COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, September 20, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

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

Mayor McFarlane called the meeting to order and invocation was rendered by Council Member Thompson. The Pledge of Allegiance was led by Council Member Baldwin. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION – HISPANIC HERITAGE MONTH - PROCLAIMED

Mayor McFarlane read a proclamation proclaiming September 15 through October 15, 2016 as "Hispanic Heritage Month" in the City of Raleigh. The Proclamation was accepted by Charlie Ibarra, managing partner of Jose and Sons, who explained his family moved to the area in 1991 and opened their first business on Hillsborough Street and then in the Warehouse District. He expressed appreciation for the proclamation and being a part of the local community. He presented Ms. Baldwin with a t-shirt pointing out he understood it was her birthday.

PROCLAMATION – CAMPAIGN NONVIOLENCE NC WEEK – PROCLAIMED

Mayor McFarlane read a Proclamation proclaiming September 17 through 24, 2016 as Campaign Nonviolence NC Week. The Proclamation was accepted by Sue Woodling, Chair of the Campaign Nonviolence NC Committee. Ms. Woodling pointed out that group started in 2014 and talked about the number of events and committees throughout the country and world stating she hopes it will become an annual event. She presented Mayor McFarlane and Council members with Blue scarfs and explained the Blue Scarf movement.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – TRANSITIONS LIFECARE – RECEIVED

John Thoma and Kristye Brackett representing Transitions LifeCare were at the meeting and expressed appreciation to the City Council for their involvement in arts and human services

which makes Raleigh a great place. Mr. Thoma explained their organization started in 1979 as Hospice of Wake County. For 25 years the City of Raleigh has invested in the program and also provided capital funding for Raleigh's only Hospice hospital. He talked about the core sources offered including Hospice support, home health, grief care, etc. pointing out with the City's help they are able to provide for all residents, families, schools, hospitals, etc., in the county.

Ms. Brackett explained with the City's funding they were able to provide support for over 300 patients daily, meeting their needs, grief counseling, education care, etc. She stated they have met and exceeded their expectations pointing out they are serving over 30 children in hospitals and homecare and expressed appreciation to the City for the contributions in helping them provide during this time. Mr. Thoma pointed out the City's contribution shows that Raleigh is city with a heart.

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 roll call vote. Mayor McFarlane stated she had received a request from Mr. Branch to withdraw the item Encroachment Request – Poole Road, Maple Street, Oakwood Avenue and King Charles Road. Mayor McFarlane stated in addition staff has requested that item 9.1 Crabtree Basin Wastewater System Improvements be withdrawn. Without objection those items were withdrawn from the consent agenda. Mr. Thompson moved approval of the consent agenda as amended. 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. The items on the consent agenda were as follows.

LAW ENFORCEMENT SUPPORT OFFICE PROGRAM – POLICE CHIEF AUTHORIZED TO EXECUTE PROGRAM DOCUMENTATION AND ANNUAL AGREEMENTS

The North Carolina Law Enforcement Support Office (LESO) is a program designed to make federal Department of Defense property available to local law enforcement agencies. When excess or surplus property from military entities is directed to the program, the property is placed in a web-based database; agencies enrolled in the LESO program can claim surplus property on a first-come, first served basis.

Participating agencies that acquire property from the LESO program agree that the property will be used only for law enforcement purposes; participating agencies must also provide justification concerning how the property will be used in counter-drug, counter-terrorism, or border security activities of the recipient agency. The agency must pay for all costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses associated with property obtained through the LESO program. The agency is also

responsible for accountability and physical control of all property acquired through the LESO program for at least one year from the date that the property was acquired by the agency. Under the terms of the program there is no cost for the property itself, but the agency must send a representative to retrieve and pay all costs associated with transporting the property to the agency.

The City has been enrolled in the LESO program for many years; the program requires execution of an annual agreement to participate. A new program condition requires the agreement to be executed by the chief law enforcement officer or agency head. The City has not obtained any property via the program since 2013, but must be enrolled to have access. The Police Department does not anticipate using the LESO program to acquire the types of items that have proven to be controversial in other jurisdictions. Examples of previous equipment obtained from participating in the program include Conex storage containers, warehouse racks, storage lockers, equipment trailers, generators, and a forklift.

Recommendation: Delegate authorization to execute program documentation and annual agreements to the Police Chief. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

POLICE FIREARMS – EXCHANGE OF PUBLIC PROPERTY – APPROVED

State law provides for the exchange of public property under certain conditions. The Police Department currently has in inventory a number of firearms, some of which are nearing the end of service life. The exchange of property represents a significant savings to the City. Additional details were included with the agenda packet.

Recommendation: Authorize the exchange of public property and procurement of police firearms with Lawmen's Safety Supply. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes. See Resolution 378.

REVENUE BOND FINANCING – COMBINED ENTERPRISE SYSTEM – VARIOUS ACTIONS APPROVED

At the September 6, 2016 Council meeting, the filing of an application with the Local Government Commission for approval 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 was authorized. To proceed with the bond issue it is necessary for Council to take the following actions:

- Adopt a bond order authorizing the issuance and sale by the City of Raleigh, North Carolina of an amount not-to-exceed $122,000,000 in Combined Enterprise System Revenue Bonds, Series 2016A, and an amount not to exceed $115,000,000 in Combined Enterprise System Revenue Refunding Bonds, Series 2016B ($237,000,000 in aggregate);
- Authorize the execution and delivery of certain documents in connection with the issuance and sale.

Included with the agenda packet are suggested proceedings as provided by bond counsel, which meet the statutory requirements.

Recommendation: Adopt the bond order authorizing the issue and sale of the revenue bonds and authorize execution and delivery of required documents. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes. See Ordinance 631.

UNIFIED DEVELOPMENT ORDINANCE – TEXT CHANGE TO CLARIFY MAXIMUM ALLOWANCE FOR ANCILLARY RETAIL USES – REFERRED TO STAFF TO DRAFT TEXT CHANGE AND PRESENT TO PLANNING COMMISSION

Planning staff requests authorization to amend section 6.4 of the Unified Development Ordinance (UDO) to clarify the maximum allowance for ancillary retail uses in the Office Mixed Use and Residential Mixed Use zoning districts. Staff had identified a need for clarifying the language of the UDO, and in addition the issue was recently raised in a query from a developer. The existing code language is unclear as to the maximum allowance of retail uses in these zoning districts. As currently worded, the UDO could be interpreted as allowing retail without any residential or office uses in the RX or OX zoning districts.

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

FIRE AND EMERGENCY RESPONSE – GRANT AWARD – STAFF AUTHORIZED TO SIGN DOCUMENTATION; BUDGET AMENDED

The City has been awarded $1,277,340 from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) to fund 10 firefighters for a period of two years, including salary and benefits, which will supplement existing engine company staffing levels.

The DHS FEMA Grant Programs Directorate Staffing for Adequate Fire and Emergency Response (SAFER) grant supports the operating budget request for supplemental staffing, and enables the Fire Department to continue to work towards compliance with recommended staffing levels set forth by local and national standards. The additional personnel provided by the grant funding will provide first responder services and contribute to the quality of life and safety of the community. On March 17, 2016, the Grants Committee reviewed and authorized submission of the SAFER grant application. On August 26, 2016, the City received official award notification; no city match is required for this grant. The City will be responsible for the ongoing cost of the additional personnel following the two-year performance period of this grant. A budget amendment in the amount of $1,277,340 is necessary to appropriate the grant proceeds; accounting details are included with the agenda packet.

Recommendation: Authorize staff to execute all required grant documentation; authorize the additional ten (10) positions supported by the grant; and authorize a budget amendment in the amount of $1,277,340. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes. See Ordinance 632 TF 283.

TRANSIT PLANNING SERVICES – INTERLOCAL AGREEMENT – APPROVED

The Capital Area Metropolitan Planning Organization (CAMPO), acting as the lead agency, wishes to enter into a shared procurement and cost sharing Inter-local Agreement (ILA) with GoTriangle and GoRaleigh. The agreement would allow for the joint procurement of professional services. Costs associated with retaining necessary services would be shared among the parties to the ILA. Initial contributions would include $500,000 from the City, via GoRaleigh appropriations; $1,200,000 from GoTriangle, and $175,000 from CAMPO. Actual service contracts that will fall under the auspices of the ILA will require future City Council approval and will be accompanied by appropriate budget amendments. Anticipated services will fall under four specific areas and example services include but are not limited as follows:

Planning Services (Transportation planning; corridor studies; feasibility studies; Title VI analysis; ADA service planning; bicycle and pedestrian planning)

Environmental Review Services (Site assessments; environmental studies; permitting services)
Technology Services (Intelligent Transportation System (ITS) strategic planning; fare management systems; traffic signal priority systems; fleet management)

Public Outreach (Public involvement planning and implementation; web and social media outreach; organizing workshops, meetings, forums)

Name of Project:	Interlocal Agreement - for Transit Planning Services
Managing Division:	Capital Area Metropolitan Planning Organization
Reason for Council Review:	Interlocal agreement
Vendor:	N/A
Prior Contract Activity:	N/A
Budget Transfer:	N/A
Current Encumbrance:	N/A
Amount of this Contract:	N/A
Encumbered with this Approval:	N/A

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

ENGINEERING SERVICES – ON-CALL MATERIALS TESTING AND SURVEYING MASTER AGREEMENTS – MANAGER AUTHORIZED TO EXECUTE

Seven firms responded to a request for on-call professional services for materials testing and surveying services. Two firms have been selected. Froehling & Robertson, Inc. will provide

materials testing services only and E.S.P. Associates, P.A. will provide materials testing and surveying services.

These services will be necessary for future stormwater management projects over the next two years, which will include various types of infrastructure repair projects with construction project estimates ranging from $250,000 to $6,000,000. Staff recommends the contracts for an initial two-year time period with the ability to extend additional time to complete projects that may be in progress upon expiration of the two-year contract period. The contracts would be set up as master agreements, allowing funds to be transferred as needed from individual project task orders as the need for services arises. Each contract will be in the amount of $300,000. Funding is appropriated in the project budget.

Name of Project:	Stormwater On-call 2016 Materials Testing and Surveying
Managing Division:	Engineering Services – Stormwater Management
Approval Request:	Contract award
Reason for Council Review:	Contract amount >$150,000
Original CIP Project Budget:	$600,000
Vendors:	Froehling & Robertson, Inc. ($300,000) E.S.P. Associates, P.A. ($300,000)
Prior Contract Activity:	N/A
Encumbered with this Approval:	$600,000
Budget Transfer Required:	N/A

Recommendation: Authorize the City Manager to execute the contracts in an amount not to exceed $300,000. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

RAMBLEWOOD DRIVE AND CAMBRIDGE DRIVE - DRAINAGE IMPROVEMENTS – FEDERAL EMERGENCY MANAGEMENT AGENCY – W.K. DICKSON & COMPANY, INC – AMENDMENT #3 – APPROVED

In July 2015 the City awarded a contract to W.K. Dickson & Co., Inc. as one of six on-call engineering consultants to provide professional services for stormwater projects. The Stormwater Management division is in need of engineering analysis and design services for the Ramblewood Drive Drainage Improvement project in order to study on-going flooding along a section of Ramblewood Drive. In addition, the City is required to prepare and submit an appeal to FEMA's preliminary Flood Insurance Rate Maps for Wake County to reflect the recently completed culvert replacement project at Cambridge Road. A fee has been negotiated for design, analysis, and support during the FEMA appeal process to complete both projects. Staff recommends a contract amendment to begin design of the Ramblewood Drive Drainage Improvements and the Cambridge Road FEMA appeal. Funding is appropriated in the project budget.

Name of Projects:	Ramblewood Drive Drainage Improvements and Cambridge Road Culvert

Managing Division:	Engineering Services – Stormwater Management
Approval Request:	Contract award
Reason for Council Review:	Contract amount >$150,000
Original CIP Project Budget:	$268,000
Vendor:	W.K. Dickson & Co., Inc.
Prior Contract Activity:	$10,000 for original contract
Amendment One:	$295,657
Amendment Two:	$0
Amount of this Contract Amendment:	$311,660 (Ramblewood – $267,910; Cambridge – $43,750)
Encumbered with the Approval:	$617,317
Budget Transfer:	None

Recommendation: Authorize the City Manager to execute contract amendment number three in an amount not to exceed $311,660. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

MOORE SQUARE – SASAKI ASSOCIATES/AMENDMENT #5 – APPROVED

Amendment number five with Sasaki Associates for the Moore Square Implementation is for the final design and services phase of an intended multi-phase professional services contract. The scope of services generally includes inspections/regulatory meetings, bidding assistance, construction administration, warranty review in post occupancy, public art integrations, oversight and administration, signage, including progression of the South Park Heritage Walk interpretation and design guidelines to adhere to for future park use, improvements, etc. Funding is appropriated in the project budget.

Name of Project:	Moore Square Park Implementation
Managing Division:	Parks, Recreation, and Cultural Resources
Reason for Council Review:	Amount >$150,000 for services/design contracts
Vendor:	Sasaki Associates
Prior Contract Activity:	$1,455,700
Original Contract Amount:	$138,600 Moore Square Priorities Report
Amendment Number One:	$0 (no additional cost, extended completion date)
Amendment Number Two:	$241,500 (schematic design, plan adjustment, public review, approval)
Amendment Number Three:	$68,500 (historical analysis and review, programming studies)
Amendment Number Four:	1,007,100 (design development, construction documents, permitting, and bidding)
Amendment Number Five:	$469,440 (construction administration, public art, SPHW/signage, guidelines)
New Total:	$1,925,140
Budget Transfer:	N/A

Current Encumbrance:	$1,455,700
Amount of this Contract Amendment:	$469,440
Encumbered with this Approval:	$1,925,140

Recommendation: Authorize the City Manager to execute contract amendment number five in the amount not to exceed $469,440. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

PARKS, RECREATION AND CULTURAL RESOURCES – ON-CALL ENGINEERING SERVICES – MANAGER AUTHORIZED TO EXECUTE

On June 24, 2016 the City received 12 complete proposals for on-call professional engineering services to secure seven firms to design various park and greenway improvement projects. The on-call engineering design contracts are used to design park and greenway projects when construction cost estimates are less than $2,000,000. Improvement projects include new trail, trail repair/repave, storm drainage improvements, streambank stabilization, new structures, emergency design and permitting services as necessary, and other related improvements. Staff recommends awarding master service contracts not to exceed $300,000 each over the two-year period. Funds will be encumbered based on task orders issued to the firms throughout the contract term of two years.

Name of Project:	2016 On-Call Professional Engineering Services
Managing Division:	Parks, Recreation, and Cultural Resources Department – Design Development Division
Approval Request:	Contract award
Reason for Council review:	Contract award >$150,000
Original CIP Project Budget:	N/A
Vendor:	Dewberry Engineers, Inc. – $300,000 Kimley Horn and Associates, Inc. – $300,000 Stantec Consulting Services, Inc. – $300,000 Stewart, Inc. – $300,000 Wetherill Engineering, Inc. – $300,000 Alpha & Omega Group, P.C. – $300,000 SEPI Engineering & Construction, Inc. – $300,000
Prior Contract Activity:	N/A
Encumbered with this Approval:	N/A

Recommendation: Approve master services contracts to the selected firms not to exceed the stated amounts and authorize the City Manager, to execute the contracts. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

PUBLIC UTILITIES – 2015 ON-CALL ENGINEERING SERVICES – AECOM AMENDMENT #1 – 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 AECOM's responsive design consulting services, the volume of their professional services work has increased. This amendment will provide funding for an increase in statement of work order under the terms of the original contract. The professional services necessary are associated with sewer collection, water distribution, and treatment 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 $400,000 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.

Name of Project:	2015 On-Call Professional Engineering Services
Reason for Council Review:	Contract amendment approval (contract >$150,000)
Vendor Name:	AECOM Technical Services of North Carolina, Inc.
Prior Contract Activity:	$600,000 (approved by City Council June 2, 2015)
Currently Encumbered:	$600,000
Amount of this Amendment:	$400,000
Encumbered with this Approval:	$1,000,000

Recommendation: Authorize the City Manager to execute the contract amendment with AECOM Technical Services of North Carolina, Inc. in an amount not to exceed $400,000. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

MARSHALL'S LOCKSMITH SERVICES – ELECTRO-MECHANICAL LOCKS – NEUSE RIVER RESOURCE RECOVERY FACILITY – APPROVED

On August 8, 2016, two proposals were received for equipment and services for installing electro-mechanical locks for gates and doors at the Neuse River Resource Recovery Facility (NRRRF) and 120 sewer pumps and odor control stations throughout the City. The proposal includes lock systems and key readers to allow for updating staff keys. These systems will work in conjunction with employee badge readers to better secure not only main accesses, but secondary door and gate accesses with the use and control of a single key. Marshall's Locksmith Services, Inc. was the lowest responsive bid, in the amount of $169,201.

Name of Project:	Electro-Mechanical Lock Services for NRRRF
Managing Division:	Public-Utilities – Resource Recovery Division
Approval request:	Contract award
Reason for Council Review:	Contract >$150,000 (policy)
Original CIP Budget:	$200,000
Vendor:	Marshall's Locksmith Services, Inc.
Prior Contract Activity:	N/A
Amount of this Contract:	$169,201

Recommendation: Authorize the City Manager to execute the contract with Marshals Locksmith Services in the amount not to exceed $169,201. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

POLICE SOUTHWEST DISTRICT STATION – RENEWAL OF LEASE WITH PYLON COMMERCIAL PARK – APPROVED

The City currently leases office space consisting of Suites 101-106 in Pylon Commercial Park for housing the Southwest District police station. The lease space contains approximately 14,400 square feet (sf), and is scheduled to expire on June 30, 2017.

Location of the Southwest District Station at this site has proven very beneficial and recommends renewal of lease terms. The current five-year lease was renewed in 2012, with base rents now set at $13.45/sf for the final year of the term. The property owner, Pylon, Inc., has agreed to reduce and reset the annual base rent charge back to the initial 2012 rate of $11.95/sf with three percent increases on each anniversary date for a period of four years and 11 months. Base rent amounts during the renewal term shall be:

Year One	$11.95 per square foot
Year Two	$12.31 per square foot
Year Three	$12.68 per square foot
Year Four	$13.06 per square foot
Year Five	$13.45 per square foot

In addition to base rent, the City will also pay a pro rata share of taxes, insurance, and common area maintenance costs which is currently $1.62 per square foot, per year.

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

INFORMATION TECHNOLOGY – MICROSOFT OFFICE 365 IMPLEMENTATION AND MIGRATION SERVICES – APPROVED

On June 21, 2016, the City Council approved a new enterprise agreement with the Microsoft Corporation to procure Microsoft Office 365 and Exchange software licenses. To assist with the implementation and migration to the new software, the City will contract with a qualified vendor with experience in Office 365.

Information Technology received proposals from five qualified vendors with services available through existing federal, state, cooperative, or City purchasing contracts. Staff evaluated and scored the proposals based on experience with similar projects of similar size and scope, project schedule and methodology, reference feedback, and costs for service. Following review and evaluation of the proposals, vendors were ranked in the following order:

(1) SHI
(2) Planet Technologies
(3) IPT Associates

As the highest ranked proposal, SHI was selected as the preferred vendor. If unable to successfully negotiate contract terms with SHI, staff recommends negotiating with the second highest rated vendor, Planet Technologies. If still unable to successfully negotiate contract terms with Planet Technologies, staff recommends negotiating with the third highest rated vendor, IPT Associates.

Funding for implementation services, the first year of enterprise licenses, and software maintenance is appropriated in the capital budget. Funding for ongoing software licensing will be included in future Information Technology department annual operating budgets.

Recommendation: Authorize the City Manager to execute a contract with SHI in an amount not to exceed $625,000. If negotiations with the preferred vendor are unsuccessful, authorize contract negotiation and contract execution with the next ranked vendor, in succession, until negotiations prove successful. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes.

HEALTH INSURANCE STOP LOSS COVERAGE – CITY MANAGER AUTHORIZED TO NEGOTIATE AND EXECUTE CONTRACT WITH BCBS NORTH CAROLINA

The City has a self-funded health insurance plan. As a result, the City assumes direct responsibility for the cost of administering this plan. A self-funded health insurance plan benefits the City through better cash flow, tax benefits, greater flexibility with plan design, and reduced administration costs. Along with these benefits comes the increased liability and risk associated with uncertain overall healthcare costs.

Due to the amount of proposed increase for renewal for the same level of coverage and the uniqueness of the situation with anticipated/projected catastrophic claims, the Benefits Committee opted to conduct a competitive bid process for the City's stop loss insurance to explore potential lower cost alternatives. The City utilized the services of benefits consultant Willis for management of the marketing and bid process.

Two competitive bids were received while nine carriers declined to bid based on the current and projected claims experience. Factors evaluated included but were not limited to:

- Contract Basis Period – Total period of insurance coverage
- Coverage Amount – Deductible level for coverage activation (e.g. $285,000)
- Lifetime Coverage Maximum
- Membership coverage Limitations
- Annual Premium
- Reporting Fees
- Data Transmission Fees
- Financial Stability/Rating

Staff recommends renewing the contract with BCBS of North Carolina at the current deductible level with a separate deductible of $785,000 for a specific projected claim. This option represents a 15.9 percent increase (to the current total premium). The contract term is for a one year period.

Recommendation: Authorize the City Manager to negotiate and execute a contract with BCBSNC for stop loss insurance. Upheld on Consent Agenda Thompson/Baldwin – 8.

ENCROACHMENT REQUEST – WOODBURN ROAD/CAMERON STREET/TUCKER/BOYLAN AVENUE/NORTH SALISBURY AND WEST PEACE STREET – APPROVED CONDITIONALLY

A request has been received from Mobilitie, LLC to install two new utility poles and replace one existing pole. The specific poles to be installed in the public right-of-way are much taller than existing infrastructure, as reviewed for Council in Manager's Update No. 2016-36 (September 9). A report was included with the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Thompson/Baldwin – 8.

BUDGET TRANSFERS AND AMENDMENTS – VARIOUS – APPROVED

Council members received in their agenda packet a list of budget amendments and transfers to cover various items listed on the agenda. The material included code accounts involved.

Recommendation: Approval of the budget amendments and transfers as outlined. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes. See Ordinance 632 TF 283.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following recommended changes in the traffic code to become effective seven days after approval.

No Parking Zone – Commercial Avenue

It is recommended that a No Parking 8 a.m. to 5 p.m. zone be established on the west side of Commercial Avenue south of Pleasant Valley Road. A request was received from the Manager of RepSouth for a No Parking 8 a.m. to 5 p.m. Monday – Friday zone to be installed on Commercial Avenue directly across from the driveway of 5508 Commercial Avenue. This will provide adequate distance for tractor-trailer units to maneuver and back into the company's loading dock without risk to vehicles parked adjacent to this portion of roadway. The only affected property owner, UHaul Moving and Storage, has agreed to this request.

Commercial Loading Zone - Snow Avenue

It is recommended that a Twenty Four Hour Commercial Loading Zone be established on the east side of Snow Avenue north of Morgan Street. A request was received from the owners of Table of Contents to have the current Materials Loading Zone 9:00 a.m. to 8:00 p.m. in front of their property changed to a twenty-four hour Commercial Loading Zone. This loading zone is vital to the Table of Contents catering business and is used at all hours of the day and night depending on the times and setup requirements for various events. The current loading zone is being abused by citizens who are not loading or unloading but instead are using it for short term parking. The change to a Commercial Loading Zone will enable more effective enforcement, as needed, to discourage continued recurrence.

No Parking Zones – Commerce Place

It is recommended that the current No Parking Zones on each side of Commerce Place between Martin Street and Davie Street be revised so that both zones are consistent in the times when restrictions are in effect. There have been an increasing number of complaints from citizens who are confused by the different times when parking is restricted on the east side versus the west side of Commerce Place. Research by staff shows there were different reasons for implementing each zone. The west side restriction from 9:00 p.m. to 6:00 a.m. was requested by the police in 2003 to curb certain criminal activity that was regularly occurring. The east side restriction from 11:00 p.m. to 6:00 a.m. was requested by the police in 2009 due to the nightly crowds of patrons gathering in the street as well as vehicles parked along the entire east side which hampered timely response by emergency vehicles. The restrictions have been effective in eliminating most of these problems, thereby making the area much safer. Staff has consulted with the police and the affected residential stakeholders. All agree that the need for evening parking restrictions still exists but that the time should be effective from 10:00 p.m. to 6:00 a.m. on both sides to avoid further confusion.

Bus Zone – Oakwood Avenue

It is recommended that a Bus Zone be established on the south side of the 1300 block of Oakwood Avenue. A request was received from GoRaleigh to implement a Bus Zone in front of 1316 Oakwood Avenue. The current bus stop at this location is inadequate to meet the needs of increased demand for the routes being served and must now be upgraded. The Bus Zone will ensure the City's buses have an area to safely load and unload passengers at curbside.

Speed Limit Reduction – Sunbright Lane, Shepherd Valley Street, Stoney Spring Drive, and Eastern Branch Road

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Sunbright Lane, Shepherd Valley Street, Stoney Spring Drive, and Eastern Branch Road. Sunbright Lane is classified as a Neighborhood Street. Shepherd Valley Street, Stoney Spring Drive, and Eastern Branch Road are all classified as Neighborhood Local. All streets are constructed to typical

residential street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. Signed petitions have been received, representing at least 75 percent of the residents or property owners along each street in support of the speed reduction request.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code was included with the agenda packet. Upheld on Consent Agenda Thompson/Baldwin – 8 ayes. See Ordinance 633.

END OF CONSENT AGENDA

ENCROACHMENT – POOLE ROAD/MAPLE STREET/OAKWOOD AVENUE/KING CHARLES ROAD – MCNC – APPROVED CONDITIONALLY

Mr. Branch stated he had withdrawn this from the consent agenda because of a possible conflict of interest. Ms. Baldwin moved that Mr. Branch be excused from participation on this item. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

A request has been received from MCNC to install 20,000 feet of underground fiber optic cable and 15 hand holes to access existing conduit. A report was included with the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant. Ms. Baldwin moved approval as outlined. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative except Mr. Branch who was excused from participation on the item. The Mayor ruled the motion adopted on a 7-0.

CONDEMNATIONS – CRABTREE BASIN WASTEWATER SYSTEM IMPROVEMENTS, PHASE II, SECTION II – VARIOUS RESOLUTIONS ADOPTED

During the March 4, 2104 Council work session, the Public Utilities Department presented an overview of the Crabtree Basin wastewater system improvements, a capital project of significant scope and impact to residents and businesses in the vicinity of and adjacent to the project corridor. Improvements are necessary to address historic sanitary sewer overflow instances and volume, as well as to increase wet weather capacity of the wastewater infrastructure. The project involves installation of 21,000 linear feet of 54-inch gravity sewer at a depth of 20-30 feet in most locations, seven crossings of Crabtree Creek and eight crossings of road and railroad right-of-way, and periodic blasting due to the large volume of rock present along the project corridor. At an estimated $30 million construction cost, the acquisition of easements from property owners in the project corridor have been ongoing; timely easement acquisition is a critical element to the project schedule.

Negotiations have, thus far, been unsuccessful with the following property owners to acquire the easements needed for the "Crabtree Basin Wastewater System Conveyance Improvements –

Phase II Section II" sanitary sewer project. To keep this project moving forward, staff recommends that Council authorize condemnation to acquire the easements needed from the following properties:

PROPERTY OWNER	ADDRESS
Thomas R. Greco and Corrine E. Greco	907 Marlowe Road
Suzanne McKinney Brooks (fka Suzanne R. McKinney)	909 Marlowe Road
Earl Johnson, Jr. and Margery S. Johnson	1001 Marlowe Road
Wade H. Hargrove and Sandra D. Hargrove	1005 Marlowe Road
Timothy E. Lavelle and Maureen A. Lavelle	1011 Marlowe Road
William C. Cozart and Sarah D. Cozart	1015 Marlowe Road
Sidney L. Gulledge, III and Suzanne A. Gulledge	3300 Dryden Court
John C. Glover and Sallie H. Glover	3301 Dryden Court

Recommendation: Adopt resolutions of condemnation.

Mayor McFarlane stated she had withdrawn this from the consent agenda as she has been informed that the item relating to Thomas Orr Greco and Corrine E. Greco, 907 Marlowe Road had been settled so no action is required for that location. Ms. Baldwin moved approval of the condemnation resolutions with the exception of 907 Marlowe Road. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolutions 379, 380, 381, 382, 383, 384 and 385.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

TC-14-16 – SHORT TERM RESIDENTIAL LODGING FACILITIES – PUBLIC HEARING AUTHORIZED FOR OCTOBER 4, 2016

This request amends Sections 6.1.4. of the Part 10A Raleigh Unified Development Ordinance to create a new use called "short term residential lodging facility." A definition and use standards have been created for the use. On September 6, 2016, the City Council authorized this text change based on a recommendation of the Economic Development and Innovation Committee.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of October 4, 2016. Planning Commission Chair Eric Braun presented the item.

In response to questioning from Council, Mr. Braun pointed out the Planning Commission will be bringing a recommendation on the whole house and radius issue as requested by Council. Mr. Stephenson moved approval of the recommendation as outlined. His motion was seconded by Mr. Thompson and put to a vote which resulted in all members voting in the affirmative except Ms. Baldwin who voted in the negative. Ms. Baldwin stated she is voting no to be consistent on this issue. The Mayor ruled the motion adopted on a 7-1 vote.

SPECIAL ITEMS

RALEIGH CITIZENS ADVISORY COUNCIL CONCERNS – CITIZEN ENGAGEMENT TASK FORCE APPOINTED – DIRECTION GIVEN; TO BE PLACED ON OCTOBER 4, 2016 AGENDA FOR ADDITIONAL ACTION

During the September 6, 2016 Council meeting representatives of the Raleigh Citizens Advisory Council (RCAC) made recommendations relative to a possible text and procedural change to the Unified Development Ordinance to better define the role of the CACs in regard to the rezoning process.

At the suggestion of the Mayor, the City Council agreed to have Mayor McFarlane and Council Members Baldwin and Stephenson meet and develop recommendations for a Task Force and develop a scope of work for the Task Force related to the proposals from the RCAC. It was agreed that the Council Committee would make a recommendation at this meeting.

Mayor McFarlane pointed out Council members received the minutes and report in their agenda packet.

The Tuesday, September 20th City Council Meeting will include a special item related to a Citizen Engagement Task Force which was discussed at the Tuesday, September 6th City Council meeting. Council agreed to form a sub-committee that in addition to the Mayor included the two At-Large Councilmembers - Mary-Ann Baldwin and Russ Stephenson to provide recommendations related to the membership and scope of work of a Citizen Engagement Task Force.

The council committee met this past Tuesday, September 13th to address this issue. In addition to committee members, Carol Meyre, the current Chair of the Raleigh Citizen Advisory Committee (RCAC) was invited to participate in the discussion to provide additional context and input from the current citizen engagement groups – the Citizen Advisory Committees (CAC's) – this included input related to the interest and current practices of CAC's in promoting and offering a conduit for citizen engagement in the community.

The discussion at the meeting was productive and following a thorough discussion between committee members and the RCAC Chair, the committee would like to make the following recommendations with regard to a Raleigh Citizen Engagement Task Force:

1. Scope of Work - Review best practices and recommendations for citizen engagement groups related to:
    a. Governance - includes but is not limited to items such as the election of officers, voting eligibility and rules, meeting rules, and agenda rules
    b. Procedures – definitions for various processes including but not limited to running an effective meeting, how to communicate better and more

efficiently, how to conduct a vote, and how to add items to a meeting agenda

c. Standardization of By-Laws – ensure the basic framework of governance and procedures is the same and is applied the same throughout all groups
d. Clarity of Roles – includes the role of city staff and city council, as well as if/where CAC's reside in the city structure.
e. Role in Zoning Process – includes the text change proposal brought forward by RCAC and voting parameters including notifications and voting perimeters.
   *Note: Other city departments and processes benefit and rely on citizen engagement and the current CAC structure but zoning process listed separately from clarity of roles in acknowledgement of the particular interest and importance of this topic from citizens, the development community and the city
f. Citizen Engagement & Communications – includes the role of technology
g. Size and Boundaries – includes appropriate size – population/area, overall number and accommodating continued growth

2. Task Force Members:

a. Tom Oxholm	District A
b. Amy Fulk	District B
c. Courtney Crowder	District C
d. Steve Smith	District D (Joyce Fitzpatrick)
e. Damon Circosta	District E
f. George Chapman	At-Large
g. Valeria Jordan	At-Large
h. Brad Johnson	At-Large
i. Carole Meyre	RCAC Chair

3. Facilitator: The committee recommends employing a facilitator to work with the Citizen Engagement Task Force to assist with scope, discussion flow and time management; general agreement that work of the Task Force should be completed no later than the end of February 2017.

Mayor McFarlane pointed out before discussing the item there are a couple of amendments she would like to make to the September 13, 2016 minutes.

First paragraph, the last of the second sentence which presently reads, "…a scope of work for that Task Force as it relates to RCAC." should be amended to read "…develop a scope of work for that Task Force as it relates to citizen engagement and communications."

The beginning of the second paragraph reads, "Mayor McFarlane indicated she understands Ms. Meyre has asked and the staff has been looking at resizing. . ." and that should read, "...Ms. Meyre has asked staff to look at sizing and resizing of the CACs..."

Page 4 Governance should be changed it to read "Governance – voting, standardization of processes, elections, term limits,"

Mr. Stephenson asked that the minutes indicate that Ms. Meyre recommended that the Council help the Task Force do their work by the Council defining what success looks like and how success is measured. The City Clerk indicated that statement is included in the minutes. It was agreed the minutes would be corrected as suggested by the Mayor and Mr. Stephenson.

Ms. Crowder indicated before the Council moves forward she regretfully has to say that her nominee Steve Smith will be unable to serve therefore, she would like to nominate Joyce Fitzpatrick as the District D representative and so moved. Her motion was seconded by Ms. Baldwin and put to a vote which passed unanimously.

Mayor McFarlane passed out the following recap:

What is the best structure for citizen engagement and receiving citizen feedback as compared to other benchmark cities?

1. What is their governance structure?
2. What are their operating procedures?
3. How are they funded
4. What is their relationship to Council and staff
5. What is their role in the rezoning process
6. How do they incorporate the use of technology
7. What is the appropriate size/population/area? Addressing equal size among the city and accommodating growth.

Mayor McFarlane stated the Council did have a lot of discussion about the best structure for the Task Force and referred to the minutes pointing out the committee did talk about a number of issues, governances, procedures, clarification. roles, size, etc.; therefore, she put together the outline she just passed out in an effort to summarize all of the discussion. She stated what the Council would be asking the Task Force to do is come back and answer the questions, get feedback and benchmark with other cities; see how other cities engage the citizens, look at best model and best practices, look at operating models and once the best model is determined, look at the operating procedures, how they can be staffed. She stated the Task Force would be asked to complete their work by February. Mayor McFarlane stated the possibility of having a facilitator to assist the Task Force in their work. She stated the Special Council Committee had a two hour discussion and it touched on a lot of different things including departments that are and should be involved such as Community Services, Communications, Police, etc. She put the recommendations as outlined in the memo and asked if the Manager had any thoughts as it relates to a facilitator.

City Manager Hall indicated staff could look at people or groups that are skilled in this type work and bring back a suggestion at the next meeting. Council members indicated they wanted to make sure the Manager realizes they are talking about an outside facilitator. City Manager Hall indicated the Council may wish to identify a funding source. Mayor McFarlane pointed out she definitely feels there should be an outside third party facilitator as it is very important to look at this issue in a whole new way. She stated obviously the City Council has and is making citizen engagement one of its priorities. She stated she would be okay with spending city council contingency money. She asked if there was a ballpark figure. City Manager Hall suggested that staff come back and give a proposal on a person/group to act as a facilitator to the Citizen Engagement Task Force and funding recommendations.

Mr. Stephenson agreed that we do need the facilitator but pointed out the Citizen Engagement Task Force is going to need some staff support. Mayor McFarlane pointed out she thinks everyone agrees that the work will involve a number of departments including Planning, GIS, Police, Community Services, etc. This work will touch on many departments and she trusts that the City Manager will develop a team to provide staff support.

Mr. Stephenson pointed out he feels this is a big vision strategy pointing out it started out trying to work on streamlining an existing process but he thinks Ms. Meyer and others brought forth the idea that really we should take a complete review of citizen participation and engagement and he feels this is a great opportunity to work on something that is long overdue. He stated he wants to make sure that the Council and everyone is clear as to what the Council is trying to accomplish. He talked about the staffs support item and questioned if the Mayor by handing out the last memo is including staff support. Mayor McFarlane stated her listing is not taking anything out of the original memo. She is just trying to organize all of the information so that the Task Force will understand their mission. She is not taking anything out just supplementing the memo.

Mr. Stephenson stated when the memo from the Mayor was developed, Council committee was asked to provide comments which he did; however after reading the changes in the Mayor's memo he revised his comments and presented the following and handed out the Mayor's memo with his comments as follows:

1. Defining Parameters for Task Force Success

I request that we amend the meeting minutes to incorporate Carole Meyre's recommendation that Council define the parameters of success for the Task Force and that Council shall provide guidance on parameters of success. To further clarify Council's intent, I request that Council decide whether we want the Task Force to (a) seek consensus recommendations through compromise, or (b) provide majority and minority reports.

2. Focus on Strategic Vision & Citizen Engagement Best Practices

In Council's recent Retreat Update, Michele Ferguson led a 'Governance Roles' exercise. At the end of the exercise, members expressed general agreement on two items:

- Council should spend more time on the "**Strategic Vision – Big Picture Thinker**" role and
- Council should be more proactive in analyzing and adopting appropriate national best practices.

Adopted in 2009, Raleigh's 2030 Comprehensive Plan is our city's strategic vision for what we want Raleigh to become and how we plan to get there. As we look at **civic engagement best practices**, we are fortunate to have a new *American Planning Association* Best Practices document for Comprehensive Plans that speaks directly to the work of the Task Force, including **national best practices for Authentic Participation, Community Engagement** and **Equity** (excerpts below). I request that these best practices be considered during the deliberations of the Task Force.

Authentic Participation
"Public participation in planning is a mainstay of demo erotic governance and decision making. By actively involving the whole community in making and implementing plans, the government fulfills its responsibilities to keep all citizens informed and to offer them the opportunity to influence those actions that affect them. In the past, public participation processes did not necessarily reach all segments of the community and may have been viewed by public agencies more as a requirement to meet (for example, by conducting public hearings) than as an opportunity to garner meaningful input. This means that authentic participation processes may have to overcome the perception that what participants say will not be respected. Authentic participation programs go beyond the minimum legal requirements to connect with citizens ..."

Community Engagement
"Rapid advances in digital technology-from social media to web-based GIS platforms to robust sources of "open data"—are transforming the ways citizens can be involved… allowing for real-time assessment of the impacts of alternative future scenarios in public meetings is an example, as are online tools for citizen outreach, generation of ideas, and voting on priorities. In using such tools, planners need to be cognizant of the so-called "digital divide" in order to ensure that traditionally underrepresented groups are not further marginalized in the planning process, and planners need to consider other means of reaching these groups."

Equity
"Increasing inequality—as reflected in the income gap between the richest and poorest members of society—has emerged as a major national concern, particularly in the years following the Great Recession of 2007 to 2009. This trend relates not only to economic status but also to basic quality-of-life issues such as resilience… and public health. Equity, one of the three "Es" of sustainability, is arguably the most difficult...to address. Along these lines, planners [and others should] *seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and promote racial and economic integration".*

The full document is here: http://app.dhpe.org/Resources/files/264/PAS_578.pdf

3. Government Transparency and Citizen Participation

I would like the meeting minutes to note that the subcommittee meeting on Citizen Engagement was a public meeting, announced via city email, and that several members of the public attended: Terri Becom, Will Marks, Octavia Rainey, Sarah Roholt, and Lonnette Williams.

Mr. Stephenson stated he feels it is really important for the Council to define what the Citizen Engagement Task Force is looking for in terms of success so they are not left wondering whether they have reached the bar or not. He stated that has already been touched on. The second concern he feels the Council should be very clear about that is whether the Council wants this Task Force to compromise or reach consensus on the recommendations or whether it would be okay to have a majority report with all Council members agreeing that consensus report is by far the best way to go.

Mr. Stephenson pointed out in an earlier meeting today he talked about best practices which was also talked about in the recent Council retreat. He stated during the retreat there seem to be strong support for the Council to spend more time on strategic big picture items, roles, etc. He talked about the comments as he had presented as it relates to participation, best practices recognized by the American Planning Association and he just wanted all of this information on the record. He stated the last item is he just wanted the minutes to be clear to indicate that the September 13 special committee was a public meeting that was announced publicly and was attended by several members of the public – Terri Becom, Will Marks, Octavia Rainey, Sara Roholt and Lonnette Williams.

Mayor McFarlane stated she thinks the Council is looking for the Task Force to come back with consensus recommendations and the other items outlined in Mr. Stephenson's comments would be passed on to the Task Force to be considered during their discussion and the minutes of the September 13 meeting would be amended to reflect the fact that it was a public meeting and outside people attended. Mr. Gaylord pointed out he had read through everything and he didn't see anything that gives him pause but he wants to make sure that staff looks at the Comprehensive Plan, goals and other policies to make sure we are consistent with things given as guidance for the Task Force. Ms. Baldwin moved approval of the Task Force as amended, scope of work, amendments to the minutes and that the information as outlined by Mr. Stephenson would be passed on to the Citizen Engagement Task Force. Her motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

Mr. Cox stated he has an item related to the recommendation the RCAC brought forth about to expanding the notification area for rezonings beyond 100 feet. He stated he thought their recommendation was to extend it to 1,000 feet and based on all of the discussions that the has heard, he feels it would be appropriate to recommend extending the notification area to 500 feet and moved that staff be authorized to begin the process of drafting that text change to that end and so moved. Mr. Stephenson questioned if Mr. Cox would accept a friendly amendment to indicate that we are entering into a large analysis of citizen engagement so it might be prudent to

hold off actually taking final action on that text change until the Citizen Engagement Task Force reports back sometime around the end of February. Mr. Cox agreed to that friendly amendment which was also seconded by Ms. Crowder.

Mayor McFarlane pointed out the text change Mr. Cox is referring to relates to the CAC role in the rezoning process with Mr. Cox pointing out the text change he is talking about is simply extending the notification area as it relates to rezoning cases from 100 feet to 500 feet. It has nothing to do with the CACs.

Lengthy discussion followed as to whether this issue had been referred to the Citizen Engagement Task Force, what Mr. Cox's motion means as well as the amendment. Mr. Cox pointed out he is simply asking that staff begin the process and analysis for a text change. Nothing says it would have to go to public hearing, just start the process. In response to the Mayor, City Attorney McCormick talked about the Planning Department work load particularly as it relates to the first part of this discussion and the fact that there may be things coming out of the Task Force which says the notification area should be different, so it may be best to wait and get all of the information at one time. Discussion on what problem Mr. Cox is trying to solve and the urgency of Mr. Cox's proposal was talked about. Mr. Cox pointed out he is just trying to make sure that people are adequately informed about pending rezonings and his constituents are asking that this change move forward. Council members all seem to agree that 500 feet is logical. Mayor McFarlane pointed out there was a reason we have 100 feet and pointed out moving it to 500 feet is more than just 5 times, it's a substantial different size notification. She stated she would need to know the impact before she could vote on such a text change. Ms. Baldwin pointed out it would be helpful for her to have some type diagram or visual such as taking the last five rezonings and showing the amount and/or number of notifications that going from 100 to 500 feet would entail.

Discussion continued as to whether to ask staff to start work on a text change, the fact that the analysis and/or work would probably be needed as information for the Task Force and the possibility of staff moving forth with developing the analysis and data, research the question but not actually going forth with a public hearing. Mr. Cox pointed out he keeps getting feedback from people in his district and other neighborhoods asking that he move forward with this request. What is being requested, how this may or may not impact the work of this Citizen Engagement Task Force, how doing the analysis would provide good information for the Task Force which could come back with a recommendation as to what should or should not be done was vetted. The Task Force may take the information and come back with a completely different recommendation. After lengthy conversation as to what is on the table, various attempts at making motions and/or substitute motions it was agreed to ask staff to do research and develop information, etc., on notification distances between 100 feet and 1,000 feet and provide that information to the Task Force for information as they do their work. That interpretation of the motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

Mayor McFarlane moved for clarification purposes that the appointment of the Citizen Engagement Task Force as amended at today's meeting, the scope of work, amendments to the

September 13 meeting minutes and to ask staff to move forward with developing information and analysis on the notification area as it relates to rezoning process and asking staff to come back to the next meeting with a recommendation for a facilitator and funding, all be confirmed. The 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.

ELIZABETH DOLE FOUNDATION – RESOLUTION IN SUPPORT OF MILITARY AND VETERAN CAREGIVERS – ADOPTED

During the September 6, 2016 Council meeting, Mayor McFarlane presented information relative to the Elizabeth Dole Foundation and a proposed Resolution in Support of the City of Raleigh's Military and Veteran Caregivers

Mayor McFarlane asked that the item be placed on this agenda for consideration. A copy of the letter from the Foundation and the proposed resolution were included in the agenda packet.

Ms. Baldwin moved approval. 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. See Resolution 386.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES – VOTING DELEGATES – APPROVED

The North Carolina League of Municipalities will hold its Annual Conference in Raleigh October 23-25, 2016. In addition, the 2016 Advocacy Goals Conference will be held immediately prior to the 2016 CityVision. Voting procedures require that each member municipality designate one voting delegate and one alternate for the Annual Business meeting. Registration for the 2016 Advocacy Goals Conference is separate and requires separate registration in order to vote. Council should name its voting delegate and alternate delegate for the Annual Business meeting.

Mayor McFarlane pointed out Mr. Gaylord has agreed to be the voting delegate with Ms. Baldwin being the alternate. Mayor McFarlane moved approval of the voting delegates as presented. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

FUEL SITUATION UPDATE – RECEIVED

City Manager Hall asked to provide an update on the on-going fuel situation. He stated everyone is aware that the Colonial pipeline was compromised and repair is underway. He indicated the City of Raleigh has a sufficient supply of fuel to continue providing all services including police, fire, etc. No services will be affected by the fuel situation at hand. He pointed out deliveries are occurring , we are receiving shipments, but at the same time we are undertaking efforts to try to

protect our reserve. He indicated the city has issued several conservation measures including the suspension of nonessential travel, use of teleconferencing when possible, non-emergency vehicles would use only what they need for the days work, that is no topping off just get and use what is needed for the day's work, reduced vehicle idling time, and encourage employees to use transit when possible. He stated the City will continue to monitor and will provide updates as needed. City Manager Hall stated the City does not anticipate any disruption of key service deliveries. The comments were received.

REQUEST AND PETITIONS OF CITIZENS

BANNER – REQUEST OF MIDTOWN RALEIGH ALLIANCE – CITY ATTORNEY TO PROVIDE REPORT

Tara Lightner Robbins, Midtown Raleigh Alliance, was before the Council to request an extension of the City of Raleigh's banner program which was established by Resolution 2000 – 590. She stated the program has been very successful in areas of the City including Downtown, Hillsborough Street, Glenwood Avenue, etc. She stated the program allows banners on public utility pools to advertise events and pointed out the program has been amended twice since it was adopted. She stated it has been very successful in helping the downtown scene as well as other hubs throughout the City. She stated they would like to utilize that tool by explaining the program to allow banners on the two spines of Midtown. She stated they would like banners one-half mile north and south on Six Forks Road and the same on Wake Forest. She stated they are trying to create a graphic identity and have been working with NCDOT and Duke Power. She stated the proposed banners are in compliance with all regulations; however, since the City of Raleigh is the current account holder of the utility poles, they have to have permission from the city and that is why she is before the Council.

Mayor McFarlane pointed out she would like to receive a report from the City Attorney's office. She talked about discussions relating to situations with other state streets pointing out there are a lot of competing factors, etc. and before she took any action she would like to have a report from the City Attorney.

Mr. Thompson pointed out the graphics do not show how far the poles are back of the curb with Ms. Robbins pointing out it would be Duke Power specifications. She stated they are not asking the City for any funding, maintenance or anything just permission to utilize the poles for the banners. Without further discussion, the item was referred to the City Attorney for report back.

UNFIT BUILDING – 1601 POOLE ROAD – 90-DAY EXTENSION GRANTED

Andrew Clark, JBAC Properties, LLC, was at the meeting to request an extension in order to complete the work at 1601 Poole Road. Mr. Clark pointed out he is a 50% owner of the property and talked about work his company has done in the housing area in the downtown. He pointed out most of the work they do relates to mid or low income housing and explained problems they have had with completing work at 1601 Poole Road. He stated he is before the Council to ask

for another 90 days to take care of the situation pointing out they have provided the city with a time line and verification they have funds to do the work.

Housing Inspection Administrator Ashley Glover explained the history on the case, starting in June 2013. The house remained vacant and closed; however, in October 2015 the Council adopted Ordinance 2015-500 ordering repair or demolition within 90 days. In March 2016, the City Council granted Mr. Clark a 90 day extension. He stated as of today all permits have been obtained, a footing and foundation inspection of the small addition at the rear of the dwelling has been approved. He talked about work that had been done and work that is to start. He stated repairs are moving forward extremely slow; however, he has no objection to a 90-day extension contingent upon the owner providing proof of available funding and a construction work plan and that the property is properly secured. Mr. Clark agreed with those suggestions. Ms. Baldwin moved approval of a 90-day extension. 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.

OAKWOOD NORTH SUBDIVISION – AMENDED PLAT RECORDATION APPROVED CONDITIONALLY

Attorney James R. White, representing Kate Shanahan and other owners in the Oakwood North Subdivision, was at the meeting to explain a situation where Ms. Shanahan and four other property owners in the subdivision constructed a fence along their rear and south property lines. In 2015 the property owners not realizing there was a tree conservation easement installed fences in the rear yard of their property which ended up being within the recorded tree conservation easements. Attorney White indicated it is felt that the plats can be amended to remove the tree conservation easement from the back of the property and the entire subdivision will still have the required amount of tree conservation for this subdivision. He stated he had talked with staff and he believes that this can occur.

Mayor McFarlane questioned if there is a court case on this issue. Attorney White indicated that is correct, it did go before the Board of Adjustment and the appeal was denied and the petitioners appealed the Board of Adjustment decision to the Supreme Court. Attorney White indicated they have been working with staff and feel they have a solution to the problem.

Assistant Planning Director Crane pointed out the Oakwood North Subdivision was approved and recorded in February 2014 and it contains 41 total lots on 10.77 acres with several commonly-owned tracts that are used for tree conservation, drainage and open space. All of the parcels within the subdivision are zoned Residential-10. When properties in excess of two acres are subdivided the UDO requires a minimum 10% tree conservation area. Planner Crane indicated the petitioners believe that the subdivision has provided tree conservation area in excess of the 10% standards and they believe that the tree conservation easements can be removed from the 5 lots within the subdivision and the subdivision would still be compliant with the 10% minimum requirement. He pointed out prior to this discussion the petitioners did come to the Council to request a text change which would allow fences in a tree conservation area but

the Council declined. After giving a history of the case, Planner Crane indicated in staff discussions the petitioner has agreed to the following stipulations:

Maintain the existing trees - even though the tree conservation area would be removed by the recording of an amended plat the petitioners agree to maintain the existing trees. A covenant would be required between the five property owners and the Homeowners Association that solidifies that agreement.

The petitioners would pay the fine for illegally constructing the fences as the fences were constructed without securing permits from the City. The petitioners agree to pay the fine for the violation.

Revise the plat – the existing subdivision plat shows tree conservation easement on these five lots. The petitioners have agreed to amend and record the subdivision plat to remove the easement.

Gain concurrence from the Homeowner Association – the petitioners have agreed to request and receive approval from the Homeowners Association.

Planner Crane stated if all of the conditions are met, the fences could stay. He stated if Council agrees with this proposal, staff would work with the applicant to make sure all of the covenants, recordings, revised plats, etc., are taken care of.

Brief discussion took place as Ms. Crowder questioned if the homeowners knew about the tree conservation area when they purchased their property. Planner Crane indicated he did not know what the property owners were told; however, the easement was recorded on the plat. Questions were raised as to whether the Homeowners Association would agree to the stipulations with Mr. Crane pointing out if they do not agree the case would have to continue in court. In response to questioning, City Attorney McCormick indicated his office has been involved with this item. He stated if the Council agrees and the conditions are met, the item will not need to come back to Council. Mr. Gaylord pointed out these requirements maintain the intent of the original subdivision, there is an agreement between the Homeowners Association, there are covenants about concerning the trees, then everyone is made whole so he sees no problems. Ms. Baldwin pointed out if staff and the City Attorney agree and all of the conditions are met, she would move approval. Her motion was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

SU-1-16 - MERRIMON–WYNNE HOUSE – NEW HEARING REQUIRED

Jodi Strenkowski, Merrimon-Wynne House, 500 North Blount Street was at the meeting to request a 3-month extension of her amplified entertainment permit as approved in SU-1-16. She stated they are requesting the extension with the support of the neighbors because they were unable to complete enough test events during the initial 3-month trial. She stated they will provide documentation showing the neighbors support of the extension of the trial period. She stated they could not complete enough events with the doors open due to the heat and clients

wanting the doors closed. She stated she had spoken with representatives of the neighborhood and Burning Coal Theatre and everyone wants to do actual tests. She read a letter in support of the request for extension.

City Attorney McCormick, in response to questioning from the Mayor, pointed out the original permits were issued following an evidentiary hearing. He pointed out the Council would need to schedule another hearing as the trial period has expired.

Discussion took place on the fact that they were not able to complete events during the trial period and if the 3 month extension is granted they would still need to come back with a request for a permanent Special Use Permit. Whether all of the people involved have been notified including adjacent property owners, etc., was talked about. Whether sound checks were done was discussed. It was pointed out the Council could not grant an extension without an evidentiary hearing as SU-1-16 has expired. Ms. Baldwin moved that the Council authorize the submission of an application for a Special Use Permit either temporary or permanent. Her motion was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

URBAN FARM – REQUEST – NO ACTION TAKEN

Conrad James, 11001 Fanny Brown Road, was at the meeting to talk about building a community farm in Moore Square Park. He talked about his vision for a community or urban farm which would be free for all people to use would be publicly self-funded program a nonprofit would set up and maintain the garden. He talked about his vision and the fact that he will be having discussions with the Parks and Recreation Department in the next few weeks. He stated they have volunteers, they are not requesting any funding and again pointed out he would like to develop this farm in Moore Square.

Mayor McFarlane indicated the City has approved a pretty extensive plan for Moore Square. She talked about community farms and the Raleigh City farm and suggested that Mr. James talk with the people who maintain that facility. Mr. James questioned if Nash Square would work. Various Council members pointed out there are a number of people who are already involved in Urban Farms or Community Farms and suggested Mr. James talk with some of them and may be putting their programs and/or thoughts together.

ECONOMIC DEVELOPMENT TOOL KIT – BUILDING UNFIT GRANT – AMENDED – PROGRAM TO BE SUBMITTED

Matthew Tomasulo and Nicole Alvarez explained in August, 2016 they submitted an application for a Building Upfit Grant (BUG) for an 8 room overnight lodging facility. Mr. Tomasulo explained they have their Certificate of Appropriateness, they renovated a historic house, added an addition, etc. He stated their application ranked very high, the feedback they received was very supportive but were told that the primary use of “overnight lodging facility” is not outlined as one of the qualifying uses eligible for a grant.

Ms. Alvarez talked about the uses that are allowed and what is not allowed. She stated overnight lodging includes such things as B&B, etc. She read from Section 6.4.6 of the UDO and pointed out she and Mr. Tomasulo are before the Council asking for a change to allow overnight lodging as a qualifying use for a BUG.

Ms. Baldwin moved approval to adding overnight lodging as one of the uses in the grant criteria, that is, amend the criteria to include overnight lodging as an eligible use. Her motion was seconded by Mr. Gaylord. Mayor McFarlane expressed concern pointing out overnight lodging includes a lot of things such as hotels, etc., and she is not sure that the BUG was setup for a chain hotel, etc. She questioned if there is a better way to define or to address the situation.

Economic Development Director James Sauls pointed out he feels there are a couple of things that could be used to address the situation if the Council so chooses. He pointed out the project scored extremely well but overnight lodging is not listed as an intended use for a BUG. He stated to the best of his knowledge, overnight lodging was not intentionally omitted it was probably just not thought about. He stated the BUG was put in place to help small businesses, that is, provide seed money for businesses and talked about the various qualifying uses. He stated adding overnight lodging does bring up questions such as AirBnB, use of personal home, and the question relates to whether these uses are businesses and that brings forth the zoning questions. He stated at this point there does not seem to be checks and balances. Someone could add to their home and make their personal residents a business. Mayor McFarlane stated instead of adding overnight lodging as a use and opening up the program to other questions could these applications come to the Council on a case-by-case basis. Mr. Gaylord suggested adding to his motion other uses can be approved on a case-by-case basis as long as they are within the intent of the BUG.

Ms. Crowder questioned how many grants have been applied for, how many awarded and how many denied. Mr. Sauls talked about the process and pointed out there are two preapproved $100,000 matching grants and four are in staff review and the one under question is one of those four.

Discussion followed as to how to address the situation with Mr. Tomasulo pointing out they are under the hotel/motel line on the application and talked about the clause “as needed.” City Manager Hall stated he would add a note of caution pointing out if the Council creates another category which indicates those uses would be brought to the Council on a case-by-case basis, he feels the Council should prepare themselves for a lot of requests coming to Council. He stated staff administers the program using objective criteria and it would be hard to administer the program if the applicants knew they could go directly to Council.

Ms. Baldwin suggested looking at the ranking system and if an application exceeds all of the standards it could be brought to Council on a case-by-case basis. How many applications have been filed that didn’t meet the criteria, concern about someone getting a grant, doing a project and then selling the property. Checks and balances that are in place to address that was talked about. Other discussion as to the definition of “Inn” in the hotel/motel/Inn category where AirBnB fits and possible untended consequences of making the change as being suggested by the

motion on the floor followed. Mr. Thompson made a substitute motion to send the item to committee which was seconded by Ms. Crowder and put to a vote with Ms. Crowder, Mr. Thompson and Mr. Branch voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated.

Ms. Alvarez talked about their application receiving 80 points and explained they are trying to secure financing on this project. She explained they were calling their project overnight lodging but maybe they could apply under another category. She explained the UDO definitions and the work they are doing with various agencies. Mr. Tomasulo talked about the but/for clause which indicates a project could not happen but/for receiving the grant. Assistant Planning Director Crane talked about the policy and pointed out the use and the application could be called something else; however, all uses would have to meet the zoning.

Mr. Gaylord asked about amending his previous motion to allow staff the opportunity to bring something to City Council on a case-by-case basis, if the application scores 75 or above, that is 1.5 times the score needed as presently written. The fact that the Council is scheduled to have a review of the program was talked about as was the possibility of approving this application and sending possible changes to the policy to committee. City Manager Hall again talked about staff managing the program which was adopted by Council with a set of criteria and scoring. He talked about applications that have been submitted and denied and the possibility of the Council offering an appeal process if it wants to but pointed out the Council needs to think about possible unintended consequences. The desire to provide staff some latitude was talked about with Mr. Sauls pointing out he believes the intent of the program was for small businesses. He talked about the scoring mechanism, goals, etc. and pointed out the review team looks at each application and makes a decision based on the adopted policy and applications were denied based on the adopted policy. In response to questioning from Ms. Baldwin, Mr. Sauls pointed out one denial was based on lack of points pointing out that application was not in the economic development targeted zones, two projects had already pulled permits which showed they were proceeding with the projects whether they got the grant not. He questioned since applications have been denied based on the policy if the policy has changed if the denied application should come to Council. Various attempts were made to structure a motion after which Mr. Gaylord's motion was restated to "amend the program to allow staff to bring forward to Council projects that fit the intent of the program and equal 1.5 or above of the standards on a case-by-case basis. The restated motion was put to a vote which resulted in all members voting in the affirmative except Ms. Crowder, Mr. Branch and Mr. Thompson. The Mayor ruled the motion adopted on a 5.3 vote.

Mr. Gaylord suggested to approving Mr. Tomasulo's project with it being pointed out it would be best to go back through the process and staff could bring it forward if it meets the new criteria.

VARIOUS CONCERNS – EDNA BATYA QUINTANA – RECEIVED

Edna Batya Quintana, 712 Carolina Pines Avenue, stated she wanted to talk with the Council about the fact that a lot of places have told her she could not shop in their stores. They do not

respect her and they call the police. She stated about 40 stores will not allow her to go in and shop. She also questioned who Mr. Buonpane and Ms. Adams-David are with the Mayor pointing out they are staff people. Ms. Quintana pointed out she is an American, she has opinions and a lot of times she voices her opinions and explained stores in Raleigh, Garner and other areas that will not allow her in their facilities. She stated she has been a citizen since she moved to America at the age of 14. She has a daughter who is a CPA, talked about the number of locations that have thrown her out, talked about how the City had accused her of calling 911 so many times and pointed out she calls the nonemergency number and she does not understand why she keeps getting told she has to leave stores and cannot come in. She pointed out how she had to go to court because she was told she calls 911 too much, she has a public defender and she just does not know why she is treated this way. Ms. Qintana asked for a response; however no comments were made.

MATTERS SCHEDULED FOR PUBLIC HEARING

DEMOLITION UNFIT BUILDINGS – VARIOUS – REMOVED FROM THE AGENDA

This was a hearing to consider adoption of an ordinance, pursuant to the provisions of Article 11.6.8D of the Unified Development Ordinance Code for the City of Raleigh, to authorize the demolition of the unfit buildings listed below, if the repairs necessary to render the dwellings fit for human habitation are not completed within ninety (90) days:

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	VACATED AND CLOSED
1013 S. Wilmington Street (C)	JBAC Properties, LLC	0031175	543 days
1200 S. East Street (C)	JBAC Properties, LLC	0017089	413 days

Mayor McFarlane stated this item has been withdrawn from the agenda because of problems with adequate notifications.

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

This was a hearing to consider adoption of 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
1209 Armstrong Circle (C)	Deutsche Bank National Trust Company	0010792	$278
1405 Springshire Court (C)	Diplomat Property Manager, LLC c/o Sara Roberts	0320751	$241
1406 Infinity Lane (C)	Gilberto Davila and Lalonnie Bell-Davila	0336873	$241

143 Summit Avenue (D)	Tina M. Hughes Hanks heirs c/o Bryan Hanks	0046962	$443
15 S. Fisher Street (C)	Windolyn Turner	0047006	$291
1522 Eva Mae Drive (C)	Heritage Manor Association, Inc.	0341186	$267
1523 Eva Mae Drive (C)	Heritage Manor Association, Inc.	0306989	$267
1723 Fox Hollow Drive (C)	L.K. Burnette	0190973	$254
1725 Fox Hollow Drive (C)	L.K. Burnette	0192289	$254
2513 Hiking Trail (B)	Debra Kaye Dew Wharey	0135349	$271
2827 Orchard Trace Way (C)	Srinivasan and Brinda Subramanian Kumarapuram	0324811	$334
2925 Dandridge Drive (C)	US Bank National Association Trustee c/o Ocwen Loan Servicing, LLC	0269475	$280
419 Latimer Road (A)	Tamara S. Joseph	0001990	$330
4705-C Matt Drive (B)	Laura L. Illingworth	0247008	$362
509 Aberdeen Drive (C)	John Chad Hicks	0021962	$221
516 Dacian Road (C)	Freddy M. and Sandra Guzman	0050949	$542
620 Bragg Street (C)	Celeste Renee Richards and Jerry Lee McDaniel	0076480	$467
716 Donnelly Road (B)	Maria Wall heirs	0012996	$379
808 Richmond Street (A)	Lelia S. Brownfield heirs c/o Charles L. Brownfield, Jr.	0025089	$254

Mayor McFarlane indicated 808 Richmond Street should be 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 cost on the remaining locations as outlined. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 387.

REZONING Z-10-16 – OLD POOLE ROAD – HEARING CLOSED – ITEM REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

Mayor McFarlane stated this is a continuation of 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.

The hearing was initiated at the September 6, 2016 meeting and was held open to allow the applicant to discuss various opportunities/implications of converting or not converting to a conditional use case.

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

Planner Bynum Walter gave an update of this case and actions that have taken place. She stated the Council has several options such as continue the hearing, close the hearing, refer to committee, etc. She stated if the Council wants to ask for conditions, it would be best to close the hearing and allow the applicant to submit new conditions. She again stated the Council could close the hearing, go ahead and vote, hold the item or send the case to committee or leave the hearing open for additional comments.

Mayor McFarlane stated at the last meeting, there was discussion about additional conditions.

Mr. Branch questioned the conditions on the existing OX Planner Walter pointed out the stormwater condition and the right-of-way conditions that were on the existing case were made obsolete by the adoption of the UDO. She stated the last several conditions related directly to a training center that was proposed on the site.

Tae Park read the following prepared statement:

> I presented a rezoning case on September 6, 2016. At the meeting, I was unclear about the conditional use that was discussed, and after the city council meeting, I had meetings with consultant and city staff regarding this re-zoning case to obtain clarification.
>
> Based on those meetings, I respectfully request to have the property rezoned as CX in general use because within the past six months I went through the re-zoning process with advice and suggestions of the planning department. All processes were very straightforward, resulting in all unanimous votes and recommendations at city staff meeting, neighbor meeting, CAC meeting, and unanimous recommendation from planning commission for approval for CX in general use, not CX in condition use.
>
> I content that the mixed-use zoning is the zoning that provides maximum flexibility to be tailored for each neighborhood and environment. The mixed-use zoning can allow any type of commercial and office-oriented or residential development or to be mixed but does not have to be.
>
> I am not requesting to add commercial or industrial zoning in a residential neighborhood; rather I am requesting rezoning to achieve a better environment in the neighborhood by changing to community mix-use development. Again, the property is surrounded by on east side, the City of Raleigh Transit Operation Facility, which is in IX zoning, which is industrial mix-use, and by two banks on north side.

On the southeast side, currently used as a church, which is in R-6 zoning, and this property will be completely separated by a 50-foot of right-of-way for High voltage power line easement and an additional 50 feet of setback, per City zoning ordinance.

Given those surroundings, I contend it would not be logical to develop this property as residential or leave this property subject to residential zoning.

The citizens in the neighborhood meeting and CAC meeting were all excited about a new project going on in their neighborhood for the benefit of the neighborhood.

If this rezoning case is denied, the project would need to be delayed for two additional years. This would result in the property sitting in an unpleasant condition, with no sidewalk extension and no lighting for safety, and again creating no new job and business.

If the property is rezoned with condition use such as "prohibiting bar and taverns" would not be beneficial to the neighborhood because, if a bar or tavern was established on the premises, the community would be able to patronize the bar without driving, saving them from driving to a bar farther away. A tavern would also be beneficial to the community because it would boost the local economy and provide a nearby place for community members to come and have a meal. If at any time there is noise or other problems associated with a bar or tavern, there are existing laws and procedures to readily address those situations. Placing those conditional use on this property would not be desirable for this community. Because it will eliminate the possibility of development on this neighborhoods and this property, which would all prevent the reaction additional jobs and new business.

I believe that the City of Raleigh developed the UDO guidelines with our tax money in order to improve Raleigh. As citizens and city officials, we need to comply with the guidelines we created, not deviate from them. I believe that the rezoning to CX on this property in general use is completely consistent with the City's new UDO zoning and land use planning guideline and is absolutely the best fit for future land use planning for the City of Raleigh and this neighborhood.

Mr. Branch pointed out there was a statement in the beginning of Mr. Parks comments about community mixed use and questioned if this property is proponed for community mixed use or commercial mixed use. Mr. Park pointed out there seems to be some confusion as to what he requested. Planner Walter pointed out the zoning is commercial mixed use and the Future Land Use Map refers to the area as community mixed use.

Mr. Branch pointed out he had a conversation with the CAC Chair. He stated actually this particular CAC has co-chairs and one was not at the meeting. He stated the co-chair he talked to pointed out that CAC averages 30 to 40 people but at the meeting this case was discussed, there were only about 13. The CAC chair stated there are still questions. Mr. Branch suggested that the hearing be closed and send the item to Growth and Natural Resources Committee for further

discussion. His motion was seconded by Mr. Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

COMMITTEE MEETINGS – SCHEDULES ANNOUNCED

Mayor McFarlane pointed out Economic Development and Innovation Committee will be meeting at the regular time. Chairperson Crowder reported the Growth and Natural Resources Committee will be meeting at the regular time. Chairperson Baldwin pointed out the Transportation and Transit Committee will not meet on the 27th in order to give the staff more time to work on the item pending in committee. Other committees have no pending items.

REPORT OF MAYOR AND COUNCIL MEMBERS

COUNCIL MEMBER COX – COMMENTS RECEIVED

Mr. Cox expressed appreciation to the Rotary Club members who invited him to a recent meeting where there was a discussion about growth and development and how technology can help address some of the issues including transit, transit planning, etc. The comments were received.

GROWTH – COMMENTS RECEIVED

Mr. Stephenson expressed appreciation for Assistant Planning Director Travis Crane's quotes and comments in a recent News and Observer article relative to Comprehensive Planning, and growth and development. He pointed out many of the comments related to the growth in the North Hills area and talked about the comprehensive plan for that area and how we can continue to grow in a way that is compatible with the comprehensive plan, etc. He expressed appreciation for the comments as presented.

BIKESHARE – REQUEST FOR INFORMATION

Mr. Branch asked that the Council be provided an update from staff on the BikeShare program. That is, where we are in the program as well as partners involved, status, etc. Administration was asked to provide an update.

DOG FREE PARK – MOORE SQUARE – DIRECTION GIVEN

Council Member Crowder stated she would like the City Council to consider designating Moore Square as a dog free park and to identify places in the general vicinity for dog runs, etc. She stated she is making these comments based on the amount of grass and turf and possible maintenance problems in that area. She realizes there should be places in the general vicinity for people to walk their dogs and asked staff to identify another place instead of More Square.

Later in the meeting, Ms. Baldwin indicated Ms. Crowder's comments relative to making Moore Square a dog free park creates a problem for her. She talked about all of the residential

development in the area including SkyHouse, Lincoln and others and pointed out one of the biggest complaints she hears from people in the Downtown area is that they do not have a place to walk their dogs and she has concern about telling people they cannot walk their dogs in Moore Square. Ms. Crowder stated she too is a dog lover and talked about the amount of grass and turf planned for Moore Square and concerns about it from a maintenance standpoint and she is just asking staff to look at it and see if there is a place for a dog run in the area. Ms. Baldwin pointed out it may be good to have a dog run in Moore Square and talked about urban parks having dog runs and the possibility of identifying a place in Moore Square. Mayor McFarlane questioned if Ms. Crowder is talking about not allowing dogs other than on the walkways with Mr. Gaylord talking about possible hygiene issues, etc. After brief discussion, staff was asked to provide some information and/or recommendations.

LANDFILL – TEXTILE PROGRAM – STAFF TO PROVIDE INFORMATION

Councilman Crowder indicated the City of Raleigh has studied and looked at waste reduction programs and according to a recent report she understands about 85% of used clothing ends up in our landfills. She stated she understands there is a private for profit group that is interested in developing a program to help defer textiles from the landfills. She asked to refer the issue to staff to look at whether this type program is a possibility. She stated she in no way wants to affect nonprofits which collect items for resale or reuse, talked about possible enforcement issues and stated she would just like to receive a report back from staff within the next 30 days as to whether this is something that should be pursued, etc. She stated she knew Assistant City Manager Haywood had been looking at the issue. Ms. Crowder moved that the Council ask staff to look at the issue of reducing textiles in our landfill and whether that would be something that the City could adopt as a pilot program and should be considered. Her motion was seconded by Mr. Gaylord.

Mr. Stephenson talked about the nonprofit charitable organizations which receive and depend on clothing and other textiles to help fund their programs and he wants to make sure that private programs do not deprive those opportunities. The motion to ask staff to provide a report 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.

CITY COUNCIL LIAISONS – APPOINTED

Mayor McFarlane stated she had received requests from two different organizations asking for a liaison. Council Member Gaylord is the delegate to Triangle J and Triangle J is asking for an alternate member. She stated Mr. Branch had agreed to serve in that capacity.

Mayor McFarlane indicated the Historic Resources and Museums Advisory Board has asked for a Council liaison and Mr. Gaylord had agreed to fill that position.

Mayor McFarlane indicated Ms. Baldwin has been serving as the liaison on the Downtown Raleigh Alliance and she would like to officially appoint Ms. Baldwin to that position.

PARK STAFF – COMMENTS RECEIVED

Mayor McFarlane expressed appreciation to Kate Pearce and other Park staff members for putting together the trip to New York to gather information relative to various parks and multi-conservancy groups in the area. She stated they received some very good feedback.

CELEBRATION RECOVERY

Mr. Thompson indicated on September 10, 2016 he represented the City Council and spoke at Celebration Recovery. He expressed appreciation to the Mayor and her family and others who attended.

Mr. Thompson stated he recently spoke to a third grade class at Lead Mine School and talked about how impressed he was with the students.

BIRTHDAY – COMMENTS RECEIVED

Ms. Baldwin expressed appreciation to all who had wished her birthday wishes.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Board of Adjustment – Alternate Member – No nominees

Civil Service Commission – At Large Member – No nominees

Raleigh Historic Cemeteries Advisory Board – Ms. Baldwin nominated Jan Lewis.

Historic Resources and Museum Advisory Board – Mr. Thompson and Mr. Stephenson nominated Holmes Harden and Stephen Rabin.

Human Relations Commission – One Vacancy – No nominees

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

NO REPORT

CLOSED SESSION

CLOSED SESSION – HELD

Mayor McFarlane stated a motion is in order to enter closed session pursuant to GS143-318.11(a)(4) for the purpose of considering the location or relocation of a business or industry to Raleigh and to discuss any incentives that may be involved in any such move and pursuant to GS143-318.11(a)(3) to consult with legal counsel regarding a worker compensation settlement. Mayor McFarlane moved approval of the motion as read which was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. The Council entered closed session at 3:30 p.m. The Council reconvened an open session at 3:45 p.m. with Mayor McFarlane pointing out the Council gave direction to staff regarding a worker compensation settlement and the location or relocation of a business or industry considering relocation to the City of Raleigh.

Adjournment: Mayor McFarlane announced the meeting adjourned at 3:45 p.m.

Gail G. Smith
City Clerk

jt/CC09-20-16