COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, October 4, 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 Corey Branch. The Pledge of Allegiance was led by Council Member David Cox. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATES OF APPOINTMENT – PRESENTATIONS MADE

Mayor McFarlane explained the Certificate of Appointment process and presented Certificates to Collin Bobber and Sondra Collins who were recently appointed to the Fair Housing Hearing Board and Clodagh Lyons – Bastian who was recently appointed to the Parks, Recreation and Greenway Advisory Board.

US SECRETARY OF HOUSING – JULIAN CASTRO – VISIT RECOGNIZED

Mayor McFarlane announced that U.S. Secretary of Housing and Urban Development, was in Raleigh earlier today. She talked about the visit with various representatives of the Raleigh Housing Authority, tour of Capitol Park, etc. Mayor McFarlane talked about her appreciation of the innovative use of grants they have received.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION - CONTEMPORARY ARTS MUSEUM - COMMENTS RECEIVED

Gab Smith, Executive Director of the Contemporary Art Museum, stated members of the learning community dedicated to accessible cultural opportunities in the Triangle are with her for this presentation. She expressed appreciation to the City Council for all they have done for the Museum and giving CAM the opportunity to bring incredible artists, exhibitions and programs to the citizens of the area. She invited all to attend free first Friday celebration on the October 7

between 6:00 p.m. and 10:00 p.m. explaining they will have 3 incredible North Carolina artist showing their work – Thomas Sayre, Precious Lovell and Gesche Werfel. She stated these exhibitions explore history, memory identity and ultimately belonging through a variety of media. She stated all three of these artists are Triangle based and are the best in the world at their game. She pointed out there will be pop-up entertainment and the Beer Garden will be open. She stated CAM is a place where everyone is welcomed and everyone belongs. She talked about equity, inclusion and accessibility.

Ms. Smith indicated all know that Raleigh is the best place to live, work and play and they are committed to make Raleigh the #City of Universal Design and Accessibility. She talked about the leadership and commitment with the City of Raleigh's strategic plan and arts plan and how all are working together to meet those goals. She stated this year the Arts Commission and the United Arts of Raleigh and Wake County funded and helped promote accessible cultural opportunities in the Triangle. She explained more than 20 arts and cultural organizations come together to present a free arts and cultural fair called "We Are Here." She presented Council members with an invitation to the event which is scheduled for Sunday, October 16 at the Five Points Center for Active Adults and invited all to attend and talked about things that will be happening at that event. She stated Raleigh is becoming a National Model for accessibility and expressed appreciation to all involved.

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. Gaylord to with draw the item – Encroachment Request – Dartmouth/Six Forks Road. Without objection that item was withdrawn from the consent agenda. Ms. Baldwin moved approval of the consent agenda as amended. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

ANNEXATION PETITION – TOWN OF GARNER – VARIOUS ACTIONS APPROVED

In 2014, the City of Raleigh acquired approximately 40.42 acres of vacant property adjacent to the Dempsey E. Benton Water Treatment Plant. The property will be used to construct a raw water reservoir similar to the reservoir at the E.M. Johnson Water Treatment Plant. The raw water reservoir will enhance water quality and provide five days of additional storage for resiliency and peak management. Permitting of new structures and process units will require that the property be annexed into the jurisdiction of the Town of Garner and subsequently recombined with the existing treatment plant property.

Recommendation: Authorize a petition for annexation to the Town of Garner; authorize recombination of property with the treatment plant property. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

SALISBURY PARK COMMUNITY- PRIVATE WATER SYSTEM – ACCEPTANCE APPROVED CONDITIONALLY

The Salisbury Park community consists of 79 single family homes, each served with individual water and sewer connections; each home is individually metered. Streets in the subdivision are owned and maintained by the homeowners association (Carrbridge Way, Caldbeck Drive, Riddle Place, Harkers Court, West Mouth Bay). As such, the water mains in the streets are currently owned by the home owners association. The water meters are the only assets currently owned by the City. The Salisbury Park homeowners association has requested that the water system along with all existing easements be dedicated to the City for ownership and operation. The existing water system meets all City standards; as the City is ultimately responsible for water quality to each meter, the Public Utilities department agrees that the system should be owned and operated by the City.

Recommendation: Authorize acceptance of the private water system for ownership and maintenance by the City pending execution of easements and engineering drawings documenting the water system. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

STORMWATER DEVELOPMENT – TOWN OF ROLESVILLE – APPROVED FOR EXECUTION

One oversized sewer main extension project has been completed by a private developer within the municipal jurisdiction of the Town of Rolesville. The amount of the reimbursement has been certified by staff and the reimbursement is in accordance with the City Code. The project is described as follows:

- MBA Land Group, LLC completed 313 linear feet of 24-inch sewer main in Sanford Creek to serve the Stonewater Subdivision Phase One. The project is eligible for $40,440 in reimbursement.

Recommendation: Authorize the City Manager to execute the reimbursement agreement in the amount of $40,440. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

REIMBURSEMENT AGREEMENTS – THE VILLAGE AT TOWNE CENTER AND BRIER CREEK CORPORATE CENTER – APPROVED FOR EXECUTION

Two oversized sewer main extension projects have been completed by a private developer within the City jurisdiction. The amount of the reimbursement has been certified by staff and the reimbursement is in accordance with the City Code. The projects are described as follows:

- The Village at Towne Center, LLC completed 1,100 linear feet of 12-inch water main in Oak Forest Drive to serve The Village at Towne Center development. The project is eligible for $36,740 in reimbursement.
- American Asset Corporation completed 1,280 linear feet of 12-inch water main in Arco to serve Brier Creek Corporate Center. The project is eligible for $44,288 in reimbursement.

Recommendation: Authorize the City Manager to execute the reimbursement agreements in the amount of $81,028. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

BIKESAFE COORDINATOR – GRANT AWARD – MANAGER AUTHORIZE TO ACCEPT; BUDGET AMENDED

The City has been awarded $5,000 in funds from the National Highway Traffic Safety Administration for the BikeSafe Coordinator grant; the grant provides funding for in- and out-of-state travel costs for the regional coordinator for the Governor's Highway Safety Program BikeSafe motorcycle safety program. There is no City match required. On March 23, 2016, the grant application was administratively reviewed and the grants committee authorized the application submittal. A budget amendment in the amount of $5,000 is necessary to appropriate the grant proceeds; accounting details were included with the agenda packet.

Recommendation: Authorize the City Manager to execute grant acceptance documentation; authorize a budget amendment in the amount of $5,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 634 TF 284.

POLICE GRANT – DRIVING WHILE INTOXICATED SQUAD – MANAGER AUTHORIZED TO ACCEPT; BUDGET AMENDED

The City has been awarded $196,762 in funds from the National Highway Traffic Safety Administration for the fourth year four of the DWI Squad grant, which provides funding for salary and benefits for the five members of the DWI squad; travel costs for in- and out-of-state training; and equipment costs. This is the final year of the four-year grant; in the next annual budget process the five positions will be incorporated in the FY18 budget as required by the grant. There is a City match required for this grant in the amount of $196,762; funding will be appropriated from the Asset Forfeiture reserve. On January 21, 2016, the grant application was administratively reviewed and the grants committee authorized the application submittal. A budget amendment in the amount of $393,524 is necessary to appropriate the grant proceeds; accounting details were included with the agenda packet.

Recommendation: Authorize the City Manager to execute grant acceptance documentation; authorize a budget amendment in the amount of $393,524 and authorize a transfer of funds in the amount of $196,762. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 634 TF 284.

TRANSIT PLANNING – ON-CALL SERVICE CONTRACTS/MULTIPLE VENDORS – VARIOUS ACTIONS APPROVED

The Capital Area Metropolitan Planning Organization (CAMPO), acting as the lead agency of a joint procurement, solicited a request for qualifications (RFQ) from firms interested in providing professional services within four distinct areas of transit planning expertise. RFQ submittals were evaluated by the joint parties of the procurement, which consist of CAMPO, GoRaleigh (City), and GoTriangle.

A total of nine proposals were received; the top ranked firm from each transit planning area is recommended for participation in the on-call services contract. The top ranked firm from each transit planning criteria will be offered the first opportunity to negotiate a contract for the defined scope of work. If a contract cannot be negotiated with the top-ranked firm, the second- and then third-ranked firms respectively will be given the opportunity to negotiate for the scope of work. Total contract expenses of $1,875,000 will be split among the parties of the procurement; the budget contribution amounts from the parties of the joint procurement include $1,200,000 from GoTriangle; $175,000 from CAMPO; and a GoRaleigh (City) contribution in the amount of $500,000. The GoRaleigh (City) contribution is appropriated in the annual budget. Amounts of each contract are as follows:

Planning Services and Public Outreach	Nelson Nygaard	$1,570,000
Environmental Services	Davenport	$152,500
Technology Services	WSP/Parsons Brinckerhoff	$152,500

Additional information to include the ranked order of all firms responding to the RFP is included with the agenda packet. Accounting detail was also included with the agenda packet.

Name of Project:	Transit Planning On-Call Services Contracts
Managing Division:	Capital Area Metropolitan Planning Organization
Reason for Council Review:	Contract amount >$150,000
Planning Services:	Nelson/Nygaard Consulting Associates, Inc.
Environmental Services:	John Davenport Engineering, Inc. dba Davenport
Technology Services:	WSP/Parsons Brinckerhoff, Inc.
Public Outreach Services:	Nelson/Nygaard Consulting Associates, Inc.
Prior Contract Activity:	N/A
Budget Transfer:	$175,000
Current Encumbrance:	N/A

Recommendation: Authorize the City Manager to award the three on-call service contracts in the amounts not to exceed as noted above; authorize a budget amendment in the amount of $1,200,000 to appropriate contributions from other parties; authorize a transfer in the amount of $175,000. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 634 TF 284.

HIGHWAY 98 CORRIDOR STUDY – INTERLOCAL AGREEMENT – MANAGER AUTHORIZED TO EXECUTE

Each year the Metropolitan Planning Organization programs various projects to be funded using Federal Surface Transportation Direct Allocation funds. These funds are received from the federal government through the North Carolina Department of Transportation (NCDOT). During this years Unified Planning Work Program planning process, a corridor study was selected for NC Highway 98 from US 70 in Durham County to US 401 in Franklin County; the corridor study is to be conducted in partnership with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) and NCDOT. The study will take place over two fiscal years (FY 2017 and 2018) and is being funded by three funding partners: DCHCMPO (City of Durham), NCDOT, and the Capital Area MPO (CAMPO), as indicated below:

Funding Partner	**FY17**	**FY18**	**Total**
CAMPO	$100,000	$ 25,000	$125,000
NCDOT	0	100,000	100,000
DCHC MPO	25,000	50,000	75,000
TOTAL	$125,000	$175,000	$300,000

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

HIGHWAY 98 CORRIDOR STUDY – CONTRACT WITH PARSONS BRINCKERHOFF, INC. – MANAGER AUTHORIZED TO EXECUTE

Highway 98 corridor study will evaluate the safety and mobility along the corridor and the surrounding transportation network, including planned and existing roads and bicycle, pedestrian, and transit facilities. The study will offer solutions along the corridor to facilitate improved multimodal mobility and safety and will address operational function, access, and capacity needs.

This study will be managed by the Capital Area Metropolitan Planning Organization (CAMPO), and the consultant Parsons Brinckerhoff, Inc. has been selected to carry out and coordinate the study and provide all partners with recommendations to be presented to affected jurisdictions for review. It is anticipated that extensive public outreach to property owners, local officials, business owners, the general public, and other interested parties will be conducted. Funding for the study has been programmed in the MPO's adopted FY 2017 Unified Planning Work Program (UPWP) and is anticipated to be programmed for the study in the FY18 UPWP.

Name of Project:	NC 98 Corridor Study
Managing Division:	Capital Area Metropolitan Planning Organization
Reason for Council Review:	Contract amount >$150,000
Vendor:	Parsons Brinckerhoff, Inc.
Prior Contract Activity:	N/A
Budget Transfer:	N/A

Current Encumbrance: N/A
Amount of this Contract: $300,000
Encumbered with this Approval: $300,000

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

STORM CLEANUP AND RELATED SERVICES – PRE-POSITION CONTRACTS – VARIOUS ACTIONS APPROVED

In the event of a wide scale natural or other disaster, the ability to solicit bids for contracted disaster recovery services is often hampered by demand and limited availability. To address this, the City enters into contractual arrangements with various providers to be on call when necessary for disaster recovery.

The Office of Emergency Management and Special Events advertised for contractors to provide storm-related services to the City in the event of a natural disaster. A team of City staff evaluated the proposals and recommends contacting with the firms listed below for each of the corresponding pre-position contracts to be utilized during disaster recovery operations. Included with the agenda packet was information on specific rates as outlined in each vendor proposal.

Storm Management Services:	TetraTech, Incorporated
Tree Work Services for Public Rights-of-Way, Parks, Greenways, Public Utility Easements, and Other City Maintained/Managed Properties	CrowderGulf, LLC
Load and Haul Services for Public Rights-of-Way, Parks, Greenways, Public Utility Easements, and other City Maintained and Managed Properties	CrowderGulf, LLC
Grinding, Loading, and Hauling of Vegetative Storm Debris	TFR Enterprises, Incorporated

Actual contract amounts are determined upon activation of an individual contract in conjunction with or following a disaster; amounts are based on the amount of work tasked to complete; work amounts are associated with the type and scale of a specific disaster. Additional information was included with the agenda packet.

Recommendation: Authorize the City Manager to execute a contract with the top selected company for the rates submitted in their proposal. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

EPLUS GROUP – LEASE SCHEDULE 165 – MANAGER AUTHORIZED TO EXECUTE

The City utilizes a leasing company to provide technology equipment including desktop computers, laptops, projectors, as well as network equipment such as switches, routers, and servers. The master lease agreement provides for new equipment to be leased via a series of quarterly lease schedules. Lease Schedule 165 in the amount of $659,719 is for a three-year term and exceeds the administrative approval threshold of $150,000.

Recommendation: Authorize the City Manager to execute Lease Schedule 165. Upheld on Consent Agenda Baldwin/Branch – 8 ayes.

STC-4-2016/MCDOWELL STREET ALLEY – RESOLUTION OF INTENT SETTING PUBLIC HEARING FOR NOVEMBER 1, 2016 - ADOPTED

The City has received a petition to consider closing an unnamed public right-of-way located downtown. The subject right-of-way is an alley that crosses the block bound to the north by West Davie Street, to the east by Gale Street, to the west by McDowell Street, and to the south by Cabarrus Street. The owners of the abutting lots wish to abandon the alley servicing these lots in order to consolidate the ownership of that portion of the block for future development.

Recommendation: Adopt a resolution authorizing a public hearing to be held November 1, 2016 to consider closure of the right-of-way as requested. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 388.

BUDGET AMENDMENTS AND TRANSFERS – VARIOUS – ORDINANCE ADOPTED

Council members received in their agenda packet a list of budget amendments and/or transfers to cover items as outlined on the agenda. The information includes account code amounts, etc.

Recommendation: Approve as outlined. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 634 TF 284.

CONDEMNATION – SANITARY SEWER RELOCATION AT SAWMILL ROAD AND WELLESLEY PARK – RESOLUTION ADOPTED

The sanitary sewer relocation at Sawmill Road and Wellesley Park will relocate 220 feet of sanitary sewer main and will be performed by City staff. The project is required due to conditions involving the existing sewer main and manhole access being consumed by the creek in this location. Temporary stream stabilization measures have been installed but ultimately the line needs to be relocated.

Negotiations have thus far been unsuccessful with the following property owners to acquire the easements needed for the Sanitary Sewer Relocation at Sawmill Road and Wellesley Park project. To keep this project moving forward, staff recommends that Council authorize a condemnation to acquire the easements needed from the following property:

PROPERTY OWNER	**ADDRESS**
Winchester Pointe at Greystone Townhomes Association	7629 Wellesley Park

Recommendation: Adopt a resolution of condemnation. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Resolution 389.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following recommended changes in the Traffic Code which would become effective seven days after Council action unless otherwise indicated.

Speed Limit Reduction – Dorothea Drive

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Dorothea Drive from South Boylan Avenue to South Saunders Street. Dorothea Drive is classified as Neighborhood Local and is constructed to typical residential street standards. Staff has received a petition representing at least 75 percent of the residents or property owners along each street in support of a speed limit reduction.

Two-Hour Parking Zone – East Hargett Street

It is recommended that a Two-Hour Parking Zone be established on the south side of Hargett Street between Bloodworth Street and Person Street. Staff completed an evaluation of the on-street parking on the 300 block of East Hargett Street and found that a small area of currently unregulated parking exists on the south side of the street. Staff recommends that this area be changed to a Two-Hour Parking Zone to be consistent with rest of the block.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code was included with the agenda packet. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 635.

END OF CONSENT AGENDA

ENCROACHMENT – DARTMOUTH STREET AND SIX FORKS ROAD – APPROVED CONDITIONALLY

A request has been received from Kane Realty Corporation to install decorative pavers in the right-of-way. 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.

Mr. Gaylord stated he has asked that this be withdrawn from the Consent Agenda as he needs to be recused as his employer is involved. Ms. Baldwin moved that Mr. Gaylord be excused from participating in the item relating to Encroachment – Dartmouth Road and Six Forks Road. Her motion was seconded by Mr. Stephenson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

Ms. Baldwin moved approval of the encroachment as outlined. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord who was excused from participation. The Mayor ruled the motion adopted on an 7-0 vote.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

TEXT CHANGE – DEFINITION OF CONGREGATE CARE – AUTHORIZED

Mayor McFarlane indicated all of the items on the Planning Commission are being recommended for public hearing on November 1. She stated prior to moving forth with a motion on that, she had a question relating to Z-19-16 which indicates the Planning Commission recommends that the City Council authorize a text change that would clarify the definition of "congregate care" in the UDO. She questioned what that means and why it is a part of the rezoning case. Planning Director Bowers and Assistant Planning Director Crane both indicated that the applicant felt that the definition of congregate care should be looked at and defined and asked for clarification. They both indicated that the clarification or text change and the zoning are totally separate issues and should be considered separately.

Ms. Crowder questioned how the UDO defines congregate care with Planning Director Bowers reading the definition. Ms. Crowder talked about Webster's definition of congregate care. Assistant Planning Director Crane pointed out the use standards in the UDO speaks to rooms being different from dwelling units and the code could be interpreted to mean dwelling units are not allowed as a part of a congregate care facility; therefore the clarification should be made. Mr. Gaylord moved that the Council authorize the text change that would clarify the definition of congregate care in the UDO. His motion was seconded by Mr. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REZONING Z-17-16, Z-14, Z-19 AND Z-20 – TC-2- VARIOUS ACTIONS TAKEN

Ms. Baldwin moved approval of the Planning Commission recommendation to schedule a public hearing for November 1, 2016 for rezoning Z-17-16, TC-2-16, Z-14-16, Z-19-16 and Z-20-16 be approved. Her motion was seconded by Mr. Gaylord.

Ms. Crowder pointed out she understands the applicant for Z-20-16 asked that it be held at the table as conditions hadn't been signed. Ms. Baldwin amended her motion to move sending to public hearing Z-17-16, TC-2-16, Z-14-16 and Z-19-16. Her restated motion was seconded by Mr. Gaylord.

It was pointed out that the applicant had requested that Z-17-16 be referred to committee. Ms. Baldwin and Ms. Gaylord restated their motion to move that TC-2-16, Z-14-16 and Z-19-16 go to public hearing for November 1. That restated motion was put to a vote and passed unanimously. Those items were as follows:

TC-2-16 – STORMWATER EXEMPTIONS – PUBLIC HEARING AUTHORIZED FOR NOVEMBER 1, 2016

This request amends Sections 9.2.2.A. of the Part 10A Raleigh Unified Development Ordinance to amend those sites and uses that are exempted from the active stormwater control requirements of the code. This text change requires all new development or redevelopment to assess the impact of these developments on stormwater.

The Planning Commission recommends approval of this text change. Staff suggests a public hearing date of November 1, 2016. Public hearing authorized on a motion of Ms. Baldwin seconded by Mr. Gaylord – 8 ayes.

REZONING Z-14-16 – ACC BOULEVARD – PUBLIC HEARING AUTHORIZED FOR NOVEMBER 1, 2016

This is a request to rezone property from Planned Development to Office Mixed Use – 3 stories – Parking Limited Conditional Use (OX-3-PL-CU) (PD). The proposal is consistent with the Future Land Use Map and most pertinent policies of the Comprehensive Plan.

The proposed rezoning is reasonable and in the public interest. The proposal would allow for the development of a mix of uses consistent with the Urban Form Map. Conditions provide measures to mitigate impacts on adjacent and surrounding uses, specifically limits on uses.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of November 1, 2016. Public Hearing Authorized on a motion of Ms. Baldwin, seconded by Mr. Gaylord and put to a vote which passed unanimously.

REZONING Z-19-16 – FALLS OF NEUSE ROAD – PUBLIC HEARING AUTHORIZED FOR NOVEMBER 1, 2016

This is a request to rezone property from Planned Development with UWPOD to Office Mixed Use – 4 Stories Conditional Use with UWPOD.

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

Conditions limit site use and intensity, enhance site buffering, promote transit use, reduce lighting impacts, and provide pedestrian access between Falls of Neuse and Dunn roads.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of November 1, 2016. Public hearing authorized on motion of Ms. Baldwin, seconded by Mr. Gaylord unanimously passed.

REZONING Z-20-16 – JEFFRIES GROVE SCHOOL ROAD – CREEDMOOR ROAD – TO BE HELD AT THE TABLE

This is a request to rezone property from rezoned from Residential-4 to Residential-10 – Conditional Use. The proposal is consistent with the Future Land Use Map and most pertinent policies of the Comprehensive Plan.

The proposal is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. The proposed rezoning is reasonable and in the public interest. The proposal would allow for the development of a mix of uses consistent with the Urban Form Map.

The proposal is compatible with the surrounding area. Conditions provide a range measures to mitigate impacts on adjacent and surrounding uses, specifically limits on building type, setbacks, and building height.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of November 1, 2016.

Earlier in the meeting Ms. Crowder had pointed out the applicant had requested that this item be held at the table as the conditions have not been signed. Without objection the item was held at the table.

REZONING Z-17-16 – CREEDMOOR ROAD – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This is a request to rezone property from Residential-6 (R-6) to Commercial Mixed Use – 3 stories – Conditional Use (CX-3-CU). The proposal provides negligible public benefit. Though the proposal provides significant stormwater management conditions, it remains incompatible with the surrounding uses.

The proposal presents traffic concerns for adjacent residential communities.

The Planning Commission recommends denial of the request. A public hearing is required. Staff suggests a public hearing date of November 1, 2016.

It was pointed out the applicant had requested that this item be referred to Growth and Natural Resources Committee for discussion and hopefully resolution of some of the issues prior to setting the public hearing. Mr. Thompson pointed out he feels this is a use case and he sees no reason for it to go to committee. Attorney Michael Birch indicated there has been a lot of discussion between the neighborhood and the applicants and he feels some additional discussion would be helpful prior to going to public hearing. Whether it should go to public hearing and then have discussion or whether discussion prior to public hearing would be more helpful followed. Mr. Gaylord moved that Z-17-16 be referred to Growth and Natural Resources Committee. His motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative except Mr. Thompson who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

Later in the meeting, Mr. Cox asked to change his vote as he felt the item should go to public hearing at this point. Ms. Baldwin moved that Mr. Cox be allowed to change his vote on Z-17-16. 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 and ruled that the motion to refer Z-17-16 to Growth and Natural Resources Committee passed on a 6-2 vote (Thompson/Cox voting in the negative).

SPECIAL ITEMS

ECONOMIC DEVELOPMENT TOOLKIT - BUILDING UP-FIT GRANT – INFORMATION RECEIVED; GUEST HOUSE APPROVED

The Building Up-fit Grant (BUG) review team has received 11 applications since the inception of the program in June, 2016. In adopting the program, City Council delegated review and approval of grant applications to the Office of Economic Development and a grant review team consisting of staff from the departments of City Planning, Housing and Neighborhoods, Development Services, Finance, and the City Attorney's office. Projects associated with grant applications are pre-approved following review by the grant review team, but do not receive funding until the project is completed and the business is operational. A three-year claw back provision exists should a grant awardee in a tenant arrangement not meet the required three-year lease commitment.

Five projects have been approved to date, with grant awards totaling $375,000. Two projects require Council review based on an amendment to the policy discussed during the September 20, 2016 City Council meeting.

The first project for Council consideration is Guest House. The proposed project is an inn with eight guest rooms. The application was denied following review of the project as the proposed use is not an approved use pursuant to the BUG policy. The project does not meet the intent of the grant policy, but did score above the 75 point threshold as required by the amended policy.

The second project for Council consideration is HQ Raleigh. The proposed project is a co-location/shared office for startups. The applicant has applied for funding to buildout existing

space to host startups. The project does not conform to an approved use per the policy but staff feels that the project meets the intent of the BUG program. The project scores above the 75 point threshold as required by the amended policy. Listed below is a summary of all grant applications received to date:

COMPANY	USE	REQUESTED AMOUNT	APPROVED AMOUNT	STATUS
I2M	R+D	$100,000	$0	Denied (1)
Adara Spa	Service	$50,000	$0	Denied (2)
Murphy's Naturals	Manufacturing	$100,000	$0	Denied (3)
Guest House	Inn	$100,000	$100,000	Pending Council Review
Cotton Bar	Retail	$100,000	$70,000	Approved
Saxapahaw Grocery	Retail	$100,000	$100,000	Approved
Maniy Medical	Office	$100,000	$100,000	Approved
Videri Chocolate	Manufacturing/Retail	$100,000	$70,000	Approved
Flourish Market	Retail	$35,000	$35,000	Approved
HQ Raleigh	Office	$100,000	$25,000	Pending Council Review
Comedy Worx	Restaurant	$100,000	$0	Funding Depleted (4)

(1) Applicant received permits before applying for grant
(2) Applicant scored less than required 50 points
(3) Applicant received permits before applying for grant
(4) Should the two projects subject to Council consideration be approved there will not be funding for this applicant

Should Council choose to evaluate award of a grants to the two described projects as exceptions to the policy, funding for the program in the current fiscal year will be depleted.

City Manager Hall briefly explained the item pointing out staff is available to answer questions. Mayor McFarlane pointed out according to the agenda, there are two pending request – Guest House and HQ Raleigh. Economic Development Director pointed out HQ Raleigh has been approved by the grants committee with Mr. Thompson questioning if that leaves the $100,000 for the Guest House with it being pointed out that is correct. Ms. Crowder stated she understands that staff had reevaluated and the guest house now meets the criteria of the amended program with it being pointed out that is correct. Ms. Baldwin moved approval of the $100,000 grant to Guest House as requested. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted on an 8-0 vote.

CITIZEN ENGAGEMENT TASK FORCE – FACILITATOR – APPROVED – FUNDS APPROPRIATED

During the September 20, 2016 meeting, the City Council appointed the membership and scope of work for the Citizen Engagement Task Force. During discussion of the task force, Council requested staff to bring a proposal and estimated cost for a third-party facilitator and provide recommendations for appropriate funding sources and staff support.

Included with the agenda packet was a memorandum and biography of a recommended consultant to provide facilitation services to the task force. If Council desires to proceed with the consultant, staff recommends appropriating funding in the amount of $19,500 for the contract from the Council Contingency account; reimbursement for expenses will be made from existing Housing & Neighborhoods department appropriations.

City Manager Hall explained the consultant being recommended is Chris Aycock of the Aycock Group. This firm is located in Raleigh and provides strategic planning, retreat facilitation, Board development and community visioning services to local units of government; nonprofits and institutional clients. It was pointed out should the Council approve the recommendation to select the Aycock Group, Vaughn Upshaw, a lecturer in Public Administration and Government at the School of Government has offered to attend the initial task force meeting with Mr. Aycock. Ms. Baldwin moved approval of entering into contract with the Aycock Group and a transfer of $19,500 from City Council contingency. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 634 TF 284.

Mr. Stephenson passed out the following information as he feels the Council should give some guidance to the Task Force as to how to measure success.

Measuring the Success of *Citizen Engagement Task Force* (CETF)

Q1: What is Council's vision for citizen engagement?

In keeping with Council's recent Retreat Update, does Council see the CETF as an opportunity to provide *big picture, best practice* recommendations for improving citizen engagement and participation in Raleigh or not?

Low Expectations Scope: Incremental adjustments to existing structures, policies and practices that require little or no new resources. This approach is more tactical.

High expectations Scope: Fundamental re-envisioning a citizen engagement and participation model in City affairs based on local adaptation of national best practices. This approach is more strategic and will likely require new resources.

If Council Expectations are high, Council may need to budget for:

1. Task Force resources: including staffing, facilitation and use of tools to obtain citizen feedback according to national best practices.
2. Future citizen engagement resources: improved citizen engagement and participation support including staffing and citizen engagement and participation tools according to national best practices.

Q2. How will Council measure Task Force success?

Low Expectations Outcome: CETF will focus on the existing structure and will stay within the bounds of the scoped items, addressing each scoped item discretely. CETF will prioritize efficient outcomes over best practices (when in conflict) and will limit interactions with public and Council so as to minimize costs.

High Expectations Outcome. CETF will consider all scope items holistically and in the context of national best practices for civic engagement and participation. They will envision a citizen engagement model for council, without being bound by current structure. CETF may need additional funding and staffing to actually employ best practice engagement tools to communicate with citizens and Council. CETF recommendations will promote national best practices for improving citizen engagement and participation in Raleigh. This focus would be on "What is the best model for citizen engagement in Raleigh? What does that model look like, how does it operate, what are it's outcomes? How will we know we have a successful citizen engagement mode?"

He stated he would like to get the two questions on the table and consensus from the Council to make sure everyone is on the same page. He stated the RCAC representative had indicated they felt it would be helpful if the Council was a little clearer and he would suggest that the Council agree with the high expectations for the scope and outcome as outlined.

Ms. Baldwin pointed out it looks a lot like what has been presented therefore she would move 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 on an 8-0.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

HURRICANE MATTHEW – COMMENTS RECEIVED

City Manager Hall pointed out Council has received some briefings on Hurricane Matthew and talked about the track it is on at this point. He stated the staff would determine on Thursday whether to activate the control center. He stated all of the departments are busy getting everything ready should it be needed. He stated right now it looks like the impact on Raleigh would be rain and gust of winds and staff will keep the Council updated.

POLICE VIDEO – RUNNING MAN CHALLENGE – COMMENTS RECEIVED

City Manager Hall expressed appreciation to the Police Department, other departments and the Council who helped with the Running Man Challenge video. He commended the video to all pointing out he thinks it's one of the best he has seen so far in the Running Man Challenge. It highlights the City's many great attributes including our Police Department. He expressed appreciation to all involved.

REPORT AND RECOMMENDATION OF THE FAIR HOUSING HEARING BOARD

FAIR HOUSING HEARING BOARD – FY16-17 ANNUAL WORK PLAN - APPROVED

Ashleigh Parker Dunston, Chairperson of the Fair Housing Hearing Board presented Council members with information on the Board accomplishments for FY16. She talked about the community outreach efforts to help education the residents on the City's Fair Housing Ordinance different programs they attended and pointed out during 2015-16 HRC focused on educating young people on fair housing and through various partnerships every elementary school and public library in Wake County received a copy of two different books – :"The Fair Housing Five and The Haunted House" and "The Other Side." The books focus on diversity and inclusion to encourage children to engage in meaningful dialogue.

Ms. Dunston talked about the annual conference in which nearly 200 participates were involved, the speakers and panel discussions.

Ms. Dunston indicated Council members received the following FY17 Future Planning and Initiatives.

1. 2017 Fair Housing Conference
   The Board will hold its annual Conference on April 28, 2017 at the McKimmon Center. The 14th Annual Conference will feature relevant topics of interest to the citizens of Raleigh and target participants from across the state.

2. Community Outreach Activities
   The purpose of Community Outreach is to provide Raleigh citizens with information on comprehensive Fair Housing laws while increasing the awareness of resources available that aid in identifying discriminatory housing practices. These initiatives will enhance and strengthen relationships between the Board and the community at large. As a result, the citizens of Raleigh will benefit through improved social capacity as it pertains to Fair Housing practices and laws.
   Proposed activities are:
   - September 2016 – Community Engagement event
   - October 2016 – Community storytelling and book reading event at Wake County Library. Readings from the Fair Hosing Five and the Haunted House and The Other Side.
   - November 2016 – Community Conversations Event

- February 2017 – Black History Month Event
- March 2017 – Community Engagement Event

3. City of Raleigh Fair Housing Ordinance
   The Fair Housing Ordinance was adopted by the City of Raleigh in 1976. The Board will research ways to better serve citizens with housing complaints.

4. Provide Quarterly Updates to City Council
   The Board will provide quarterly updates to go into the City Manager/City Council report. These updates will keep City Council abreast of the current and upcoming Fair Housing Hearing Board events.

She highlighted the work plan. Mr. Gaylord moved approval of the FY17 work plan. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE HUMAN RELATIONS COMMISSION

HUMAN RELATIONS COMMISSION – FY2016-17 WORK PLAN – APPROVED

Michael Leach, Chairperson of the Human Relations Commission highlighted the following report which was included in the agenda packet.

The City of Raleigh's Human Relations Commission (RHRC) serves as an advisor to the City Council in the area of human services and human rights. Human relations shall mean those activities which promote human dignity, equal opportunity and harmony among the many different citizens who make up the population of the City. This definition shall include those activities and programs classified as promoting the general wellbeing of citizens without regard to race, color, creed, gender, age, sexual orientation, or national origin in their daily activities.

The Commission's work plan for 2016-2017 sets forth the continuation of annual events, such as the Mayor's Unity Day, the Human Relations Awards Banquet, the recommending of human service agencies for grant awards, and spells out opportunities for outreach by the Commission.

The Commission: Past and Present

At its inception, the Human Relations Commission was charged with evaluating human services and human relations within the city and making recommendations to the City Council in areas where its action was required. Initially, these responsibilities carried with them the authority to receive complaints from citizens and to attempt to reconcile disputes within the community.

While the authority to mediate or reconcile complaints from citizens has been removed from the Commission, the supporting language for the Commission confirms an authority to make recommendations to the City Council in the area of human services and human relations. To that end, the Commission will invite speakers, including residents, to make presentations on issues generally involving questions of diversity and human dignity at its meetings and will make recommendations to the Council for their consideration.

Structure of the Commission

The Commission is staffed by the Raleigh's Community Engagement Division of the Housing & Neighborhoods Department. While some support is provided from a number of employees, only one employee is assigned to provide limited support specifically as the staff liaison for the Commission. This employee also has a number of other job responsibilities, including the oversight of other programs not related to the Commission's work. The Commission had successfully requested that the City Manager consider the creation of a Human Relations Program Manager. Without additional staff support, the Commission is limited in the projects and scope of activities in which it can participate.

The Commission continues to recommend that the City Manager and Council fund a dedicated Human Relations Program Manager.

The Commission is organized into a number of standing committees. The following provides a description, by Committee, of the work in which the Commission proposes to be engaged.

Administration

<u>Commission Planning Retreat</u>

Commission members met for an extended meeting in April to plan activities for the coming year. The planning meeting was held from 5:30 pm to 8 pm at The Walnut Creek Wetlands Center at the time of the monthly meeting.

<u>Conferences/Workshops</u>

Throughout the year, several conferences and workshops are organized around issues of human relations and cultural diversity. For example, the North Carolina Human Relations Commission organizes an annual conference that addresses some of these topics. Select members of Raleigh's Commission may plan to attend up to two of these workshops throughout the year. Information gathered will be shared with the full Commission for the purposes of education and training, and forwarding the mission of the Commission.

By-Laws Committee

Reviews the Bylaws that establish the structure, function and operations of the RHRC. Bylaw changes ***must be approved*** by the City Council.

Communications Committee

The Commission will continue to review and update its communication methods and explore new opportunities for outreach. A strong communications plan backed up with excellent execution is critical to enhancing communication in two critical areas: (1) Inbound - we need to be able to increasingly open up communication channels in diverse ways to make it as easy as possible for residents within the city of Raleigh to provide us feedback on issues related to human relations. (2) Outbound - we need to more effectively communicate using multiple channels the work that we are doing, resources available from the city to assist residents and the ways that city residents can provide us feedback.

Residents may express feedback or concerns using the following methods:

In terms of the specific communications tactics to use, the Commission will:

- Strengthen its existing website and evaluate current marketing materials that are used to promote the RHRC.
- Gain valuable input and feedback from the residents of Raleigh including, but not limited to, the use of surveys, social networking sites, and other forms of engagement. One focus should be a small scale survey to get more youth input.
- Create an Annual Report highlighting the year's accomplishments and activities.

Community Relations & Celebrations Committee

Sponsorships

In an effort to promote and celebrate all citizens of Raleigh the Commission and its members will actively participate in local cultural events that may include, but are not limited to: Viva Raleigh, the Raleigh-Apex NAACP Banquet, the International Festival, the African American Cultural Festival, the Greek Festival, Mosque Open House, Out Raleigh, and the Martin Luther King Jr. breakfast and events. Where appropriate, the Commission will sponsor events or set up tables in order to promote outreach.

Human Relations Awards Banquet

Every year, in February, the Commission hosts a banquet at which awards are presented to members of our community who have made outstanding contributions in the area of building human dignity and harmony in our city. Individuals from diverse backgrounds, including students, are invited to participate in the banquet program. Awards are presented to an individual, business entity, nonprofit organization and a youth. The 2017 year will mark the 28th Anniversary of the Human Relations Awards Banquet.

Human Relations Diversity Forum (Mayor's Unity Day)
The purpose of the Mayor's Unity Day is to celebrate the human diversity of the Triangle. This breakfast is to create opportunities to learn about the diversity of the Triangle area, promote dialogue among all its citizens, share insights, experiences and lessons learned and build a community that is open and inviting to all people.

Grants Committee

Human Services Grants

In 1989, the City Council charged the Commission with reviewing requests for human services funding and making recommendations to the Council. As such, the Human Relations Commission received $520,000 to be awarded to human service agencies in 2016.

Based on the growth in Raleigh and in comparison to other Commissions funded by the City, the Human Relations Commission funds are commensurate to the population of the City. Funds received help meet unmet needs in targeted service areas for the elderly, youth, handicapped, substance abusers and the homeless.

The Commission appoints a subcommittee in January of each year consisting of five commission members; one member of the Substance Abuse Advisory Commission; one representative from Wake County Human Services; one representative of a nonprofit community; and one representative of Triangle United Way. The subcommittee reviews grant applications from human service agencies and recommends proposed funding levels to the full Commission at its meeting in March. Thereafter, the full Commission forwards their recommendations to the Council before the budget deliberation process.

The Commission uses fair and equitable criteria and performance measurement standards to determine grant allocation in a way that maximizes outcomes and objectivity. The Commission will host a forum in an effort to promote awareness of human service grants.

In order to better understand the services provided by the human service agencies who receive grants from the City of Raleigh and in an effort to monitor their work, members of the Commission will seek to make site visits to various agencies.

Nominating Committee

Responsible for presenting a slate of candidates for officers of the RHRC to be voted on annually.

Public Safety Committee

The Public Safety Committee will collaborate with Police and Fire departments to supporting outreach through the use of educational and activity-driven events. In doing so, the HRC will seek to partner with Police/Fire departments and other local non-profits to support the recruitment of underrepresented populations from local educational institutions and community events. The Committee will seek ways to promote and support community policing across the city as well as continue its efforts to encourage participation at Commission meetings to provide updates pertaining to criminal activity and other crime trends within the City.

Diversity Relations Committee

Community Engagement
The Raleigh Human Relations Commission will host the following community forums:

An Affordable Housing Forum to educate members of the public about affordable housing efforts in the City of Raleigh. The objective of the forum is to bring residents of Raleigh together to share ideas, educate one another, and discuss the current status of housing affordability in the City.

A Nondiscrimination Policy Forum to educate residents about Nondiscrimination policies at the local, state, and Federal level and inform residents and city employees about their rights under the city's nondiscrimination ordinance.

Mr. Leach expressed appreciation to the Council and all involved. Mr. Gaylord moved approval of the work plan as presented. 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.

REPORT AND RECOMMENDATION OF THE STORMWATER MANAGEMENT ADVISORY COMMISSION

STORMWATER MANAGEMENT ADVISORY COMMISSION – ANNUAL REPORT AND 2017 ANNUAL WORK PLAN

Council Members received the 2016 Annual Report and FY2017 Annual Work Plan in their agenda packet. The work plan was as follows:

Sustainable Development and Water Quality

A. Water quality policy for installing stormwater best management practices on private property: Review the policy for potential revisions. Review proposed revisions as requested by staff, Council, and other advisory bodies. Recommend proposed revisions as appropriate.
B. Low Impact Development and Green Infrastructure (LID/GI): Continue evaluations and recommendations for encouraging and implementing LID/GI practices (per work plan approved by Council in March, 2015).
C. Incentives for reducing stormwater impacts: Evaluate possible incentives such as stormwater utility fee credits, reduction of impervious area, and City funding participation.
D. Volume-based stormwater controls: Evaluate how the City might incorporate volume-based controls into City ordinances and practices to improve water quality and reduce stream bank erosion.

E. Stormwater utility credit and adjustment manual: Periodically review the manual for potential revisions. Review proposed revisions as requested by staff, Council, and other advisory bodies. Recommend proposed revisions as appropriate.

Drainage System Policies

A. Policies for maintaining, inspecting, and constructing private and public drainage facilities**:** Review and recommend revisions as appropriate.
B. City stormwater drainage policy for drainage improvements on private property: Review and recommend revisions as appropriate.
C. Policy for public drainage easements for drainage systems on private property that will be maintained by the City: Review and recommend revisions as appropriate.
D. Policy for private and public lakes: Review and recommend revisions as appropriate.
E. Policy for capital project classification: Review program practices and policies related to the classification of capital projects (infrastructure, drainage assistance, stormwater quality cost share, etc) to develop a policy for clearly defining project types and funding sources.

Regulatory Programs – UDO related

A. Planning and development ordinances: Identify and evaluate state and federal laws or local ordinances that impact stormwater management, water quality, and use of stormwater utility fees. Review and recommend revisions as appropriate as well as responding to council requests.
B. Stormwater drainage and floodplain ordinances: Identify ordinances that regulate stormwater drainage and flooding. Review and recommend revisions as appropriate.
C. Soil erosion control ordinance and other requirements related to soil erosion: Review and recommend revisions as appropriate.
D. Infill development and redevelopment policies and ordinances: Identify ordinances and policies that relate to infill development. Review and recommend revisions as appropriate.

Stormwater Utility Education Program

A. Stormwater utility education program: Periodically review and recommend revisions as appropriate.

Work Requiring Review for Recommendations to Council

A. Proposed water quality cost share projects and proposed drainage cost share projects: Review projects proposed by property owners for City funding and provide recommendations to Council. Periodically review and recommend policy revisions as appropriate.
B. Requests for variances to stormwater control ordinances: Review variance requests as submitted by the regulated community and provide recommendations to Council.
C. Stormwater Operating and Capital Improvement Program Budgets (annually): Review the Operating and CIP budgets and provide comments to Council.

In response to a request from Ms. Baldwin, Stormwater Manager Hinkle and Marc Horstman highlighted the 2016 Work program which included $6.2M of CIP programs completed covering 8 projects, 25 projects that are under design at this time, gave some examples of successful projects including North Boundary, North Shore Lake and others. They talked about the Drainage Assistance Program pointing out they reviewed many and approved 7 projects totaling some $750,000, how the funding for that program has increased, policy changes that were discussed, and work staff had done to keep the Stormwater Management Advisory Commission updated on their work on GI/LID Guidelines.

It was pointed out in FY17 Work Plan as submitted one item should be added and that is, "Develop Policy for Capital Project Classifications."

Ms. Baldwin moved approval of the FY17 Work Plan as amended. 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.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – MEETING ON OCTOBER 5, 2016 - ANNOUNCED

Mayor McFarlane reported the Economic Development and Innovation Committee does not have a report but will be meeting at 5:00 on October 5, 2016.

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

REZONING Z-10-16 – OLD POOLE ROAD TO BE PLACED ON OCTOBER 18, 2016 AGENDA AS A SPECIAL ITEM

Chairperson Crowder reported the Growth and Natural Resources Committee recommends that City Council request the applicant to visit the Southeast Citizen Advisory Council meeting on October 13, 2016 to further discuss Z-10-16 and possibly add zoning conditions. The Committee also recommends that the item be placed on the October 18 City Council agenda as a special item, at which time the applicant can provide any updates for further consideration by the Council.

On behalf of the committee, Mr. Gaylord moved the recommendation be upheld. His motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

TRANSPORTATION AND TRANSIT COMMITTEE – MEETING ANNOUNCED

Chairperson Baldwin reported the Transportation and Transit Committee will be meeting on October 25.

REPORT OF MAYOR AND COUNCIL MEMBERS

ABC AUDIT – UPDATE REQUESTED

Mr. Branch indicated he recently asked for an update on the ABC Audit of several locations in his district and pointed out he has not seen an update. He asked that staff provide a report as soon as possible.

TARBORO ROAD – REQUEST MADE

Mr. Branch asked that staff look at the light at Tarboro Road and Oakwood Avenue. He stated there is a lot of fast traffic in that area and the people in the community feel it is a big issue. He asked that staff look at the light, possibly cut the trees in the general vicinity of Tarboro and Oakwood which may help address some the issues and concerns in the area. He stated he saw a city bus trying to make the turn and there was problem with traffic, parking, etc. The item was referred to Administration.

THOMAS G. CROWDER WOODLAND CENTER – INVITATION ISSUED

Ms. Crowder issued an invitation to all citizens and Council to attend the dedication ceremonies of the Thomas G. Crowder Woodland Center at Lake Johnson. The event is scheduled for October 15, 2016 between 10:00 a.m. and 1:00 p.m.

IBMA – COMMENTS RECEIVED

Mayor McFarlane expressed appreciation to all of the staff who worked so hard on the International Bluegrass Music Association event. She stated it was a huge success and expressed appreciation for everyone who worked so hard.

Mr. Thompson stated he attended the event for the first time and was very impressed with all the activities.

CITY MANAGER EVALUATION – SCHEDULED

Mayor McFarlane indicated the City Manager is scheduled for evaluation on November 1, 2016. She called attention to the fact that the surveys will be sent out shortly and asked that Council members return them promptly.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES – SEAT – ANNOUNCED

Mayor McFarlane indicated the North Carolina League of Municipalities has added six seats to their board. These seats will represent the large cities in North Carolina. She pointed out the City received an update this a.m. and pointed out if anyone is interested in serving to please let her know by the meeting tonight as the deadline for submitting nominations is October 5. She stated the Board meets 5 times throughout the year and asked Council members to consider whether they would like to serve and provide her information at the evening meeting.

WORK SESSION – OCTOBER 11 – PROCEDURE ANNOUNCED

Mayor McFarlane pointed out the Council has a work session scheduled for Tuesday, October 11. She stated she and Mayor Pro Team Crowder will be absent and Mr. Thompson will not be available. She stated Mr. Gaylord had agreed to lead the meeting. The comments were received.

TOWN HALL MEETINGS – DISTRICT E – ANNOUNCED

Council Member Gaylord indicated this past year he had town hall meetings scheduled every two months. He stated he would like to continue those meetings at the Glen Eden Pilot Park and would like the agreement of City Council that he be allowed to have those meetings every two months. He stated he just wanted to clarify that staff could be present if needed. The Council agreed.

TRAFFIC – MULTI-WAY STOPS ON HARDIMONT ROAD – APPROVED

Mr. Thompson pointed out with the growth of the North Hills area, there have been a number of calls, suggestions, etc., relative to the increase in traffic on Hardimont Road. He indicated he understands a lot of times traffic backs up on Hardimont trying to get to St. Albans and he understands Hardimont is down the list on traffic calming. He suggested to 4-way stop signs on Hardimont; one at Hardimont and St. Albans and the other at Hardimont and Windgate. He later corrected himself to indicate the sign should be at Hardimont and Quail Hollow and Hardimont at Wingate. He stated he would like to wait about 30 days before putting these in to give an opportunity for study, etc., and so moved. His motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 638.

TRAFFIC CALMING – HARDIMONT – INFORMATION REQUESTED

Mr. Stephenson indicated at recent meetings about the traffic concerns around North Hills there was comments relative to Hardimont Road's position on the traffic calming schedule. He asked when that will be coming forward and the status of the Hardimont Road traffic calming proposal. Without objection that was referred to Administration for report back.

STORAGE FACILITIES – INFORMATION REQUESTED

Ms. Baldwin pointed out we are seeing a lot of self storage facilities pop up all over town. She stated she understands one is proposed close to the Red Hat Amphitheater. She stated she understands the locations are zoned in such a way to allow the self-storage and most of them are going in locations that are in locations suitable for redevelopment. She asked that staff look at the code and the various locations we are seeing proposals for self-storage units and to see if those locations are zoned appropriately. She pointed out she is seeing this as a big issue and our gateways to the City and she just wonders if the zoning categories and allowed uses are the highest and best use of the property. Ms. Crowder pointed out she too had concerns and had contacted one of the company's installing some of the self storage units. She stated as she understands property is being acquired but the new owners do not know exactly what the best use would be for the property, self storage units are easy to install and when the right development opportunity comes along easy to remove. Ms. Baldwin stated she understands that but she feels we need to look at these locations to see if it is the best use, therefore she would ask the Planning staff and the City Attorney to take a look and provide a report to Council pointing out it could be just a written report. The item was referred to the City Administration and the City Attorney to provide information.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Board of Adjustment – Alternate Member – Mr. Thompson nominated Mark Shelburne; however it was reported that name had to be withdrawn as Mr. Shelburne would not be able to serve if appointed.

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

Raleigh Historic Cemeteries Advisory Board – One Vacancy – Jan Lewis – 6 (Baldwin, Stephenson, Branch, Gaylord, McFarlane, Crowder)

Historic Resources and Museums Advisory Board – Two Vacancies – Holmes Harden and Stephen Rabin – 6 (Cox, Baldwin, Stephenson, Branch, Crowder, Gaylord)

Human Relations Commission – One Vacancy – Mr. Branch nominated Utica Cason

The Clerk announced the appointment Jan Lewis to the Raleigh Historic Cemeteries Advisory Board and Holmes Harden and Stephen Rabin to the Historic Resources and Museums Advisory Board. The other items will be carried over to the next meeting.

NOMINATIONS

APPEARANCE COMMISSION – NOMINATION MADE

The City Clerk reported she had received a letter of resignation from Valerie D. Jordan. Ms. Baldwin nominated Albert McDonald.

ARTS COMMISSION – VACANCY ANNOUNCED

The City Clerk reported the term of Joe Cebina is expiring. He is not eligible for reappointment because of length of service. No nominations were made.

FAIR HOUSING HEARING BOARD – EVELYN REDMAN – REAPPOINTED

The City Clerk reported the term of Evelyn Redman is expiring. She is eligible for reappointment and would like to be considered for reappointment. Mr. Branch moved the Council suspend the rules and reappoint Ms. Redman. His motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

HUMAN RELATIONS COMMISSION – VACANCY ANNOUNCED

The City Clerk reported the term of Jardyne Blaise is expiring. She does not wish to be considered for reappointment because of a pending move out of town. No nominations were made.

STORMWATER MANAGEMENT ADVISORY COMMISSION – VANESSA FLEISCHMAN – REAPPOINTED

The City Clerk reported the term of Vanessa Fleischman is expiring. She is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend its rules and reappoint Ms. Fleischman by acclamation. 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.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

BANNER PROGRAM – SPECIAL COMMITTEE APPOINTED

During the September 20 Council meeting Tara Lightner Robbins, representing the Midtown Raleigh Alliance, requested permission to place banners at locations along Six Forks and Wake Forest Roads to create a graphic identity for the midtown Raleigh area. Council requested a report from the City Attorney before acting on the request. The following memorandum was included with the agenda packet.

Mrs. Tara Robbins appeared before you at your last meeting to request permission to place banners on a number of utility poles in the Midtown area. The area involved includes parts of Six Forks Road and Wake Forest Road. In looking into her request at your direction it appears that the city does not have a true pole banner policy. In addition to her request the city has also received interest from a New Bern Avenue resident who is asking about banners for some part of New Bern Avenue. Also, as result of a recent U.S. Supreme Court decision we need to make some modifications to the current resolution by which the Glenwood South and Hillsborough Street banners were authorized. The principle change needed is to remove any commercial language from the banners. Because of the confluence of these events, conditions, and requests it seems to be a good time to step back and develop a coherent policy that can be applied either city wide or in certain well defined areas. All this is assuming of course that the council wishes to continue authorizing pole banners. The City must be very careful in allowing these banners as they will, because of being located on public property, constitute what is known as government speech. Government speech is generally exempt from regular first Amendment considerations and restrictions so the city has to be careful that any banners allowed are not commercial in nature and that they serve some interest in promoting safety, identifying neighborhoods, honoring historic areas, and other such public purposes.

You can certainly choose any mechanism you wish to develop such a policy but it appears to me that the quickest resolution might be obtained by the appointment of a three or four member special council committee to work on the issue. If you do wish proceed with more pole banners you can make that decision at your next meeting. You then have the choice of directing staff to come up with a policy on its own, referring to a committee to work on the policy, or creating the special committee for the sole purpose of this issue. If you decide to go forward I look forward to working with planning or other management staff to assist in development of the policy.

Ms. Baldwin suggested that the item be sent to the Safe, Vibrant and Healthy Neighborhoods Committee. She stated she would like to see the City continue the program as she feels it does provide for a lot of community pride.

Mr. Stephenson suggested that rather than sending it to his committee that a special committee be formed and it seems that Ms. Baldwin would be a good candidate to lead that committee. Ms. Baldwin accepted the challenge with Mr. Branch and Mr. Crowder agreeing to serve. It was agreed that the special committee would study the issue and bring a recommendation back. The issues involved in this program were talked about briefly with the Mayor suggesting that the City Attorney bring the committee together, get the first meeting established, etc.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

Council members received in their agenda packet copies of the minutes of the September 6, 2016 Council Meeting and September 20, 2016 Lunch Work Session. Mr. Gaylord moved approval as presented. His motion was seconded by Mayor McFarlane and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

MINUTE BOOKS – REMOVAL FROM MUNICIPAL BUILDING – AUTHORIZED

Permission is requested to remove the official minute books covering the period 2012 to date from the Municipal Building in order to have them microfilmed at the North Carolina Office of Archives and History. Copies will be available in the Clerk's office at all times for public inspection. Mr. Gaylord moved approval. His motion was seconded by Mayor McFarlane and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

SAWYER ROAD – PROPERTY EXCHANGE – APPROVED

During the September 6, 2016 Council meeting, the City Council adopted Resolution 2016 – 359 announcing the intent to exchange property owned by Mount Pleasant Holy Church of God, Inc. known as 1425 and 1433 Sawyer Road for property owned by the City of Raleigh known as 1444, 1446, and a portion of 1448 Sawyer Road. All legal procedures have been followed; therefore, it is recommended that the Council adopt a resolution concluding the property exchange according to GS 160A-271.

Mr. Gaylord moved approval. His motion was seconded by Mayor McFarlane 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 390.

RECESS

Mayor McFarlane ruled the meeting recessed at 2:05 p.m. pointing out the Council would reconvene in regular session at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC10-04-16

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, October 4, 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. All Council members were present. Council Member Gaylord participated by phone. Mayor McFarlane called the meeting to order and the following items were discussed with action taken as shown.

RALEIGH SUMMER YOUTH EMPLOYEES – OUTSTANDING YOUTH RECOGNIZED

Cathy Ector-Cox, Youth Services Manager, Housing and Neighborhoods Department explained the Raleigh Summer Youth Program which runs between June and August of each year. She pointed out this year the City employed 183 youth ages 15 to 18 who worked in office, parks and recreation locations, labors, etc. She stated the youth were employed in 14 city departments. Each year departments may nominate their employee as an Outstanding Summer Youth Employees. This year there were 22 nominations and 8 people were chosen and 6 are at the meeting tonight. She recognized Rahmil Frazier, Valentina Hernandez, Adeira Hunter, Kingsley Jackson, Sarojin Rao and Jamar Wilson. Each received a plaque recognizing the honor.

BOY SCOUT TROOP 395 – RECOGNIZED

Mayor McFarlane welcomed members of Boy Scout Troop 395 who were observing the meeting. Mr. Thompson indicated at one point he was a member of Troop 395 and also welcomed the group to the Council Chamber.

REQUESTS AND PETITIONS OF CITIZENS

RALEIGH COMMUNITY DIALOGUE – MAYOR'S COMMENTS RECEIVED

Mayor McFarlane read the following prepared statement:

> Before we move on to the Requests and Petitions of Citizens, I'd like to take a moment to provide an update on our plans for a Raleigh Community Dialogue.
> - Over the past year, we've been talking on how Raleigh moves forward following the tragedies in our community and nationally that have highlighted tensions and concerns surrounding community and police relations.
> - I'd like to commend our community members that have reached out and engaged with city staff to create positive and effective change – to that end, we have taken several steps to address citizens concerns including:
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> - Implementing a policy of obtaining a signed consent and search form that affords people the opportunity to better understand their rights during police searches;
> - Providing implicit bias training to officers that is scheduled to begin in mid-October; and

- Conducting a body-worn camera pilot program that is also scheduled to begin in mid-October.

There are two additional opportunities coming up:

- The first option will allow the community to weigh-in on the development of the city's internal policy that will be consistent with the new state law with regard to body-worn cameras.
- The second, is the Raleigh Community Dialogue – this will be a series of community meetings bringing together the many voices and talents in our community to generate ideas, explore common grounds, and build relationships.

We will start with two citywide meetings held in two different locations to provide options and increase accessibility for residents; these will be followed up with five district meetings that will be organized around the feedback received in the citywide discussions.

I would ask the City Manager to engage the services of a professional facilitator for these meetings; one who is neutral and trained in helping to advance conversations and maintaining a meeting environment where participants feel safe and encouraged to actively engage. Once selected, we will announce dates, locations and meeting design for our two citywide meetings.
Thank you again for everyone's continued commitment to the process as we continue our work to build and maintain a Raleigh that is healthy and safe for all.

POLICE ACCOUNTABILITY – COMMENT RECEIVED

Crystal Bodie Smith highlighted the following prepared statement:

I'm a proud mother of three wonderful daughters and a grandmother of smart Biracial boy. I've lived in Raleigh for over 28 years. I'm the leader of Capital City Hope Foundation. Our mission is to stir up the gift, instill hope, and save lives. I am a hope catalyst and a change agent. I ignite hope and faith when our people get discouraged. I'm here today because I have hope for communities. I'm here to be a catalyst because too many people have been killed, many people have been harassed and Raleigh does not exist in a vacuum.

I am concerned about the hopelessness I see in the young from the elementary school kids to the elderly. Some police have let us down. Even some of them are trying to bring hope to some of the communities.

The people who are supposed to protect and serve are a big component of letting us down. The impact of that is significant: there are serious psychological affects the people of my community experience, well-founded fear and mistrust because of what we see on the TV and in our own backyard. If you think it doesn't happen here, you're

mistaken. I am here because I remember a time when I was happy to see a police officer coming down the street. That's not the case anymore. I have to wonder whether I need to turn my cell phone on and yes! begin calling and say an officer has pulled me over.. .That's the hopelessness.

But I'm here today because I have hope that this council will see something wrong with this picture and take action; Make a statement supporting a community oversight board so that we can go to the General Assembly united for accountability come January.

I need you to look inside your hearts, reflect on everything you've heard from (Police Accountability Task Force) PACT and ask yourself – is this the kind of Raleigh you want to be lead? You cannot rest easy knowing that so many young people are coming up powerless to correct injustice and that those with the power to make a change can't step into their shoes long enough to do what's right.

The statistics:
From the NY Times: Black drivers are 270 percent more likely to be consent searches yet 10 percent less likely to have contraband

Black people represent 67 percent of those arrested for marijuana but only 21 percent of the population in Wake County where RPD is the largest law enforcement agency even though black and white people use marijuana at the exact same rates.

The stories:
Officers who have failed to communicate, de-escalate, and disarm: Akiel Denkins; Jaqwan Terry, Keith Lamont Scott – too many to name.

Officers who jump out of their cars before assessing a situation. I saw that with my very own eyes.

What good can come from these tragedies if no one is listening to make change? What good is it if the people with the power to make a difference do not take meaningful action? That's you. Sitting in those chairs. I have hoped that you all will do what's right; we need you to have our backs when we walk into the General Assembly in January to ask them for Raleigh's right to convene a Community Oversight Board with the power to investigate, subpoena, and discipline police. Ask yourself; do you ever wonder about your own families? We cannot stand by while this bullying continues. I have hoped for a world where we have a system where we can look out for our own. I hope you'll have our back. Make a change, keep hope alive for us. Thank you.

POLICE ACCOUNTABILITY – PACT/NCFAIR SHARE – COMMENTS RECEIVED

Rolanda A. Byrd presented the following prepared statement. She was joined by members of the audience who repeated the statement with her.

I am the mother of Akiel Denkins who was shot and killed by Raleigh Police on February 29, 2016. This is now the third time I have and the fourth that PACT has stood before you begging that this council take meaningful action for black lives.

You asked us to be patient. You asked to listen and talk with City staff. We have done that and still we have not heard from the individuals who we elected to public office. You haven't recognized the struggles of Raleigh's 29% percent black population. You haven't acknowledged that we deserve more than minor tweaks to a systemic problem or that something is backward when the police get to investigate themselves after every shooting and incident of harassment.

Since the last time we were here another young man's life was taken. We are here to say his name loud; Jaqwan Terry.

We are here to demand that the people we put into office break their silence and take action for black lives before someone else is killed or another black or brown person's dignity is stripped by police.

In the words of Martin Luther King: "In the end, we will remember not the words of our enemies but the silence of our friends."

The response provided to us fails to acknowledge the City's biased policing problem for what it is: a crisis in democracy that can only be addressed with policy that puts the power to hold police accountable in the hands of community. Our coalition has laid those out. Demonstrate Raleigh's leadership by:

1. Putting out a statement or resolution supporting a community oversight board with the power to discipline, subpoena, and investigate
2. Passing an ordinance to de-emphasize biased marijuana enforcement – Durham has started down this path already
3. Developing body camera policies WITH community, rather than as an afterthought. Body cameras without policy are surveillance and a waste taxpayer money.

We also need those cameras on the street much faster than proposed. Other North Carolina cities have done it so can we. In Fayetteville, they adopted their final policy in December 2015 and had all patrol officers outfitted with cameras by the end of February 2016, about 3 months. We must do better.

We will not be distracted by false solutions: dialogues with individual officers, park clean ups, and diversity initiatives that change the face but not the system. We take the City staff's response as a FIRST STEP. BUT we're not satisfied. It is a disservice to the severity of the crisis to stop short of full implementation of the common sense steps PACT has outlined. We are ready to provide this council with what you need to take swift and immediate action to ensure

that the Raleigh Police Department is embracing the mindset of guardians rather than warriors, not just on paper and policy but in practice.

Raleigh is the capital city. We need bold words and action and we have the resources to do better for all not just the privileged few.

TEXT CHANGE – REQUEST TO MODIFY PERMITTED HEIGHTS – REFERRED TO THE GROWTH AND NATURAL RESOURCES COMMITTEE

Scott Cutler representing the Development Services Advisory Committee asked all to share a moment of silence as it relates to the speeches made by Rolanda A. Byrd and Crystal B. Smith at the beginning of the meeting.

Mr. Cutler indicated this is an issue that came to the attention of Development Services Advisory Committee and it relates to the need to better define the limits allowed in buildings that are 12, 20 and 40 stories tall. He pointed out it is felt we need to modify the permitted height as the current height limitations do not allow for certain configurations as it relates to floor to floor heights. He explained the UDO regulations contain height limits by number of building stories and minimum standard for floor heights. The minimum floor heights apply to general and mixed use buildings but taller floor heights at the ground level are required differently than upper levels and gave examples of problems or concerns this raises and how it causes problems with certain building types.

Joe Whitehurst, 6109 Iris Drive, presented the following prepared statement:

> When building to the number of stories permitted by the UDO, the current height restrictions do not meet today's modern building configurations, especially for vertically integrated mixed use buildings. For buildings in the 7 to 40 story category, the mandated maximum building height limits restrict the average floor-to-floor height to as little as 12 and ½ feet. This floor-to-floor eight is insufficient to accommodate appropriate plumbing, piping, mechanical equipment, IT needs and the other infrastructure to achieve code compliance as well as recognized industry standards and market demands for modern buildings.
>
> As a result, it is not functionally possible or economically feasible to build a Class A building to the maximum story allowed as is presently authorized by the UDO. I am sure that this was an oversight within the UDO but tis results in an artificial constraint on land use and entitlements and reduces the otherwise permitted us of the property.
>
> With active street fronts on the first two levels, club type of facilities on the top floor and todays average office floor to floor heights, this restricts our ability to meet today's building and tenant needs and as important, stifles creativity within the cityscape of Raleigh. We request that the City Council authorize staff to work with the Planning Commission to initiate a study and subsequent text change to correct this inconsistency in

the UDO and properly align the maximum overall building height for buildings between 7 and 40 stories to accommodate a height which meets today's needs.

Mayor McFarlane questioned why the UDO reads this way asking if there were some intent. Planning Director Bowers talked about the minimum requirements in the UDO were put there to establish urban form and to primarily address adapted reuse of a building and explained various examples and highlighted the difference in how it is measured and how this part of the code came about.

Ms. Crowder questioned if this could not be handled through a rezoning rather than a text change. How the UDO is different as it relates to 7 story to 20 story buildings than those of lesser height was talked about as was the question of intent. It was agreed to refer the item to Growth and Natural Resources Committee to have more conversation and look at the intent of the code. Mayor McFarlane stated it is fine for the item to go to committee but pointed out it seems to be a big change. The item was referred to committee.

TRANSPORTATION REFERENDUM – COMMENTS FROM WAKEUP WAKE COUNTY – RECEIVED

Susan Parry, WakeUp Wake County, pointed out that group supports Moving Wake Forward public transportation campaign. She stated she hopes everyone will choose to support this plan by voting for the referendum on the ballot in November. She stated they support it and expressed appreciation to the City Council and staff for support and thousands of people who have come together to help provide a modern transportation plan for the City of Raleigh. She called on all to look for the referendum on the ballot and explained where it is located. She stated the referendum has received bi-partisan support from the County Commission and 10 mayors in the County, many groups, faith leaders, etc. She pointed out Wake County is growing by 64 people a day and it is very important that we have a modern transportation system for our area. She stated approval of the bond would help expand frequent bus service as the current 17 miles would expand to 83 miles. It will help provide for longer service days and help triple the service in a few years. It will provide better access to jobs and services and 50% of the homes and 70% of the businesses would be within ½ mile of the system. She stated the transit system would be a part of a regional strategy with road improvements and transit improvements in Durham and Orange County. Every city and town would get more frequent services and towns can apply for matching funds to expand their local services. She talked about rush hour commuter rail, bus rapid transit in high traffic areas and the fact that the bond referendum if passed would be good for economic development. She called on all to support and vote for the ½ cents sales tax in November, again pointing out where it will be on the ballot and asked all to support the referendum to help move Wake forward. The comments were received.

BANNERS – HISTORIC CANDLELIGHT TOUR – APPROVED

Nandain Machen representing Society for the Preservation of Historic Oakwood had requested to appear before the Council to request permission to hang two street banners promoting the Annual Historic Candlelight tour. The banners would be placed at the intersections of Person and Poke

Street and Edenton and East Streets between November 13 and December 11, 2016. 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 on an 8-0 vote.

MATTERS SCHEDULED FOR PUBLIC HEARING

ANNEXATION – WEST LAKE AT COUNTRY TRAIL AND JSF GLENWOOD

This was a hearing to consider the petition annexations as follows:

LOCATION	ELECTORAL DISTRICT
Westlake at Country Trail	E
JSF Glenwood	E

Following the hearing, if the Council wishes to proceed, it would be appropriate to adopt ordinances annexing the properties effective immediately and to adopt a resolution placing the properties in the appropriate electoral district.

The Mayor opened the hearing, no one asked to be heard on either location. Mr. Thompson moved adoption of ordinances annexing the properties effective immediately and adoption of a resolution placing the properties in the appropriate electoral districts. 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 Ordinances 637 and 638 and Resolution 391.

SIDEWALK INSTALLATION – DAISY STREET – HEARING – PROJECT DIRECTED

This is a hearing consider the installation of sidewalks on the west side of Daisy Street from approximately 149 feet north of Hillsborough Street to Clark Avenue for an approximate distance of 825 feet. It is recommended that the sidewalk be a five-foot-wide sidewalk on 2.5-foot setback from the curb on the west side of Daisy Street where existing conditions and available right-of-way would allow, otherwise the installation of a six-foot sidewalk on a zero setback from the curb, with the understanding that additional adjustments to the sidewalk width and the setback may be included in the final design to avoid major impacts in certain areas as needed and determined by the City engineering staff. No assessments to the property owners are involved.

Following the hearing, if the Council may take action to approve the design and direct the project to proceed.

The Mayor opened the hearing.

Daniel Nissman, 3100 Raymond Street, pointed out his property abuts Daisy Street and the first time he heard anything about this was the letter about the hearing. The letter indicated the City

had received a petition that had been signed by 50% plus one of the property owners. He stated nothing was said about the fact that this included property owners on both sides of the street. He questioned why the people on the east side of the street had anything to say about it because it was no cost to them, no disruption, no loss of trees, privacy, etc. He stated the process was very concerning to him and he does not feel that people who are not impacted should have a say. He questioned the process and stated no one asked him ahead of time if he wanted or needed a sidewalk. He feels the plan should be discussed further. He also expressed concern that the person who circulated the petition did not even live on Daisy Street and his property doesn't abut the street. Mr. Missman expressed concern about the proposal and the process in general.

Ms. Crowder pointed out this is in her district and that everyone has been working hard to make the city more walkable and easier for people to get around. She stated she had not heard much feedback one way or the other. Mr. Thompson expressed concern that someone who doesn't live on the street could petition for the street improvements. Brief discussion took place as to where the people that signed the petition line, the fact that there was no one else in the audience to speak for or against. Ms. Crowder talked about the heavy foot traffic in the area. She stated no one wants sidewalks on their side of the street but want sidewalks. She pointed out the Engineering staff has suggested reducing the six foot sidewalk to a 5 foot sidewalk with a 2.5 foot setback which makes her feel that the City is doing everything to accommodate the desires of all. Ms. Crowder moved approval of the project moving forward. 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.

ASSESSMENT ROLLS – FALLS OF NEUSE ROAD AND JONES SAUSAGE ROAD WIDENING – VARIOUS – HEARINGS – TO BE PLACED ON THE NOVEMBER 1 AGENDA

This is a hearing to consider adoption of resolutions confirming the following preliminary assessment rolls.

- Paving AR941 and 941A and Sidewalk AR419 and 419A – Falls of Neuse Road widening and realignment Phase One according to Resolutions 2016-363, 364, 365, and 366 adopted on September 6, 2016.
- Paving AR946 and 946A and Sidewalk AR423 and 423A – Jones Sausage Road widening and realignment/Rock Quarry Road Part B according to Resolutions 2016-367, 368, 369, and 370 adopted on September 6, 2016.
- Paving AR 947 and 947A and Sidewalk AR424 and 424A – Falls of Neuse Road widening and realignment Phase Two according to Resolutions 2016-371, 372, 373, and 374 adopted on September 6, 2016.

Following the hearings, the Council may take action to approve the assessments, refer the assessments to committee, or hold. Should Council adopt the assessments, a budget amendment in the amount of $350,584 is necessary to appropriate funds for the City share. Accounting details were included with the agenda packet.

Mayor McFarlane opened the hearings.

Paving AR941 and 941A and Sidewalk AR419 and 419A – Falls Of Neuse Road Phase I

There were no speakers.

Paving AR946 and 946A and Sidewalk AR423 and 423A – Jones Sausage Road

Attorney David Permar, 327 Hillsborough Street indicated he is a member of the Board of Governors of the Triangle Greenways Council and pointed out the purpose of that group which is to acquire land suitable for urban greenways. He talked about the number of parcels and acres the Greenways Council owns. He pointed the assessment to their property relates to the Jones Sausage Road improvements and totals over $15,000. He pointed out this relates to a 31 acre parcel which is 100% wetlands. He talked about the wildlife, the location, the fact that the property is restricted from development through a conservation easement and provided a copy of the conservation easement. He pointed out they have some 410 feet frontage along Rock Quarry Road and asked the Council to remove the assessments since the property receives no benefits from the city. He read from the recorded easement that describes their property which has no access and asked that it be removed.

Later in the meeting, Assessment Supervisor Jimmy Upchurch indicated he had been contacted by Attorney Permar with information about the conservation easement. He stated the entire property has been dedicated and has the restrictions and in 2008 the City took action to indicate there would be no economic benefit to the properties when utilities and the road project was done and staff would recommend that Lot 42 be removed from the Paving and Sidewalk Assessment Rolls for Jones Sausage.

Grady Jeffreys pointed out he owns property at 4209 and 4215 Rock Quarry Road. The property contains rental houses. He is being charged over $6,000 for the paving of Rock Quarry Road and he very seldom uses this road. He stated he and his wife live in Knightdale, they had paid assessments for water and sewer and property tax on the properties for years. The tenants receive the service but the property owners receive the bill. He stated he also understands that the water and sewer will cost him over $25,000 to hook on.

He stated he and his wife are in their 80s, have owned this property since the 50s and questioned what benefit they get. Mayor McFarlane pointed out the Jeffreys have the water and sewer available in case they need it and the improvements will increase the value of their rental property. Mr. Thompson talked about assessments against his personal property which was outside of the city when the work was done but when his property was annexed he did have to pay fees. He stated other people on the street will benefit. Mr. Jeffreys questioned why the citizens have to pay for the road as over 30,000 cars a day use it. He stated it is a very unfair system and asked the Council to reduce or waive his assessment. He pointed out being 82 he won't live long enough to pay for it in 10 year installments.

Mike Stewart, 4116 Carrolton Drive, representing the Stephens Center, explained the assessment to their property is between $145,000 to $150,000. He stated the property is unusable, doesn't have access and pointed out the fact that there would be an assessment didn't come up when the property was being acquired for the improvements. He questioned how the assessment is figured, and questioned if they have to pay their own assessment on property the City took. In response to questioning from Ms. Crowder, City Attorney McCormick indicated the Real Estate staff could break this down and provide him information.

Councilman Cox read from Section 6-6021(d)(4) about assessments and access to the property. He suggested sending this item back to staff to look at the access questions, wetlands, questioned, what lots may or may not be exempted because of access. Mayor McFarlane questioned what defines access. Assessment Supervisor Upchurch read the City Code section which defines reasonable access and pointed out they did look at the Stephens property but did not feel it met the requirements of no access. He pointed out the assessment for all of these projects are based on front footage and a set rate for paving and sidewalks. He also pointed out if right-of-way was acquired the assessment was based on the existing or remaining right-of-way. The questions that were raised were talked about with Mr. Branch pointing out he feels the Council needs additional information. He suggested the staff hold open the first two hearings to get additional information from staff. His motion was seconded by Mr. Cox and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

Paving AR-947 and 947A and Sidewalk AR424 and 424A – Falls Of Neuse Road Widening and Realignment Phase II

Curtis McConnell pointed out he is outside the City and questioned if confirmation of this costs means the City is going to annex their property. Assessment Supervisor Upchurch indicated assessments have nothing to do with annexation. He stated if the property is on an assessment roll ending with the letter A both it is outside the city limits and would not be annexed until such time as the property is annexed Mayor McFarlane stated there are no plans to annex the property.

Mr. Cox questioned if Mr. McConnell has access to Falls of Neuse Road. He pointed out there is a lot of frontage because of the way his property is shaped and he does have a curb cut on Falls of Neuse Road but it is for the Fire Department and he doesn't use it. He explained how he gets his access.

Gene Senecal, 1320 Kings Grant, representing River Oaks Community, talked about the property orientation pointing out there is a private driveway from Kings Grant Drive, talked about the retaining wall on both sides which would keep anyone from having access to Falls of Neuse Road. He pointed out the assessment is some $27,000, they are in the county, it is one of the most heavily traveled roads in Raleigh and he does not know why the residents are being held hostage and having to pay for the improvements. He talked about the heavy traffic in the area.

Lonnie Bunn, 1329 Kings Grant Drive, expressed concern about access to the property. He expressed appreciation for the road and pointed out the landscaping is beautiful, his property is

not affected but he does feel it would be good to revisit the access question. He expressed appreciation to the City Council and City for the work they do.

Robert Wilson, Rocky Toad Road, talked about his neighbor's family who had to sell their land so they could pay taxes. He pointed out he feels everyone should pay their fair share but questioned the equity in this situation. He pointed out Falls of Neuse Road was going to six lanes and then it was dropped back to three lanes. NCDOT says it will be widened when needed therefore the sidewalk and the utility poles which were placed right next to the street will have to be torn up and redone to widen to six lanes. He stated the City is now telling the people they will have to pay for something that they don't have access to and that will eventually be torn up. He talked about the neighboring farmer who lost a lot of his Iris garden and the City wouldn't pay what he deserved and now that property owner is being assessed over $60,000. The property owner cannot afford it, he is a teacher's assistant. He again pointed out he feels the utility poles were put in the wrong place, it makes for a dangerous situation and asked the Council to exempt that property. He passed out pictures of the land.

After discussion on how the rates were figures, what constitutes access, what properties are or are not exempted, it was agreed to hold all three hearings open and place them on the November 1 agenda at 7:00 p.m. to receive a report providing answers to the questions and consider how to proceed on confirming the rolls.

ILLICIT STORMWATER DISCHARGE – 1811 WILSHIRE AVENUE – HEARING – RESOLUTION CONFIRMING CHARGES ADOPTED

This is a hearing consider adoption of a resolution to confirm as a lien against the property listed below charges for corrective action taken by the City in response to an illicit discharge to the City's stormwater system.

LOCATION	PROPERTY OWNER	TAX ID NUMBER	COST OF CORRECTIVE ACTION
1811 Wilshire Avenue	Mathew P. Roper	0078933	$573

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 393.

TC-11-16 – UDO BUILDING HEIGHT MEASUREMENTS WITHIN NCOD'S – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This is a hearing to consider amending Sections 1.5.7 and 5.4.3 of the Unified Development Ordinance to amend the manner in which building height is measured within Neighborhood Conservation Overlay Districts adopted prior to enactment of the Unified Development

Ordinance. The text change applies where a specific maximum building height measurement is listed in feet.

Following the hearing Council may authorize the text change, refer to a committee for further consideration, or hold the item at the table.

Planner Eric Hodge explained the history of this issue which he indicated came about as a result of some questions in the Oberlin Village NCOD and the Council went forth and adopted a text change relating to the and/or. He stated at that time there were questions and concerns about the 25 foot height measurements under the former methodology when it was measured to mid-point. He gave examples of how the measurements occur and pointed out this proposed text change would go back to the original methodology for the 14 NCODs where the height is regulated specifically in feet. He showed examples of the maximum heights in 14 NCODs and graphics as to how height is measured.

The Mayor opened the hearing.

Neil Reimann, 204 East Park Drive, President of the Cameron Park Neighborhood Association indicated the change in the height limits in that NCOD resulted in several variance requests. He stated height limits were based on an old rule, and older homes and there is a need to accommodate the change in the height limits resurvey of the houses, etc. He spoke in support of the text change.

Joe Cebina, Latta Street, spoke in support of the text change explaining it worked for years. He pointed out if the height is measured at the peak, a number of homes he knows of would be in violation. He talked about arguments between mid-roof and peak roof being good or bad. He talked about the measurements, the arguments he has heard against measuring mid roof and how he disagrees. He pointed out the method of measurement worked for 20 years pre UDO so it should work now. He again stated he is in support of the text change.

Will Alphin, 915 Tower Street, Oberlin Village NCOD, talked about his background explaining he was part of one of the variance requests that was mentioned. He spoke in support of the text change pointing out the NCOD helps conserve neighborhood character, now all NCODs have different heights, the NCODs have different measurements and those should be respected.

Rebecca Harper, owner of several homes on Chamberlain Street, spoke in support of the text change pointing out the previous rule worked for years and should work now. She stated she plans to redevelop her property and the proposed text change would allow two-story houses. She stated she is in favor of the text change but may be the whole issue needs to be revisited.

Donna Bailey, Chair of the West CAC, spoke in opposition to the text change. She talked about the 25 foot measurement being to the peak, talked about the need for consistency between NCOD and non NCOD areas as to how height is measured, again talking about the need for consistency throughout.

Carol Meyer, 1615 Hannover Street, spoke in opposition to the text change stating she feels it will be confusing and unpredictable if there are different measuring systems in different NCOD. She stated this has been rushed through and not thought out as the RCAC only heard about the proposal a few days ago. She handed out illustrations to back up her statement that midpoint creates confusion and uncertainty. The handout addressed three different methods, talked about the Five Points East NCOD, FoxCroft NCOD, Oberlin Village NCOD, giving examples of the various measurements. She talked about the need to have consistency. The need to conduct some type analysis of the impact on various neighborhoods before moving forth to make sure that whatever is adopted provides the same level of protection as the original NCODs. She stated for example the NCOD she lives in talks about two-stories and 35 feet but the confusion or issues comes about as it relates to definition of a story.

Berry Engber, 4232 Arbutus Drive, indicated his home is in Laurel Hills NCOD. He stated the property next door to him was recently subdivided and that is when he learned that the infill subdivision process no longer exists and found out that the new infill capability rules were exempted within NCODs that regular height. He stated he now finds that the 35 foot height limit is not really 35 feet. He spoke in opposition to the text change pointing out if it is approved the height limit in the Laurel Hills NCOD and many others which are currently at 35 feet would be measured midway between the eave and the peak and it could actually be 10 feet taller or more than if measured to the top of the roof. He stated this means that buildings within an NCOD could actually be taller than the 40 foot currently allowed in the base zoning district where height is now measured to the peak of the roof. He stated the proposed text change restores the older definition of height but in no way preserves the built character of a defined area. He stated infill is beginning in his neighborhood and taller homes are likely but building heights within the NCOD should not be taller than what is allowed elsewhere in the city.

Mr. Engber stated while building heights within NCODs may be equal to or even taller than elsewhere in the city, NCODs will have none of the protections afforded by the UDO infill compatibility rules. He stated the new UDO exempts NCODs that regular height from these infill compatibility rules and this text change will mean that these supposed “regulated” heights could exceed the 40 feet allowable elsewhere in Raleigh. He stated because of the exemption from infill compatibility rules wall heights along the side property lines in Laurel Hills can currently be 35 feet tall rather than 22 feet permitted elsewhere in the City by infill compatibility rules. He stated the proposed text change would mean that a side wall might approach 50 feet which is over two times what is allowed elsewhere. Such a side wall could extend for an indeterminate length without a break rather than 50 feet as required by infill compatibility. Such construction can be 10 feet off the side property line because of setback and Laurel Hills is the same as else where in the city. He stated this situation was created when the UDO exempted NCODs from infill compatibility rules and the text change would only make the situation worse. He stated this text change should not be allowed without the benefit of infill compatibility rules which should be provided equally throughout the city and not conflict with NCOD requirements. He stated if the City returns to pre-2013 rules, he would like to see the infill subdivision process reinstated.

Terri Becom, 308 North East Street, stated she would like to echo Ms. Meyers' comments. She feels this text change needs further study and asked that it go back to committee for additional analysis.

Gail Wiesner, 515 Euclid Street, talked about the intent of NCOD's which is to protect the character of a neighborhood; however, the rules are constantly under stress. She called on the Council to resist development pressures, talked about why NCODs were established to begin with, indicated that no NCOD should be changed without 50% plus of the stakeholders to support the change. She talked about the shape and form of a roof could drastically affect the mid-point rule siting Victorian style houses which has varied roof lines and are difficult to measure.

Jennifer Hollar, 2313 Bedford Avenue, thanked the Council for looking at the Oberlin Village NCOD, talked about how many agree that height should be increased in some places, expressed concern about no consistency or predictability, spoke against using mid-point as a measurement, and talked about ways to limit or increase height rather than inconsistent measurement technique. She expressed concern about pitting neighbor against neighbor and expressed concern about the proposal. She expressed concern about no setbacks for driveways, HVAC, infill development, taking away the protections, third story heights, the definition of story not being defined, etc.

Frank Green, 4227 Arbutus Drive, pointed out he assumed when he looked at the NCOD that 35 feet was the maximum height but under the proposal there could be a height of 48 feet allowed which is inconsistent with the neighborhood. He stated we need to have something that works for all neighborhoods, but spoke in opposition to the text change as he feels Laurel Hills should be left as it is written.

In response to questioning from the Mayor, approximately 30 people stood in opposition to the text change and approximately 10 people stood in support.

No one asked to be heard, thus the hearing was closed.

Mayor McFarlane indicated when this came about it seems that everyone wanted to go back to the original intent but there seems to be unintended consequence and may be the item should go to committee for further study. Mr. Stephenson talked about the concerns about housing built to meet market demand, how that was not the intent of the NCOD which was to conserve neighborhoods. He talked about the UDO incorporating residential infill compatibility standards and about the confusion of different ways of measuring. He too agreed that the item should go to committee. Ms. Crowder pointed out there seems to be a lot on confusion on all sides about NCODs versus non NCODs, different roof forms and pitch which could add additional confusion. Without further discussion the item was referred to Growth and Natural Resources Committee.

TEXT CHANGE TC-14-16 – SHORT TERM RESIDENTIAL LODGING FACILITY – HEARING – SPECIAL COMMITTEE ESTABLISHED

This is a hearing to consider amending Section 6.1.4. of Part 10A of the 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. The text change also affects Section 6.2.2.B, which would be modified to clarify that the Boardinghouse use is intended as a residential use and as such is not a short term residential lodging facility.

Following the hearing Council may authorize the text change, refer to a committee for further consideration, or hold the item at the table.

Planner Eric Hodge explained the difference in this text change and TC-7-15 which was denied by the Council. He provided a powerpoint outlining the major differences in mixed use districts, or unit is permitted for attached houses, town houses and/or apartments. He read from the standards and showed various clarifications. The Mayor opened the hearing to the public.

Philip Poe, 620 Devereux Street, indicated the intent of the proposal is good. He questioned the notification relative to the public hearing as he did not know about it until he heard about it while attending a meeting recently. He expressed concern about doing away with the 400 foot separation pointing out he is not totally sure everyone understands what is allowed and what, is not allowed and referred to the four adult situation. He talked about accessory buildings and how they play into the situation, expressed concern about the possibility of cottage courts that is and everything becoming rental. The need for a program manager, some type online registry, enforcement, transition plan as people are already doing this, etc. Brief discussion followed as to what is allowed under this proposal.

Speaking in opposition to the proposal were:

Gregg Stebbin	1803 White Oak Road,
Don Martin,	2309 Dahlgreen Court
Zack Medford	1624 Bennett,
Jennifer Williams	1805 White Oak Road
Mary Greiner	1801 Pictou
Amanda Carbon	703 McClure Drive
Kathy McCarty	1014 James Place
Chris Browder	3512 Carolina Place
John Faison	4501 Ryegate Lane
Dallas Cardinbrook	Cameron Village
Justin McCurry	3301 Huntleigh Drive
Andrew Blackburn	2417 Trailwood Hills
Kelvin Dumas	319 Fayetteville Street
Gayle Weisner	515 Euclid Street
Sarah Buxton	717 East Hargett Street
Resident	8804 Sleepy Creek Drive

Jeffrey Minnick	3517 Blue Road
Katina Turner	8505 Quarton Drive

Those speaking in opposition cited concern about the lack of ability for whole house rentals, concern about allowing only two adults in certain locations, told about their experiences, utilizing AirBnB or living next door to such a facility, how they utilize the money from being a host to upgrade their homes or supplement their living requirements, the need to have a task force, the need to include input from the stakeholders, how many who are host have return visitors, concern about requirements for onsite manager, and presented various testimonials and/or petitions or letters of opposition.

The Mayor closed the hearing.

Discussion followed as to what occurred on TC-7-15 with Ms. Baldwin pointing out it was defeated and she made a motion to ask the Planning Commission to look at whole house rentals and proximity and best practices from other locations and she was concerned that the recommendation come back without those things included. The discussion and efforts to develop an ordinance were talked about as well as the fact that short term rentals are not allowed presently however they are occurring. The fact there have only a few complaints. The Planning Commission being under the impression that they would give a recommendation relating to whole house rentals by special use permit and radius requirements, etc., at a later date was talked about. How to proceed from this point was discussed with a history of what had been discussed in the past, how the people have come before the Council, worked on this for over a year, asked for a task force, etc., as well as clarification and/or lack of clarification on the various issues.

Other discussion took place as to whether a task force would be a good idea or not with Ms. Crowder pointing out the current hosts are concerned that no one has reached out to them and she feels a need to see the proponents and opponents get together. Mr. Stephenson expressed concern about short term rentals host converting their dwellings into little hotels, concern about taking away the spacing rule and the fact that maybe the Planning Commission should look at this item again. Various motions were made with various Council members explaining their concerns and understandings and problems with the proposed ordinance. The fear for at-risk neighborhoods were also talked about. Various motions were made as to setting up a task force involving the Planning Commission or the Greater Raleigh Convention and Visitors Bureau, whether to leave the hearing open or closed, why include other bodies if a task force is going to be developed and how to develop a task force.

The Mayor tabled the total discussion, and pointed out she would take all of the motions or attempted motions all of the table at this point and the City Council would put together a task force by each City Council member providing the names of two people to be on a 16 member task force which would look at the fundamentals of the various ordinances, look at whole home rentals, the maximum adults allowed, three strikes and you are out rule, special use permit, etc., and provide a report back to the Council in three months after establishment.

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

Gail G. Smith
City Clerk and Treasurer

jt/CC10-04-16