COUNCIL MINUTES

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

Mayor Nancy McFarlane, Presiding
Councilor Kay C. Crowder, Mayor Pro Tem
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord (absent and excused)
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order and invocation was rendered by Father Misaeil Abou El Kheir, St. Mary Coptic Orthodox Church. The Pledge of Allegiance was led by Mr. Branch. Mayor McFarlane announced Mr. Gaylord is absent and excused.

The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION – PLAY DAY – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming July 5, 2016 as Play Day in the City of Raleigh. The Proclamation was accepted by Parks, Recreation and Cultural Resources Director Diane Sauer who gave information on "Your Parks, Your Stories" stating stories help us connect with people and places. We all use stories to learn, to imagine and to remember experiences and called on all to let Raleigh parks be a part of their story. She talked about visiting a park, creating one's own story and sharing it with others and explained the process. She presented a video about one person's story and the part that Raleigh parks play in that story. She stated hopefully Raleigh's parks will be a part of everyone's story.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – THE GREEN CHAIR PROJECT – RECEIVED

Jackie Craig, Executive Director of the Green Chair Project, pointed out they are a nonprofit which provides furniture and other household type assistance to families in need. She talked about how they partner with other nonprofits, city and county agencies, talked about their business model, how people donate furniture and volunteer time and all of this goes directly to citizens who are starting over for one reason or another. She talked about how agencies had

provided homes or lodging places and how they helped furnish the homes. She stated last year they helped furnished the homes of 333 families and provided beds for an additional 113 families. She talked about how the grant funds the city provided last year helped provide beds for 250 children who were sleeping on the floor. She stated in working with the NCSU to calculate or extend these figures it was determined there were over 5,500 children in our area who do not have a bed. She stated this year's grant from the city will help put many needed items into these homes. She talked about how they pick up, how they schedule their pickups of donated furniture, etc., and thanked the Council and citizens who work with various groups to help provide this furniture, etc. She told of Council members who had provided donations or attended their functions which helped raise money for their programs. She provided Council members with information on their programs. She expressed appreciation for all of their support.

Various Council members talked about their knowledge of the programs, the great business model, their efficient way of running the program and working with various groups in the City.

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 there had been no requests to withdraw any items from the consent agenda. Ms. Baldwin moved approval of the consent agenda as presented. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. The items on the consent agenda were as follows.

NATIONAL WATER SUPPLY ALLIANCE – MEMBERSHIP AND REPRESENTATIVES APPROVED

The City acquires 80 percent of all potable water consumed from Falls Lake and a project is underway to potentially increase the City's allotted storage in this reservoir. The Falls Lake reallocation process has spotlighted a need to have stronger relationships with both the United States Army Corps of Engineers (USACE) and other utility providers that utilize USACE managed projects for water supply.

Water supply is not a primary charge of the USACE and water supply use within USACE projects is not currently represented by a national organization. Other authorized purposes within USACE reservoirs, including hydropower, navigation, and low flow augmentation each has existing national lobbies. This disparity in interest awareness often leads to misunderstanding or lower prioritization of water supply issues and water supply users are often subjected to inconsistent and conflicting policies and practices as a result of the disparity in interests.

A national network of water supply users has developed with a purpose to share information, collaborate to promote collective objectives and to provide a point of contact for members of Congress and the USACE leadership on common issues. That network has elected to form the National Water Supply Alliance. A Memorandum of Understanding (MOU) and organizational mission and objectives have been developed and are included with the agenda packet. No dues will be collected unless and until the MOU is revised to create a more formal governing structure. Staff recommends the appointment of Assistant Director Whit Wheeler as the primary representative to the organization, with Kenneth Waldroup as the secondary representative.

Recommendation: Authorize membership in the National Water Supply Alliance and approve the representative appointments. Upheld on consent agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

TEXT CHANGE – TRANSIT AMENITIES – REFERRED TO STAFF TO SUBMIT TO PLANNING COMMISSION

Staff requests potential changes to the Unified Development Ordinance (UDO) related to standards for transit infrastructure and amenities associated with new development. Applicants are frequently asked to consider adding conditions related to bus stop and shelter elements for new zoning cases. Development of uniform standards for requiring these amenities relative to the size and scale of each development case would create more predictable obligations for development-related applications.

Staff requests the following changes associated with transit amenities for new development:

- Establish eligibility for site plans to provide transit amenities based on frontage along existing or proposed transit routes.
- Establish thresholds for site plans to require provisions for easements, pads, benches, and shelters relative to the amount of site traffic generated.
- Provide a basis for placement of these amenities relative to site design and other existing transit infrastructure.

If authorized, staff will develop a text change with these elements for consideration by the Planning Commission. The Planning Commission will review the draft text change and make a recommendation to the City Council, which would need to conduct a public hearing to adopt the text change.

Recommendation: Authorize staff to develop a text change and submit to the Planning Commission. Upheld on consent agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused.

ANNEXATION PETITION – 3000 CLUB DRIVE – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARING

The agenda presented the following petitions for annexation:

AREA NAME AND DISTRICT	PETITIONER	ACRES	PROPOSED USE
Contiguous Petition			
3000 Club Drive (A)	Christopher Parkinson and Laura Parkinson	0.68	Single Family Residential

Recommendation: Acknowledge the annexation petition and direct the City Clerk to check the sufficiency of the petition pursuant to State statute and if found sufficient, authorize advertisement for public hearing to be scheduled August 2, 2016. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

PULLEN ROAD EXTENSION – RESOLUTION OF INTENT SCHEDULING AUGUST 2, 2016 HEARING - ADOPTED

The Pullen Road Extension project is being pursued in a public/private partnership with North Carolina State University and the Roman Catholic Diocese of Raleigh. The partnership agreement was executed June 26, 2015. A design public meeting was held June 16, 2016 at the Municipal Building to present design information and preliminary right-of-way and easement needs associated with extending Pullen Road from Western Boulevard to Centennial Parkway.

The proposed improvements will result in the construction of a new street; approximately 52 feet wide measured from back-of-curb to back-of-curb, and will consist of asphalt paving, a sidewalk, a multiuse path, medians, a roundabout, bicycle lanes, landscaping and lighting. It is now appropriate to schedule a public hearing to consider final authorization of the project. Assessment for the street improvements will apply.

Recommendation: Adopt a resolution of intent to schedule a public hearing for August 2, 2016, to consider the improvements. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused). See Resolution 328.

FEDERAL TRANSIT ADMINISTRATION – SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES GRANT – ACCEPTED – BUDGET AMENDED

The City anticipates receiving a Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant to complete projects for GoRaleigh and associated grant sub-recipients. Grant funded projects were selected by the Capital Area Metropolitan Planning Organization. Anticipated awarded projects include mobility management, travel training programs to educate participants, and services designed to increase transportation options for seniors and persons with disabilities. Sub-recipients included in the grant are The Arc of the Triangle, $162,751 Federal award; Center for Volunteer Caregiving, $43,758 Federal award; Alliance of Disability Advocates, $110,004 Federal award; and GoRaleigh, $212,212 Federal award. This grant also includes administrative funds in the amount of $52,872 for project management oversight, planning, and technical assistance.

The total amount of the grant is $634,650 with FTA Funding of $581,597 and a City match of $53,053. The required local match is appropriated in the operating budget. This anticipated grant award was administratively approved by the staff grants committee on June 9, 2016.

Recommendation: Accept the anticipated grant award and authorize a budget amendment in the amount of $634,650. Accounting details were included with the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused). See Ordinance 614 TF 279.

BIKESAFE COORDINATOR – GRANT APPLICATION – MAYOR AUTHORIZED TO SIGN – RESOLUTION ADOPTED

The City is seeking grant funding from the National Highway Traffic Safety Administration through the Governor's Highway Safety Program (GHSP), which has named Officer M.S. Caron as the regional coordinator for the BikeSafe motorcycle safety program. As part of the program duties, Officer Caron will be required to hold quarterly program meetings and also travel to two out-of-state conferences. GHSP is providing funds in support of these requirements; the grant is funded at 100 percent and will pay a total of $5,000. There is no City match for this grant, which was administratively approved by the staff grants committee on March 23, 2016.

Recommendation: Authorize the grant application and authorize the Mayor to sign the required a local governmental resolution. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

TRAFFIC SIGNS AND MARKINGS – AGREEMENT WITH NCDOT APPROVED

The City currently maintains signs and pavement markings on the State Highway System under a five-year municipal agreement with the North Carolina Department of Transportation (NCDOT). The existing agreement expired June 30, and NCDOT has provided a new maintenance agreement that provides for annual renewal yearly through FY2021. The maintenance agreement specifies the terms of reimbursement for work performed on the NCDOT system.

Recommendation: Authorize the City Manager to execute the municipal maintenance agreement. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused). See Resolution 329.

PULLEN ARTS CENTER – CLEARSCAPES PA CONTRACT AMENDMENT – APPROVED

A contract amendment is necessary to continue professional services through design and construction of improvements to Pullen Arts Center. The City initially advertised for design services for a study and concept plan with an option to renew services for final design and implementation. The City entered into an initial contract with Clearscapes PA, on June 15, 2015 for $65,000; this contract concluded with the final concept presentation at City Council June 7.

Performance throughout the initial phase has been outstanding and staff recommends to continue design services and amending the contract with Clearscapes PA, with the total contract amount being $557,500. Services to be provided include: public meetings, schematic design, design development, construction drawings, permitting, bidding, and construction administration. Funding is appropriated in the capital budget.

Name of Project:	Pullen Arts Center Improvements
Managing Division:	Parks, Recreation, and Cultural Resources Design Development Division
Reason for Council Review:	Contract amendment >$150,000
Original CIP/Bond Project Budget:	$6,000,000
Overall Design Budget:	$557,500 (nine percent of project budget)
Vendor:	Clearscapes, PA
Prior Contract Activity:	$65,000 for feasibility study
Currently encumbered:	$65,000
Encumbered with this Approval:	$622,500
New Project Budget:	$622,500
Budget Transfer Required:	Administrative
Amendment one:	$557,500

Recommendation: Authorize the City Manager to execute a contract amendment in an amount not to exceed $557,500. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

LUBRICATION SERVICES – FERGUSON'S TRUCK AND TRACTOR COMPANY/AMENDMENT #1 – APPROVED

The City currently has a service contract in place to provide on-site lubrication services for refuse vehicles. Vehicle Fleet Services issued a request for proposals on June 8, 2015 to provide these services. The current service provider was the lower bidder and a contract was executed August 12, 2015. The current contract expires August 14, 2016. Amendment number one will extend this contract for one additional year.

Name of the Project:	On-site Lubrication Services
Managing Division:	Engineering Services – Vehicle Fleet Services
Reason for Council Review:	Contract amount >$150,000
Original Contract:	$111,672
Vendor:	Ferguson's Truck and Tractor Company
Budget Transferred:	None
Contract Amendment Number One:	$119,000
New Contract Amount:	$230,672
Encumbered with this approval:	$119,000

Recommendation: Authorize the City Manager to execute the contract amendment in an amount not to exceed $119,000. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

SONOCO RECYCLING, LLC – CONTRACT AMENDMENT FOR RECYCLING MATERIAL PROCESSING – APPROVED

In July 2006, the City entered into a contract with Sonoco Recycling, LLC (formerly Paper Stock Dealers, Inc.) for the processing and marketing of recyclable materials. The contract was amended in 2008 and 2011. The current contract provides a fixed rate of $30 per ton for residential commingled materials, and was set to expire June 30, 2016. Pursuant to the 2011 contract amendment, the City could at its sole option extend the contract for an additional year. On March 28, 2016, the City gave formal notice to Sonoco that the City would exercise its option to extend the contract through June 30, 2017. In the interim, it was determined necessary to amend the existing contract in order to be able to continue services with Sonoco. Transition to another vendor would have required increased administrative and transitional costs to the City without any corresponding benefit in pricing.

Staff and Sonoco have been able to reach an agreement to amend the current contract to include changes to the current pricing terms and extending the existing contract for an additional five years, with the option of one additional two-year extension upon mutual consent. Additional information was included with the agenda packet.

Recommendation: Authorize the City Manager to execute the contract amendment. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

WASTEWATER TREATMENT INTERLOCAL AGREEMENT – TOWN OF CLAYTON/JOHNSTON COUNTY – AMENDMENT #1 – APPROVED

The City entered into interlocal agreements with the Town of Clayton and Johnston County on February 27, 2008 for the treatment of 500,000 gallons per day (gpd) each from the respective service areas. Johnston County assigned its treatment allocation from Raleigh to Clayton in a separate interlocal agreement between Clayton and Johnston County.

The initial term of the interlocal agreements is 10 years, with an automatic 10-year term extension upon completion of the expansion of the Neuse River Resource Recovery Facility (NRRRF) hydraulic capacity from 60 MGD to 75 MGD. The NRRRF capacity expansion was originally planned to be completed in FY 2012 when original agreements were executed; however, the City has since phased the expansion project into four stages due to the economic recession and reduced per capita consumption, with the final phase expected to be complete in FY 2018.

With the original term of the agreements scheduled to expire in February 2017, prior to completion of the NRRRF capacity expansion, the Town of Clayton and Johnston County have requested to amend the agreements to extend the term by 10 years, as originally anticipated.

Staff has reviewed the request and has verified that adequate treatment capacity exists to accommodate the term extension.

Recommendation: Authorize the City Manager to execute the amendment to the interlocal agreements. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

INDIAN CREEK WASTEWATER TREATMENT PLANT – BANNISTER AND GLOVER PROPERTIES, LLC/AMENDMENT #1 – APPROVED

The City entered into an agreement with Bannister and Glover Properties, LLC on October 23, 2009 to remove from service the Indian Creek Overlook Wastewater Treatment Plant (ICOWWTP) that discharged to Swift Creek. Removal of the ICOWWTP was a requirement of the U.S. Fish and Wildlife Service Biological opinion regarding the impact of the Dempsey E. Benton Water Treatment Plan on the Dwarf Wedge Mussel which is present in Swift Creek.

The ICOWWTP was subsequently removed from service and the Indian Creek Overlook development was provided water and sewer service in accordance with terms of the agreement. Bannister and Glover Properties, LLC now desires to sell the development to Indian Creek MHP, LLC. The original agreement requires City approval to assign or transfer the water and sewer agreement to another party. Staff has reviewed the agreement and concurs with the assignment.

Recommendation: Authorize the City Manager to execute the amendment to the agreement. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

BIOSOLIDS HAULING – CONTRACT WITH ALWAYS TRUCKING, INC – APPROVED

On May 23, 2016, three proposals were received for hauling Class A lime stabilized biosolids generated at the Neuse River Resource Recovery Facility. Biosolids are formed by the addition of lime kiln dust and raising the temperature and pH to safe levels. These biosolids are then transported to various private farms throughout eastern North Carolina for agricultural uses for crop production.

The lowest responsive bid was submitted by Always Trucking, in the amount of $400,000 per year, with a two-year contract term and an option of renewal for three additional one-year terms.

Name of Project:	Biosolids Hauling Services
Managing Division:	Public Utilities – Resource Recovery Division
Approval request:	Contact award
Reason for Council Review:	Contract >$150,000 (policy)
Fiscal Year 17 Budget	$400,000
Actual Contract Amount:	$800,000
Vendor Name:	Always Trucking, Inc.
Prior Contract Activity:	N/A

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed $800,000. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

SLUDGE COMPOSTING – CONTRACT WITH MCGILL ENVIRONMENTAL SYSTEMS OF NC, INC – AUTHORIZED

On May 23, 2016, one proposal was received for hauling and composting of sludge generated at the Neuse River Resource Recovery Facility. This sludge is in the form of dewatered primary sludge cake, and the material is hauled to a permitted composting facility, processed, and distributed as compost to farmers and soil blenders.

The contract was properly advertised and one bid was received for composting, marketing, and distribution services from McGill Environmental System of NC, Inc., for an annual cost of $1,300,000 with an option of renewal for three additional one-year terms.

Name of Project:	Sludge Composting Services
Managing Division:	Public Utilities – Resource Recovery Division
Approval request:	Contact award
Reason for Council Review:	Contract >$150,000 (policy)
Fiscal Year 17 Budget	$1,300,000
Actual Contract Amount:	$2,600,000
Vendor Name:	McGill Environmental Systems of NC, Inc.
Prior Contract Activity:	N/A

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed $2,600,000. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

OAK CITY SESSIONS – CONTRACT WITH DEEP SOUTH ENTERTAINMENT – APPROVED

The City has a contract for the production of the Oak City Sessions music show with DSE Music Group International (dba: Deep South Entertainment). Deep South Entertainment was selected as the service provider as the lowest cost and most responsive responder to a competitive request for proposals (RFP) process; the RFP process was conducted earlier in 2016. The one-year contract with an option for renewal of two additional terms is for the provision of support services and production of 12 Oak City Sessions programs during FY2017. The annual cost is $53,380, for a three-year total of $160,140. Funding is appropriated in the operating budget.

Name of Project:	Oak City Sessions Music Show
Managing Division:	Raleigh Television Network (RTN)
Approval request:	Contract award
Reason for Council Review:	Contract >$150,000

Contract Amount:	$160,140
Vendor Name:	DSE Music Group International (dba: Deep South Entertainment)
Prior Contract Activity:	$53,380

Recommendation: Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

ENCROACHMENT – POOLE ROAD/CARYA DRIVE/GARNER ROAD, CROSS LINK ROAD, SEABROOK ROAD – MCNC – APPROVED

A request has been received from MCNC to install 33,300 feet of underground fiber optic cable and 38 hand holes to access existing conduit. A report was included with the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

STONE'S WAREHOUSE – ENCROACHMENT AGREEMENT WITH TRANSFER DEVELOPMENT, LLC – APPROVED

On January 15, 2015, City Council approved the sale of the Stone's Warehouse property, located at 500/510 East Davie Street, 400 Chavis Way, and 419 South East Street, to Transfer Development, LLC. Prior to the purchase of the property it was discovered that one of the buildings on the site encroaches on the City right-of-way by approximately eight inches. The title insurance company requires that the encroachments be cleared prior to providing title insurance on the property. Additional detail was included with the agenda packet.

Recommendation: Authorize the City Manager to execute an encroachment agreement with Transfer Development, LLC for the Stone's Warehouse site. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused).

TRAFFIC – VARIOUS CHANGES – APPROVED – ORDINANCE ADOPTED

The agenda presented the following changes in the traffic code which would become effective seven days after Council approval unless otherwise indicated.

Channelization – Comfort Court at Atlantic Avenue and Maybrook Crossing Drive at New Hope Road

It is recommended that Comfort Court at Atlantic Avenue and Maybrook Crossing Drive at New Hope Road be channelized to an exclusive left-only and exclusive right-only turn lanes.

No Parking Anytime Zones – Metropolitan Project

A request was received from Clancy and Theys Construction Co. for parking restrictions on both sides of West Lane Street, the north side of West Jones Street, and both sides of North Harrington Street during construction of the Metropolitan construction project, a six-floor, 240-suite apartment complex which will house its own parking deck. The restrictions will allow for the safe passage of construction vehicles and the operation of heavy equipment as well as for delivery of building materials during construction activities. The proposed change to the parking zones coincides with construction plans for the project which is scheduled to take 14 months to complete.

No Parking Anytime Zone – 700 West Aycock Street

It is recommended that a No Parking Anytime Zone be established on the north side of the 700 Block of West Aycock Street. A request was received from a homeowner whose residence is near the intersection of Scales and Aycock Streets to have a No Parking Zone installed on Aycock Street due to residents not being able to see around parked cars at the intersection of Scales Street. Staff completed a line of sight study and determined that, with the grade of the road and cars parked along the north side of Aycock Street between Glenwood Avenue and Scales Street, it is not possible to see oncoming traffic traveling eastbound down Aycock Street. The affected property owner was duly notified and provided two weeks to respond with any concerns but no response was received.

Temporary Bus Zone – 2600 Hillsborough Street

It is recommended that a Temporary Bus Zone be established on the south side of the 2600 block of Hillsborough Street. A request was received from GoRaleigh and GoTriangle to remove five metered parking spaces to provide for a temporary Bus Zone on Hillsborough Street east of Gardner Street. This request resulted from the Hillsborough Street Revitalization Project, which requires the removal of the current bus zone at the southeast corner of Hillsborough Street and Brooks Avenue. Once construction is completed, the Bus Zone will be relocated back to its original location and the metered parking will be returned.

Valet Zone – 2400 block Hillsborough Street

It is recommended that a Valet Zone be established in the 2400 block of Hillsborough Street. A request was received from the owner of the H Street Kitchen, located at 2420 Hillsborough Street, for a Valet Zone to be installed in front of the premises to allow customers of any business establishment in the vicinity the convenience of having their cars valet-parked in the evenings since on-street parking is often at capacity and off-street parking is not easily found. It is believed that valet parking will enhance the customers' experience and enjoyment of the Hillsborough Business Improvement District. A valet parking application to operate this zone has been approved in principle.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code was included with the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 7 ayes (Gaylord absent and excused). See Ordinance 615.

END OF CONSENT AGENDA

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-7-14 ATLANTIC AVENUE - REQUEST FOR WAIVER OF WAITING PERIOD – APPROVED; INFORMATION REQUESTED

This is a request for waiver of the 24-month waiting period for reapplying for rezoning (subsequent to the approval of rezoning case Z-7-14 by City Council on June 2, 2015). Granting this request will allow submittal of a new rezoning request for any combination of the subject properties prior to June 2, 2017.

The Planning Commission recommends approval of the request. There is no public hearing required. If approved, the applicant could submit a rezoning petition.

Planning Director Bowers explained the code requires a 24-month waiting period following action on a rezoning case. The code outlines the reasons a waiver could/should be granted.

Ms. Crowder indicated one of the issues indicates a "significant" change in the requested zoning or use and questioned if the City has language which gives the definition of "significant." Planning Director Bowers indicated that is at the discretion of Council. Ms. Crowder questioned if that could or should be defined; that is, some language which indicates what constitutes significant change. Mr. Bowers pointed out staff could look at that at developing some language and bring back some recommendations with Ms. Crowder indicating she thought that would be a good idea.

Mr. Cox questioned the zoning on the property covered by Z-7-14 and the history of that zoning. Attorney Isabel Mattox indicated what they are proposing includes several changes, it is a smaller area, the conditions are different and it would be conditioned to self storage units use. She stated that use would generate much less traffic than what is presently allowed and talked about the current case and zoning which talks about the number of trips that would be allowed under that zoning. She talked about the desire to file a request from NX to CX. She pointed out what is being suggested for this property is self storage and it would not allow any additional uses. She pointed out she was on the Planning Commission during discussion where self storage units should be located.

Mr. Cox indicated he was driving in the vicinity of this property recently and it seems to have become a self storage Meca. He stated he had rather see this developed as currently zoned. Mr. Branch stated as he understands what is being discussed is the right to submit a new request not discussing what the new request would be or how it should be treated. City Attorney McCormick pointed out the Council has to consider all usages allowed in a particular zoning not just a specific use. Ms. Baldwin stated she is willing to approve the requested waiver on Z-16-14 but that doesn't mean she would support a rezoning. Ms. Crowder stated she too had no problem with the waiver as long as staff would bring back some language as to what constitutes

"significant." Ms. Baldwin moved approval of the waiver on Z-7-14. Her motion was seconded by Ms. Crowder and put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-1 vote.

REZONING Z-16-14 – TRAILWOOD DRIVE – REQUEST FOR WAIVER OF 24 MONTH WAITING PERIOD – APPROVED

Waiver of the 24-month waiting period for reapplying for rezoning (subsequent to the denial of rezoning case Z-16-14 by City Council on April 21, 2015). Granting this request will allow submittal of a new rezoning request for any combination of the subject properties before April 21, 2017.

The Planning Commission recommends approval of the request. There is no public hearing required. If approved, the applicant could submit a rezoning petition.

Clerk Note: See comments on Z-7-14 – relative to waiver. Ms. Baldwin moved approval of the waiver as requested. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

PLANNING COMMISSION CHAIR STEVE SCHUSTER – COMMENTS RECEIVED

Planning Commission Chair Schuster expressed appreciation to the City Council for allowing him to serve the last two years as Chair of the Planning Commission. He stated at the next meeting the Planning Commission would be electing new leaders and he will be moving to the end of the table where he started. He expressed appreciation to the Council for the opportunity. Various Council members expressed appreciation to Mr. Schuster for his work with Ms. Baldwin expressing appreciation for guiding the Council through the UDO process pointing out that was no easy task.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

ENGINEERING SERVICE DIRECTOR – RICHARD KELLY – RECOGNIZED

City Manager Hall recognized Richard Kelly who was recently named as the City of Raleigh's Engineering Services Director. He stated Mr. Kelly was gracious to serve as Interim Public Works Director and will continue to stand in as the Transportation Director while recruitment is being completed. Mr. Hall stated he is extremely excited about the new position pointing out the Engineering Services Department will include Building Maintenance, Construction Management, and Stormwater along with other responsibilities. He stated this will allow us to focus on city assets, etc. and he looks forward to this new organizational structure.

DESTINATION DIX FESTIVAL – INFORMATION RECEIVED

During the meeting staff from Special Events Office and Parks, Recreation and Cultural Resources will provide a brief update on Destination Dix. Destination Dix is a free, family-friendly event scheduled for Saturday, July 23 from 10:00 A.M. to 7:00 P.M. in the Big Field at Dorothea Dix Park. The presentation will highlight scheduled festival activities and features, share information on transportation and parking and provide resources for additional information.

Recommendation: Receive as information.

City Manager Hall indicated this came about very quickly and staff would like to provide information on the event.

Kate Pearce provided information on the background acknowledging staff who has spear-headed the planning effort for the designation Dix Festival which will be held on July 23, the first year anniversary of the City purchasing the property. She stated it is planned as big party to welcome the entire community to come and celebrate what will become a great designation park. The activities include music consisting of some 14 bands on three stages, a Kid's Zone which will include inflatables, climbing walls, touch a truck, hot air balloons, etc. The event will include plenty of food including some 20 food trucks and a number of vendors. The event includes a lot of shade, watering stations which will allow people to bring their own bottles and refill, etc. She talked about the vendors which include those from Shop Local Raleigh, Artsplosure, got to be NC products, NC Center for nonprofits, etc. She stated transportation will include seven different park/pick up points with continuous accessible shuttles and free parking, five different shuttle routes with some 40 shutters to handle approximately 5,000 people per hour.

In addition to the shuttles there will be a bike tune up repair and valet bike parking by Oaks & Spokes and Trek Bicycle Store. She talked about the number of city and county departments involved which include the Police, Fire, Solid Waste, Parks Recreation and Cultural Resources, Convention Center, Red Hat, Wake Emergency Services, etc. She pointed out in addition to the Dix Conservancy, there are other sponsors which has made it possible for the event to be free of charge with the exception of beer and food. There is no cost to the City except staff time. She talked about the website and asked the Council to use their network to push the information out. The comments were received.

REPORT AND RECOMMENDATION OF PARKS, RECREATION AND GREENWAY ADVISORY BOARD

LEE STREET PARK – RENAMED TO JUNIOUS N. SORRELL PARK

The Board received an application requesting consideration to rename the Lee Street Park as the "Junious N. Sorrell Park". Mr. Sorrell has been a volunteer and an advocate for well over 30 years. Additional supporting documentation was included with the agenda packet.

In compliance with Resolution (2005)-681, appropriate public notifications and press releases were made. With no opposition to the request, the Board voted unanimously to recommend the naming request to City Council for consideration during the on June 16 meeting.

Recommendation: Authorize the renaming of Lee Street Park to "Junious N. Sorrell Park".

Mike Surasky, Board Chair, went over information included in the application for the renaming of the park pointing out Mr. Sorrell has long been involved in city and neighborhood activities and had taken a particular interest in the Lee Street Park a .3 acre playground which was opened in 1982. He gave information on Mr. Sorrell's advocacy and pointed out for a decade Mr. Sorrell personally opened and closed Lee Park each day taking the time to unlock and lock the access gates, cleaning up debris from a mulberry tree, removing trash thrown in the play ground from time to time and generally watching over the park. His work helped ensure that the playground was made attractive and inviting for families and his work continued into the 2000's which have seen him tirelessly advocate for more improvements for the park.

Mr. Branch talked about his knowledge of Mr. Sorrell's advocacy, etc. and moved approval of renaming the Lee Street Park, the "Junious N. Sorrell Park". His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

PARKS, RECREATION AND GREENWAY ADVISORY BOARD – ANNUAL WORK PLAN – APPROVED

Council members received the following Proposed 2016-17 Work Plan in their agenda packet.

Agenda Items

- **2017 Fred Fletcher Outstanding Volunteer Awards** – Responsible for hosting the annual awards event.
- **Elect Chair and Vice Chair** – Responsible for annually electing chair and vice chair.
- **Fees and Charges** – Responsible for Reviewing and hosing public input on proposed adjustments to PRCR fee schedule.
- **Liaison Representatives** – Continue to serve as liaison representatives to other City boards/commissions.

Rollover Items (Items still in progress from previous approved Work Plans)

- **Lake Wheeler Non-motorized Water Sports Report Situation Assessment –** Continue to work with the non-motorized community on potential partnership opportunity for a non-motorized facility.
- **Experience Based System – Land Acquisition Model –** Review and provide comment on new model for targeted land acquisition based on experiences.

Dedications/Grand Openings

- **Sassafras All Children's Playground**
- **Thomas G. Crowder Woodland Center**
- **Dr. Martin Luther King, Jr. Memorial Gardens**
- **Forest Ridge Park**
- **Lee Street Park (if approved, Junious N. Sorrell Park)**

New Items/Initiatives

- **Schematic Design –** Review and forward recommendation to City Council.

SE Raleigh Tennis Center	Wooten Meadows Park
Devereux Meadows Park	Kiwanis Park
John Chavis Memorial Park	River Bend Park
Pullen Arts Center	Walnut Creek Softball (Athletic) Complex
Rosengarten Greenway Trail	

- **Situation Assessment and Master Plan –** Review and forward recommendation to City Council

Erinsbrook Park	Brentwood Park
Barwell Road Park	Walnut Creek Wetland Park

- **System Plan Implementation** – Staff will provide regular updates.
- **Dorothea Dix Master Plan** – Staff will provide regular updates.
- **Public Art Master Plan** – Staff will provide regular updates.
- **Greenway Parking Assessment** – Review, analyze, and recommend parking needs, prioritization and phasing.
- **Public Participation Policy for Park Planning evaluation** – Review the 2012 adopted policy based on implemented projects. Report to City Council findings and potential recommendations.
- **Neighborhood and Community Connections Program Policy Development** – Based on the PRCR System Plan, the program will define criteria and a prioritization policy to provide equitable neighborhood access to parks and greenway trails.
- **Citywide Off Leash Dog Facility Analysis** – A comprehensive analysis that would include geographic distribution, opportunities/access to urban and suburban areas, potential UDO tools to encourage dog related amenities by developers and a prioritization strategy for future funding.
- **Unmanned Aerial Systems (UAS) Policy Development** – Develop a policy for City Council approval that addresses use of UAS in parks.

Ms. Baldwin moved approval. 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 absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

SIERRA/LINEBERRY DRIVE PARK – SCHEMATIC DESIGN – APPROVED

The board has reviewed and recommends approval of the schematic design for Sierra/Lineberry Drive Park. In 2015, a Request for Qualifications process resulted in the selection of OBS Landscape Architects for advancing the project into design and through construction management. The schematic design was presented for public review at the Southwest Citizens Advisory Council and then to the board, which unanimously recommends the design as presented.

Recommendation: Approve the schematic design.

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

In response to a request from Mr. Thompson, Lauren Dickson, OBS Landscape Architects, provided information on the Sierra Lineberry Drive Park implementation plan. She went over the vision statement, talked about the park entry, sidewalk being moved and centered on the restroom entrances for added visibility, security, and a more central entrance into the park, no tree conservation, parking on site is reduced from the master plan, the size of stormwater features is larger and there are two in order to response to requirements in site grading. She presented schematic building design and the plan review speaking to:

- Walk to the building
- Location of grills
- community plaza to the west of the building
- Visibility from street to building
- Covered picnic area provides flexible space

Mr. Dickson presented views of the street side elevation, and multi-purpose lawn elevation. She indicated the next steps would be construction documents and detailing, further detail estimates of probable cost, begin permitting in August, bid the project in October/November with construction to begin at the beginning of 2017 to be completed in 2017.

The report was received without comment.

Ms. Baldwin pointed out the Parks, Recreation and Greenway Advisory Board has two vacancies and asked the chair person and Parks, Recreation and Cultural Resources Director what skill sets the Board is seeking and what geographical area representation is needed. Mr. Sauer pointed out there is a need for representatives from the northwest Raleigh area explaining staff is working on those demographics and they will be presented to Council later.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

CAN'T STOP THAT RALEIGH FEELING VIDEO – COMMENTS RECEIVED

Mr. Cox indicated he enjoyed participating in a video "Can't Stop that Raleigh Feeling." He stated at this point that video has received 11,468 views.

COUNCIL COMMENTS – RECEIVED; INFORMATION REQUESTED ON COMMITTEES, COMMISSIONS AND BOARDS

Mr. Branch pointed out he recently attended the Advance Community Health Fair and talked about the program and commended all for a job well done. He spoke briefly about Beehive Collective and the great work they are doing.

Mr. Branch requested information on the various committees, commissions, and boards that is, why they were established and their mission. The item was referred to Administration.

ETHICS CODE – COMMITTEE FORMED

Council Member Crowder indicated Council members from the previous term will remember one of the items former Council Member Wayne Maiorano brought to the City Manager's attention was the lack of a formal code of conduct or ethics policy for the City Council. Ms. Crowder stated she believes this is something that should receive further consideration pointing out she knows we have ordinances in our city code which includes items related to ethics but she believes that we need to work to bring these items together into a formal code of conduct policy. She stated she would propose that the Council ask the City Attorney and the City Manager to put together a group to study this issue. Her hope is that this group can come up with an outline that the Council can deliberate on possibly in the next City Council retreat or a future work session. She suggested that the group include the Chief of Staff, the City Attorney or his designee, a representative from the UNC School of Government, Former Council Member Maiorano and a citizen representative and she would nominate Anthony McLeod, current chair of the Southwest CAC, to serve as the citizen representative on the group.

Mayor McFarlane questioned if the School of Government has a template for a code of conduct with Ms. Crowder pointing out she understands they do and that is why she is suggesting using their expertise. Mayor McFarlane questioned why a committee is needed with Ms. Crowder pointing out it is an effort to be transparent and work especially on how/what this Council needs to work on together. In response to questions from Mr. Stephenson, City Attorney McCormick indicated the law is very clear on ethical responsibilities, etc. He stated as he understands Ms. Crowder wants to expand that into a code of conduct that amplifies and better explains

responsibilities, behavior, etc, Ms. Crowder moved approval of the formation of a committee utilizing the expertise of the School of Government. Without objection, that was put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Civil Service Commission – One Vacancy - At-Large Category – no nominations

Fair Housing Hearing Board – One Vacancy – no nominations

Greater Raleigh Convention and Visitors Bureau
Hotel/Motel/Taxable Establishment – Two Vacancies
Paul Warren - 3 – (Stephenson, Cox, Crowder); Mark Zimmerman – 2 (Branch, Cox); Leon Cox – 5 (Baldwin, Stephenson, Branch, Crowder, McFarlane); Niall Hanley – 2 (Baldwin, McFarlane)

Tourist – Convention Related – One Vacancy – Ms. Baldwin and Mayor McFarlane nominated Sandi McDonald

Human Relations Commission – One Vacancy – Keith Karlsson – 6 (Baldwin, Stephenson, Thompson, Cox, Crowder, McFarlane)

Parks, Recreation and Greenway Advisory Board – One Vacancy – Mr. Branch nominated Dr. Carol Love

Raleigh Convention and Performing Arts Centers Authority – One Vacancy – Ms. Baldwin nominated Terry Lomax

Substance Abuse Advisory Commission – One Vacancy – Mr. Thompson nominated Donald McDonald stating he thought Mr. Gaylord planned to co-nominate him but Mr. Gaylord was not at the meeting.

The City Clerk announced the appointment of Leon Cox to the Greater Raleigh Convention and Visitor's Bureau and Keith Karlsson to the Human Relations Commission. The other items will be carried over to next meeting.

NOMINATIONS

APPEARANCE COMMISSION – BRANDY THOMPSON REAPPOINTED

The City Clerk reported the term of Brandy Thompson on the Appearance Commission is expiring. She is eligible for reappointment as far as length of service and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and reappoint Ms. Thompson by acclamation. Her motion was seconded by Ms. Crowder and put to a vote which passed unanimously (Gaylord absent and excused). The Mayor ruled the motion adopted on a 7-0 vote.

PARKS, RECREATION AND GREENWAY ADVISORY BOARD – VACANCY ANNOUNCED

The City Clerk reported the term of Stephen Hepler is expiring. He does not wish to be considered for reappointment therefore there is one additional vacancy on Parks, Recreation and Greenway Advisory Board.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – JUNE 7, 2016 AND JUNE 21, 2016 CITY COUNCIL MEETINGS; JUNE 14, 2016 AND JUNE 21, 2016 WORK SESSION MEETINGS – APPROVED

The City Clerk reported minutes of the June 7 and June 21 Council meetings and the June 14 and June 21 Work Session were included in the agenda packet. Mr. Stephenson moved approval of the minutes as submitted. His motion was seconded by Mr. Branch and put to a vote which passed unanimously (Gaylord absent and excused). The Mayor ruled the motion adopted on a 7-0 vote.

TAXES – RESOLUTION ADOPTED

Council members will receive with the agenda packet a resolution adjusting, rebating, or refunding penalties, exemptions and relieving interest for the late listing of property for ad valorem taxes. Adoption of the resolution is recommended. Mr. Stephenson moved approval. His motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Resolution 330.

WATERSHED PROTECTION PROGRAM – JUNE 7 CLOSED SESSION ACTIONS ANNOUNCED

During the closed session held on June 7, 2016, the City Council by unanimous vote authorized the following actions/expenditures from the Watershed Protection Program (310-5290-710070-622). All recommendations were based on the water quality benefits of each project:

Durham Soil and Water Conservation District - $360,000 for the Ward Project
Tar River Land Conservancy - $212,750 for the Jones Project
Tar River Land Conservancy - $42,100 for the Potluck Farm Project
Conservation Fund - $400,000 for the Liles Project
Eno River Association - $71,693 for the Walker Project

The report was received.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane stated 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 potential park property near Pearl Road.

Mayor McFarlane moved adoption of the motion as read. Her motion was seconded by Mr. Stephenson and put to a vote which passed with all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote and the Council entered closed session at 1:45 p.m.

The Council reconvened in open session at 2:15 p.m. with the Mayor announcing that in closed session the Council authorized staff to enter into purchase contract for property located at 4808 Pearl Road and authorized the associated budget amendments to complete the acquisition. See Ordinance 614 TF 279.

RECESS

Mayor McFarlane announced the meeting recessed at 2:15 p.m. to be reconvened at 7:00 p.m.

Gail Smith
City Clerk

jt/CC07-05-16

The City Council of the City of Raleigh met in a regular reconvened session at 7:00 p.m. on Tuesday, July 5, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina with all Council members were present with the exception of Mr. Gaylord who was absent and had been excused from participation. The Mayor called the meeting to order explaining the meeting rules and the following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

PACT – VARIOUS COMMENTS – RECEIVED

Rolanda Byrd, 2326 Glascock Street read the following prepared statement:

> I'm the mother of Akel Denkins the young man who was shot by the Raleigh Police Department and I'm here today to talk about the recommendations regarding the Implementation of body cameras. I believe that they should be a tool to protect community members as well as officers. To make that possible, this City Council must make sure that here are policies in place to ensure that there are polices in place to ensure that they cannot be turned off and on whenever an officer wants, that there is a disciplinary procedure when officers misuse the cameras, and that citizens still have the right to film the police as long as they don't interfere with police work.
>
> This is really important to me because of what happened to my son. If there had been cameras we would know exactly what happened to him instead of just the officer's word against the publics.
>
> I also know that the state legislature is considering passing a bill that would significantly restrict our community's access to the footage from those body cams. Recently, the Fayetteville Chief of Police came out strong in support of public access to body camera footage because he understands that they should be a tool for transparency. As our City Council who just committed over a million dollars for this project, I strongly urge you to reach out to our state legislators and discourage from restricting public access to body cam footage. Body cams without community access are not a tool that serves us or increase trust between police and community.
>
> All of the recommendations that we have put forth, taken together; are about putting the power in the hands of community to hold police accountable and building trust between community and police. Because of the White House's Task Force on 21st Century Policing and my own experience, I know that people are more likely to obey the law and cooperate when they believe those who are enforcing it are legitimate and fair. I am looking forward to working together to ensure that the Raleigh Police Department is embracing the mindset of guardians rather than warriors not just on paper and policy but in practice.

> The videos in front of you are true evidence of the incidents happening around our city every day. These are just the ones we caught on film. From a routine traffic stop or a search for the "smell of marijuana." The strong words of the Raleigh PDs policy against bias and use of force on paper do not always align with what we experience.
>
> Making reality the full slate of recommendations we have made would be a step toward establishing a culture of transparency and accountability to build trust and legitimacy. This is how we honor my son.

It was pointed out by Ms. Byrd that a video had been sent in however it was not available so they could show the Council.

Wanda Hunter, PACT, talked about policing in her neighborhood is not the same as policing in other communities. She talked about how those in her community are treated, gave statistics which she indicated the population of Raleigh is 21% African American but 67% of the Marijuana arrests in the City are African American males. She stated African American males are 3 times more likely to be stopped. She asked the Council to look into this situation, read the City of Raleigh Mission Statement and called for the Council to hold a public hearing to allow community engagement. She talked about the type public hearings the Council has, her concerns about funding behind Council members, and again asked the Council to take community engagement around policy and set a public hearing so the people can come in and tell the Council about the concerns the community has.

Tara Romano read the following prepared statement:

> I am president of North Carolina Women United, as well as a Raleigh resident and member of PACT. I know the City has been working closely with PACT, and we greatly appreciate this cooperation. I am here to ask that this work continue, not just behind closed doors in city hall, but publicly as well.
>
> As a long-time advocate for survivors of domestic and sexual violence, I come here to share concerns about how lack of accountability and unaddressed bias impacts the experience of survivors in our society. As an advocate for over 10 years, I am troubled by what I have learned about some victims' experiences with law enforcement. While I certainly have spoken to police officers who have done their best to be a source of support to victims, I have also experienced the following: a mother calls the hotline to say her daughter was asked by police to take a lie detector test when she reported her rape; one caller said his friend was advised by police not to report a rape because she had been drinking; and during casual conversation with a Raleigh police officer, I was informed his opinion was that "90% of rape claims are false".
>
> There have also been the instances where the perpetrator of the violence is a police officer. I've spoken to victims who have experienced inappropriate behavior from police during their interactions; including suggestive comments and sexually harassing behavior. Other times, and victims reports their abuser is also a police officer. As you

may imagine, it's difficult to report that kind of abuse to the police. Domestic violence is an epidemic in our society, in part because of numerous biases that enable abusers. Police officers, coming as they do from our society, are no less likely to share these biases, and without intensive training may very well bring these attitudes with them to the job.

And finally, bias and a lack understanding of this violence leaves many victims feeling like the police do not take their problems seriously. More than one victim has said to me "I don't think the police will do anything about this until I am dead". Sometimes it is difficult for the police to do much of anything; but sometimes it also seems the police don't take violated protective orders, or threatening texts, or stalking patterns seriously, based on their personal judgment and/or beliefs.

All of this I have mentioned has led to a lack of trust among not just victims, but also advocates, that police can be a source of help.

I certainly have interacted with police officers who have provided compassionate and critical care for victims of domestic and sexual violence. But just as there are those in the general population who have a bias against victims, you are going to also find that bias in the ranks of the police. Unlike the general population, however, police are positioned as part of the solution and with this power comes a greater responsibility to root out these biases. Intensive and comprehensive training is often required to ensure this bias is overcome. There also needs to be a more transparent way to hold officers accountable who act in ways contradictory to the safety of victims, including those who perpetuate such violence. A robust citizens' review board is a good way to set up this accountability and transparency. To ensure the city hears from more people who can provide valuable insight into what is needed to re-establish this trust, I am asking for a public hearing on the issue. Thank you.

Mayor McFarlane pointed out she understands Chief Deck-Brown will submit a response to the requests/concerns by the end of the month and will talk to the community.

OUTDOOR SEATING – 7 WEST HARGETT STREET – NO ACTION TAKEN

Leslie Woods, Raleigh Raw, had petitioned to be able to use an authentic antique beer garden style table in their authorized outdoor seating area at 7 West Hargett Street. Ms. Woods was not at the meeting therefore no action was taken.

OUTDOOR SEATING – ZPIZZA – DEFERRED UNTIL JULY 19

Steven Drotts had requested to petition the Council to provide a temporary permit for private café outdoor dining on the designated area previously permitted to Zpizza. The City Clerk indicated Mr. Drotts has asked that the item be deferred until July 19.

MATTERS SCHEDULED FOR PUBLIC HEARING

STC-8-15 – BELVIN DRIVE – HEARING – REQUEST DENIED

Mayor McFarlane stated this item had been duly advertised and properly noticed however was left off of the agenda and she would add it at this point.

During the November 3, 2015 City Council meeting, a hearing was held to consider a request from Carolyn Elliott to close a portion of right-of-way known as Belvin Drive. During the hearing, an issue related to flooding problems in the area and possible solutions were presented by Thomas Craven who was representing an adjacent property owner. It was agreed to hold action on the request until May and receive a report at the May 3 Council meeting. During the May 3, 2016 meeting, Eric Lamb, City Planning, indicated the applicant has requested that the item be held for two more months. The Council held the hearing open and directed that the item be placed on this agenda for further consideration.

Eric Lamb, Planning Department, pointed out he had spoken with Ms. Elliot, the applicant and she no longer wants to move forward with the street closing.

Mayor McFarlane closed the hearing. Mr. Stephenson moved denial of the request to close the street. His motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative except Ms. Gaylord who was absent and excused. They Mayor ruled the motion adopted on a 7-0 vote.

ANNEXATION – 2409 GRESHAM LAKE ROAD – HEARING – ORDINANCE AND RESOLUTION ADOPTED

This was a hearing to consider the petitioned annexation of property at 2409 Gresham Lake Road/Northridge Place.

If following the hearing, the Council wishes to proceed, it would be appropriate to adopt an ordinance annexing the property effective July 5, 2016 and adopt a resolution placing the property in City Council Electoral District A.

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of an ordinance annexing the property effective immediately and a resolution placing the property in the appropriate electrical district. Her motion was seconded by Mr. Stephenson and put to a roll call vote which resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 616 and Resolution 331.

REZONING Z-7-16 – JONES FRANKLIN ROAD – HEARING – CASE DENIED

This is a continuation of a hearing to consider a request from A Hand of Hope Pregnancy Resource Center to rezone approximately 0.90 acres from Residential-4 with Special Highway district-2 (R-4 w/SHOD-2) to Office Mixed Use – 3 Stories – Conditional Use with Special Highway Overlay District-2 (OX-3-DU w/SHOD-2).

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

Mayor McFarlane pointed out this item was heard at the June 21 Council meeting; however, because the letters going out to the property owners within the required notification area had the wrong time of the meeting, it was agreed to hold the hearing open, report and re-notify the hear from those people who had received the wrong information.

Ed Bell, 5309 Woodsdale Road, indicated he has lived behind the property in question for some six years. His family has lived there over 30. He stated they have always been aware that the property would be developed and they are pleased to see that if the rezoning is approved it will be developed with a low traffic generating operation. He stated he is aware of what the group plans if the property is rezoned and they are glad to see that for the foreseeable future, the use of the property will be limited to the existing house. He stated he and a number of neighbors attended the neighborhood meeting where the proposed use was explained as well as the operation of the group and every one voted in support of the rezoning. He stated every one knows there is an abortion clinic next door and sometimes protesters are there but the organization wanting to move to this location is not involved. He supports the rezoning.

Ms. Crowder read the following statement.

> The zoning request, while consistent with the future land use map, is inconsistent with a number of policies contained within the Comprehensive Plan. The inconsistent policies are:
>
> - LU 4.4
> - LU 4.5
> - LU 5.2
> - LU 5.6
> - LU 7.4
> - LU 8.3

The rezoning of this one singular parcel within a larger area designated for office use will have detrimental impacts on the remaining residential properties.

- There are six lots adjoining Woodsdale Road, a dead-end street. Only one lot, which is less than one acre in size, would be rezoned Office Mixed Use.
- Of the remaining lots adjoining Woodsdale Road, four would remain residentially zoned. All of the properties on Woodsdale Road are classified as Office Research & Development on the Future Land Use Map of the Comprehensive Plan.
- The comprehensive plan has a horizon that extends to the year 2030. The plan envisions that all of the properties adjoining Woodsdale Road will be rezoned to zoning districts that allow office and research development.
- If all of the residentially zoned lots on Woodsdale Road were rezoned Office Mixed use, a coordinated office park development with multiple integrated buildings would be possible.
- This coordinated approach would produce a more efficient use of the land.
- In contrast, this lot by lot piecemeal nonresidential development will produce small scale offices on small sized lots.
- The proposed rezoning is not in the public interest as proposed. It will create a less efficient office development.
- The proposed rezoning will contain side yard setbacks and a neighborhood transition that could be eliminated with a larger zoning case.
- The proposed rezoning will contain side yard setbacks and a neighborhood transition that could be eliminated with a larger zoning case.
- The proposed rezoning is not the most efficient use of the land, nor will it produce a higher tax value compared to a larger, more coordinated office development.
- The City Council believes that this dead-end street should be rezoned for such uses when all the properties along Woodsdale Road are rezoned. The uses proposed in this rezoning are consistent with a majority of the uses now existing on Woodsdale Road.

For these reasons, this rezoning case is premature and therefore I move to deny case Z-7-16.

Her motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-9-16 – SANDY FORKS ROAD – HEARING – APPROVED – ORDINANCE ADOPTED

This was a hearing to consider a request form Kimberly Development Group, LLC to rezone approximately 0.69 acre from Residential-4 (R-4) to Office Mixed Use – 3 stories – Conditional Use (OX-3-CU). The property is located on the south side Sandy Forks Road at its intersection with Shawood Drive.

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

Planner Walter presented the case showing the existing zoning map including this property and surrounding property, views of the property in question from various angles, new homes immediately southeast of the site, Future Land Use Map, Urban Form Map, proposed conditions which prohibit certain uses, specifies maximum floor area ratio, maximum building heights, maximum residential density, design and height of pole mounted lighting limited and building siding materials specified. Planner Walter explained what would be allowed under existing verses proposed zoning, went over the Comprehensive Plan Analysis indicating the only inconsistent policy is Policy LU1.2 and went over the recommendations from the Planning Commission for approval on a 9-0 vote and outlined the findings and reasoning of the Planning Commission as outlined on the CR and indicated the North CAC supported the proposal on a 58 to 1 vote.

Mayor McFarlane questioned how a 3 story building could fit on the site and pointed out there seems to be a steady march of nonresidential up Sandy Forks Road.

The Mayor opened the hearing.

Attorney Michael Birch representing Kimberly Development Group which he indicated had developed the three adjacent office buildings along Sandy Forks Road. He explained the location pointing out it is within the Six Forks Corridor Study. During the discussions on that study, the question of where to draw the line was discussed and it was recommended that the line for nonresidential use be drawn at Shawood Drive. He stated under that plan, this site is recommended to be office mix-use. He talked about the conditions and pointed out since the same developer who is requesting this rezoning owns the adjacent office development there can be cross access and parking agreements. He stated what is proposed for this property would be a much smaller building and from a coordination standpoint, this would be a good use. He talked about how the developer has worked with the neighborhood over the past seven or eight years in developing the adjacent property and the neighborhood has supported each rezoning. He again stated this proposed use is consistent with various plans including the Six Forks Road Corridor Study.

In response to questioning, Mr. Birch pointed out the conditions are reflective of conditions on the adjacent property. He pointed out the adjacent infill subdivision were built by the same builder and the homes have not been sold. He talked about transition yards, wood fences; etc. which will act as a buffer. He stated there has been no opposition to this case.

In response to questioning from the Mayor, Attorney Birch pointed out the two new houses in the infill subdivision are vacant.

No one else asked to be heard thus the hearing was closed. Mr. Thompson pointed out he feels this is a logical progression, it is supported by the CAC and the Planning Commission and he would move approval. His motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 617 ZC 734.

CP-1-16 – CITY-INITIATED COMPREHENSIVE PLANNING AMENDMENTS - HEARING- APPROVED – RESOLUTION ADOPTED

This was a hearing to consider a City-Initiated Comprehensive Plan Amendment, which would alter the action item components of each of the plans elements. These amendments all relate to the Annual Progress Report to the Comprehensive Plan and reflect City progress on action items, as well as revisions to language, timeframe, and responsible agencies. Some items are recommended for conversion to policies.

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

Planner Bynum Walter indicated CP-1-16 implements recommendations of the 2015 progress report. It would include removal of implemented or obsolete actions, additional or amended policy language, replacement of an action with a policy. Replacement of an action with a policy, reclassification of timeframe and change in type of or responsible agencies.

She explained the omnibus text amendments and pointed out the action items outlined the tasks to be completed and the responsible agencies outlined primary, secondary and tertiary. When the task will be completed, explaining short term is one to two years, mid-term three to five years; long term six to ten years and ongoing. She pointed out they have 32 completed items (7 Transportation items and 15 area plans); eight items removed and three of four downtown items removed due to not being included in the downtown plan and went over the 16 amended items and the new languages. She stated as far as policies are concerned there have been two reclassified items and two items revised and reclassified. There have been 18 action items related to changes in responsible agency designation.

Ms. Baldwin had questions as to how the time frames were determined particularly why short-term is defined as one to two years pointing out she had hoped to see in a shorter time such a 6 months. Planner Walter pointed out on a 20 year plan you have to start somewhere.

Mr. Cox stated he would like to understand where or how the decision was made on something such as the PR 5.1. Planner Walter pointed out staff surveyed all departments, sent a list to the responsible departments or agencies and asked their opinion on time lines.

The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Ms. Baldwin moved approval as presented. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Resolution 332.

TC-8-16 – CONSTRUCTION SURETY/ACCEPTANCE AND WARRANTY PROVISIONS – HEARING – TO BE PLACED ON THE JULY 19 AGENDA

This is a hearing to consider amendments to Sections 8.1.3, 8.1.4, and 8.1.5 of the Part 10A Raleigh Unified 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 all for more time for infrastructure improvements.

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

Eric Hodge presented the case pointing out it increases the time allowed for installation of sidewalks, street trees, street lights and street furniture from two years to three years by reallocating one year from the warranty period to allow for this additional infrastructure installation while still maintaining the same 4 year construction completion period, allows the Development Services Director to grant extensions of up to two years on the completion of the final coat of asphalt and items listed above with a surety payment of 125% of the cost of the improvements and sets planting deadlines for street tree that better align with preferred planting times (October thru April).

The Mayor opened the hearing no one asked to be heard, thus the Mayor closed the hearing. Mayor McFarlane stated she would like to hold this at the table a couple of weeks as she would like to have some discussion with the City Attorney on this issue. Council member Baldwin questioned if there are potential conflicts with the Mayor indicating that is one of the reasons she wants to hold the issue. Without further discussion, it was agreed to place the item on the July 19 agenda for further consideration.

TC-9-16 – NEIGHBORHOOD CONSERVATION DISTRICT – NORTH RIDGE SOUTH NEIGHBORHOOD – HEARING – ORDINANCE ADOPTED

This was a hearing to consider an amendment to Section 5.4.3 of Part 10A Raleigh Unified Ordinance, in Neighborhood Conservation District to add neighborhood built environmental characteristic and regulations for the North Ridge South neighborhood.

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

Planner Eric Hodge presented the case explaining some 132 properties; comprising nearly 80 contiguous acres were analyzed by staff. He gave boundaries of the properties under consideration.

He explained the only use in the study area is single family residential and the average lot size is close to a half an acre. He went over the areas showing the current standards, predominant character and proposed text change regulations (minimum lot size going from 6,000 square feet to 17,900 square feet, minimum lot frontage from 50 feet to 100 feet, front yard setback minimum from 10 feet to 40 feet and side streets setbacks from 10 feet to 30 feet). He stated the neighborhood which participated and submitted this study want to protect the character of the existing neighborhood. He pointed out approximately 85% of the property owners initiated the petition for the NCOD study. He stated if the Council adopts this text change then the next step would be the neighborhood being allowed to present a petition for rezoning.

Mr. Stephenson pointed out one of the committees is having discussions about other NCODs related to some changes in the UDO relative to the built form analysis relating to accessory buildings, etc. in back yards. Mr. Hodge pointed out this petition does not address that issue nor the original text. He stated it was not something included or initiated by the neighborhood. The Mayor opened the hearing.

Carol Jones, 1304 Hedgemont Way, presented the following prepared statement:

> I represent North Ridge South.
>
> The North Ridge South (NRS) neighborhood characteristics we wish to preserve are the large approximately 1/2 acre wooded lots with deep setbacks and the spacious, green, natural environment. We seek city protection through the custom crafted zoning the NCOD would provide.
>
> Even though the original developers almost 50 years ago put in covenants with minimum lot dimensions to accommodate the possibility of a few smaller lots here and there, virtually all properties were built out on larger, more spacious lots. The great majority of lots exceed the covenant minimums. Subdividing a lot wasn't envisioned.
>
> The standards of the Planning Department analysis reflect these existing larger lot dimensions of minimum lot size, minimum lot frontage 100 feet, minimum front yard setbacks 40 feet, minimum side street setback 30 feet as stated in Ordinance TC 9-16.
>
> Several lot subdivisions now taking place in NRS, either already built with 2 houses on one lot, or represented in original plat plans proposed to the Planning Department for subdivision are in direct violation of the NRS covenants. So, we need a higher level of protection. Supported by an overwhelming majority of residents who are opposed to sub dividing lots in the area, we have worked through the process to become a NCOD.
>
> The neighborhood characteristics and standards represented by the City Planning Department 75 percentile analysis are very fair and representative of the make up of our community. These standards will preserve and protect what was planned 50 years ago, is there now, and is what the vast majority of residents want to preserve for the future.
>
> We respectfully ask you to amend the UDO to insert the NRS characteristics and regulations so our neighborhood may be designated a NCOD.

Jennifer Molloy presented information on the process used to inform residents of the process, meetings, emails, etc., and asked Council to support the text change.

Jennifer Reynolds, 1424 Hedge Lawn Way presented the following prepared statement:

> Thank you for listening and for your support thus far.
>
> We came to North Ridge South more than 20 years ago because we found it to be a special, unique neighborhood in North Raleigh. Our lot sizes are generous. The trees are old and beautiful. And we have a variety of homes, new and old. Our neighbors are lovely, the new ones, as well as the long time ones.
>
> And now we find ourselves fighting to maintain the original integrity and intention of this neighborhood.
>
> The density of North Ridge South was originally planned for an average of ½ acre lot sizes and an open, spacious layout of the neighborhood. As such, the size of streets, parking, traffic and infrastructure were planned for this low density.
>
> Adding additional density by allowing the sub dividing of lots with two or even three houses on one lot will GREATLY change the character and original intent of our neighborhood.
>
> We are also concerned that adding more homes will cause congestion. Our portion of North Ridge South has two entrances. With the existing homes in our area and the condominiums on New Market Way, there is already plenty of traffic entering and exiting the neighborhood. Adding more homes will amplify this.
>
> We have given you many reasons to help us prevent the further subdividing of lots. And we are glad that the City of Raleigh supports PROTECTING the low density character of neighborhoods, maintaining neighborhood scale and ensuring that the neighborhood zoning reflects these low density characteristics.
>
> The truth is that this issue deeply and emotionally matters to us. This is not a business opportunity but the place where we have chosen to live and raise our families. Please help us protect our neighborhood. We ask each of you to support the text change into city code to form our North Ridge South NCOD.

No one else asked to be heard thus the hearing was closed. Mr. Thompson indicated the name "North Ridge South" is somewhat confusing. He stated what is being presented is a great example of a neighborhood organizing and educating themselves and moving forward with a process to deliver their desired results. He moved approval of TC-9-16 as presented. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 618 TC 380.

TC-10-16 – OBERLIN VILLAGE NEIGHBORHOOD – MAXIMUM BUILDING HEIGHT – APPROVED – ORDINANCE ADOPTED; STAFF TO DEVELOP TEXT CHANGE RELATIVE TO MEASURING HEIGHT

This was a hearing to consider an amendment to Section 5.4.3.12f. of Part 10A Raleigh Unified Ordinance, Oberlin Village Neighborhood – Maximum Building Height, to clarify that 25' is the maximum building height in the NCOD.

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

TC-10-16 – OBERLIN VILLAGE NEIGHBORHOOD – MAXIMUM BUILDING HEIGHT – HEARING – ORDINANCE ADOPTED; STAFF TO PROVIDE PROPOSED TEXT CHANGE

This is a hearing to consider an amendment to Section 5.4.3.12f. of Part 10A Raleigh Unified Development Ordinance, Oberlin Village Neighborhood – Maximum building height, to clarify that 25 feet is the maximum height in the NCOD.

Planner Eric Hodge presented the case pointing out the existing text includes the words "and/or" and it has been interpreted to indicate the "or" means a two-story building and there is no height limit of 25 feet. The text change would change the word "or" to "and". He presented a powerpoint showing the Oberlin Village NCOD area. The Mayor opened the hearing. Sue Ellen Warrick, Secretary of Friends of Oberlin Village presented Council members with a resolution which was passed by the Friends of Oberlin Village in their meeting on June 27, 2016 in support of TC-10-16. She pointed out the Friends of Oberlin Village understand the original intent of the Oberlin Village Neighborhood Conservation Overlay was, among other provisions, to limit building heights within the NCOD to 25 feet and two stories. It is felt that approval of TC-10-16 would correct the language of the Oberlin Village NCOD by replacing "25 feet or two-stories" with "25 feet and two stories." She asked the Council to respect the significance of Oberlin Village and approve the text change.

Ruth Little, 2312 Bedford Avenue, pointed out she was a founding member of Friends of Oberlin Village. She stated she has lived in that area some 11 years and talked about how she helped organize the neighbors to help protect Oberlin Village as development was trying to push against the neighborhood and break the regulations. She pointed out Oberlin Village is an African American neighborhood and talked about the Neighborhood Conservation Overlay District Development. It is felt the 25 foot height limit would help protect the neighborhood and things seem to be going well until a house was built next to Jennifer Holler's home which did not follow the regulations. She asked the Council to approve the text change which would make it clear to future developers and homeowners that there is a 25 foot limit.

Carol Majors, 2306 Cooleemee Drive, talked about the number of people in the audience who were following this issue out of interest. She talked about the development of the NCOD which

was to get the rules set out for neighborhoods to use. She expressed appreciation to the Council for considering the text change which would help correct the situation.

Jennifer Hollar, 2313 Bedford Avenue stated she would hold her remarks until the end. She stated no one is against Mr. Creech's development, it is just concern about height.

Joseph Cebina, 717 Latta Street, pointed out he just wanted to make sure that everyone understood what is being proposed and called on the Council to consider the following when determining if a 25 foot maximum house height is practical.

Points to consider when determining if a 25 feet maximum house height limit is practical.

1. It would hinder the ability to build a two story home.
   a. 3 ft. crawl space + 9 ft. 1st floor + 1 ft. separation + 8 ft. 2nd floor = 21 ft.
   b. This leaves only 4 ft. of roof peak height. Architecturally odd if not outside code compliance.
2. Lot market values are currently pushing $250,000 +. Constraining 2-story home options will limit the total square footage obtainable on new construction.
   a. The ratios between lot value and home value will be skewed.
   b. If an economical square footage cannot be achieved to justify the cost of a lot, then property values could be lowered.
   c. Ill maintained rentals will likely remain ill maintained rentals.
3. There are already approximately 20 homes currently over 25 feet in height.
   a. Critical mass precedent set?
   b. How do you tell future owners no when so many existing homes currently contradict the proposed text change?
   c. Is there a legal risk to the City?

Perhaps a practical solution would be to revert back the old Overlay District height limit of 25 ft. measured at the mid-point of the roof slope. This would create a controllable, reasonable height limit that matches many of the current homes in the neighborhood. It would also accommodate market economics/demand of families seeking to live in the neighborhood.

Mr. Cabina submitted a map of Oberlin Village and pointed out it was color coded to show the houses which are over 25 feet in total height.

Mr. Stephenson pointed out there was discussion in committee about grandfathering the heights and changing the requirements. Ms. Crowder pointed out however she did not feel the committee was headed that way.

Becky Harper, indicated she owns property at 503, 505 and 507 Chamberlain Street. She does not live at that location she had purchased the homes for investments some time back. She stated there is nothing attractive about the homes on the property and there is nothing worth preserving. She stated her plan is to redevelop these properties and pointed out the adjacent properties have nice homes that are higher than 25 feet. She stated if this text change is approved, it would

require her to build homes on a slab foundation and flat roof and would limit the ceiling heights; this is it would require her to build homes that she does not feel would fit in the neighborhood. She stated the proposed text change would prevent her from using the properties the way she had proposed. She talked about the nice homes in the neighborhood have crawl spaces and are attractive and stated she feels the neighbors would be happy if she tore down her houses and built houses similar to the adjacent properties.

David Creech, 3816 Yadkin Drive, read the following prepared statement:

> I am a home builder who has been building in Raleigh for 40 years. I met with a homeowner in the Oberlin Overlay district last week to answer questions about what her options were in regards to build a new home on her lot. She currently has a rental unit on her lot but is considering her options with new construction. This was the first time I had heard of the proposed text change relating to the height of new homes. Like this lady, I am sure there are many residents in the overlay district that do not fully understand how far reaching this height restriction may have on the value of their property. It was not that many years ago that this neighborhood was treated equally with all other neighborhoods in regard to city zoning laws. The UDO put restrictions on what could be done on top of normal zoning in place at the time. This overlay district put in even more restrictions on what could and could not be built. This most recent proposed text change would limit a property owners' options even further. Let's protect our citizens' rights to build homes that suit their family's names and insure that safe, affordable housing is available to all of Raleigh's citizens.

John O'Neal, 300 Yadkin Drive, indicated in 2007 he purchased a property at 2514 Bedford Avenue with the thought of downsizing and constructing a house on Bedford. He stated however if this text change is approved, he would have to build on a slab and he does not want to do that and he would request that the Council respect property rights.

Beth Stewart, 2509 Bedford Avenue, indicated she agrees with the statements made by Ms. Hollar when she made her presentation to the Council in April. She stated they recently renovated their home and maintained the character. She stated she had provided Council members with pictures of the giant house across the street which shows the drastic differences. She asked that people consider the community they are joining before they build.

Jennifer Hollar pointed out she understands the opposition's concerns. She stated it was clearly an error in the language which allows no height limitation whatsoever. The original concept was clearly no houses taller than 25 feet. She stated she would support further discussion about appropriate height but Oberlin Village should not be left unprotected. She stated her house and the Creech house construction next to her are only 6 feet apart. She stated the type of roof seems to be the element that impacts other people's houses. She asked the Council to approve the text change before it and if someone wants to file a different petition on how to measure the roof that would be fine. No one else asked to be heard thus the hearing was closed.

In response to questioning, City Attorney McCormick indicated what is before the Council tonight is a text change that would give a definitive measurable height.

Debate followed with Ms. Baldwin talking about going back to the old way of measuring heights. Attorney McCormick indicated that would require another text change. The Council could hold action on this text change while that is being studied or pass this text change and work on a text change to require measuring the old way. Planner Hodge pointed out the NCOD provides secondary setbacks. He stated staff could draft a text change to regulate height where the NCOD is silent. You could use different standards for existing cases and new cases would be regulated by the UDO. Mayor McFarlane questioned if the NCOD stays 25 feet or two-stories, how a three story house got built. Mr. Hodge talked about ceiling heights and how staff whether it is a story or an attic.

In response to questioning, Mr. Hodge stated 25 feet would capture the height limitation and he is not sure why "two stories" was added to the description. Mayor McFarlane questioned how the 25 feet is measured with Mr. Hodge pointing out under the old standard it was measured to the midpoint of the roof using new methodology it is measured differently. Mr. Stephenson suggested coming up with a text change to reinstate the original measurement that was enforced for years. The confusion that has caused was talked about with Mr. Thompson pointing out he has heard from many people who indicated they had just learned about this coming up. He stated Ms. Hollar who had brought up the topic that was the genesis of this text change said may be more dialogue should take place.

Mr. Thomson moved the item be referred back to Growth and Natural Resources Committee. His motion was seconded by Mr. Branch.

Mr. Stephenson stated he feels the interpretation brings on unintended consequences. He stated he hasn't heard anyone say that we should not go back to the original interpretation. In response to questioning, City Attorney McCormick indicated if someone has a permit they have a vested right to build. Ms. Crowder talked about the concern of the neighbors about the tear downs and rebuilds that are taking place. Ms. Baldwin questioned if the idea of returning to the original way of measuring came up in committee with Ms. Crowder pointing out it did but not for this Oberlin NCOD. Mr. Stephenson pointed out this particular discussion is what triggered the discussion about different measurements when the item was being discussed in Growth and Natural Resources. Whether there is objection to going back to the original measurement techniques was discussed. City Attorney McCormick indicated that could not be accomplished tonight as it wasn't advertised. The thought of passing this text change and letting the committee or council continue to discuss the way the heights are measured was talked about. Ms. Crowder made a substitute motion to approve the text change before the Council tonight as it relates to Oberlin Village. Ms. Baldwin seconded the motion but asked to make a friendly amendment to direct staff to return with a text change as it relates to measuring heights for NCODs. Ms. Crowder accepted the friendly amendment and the motion as amended was put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord who was absent and excused and Mr. Thompson who voted in the negative. The Mayor ruled the motion adopted on a 6-1 vote. See Ordinance 619 TC 381.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 8:30 p.m.

Gail G. Smith
City Clerk

jt/CC07-05-16