COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, October 18, 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 David Chilman, Baha'I Faith. 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

PROCLAMATION – LIGHTS ON AFTERSCHOOL - PROCLAIMED

Mayor McFarlane read a proclamation proclaiming October 20, 2016 as Lights On Afterschool Day in the City of Raleigh. The proclamation was accepted by Betsey McFarland Executive Director of the Wade Edwards Foundation and Linda Jones, the Digital Inclusion Program Director with the City of Raleigh, Parks, Recreation and Cultural Resources Department. In accepting the proclamation, Ms. Jones invited all to attend an event at Lyons Park on Thursday, October 20 from 5:00 to 7:00 p.m.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – AFRICAN AMERICAN CULTURAL FESTIVAL – COMMENTS RECEIVED

David K. Baker, Board Chair and Kyma Lassiter Festival Coordinator were at the meeting to talk about the success of the September 3 and 4, 2016 African American Cultural Festival of Raleigh/Wake County. Mr. Baker expressed appreciation to all including Council member Cory Branch who has work so hard for the group through the years. He talked about the organization, how many departments and people work together to make the program a success. He expressed appreciation to the leaders in Raleigh and other organizations pointing out they have had comments from all over the world explaining they have over 38,000 people attended. He talked about the leadership of the Raleigh City Council in the City of Raleigh and the cooperative and generous sponsorships which it made this event a success.

Festival Coordinator Lassiter told about the events pointing out there were 35,000 + people who attended the event which included artist, vendors, a family village, local and national musical acts, etc. She stated the festival continues to grow and explained some of the things that were involved. She expressed appreciation to the City for its continued support of the program.

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 to withdraw the Construction Easement/Access – Raleigh Union Station – Condemnation item from the agenda from Administration and Ms. Baldwin. Without objection that item was withdrawn from the consent agenda. Mr. Thompson moved approval of the consent agenda as amended. His motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

GOOGLE FIBER RALEIGH – DONATION OF FUNDS – ACCEPTED – BUDGET AMENDED

Google Fiber Raleigh has donated $25,000 to support the Raleigh Digital Connectors program, the Raleigh Digital Ambassadors program, and digital literacy training. The Raleigh Digital Connectors program is committed to the idea that individuals should have access to technology to learn critical workforce skills and enhance their lives. The funds will be used to support digital literacy educational programs for young people ages 14 to 21.

Google Fiber Raleigh understands the exceptional value the Digital Inclusion team brings to the quality of life for all residents of Raleigh. A budget amendment is necessary to appropriate the gifted funds; accounting details were included with the agenda packet.

Recommendation: Authorize the City Manager to accept the donation from Google Fiber Raleigh and authorize a budget amendment in the amount of $25,000. Upheld on Consent Agenda Thompson/Branch – 8 ayes. See Ordinance 639 TF 285.

GARNER – OVERSIZED WATER MAIN REIMBURSEMENT – MANAGER AUTHORIZED TO EXECUTE

Two oversized water main extension projects have been completed by a private developer within the municipal jurisdiction of the Town of Garner. The amount of the reimbursement has been certified by staff and the reimbursements are in accordance with city code. The projects are as follows:

- IOM Developers, Inc. completed 4,316 linear feet of 12-inch water main in Rand Road to serve Creekside Subdivision Phases 1 and 2. This project is eligible for $ 159,097 in reimbursement.
- Timber Spring Housing Associates, LLC completed 1,314 linear feet of 16-inch water main in Timber Drive to serve the Timber Spring development. This project is eligible for $66,430 in reimbursement.

Recommendation: Authorize the City Manager to execute the reimbursement agreements. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

POLICE – BODY-WORN CAMERA – POLICY/IMPLEMENTATION PROGRAM – GRANT ACCEPTED – BUDGET AMENDED

The City has been awarded $600,000 from the federal Office of Justice Programs for the Body-worn Camera Policy and Implementation Program grant. This grant will provide funding for contractual expenses related to the RPD's body-worn camera program, including camera equipment, software, and data storage costs.

Following a request for proposals process to solicit a vendor for body-worn cameras and after proposal evaluation, three vendors were selected whose products will be tested for approximately 30 days each. Each of the systems tested will offer integrated body-worn and in-car camera equipment to provide comprehensive recording when either is activated. Approximately 20 body-worn cameras and five in-car cameras are expected to be supplied by each vendor taking part in the tests, and officers from a cross-section of the department will test the systems. At completion of the testing phase, the results will be evaluated and a procurement recommendation will be made. Initial testing will be conducted under a special memorandum that has been released to the public; however, this memorandum will not represent a final version of the body-worn camera policy. A final policy will be developed following completion of the testing phase and following the opportunity for public input and feedback as well as incorporation of the results of the testing phase. The public will be invited to submit comments that will be reviewed and considered as the final policy is developed.

City matching funds required for the grant, in the amount of $600,000, are appropriated in the operating budget. On April 18, 2016, the grant application was reviewed and the grants committee authorized submittal of a grant application. A budget amendment in the amount of $600,000 and a transfer in the amount of $600,000, for a total grant budget of $1,200,000, are necessary to appropriate the grant proceeds; accounting details are included with the agenda packet.

Recommendation: Authorize the City Manager to execute grant documentation; authorize a transfer of funds in the amount of $600,000 and authorize a budget amendment in the amount of $1,200,000 to consolidate and appropriate funding. Upheld on Consent Agenda Thompson/Branch – 8 ayes. See Ordinance 639 TF 285.

UTILITY EASEMENT – DEVEREUX MEADOWS – 1027 NORTH WEST STREET – CONVEYANCE TO DUKE ENERGY PROGRESS – APPROVED CONDITIONALLY

A request has been received from Duke Energy Progress for an easement on City property located at 1027 North West Street, known as the Devereux Meadows Property, for the purpose of relocating electrical facilities on the site related to roadway improvements in connection with the NCDOT B5121 Peace Street Bridge Reconstruction Project. The Engineering Services Department is the maintenance manager of this property and is in agreement with the easement request by Duke Energy Progress. A report was included with the agenda packet.

Recommendation: Authorize conveyance of the easement to Duke Energy Progress, subject to City Attorney approval of final easement documents. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

LORIMER ROAD SIDEWALK IMPROVEMENTS/WALNUT CREEK BRIDGE REPLACEMENT – DEWBERRY ENGINEERING, INCORPORATED AMENDMENT #1 – APPROVED

Dewberry Engineers, Inc. has an on-call engineering services contract with the City in an amount not to exceed $150,000, with the primary purpose of the contract being design services for street improvements and sidewalk petition projects. An opportunity exists to incorporate a stormwater project with the Lorimer Road improvement project, necessitating a contract amendment for design of both aspects of the consolidated project.

The Lorimer Road project involves curb and sidewalk installation as well as significant drainage design tasks for replacement of an aging bridge over Bushy Creek. The negotiated consultant fees including contingency as well as fees associated with drainage total $205,500, necessitating an amendment to the existing contract. Funding is appropriated in the capital budget.

Staff recommends a contract amendment in the amount of $55,500 as well as a contract extension of one additional year to cover the anticipated project duration.

Name of Project:	On-Call Engineering Services for Street and Sidewalk Petitions
Managing Division:	Engineering Services – Design/Construction
Approval Request:	Contract Amendment
Reason for Council Review:	Contract amount >$150,000
CIP Budget:	$164,000
Vendor:	Dewberry Engineers, Inc.
Prior Contract Activity:	Original contract $150,000
Amendment Number One:	$55,500
Total Contract Amount:	$205,500
Budget Transfer:	N/A
Current Encumbrance:	$0
Encumbered with this approval:	205,500

Recommendation: Authorize the City Manager to execute the contract amendment in an amount of $55,500. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

RECREATION LEAGUE BASKETBALL OFFICIALS – CONTRACT WITH FUN2REF, LLC - CONTRACT APPROVED

The City utilizes contractual services to provide youth basketball officials for league play. After posting a request for proposals, staff received two bids to provide necessary services from Fun2Ref, LLC and Sonaron, Inc. The lowest responsive bid was submitted by Fun2Ref, LLC, in the amount of $66,862 per year for three years.

The contract would provide services from November 2016 to April 2019 for a total amount $200,586.

Name of Project:	Basketball Officials
Managing Division:	Recreation Division
Request Reason:	Contract Execution
Cause of Contract:	Basketball officials for league play
Vendor:	Fun2Ref, LLC
Amount of this Contract:	$200,586
Encumbered with this Approval:	$66,862

Recommendation: Authorize the City Manager to execute a contract in an amount not to exceed $200,586. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

LITTLE RIVER RESERVOIR – INTERLOCAL AGREEMENT AMENDMENT #1 – APPROVED

On November 25, 2008, the City of Raleigh and our municipal partners from the Towns of Wake Forest, Wendell, and Zebulon joined Wake County in the implementation of the Little River Reservoir Water Supply Watershed Protection Inter-local Agreement (ILA). The agreement sought to implement consistent water quality protection measures to safeguard the future Little River Reservoir and promote its viability as a water resource project. In the intervening years, several unanticipated impacts have been identified by Wake County staff, which led to a revisiting of certain limited terms within the agreement. County staff facilitated meetings and discussions with staff from each of the municipal partners in developing the proposed changes. There is agreement among all staff that the proposed changes are acceptable and preserve the structure and intend of the original agreement.

Recommendation: Approve amendment number one to the interlocal agreement; authorize the Mayor to execute the agreement in concurrence with the mayors of Zebulon, Wendell, and Zebulon and the chair of the Wake County Board of Commissioners. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

RANDLEIGH FARM – PASTURE LEASE – MANAGER AUTHORIZED TO EXECUTE

The Randleigh Farm was purchased in combination with Wake County in October 2005 and is located at the intersection of Battlebridge Road and Auburn-Knightdale Road. This 420-acre tract was formerly owned by NCSU and was used as one of several research facilities specifically for dairy operation research.

As part of the purchase, a conservation easement was established along the Neuse River within the 100-year flood plain. The site is used for land application of Class A biosolids from the Neuse River Resource Recovery Facility and residual land application from the EM Johnson Water Treatment plant.

On August 29 two proposals were received for lease and use of approximately one-half (198 acres) of the Randleigh cleared pasture land for cattle grazing. Stipulations in the lease provide for continued land application of biosolids in accordance with non-discharge permits held by the City; it will be the responsibility of the lessee to maintain the site in strict accordance with best management practices.

Two proposals were received: Fred Smith Company and Ranch ($40 per acre) and A.L.M. Contracting, LLC ($35 per acre). Terms of the lease are for three years.

Name of Project:	Pasture Lease- Randleigh Farm
Managing Division:	Public Utilities – Resource Recovery Division
Approval request:	Authorize property lease
Reason for Council Review:	Lease Term exceeds two years
Revenue:	Based on price per acre (198 acres)
Actual Lease Amount:	$7,922 Annually
Vendor Name:	Fred Smith Company and Ranch
Prior Lease Activity:	None

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

MUNICIPAL AGREEMENT – NCDOT – POOLE/NEW HOPE ROAD HIGHWAY IMPROVEMENTS – MANAGER AUTHORIZED TO EXECUTE

The City has been working with the North Carolina Department of Transportation (NCDOT) regarding water line relocation as part of road improvements and widening on Poole and New Hope Roads. A 16-inch water line will be relocated as a part of this project. The amount of this agreement is $225,000.

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

NEUSE RIVER RESOURCE RECOVERY FACILITY – PACE ANALYTICAL SERVICES/AMENDMENT #3 – APPROVED

The City entered into a contract with Pace Analytical Service, Inc., NC on October 30, 2015. The Neuse River Resource Recovery Facility (NRRRF) laboratory provides over 20,000 wastewater analyses per year. Additional analysis for the NRRRF lab has been outsourced by Pace Analytical Services. Over the last year, the contract has been amended to provide additional analysis as needed.

The third and final amendment is due in part to a need to outsource additional lab services, a result from construction delays associated with facility renovations. This amendment, in the amount of $33,130, will allow Pace Analytical Service, Inc. to continue to providing analysis testing for the next year.

Contract History:	
Name of Project:	Laboratory Services for NRRRF
Managing Division:	Public Utilities – Recourse Recovery Division
Request Reason:	Contract amendment >$150,000 (policy)
Vendor:	Pace Analytical Service, Inc.
Prior Activity:	$101,456 (Administrative)
Amendment Number One:	$16,000 (Administrative)
Amendment Number Two:	$32,000 (Administrative)
Current Encumbered:	$149,456
Amount of this Amendment:	$33,130
Encumber with the Approval:	$182,586

Recommendation: Authorize the City Manager to execute the contract amendment in an amount not to exceed $33,130. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

DOWNTOWN BUS FACILITY MASTER PLAN – WSP/PARSONS BRINCKERHOFF – AMENDMENT #11 – APPROVED

The GoRaleigh (formerly Moore Square) Transit Station renovation is approaching completion of Phase One, following the demolition of the existing elevator and stair tower on the Moore Square Parking Deck. This transition affords an opportunity to include necessary repairs to the parking deck, to protect the investment in the new facilities, and extend the service life of the parking deck. A contract amendment has been negotiated to provide necessary construction administration, testing and special inspections, and oversight of the repairs.

Name of Project:	Downtown Bus Facility Master Plan
Managing Division:	Transportation – Transit
Request Reason:	Contract Amendments >$150,000
Cause of Contract Amendment:	Revise scope of work
Vendor:	WSP/Parsons Brinkerhoff
Original CIP Budget:	$874,750
Prior Contract Activity:	Original contract $874,750
Amendment One:	$47,000 bus system to system transfer matrix
Amendment Two:	$150,000 parking evaluation and implementation plan
Amendment Three:	$21,000 Increase contingency allowance
Amendment Four:	$45,000 Extended site assessment and 3D base mapping
Amendment Five:	$0 reallocation of resources within phase two for Moore Square Station schematic design
Amendment Six:	$0 reallocation of resources within phase three contingency
Amendment Seven:	$168,075 expand scope of transit station
Amendment Eight:	$148,500 design development
Amendment Nine:	$588,750 construction drawings, bidding, construction administration
Amendment Ten:	$148,500 RUS/BUS, and design contingency
Amount of this Contract Amendment:	$50,000
Total Contract Amount:	$2,241,575
Budget Transfer:	Administratively
Amount Encumbered w/this Approval:	$2,241,575

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

PERSONNEL – HUMAN RESOURCES POSITION RECLASSIFICATIONS – APPROVED

The proposed position reclassifications below have been reviewed and recommended by the Human Resources Department. The fiscal impact of the reclassifications will be absorbed within existing approved salary and benefit appropriations.

Parks and Recreation

Service Specialist (Job Code 004002; PG 24; Position Control Number 00003271) to Maintenance Mechanic III (Job Code 004417; PG 32)

Staff realignment from the Public Works Study combined with greatly increased technical complexity of the work has changed the nature of the Service Specialist job requiring a higher level of skill and responsibility.

Public Utilities
Staff Support Specialist (Job Code 000003; PG 24; Position Control Number 00003616) to Project Engineer II (Job Code 001019; PG 38) to help coordinate between water system operations and capital improvement projects, new development review, other special projects.

Recommendation: Authorize the position reclassifications. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

ENCROACHMENT – CHAPANOKE ROAD/ILEAGNES ROAD/PECAN ROAD/SOUTH SANDERS STREET/LINEBERRY STREET/ORCHARD HOLLOW LANE/OLD LOUISBURG ROAD AND ATLANTIC AVENUE – APPROVED CONDITIONALLY

A reviewed for Council in Manager's Update 2016-40 (October 7), a request has been received from Mobilitie, LLC to install four new utility poles – three wooden poles and one metal pole. The one metal pole, at 120 feet, is approximately 40 feet taller than prior installations of small cell utility poles. A report was included with the agenda packet.

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

ENCROACHMENT – 109 PARK AVENUE – APPROVED CONDITIONALLY

A request has been received from FMW Hillsborough and Morgan, LLC to install a storm drain pipe. A design exception was submitted to and approved by Engineering Services; it was included with the agenda packet along with the standard report.

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

ENCROACHMENT – 616 SOUTH SALISBURY STREET – APPROVED CONDITIONALLY

A request has been received from Salisbury Street Hotel, LLC to install storm sewer manholes and piping. A design exception was submitted to and approved by Engineering Services; it is included with the agenda packet along with the standard report.

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

MOORE SQUARE IMPROVEMENT PROJECT – PUBLIC ART – APPROVED – BUDGET AMENDED

The Moore Square renovation project has been identified as a high-profile opportunity for launching a public art project that would recast the construction site as a canvas for public art, activating the space and transforming construction barriers into creative visual attractions for the public to enjoy.

The City has received $10,000 in donations from Artspace ($2,500), Marbles Kids Museum ($2,500), and Flight, a project of the Visual Art Exchange ($5,000) in support of a temporary public art project. The contributions will be combined with existing appropriations for the cost of artist commissions. A budget amendment in the amount of $10,000 is necessary to appropriate the donations; accounting details were included with the agenda packet.

Recommendation: Authorize a budget amendment in the amount of $10,000. Upheld on Consent Agenda Thompson/Branch – 8 ayes. See Ordinance 639 TF 285.

ZEBULON – WATER MAIN REPLACEMENT PROJECT – BID AWARDED TO MOFFAT PIPE, INC. – MANAGER AUTHORIZED TO EXECUTE

Five construction bids were received on September 29 for the Town of Zebulon Water Main Replacement project. The project will replace the existing two-inch water lines in various streets around the Town of Zebulon. This project will also install a new sewer main to correct existing nonconforming sewer lines that were discovered during the project design. This project is funded through the Water and Sewer Main Replacements program that replaces aging and undersized mains in the older areas of the merger towns and City.

The project will install approximately 4,225 linear feet of water lines and 500 linear feet of sewer lines. Moffat Pipe, Inc. of Wake Forest, NC had the low base bid in the amount $1,162,432. The addition of Alternate Number One and Alternate Unit Pricing bid items recommended by W.K. Dickson and staff increases the contract award amount to $1,270,937. Moffat Pipe submitted a 90-percent Minority and Women-owned Business Enterprise (MWBE) participation plan.

Name of Project:	Town of Zebulon Water Main Replacement
Managing Division	Public Utilities – Capital Improvements Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	$1,300,000
Construction Bid Award:	$1,270,937
Vendor:	Moffat Pipe, Inc.
Prior Contract Activity:	N/A
Encumbered with this approval:	$1,270,937

Recommendation: Award the bid to Moffat Pipe, Inc. in the amount not to exceed $1, 270,937. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

TRAFFIC – MULTI-WAY STOP SIGN INSTALLATION – ST. ALBANS DRIVE T HARDIMONT ROAD – APPROVED

The agenda presented the following recommended change in the traffic code which would become effective 7 days after Council approval.

Council will recall that 4-way stop sign intersections were approved during the October 4 City Council meeting. Staff was directed to install 4-way stop signs at the Hardimont-Quail Hollow and Hardimont-Wingate intersections within 30 days.

It is recommended that a multi-way stop be installed at the intersection of St. Albans Drive at Hardimont Road. Staff had earlier received a citizen-initiated petition for evaluation of this intersection. St. Albans Drive is classified as a Divided 2-Lane Avenue. Hardimont Road is classified as an Undivided 2-Lane Avenue. The intersection does meet and/or exceed warrants specified in Section 2B.07 of the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) adopted as policy by the Raleigh City Council.

Recommendation: Approve the multi-way stop installation and authorize the appropriate changes to the traffic code. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

END OF CONSENT AGENDA

CONDEMNATION – RALEIGH UNION STATION – RESOLUTION ADOPTED

The Raleigh Union Station Phase I project proposes to move passenger rail service from the existing Amtrak station on Cabarrus Street to a new multimodal facility at 510 W. Martin Street. Part of these improvements require two new grade separated entries and railroad bridges to access the property and the lowering of the grade along West Street. The project is funded through a series of federal, state, and local sources; the City contribution will exceed $18 million; State contributions total $9 million; the remaining balance will be funded by the federal American Reinvestment and Recovery Act and two grants totaling $38 million from the USDOT Transportation Investment Generating Economic Recovery (TIGER) grant program.

Possession of the right-of-way for the permitting of Raleigh Union Station and construction of a retaining wall associated with the station and the future extension of West Street is necessary at this time. A temporary easement is needed for staging of the retaining wall and station improvements. The federal TIGER Grant specifies certain scheduling requirements, which must be met; staff recommends pursuing condemnation to avoid scheduling issues with the grant.

Negotiations have, thus far, been unsuccessful with the following property owner to acquire the easements needed for the "West Street Improvement Portion of the Raleigh Union Station Project". To keep the project moving forward, staff recommends Council authorize condemnation to acquire easements needed from the following properties:

Property Owner	**Property Address**
Center Line Properties, LLC	319 West Street

Recommendation: Adopt a resolution of condemnation.

City Attorney McCormick pointed out this item had been withdrawn by Ms. Baldwin as she has a permanent excusal on this item with Ms. Baldwin pointing out that is why she had asked that it be withdrawn.

City Attorney McCormick passed out the following wording.

> The Raleigh Union Station Phase I project proposes to move passenger rail service from the existing Amtrak station on Cabarrus Street to a new multimodal facility at 510 W. Martin Street. Part of these improvements requires two new grade separated entries and railroad bridges to access the property, and the lowering of the grade along West Street. The Project is funded through a series of federal, state and local sources – the City's contribution will be $18 million to $19 million, as approved in the March 3, 2015 council meeting, council meeting, the State's will total $9 million; and the remaining balance will be funded by the Federal American Reinvestment and Recovery Act and two grants totaling $38 million from the USDOT's Transportation Investment Generating Economic Recovery (TIGER) grant program. A public hearing map was available to the public in 2014.
>
> Construction of a retaining wall associated with the future extension of West Street is necessary at this time. A permanent soil nail easement and temporary construction easement are needed for staging of the retaining wall. The federal TIGER Grant specifies certain scheduling requirements which must be met; staff recommends condemnation to avoid scheduling issue with the grant.
>
> Negotiations have, thus far, been unsuccessful with the following property owner to acquire the easements needed for the "West Street Improvement Portion of the Raleigh Union Station Project." To keep this project moving forward, staff recommends that Council authorize condemnation to acquire the easements needed from the following properties:
>
> **Name**: Center Line Properties, LLC
> **Location**: 319 South West Street

City Attorney McCormick indicated the wording in the agenda does not outline what is being requested properly and his version should be used. He stated he explained the difference. Mr.

Thompson moved approval with the amended language as presented by the City Attorney. His motion as seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin who had previously been excused from participation in this item. The Mayor ruled the motion adopted on a 7-0 vote. See Resolution 397.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-16-16 – CYPRESS CLUB DRIVE – PUBLIC HEARING AUTHORIZED FOR NOVEMBER 1, 2016

This is a request to rezone property from Residential-6-Conditional Use (R-6-CU) to Planned Development (PD). The proposal is consistent with the Future Land Use Map and the pertinent policies of the Comprehensive Plan.

The proposed rezoning is reasonable and in the public interest. The proposal would allow for the development of apartment building types, which currently exist on the site under an approved site plan.

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

Planning Commission Chair Braun and Planning Director Bowers were at the meeting to answer questions. Ms. Baldwin moved approval as outlined. Her motion was seconded by Mr. Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REZONING Z-21-16 – LUMLEY ROAD – HELD AT THE REQUEST OF APPLICANT

This is a request to rezone property from Office Mixed Use-7 Stories-Parking Limited with Airport Overlay District and Special Highway Overlay District-2 (OX-7-PL w/AOD and SHOD-2) to Office Park – 12 Stories – Conditional Use with Airport Overlay District and Special Highway Overlay District-2 (OP-12-CU w/AOD and SHOD-2). 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 intensity.

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

Planning Commission Braun and Planning Director Bowers were at the meeting to answer questions. Planning Director Bowers pointed out the applicant needs to submit a condition relative to a transit easement therefore the Council should not act on this case. It will come back at the next meeting. Without objection, it was agreed to follow that course of action.

REZONING Z-26-16 – NORTH MARKET/NORTH RIDGE DRIVE – PUBLIC HEARING AUTHORIZED FOR DECEMBER 6, 2016

This is a request to rezone property from Residential-6 (R-6) to Residential-6 with Neighborhood Conservation Overlay District (R-6 w/NCOD).

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

The proposed rezoning is reasonable and in the public interest. The requested overlay district will provide added protection for neighborhood character without affecting land uses permitted by the underlying zoning.

The proposal is compatible with the surrounding area. Provisions would support redevelopment more in keeping with existing build-out than the base zoning.

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

Planning Director Bowers and Planning Commission Chair Braun were at the meeting to answer questions. Planning Director Bowers indicated staff recommends that the public hearing date be established as December 6, which would give the applicant time to give actual notice and explained that procedure. Ms. Baldwin moved that Z-26-16 be scheduled for December 6, 2016 public hearing. Her motion was seconded by Mr. Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

SPECIAL ITEMS

REZONING Z-10-16 – OLD POOLE ROAD – TO BE PLACED ON NOVEMBER 1, 2016 AGENDA

This was a request to from TK Desco, LLC, to rezone approximately 1.81 acres from Office Mixed-use – 3 Stories – Conditional Use and Residential 6 (OX-3-CU and R-6) to Commercial Mixed-use – 3 Stories (CX-3). The property is located on Old Poole Road east side south of its intersection with Poole Road. The hearing was held on September 6, 2016, continued to September 20, 2016 at which time the item was referred to the Growth and Natural Resources Committee. During the October 4, 2016 meeting, the Growth and Natural Resources Committee recommended that the Council request the applicant to visit the southeast Citizens Advisory Council meeting on October 13, 2016 to further discuss Z-10-16 and possibly add conditions and to place the item on this agenda for consideration.

Planner Bynum walker explained the applicant had been requested to go back to the CAC and pointed out he did and the Council had received information on the results of that meeting. She highlighted the memo relative to the neighborhood concerns. Mayor McFarlane had questions

concerning adult establishment. Mr. Branch questioned if the applicant is willing to submit a conditional use case with Planner Walter pointing out he has until Friday of this week to submit conditions. Ms. Crowder questioned if the applicant has not been questioned whether he wants to submit a conditional use case with Ms. Walter pointing out he had and the Council would know by the next meeting as to whether he had been willing and had submitted a conditional use case and could take action at that point.

Mr. Stephenson expressed appreciation to the applicant for going back to the CAC and talked about the intended uses of this property and his expectation that none of the businesses would be opened after 11:00. Discussion on bars, knight clubs, the fact that CX allows a wide range of uses, etc., was talked about. After discussion with the applicant indicating talking about his intentions of submitting a condition it was agreed to place this item on the November 1 agenda to receive a report as to whether the case had been converted to a conditional use case and consideration at that time.

REZONING Z-20-16 – JEFFREY'S GROVE SCHOOL/CREEDMOOR ROAD – SCHEDULE FOR PUBLIC HEARING NOVEMBER 1

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 was discussed at the October 4, 2016 City Council meeting as part of the report from the Planning Commission. The proposal was held at the table because signed conditions were not submitted per Section 10.4.2.F.2.I of the UDO. The applicant has submitted signed conditions.

Recommendation: The Planning Commission recommends approval of the request. Staff suggests the zoning case be scheduled for public hearing for November 1, 2016.

Planner Bynum Walter indicated the applicant had submitted sign conditions dated October 11, 2016 therefore, staff recommends that the case be scheduled for public hearing on November 1, 2016. Mr. Gaylord moved approval of the November 1, 2016 public hearing. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

ACCESSORY DWELLING STUDY – STAFF DIRECTED TO DRAFT TEXT CHANGE

In 2015, City Council received a Petition of Citizens requesting that the Mordecai CAC area serve as a 'pilot' for exploring options for permitting Accessory Dwelling Units (ADUs), a housing type not currently permitted in Raleigh. Staff subsequently analyzed opportunities for ADU approval on an opt-in basis, potentially on a neighborhood level.

Earlier this year, a memorandum summarizing initial findings was provided to City Council and the CAC, and also posted online. It has been followed by a survey of all Mordecai property

owners to gain further insight into preferences regarding ADU form and use. A summary of survey results is included with the agenda packet. Given the largely positive response, staff now seeks direction from Council regarding drafting a potential text change, to create an overlay zoning district that could be applied to the Mordecai area.

Recommendation: Receive the survey results, and provide direction as to drafting a text change.

Planner Doug Hill provided background on this item indicating it stems from a request from the Mordecai CAC for the City to consider a "pilot program" relating to accessory dwelling units. The Council in December of 2015 authorized the Planning Department to conduct a study and public engagement process which was completed during the time period December 2015 through March 2016. That was followed by the Planning staff conducting a survey of Mordecai property owners. Planner Hill pointed out the Mordecai CAC area, the NCODs in Mordecai an Oakwood Park and the property along and to the west of Capital Boulevard which was surveyed. He presented information on the public review draft and the key features in the 2013 UDO draft regulations, relevant legal framework pointing out currently permitted accessory dwelling options relate to health care structures (NCGS160A-383.5), 2013 Court Case – Wilmington V. Hill which indicates owner occupancy cannot be required and regulation of unrelated inhabitants – North Carolina Municipalities may restrict the number of unrelated persons living on a single parcel and the UDO permits up to four unrelated persons.

Planner Charles Dillard gave information on what was asked on the survey pointing out there were 874 surveys distributed with a 20% response rate of 176. As it relates to the question "are you in favor of accessory dwelling units", 129 replied yes, 20 replied no and 22 replied may be.

Mr. Dillard pointed out 65% of the respondents support allowing ADUs even if no onsite parking is provided thus requiring on-street parking. He stated there was general support for ADUs as long as there was alley access/shared driveway/separate driveway or on-street parking.

Mr. Dillard pointed out there was a question related to what best describes the opinion on maximum floor size or floor area for an ADU pointing out the minimum size permitted in Raleigh for a dwelling unit is 250 square feet. Some 19 respondents stated no larger than 800 square feet; 12 supported no larger than 450 square feet, 47 suggested maximum size proportional to the lot size and others supported maximum size should be determined as a percentage of the property's principle building size; 61 respondents indicated ADU should be located behind the principle house but otherwise setbacks should be the same as required for the primary building. Others supported side and rear setbacks being less restrictive than those required by the primary structure and others stated the side setback should be the same as those required for the primary structure but the rear setback should be reduced to allow for ADU's closer to rear lot lines.

Planner Dillard pointed out questions related to height resulted in 82.3% of the respondents supporting height limit of two stores/25 feet; 78.6% of the respondents support allowing primary

entrance on any side of the ADU; there was an even split on requiring some type buffer between the ADU and adjacent property and 75% do not support limits on transparency.

Planner Dillard talked about the implementation proposals in which 21% of the respondents support minimum acreage requirements while 52% had no opinion on the minimum area in acres for an overlay. As far as required signatures of majority property owners for overlay to be established, 51% supported this requirement while 12% disagree.

Ms. Crowder had questions concerning the way the questions were worded pointing out some made it difficult for people to understand what they were voting for or against. She also questioned if there are height limits or square footage limits on cottage courts. It was pointed out if the Council wishes to proceed develops a text change have an accessory dwelling units district and if that is approved, then a community could opt in to be included.

Ms. Baldwin questioned the time frame for addressing all of this issue pointing out she hopes it is something that can be accomplished by the first part of next year.

Mr. Stephenson expressed appreciation for all of the work Planning has done on this issue and pointed out the opt-in provision would allow opportunities for neighborhoods to examine the provisions on ground. Mr. Stephenson moved the Council authorize staff to draft a text change for an accessory dwelling unit district for Planning Commission and Council review. His motion was seconded by Mr. Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

CIVIC CAMPUS UPDATE – MASTER PLANNING – MANAGER TO NEGOTIATE AND EXECUTE CONTRACT

On March 8 staff brought forward a proposal to consolidate many City services and staff onto one consolidated campus. In addition to meeting current and future space needs, developing a consolidated campus will 1) improve customer service and civic engagement; 2) improve staff efficiency, and; 3) create economic development opportunities. During the May 3 Council meeting, City Council authorized staff to release a Request for Qualifications for the development of a Civic Campus Master Plan.

Staff received proposals from nine firms. Each proposal was evaluated using criteria listed in the published request for qualifications. A review committee consisting of staff from the departments of City Planning, Engineering Services, Budget and Management Services, Office of Sustainability, Office of Economic Development and other City units selected four firms to interview. Based on the interviews, the committee selected the team led by Skidmore, Owings & Merrill as most suited for the project based on relevant project experience, project understanding and approach, schedule, and references. Funding to complete the master plan is appropriated in the capital budget.

Recommendation: Subject to the negotiation of acceptable terms, authorize the City Manager to execute a contract not to exceed $650,000 with Skidmore, Owings & Merrill.

City Manager Hall briefly explained the item.

Engineering Services Director Kelly gave a brief description of the item pointing out on May 3, 2016 staff was authorized to release a request for qualifications for the Civic Campus Master Plan. He briefly explained the project team, RFQ and selection process.

Assistant Planning Director Roberta Fox gave an overview of the process for selection pointing out the Civic Campus project proposes to consolidate selected city services and staff onto the current Raleigh Municipal Block pointing out the benefits of a central campus relates to improving customer service and civic engagement, improving staff efficiency and creating economic development opportunities. She explained the project will be completed in multiple phases starting with the master plan and went over the time line for the next 18 to 24 months. She stated it is a slow but deliberate process and at the end of each phrase the Council will review and provide feedback on results. She stated the master planning process will include:

- Value and goals statement
- Program requirements for City Services
- Relationship among city functions, adjacency and flow diagrams
- Approaches to grouping public and non-public services
- Economic Development analysis
- Data Collection and analysis to verify program and space needs for the facility
- Project cost estimates and project schedules
- Parking analysis on-site and phasing approach

She stated the RFQ was released on July 29 with a due day of August 26 and nineteen teams submitted qualifications. The selection committee reviewed the submittals and selected 4 teams to be interviewed which occurred during the time frames September 12 through 16.

Ms. Fox stated the selected team is Skidmore, Owings and Merrill with HH Architectural. This recommendation is based on relevant project experience, project understanding, approach and schedule, team organization and experience, stakeholder consensus building experience and references. She went over the team organization which includes Skidmore, Owings and Merrill, HH Architecture, RCLCO, Davenport, Cumming and the planning communities as it relates to community outreach. She talked about the unique project approach pointing out it is not just a plan but a road map and talked about big city vision, economic development, civic facilities/capital project, real estate opportunities, etc. She went over the preliminary time line which includes assessment – 12 weeks; alignment – 4 weeks; planning – 16 weeks, documentation – 8 weeks. She stated staff would continue with contract negotiations and pointed out the next touch point for Council would be review and approval of the contract and the project kick off/presentation.

Ms. Baldwin moved approval as recommended. Her motion was seconded by Mr. Gaylord. Mr. Thompson indicated he had been contacted by one of the teams not selected and they complimented the city staff for the thoroughness and process selection. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

LOWER LONGVIEW LAKE – PARTIAL DREDGING PROJECT – OPTION THREE APPROVED

On December 3, 2013, the Public Works Committee directed staff to explore the possibility of dredging Lower Longview Lake in conjunction with a planned dam rehabilitation project that would require the lake to be drained. Following a study of the cost/benefit of this dredging project, staff held public meetings on September 22, 2014 and March 25, 2015 and discussed the issue with the City Council on November 5, 2014, February 3, 2015, and April 21, 2015. At each of these meetings, staff recommended against pursuing a dredging project due to the lack of benefit to the watershed given the potential cost. Ultimately, during their August 5, 2015 meeting, the City Council directed staff to move forward with a limited dredging project for which the abutting owners would be assessed 30 percent of the cost. A public hearing was held on October 7, 2015, at which time the assessment resolution (2015-178) was adopted by the City Council. During the public hearing, staff discussed with the City Council that a necessary precondition for the project to proceed was the dedication of all easements necessary for the project.

Design and permitting for the dredging project are underway and are approximately 60 percent completed. A fifth public meeting was held on September 22, 2016 to provide residents with an update on the dam rehabilitation project and proposed dredging design, and to gather any required outstanding easements. Prior to this meeting, the Real Estate Division obtained easements from eight of the required 25 fractional owners of the lake. At the conclusion of the public meeting, three owners provided easements, and eight more parcels submitted their easements following the public meeting. As of October 5, 2016, the total number of signed easements was 19, representing 76 percent of all easements necessary.

The Lower Longview Lake Dam rehabilitation project has been successfully bid for construction and staff intends to seek City Council approval to award the construction contract in November, 2016. The optimum time to perform the dredging work will be early spring 2017 while the lake is drained during dam reconstruction. In order to maintain our anticipated construction schedule and ensure timely replacement of the failing dam, staff would propose the following options for City Council consideration:

- Option One – Proceed with the dredging project through the use of the City's eminent domain authority to secure any outstanding fractional easements. This option will add additional cost for compensation and legal fees, potentially reaching tens of thousands of dollars or more. Condemnation costs could come out of the total project budget of $300,000, leading to a reduced overall project

scope. Alternatively, the City Council could direct staff to utilize an alternate funding source to cover the cost difference.

- Option Two – Decline to proceed with the project due to the lack of full participation.
- Option Three – Allow additional time for the neighborhood to produce the remaining easements, with a date-certain deadline upon which the dredging project will be abandoned if full participation is not realized. Given our intended bid date of December 5, 2016 to align with the dam rehabilitation project timeline, staff would suggest November 28, 2016 as the deadline. Staff would continue to work with the property owners to ensure that they are aware of the need to dedicate necessary easements within the specified time period.

Staff intends to continue with design and permitting in order to be in a position to advertise the dredging project for bidding on December 5, 2016, should options one or three be preferred by the City Council. Included with the agenda packet is a map denoting property owners that have dedicated necessary easements and property owners that have not yet cooperated despite previous assurances from community representatives that property owners concurred with the project and the assessment.
Recommendation: Authorize staff to proceed with Option Three.

Engineer Veronica High, Engineering Services, gave a brief history of this item including the fact that the City Council approved $300,000 to spend on removal and disposal of lake sediment with the understanding it would be a 70/30 cost share ($210,000 city/$90,000 via assessment). The $90,000 would be recouped from the property owners via the assessment process. She went through the process that had been followed to date including notification to impacted property owners about the project process, assessment, public meetings, public hearings, etc. She explained the property owners were notified that real estate staff would be available at the meetings to answer questions. Ms. High presented a map showing the properties which have agreed to the assessment pointing out currently we have three of the 25 impacted property owners that have not submitted the required easement, etc. She went over the three options as outlined on the agenda.

Ms. Crowder questioned how many property owners are impacted 25 or 27 indicating she understands Council action required 100% participation. Mr. Stephenson talked about continuing to negotiate until the dead line with Ms. High explaining the process to date. We have 22 of the 25 easements/agreements to this point.

Mary Beth Gentry, City Real Estate Department, talked about the process utilized in acquiring the necessary easements. She stated of the three that are needed, there is one undecided and one she had talked to just yesterday. Brief discussion took place as to the fact that City staff is continuing to negotiate. Mayor McFarlane moved approval of Option Three. Her motion was seconded by Ms. Baldwin and put to a roll call vote which resulted in all members voting in the affirmative except Mr. Gaylord who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

PUBLIC UTILITIES – BOND RATING UPGRADE ANNOUNCED

City Manager Hall pointed out the Public Utilities Department has just received good news and called on Finance Director James and Assistant Public Utilities Director Waldroup to provide a report stating Public Utilities Director Massengill is out of town receiving an award on behalf of the City of Raleigh Public Utilities Department.

Finance Director Hill and Assistant Public Utilities Director Waldroup highlighted the following report.

Background

- Finance/Treasury working with Public Utilities Department on Issue of 2016A and 2016B Revenue Bonds (new and refunding issues)
- Revenue bonds used since 1996 to finance long-term capital needs of the Raleigh regional Water and Sewer System
- Credit Ratings – an essential part of issue process
    - New York Ratings trip on September 22 and 23
- October 26 – bond issue date

Credit Ratings
General Information

- 3 major credit rating firms rate debt of private and governmental organizations
    - S & P Global (Standard & Poors)
    - Moody's Investor's Service
    - Fitch
- City of Raleigh has a 'General' credit rating of AAA from all 3 firms
- Combined Water & Sewer revenue bonds rated separately – no taxing authority
- As we began the 2016 revenue bonds process –
    - S & P: AAA
    - Fitch: AAA
    - Moody's: Aa1

The Missing Link

Thus, you can see the 'Missing Link' – the final Aaa from Moody's

- First AAA from Fitch in 1999; AAA from S&P in 2001
- 2 AAA's meant excellent financing results but, because of the small # of Moody's Aaa ratings on combined water & sewer systems, we knew that adding that final link would save the City even more

- Early on, Moody's only had 4 Aaa's for combined utility systems; and, in 2016, the total number was still only 13

Credit Rating Performance Remained Strong

- Over the ensuing period, the Public Utilities enterprise steadily performed well, developing formal financing policies, managing through several droughts and, of course, the 2008 recession.
- Results included:
  - Growing regional nature of the system and its customer base
  - Maturation of its financial model with higher debt coverage ratios and improved liquidity and reserves – all key metrics for rating agencies
  - A progressive infrastructure replacement program was implemented and a reliable funding resource (infrastructure replacement fee) was created
- Credit reviews with Moody's provided opportunities for them to see the further strengthening of the system
- A breakthrough came in February, 2015 when Moody's again rated the Utility system as Aa1 but moved us to "positive outlook" meaning they saw signs of a Aaa character but wanted to see if time would confirm it

2016 Rating Agency Visits

- September 22 and 23, 2016 trip to New York – visits with all 3 rating agencies with emphasis on updating Moody's on results of 2015 and 2016
  - Finance/Treasury staff, Public Utilities staff and City Manager's Office all shared in presentations
- Moody's personnel included their senior analyst for North Carolina as well as their overall person in charge of US municipal ratings
- Presentations went well and rating results were anticipated by October 14
  - Process involves a ratings committee from each firm making final call on credit ratings

And Then …

The headline announcement from Moody's on Friday, October 14:

Raleigh Water and Sewer
Enterprise System, NC

New Issue - Moody's Upgrades to Aaa
Raleigh, NC's Enterprise Revenue Bonds

What Does This Last Link Mean?

- Having 2 AAA's and a Aa1 has provided excellent financing rates
- But, having the Moody's Aa1 upgraded to Aaa adds the final link to obtaining the best available borrowing rates
- Highest credit ratings mean lowest borrowing rates and favorably impacts Water & Sewer Financing Model
  - Competitive fees
  - Moderate budgets
  - Favorable financial impacts on customers and regional partners

Who Are Moody's Aaa Rated Combined Water & Sewer Enterprises?

Only 13:

Aaa Rated Water and Sewer Entities
Boca Raton (City Of) Water And Sewer Enterprise, FL
Cary (Town of) Combined Utility Enterprise, NC
Charleston (City of) Water & Sewer Enterprise, SC
Charlotte (City Of) Water & Sewer Enterprise, NC
Chesterfield (County of) Water & Sewer Enterprise, VA
Cobb (County of) Water & Sewer Enterprise, GA
Hillsborough (County Of) Water And Sewer Enterprise, FL
Loudoun County Sanitation Authority, VA
Oklahoma City Water Utility Trust, OK
Palm Beach (County of) Water and Sewer Enterprise, FL
Plano (City of) Water and Sewer Enterprise, TX
Prince William County Service Authority, VA
Scottsdale (City of) Water and Sewer Enterprise, AZ

Plus Raleigh, NC

Impacts Will Be Immediate

- With this last link in credit ratings now reached, prospects for the October 26 revenue bond issues look excellent
- A 'triple-triple' (3 AAA's) credit profile will be very attractive in the bond market

- Bond underwriters project low 3% range for new bond issue and savings exceeding $8 million for the refunding issue

Acknowledgements

- City Council and Management, past and present
- Former Public Utility Department Directors
- Water Utility Transition Advisory Task Force
- Regional Utility Merger Partners
- Public Utilities Department and Finance Department Financing Team:

Public Utilities:

Robert Massengill

Kenny Waldroup

Jennifer Alford

Aaron Brower

Steve Balmer

Nicole Brown

Finance/Treasury:

Perry James

Chandler Francis

Todd Taylor

Mayor McFarlane expressed appreciation to all involved including the present and past City Council members pointing out it is never easy to vote for increases in utility bills, etc.; however, this has been being worked on for some time and everyone is very excited. City Manager Hall expressed appreciation to all involved including various departments, present and past city council all of whom deserve a lot of credit. This is a very big deal which will have a significant positive impact on our financial models, etc. He again expressed appreciation to all with various Council members joining in.

HURRICANE MATTHEW – COMMENTS RECEIVED – VARIOUS ACTIONS TAKEN

City Manager Hall highlighted the following report concerning Hurricane Matthew.

The City of Raleigh incurred additional operating costs when Hurricane Matthew reached North Carolina the weekend of October 8th, and will incur additional recovery costs over the next several weeks.

The primary response cost was employee compensation, including overtime. Staff currently estimates these costs at up to $400,000.

Beyond the initial response, the City will also incur costs for debris pickup and property damage. The City has activated its on-call contractors to begin debris pickup. With the damage assessment information available, staff estimates the cost to load, haul, and grind debris at $450,000. The hurricane also damaged greenway structures, pavement, and other facilities. Staff currently estimates $2.5 Million in cost for emergency work efforts related to debris removal and uninsured damaged property.

Current County-wide damage estimates exceed the threshold for disaster declaration eligibility. A declaration means that Wake County municipalities would be eligible for federal assistance, but does not guarantee any reimbursements. Federal officials will consider a range of factors when considering assistance requests, such as insurance, other disasters, and use of hazard mitigation strategies. Federal assistance covers 75% of total recovery costs. Historically, the State of North Carolina has reimbursed local governments for the other 25%, but that is not guaranteed.

This budget amendment appropriates $3.35 Million to cover the City's estimated response and recovery costs. Because federal officials have not yet made decisions on a disaster declaration or reimbursable costs, staff recommends using excess fund balance in the General Fund as the revenue source for this amendment. As of the last completed audit, which was for Fiscal Year 2015, the unassigned fund balance amount was $12.1 Million. Should the City receive federal and State reimbursements, the use of City fund balance will be reduced.

Staff will continue to work with State and FEMA officials to assess damage. As repair project costs are refined, and decisions made about federal assistance, staff may bring additional budget amendments forward related to cleanup and recovery activities.

Recommendation:
1) Appropriate $3.35 Million for Hurricane Matthew response and recovery activities, funded with General Fund unassigned fund balance.
2) Authorize the City Manager to make necessary budget transfers among City funds to implement recovery activities.
3) Authorize the City Manager to make necessary budget amendments to reduce the use of unassigned fund balance, should the City receive federal and State reimbursements.

The following account information will be added to budget transfer and amendment ordinance for the October 18, 2016 meeting.

Increase Revenue		
100-0000-532990-000	Unassigned General Fund Balance	$3,350,000
Increase Expense		
xxx -1040-600010-102	Salaries - Overtime	$ 400,000
xxx -1040-708900-102	Contractual Services	$ 450,000
xxx -1040-714010-102	Repairs-Building/Structure	$2,500,000
		$3,350,000

Mr. Gaylord moved approval. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 639 TF 285.

Mayor McFarlane expressed appreciation to the City Managers and others who stressed the needs throughout budget preparations for reserve. She stated this is an example as to why it is needed.

City Manager Hall stated he would like to provide some additional information as to what occurred and expressed appreciation to the City family for their response and went over the following information.

- Weather events such as, Hurricane Mathew, are great examples of City services reaching across departments, and coming together to serve our community in a time of need.
- I'd like to commend Derrick Remer and his team for taking the lead in coordinating our emergency services and community response.
- I'd also like to offer my appreciation to all the departments for their dedication and hard work. In many cases, we are putting ourselves in harm's way to provide safety and protection for our community, and we appreciate their commitment to serving our city.

- Obviously, Hurricane Mathew wreaked havoc throughout the state and has made a significant impact on our residents with loss of power, damage to trees and homes, school closings, flooding, etc.
- Our staff has been busy in a number of ways – responding to calls for help, removing fallen trees, clearing roads, monitoring flood plains and lake levels, working hard to ensure our drinking water is safe, and actively communicating road closures, service updates, and next steps for debris collection.
- Here's a quick snapshot of just some of the ways in which we responded. . .

- **Fire Department**
  - 462 calls for service
    - 8 working structure fires
    - 21 water rescues
- **Parks, Recreation, and Cultural Resources**
  - 300+ calls for trees
  - 110 of those involved with power lines
- **Parks and Rec and Transportation**
  - Through Saturday, our teams delivered 202 loads, totaling 2,298 cubic yards of fallen limbs, trees, and debris.
- **Police**
  - 737 total calls related to the storm
    - 140 accidents
    - 103 traffic light malfunctions
- **Solid Waste**
    - In addition to running our regular garbage and recycling routs, Solid Waste is offering two sweeps for vegetative storm debris pick-up (1st sweep begins today, second sweep beginning October 31st)
      - Last week, Solid Waste picked up double the amount of waste
- **Public Utilities**
  - Sunday – mobilized a large crew to the small town of Fairmont to address a 12-inch sanitary sewer line failure. (crews are still working on trying to install a 300 foot temporary pipe to address the issue)
- At the Peak – 190,000 establishments in Wake County were without power
- Understanding that many folks were without power, we decided to offer a little bit of relief
- We opened many of our community centers early and offered free hot showers. Additionally, we reduced the amount of daycare at our parks' facilities from $25 a day to $10. Lastly, we pooled our resources together and hosted a neighborhood cookout at Chavis Community Center – free hotdogs, drinks, chips and carousel rides from 5 p.m. to 7 p.m.
- This is just one example where we came together as a team to address a difficult situation and hopefully provide some meaningful assistance.

- It is important to remember that many of our friends and family in neighboring communities are still struggling and we must keep the in our thoughts and prayers

Mayor McFarlane and Council members expressed appreciation to all involved. Ms. Baldwin added how delighted she was to see how the City went beyond the usual job of responding to calls, etc., but looking at things that many do not think of such as daycare, providing opportunities for free hot showers and providing food with Council members agreeing. Ms. Baldwin moved approval of the budget amendment and transfer. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 639 TF 284.

REPORT AND RECOMMENDATION OF THE RALEIGH HISTORIC DEVELOPMENT COMMISSION

DESIGN GUIDELINES UPDATE – HELD – TO BE PLACED ON FUTURE AGENDA

On January 19 the Raleigh Historic Development Commission (RHDC) approved the final draft of updated Design Guidelines for Raleigh Historic Districts as renamed the Design Guidelines for Raleigh Historic Districts and Landmarks. The Unified Development Ordinance provides that these guidelines are incorporated by reference for use in considering applications for Certificates of Appropriateness.
Recommendation: Approve the updated guidelines; authorize staff to prepare a text change correcting the document name in the Unified Development Ordinance.

Donald Davis, Chairperson of the Raleigh Historic Development Commission provided the report and explained the recommendation. Ms. Baldwin congratulated all on a job well done and moved approval. Her motion was seconded by Mr. Branch.

Gail Wiesner pointed out the community received this late yesterday and she objects to adopting the document and the text change moving forward. Ms. Baldwin questioned how many public meetings have been held with Historic Planner Tania Tully explaining the process which started in 2011 and the public meetings that have been held. Ms. Wiesner pointed out it is her understanding it had been in the legal department for a long time and the public had not seen the final understanding results until yesterday. City Attorney McCormick indicated his office consulted with the department from time to time but it has never been held in his department. The number of meetings in which the issue has been discussed, whether this is time sensitive and the possibility of holding it a couple of weeks to make sure everyone has had an opportunity to review the final documents was talked about. The Mayor ruled that it would held and placed on the agenda as a special item when time for additional study and comments have occurred.

REQUEST AND PETITIONS OF CITIZENS

PAULA STREET – CONCERNS – VARIOUS ACTIONS TAKEN

Sara Wilson, 1016 Canterbury Road, representing the Midtown Industrial Park, LLC highlighted the following prepared statement:

> We are asking for assistance to help make Paula Street a better place. Paula Street is off Hodges inside the beltline, it is a dead end street only 700 feet long. We own 4 pieces of property there. There are 4 night clubs and a food truck producing a lot of trash and major parking issues. Along with the trash, they are using the bathroom around the buildings and in the parking lots. Neither the club owners nor the food truck assist in picking up any trash on the street. The 4 clubs don't have 50-75 parking spaces altogether. We have no parking signs, no trespassing signs posted and active towing services on our properties. The city street sweeping does not happen – supposed to be done 3 times a year. We are working with Captain Klein on the trespassing issues. We are asking that you do not approve any more clubs, enforce the regulations with the food truck, help us with the street sweeping and continue the police presence on the street. We are right in the middle of North Hills and downtown Raleigh – why is this type of activity allowed to continue, please help us clean it up.

In response to questioning from Mr. Gaylord, City Manager Hall pointed out Council members received in their agenda packet a report from the Police Department which indicates the Police asked Code Enforcement to survey the area for potential problems and one establishment was cited for not properly cleaning their property. Staff has checked on several occasions relative to the littering complaint but no violations were observed. City Manager Hall pointed out since there seems to be continued concerns the City will be taking the following actions:

1. A request to Code Enforcement has been made for additional inspections on Paula Street and in the Hodges Street area.
2. The proper City department will be contacted about the possibility of placing City maintained trash receptacles along Paula Street.
3. Food trucks that visit the area will be inspected for civil violations of RCC 12-1024.1.
4. The Wilsons will be contacted regarding their concerns.
5. North District officers will work littering projects in the area again. Please note that these violations typically occur at times when call volume is very high. For the projects in August, we could only spare one officer to work the area. To prevent the drain on resources when demand is at maximum levels, we will change the hours for our Community Squad to operate future projects after the North Carolina State Fair. (The Community Squad is required to work the event.) Until then, we will make every effort possible to have a patrol unit proactively work the area.
6. Community Officers will meet with representatives of the nightclubs after Code Enforcement completes the inspections.

Ms. Baldwin questioned if the Wilsons have had people towed when illegally parked on their property with Ms. Wilson indicating they have. She stated they have also put up cones, etc., to try to warn people not to park. City Attorney McCormick explained one of the clubs had lost their license with Mr. Gaylord questioning if there is any way to keep other clubs from opening in this location. City Attorney McCormick indicated as long as they are properly zoned, clubs

could not be prohibited however the Council may wish to object to issuances of ABC licenses, etc. The City could also refuse to issue a license if the required parking is not met. Brief discussion took place as to actions that have or could be taken. Ms. Baldwin suggested that staff continue with the steps outlined by the City Manager including checking the parking requirements and asked the City Attorney to contact the ABC Commission to see what could be done relative to issuing ABC license. City Attorney McCormick indicated those forms automatically come to the Police Department with Council members suggesting that the City object to the issuance of ABC licenses in this area. Without further discussion, it was agreed to follow those course of action.

TRAFFIC CONCERNS – BROTHER MUHAMMUD – WITHDRAWN

The agenda indicated Brother Muhammud, 1103 Garner Road had several issues he would like to discuss with Council. However it was reported that he had withdrawn from this agenda and asked to be placed on the next agenda.

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT BUILDING DEMOLITION – 507 MONTAGUE LANE – HEARING – RESOLUTION CONFIRMING COST ADOPTED

This was a hearing to consider adopting a Resolution to confirm as a lien against the property as listed below the charges for demolition of Unfit Buildings:

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	COST OF DEMOLITION
507 Montague Lane (D)	Mary Jane Locklear heirs c/o Abdurrahman Hinton	0042551	$8,999

The Mayor opened the hearing no one asked to be heard, thus the hearing was closed. Mr. Stephenson moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 394.

PUBLIC NUISANCE ABATEMENTS – VARIOUS LOCATIONS – HEARING – RESOLUTION ADOPTED

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

LOCATION AND DISTRICT	PROPERTY OWNER	TAX ID NUMBER	COST OF ABATEMENT
1112 Bethel Road (C)	Raymundo Reyes Palacios and Isabel Cristina Cruz Vazquez	0278541	$331
1019 Brighton Road (C)	Nicole and Barre Gambling Sansoni	0170516	$306

837 Campanella Lane (C)	Rosa McCoy heirs	0045519	$279
2845 Creech Road (C)	Dillmark Townhomes Association, Inc.	0091740	$312
3812 Donna Road (B)	Donald C. Price	0027517	$386
2409 Ellerbe Lane (C)	Benjamin and Charleen McKoy	0027608	$284
1227 Falls Church Road (A)	Vahidullah Farmand and Gita Rouhollah Rohani	0002887	$421
2509 Fitzgerald Drive (C)	Neusom Holmes	0009059	$415
1905 Garner Road (C)	The Marguerite Massey Lightner Living Trust c/o Bruce E. Lightner	0042067	$973
602 Hay Lane (C)	Jeffrey T. and Joyce P. Moore	0087002	$422
3004 Hayling Drive (C)	Ruben Amaro and Ruben Amaro Martinez	0283054	$279
6831 Horseback Lane (C)	Paul S. and Sheryl T. Blackburn	0360644	$243
721 Mial Street (E)	Alice E. and John R. Hart	0073486	$279
6024 Namozine Court (C)	Leah P. and Henry L. Johnson, Jr.	0337794	$358
3226 Oak Grove Circle (E)	Rossshire Development, LLC	0001195	$250
6809 Paint Rock Lane (C)	Samuel L. and Sonia S. Harrison	0342757	$279
5425 Parkwood Drive (E)	Zenaida R. Smetana	0064549	$416
416 Rogers View Court (B)	Pelagic Investments, LLC	0245010	$296
420 Rogers View Court (B)	Pelagic Investments, LLC	0245009	$296

The City Clerk reported 6024 Namozine Court and 5425 Parkwood Drive should be withdrawn as the charges have been paid or the issue has to be readvertised. The Mayor opened the hearing on each location. No one asked to be heard, therefore the hearing was closed. Mr. Branch moved approval of the resolution confirming charges as amended. His motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 395.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

SIGNS – UDO REGULATIONS – DIRECTION GIVEN – ITEM RETAINED IN COMMITTEE

Mayor McFarlane reported by split vote, the EDI Committee directed staff to draft a proposed text change amending the UDO as follows:

- Remove the 40-square-foot limit for wall signs for properties zoned DE, PL, GR, UL, UG, and SH frontage. The text change would remove the table in Section 7.3.4.D in the UDO;
- Remove the 15-square-foot maximum size for canopy signs. This would revise the table in Section 7.3.6.C in the UDO; and
- Modify the maximum size for projecting signs, as the maximum height and width cannot produce the maximum overall size as listed in Section 7.3.5.

The Committee also requests that staff be authorized to explore potential regulations that create a reasonable relationship between the size of a wall sign and the location of the building for a report to the EDI Committee.

Mayor McFarlane moved the recommendation be upheld. Her motion was seconded by Mr. Thompson. Mayor McFarlane briefly explained the discussions and recommendations. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF GROWTH AND NATURAL RESOURCES COMMITTEE

NO REPORT

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

NO REPORT

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

BANNER COMMITTEE – MEETING ANNOUNCED

Ms. Baldwin pointed out the Banner Committee will meet on Tuesday, November 25, at 4:30 p.m.

REPORT OF MAYOR AND COUNCIL MEMBERS

HORSEBACK RIDING – DEAD – BROKE FARM – COMMENDED

Mr. Cox talked about a recent trip to the Dead Broke Horse facility pointing out it was a great event/facility experience and wanted to give a shout out to the family who owns the facility for a job well done. The comments were received.

HOMECOMING – ST. AUGUSTINE AND SHAW – COMMENTS RECEIVED

Mr. Branch talked about an upcoming homecoming at St. Augustine College and Shaw University. He stated they are two great events that are occurring in District C. The comments were received.

THOMAS G. CROWDER WOODLAND CENTER – DEDICATION – COMMENTS RECEIVED

Ms. Crowder expressed appreciation to the staff of Parks, Recreation and Cultural Resources for making the dedication of the Thomas G. Crowder Woodland Center such a great event. She stated it was an exciting and emotional day and she appreciated the attendance of all. She also expressed appreciation to Mayor McFarlane and other Council members for attending the event and helping make it a special day. The comments were received.

PERSONNEL – EVALUATION OF CITY MANAGER – COMMENTS RECEIVED

Mayor McFarlane indicated the City Manager's performance evaluation is scheduled for November 1, 2016. She indicated Council members have received information and a survey and asked all to complete pointing out it is a confidential survey. The comments were received.

SHORT-TERM RENTALS – TASK FORCE NAMED

Mayor McFarlane presented the following list of candidates submitted by Council members to serve on the short term rental task force.

Brent Woodcox (Mayor)
Anne-Louise Lord (Baldwin)
Lynn Minges (Baldwin)
Bob Mulder (Stephenson)
Eddie Ham (Thompson)
Tom Slater (Thompson)
John Faison (Cox)
Tim Niles (Cox)
Molly Stewart (Branch)
Antoine Marshall (Branch)
Ted Shear (Crowder)
George Huntley (Crowder)
Greg Stebben (Gaylord)
Loren Gold (Gaylord)
Katina Turner (Mayor – added later as agreed upon)
Janet Howard (Stephenson – added later as agreed upon)

Mayor McFarlane stated she has a second name as does Mr. Stephenson. Ms. Baldwin moved approval of the list. The list with the understanding the two names to be submitted by Mr. Stephenson and the Mayor would be included. Her motion was seconded by Mr. Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

HURRICANE MATTHEW – COMMENTS RECEIVED

Mr. Thompson expressed appreciation to City Manager Hall and all of the staff for the great job done in the cleanup following Hurricane Matthew. He talked about how quickly the Parks Department got the parks back open and in good shape. He expressed appreciation to all.

PREDATORY TOWING – COMMENTS RECEIVED

Ms. Baldwin talked about predatory towing and charges passed on to vehicle owners. She pointed out she understands a Supreme Court ruling restricts the City's ability to set towing charges. She asked whether the Council should consider going to General Assembly to see how to correct this situation. Whether the City has or should get involved was spoken to briefly after which Ms. Baldwin stated she would follow up with the Mayor on this issue.

TOWN HALL MEETING – DISTRICT E – ANNOUNCED

Mr. Gaylord pointing out there will be a town hall meeting on October 27, 2016 in District E and the presentation will relate to historic preservation. The comments were received.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Appearance Commission – Albert McDonald – 5 (Baldwin, Crowder, Branch, Stephenson, Gaylord)

Arts Commission – One Vacancy – Mr. Gaylord nominated Arrington Clark.

Board of Adjustment – Alternate Member – Mr. Gaylord nominated Jamie McCaskill

Civil Service Commission – At-Large Member – Mr. Stephenson nominated Phillip Rubin

Human Relations Commission – Utica Cason – 6 (Baldwin, Crowder, Branch, Stephenson, Cox, Gaylord)

The City Clerk announced the appointment of Mr. McDonald to the Appearance Commission and Ms. Cason to the Human Relations Commission. The other items will be carried over to the next meeting.

NOMINATIONS

BOARD OF ADJUSTMENT – VACANCY ANNOUNCED

The City Clerk reported the term of Eugene A. Conti, Jr. is expiring. He does on wish to be considered for reappointment. The Clerk reported Mr. Conti is a regular member and according to past policy, the Council would elevate the longest serving alternate to a regular member and declare a vacancy for alternate member. The Council agreed to that course of action.

ENVIRONMENTAL ADVISORY BOARD – NO ACTION TAKEN

The City Clerk reported the term of Justin Senkbeil is expiring. He is eligible for reappointment as far as length of service. However, she has not been able to make contact with him on his desires on being considered for reappointment. The item will be carried over to the next meeting.

HOUSING APPEAL BOARD – REAPPOINTMENTS MADE

The City Clerk reported the terms of Priscilla J. Pearce, Karen Taylor and Chessely Robinson, III are expiring. All are eligible for reappointment as far as length of service. Ms. Baldwin moved that the Council suspend the rules and reappoint the three 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.

PARKS, RECREATION AND GREENWAY ADVISORY BOARD – SHANE MELLIN – REAPPOINTMENT – VACANCY ANNOUNCED

The terms of Michael Sursky and Shane Mellin are expiring. Mr. Sursky is not eligible for reappointment as far as length of service. Mr. Mellin is eligible for reappointment as far as length of service and would like to be considered for reappointment.

Ms. Baldwin moved that the Council suspend the rules and reappoint Mr. Mellin by acclamation. Her motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion the motion adopted on an 8-0 vote and announced one vacancy remains.

STORMWATER MANAGEMENT ADVISORY COMMITTEE – CHRISTOPHER BOSTIC – REAPPOINTED

The City Clerk reported the term of Christopher Bostic is expiring. He is eligible for reappointment as far as length of service and would like to be considered for reappointment. Ms.

Baldwin moved the Council suspend the rules and reappoint Mr. Bostic by acclamation. Her 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.

SUBSTANCE ABUSE ADVISORY COMMISSION – EXPIRATION OF TERM ANNOUNCED

The City Clerk reported the term of Trent Canady is expiring. He is eligible for appointment as far as length of service; however, she has not been able to contact him to determine his desires on being considered for appointment. The item will be carried over to the next meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – SEPTEMBER 20, 2016 – APPROVED

Council members received in their agenda packet minutes of the September 20, 2016 Council meeting. Ms. Crowder moved approval as presented. 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.

POLICE DEPARTMENT WEAPONS – EXCHANGE – APPROVED

During the September 20, 2016 council meeting the City council adopted Resolution 2016-378 expressing the intent to exchange certain Police Department weapons for new weapons as outlined in the Resolution. All legal procedures have been followed; therefore, it is recommended that the City council adopt a resolution concluding the property exchange according to N.C.G.S. 160A-271. Ms. Crowder moved approval as presented. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 396.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 2:55 p.m.

Gail G. Smith
City Clerk

jt/CC10-18-16