately 0.36 acres from Office Mixed Use – 3 Stories – Conditional Use (OX-3-CU) to Office Mixed Use – 3 Stories – Conditional Use (OX-3-CU). The property is located on the east side of Wake Forest Road, south of New Hope Church Road.

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

Planner Bynum Walter presented the case explaining the existing zoning, aerial view of the area, views from various surrounding locations, Future Land Use Map, Urban Form, proposed conditions which limits parking on subject site and adjacent related site to levels not in excess of 150% of the required parking, limits permitted uses on site to parking, pedestrian access and associated landscaping, stormwater and service areas and requires all light fixtures to be full cut-off. She explained what uses are allowed under existing and proposed zoning, the Comprehensive Plan analysis which indicated no inconsistent policies and no outstanding issues. The Planning Commission recommends approval on a 10-0 vote. The Atlantic CAC supports the request by a 21-0 vote. She went over the Planning Commission's findings and reasons.

Mr. Cox questioned if it would be possible to have conditions to limit the height of the lights.

The Mayor opened the hearing.

Tony Tate, 50011 South Park Drive, Durham, pointing out this property was zoned in 2013 and when he purchased the property it had some parking on the site. He pointed out the zoning restricted the access and the purpose of this rezoning is to relocate the driveway which will help with the traffic circulation.

No one else asked to be heard, thus the hearing was closed. Ms. Baldwin moved adoption of an ordinance rezoning the property and recommended by the Planning 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. See Ordinance 598 ZC 732.

TC-7-15 – SHORT-TERM RESIDENTIAL LODGING FACILITIES – HEARING – DENIED; SHORT-TERM RESIDENTIAL LODGING FACILITIES – REFERRED TO THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

This is a hearing to consider a proposal to amend Section 6.1.4 of Part 10A of the Unified Development Ordinance to create a new use called "short term residential lodging facility" and to modify Section 6.2.2.B to clarify that the Boardinghouse use is intended as a residential use and as such is not a short term residential lodging facility.

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

Planner Eric Hodge utilizing a powerpoint explained currently short-term residential lodging facilities are not an allowed use under the City's zoning regulations and this is a proposal to allow that se under certain guidelines. TC-7-15 does have impacts on boarding houses in that it would require boarding house rental periods to be for periods in excess of 30 days thereby giving the tenants access to "tenants' rights" such as summary eviction process. He pointed out the proposed regulations for short-term residential lodging facilities, (STRLF) requires a zoning permit for STRLF and annual renewal of the permit, requires a 400 foot spacing between STRLFs so that no facility is closer than 400 feet for one another; prohibits whole dwelling unit rental; maximum number of bedrooms to be rented would be two; maximum number of overnight guests would be two plus sets a maximum occupancy of four adults including the permanent residents and requires an on-site resident manager which explained could be the resident owner; prohibits cooking facilities within the bedrooms; prohibits exterior advertising.

Planner Hodge pointed out the STRLF would be allowed within R-1 through R-10 zoning and only permitted if within either a detached house or townhouse building types; lodgers may not remain for more than a 30 day period without at least a 7 day gap, tenants may not use the STRLF for special events or gatherings cannot be used for live, work or daycare.

He explained permits may be revoked for a period of one year if any two of the following or combinations thereof, occur on the premise within a 365 day period: Criminal law convictions, verified violations of zoning regulations, verified zoning violations of noise regulations and verified violations of nuisance regulations. He explained how the buffer requirements would work.

The Mayor opened the hearing to the public.

The following people spoke in opposition to the text change. Each indicated they are hosts for short term rentals and described how they use short term rentals, number of people they have housed stating a lot of people do not want to stay in hotels, their experience with short term rentals in other locations, shared economy, how they use their homes or rooms in their home to supplement their income, the type of people that had utilizing their services such as families, international students, workers who were here for a short time, people thinking about moving to Raleigh but wanted to look around first, people who come for training at various companies.

Some indicated they rent their whole house, others stated they felt it is a great lesson for their children when they are able to interact with people from all over the world, services they provide, how short term rentals flourish in other areas, how they utilize short term rentals when they are in other locations, concern about the 400 foot rule, concern about the prohibition of whole house rentals, concern about on-site management and what that means.

Don Martin	2309 Dahlgreen
Liz Tracey	706 McCulloughs
Shawn Briscoe	617 Wills Forest
Jade Dawkins	218 East Davie Street
Jennifer Faison	4501 Ryegate Drive
John Tillman	2112 Watkins
John Fasion	4501 Ryegate Drive
Bob McKeel	829 Graham Street
Amber Vance	607 South East Street
Ed Coleman	425 N. Bloodworth Street
Thomas Henderson	400 S. Boylan Avenue
Mike Shumake	700 Sasser Street
Sara Boxlin	No address given
Andy Blackburn	2417 Trailwood Hills Drive
Morris Hardy	1020 West South Street
Gregg Stebben	1803 White Oak Road

The Mayor pointed out as she understands, the speakers are against the proposal pointing out at this point the City is merely trying to legalize short term rentals in the city.

Karen Johnson, 4613 Shoalcreek, spoke in opposition to short term rentals and TC-7 stating she had sent the Council a petition signed by 61 people who are opposed to short term rentals in their area. She questioned how it could be enforced. She pointed covenants cannot be enforced unless they go to court. She talked about Raleigh neighborhoods being threatened and asked about the possibility of setting it up so that neighborhoods could opt in or out rather than making it totally across the board.

Mayor McFarlane suggested taking this item into Economic Development and Innovation Committee for further discussion.

Ms. Baldwin talked about the people who mentioned full house rentals. She stated one of the recommendations discussed in Committee was the possibility of requiring anyone who wanted to rent out two or more rooms to be required to apply and get a special use permit through the Board of Adjustment. She stated if this item is going to committee, she hopes that situation would be considered. She stated she and her family use short term rentals when traveling and she feels very comfortable and enjoys the experience and hopes that it can be setup in such a way that Raleigh families can enjoy the hosting.

Mr. Stephenson pointed out he and his wife utilize short term rentals or staying in other people's homes when they travel. He stated he is a landlord and knows the concerns about absentee landlords. He talked about how short term rentals work and stated he would be in favor of a situation where neighborhoods could opt in or out but he understands that is not allowed. There has to be one set of regulations for the whole city. He stated he knows there are at risk neighborhoods and he understands the concern about absentee landlords which can lead to the decline of an area. He talked about how the City had tried to address this in the past, court cases in North Carolina, the PROP ordinance and the many hours the Planning Commission put into developing this proposal. He stated he had listened to everyone and he understands the need to balance people's rights for income versus people's right for peace and quiet in their neighborhood and quality of life. He stated the knows there are concerns but he feels we should have some regulations in place so that Raleigh residents can legally have short term rentals and moved approval of TC-7 with the understanding it would be revisited in 18 months. His motion was seconded by Ms. Crowder.

Mr. Gaylord spoke in opposition pointing out he feels approval of this text change would make the City look horrible. He feels adoption of the text change would be an awful mistake. He stated he feels it needs to be studied further as he is concerned about some of the provisions but his biggest concern is trying to determine what problem the City is trying to solve. Mayor McFarlane stated she understands the concerns and that is why she wanted to refer the item to committee for further study. Mr. Thompson stated he had heard from a lot of people in District A, some for and some against, but it is his feeling based on input, etc., that there needs to be some type regulations and the text change is a good start.

Mr. Gaylord made a substitute motion to refer the item to Economic Development and Innovation Committee. Ms. Baldwin seconded the motion and after brief discussion, the substitute motion was put to a vote with Mayor McFarlane, Mr. Gaylord and Ms. Baldwin voting in the affirmative and the remaining of the Council voting in the negative. The Mayor ruled the motion defeated.

Discussion took place as to how to proceed from this point. Mr. Branch talked about the comments that were made pointing out most of the speakers were hosts. He stated we are talking about bedrooms. Mr. Cox pointed out he has heard similar comments as Mr. Thompson for and against. He stated rather than completely banning short term rentals, he feels we should start somewhere and he feels this text change is a good compromise. It allows us to move forward but protect interest of those totally against short term rentals.

Mayor McFarlane indicated there are hundreds of short term rentals available in Raleigh and she understands there have only been about seven complaints. Ms. Baldwin and Mr. Gaylord again stated they felt it would be a huge mistake to approve this text change.

The motion to approve the text change was put to a vote with results as follows: ayes – 4 (Thompson, Stephenson, Crowder, Cox); Noes – 4 (McFarlane, Gaylord, Branch, Baldwin). The Mayor ruled the motion defeated.

Ms. Baldwin moved the Council sent TC-7 to committee. Her motion was seconded by Mr. Branch. City Attorney McCormick indicated TC-7 is a zoning ordinance and it has failed. He stated the issue could be referred to committee for further discussion but the text change has failed. Ms. Baldwin stated that would be her motion to refer the issue to short term rentals to Economic Development and Innovation Committee for study with Mr. Branch indicating that would be his second. That motion was put to a vote which resulted in all members voting in the affirmative except Ms. Crowder who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

EVIDENTIARY HEARINGS

MERRIMON-WYNNE HOUSE – AMPLIFIED ENTERTAINMENT PERMIT – APPROVED AS AMENDED; TO BE PLACED ON JUNE 21 AGENDA

During the May 3, 2016 Council meeting, an evidentiary hearing was held 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 permit for The Merrimon-Wynne House located 500 N. Blount Street. The request is for renewal of the 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. The permit requested is for a 24-month period.

The Council continued the hearing to allow the applicants and the adjacent property owners with opportunity for further conversation and directed that the item be placed on this agenda.

It would be appropriate to continue the hearing. Once the hearing is closed, the Council may take action to approve or deny the request.

The Mayor turned the meeting over to the City Attorney to conduct the hearing. The City Clerk sworn in those persons who indicated they plan to speak but had not been previously sworn.

Jodi Strenkoski (sworn) applicant pointed out she had received a lot of feedback from the team. She stated she understands everyone's concerns and she and the neighbors are before the Council tonight with a compromise. She talked about how the group had got together and presented into evidence a roster of who attended the meetings. She indicated she did not know about some of the issues and submitted into evidence a list of policies and restrictions that had been developed by the group to be utilized for a 3-month trial period. One of the things agreed to was three events to be held on a Friday or Saturday with the doors open so the neighbors could get an idea of what it would be like. She stated they would coordinate with the Burning Coal Theatre to make sure they were not having an event when the Merrimon-Wynne House held the three events with the doors opened. She talked about the provisions which include mutually agreed upon monitoring system, events that will take place when Burning Coal Theatre has performances, and most of the factors remain the same except D where they are requesting a three month trail permit.

Alexander Donaldson, 1315 Williamston Drive (sworn), stated he is a board member for Burning Coal Theatre. He talked about noise coming into the Theatre and had threatened the existence. He stated Burning Coal Theatre is agreeable to the 3-month test period and hopefully it could be done prior to their October kick off.

Ann Bullock (sworn), Chair of Burning Coal Theatre, stated they are in agreement and they hope that this will be acceptable to all.

Kevin Angus (sworn) 511-102 John Haywood Way, pointed out he lives right behind the Merrimon-Wynne House. It is a great venue, they are decent neighbors and he too agrees with the 3-month trial period.

Elli Mason (sworn) pointed out a lot of thought and work had gone into the items on the list. In response to questioning, Ms. Strenkowski indicated everything complies with city code. No one else asked to be heard thus the hearing was closed.

The City Attorney turned the meeting back to the Mayor for deliberation.

Mayor McFarlane stated she understood the applicants had spent some $5M to build a structure and now they say they still need an outdoor entertainment permit. Ms. Strenkowski indicated they had hoped to build a larger structure but the Raleigh Historic Development Commission limited their size. She stated they are asking for the outdoor entertainment permit for the rare instances that they would need to extend their space to the outside. It was pointed out the temporary tent was 3,200 square feet but the Raleigh Historic Development Commission restricted their building to 2,400 square feet which downsized their capacity from 285 to 175. In response to questioning, Ms. Strenkowski indicated at the end of 3 months they would get back with the group to see if everything is working.

Ms. Baldwin moved approval of the outdoor entertainment permit for the 3 month trial period. Her motion was seconded by Mr. Gaylord and put to a vote which resulted in all members voting in the affirmative except Mr. Cox who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote and pointed out the item would be placed on the June 21 agenda for consideration of approval of the findings of facts and conclusions of law. Ms. Baldwin expressed appreciation to all for working together trying to make this work.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 10:35 p.m.

Gail G. Smith
City Clerk

jt/CC06-07-16