# COUNCIL MINUTES

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

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

Mayor McFarlane called the meeting to order and invocation was rendered by Pastor Mark Vasconellos, All Nations Church. 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

### CERTIFICATE OF APPOINTMENT – PRESENTATIONS MADE

Mayor McFarlane explained the Certificate of Appointment process and presented a certificate to Arrington Clark who was recently appointed to the Arts Commission and Amy Simes, who was recently reappointed to the Parks, Recreation and Greenway Advisory Board.

### FIRST NIGHT – COMMENTS RECEIVED

Terri Dollar, Program Director of First Night Raleigh, talked about the upcoming 26th First Night Raleigh. She stated it promises to be an exciting event which will be opened by a local band, talked about different events including golf on the plaza, the number of performers, venues and all that is being done to embrace the idea of art for all people. She encouraged all to attend.

Cameron Laws, Marketing Director pointed out this year's poster was created by Propel Marketing Group and presented the plaque and expressed appreciation to the City Council for being strong advocates and supporters of the City's dynamic arts community. She expressed appreciation to Lucy and David Fountain who will be serving as honorary chairs of the event. She acknowledged sponsors which include the Raleigh Arts Commission, NC Arts Council, WRAL Capital Broadcasting, Duke Energy, Fidelity Investments, Carolina Hurricanes, News and Observer, Pepsi Bottling Ventures, Citrix, The Glenwood Agency, Tharrington Smith, Wells Fargo, Harris Teeter and CVS. She expressed appreciation to all involved and spoke briefly about the number of activities and called on everyone to check their website and the apps.

## AGENCY GRANTEE PRESENTATION

### AGENCY GRANTEE PRESENTATION – COMMENTS RECEIVED

James Miller, Executive Director of the LGBT Center of Raleigh, Inc., expressed appreciation to the City Council for all they have done in funding of their group for the last five years. He stated the Human Relations Commission and the City of Raleigh does an amazing job funding such great organizations. He talked about the locations of their group which started on Cabarrus Street, then Hillsborough Street and is now located on Harrington Street explaining the moves related to growth of their needs and services. He gave information on their libraries, their partners with various human relations groups, and spoke briefly of the Sage program which is geared to the elderly which the City of Raleigh helps fund. He stated it works on the premises that no one should age alone or without resources. He talked about many programs for youth, etc., and touched on the 22 – programs they fund including HIV testing, and how proud he is of the City of Raleigh which he labeled as extremely progressive and knows how to take care of its people. He again expressed appreciation to the City of Raleigh, Mayor and City Council for helping fund their 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 from Council Member Crowder to withdraw the Cameron Village/Hillsborough Street Small Area Plan. Mayor McFarlane stated she had also received a request from Administration to withdraw the item Flood Storage Easement – CalAtlantic Homes, Flood Hazard Map Revisions – New Hope Tributary and No Parking Proposal on North Boundary Street. Those three items will come back at the appropriate time. Without objection the items were withdrawn from the consent agenda. Ms. Baldwin moved approval of the consent agenda as amended. 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 adopted on an 8-0 vote. The items on the consent agenda were as follows.

### HOLIDAY SCHEDULE – 2018 – APPROVED

Council Members received in their agenda packet the proposed holiday schedule for 2018. The schedule includes 12 official holidays where city offices will be closed. The schedule aligns with the official holiday schedule of the State of North Carolina and is as follows:

| HOLIDAY | DATE | DAY OF WEEK |
|---|---|---|
| New Year's Day | January 1, 2018 | Monday |
| Martin Luther King, Jr. Birthday | January 15, 2018 | Monday |
| Good Friday | March 30, 2018 | Friday |
| Memorial Day | May 28, 2018 | Monday |
| Independence Day | July 4, 2018 | Wednesday |
| Labor Day | September 3, 2018 | Monday |
| Veteran's Day | November 12, 2018 | Monday |
| Thanksgiving | November 22 & 23, 2018 | Thursday & Friday |
| Christmas | December 24, 25 & 26, 2018 | Monday, Tuesday & Wednesday |

**Recommendation**: Approve the schedule. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**TEXT CHANGE – GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT – STAFF AUTHORIZED TO PREPARE TEXT CHANGE FOR REFERRAL TO THE PLANNING COMMISSION**

At City Council work sessions on May 10 and October 11, staff provided updates on implementation of the Green Infrastructure and Low Impact Development (GI/LID) work plan, approved by the City Council March 2015. These updates provided information on the work of the two parallel stakeholder work groups and various other focus groups to address priority items of the work plan. Recommendations of the work groups are summarized in a staff memorandum to the City Council dated May 4, 2016 and in individual work group reports previously provided to Council.

Among the recommendations of the work groups and staff are a number of text changes to the Unified Development Ordinance (UDO), other ordinances, and associated manuals and handbooks intended to reduce real and perceived impediments to the use of GI/LID practices. For projects that incorporate GI/LID practices, the text changes and policy adjustments will provide for improved definition of acceptable practices and more predictable processes for development plan review and permitting. Example text change language was recommended by the Code Review work group, and generally fall within the following topic areas:

- Practices within building and parking setbacks
- Plant materials and tree planting
- Streetscape types
- Stormwater control measures
- Stream buffers
- Street and sidewalk improvements

Following authorization the Planning Commission will review proposed text changes to the UDO and make recommendations to the City Council. In addition, other ordinances and design handbooks will be adjusted to remain consistent with the amended UDO. Following conclusion of these parallel processes, a package of proposed changes will be provided to the City Council for review and scheduling of a public hearing.

**Recommendation**: Authorize staff to prepare the text changes and refer to the Planning Commission for review and recommendation. Authorize amendments to ordinances as appropriate as well as updates to the Street Design Manual, the Stormwater Management Design Manual, and the Public Utilities Department Handbook. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**SURPLUS PROPERTY – 0 SOUTH STATE STREET – DECLARED - OFFERED FOR SALE**

Two properties located at 0 South State Street have been identified by the Housing & Neighborhoods Department as surplus properties. The properties are non-buildable, are not located in a redevelopment area nor part of any ongoing studies currently being conducted by the City. Sheffield Capital Group, LLC has submitted an initial bid of $8,000 for both parcels. The proposed use of the sites will be for access from South State Street to benefit residential development of the adjacent properties that will be regulated by the current R-10 zoning classification. Applicable City departments have reviewed the properties and have no objection to the disposition. A report was included with the agenda packet.

**Recommendation**: Declare the properties, having Wake County REID 0066142 and REID 0066143 and being located at 0 South State Street, as surplus real property available for sale and accept the bid of $8000 from Sheffield Capital Group, LLC, subject to the negotiated offer and upset bid process, with the condition that the winning bidder pay all advertising costs accrued during the upset bid process and that the winning bidder dedicate at closing a 20-foot, permanent stormwater drainage easement over existing public infrastructure on the properties. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**SURPLUS PROPERTY – 13 DART LANE – DECLARED - OFFERED FOR SALE**

Property located at 13 Dart Lane has been identified by the Housing & Neighborhoods Department as surplus property. The property is not located in a redevelopment area nor part of any ongoing studies currently being conducted by the City. David C. Jones has submitted an initial bid of $30,000 for the property, which is consistent with the recently reassessed tax value. The proposed use of the sites will be for residential development that will be regulated by the current R-10 zoning classification. Applicable City departments have reviewed the property and have no objection to the disposition. A report was included with the agenda packet.

**Recommendation**: Declare the property, having Wake County REID 0074153 and being located at 13 Dart Lane, as surplus real property available for sale and accept the bid of $30,000

from David C. Jones, subject to the negotiated offer and upset bid process, with the condition that the winning bidder pays all advertising costs accrued during the upset bid process. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**SOUTHERN GATEWAY CORRIDOR PLAN – REFERRED TO PLANNING COMMISSION**

The project report for the Southern Gateway Corridor Plan and attendant comprehensive plan amendments are ready for review. The documents can be accessed at:

http://www.raleighnc.gov/business/content/PlanDev/Articles/UrbanDesign/SouthernGateway.html

The report and plan amendments are the outcome of an 18 month planning and public engagement process which commended in the spring of 2015. The November 2016 draft plan report incorporates revisions to the August public review draft to address public comments.

The report provides a vision and recommendations that:

- Establish a development strategy that maximizes the study area's economic potential
- Develop an attractive image and character that protects, enhances, and transforms the corridor
- Improve transportation and transit to address local interconnectivity while continuing to serve a regional role and
- Improve connections to the Capital Area Greenway System.

**Recommendation**: Refer the project report and corresponding comprehensive plan amendments to the Planning Commission for review and recommendation. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**DUKE ENERGY PROGRESS – MILBURNIE COMMUNITY PARK – UTILITY EASEMENT – CONVEYED**

A request has been received from Duke Energy Progress for an easement on City property located at 1101 Old Milburnie Road, known as the Milburnie Community Park, for the purpose of relocating existing electrical facilities on the site for maintenance purposes. The Parks, Recreation, and Cultural Resources department is the maintenance manager of the property and is in agreement with the easement request subject to the following conditions:

- Duke Energy Progress is required to contact "U-Loco" prior to the start of the project.
- Duke Energy Progress must provide a Certificate of Insurance.

- Duke Energy Progress shall straw and seed any disturbed areas after project is complete and will get approval/confirmation from the Urban Forester that the critical root zone for nearby vegetation is not impacted.
- Duke Energy Progress shall provide a map showing the approximate location of boring.

Due to the benefits to City property, no monetary consideration from Duke Energy Progress is recommended by staff. A report was included with the agenda packet.

**Recommendation**: Authorize staff to convey the utility easement to Duke Energy Progress, subject to City Attorney approval of the final easement document and fulfillment of specific conditions listed above. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**DEVEREUX MEADOW – 1027 NORTH WEST STREET AND 901 CAPITAL BOULEVARD – INTEREST CONVEYED TO NCDOT CONDITIONALLY**

A request has been received from NCDOT for a right-of-way and easements on City property located at 1027 North West Street and 901 Capital Boulevard, known as the Devereux Meadows property, for the purpose of constructing roadway improvements in connection with the NCDOT Project B-5121: Peace Street Bridge Reconstruction Project. The Engineering Services department is the maintenance manager of the property and is in agreement with the right-of-way and easement request by NCDOT.

As part of the right-of-way and easement agreement, NCDOT will be compensating the City at some point in the future; proceeds from the easement agreement will be incorporated into the next or a future Capital Improvement Program for transportation related projects, dependent upon timing of the reimbursement. Additional information was included with the agenda packet.

**Recommendation**: Authorize staff to convey the property interests to NCDOT, subject to City Attorney approval of the final easement document and approval of the final design by the City Manager or designee. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**STORMWATER QUALITY COST SHARE – 106 EAST DREWRY LANE – PETITION APPROVED**

The Stormwater Quality Cost Share policy provides a funding mechanism for assisting organizations and citizens with improving water quality through the installation of stormwater best management practices on private property beyond what is required by environmental regulations. The practices supported by the policy are aimed at reducing non-point source pollution from stormwater runoff, increasing water conservation measures, minimizing soil erosion, reducing flood damage, and reducing nutrient loads. Since adoption of the policy in 2009, the City Council appropriated $250,000 per year for these projects.

A petition for funding assistance to install 900 square feet of permeable pavers as part of a residential driveway has been reviewed by the Stormwater Management Advisory Commission. When reviewing requests, the Commission considers the estimated project cost, water quality benefits, past requests for similar practices, available funding, and project sustainability. The permeable pavers will reduce pollutant loads to local streams, specifically Crabtree Creek, by slowing and filtering runoff caused by the 900-square feet area and an additional 1500-square feet of impervious area that drains to the pavers. The property owner has agreed to the required ten-year maintenance term for the project. The project is comparable to past requests for permeable pavers in scope and cost. The funding amount recommended is for the "acceptable cost" of the pavers which, per the policy, is the differential cost of the permeable pavers and a traditional paved drive.

The Commission recommends approval of the petition request, with an acceptable cost that totals $8,990 and includes a City contribution in an amount not to exceed $6,743. Funding is appropriated in the capital budget. The City contribution is 75 percent of the acceptable cost. The total cost estimate is based on quotes from several contractors and technical advice from stormwater staff.

**Recommendation**: Approve the cost-sharing petition request with a City contribution at an amount not to exceed $6,743. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**DRAINAGE ASSISTANCE PROGRAM – NEW PROJECTS – APPROVED**

The Stormwater Management Advisory Commission recommends the following three projects for approval and funding in accordance with the provisions of the Storm Drainage Policy as outlined in Resolution 2016-327:

| **Project Location** | **Estimated Project Costs** |
|---|---|
| Dixie Trail | $105,000 |
| Hollirose Place | 250,000 |
| Gary Street* | N/A |
| Total Estimated Project Costs This Period | $355,000 |
| FY17 Drainage Assistance Program Budget | $1,250,000 |
| FY17 Funds Approved to Date | $520,000 |
| FY17 Remaining Drainage Assistance Funds (following this approval) | $375,000 |

* previously funded; Council petition approval in October 2011)

Project information:

**Dixie Trail** – this project involves replacement of existing failing and undersized stormwater infrastructure resulting in severe erosion and limiting residential and emergency access during heavy rain events.

**Hollirose Place** – this project involves structural flooding (crawl space) and poor drainage across several properties and a private street access during heavy rains.

**Gary Street** – this project involves repair to undersized and failing infrastructure (currently resulting in severe erosion and structural flooding of private properties) at the outlet end of the drainage system.

Funding for the projects is appropriated in the capital budget. Anticipated project costs are estimates only and will likely vary as the project moves into detailed design and construction phases.

Upon adoption of the new Drainage Assistance Policy for full project funding in July 2016, citizens with active projects that were previously approved and funded under the prior policy have been given the opportunity to have a project reassessed through the new Stormwater Project Prioritization Model with a request for the project to be fully funded under the new program. Projects must be active (not yet completed or constructed) and owners must be willing to dedicate a permanent public drainage easement over the improvements. Projects are also subject to priority and available funding as typical for any newly identified project on the list.

Residents at Gary Street have resubmitted their project through the new drainage assistance project review process for 100% funding through the Drainage Assistance Program. This project was approved under the previous drainage cost-share policy in October 2011 and funds were encumbered by earlier City Council action. Based on the updated priority ranking and severity, full funding is recommended.

**Recommendation**: Authorize the drainage assistance projects. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**DUKE ENERGY CENTER FOR PERFORMING ARTS/MEMORIAL AUDITORIUM FIRE ALARM AND SPRINKLER SYSTEMS UPGRADES – CITY MANAGER TO CONTRACT WITH SUD ASSOCIATES**

On Jun 14, 2016, three submittals were received for professional engineering services for the Fire Alarm and Sprinkler Systems Upgrades at Duke Energy Center for Performing Arts. The project involves upgrades to the existing fire alarm and sprinkler systems in Memorial Auditorium along with other components and related systems. Funding is appropriated in the capital budget, approved with the FY17 Capital Improvement Program.

Staff evaluated the submittals and selected Sud Associates as the most qualified consultant to complete this work, and a contract has been negotiated in the amount of $405,900.

| | |
|---|---|
| Name of Project: | Fire Alarm and Sprinkler Systems Upgrades at Raleigh Memorial Auditorium |
| Managing Division: | Engineering Services Department – Construction Management |
| Approval request: | Contract award |
| Reason for Council Review: | Contract >$150,000 |
| Vendor Name: | Sud Associates |
| Prior Contract Activity: | N/A |
| Budget Transfer: | N/A |
| Encumbered with this approval: | $405,900 |

**Recommendation**: Authorize the City Manager to execute the contract in an amount not to exceed $405,900. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**POLICE VEHICLE UPFIT - CONTRACT WITH MOBILE COMMUNICATIONS AMERICA, INC./DBA WIRELESS COMMUNICATIONS – APPROVED**

Vehicle upfit services are required to support the department's annual vehicle replacement program. A Request for Proposals process was completed and three vendors submitted responses. Following committee review, the proposal submitted by Mobile Communications America, Inc., dba Wireless Communications, was selected based on experience and expertise in the law enforcement vehicle upfit process. The contract terms are for a 36-month award with two additional one-year renewal options. For services to be performed under this contract, the City shall pay the vendor and amount not to exceed $1,699 per vehicle, with a reduced contract rate for non-patrol vehicles. The total cost for the 36-month contract will not exceed $450,235.

Two optional one-year extensions are included in this contract, not to exceed $152,910 per additional year. The total cost for the two option years is $305,820. The total cost of the five-year contract, assuming the contract is renewed for the additional two years, will not exceed $756,055, and funding is appropriated in the operating budget.

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

**D.E. BENTON WATER TREATMENT PLANT DEWATERING FACILITIES – HDR ENGINEERING AMENDMENT #2 – APPROVED**

Proposals were accepted for the Wrenn Road Dewatering Facility on February 26, 2015. HDR Engineering, Inc. of the Carolinas was the selected firm to complete a "Further Investigative Alternatives" phase in the amount of $92,000 with the intent that design and construction

administration services would be added once the scope of work was more clearly defined. The dewatering facility originally was to be built along with the D.E. Benton Water Treatment Plant for long-term handling of residuals, but was not constructed with the original plant due to budget constraints. The dewatering facility was subsequently evaluated for installation at the Wrenn Road Wastewater Facility in order to utilize the existing lagoon and spray irrigation site; however construction of a dewatering facility at this site would require the installation of public water and sewer facilities that would increase construction costs.

The Further Investigative Alternative Technical Memorandum, prepared by HDR Engineering of the Carolinas, evaluated the differences between the two sites and specific site design elements. Present value analysis recommends building the facility at the D.E. Benton Water Treatment Plant site. Amendment number one extended the original contract in time only. Amendment number two in the amount of $1,018,300 will provide consulting services for the design and construction administration phase for the construction project.

| Contract History: | |
|---|---|
| Name of Project: | D.E. Benton Water Treatment Plant Dewatering Facilities |
| Managing Division: | Public Utilities – Capital Improvements Division |
| Approval request: | Contract amendment |
| Reason for Council review: | Contract award >$150,000 policy |
| Vendor: | HDR Engineering, Inc. of the Carolinas |
| Prior Activity: | $92,000 (administrative) |
| Amendment Number One: | $0 (administrative to extend time only) |
| Amount of this Amendment: | $1,018,300 |
| Encumbered with this Approval: | $1,110,300 |

**Recommendation**: Authorize the City Manager to execute the contract amendment with HDR Engineering, Inc. of the Carolinas in an amount not to exceed $1,018,300. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**E-PROCUREMENT SOFTWARE – SCIQUEST, INC. – AMENDMENT #2 – APPROVED**

Public sector organizations use electronic procurement (e-procurement) to achieve benefits such as increased efficiency and cost savings, acquiring goods and services faster and at less cost, and for improved transparency in procurement services. E-procurement in the public sector has seen rapid growth in recent years. Following implementation of the Enterprise Resource Planning (ERP) system in 2009, the SciQuest e-procurement software was implemented to enhance the e-procurement capabilities that exist in the Oracle PeopleSoft product.

The SciQuest e-procurement business application interfaces with the ERP system and provides a marketplace based procurement functionality for procurement; this application is now a core

component of the "procure-to-pay" processes and provides multiple operational efficiencies and cost savings.

In order to continue use of the e-procurement application, a software license agreement renewal is necessary. Staff recommends an amendment to the existing contract for one additional year with the option to renew for two additional one-year periods in an amount not to exceed $288,350 annually or $865,050 in total over the three-year period. The original contract term is for five-years and is scheduled to expire in January 2017.

Cost associated with the current five-year contract term has been $238,350 annually; the annual increase of $50,000 will accommodate additional licensing for supplier growth over the next three-years. First year funding is appropriated in the operating budget.

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|---|---|
| Name of Project: | Annual Software License |
| Managing Division: | Information Technology |
| Reason for Request: | Contract amendment (contract amendments >$150,000) |
| Cause of Contract Amendment: | Extend term of original contract for up to three years |
| Vendor: | SciQuest, Inc. |
| Prior Contract Activity: | Original contract amount $533,225 |
| Amendment One (administrative): | $63,929 |
| Currently Encumbered: | $0 |
| Amount of this Contract Amendment: | $288,350 annually |

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

**RIVER BEND PARK – CLH DESIGN, P.A. – AMENDMENT #1 – APPROVED**

CLH Design, P.A. has an existing contract to perform planning and landscape architectural services for the River Bend Park project. The initial scope of work included the park master plan, which has been completed. In order to implement the first phase of the park master plan, the professional services contract needs to be amended to incorporate the schematic design, construction documentation, and construction administration phases of the project. Funding is appropriated in the capital budget.

Contract History:

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|---|---|
| Name of Project: | River Bend Park (formerly known as the Perry Creek/5401 Property) |
| Managing Division: | Park Development and Communications |
| Request Reason: | Contract amendment >$150,000 (policy) |
| Vendor: | CLH Design, P.A. |
| Prior Activity: | $75,000 (administrative) |

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|---|---|
| Current Contract Amount: | $75,000 |
| Budget Transfer: | N/A |
| Amount of this Amendment: | $209,000 |
| Total Contract Amount with Approval: | $284,000 |

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

**WALNUT CREEK ATHLETIC COMPLEX PHASE TWO – KIMLEY-HORN AND ASSOCIATES, INC. – AMENDMENT THREE – APPROVED**

The Walnut Creek Soft Ball Complex (WCSBC) was originally developed in 1992 on the site of a former wastewater treatment plant and has since had tremendous impacts for the softball community. Housing nine lighted softball fields capable of accommodating youth fast-pitch to adult men slow-pitch programs, WCSBC quickly became a destination facility for the region. The complex has served two primary roles over the last 20 years: 1) Host venue for adult softball programs where more than 800 athletes play nightly over two league seasons each year; 2) As a tournament destination for all varieties of competitive softball, generating an estimated $2.5 million annual economic impact. WCSBC has been the host for the NCAA Division III Softball Championships, NCHSAA Softball Championships, PONY Championships, North Carolina State Games and the NCSU, Shaw University and St. Augustine University softball teams. In total the complex hosts 36-40 weekend tournaments in addition to annual spring and fall league competition programs. Five million dollars was allocated as part of the 2014 Parks Bond for major renovation of the aging complex.

Kimley-Horn and Associates, Inc. was awarded a professional services contract to conduct the Feasibility Study phase of the project; in order to implement the design and construction phases a contract amendment is necessary which includes contract documentation, plans and specifications, permitting, bidding and project administration. Upon design completion, project administration will transition from the Parks, Recreation and Cultural Resources Department to the Engineering Services Department for construction oversight and administration, in accordance with the organizational realignment and reassignment of responsibilities effective July 1. Funding is appropriated in the capital budget.

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|---|---|
| Name of Project: | Walnut Creek Athletic Complex Improvements |
| Managing Division: | Park Development and Communications |
| Approval Requested: | Professional services contract amendment |
| Reason for Council Review: | Contract amendment >$150,000 |
| Original CIP/Bond Project Budget: | $5,000,000 |
| Overall Design Budget Estimate: | $798,000 (16 percent of project budget) |
| Vendor: | Kimley-Horn and Associates, Inc. |
| Prior Contract Activity: | $148,000 feasibility study |
| Encumbered with this Approval: | $650,000 architectural and engineering design |
| New Project Budget: | $5,000,000 |

Budget Transfer Required: N/A

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

**INVESTMENT CONSULTING – GRAYSTONE CONSULTING AMENDMENT #3 – APPROVED**

The City utilizes the services of Morgan Stanley Smith Barney, LLC via the Graystone Consulting business to provide investment consulting services for three of the City's investment funds: Other Post-Employment Benefits (OPEB) Trust; Law Enforcement Officers' Special Separation Allowance (LEOSSA); and the Capital Reserves and Risk Reserves Fund. Based upon an evaluation of a new State of North Carolina investment option available to local governments, it is anticipated that all or a portion of the OPEB, LEOSSA, and Reserves Funds will be transferred to the State's Ancillary Government Participant Investment Program by March 2017. Therefore, it is necessary to have the current services with Graystone Consulting continue from the current contract expiration date on December 31, 2016 until final arrangements are made and the new contract with the State of North Carolina is completed. A month-to-month contract extension with the same fee structure is recommended.

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|---|---|
| Name of Project: | Investment Consulting Services |
| Managing Division: | Finance – Treasury |
| Approval Requested: | Contract amendment |
| Reason for Council Review: | Contract expiration |
| Vendor: | Graystone Consulting (Morgan Stanley Smith Barney, LLC) |
| Prior Contract Activity: | Original contract – (12/1/2009) three-year term, with option of two additional one-year extensions<br>First extension – (1/1/2013) one-year term, with option of one-year additional one-year extension<br>Second extension – (1/1/14) one-year term extension Contract amendment number one – (1/1/15) one-year term extension<br>Contract amendment number two – (1/1/16) one-year term extension |
| FY17 Budget: | $100,000 |
| Currently Encumbered: | $50,000 |
| Amount of this Contract Amendment: | $25,000 ($25,000 – FY17 – Jan-March 2017) |
| Encumbered with this Approval: | $75,000 |

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

**INVESTMENT MANAGEMENT SERVICES – WEAVER C. BARKSDALE & ASSOCIATES, INC. – AMENDMENT NUMBER TWO – APPROVED**

The City utilizes the services of Weaver C. Barksdale & Associates, Inc. to provide fixed income investment management services for two of the City's three long-term investment funds: the Other Post-Employment Benefits (OPEB) Trust and the Capital Reserves and Risk Reserves funds. Weaver is one of the fund managers recommended by the current Investment Consultant, Graystone Consulting. Based upon the evaluation of a new State of North Carolina investment option available to local government, it is anticipated that all or a portion of the OPEB and Reserves Funds will be transferred to the State's Ancillary Government Participant Investment Program by March 2017. Therefore, it is necessary to have the current services with Weaver Barksdale continue from the current contract expiration date on December 31, 2016 until final arrangements are made and the new contract with the State of NC is completed. A month-to-month contract extension with the same fee structure is recommended.

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|---|---|
| Name of Project: | Investment Management Services |
| Managing Division: | Finance – Treasury |
| Approval Requested: | Contract amendment |
| Reason for Council Review: | Contract expiration |
| Vendor: | Weaver C. Barksdale & Associates, Inc. |
| Prior Contract Activity: | Original contract – (1/1/2010) administrative approval Contract amendment number one – (3/24/16) amended as accumulated fees would exceed $150,000 contract threshold in FY16; extended contract through December 2016 |
| FY17 Budget: | $26,000 |
| Currently Encumbered: | $13,000 |
| Amount of this Contract Amendment: | $6,500 ($6,500 – FY17 – Jan-March 2017) |
| Encumbered with this Approval: | $19,500 |

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

**SHERATON RALEIGH HOTEL – LICENSE AGREEMENT – 421 SOUTH SALISBURY STREET – APPROVED CONDITIONALLY**

Raleigh Hotel XXIX Owner, LLC, owner of the Sheraton Raleigh Hotel, has plans for exterior maintenance to the building. The improvements include exterior caulking and replacement of glass and window components on the southeast façade of the building. The work requires a portion of City Plaza to be covered to provide overhead protection, including and limited to mobile scaffolding placement along a portion of the southeast wall of the Sheraton Hotel Building.

Deviations from the extent of this protective scaffolding and the scheduling of unexpected or more substantial work will be coordinated with the Special Events Office. To complete the work the owner is requesting a temporary construction license.

**Recommendation**: Authorize the City Manager to execute a temporary license agreement following finalization of terms by the City Manager and City Attorney. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**PERSONNEL – RECLASSIFICATION IN TRANSPORTATION DEPARTMENT – APPROVED**

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

Transportation

Maintenance Worker III, vacant position, (Job Code 004405; PG 27; Position Control Number 00003300) to Construction Projects Coordinator (Job Code 001015; PG 34). The reclassified position will coordinate projects through planning, site acquisition, consultant selection, contract negotiation, project design and development, bidding, contract award, and project completion and acceptance stages.

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

**ENCROACHMENT – ST. ALBANS/CAMELOT/EASTROWAN/BENSON DRIVE/ DRESSER COURT AND CHURCH AT NORTH HILLS STREET – APPROVED CONDITIONALLY**

A request has been received from Celito CLEC, LLC to install 12,900 linear feet of underground fiber optic cable and thirty two hand holes. A report was included with the agenda packet.

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

**ENCROACHMENT – 2622 WELLS AVENUE – APPROVED**

A request has been received from Tara Kreider to install a decorative stone wall. A report was included with the agenda packet.

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

**BUDGET AMENDMENTS AND TRANSFERS – VARIOUS – ORDINANCE ADOPTED**

Council Members received in their agenda packet a list of budget amendments and transfers that are needed to cover items on the agenda today. The information included code accounts and reasons for the amendments.

**Recommendation**: Approval of the budget amendments and transfers. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 649 TF 288.

**CONDEMNATION – ROCK CREEK SEWER IMPROVEMENT PROJECT – RESOLUTIONS ADOPTED**

The Rock Creek Sewer Improvements Project is part of the 10-year Capital Improvements Plan to replace aging and failing water and sewer lines. This project area runs along Rock Creek Drive from West Drewry Lane to Six Forks Road. Frequent sanitary sewer overflow instances and tree roots surrounding the sewer pipe serve as the primary reasons for this project. Additional development upstream has also put a strain on the existing undersized pipe system in this area. This project consists of replacing about 3,200 linear feet of eight-inch clay pipe with a combination of 16-inch PVC and ductile iron sewer pipe. Easements were necessary from approximately 33 property owners within the project area to perform the sewer upgrade work. Negotiations have been unsuccessful with the following property owners to acquire the easements needed.

| PROPERTY OWNER | ADDRESS |
|---|---|
| Ralph D. and Lisa W. Coffey | 3626 Rock Creek Drive |
| James N. and Gina R. Sarant | 3620 Rock Creek Drive |
| Stanford D. and Anna L. Baird | 3614 Rock Creek Drive |

**Recommendation**: Adopt resolutions of condemnation. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Resolutions 424, 425 and 426.

**BROCKTON DRIVE LAKE AND DAM PROJECT PHASE I – BID AWARDED TO CAROLINA CIVILWORKS, INC.**

The Brockton Drive Lake and Dam project is a system consisting of two lakes in series with earthen dams impounding each lake. Both dams have been overtopped several times resulting in structural failure. Overtopping of the lower lake dam has resulted in significant undercutting and erosion of the downstream slope with the most substantial damage noted in 2006 following Tropical Storm Alberto. Structural flooding has also been reported for the community clubhouse

and private residences around the lakes. Both dams and the adjacent private residences experiencing flooding are located in a FEMA regulated floodway and/or floodplain. The project is being bid and constructed in two phases, with Phase I addressing the upper lake and dam and Phase II addressing the lower lake and dam.

This bid encompasses all the work necessary to complete Phase I of the project including: rehabilitation of the upper lake dam to prevent structural failure by removing and replacing the existing nonfunctional riser/barrel structure with a flow-through, three-foot by six-foot box culvert; reducing the frequency and severity of flooding to adjacent structures during smaller storm events and improving water quality by removing sediment, establishing the upper lake as an engineered, free-flowing natural channel, and installing in-stream structures to reduce shear stress; restoring a 50-foot buffer along both banks of the channel with riparian seed and plantings; and, repair and replacement of ancillary stormwater drainage and sanitary sewer piping within the project work area. Carolina Civilworks, Inc. submitted the lowest responsible and responsive bid in the amount of $1,538,615, which is 55 percent over the engineer's cost estimate of $988,270. Carolina Civilworks, Inc. proposes 15.97 percent Minority Women Business Enterprise (MWBE) participation.

The adopted capital budget included funding for this project in the amount of $1,173,432; transfers from other projects in the amount of $425,183 are necessary to fund the shortfall associated with the bid results. Funding is available from the following projects; accounting details are included with the agenda packet:

1. **Dixon Drive** – The original project budget called for total replacement of the culvert structure; upon further investigation it was determined that the existing culvert could be rehabilitated resulting in a reduction in project scope and cost.

2. **Northshore Lake and Dam Rehabilitation** – Staff was able to reduce quantities and scope during the construction of the lake to be able to realize a reduction in overall construction costs of approximately $383,000.

| | |
|---|---|
| Name of Project: | Brockton Drive Lake and Dam Project Phase I |
| Managing Division: | Engineering Services – Stormwater Management |
| Approval Request: | Bid award |
| Reason for Council Review: | Formal bid award |
| Original CIP Budget: | $1,173,432 |
| Available CIP Budget: | $1,173,432 |
| Construction Bid Award: | $1,538,615 |
| Vendor: | Carolina Civilworks, Inc. |
| Prior Contract Activity: | None |
| Budget Transfer: | $425,183 |
| Encumbered with this approval: | $1,538,615 |

**Recommendation**: Award the bid to Carolina Civilworks, Inc. in an amount not to exceed $1,538,615. Authorize the City Manager to execute the contract and authorize a budget transfer in the amount of $425,183. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 649 TF 288

**ROCK CREEK SEWER IMPROVEMENTS – BID AWARDED TO PARK CONSTRUCTION OF NC INCORPORATED**

Five construction bids were received November 10, 2016 for the Rock Creek Sewer Improvement project. The project will replace the existing eight-inch sewer lines along Rock Creek in the City of Raleigh jurisdiction. The project will install approximately 3,237 linear feet of 16-inch sewer lines. The project is funded through the water and sewer main replacement program that replaces aging and undersized mains in the older areas of the merger towns and City.

Reach Construction of Raleigh, NC had the low bid in the amount $2,148,123. However, the Reach Construction bid was deemed nonresponsive due to use of the incorrect bid form. The City Attorney's office was consulted and Reach Construction was notified that the bid would be ruled nonresponsive. Reach has acknowledged the staff determination and will not contest the decision.
In accordance with state statutes, staff recommends the bid be awarded to the next lowest bidder, Park Construction of NC, Inc., in the amount of $2,167,326 with a 15 percent Minority and Women Enterprise (MWBE) participation.

| | |
|---|---|
| Name of Project: | Rock Creek Sewer Improvements |
| Managing Division: | Public Utilities – Capital Improvements Division |
| Approval request: | Bid award |
| Reason for Council review: | Formal bid award |
| Original CIP Budget: | $6,300,000 (program budget) |
| Construction Bid Award: | $2,167,326 |
| Vendor: | Park Construction of NC, Inc. |
| Prior Contract Activity: | N/A |
| Encumbered with this approval: | $2,167,326 |

**Recommendation**: Award the bid to Park Construction of NC, Inc., in the amount not to exceed $2,167,326. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**DOROTHEA DIX PARK – SOIL REMEDIATION – BID AWARDED TO CONTAMINANT CONTROL, INC. – BUDGET AMENDED**

Pursuant to Section 26(b) and Exhibit A-1and J of the City's purchase contract with the State of North Carolina, both parties agreed to work together to remediate a location on the Dix Campus referred to as "Area 5 North". Contactors were pre-qualified and the City issued bids for soil

remediation services. Four contractors submitted bids for the work and after a thorough review the apparent low bidder was identified as Contaminant Controls, Inc. (CCI). The bid total and award is for $525,000. CCI has 15 percent Minority and Women-owned Business (MWBE) participation within this project. The initial lower bidder, A&D Environmental, withdrew their bid. City Council was notified via Manager's Update No. 2016-44 (November 4).

Staff has included additional funds which total $211,000 as a part of the budget amendment to cover soil disposal costs, a 10 percent project contingency, pumps, tanks, and asphalt repair as needed. Funds will be allocated from fund balance in the Parks capital program, the result of a favorable bond sale in 2015 which yielded additional bond cash. To date these additional funds have not been budgeted. As a part of the purchase agreement with the State of North Carolina both parties agreed to share in the costs for this remediation. The agreed upon budget estimate was $1,200,000. Upon completion of work, the City will seek reimbursement from the State of North Carolina based final cost accounting of the project. Reimbursement is capped at $600,000 pursuant to the purchase agreement.

| | |
|---|---|
| Name of Project: | Dorothea Dix Park Area 5N Soil Remediation |
| Managing Division: | Park Development and Communication |
| Request Reason: | Bid award |
| Original CIP Project Budget: | N/A |
| Design Estimate: | $1,200,000 |
| Vendor: | Contaminant Controls, Inc. (CCI) |
| Prior Contract Activity: | N/A |
| Budget Amendment: | $736,000 |
| New Project Budget: | $736,000 |
| Currently Encumbered (% of estimate): | N/A |
| Amount of this Contract: | $525,000 |
| Encumbered with this Approval: | $525,000 |

**Recommendation**: Award the bid to Contaminant Controls, Inc. Authorize the City Manager to execute the contract and authorize a budget amendment in the amount of $736,000. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 649 TF 288.

**DURANT NATURE PARK – CAMPBELL LODGE – HVAC AND ADA IMPROVEMENTS – BID AWARDED TO SCOTIA CONSTRUCTION – TRANSFER AUTHORIZED**

The Durant Nature Park, Campbell Lodge HVAC and ADA Improvements project was publicly bid on November 15, 2016 and six bids were received. Scotia Construction, Inc. submitted the lowest bid of $999,200, including the base bid and one alternate. Minority and Women-owned Business Enterprise participation is 16 percent.

Improvements at Durant Park were specifically budgeted for Campbell Lodge within multiple capital maintenance budget categories, therefore a transfer totaling $1,043,000 is necessary for

the bid award, establishment of a project contingency in the amount of 13 percent, and consolidation of prior appropriations into a single capital maintenance project; accounting details were included with the agenda packet.

| | |
|---|---|
| Name of Project: | Campbell Lodge HVAC and ADA Improvements |
| Managing Division | Park Development and Communication |
| Approval Request: | Bid award |
| Reason for Council Review: | Formal bid award >$500,000 and fund transfer >$50,000 |
| Original CIP/Bond Budget: | $1,043,000 |
| Construction Budget: | $1,043,000 |
| Construction Bid Award: | $999,200 |
| Vendor: | Scotia Construction, Inc. |
| Budget Transfers (to consolidate): | $1,043,000 |
| Encumbered with this Approval: | $999,200 |

**Recommendation**: Award the bid to Scotia Construction, Inc.in an amount not to exceed $999,200. Authorize the City Manager to execute the contract and authorize a budget transfer in the amount of $1,043,000. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED**

The agenda presented the recommended changes in the traffic code which would become effective seven days after Council action.

Speed Limit Reduction – Various

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Deer Track Drive, Mill Ridge Road, Old Fox Trail, Old Hundred Road, River Birch Drive, St. Ledger Drive, Thorn Ridge Road, and Three Bridges Circle in the Hampton Oaks Subdivision. All of these roads are classified as Neighborhood Local and are constructed to typical residential street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75 percent of the residents or property owners along each street in support of the speed reduction request.

No Parking Zone – Mantua Way

It is recommended that a No Parking Zone be established on Mantua Way in the New Hope Crossing Homeowners Association (HOA). A request was received from the New Hope Crossing HOA to install a No Parking Zone in the cul-de-sac at the end of Mantua Way in order to provide adequate distance for Solid Waste and Emergency vehicles to maneuver and access the residences of this community. The cul-de-sac has a conjoining island, which only leaves one lane of travel, and when cars are parked it becomes impassible for larger vehicles. The proposed change will alleviate this issue.

**Recommendation**. Approve as recommended and authorize the appropriate changes in the traffic code as included in the agenda packet. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 650.

END OF CONSENT AGENDA

**SMALL AREA PLANS – CAMERON VILLAGE AND HILLSBOROUGH STREET – REFERRED TO PLANNING COMMISSION AS AMENDED**

The project report for the Cameron Village-Hillsborough Street Small Area Plans and attendant comprehensive plan amendments are ready for review. These documents are the product of a two-year planning and public engagement process which commenced in 2014.

The plan provides a vision for future growth and development in the thriving Cameron Village and Hillsborough Street areas and identifies seven key strategies that will contribute to a continued high quality of life:

- Complete Pedestrian and Bicycle Networks
- Improve and Expand Parks and Open Space
- Increase Transit Options
- Distribute and Calm Traffic
- Plan for Adequate and Accessible Parking
- Zone for the Future
- Promote Quality Design

In addition to these strategies, the plan makes recommendations for enhancing the unique character of each distinct district in the plan area and identifies concrete actions as part of a robust implementation strategy.

**Recommendation**: Refer the project report and comprehensive plan amendments to the Planning Commission for review and recommendation.

Council Member Crowder indicated she pulled this item as she would like for the Council to provide guidance to the Planning Commission before they begin their review. She stated in talking with staff she feels and staff agrees that there should have been a more focused effort to engage residents and property owners of the Method neighborhood in the public process for this project. Council Member Crowder stated she is concerned that there was no opportunity for Method constituents to inform the process and outcomes; therefore, she would make a motion for the land use recommendations west of Faircloth and Gorman Street be removed from the area plan as well as the comprehensive Plan amendments and to refer the project report and Comprehensive Plan amendments as amended to the Planning Commission for review and recommendation. Her 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.

## REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

**REZONING TC-18-16 - ANIMAL CARE/LIMITED USE IN OX DISTRICT – PUBLIC HEARING AUTHORIZED**

This request amends Sections 6.1.4. of the Part 10A Raleigh Unified Development Ordinance to amend the Allowed Principal Use Table to add "Animal care (indoor)" as a Limited Use in the Office Mixed Use (OX) district.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of January 3, 2017.

Mr. Thompson moved approval. 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.

**TC-21-16 – SINGLE UNIT LIVING/MH DISTRICT – PUBLIC HEARING AUTHORIZED**

This request amends Sections 4.5.1 and 6.1.4 of the UDO to permit single-family detached homes to be constructed on pre-existing lots within the Manufactured Housing (MH) District provided setback and lot criteria for the R-6 zoning district is maintained.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of January 3, 2017.

Mr. Thompson moved approval. 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.

**REZONING Z-27-16 – ALEXANDER DRIVE – PUBLIC HEARING AUTHORIZED**

This is a request rezone property from Planned Development (PD) to Office Mixed Use-Five Stories-Parking Limited-Conditional Use (OX-5-PL-CU).

The proposal is consistent with the Comprehensive Plan and Future Land Use Map. The proposal is consistent with the Urban Design Guidelines and would focus development within a City Growth Center.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of January 3, 2017.

Mr. Thompson moved approval of the January 3, 2017 public hearing. 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.

**REZONING Z-23-16 – POOLE ROAD – TIME EXTENSION GRANTED**

This is a request rezone property from Residential-6 (R-6) to Commercial Mixed Use – 3 stories – Conditional Use (CX-3-CU).

The Commission is requesting a 60-day time extension to complete its review of this case. The Commission's current time frame expires on January 9, 2017. A 60-day time extension will provide the applicants, neighbors, CAC and the Commission opportunity to work on addressing remaining issues associated with this proposal. Four regular Commission meetings are scheduled within the requested extension period.

Mr. Branch moved approval. 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.

**REZONING Z-31-16 – CUMBERLAND STREET – JANUARY 3, 2017 PUBLIC HEARING APPROVED**

This is a request Rezone property from R-10 to CX-3.

While the request is inconsistent with the Comprehensive Plan and Future Land Use Map, it would correct an existing non-conformity and would allow for reinvestment in the property. Redevelopment would likely trigger requirements for protective yards adjacent to residential properties. The CAC supported the request, and petitions in support were provided.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of January 3, 2017.

Mr. Thompson moved approval of the January 3, 2017 public hearing. His motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative.

**REZONING Z-30-16 – VARSITY DRIVE TO BE PLACED ON JANUARY 3, 2017 AGENDA AS A SPECIAL ITEM**

This is a request rezone property from Neighborhood Mixed Use – 4 Stories – Conditional Use with Special Residential Parking Overlay District (NX-4-CU w/SRPOD) to Residential Mixed Use – 5 Stories – Green Frontage – Conditional Use with Special Residential Parking Overlay District (RX-5-GR-CU w/SRPOD).

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

The proposal would be beneficial in that it would locate housing for students along a transit corridor.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of January 3, 2017.

It was pointed out the applicant is asking that the item be held in order to provide signed conditions. Without objection, the Council agreed to place the item on the January 3, 2017 agenda as a special item.

## SPECIAL ITEMS

### OUTDOOR PLAZAS – OPTION 4 APPROVED; INFORMATION TO BE PROVIDED

At the June 7 meeting City Council indicated they would like to explore options for activation of the three downtown plazas (Market, Exchange, and City plazas). This was in response to changes to City Code that distinguished the plazas from the public sidewalk for the purposes of outdoor seating. The City Council recently removed the ability for administratively approved outdoor dining permits within these three plazas. The plazas have unique features that provide a level of public activation and interaction beyond the typical sidewalk space in the downtown core. Given these differences, it was determined that activation and use of the plazas requires a higher level of scrutiny.

As directed by City Council, a group of stakeholders from the Office of Emergency Management and Special Events, the Urban Design Center, the Greater Raleigh Convention and Visitors Bureau, and the Downtown Raleigh Alliance met to develop options for Council to consider for the activation of these spaces. The goal is to highlight Market, Exchange, and City plazas as active focal points of downtown and create spaces that are accessible to the three main user groups: tourists, residents, and commercial businesses.

Included with the agenda packet was a memorandum which outlines and updates the pilot projects for activating Exchange and Market Plazas, which includes the concepts of the Program Our Plazas and Block2 Video Series. The memorandum also discusses issues with outdoor seating in City Plaza, and outlines various options should Council desire to proceed with an outdoor seating program for the plaza.

If Council desires to commence with outdoor seating as a plaza activation activity at this time, then staff would highlight consideration of Option Four as outlined in the memorandum. This option provides for a time-limited pilot outdoor dining in one plaza, and would provide for additional time to study the impacts.

**Recommendation**: Receive as information. Should Council desire to proceed with an outdoor seating program, authorize the City Manager to enter into a license agreement with the business to permit outdoor seating and dining within a designated portion of City Plaza for a limited, six month timeframe.

Derrick Remer, Emergency and Special Events Manager, highlighted the following report.

On behalf of the outdoor plazas committee, please accept this status report and options for additional programming in the plazas. In an effort to find the appropriate level of activation, the group continues to seek new and innovative uses for the plazas.

Background

At their June 7, 2016 meeting City Council indicated they would like to explore options for the activation of the three downtown plazas (Market, Exchange, and City Plazas). This was in response to changes to City Code that distinguished the plazas from the public sidewalk for the purposes of outdoor seating. The City Council recently removed the ability for administratively approved outdoor dining permits within these three plazas. The plazas have unique features that provide a level of public activation and interaction beyond sidewalk space. Given these differences, it was determined that activation and usage of the plazas require a higher level of scrutiny. As directed by City Council, a group of stakeholders from the Office of Emergency Management and Special Events, the Urban Design Center, the Greater Raleigh Convention and Visitors Bureau (GRCVB), and the Downtown Raleigh Alliance (DRA) met to develop options for Council to consider for the activation of these spaces. The goal is to highlight Market, Exchange, and City Plazas as active focal points of downtown and create spaces that are accessible to the three main user groups: tourists, residents, and commercial businesses. With additional input from City Council at their July 12 work session, the work group produced a pilot project for activating Exchange and Market Plazas.

Program Our Plazas (POP) Update

The Program Our Plazas (POP) pilot project has featured a variety of activities over the 16 events held thus far. Activities, occurring on Wednesdays 5:00 p.m. – 8:00 p.m. and Fridays 11:00 a.m.-2:00 p.m., have included: live music, yoga, mobile podcast, vendors- jewelry, soaps, body products, healthy foods, juices, smoothies, and live painting. Approximately 100 people have attended each event and there are 10 more events scheduled for the year, concluding on December 30 with a DRA/Artsplosure partnership that will include art and various activities in Market and Exchange Plazas.

Block2 Video Series Update

The Block2 video series is an installation in Market Plaza that will project a rotating series of movies on the wall of the adjacent First Citizens Bank Building. In addition to the movies, the screen itself at 13 feet tall, 27 feet wide and 18 inches thick, is a visual piece of artwork by a local artist. The work is scheduled for completion in mid-December.

Outdoor Seating as a Plaza Activation Activity

As a result of the POP series and traditional special events, the majority of the vibrancy in these areas is during specific times, leaving an opportunity for additional activation during business and off-business hours of weekdays, which are relatively slower times. The addition of outdoor, full service dining in these areas would maintain a consistent level of vibrancy in these public spaces. This approach could be equally attractive to tourists, residents, and commercial businesses.

The deployment of outdoor seating blurs the lines between private and public spaces. In public plazas, sidewalk seating is an expression of confidence in the public realm as it offers businesses space to expand and patrons to choose to sit outside, thereby activating the plaza during all hours of business operation. Outdoor seating enlivens the pedestrian environment by providing a space to dine in the sun or evening air while enjoying the city skyline, streetscapes, and strolling passersby. Sidewalks and plazas are no longer simply a means to move from one place to another, they have become places unto themselves, places where people want to congregate and experience the City. Outdoor seating puts more eyes on the public realm, activates public spaces, enhances public safety, and creates more opportunities for social interactions that are prime benefits of urban life.

Four Options for Consideration

1. Option one would not incorporate the use of outdoor dining in the public plazas and would direct staff to bring forth options in the future that integrates the findings from the Block2 Video Series and POP programs.
2. Option two would allow for a time-limited pilot of outdoor dining in Market, Exchange, and City Plazas for any business that meets the requirement of use, including direct frontage to the public space. This would potentially make the spaces available for seven restaurants, assuming all conditions were met.
3. Option three would allow for a time-limited pilot of outdoor dining in City Plaza only for any business that meets the requirement of use, including direct frontage to the public space. This would potentially make the spaces available for four restaurants, assuming all conditions were met.
4. Option four would allow for a time-limited pilot of outdoor dining in City Plaza, limited to Z-Pizza. The owner of Z-Pizza has approached the City about use of the area and is willing to pilot the use of the space, assuming all conditions were met.

Any of the aforementioned options would require the parties to enter into a licensing agreement with the City for use of the areas. Generally speaking, the same terms applied to those with regular outdoor seating permits would apply, with additional protections available to the City.

Key Elements of the License Agreement

The license agreement will integrate the design and performance standards of the outdoor seating ordinance and the private use of public spaces handbook and include these key features:

- Definition: Outdoor seating is dedicated seating space within the plazas to be used by plaza-adjacent businesses. This is separate and apart from those businesses that fall under the current Outdoor Seating ordinance as well as the retail pavilions on City Plaza; and does not include special event activities.
- License agreement will be signed between the City of Raleigh and the business owner.
- Outdoor seating license standards will be enforced by the Zoning Division within the Department of City Planning
- Terms of the license agreement to include at minimum:
    - Pilot license agreement to be valid for a term length of 6 months; additional time allowed with City Council approval

- Limited to a defined area along the business frontage in the plaza
- License fee commensurate with cost to City for staffing, enforcement, maintenance of area
- Limitations and definition of license area to allow for adequate pedestrian flow (min. 14 foot), other applicable Private Use of Public Spaces location/performance standards, and use of City Plaza as an event space
- Definition of Termination for Cause by the City Manager; City Council reserving the right to terminate the license agreement at will
- Hours of operation: same as the outdoor seating ordinance
- Allowance for adjacent building owners to hold superior rights for construction and maintenance of their buildings
- Allowance to accommodate City construction and/or renovation of the plaza during the length of the license term
- License holder responsible for routine maintenance and cleaning of the license area during the length of the license term
- Definition of allowable use – e.g. full-service dining only
- Furnishing and physical delineation of seating/dining area to match language from existing Outdoor Seating Ordinance (with exception of use of medallions; medallions are not to be used on City Plaza)
- License holder to indemnify the City and to maintain certain insurance policies with limits of liability as required by the City's Risk Manager, with the City named additional insured on any such insurance policies except for worker's compensation
- License holder makes investments in furniture for the license area at its own risk
- Contractual requirement that license holder adhere to all applicable laws, ordinances and regulations, including those regarding sale and consumption of alcohol

David Diaz, Downtown Raleigh Alliance, spoke to the issue pointing out there have been 20 events on the plazas with 8 additional plans. The events have been varied including music, yoga lessons, computer lessons, variety of vendors from soap, jewelry, etc. He stated most of the activities are in the Friday time slots. He talked about upcoming events and activities including a dog adoption program, holiday market, art piano and vendor village in connection with Artsplosure. He stated there have been a lot of activities and they hope it will continue not only just in downtown but Union Station and other parts of the city.

Loren Gold, Greater Raleigh Convention and Visitors Bureau, expressed appreciation for their group being included in this pilot program. He stated it has been extremely rewarding to work together. He presented information to the Council relative to visitors and attendees in downtown Raleigh pointing out this relates to information received from our two anchor hotels – Marriott and Sheraton as well as the three city-owned attractions; Convention Center, Duke Energy Center for Performing Arts and the Red Hat Amphitheatre. He stated statistics gathered from those five show over one million visitors in the south end of downtown. He stated this is based on the 2015 information explaining the 2016 will be available soon. He talked about the need and desire for 18 hour activation in the area. He talked about the number of special events that are or being held and pointed out the one thing they would like to see to get to the 18-hour

activation is full service dining. That is one element that seems to be missing. He stated at one time where were five venues that provided full service dining after 5 but now we are down to one. He stated the addition of full service dining throughout the 18 hour period helps keep things lively and entertaining and provide needed service.

Mayor McFarlane stated this is being suggested as a pilot program and questioned what the committee hopes to learn. Mr. Remer pointed out they would like to see how the outdoor dining works with other events, if it does work, if there are problems, if there are issues or whatever. Ms. Crowder questioned if there would be some type of coordination between the events and the outdoor dining with it being pointed out they do not see a lot of conflicts but that would be monitored during a pilot program.

Ms. Baldwin moved approval of Option 4 as included in the memorandum. Her motion was seconded by Mr. Gaylord.

Mr. Branch pointed out earlier in the agenda the Council approved a license agreement for the Sheraton to use part of the plaza and questioned if this pilot program would conflict with that agreement. Mr. Remer pointed out what was approved earlier was a construction license and Option 4 would not conflict with that. He stated however that is one of the reasons that the pilot program is being suggested as the committee wants to explore the types of license that can be and are being issued, work with the City Attorney's Office on precedent and make sure everything is working together.

Mr. Thompson indicated he thinks this is a great addition; however he would like the pilot program to look at the percentage of food sold verses alcohol as he don't want these areas to become large outdoor bars. City Attorney McCormick indicated that could be a requirement but the owner would have to tabulate what is sold for indoor and outdoor and he does not know if that is possible but it could be a requirement. Ms. Baldwin expressed concern relative to fairness to all. She stated if we are going to ask someone on the plaza to do something such as keeping track of alcohol/food/indoor/outdoor, we should make the same requirements of the other locations along Fayetteville Street. She does not see how it can single out one person or one establishment. It was pointed out there were five different areas allowed for outdoor dining and only one establishment has taken advantage of that. Ms. Baldwin pointed out she would rather word it to indicate that during this pilot program that the City will monitor the type calls, concerns, etc., but treat everyone alike She stated we already tally that information and it this could just be included as a part of that report. Mr. Thompson stated he just wants to make sure it's a family friendly atmosphere with the Council all agreeing. The motion to approve Option 4 was put to a vote and passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

Mr. Gaylord talked about the special allowances along Fayetteville Street for outdoor dining and questioned if the plaza areas would go by the same rules and regulations with Mr. Remer pointing out there may be some slight differences with the sidewalk widths, etc., but the rules and regulations would apply in the same manner.

Ms. Baldwin indicated she works in this area and pointed out there seems to be some inconsistency with the provision of tables, chairs, umbrellas, etc., as some times the amenities are there and sometimes they are not. She asked that the committee look at establishing some consistent policy. Mr. Remer pointed out with the employment of the downtown coordinator and the work of the DRA, they will be looking at formalizing policies relating to tables, chairs, umbrellas and possible purchase of additional ones. He asked that the Council allow time for that work to be done with Ms. Baldwin agreeing.

## REPORT AND RECOMMENDATION OF THE CITY MANAGER

### PERFORMING ARTS CENTER IMPROVEMENTS UPDATES/ECONOMIC IMPACT – INFORMATION RECEIVED

City Manager Hall explained Staff will provide a brief presentation highlighting recent renovations and upgrades to the Duke Energy Center for the Performing Arts (DECPA) and the results of a recent study conducted by HVS Convention, Sports & Entertainment Facilities Consulting.

Renovations at the venue began in 2012, with a $20 million investment from the Capital Improvement Program and were completed in October of this year. There were no event interruptions and none of the resident production companies were displaced during the project. An official unveiling celebration was held October 14. Major upgrades included full replacement of the HVAC system; upgrades to interior finishes and concession areas; new seating in Memorial Auditorium; the addition of 13 new ladies restrooms; relocation of the box office to the front lobby; and exterior lighting upgrades. Capital maintenance efforts continue, which include life safety improvements as indicated in the Consent Agenda, Item 10.1.

The impact study conducted in tandem with the project completion assessed the impact the venue has on the City and Wake County, including the venue's role in fostering the arts and the economic impact on the community.

**Recommendation**: Receive as information.

City Manager Hall introduced the item talking about the desire to share the renovations and improvements to the Duke Energy Performing Arts Center. He stated this is an opportunity to promote ourselves and let the citizens of Raleigh see the amenities they have. He talked about customer experience being improved and the opportunities available.

Convention Center Director Doug Grissom presented photos of the improved areas. He expressed appreciation to the City Council for allowing and funding these improvements which help promote Raleigh as an arts designation. He talked about the $20M renovation through the City of Raleigh Capital Improvement Program pointing out these improvements have taken place over the past 4 years while the facilities were fully operational.

Mr. Grissom pointed out Memorial Auditorium was constructed in 1932, has been enlarged and includes four theatres. He presented photographs showing improvements to the concession area, the addition of 13 ladies restrooms, a new box office in front of the building, new carpet, finishes, a new wall commemorating the veterans which the facility was built to honor. He pointed out a lot of the money was spent on improvements to the HVAC.

Mr. Grissom pointed out the facility averages 554 events per year/408,881 average annual attendance $35.4M annual economic impact for the City of Raleigh and provides 220 full time equivalent jobs. He talked about the number of groups that are impacted and have seen benefits through these improvements. He stated the facility is home to a number of resident companies, showed photographs of the various venues and again expressed appreciation to the Council for providing the funding to allow for these improvements.

**HIGHWOODS SIDEWALK PUBLIC/PRIVATE PARTNERSHIP UPDATE – DIFFERED**

Staff has held continued discussions with representatives of Highwoods Properties regarding a potential public/private partnership to construct sidewalks along Highwoods Boulevard from Atlantic Avenue to Capital Boulevard. Staff has prepared draft terms for this agreement and will provide an update on the status of negotiations with Highwoods.

**Recommendation**: Receive as information.

Transportation Engineer Eric Lamb pointed out City/Staff received some proposed terms, etc., in the last couple of days and he would like to withdraw this item from the agenda to allow staff an opportunity to look at the terms, etc., explaining hopefully the item will be back on a meeting in January. Without discussion the item was withdrawn.

**OAK CITY OUTREACH CENTER – VARIOUS ACTIONS APPROVED**

During the November 15 City Council work session, staff from the City and Wake County presented a report on the site selection process for the Oak City Center multi-service facility. Ten alternative sites were evaluated and the site located at 1430 South Wilmington Street site was recommended. Based on the site evaluation process, staff recommends that Council approve this site as the final location for the facility and authorize an expenditure of $3,148,000 for facility development. Of this amount, $1,648,000 is available in appropriated Housing Bond funds.

Staff recommends an additional appropriation in the amount of $1,500,000 for the balance of the City's site acquisition costs be made from capital reserve fund balance in the general fund. A copy of the presentation from the work session and further details were included with the agenda packet.

**Recommendation**: Approve the 1430 South Wilmington Street site as the location for the Oak City Center. Appropriate $1,500,000 of general fund capital reserve fund balance. Authorize expenditure in the amount of $3,148,000 for facility development and authorize the City Manager to execute the terms and conditions of the partnership with Wake County to establish a permanent site and facility for the Oak City Outreach Center.

City Manager Hall pointed out the City and County staff made a presentation to the Council on November 15. He stated in addition the Council received the information in the agenda packet. He stated he does not feel it is necessary to go through the presentations again as it's basically the same information presented at the November 15 work session. He expressed appreciation to all of the partners that have been involved including Wake County, Catholic Charities and the Partnership to End Homelessness stating it has been a joint effort. City Manager Hall pointed out if the Council authorizes moving forward as outlined on the agenda the item would be taken to Wake County Commissioners possibly in January or as soon as it can be scheduled on their agenda for consideration of approval. Mr. Hall expressed appreciation to the Mayor, City Council and all of the partners for the diligent work on this issue.

Mayor McFarlane expressed appreciation pointing out she understands there are a lot of people in the audience who are interested in this item and while it is not a public hearing she would ask that those in the audience in favor of the proposal as presented to please stand. Approximately 150 people stood in support with two people standing in opposition. Mayor MacFarlane expressed appreciation to all involved including the citizens who have participated and are present to support this item. Ms. Baldwin moved approval as presented. Her motion was seconded by Mr. Gaylord. Mr. Branch pointed out he understands there will be a Citizens Advisory Committee that will be set up to work with everyone on this issue. 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. See Ordinance 649 TF 288.

**PARKING METER DONATION PROGRAM – INFORMATION RECEIVED; CHANGE FOR THE HOMELESS TO BE CONSIDERED**

In June, the City Council requested that staff assess whether it was feasible to implement a parking meter donation program in Raleigh. In response to this request, staff conducted a series of conversations with municipalities across the country that have implemented a parking meter donation program. Based on the information collected, staff developed a report noting key findings as well as potential program costs and revenue. A presentation will be made during the meeting.

**Recommendation**: Receive as information.

City Manager Hall pointed out the information was included in the packet. He expressed appreciation to staff including Alexander Vazquez who worked on this issue, researched it and prepared the report.

Ms. Baldwin stated she really appreciated the work done by Mr. Vazquez and all can see the return on investment for such a program is not good. What she was interested in is what she had seen in other communities, and referred to the program she saw in the Denver Airport which she understands nets between $75,000 and $100, 000 per year. She stated she would like for Mr. Vazquez to talk briefly about that program and as she would like for the City to consider how we could implement something similar at RDU Airport.

Mr. Vazquez talked about the program at the Denver Airport pointing out he understands they use four different locations to collect donations as people are going through check-in line at the airport. There are baskets or receptacles that people can deposit loose change, etc. The staff collects the coins every week and he understands this is what Ms. Baldwin is looking at. He stated he understands they generate about $85,000 for per year. He stated this would require airport approval.

Council Member Thompson who sits on RDU Airport Authority pointed out the RDU has four owners – City of Raleigh, County of Wake, City of Durham, Ms. Baldwin asked that the program be pursued with RDU Airport Authority and the Partnership to End Homelessness with Mr. Thompson indicating he would be happy to take the issue before the authority.

## REPORT AND RECOMMENDATION OF THE HISTORIC RESOURCES AND MUSEUM ADVISORY BOARD

### HISTORIC RESOURCES AND MUSEUM ADVISORY BOARD – ANNUAL WORK PLAN - APPROVED

Barbara Freedman representing the Historic Resources and Museum Advisory Board, talked about the various activities they are involved including one that is open 361 days per year. She pointed out it has been a very successful year for the different venues and attendance has increased almost 3%. She talked about the first traveling exhibit at the City of Raleigh Museum which opened in the Fall and will run through the first of next year. She stated it has been very successful. She talked about the Holiday Express explaining some 11,000 people will ride the train through a decorated Pullen Park. She pointed out tickets go on sale in the summer and they normally sell out the day they go on sale. This year they added one day and next year the train rides will extend to 10 days. She stated again it has been a very successful year.

Council members received the following work plan in their agenda packet.

The ad-hoc Collections Committee assists staff in identifying objects for accession and deaccession working within the framework of the Historic Resources and Museum Collection Policy. In 2017, the committee will:

- Continue to hold regular meetings to make recommendations for accessions and deaccessions.
- Support staff as needed toward the HRM Collection Plan Initiate.

The ad-hoc Program and Exhibit Committee works with staff to promote and sustain public programs and exhibits. In 2017, the committee will:

- Assist in evaluation of ongoing exhibit proposals.
- Advise and assist development of civic engagement.
- Support development of interconnected and mutually supportive relationships amount several sites.

The Ad-Hoc Community Outreach Committee works with staff to increase awareness of the HRM Program. The Committee also works to establish liaisons with other boards and commissions, as well as other organizations in the city and county involved in preserving the historic and cultural heritage of Raleigh. In 2017, the committee will:

- Assist staff in planning, developing, and hosting annual HRM Program Volunteer Banquet
- Continue to develop relationships with staff, other City boards and commissions, as well as other public and private boards, commissions or interest groups.
- Assist staff in developing memberships in the Mordecai Square Association and Friends of the City of Raleigh Museum.

The standing Nominations Committee recommends board nominees to Council as vacancies occur and/or terms expire. In 2017, the committee will:

- Develop and maintain a list of possible nominees to the HRM Advisory Board.
- Assess upcoming vaccines and propose approved Board nominees to the Council
- Identify and Propose a slate of Officers annually.

The standing Executive Committee is focused on board development and management, supporting staff in strategic planning, and providing advice and analysis of program challenges and opportunities. In 2017, the committee will.

- Advise and assist staff in development of HRM Strategic Plan.
- Develop and report the HRM Advisory Board work plan to City Council and assist staff in creating the HRM Program Annual Report.
- Support staff with Board Retreats or planning sessions.
- Support staff in identifying resource, program and heritage tourism needs and gaps.
- Support staff in developing meeting agendas.

Mr. Gaylord moved approval of 2017 work plan as presented. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

## REPORT AND RECOMMENDATION OF THE RALEIGH ARTS COMMISSION

### RALEIGH ARTS COMMISSION – 2017 WORK PLAN – APPROVED

Gene Davis, Vice Chair of the City of Raleigh Arts Commission indicated he was making the report on behalf of the Commission as the Commission Chair Nancy Novell was out of town attending her daughter's wedding. He stated the Council received the following work plan in their agenda packet.

**MISSION:** The Raleigh Arts Commission is the official municipal advisory body on the arts, broadly defined, which will promote, coordinate and strengthen public programs to further the cultural development of the City.

**The City of Raleigh Arts Commission will kick-start implementation of the Raleigh Arts Plan in FY17. This work will ensure the entire community will have the opportunity to be included in the arts through the following work priorities, set in coordination with the City of Raleigh Strategic Plan:**

**LEADERSHIP: Lead the effort to implement the Raleigh Arts Plan.**

*Goal area aligns with COR Strategic Plan Arts and Cultural Resources Goal and Objectives 1, 2, 3 and Economic Development and Innovation Goal Objective 1. Alignment with Raleigh Arts Plan goals is noted below.*

**ALIGN** implementation efforts with key City plans (RAP Goals 6.2, 6.4)

**BUILD** business and civic alliances to support the Raleigh Arts Plan (RAP Goals 5.1, 6.3, 7.1)

**CULTIVATE** partnerships with community arts and education organizations (RAP Goals 2, 4.9, 7.2, 8.3)

**ADVOCATE** for increased investment in the arts, ensuring that adequate resources are in place and are being allocated strategically to implement the Raleigh Arts Plan and establish Raleigh as a national leader in arts and culture. (RAP Goals 8.1, 8.2)

**COMMUNICATE** the value and benefits of the arts to the citizens of Raleigh and City leadership and communicate the compounding impacts of City of Raleigh investments in the arts including economic development, community building and quality of life impact. (RAP Goal 7)

**PUBLIC ART: Guide Raleigh's growing investments in Public Art**

*Goal area aligns with COR Strategic Plan Arts and Cultural Resources Goal and Objectives 1, 2, 3 and Safe, Vibrant and Healthy Community Goal, Objective 3:3. Alignment with Raleigh Arts Plan goals is noted below.*

**PLAN** for Raleigh's future investments by developing a Master Plan for Public Art (RAP Goals 5.11)

**SUPPORT** Innovative + Community Public Art Projects including the Block2 video installation at First Citizens Bank and temporary and popular public art

projects like Art-on-the-Move, Art on City Plaza, IBMA/Banjostand and Before I Die interactive wall (RAP Goals 5.3, 5.5, 5.6)

**PROVIDE** tools for artists and community groups to start their own projects and spread the word about the Citizen Initiated Public Art process, ensuring the entire community has access to public art. (RAP Goals 5.3, 5.5, 5.6, 5.13, 6.4)

**ENHANCE** the Municipal Art Collection through continued building, maintaining and conserving the City's Collection. (RAP Goals 5.3, 5.5, 5.6, 5.13)

**LEVERAGE** the increase in percent for art investment to create signature works for Raleigh (RAP Goals 5.11, 5.12, 5.14, 5.15 5.17)

**PROGRAMS: Develop and expand neighborhood arts programming to empower + celebrate artists**

*Goal are aligns with COR Strategic Plan Arts and Cultural Resources Goal and Objectives 1, 2 and Safe, Vibrant and Healthy Community Goal, Objective 3:3. Alignment with Raleigh Arts Plan goals is noted below.*

**LAUNCH** new community programs like Film Shorts in the Park, a series of free outdoor screenings of works by Triangle film makers. (RAP Goals 1.1, 1.5, 1.9)

**OUTREACH** by working with staff to create community programs to reach new audiences. (RAP Goals 1.1, 1.5, 1.9)

**CELEBRATE** artists and community arts supporters through the Medal of Arts and Piedmont Laureate programs. (RAP Goal 1)

**FUND** exemplary arts organizations as well as innovative and creative programming through Arts Grants to Raleigh non-profits and provide capacity building support to organizations. (RAP Goals 4.1, 4.3, 4.9)

**EXHIBITION OPPORTUNITIES** for local artists to exhibit in the Block Gallery at the Raleigh Municipal Building, Pullen and Sertoma Arts Centers, and continue to develop the new location for the Block2 street video series. (RAP Goals 1.1, 1.5, 1.6, 1.9, 4.3)

**COLLABORATE** to present literary advocacy programs featuring the Piedmont Laureate in collaboration with United Arts of Raleigh and Wake County, Durham Arts Council and the Orange County Arts Council. Promote and support GRCVB's comprehensive arts calendar at www.visitraleigh.com. (RAP Goals 1.5, 1.8)

**EMPOWER** the Learning Community for Universal Access to increase arts opportunities for people with disabilities and educate the arts communities on best practices. (RAP Goal 3.1, 3.3, 3.4, 3.5, 3.6)

Gene Davis, Vice Chair, thanked the Council for being so supportive of the Arts in Raleigh. He expressed appreciation to Council Member Crowder who is the Liaison to the Arts Commission, appreciation for the percent for art increase and the public art master plan investment. He highlighted the work plan, talked about the work to align the implementation efforts with key

city plans, talked about joint retreats to set implementation priorities which are scheduled for the first of 2017, the work to advocate the value and benefits of arts to the citizens and the fact that they are currently compiling data for an updated economic impact study pointing out the last study showed an extraordinary impact of art on the economy. He talked about public art, creation of a new master plan for public art, the new venue for the Block 2 Video Series on Market Plaza explaining the development of that, and talked about the number of films that will be shown and participation of the Block 2 Video Series during First Night activities. He talked about partnership they are developing with the North Carolina Museum of Art, researching ways to leverage the increase in percent for art to create signature works for the City of Raleigh, the Medal of Arts program, launching Film Shorts in the Park, Art Center teams which have designed a mobile art lab program to take art across the entire city including such places as Dix Park, the community centers, and various venues, Learning Community for Universal Access and, the national recognition that is bringing to the area. Mr. Davis stated the Commission looks forward to continued work and again expressed appreciation for the Council's devotion to the Arts.

Ms. Baldwin stated she is extremely happy to hear about the collaborative spirit with the NC Museum of Art pointing out she feels that will only bring about good things. She moved approval of the work plan as presented. 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.

## REPORT AND RECOMMENDATION OF ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

### ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – NEXT MEETING IN JANUARY 2017

Mayor McFarlane indicated there is no report from the Economic Development and Innovation Committee. She stated the Committee will not meet in December. The next meeting will be the scheduled meeting in January, 2017.

## REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

### GROWTH AND NATURAL RESOURCES COMMITTEE – NEXT MEETING IN JANUARY 2017

Council Member Crowder reported the Growth and Natural Resources Committee does not have a report. She stated the Committee will not be meeting again in 2016. The next meeting will be the scheduled meeting in January 2017.

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

**RALEIGH HISTORIC DISTRICTS – DESIGN GUIDELINES – REFERRED TO THE PLANNING COMMISSION**

Chairperson Stephenson indicated there is a report on the agenda; however since the meeting it has been determined that a step has been missed in this process therefore he has a revised report. Mr. Stephenson moved that the proposed design guidelines for Raleigh Historic Districts be referred to the Planning Commission in their entirety for report and recommendation to Council. He moved that the revised recommendation be upheld. 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.

## REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

**TRANSPORTATION AND TRANSIT COMMITTEE – MEETING SCHEDULED FOR DECEMBER 13, 2016**

Chairperson Baldwin indicated there is no report from the Transportation and Transit Advisory Committee; however the committee will be meeting on December 13, 2016 at 4:00 p.m.

Ms. Baldwin indicated the Banner Committee will be meeting on January 4, 2017 at 4:30 p.m. The report was received.

## REPORT OF MAYOR AND COUNCIL MEMBERS

**COMMENTS – YEAR END/HOLIDAY SEASON – RECEIVED; VARIOUS REPORTS REQUESTED**

Mr. Cox pointed out his first year on City Council is ending and he would like to express appreciation to everyone including all of staff for their help. He wished everyone happy holidays, Merry Christmas, Happy Hanukkah, etc., indicating he is looking forward to a great new year.

Ms. Crowder talked about the excellent year pointing out the City and City Council has done a lot of work and commended all. She expressed appreciation to the staff and the leadership all have shown and wished everyone a happy holiday.

Mr. Gaylord wished everyone on the City Council a happy one year anniversary pointing out he looks forward to another great year. He wished everyone Merry Christmas, happy holidays, etc.

Mr. Branch asked if the staff could provide an update on the Rock Quarry Road widening project; expressed appreciation for the recent training provided. Mr. Branch pointed out there is an apartment construction project going on New Hope Road between Rock Quarry and Poole Road. He asked for an update on sidewalks in that area.

Mr. Thompson commented on the City of Raleigh Museum traveling exhibit and commended it to all. It was a great event explaining it is the first traveling exhibit for the City of Raleigh Museum.

Mr. Thompson commended Raleigh Little Theatre for their production with Cinderella. He stated they change it up each year and stated it would be a great event for all to attend. He wished all a great holiday.

Ms. Baldwin indicated she had asked several times for an update on storage facilities location criteria, etc. She stated we are continuing to get a number of projects around the city. Assistant Planning Director Crane indicated a report will be in the Manager's update on Friday. Ms. Baldwin wished all a great holiday season.

## APPOINTMENTS

### APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Civic Service Commission – One Vacancy – No nominees

Human Relations Commission – One Vacancy – Mary Lucas – 3 (Cox, Thompson, Stephenson); Vince Rozier – 5 (Baldwin, Gaylord, McFarlane, Crowder, Branch)

Parks, Recreation and Greenway Advisory Board – One Vacancy – Jennifer Wagner – 8 (All Council Members)

The City Clerk announced the appointment of Vince Rozier to the Human Relations Commission and Jennifer Wagner to Parks, Recreation and Greenway Advisory Board. The vacancy on Civil Service Commission will be carried over.

## NOMINATIONS

### BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – VACANCY ANNOUNCED

The City Clerk reported a letter of resignation has been received from Evan Brigham as he is moving out of state; therefore there is one vacancy for consideration. The City Clerk reported that Mr. Branch, Mr. Gaylord and Ms. Baldwin had nominated Molly Stuart. The item will be carried over to the next meeting.

### HISTORIC CEMETERIES ADVISORY BOARD – VACANCY ANNOUNCED

The City Clerk reported a letter of resignation has been received from Jan Lewis therefore there is one vacancy for consideration. No nominations were made.

## REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

**NO REPORT**

## REPORT AND RECOMMENDATION OF THE CITY CLERK

### MINUTES – VARIOUS – APPROVED

The City Clerk reported copies of the minutes of the October 18, 2016 and November 15, 2016 Work Session were included in the agenda packet. Ms. Baldwin moved approval as presented. 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.

### TAX RESOLUTION – ADOPTED

Council members received in their agenda a proposed resolution adjusting, rebating and/or refunding penalties, exemptions and relieving interest for late listing of property for ad valorem taxes. Adoption of the resolution is recommended. Ms. Baldwin moved adoption of the resolution as presented. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative on an 8-0 vote. See Resolution 427.

### RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 2:05 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC12-06-16

The City Council of the City of Raleigh met in a reconvened meeting at 7:00 p.m. on Tuesday, December 6, 2016 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with all Council members present.

Mayor McFarlane called the meeting to order and the following items were discussed with action taken as shown.

## REQUEST AND PETITIONS OF CITIZENS

### UNFIT BUILDING – 106 COLLETON ROAD – 90 DAY EXTENSION GRANTED

Joseph D. Lee was at the meeting to request an extension of time in order to complete rehabilitation of 106 Colleton Road. He pointed out this has been a very difficult task, they are not on schedule but are working diligently. He talked about the architectural and engineering plans and pointed out the asbestos testing was done last week. He stated they are trying to get it done but need additional time.

Housing Inspections Ashley Glover gave a history of this case starting with March 15, 2016 when the Council adopted an ordinance to vacant and close. Mr. Lee came back on August 2, requesting a 90 day extension. Mr. Glover pointed out at that time he recommended approval of the 90 day extension providing stabilization of the back of the structure was done immediately. He stated that occurred so there is no longer in an unsafe condition; however, repairs have not been completed. He stated because of the length of time and no work on the primary structure has occurred, staff is ready to move forward with the demolition. He stated they do not necessarily oppose an extension but not a lot of work has been done.

In response to questioning from Ms. Crowder as to how long it will take to complete the repairs, Mr. Lee explained the amount of work involved. He stated they are working on a cash basis and are moving forward. He stated they know the value of the property, the cost to get it repaired and they do have funding from a bank but the actual cost for completing the work is not known at this point. He stated he is asking for another extension, talked about all the work to be done and stated he needs at least 120 to 140 days.

Mr. Thompson questioned if Mr. Lee had done a financial analysis on the project with Mr. Lee pointing out they have. He again stated he needs between 120 to 140 days.

Discussion took place on the work that has been done, the amount of time he has been given to do the work, how long it will take to get it completed, etc. Various motions were made including granting a 90 day extension and at the end of the 90 days if work has not been completed the structure would be demolished. Various Council members objected pointing out at the end of 90 days it would be best to get a report prior to actual demolition. How much time has been given and how much time is needed was discussed further with various Council members indicating

they would like to see the work completed within 90 days. Mr. Gaylord moved to grant a 90 day extension and at that time the item could come back to Council if needed and the Council could determine if substantial progress had been made and if not additional action could be taken at that time. His motion was seconded by Ms. Baldwin. Mr. Lee stated he feels he needs additional time. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Crowder and Mr. Branch who voted in the negative. The Mayor ruled the motion adopted on a 6-2 vote.

**STREET CLOSING – MAIDEN LANE – PUBLIC HEARING AUTHORIZED FOR JANUARY 3, 2017**

Attorney Michael Birch representing LG Oberlin LLC, was at the meeting to request the City Council to authorize a public hearing for January 3, 2017 for street closure on Maiden Lane as submitted by LG Oberlin LLC.

Attorney Michael Birch explained the request pointing out city staff had expressed concern about the possibility of a land locked parcel; however a map has been recorded so the lot now has frontage on Oberlin Road. He stated he understands City staff has concern about evaluating this request without the benefit of a site plan. He pointed out that was submitted on December 1 and it is in review now and it is expected that they will have their first comments back on December 16; it will be turned around in time for evaluation prior to the January 3 hearing. He indicated there will be a public turn around on Maiden Lane and it will provide site access. He stated again he is asking for the public hearing to be authorized for January 3, and if at that time if staff or other have concerns and/or comments he will ask that the hearing be held open.

Mayor McFarlane indicated she understands a site plan has now been submitted and it addresses the fire safety issue. Eric Lamb pointed out the proposal had received some negative comments from various departments including the Raleigh Historic Development Commission, therefore staff had suggested holding off until the plan had been submitted. He stated there is nothing from a legal standpoint that would require a site plan or development plan to be submitted prior to the public hearing but it is helpful so staff can know all issues before making a recommendation.

Mr. Gaylord questioned if the Council could go ahead and authorize the public hearing and staff could evaluate prior to that time. Ms. Baldwin stated it might be beneficial to wait until we are further along in the process. Attorney Birch talked about the role the street closing plays in the development time schedule. He talked about time to work with staff prior to the public hearing and pointed out the Raleigh Historic Development Commission provided comments but they had no objections to the public hearing. He feels most of those could be address prior to or at the public hearing. Ms. Crowder moved adoption of a resolution of intent setting a public hearing for January 3, 2017. 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. See Resolution 435.

**SLIDR – INFORMATION RECEIVED AND REFERRED TO ADMINISTRATION**

Michael Trombino, 15 Buxton Avenue, Asheville, NC was at the meeting to provide information on Slidr pointing out it is an opportunity for people to get from Point A to Point B in a totally electric vehicle which runs which has a top speed of about 26 miles per hour. He talked about it being a safe, easy and efficient way to get around town. He stated he was at the meeting to introduce the concept and gave a brief presentation on the look of the vehicles, how they work and pointed out it is free to the rider.

Mr. Thompson questioned how the services are paid for with Mr. Trombino pointing out there is advertisement and riders are free and the drivers work on tips. He stated however some cities are starting to pay for the service as they see the benefits.

Mr. Branch questioned how this would impact taxis, Uber or Lyft with Mr. Trombino pointing out they are not in competition. This provides rides for people to get to locations that are too far to walk but not far enough to take a cab.

Ms. Crowder pointed out the City just approved money for a bike share program and questioned if this would not be in direct competition. Mr. Trombino pointed out he did not feel it would this is just another way to get people around town on short trips. Ms. Baldwin stated she understands what Ms. Crowder is saying and while she doesn't disagree, we may want to look at that issue. She talked about a program that she saw in San Diego with Mr. Gaylord suggesting that staff look at the program and concept and see how it works and how it would fit into the city's plan.

Mr. Branch questioned the operation of the vehicles with Mr. Trombino pointing out the drivers are checked, they have to have a clean driving record, no citations, friendly, outgoing individuals as it is basically in the hospitality environment. City Manager Hall asked that staff be allowed to look at the program, identify any issues that the Council may want to consider, and if it could or should fit within our system. Without objection it was agreed to refer the item to administration with the City Manager pointing out someone from the City would get in touch with Mr. Trombino.

## MATTERS SCHEDULED FOR PUBLIC HEARING

**DEMOLITION UNFIT BUILDINGS – VARIOUS LOCATIONS – HEARING – RESOLUTION ADOPTED**

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

| LOCATION AND DISTRICT | PROPERTY OWNER | TAX ID NUMBER | COST OF DEMOLITION |
|---|---|---|---|
| 4004 Wingate Drive (A) | JP Morgan Chase Bank | 0006245 | $18,650 |

| | | | |
|---|---|---|---|
| 1104 and1104½ S. Person Street (C) | James F. and Iola M. O'Neal | 0073321 | $10,225 |

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Mr. Gaylord moved adoption of a resolution confirming the charges as outlined. 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 adoption on an 8-0 vote. See Resolution 428.

**COMMUNITY DEVELOPMENT – ANNUAL ACTION PLAN – HEARING – COMMENTS RECEIVED AND REFERRED TO STAFF; PUBLIC HEARING AUTHORIZED FOR APRIL 4, 2017**

This is a hearing to provide citizens with the opportunity to express views as to housing and community development needs and priority non-housing community needs in the City of Raleigh. The hearing is required by the U.S. Department of Housing and Urban Development as part of the preparation of the Annual Action Plan governing the use of Federal Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant funding.

Following the hearing, the item should be referred to staff for consideration of comments received.

Shawn McNamara, CD Program Manager explained the purpose of the hearing is to receive public input on Raleigh's housing, neighborhood and non-housing community development needs, particularly among low to moderate – income residents and to receive input on Raleigh's spending priorities for July 1, 2017 through June 30, 2018.

Mr. McNamara stated the annual action plan directs how the City of Raleigh will invest its federal and city funds in housing and community development activities during the fiscal year. Activities should address the three priorities of the Five Year Consolidated Plan:

- Increase the supply of affordable housing
- Address homelessness and,
- Revitalize neighborhoods

Mr. McNamara indicated three public meetings were held last month – Brentwood, Method and Chavis. This is the first City Council public hearing. Follow up meetings are scheduled for February 23 with a 30-day comment period which will go through March 24, 2017. Council should authorize a second public hearing for April 4, 2017 with the hopes of adoption of the action plan in early May, 2017 and delivery to HUD in mid May 2017. The Mayor opened the hearing.

Octavia Rainey talked about Community Development Block Grant which includes neighborhood revitalization, etc. She stated she is opposed to what is in the plan and expressed

concern related to East College Park. She stated she has asked repeatedly about the housing disparity study. She stated we shouldn't have a plan or do anything that will move black people out of the area and she fears what is proposed here and what will be built will not end up being what black people can afford. She stated the City doesn't have a good record for the black people returning to the area. They seem to disappear. She asked about the citizen participation plan, questioned how people are being engaged in the process, questioning if the money is to provide housing for the poor, why the City is allowing housing selling for $165,000 to $200,000 to go in its place. She questioned if the Director ever looked at the tax studies, expressed concern that the City doesn't enforce fair housing activities, and how she has asked that it be done, and talked about records she has requested from Mr. Jarvis' department which HUD says are public records and should be stored but she cannot get access to the records.

Kevin Campbell, Habitat for Humanity of Wake County, expressed appreciation to the City for the continued support and ongoing commitment to create affordable housing opportunities in the area. He stated Habitat Wake partners with families to build safe, decent and affordable homes. Homeowners work along side sponsors and community volunteers to build their house and then purchase the completed home with an affordable mortgage. Since the founding of Habitat for Humanity of Wake County in 1985 they have build over 550 homes and close to 400 are those are within the city limits of Raleigh. He stated homeownership is one of the major wealth building measures available to low and modern income families. It is a key part of any affordable housing strategy. While affordable rental units must also be central to the effort, home ownership is an important tool for addressing housing needs. He stated it can provide families with a stable future and offer a secure way to build equity. According to a recent study by the Federal Reserve, the average net worth of a home owner is 36 times greater than that of a renters. By making homeownership accessible to low and moderate income housing we are investing in the future stability of local families.

Mr. Campbell presented the following comments but did not read them because of time.

Habitat for Humanity commends the City for its substantial effort to increase home ownership opportunities in the coming year and they support that priority in the 2017-18 Annual Action Plan. They are particularly encouraged by the City's goal to partner with builders in the development of more than 170 new homes in Southeast Raleigh, the majority of which would be affordable. He stated that investment is particularly vital now at a time when Raleigh is experiencing considerable growth. We must do this and more in order to keep pace with the growing need for affordable housing. By increasing ownership the City helps to remove barriers to a better, healthier and more financially stable future for residents. His statement indicated Habitat Wake is supportive of the 17-18 Annual Action Plan.

Danny Coleman, 517 Rock Quarry Road, indicated he attended the public hearing at Chavis. He talked about the need to do work on the master plan for the Brown Birch, Old Garner Road, Peterson, South State Street market study. He talked about interest rates going up, expressed concern about the future of HUD, talked about increase in first time home ownerships and pointed out he feels we need to sharpen our pencil as we seem to be over shooting the market.

Collin Bober, 533 Brent Road, expressed concern that the HUD guidelines are not strictly enforced. He pointed out he was recently appointed to the Fair Housing Hearing Board and he want to make sure that all are working together and indicated it seems no one is really sure where affordable housing should be.

Kimberly Multuarin, 224 Cofield expressed concern that we are not providing jobs in the area. She talked about HUD's requirements, the need to increase low income and work force housing, and partner with the labor force. She talked about people who will be replaced when Washington Terrance has developed and how they need to be able to stay in the area.

No one else asked to be heard thus the hearing was closed and the comments referred to Administration to continue with the process outlined including the April 4, 2016 public hearing.

**STC-5-16 – BOOKER DRIVE AND NORTH FISHER STREET/WASHINGTON TERRACE REDEVELOPMENT PROJECT – APPROVED; DIRECTION GIVEN**

This is a hearing to consider closing portions of Booker Drive and N. Fisher Street as a part of the Washington Terrace Redevelopment Project known as S-18-2016. The proposed closure is a part of a multi-phase redevelopment process for converting Washington Terrace into a mixed income community. The street closures are proposed with the intent of dedicating additional right-of-way and realigning Booker Drive and N. Fisher Street.

Following the hearing, the Council may take action to adopt a resolution approving the proposal, denying, or referring the item to committee.

Council is aware of interest from members of the Madonna Acres community with regard to infrastructure in the intersection of the future extension of N. Fisher Street, Delaney Drive, and Milburnie Road. Following meetings coordinated by City staff with the community and DHIC, developer of the Washington Terrace plan, options have been identified that are intended to address the community concerns. Included with the agenda packet is additional background information as well as options for transportation infrastructure which Council may wish to consider.

Mayor McFarlane explained the procedure for the hearing, pointing out each side will have 8 minutes.

Traffic Engineer Lamb pointed out this is a street closure that has been processed in the context of the Washington Terrace project. The rights of ways that are being deleted by this proposed closing are the ones that are no longer necessary in context with the new street grid as shown on the approved development plans. He stated based on those plans, staff has no objection to moving forward with the street closures.

The Mayor opened the hearing. Attorney Mack Paul, Morningstar Law Group was at the meeting on behalf of DHIC, the applicant in the street closure. Attorney Paul indicated there are several people present to speak on the issue including Ken Thomas, JDavis, Kevin Dean, Kimley-Horn and Greg Warren with DHIC. He stated they will speak to the two key standards for street closures relating to public interest and not unreasonably impeding and ingress and egress. He stated in addition, Greg Warren, DHIC, has been having on-going conversations relative to the alignment and some traffic mitigations being proposed that he will address.

Ken Thomas, JDavis, stated he is a senior associate who has been practicing 23 years as a landscape architect. He gave information on his professional experience and pointed out his purpose is to talk about the street closure not being contrary to public interest. He presented the following prepared statement highlighting the information.

Public Interest

The street closure is not contrary to public interest for the following reasons:

A. It meets a number of Comprehensive Plan policies, including
   1. Policy T 2.6 Preserving the Grid states
      a. Existing street grid networks should be preserved and extended where feasible and appropriate to increase overall connectivity. (4, 6, 5)
   2. Action T 2.9 Connectivity Index states
      a. Adopt connectivity index standards within the subdivision regulations to promote greater connectivity of the City's street network (see Text Box: Measures of Roadway Connectivity for detailed description).

B. It meets a number of provisions in the UDO, including
   1. Section 8.4.3 Subdivision Access item B required Connectivity of the Unified Development Ordinance states
      a. Proposed streets must be interconnected and must connect with adjacent streets external to the subdivision in order to provide multiple routes for pedestrian and vehicle trips from, to and within the subdivision.
   2. Section 8.3.2 of the UDO established standards for block perimeters. By closing a portion of Booker Drive and creating a grid street system, the block perimeter standards will be met.

Does not deprive anyone reasonable egress and ingress

By replacing a portion of the closed street with a grid pattern, egress and ingress will not be diminished but will be enhanced for owners in the area.

Kevin Deane, Kimley-Horn and Associates, explained he is a licensed professional engineer and, gave information about his experience. He stated the plan is to close Booker Drive, east of Fisher Street and extend Fisher North to Milburnie. He explained the closure and how it would impact the existing street grid. He stated the proposal closure would not be contrary to the public interest and presented the following prepared statement:

> Kimley-Horn prepared a Traffic Impact Analysis (TIA) for the proposed Washington Terrace project dated December 23, 2015. In addition to that study, the following observations were noted in regards to the proposed road closure and realignment of Booker Drive/Fisher Street.
>
> COMPLIANCE WITH CITY STANDARDS
>
> The City of Raleigh has placed a great emphases on "Complete Street," which focuses on "providing safe access and mobility for all users" as well as accommodating users of different means and abilities. This proposed development meets the requirements of that plan as it:
>
> - Provides additional sidewalk accommodations throughout the development, which sill improve connectivity and walkability for pedestrian
> - Provides sidewalk accommodations that meet the requirements of the updated Street Design Manual, specifically by providing a planting area between the roadway and the sidewalk included in Section 4.2 for "neighborhood street"
> - Does not deprive anyone of reasonable ingress or egress
>
> ISSUES WITH EXISTING LAYOUT
>
> The following items in the existing layout do not meet requirements in the updated Street Design Manual, or allow for the possibility for additional traffic conflicts when compared to the proposed plan:
>
> - Existing sidewalk is provided through mot, but not all, of the existing development, with gaps in sidewalk noted specifically in parking areas
> - Existing sidewalk is located on the back-of –curb, as opposed to being offset by a planting area as required of new developments in the updated Street Design Manual
> - Intersections off set in the same configuration as Booker Drive and Delany Drive along Milburnie road can introduce conflicts between turning vehicles. The offset makes it more difficult to make northbound and southbound left-turn movements off the side streets, as drivers must identify vehicles turning from adjacent streets in addition to those already on Milburnie Road. These

> conflicts are reduced at an aligned intersection where left-turn movement paths from side streets do not overlap.

He highlighted the information and pointed out the proposed changes are preferable as they meet the City's updated requirements for street design, will improve site distance, help prevent accidents that seem to occur because of the curve in the street now, and closing Booker will not compromise public safety access or public service nor would it deprive anyone of reasonable egress or ingress. It will allow replacement of a street grid that they feel will enhance the safety of the people in the area.

Gregg Warren, DHIC, indicated they are moving forward with the Washington Terrace development and have been engaged in conversation with residents of the Madonna Acres Subdivision. He stated DHIC has tried to find traffic calming measures or measures that will reduce traffic impacts on Delany Drive. They have explored a couple of different options with staff as well as had meetings with representatives of Madonna Acres and he is hopeful that they have a compromise that will be satisfactory to all. Mr. Warren stated he understands residents of Madonna Acres first position is that they do not want to see the streets realigned or do not want to have interconnectivity between Washington Terrace development and Delaney Drive. He stated DHIC feels that it's problematic because it would require DHIC to redesign the entire development so they were trying to find a compromise. He stated hopefully they have found a compromise or alignment that will limit through traffic into Delaney Drive and not have any adverse impact on any public safety issues. He stated perhaps they cannot meet the entire request of the Madonna Acres representatives but hopefully they have reached an accommodation that will satisfy all.

In response to questions, from Council Member Branch, Mr. Warren talked about the meetings and conversations they have had with Madonna Acres residents beginning in 2015 including individual interviews, various groups for public meetings, explaining where those were located, etc. He stated at the first meeting there were over 120 people present, great engagement and after that there were 40 or so at the remaining three meetings. He stated there has been a lot of engagement since DHIC representatives found out that the Madonna Acres people were not supportive of the interconnectivity. Mr. Warren stated there was a lot of engagement at the last two meetings as to the pros and cons of interconnectivity and talked about their interpretation that at the last two meetings there was support of the plan and therefore they moved ahead in good faith with the detailed planning, construction drawings, subdivision approval, site plan approval, etc. He expressed sadness that some of the Madonna Acres residents could not stay during the entire discussions at the last two meetings; however they felt they moved ahead on a good faith basis that they had come up with a compromise and told how that had been communicated to all.

Octavia Rainey spoke in opposition to the widening of the street, talked about the cultural sensitivity of the issue particularly when you are widening streets explaining that in the beginning Madonna Acres residents did not object but everyone should have held back until they got a better understanding of the master planning and how it would actually impact Madonna

Acres. She talked about how DHIC had listened and then did not listen anymore, the money thrown at the project, tax credits, etc. She expressed concern that evidently the Council did not listen and how she hopes this Council will begin to listen when people talk about cultural sensitivity and treating all alike in the discussions. Everyone wants to meet deadlines. She hopes this council will begin to listen.

Pauline Goza, 1508 Tierney Circle, President of the Madonna Acres Community Association, pointed out that group participated in the initial meetings, explaining they invited DHIC to come and talk with them when they found out about the Washington Terrace project. She stated a lot of the homeowners in Madonna Acres grew up or lived in Washington Terrace. She stated they did participate in the first two meetings and did provide input from the onset; talked about the strength and weaknesses of their plan and how they had expressed concern. She stated they had two alternatives relative to extending Fisher Street and the 162 rental units. She talked about their request for traffic calming, talked about their street being narrow, the amount of traffic, the traffic study, which ended at Milburnie Road. She stated now that they see what is going forth, they are asking that the City avoid aligning any street extension with Delaney Street which is in a National Historic District and she was hoping that all would hear the Madonna Acres people and respect history. She talked about the plan of segregating the rental units in the back and what DHIC initially promised and what they have agreed to. She asked that the Council deny the request and presented the following three requests: 1) do not align the new Fisher Street extension with Delany Drive; 2) remove the inexcusable economic profiling and retain the Washington Terrace brand; 3) integrate the affordable housing units into the newly redeveloped Washington Terrace Community.

Ms. Goza talked about information concerning the three options put forth by DHIC. The information she provided indicated the least offensive option is #3 with the following caveats:

- A permanent impediment (perpetuity)
- a stop sign placed on the Fisher Street out onto Milburnie Road
- the dimensions listed are not changed without further discussion with the Madonna Acres Community Association
- a signed agreement between the Raleigh city management and the Madonna Acres Community Association be completed
- Fisher Street be the designated name of the Washington Terrace community street extension and Delaney Drive continue to be the name used on the Madonna Acres side.

Attorney Charles Francis, Francis Law Firm, 434 Fayetteville Street, representing the Madonna Acres community asked all of those from Madonna Acres who are supporting their request and opposing the current alignment to stand and approximately 15 people stood. He stated Madonna Acres residents are asking that the Council deny the street closing request because it is not in the public interest. They oppose the alignment because of the possible large increase in traffic that will be generated by aligning Fisher Street and Delaney Drive. He stated Madonna Acres is a vibrant, centrally located, historic community made up of primarily owner occupied homes. He

stated the decision that is made tonight could put an at risk community that is suitable to decisions of matters such as this. It could occur not just in this area but all over the city. He stated it is felt the realignment of Fisher Street will increase vehicles, noise, lower property values along Delany Drive which has no sidewalks and a number of older residents and an increasing number of young families with children at greater risk. He stated everyone recognizes that the City has approved the subdivision showing the Fisher Street realignment however that decision can be revisited. Attorney Francis asked that the City deny the street closing tonight and revisit the decision of the realignment. He stated a compromise has been put forth by DHIC and if the Council chooses to move forward they request that option 3 which has traffic calming measures be imposed on the development.

In response to questions from the Mayor and some of the previous speakers, City Attorney McCormick indicated the Council does not have the option to do a completely different plan. What is before the Council tonight is to vote for or against the street closing petition. Once that action is taken if the Council has some additional action it wants to take after that that could occur.

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

Council Member Stephenson expressed appreciation to DHIC for being such a high quality developer of affordable and multi-age housing across the city. He stated he believes Washington Terrace is going to be a fantastic project but pointed out any project brings about questions of change and impact on the quality of life. He stated he got involved in this discussion to see what the concerns were about the change and he would like to put forth some ideas to start a conversation about the remaining items. He stated Attorney Francis had comments relative to increased notice and traffic on Delaney Drive. Mr. Stephenson stated recognizing that DHIC has worked long and hard on the redevelopment proposal for Washington Terrace and recognition of the concerns of the adjacent Madonna Acres, he would like for the Council to consider two motions, the first is that the street closing request be approved as presented and so moved. His motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 429.

Mr. Stephenson indicated he has a second motion. He stated the City Council understands that DHIC will amend their approved site plan to incorporate Option 3 for the intersection of Fisher Street with Milburnie Road as contained in the December 6, 2016 agenda packet, including the right-in right-out feature and median treatment with appropriate pedestrian crossing. It would be appropriate for the developer, DHIC, to bear the cost of the infrastructure associated with this development and that the City may participate in off-setting the incremental cost of these improvements as appropriate and funding is available. Furthermore, with regard to the redevelopment of Washington Terrace, the City Council directs the following:

1. That the traffic calming installation presented in Option 3 may not be modified or removed in the future without reasonable and adequate prior notice of the residents

of the Madonna Acres Community Association and the other stakeholders in the vicinity.
2. That a stop sign is erected at the Fisher Street outlet onto Milburnie Road
3. That the dimensions listed for option 3 are not substantially changed in the site plan without further consultation with the Madonna Acres Community Association and other stakeholders;
4. That the designated street name of Fisher Street be the name of the Washington Terrace community street extension, and that the street name Delany Drive continue to be the name used on the Madonna Acres side, to maintain the dignity and history of both communities.

Mr. Stephenson moved adoption of the motion as stated. His motion was seconded by the Mayor for further discussion.

Mr. Branch expressed appreciation for all of the meetings and the people who have been there to be a voice of the community. He stated he hears what is being said and he hears the concerns. He stated however through this entire process, he has noticed some things that he will be talking to staff and Community Development about that we could do to do a better job of our community engagement. He stated from the beginning and to the end there are some steps that we should take to make sure everyone is acknowledged and engaged throughout the entire process. He expressed appreciation to all for what they have done and what they will continue to do to hold him and City Council members accountable to represent all. He expressed appreciation to DHIC for being there and listening. He stated he knows there have been times when both sides could have done some things differently or better throughout the process. He stated as we move forward he wants to make sure that every one stays engaged and involved and not wait until the next big issue or concern comes up stay engaged throughout. He stated he heard the motion and he has some concerns but having heard the conversation from the community and attorney it looks like everyone is willing to accept the third option so with those comments he will support the motion.

Ms. Baldwin asked to make a substitute motion. She stated her motion would be the same as Mr. Stephenson's with the exception of removing item #1 and #3 therefore approving items #2 and #4 but adding the wording that the Council direct City staff to expedite the approval process for the new design so that the work is not delayed. The substitute motion seconded by Mr. Thompson.

Discussion followed on the motion and the substitute motion, concern about item #3 and if there is latitude for engineering changes and what "substantially" means and who makes that determination. How that could be described, the fact that Mr. Stephenson had added the word, "substantially" which is different than what was handed out. Mr. Gaylord pointed out he just does not want it to be set up in a way that if the road needed to be moved one inch one way or the other, it would stop the project. Whether the neighborhood would be notified if the traffic calming installation presented an option #3 needs to be changed. It was pointed out any change would go by normal traffic calming policy as it relates to notification. Mr. Gaylord questioned if

the normal policy is on notification relating to traffic calming. Transportation Director Mike Rogers pointed out that staff would treat this as any other traffic calming that is, the neighborhood would be notified. Mr. Gaylord expressed concern with the wording in Item #1 and #3 and who determines if a change is substantial and/or notification is made. Whether this would be considered a traffic treatment or a traffic calming was discussed. What would trigger notification and/or changes was talked about. The "pork chop" in Option #3 and how it could be tracked so that it is never changed without notification to the neighborhood was discussed. Mr. Rogers pointed out the staff would treat this as any other traffic calming device pointing out the City has a notification process and so any changes in this would follow the same process. Concern about who determines "substantially" was discussed again. Why items one and three have to be in the motion if they are already covered by city policy was talked about with Mr. Stephenson pointing out if this is a restatement of the which staff say is, he sees no harm. Whether this is a traffic treatment or a traffic calming treatment was again talked about with City Attorney McCormick pointing out as he understands what Transportation Director Rogers is saying is that the city staff would treat this like a normal traffic calming project if the Council approves the motion made by Mr. Stephenson but would not have the authority to do that if the Council doesn't take this action. After lengthy vetting of the motion and the substitute motion, Ms. Baldwin stated if it was okay with Mr. Thompson she would withdraw her substitute motion and would ask Mr. Stephenson to add a friendly amendment to his motion that staff would expedite the approval process for the new design with everyone agreeing. The motion as made by Mr. Stephenson with the friendly amendment by Ms. Baldwin to ask staff to expedite the approval process for the new design 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.

**SIDEWALK IMPROVEMENTS PETITION – YADKIN DRIVE – HEARING – PROJECT APPROVED**

This was a hearing to consider a petition calling for the installation of a sidewalk on Yadkin Drive (southeast side) from Alleghany drive to Currituck Drive for an approximate distance of 2500 linear feet. Staff is recommending the installation of a variable width sidewalk on a variable width setback from the curb (to be determined during design) on the southeast side of Alleghany Drive to Staley Court, transitioning to a six-foot wide sidewalk on a three and a half foot setback from curb on the southeast side from Staley Court to Currituck Drive to allow a match and a connection to the existing sidewalk across the bridge over Crabtree Creek. Additional adjustments to the sidewalk width and setback may be needed along the corridor in the final design to avoid major impacts in certain areas as determined by the engineering staff.

Following the hearing, the Council may accept the petition and authorize the project to proceed, deny the petition, or refer the item to committee.

The Mayor opened the hearing.

Chip Winstead, 4112 Yadkin Drive questioned the alignment which he understands will be on the south west side and then switches to the southeast, explaining this would cause people to

have to cross the street at an intersection on a blind curve and hill. He feels it will create a dangerous situation. He feels it would be helpful if the sidewalk is installed on the south west side as the topography on that side is flatter and would require less excavating, etc.

Donetta Powell, Engineering Services, indicated there have been some revisions since the origination of this petition. The proposed sidewalk would only be on the southeast side. It does not switch sides.

No one else asked to be heard, thus the hearing was closed. Mr. Thompson moved approval of the project 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.

**WATER ASSESSMENT ROLLS – 1353 AND 1353A – CRAFTSMAN DRIVE – HEARING – RESOLUTIONS CONFIRMING CHARGES ADOPTED**

This is a hearing to consider adopting a resolution confirming charges for the installation of a water line in Craftsman Drive and Sorghum Court according to charges outlined in Resolutions 2016-401 and 402 adopted on November 1, 2016. The assessments covered by Assessment Roll 1353A cover property outside the City limits and will be due only upon annexation, hookup, and/or subdivision of the property.

Following the hearing, the Council may adopt resolutions confirming the charges in Assessment Rolls 1353 and 1353A, or refer the item to committee.

The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Ms. Baldwin moved adoption of resolutions confirming charges as outlined. 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. See Resolutions 430 and 431.

**SEWER ASSESSMENT ROLL 1354 – KNOLLROCK DRIVE - HEARING – RESOLUTION CONFIRMING CHARGES ADOPTED**

This is a hearing to consider adopting a resolution confirming charges for the installation of approximately 135 linear feet of sewer main in an easement from Knollrock Drive to serve property at 6001 Lead mine Road according to charges outlined in Resolution 2016-403 adopted on November 1, 2016.

Following the hearing, the Council may adopt a resolution confirming the charges or refer the item to committee.

The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Ms. Baldwin moved adoption of a resolution confirming charges as outlined. 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. See Resolution 432.

**SEWER ASSESSMENT ROLL 1355 – CORONADO DRIVE – HEARING – RESOLUTION ADOPTED**

This is a hearing to consider adopting a resolution confirming charges for the installation of approximately 101 linear feet of sewer main in Coronado Drive to serve property at 5301 Coronado Drive according to charges outlined in Resolution 2016-404 adopted on November 1, 2016.

Following the hearing, the Council may adopt a resolution confirming the charges or refer the item to committee.

The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Gaylord moved adoption of a resolution confirming charges as outlined. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 433.

**SEWER ASSESSMENT ROLL 1356 – PINECROFT DRIVE – HEARING – RESOLUTION ADOPTED**

This is a hearing to consider adopting a resolution confirming charges for the installation of approximately 170 linear feet of sewer main in Pinecroft Drive to serve property at 105 Pinecroft Drive according to charges outlined in Resolution 2016-405 adopted on November 1, 2016.

Following the hearing, the Council may adopt a resolution confirming the charges as outlined or refer the item to committee.

The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Ms. Baldwin moved adoption of a resolution confirming charges as adopted. 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. See Resolution 434.

**REZONING Z-15-16 – FALLS OF NEUSE ROAD – HEARING – REFERRED TO THE PLANNING COMMISSION**

This is a hearing to consider a request from SpenComm, LLC to rezone approximately 17.3 acres from Residential-4 with Urban Watershed Protection Overlay District (R-4 w/UWPOD) to Commercial Mixed Use – 3 stories – Parking Limited – Conditional Use with Urban Watershed Protection Overlay District (CX-3-PL-CU w/UWPOD). The properties are located on the east side of Falls of Neuse Road, at its intersection with Raven Ridge Road, extending north to Dehijuston Court.

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

Mayor McFarlane pointed out she has received a request to increase the allotted time to 15 minutes for the proponents and 15 minutes for the opponents. She suggested that the Council start off with 8 minutes per side and then make a decision as to whether to continue with all agreeing to that procedure.

Planner Bynum Walter explained the request, location, surrounding development, presented views of the site from various locations, outlined what uses are allowed under the existing and the proposed zone pointing out there are numerous conditions on this case. She presented a map that shows the proposed zoning conditions illustrated, went over the Future Land Use Map, Urban Forum, consistency/inconsistencies with the Comprehensive Plan and pointed out the Planning Commission had recommended denial on an 8-0 vote and the CAC had recommended denial on a 224-89 vote.

The Mayor opened the hearing.

Attorney Thomas W. Worth, Jr., Raleigh, introduced representatives of D&N Development and Stantec who have worked on this project and are available to answer questions. He pointed out on November 11 he tried to submit revised conditions but the case was not referred to committee as they had hoped. He stated he had provided copies of the revised conditions to the Planning Department, Transportation and the City Attorney's office. Attorney Worth stated they are prepared to file revised conditions for 2-15-16 that will make significant changes to the October 25 version the Planning Commission received and reviewed. He submitted a synopsis of the conditions they are prepared to submit pointing out they have signed copies of the conditions but because of the process policies they are not able to provide the signed conditions. Attorney Worth went over synopsis which was entitled "Spencer Ridge, Falls of Neuse and Raven Ridge Road Proposed Project Improvements." He highlighted the concerns, commitments at Planning Commission and commitments by the proposed revised conditions. He indicated the City Attorney's Office had said they are not allowed to provide a condition relative to the affordable housing commitment but one way or the other they will work that issue out. He pointed out the City Attorney' office had suggested the possibility of a text change that would allow that but there would not be enough time to get a text change in place by the January 3 public hearing; however this item could be sent to the Planning Commission and that will give an opportunity for him to bring a text change forward. He stated he would be glad to answer questions about the proposed new conditions

Bob Fry, 1409 Coolmore Drive, highlighted the following prepared statement:

> I addressed this Council just last month to voice support for rezoning case Z-19-16 less than a half mile north of the site in this case. I've spent more than 30 years in real estate development and construction administration and have owned my own real estate and development companies in Los Angeles and Raleigh, developing residential lots, townhomes and offices in the Greater Raleigh area since 1996. I am a strong advocate for smart development and growth in this great City. This Council is to be complimented

for its strong leadership to ensure smart growth in our city, whereby supporting the Comprehensive Land Plan and Plan Vision which promotes preservation of green corridors and commons sense planning to reduce traffic snarl and congestion. Accordingly, the City's Planning Staff is to be complimented for its thorough and exhaustive review of the case before you tonight, Z-15-16, along with the Planning Commission's review of this case having voted 9-0 to deny the rezoning request.

Z-15-16, proposes impacts that run counter to smart and appropriate planning. The proposal before you won't meet the 40% forestation requirement and will strip the site of dense tree and vegetation and won't meet the minimum buffer requirements along the Falls of Neuse Corridor.

The traffic count generated from the intensity of the uses proposed will create almost 10,000 additional traffic count per day!

Recent discussions I've had with traffic engineers have supported the Staff Report that there is insufficient infrastructure to meet the proposed development. Proposed road improvements on Raven Ridge and Falls of Neuse will not mitigate the "bottle necking" in front of this site and will in effect cause a further downgrade at Durant Road and Falls of Neuse Road intersection, currently rated an "F." Staff has indicated there are no plans for road improvements at this intersection with northbound traffic stopped past I-540 in the afternoon and evening traffic periods traveling northbound on F of N.

The proposal has many issues pointed out by the Staff Report, including:

- Comprehensive Plan which foresees office and residential development
- Doesn't conform to the Urban Form map as the site isn't within a Growth and Mixed Use Center!
- Doesn't meet the Urban Pattern for low density residential and wooded buffer along Falls of Neuse Road.
- Doesn't meet the tree preservation requirements.
- The rezoning runs counter to the Plan Vision
- The proposal is inconsistent with "Managing Our Growth" and "Coordination Land use and Transportation."
- It conflicts with Area Plan Policy of maintain the "Green Corridor" Character of Falls of Neuse Road
- Traffic impact improvements won't mitigate traffic impacts as there will be almost 10,000 additional traffic points from this use.
- The proposed development for this site exceeds all other centers with a major grocery store along Falls of Neuse Corridor. WE DON'T NEED ANOTHER GROCERY STORE!

The Comprehensive Plan foresees office and/or residential development on this site. While the proposal is conditioned to include residential and office uses, the requested zoning would permit primarily retail development across the site. The Urban Form map does not show the site as being within or near a City Growth Center or located on a designated development corridor.

Under the Urban Pattern, new development should be visibly integrated with adjacent buildings more generally with the surrounding area. The existing local character and appearance is low-density residential development, with wooded buffers along major streets. The Falls of Neuse Corridor Plan states that "Frontage properties are developed with rural and low-density residential uses and include extensive roadside vegetation, creating a 'green corridor.' The UDO Frontage requested – Parking Limited - would supersede establishment of most Tree Conservation Areas supported by the Corridor Plan and by the UDO, and could set a precedence. While the proposal includes conditions aimed at reducing some development impacts, the intensity of uses possible under the rezoning runs counter to Plan Vision.

The City Staff has stated in general and more specifically to tis proposal that "infrastructure planning for intensive development should remain south of the site."

The Future Land Use Map discourages creation of new retail centers except at major intersections. The staff went on to say "Raven Ridge Road is foreseen to remain a two-lane road."

If you focus on the facts you will realize this proposal is not suitable for this location. Please continue to lead our great city with smart growth and not allow development to "Creap into non-growth areas."!

CAC Vote: 224 against and 89 in favor
VOTE NO ON Z-15-16.

Susan Burton, 1309 Wescott Drive, provided Council members with maps showing the homes in the immediate area, the communities that are involved and outlined involved homes that were notified, the number in support of the rezoning, those against, those opposed and those they were unable to be contacted. She also presented a map showing the watersheds and the possible impact on the drinking water.

Mary Lou Young, 11113 Slider Drive stated Raven Pointe is a beautiful, quiet and sought after place to live and she loves where she lives. She stated however Z-15-16 threatens to detract from the beauty and the character that exists near their homes. She questioned the legitimacy of the Raven Pointe vote on August 13 starting the developers promised to build Raven Pointe a wall to shield them from their retail development. They were actually instructed to vote "yes" if they wanted a wall and pointed out if they voted "no" they would get no wall. However it was later discovered that it is doubtful a wall could even be built. She quoted from the staff report on

Z-20-97 which indicates ". . . a 30 foot vegetative buffer is conditioned along Raven Ridge." She stated 30 feet puts one at the back door of several units on Slider Drive.

Ms. Young stated they were promised as a part of the negotiated conditions that the development would include high end condos with underground parking, not rentals, not apartments. The residents thought that this is what they were voting for; however, the promise conflicts with current Z-15-16 conditions. She asked the Council to disregard the August 13 vote as Raven Pointe voters was misled and misinformed. She stated keeping this area R-4, Raven Pointe would need no wall or a need to be shielded from anything. A majority of the residents are not in favor of this development as found by a door-to-door pole taken in September 2016 by her and three other people. She asked the Council to deny Z-15-16.

Senator Dan Blue, 205 Fayetteville Street indicated he represents various entities who have an interest in this rezoning including Mt. Pleasant Baptist Church which has been next to this site for over 130 years as well as some neighbors directly behind the site. All have seen development occur all around them. Developers have shared the details of the changes that are proposed, talked about how he had seen the developers respond favorably to all of the observations, criticisms, needs of the adjacent property owners. Senator Blue talked about the proposal which would probably end up being the best development along this corridor. He talked about the aspects of the case which will deal with traffic, parking, water, sewer, etc. He stated all agree with the need for work force housing. He stated the proposal being presented would enable the Church attendees and others along the street to be able to exit on to Falls of Neuse in a much safer manner. He stated either the property should stay undeveloped or developed to the highest and best use considering the concerns of the neighborhood. Approximately 75 people stood in support of the rezoning.

Nick Brown, 700 Exposition Place, talked about the plan for the traffic, office, residential, retail uses, transit easement shelter, bicycle parking, value of the Falls of Neuse Corridor, plan for the property, tree conservation areas, spreading the buildings out to create large green open spaces, which includes acres of green, 4 acres of tree safe areas, how they plan to reduce the retail, the Raleigh of yesterday, and the need for affordable work force housing. Mr. Brown referred to a Raleigh Police Major who said no one who works under him can afford to live in the city we must do something about that.

Sarah Kerr, 1310 Rio Falls Drive, Apt. 204, indicated she teaches at Durant Middle School and would love to be able to live in the same area in which she teaches. She spoke in support of this project as it does include work force housing.

Don Donaldson, Pastor of Greater Works Christian Center, 10821 Departure Drive indicated he supports the project wholeheartedly, talked about how he will work for the area.

Mary Lou Young spoke in opposition pointing out this proposal distracts from the character, talked about the unfair vote of the community, how they later learn there would be no retaining wall, how they were promised no rental units, etc.

Tim Niles, 11509 Midlavian Drive, highlighted the following prepared statement:

I would like to address the issue of an appropriate compromise when the developer and the local residents do not agree on the use for a parcel of land.

In this case the residents want the land to remain at the current R4 zoning and the applicant wants to rezone the land to CX. So low-density residential versus high-density commercial and retail mixed use.

We submit the appropriate compromise between these competing interests is NOT to just decrease the size of the retail component while still rezoning to CX which would still be inconsistent with the Future Land Use Map.

Instead an appropriate compromise to rezone the land to higher density residential such as R10, the same density as the Raven Pointe community across the street from the property. Or, alternately, to rezone the land in compliance with the Future Land Use Map to OX, Office Mixed Use.

Either of these options is a clear mid-point between low density residential and high-density/high-impact retail and both options are consistent with the Future Land Use Map.

Instead an appropriate compromise is to rezone the land to higher density residential such as R10, the same density as the Raven Point community across the street from the property. Or, alternately, to rezone the land in compliance with the Future Land Use Map to Ox, Office Mixed Use.

Either of these options is a clear mid-point between low density residential and high-density/high-impacted retail and both options consistent with the Future Land Use Map.

For the applicant to assert that their proposal for CX is close to consistency with the Future Lane Use Map designation of OX because it has been amended to allow for a small amount of office space and has a residential component defies all rational logic.

OX, the Future Land Use Map designation, does not allow for a major retail component. Instead, it allows for a small amount of retail (up to 15% of the total square footage) to support the office and residential components. And, it does NOT allow for any stand-alone retail at all.

I respectfully request that you vote to deny this rezoning application and to discourage any future attempts to define any retail shopping center as a valid compromise between thee competing points of view.

> We have reviewed cases for the last 3 years. There has never been a case found inconsistent, incompatible, denied by the Planning Commission unanimously and then approved by City Council. First, let me point out that everything Mr. Worth said tonight was about condition that have nothing to do if the proposal in front of you.

George Farthing, 11208 Kingsley Court pointed out he had emailed the Council a number of times about his concerns and had provided information he had found through his research including over the past three years 92 rezonings and the Council had approved 79 of them. He talked about the rezonings, how we do not need large retail areas in the middle of residential areas, called on the Council to not approve or justify something that will harm the community and is inconsistent with the various plans. He stated this is not the concern is not about residential development it's' about retail. What Mr. Worth said has nothing to do with the proposal before Council.

Susan Burton pointed out the people she talked to were against retail but were not against housing. They have plenty of retail in the area. She pointed out there are about 10 grocery stores within a five mile radius and more retail is not needed. She stated they understand the property will be developed at some point and they have no problem with it being developed as it is zoned residential, office or affordable housing.

Approximately 150 people stood in opposition.

The Mayor closed the hearing.

Mayor McFarlane questioned the traffic levels in the a.m. and p.m. and questioned how this development, if approved, would change or improve if the rezoning with the conditions are approved. The number of conditions, whether this development would have impact on the sewer in the area, private agreements with the neighbor for testing, how the drainage flows in the area, the fact that proposed conditions increased to a 25 year storm water protection were the points in discussion.

Mr. Cox indicated he understands if someone has a problem with their water the applicant would help but only those which have private agreements. Mr. Cox questioned if the applicants knew how many wells are in the area.

Lengthy discussion took place about the need to provide housing, the number of people moving into the area, how this private investment would provide for public improvements, etc. Mr. Gaylord pointed out he wants everyone to understand that the traffic will get worse as time goes on along this corridor; however the private investment with this proposed rezoning would help make the traffic better. Mr. Cox talked about infrastructure and comments in the staff report relative to adding additional traffic lanes in the vicinity of the proposed shopping center, improved timing going through the intersection but pointed out that still leaves the road narrowing on either side which will only make traffic problems increase. The traffic impact and the level of service with and without this proposed development and/or proposed improvements

and whether development in the area including the recently approved grocery store were considered. What the improvements would or would or would not do, what is city and what is NCDOT and the need for further study on traffic impacts were talked about.

Council Member Cox talked about the vision for this area, what the future land use map and comprehensive plan say for the area, and how this proposal in his opinion would change the character of the area and his feeling that the appropriate action would be to deny the request and update the small area plan. He stated the area should be developed as office or residential mixed use with it being pointed out that is not what's in the proposal. Mr. Cox contended this is not a growth area and he would argue in favor of the vision of the people who live in the area and the Future Land Use Map and Comprehensive Plan.

Council Member Gaylord again pointed out that the people in the area need to understand that the level of traffic service in the area will get worse but this development may help improve the traffic. In response to a request from Council Member Cox, approximately 50 people raised their hands saying they are willing to live with a lower level of service they will if this development is not approved. Various Council members voiced their feelings on the case and the need to trust the professional people who have made studies and recommendations. The fact that the Planning Commission has not seem the case with the proposed new conditions was talked about as was the feeling that the new application addresses six of the concerns voiced the feeling the Planning Commission when looking at all of the proposals may have a different recommendation. Various Council members suggested that the item go back to the Planning Commission for further study, etc., as the developer has heard the concerns and conversations, Councilor Gaylord suggested sending the matter back to the Planning Commission and may be the developer could come back with a plan that addresses the concerns. Council Member Cox indicated he would have to vote against sending it back to the Planning Commission as what is before the Council is not what was envisioned for this area and expressed concern that the homeowners in the area should have a say. Whether the plan could be changed to a planned development so everyone would know what is going on was talked about. It was pointed out it could be changed to a planned development by the applicant paying an additional fee and asking for a waiver.

Mr. Stephenson talked about Richland Creek Watershed and pointed out we do not know the impact of this proposed development on our drinking water supply or the wells of the people who live in the area. He stated he could support the idea of a planned development. He pointed out this case has at least 23 conditions and our zoning classifications were never intended to have this complexity. Various Council members stated they would like to see the case converted to a planned district and would vote to send it back to the Planning Commission if that could occur. It was pointed out the Council could not make that a condition but the applicant has heard the comments. The motion to refer the case to the Planning Commission was put to a vote which resulted in all members voting in the affirmative except Councilors Cox, Stephenson and Thompson. The Mayor ruled the motion adopted on a 5-3 vote.

**REZONING Z-17-16 – CREEDMOOR ROAD – HEARING – DENIED**

This is a hearing to consider a request from Phillip Calton to rezone approximately 2.62 acres from Residential-6 (R-6) to Commercial Mixed Use – 3 stories – Conditional Use (CX-3-CU). The property is located on the west side of Creedmoor Road, south of its intersection with Sawmill Road. The Growth and Natural Resources Committee discussed the proposal at its November 9, 2016 meeting and recommended denial.

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

Bynum Walter, City Planning, indicated just prior to the meeting she had received word from the applicant asking that this case be denied as they cannot withdraw the case. Ms. Crowder moved denial. Her motion was seconded by Council Member Branch and put to a vote which passed unanimously. The Mayo ruled the motion adopted on an 8-0 vote.

**REZONING Z-18-16 – HOMEWOOD BANKS – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE**

This is a hearing to consider a request from Dorothy R. Kerr Revocable Trust and Kerr Properties, LLC to rezone approximately 16.02 acres from Residential-4 and Residential-6 (R-4 & R-6) to Residential Mixed Use – 3 stories – Parking Limited – Conditional Use (RX-3-PL-CU). The properties are located on the west side of Homewood Banks Drive, at its intersection with Blue Ridge Road, extending northwest to Stony Crest Road.

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

Planner Bynum Walter presented the case showing the existing zoning, development, aerial views of the site, views from various locations, what is allowed under existing and proposed zoning and the proposed conditions. She pointed out the Planning Commission recommended approval on a 6-3 vote and the Northwest CAC voted 6-4 to support the case. She went over the Future Land Use Map, Urban Form Map, Comprehensive Plan Analysis, and talked briefly about the split vote of the Planning Commission.

The Mayor opened the hearing.

Attorney David York representing the applicant stated he had various people with him who would be glad to answer questions including the civil engineer for the development. He talked about the work with the neighborhood since May and expressed appreciation for the support of the CAC. He stated they worked hard to gain the support and thought they had a win-win situation. He stated there are some inconsistencies with the land use map and talked about how they had worked with the surrounding development which will end up with 17 units per acre. He

talked about the main concerns related to transportation and storm water and asked the civil engineer to comment on those.

Ron Hendricks, Piedmont Land Design, Civil Engineer, talked about the work with staff in determining what stormwater measures are needed. He talked about the pond at the rear of the property, the floodplain adjacent to the pond, city/staff policy in cases such as this in which they prefer to let the water from the site get in front of downstream runoff rather than go in to the stream at peak times. He talked about nutrient reduction, treating surface drainage, etc. Mr. Thompson asked about surface drainage with Mr. Hendricks pointing out the pipes will drain below the pond into the floodplain again pointing out they are following staff's recommendations. Councilor Thompson questioned what would happen if the creeks were flooded with Mr. Hendricks again indicating the water from this site should be in front of the peak pointing out it takes Crabtree days to peak, all of the water from their property would be downstream by that time. Mr. Thompson questioned how much impervious service is being added and whether the members of the Planning Commission felt best practices were being used. Mr. Hendricks talked about staff's recommendation particularly when development is occurring adjacent to the floodplain. Ms. Crowder stated she would like to refer this item to the committee to discuss the stormwater issue and possible impacts.

A representative of Kimley Horn pointed out they had prepared traffic impact analysis however it hasn't been submitted it will be required with site plan consideration. It was pointed out this development will have a minor impact, talked about the various intersections that were studied, surrounding development that was included in their study and the units in the area. The level of service at the intersections now and after the proposal was talked about.

Mark Benson, 3801 Holly Lane, indicated he and his brother owns the property just south of this site. He talked about meetings with the developer to discuss the impact, screening, buffering, etc. pointing out he is in support of the project. Time frame for submitting additional conditions was talked about with it being pointed out because of the holiday schedule it will be difficult if the hearing is closed for conditions to be considered. After brief discussion it was agreed to leave the hearing open and refer the matter to Growth and Natural Resources Committee on a motion by Ms. Crowder, seconded by Mr. Thompson, passed unanimously. Attorney York pointed out they are trying to stay ahead of a text change with this rezoning and questioned when the committee will meet with Ms. Crowder pointing out it would not meet until January 12. The item was referred to Growth and Natural Resources Committee on an 8-0- vote.

**REZONING Z-21-16 – LUMLEY ROAD – HEARING – ORDINANCE ADOPTED**

This is a hearing to consider a request from RALHAM, LLC 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 property is located on the north side of intersection of Interstate 540 and Lumley Road, with access from Arco Corporate Drive.

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

Planner Bynum Walter presented the case explaining the existing zoning map, surrounding development, views of the area from various locations, what is allowed under existing and proposed zoning, proposed conditions, consistencies and/or inconsistencies with the Future Land Use Map, Urban Form Map and Comprehensive Plan. It was pointed out it is inconsistent with the Design Guidelines and Pedestrian Friendly Development. The Planning Commission voted in favor and the Northwest CAC voted 8-1 in support.

The Mayor opened the hearing.

Attorney Michael Birch, representing the applicant pointed out the purpose of this rezoning is to restore the ability to have a 12 story hotel at this location. Under the UDO remapping, the hotel will be kept at seven stories. He talked about Arco Corporation, the private road which goes through a part of the Ward Transformer site which the City of Raleigh did not want to accept dedication of the right-of-way and showed how the parking limited frontage would negatively impact development. He stated the FAA has confirmed that 12 stories would not impact their height range. In response to questioning from Mr. Stephenson, Attorney Birch stated there are no sidewalks on portions of Lumley Drive. No one else asked to be heard, thus the hearing was closed. Mr. Stephenson moved approval of the zoning as requested. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 651 ZC 738.

**REZONING Z-25-16 – LEESVILLE ROAD – HEARING – APPROVED**

This is a hearing to consider a request from Anthony K. Dudley to rezone approximately 1.96 acres from Industrial Mixed Use – 3 Stories – with Special Highway Overlay District-2 and Airport Overlay District (IX-3 w/SHOD-2 & AOD) to Residential-4 – Conditional Use– with Special Highway Overlay District-2 (R-4 w/SHOD-2). The properties are located on the south side of Leesville Road, at its intersection with Wynalda Way and Englehardt Drive.

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

Planner Bynum Walter gave information on the request, location, surrounding development, existing zoning, various views of the property in question, what is allowed under existing verses proposed zoning, proposed conditions, consistencies/inconsistencies relating to the Urban Form, Future Land Use Map, Comprehensive Plan, Airport Overlay Zone, etc. She stated the Planning Commission recommended approval on a 9-0 vote and the North West CAC voted 3-1 in supported of the case. She pointed out Council members had received a letter from RDU Airport Authority which indicates the authority does not support the rezoning.

Mr. Crowder talked about the fact that many people buy homes in the area and later realize they are in the airport zone and questioned how that can be considered.

The Mayor opened the hearing.

Catherine Wilkerson, representing the applicant, stated her client plans to build his private home on this property. She explained the surrounding uses are residential and it is adjacent to a park. She talked about conditions he has agreed to relative to noise reduction, aviation easement, notes that it is in an airport overlay zone, noise reduction, etc., again pointing out he does not plan to sell the property but wants a note on the deed so it would not be a surprise to anyone and he will make sure that the noise is reduced to the 42 DB.

Councilor Branch questioned how you reduce the noise from planes with Ms. Wilkerson pointing out he plans to build with noise reducing materials which also helps with vibrations, etc. She again stated there will be a note on the deed to let everyone know about the proximity to the airport. Ms. Wilkerson pointed out that information will be included on any deeds. No one else asked to be heard thus the hearing was closed.

In response to questions from the Mayor, Planner Walter pointed out it is in a growth area. How the information will be recorded that the site has to proximity to the airport, noise reduction, requirements, etc., was debated. Councilor Gaylord moved approval of the rezoning. His motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative except Ms. Crowder who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote. See Ordinance 651 ZC 738.

**REZONING Z-26-16 – NORTH RIDGE SOUTH – HEARING – ORDINANCE ADOPTED**

This is a hearing to consider a request from Carol Jones and Jennifer Molloy to rezone approximately 80 acres from Residential-6 (R-6) to Residential-6 with Neighborhood Conservation Overlay District (R-6 w/NCOD). The properties are located between New Market Way and North Ridge Drive.

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

Planner Walter presented the case explaining the Neighborhood Conservation Overlay District proposal process, location involved, etc.

The Mayor opened the hearing.

Carol Jones, 1304 Hedgelawn Way, asked those in the audience in support of the proposal to stand and approximately 40 people stood in favor of the case. Ms. Jones representing the North Ridge South residential area pointed out this process was started in July of 2015 when the City

Council amended the UDO by inserting the North Ridge South Neighborhood Characteristics into the code. The group immediately started with the rezoning process; 82% of the household signatures were acquired, the required neighborhood meetings were held, CAC meetings and submission of the rezoning application on August 17. She explained they received the Planning Commission's unanimous approval on August 23. She stated applying the Neighborhood Conservation Overlay onto the existing R-6 zoning is consistent with the various comprehensive plan policies. She talked about the requirements for NCODs and also indicated the group is aware that there is opposition to the case. She stated they have worked long and hard to meet all of the requirements and statutes and she is before the Council to ask the Council to approve the application.

Brian Edlin, Jordan Price Law Firm, provided information on how the application meets all of the requirements, statutes, etc. He talked about certifications outlined in General Statutes 160A and the UDO.

He stated he would be happy to answer any questions concerning the requirements, how the group met the requirements, etc.

Jane Vestal, 1221 HedgeLawn Way, indicated the applicants were required to serve actual notice of this public hearing to the 23 owners of the 25 properties within the North Ridge South Rezoning Application who did not sign the rezoning petition. She explained notice was sent by Certified Mail, (return receipt requested) to the owners of the 25 properties at the tax record mailing addresses as confirmed by the City. One corporation was sent an additional certified letter at their office which was different from the tax mailing address. Return receipts were received from 21 properties. Of the other four properties, one owner of two lots refused service of the certified letter, one letter was returned to sender because the addressee was not known at the tax record address and the final letter was not collected from the post office. Ms. Vestal stated the next stage included service by publication which was made for the three owners of the four properties who could not be served by certified mail by insertions in the newspaper on November 17, November 24 and December 1, 2016. Letters informing those owners of the service by publication was sent by first class mail. She stated because the owners of the property at 1400 Hedgelawn Way had stated at the prior Planning Commission hearing that he was not aware of the progress with the rezoning case although his mail was forwarded from the address of record, the applicants undertook extra efforts to serve notice by certified and regular mail at three additional mailing addresses of records shown on the Wake County property registry.

Ms. Vestal stated the applicants have certified to the City Council that the owners of the 25 parcels of land who did not sign the application for rezoning have been served actual notice of the proposed amendment and that a copy of the notice of public hearing and property owners has been provided as required by state law. She presented affidavits of publication. Ms. Vestal stated she is aware that the Council has received emails in opposition but pointed out those in opposition do not actually live in North Ridge South. She stated NCOD would not prevent new custom homes from being built.

Doug Bledson, 6505 New Markey Way, stated he is in opposition based on this action having a negative impact on home values. He talked about new homes that are being constructed, the value of the homes, pointing out most of the homes were built in the 70s, very plain looking, however the new homes are a new style, much higher property value, etc. He stated the homes could be built on existing lots; lots will not be divided as a lot of the residents are fearing. He stated new homes will raise the value of all of the homes in the area. He talked about the homes on the golf course, talked about empty lots, and stated in his opinion this is a back door way of down zoning the property from R-6 to R-4. He talked about the buildable lots, and expressed concern about the intention of the NCOD.

Angela Wesley, 1400 Hedgelawn Way, asked the Council to deny the request. She talked about zoning regulations and covenants that restrict subdivision of the lots and pointed out of the 130 homes in the area only about 23 could be subdivided.

She talked about the diversity of the homes, indicating in her opinion there is no danger of overcrowding, spoke to how the variety of homes contributed to the attractiveness of the neighborhood, and urged the Council to consider all and reflect on the emails that have been received in opposition pointing out there are many benefits to denying this case. She feels there are a lot of misunderstandings and unnecessary fears.

No one else asked to be heard, thus the hearing was closed. Mr. Thompson moved approval of the request. His motion was seconded by Mr. Gaylord who indicated he understands NCODs actually increase the value of a neighborhood. 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. See Ordinance 651 ZC 738.

**TC-15-16 – MAXIMUM AREA DEVOTED TO COMMERCIAL LIMITED USES IN RX AND OX DISTRICTS – HEARING – ORDINANCE ADOPTED**

This is a hearing to consider a text change to amend the Limited Use Standards within Article 6.4. of the Unified Development Ordinance (UDO) for the following Commercial uses/categories in Residential Mixed-Use and/or Office Mixed-Use districts: Office, Beauty/Hair Salon, Copy Center, Optometrist, Personal Service, Eating Establishment, and Retail Sales as well as deletes Section 6.7.3.F. “Nonresidential Accessory Service” from the UDO” in its entirety.

Following the hearing, the Council may take action to approve, deny, refer the item to committee or refer to the Planning Commission for further consideration.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Baldwin moved approval of the text change as advertised. 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. See Ordinance 652 TC 386.

**TC-16-16 – DWELLING UNITS IN CONGREGATE CARE – HEARING – ORDINANCE ADOPTED**

This is a hearing to consider a text change to amend Section 6.2.2.C. of the Raleigh Unified Development Ordinance, Congregate Care, to expressly allow Dwelling Units to be one of the continuum of care housing options provided within a Congregate Care facility.

Following the hearing, the Council may take action to approve, deny, refer the item to committee or refer to the Planning Commission for further consideration.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Baldwin moved approval as advertised. 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. See Ordinance 652 TC 387.

**TC-19-16 – WALL SIGNAGE – HEARING – ORDINANCE ADOPTED**

This is a hearing to consider a text change to alter the regulations for wall, canopy, and projecting signage when a frontage is present. The current regulations restrict the amount of signage for properties with a certain frontage. The proposed change would revert the standards to be consistent with the previous Part 10 Zoning Code standards.

Following the hearing, the Council may take action to approve, deny, refer the item to committee or refer to the Planning Commission for further consideration.

This text change originated with a Request and Petitions of Citizens on August 2 which was subsequently referred to the Economic Development and Innovation Committee. The Committee recommended and Council approved proceeding with a text change on October 18; the Planning Commission recommended the text change as presented and the scheduling of this public hearing on November 15, which Council authorized.

The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Ms. Baldwin moved approval of the text change as advertised. 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 654 TC 388.

**Adjournment**: There being no further business, Mayor McFarlane announced the meeting adjourned at 10:45 p.m.

Gail G. Smith
City Clerk

jt/CC12-06-16