COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, July 19, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

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

Mayor McFarlane stated before the meeting starts she wanted to take a moment to discuss recent events that are weighing heavily on her mind and she I believes the minds of most others not only in our community but the nation.

Mayor McFarlane read the following statement. The events of the past few weeks – most notably in Minneapolis, Dallas, and Baton Rouge – have left us all shaken and questioning what is happening to us as a community and a country.

First and foremost, our hearts and minds are with the victims of these tragedies and their families and friends during this very difficult time.

Here in Raleigh, we have a diverse community that when faced with adversity in the past, have worked together to make our community and city stronger. We work to find common bonds but as we see in other areas of the country, we also struggle with issues of trust and understanding within the community.

We have been working hard together to improve relationships and, while we've made progress, we still have work to do.

Building healthy and safe communities is the enduring goal of government; this is an on-going process that requires constant nurturing and persistence. To that point, each of us has a role to play in building and maintaining a Raleigh that is healthy and safe for everyone.

The City of Raleigh is preparing for a "Community Dialogue" that will help to bring together the many voices and talents in our community by generating ideas, exploring common grounds, and building relationships across the lines that help separate us as a community. The Community Dialogue will be a series of conversations aided by a professional facilitator who is a trained listener and can help inspire and advance conversation while remaining neutral.

The Dialogue will take place throughout the city over the course of the next several months and will include informational sessions focused on bringing about positive change. We will announce the details for the first of the community conversations in the coming weeks.

As I've said in the past, we are more alike than we are different and while I acknowledge that these conversations may prove difficult and at times uncomfortable I strongly believe that by working together and having an open, honest dialogue we will be building a safer, stronger Raleigh.

Mayor McFarlane called the meeting to order and invocation was rendered by Bishop Ronald Sharpe, Power House Church of Jesus Christ. The Pledge of Allegiance was led by Council member Crowder.

RECOGNITION OF SPECIAL AWARDS

PERSONNEL – CARL DAWSON TEAMWORK AWARD - ANNOUNCED

The Carl R. Dawson, Jr. Teamwork Award has been established in honor of Carl R. Dawson, Jr. who served the City of Raleigh Public Works Department for 26 years. This award is to recognize and celebrate the extraordinary work among teams in the areas of innovative work methods, efficiency, and work performance. The team may represent diverse employees working together from across the organization and is not limited to teams in the same department, division or work unit. This award has been provided by a generous donor who wishes to remain anonymous.

City Manager Hall stated 26 teams submitted applications all showing great teamwork. It was a difficult decision however, it was narrowed down to three finalists and he would recognize those three. He asked the teams to stand and be recognized when their team was named.

Team Number One: Parks and Recreation User Fee Team

This team was made up of representatives from the Finance Department, Parks, Recreation and cultural Resources and Office of Management and Budget.

The team recognized that the development of processes and standards were to serve as a model for the future. This project ultimately determined the rates the public will be charged for various PRCR activities. The team dedicated countless hours and worked with others in the organization to better understand the needs and complexities of each area.

Team Number Two: Central Business District Clean Team

This team was made up of representatives from Information Technology, Parks, Recreation and Cultural Resources, Office of Sustainability, Solid Waste Services, Office of Sustainability and Downtown Raleigh Alliance.

In late summer 2015, City Council requested that staff examine ways to address the level of cleanliness in downtown Raleigh in response to citizen and business complaints. An internal and external Central Business District Clean Term met to define the problem and outline steps to remedy the issue.

Team Number Three: Solid Waste Services and Public Utilities Combined Call Center

This team was made up of representatives of Solid Waste Services and Public Utilities Departments.

This team worked to combine customer support for those who received a utility bill from the City of Raleigh to provide one place to call and receive support for the services. Previously, customers would need to call both Public Utilities to setup water and sewer services and then call Solid Waste Services to set up collection services.

City Manager Hall stated Team Number Three was named the winner of the inaugural Carl R. Dawson Teamwork Award.

PERSONNEL – EMPLOYEE OF THE YEAR – RECOGNIZED

City Manager Hall stated each year the City of Raleigh celebrates our extraordinary employees with the Employee of the Year Awards. He stated this is a great recognition pointing out however he feels all employees are employees of the year.

A hallmark of the Raleigh Employee of the Year awards is that all nominations are made by fellow employees who believe in the excellence and contributions of their co-workers. Nominees are then reviewed by a committee of employees to select the top individual from each of the 9 designated department groupings.

Each of the nine Departmental Employees of the Year were selected for their work in the areas of customer service, efficiency, and work performance beyond assigned duties and were honored with a plaque and a check for $250.00 at the annual Employee Recognition program. Most of our awardees, those that are here please come forward

- **Shavon Tucker** – **Finance Department, representing** Administrative and Support Services
- **Johnny Holland** - Development Services
- **Robert Harper** - Fire
- **Michael Gagliano** - Parks, Recreation and Cultural Resources
- **Ray Aull** - Planning
- **Jorge Lopera** - Police
- **Nikki Bennett-Cook** - Public Utilities
- **Kenneth Ritchie** - Public Works
- **Mary Snelling** - Solid Waste Services

City Manager Hall explained the Employee of the Year was selected from the overall list of departmental winners and recognized Kelly Lindsey as the overall winner who received a plaque and an additional check for $500 which was awarded at the recent annual Employee Recognition event.

City Manager Hall stated Kelly Lindsey, 2015 City of Raleigh Employee of the Year, to please step forward.

Kelly has made a strong impression in just two years of employment with the City. A strong and ever-present fixture at almost all special events, Ms. Lindsey has earned the admiration and respect of her co-workers.

Emergency Management and Special Events Director Derrick Remer says "Kelly is an asset to the City and constantly strives to improve herself and the organization on a daily basis. You simply will not find a more committed employee that will do whatever it takes to get the job done."

City Manager Hall stated he is sure that those who attend the Destination Dix event scheduled for the upcoming weekend will see Kelly working at the event. Ms. Lindsey received a standing ovation.

ISO RATING – PRESENTATIONS MADE

City Manager Hall stated he is pleased to share with everyone that Raleigh has received a public protection classification, or PPC, Class I rating from the Insurance Services Office, Inc., referred to as the ISO. Mr. Hall stated this achievement is the highest rating possible for the City's state of readiness and defense against potential fire risk and property loss. Fire protection district ratings range from a Class 1 to a Class 10. The City of Raleigh has historically maintained a PBC Class 3 rating. The ISO rates more than 48,000 fire protection districts across the United States. Less than 4 percent of the cities in the United States hold a Public Protection Classification Class I rating. City Manager Hall stated moving from a PPC Class 3 rating to a Class I establishes Raleigh as a superior fire protection district. Depending upon the insurer, it is possible that Raleigh citizens may see a reduction in their insurance premiums, though the greatest decreases are expected to be realized in the commercial property industry. He stated the ISO rating not only evaluates the local fire department but also the local water distribution system and emergency communications center. The Raleigh/Wake Emergency Communication Center and the Raleigh Public Utilities Department received a near perfect rating from ISO. The PPC Class 1 rating will take effect August 1, 2016. City Manager Hall stated a special thanks to Fire Chief John McGrath, Public Utilities Director Robert Massengill, and Emergency Communication Center Director Dominick Nutter is in order. He also expressed appreciation to them and their staff and to the Mayor and City Council.

City Manager Hall introduced Wayne Goodwin, the Commissioner of Insurance and State Fire Marshall for the State of North Carolina and Joseph Frantantaro of the Insurance Services Office.

Commissioner Goodwin stated not every day does he have the opportunity to share great news. He stated receiving this designation and being a part of only 4% of the 48,000 fire protection units in the United States is quite an accomplishment. He stated there are only six in the entire state including Greensboro, Charlotte, High Point, Fayetteville, Cary and now Raleigh. He commended the City and City Council for their dedication to public service, fire service and the contribution to this commitment. He commended all for being a leader pointing out North Carolina already the lowest insurance rates are in the South and this will make them even lower. He presented a special achievement award and commended everyone for this accomplishment.

Mr. Farantantaro commended all for a job well done pointing out there are a few communities that reach this level. There are only 204 PPC Class 1 ratings in the country. He talked about the accomplishment and commended all for a job well done.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – CONSERVATION TRUST OF NORTH CAROLINA – INFORMATION RECEIVED

Reid Wilson and Caitlin Burke, Conservation Trust for North Carolina, were at the meeting to provide their annual report. Mr. Wilson pointed out the mission of the Conservation Trust for North Carolina is to protect and enhance drinking water resources through land acquisition, planning and innovative water quality improvement activities. Ms. Burke expressed appreciation to the Council for their leadership and talked about the partnerships to protect clean water describing the membership of the group. It was pointed out they had been implementing the task force recommendations which include including Swift Creek Watershed, expanding the review board, updating conservation plan, support UNRBA monitoring and Nutrient Credit Toolbox, increasing watershed protection fee, setting up reserve accounts and reconciling unspent funds and talked about water quality improvement projects and measuring the benefits of watershed protection. It was pointed out since 2005 they have conserved some 93 properties which includes 7,894 acres, 87 miles of stream buffered for a value of $73.3M, talked about the water quality impacts. Ms. Burke stated if developed according to Stage 1 Falls Lake rules, they estimate their efforts have prevented some 10,450 lbs. of nitrogen per year and 1,826 pounds of phosphorus per year. Since June 2015, there have been 394 acres or 5.5 miles of streams protected with 1,348 acres or 13.8 miles of streams in process. They gave information on the leverage of the City money pointing out their funding outlook is increasing as the Cleanwater Management Trust Fund increased and the City of Durham and South Granville Water and Sewer Authorities are providing funding as well as various foundations, corporations and the National Guard at Camp Butner. With the expanded Federal Tax deduction for conservation donations being made permanent it is felt additional land owners will participate. Ms. Burke went through the 2015-2045 conservation strategy.

Mr. Wilson indicated going forth they look forward to building and strengthening partnerships, pursuing new funding sources, expanding water quality improvement efforts, measuring of benefits of watershed protection, enhance public communication and conserving more land to protect drinking water quality. He talked about being back before the General Assembly

working on additional funding sources, pointing out it had increased last year but the State funding is not where it use to be. He stated hopefully, Council members can join him in a site visit to see some of the fruits of their efforts.

Mayor McFarlane asked about agricultural acres being brought into the system with Ms. Burke pointing out that is still a part of the plan. The report was received.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. Mayor McFarlane explained the vote on the consent agenda will be a roll call vote. Mayor McFarlane stated she had received a request from Mr. Gaylord to withdraw the item relating to engineering services, Hillsborough Street Phase II. Without objection, that item was withdrawn from the Consent Agenda. Ms. Baldwin moved approval of the consent agenda as amended. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

SOLAR DEVELOPMENT – NEUSE RIVER RESOURCE RECOVERY FACILITY PROPERTY LEASE – DIRECTION GIVEN

The City issued a Request for Proposals (RFP) in November 2015 seeking solar developers interested in leasing a 53-acre site at the Neuse River Resource Recovery Facility for the installation of a solar array on the property. The RFP generated a high level of interest; there were 45 requests for the RFP, 18 firms attended the mandatory information session, and two proposals were submitted.

For the past several months, staff has been in negotiations with the selected developer, SunEnergy1 of Mooresville, North Carolina; at several intervals it appeared final terms had been reached. Staff advertised the intent enter lease terms in the June 16, 2016 edition of the News and Observer in anticipation of a July 19, 2016 agenda item for Council to authorize a long term lease.

SunEnergy1 notified staff on July 8, 2016 of intent to permanently withdraw from the process. Staff will begin negotiations with the next developer or, alternatively, may reissue an RFP.

Recommendation: Withdraw the lease from further consideration as previously advertised. Authorize the option for staff to begin another RFP process as necessary. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

NEUSE RIVER RESOURCE RECOVERY FACILITY – ACQUISITION OF PROPERTY – APPROVED

The City has been assembling properties in proximity to the Neuse River Resource Recovery Facility (NRRRF) for a number of years to support facility operations. Capitol City Lumber Company has expressed interest in selling a 1.07±-acre, unimproved lot located at 8405 Old Baucom Road, which is adjacent to City-owned NRRRF properties.

An independent appraisal of the property has been obtained; the property owners and staff have agreed upon a purchase price for the property in an amount of $32,000, subject to Council concurrence and approval.

The properties are currently used for the application of bio-solids resulting from plant operations; staff has reviewed the proposed sale terms and supports acquisition of the parcel due to its adjacency to existing City-owned property as well as the strategic location in relation to the overall NRRRF operations. Acquisition of this site would eliminate potential future liabilities stemming from private ownership.

Recommendation: Authorize the purchase of the 1.07±-acre property at 8405 Old Baucom Road from Capitol City Lumber Company for a price of $32,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ENGINEERING SERVICES – ON-CALL CONTRACT AWARDED TO STROUD PENCE AND ASSOCIATES

In May 2015 a Request for Qualifications (RFQ) was issued to obtain professional services in the areas of concrete assessment, design services, and construction bidding and administration for various fire department projects including renovation design for stations ten and fifteen. The objective of the RFQ process was to select one or more qualified firms to provide professional services for the duration of the project.

Three firms responded to the request: Stroud Pence and Associates, Alpha and Omega Group, and Dewberry. Qualifications were reviewed and ranked; following evaluation it was determined that based on the qualifications of all firms Alpha and Omega Group was to be awarded the concrete assessment portion of the RFQ and Stroud Pence and Associates would be awarded the design portion. The contract for concrete assessment with Alpha and Omega was previously executed; this master agreement is to procure design services and construction administration services for various fire department projects that have been identified.

Typical projects include professional services associated with fire stations support facilities where construction cost estimates are less than $1,000,000. Authorization for a master services contract not to exceed $500,000 each over the two-year period is recommended. Funds will be encumbered as statements of work are developed and issued throughout the term of the contract.

Name of Project: On-Call Engineering Services Contract

Managing Division:	Engineering Services – Construction Management
Approval Request:	Contract award
Reason for Council review:	Contract amount >$150,000
Original CIP Project Budget:	$1,300,000
Vendor:	Stroud Pence and Associates
Prior Contract Activity:	N/A
Encumbered with this Approval:	$500,000

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed $500,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

UNITED STATES GEOLOGICAL SURVEY – INTERLOCAL AGREEMENT – STREAM GAUGE PROGRAM – APPROVED

The City has had an annual agreement with the United States Geological Survey (USGS) to monitor and maintain 17 stream gauges throughout and upstream of the City for over twenty-one years. Gauges are utilized for the purposes of monitoring rainfall, flow, flood stage, and water quality.

This agreement with the USGS will transition from an annual agreement to a multi-year agreement, and shift the contract end date to no longer coincide with the City's fiscal year calendar. Under terms of the agreement the USGS will contribute $231,200 to the program over a period from July 1, 2016 to September 30, 2020. The City share of the program over the same period will be $726,800, with $206,682 allocated to Stormwater Management and $520,118 allocated to Public Utilities. Funding is appropriated in the operating budget.

Name of Project:	Stream Gauge Program Agreement
Managing Division:	Engineering Services – Stormwater
Reason for Council Review:	Contract amount >$150,000
Vendor:	United States Geological Survey
Contract Activity:	FY 2017 $158,000 ($44,100 Stormwater Management and $113,900 Public Utilities) FY 2018 $165,900 ($49,770 Stormwater Management and $116,130 Public Utilities) FY 2019 $174,200 ($48,776 Stormwater Management and $125,424 Public Utilities) FY 2020 $182,900 ($51,212 Stormwater Management and $131,688 Public Utilities) FY 2021 (First Quarter) $45,800 ($12,824 Stormwater Management and $32,976 Public Utilities)
Budget Transfer:	No
Amount of this Contract:	$726,800 ($206,682 Stormwater Management and $520,118 Public Utilities)

Encumbered with this Approval:	$158,000 ($44,100 Stormwater Management and $113,900 Public Utilities)

Recommendation: Authorize the City Manager to execute the agreement in an amount not to exceed $726,800. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

PARKING DECK ACCESS AND REVENUE CONTROL SYSTEM – CONTRACT WITH SOUTHERN TIME EQUIPMENT COMPANY – APPROVED

A Request for Proposals (RFP) process was initiated in February 2016 to replace the parking access and revenue control systems in the eight municipal parking decks. The current access system is no longer manufactured, and system support will cease after 2017.

Eleven companies requested a copy of the RFP; three proposals were received. After analyzing the merits of each proposal based on current and future needs and based on criteria set forth in the RFP, the evaluation team determined the proposals from CAME Americas Automation, Inc. and LocoMobi, Inc. failed to satisfy requirements. The response from Southern Time met all requirements with a solution that will not only support and enhance the off-street program for the present, but will provide optional new technologies that can be added in the future. The new system will enable the decks to be fully automated in the evenings and weekends while allowing for cashiers during busy weekday hours. Attendants would still be on duty for special events when entrance times are high demand. The new system will also be able to integrate with the "Downtown Raleigh" software application to provide customers with "real time" vehicle occupancy levels for each parking deck. It is expected that the changeover to the new system will take about eight months to complete. Staff recommends Southern Time Equipment Company be awarded the contract.

Name of Project:	Parking Access and Revenue Control System
Managing Division:	Transportation – Parking
Request Reason:	Contract amount >$150,000
Vendor:	Southern Time Equipment Company
Prior Contract Activity:	N/A
Project Budget:	$2,000,000
Budget Transfer:	N/A
Amount of this Contract:	$1,999,216
Encumbered with the approval:	$1,999,216

Recommendation: Authorize the City Manager to execute the contract with Southern Time Equipment Company in an amount not to exceed $1,999,216. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

GORALEIGH TECHNICAL ASSISTANCE SERVICES – PLANNING COMMUNITIES, LLC AMENDMENT #4 – APPROVED

The contract for scope of services with Planning Communities, LLC was executed April 27, 2015; the work consisted of the development of a Federal Transit Administration Section 5310 Program Management Plan and sub-recipient oversight procedures. This contract amendment is for the addition of services defined in the Request for Proposal but not included within the original contract; these services include preparation of screening and environmental documentation for anticipated GoRaleigh capital projects, including bus facilities for Raleigh Union Station and a transit center proposed for east Raleigh.

In addition, interagency coordination and public outreach will be conducted to support these studies. These efforts will fulfill compliance requirements under the National Environmental Policy Act (NEPA) and all applicable regulations. Additional services to support agency compliance efforts will include development of a paratransit plan to fulfill requirements of the Americans with Disabilities Act and preparation of updates or additional required program documents to fulfill Title VI of the Civil Rights Act of 1964. Services will be provided for the completion of summary, GoRaleigh-specific documentation and reporting for the Wake County transit customer satisfaction survey, as well as to use these survey results, review of peer systems, and goal-setting input from ongoing City and transit board leadership efforts to establish performance measures and performance management strategies for ongoing monitoring and improvement. Finally, services will be provided to support GoRaleigh management of the Federal Transit Administration's Elderly Individuals and Individuals with Disabilities (Section 5310) grants program application and award cycle for the Raleigh-Cary urbanized area for 2017. These services assist GoRaleigh in continuing to serve as the designated recipient for area funding while remaining eligible as a grant applicant and coordinating with the Capital Area Metropolitan Organization to lead grant selection and awards.

Name of Project:	GoRaleigh Technical Assistance Services
Managing Division:	Transportation – Transit
Approval Requested:	Contract amendment number four
Reason for Council Review:	Contract >$150,000
Project Budget:	$726,766
Vendor:	Planning Communities, LLC
Prior Contract Activity:	Original contract $142,945
	Amendment number one $286,785
	Amendment number two $56,266
	Amendment number three $91,260
	Amendment number four $149,510
New Contract Total:	$726,766
Budget Transfer Required:	No
Encumbered with this Approval:	$149,510

Recommendation: Authorize the City Manager to execute the contract amendment in an amount not to exceed $149,510. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

DOROTHEA DIX PARK – LEASE AGREEMENT WITH CAPITAL AREA SOCCER LEAGUE – APPROVED

Authorization to enter into a three-year lease agreement with the Capital Area Soccer League (CASL) for 12 acres of the property known as Dorothea Dix Park is recommended. The purpose of the lease is for CASL to continue soccer-related activities on the Dix site, following expiration of the existing one-year lease that CASL has with the City. The leased premises will be provided to CASL for a term of three years commencing on July 24, 2016 and terminating July 24, 2019 for an annual fee of $1 per year.

Recommendation: Authorize the City Manager to execute the lease agreement and required documentation with Capital Area Soccer League. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

JOHN CHAVIS MEMORIAL PARK – CLEARSCAPES, PA CONTRACT AMENDMENT – APPROVED

A contract amendment is necessary for design services associated with the next phase of the Strategic Implementation Plan for phase one of the John Chavis Memorial Park Improvement project. The City has an existing contract with Clearscapes, PA for elements of the Strategic Implementation Plan; the scope of services for the next phase of design and implementation include site testing, programming verification, conduct of public meetings, preliminary and final schematic designs, design development and construction documentation, bidding, construction administration, and Leadership in Energy and Environmental Design (LEED) services. Funding is appropriated in the project budget.

Name of Project:	John Chavis Memorial Park Improvements
Managing Division:	Parks, Recreation, and Cultural Resources – Design Development Division
Approval Requested:	Professional services contract amendment
Reason for Council Review:	Contract amendment >$150,000
Original CIP/Bond Project Budget:	$12,500,000
Overall Design Budget Estimate:	$1,326,521 (10.3 percent of project budget)
Vendor:	Clearscapes, PA
Prior Contract Activity:	$253,151 strategic implementation plan
Currently encumbered:	$0
Encumbered with this Approval:	$764,890 Phase One design and development
New Project Budget:	$12,900,000 (2014 bond and $400,000 CIP)
Budget Transfer Required:	None

Recommendation: Authorize the City Manager to execute a contract amendment in the amount of $764,890. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ENCROACHMENT – NORTH HILLS DRIVE/NORTHBROOK DRIVE – APPROVED CONDITIONALLY

A request has been received from Celito Clec, LLC to install 9,559 feet of underground conduit and 13 hand holes in the right-of-way 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 – 8 ayes.

ENCROACHMENT – MCNC - VARIOUS STREETS – APPROVED CONDITIONALLY

A request has been received from MCNC to install 56,100 feet of underground optical cable and 6l hand holes to access existing conduit on Garner Road, Rush Street, Donald Ross Drive, Luther Drive, Sunnybrook Road, Falstaff Road, Swinburne Street, Kidd Road, Saint Albans Drive, Tarheel Drive, Wolfpack Lane, Highwoods Boulevard, and Westinghouse Boulevard. A report was included in the agenda packet.

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

FIRE STATION 12 – BID AWARDED TO PRO CONSTRUCTION, INC

On June 16, 2016, ten formal bids publicly opened for the Fire Station Number Twelve construction project. Racanelli Construction South, Inc. submitted the low bid of $5,105,300. After reviewing the bid, Racanelli Construction withdrew their bid due to a significant arithmetic error. The next lowest responsive bidder was Pro Construction, Inc. with a bid of $5,272,500. The project inclusive of design and the construction bid remains within budgeted appropriations.

Minority and Woman Business Enterprise (MWBE) participation is 18 percent.

Name of Project:	Fire Station Number Twelve Construction
Managing Division:	Engineering Services – Construction Management
Reason for Council Review:	Formal bid award amount >$500,000
Original CIP Budget:	$5,313,388
Vendor:	Pro Construction, Inc.
Prior Contract Activity:	None
Budget Transfer:	Administratively
Encumbered with this approval:	$5,272,500

Recommendation: Authorize the City Manager to execute a contract in the amount not to exceed $5,272,500. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

END OF CONSENT AGENDA

HILLSBOROUGH STREET PHASE II – ENGINEERING SERVICES – TRANSFERS APPROVED

The construction contract for the Hillsborough Street Phase II project was awarded at the May 3, 2016 Council meeting. At that time Council was informed that a follow-up budget transfer would be necessary to address additional expenses associated with the project due to land acquisition costs, adequate construction contingencies, and other unanticipated costs not in the original project budget such as required environmental remediation. Since the May 3, 2016 meeting, staff has finalized the construction contract, let a materials testing contract, and continued settlement negotiations on remaining land acquisitions that adjoin the project. Based on the latest information, staff has outlined below an updated summary of additional anticipated expenses as well as identified funding sources to cover the remaining work. A brief summary of anticipated costs are listed below. Budget transfers totaling $1,881,000 are recommended at this time, as previously referenced to Council; accounting details were included with the agenda packet.

Summary of Additional Anticipated Costs	
Land Acquisition	$1,085,000
Construction Contingency (Revised Project Contingency is 4%)	570,000
Environmental Remediation (3120 Hillsborough Street acquisition)	200,000
Technical Services	26,000
Total Additional Costs	**$1,881,000**

Summary of Project Budget	
Original Project Budget (2014) Sources: Transportation Capital Funds	$11.2 Million
Prior Budget Amendments (May 2016) Sources: Transportation Capital Funds	4.2 Million
Current Project Budget	15.4 Million
This Amendment/Transfer Sources: Transportation Capital Funds	1.8 Million
Revised Project Budget (summary)	**$17.2 Million**

Recommendation: Authorize budget transfers in the amount of $1,881,000.

Mr. Gaylord stated he had withdrawn this from the consent agenda as the Council has heard a lot of the discussion about the takings, etc. He questioned of this how much of the increase relates to the geometry and how much relates to the tax value. Chris Johnson, Engineering Services, indicated he did not have the figures with him but he knew the tax value along the entire corridor was up. He stated the geometry relates mostly to the roundabouts where the larger takings took

place. He indicated the alternate designs without the roundabouts however would require more property acquisition. He stated it is somewhat a wash. Mr. Gaylord moved approval. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 620 TF 280.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

NO REPORT

SPECIAL ITEMS

TC-8-16 – CONSTRUCTION SURETY/ACCEPTANCE AND WARRANTY PROVISIONS TO BE PLACED ON THE SEPTEMBER 6 AGENDA

During the July 5, 2016 Council meeting, a hearing was held to consider amendments to Sections 8.1.3, 8.1.4, and 8.1.5 of the Part 10A Unified Development Ordinance to modify the Construction Surety, Acceptance and Warranty provisions for development-related improvements to reallocate a year of the required warranty period to the required construction period to allow for more time for infrastructure completion.

The Council closed the hearing and directed that the item be placed on this agenda for consideration. The Council may take action to approve, deny, or refer the item to committee.

Mayor McFarlane asked that this item be held and placed on the August 2 agenda and so moved. Her motion was seconded by Mr. Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

TC-11-16 – PRE-UDO NCOD BUILDING HEIGHT MEASUREMENT TECHNIQUE – TO BE SUBMITTED TO PLANNING COMMISSION

During the July 5, 2016 Council meeting, discussion of building height took place during the public hearing for TC-10-16, Oberlin Village Neighborhood – Maximum Building Height. Following the hearing staff was directed to provide language to amend the city code to proscribe a measurement technique. Staff has prepared an ordinance for submittal to the Planning Commission that would amend Sections 1.5.7 and 5.4.3 of the Unified Development Ordinance to amend the method building height is measured for Neighborhood Conservation Overlay Districts. Council requested the language be reviewed prior to authorizing submittal to the Planning Commission.

Recommendation: Authorize staff to submit the text change to the Planning Commission for a review and recommendation. Planner Eric Hodge indicated Council members did receive a draft text change in their agenda packet which indicates that the fourteen NCODs adopted prior to the UDO contained a height standard that regulates heights using a former method of calculating building height to the midpoint of the roof form. The UDO, Section 1.5.7.A measures height to the top of the highest point of the pitched roof. The fourteen would remain the same, all new

ones would move forward with the same measurements. This text change would need to go to the Planning Commission for a report and recommendation prior to going to public hearing. Mr. Gaylord moved approval. His motion was seconded by Mr. Stephenson and put to vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

DIX PARK MASTER PLAN ADVISORY COMMITTEE – NAMED

City Manager Hall explained Council members are being provided a summary of the Dorothea Dix Master Plan Advisory Committee application process and will include a final list of recommended membership for approval by Council. Kate Pearce, Parks, Recreation and Cultural Resources Senior Planner provided the Council members with the following memorandum highlighting the process.

> At the July 19th City Council meeting, Parks, Recreation and Cultural Resources (PRCR) staff will provide a summary of the Dorothea Dix Park Master Plan Advisory Committee (MPAC) application process and present the final list of recommended Advisory Committee members for Council consideration.
>
> **Overview:**
> In 2017, the City of Raleigh will lead a master planning process to develop the future vision and plan for Dorothea Dix Park. Guiding that planning process will be the Master Plan Executive Committee, which was established by the Memorandum of Understanding (MOU) between the City and the Dix Park Conservancy, and the Master Plan Advisory Committee. The following memo summarizes 1) the role and expectations of the Master Plan Advisory Committee, 2) the application and selection process and 3) staff's recommended list of Advisory Committee members.
>
> **Role and Expectations of the Master Plan Advisory Committee:**
> Master Plan Advisory Committee members will perform a variety of roles including, but not limited to the following:
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> - **Advise**- Committee members will represent the broad interests of the community and be advisers to the consultant team and the City.
> - **Enrich**- Committee members will have specific knowledge or experiences to share with the consultant team and the City to enrich the planning process.
> - **Advocate**- Committee members will be champions of the planning process and Dorothea Dix Park.
> - **Engage**- Committee members will be heavily involved in public outreach and engagement all through the planning process.
> - **Lead**- Committee members will lead, with the assistance of City staff, subcommittees relevant to their knowledge or experiences.

Serving on this Committee involves a commitment to attend regular meetings and public events. Meetings will be held at various times during the week including evenings and weekends. Committee members should expect at least a 2-hour monthly commitment. The City anticipates a two- to three- year planning process.

Committee Application & Selection Process:
Applications for the Advisory Committee were available in-person at all PRCR community centers and the Raleigh Municipal Building and on-line. The application period was open from Monday, May 16 to Friday, June 17, 2016. Multiple media sources including the News & Observer and The Carolinian promoted the process and shared links to the application on-line. In addition, the application was marketed through a variety of channels including the following:

- CAC Newsletters
- City of Raleigh website
- City of Raleigh and PRCR social media feeds
- Community Engagement Division's Hispanic outreach group
- NC Hispanic Chamber of Commerce
- PRCR newsletter and distribution lists
- PRCR English as a Second Language (ESL) staff
- PRCR Youth programs staff

Staff also initiated outreach to targeted community leaders to increase the number of applicants from typically underrepresented groups. Two information sessions were also held during the application period to provide additional opportunities to answer questions and provide clarification.

In total, 415 applications were received. A demographic and geographic breakdown of the applicant pool and staff's recommendation is included at the end of this memo.

A panel of city staff from PRCR, Planning, DOT, Housing and Neighborhoods, and the City Manager's office evaluated applicants and used the following criteria to ensure that committee members represent a broad and diverse cross-section of the community:

- Experience leading a group
- Interest/specialization
- Background (demographic)
- Geographic distribution

For those not appointed to the Committee, there will be plenty of other opportunities to participate including serving on one of a number of planned workgroups. City staff will follow-up with all applicants to determine other options that may be of interest.

The report included the demographic breakdown of the Total Applicant Pool to the Staff Recommended group for the Dorothea Dix Park Master Plan Advisory Committee by gender, age range, race and geographic distribution.

Staff recommends that City Council approve the following list of applicants to serve on the Dorothea Dix Park Master Plan Advisory Committee:

Dorothea Dix Park Master Plan Advisory Committee- Staff Recommendation

First Name	Last Name	Interest Area(s)
Jacquie	Ayala	Environment and Natural Resources Education Parks and Recreation
James	Benton	History Mobility Neighborhoods and Communities Parks and Recreation
Roderick	Brown	Education Neighborhoods and Communities Youth
Walter	Cole	Arts and Cultural Resources Business and Entrepreneurship Education
Son	Duong	Community Health Environment and Natural Resources Parks and Recreation
Brent	Francese	Business and Entrepreneurship Community Health Design Professions (Architecture, Landscape Architecture, Planners, Engineers)
Daniel	Gottlieb	Arts and Cultural Resources Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Environment and Natural Resources Parks and Recreation
Mary Ruffin	Hanbury	Arts and Cultural Resources Design Professions (Architecture, Landscape Architecture, Planners, Engineers) History
Jenny	Harper	Arts and Cultural Resources History Tourism
Greg	Hatem	Business and Entrepreneurship History Neighborhoods and Communities Real Estate and Development
Ebony	Haywood	Business and Entrepreneurship Education Youth
Thomas	Hester	Arts and Cultural Resources Real Estate and Development Youth
Myrick	Howard	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) History Real Estate and Development
John	Johnston	Business and Entrepreneurship Education Neighborhoods and Communities

Carly	Jones	Arts and Cultural Resources Education Neighborhoods and Communities Parks and Recreation Youth
Aly	Khalifa	Arts and Cultural Resources Business and Entrepreneurship Design Professions (Architecture, Landscape Architecture, Planners, Engineers)
Bill	King	Arts and Cultural Resources Business and Entrepreneurship History Mobility Neighborhoods and Communities Real Estate and Development
Jai	Kumar	Community Health Education Neighborhoods and Communities Youth
Charles	Leffler	Business and Entrepreneurship Education Neighborhoods and Communities Real Estate and Development
Caroline	Lindquist	Business and Entrepreneurship Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Environment and Natural Resources
Chris	MacPherson	Business and Entrepreneurship Parks and Recreation Tourism
Wayne	Maiorano	Arts and Cultural Resources Business and Entrepreneurship Community Health Parks and Recreation Real Estate and Development
David	Millsaps	Business and Entrepreneurship Education Parks and Recreation
Dr. Tony L.	Mitchell	Business and Entrepreneurship Education Neighborhoods and Communities
Joan	Moravick	Business and Entrepreneurship Education Parks and Recreation
Annie Lloyd	Nesbitt	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Mobility Parks and Recreation
Shana	Overdorf	Community Health Neighborhoods and Communities Parks and Recreation
Bill	Padgett	Environment and Natural Resources Education Neighborhoods and Communities
Julie	Paul	Arts and Cultural Resources Business and Entrepreneurship Real Estate and Development
Charles	Phaneuf	Arts and Cultural Resources Neighborhoods and Communities Parks and Recreation
Robert	Poston	Education Parks and Recreation Youth
Sara	Prado	Environment and Natural Resources Mobility Neighborhoods and Communities
Brian	Pressley	Business and Entrepreneurship Community Health Real Estate and Development

Megg	Rader	Arts and Cultural Resources Community Health Environment and Natural Resources
Sarah	Reeves	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Environment and Natural Resources Real Estate and Development
William	Ross	Community Health Environment and Natural Resources Parks and Recreation
Amy	Simes	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Environment and Natural Resources Parks and Recreation
Ashton	Smith	Arts and Cultural Resources Business and Entrepreneurship Real Estate and Development
Joey	Stansbury	Faith History Neighborhoods and Communities
Matthew	Tomasulo	Arts and Cultural Resources Business and Entrepreneurship Community Health Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Neighborhoods and Communities
Edward	Vinson	Business and Entrepreneurship Neighborhoods and Communities Real Estate and Development
Joe	Whitehouse	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Real Estate and Development Tourism
Kimberly	Wicker	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Neighborhoods and Communities Parks and Recreation
Andrew	Williams	Neighborhoods and Communities Real Estate and Development Youth
Larry	Zucchino	Design Professions (Architecture, Landscape Architecture, Planners, Engineers) Environment and Natural Resources Real Estate and Development

Mayor McFarlane expressed appreciation to all involved pointing out a great deal of work has occurred in the development of this process. Mr. Thompson moved approval of the list of applicants as submitted. His motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

RALEIGH UNION STATION – UPDATE RECEIVED

Staff will provide a status report on the Raleigh Union Station project including an update on the progress of construction, a summary of project challenges, and a brief overview of the project timeline. Staff will also preview proposed changes to the contract with Clancy and Theys Construction Company for Construction Manager at Risk (CMAR) services that are anticipated to be presented to City Council for consideration during the August 2, 2016 meeting. The August 2, 2016 action contemplates an overall increase to the CMAR contract amount;

additional City resources or modification to the project budget are not necessary given other changes within the project.

Recommendation: Receive as information.

Engineering Services Director Richard Kelly indicated this is a report to keep the Council in the loop on the Raleigh Union Station project. He stated at the August 2 meeting, staff will be asking for some amendments to reallocate monies in the budget; however it is just moving the money around, no additional funding will be required.

Mr. Kelly provided a PowerPoint providing a view of the site prior to the construction beginning. There were views from various locations as well as a view of the construction site, the Viaduct Building, and aerial views looking toward downtown, how the site looked on June 15, July 1, July 11, from various locations, etc. Mr. Kelly pointed out there are many challenges on the construction site including contaminated or unsuitable soils explaining this is a brownfield site, the high water table, soil removed, layer of coal, soil nails, etc. The complexities and the challenges of the project includes the number of parties involved - City of Raleigh, USDOT, Federal Railroad Administration, NCDOT, CSX, Norfolk Southern, North Carolina Railroad, Duke Energy, adjacent property owners, some 30 different agreements, multiple funding sources, site being surrounding by 3 railroads, etc. He stated as far as the multiple agreements are concerned he would like to say a special thank you to Brandon Poole of the City Attorney's Office who has done a yeoman's job leading the City through the various agreements. He stated there are many people/groups included in the oversight and the financial as well as technical and environmental issues. He talked about the challenges of the project and the cost involved outlining $5.2M of challenges. He talked about construction owners contingency, Council approved reserve outside of the contract pointing out the Union Station facility represents a little over a half of a larger project intended to provide rail traffic improvements. The project team has found efficiencies and contained cost such that additional cost associated with the Union Station facility do not require any new funding. He talked about the milestones of the project as follows:

- Excavation complete for West Street – February 2017
- Completion of Plaza Canopy steel structure – April 4, 2017
- Completion of the major elements of station exterior – April 7, 2017
- Completion of West Street – April 28, 2017
- Completion of Plaza – September 2017
- Building substantial completion - November 2017
- Station Operational January 10, 2017 with the tenant retail occupancy not identified but likely be after Amtrak occupancy.

Mr. Kelly pointed out the construction remains challenging but is off to a very successful start due the efforts of the many teams involved. He stated there is no action required at this time, this report is for information only. At the next Council meeting, staff will ask for some budget

transfers/contract amendments, to get the approved reserves and grant funds into the appropriate accounts.

Various Council members had questions relative to prior knowledge of the contaminated soils, funding and construction challenges, project budget being based on what we know today, and whether the contingency is adequate. The responsibilities of the construction manager at risk to anticipate and project cost, the lack of bidders, the fact that the elevator package had to bid three times, escalators being in the original plan but where valued engineer out; however the infrastructure is being included were vetted. In response to questioning, Mr. Kelly pointed out everyone is confident with the numbers at the point. The report was received understanding additional information will be presented at the August 2 meeting.

CRABTREE PIPELINE SANITARY SEWER – PROJECT UPDATE – RECEIVED

Eileen Navarrete, Public Utilities Department, gave background information on the Crabtree Basin pointing out it is the highest flow drainage basin in the City which contains two parallel interceptors –north bank constructed in the 60s and the south bank which was constructed in the 90s.

This drainage basis conveyed some 20 million gallons per day and since 2008 around 70% of the total sanitary sewer overflows have occurred in this basin. She talked about structural failures and lack of capacity to handle wet weather flows. She talked about the hot point analysis pointing out the flooding over the past weekend was a good example of the problems. She stated the solution includes rehab and replacement of some 33,000 lineal feet of interceptors in two separate phases. Phase I would include some 16,000 LF of 72 inch interceptor along with 4,000 LF of 60 inch gravity flow system. Phase II would include some 21,000 LF of 54 inch gravity sewer with lift station rehabilitation and expansion. She presented an overview of the project area, pointing out the total cost is some $35M of which $15M is a 20 month tunnel contract and the other $20M is a two year open cut contract. The project is being funded by Clean Water State Revolving Fund low interest loans and NCDEQ/EPA. She talked about the road closings, and the status of the project.

Engineer Navarrete went over some of the construction challenges relating to the sizes, depth or creek proximity, various road closures, greenway closures; and residential impacts including blasting, etc. She talked about the necessary easement acquisitions pointing out at this point 25 of the 42 have been acquired. In the next few weeks the Council will see request for condemnation resolutions on many of the remaining sites pointing out when the resolutions are adopted negotiations will continue.

Engineer Navarrete pointed out the tunnel construction is ongoing and the open cut construction will be advertised, etc. in the July/August time frame and hopefully being able to provide notice to proceed in November or December of 2016 with a November/December 2018 project completion. She went over information that has and is being used to communicate information on the project including website, project email address, phone number, hashtag, road and greenway signs, letters, stakeholder and citizen engagement, etc.

Mr. Gaylord indicated most of this project is in his district and Engineer Navarrete and the whole team has been doing an amazing job of communicating with the residents, etc., and expressed appreciation.

REQUEST AND PETITIONS OF CITIZENS

OUTDOOR DINNING – ZPIZZA – DEFERRED UNTIL AUGUST 2

Stephen Drotts had requested permission to speak to the Council to petition the City to provide a temporary permit for private café outdoor dining on the designated area previously permitted to Zpizza. The City Clerk indicated Mr. Drotts had asked that the item be delayed until the August 2 Council meeting.

MATTERS SCHEDULED FOR PUBLIC HEARING

ANNEXATION – 5201 SINCLAIR DRIVE/SINCLAIR MINI STORAGE – HEARING – ORDINANCE AND RESOLUTION ADOPTED

This is a hearing to consider the petitioned annexation of property known as 5201 Sinclair Drive/Sinclair Mini Storage.

If following the hearing the Council wishes to proceed, it would be appropriate to adopt an ordinance annexing the property effective July 19, 2016 and adopt a resolution placing the property in City Council Electoral District B. The Mayor opened the hearing and no one asked to be heard, thus the hearing was closed. Mr. Thompson moved adoption of an ordinance annexing the property effective July 19, 2016 and adoption of a resolution placing the property in City Council Electoral District B. His motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 621 and Resolution 332.

PUBLIC NUISANCE COST CONFIRMATION – VARIOUS LOCATIONS – HEARING – RESOLUTION ADOPTED

A hearing to adopt a Resolution to confirm as a lien against the property as listed below the charges for the abatement of public nuisances:

LOCATION & DISTRICT	PROPERTY OWNER	TAX ID NO.	COST OF ABATEMENT
1019 Brighton Road (C)	Nicole & Barre Gambling Sansoni	0170516	$328
1105 Carlisle Street (C)	Michelle Williams	0004351	$297
1112 Bethel Road (C)	Raymundo Reyes Palacios & Isabel Cristina Cruz Vazquez	0278541	$436

113 Maywood Avenue	Eliza Mae Stewart	0017497	$423
1422 Carnage Drive (C)	GMAC Mtg.	0024156	$260
1522 Eva Mae Drive (C)	Heritage Manor Association Inc.	0341186	$256
1523 Eva Mae Drive (C)	Heritage Manor Association Inc.	0306989	$256
1607 Curtis Drive (C)	Curtis Drive LLC	0013845	$414
1712 Dallas Street (B)	Ondrea L. Pollard	0055974	$258
2008 Rabbit Run (D)	Wheeler Park Homeowners Association	0161223	$276
2224 Shannon Street (C)	Edward Walker	0072179	$277
2300 Lawrence Drive (D)	Si A. Wilson & Mary E. Wilson	0074125	$325
2885 Filbert Street (C)	Jo Ann McMiller	0325894	$323
3213 Winfield Court (C)	Jane Ford Gilchrist	0032428	$248
3304 Mackinac Island Lane (D)	Branch Banking & Trust Company	0331148	$331
420 Chapanoke Road (D)	Jersey Raleigh, Inc.	0168731	$477
4822 North Hills Drive (A)	Shahab Hedayatzadeh	0061356	$473
6756 Magnolia Court (A)	Magnolia Court Townhomes Association	0132849	$277
7000 Sandringham Drive (E)	John T. Van Pelt	0127310	$252
724 S. State Street (C)	Mark Thompson-Bullock	0022607	$277
915 S. State Street (C)	Laura H. Blue & Josephine Grimes, et. al.	0078216	$260

Mayor McFarlane pointed out 3213 Winfield Court, 3304 Mackinac Island Lane, 420 Chapanoke Road and 4822 North Hills Drive have been withdrawn as the issues have been cleared. The Mayor opened the hearing the remaining cases. No one asked to be heard thus the hearing was closed. Mr. Stephenson moved adoption of a resolution confirming the remaining charges as outlined. His motion was seconded by Mr. Branch and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 334.

Mr. Thompson questioned what it means when it was reported that 4822 North Hills Drive has been handled with the Mayor and Clerk pointing out the public nuisance has been abated and the charges paid. Mr. Thompson pointed out there are still big problems at 4822 North Hills Drive. Mr. Glover pointed out he understands pointing out these charges related to cutting the grass and bushes. Mr. Thompson pointed out there are a lot of other issues on the property questioning if inspectors have been inside the home. Mr. Glover indicated the owner will not allow city personnel into the home. He stated based on the outside the City has no legal reason to enter the property. He stated the property is being monitored, the house is vacant. Mr. Thompson pointed out the neighbors are unhappy with the situation and it is a shame. No further action was taken.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – JULY 26 MEETING CANCELLED.

Mayor McFarlane indicated the Economic Development and Innovation Committee will not be meeting on July 26.

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

REZONING Z-6-16 – LEESVILLE ROAD – APPROVED – ORDINANCE ADOPTED

Chairperson Crowder reported the Growth and Natural Resources Committee recommends the City Council uphold the Planning Commission's recommendation for approval of Z-6-16 with revised conditions dated July 5, 2016. Copies of the revised conditions and CR #11697 were included in the agenda packet. Mr. Gaylord moved approval as read. His motion was seconded by Mayor McFarlane.

Mr. Cox stated he had some questions concerning transportation in this area explaining over the past weekend, he went out looked around and talked to people in the neighborhood. He stated he talked to 23 people who live in Draymore Manor, 17 of which are in favor of the rezoning but with conditions. He stated as he understands the developer has offered to turn their community into a gated community to help avoid cut-thru traffic. He questioned if we had information on that agreement. Transportation Engineer Todd Delk stated he too had heard that and explained it involves a private street and that is a private agreement between the neighborhood and developer and the City has not seen nor a part of that agreement.

Mr. Cox stated the neighborhood on the other side of Leesville Road which includes streets such as Bartram Place, Leesville Road, etc., is also concerned and he understands when the middle school was constructed, Barton was connected to Leesville Church Road. He stated another street Shallcross was also connected; however, its gated and there is no vehicular access to the school. He indicated in talking with the neighbors the residents are concerned about the traffic level of service at the Leesville Road and Leesville Church Road which he understands is a Level F. Mr. Delk pointed out the level of service at the intersection is D. Mr. Cox stated one of the concerns relates to parents dropping kids off at the middle school and leaving and approaching the intersection from the west where the level of services is F and the people fear that the parents will use their neighborhood streets to cut through to get back to Westgate Road. He questioned if there could be a gate at Bartram to prevent the cut-through traffic. Mr. Delk stated that is not possible as it is a public street. He stated there was a traffic impact analysis done for the school which required a lot of additional turn lanes, etc. Mr. Cox stated as he understands there is no way to mitigate the traffic concerns on the west side of Leesville Road as is being done on the other side with Mr. Delk indicating that is correct.

Ms. Crowder pointed out this case has been through an extensive public process, people were notified, there has been a lot of discussion at community and CAC meetings. Mr. Cox pointed out in talking to the people, particularly those on the west side of the Leesville Road, about half said they were totally unware of the rezoning. He stated however that speaks to a different issue and that is the City's required notification area and whether 100 feet is sufficient. He talked about how that has caused problems in other zoning cases where a lot of the people did not get notification or received late notification. Mayor McFarlane stated she understands the Planning Commission and the CACs are working on a new notification process which would outline everyone's responsibilities and rolls. The motion as made by the committee to approve the case with conditions dated July 5, 2016 was put to a vote which resulted in all members voting in the affirmative except Mr. Cox who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote. See Ordinance 622 ZC 735.

TC-5-16 – NEW BERN – EDENTON NCOD: TOWNHOUSES – PUBLIC HEARING AUTHORIZED FOR SEPTEMBER 6

Chairperson Crowder indicated the recommendation on the agenda as written is incorrect and she would like to correct it at this point. She stated UDO Section 10-2.3.D sets this requirement for public hearings on text changes and read that section in its entirety. She stated based on that, she would recommend that the text change be scheduled for public hearing on August 2, 2016 and so moved. Her motion was seconded by Mr. Stephenson. Attorney Isabell Mattox pointed out there is not enough time with Planner Travis Crane indicating we have a window of 10 and 25 days which would allow the hearing to be scheduled August 2. Attorney Mattox talked about NCOD requirements having specific requirements of a 15 day notification so she feels it will have to be the September meeting with Mr. Crane indicating that is correct. Ms. Crowder changed her motion to having the public hearing on September 6, 2016. The corrected motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

GROWTH AND NATURAL RESOURCES MEETING – MEETING ANNOUNCED

Chairperson Crowder indicated the next meeting of Growth and Natural Resources would be August 10, 2016. Later in the meeting she corrected that to indicate the next meeting would be July 27, 2016.

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

NO REPORT

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

COMPENSATION STUDY – REPORTS REQUESTED

Mr. Cox expressed appreciation for the periodic updates on the pay study.

HVAC UNITS AND INFILL DEVELOPMENTS – LOCATION – REQUEST TO REFER TO GROWTH AND NATURAL RESOURCES COMMITTEE – DENIED

Mr. Stephenson pointed out at a recent Growth and Natural Resources Committee meeting there was discussion relative to the location of HVAC units in infill development as it was included in a staff memo; however there has been some discussion as to whether the item was referred to committee; therefore he would move that the Council refer an item to Growth and Natural Resources Committee to allow discussion of the location of HVAC units on infill property developments. His motion was seconded by Ms. Crowder. Ms. Crowder pointed out Jennifer Hollar presented two citizens petitions with multiple requests; however there has been discussion as to exactly what was referred to committee.

Mayor McFarlane pointed out she remembered the discussion and she asked that the Council look at side yard setbacks and questioned if this item was not part of that referral pointing out there was discussion about whether five feet is the appropriate setback between houses so that development could occur without it getting on the adjacent property. City Attorney McCormick indicated the HVAC issue is different as it is related to noise rather than the width of the setback. Mr. Gaylord talked about the geometry, slope, crawl spaces, etc. pointing out he understands the problems as it relates to location of HVAC units but he thought it had been addressed. Mr. Stephenson pointed the location of HBAC units was included in staff's memo and no one seems to know why. Mayor McFarlane pointed out there are a lot of items in the Growth and Natural Resources Committee and she thought this particular issue was discussed at length during UDO adoption. Ms. Crowder pointed out the question is does the Committee have the authority to discuss that with the Mayor pointing out again she thought it had already been addressed. Planner Crane pointed out it was discussed at length during the UDO discussions, regulations rewritten at the table explaining Council did discuss setbacks and encroachments. Discussion took place with various Council members talking about what they remembered about the issue with Mr. Stephenson pointing out people are now seeing the results of the UDO and may be that is why the issue has come forth. Mayor McFarlane questioned if there has been concern expressed with it being pointed out staff had not received any concerns. Mayor McFarlane stated she saw no reason to discuss this unless it is concerns expressed by the citizens. Mr. Stephenson withdrew his motion.

ABC AUDITS – REQUESTED

Council Member Branch talked about the process for ABC audits and pointed out he has heard concerns about the Garner Road and Bragg Street Mini Marts and asked that Staff do an ABC audit on these properties. City Attorney McCormick indicated if the Council makes the request the issue would be forwarded to the ABC Commission who conducts audits. Mr. Branch moved

that staff be directed to request the ABC Commission to do an audit at Garner Road and Bragg Street Mini Marts. His motion was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

PARKING – FRONT YARDS – INFORMATION TO BE DISTRIBUTED

Council member Branch indicated he had been receiving various complaints/questions relative to front yard parking. He suggested that something be sent to all possibly in the water bill to give citizens information about the ordinance. Whether the front yard parking restrictions are city wide or in District D only was discussed with City Manager Hall pointing out staff would provide information.

SETBACKS – RESIDENTIAL 4 AND RESIDENTIAL 6 – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

Ms. Crowder pointed out Sara Wilson brought an item to Council recently relative to the 5 foot setback and problems that it has generated for her such as the developer of the adjacent property piling dirt on her property, cutting down trees, removing or damaging her bushes, etc. Ms. Crowder suggested that an item be referred to Growth and Natural Resources Committee to look at the side yard setbacks in all residential zones and ask staff to bring a report and recommendation on the issue to that Committee. Ms. Baldwin questioned the nature of the problem and what the city is trying to solve. Mr. Gaylord stated he understood Ms. Wilson's concerns but he just pulled up a google street view of her property and pointed out he has concerns about taking statements of one person to spend time addressing setbacks in all residential districts. Mayor McFarlane stated when she talked about the issue previously what she wanted Growth and Natural Resources Committee to look at is whether a 5 foot setback is sufficient during construction. Mr. Gaylord pointed out that issue was discussed at length during the UDO adoption. He stated it concerns him that the Council is beginning to rehash everything based on a concern or two rather than evidence that there is a problem. Ms. Crowder pointed out the City has received two petitions, Ms. Hollar and Ms. Wilson asking about this and she feels the concerns should be discussed. Mr. Cox pointed out when citizens have concerns and bring those to Council he has no problem with the Council addressing them. Mr. Stephenson pointed out we are beginning to see developments under the UDO and he feels it is good to look at the issues to make sure we did not have unintended consequences. Ms. Baldwin questioned if this issue has come up previously with Mr. Crane pointing out not to his knowledge. He stated the side yard setbacks were not changed that much if at all with the adoption of the UDO. Ms. Crowder pointed out we have had two people ask about the issue and expressing concern therefore she would move that the Council refer to Growth and Natural Resources Committee an item to look at side yard setbacks in all residential districts. Her motion was seconded by Mr. Cox. After discussion as to whether the concern was expressed about all or only R-4 and R-6. Ms. Crowder and Mr. Cox amended their motion to refer to Growth and Natural Resources Committee an item to look at side yard setbacks in Residential-4 and Residential-6 zones asking staff to bring a report and recommendation to that committee. The restated motion was put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord and Mr.

Thompson and Ms. Baldwin who voted in the negative. The Mayor ruled the motion adopted on a 5-3 vote.

MEETING DATES – RETREAT AND TRAINING SESSIONS – TO BE DISCUSSED DURING AUGUST 2 COUNCIL MEETING

Mayor McFarlane stated she has been working with Council members and staff to establish a time and date for a follow up of the January 2016 retreat and for the training session discussed by Mr. Stephenson at a previous meeting. She stated staff has been polling the Council to determine when we could set aside a half a day or an evening session for these two items. She suggested that Council look at their calendars and work with staff over the next week or 10 days and place the item on the August 2 agenda for consideration.

VACATION – COUNCIL SCHEDULE – COMMENTS RECEIVED

Mayor McFarlane indicated historically the City Council had set aside the last two weeks in August as a time for vacation for staff and Council members. That is, have no meetings during that time frame. She stated the last two weeks of August is when everybody is getting ready to go back to school, etc., and a suggestion had been made to change that to the last two weeks in July. Discussion took place as to the best time for vacation with Mr. Gaylord pointing out he knows a lot of other Councils take a break in July or even the whole month. Whether the Council should consider changing the time and/or time frame was talked about. Ms. Baldwin suggested having staff look at it pointing out she is concerned about going a whole month without a meeting. City Manager Hall pointed out he thought the Mayor juts wanted to put everybody on notice that there may be some changes so that people can start thinking about their travel plans, etc. He stated staff will look into it and will bring back recommendations at a later time.

TEXT CHANGES – FRONTAGE AND BUILT-TO REQUIREMENTS – STAFF TO DRAFT TEXT CHANGES

Mr. Gaylord indicated earlier in the day during the Lunch Work Session, the City Council discussed possible text changes relating to frontage and built-to requirements. He moved that the Council authorize the Planning Department to draft text changes for the items discussed relating to frontage and built-to requirements. Mr. Stephenson questioned if that includes the items that were appended in the meeting with Mr. Gaylord indicating that is correct. Mr. Gaylord's motion was seconded by Mayor McFarlane and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

PERSONNEL – VARIOUS COMMENTS RECEIVED

Mr. Thompson stated he would like to get an "atta boy" to Public Utilities Director Robert Massengill and the various crews who were challenged over the past week with major water line breaks. He stated they handled it and did a great job.

Mr. Thompson indicated this past Saturday he was at the yard waste center taking some debris, etc., and was waited on by Sandra Weaver and he wanted to commend her great attitude and enthusiasm for her work. He asked that the Solid Waste Services Supervisor Fred Battle be alerted to let Ms. Weaver know that her great attitude was noticed.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Civil Service Commission – At-Large Member – no nominees

Fair Housing Hearing Board – One Vacancy – no nominees

Greater Raleigh Convention and Visitors Bureau – Hotel/Motel/Taxable Establishment – One Vacancy: Paul Warren – 1 (Crowder); Mark Zimmerman – 1 (Thompson); Niall Hanley – 6 (MacFarlane, Gaylord, Stephenson, Cox, Branch, Baldwin);

Greater Raleigh Convention and Visitors Bureau - Tourist and Convention Related – One Vacancy – Sandi McDonald – 8 (All Council members)

Human Relations Commission – One Vacancy – Keith Karlsson – 8 (All Council members)

Parks, Recreation and Greenway Advisory Board – 2 vacancies. The City Clerk reported Dr. Carol Love had received six votes (McFarlane, Gaylord, Stephenson, Cox, Branch, Baldwin) and Ms. Crowder had nominated Dave Toms. The Clerk indicated it is up to the Council, there are two vacancies and normally when a nomination is made, it is carried over to the next meeting; however, Dr. Love had received 6 votes, it is up to the Council as to how to proceed. Ms. Baldwin moved that the Council suspend its rules, close nominations and appoint both. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

Raleigh Convention and Performing Arts Centers Authority – One Vacancy – Terri Lomax who had been nominated by Ms. Baldwin and Mr. Gaylord received 8 votes (All Council members).

Substance Abuse Advisory Commission – One Vacancy – Donald McDonald had been nominated by Mr. Thompson and Mr. Gaylord asked that his name be added. Mr. McDonald received 8 votes (All Council members)

The City Clerk reported the appointment of Niall Hanley and Sandi McDonald to the Greater Raleigh Convention and Visitors Bureau, Keith Karlsson to Human Relations Commission, Dr. Carol Love and Dave Toms to Parks, Recreation and Greenway Advisory Board, Terri Lomax to Raleigh Convention and Performing Arts Centers Authority and Donald McDonald to the Substance Abuse Advisory Commission. The other items will be carried over until next meeting.

NOMINATIONS

RALEIGH HISTORIC CEMETERIES ADVISORY BOARD – VACANCY ANNOUNCED

The City Clerk indicated she had received a letter of resignation from Jimmy Thiem member of the Raleigh Historic Cemeteries Advisory Board. No nominations were made

ARTS COMMISSION – VACANCY ANNOUNCED

The City Clerk she had received a letter of resignation from Sarah Powers on the Arts Commission. She stated she had received a nomination form from Mr. Branch nominating Moses T. Alexander Greene.

The item will be carried over until next Meeting.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS - APPROVED AS PRESENTED

The City Clerk indicated Council members received in their agenda packet copies of the minutes of the June 6, June 13, and June 20, 2016 Budget Work Sessions. Mr. Stephenson moved approval as presented. His motion was seconded by Mr. Cox and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane indicated a motion is in order to enter closed session pursuant to NCGS.143-318.11(A)(2) to prevent the premature disclosure of an award. Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote and the Council went into closed session at 3:10 p.m.

The Council reconvened in open session at 3:20 p.m. with Mayor McFarlane reporting the Council received information and concurred with the recommendations and confirmed recipients of the 2016 Sir Walter Raleigh Awards for Community Appearance. The agenda had indicated

the award recipients will be recognized at a public ceremony scheduled for September 7, 2016 at CAM Raleigh.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 3:21 p.m.

Gail G. Smith
City Clerk

jt/CC07-19-16