COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, September 6, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

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

Mayor McFarlane called the meeting to order and pointed out SP-66-15 – Triangle Springs Appeal of Site Plan approval has been withdrawn as the issues have been resolved and the item will not be heard.

Invocation was rendered by Reverend Sean Park, Charisma Church. The Pledge of Allegiance was led by Council Member Thompson. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATES OF APPOINTMENTS – PRESENTATIONS MADE

Mayor McFarlane explained the Certificate of Appointment presentation and presented the following.

Substance Abuse Advisory Commission – Donald McDonald. In accepting his Certificate, Mr. McDonald indicated he has been free from substance abuse for a number of years. He stated he feels if more people would come forward, admit and work on the issue, it would help allow people to get appropriate treatment. He talked about the September 10 event which will be held in Downtown Raleigh. He expressed appreciation at the honor of being appointed to the Substance Abuse Advisory Commission.

Parks, Recreation and Greenway Advisory Board – Dr. Carol S. Love – In accepting her Certificate, Dr. Love talked about the number of years she severed Wake County on their Parks, Recreational and Greenway Advisory Board and talked about the number of people she worked with who are now students of hers. She expressed appreciation for being appointed to the Board.

Arts Commission – Moses Alexander Greene. Mr. Greene pointed out he worked with the Arts in the Washington Mayor's office and he is grateful to be able to serve the City of Raleigh in that capacity.

PROCLAMATION – VEGAN AWARENESS MONTH – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming October 2016 as Vegan Awareness Month in the City of Raleigh. The proclamation was accepted by Helene Greenburg, President of Triangle Vegfest. Ms. Greenburg talked about the events scheduled for October 15 and 16 in Moore Square and invited all to attend.

PROCLAMATION – IMAGINE A DAY WITHOUT WATER – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming September 15, 2016 as "Imagine a Day Without Water" in the City of Raleigh. The proclamation was accepted by Ed Buchan, Environmental Coordinator for the Public Utilities Department and Elizabeth Weisbrot, Water Resources Education Specialist.

SISTER CITIES – INFORMATION RECEIVED

Marjorie Salzman, President of Raleigh Sister Cities highlighted the following presentation.

Raleigh is International. For 30 years, Raleigh Sister Cities has served as the City's Global Ambassadors. To mark this milestone, the City of Raleigh Museum presents "Voices from Our Sisters", a multi-media exhibit introducing Raleigh residents to our five Sister Cities' cultures, daily living and history. As part of its three month installation, the exhibit will include lectures, performances and cultural events designed to engage and encourage the public's involvement in Sister Cities.

On behalf of the Board of Directors, I invite you - and the citizens of Raleigh - to the Grand Opening of the Exhibit as part of our 30th Anniversary Celebration on September 15 at 6:00 p.m. at COR Museum. This will be a festive evening featuring international food and music.

I would like to mention two other 30th anniversary events happening this month:

September 16 as part of ArtCon; SparkCon, we are partnering with Raleigh's Urban Design Center to host a Design Charette. Artists have been invited to submit ideas for public art markers that educate the community about Sister Cities by expressing concepts of cultural linkage, identification and awareness.

The public is invited to this late afternoon charette to participate, review the ideas and vote for a "peoples' choice".

September 26, Sister Cities is holding a colloquy on transnational collaboration, "Sister Cities: Cold War Strategies and 21st Century Directions".

There will be a briefing by the NC State PhD student based on her research, then followed by roundtable discussions led by business and professional people in Raleigh exploring global networking opportunities.

Since I last appeared before the Council, we have hosted a "Taste of Our Cities', held a Design workshop for the Public Art Marker project; presented "Art from Raleigh Sister Cities" exhibit, sent delegations to Xiangyang and Nairobi, and facilitated the reciprocal exchange of Raleigh high school students to Rostock. She presented the Mayor with a gift the group brought and presented the Council with materials on the events.

As we had envisioned, the 30th anniversary has sparked a renewed energy in our relationships with our Sister Cities.

Each city committee is actively involved with their counterparts in planning collaborative programs focusing on economic development, culture, education, sports and humanitarian needs.

We appreciate your support as we continue to volunteer to connect Raleigh globally by promoting peace, one citizen, one community at a time.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – HEALING TRANSITIONS – INFORMATION RECEIVED

Chris Budnick, Healing Transitions, expressed appreciation for the support of the City of Raleigh. He talked about the work of Healing Transitions formally known as The Healing Place. He talked about his work with Healing Transitions and explained he assumed a new role with the program in April. He stated the name change occurred in September, talked about their work with other cities and helping them replicate the program we have in Raleigh and how the name change helps rekindle the original mission of helping people lead productive lives. He talked about making it easier for people to access their program, how they work with other agencies, work with people over the long term, their success rate, briefly explained how their program works. He pointed out they recently became a living wage organization which means they pay all of their employees $13.50 per hour. He pointed out 70% of their staff are people who have gone through their program, talked about expansion of the program, how many people are on their waiting list, talked about the growth in Wake County which has been some 59% since 2001 and their services have gone up some 150%. He talked about their work to help save lives, keeping people alive long enough that they can get into recovery, etc. He talked about the 256 bed nights, how they serve people for less than $40 per day, savings in tax, and their cooperation with various city departments. He stated September is National Recovery Month and talked about the event that will be held on the City Plaza on September 10 and expressed appreciation to Council people who had participated in the past. He invited all to attend the event.

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 stated the vote on the consent agenda would be a role call vote. The Mayor pointed out she had received a request from Mr. Stephenson to withdraw the Municipal Agreement relating to outdoor seating on state maintained streets. Without objection that item was withdrawn. 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.

OCCUPANCY AND PREPARED FOOD AND BEVERAGE TAX – 20TH AMENDMENT – APPROVED

In 1992, Wake County enacted an occupancy tax on hotel and motel rooms and a tax on the sale of prepared food and beverages. Revenue generated by the hotel/motel occupancy (six percent) and the sale of prepared food and beverages (one percent) are designated for projects that generate tourism and draw visitors to Wake County. Over the years, there have been nineteen amendments to the Interlocal Agreement which distribute tax revenue to various projects in Wake County. Significant projects previously funded with the tax revenue include the Raleigh Convention Center, PNC Arena, Progress Energy Performing Arts Center, Five County Stadium, Cary Sports Facilities, North Carolina Museum of Art, and the North Carolina Museum of Natural Science.

The 19th amendment called for a major review of the Convention Center Financing Plan, the Convention Center Capital Facilities Plan and the PNC Arena Capital Facilities Plan, to be performed by January 2017. The review was divided into two phases, with Phase One conducted in April and May, 2016 to review the aforementioned Plans and to consider changes based on revenue trends, current circumstances and stakeholder feedback. The Wake County Commissioners and the Raleigh City Council were briefed on these recommendations in June 2016.

Key revisions to the agreement include the following items reviewed with the City Council at the June 21, 2016 Council work session:

- Adjusts revenue assumptions to make more realistic in short-term
- Eliminates two for one reimbursement provision and replaces with separate provisions:
-
    - Wake County will receive $2 million annually for competitive process to support smaller capital projects eligible for Interlocal Agreement funding

  - City of Raleigh may annually withdraw up to $1 million from Convention Center Model's Fund Balance to support Convention Center operations, if certain conditions are met
  - Caps administration and collection fee for Wake County at $1.4 million
- Moves the PNC Maintenance commitment to Section One in the same amounts as previously committed and includes a provision to allow the Payment in Lieu of Taxes to expire in FY2022.
- Establishes minimum fund balance guideline for Section Three of the Wake Model (15 percent)
- Cancels funding commitment for Falls Whitewater Park as terms established in 2005 were not met
- Establishes funding level for Greater Raleigh Convention and Visitors Bureau Business Development Fund at $600,000 annually through FY2028
- Provides funding for Raleigh Performing Arts Center Capital Maintenance Plan at $500,000 annually as part of Convention Center complex
- Increased growth percent in Convention Center operating subsidy allocated in the Convention Center Financing Plan from three percent to five percent per year
- Establishes deadline of June 30, 2017 for Phase Two review of future projects
- Establishes deadline of January 1, 2020 for new full review

Approval of the 20th Amendment to the Interlocal Agreement is jointly submitted for consideration by the Raleigh City Council and the Wake County Board of Commissioners at the September 6 meetings of the respective governing bodies.

Recommendation: Approve the 20th amendment to the Interlocal Agreement. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

WAKE HOUSING AUTHORITY – FINANCING – RESOLUTION ADOPTED

The General Statutes of North Carolina authorize housing authorities created by North Carolina cities and counties to issue revenue bonds or notes and lend the proceeds to developers of residential rental housing for persons and families of low and moderate income, defined as households earning 60 percent or less of the area median income.

Developers of affordable housing projects may approach the Raleigh Housing Authority for funding assistance through the issuance of bonds or notes. Should the Raleigh Housing Authority decline to finance a project, the developer may approach the Wake Housing Authority. According to Section 157-39.1 of the General Statutes of North Carolina, the Wake Housing Authority, by issuing its bonds or notes, is also authorized to finance affordable housing within the Raleigh city limits but only if the City Council has adopted a resolution authorizing the Wake Housing Authority to do so.

It is therefore proposed that City Council consent to the issuance of bonds and notes by the Wake Housing Authority to provide financing for affordable housing within the Raleigh city limits, provided the Raleigh Housing Authority declined to serve as issuer and the proposed

development is in accordance with the Affordable Housing Location Policy. The policy, adopted by City Council on September 1, 2015, mandates that the Housing and Neighborhoods Department shall be responsible for reviewing all proposals for the development of subsidized multi-family housing to ensure compliance with the policy with respect to the development or rehabilitation of affordable housing financed by the City or requiring City Council approval. Adoption of the resolution will permit the Wake Housing Authority to proceed with the issuance of bonds or notes for the development of The Village at Washington Terrace by DHIC for which City Council has also approved the commitment of up to $6.8 million in local housing bond funds.

Recommendation: Adopt a resolution authorizing financing by the Wake Housing Authority of affordable multi-family housing developments within the Raleigh city limits subject to the Affordable Housing Location Policy. The approval constitutes a request to Wake Housing Authority for the issuance of bonds or notes to finance said housing solely to meet the requirements of Section 157-39.1 of the General Statutes of North Carolina; the approval does not constitute an endorsement of the bonds or notes or of the developments financed by them. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 358.

SEWER MAIN – GRAMMERCY GLENWOOD DEVELOPMENT – REIMBURSEMENT AGREEMENT APPROVED

The North Carolina Department of Environmental Quality, Division of Waste Management, has requested permission to connect the property at 2304 Dorety Place to the public water system. The well currently serving this property is impacted by groundwater contamination and the water produced by the well is not safe for consumption. The property is within the service area and the extraterritorial jurisdiction (ETJ). Sewer service is not currently available to the site. A water main extension outside the city limits is required to serve the property. All cost associated with the main extension and connection to the water system will be borne by the State.

Recommendation: Authorize the water main extension and service connection and waive the requirement for petitioned annexation. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

WATER SERVICE EXTENSION AND CONNECTION – 2304 DORETY PLACE – APPROVED; ANNEXATION PARTICIPATION REQUIREMENT WAIVED

The North Carolina Department of Environmental Quality, Division of Waste Management, has requested permission to connect the property at 2304 Dorety Place to the public water system. The well currently serving this property is impacted by groundwater contamination and the water produced by the well is not safe for consumption. The property is within the service area and the extraterritorial jurisdiction (ETJ). Sewer service is not currently available to the site. A water main extension outside the city limits is required to serve the property. All cost associated with the main extension and connection to the water system will be borne by the State.

Recommendation: Authorize the water main extension and service connection and waive the requirement for petitioned annexation. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SURPLUS PROPERTY – 1700 CARSON STREET – DECLARED SURPLUS AND OFFERED FOR SALE

The property located at 1700 Carson Street has been identified by the Housing and Neighborhoods Department as surplus property. Urban Building Solutions, LLC has submitted a bid of $355,000 for the property, which is the City's suggested purchase price. The negotiated price is consistent with the recently reassessed 2016 tax value determined by the Wake County Department of Revenue and available market sales data. Housing and Neighborhoods has reviewed this request and supports the sale at the bid price.

Recommendation: Declare the property located 1700 Carson Street surplus real property available for sale; accept the bid of $355,000 from Urban Building Solutions, LLC, subject to the negotiated offer and upset bid process with the condition that the winning bidder will pay all advertising costs accrued during the upset bid process. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SAWYER ROAD – PROPERTY EXCHANGE – RESOLUTION ADOPTED

Authorization to exchange existing City-owned properties with Mount Pleasant Holy Church of God, Inc., is recommended. The public benefit of the exchange to the City is that with the exception of one property on the east side of Sawyer, the Housing and Neighborhoods department will have a better assemblage of parcels on one side of the street for housing redevelopment. Mount Pleasant church benefits by obtaining additional contiguous acreage to accommodate desired expansion of existing facilities.

Mount Pleasant church has requested the exchange of 1425 and 1433 Sawyer Road, which contain approximately 0.92 acre, for property at 1444, 1446 and a portion of 1448 Sawyer Road, which will contain 0.92 acre upon the completion of a recombination process. Since the proposed exchange renders the City whole, no monetary consideration is recommended by City staff as a condition of the exchange.

Recommendation: Approve the property exchange and authorize publication of a Notice of Intent, pursuant to GS 160A-271, to conclude the exchange. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 359.

REVENUE BOND FINANCING – COMBINED ENTERPRISE SYSTEM – RESOLUTION ADOPTED

It is appropriate for the City to consider the issuance of Combined Enterprise System Revenue Bonds (Revenue Bonds) to fund approximately $110,000,000 of Public Utility capital projects included in the adopted Public Utility Capital Improvement Plan.

Given current market conditions, it may also be advantageous to pursue the refunding of up to $127,000,000 of certain existing Series 2011 and Series 2013 Combined Enterprise System Revenue Bonds (Refunding Bonds). Based on current market analysis, the City could realize

gross debt service savings exceeding $9.8 million by pursuing the issuance of the Refunding Bonds.

In aggregate, the total issuance of both Revenue Bonds and Refunding Bonds will not exceed $237,000,000 par bonds issued.

To proceed with the above action, it is necessary for Council at the September 6 meeting to:

- Adopt a resolution making certain findings and determinations
- Authorize the filing of an application with the Local Government Commission and request the Local Government Commission to sell bonds at a private sale in connection with the issuance of Revenue and Revenue Refunding Bonds by the City with par bonds not exceeding $237,000,000.

Included with the agenda packet was a draft resolution which meets statutory requirements.

Recommendation: Adopt the resolution and authorize staff to file application with the Local Government Commission to sell bonds at a private sale with par bonds not exceeding $237,000,000. . Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 360.

HILLSBOROUGH STREET COMMUNITY SERVICE CORPORATION – BOARD OF DIRECTORS – APPOINTED

The bylaws of the Hillsborough Street Community Services Corporation call for two members of the Board of directors to be appointed by the City Council, including the sitting District D Council member and City Manager or designee. Council previously made appointments in 2013 and 2015; both City appointees are up for reappointment.

Recommendation: Reappoint Council Member Kay Crowder to fill the Board position designated for the sitting District D Councilmember; reappoint Assistant City Manager Marchell Adams-David as the City Manager's designee to the Board. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

TEXT CHANGE – MAXIMUM HEIGHT – REFERRED TO STAFF TO DRAFT AND REFER TO PLANNING COMMISSION

The Department of City Planning recommends that a text change be authorized to clarify the maximum height for all buildings except single- and two-family structures. Currently, the Unified Development Ordinance (UDO) permits an allowance for a basement and attic, provided certain conditions are met. The basement and attic are not considered a story for the purpose of calculating building height. The result of this language has produced buildings that could be significantly taller than the zoning district would otherwise allow.

Recommendation: Authorize staff to draft the text change and refer to the Planning Commission for review and recommendation. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ANNEXATION PETITIONS – VARIOUS LOCATIONS – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARINGS; 5407 DILLARD ROAD AND 6050 EBENEZER CHURCH ROAD – DEFERRED

The agenda presented the following petitions for annexation.

AREA NAME AND DISTRICT	PETITIONER	ACRES	PROPOSED USE
Contiguous Petition			
Westlake at Country Trail (E)	Bennett Keasler	0.15	Residential
JSF Glenwood (E)	John H. Anderson, Jr.	2.36	Commercial
Deferred Annexations			
5407 Dillard Road (D)	Khaled Al-Zoubi	0.62	Residential
6050 Ebenezer Church Road (E)	Joe Lavore and Evelyn Lavore	2.37	Residential

Recommendation: Acknowledge the annexation petitions and direct the City Clerk to check the sufficiency of the petitions pursuant to State statute and, if found sufficient, authorize advertisement for a public hearing to be held on October 4, 2016.

Because the property located at 5407 Dillard Road is connecting to City water only and the other utility is not available at this time, it is recommended that the annexation of this property be deferred.

Because the property located at 6050 Ebenezer Church Road is connecting to City sewer only and the other utility is not available at this time, it is recommended that the annexation of this property be deferred.

Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SIDEWALK IMPROVEMENTS – DAISY STREET – PUBLIC HEARING FOR OCTOBER 4, 2016 – AUTHORIZED

The following sidewalk petition has been received and signed by a majority (50 percent plus one) of the adjacent property owners as required by the Residential Sidewalk Petition Policy.

Daisy Street (west side) from approximately 149 feet north of Hillsborough Street to Clark Avenue for an approximate distance of 825 linear feet. Staff recommends installation of a five-foot-wide sidewalk on a 2.5-foot setback from the curb on the west side of Daisy Street where existing conditions and available right-of-way would allow, otherwise installation of a 6-foot sidewalk on a zero setback from the curb. Additional adjustments to the sidewalk width and setback may be included in the final design to avoid major impacts in certain areas as needed and

determined by our engineering staff. The petition received a 67 percent sufficiency percentage with 12 out of 18 property owner signatures in favor of the proposed sidewalk installation.

The estimated cost of construction is $170,000; funding is appropriated in the capital budget.

Recommendation: Authorize a public hearing for October 4, 2016 to receive public comment. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

FEMA – HAZARD MITIGATION GRANT/REPETITIVE LOSS SINGLE FAMILY PROPERTIES – GRANT ACCEPTED BUDGET AMENDED

The City has received notification of a grant award from the Federal Emergency Management Agency (FEMA) in the amount of $2,072,400 for the acquisition and demolition of nine single family dwellings. The grant award which includes $1,554,300 in federal grant funding and $518,100 in state matching funds; City matching funds are not required for this project.

The properties are located in the 100-year floodplain and have flooded repeatedly in the past. Acquisition and project management will be handled by City staff. On December 18, 2014, the Grants Committee provided authorization for the department to proceed with submitting the grant application.

Recommendation: Accept the grant award, authorize execution of all required documentation and authorize a budget amendment totaling $2,072,400. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 627 TF 282.

EASEMENT ACCESS – 1510 GLEN EDEN DRIVE – APPROVED

A request has been received from Jolene McGehee and Ann Ashburn for an easement on City-owned property located at 1510 Glen Eden Drive, for the purpose of accessing the rear of their properties located at 2704 and 2700 Townedge Drive. A portion of the pavement within the access easement will be maintained by Ms. McGehee and Ms. Ashburn or their successors in interest. The Parks, Recreation, and Cultural Resources Department is the maintenance manager of this property and is in agreement with the real property interest request by Ms. McGehee and Ms. Ashburn in exchange for total compensation in the amount of $3,240 ($1,620 from each owner). A report was included with the agenda packet.

Recommendation: Approve the conveyance of a private access easement to Jolene B. McGehee and Ann Ingram Ashburn in exchange for compensation in the amount of $3,240, subject to approval of an appropriate easement document by the City Attorney. Upheld on Consent Agenda Baldwin/Branch – 8 ayes

DRAINAGE ASSISTANCE – FY2017 PROJECTS – APPROVED

Pursuant to the revised periodic project review schedule for the Drainage Assistance Program, the Stormwater Management Advisory Commission recommends the following four projects for

approval and funding in accordance with the provisions of the City Storm Drainage Policy, Resolution 2016-327:

PROJECT LOCATION	ESTIMATED PROJECT COSTS
Spring Drive	$350,000
Rainford Court	$50,000
Williamson Drive	$120,000
Rembert Drive (previously funded)	Drainage Petitions Program – Council approval October 2013

Total estimated project costs this period	$520,000
FY17 Drainage assistance program budget	$1,250,000
FY17 Remaining drainage assistance funds	$730,000

Funding for these projects is appropriated in the Stormwater Capital Improvement Fund. Anticipated project costs are estimates only and will likely vary as the project moves into detailed design and construction phases.

Residents at Rembert Drive have resubmitted their project through the drainage assistance project review process for 100 percent funding through the Drainage Assistance Program. This project was approved under the City's previous drainage cost-share policy in October 2013 and funds were encumbered by earlier City Council action.

Recommendation: Approve the recommended drainage assistance projects. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

STORMWATER COST SHARING PROJECT – 2405 FAIRVIEW ROAD – APPROVED

The Stormwater Quality Cost Share Policy provides a funding mechanism to assist organizations and citizens in improving water quality through the installation of stormwater best management practices. A request for funding assistance for the installation of a 3,400 gallon underground cistern has been received and reviewed by the Stormwater Management Advisory Commission.

The Commission recommends approval of the request, which totals $19,137 and includes a City contribution of $17,224 from the Stormwater Quality Cost Share Program. The recommendation for approval is contingent upon the property owner ensuring the project complies with all applicable City standards, ordinances, and regulations. Funding is appropriated in the Stormwater Capital Project Fund Water Quality Cost Share project.

Recommendation: Approve the recommended cost share petition request. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ONE EXCHANGE PLAZA – LEASE AMENDMENT FOR BOLT RESTAURANT – APPROVED CONDITIONALLY

As reviewed in Manager's Update No. 2016-20 (May 20), City Council is aware that the owner of Bolt restaurant, located in the One Exchange Plaza building, has asked the City to consider amending the existing lease. The current lease is scheduled to expire April 30, 2022; the proposed amendments would not extend the lease term.

Staff has been working with the tenant over the course of several months to discuss possible lease modifications. The tenant has requested the City to consider the following:

- Alter the lease to allow flexibility in the menu. The current lease specifies certain menu items; the tenant wishes to pursue a different restaurant concept with a new menu and new restaurant name.
- Installation of improvements including new windows to the restaurant, improvement of the bar area, and addition of new equipment including ovens and furniture. Cost of improvements would be paid for by the tenant, subject to City approval and will remain with the premises at the conclusion of the lease.
- Reduction in the amount of leased space to encompass just the restaurant, removing from the lease terms the office and juice bar areas. For the purpose of the lease amendment, the small basement area currently utilized by the tenant would be treated as zero rent space. Tenant would still be responsible for the grease trap and other restaurant equipment located in the basement area.

Staff concurs with and recommends amendments to the current lease terms to provide the tenant with menu flexibility as well as the reduction to the amount of rentable space. The space currently utilized by the juice bar and office space areas would be repurposed for City needs or potentially be made available for lease by others.

In addition to the amendments to the lease terms, staff recommends an abatement of three months of rent in the amount of $44,510 to offset the cost associated with the City-approved building improvements.

Additional discussions of outdoor seating for the restaurant in the One Exchange Plaza have been ongoing. The current lease includes a license for Bolt to use the plaza for outdoor dining. The tenant is aware that the City is reviewing options to activate the plazas in downtown, and has indicated understanding that Council's decision on plaza activation could impact the future use of the plaza space for outdoor dining. The tenant supports plaza activation to bring people downtown; however the current lease terms provides for a short termination period for the licensee to operate with outdoor seating if Council views the exclusive seating license contrary to desires for the plazas.

Should the City Council agree with the lease changes presented, staff will work with the City Attorney to develop the lease amendment. The tenant desires to implement improvements on or before January 1, 2017.

Recommendation: Authorize staff and the City Attorney to develop a lease amendment to incorporate the changes presented; authorize the City Manager to execute a lease amendment upon completion. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

STORMWATER CONTROL FACILITIES – BRIGHTON COMMUNITY ASSOCIATION – VARIOUS ACTIONS

The Brighton Community Association, Inc. is requesting the City's consent for and approval of a maintenance covenant for the stormwater facilities required as part of their development. This project was completed in 2003 and a final plat was recorded without a maintenance covenant in place. In addition, they are also requesting a refund of the portion of the Stormwater Facility Escrow Account exceeding 24 percent of the cost of construction, which they have paid to the City in annual installments since final acceptance of the subdivision, despite there being no maintenance covenant in place requiring them to do so.

The association approached the City in 2015 to request utilization of the proposed maintenance covenant and approval of the escrow refund for the portion of the payments made to the City since 2003, which is no longer required per Ordinance 2010-791 TC 337. Since no original maintenance covenant was recorded with the development, it will be impractical to comply completely with UDO Section 9.2.2.G given the fact that each individual property owner within the subdivision and their lenders would be required to sign the document. Nonetheless, the association intends to record and establish a maintenance covenant that addresses the City's maintenance requirements, and is asking for City Council approval and the City Manager's execution of the agreement. This request and related legal documentation have been reviewed and approved by the Stormwater Management Division and the City Attorney's Office, each of whom support the request. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

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

STORMWATER CONTROL FACILITIES – CHASTAIN OF RALEIGH COMMUNITY ASSOCIATION – REFUND GRANTED

The Chastain of Raleigh Community Association, Inc. is requesting the City's consent for and approval of a maintenance covenant for the stormwater facilities required as part of their development. This project was completed in 2003 and a final plat was recorded without a maintenance covenant in place. In addition, they are requesting a refund of the portion of the Stormwater Facility Escrow Account exceeding 24 percent of the cost of construction, which they have paid to the City in annual installments since final acceptance of the subdivision, despite there being no maintenance covenant in place requiring them to do so.

The association approached the City in 2015 to request utilization of the proposed maintenance covenant and approval of the escrow refund for the portion of the payments made to the City since 2003, which is no longer required per Ordinance 2010-791 TC 337. Since no original

maintenance covenant was recorded with the development, it will be impractical to comply completely with UDO Section 9.2.2.G given the fact that each individual property owner within the subdivision and their lenders would be required to sign the document. Nonetheless, the association intends to record and establish a maintenance covenant that addresses the City's maintenance requirements, and is asking for City Council approval and the City Manager's execution of the agreement. This request and related legal documentation have been reviewed and approved by the Stormwater Management Division and the City Attorney's Office, each of whom support the request.

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

HILLSBOROUGH STREET PHASE II – KIMLEY-HORN AND ASSOCIATE AMENDMENT #5 – APPROVED

The Hillsborough Street Phase II construction project was awarded at the May 3, 2016 City Council meeting. Council subsequently authorized a budget transfer at the July 19 meeting to provide for technical services by the design consultant during construction.

Kimley-Horn and Associates (KHA) was originally approved by City Council during the June 18, 2013 meeting to perform design services on the Hillsborough Street, Phase II project. As a part of the design services agreement, KHA is performing shop drawings and submittal reviews in association with the construction phase of the project. Staff has negotiated a fee with KHA for additional technical services and utility coordination support for the remainder of project construction in the amount of $114,000. Staff will remain the first point of contact during construction and will continue to lead construction administration efforts throughout the project. Funding is available within existing project appropriations.

Name of Project:	Hillsborough Street, Phase II
Managing Division:	Engineering Services – Design/Construction
Approval Request:	Contract amendment number five
Reason for Council Review:	Total contract amendments >$150,000
Vendor Name:	Kimley-Horn and Associates, Inc.
Original Contract Amount:	$875,527
Amendment Number One:	$18,248
Amendment Number Two:	$18,497
Amendment Number Three:	$96,520
Amendment Number Four:	$16,000
Amount of this Contract Amendment:	$114,000
New Contract Amount:	$1,138,792
Currently Encumbered:	$1,024,792
Budget Transfer Required:	N/A
Encumbered with this Approval:	$1,138,792

Recommendation: Authorize the City Manager to execute contract amendment number five in an amount not to exceed $114,000. . Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

BUCK JONES ROAD – AECOM TECHNICAL SERVICES OF NORTH CAROLINA/AMENDMENT #6 – APPROVED

The Buck Jones Road widening project was awarded at the August 2, 2016 City Council meeting. During the meeting, budget amendments and transfers were authorized to include $150,000 for technical services during construction. AECOM Technical Services of NC (formerly URS Corporation) was originally approved by City Council during the March 16, 2010 meeting to perform design services on the Buck Jones Road Widening project. Staff has negotiated a fee with AECOM for supplemental services during construction in the amount of $114,052. This amount is approximately 24 percent less than the amount previously authorized by City Council. City staff will remain the first point of contact and continue to lead the construction administration throughout the duration of the project. Funding is available within existing project appropriations.

Name of Project:	Buck Jones Road Widening
Managing Division:	Engineering Services – Design/Construction
Approval Request:	Contract amendment number six
Reason for Council Review:	Total contract amendments >$150,000
Vendor Name:	AECOM Technical Services of NC
Original Contract Amount:	$478,426
Amendment Number One:	$16,658
Amendment Number Two:	$35,242
Amendment Number Three:	$12,958
Amendment Number Four:	$8,092
Amendment Number Five:	$3,810
Amount of this Contract Amendment:	$114,052
New Contract Amount:	$669,238
Currently Encumbered:	$555,186
Budget Transfer Required:	N/A
Encumbered with this Approval:	$669,238

Recommendation: Authorize the City Manager to execute contract amendment number six in an amount not to exceed $114,052. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

CAPITAL INN AND OTHER STRUCTURES – DEMOLITION CONTRACT – JANEZIC BUILDING GROUP, LLC – APPROVED

This contract will provide for asbestos abatement services, demolition of three structures, and removal of the parking lot that is located on the property. The area will be re-vegetated in accordance with the grant agreement, to include tree planting. The total budget for the demolition services contract is $209,200. Of this total, $198,000 is associated with the FEMA grant for the Capital Inn Demolition, while the remaining $11,200 will fund demolition of the

adjacent City-owned structure at 1801 Capital Boulevard (formerly Dunkin Donuts) which is not associated with the FEMA grant.

Name of Project:	FEMA Grant FMA-PJ-04-NC-2014-012 (Capital Inn); demolition of flood prone structure at 1801 Capital Boulevard (Dunkin Donuts)
Managing Division:	Engineering Services – Stormwater
Request Reason:	Execute contract
Cause of Contract:	Demolition of repetitive loss structures located in the FEMA designated floodplain
Original CIP Project Budget:	$209,200 ($198,000 – Capital Inn Demolition; $11,200 – Dunkin Donuts Demolition)
Vendor:	Janezic Building Group, LLC
Prior Contract Activity:	N/A
Budget Transfer:	N/A
Currently Encumbered (% of estimate):	N/A
Amount of this Contract:	$209,200
Encumbered with this Approval:	$209,200

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed $209,200. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

FIRE STATION NUMBER TWO – INTERIOR RENOVATIONS – STROUD PENCE AND ASSOCIATES AMENDMENT NUMBER ONE – APPROVED

On May 29, 2015, a contract for engineering and design services was executed for the Fire Station Number Two Interior Renovations Design project. Stroud Pence and Associates was awarded the contract in the amount of $114,190. During design scope changes were identified including the need to convert the layout of Station 2 from the conventional back in style station to a more efficient and safer pull through style. Station 2 currently houses an engine company as well as one of the regional hazmat response tractor trailers and a smaller, truck drawn hazmat trailer.

Stroud Pence and Associates will be providing construction administration as well as inspections during the construction process; it is necessary to amend the contract in the amount of $43,370 and extend the project duration. Costs for the additional and next phase services are included within the project budget.

Name of Project:	Fire Station Number Two Interior Renovations Design
Managing Division:	Engineering Services – Construction Management
Reason for Council Review:	Contract amendment >$150,000
Original CIP Budget:	$114,190
Vendor:	Stroud Pence and Associates
Currently Encumbered:	$114,190
New Contract amount:	$157,560
Budget Transfer:	N/A

Encumbered with this approval: $157,560

Recommendation: Authorize the City Manager to execute the amendment in an amount not to exceed $43,370. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SANI-GLAZE – TILE RESTORATION, INC. CONTRACT RATIFICATION – APPROVED

Staff authorized Tile Restoration, Inc. to clean and glaze bathroom tiles at the Municipal Building, One Exchange Plaza, and the Police Headquarters. Tile Restoration, Inc. completed the work in a timely and satisfactory manner. Facilities and Operations received competitive bids; however, the work was performed in the absence of a written contract. Therefore, City Council ratification of the understanding is required by statute to allow payment to proceed. Staff is requesting approval for ratification for a contract for the vendor, Tile Restoration, Inc., from June 29, 2016 to July 31, 2016. The amount to be incurred by the City by way of this contract ratification is $29,285. Funds to pay Tile Restoration, Inc. are available in the operating budget.

Recommendation: Ratify the contract with Tile Restoration, Inc. and authorize the City Manager to execute the contract with an effective date of June 29, 2016 through and including July 31, 2016. Upheld on Consent Agenda Baldwin/Branch – 8 ayes

ON-CALL SERVICES – PHILLIPS ARCHITECTURE, PA – AMENDMENT #10 – MANAGER AUTHORIZED TO EXECUTE

Following a request for qualifications selection process a contract was executed in June 2015 for architectural services with Phillips Architecture, PA on an on-call basis for various projects managed by the Facilities and Operations division. Efficiencies are gained in utilizing on call professional service contracts such as this due to the large variety of facility projects that require architectural services. An on call contract for professional services minimizes administrative impacts on exemption requests and provides for better responsiveness within the contractual terms. The nature of this contract allow for use by other members of the Engineering Services department that may need an architect for small scale project The contract involves such services as: space planning studies, renovations of facilities, reconfiguration of interior spaces, development of open office layouts, design of traditional office spaces and various other services involving the modification or renovation of City buildings, and associated tasks such as developing CADD drawings for City facilities.

Name of Project:	On-Call Engineering Services
Managing Division:	Engineering Services – Facilities and Operations
Approval Request:	Contract amendment number nine
Reason for Council Review:	Contract amount >$150,000
Original Budget:	$150,000
Vendor:	Phillips Architecture, PA
Prior Contract Activity:	$28,000 for original contract
Amendment Number One:	$23,100 for 310 W. Martin Street

Amendment Number Two:	$42,800 for Police Training Center
Amendment Number Three:	$6,500 for One Exchange Plaza
Amendment Number Four:	$5,400 for Solid Waste Services
Amendment Number Five:	$9,300 for One Exchange Plaza
Amendment Number Six:	$5,200 for Municipal Building
Amendment Number Seven:	$7,300 for Municipal Building
Amendment Number Eight:	$0 for term renewal
Amendment Number Nine:	$4,126 for Solid Waste Services
Amount of this Contract Amendment:	$300,000
New Contract Amount:	$431,726
Current Encumbrance:	$131,726
Budget Transfer:	N/A
Encumbered with this Approval:	$431,726

As designs for architectural services are completed, the contract shall be amended to incorporate additional projects for the City. Additional amendments to this contract will exceed the monetary threshold for professional services and require City Council approval.

Recommendation: Authorize the City Manager to execute contract amendment number nine in the amount not to exceed $300,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ROOFING ASSESSMENT ENGINEERING AND DESIGN – TERRACON CONSULTANTS, INC. AMENDMENT #6 – APPROVED

A contract was executed March 25, 2015 for professional services for roof assessments, engineering and design services for roof replacements or repairs for multiple city facilities maintained by the Facilities and Operations Division. The contract entails execution of various roofing projects identified and funded through the Capital Improvement Program. As assessments and designs for roof replacements or repairs are completed, the contract shall be amended to incorporate additional projects for the City. Additional services to this contract will exceed the monetary threshold for professional services and require Council approval.

Name of Project:	On-Call Roofing Assessments, Engineering and Design Services
Managing Division:	Engineering Services – Facilities and Operations
Reason for Council Review:	Contract amount >$150,000
Original CIP Project Budget:	$150,000
Vendor:	Terracon Consultants, Inc.
Prior Contract Activity:	$86,850 for original contract
Amendment Number One:	$21,500 for Pullen Aquatic Center metal roofing and skylight
Amendment Number Two:	$72,200 – Additional investigation for Pullen Aquatics Center metal roofing and skylights, roof inspection for existing fire stations, and design and construction administration for fire stations 24 and 25
Amendment Number Three:	$31,050 – for Fire Keeter Center and administration;

	Police training center and Police headquarters assessments
Amendment Number Four:	$0 for contract extension
Amendment Number Five:	$68,000 for enclosure surveys for Lake Lynn and Laurel Hills Community Centers
Amount of this Contract Amendment:	$300,000
New Contract Amount:	$579,600
Current Encumbrance:	$279,600
Budget Transfer:	Administratively
Encumbered with this Approval:	$579,600

Recommendation: Authorize the City Manager to execute contract amendment number six Terracon/Consultants in an amount not to exceed $300,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

CHILLER FULL MAINTENANCE SERVICE – CONTRACT AWARDED TO CARRIER CORPORATION

A Request for Proposals (RFP) for full maintenance and repair services for chillers and corresponding services was issued. The City currently has chiller equipment at various locations. After thorough evaluation of the proposals, staff recommends contracting with the Carrier Corporation for Carrier manufactured chillers. The term of the contract is expected to be five years.

Name of Project:	Chiller Full Maintenance Service
Managing Division:	Engineering Services – Facilities and Operations
Reason for Council Review:	Contract amount >$150,000
Vendor:	Carrier Corporation
Prior Contract Activity:	N/A
Budget Transfer:	No
Current Encumbrance:	N/A
Amount of this Contract:	$277,224
Encumbered with this Approval:	$277,224

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed $277,224. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

MUNICIPAL AGREEMENT – FALLS OF NEUSE ROAD/NCDOT – SUPPLEMENTAL AGREEMENT APPROVED

The North Carolina Department of Transportation (NCDOT) previously allocated Federal funds to the City for the purpose of improving Falls of Neuse Road from Raven Ridge Road to north of the Neuse River (TIP Project U-4901). During the course of the project, NCDOT allocated additional Federal funding sources that were not reflected in the original municipal agreement. The change of source of these Federal funds requires additional documentation to prevent reallocation to other projects, and a supplemental municipal agreement is now required. No

funding is received or disbursed with this agreement; the agreement reassigns the source funding that was used for the project. The City previously allocated funding for the local match of the overall project; therefore, no additional local funds are required with this action.

Name of Project:	Falls of Neuse Road Widening and Realignment (TIP Project U-4901)
Managing Division:	Engineering Services
Approval Requested:	Municipal agreement
Reason for Council Review:	Council policy for interlocal agreements
Estimated amount to be received:	$570,767
Local match required:	$142,692
Vendor:	North Carolina Department of Transportation
Budget Transfer Required:	N/A

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

WILDERS GROVE LANDFILL/YARD WASTE CENTER CONTRACT AMENDMENT WITH URS - RATIFIED

The City has worked with URS Corporation to develop a scope of services focusing on the continuation of the fourth phase of the groundwater Corrective Action Plan (CAP) for the Wilders Grove Landfill, including support for air quality permitting and compliance, stormwater permit support and stormwater basin improvements for the yard waste center, landfill gas extraction system monitoring and maintenance, repairs to the landfill gas extraction system, and technical support for development of an Environmental Management System.

This has been done to address ongoing compliance and engineering support for the Wilders Grove Landfill and the Yard Waste Center through December 2018. URS Corporation was selected as a sole source provider in 2013 based on their strong expertise and experience associated with the Wilder's Grove Landfill gas operations, the closed landfill permit requirements, and modification of the yard waste center stormwater system. The decision to remain with the existing service provider is for the efficiency of management expertise which will enable these facilities to remain in regulatory compliance. These services will be provided in accordance with the terms and conditions of the contract entered into between the City and URS on December 6, 2013 and subsequent amendments.

Task 3 of the contract requiring the contractor to perform monitoring and maintenance of the methane gas collection system to ensure continuity of service and ensure compliance with permits and other regulatory programs of DENR expired June 30; monitoring has continued since that date and remains in compliance. The work, at the rate of $7,500 per month, has not yet been invoiced and paid. To avoid any dispute concerning the ability to pay interim expenses it is requested that Council ratify the contract in order to authorize coverage for expenses incurred after June 30, 2016. A transfer in the amount of $300,000 from operational reserves is requested to meet the continued obligations of this contract amendment.

History:	
Original Contract:	$64,000 Continuation of Phase Four of Corrective Action Plan
Amendment Number One:	$22,600 Air Permitting Compliance
Amendment Number Two:	$255,000 Landfill Corrective Action, Air Permitting and Compliance, Stormwater Permit support
Amendment Number Three:	$90,000 Operation and Maintenance of Methane Gas Collection System
Amendment Number Four:	$49,950 Landfill gas repairs
Budget Transfer:	$300,000

Recommendation: Authorize the City Manager to execute the contract amendment and ratify the terms of monitoring activity for the period for services rendered between July 1, 2016 and the effective date of this amendment; authorize a budget transfer in the amount of $300,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 627 TF 282.

HIRING AGENCY MASTER AGREEMENTS – PROFESSIONAL SERVICE – VARIOUS APPROVED

The City currently maintains master agreements with several hiring agencies for technical staffing support needs. These agreements establish standard terms and conditions for the acquisition of professional services to support various IT initiatives. The agreements serve as contract vehicles which allow the City to acquire professional services from individuals and firms with experience in the technology field to work on enterprise projects, to fill technical resource shortages, and to meet the need for immediate technical expertise that does not exist within existing City personnel. Currently, professional services are utilized to supplement staffing for the customer support center, deployment operations, and network engineering. The ability to use professional services for multiple business needs is essential to operations.

The below hiring agencies were previously approved by City Council on July 21, 2015 for contracts in amounts to not exceed the original amount listed below. Due to the continued use of qualified professional services from these specific hiring agencies, an increased not to exceed amount is being requested for a new three-year term, as follows:

Master agreements with the additional hiring agencies provide more opportunities to recruit qualified professional services staff and competitively seek the best rates for positions. Statements of work will be funded from the operating budget within each fiscal year to maintain appropriate levels of service.

	Original	**Amendment**	**Revised Total**
Accentuate Staffing	$337,000	$362,700	$699,700
Intersect Group$	181,000	$152,000	$333,000
DataStaff, Inc.	$530,500	$190,000	$720,500

Red Zone Resources	$193,500	$250,000	$443,500

Additionally, authorization to enter into the below master agreements that exceed the threshold of Council approval of $150,000 for individual professional services contracts is requested, for a term of three years and not to exceed the following total amounts:

Apex Systems	$425,000
Veredus	$374,000
Principle Solutions Group	$362,700
The Select Group	$312,000
Experis (Manpower Group)	$190,000

Recommendation: Authorize the City Manager to execute the master agreements as well as individual statements of work on a per vendor basis. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SOFTWARE INTEGRATION DEVELOPMENT – MASTECH, INC AMENDMENT #4 – APPROVED

The City currently utilizes the services of Mastech, Inc. to provide on-site software integration development across a number of applications and services to support strategic projects including open data initiatives and key enterprise business applications such as Cityworks, Enterprise Land Management and the associated interfaces to several other business applications. A contract amendment is necessary to continue ongoing design and development for a 12-month timeframe at an additional cost of $180,000; total cost for the original agreement and the amendment will not exceed $408,960 with work to be complete by September 30, 2017. Funding for the contract amendment is appropriated in the FY 2017 department operating budget.

Name of Project:	Software Integration
Managing Division:	Information Technology – IT Application Support
Request Reason:	Contract Amendment Approval (Contract Amendments >$150,000)
Cause of Contract Amendment:	Continue software integration services
Vendor:	Mastech, Inc.
Prior Contract Activity:	Original Contract $16,211
Amendment One (Administrative):	$56,160
Amendment Two:	$89,600
Amendment Three:	$83,200
Currently Encumbered:	$83,200
Amount of this Contract Amendment:	$180,000

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

AFFORDABLE RENTAL HOUSING – PROPERTY MANAGEMENT CONTRACT WITH BARKER REALITY, INC. – APPROVED

The affordable rental housing program has operated since 1986; rental properties consist primarily of triplex and quadraplex units scattered throughout the City. The City discounts the rent on the properties by approximately 30 percent of the current market to make the units affordable to low-income families and individuals. The existing property management contract with Barker Realty expires September 30, 2016.

A Request for Proposals (RFP) for property management services was issued in July 2016 and advertised in: The News & Observer, The Carolinian, the Housing and Neighborhoods website, and the City of Raleigh website. In addition, the City's Minority and Woman-owned Business Enterprise (MBWE) resources and the Institute of Real Estate Management were notified of the RFP. A mass mailing was also sent on July 5, 2016 inviting interested parties to submit proposals in response to the RFP. A mandatory pre-bid meeting was held on July 19, 2016. Proposals from Joyner Realty, Inc. and Barker Realty, Inc. were received on the bid due date of July 29, 2016.

Staff from the Housing and Neighborhood Department, Community Development division, and the Finance Department Purchasing division evaluated the two submitted proposals taking the following criteria into consideration: property management operation and capability, property management experience, and scattered site experience. The review also included the responsibility of the property management company to advertise and lease units, collect rents, maintain the interior and exterior of the properties, maintain financial accountability of approximately $98,520 in gross monthly rents, and manage and operate the properties on behalf of the City. Additional details were provided with the agenda packet.

Barker Realty, Inc. received the higher score; staff recommends they be awarded the contract, which would be effective October 1, 2016. The management fee is to be set at 12 percent over the contract period, subject to negotiation; while the amount of compensation varies with the number of rental contracts, for 2016, the management fees associated with this contract were approximately $137,964.

Recommendation: Approve the negotiation of a four-year property management contract with Barker Realty, Inc., with a one-year renewal option, to manage the City's affordable rental housing inventory and authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ON-CALL ENGINEERING SERVICES – HAZEN AND SAWYER AMENDMENT #2 – APPROVED

The Public Utilities Department has 19 On-Call engineering design services contracts, the term of which is two years per contract. Original contractual terms in the amount of $600,000 are intentionally set with each design firm, with expectation that the financial aspect would be adjusted and increased associated with need for services.

Based on responsiveness and excellent level of service, the volume of the work associated with the Hazen and Sawyer on-call contract has increased. This amendment will provide funding for an increase in statement of work orders under the terms of the original contract. The design tasks necessary are associated with sewer collection, water distribution, and plant construction projects with estimated construction costs that are less than $3,000,000 and $5,000,000, respectively.

Authorization to increase the contract limit by an additional $600,000 is requested; the amendment will be treated as a master services agreement and will not encumber any initial funds. Funds will be encumbered based on statement of work orders issued to the firm throughout the contract term.

Contract History:	
Name of Project:	2015 On-Call Professional Engineering Services
Request Reason:	Contract amendment approval (contract >$150,000)
Vendor:	Hazen and Sawyer, P.C.
Prior Contract Activity:	$600,000 (approved by City Council June 2, 2015)
Currently Encumbered:	$600,000
Amount of this Contract Amendment:	$600,000
Encumbered with this Approval:	$1,200,000

Recommendation: Authorize the City Manager to execute the contract amendment with Hazen and Sawyer, P.C., in an amount not to exceed $600,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

OFFICE SPACE – 127 WEST HARGETT STREET – AMENDMENT WITH PROFESSIONAL BUILDING ASSOCIATES, INC. – APPROVED

The City currently leases two office spaces in the Professional Building at 127 West Hargett Street for location of: 1) Parks, Recreation, and Cultural Resources – Office of Raleigh Arts, and 2) Human Resources – Training division staff. Raleigh Arts occupies 1,457 square feet in Suite 408, while the Human Resources – Training leased space is comprised of 1,340 square feet in Suites 301 and 303 of the building.

The Office of Raleigh Arts and the HR Training division have been located in the Professional Building since 2010 and 2011, respectively. Leases for both of these spaces expire September 30, 2016. Renewal of the existing leases is recommended, following a review of City-owned facilities, which did not reveal available space to accommodate these divisions.

Discussions between City staff and the building owner, Professional Building Associates, LLC, have resulted in agreement for a three-year lease renewal for both spaces. Annual Base Rental Rate during the renewal period begins at $16.62/sf and escalates 3% at the beginning of Years 2 and 3, as follows:

Year 1: $16.62 per rentable s.f., Full Service
Year 2: $17.12 per rentable s.f., Full Service

Year 3: $17.64 per rentable s.f., Full Service

Recommendation: Authorize the City Manager to execute the amendment for renewal of existing leases. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

MEDICAL AND PRESCRIPTION DRUG BENEFITS – CONTRACT AWARDED TO BLUE CROSS BLUE SHIELD OF NORTH CAROLINA AND OPTUM

The City operates a self-funded health insurance plan currently administered by BCBS of North Carolina (health) and Optum (pharmacy). Proposals to administer the medical program were last requested in 2011; the current administration fee is guaranteed through December 2017. The current pharmacy contract with Optum expires December 31, 2016.

The City initiated a Request for Proposals (RFP) process earlier this year to invite proposals from qualified persons or firms to administer medical and pharmacy benefits effective January 1, 2017. Willis Towers Watson and Deepview Consulting conducted the RFP process on behalf of the City.

The process yielded four qualified responses for medical administration services and six qualified responses for prescription drug services. The consensus recommendation is to remain with BCBS of North Carolina for the medical plan and Optum for the pharmacy plan. Staff concluded the combination of BCBS of North Carolina and Optum provides:

- The most comprehensive provider service network with the least provider disruption to plan participants;
- Projected to have the highest cost savings to the City based on historical claims; and
- Service performance and guarantees that meet our criteria.

Recommendation: Authorize the City Manager to negotiate and execute a contract for medical and pharmacy plan administration to become effective January 1, 2017. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

PERSONNEL – FIRE DEPARTMENT POSITION RECLASSIFICATION – APPROVED

The reclassification was reviewed by the Human Resources Department. The fiscal impact of the reclassification will be absorbed within existing approved salary and benefit appropriations. In accordance with the current Pay and Classification administrative regulation, any reclassification that results in a change of five or more pay levels requires Council approval.

Facility Manager (Job Code 004414; PG 36; Position Control Number 00005511) to Division Fire Chief (Job Code 003312; PG FG)

Recommendation: Authorize the position reclassification. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

ENCROACHMENT REQUEST – VARIOUS – APPROVED CONDITIONAL

The agenda presented the following request for encroachments.

South Wilmington/East Martin.

A request has been received from Celito Clec, LLC to install 922 feet of underground conduit and six underground vaults in the right-of-way. A report was included with the agenda packet.

410 Glenwood Avenue

A request has been received from Level 3 Communications to install 269 feet of underground conduit and two underground vaults in the right-of-way. A report was included with the agenda packet.

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

BUDGET AMENDMENTS AND TRANSFERS – VARIOUS – ORDINANCE ADOPTED

The agenda presented the following recommended budget amendments and transfers.

Public Utilities - Transfer

A transfer in the amount of $450,000 is recommended to provide funding for a change order related to foundation redesign of an aerial sewer crossing and rock excavation overages on the Lower Crabtree Creek North Outfall project.

Differing field conditions from the design phase geotechnical report have revealed greater rock quantities and harder rock environments that require mechanical removal instead of blasting, which is a more costly bid item.

Source of funding for the budget transfer is the Aversboro Pump Station Improvement project, which is nearing completion. Accounting details are included with the agenda packet.

Police

Appropriation of funds from the Police Asset Forfeiture reserve is requested to provide for enhanced training concerning fair and impartial anti-bias policing practices. The department will contract with Fair and Impartial Policing, LLC to conduct the training in October 2016. The training will augment the fair and impartial anti-bias policing instruction currently provided to departmental personnel. Elements of this comprehensive program encompass, but are not

limited to the following aspects: recruitment/hiring; training; leadership supervision and accountability; assessing institutional practices and policies; outreach to diverse communities.

Recommendation: Authorize a budget amendment and authorize the City Manager to execute a contract in an amount not to exceed $30,500. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 627 TF 282.

SMITH CREEK INTERCEPTOR SEWER IMPROVEMENTS – PARK CONSTRUCTION OF - CHANGE ORDER #4 - APPROVED

The Smith Creek Interceptor Sewer Improvements construction contract provided for an amount of rock excavation due to geotechnical reports during the design phase, but much more extensive geotechnical borings during the construction phase indicates rock excavation overages. During construction, an existing aerial sewer line crossing of Smith Creek was replaced due to failing conditions and additional sewer connections were made due to new developed properties along the project corridor. Also, there was additional work needed to repair the concrete trail head at Wilts Dairy Road connecting to the Smith Creek Greenway.

Change order number four final adjusting will provide for these overages and additions at the current contract prices along with time and material work costs to close out the contract.

Contract History:	
Name of Project:	Smith Creek Interceptor Sewer Improvements
Managing Division:	Public Utilities – Capital Improvements Division
Request Reason:	Contract amendment (construction contract >$500,000)
Vendor:	Park Construction of NC, Inc.
Prior Contract Activity:	$7,897,113 (Council approval July, 2015)
Change Order Number One:	$93,712 (administrative)
Change Order Number Two:	$327,043 (administrative)
Change Order Number Three:	$418,277 (Council approval November, 2015)
Current Encumbered:	$8,736,145
Amount of this Contract Change Order:	$634,798
Encumbered with this Approval:	$9,370,943

Recommendation: Authorize the City Manager to execute change order number four with Park Construction of NC, Inc. in the amount not to exceed $634,798. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

NEUSE RIVER RESOURCE RECOVERY FACILITY EXPANSION – PC CONSTRUCTION COMPANY, INC./CHANGE ORDER #3 – APPROVED

PC Construction Company, Inc. submitted the low bid and began construction of the Neuse River Resource Recovery Facility (NRRRF) expansion to 75 MGD Phase Three Project on November 11, 2013. The project includes complete replacement of the existing rectangular primary clarifiers, which are beyond their useful life, and additional primary clarifier capacity to accommodate the five-phase expansion of the plant to 75 MGD.

Change order number one added a revised City right to audit clause to the contract. Change order number two added alternate bid equipment into the original project.

Change order number three includes 21 minor contract changes such as level control instruments for influent pump stations, biological nutrient removal basin drain valve repairs, additional waste activated sludge piping, and other miscellaneous changes all totaling less than one percent of the original contract price.

Contract History:	
Name of Project:	NRRRF Expansion to 75 MGD Phase Three
Managing Division:	Public Utilities – Capital Improvements Division
Request Reason:	Contract Amendment (construction contract >$500,000)
Vendor:	PC Construction Company, Inc.
Prior Activity:	$25,631,000 (approved by City Council October 7, 2015)
Change Order Number One:	$0 (administratively)
Change Order Number Two:	$469,476 (administratively)
Currently Encumbered:	$26,100,476
Amount of this Contract change Order:	$207,925
Encumbered with this Approval:	$26,308,401

Recommendation: Authorize the City Manager to execute change order number three with PC Construction Company, Inc. in the amount of $207,925. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

FIRE STATION TWO – INTERIOR RENOVATIONS – BID AWARDED TO ENGINEERED CONSTRUCTION COMPANY

On July 19, 2016, eight formal bids were received and publicly opened from contractors for the Fire Station Number Two Interior Renovations project. Engineered Construction Company submitted the low bid of $1,372,939. The project, inclusive of design, and the construction bid remain within budgeted appropriations.

Minority and Women-owned Business Enterprise (MWBE) participation is 13.6 percent.

Name of Project:	Fire Station Number Two Interior Renovations
Managing Division:	Engineering Services – Construction Management
Reason for Council Review:	Formal Bid Award Amount >$500,000
Original CIP Budget:	$1,565,168
Vendor:	Engineered Construction Company
Prior Contract Activity:	None
Budget Transfer:	N/A
Encumbered with this approval:	$1,510,233 (including a 10 percent contingency)

Recommendation: Authorize the City Manager to execute a contract in an amount not to exceed $1,510,233. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following recommended traffic changes to become effective seven days after Council action.

2016-2017 School Zone Time Changes

It is recommended that the traffic schedules be modified to reflect the revised school zone times associated with Wake County Public School System's 2016-2017 bell schedule and also reflect any updates or corrections to the signage and pavement markings from the annual school zone review conducted by Raleigh Police and Transportation Departments.

Speed Limit Reduction – Alm Street and Brandon Court

It is recommended that the speed limit be reduced from 35 mph to 30 mph on Alm Street. Alm Street is classified as a divided two-lane avenue. The associated speed study showed a volume of 4449 vehicles per day. Neighborhood Traffic Management Program (NTMP) policy allows the speed limit on qualifying streets with volumes in excessive of 4,000 vehicles per day to be reduced to 30 mph. It is also recommended that the speed limit be reduced from 35 mph to 25 mph on Brandon Court. Brandon Court is classified as Neighborhood Local. These requests meet the requirements of the adopted NTMP. A signed petition has been received by staff representing at least 75 percent of the residents or property owners along each street in support of a speed limit reduction.

No Parking Zone – Tanworth Drive

It is recommended that a No Parking Zone be established on both sides of Tanworth Drive at the intersection of Old Lead Mine Road. Staff received a request from the Greystone HOA to have a No Parking Zone installed on Tanworth Drive primarily as a result of ongoing parking congestion during drop-off and pick-up times from the neighboring Lead Mine Elementary School. Motorists are unable to safely enter and exit Tanworth Drive from Old Lead Mine Road due to line of sight issues. The normal setback of 25 feet is insufficient in this case. The two affected property owners are in favor of the change.

No Parking Zone – Riverview Road

It is recommended that No Parking Zones be established on both sides of Riverview Road between Woodard Drive and Jeffrey Street, as well as both sides of Jeffrey Street for a short distance. A petition was received from the affected property owners on Riverview Road and Jeffrey Street to have parking restricted on both sides due to the increased number of vehicles from outside the neighborhood parking days and nights. The area residents understand the

importance of the Neuse River Trail for the enjoyment of all citizens and desire that everyone be able to access it; however, trail users have discovered that parking in this area instead of designated parking lots provides a shorter cut-through to the Trail albeit trespassing on private property. In addition to the parking congestion residents struggle with trash and drug paraphernalia as well as overnight vehicle parking along the street. One hundred percent of the property owners are in favor of the restriction. This request was further reviewed by the Parks, Recreation, and Culture Resources Department.

No Parking Zone – Chatterson Drive

It is recommended that a No Parking Zone be established on both sides of Chatterson Drive between Carriage Tour Lane and Mumm Lane. A petition was received from the Bent Tree Homeowners Association on behalf of all affected property owners on Chatterson Drive to have parking restricted on both sides due to the increased number of vehicles from outside the neighborhood parking to access the Honeycutt Creek Greenway. Parked vehicles are impeding the roadway and access points, tearing up the soft shoulders along Chatterson Drive and leaving trash. One hundred percent of the residents in this area are in favor of the restriction. Parks, Recreation and Cultural Resources staff is also in support of the petition request.

Commercial Loading and One-Hour Parking Zones – The Gramercy Apartments

It is recommended that a Commercial Loading Zone be established in the 600 block of West North Street, and that a One-Hour Parking Zone be established in the same block, as well as in the 400 block of North Boylan Avenue. Staff received requests from Blue Ridge Reality, owner of The Gramercy Apartments, and from Glenwood South Pharmacy and Market, the primary retail tenant, to establish a Commercial Loading Zone on the north side of West North Street at Glenwood Avenue, as well as a One-Hour Parking Zone where there is presently no regulated time. It was further requested that a One-Hour Parking Zone be established on West North Street. The Commercial Loading Zone will provide safe loading and unloading of deliveries to the Glenwood South Pharmacy and Market and other businesses in the vicinity. The One-Hour Parking Zones will promote more business-friendly parking with quicker turnover as well as discourage tenants from parking for long periods on the street when there is sufficient off-street capacity in the Gramercy deck and adjacent surface lots for longer term parking.

No Parking Zone – Bush Street

It is recommended that a No Parking Zone be established in the 3500 block of Bush Street, between Wolfpack Lane and Midtown Place. Staff received a request from the NC Office of the State Controller for a No Parking Zone to be installed on the east side of Bush Street to alleviate parking congestion and line of sight issues for customers and staff trying to exit their parking lot onto Bush Street. Staff completed a line of sight study and determined the issue expanded beyond this property and subsequently spoke with several other business owners/managers along the street. It was subsequently determined that all of the property owners in this area were having similar issues and are in support of the restriction.

Two-Hour Metered Parking Zone – 400 Block of Glenwood Avenue

It is recommended that the Two Hour Metered Parking Zone be extended on the west side of Glenwood Avenue north of West North Street. The nearly-completed Gramercy Apartments project on the west side of Glenwood Avenue has altered the streetscape frontage to the benefit of providing an area in the parking lane for two additional metered spaces where a driveway/loading dock had previously existed. These spaces will enhance the area businesses with more available customer parking.

Commercial Loading Zone – 2500 Block of Hillsborough Street

It is recommended that a temporary Commercial Loading Zone be established on the north side of the 2500 block of Hillsborough Street near Horne Street, and the current Bus Zone at that location be relocated further west to the middle of the block. Staff received a request to install a Commercial Loading Zone on the north side of Hillsborough Street near Horne Street to ease the shortage of loading zones in this area during two large construction projects currently underway in this block. Implementation of the Commercial Loading Zone will require the current Bus Zone to be relocated westward, which will temporarily encumber five of the 11 metered parking spaces on that side of the street.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code was included in the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 628.

END OF CONSENT AGENDA

MUNICIPAL AGREEMENT – OUTDOOR SEATING ON STATE MAINTAINED STREETS/NCDOT – APPROVED – INFORMATION REQUESTED

The North Carolina Department of Transportation (NCDOT) has provided the City with a framework to allow outdoor seating along state-maintained roadways. Under the terms of this agreement, NCDOT would delegate management of these encroachments to the City provided that certain conditions are met. This agreement would apply to multiple state-maintained streets in the jurisdiction of the City that would support outdoor seating, such as Blount Street and Person Street. Application and permitting for outdoor seating under this agreement will be reviewed through the current outdoor seating policies and procedures, and will be administered by current program staff.

Recommendation: Authorize the City Manager to execute the agreement.

Mr. Stephenson pointed out he withdrew this from the consent agenda as he understands it covers multiple streets. He asked if the Council could get a list of streets involved. With that request for information, Mr. Stephenson moved approval. His motion was seconded by Mr.

Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-11-16 – NORTH ROGERS LANE – HELD

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

The proposal, though technically inconsistent with the Future Land Use Map, will allow for the development of a large undeveloped site with residential uses in close proximity to a school and open space resources.

The proposal protects natural and open space resources.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of October 4, 2016.

Planning Commission Chair Eric Braun indicated there are some technical issues involved in this case and it is suggested that the Council defer setting the public hearing for at least two weeks. Mayor McFarlane stated the Planning Commission could bring the item back when it is ready.

SPECIAL ITEMS

RESIDENTIAL INFILL – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

At the August 2, 2016 Council meeting, the Growth and Natural Resources Committee requested, at the suggestion of staff, authorization to explore changes to the section of the UDO that regulates residential infill construction. Staff was asked to identify the specific regulations for discussion. Staff has identified three areas where clarification or amendment can be beneficial. The three areas requested for amendment are: applicability of the standards, street setback standards, and height standards. These issues have been raised in conjunction with ongoing discussions in Committee related to Item 15-05 – UDO Height Limits and Building Setbacks and Item 15-12 – Side Yard Setbacks.

It is recommended that Council authorize staff and the Growth and Natural Resources Committee to explore potential solutions to the identified issues and draft text amendments to be presented to the City Council.

Assistant Planning Director Crane explained discussions took place between staff and the Growth and Natural Resources Committee during the item relating to infill development and petitions of citizens that had been referred to committee. He pointed out four topics were referred to committee and the committee has discussed three general topics – driveway and parking standards, garage and shed setbacks, maximum height in Oberlin Village NCOD which

has been addressed and side yard setbacks in R-4 and R-6. He stated during the discussions regulations relating to infill development had been raised pointing out infill standards are new and relate to new buildings in established residential areas. The context of the discussions relate to contextual front yard setback, maximum side wall height at side setback line and maximum blank wall. He stated the Committee asked staff to explore possible text changes for three portions of the infill standards – applicability, front setback and sidewall height. He pointed out infill regulations have been applied since 2013 so they are seasoned and tested regulations. He stated this section sets thresholds for application of standards as follows:

- Total site areas 5 acres or less
- 50% of side and rear of abuts residential
- Lots must be 20 years old, and that includes recombinations
- Do not apply in historic districts or NCODs where height is regulated.

He stated at issue is the need or the desire to explore the 50% of side and rear adjacency standard pointing out residential that backs up to commercial could be exempted from these regulations. He stated in addition the discussions related to the need to refine language related to the age of the lot as the present language is not entirely clear. He stated they would like to explore exemption for NCODs as stated the UDO allows total exemptions of standards for NCODs; and the intention was to exclude only height regulations.

Assistant Planning Director Crane pointed out this section relating to front setbacks attempts to create a relationship with adjacent properties for front setbacks; for internal lots, you look at two lots to the left and two lots to the right. The corner lots look three lots on the same blockface. He stated the problem is when you have a vacant lot in the sample, regulations do not apply and this is common with lot subdivisions as there is always a vacant lot created.

Planner Crane pointed out the section relating to sidewall height sets a maximum height of sidewall at minimum side property line.

1. Maximum of 22 feet; can increase with increased setback
2. Can be taller if adjacent structures are taller
3. Intention was to allow a two-story house.

He stated the sidewall height section sets a maximum height of sidewall at minimum side property line. The regulation makes sense with front facing gable - where roof doesn't face the street but it is more difficult to apply with a side gable where the roof faces the street.

Planner Crane pointed out if the Council agrees the staff will explore options with the Growth and Natural Resources Committee and these options would be presented to the City Council and the City Council could authorize a text change to be reviewed by the Planning Commission and then the City Council would hold a public hearing, if the Council wishes to proceed.

Mayor McFarlane questioned the part about not applying in Historic Districts or NCODs. Planner Crane explained. Mr. Stephenson talked about the needed clarification when you have

one lot from the corner, there is no sample regulations. Mr. Thompson moved that the item be referred to the Growth and Natural Resources Committee to explore the various issues with a recommendation to come back to Council. 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.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

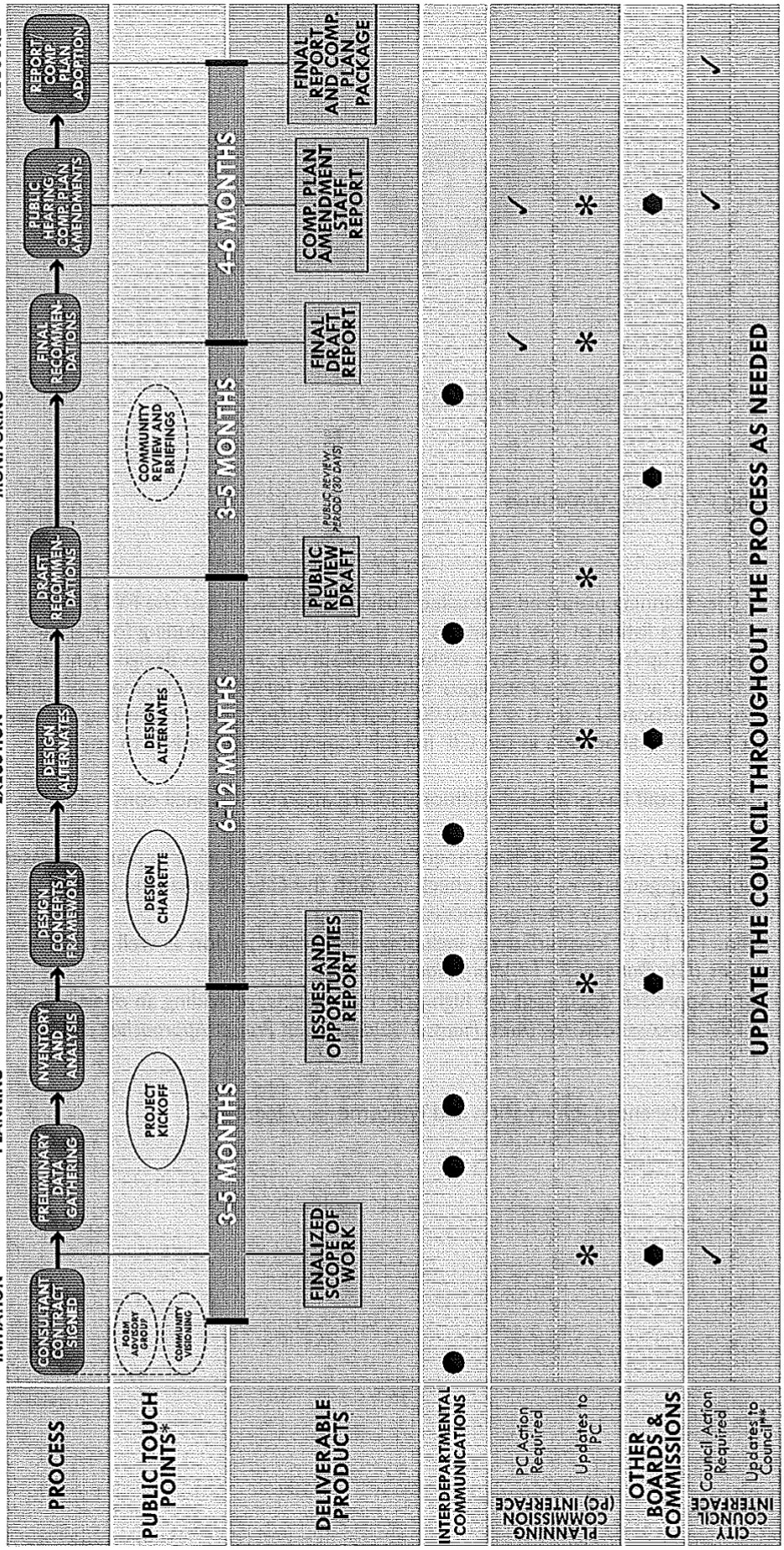
PLANNING – FY17 AREA PLANS AND STUDIES – INFORMATION RECEIVED; INFORMATION ON IMPLEMENTATION REQUESTED

The Department of City Planning has identified several key initiatives in its FY17 business plan that have either been budgeted to begin, or in-house studies that should commence, during the current fiscal year. These include four area plans, one historic preservation study, and two design manuals. Staff has prepared draft project approaches for the area plans and has also prepared recommended timeframes and milestone start-up dates for each key initiative. Additional detail is included with the agenda packet. Staff will be available to answer questions at the meeting.

Recommendation: Receive as information.

Council members received the following report in their agenda packet.

> The Department of City Planning prepared a detailed Business Plan as part of the FY17 budget process. This plan includes a listing of Key Initiatives for the budget year, including four area specific planning efforts; an update to the City's architectural survey; and two design manuals, one for the Warehouse District and one to promulgate best practices for the development of hillsides and steep slopes. Council allocated a total of $250,000 towards these efforts in the Department's budget, along with a $400,000 allocation in the CIP for the Capital Boulevard North study.
>
> To provide further clarity, staff has prepared additional information for Council consideration including:
>
> - a process flow chart outlining the department's general approach to area plan processes,
> - including public engagement and official check-ins with the City Council and other relevant
> - appointed bodies (Area Study Planning Process);
> - a draft timeline for FY 17 key initiatives, including an overall duration as well as key
> - milestone dates (City Planning FY 17 Work Plan); and
> - a draft Project Approach document for high priority projects, providing an overview of the project and key process features (Area Plans & Studies: Draft Project Approaches and Timelines)

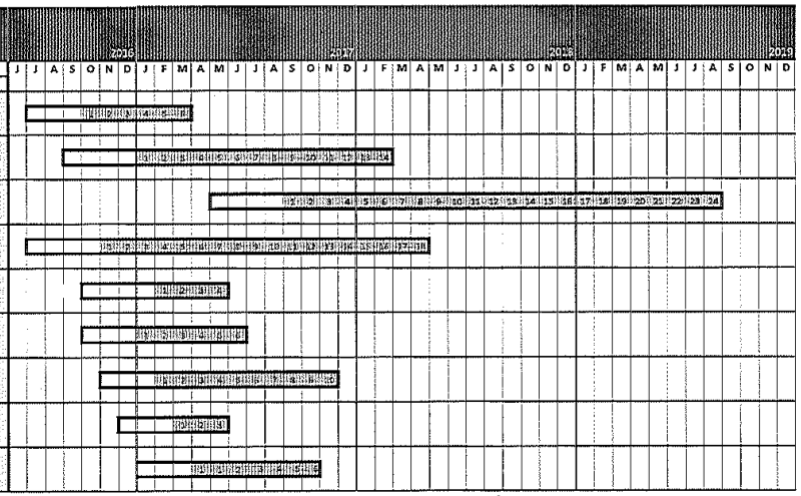


Area Study Planning Process

DRAFT 8/29/16

City Planning FY 17 Work Plan

Project Name	Priority	Budget	Duration (Months)	Milestone Dates RFQ	Contract	Kick-off	End date
Architectural Survey	<>	$20,000	6	7/1/16	9/1/16	10/1/16	4/1/17
Avent Ferry Road	<>	$100,000	14	9/16/16	11/16/16	1/1/17	3/1/18
Capital Boulevard North	<>	$400,000	24	5/1/16	7/1/16	9/1/16	9/1/18
City Facility Master Plan		$800,000	18	7/1/16	10/1/16	11/1/16	5/1/18
Falls of Neuse Update	<>	$30,000	4	10/1/16	12/1/16	2/1/17	6/1/17
Hillside Development Manual		$50,000	6	10/1/16	12/1/16	1/1/17	7/1/17
Land Use & Transit Vision		n/a	10	-	-	2/1/17	12/1/17
Mission Valley Update	<>	n/a	3	-	-	3/1/17	6/1/17
Warehouse District Design Guidelines		$50,000	6	1/1/17	3/1/17	5/1/17	11/1/17
Ongoing Projects							
Comprehensive Plan Update	<>	-	-	-	-	-	4/1/17
Cameron Village & Hillsborough Street area		-	-	-	-	-	12/1/16
Six Forks Corridor Plan		-	-	-	-	-	4/1/17
Southern Gateway Plan		-	-	-	-	-	2/1/17



Area Plans & Studies: Draft Project Approaches and Timelines

Architectural Survey
Budget: $30,000
Estimated Kick-off: October 2016
Estimated Duration: 6 months

This project is to update the architectural survey of Raleigh by recording properties within the city limits, with a focus on mid-20th-century neighborhoods and area annexed since 2006 when the last update was completed. The project is to be conducted in two phases: I) reconnaissance and planning; and II) intensive survey and presentation of properties for placement on the State Study List for listing in the National Register of Historic Places.

Phase I will entail the following:

a. Windshield and reconnaissance surveys of the post-2006 annexation areas to update existing files with digital photography and database records and to identify properties that have not been recorded and now merit survey.
b. Updating of the files for the following neighborhoods currently on the Study List: Caraleigh, Ridgewood, Fairway Acres, Lyon Park, and Forty Acres.
c. Updating the files for the following neighborhoods that were surveyed at the reconnaissance level during the 2004-05 survey update of Raleigh: Budleigh, East Mordecai, Fallon Park, Fuller Heights, Oakdale, Parkland/Hertford Village, Ralina, Starmount, and Westover/Mount Vernon; as well as Colinwood (now known as King Charles) and Gatewood, Rollingwood, and Windsor Park (now altogether known as East Raleigh).
d. A written report on findings, including a scope of work, including methodology, for Phase II.

Phase II will consist of the following:

a. Intensive survey of annexation area properties newly identified in Phase I.
b. Intensive survey of one or more neighborhoods addressed in Phase I and evaluated as potentially eligible for listing in the National Register in order to produce an inventory list for incorporation in a National Register nomination to be prepared in a subsequent project.
c. Presentation at a North Carolina National Register Advisory Committee meeting of properties for placement on the Study List.

Key Process Features

- This is a research project, with a limited, well-defined scope developed in partnership with the State Historic Preservation Office based on previous phases.
- There will be limited public outreach based on the nature of the project.

- Property survey files developed in this research project will be key in assisting neighborhoods interested in National Register or HOD designation.

Avent Ferry Road Corridor Study
Budget: $100,000
Estimated Kick-off: January 2017
Estimated Duration: 14 months

A busy vehicular and transit corridor lined by aging multifamily and commercial uses, Avent Ferry Road is poised to see significant change as West Raleigh continues to transform. The objective of the Avent Ferry Road Corridor Study is to develop a vision for the character of the corridor's public realm and adjacent land uses and better define its role as a multimodal corrdidor. The proposed study area encompasses Avent Ferry Road from Western Boulevard at the north to Lake Johnson in the south and west. The area includes neighborhoods, commercial areas, and recreational and natural resources. Beyond the study area are prominent locations such as NC State University's Main and Centennial Campuses, Lake Johnson Park, the Dix Campus and the State Farmers Market.

A fourteen month study is anticipated, with the call for consultants released in the Fall of 2016. Outreach will include a concentrated effort at engaging established single-family and townhome neighborhoods, area student populations, and nearby institutions including NC State University and the Catholic Diocese.

Key Process Features

- A multi-pronged and multi-event study kickoff in the Fall of 2016 to gather additional public input.
- The public, property owners, adjacent neighborhoods, and institutional stakeholders will be consulted to refine the proposed study area, identify key questions, and refine the scope.
- The identification and inclusion of a larger "area of influence" geography beyond the proposed study area.
- The enhanced use of web- and social media-based public engagement tools
- A reimagined Avent Ferry Road with dedicated, high quality bus facilities, recognizing that more bus riders traverse this corridor than any other in Raleigh.
- How to transform Mission Valley into a mixed-use center with diverse appeal knittingCentennial Campus, the main campus, and the surrounding area together.
- Identify new housing development opportunities serving a population beyond undergraduates, including graduate students, professors and other university employees.

Falls of Neuse Area Plan Update
Budget: $30,000
Estimated Kick-off: February 2017

Estimated Duration: 4 months

The Falls of Neuse Area Plan, one of the 22 area plans in the Comprehensive Plan, was adopted in 2006. Since the adoption of the plan, the Falls of Neuse corridor has been widened and realigned, and there have been several pitched land use battles for the remaining larger development sites along the corridor. In addition, much of the area was placed within a drinking watershed designation, leading to the adoption of watershed overlay zoning.

The modest consulting budget for this project would best be allocated to two tasks. One would be a high level market study of the area determining which major categories of use are feasible options for specific sites. The second would be a facilitated discussion regarding the appropriate land uses for these remaining development sites. In addition, staff proposes to conduct a "character asset" inventory and mapping exercise to define those elements of the natural and built environment that best define the character of the corridor and are worthy of both preservation and emulation. This inventory and the market study results would be the information foundation for guiding the public discussion. Staff would use the results of the technical documents and community process to draft a revised area plan and any other related Comprehensive Plan amendments as may be necessary.

A call for consultants would be issued in the Fall of this year with a proposed project start date in February of 2017. The project's modest scope and budget is consistent with a compact, four month time frame.

Key Process Features

- The modest consulting budget would be split between one piece of technical market analysis and meeting facilitation.
- City staff would undertake an asset inventory and mapping exercise to better define the essential character of the corridor defining the sense of place.
- The updated area plan should provide specific guidance to inform future zoning decisions along the corridor.

Mission Valley Update
Budget: In-house
Estimated Kick-off: March 2017
Estimated Duration: 3 months

Substantial changes have occurred within the boundaries of the existing Mission Valley Area Plan since its formulation and adoption. Refinements to the Pullen Road extension and Bilyeu Street realignment, the construction of a new Cathedral, the City's purchase of Dix Park, the identification of Western Boulevard as a BRT corridor, and other changes have rendered the plan substantially out of date. Further, the pending replacement of bridge that carries Pullen Road over Western Boulevard creates the urgent

need for adopted policy how the bridge should be replaced, specifically the need to accommodate access movements that the current bridge configuration does not.

This in-house effort to update the plan is proposed to run concurrently with the larger Avent Ferry Road Corridor Study, but on a faster track so that the revised policy guidance can be added to the Comprehensive Plan in the current fiscal year. The outreach effort will be concentrated on the immediate neighborhoods, major institutional stakeholders, and commercial property owner and businesses. Kick-off is scheduled for two months into the Avent Ferry process, so that the background data and research can inform this effort.

Key Process Features

- Plan will run concurrently with the Avent Ferry Road study, but with a faster timeline so that crucial policy guidance regarding upcoming transportation projects can be adopted.
- Outreach will be targeted to adjacent neighborhoods and key institutional and business stakeholders.
- Public meetings are anticipated to occur in two rounds spaced about a month apart, so that the process will proceed very quickly from the public's point of view.

Capital Boulevard North Corridor Study
Budget: $400,000
Estimated Kick-off: September 2017
Estimated Duration: 24 months

The US-1/Capital Boulevard corridor is proposed to become a limited-access highway north of 540, and between 440 and Downtown Raleigh, the Capital Boulevard Corridor Plan calls for an urban green boulevard with multimodal facilities. The in-between section from I-440 to 540 now offers similar opportunities for new mixed-use development, transportation and transit enhancements, and improvements to the public realm. While notable constraints stand in the way of these goals, the magnitude of the opportunities argues for a fresh rethink of the function and appearance of this high volume thoroughfare that is also a key spine in the Wake Transit Plan. Once consultants are selected, an eighteen- to twenty-month study culminating in a conceptual plan and framework will provide a significant first step in this direction.

Staff estimates the study could begin in January 2017 with the call for consultants and proposes multiple touch points for both citizens and Council over the course of the project. Outreach efforts for this study may focus on capacity building within the diverse communities along the corridor, an emphasis on face-to-face versus digital communication, and increased engagement with the CAC's, neighborhood groups, and business community.

Key Process Features

- The public, property owners, and governmental stakeholders are consulted up front to define the study area, identify key questions, and refine the scope.
- The process and interim work products draw an explicit link between the magnitude of the public investments contemplated, and the potential for private investment along the corridor.
- The plan contents will work backwards from implementation to ensure that the recommendations can realistically be carried forward.
- Intra- and inter-governmental coordination is built into the process given the overlapping jurisdictions along the corridor, public/private ownership patterns, and interrelated nature of the issues.

Planning Director Ken Bowers gave a brief highlight of the report. Ms. Crowder stated the report was well done and is very helpful. Mr. Stephenson talked about the process and appreciation relative to touch points, etc. Ms. Baldwin pointed out she thinks it is great that the City is doing these studies especially Capital Boulevard, etc. She questioned how these studies are going to be implemented and how the implementation will be paid for. She stated she would like to see an implementation plan and funding strategy. Planning Director Bowers indicated one of the things they have done recently is include cost estimates. He talked about how we can move forward and pointed out the importance of at least having ideas of the cost. Ms. Baldwin stated she feels the Council needs to have information on the implementation schedule and she would like to see a report such as that within about 30 days. She pointed out we do all of the studies and the citizens have an expectation that it is moving forward but nothing moves forward. Mr. Branch questioned if the Council could have information or schedules on the projects that are in the process pointing out if we know where we are with the current projects and the completion dates, we would have a better idea of how we are moving forward. Ms. Baldwin pointed out the City has never done a strategic plan or concept on implementation of the various corridor plans and she feels that will be helpful in providing information to the participants and their expectations. Administration was asked to provide the report.

TRANSPORTATION DEPARTMENT – MIKE ROGERS – INTRODUCED

City Manager Hall introduced Mike Rogers, Director of the newly formed Transportation Department. He explained Mr. Rogers has 25 years experience including the City of Peoria, San Antonio and in Michigan and some private sector background. He stated Mr. Rogers was hired after a nationwide search, talked about Mr. Rogers experience in rebuilding departments and pointed out he has a lot on his plate and everyone is excited to have him on board. He asked that the Council members work with their staff assistant to get some time on their schedule for meeting and talking with Mr. Rogers.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

SHORT TERM RESIDENTIAL LODGING FACILITIES – REFERRED TO THE PLANNING COMMISSION; ADDITIONAL REQUESTS MADE

Mayor McFarlane stated by split vote, the Committee directed staff to draft a proposed text change with regard to short-term residential lodging facilities. Copies of staff's memorandum and proposed text change were included with the agenda packet.

If the City Council chooses to move forward with this proposal, the action would be to refer the proposal to the Planning Commission.

Council members received the following memorandum in their agenda packet.

> At the August 9, 2016 Economic Development and Innovation Committee meeting, staff was directed to craft an ordinance related to short term residential rentals. The City Council recently considered an ordinance that would have permitted this use in certain zoning districts with limitations. This ordinance was not approved and the text change was denied.
>
> Staff was asked to use the former TC-7-15 as a starting point for a new ordinance. The following is a summary of the changes discussed by the Committee.
>
> Committee Discussion Items
> The Committee discussed two primary topics: a proposed spacing standard that would require physical separation between short term residential rental units and the number of bedrooms to be rented in the various zoning districts. Based on this discussion, staff was directed to craft an ordinance that would be responsive to the discussion. All of the changes are contained in Section 3 of the ordinance. The remainder of the former TC-7-15 stayed in-tact.
>
> Changes to TC-7-15
> Staff has re-created the language in TC-7-15, incorporating the changes as recommended by the Committee. Staff has also suggested a few minor improvements to the former language.
>
> 1. Section 3. Definition: The regulation related to number of bedrooms and resident manager have been removed from the definition. The number of bedrooms to be rented is not static amongst the various zoning districts. The requirement for a resident manager exists elsewhere in the regulation, and inclusion of language in the definition was duplicative. This change is suggested by staff.

2. Section 3. Use Standards: The first change occurs in subsection a. The changes are a simple clarification of the previous language related to annual renewal of a permit. There are no changes of substance in this section. The changes are suggested by staff.

3. Section 3. Use Standards: The second change occurs in subsection c. The Committee discussed the impact of a 400-foot spacing requirement in the zoning districts that would allow townhouses and apartment buildings. The Committee requested that staff create language that would maintain the 400-foot spacing requirement in the R-1, R-2, R-4 and R-6 zoning districts.

4. Section 3. Use Standards: The third change occurs in subsection d. The Committee discussed the appropriate number of bedrooms that could be rented in the various zoning districts. The Committee requested that staff create language that would require a two-bedroom maximum for all buildings in the R-1, R-2, R-4 and R-6 districts; detached houses (single family structures) would also be limited to a maximum of two bedroom rentals in the R-10 zoning district. There would be no maximum number of bedrooms to be rented for an attached (duplex), townhouse or apartment building type in the R-10 district. There would also be no maximum number of bedrooms to be rented in any building type in the mixed use districts.

5. Section 3. Use Standards: The fourth change occurs in subsection e. this language was removed, as it conflicted with the recommendations of the Committee, as noted in subsection d.

6. Section 4. The final change to the previous language occurs in section 4 of the ordinance. This language would not be placed in the UDO. Rather, it provides direction to staff related to updating application forms, the signatory on the application form and the fees associated with an initial application and renewal.

Next Steps

If the City Council wishes to proceed, the text change ordinance should be sent to the Planning Commission for review and recommendation. The Planning Commission meetings are open meetings where interested parties can voice their opinions. The Planning Commission typically utilizes the Text Change Committee for review of text change ordinances. The City Council will receive the Planning Commission recommendation and schedule a public hearing.

Mayor McFarlane moved approval as outlined. Her motion was seconded by Ms. Crowder. Ms. Baldwin stated she is really concerned that the Committee didn't look at a full house rentals being allowed with a special use permit. She also has concern about the proximity rules pointing out she has concerns about facilities that are allowed currently. She stated she will vote against the recommendation and then will ask for a separate item to be referred to the Planning Commission. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord and Ms. Baldwin who voted in the negative. The Mayor ruled the motion adopted on a 6-2 vote.

Ms. Baldwin moved that the Council ask the Planning Commission to look at establishing criteria for whole house short term residential lodging facilities with a special use permit and to look at the proximity question. Her motion was seconded by Mr. Gaylord and put to a vote with all members voting in the affirmative except Mr. Thompson, Mr. Cox and Ms. Crowder who voted in the negative. The Mayor ruled the motion adopted on a 5-3 vote.

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

NO REPORT

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

NO REPORT

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

FALLS FESTIVAL – ANNOUNCED

Mr. Cox pointed out September 17, 2016 is the Falls Festival and talked about activities that will occur and invited all to attend.

HIGHWOODS PROPERTY OWNERS ASSOCIATION – PUBLIC/PRIVATE PARTNERSHIP FOR SIDEWALKS – REFERRED TO CITY MANAGER FOR REPORT BACK TO COUNCIL; PUBLIC/PRIVATE PARTNERSHIP POLICY – DEVELOPMENT – REFERRED TO ADMINISTRATION

Mr. Cox pointed out some time back he talked about a public private partnership offer from the Highwoods Property Owners Association for the installation of sidewalks on Atlantic Avenue. He stated when it was discussed the Council did not agree to move forward as there were questions about equity and precedent. He stated the Highwoods Property Owners Association have now come back with an offer to pay 100% of the construction of the sidewalks on Highwoods Boulevard between Atlantic Avenue and Capital Boulevard by paying and having 50% reimbursed later when their turn on the sidewalk schedule comes forth. He moved to ask staff to study the offer, talk with the Highwoods Property Owners Association and bring back options and recommendations. His motion was seconded by Mr. Thompson.

Ms. Crowder stated she understands the importance of residential and commercial growth and pointed out this is a big issue but stated the bigger issue is whether the City is serious about sidewalks in the City of Raleigh. She stated this has been discussed previously and pointed out she feels if the City is serious about installation of sidewalk and if it is a question of money, she would suggest that the Council ask the City Manager and Staff to find ways in our budget to pay for sidewalks. She pointed out she feels it is time to have that bigger conversation and the Council needs to decide whether it wants to get serious about sidewalk installation. She talked about asking the Manager to come up with ways to finance say the first 150 or so sidewalk projects.

Mayor McFarlane pointed out the City Council took a stand and made a statement a few years ago by taking on the responsibility for paying for sidewalks and not assessing residents. She stated the City doesn't have a policy as it relates to public/private partnerships as it relates to transportation issues. She stated we need to have some type policy.

Ms. Crowder talked about looking at commercial development as it relates to the need of sidewalks as well as residential areas and the requirements. Mr. Thompson pointed out if the Highwoods project were built today, sidewalks would be included in the project. He pointed out the Highwoods is older and sidewalks were not required or encouraged at that time. Ms. Baldwin questioned if the Highwoods Property Owners Association has voted on this request with Mr. Cox pointing out he does not know that is one of the reasons he asked that the item be referred to administration to look at the offer, determine its validity, etc. The Manager and/or staff could talk with representatives of the homeowners association.

Ms. Baldwin pointed out the concern she has is we have no public/private partnership policy in place. She stated we need to have that in place, particularly as it relates to future transit developments, etc. She moved that the staff be directed to develop policies related to transit and transportation projects including sidewalks, that is, develop a policy and hold Mr. Cox's motion for two weeks. Mr. Branch stated he would second Ms. Baldwin's motion to direct staff to work on developing a public/private partnership policy but he feels we should settle Mr. Cox's motion first. How to proceed was talked about with Mr. Cox pointing out he would like his motion voted on so the representatives of the Highwoods Property Owners Association would know what is going on and know their options. Ms. Baldwin questioned if staff needed a motion to discuss the issue with Highwoods with Mr. Hall pointing out staff could talk to representatives of Highwoods; however, it would be good if the Council gave direction as to what could be proposed.

Mr. Thompson pointed out to him it is a bigger issue than this particular sidewalk. It is a citywide issue. Ms. Baldwin again made her motion to direct staff to develop a policy for public/private partnership for transit and transportation particularly sidewalks. Mr. Gaylord pointed out this is a unique circumstance because it allows the City to remain whole and install a project for half price.

The Mayor called the question on Mr. Cox's motion to ask the staff and the City Manager to study the Highwoods Property Owners Association's offer and bring back options. The motion

was put to a vote with resulted in all members voting in the affirmative except Ms. Crowder who voted in the negative. The Mayor ruled the motion adopted on an 7-1 vote.

Ms. Baldwin's motion to direct staff to develop a public/private partnership policy for transportation items including sidewalks 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.

PARK MAINTENANCE – INFORMATION REQUESTED

Mr. Branch expressed appreciation to staff for addressing a maintenance issue that the brought forward relative to one of the City parks.

Mr. Branch questioned where the City stands with maintenance at Apollo Heights, Roberts Park and Tarboro Road Park. He stated those are older parks and should not be ignored and they need maintenance. He stated he would like to have a report on the maintenance at some of our older parks. City Manager Hall questioned if Mr. Branch wants a report on the three he mentioned or all parks in general. After brief discussion, Mr. Branch stated he would like to have a report on the maintenance schedule, issues, etc., on all of the parks that have a community center. Mayor McFarlane pointed out she thought there was a list that was developed during the last bond referendum with Mr. Branch pointing out he understands that but he assumes there have been many changes since that occurred. City Manager Hall stated staff would provide a report for parks that are the location of a community center.

GO RALEIGH PASSES – COMMENTS RECEIVED; AFRICAN AMERICAN CULTURAL FESTIVAL – COMMENTS RECEIVED

Council Member Branch expressed appreciation to the City of Raleigh transit team including David Eatman, Richard Vinson, etc., for all of the work with the colleges and other institutions to develop a program to allow the students to ride for free. He commended all on a job well done.

Mr. Branch talked about the African American Cultural Festival and what a great event that was pointing out it was well attended and expressed appreciation to all who work so hard to make it successful. He stated he looks forward to the 8th African American Cultural Festival scheduled for next year.

HISTORIC STRUCTURES DOWNTOWN – PRESERVATION – REFERRED TO ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

Mayor McFarlane talked about the downtown mapping and preserving historic structures in downtown Raleigh pointing out she would like to refer an item – Preserving Historic Structures Downtown and referred to the area between Hillsborough Street to Downtown to Oberlin Road to the Economic Development and Innovation Committee to look at what tools we have to accomplish that goal. Mr. Branch talked about Southpark and asked that that be looked at also. Without further discussion, the item was referred to Economic Development and Innovation Committee.

RETREAT – FOLLOW-UP – SCHEDULED FOR THURSDAY, SEPTEMBER 8

Mayor McFarlane indicated the Council follow-up retreat is scheduled for Thursday, September 8 in Room 402 of the Convention Center. She stated lunch will be at 12:30 and the meeting would start at 1:00 p.m. She pointed out Michele Ferguson had developed an agenda after talking with Council members and Mayor McFarlane presented the agenda.

RETREAT – FEBRUARY 2017 – COUNCIL ASKED TO HOLD DATE

Mayor McFarlane indicated we need to start looking at times, dates, etc., for the next Council retreat. She stated after doing some poling of the Council, she would ask the Council to hold the dates of February 8 thru 10, 2017 for its next retreat which would be held in Raleigh. She stated she would ask Council Member Stephenson and Council Member Baldwin to help her develop the agenda as had occurred in the past.

RACE AND EQUITY TRAINING – SCHEDULED FOR NOVEMBER 28, 2016

Mayor McFarlane indicated the Council had asked for a special training session on race, and equity, etc., and it looks like the best date is November 28, 2016. The meeting could be scheduled from 1:00 p.m. to 5:00 p.m. or 4:00 p.m. to 8:00 p.m. After brief discussion on various calendars, it was agreed the meeting would be on November 28 from 1:00 to 5:00 p.m.

ELIZABETH DOLE FOUNDATION – PROPOSED RESOLUTION – TO BE PLACED ON SEPTEMBER 20 AGENDA

Mayor McFarlane presented Council members with information on the Elizabeth Dole Foundation. She talked about a request for adoption of a resolution relating to Veterans and Caregivers of Veterans. She stated according to the City Council's policy on resolutions, she would present the information and the proposed resolution and ask that it be placed on the September 20 agenda for consideration at that time.

DOWNTOWN EVENTS – SEPTEMBER – COMMENDED

Mr. Gaylord talked about all of the events coming up in the downtown area in September including Hopscotch, IBMA and several other events. He encouraged all people to attend pointing out a lot is happening in Downtown over the next few months.

COUNCIL COMMENTS – MR. THOMPSON – RECEIVED

Mr. Thompson expressed appreciation to members of the Economic Development and Innovation Committee for all of their hard work on the short term residential lodging and issues.

Mr. Thompson talked about the Capital Area Rally for Recovery which is scheduled for the upcoming Saturday. He stated this is the 5th annual event, talked about addictions pointing out it

is a character flaw but a disease that can be treated. He pointed out the Rally will be at the Bicentennial Plaza and he will be speaking at 10:00 a.m. He encouraged all to attend.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Civil Service Commission – One Vacancy At-Large – No nominees

Fair Housing Hearing Board – Two Vacancies – Collin Bober and Sondra Collins received 8 votes each (All Council members)

Raleigh Historic Cemeteries Advisory Board – One Vacancy – No nominees

The City Clerk announced the appointment of Collin Bober and Sondra Collins to the Fair Housing Hearing Board. The other items will be carried over until the next meeting.

NOMINATIONS

BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – EVAN THOMAS BRIGHAM – REAPPOINTED

The City Clerk reported the term of Evan Thomas Brigham is expiring. He is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend the rules and reappoint Mr. Brigham by acclamation. Her 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.

BOARD OF ADJUSTMENT – JASON ROOT ELEVATED TO REGULAR MEMBERSHIP; VACANCY DECLARED FOR ALTERNATE

The City Clerk indicated at the August 2, 2016 Council meeting, she reported that a letter of resignation from the Board of Adjustment had been received from Brian Williams. Mr. Williams is a regular member of the Board. According to past practice, the Council votes to move the longest serving alternate to a regular position and declare a vacancy for an alternate. Jason Root is the longest serving alternate. Since his appointment there have been 13 meetings and Mr. Root attended all 13. If the Council wishes to follow past practice, it would be appropriate to appoint Mr. Root to a regular position, declare a vacancy for alternate member and take nominations for that position.

Ms. Baldwin moved that the Council elevate Mr. Root to a regular position and declare a vacancy for alternate member and take nominations for that process. Her motion was seconded

by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0- vote.

HISTORIC RESOURCES AND MUSEUM ADVISORY BOARD – VARIOUS ACTIONS TAKEN

The terms of Dwight Coleman, Barbara Freedman, Melissa Hockaday, Ed Morris, and Tom Ward are expiring. All are eligible for reappointment. Ms. Hockaday does not wish to be considered for reappointment. Ms. Freedman, Mr. Morris, and Mr. Ward would like to be considered for reappointment. Council members will receive with the agenda packet information from the nominating committee of the Historic Resources and Museum Advisory Board relative to recommendations for appointments.

Ms. Baldwin moved reappointment of Ms. Freedman, Mr. Morris and Mr. Ward and carry the other two positions until the next meeting. 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 Clerk announced the reappointment of Ms. Freedman, Mr. Morris and Mr. Ward with the understanding the two other slots would be carried over until the next meeting.

HUMAN RELATIONS COMMISSION – VACANCY DECLARED

The City Clerk reported the term of Dr. Ricky Scott is expiring. He does not wish to be considered for reappointment. No nominations were made therefore the item will be carried over to the next meeting.

PARKS, RECREATION AND GREENWAY ADVISORY BOARD – CLODAGH LYONS–BASTIAN – REAPPOINTED

The City Clerk reported the term of Clodagh Lyons-Bastian is expiring. She is eligible reappointment and would like to be considered for reappointment. Ms. Baldwin moved the reappointment of Ms. Lyons-Bastian. 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.

SUBSTANCE ABUSE ADVISORY COMMISSION – CECILE WILLIAMS – REAPPOINTED

The City Clerk reported the term of Cecile Williams is expiring. She is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the reappointment of Ms. Williams. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

Council members received in their agenda packet copies of the minutes of the August 2 and July 19, 2016 Council meetings and the November 17, 2015 Council Work Session.

Ms. Baldwin moved approval as presented. Her 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.

TAXES – RESOLUTION ADOPTED

Council members received 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 was recommended. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 362.

ASSESSMENT ROLLS – JONES SAUSAGE ROAD AND FALLS OF NEUSE ROAD – RESOLUTIONS ADOPTED

As previously authorized by Council, the following preliminary assessment rolls will be presented. Adoption, which would set a public hearing to consider confirmation of cost and associated assessments on Tuesday, October 4, 2016, is recommended.

- Paving and Sidewalk Assessments – Jones Sausage Road Widening and Realignment/Rock Quarry Road Part B (PW 2010-5)
- Paving AR's 946 and 946-A *(outside city limits)*; Sidewalk AR's 423 and 423-A *(outside city limits)*
- Paving and Sidewalk Assessments – Falls of Neuse Road Widening and Realignment Phase I (PW 2010-3)
- Paving AR's 941 and 941-A *(outside city limits*); Sidewalk AR's 419 and 419-A *(outside city limits)*
- Paving and Sidewalk Assessments – Falls of Neuse Road Widening and Realignment Phase II (PW 2010-7)
- Paving AR's 947 and 947-A *(outside city limits)*; Sidewalk AR's 424 and 424-A *(outside city limits)*

Mr. Gaylord moved approval as outlined. 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 Resolutions 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373 and 374.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane stated a motion is in order to enter closed session pursuant to NCGS143.-318.11(a)(4) for the purpose of considering the location or relocation of certain businesses or events to Raleigh and any incentives that might be involved in the relocation and NCGS143.318.11(a)(3) for the purpose of receiving a report from the City Attorney on the Hands of Hope v. the City of Raleigh case. Mayor McFarlane moved approval of the motion of the motion as read. Her motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative. The Council went into closed session at 2:30 p.m.

The Council reconvened in open session at 2:50 p.m. Mayor McFarlane indicated the Council had returned from closed session in which the Council received information on the location or relocation of certain businesses and incentives that might be involved and received a report from the City Attorney on the Hands of Hope v. City of Raleigh case.

RECESS

Mayor McFarlane announced the meeting recessed at 2:51 p.m.

Gail G. Smith
City Clerk

jt/CC09-06-16

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, September 6, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with all Council members present. Mayor McFarlane called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITION OF CITIZENS

HABITANT OF HUMANITY OF WAKE COUNTY – BUILD-A–BLOCK PROJECT – INFORMATION RECEIVED

Melanie Rankin and Annita Morgan of Habitat for Humanity of Wake County were present to express appreciation for the support of the City Build-A-Block program. Ms. Rankin indicated this is a historic project as in their Habitat for Humanity of Wake County is partnering with NCSU and the program will yield 11 new affordable housing units on Lake Wheeler Road. She stated once it is completed, it will be the largest project ever undertaken between Habitant and the University. She pointed out the goal is to raise $715,000 and recruit 10,000 volunteers and gave the schedule pointing out work will be ongoing between now and May 6 the proposed completion day. She stated on September 7 they will have a "wall raising", presented information about the program and the wall raising ceremony and invited all to attend. She expressed appreciation to the Council for its support and awareness of the need for affordable home ownership and invited Council members to attend, help build, create their own teams or bring a team. She talked about the excitement the project brings to the area and again expressed appreciation to the City Council and the City for its support.

RCACS – PROPOSED CHANGES – TO BE PLACED ON SEPTEMBER 20 AGENDA

Carole Meyre and Donna Bailey were at the meeting to make a request from the RCAC relative to text changes and policies relating to the UDO to help define the role of the CACs in regard to rezoning questions. Ms. Meyre pointed out Ms. Bailey has been the lead in this process. Ms. Meyre talked about the role of the CACs which helps bring the public and applicants for a rezoning together for discussion. She stated the RCAC has been working for some time evaluating the CAC role in the rezoning process. She stated this came about as they received feedback that the current process is a little long and cumbersome and their effort is to try to make it more predictable, transparent and streamlined for all parties. She stated they are suggesting changes in the process and text changes. Ms. Meyre explained the concerns relative to the CAC's not getting notification when a rezoning comes up, problems in getting the applicants on the CAC agenda, and the fact that the Planning Commission sometimes holds an item because the CAC hasn't had time to discuss an item. She feels their proposals will help establish clear roles, create some consistency, and hold the CACs accountable for a timely review and vote. She stated their proposal would have the CACs notified and involved earlier in the process which would provide for a more collaborative discussion and went over the proposal which would allow the CACs to have first informational meeting, etc. She presented slides outlining the current process and how it would work if the proposed text change is approved. She stated there

would be a text change that would increase the notification area from 100 feet to 1000 feet, increase the notification deadline from 10 days to 14 days prior to the meetings, who would be invited, a change in the Planning Commission review and scheduling. She stated they have been working with the Planning Department and the proposals have been vetted and she thinks have been approved by the Planning staff.

In response to questioning, it was pointed out the Planning Commission Chair is supportive of the proposal but it hasn't been discussed by the full Planning Commission. Ms. Baldwin questioned if this has been discussed with Council members it being pointed out it had but not with Ms. Baldwin. Mr. Thompson talked about the notification area pointing out he feels 1,000 feet is too much and would suggest considering 500 feet. It was pointed out other cities in the area require the 1,000 feet.

Discussion followed as to whether the staff is in agreement with the proposal and what the process would be if the Council wanted to move forward. Planning Director Bowers talked about the notification radius, mailing deadline and how the process could be affected by the changes. Ms. Baldwin questioned if the CACs had considered making this policy rather than going through the text change process. Ms. Crowder stated she feels there should be more discussion with Ms. Baldwin agreeing.

Ms. Meyre apologized that Ms. Baldwin wasn't included in the preliminary discussions and talked about the 19 CACs which run in size from 3,000 to some 80,000+. Ms. Meyre asked about the possibility of getting resources to look at the sizes and possible resizing of some of the CACs. Council members talked about the proposals with Ms. Meyre pointing out they are merely trying to get some standardization in the way the 19 CACs operate. Mayor McFarlane expressed appreciation for the work done thus far, she pointed out the boundaries of the CACs were tweaked a couple of years ago and that was an extremely large undertaking. She talked about the possibility of putting a team together say three Council members to review the citizen comments and suggestions and work with the CACs, etc. Mr. Stephenson stated if the Mayor puts together three Council members to work with the suggestions and come up with a task force and develop a scope of work for that task force that is fine but asked that the Council hold action on the text changes until the task force is developed and has an opportunity to look at the various issues.

Octavia Rainey, speaking from the audience, asked about having a civil rights expert or attorney on the task force when the boundaries are being studied. How to develop the task force and making sure all districts are represented, having the right diversity and skill set was talked about. Whether the full RCAC has talked about this was discussed briefly. Mayor McFarlane asked that the item be held for two weeks and allow Mr. Stephenson and Ms. Baldwin, at large representatives, and herself to work to develop a task force and a scope of work and present that to the Council in two weeks. It was agreed to follow that course of action.

TEXT CHANGE - ANIMAL CARE INDOOR – AUTHORIZED TO BE FILED

Chad W. Essick, representing Care First Animal Hospitals stated pursuant to 10.2.3 of the UDO, would like to make a request for the City Council to authorize a text change to Section 6.1.4 (allowed principal use table) to allow "animal care – indoor" as a limited use in the Office Mixed-Use (OX) zoning district and to consider increasing the current limitation of no more than four animals engaged in outdoor activity at any one time.

Attorney Essick explained he is asking the Council to authorize a text change being initiated to consider this change. He stated his client owns three animal hospitals which were remapped. The animal care – indoor portion did not carry over from O&I to OX. He stated he did a little research and determined that there are some 20 animal hospital facilities that were remapped to the OX. He stated he met with Assistant Planning Director Crane and in their discussions they felt that this probably was an oversight.

In response to questioning from Ms. Baldwin, Assistant Planning Director Crane indicated they feel this proposal is reasonable. He suggested that Attorney Essick be considered the applicant and be authorized to move forward with the text change. Mayor McFarlane again questioned if there was any reason that this use was excluded with Mr. Crane pointing out not that he could find. Mr. Branch asked if the 20 animal hospitals would be notified with it being pointed out typically in a text change there is not that kind of notification. Ms. Crowder questioned if staff saw any unintended consequences. Mr. Cox asked about possible problems with animal hospital facilities being in office building with other uses such as dentist, doctors, etc. After brief discussion, Mr. Gaylord moved that Mr. Essick be authorized to come forth with a text change to consider this amendment. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

SOLO MOM MAKEOVER – REMOVED FROM THE AGENDA

Denise Wiggins, Solo Mom Makeover, a nonprofit organization to bring empowerment, education, training, and strength to our communities and provide information about the opportunities of the program had requested an opportunity to make a presentation about the program.

Ms. Wiggins was not at the meeting, therefore the item was removed with no action taken.

COMMERCIAL PROPERTIES – HOMESTEAD VILLAGE – REMOVED FROM THE AGENDA

Kelvin Dumas, 7850 Homestead Village, LLC, had requested permission to discuss commercial properties across the front of 7850 Homestead with Capital Boulevard frontage and get a variance to retail and industrial. Mr. Dumas was not at the meeting therefore the item was removed with no action taken.

UDO – PROPOSED TEXT CHANGE TO REINSTATE VARIOUS REVIEWS – REFERRED TO STAFF

Ted Van Dyk pointed out he and Neil A. Riemann are at the meeting to ask the Council to consider reinstating the Planning Commission and Appearance Commission review as a part of the UDO requirements. He stated in his opinion eliminating the Planning Commission and Appearance Commission's review has had a major impact and as he feels it is important for the groups to weigh in on various plans. He talked about the process pointing out he spent a number of years on the Planning Commission looking at designs and development and how that type review can put certain elements back into the plan. He talked about the value set we see in our communities, how major products impact quality of life, and how it is felt projects need to meet the requirements of the City of Raleigh as well as reviewing policies and bodies not just the code. He stressed the need and the value of a public review.

Mr. Reimann pointed out Council members received in their agenda packet an outline of a text change developed with the idea of jump starting the opportunity for this process. He stated they feel the current process is not adequate and there is need to provide some flexibility. He stated the public has a hard time understanding some of the processes. Mayor McFarlane asked for some examples of projects they feel are a problem and with Mr. Reimann pointing out he could name one but the time to appeal is not up so he did not want to speak to that.

Mayor McFarlane pointed out the City's ability to regulate appearance was severely curtailed by the General Assembly. She suggested Mr. Reimann and Mr. Van Dyk spend some time working with staff to help provide clarity as to what they are suggesting and to make sure that what is being suggested is within the boundaries of what the City is empowered to do. She stated it would be good for the gentlemen to have conversation with staff and provide staff with some clarity as to where they feel staff is missing the mark, etc. Ms. Crowder agreed that additional conversations with staff may help. Ms. Baldwin expressed concern about quasi-judicial hearings as she feels it adds tension and maybe we should look at some policies that will help address those situations.

City Attorney McCormick pointed out the Council went through a long process to try to get those decisions away from the City Council and the Planning Commission by developing elements so that approvals could be purely objective. He stated it would be best to keep this at staff level and try to define what staff should look for. Mr. Reimann pointed out they would be happy to talk with staff pointing out in a quasi-judicial hearing one must have standing. Mr. Van Dyk talked about Cary's design regulations and talked about possible processes the City of Raleigh could use with Planning Director Bowers pointing out staff would be happy to talk with the gentlemen pointing out we have various standards. Mr. Cox pointed out he did not know if there will ever be a way to legislate perfection. He stated no matter what the rules and regulations, he feels there will always be cases that cause tension and he supports the City Council reviewing those cases as it is a matter of honoring constituents concerns and issues. Mr. Stephenson talked about Cary's standards, the UDO being a tool, expressed concern about starting to add layers and quoted from the UDO. He talked about the concerns, expressed concern about one size fits all, setting standards, high profile cases, high intensity cases, etc.

The Council agreed to ask staff to work with Mr. Van Dyk and Mr. Reimann to better understand their concerns and/or recommendations.

NORTHRIDGE AUTOSPA – REQUEST FOR TEMPORARY SIGN – REFERRED TO THE CITY ATTORNEY

Harold F. Merritt, III, Northridge Auto Spa, indicated he owns Northridge Auto Spa which is located at 7110 Sandy Forks Road. He stated the City is working on Sandy Forks Road and has been for some 9 months and the City has a way to go to complete the project. He stated he is before the Council to request a temporary sign on Falls of Neuse Road to let people know how to get to his business. He stated the manager at the bank on the corner has agreed for the sign to go there if the City would allow it. He stated they share a road with the bank, an ABC store, Auto Zone and other businesses and the fact that the road is basically closed is causing them and others to lose business.

Mr. Thompson pointed out he looked at the area last week and he sees the problem and questioned when the project will be completed with Engineer Chris Johnson pointing out it will be July of 2017.

Mayor McFarlane stated she thought we had provisions to allow signs during road construction. Assistant Planning Director Crane talked about the size of signs, specific rules related to temporary signs, requirements for permission from the Board of Adjustment as this is an off-premise sign. City Attorney McCormick indicated he thought the City had a policy in place that would allow such a sign stating he would be happy to work with Mr. Crane and report back to Council. Various Council members agreed they thought there was something in place with Mr. Gaylord pointing out he feels it could be considered a way finding sign. Ms. Baldwin stated if we do not have a policy she feels one should be developed. City Attorney McCormick indicated he could work on this issue and hopefully find a way to allow such signage with it being pointed out if we cannot some policy should be developed. The item was referred to the City Attorney to work out a solution for Mr. Merritt's problem.

VARIOUS CONCERNS – WITHDRAWN FROM THE AGENDA

Edna Batya Quintana had requested permission to discuss various concerns. The City Clerk pointed out the applicant had requested that the item be delayed until the next meeting.

RALEIGH FIREFIGHTERS UNITED – PAY STUDY CONSIDERATIONS AND REQUEST – RECEIVED

Aaron Michael Voss, representing the Raleigh Firefighters United read the following prepared statement.

> Mayor McFarlane, City Council Members, I am here today to speak about a troubling double standard that the city uses to implement pay raises and a gross distrust of city leadership that has resulted from it.

Let me explain:

Mayor McFarlane...when asked by the news about increasing the pay for fire and police in this past year's budget, you said the following:

"It is a big organization and you can't really pull out pieces at a time and start making changes without understanding the impacts on the whole organization. That's why we're doing the pay study."

Within a week or two of this quote being given, the city council approved up to an 11% pay raise for multiple city executives. I have to ask....Where was their pay study? Were their six figure salaries so below standard that they could not wait for the pay study to be completed?

I have firefighters silting behind me and others who are on shift at the station and others that are out working their 2nd or 3rd job who can't even afford to put food on the table, put a roof over their families heads or pay for health insurance without public assistance and you told us to wait for a pay study? All of this, while city executives received large raises without having to wait?

I think we can all agree that this was a gross double standard and it is unacceptable.

The good news is that it is not too late for you to honor your promise to take care of us in this next budget year. Despite my obvious frustration at what has transpired, I believe that each and every one of you on the city council are good people who want to do the right thing.

Obviously, the distrust that has been built will not be erased overnight. It requires a series of actions that show that the city council values Raleigh Firefighters.

The first step to rebuilding the trust is for you to end the double standards found in the ongoing pay study. We have been told that certain executive positions will be compared nationally during the pay study while firefighters will only be compared locally and regionally. I think we have established that having this kind of double standard is unacceptable so let's compare all positions the same so the study can be done right.

In regards to the results of the pay study....We are not asking for the city to reinvent the wheel when it comes to our pay structure. We are just asking that the city provides what almost every other fire department throughout the country provides its firefighters.

I am providing the detailed pay structures of several comparable fire departments for you today. I ask that you take a close look at them. What you will find is that the Raleigh fire pay structure needs 3 things to be changed in order to be on par with other

departments our size. Otherwise we will continue to lose good firefighters to other departments.

1) The starting pay should be more in line with other departments our size throughout the country

2) There should be some form of a predetermined step system which provide annual pay raises to all firefighters with an above standard job performance review up to a predetermined top pay for each position.

3) There should be at least an 8% raise given with each promotion in addition to the annual step raises.

Thanks so much for your time and consideration. Have a Good Evening & God Bless.

Starting Pay Chart

Department	Firefighter	First Class	Lieutenant	Captain	Battalion Chief
Raleigh FD	$32,673.73	$34,944.98	$38,358.27	$45,921.20	$58,820.28
Austin FD	$50,922	$64,851	$76,449	$86,690	$94,492
Omaha FD	$54,221	N/A	$62,870	$72,567	$96,270
Colorado Springs	$48,996	$74,940	$82,380	$91,356	$111,012

Mr. Voss provided information on various departments pay scale. The comments were received.

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT BUILDING DEMOLITION – VARIOUS LOCATIONS – HEARING TO CONSIDER CONFIRMATION OF CHARGES – APPROVED

This was a hearing to consider adoption of a resolution to confirm as a lien against the properties as listed below the charges for demolition of Unfit Buildings:

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	COST OF DEMOLITION
2607 Sadie Hopkins Street (D)	Elvin Rogers heirs	0060903	$7,900
619 Cumberland Street (D)	Dorothy Mitchell Gibbs, et.al.	0047741	$7,327

The Mayor opened the hearing on each location, no one asked to be heard thus the hearings were closed. Mr. Thompson moved adoption of the resolution confirming cost as recommended. His motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor rule the motion adopted on an 8-0 vote. See Resolution 375.

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

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

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	COST OF ABATEMENT
1107 Fayetteville Street (D)	Mamie Thorpe Yeargin Jones, et. al.	0080259	$297
1121 S. Bloodworth Street (C)	Raleigh Taylor 1121 Trust	0038260	$262
1406 Infinity Lane (C)	Gilberto R. Davila and Lalonnie M. Bella-Davila	0336873	$430
1804 Sunview Street (C)	First Franklin Financial Corporation	0101682	$302
212 Parkland Road (D)	Gwendolyn F. Gulley	0029466	$356
2418 Sunnybrook Road (C)	Earth Petroleum VI, Inc.	0073740	$600
2508 Foxgate Drive (C)	Clayton Ray Evans	0066091	$421
251 Sunnybrook Road B)	Wake Zone, LLC	0128319	$236
2901 Newark Drive (C)	Ernest Thorb and Demisha Ann Perry-Thorb	0066269	$280
416 Rogers View Court (B)	Pelagic Investments, LLC	0245010	$271
420 Rogers View Court (B)	Pelagic Investments, LLC	0245009	$271
4613 Limerick Drive (B)	James P. and Yen H. Ngo	0074350	$375
507 Montague Lane (C)	Mary Jane Locklear heirs c/o Abdurrahman Hinton	0042551	$334
509 Cutler Street (D)	Sara Lynn Wood	0050079	$1,943
524 Marble Street (D)	Maria Torres	0025958	$286
5621 Advantis Drive (C)	Kevin R. and Nyeema C. Harris McLennon	0282468	$301
701 Hadley Road (C)	Lillie Mae Jenkins heirs c/o Timothy Jenkins	0035396	$304
915 Marilyn Drive (E)	Hobco Auto Sales, Inc.	0038982	$252

Mayor McFarlane pointed out 251 Sunnybrook Road and 509 Cutler Street have been withdrawn as the charges have been paid. The Mayor opened the hearing on the remaining locations. No one asked to be heard thus the hearings were closed. Mr. Thompson moved adoption of a resolution confirming the charges outlined as amended. His motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 376.

PU 2016-1 – WESTINGHOUSE BOULEVARD – HEARING – RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 120 linear feet of eight-inch sewer main in the vicinity of 2531 Westinghouse Boulevard near Capital Boulevard, with assessments on a per lot and/or front footage basis to apply.

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

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Mr. Gaylord moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 377.

REZONING Z-10-16 – OLD POOLE ROAD – HEARING – TO BE PLACED ON SEPTEMBER 20 AGENDA

This was a hearing to consider a request from TK Desco, LLC to rezone approximately 1.81 acres from Office Mixed Use – 3 Stories – Conditional Use and Residential-6 (OX-3-CU and R-6) to Commercial Mixed use – 3 Stories (CX-3). The property is located on Old Poole Road, east side, south of its intersection with Poole Road.

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

Planner Bynum Walter presented the case showing a map of the existing zoning, aerial views showing the surrounding zoning and development, views from the south, east and north, what is allowed under existing and proposed zoning, existing conditions on the case, explaining there are no inconsistent policies and the Planning Commission had recommended approval on a 7-0 vote and the Southeast CAC recommended approval on a 16-0 vote.

Mr. Stephenson pointed out CX is one of the most intense districts we have and expressed concern about applying that zoning between a single family neighborhood and a church, with no conditions to mitigate the impacts of development. Mayor McFarlane questioned if representatives of the church had expressed concern. Mr. Branch questioned if road improvements would be required. Mr. Gaylord pointed out as he understands this proposal is consistent with the Comprehensive Plan, Future Land Use Map, has the unanimous vote of Planning Commission and the CAC and it seems that the Council is just trying invent problems. Mr. Branch questioned if the homes are within the city or the city's ETJ with Planner Walter pointing out she would have to check. Discussion took place as to who and how many attended the neighborhood meetings.

The Mayor opened the hearing.

Tae Park representing the developer talked about the surrounding zoning and development which includes O&I, Commercial, Industrial, Mobile Home Park, GOTriangle Transit facilities, banks, etc. He stated the proposal will help enhance the quality of living in the neighborhood and make this area much more attractive and pleasant. He stated they were at the neighborhood meeting and no concerns were expressed as a matter of fact, people spoke in support. He talked about the CAC vote, unanimous recommendation from the Planning Commission and again stated this case if approved would provide benefits to the surrounding citizens and the property. It was pointed out there is a house on the property and no rent has been collected from the tenants for two years; however, if the tenants are evicted they are afraid that there will be vandalism, it will become a drug house as has happened in the past. He stated this proposal meets all of the guidelines and he feels if approved, it will enhance the neighborhood.

Mr. Stephenson questioned if the applicant is willing to commit to a condition about the use being residential or exactly what is proposed. It was pointed out there is a power line easement and setback requirement. Mr. Park stated he would be willing to commit to a condition with it being pointed out that is not what is before the Council.

In response to questing, Assistant Planning Director Crane talked about what would be required to convert to a conditional use request including an automatic deferral, additional fees, new filing, new expenses, etc. The applicant stated he is not interested in a conditional use case. What was presented at the neighborhood meeting was discussed but it was pointed out in a general use case, the city could not hold the applicant to a mixed use development as he promised; however, the applicant does not want to change to a conditional use. Assistant Planning Director Crane pointed out there would be a two year waiting period after approval or denial of the case. Whether the applicant understands his options was discussed. Mr. Stephenson expressed concern about a general use case as the zoning goes with the land. The applicant may be sincere about the proposals presented to the neighborhood; however the land could be sold and the next owner could do whatever. It was agreed to hold the item and allow staff to talk with the applicant and explain possibilities and consequences and place the item on the September 20 agenda for further consideration.

TC-5-16 – NEW BERN – EDENTON NCOD AMENDMENTS – HEARING – DENIED

This is a hearing to consider a proposal which would amend the City of Raleigh Unified Development Ordinance to add provisions for fee-simple townhouse lots within portions of the existing New Bern-Edenton NCOD.

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

Assistant Planning Director Crane presented this case pointing out it is an area specific text change which if approved would modify the New Bern-Edenton NCOD. He explained the purpose of an NCOD which usually provides various development standards in addition to the underlying zoning requirements. He explained Z-33-92 established the New Bern-Edenton NCOD, and pointed out this text change would amend a portion of the NCOD to allow for fee-

simple townhouse development within the amended portion. Townhouse building types are already allowed but this would allow fee-simple ownership within the area proposed for amendment. In response to questioning from Ms. Crowder, Assistant Planning Director Crane pointed out this would change the minimum lot size and would modify the NCOD for this sub area.

The Mayor opened the hearing.

Attorney Isabel Mattox representing Stuart Cullinan talked about the proposal pointing out after discussion with staff, they agreed to a 20 foot setback to the side and/or rear and would remove the Oakwood corridor from sub area and would clarify that the fee-simple owned townhouses would not be allowed in the Historic District. She talked about the establishment of the NCOD which was an outgrowth of the New Bern-Edenton Street plan. She stated she could find nothing that would indicate there was an intent to prohibit fee-simple townhouses in the NCOD. She stated there did not seem to be a lot of support or opposition from the neighborhood, the plan was brought forth by the City. Only three people spoke at the public hearing to establish the NCOD and only one lived in the area. She talked about the outreach in the community, how many times they worked with the community and the response they received prior to this hearing. She went over the objectives of the NCOD.

Stuart Cullinan talked about the number of CACs – Northwest, South and Central, when they attended and discussions held. He talked about a city sponsored event and one that they sponsored. Mr. Cullinan stated he went door to door and presented a notebook which he indicated contained 122 signed petitions from owners in support of this change. He stated when the original hearing was held only one property owner in the NCOD showed up. He talked about the plan which calls for medium and high density residential home ownership, townhouses being mentioned as a housing type, the fact that there was never any mention to omit fee simple townhouses and talked about the redevelopment plan and how it was established.

Approximately 20 people stood in support of the text change.

Ms. Baldwin asked that the opposition be allowed to speak first.

Danny Coleman, 517 Rock Quarry Road, pointed out his concern is if it takes a majority of property owners within the area to file for an NCOD how can a minority of the property owners amend the NCOD. He quoted from UDO Section 5.4.3 about the locational guidelines and what is required and the fact that a majority of the property owners within an area proposed for to be rezoned NCOD must sign the petition.

Mr. Coleman talked about the rezoning that took place, the longest Board of Adjustment meeting he had ever attended relating to a request to rezone property across the street explaining the NCOD was not developed in a vacuum, the people in Oakwood led the charge at that time and talked about how the rezoning was defeated and how the NCOD occurred.

Octavia Rainey, 1516 East Lane Street, pointed out she was very involved in the development of the NCOD pointing out it came out of the New Bern-Edenton plan, was recommended by former Planning Director George Chapman, the area that it was to cover, and the fact that it was put in place for the long-term protection of that area. She presented Council with information about neighborhood meetings and the public hearing in which the New Bern-Edenton Redevelopment Plan was adopted and the fact that one of the recommendations of that plan was to apply the Neighborhood Conservation Overlay zoning to portions of the area in an attempt to maintain and improve the neighborhood. She pointed out a lot of the people involved in the original plan are now deceased and explained the development of the plan helped provide a trust that the City had the people's interest and talked about the process of creating trust among the people. She objected to taking Oakwood out, pointed out NCODs are to be long-term and asked the Council to honor the wish of the people. She stated the people support the NCOD as it is and called on the Council to not start tweaking the NCODs and not approve this text change.

The resident of 3225 Oakwood Circle pointed out she does not live in the area but if a neighborhood puts together a NCOD they should be the only ones that can alter the NCOD.

Sandy Shearer, 309 Linden Avenue, Society for the Preservation of Historic Oakwood stated they didn't request to be excluded. She pointed out there was a lot of conversation but the Board of Directors will stand with the CAC and oppose the text change. She stated she had been asked if excluding Oakwood would matter however the Board had not voted on the issue.

Terry Becom, 308 North East Street, called on the Council to support neighborhoods. She expressed concern that the NCOD could be done away with or amended by a developer, talked about the historic significance of the area and the importance of the NCOD to the black community. She stated she and many others felt only the neighbors should be allowed to change the NCOD and it would be a dangerous precedent to start taking sections out or changing the NCOD.

A representative of Turner Properties, pointed out she and her brothers own property in the Blount-Edenton and East Street areas. She talked about the properties and the fact that she did not want their properties included and pointed out Mr. Cullinan assured him that that is why he amended his text change to not include certain sections.

The Co-Chair of the original New Bern Edenton Task Force talked about the original intent and process pointing out it seems that this was led by the City Planning Department. She stated she didn't recall many of the meetings, talked about encouraging residents along the corridor and hoping to encourage home ownership. She pointed out they wanted the type of residential development that would bring economic development to the area explaining there was concern about boarding houses. Townhouses were a type of residential development that should be allowed and she was very surprised that the NCOD does prohibit fee simple townhouses. She feels the text change allows the original intent of the task force.

Scott Shackelford, 318 Seawell Avenue, indicated he owns eight properties on Seawell and Edenton Streets pointing out if everyone is at the meeting to debate removing or allowing

something that looks different, he would not be in favor. He pointed out you can have a large apartment building and divide it into 4 units and it would be exactly the same as fee simple. He supports the text change as he feels it will help the neighborhood.

Sylvester Joyner pointed out he owns several properties in the area and has for the last 20 years and while he is a landlord, he feels that people who own their property take more pride and he supports the text change.

Jannette Coleridge Taylor, 706 Oakwood Avenue, pointed out Mr. Cullinan is her neighbor and sympathetic, good developer and she agrees with the proposal.

Sierra Cores Taylor, 105 Heck Street, pointed out if there were townhouses in the area it would be a good opportunity for homeownership and she supports the text change.

George Fuller, 115 Seawell Avenue, spoke in support of the text change. He stated two things that are presently allowed is a detention center or vehicle repair shop and he prefers townhouses.

Jeremy Roberts, Disabled American Veterans, 625 New Bern Avenue, spoke in support as they would rather have townhouses than some of the other uses in the area. That group supports the text change.

Scott Parkinson, 308 Seawell Avenue, stated he would like to see housing of various kinds that people of various income levels could afford.

Alex Orr, 308 South Blount Street, stated he would really like to be a part of this neighborhood and cannot afford Oakwood and he supports the text change. In response to questioning, he pointed out he now lives in Skyhouse but would like to move out and go into this area.

Erin Sterling Lewis, 1229 Courtland Drive, stated she was very much in support of the text changes as she thinks it will help provide more affordable housing.

Brian Sweeney, 5529 East Edenton Street, the residents of 609 East Street and 542 East Edenton Street spoke in support pointing out they feel most of the neighbors support it.

In response to questioning to a request by the Mayor, approximately 20 people stood in support of the text change and another 20 in opposition.

The Mayor closed the hearing.

Council Member Branch pointed out he had heard comments about scale, affordability, etc., and questioned the average price of the townhomes proposed for this area. Mr. Cullinan pointed out the price is a function of the land and the size of the home. A townhouse could run as low as $125,000 up to $800,000 to $850,000. He stated what he is proposing for this area would be around $300,000 which includes attached garages and some that could go lower. He stated he has seven parcels total in the area. Mr. Branch questioned why they didn't modify the NCOD

rather than go with this text change with Mr. Cullinan pointing out he did not want to carve out an NCOD as he did not want to set a precedent so they felt this was more in keeping with the original intent. Exactly what constitutes a townhouse was talked about. In response to a request from Mr. Gaylord, approximately 20 people stood stating they are in favor of the text change and they live inside the NCOD. Approximately 5 people stood indicating they live inside the NCOD and they are against the proposal.

Mr. Cox asked that the process for an NCOD be explained. Assistant Planning Director Crane explained the process Northridge South went through in which the residents asked for a new NCOD. He stated this particular request is simply a change affecting part of one NCOD. Ms. Crowder stated as she understands townhouses are allowed in this NCOD but not fee-simple with it being pointed out that is correct and the text change would change setbacks. Ms. Crowder questioned if the purpose of requesting the text change is the ability for different and/or better financing. Attorney Mattox pointed out you can have condos that look like a townhouse already but a fee-simple townhouse offers different financing and building flexibilities and provides different financing.

Mayor McFarlane stated the issue for her is not so much the townhouse itself but the mechanism for changing a NCOD. She stated what is before the Council is a change to part of a NCOD without the approval or a request of the affected property owners. Mr. Stephenson pointed out he appreciates and understands what the developer is trying to do in order to meet market demands. He talked about the process of creating a NCOD and how property owners restrict themselves and what they can do with their property in order to preserve the character of the neighborhood. He pointed out if this property were on the edge a developer could come forth with a conditional use case which would protect the abutting properties, however, this is changing the NCOD in the middle.

Ms. Baldwin pointed out the developer is simply trying to bring more affordable housing opportunities to the area. She talked about this type housing, how young people are looking for this type gap housing, how young people and people who are downsizing are looking for this type housing but pointed out she understands the concern about the process, therefore she would suggest holding the item for 30 days and let the applicant to come forth with letters of support from at least 51% of the property owners affected. Mayor McFarlane pointed out this affects the whole NCOD so we would need 51% of the property owners of the whole area not just this section. Whether the City has a process or a policy for changing a NCOD was talked about. Planning Director Bowers explained the process and stated the applicant followed the code as now written. In response to questioning from Ms. Crowder, Planning Director Bowers pointed out the applicant did follow the process as required. Mr. Thompson stated he understands but he does not feel a developer should be allowed to change a NCOD without involving the neighbors. How to proceed, whether we need a policy to amend the NCOD and the fact that the code outlines a policy which was followed was talked about. Mr. Stephenson moved to deny the text change. His motion was seconded by Mr. Branch and put to a vote which resulted in all members voting in the affirmative except Ms. Baldwin, Mr. Gaylord and Ms. Crowder who voted no. The Mayor ruled the motion to deny the text change adopted on a 5-3 vote.

TC-12-16 – MAXIMUM BUILT-TO RANGE FOR TOWNHOUSE/APARTMENT BUILDING TYPES – HEARING – APPROVED

This is a hearing to consider amendments to the City of Raleigh Unified Development Ordinance to increase the maximum build-to range for Townhouse and Apartment building types from a maximum of a 30-foot building setback to a maximum of a 55-foot building setback for the build-to requirement.

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

Assistant Planning Director Crane explained the request pointing out it is a very simple change and in response to questioning from Ms. Crowder pointed out there is great advantage to the text change and it provides flexibility for streets, etc. The Mayor opened the hearing no one asked to be heard, thus the hearing was closed. Mr. Gaylord moved approval of TC-12-16 as advertised. His motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 629 TC 383.

TC-13-16 – ADMINISTRATIVE ALTERNATIVE – HEARING – APPROVED

This was a hearing to consider amendments to the City of Raleigh Unified Development Ordinance to prohibit access to administrative alternatives from items associated with a zoning condition.

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

Assistant Planning Director Crane explained the proposal and pointed out it would clarify certain guidelines relating to conditions being offered, etc. The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Mr. Gaylord moved approval of TC-13-16 as advertised. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 630 TC 384.

NCOD – STAFF DIRECTED TO DEVELOP POLICY

Mr. Branch asked if the Council would ask staff to come up with a policy for an amendment to an NCOD. Mayor McFarlane suggested the possibility of the requirement of a petition signed by 51% of the property owners with Ms. Baldwin agreeing. By consensus the Council asked the staff to come up with a text change for amendments to a NCOD which addresses the concerns as discussed tonight.

TOWN HALL MEETING – DISTRICT B – ANNOUNCED

Mr. Cox pointed out on September 19, he will be holding a town hall meeting for District B at the Abbotts Creek Community Center at 6:30 p.m. He stated there is no requirement for staff attendance.

EVIDENTIARY HEARING

SP-66-15 – TRIANGLE SPRINGS APPEAL – WITHDRAWN

This is a hearing related to a request from Isabel Worthy Mattox, Esq. for an evidentiary hearing relative to an appeal of the Planning Commission's approval of SP-66-15 – Triangle Springs, located at 10901 World Trade Boulevard. The hearing is pursuant to City Code Section 10-2132.2.c.2.

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

Mayor McFarlane again announced that the applicant had requested that this item be withdrawn.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 9:30 p.m.

Gail G. Smith
City Clerk

jt/CC09-06-16