

## **COUNCIL MINUTES**

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, February 21, 2017 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  
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

The meeting was called to order by the Mayor. Invocation was rendered by Reverend Sallie Simpson, Saint Mark's Episcopal Church. The Pledge of Allegiance was led by Council Member Thompson. The following items were discussed with action taken as shown.

### **RECOGNITION OF SPECIAL AWARDS**

#### **APPOINTMENTS – KIMBERLY REHBERG – CERTIFICATE PRESENTED**

Mayor McFarlane explained the Certificate of Appointment and presented a certificate to Kimberly Rehberg who was recently appointed to the Civil Service Commission. In presenting the certificate, Mayor McFarlane expressed appreciation for the support and participation of citizens on the various boards and commissions.

#### **PROCLAMATION – FRIENDSHIP FORCE OF RALEIGH DAY – PROCLAIMED**

Mayor McFarlane read a proclamation proclaiming March 1, 2017 as Friendship Force Day of Raleigh. The proclamation was accepted by Donna Steel and another representatives of the Friendship Force of Raleigh.

#### **DOROTHEA DIX PARK – COMPREHENSIVE MASTER PLAN - MICHAEL VAN VALKENBURG SELECTED**

Mayor McFarlane called on members of the Dorothea Dix Master Plan Executive Committee and Dix Park Conservancy to come forth and stand with her during this exciting announcement. She recognized members of the group especially Greg Poole who helped make acquiring the park a reality. She pointed out the Dorothea Dix Park Master Plan Executive Committee interviewed four incredibly talented consultants and are extremely pleased to recommend Michael Van Valkenburg who rose above the rest in leading the development of a master park plan. Mayor McFarlane stated everyone looks forward to this important development and Mr. Valkenburg is the one that the committee felt could develop a plan that best says Raleigh is

something unique, special, etc. She spoke briefly about his background and pointed out the Executive Committee is so proud of the unanimous recommendation and she would move that the City Council approve the use of Michael Van Valkenburg Associates to be the lead designer of the Comprehensive Master Plan for Dorothea Dix Park. Her motion was seconded by Council Member Crowder and the motion 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.

### **AGENCY GRANTEE PRESENTATION**

#### **AGENCY GRANTEE PRESENTATION – EL PUEBLO, INC. - RECEIVED**

Angeline Echeverria, Executive Director of El Pueblo, explained their work centers around experiences of Latin youth and adults who are interested in promoting a stronger, more just North Carolina. She stated they used the term Latinx to reflect their commitment to including community members of all gender identities.

Jorge Ramos, a member of the youth organizing team, pointed out through leadership development workshops they support youth and adults to learn new information and skills based on popular education techniques as they feel people of all ages have valuable experiences and all are teachers and students. He stated a lot of the community members they work with face systemic barriers due to xenophobia, classism and racism. He stated at El Pueblo they create a safe equitable space where all can share stories of struggle and get involved in campaigns including the fight for basic services such as in state tuition and drivers licenses for undocumented people.

Alejandra Mendez, youth member, displayed a piece of art that was created by one of their youth leaders, Mellissa Cervantes, pointing out it symbolizes the way that anti-immigrant stereotypes and insults such as “illegal” “criminal” “useless” “lazy” affect their community. All words on a skeleton is to popular imagery related to Mexican Day of the Dead. The painting has a window which symbolizes that despite the situation, there is light and hope.

Angie Cadena shared a piece developed by Georgia Stall, a volunteer at El Pueblo which reflects the plans and goals for the future, shares a vision for empowerment and inclusion, highlights the contributions of the diverse community members and El Pueblo’s role “creating leaders for the future.”

Ms. Echeverria pointed out they will be hosting LaFiesta del Pueblo on Sunday, September 24 on Fayetteville Street and invited all to come and enjoy the music, dance performances, visual and folk art exhibits and activities for the whole family. They all expressed appreciation to the City for support of El Pueblo and support of the arts in general.

## **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 Council Member requests discussion on an item, the item will be removed from the consent agenda and considered separately explaining the vote on the consent agenda would be a roll call vote. Mayor McFarlane stated she had not received any requests to withdraw items from the consent agenda. Council Member Thompson moved approval of the consent agenda as presented. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

### **NEUSE RIVER RESOURCE RECOVERY FACILITY – ACQUISITION OF PURCHASE, 8428 OLD BAUCOM ROAD – APPROVED**

Property located at 8428 Old Baucom Road is being marketed for sale and its location adjacent to the Neuse River Resource Recovery Facility (NRRRF) represents an opportunity to expand the amount of city-owned land surrounding the sewer treatment plant. The site is currently permitted for land application of bio-solids that result from plant operations, as well as being strategically located to support the overall NRRRF mission. Acquisition of the site would eliminate potential future liability stemming from property adjacent to plant operations remaining in private ownership.

An independent appraisal of the property has been obtained by staff. The property owner and staff have agreed upon a purchase price in the amount of \$175,000, subject to due diligence terms and Council approval.

**Recommendation:** Authorize staff to enter into a purchase contract to acquire the property located at 8428 Old Baucom Road. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

### **TEXT CHANGE - UDO DEFINITIONS – REFERRED TO PLANNING COMMISSION**

The City adopted the Unfired Development Ordinance (UDO) effective September 1, 2013. A number of terms defined in the former Part 10 of the city code were not transferred to the new UDO. Further, through application of the UDO, additional terms have been identified that would benefit from definition. Reintroducing these former-codified definitions along with several new definitions will promote clarity in interpretation and make the UDO more transparent in its use and application to development proposals in the City. The goals of this text amendment include the following:

- Improve administration of the UDO;
- Define terms more precisely, diminishing the need for interpretation;
- Implement a consistent application of the code;

- Prevent circumvention of the code.

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

#### **TEXT CHANGE – CITY CODE COVENANTS – REFERRED TO PLANNING COMMISSION**

The City adopted the Unified Development Ordinance (UDO) effective September 1, 2013; Development Services staff has requested a change to the UDO. The UDO requires a legal document, known as the city code covenant, for developments with common elements. Example common elements are commonly-owned property or shared stormwater devices. The presence of the city code covenant requires the property owners to form a homeowners or property owners association; however the current stormwater maintenance covenant allows for single maintenance responsibility of stormwater devices. This code requirement conflicts with that allowance, and the text change would clarify that single maintenance responsibility for stormwater devices is allowed.

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

#### **REIMBURSEMENT CONTRACT – WAKE PARTNERS/SUMERLYN SUBDIVISION – CITY MANAGER AUTHORIZED TO EXECUTE**

Installation of one oversized water main extension project has been completed by a private developer within the Raleigh jurisdiction. Wake Partners, LLC completed installation of 2,860 linear feet of 12-inch water main in Arsenal Avenue to serve the Sumerlyn Subdivision, Phases 5, 7, 8 and 9. The project is eligible for \$ 102,388 in reimbursement; the amount of reimbursement has been certified by staff and the reimbursement is in accordance with the city code.

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

#### **COMMUNITY DEVELOPMENT – SURPLUS PROPERTY – PUBLIC HEARING AUTHORIZED FOR MARCH 7, 2017**

Separate requests for proposals (RFP) were issued in November 2016 for the sale of 23 City-owned parcels within the Martin Street and Haywood Street area, and 98 City-owned parcels in the East College Park area. On December 16, 2016, four proposals for the parcels within the Martin Street and Haywood Street area were received; seven proposals were received for the East College Park area.

According to state statute (GS 160A-457), the sale of real property in a community development project area to any redeveloper at private sale for residential use is subject to approval of the

governing body. In addition, the statute specifies that the consideration or sales price shall not be less than the appraised value and that the proposed sale be subject to a public hearing at which the terms of the sale are disclosed.

A listing of the street address of each property to be sold as well as the appraised value of each – which is also the proposed sale price – was included with the agenda packet.

**Recommendation:** Schedule a public hearing for March 7 for the purpose of receiving citizen comment on the proposed sale. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

### **EPLUS INC – MASTER LEASE AGREEMENTS/LEASE SCHEDULE 168 – MANAGER AUTHORIZED TO EXECUTE**

The City utilizes a leasing company to provide technology equipment including desktop computers, laptops, phones, and projectors; as well as network equipment such as switches, routers and servers. The Master Lease Agreement provides for new equipment to be leased via a series of quarterly lease schedules. Lease Schedule 168 is in the amount of \$556,616 for a four-year term and exceeds the administrative approval threshold of \$150,000.

**Recommendation:** Authorize the City Manager to execute Lease Schedule 168. Upheld on Consent Agenda Thompson/Branch – 8 eyes.

### **PEOPLE SOFT PROCUREMENT ENHANCEMENTS – MANAGER AUTHORIZED TO NEGOTIATION AND EXECUTE CONTRACTS WITH NPRODIGY, LLC**

Since 2009 the City has utilized the Oracle PeopleSoft Enterprise Resource Planning (ERP) software to automate core financial and human resource functions. The system provides efficiencies for key business processes via automation and centralization of data, which improves reporting and customer service and increases security. The cross-departmental Center of Excellence works to maintain and enhance business processes by means of the delivered software.

In 2015, the National Institute of Governmental Purchasing, Inc. (NIGP) conducted a procurement study to assess procurement practices and organizational roles in the context of “best practice” methods to evolve this important function. A key recommendation was the enhanced need for technology to support the contracts business process and supplier access to information. As such, a project was initiated to enable the Supplier Contract Management and eSupplier Connection functionality within the PeopleSoft ERP system. Funding for implementation services is appropriated in the capital budget.

Following issuance of a request for qualifications (RFQ), nine vendors responded to provide functional consulting services for the Supplier Contract Management and eSupplier Connection implementations. A multi-departmental selection committee rated responses based on individual consultant experience, project schedule and approach, reference feedback, and firm experience.

Following review and evaluation of the proposals, the top three vendors were ranked in the following order:

- (1) nProdigy, LLC
- (2) Maverick Solutions, a subsidiary of GP Strategies Corporation
- (3) Iceberg Technology Group

The functional consultant will assist with analyzing the current email and phone-based processes and work to design a streamlined method of contract authoring, approval workflows, and document storage. The consultant will then ensure implementation of the planned designs. As the highest ranked proposal due to specific implementation experience within the public sector, nProdigy LLC is recommended as the preferred vendor. The contract value will not exceed \$300,000.

Once plans for implementation are finalized by the functional consultant and technical requirements are documented, a separate contract amendment to the existing technical managed services agreement with ERP Analysts will be developed for technical work associated with the implementation project, the total cost of which will be covered by the existing capital project budget.

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|--------------------------------|---|
| Name of Project:               | PeopleSoft Purchasing Enhancements            |
| Managing Division:             | Information Technology – Center of Excellence |
| Approval Request:              | Contract award                                |
| Reason for Council Review:     | Contract execution                            |
| Original CIP Budget:           | \$500,000                                     |
| Encumbered with this Approval: | \$300,000                                     |

**Recommendation:** Subject to final negotiation of terms authorize the City Manager to execute a contract in an amount not to exceed \$300,000 with nProdigy, LLC. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

### **FIRE STATION PROFESSIONAL SERVICES – STATION #ONE/MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH DAVIS KANE ARCHITECTS, PA**

Eight proposals to perform professional services for the Fire Station One relocation and Fire Department Headquarters have been received. Davis Kane Architects, PA was selected to provide architectural; engineering and other design services; environmental and surveying services; cost estimating and construction related services in anticipation of relocating Fire Station One and potential to establish a headquarters facility for the Fire Department. A specific site has not been determined for location of either facility; initial work to be performed in Phase One of the contract is not site specific as a final site for the Fire Station One relocation and Fire Department Headquarters has not been determined.

The project will be comprised of three phases. Phase One will include feasibility studies, programming, site plan options, geotechnical, site surveys, and an environmental assessment.

Phase Two will include design drawings plus site design drawings for site plan submittal. Phase Three will be the balance of the design through construction documents and construction administration.

The proposals were reviewed by a staff committee. Negotiations with Davis Kane Architects, PA were completed and the fee for phase one of the project is \$184,883. Davis Kane Architects is proposing 15 percent Minority and Women-owned Business Enterprise (MWBE) participation.

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|--------------------------------|---|
| Name of Project:               | Fire Station One and Fire Department Headquarters |
| Managing Division:             | Engineering Services – Construction Management    |
| Reason for Council Review:     | Design contract amount >\$150,000                 |
| Original CIP Project Budget:   | \$23,855,000                                      |
| Vendor:                        | Davis Kane Architects, PA                         |
| Prior Contract Activity:       | N/A   |
| Budget Transfer:               | N/A   |
| Current Encumbrance:           | \$0   |
| Amount of this Contract:       | \$184,883   |
| Encumbered with this Approval: | \$184,883   |

**Recommendation:** Authorize the City Manager to execute the contract in an amount not to exceed \$184,883. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

### **LEXIS NEXIS CONTRACT - POLICE DEPARTMENT – MANAGER AUTHORIZED TO EXECUTE**

Suspect identification aids police officers and detectives in completing case investigations. The ability to query aggregated public record databases is streamlined through the Lexis Nexis service. The new service agreement extends the use of services for another three years, also securing a cost without the standard yearly increase. The new service agreement is in the amount of \$150,012 for three years, billed monthly at \$4,167 per month for 36 months.

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

### **SANITARY SEWER FLOW MONITORING – ADS, LLC CONTRACT AMENDMENT #1 – MANAGER AUTHORIZED TO EXECUTED**

Six proposals for sanitary sewer flow monitoring services were received on August 14, 2015; this ongoing project provides sewer flow and capacity data which is used to model the sewer collection system and evaluate available system capacity and to guide future system improvements.

ADS, LLC was selected based on cost and qualifications with an option to renew for five additional one-year terms. This amendment provides \$235,423 of additional funding for the second year of flow monitoring bringing the total contract amount to \$470,846.

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|----------------------------|--|
| Name of Project:           | Sanitary Sewer Flow Monitoring                   |
| Managing Division:         | Public Utilities – Capital Improvements Division |
| Approval request:          | Contact amendment                                |
| Reason for Council Review: | Contract >\$150,000 (policy)                     |
| Fiscal Year 16 Budget      | \$250,000 annually                               |
| Actual Contract Amount:    | \$235,423  |
| Vendor Name:               | ADS, LLC   |
| Prior Contract Activity:   | \$235,423(October 20, 2015)                      |
| Amount of this Amendment:  | \$235,423  |
| New Contract Amount:       | \$470,846  |

**Recommendation:** Authorize the City Manager to execute the contract amendment in an amount not to exceed \$235,423. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

#### **ENCROACHMENT REQUESTS – VARIOUS LOCATIONS – APPROVED CONDITIONALLY**

The agenda presented the following request for encroachments on City streets.

Chapanoke Road and Ileagnes Road, Memory Road and Sunbow Falls Lane, and Crabtree Valley Avenue and Edwards Mill Road

A request has been received from Mobilitie, LLC to install three new wooden utility poles. A report was included with the agenda packet.

Rush Street, West Davie Street, Ileagnes Road, West Whitaker Mill Road, and Atlantic Avenue

A request has been received from South Carolina Telecommunications, LLC to install 28,067 linear feet of fiber optic cable and 22 handholes. A report was included with the agenda packet.

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

#### **BONDS – TRANSFER OF 2012A TWO-THIRDS GENERAL OBLIGATION BOND PROCEEDS – BUDGET AMENDMENT AUTHORIZED**

In 2012 Council authorized the issuance of \$1,500,000 in two-thirds general obligation debt to fund the purchase of the former bus depot site in Southeast Raleigh for redevelopment as a commercial project that included an urban agricultural center. This project and other later options for the property did not materialize, and the property is for sale at present.

Council may recall that the City originally had a contract with Greyhound for the purchase of the former bus depot site. A roof collapse and other structural damage led Greyhound to obtain demolition permits early 2015, prior to sale of the property. In an email communication to the City in March 2015, the Chief Executive Officer of Greyhound indicated the corporation's final decision was to demolish what remained of all structures and to perform environmental remediation at the site.

It would be appropriate to authorize a budget transfer of the bond proceeds, originally programmed for the bus site acquisition, to the debt service fund at this time. Bond proceeds will be utilized within the fund for servicing debt of the same general obligation type and purpose as the original two-thirds bond authorization. Accounting details were included with agenda packet.

**Recommendation:** Authorize a budget transfer in the amount of \$1,500,000. Upheld on Consent Agenda Thompson/Branch – 8 ayes. See Ordinance 670 TF 292.

**CONDEMNATION – POOLE ROAD SIDEWALK IMPROVEMENT PROJECT/RALEIGH CLUB, LLC – RESOLUTION ADOPTED**

The Poole Road Sidewalk Improvement Project will improve pedestrian safety by providing new sidewalk, bus pads, and updated curb ramps. A public meeting was held on November 5, 2015. The project was approved by City Council on February 16, 2016. Final plans and contract documents have been prepared.

Efforts to obtain needed easements in the following have been unsuccessful.

**PROPERTY OWNER**

Raleigh Club, LLC

**ADDRESS**

503 Donald Ross Drive

**Recommendation:** Adopt a resolution of condemnation. Upheld on Consent Agenda Thompson/Branch – 8 ayes. See Resolution 450.

**PARK LIGHTING IMPROVEMENTS – VARIOUS LOCATIONS – MANAGER AUTHORIZED TO CONTRACT WITH NATIONWIDE ELECTRICAL SERVICES, INC**

The City advertised for a Park Lighting Improvement project with the assistance of Dewberry Engineers, Inc. The City will be adding new park lighting to Millbrook Exchange Park, located at 1905 Spring Forest Road, and Laurel Hills Park, 3808 Edwards Mill Road, and installing lighting for Isabella Cannon Park, 2601 Kilgore Avenue, and adding additional lighting at Marsh Creek Park Community Center located at 3050 New Hope Road. Following bid evaluation staff recommends awarding a contract to Nationwide Electrical Services, Inc. The term of the awarded contract is expected to begin in Spring 2017. The contractor submitted a 42 percent Minority and Women-owned Business Enterprise (MWBE) participation plan.

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|--------------------------------|--|
| Name of Project:               | Park Lighting Improvements                       |
| Managing Division:             | Engineering Services – Facilities and Operations |
| Reason for Council Review:     | Contract Amount >\$500,000                       |
| Vendor:                        | Nationwide Electrical Services, Inc.             |
| Prior Contract Activity:       | N/A  |
| Budget Transfer:               | N/A  |
| Current Encumbrance:           | N/A  |
| Amount of this Contract:       | \$611,500  |
| Encumbered with this Approval: | \$611,500  |

**Recommendation:** Authorize the City Manager to execute the contract in an amount not to exceed \$611,500. Upheld on Consent Agenda Thompson/Branch – 8 ayes.

### **TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED**

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

#### No Parking Zone 6 a.m. to 6 p.m. – Williamson Drive

It is recommended that a current No Parking Anytime Zone on the north side of Williamson Drive be changed to No Parking 6 a.m. to 6 p.m. A request was received from a resident in the 1200 block of Williamson Drive to create an evening and weekend parking zone for residents. The entire north side and most of the south side of this block was previously No Parking due to the narrowness of the street. The only portion that could accommodate parking for roughly four vehicles was situated at the southeast end of the street, near the intersection of St. Mary's Street. Daytime parking was primarily taken up by employees of the adjacent State Employment Security Commission. In February 2015, a request was received from the Commission to further restrict this parking due to reduced sight distances at the intersection and concern for the increasing number of cyclists travelling on St. Mary's Street. This restriction subsequently left a few residences in the block without any on-street parking in the evenings and weekends which had been relied upon for many years. Staff has determined that the center line at this location can be moved southward to provide four legal spaces on the north side for evening and weekend parking for residents and their guests.

#### No Parking Zone – 500 East Hargett Street

It is recommended that a No Parking Anytime Zone be established on the south side of the 500 Block of East Hargett Street. A request was received from the a homeowner who resides on Woodsborough Place to have a No Parking Zone established on the south side of East Hargett Street on both sides of the intersection at Woodsborough Place. Residents exiting Woodsborough Place are unable to see approaching traffic due to the number of cars parked on East Hargett St at that location. Staff completed a line of sight study which confirmed that with the grade of the road and vehicles parked along the south side of East Hargett Street, it is not

possible to safely see oncoming traffic in either direction. The affected property owners were duly notified and provided two weeks to respond with any concerns but no responses were received.

#### Commercial Loading Zones – Dollar General Express

It is recommended that a new Commercial Loading Zone be established on South Blount Street at Davie Street, and the existing Commercial Loading Zones on South Blount Street and East Davie Street be changed to 24 Hour Commercial Loading Zones. A request was received from Werner Transport on behalf of Dollar General Inc. to add a new Commercial Loading Zone from midnight to 6 a.m. on South Blount Street at the intersection of Davie Street that would be mixed use with the existing Bus Zone 6 a.m. to midnight. It was further requested that two other existing Commercial Loading Zones on East Davie Street and South Blount Street be changed to 24 hours to allow for sufficient zones for their trucks to make deliveries in the early morning hours. All affected businesses were duly notified and provided two weeks to respond with any concerns, but no responses were received. It should be mentioned that none of these changes affect existing parking spaces.

**Recommendation:** Approve as recommended and authorize the appropriate changes in the traffic code was included with the agenda packet. Upheld on Consent Agenda Thompson/Branch – 8 ayes. See Ordinance 671.

END OF CONSENT AGENDA

### **REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION**

#### **REZONING Z-23-16 – POOLE ROAD – PUBLIC HEARING AUTHORIZED FOR MARCH 7, 2017**

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

Although the request is inconsistent with the Future Land Use Map, it is consistent with most pertinent policies of the Comprehensive Plan and provides multiple measures for limiting impacts on surrounding properties. It offers added housing options and employment opportunities, and promotes walkability and transit access.

The Planning Commission recommends approval of the request, with conditions. Staff suggests a public hearing date of March 7, 2017.

Council Member Branch moved approval of the public hearing as outlined. His motion was seconded by Council Member 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.

**REZONING Z-32-16 – HILLSBOROUGH STREET – PUBLIC HEARING AUTHORIZED FROM MARCH 7, 2017**

This is a request to rezone property from Neighborhood Mixed Use – Four Stories – Shopfront (NX-4-SH) and Residential-6 (R-6), both w/Special Residential Parking Overlay District (SRPOD), to Neighborhood Mixed Use-Five Stories – Shopfront-Conditional Use (NX-5-SH-CU) and Residential Mixed Use – Three Stories – Conditional Use (RX-3-CU), both with SRPOD.

Although this request is inconsistent with the Comprehensive Plan, it is in the public interest as it provides additional housing on a transit emphasis corridor.

The Planning Commission recommends approval of the request, with conditions. Staff suggests a public hearing date of March 7, 2017.

Council Member Gaylord moved approval of the March 7, 2017 public hearing as recommended. 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.

**REZONING Z-42-16 – PEARL ROAD – PUBLIC HEARING AUTHORIZED FOR APRIL 4, 2017**

This is a request to rezone property from Neighborhood Mixed Use – 3 Stories – Conditional Use (NX-3-CU), Residential-6 – Conditional Use (R-6-CU), Residential – 4 (R-4) to Residential-10 – Conditional Use (R-10-CU) The request is consistent with the Comprehensive Plan but inconsistent with the Future Land Use map. Conditions prohibit the apartment building type and provide for a transit easement.

Although the request is inconsistent with the Comprehensive Plan, it is in the public interest. The rezoning will coordinate the zoning pattern and permit additional housing near transit services.

The Planning Commission recommends approval of the request and that the Public Hearing date be set after the South CAC has voted. Staff suggests a public hearing date of March 21, 2017.

Council Member Branch asked if the public hearing on this item could be scheduled for April 4, 2017 rather than March 21 as recommended. Representatives of the Planning Staff indicated that would cause no problems. Council Member Branch moved Z-42-16 – Pearl Road be scheduled for public hearing on April 4, 2017. His motion was seconded by Council Member Thompson 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.

**TC-5-17 – CAMERON PARK NCOD MAXIMUM HEIGHT – PUBLIC HEARING AUTHORIZED FOR MARCH 7, 2017**

The request amends Section 5.4.3.F.2.a.v. of the Part 10A Raleigh Unified Development Ordinance, Cameron Park Neighborhood Core Area – Maximum Building Height, to increase the maximum building height by eight feet to reflect a change in how the City measures building height.

This is a request of the neighborhood and would align the maximum height with the built conditions in the neighborhood. The Planning Commission recommends approval. Staff suggests a public hearing date of March 7, 2017.

Council Member Gaylord moved approval of the March 7, 2017 public hearing. His motion was seconded by Council Member Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

**SPECIAL ITEMS**

**REZONING Z-22-16 – SIX FORKS ROAD – TO BE PLACED ON MARCH 7 AGENDA AS A SPECIAL ITEM**

The following public hearing was held February 7, 2017:

This is a hearing to consider a request by Caplan Investments, LLC to rezone approximately 2.6 acres from Residential-4 (R-4) to Commercial Mixed Use – Three Stories – Conditional Use-Parking Limited (CX-3-CU-PL). Conditions would limit uses to those in the current zoning category of Residential-4, plus Self-Service Storage. They also include measures to limit impact on adjacent properties. The request is not consistent with the Future Land Use Map or some Comprehensive Plan policies, but is consistent with policies regarding transit amenities and commercial impacts on adjacent properties. The Planning Commission recommends approval of the request.

The proposal was received by the City Council on January 17, 2017. At the conclusion of the hearing on February 7 the hearing was closed and Council directed that the item be placed on this agenda for further consideration.

Council Member Crowder pointed out the applicant has suggested the possibility of additional conditions. Council Member Gaylord questioned if the item could be held over to March 7, 2017 and placed on the agenda as a special item. Planning Staff agreed the timing would be okay for that recommendation. Without objection, Z-22-16 will be placed on the March 7 agenda as a special item.

**CODE OF CONDUCT – APPROVED AS AMENDED; CODE OF CONDUCT TO BE APPLIED TO THE CITIZEN ENGAGEMENT AND SHORT-TERM RENTAL TASK FORCES**

In July 2016 Council created a committee to study the formulation a code of conduct for use by the City Council and to prepare a draft code for further consideration; a draft document was presented during the February 7 Council meeting. During the annual retreat Council discussed the draft and requested the City Attorney to revise the document in accordance with the retreat discussions.

Included with the agenda packet is a revised draft which details the desired changes as understood by the City Attorney and Chief of Staff. Council also discussed revising the title of the document but no consensus emerged and therefore the revised draft continues with reference to a code of conduct.

The original recommendation of the committee included publication of the document in booklet form, as well as annual education and discussion and acknowledgement of the document by individual Council Members. Staff is prepared to proceed as directed.

Mayor McFarlane indicated the Council had lengthy discussion on the proposed code of conduct during the recent retreat and suggested some changes. The City Attorney has made the requested changes. Ms. Crowder indicated she thought the Council had agreed to exclude task forces and would make rules as each task force is formed; therefore, she would move to strike “task forces” from the code of conduct. Her motion was seconded by Mr. Stephenson. Mr. Gaylord stated that was the discussion and pointed out after this has been discussed the Council may go back and determine if it wants to apply the code of conduct to existing task forces. Mayor McFarlane stated as she recalls when the Council forms task forces in the future, the Council could set the rules as to whether the code of conduct would apply.

Council Member Cox stated sine the retreat he has given some more thought to the section about boards and commissions. He stated he has concern relative to the prohibition about contacting members of boards and commissions. He stated he was selected to represent his constituents and he feels that prohibition may stop him from doing his job effectively. He pointed out developers sometimes hire high price attorneys to lobby for them for rezoning cases, etc.; or they may be backed by large corporations that have deep pockets that may let them buy off the competition. He questioned who the homeowners have to lobby for them and support them in a rezoning case. Many times the homeowners call their district representative. He stated in the current form of the Code of Conduct this particular prohibition will cause him to have to vote against the code of conduct.

Council Member Gaylord pointed out this was discussed at the retreat and he understands and appreciates Council Member Cox’s perspective. He stated however once the Council appoints a task force and gives them a mission he does not feel that the Council should interject their

personal opinions on an issue. He stated the Council members have an opportunity to represent their constituents when the item comes to the table.

Council Member Stephenson stated he is not sure all of the Council is on the same page and referred to the section of the Code of Conduct which says “when attending other meetings the Council would only interject their personal opinions not represent the Council.” Council Member Gaylord stated he may have misspoken.

Mayor McFarlane pointed out she thought Mr. Cox was referring to the Planning Commission process that has multiple levels of input. She stated however the ultimate decision is that of the City Council. She stated the Council is very dependent on its boards and commissions and the Council has liaisons to a number of the boards and commissions, again stating she thinks Council Member Cox is referring to the zoning process or the Planning Commission. She stated again the ultimate decision lies with the City Council.

Council Member Stephenson stated he doesn't have a big problem with the Code of Conduct but he is a little concerned that it could be used by one or more Council members as a weapon against another council member. He stated applicants and citizens talk to Council members before the talk to the Planning Commission or the Planning Department all the time so there is influence by the Council before it gets to the Planning Commission. The Mayor again stating that is not the point. The job of the City Council is to be the end decision on a zoning case. Council Member Crowder moved approval of the Code of Conduct with the exclusion of task forces. Council Member Baldwin stated she would second the motion even though she supports the inclusions of task force.

Council Member Stephenson asked to make a friendly amendment again talking about his fear that the Code of Conduct would be used as a weapon against other members and asked in order to maintain a good relationship that any discussion about whether a member is in violation of the Code of Conduct be in closed session. City Attorney McCormick indicated the open meeting laws prohibits discussion about the performance of another Council member in closed session.

Council Member Thompson stated he served on the Planning Commission for seven years and chaired it for three years and during that time no Council members attended the meetings on a regular basis or contacted him. He called on the Council to let boards and commission do their job without the Council's interference. The motion as made by Council Member Crowder to approve the Code of Conduct with the exclusion of the task forces was put to a vote which resulted in all members voting in the affirmative except Council Member Cox who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

Council Member Baldwin pointed out issues of emails being sent to staff during meetings and concern being expressed by the chair about interference from the City Council was raised. She questioned how this could be handled for the two existing task forces. Council Member Gaylord moved that the Council apply the code of conduct to the Citizen Engagement Task Force and the Short Term Rental Task Force. His motion was seconded by Council Member Baldwin and put

to a vote which resulted in all members voting in the affirmative except Council Member Cox who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote.

### **REPORT AND RECOMMENDATION OF THE CITY MANAGER**

#### **CITIZEN POLICE ACADEMY – RECEIVED AS INFORMATION – STAFF COMMENDED**

In early 2015, the Raleigh Police Department created a core team of sworn and non-sworn departmental personnel to begin planning a series of large-scale community meetings to take place at various locations throughout the City. The purpose of the community meetings and desired outcomes included:

- Good relationships, partnerships, and mutual advocacy between the community and the Department;
- Strong foundation for other police/community initiatives, such as a Citizens Academy and Youth Summit.

In December 2015 and January 2016, the Raleigh Police Department conducted four Face-to-Face meetings consisting of both community members and police officers. Roundtable discussions were designed such that everyone had a voice and an opportunity to share; among the outcomes that resulted from the meetings included an effort to increase the transparency and understanding that exists between the community and the police.

To that end a Citizens Police Academy will be initiated as a program designed to strengthen community partnerships by providing insight into the operations and services of the Police Department. With a focus on community policing, the Citizens Police Academy will convey an understanding of the philosophy, policies and guiding principles of law enforcement, along with knowledge of the ethical conduct expected of those providing police services in the community. This will afford citizens the opportunity to experience aspects of training that are taught in the police academy and during in-service training sessions.

A report on the Face-to-Face community meetings was issued in August 2016; during the meeting the Police Chief will review the Citizens Police Academy for Council.

**Recommendation:** Receive as information.

Police Chief Cassandra Deck-Brown highlighted the following prepared statement:

You may recall, in late 2015 and early 2016 as a result of considerable planning, the Raleigh Police Department held a series of community events throughout the City as Face-to-Face Meetings. Two of the key purposes for the community meetings and desired outcomes included:

- To develop stronger relationships, partnerships, and mutual advocacy between the community and the Department;
- To establish a Strong foundation for other police/community initiatives, such as a Citizens Academy and Youth Summit.

These roundtable discussions afforded us an opportunity for dialogue between community and the police department.

- Though many questions were asked, throughout the city, many of the questions were quite similar at each of the four meetings.
- Yet, a common thread was the reflection of the community's desire to understand the nature of policing.
- So, in that effort to increase the transparency and understanding that does exist between the community and the police department, we wanted to present our newest program to you.
- Today, I announce the Raleigh Police Department's first Citizens Police Academy.
- We will roll out advertisement beginning this week as we launch a two week application process for citizens who have an interest in understanding more about the Raleigh Police Department.

**The Citizens Police Academy will offer:**

A 10 week curriculum that is both interactive and engaging as we introduce citizens to police operations and protocols.

Our goal is:

- To enhance the community's knowledge and insight about the Raleigh Police Department.
- Provide the citizens with an opportunity to see the rigors of police training for both recruits and continuous training for police officers and our civilian employees.
- Provide a more effective level of communication between the police and the community.
- This training will convey knowledge of safe and helpful ways in which the community can assist the department in our broader effort to make Raleigh an even greater place to live, work, play and learn.
- Also, it will be an opportunity to learn from those in attendance by understanding the safety and quality-of life concerns of our community members.

To that end, we are excited about the Citizens Police Academy and the possibilities it holds in strengthening our community partnerships by providing insight into the operations and services of the Police Department.

This initiative takes community policing and community engagement to a very different level.

Our timeline.....

|                            |   |
|----------------------------|---|
| February 21, 2017          | Presentation to Raleigh City Council          |
| February 27-March 10, 2017 | Application Process                           |
| March 13-March 24, 2017    | Backgrounds & Selections                      |
| March 27-31, 2017          | Notifications to Applicants                   |
| April 6-June 8, 2017       | RPD Citizens Police Academy (Thursday nights) |

We are excited about our inaugural class really being reflective of the greater city with 25 candidates.

With a focus on community policing, the Citizens Police Academy will convey an understanding of the philosophy, policies and guiding principles of law enforcement, along with knowledge of the ethical conduct expected of those providing police services here in the Raleigh community.

Council Member Thompson commended all pointing out he feels this is a great program and an opportunity and questioned if there is an age requirement and when the classes will meet with it being pointed out the minimum age is 21 the class would meet on Thursday nights from 6:00 p.m. to 9:00 p.m. Council Members praised the work of the Police Department for the efforts put into this program pointing out they feel it will provide a great opportunity. The report was received.

### **DOWNTOWN REAL ESTATE STUDY UPDATE – DIRECTION GIVEN**

In 2016 the City contracted with HR&A Advisors, Inc. to assist with development of a strategic downtown land disposition plan. Included with the agenda packet is a memorandum from the consultant which provides an update on the potential prioritization of several of the sites being analyzed. Staff and representatives from HR&A will provide a status update of the strategy during the meeting.

**Recommendation:** Receive as information.

City Manager Hall pointed out this is an effort to examine an inventory the City's assets in the downtown area. He indicated we do have some prominent sites and this is a study to look at the possibilities, develop a plan and/or provide feedback, etc. He stated this is not the end, this is the beginning of a process of looking at the sites we have, focus around next steps and at the end of the presentation, Council could provide direction. He pointed out we will also be receiving the parking study soon.

Planning Director Ken Bowers introduced representatives for HRA who conducted the downtown land disposition strategy. He indicated the purpose of the study is to look at surplus city owned properties that may provide key opportunities to address some of the cities priorities

and help shape the future of our city. He indicated in this process the group had looked at the policy and legal reviews, held stakeholder engagement pointing out we are at the site redevelopment program. He stated the group looked at 11 different city owned sites and had picked a subset of five focus areas. In developing the study the group identified priorities by looking at the downtown plan, strategic plan, comprehensive plan, system plans, affordable housing plan, arts plan, etc., and developed six priorities – housing (including affordable and supportive housing); economic development (including corporate, HQ and large businesses, business incubators and tourism growth); parks (including green space and public plazas); retail (such as authentic local shops or a grocery store); community facilities (fire, police, meeting space, child care, senior facilities); arts and cultural (including performance venues, studios, rehearsal space and historic reuse). He talked about the community open house which included a stakeholder’s roundtable giving people an opportunity to look at the various locations, make suggestions, ask questions, etc. He talked about the groups involved which included city staff, downtown CACs, arts and cultural organizations, real estate developers, downtown businesses and Downtown Raleigh Alliance and planning and design professionals. He stated they looked at priorities and pointed out how that was developed indicating housing and economic development scored highest, followed by community facilities, arts and cultural, retail and parks.

Planning Director Bowers pointed out the focus sites were divided into categories – employment center/housing opportunities/mixed use centers.

Planning Director Bowers highlighted the following five sites and/or with various scenarios and time lines.

## **FOCUS SITES**

### **SITE D**

Site D is constrained by its size and challenging dimensions, but it provides the opportunity to establish an employment center that capitalizes on proximity to the future Union Station, and connects the Nash Square area with the Warehouse District.

#### **Scenario 1: Lower Density Employment Center**

The site remains zoned DX-5, which would not allow the construction of buildings that are much denser than the existing facilities. Under this scenario, the existing City facilities – The Dillon Building and Fire Station #1 – are sold and renovated for re-use as an employment center. No assembly of adjacent parcels is assumed.

#### **Scenario 2: Higher Density Employment Center**

The site is re-zoned DX-12, which supports larger-scale redevelopment. The two existing City facilities are sold to create a higher-density employment center that leverages proximity to the future Union Station. The Legal Aid Building (the original Union Station) may be preserved as part of the redevelopment.

### **Timing of Disposition**

**Long-term (greater than five years):** City functions in the Dillon Building and Fire Station #1 must be re-located before the City can dispose of this property. The construction of both the City's Civic Campus and the new Fire Station No. 1/Administration Building, both of which are necessary to accommodate the workers currently located on this site, is not expected to be completed within five years.



### **SITE E**

Fronting Moore Square, Site E has the potential to support a high-density, mixed-use development providing housing, retail, and other amenities in line with the City's objectives.

### **Scenario 1: Unassembled Mixed Use Center**

No assembly of the disparate properties is assumed in this scenario. The contiguous City-owned Bloodworth Street frontage is sold for housing development. The City-owned frontage on Person Street is sold for development as a hospitality use. Parcels not owned by the City are assumed to develop as moderate-density mixed-use projects as dictated by physical constraints. Parking delivered is assumed to be sufficient for each disparate parcel.

### **Scenario 2: Assembled Mixed Use Center**

The site is proactively assembled to allow for a more cohesive development program that maximizes the development potential of the subject parcels. The Bloodworth Street frontage is developed for housing. The remainder of the site is developed as a combination of employment center and hospitality uses. The site delivers parking that is shared between uses and also helps replace parking that is lost due to the development of nearby surface lots.

### **Timing of Disposition**

*Medium-term (two to five years):* Oak City Outreach must be relocated to its new location on South Wilmington Street before the City can advance land disposition. Raleigh Rescue Mission must also be relocated from its current footprint. It would be possible for development to proceed on the Bloodworth Street frontage more quickly, but this should only be undertaken in the context of an overall vision for the rest of the site.



### **SITE F**

Currently a surface parking lot, Site F's prime location across from Moore Square offers the opportunity to activate the historic Horse Barn and add appropriately-scaled residential development fronting Person Street.

### **Scenario 1: Housing Opportunities with City-Owned Open Space Support**

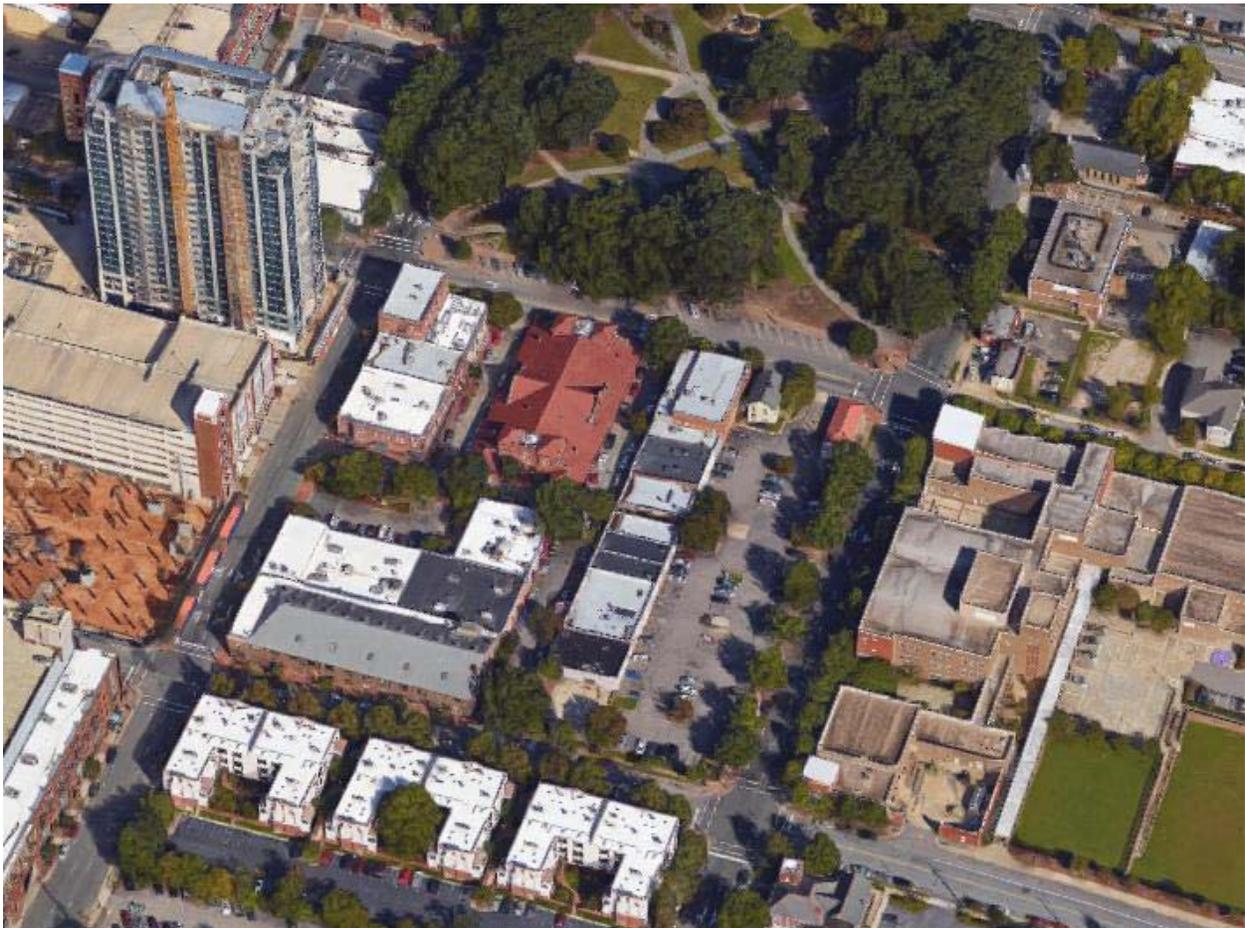
The Horse Barn and Norwood House fronting Moore Square are retained for use as a retail venue and City offices, respectively. The City would lease the Horse Barn for use as retail by a private operator. The remainder of the site is sold for development of housing consistent with the site's DX-3 zoning.

### **Scenario 2: Housing Opportunities with Private Open Space Support**

The Horse Barn is sold to a private developer with an historic easement placed on the property. The private developer is assumed to implement retail uses in the structure. The City retains the Norwood House for use as City offices. The remainder of the site is sold for housing development consistent with the site's DX-3 zoning. With the exception of the Norwood House, the entire site could be disposed of to the same master developer in this scenario.

### **Timing of Disposition**

*Near-term (zero to two years):* The City could lease or dispose of the Horse Barn to encourage activation surrounding Moore Square in the near-term. After determining the necessity of replacing the surface parking located on the remainder of the site, the City could also dispose of this portion of the site in the near-term.



**SITE H**

The disposition of the scattered City-owned parcels across two large blocks separated by South Wilmington Street can help facilitate housing opportunities and mixed-use development.

**Scenario 1: Preservation on Eastern Parcel & Mixed-Use Center on Western Parcel**

This scenario envisions City disposition of its eastern parcel with a preservation easement on the existing structure, which is assumed to be used for retail or a community-oriented use. Portions of the remainder of the eastern block are assumed to be assembled and developed as housing opportunities by private developers. The City disposes of its parcels west of Blount Street to private developers to facilitate the delivery of a mixed-use project (or series of projects) complementing the existing Lincoln Theater and Pope House.

**Scenario 2: Unencumbered Disposition on Eastern Parcel & Mixed-Use Center on Western Parcel**

The City disposes of the eastern parcel with no stipulation to preserve the existing structure. This parcel is assumed to be assembled with other parcels on the eastern block into a larger housing opportunity led by private developers. The City disposes of its parcels west of Blount Street to private developers to facilitate the delivery of a mixed-use project (or series of projects) complementing the existing Lincoln Theater and Pope House.

**Timing of Disposition**

*Near-term (zero to two years):* The City can dispose of its parcels in the near term to facilitate the realization of Council's preferred vision and provide certainty to surrounding landowners.



**SITE J**

Site J represents a transformative opportunity to extend Fayetteville Street and flank it with a regionally significant employment center or mixed-use center including office and hospitality uses.

**Scenario 1: Major Employment Center**

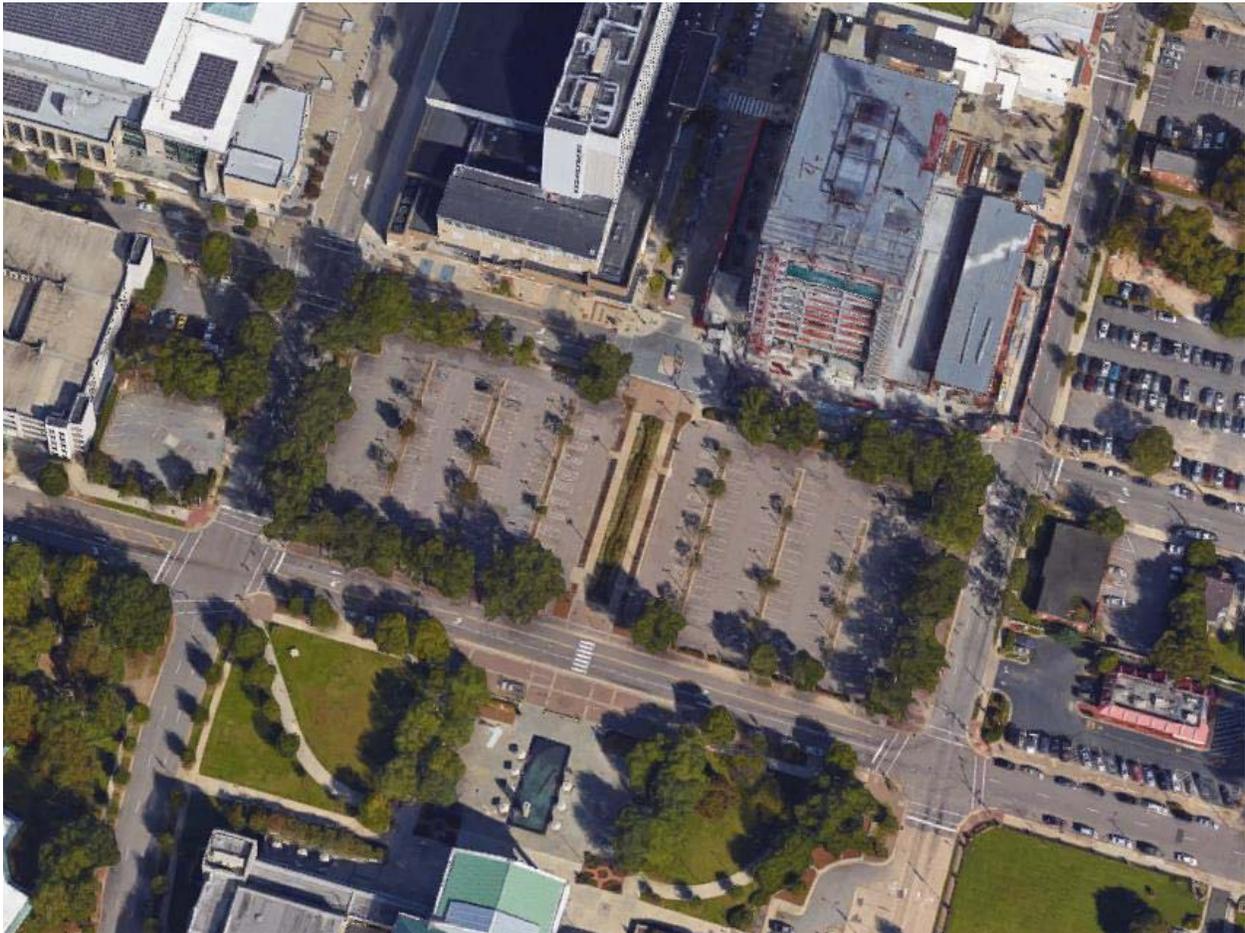
The City retains sites and seeks economic development, corporate recruitment / expansion opportunities for phased delivery of office towers. The City would consider development opportunities based on the economic impact of the project, job creation, community and policy goals. Financial feasibility will be tested with and without underground parking.

**Scenario 2: Mixed Use Center – Employment and Hospitality Uses**

The City retains both sites and seeks economic development, corporate recruitment / expansion opportunities for phased delivery of a mixed-use project to include office and a hotel to serve the Downtown market. The City would consider development opportunities based on the economic impact of the project, job creation, community and policy goals. Financial feasibility will be tested with and without underground parking.

### Timing of Disposition

*Dependent on identification of economic development use.* Site J is the City's best site to use as leverage in attracting a major employer and should be held until an appropriate end-user is identified. If a hospitality use is preferred on one of the two pads, that could conceivably proceed before the disposition of the other pad.



### SUPPORTING SITES

#### SITE A

**Cultural, Open Space, and Community Facilities Support:** This site can accommodate structures supporting the future Devereaux Meadows Park that would be semi-permanent, recognizing that Southeast High Speed Rail (SEHSR) may necessitate their eventual removal or relocation. A decision on the site's long-term future could be deferred until after the future of SEHSR is clarified, although it is unknown when such certainty might be obtained.

### Timing of Disposition

*Not Applicable*



**SITE C**

**Cultural, Open Space, and Community Facilities Support:** In order to support the existing operations of the Marbles Museum as a signature attraction within the City of Raleigh, the City could maintain the status quo utilization of this site as a parking and loading area.

**Timing of Disposition**

*Not Applicable*



## **SITE G**

**Mixed-Use Center:** The City can dispose of this site to the market with the expectation that the developer will deliver a high-value mixed-use project, potentially involving assembly or leveraging parking supply in the adjacent Wake County Deck. Several nearby parcels of similar size are expected to be redeveloped as hotels.

### **Timing of Disposition**

**Long-term (greater than five years).** Disposition will require that the Downtown Police Precinct be re-located, which is not an immediate priority.

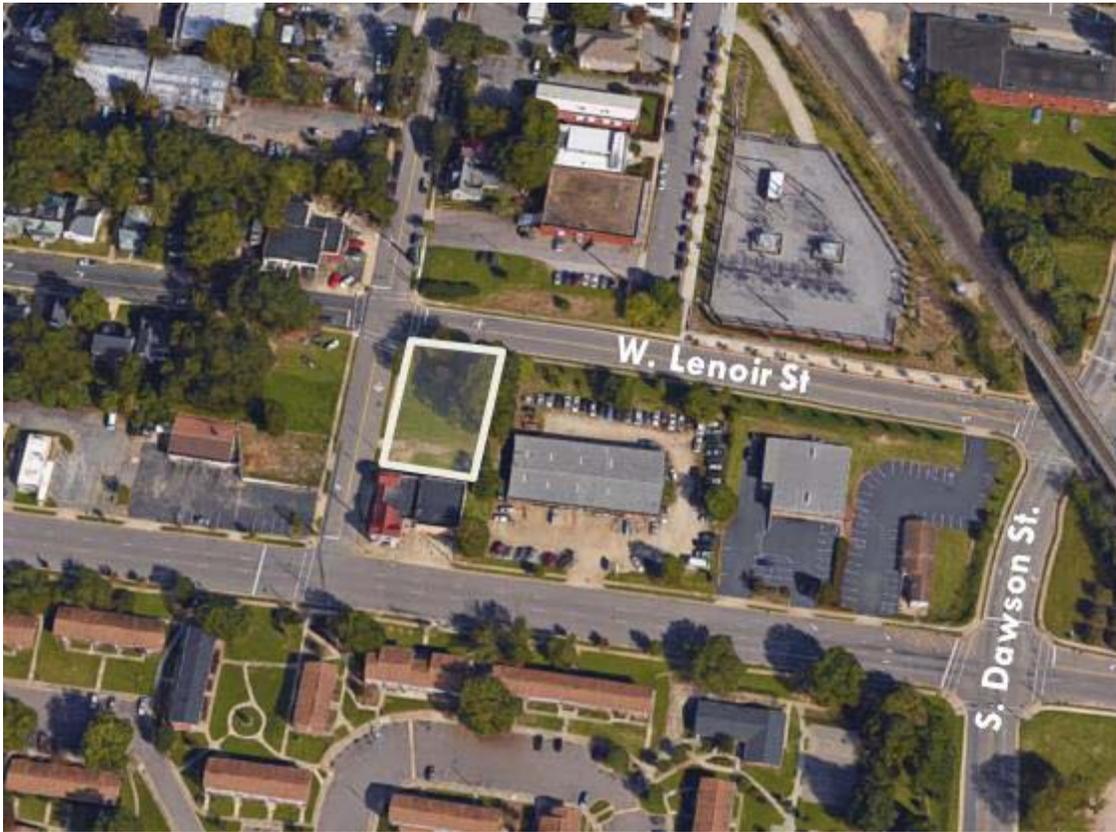


## **SITE I**

**Housing Opportunities:** The City can dispose of this site in the near term with the expectation it will be assembled to support a larger housing-focused development project. Several housing projects are being developed in the vicinity of Site I.

### **Timing of Disposition**

*Near-term (zero to two years).* There are no barriers to the near-term disposition of this site.



#### **SITE K**

**Cultural, Open Space, and Community Facilities Support:** The City will not dispose of this site. The primary assemblage will either become the location for future City facilities or continue to be used to support the operations of the Convention Center. Outparcels could be used as recreational and open space amenities.

#### **Timing of Disposition**

*Not Applicable*



#### **SITE L**

**Mixed-Use Center:** The City should consider holding this site for the development of a major mixed-use center or other City priority. Assembly of the adjacent Chamber of Commerce and North Carolina Association of Educators sites will facilitate realization of a transformative vision, like that espoused in the *Downtown Raleigh Plan*.

#### **Timing of Disposition**

**Long-term (greater than five years).** Disposition should leverage the redevelopment of Site J to maximize value.



Questions included Council Member Baldwin questioning the possibility of retaining the Old Farmers Market in Site F and keeping it as an ancillary type use for Moore Square, questioning the possibility of the Council retaining that area, activate it and make it more interesting and a part of its historic surroundings. She questioned if the highest and best use is or is not city ownership. Council Member Thompson talked about the need to keep some of the property around Moore Square and maybe provide parking there with City Manager Hall again indicating the parking analysis is coming forth next month and public parking in this area is becoming more and more congested. Council Member Baldwin talked about whether that was taken into consideration and the analysis for Site F.

Brief discussion took place on Site H and the need to balance preservation, the area between Davie and Cabarrus Street, Site J was discussed at length (the property at the end of Fayetteville between the end of Fayetteville Street and Memorial Auditorium). Various Council Members talked about preserving the view between the State Capitol and Memorial Auditorium needing to be preserved with Mayor McFarlane making a motion to always preserve the view between Memorial Auditorium and the State Capitol. Her motion was seconded by Council Member Crowder and put to a vote which passed unanimously.

How to preserve that view and make use of the property, whether this property is a site that the convention center people would be interested in in the long term and some Council members talking about whether redevelopment would provide the most value for that property. The

Convention Center and the Amphitheatre and whether enlarging the convention center into the amphitheater site is still on the table was talked about. Planning Director Bowers pointed out the amphitheater property and that decision was not a part of this study. Council Member Baldwin questioned if that area was a part of the hotel study. City Manager Hall pointed out every one knows that that is a very critical site and the scope of this study was basically the other property as the City had carved out the issue of the Convention Center expansion from the study.

Council Member Stephenson talked about which sites could be used as affordable housing, large scale and small scale. Council Member Stephenson talked about the need to develop and keep affordable housing downtown and if that was a part of the RFP. The options and how the RFP was developed was talked about.

The supporting sites including the Vehicle Fleet Service area and possibility of retaining that property and equipping it with some type structure for the Devereux Meadows Park was touched on. The site behind Marbles Museum and the possibility of a sale to private industry. Police presences on Site G and retaining K for some civic use such as a fire station, etc. Site L and the proximity to the Chamber of Commerce building and possibility of assembling more property in the area was touched on. The next steps were talked about with the City Manager indicating staff would like feedback on which sites to spend time and energy. Council Member Crowder questioned the possibility of waiting and looking at this in connection with the parking study with Planning Director Bowers pointing out everything would be coordinated. It was pointed out the parking study would be coming forth in about two months.

The Council asked that a copy of this presentation be included in the City Manager Update.

Council Member Stephenson questioned when it is appropriate for the private sector to get involved in this issue. Planning Director Bowers indicated the timing for private sector involvement would be determined at a later time; hopefully the next step would be developing a strategy and then at that time the city could determine what properties would be sold, put out through and RFP, etc. It was pointed out if someone has a specific interest on the property to go ahead and approach the city but it was pointed out whatever disposition strategy is developed there would be statutory complete process involved. Anyone is welcome to contact the City if they have an interest but there will be no inside tracts granted. Once disposition of a property is decided there would be the statutory competitive process. Various Council members indicated may be the private sector could weigh in and provide input as to what they feel is the best use for the property with it being pointed out that would be fine, but once the strategy is adopted the competitive process would follow.

### **REQUEST AND PETITIONS OF CITIZENS**

#### **GREASE TRAP REQUIREMENT – REQUEST FOR WAIVER – APPLICANT TO WORK WITH ADMINISTRATION**

Howard Raphael, C&B Smoothers, Inc., was at the meeting to request a waiver of the requirement to install a 1,000 gallon grease trap for a grease-free restaurant that has no fryers or

dishwashers. He provided a packet of information including the menu of the Tropical Smoothie Café as well as information from the International Code Council (ICC) which he indicated has been adopted by the State of North Carolina which the City of Raleigh Public Utilities Department utilizes. He referred Council member to information in the packet relating to traps, interceptors and separators and “information on the requirements and definitions which he indicated are based on usage, Interceptors and separators and where they are required, etc. He pointed out if the Council looks at his menu, the Council will see they primary sell smoothies and they feel that the 1,000 gallon grease trap requirement is a burden that is too huge for him to be able to take care of. He stated his packet of information also included bids that shows the cost including installation, labor, etc. He talked about the type of restaurants that would need this type facility but again pointed out the difference in what he would be required to put in and what it would cost to install a smaller one. He asked that the Council consider a variance as his restaurant does not have grease or any other grease producing food and he feels it is an undue burden.

City Manager Hall pointed out staff has met with Mr. Raphael or his architect who was seeking the approval of an internal 50 to 75 gallon capacity grease interceptor in lieu of the required 1,000 gallon capacity exterior grease interceptor required by the City. The request was denied. He stated additional information could be provided if the Council so choses. Brief dialogue followed on why the requirement is in place, the fact that the City in most cases would be responsible for backups in the City system, etc.

Mr. Raphael indicated he is not suggesting that he be allowed to have no grease trap just a smaller one. He pointed out they had talked about sharing the grease trap with the pizza place next door to his location and stated what is being required is just an undo burden.

Ms. Baldwin indicated she sympathizes but is concerned about the precedent that would be set if his request is granted and talked about the City’s responsibility in protecting the environment, our system, etc. Mr. Thompson questioned if Mr. Raphael had looked at other sites to operate his facility. Why the requirement is in place and the concern about waiving the requirement was discussed after which City Manager Hall indicated staff would continue to work with Mr. Raphael to see if some solution could be found.

### **MATTERS SCHEDULES FOR PUBLIC HEARING**

#### **PUBLIC NUISANCE ABATEMENT – VARIOUS LOCATIONS – HEARING – RESOLUTION ADOPTED**

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

| <b><u>LOCATION AND DISTRICT</u></b> | <b><u>PROPERTY OWNER</u></b> | <b><u>TAX ID NUMBE</u></b> | <b><u>R</u></b> | <b><u>COST OF ABATEMEN</u></b> | <b><u>T</u></b> |
|-------------------------------------|------------------------------|----------------------------|-----------------|--------------------------------|-----------------|
| 815 E. Davie Street (C)             | Lauren Tendy                 | 0014861                    |                 | \$400                          |                 |

|                              |  |         |        |
|------------------------------|--|---------|--------|
| 1522 Eva Mae Drive (C)       | Heritage Manor Association Inc., C/O Nancy D. Candy, Agent | 0341186 | \$623  |
| 1523 Eva Mae Drive (C)       | Heritage Manor Association Inc., C/O Nancy D. Candy, Agent | 0306989 | \$623  |
| 1107 Fayetteville Street (D) | Mamie Thorpe Yeargin Jones                                 | 0080259 | \$323  |
| 3920 Haithcock Road (B)      | Merril J and Bridgett T Dail, Jr.                          | 0089912 | \$1562 |
| 3004 Hayling Drive (C)       | Ruben Amaro and Ruben Amaro Martinez                       | 0283054 | \$499  |
| 3728 Huntleigh Drive (B)     | James C. Gordon Irrevocable Trust                          | 025836  | \$322  |
| 143 Summit Avenue (D)        | Tina M. Hughes Hanks, Heirs and Bryan Hanks                | 0046962 | \$400  |

Mayor McFarlane opened the hearing on the various locations. No one asked to be heard thus the hearing was closed. Council Member Crowder moved adoption of a resolution confirming the cost as outlined. Her motion was seconded by Council Member 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 451.

#### **DEVELOPMENT SERVICES – SCHEDULE OF FEES AND CHARGES – HEARING – ORDINANCE AND RESOLUTION ADOPTED**

This is a hearing to consider changes to the Development Services Department development fees. The City Council reviewed and discussed the proposed changes in work session held January 21; the proposal was received and a public hearing authorized on February 7. Background information as well as the proposed fee schedule were included with the agenda packet.

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

City Manager Hall pointed out Council Members have seen this a number of times, however staff would be glad to make a presentation and are available to answer any questions.

The Mayor opened the hearing.

Scott Cutler, Chair of the Development Services Advisory Committee pointed out that is an organization which was put together by the City Council in 2006. The purpose of the group was to review the performance of services rendered by the Development Services Group. He expressed appreciation to City Manager Hall, former City Council Member Thomas Crowder, current staff members including Jim Greene, Christine Darges, Paul Kallam and others for their cooperation and work on this issue. He stated the Development Services Advisory Committee

had been asked to be a part of the fee study. He stated if the Council is trying to compare the City of Raleigh's fee schedule to other cities, this is not the way to do it as the fees being considered are just a small part of the cost of development. There are many other fees that would have to be considered.

Tom Anhut, Vice Chair of the Development Services Advisory Committee, pointed out he provided a briefing paper when this item was discussed at work session. He explained at the initial meeting, DSAC requested that the scope of the study be expanded to include not only Development Service Fees but all costs of development. He stated ultimately that was not a part of this study and he is before the Council to request and ask that the Council take those cost into consideration when comparing Raleigh to other cities.

Mr. Anhut pointed out he had provided Council members information on a 53 lot townhome development located on Buffalo Road which he is taking through the process. He stated he is using this as an example to highlight some of the cost. The information shows the cost including development review and approval, builder stormwater and surety costs, builder site improvement fees and permits and builder building permits and fees pointing out there are 49 different line items of fees and costs. He called attention to the various fees and the cost of development which ultimately gets passed on to the consumer in the form of higher prices. He stated the project he is highlighting has three stormwater ponds. In Raleigh the developer must make a payment to the City equal to 24% of the construction cost of the stormwater control devices. In this particular project that payment will be over \$55,000. He stated the money is to be used to repair any of the devices that might fail. He stated a quick check with staff indicates that these funds have not been used to date. He pointed out these payments have been required for several years and the City must have collected millions of dollars.

Mr. Anhut called attention to the thoroughfare fee which he indicated is an \$83,000 tax on the future residents to help pay for City roads. The third is open space fee of \$62,000 that the residents must pay even though this project has 40% open space and includes a pond.

Mr. Anhut stated this project will contribute almost \$500,000 in fees and payments to the City or approximately \$9,300 per town house. Mr. Anhut stated he is attempting to add badly needed housing priced at under \$200,000 in that part of the city and is struggling to do so due to the projects' development cost. He called attention to the fact that the Development Services portion of these fees is the smallest so addressing only these fees fails to reflect the true cost of development in the City of Raleigh.

Mr. Anhut stated he is on the Wake County Affordable Housing Steering Committee explaining since 2010 the medium price of homes in the Triangle has gone up almost 20% and as a region we are struggling to address housing affordability and municipalities continue to pass ordinances and assess fees which drive the cost of housing even higher. He called on the Council to keep in mind these costs get passed on the consumer and that, in the example of housing, every additional dollar in price removes buyers who can no longer qualify to purchase a home. He stated in looking at the list of fees and costs the Council can understand how difficult it is to deliver affordable new homes. These same cost also apply to commercial development for

which the numbers can be significantly higher. For these reasons they believe that it is absolutely critical that the Council consider the entire cost of the development when benchmarking Raleigh to other cities.

Suzanne Harris, Vice-President of Governmental Affairs for the Home Builders Association of Raleigh and Wake County pointed out that group is supportive of the idea that the City wants to reevaluate their fees and go to a schedule base more on valuation and complexity of projects. However they do have concerns over the sheer percentage increase in these fees especially when they represent only a small piece of the fee pie. She stated the study did not include all fees associated with development and therefore is not a complete picture of Raleigh's comparison to peer cities, stating it would be like the State looking to increase their property tax rate because another state is higher without recognizing that the other State doesn't charge income tax. She stated the Council needs to consider the whole picture. She stated based on the report recommendations, residential permit fees will increase 60% and residential development fees will increase over 300%. She talked about the Council's decision to look at 100% cost recovery, for both direct and indirect cost has caused many stakeholders concerns. She talked about the increase in the general fund revenues as a result of growth has not been taken into account. The tax base tax base, value additions and economic impact should be considered. She stated based on all of the concerns, figures, etc. they request that should these increases be approved that they be phased in over a longer period of time and not all imposed as of July 1, 2017. Additionally, grandfather projects that are already submitted to the City of Raleigh and in the pipeline by July 1 as these projects have pro formas generated based on the current fee schedule and bank financing already arranged. If they are not grandfathered, the projects could be severely impacted.

Michael Kaney, Development Services Advisory Group, recognized the exhaust effort that staff has made with the development fee study and they greatly appreciate being a part of the process. He stated however, DSAC feels that by evaluating only one aspect of fees the City of Raleigh charges to development projects is not an accurate evaluation; therefore, they would ask the Council to please perform a comprehensive study of all fees charged for development projects not just those charged as a part of Development Services. He stated they assume similar methodology and benchmarking would be used to evaluate and modify these fees. He listed various fees that they request the Council to review including the 24% BMP replacement fee which can be in the hundreds of thousands of dollars for certain projects stating it would be beneficial to understand how much of the fees have been collected and what they have been or will be used for and compare that to other communities.

On that note, we would like to request clarification as to how much of the impact related fees meaning (Non-development Services fees) have been collected and what have they been or will be used for. As an example, as just noted, what has been the total amount of money collected associated with the BMP Replacement Fund? Have portions of that money been spent, and if so, was it used for its intended purpose? Are the thoroughfare fees that are being collected being used specifically for transportation projects and are those transportation projects in area where the development project was built that contributed those thoroughfare fees? How much Nitrogen Offset Payments have been collected and what has these fees been used for? How much in open

space fees have been collected and what city projects have the open space fees been used for? I apologize in advance if there is already a comprehensive document available that details this, but if not, it would provide transparency and would be very helpful to illustrate the benefits of these collected fees to the overall community, as well as to the projects that funded these fees.

We would like to request the City consider phasing of the proposed Development Services fee changes.

Furthermore, we would like to request the City please consider “grandfathering” proposed Development Services fee changes for projects that have been submitted for Preliminary Site Plan Review at the time these new fees go into effect. The City of Raleigh has made great strides with improvements in the permitting process & associated timing, but it is still, relatively, a long process and projects that are in for Preliminary Site Plan approval today would still be subject to certain new Development Services fees even if they do not go into effect for several months. This is a concern because at Preliminary Site Plan submittal owners and developers already have significant investment in their projects, and will have defined budgets at this time, and atypical increases in city fees or the addition of new city fees may have significant negative financial impact to these projects.

Lastly, as related to fees for Development Services, under the leadership of the City Manager’s Office, specifically Jim Greene, as well as the leadership of Tom Hamid, the DMT, and staff have made positive strides with improving customer service and these improvements are greatly appreciated. We have seen a top down focus on customer service, which has been very encouraging. However, we request there continue to be a strong focus on customer service to allow for continued improvements.

Karen Rindge, WakeUp Wake, talked about that organization, why it was formed, their work, the need to plan for our growth and understanding with growth comes opportunities, challenges, etc. She expressed appreciation to all that is being done and pointed out she is pleased that the development community was a part of this process and appreciates the work they do. She stated we have to work and support development but we also have to be fair to our taxpayers. She pointed out development fees are part of the cost of doing business and the City and the development community are a part of that. She stated it is fair to look at other cities to see what they are doing, benchmark and if we need to make adjustments to be fair to all that is fine but we must make sure that the taxpayers are not carrying the burden. She again expressed appreciation to all involved in this effort.

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

Mayor McFarlane pointed out she understands it has been quite a while since these fees have been adjusted. City Manager Hall indicated it has been quite a while since the City has had a comprehensive fee study. He stated in addition to the development fees that are proposed for increases, we are also looking at the policy for user fees which includes 100% direct cost recovery. He stated the approval being sought is not just for the fee increases but it is also includes the approval of the policy for the 100% direct cost recovery for development fees.

Council Member Baldwin questioned if the Council could have a report on the fees, how they are used pointing out she is talking about the development fees, thoroughfare, parks, etc. City Manager Hall indicated he understands Council Member Baldwin is asking for a review of the revenues are and what the money is used for.

Council Member Branch moved approval of the development service fees and policy for user fees as outlined. His motion was seconded by Council Member Cox. Council Member Thompson stated he feels there were some very valid points about projects that are already in the pipeline. He questioned if this policy and the development service fees are approved today to be effective July, what fees would apply to projects that are in the pipeline. Development Services Director Hosey indicated the projects that are in the pipeline today would be charged with fees that are in effect today. Assuming the fees are adopted to be effective July 1 are applications or projects that are submitted prior to July 1 would receive benefits of the current fee structure for the process that is in the queue. He stated for instance if you have a subdivision preliminary plan in the queue prior to July 1, 2017, current fees would occur. He stated however when the project comes in for another approval round such as vertical construction and it came in after the July 1 date, the new fees would apply. He stated typically that is the way that type adjustment is made but staff is still developing a policy to make sure everyone is comfortable with it how it is applied. Council Member Thompson stated he just wants to make sure that it is fair to the people that already have a process in the pipeline because many of these already have their bank loans, etc., already lined up and if they were subject to different or higher fees it may put their project in jeopardy. Discussion took place about the possibility of a grace period for some amount of time to take care of any unforeseen issues with getting projects approved. Director Hosey stated implementation and the grace period is not a part of the policy for user fees that is on the table. It would be a separate stand alone policy. He stated there has to be some kind of cutoff period as you wouldn't want a process to be in the pipeline on July 1 but held over for two years or some long time and then coming in and say it had started prior to the July 1 date. He stated there has to be some sort of drop dead date but one is guaranteed that anything that is put into the system for that process prior to July 1, they would get the benefit of the current fee structure. Council Member Thompson asked about the grace period and brief discussion took place as to what a reasonable grace period would be. Director Hosey stated staff is talking about that and it could be six months more or less but that is a different policy. Council Member Thompson suggested six months as a minimum for the grace period. Mayor McFarlane pointed out the implementation is an internal departmental policy and not a part of what is before the Council today. The motion and second to approve the fee schedule effective July 3, 2017 and the 100% cost recovery resolution 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 673 and Resolution 452.

### **REZONING Z-30-16 – VARSITY DRIVE – HEARING CONTINUED TO BE PLACED ON MARCH 7 AGENDA**

This is a hearing to consider a request by Dobs, Inc. to rezone approximately 3.0 acres from Neighborhood Mixed Use – Four Stories – Conditional Use with Special Residential Parking

Overlay District (NX-4-CU w/SRPOD) to Residential Mixed Use – Five Stories – Green Frontage – Conditional Use with Special Residential Parking Overlay District (RX-5-GR-CU w/SRPOD). The property is located at the southwest corner of the intersection of Varsity Drive and Avent Ferry Road. Conditions limit uses and total number of residential units and address impact on adjacent properties. The proposal is consistent with the Comprehensive Plan and Future Land Use Map. The Planning Commission recommends approval of the request.

Council first received this item at its December 6, 2016 Council meeting. Action was deferred until January 3, 2017 and then until January 17, 2017, as original signed conditions had not been provided. Signed conditions were provided before the deadline for the January 17 meeting, and the proposal was scheduled for a public hearing. Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Council agreed to hold the hearing open and place the item on this agenda for further consideration.

Planner Bynum Walter indicated the applicant had asked that the hearing be held opened for another two weeks. Without discussion it was agreed to place Z-30-16 Varsity Drive on the March 7, 2017 agenda as a continued hearing.

#### **REZONING Z-39-16 – GREEN ACRES LANE - HEARING HELD OPEN AND PLACED ON THE MARCH 7, 2017 AGENDA**

This is a hearing to consider a request by David F. Green Sr., Mary Mebane Galloway, and Sherry Kerman Bunch to rezone approximately 2.5 acres from Residential-10 (R-10) to Industrial Mixed Use – 3 Stories – Conditional Use (IX-3-CU). The property is located on the east side of Green Acres Lane north of N. New Hope Road. Conditions limit uses and address impact on adjacent properties. The request is not consistent with the Future Land Use Map, but it would provide a benefit by allowing the expansion of an existing business. The Planning Commission recommends approval of the request.

The proposal was received by the City Council on January 17, 2017.

Council agreed to hold the hearing open and place the item on this agenda for further consideration.

Planner Walter pointed out the applicant had requested that this hearing be held over and continued until March 7, 2017. Without objection it was agreed to follow that course of action.

#### **REZONING Z-35-16 – SUMNER BOULEVARD – HEARING – APPROVED – ORDINANCE ADOPTED; TRAFFIC STUDY REQUESTED**

This is a hearing to consider a request from Phil McNeely to rezone approximately 2.64 acres from Commercial Mixed Use – 3 Stories – Urban Limited (CX-3-UL) to Commercial Mixed Use – 5 Stories – Conditional (CX-5-CU). The property is located on the north side Sumner

Boulevard at the intersection of Triangle Town Boulevard and is known as 3951 Sumner Boulevard.

The proposal was received by the City Council on January 3, 2017. Following the hearing the Council may take action to approve, deny, or refer the item to committee.

Planner Bynum Walter explained the request providing information on the location, aerial views, surrounding zoning and development, what is allowed under existing versus proposed zoning, the proposed conditions, Land Use and Urban Form Maps, Comprehensive Plan analysis which indicates it is consistent with all but Policy LUD6.4 – Bus Stop dedication and pointed out the Planning Commission recommends approval on a 7-0 vote. The CAC voted 13-0 in support of the case.

Mayor McFarlane had questions concerning the park and whether that will remain. Mr. Stephenson talked about the Urban Form Map with Council Member Cox pointing out there is no traffic light at the intersection of Sumner and Triangle Boulevard and questioned if traffic lights could be installed.

Jason Myers, Transportation Department, indicated Sumner and Triangle Boulevards are two city streets and the Council/City pretty much has control over installation of lights. He talked about the amount of development that would trigger the need for a light. He pointed out the City cannot make an evaluation of future warrants pointing out a traffic impact analysis would give some estimates but the actual development and traffic would have to be in place to meet the warrants. Council Member Cox questioned when the last traffic analysis was done at that area and how long it would take to do an analysis on the current conditions with Mr. Myers pointing out he did not think that would be long. How a traffic light would work or could work was talked about with Council member Cox asking that an analysis be done.

The Mayor opened the hearing.

Rick Baker, Simmons Group, 5410 Trinity Road, talked about the tree conservation area, the width of streets, topography at the intersection which would hide part of any building, vehicular access, and the fact that they are not requesting any additional access to Sumner nor Triangle Boulevard as their access would be interior to the mall. No one asked to be heard thus the hearing was closed. Council Member Crowder moved approval of the request as recommended by the Planning Commission which indicates the proposal is consistent with the Future Land Use Map and Comprehensive Plan and is reasonable and in the public interest. Her motion was seconded by Council Member Cox and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 672 ZC 741.

### **REZONING Z-38-16 – BUFFALOE ROAD – HEARING – APPROVED – ORDINANCE ADOPTED**

This is a hearing to consider a request by Joan B. Edwards to rezone approximately 6.17 acres from Residential-6 (R-6) to Neighborhood Mixed Use – 3 stories – Conditional Use (NX-3-CU).

The property is located on the north side of Buffalo Road at its intersection with N. New Hope Road and is known as 4115 Buffalo Road. Conditions include limiting building height and square footage, outdoor lighting height and type, and number of parking spaces, while providing a transit easement/shelter and pedestrian improvements at the street intersection. The proposal is consistent with the Future Land Use Map and most pertinent policies of the Comprehensive Plan. While inconsistent with Urban Form Map, the request provides significant mitigation of potential impacts on adjacent residential properties.

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

Planner Bynum Walter presented the request providing information on the location, surrounding development and zoning, aerial views of the property, views from various locations, what is allowed under existing versus proposed zoning, proposed conditions, Land Use and Urban Form maps, Comprehensive Plan analysis, and outstanding issues. She pointed out the Planning Commission recommends approval by a 9-0 vote reading their findings. The CAC supports the proposal on a 21-1 vote.

Council Member Stephenson had questions about permitted uses under the NX zoning as it relates to bars, nightclubs, etc., with Planner Walter talking about the permitted and excluded uses. The Mayor opened the hearing to the public.

The Mayor opened the hearing.

Attorney David York, Smith Moore Leatherwood, representing the applicant indicated representatives of the engineering firm and the property owners are present. He stated the purpose of the rezoning application is to allow for the development of a grocery store which chain is new to this area. He pointed out the applicants have worked with the neighbors and community for over a year to address concerns and the neighbors are in support of the proposal. He talked about the parking limited frontage, how neighbors did not want surface parking next to their houses and the different things they had done to work together.

In response to questioning from Council Member Stephenson, it was pointed out Buffalo Road is under the control of NCDOT and the plan is to pipe the stormwater into the facilities under the road. Whether the facilities are sized correctly to accept the stormwater, and whether the piping of the stormwater under Buffalo Road could be a condition of the case was talked about. The sizing of the facility was discussed.

A gentleman who indicated he lives on North New Hope Road pointed out he had been to all of the meetings and stated the applicant, attorney and engineer have been very forthcoming and agreed to do everything the community asked for. He spoke in support of the grocery store pointing out he wished it could be built today so he could walk to it and asked the Council to support the request.

Discussion took place as to the requirements relating to the stormwater leaving the site. Stormwater Manager Blair Hinkle, Attorney York and a representative of the engineering firm talked about how the stormwater would be handled and the fact that they would have to reduce the stormwater or keep the stormwater at a certain storm level, etc. The fact that piping onto the facility under a state road is being pursued and keeping the stormwater to a 5 year, 10 year or 25 year storm level was talked about. What the requirements would be were discussed with Stormwater Manager Hinkle pointing out it depends on how the site is designed. How the surface water would be handled stormwater requirements and what would have to be met before any site plan could be approved was talked about. Whether the applicant would submit a condition that the stormwater would go into a facility under Buffalo Road was discussed with Attorney York and the applicant pointing out they hesitate to offer a condition as they do not know whether they can get NCDOT approval. It is a long process working with NCDOT and the preferred method is to hook onto the stormwater system under Buffalo Road but if that does not work the owner will have to find another way to protect the property to the east, etc. The standards they would be held to were discussed. If they could not meet the stormwater requirements no plan could not be approved or it could become a Board of Adjustment case. Whatever plan is presented has to comply with the law. No one else asked to be heard thus the hearing was closed. Council Member Branch moved approval. His motion was seconded by Council Member 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 672 ZC 741.

**REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND  
INNOVATION COMMITTEE**

**NO REPORT**

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

**NO REPORT**

**GROWTH AND NATURAL RESOURCES COMMITTEE - MARCH MEETING DAYS –  
CORRECTED**

Committee Chair Crowder pointed out at the last meeting she announced wrong committee meeting dates, she stated the next committee meetings of Growth and Natural Resources Committee will be March 15 and March 29, 2017. Both meetings are 4:00 p.m. to 6:00 p.m.

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

**NO REPORT**

**REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT  
COMMITTEE**

**NO REPORT**

**REPORT OF MAYOR AND COUNCIL MEMBERS**

**HEALTH INSURANCE – COVERAGE FOR APPLIED BEHAVIOR ANALYSIS –  
REFERRED TO CITY MANAGER**

Council Member Cox read the following statement:

One of the key focus areas of the City’s strategic plan is a safe, vibrant, and healthy community.

It has come to my attention that the City’s health insurance does not provide coverage for a treatment known as Applied Behavioral Analysis (or ABA) for children of City employees who have Autism Spectrum Disorder.

ABA is recognized as an effective treatment of Autism. In October 2015 Governor McCrory signed into law Senate Bill 676, “An Act to Provide Coverage for the Treatment of Autism Spectrum Disorder” to provide coverage for ABA. This law went into effect July 1, 2016.

A number of organizations supported SB 676. These include:

- The Autism Society of North Carolina
- The Arc of North Carolina
- TEACCH Autism Program
- Duke Center for Autism and Brain Development
- North Carolina Council of Child and Adolescent Psychiatry
- North Carolina Pediatric Society
- North Carolina Psychiatric Association
- North Carolina Psychological Association
- Blue Cross and Blue Shield of North Carolina

By passing Senate Bill 676 North Carolina joined more than 40 states in the Country to provide coverage for ABA.

As a consequence of wide spread recognition and support for Applied Behavioral Analysis as a treatment of Autism Spectrum Disorder, I ask that staff consider adding coverage for ABA to the City’s health insurance plan in conformance with SB 676. Doing so will provide much needed support for the children and families of the City’s

employees and will help us move towards our goal of a safe, vibrant, and healthy community for all - especially those of our community who are most vulnerable.

City Manager Hall pointed out the Council will be having its first budget work session on the 27<sup>th</sup> and at that time one of the issues will be an update on the City's health policy and this item could be discussed at that point.

#### **NORTH CITIZENS ADVISORY COUNCIL – ATTENDANCE ANNOUNCED**

Council Member Cox announced that the North Citizens Advisory Council will be meeting at 7:00 p.m. today at the Abbotts Community Center. He stated he would be in attendance as will State Representative Cynthia Ball. He encouraged all to come out to the North CAC for an engaging evening of discussion between citizens and elected officials.

#### **NORTH CENTRAL CAC – ANNOUNCED**

Council Member Branch pointed out the North Central CAC will be meeting on Saturday between 11:00 a.m. and 1:00 and invited all to attend and participate.

#### **TRAFFIC – VARIOUS ITEMS – REFERRED TO ADMINISTRATION**

Council Member Branch asked administration to look at traffic in the area of Rock Quarry Road from Sanderford Road up to the split with Martin Luther King/Raleigh Boulevard. He asked that the staff review the signalization pointing out traffic is backing up particularly at Rock Quarry Road, Cross Link Road, etc. He asked that administration check the synchronization.

#### **COMMUNITY CONVERSATIONS – DISTRICT D – COMMENTS RECEIVED**

Council Member Crowder pointed out the community conversations meeting held in District D had meaningful discussion and comments and expressed appreciation to all who attended.

#### **RETREAT – COMMENTS RECEIVED; STATE OF CITY ADDRESS – ANNOUNCED**

Mayor McFarlane expressed appreciation to the City Council and Staff for the work and participation at the recent retreat pointing out she feels it was time well spent for all. She expressed appreciation to all for the meaningful presentations on the strategic plan and all of the work being done.

Mayor McFarlane stated that three of the Community Conversations have been held and three more scheduled expressing appreciation to all who have been involved. The comments were received.

Mayor McFarlane pointed out she will be delivering the State of City address at 7:30 p.m. on Friday, March 3 at the Contemporary Art Museum. The public is invited.

## **COMMUNITY CONVERSATIONS – DISTRICT A – COMMENTS RECEIVED**

Council Member Thompson indicated the Community Conversations meeting was held in District A and expressed appreciation to the Mayor, Council Member Cox and Staff for attending. He stated the event was not as well attended as he hoped but the people who were there were very engaged.

## **APPOINTMENTS**

### **APPOINTMENTS – VARIOUS ACTIONS TAKEN**

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

Appearance Commission – One Vacancy – Council Member Gaylord nominated Todd Delk.

Convention and Performing Arts Center Authority – One Vacancy – Sinclair Owen – 8 (All Council Members)

The City Clerk announced the appointment of Sinclair Owen to the Convention and Performing Arts Center Authority and that the Appearance Commission vacancy will be carried over to the next meeting.

## **NOMINATIONS**

### **CONVENTION AND PERFORMING ARTS CENTER AUTHORITY – DAVE ROSE REAPPOINTED – VACANCY ANNOUNCED**

The City Clerk reported the terms of Jim Hobbs and David Rose on the Convention and Performing Arts Center Authority are expiring. Mr. Hobbs is not eligible for reappointment due to length of service. Mr. Rose is eligible and would like to be considered for reappointment.

Ms. Baldwin moved that Council suspend the rules and appoint Mr. Rose by acclamation. Her motion was seconded by Council Member Thompson with it being pointed out Mr. Rose was recently elected chairperson. The motion as stated was put to a vote which passed with all members voting in the affirmative.

Mayor McFarlane indicated Jim Hobbs more or less represents the hospitality community. She stated there are not seats designated for specific categories but it would probably be very helpful to have someone from the hospitality industry represented. It was talked about reaching out to the Convention and Visitors Bureau as one source of suggestions for representatives of the hospitality industry.

**HISTORIC CEMETERIES ADVISORY BOARD – VACANCY ANNOUNCED**

During the February 7 Council meeting, the City Council approved revisions to the bylaws of the Historic Cemeteries Advisory Board. One of the revisions added two members, therefore there are two vacancies. No nominations were made.

**PARKS, RECREATION AND GREENWAY ADVISORY BOARD – REAPPOINTMENTS MADE**

The terms of Jennifer Hoverstad and Christopher Dillon are expiring. Both are eligible for reappointment and would like to be considered for reappointment. Council Member Baldwin moved the Council suspend the rules and reappoint the two by acclamation. Her motion was seconded by Council Member 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.

**PLANNING COMMISSION – TIKA JOHNSON – HICKS – REAPPOINTED**

The City Clerk reported the term of Tika Johnson Hicks on the Planning Commission is expiring. She is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved that the Council suspend the rules and reappoint Ms. Hicks by acclamation. Her motion was seconded by Council Member Crowder and a roll call resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0.

**RALEIGH TRANSIT AUTHORITY – JASON HORNE – REAPPOINTED; YVONNE BAILEY ELEVATED TO REGULAR MEMBER; ALTERNATE POSITION VACANCY ANNOUNCED**

The terms of Craig Ralph and Jason Horne are expiring. Mr. Ralph is not eligible for reappointment due to length of service. Mr. Horne is eligible and would like to be considered for reappointment.

Yvonne Bailey is the longest serving alternate member and according Council policy, Ms. Bailey would be elevated to a regular member, and the Council would declare a vacancy for an alternate.

Council Member Baldwin moved the Council suspend the rules and reappoint Mr. Horne by acclamation and elevate Yvonne Bailey to a regular member leaving a vacancy for an alternate. Her motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0.

**CLOSED SESSION – HELD**

Mayor McFarlane indicated a motion is in order to enter closed session pursuant to G.S.143-318.11(a)(6) to conduct the Annual Performance Evaluation of the City Clerk. On behalf of the

Council, Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The Council went into closed session at 3:30 p.m.

The Council reconvened in open session at 5:00 p.m. pointing out they had concluded the evaluation of the City Clerk and voted to provide a 3% salary increase for the City Clerk and to include her previously authorized auto allowance as a part of her salary (retirement to be paid on auto allowance. The increase would be effective under normal procedures (July 1, 2016).

**CLERKS NOTE:** It was agreed that annual evaluations of the City Clerk from this time forward would be conducted in March of each year.

**Adjournment.** There being no further business, Mayor McFarlane announced the meeting adjourned at 5:05 p.m.

Gail G. Smith  
City Clerk

jt/CC02-21-17