

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, January 17, 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, (absent & excused)
Councilor Kay C. Crowder, Mayor Pro Tem (Presiding)
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor Pro Tem Crowder called the meeting to order indicating the Mayor is absent and excused from the meeting. An invocation was rendered by Reverend Shannon Scott, Mount Vernon Baptist Church and Council Member Baldwin led the Pledge of Allegiance. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

NONE

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – NORTH CAROLINA OPERA - RECEIVED

Timothy Myers, Artistic and Music Director, North Carolina Opera provided a Powerpoint presentation giving information on the number of productions, local premieres, the fact that they sold some 10,000 tickets during the 2015-16 season creating some 300 jobs for local artists. He provided information on their various productions going over – information on the 2016-17 seasons outlining the productions that have been scheduled and expressed appreciation for the City's support.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor Pro Tem Crowder presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mayor Pro Tem Crowder pointed out she had received a request from Council Member Baldwin to withdraw the no parking zoning – West Hargett Street. Without objection that item was withdrawn from the consent agenda. Council Member

Stephenson moved approval of the consent agenda as amended. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote (Mayor McFarlane absent and excused). The items on the consent agenda were as follows.

PUBLIC NUISANCE – WEEKS AND SHARON – PUBLIC HEARING AUTHORIZED

Since 2014 severe flooding following periods of heavy rain has occurred along Tryon Road on numerous occasions; the repeated flooding has caused inconvenience to motorists; interruptions to local businesses; and prevents patients from easily accessing a nearby dialysis center to undergo necessary treatments.

On March 30, 2016, the Public Works department issued a Notice of Violation for a Public Nuisance pursuant to City Code Sec. 12-6002(l) at the properties located at 150 Tryon road, 201 Tryon Road, 2013 Tryon road, and 3305 Durham Drive (the “Properties”). The Properties are owned by Weeks & Sherron, LLC, and are located within the City of Raleigh. Raleigh City Code Sec. 12-6002(l) identifies as a Public Nuisance flooding caused by improper or inadequate drainage from private property which interferes with the use of, or endangers in any way the streets, sidewalks, parks, or other City-owned property of any kind, provided that such determination shall be made by the department of Public Works.

Both matters have been appealed by the property owner. In the interim, the parties have met in an effort toward reaching an amicable resolution, but have been unsuccessful. The flooding at the properties remains an issue requiring resolution. Staff recommends a public hearing be scheduled on February 7, 2017 for Council to consider the appeal of the property owner. Upheld on Consent Agenda Stephenson/Branch – 7 ayes (McFarlane absent and excused).

Later in the meeting City Attorney McCormick stated because of notification and advertisement the hearing should be scheduled for March 7, 2017. The Council agreed to that change.

BASEBALL OFFICIALS – CONTRACT FUN2REF – MANAGER AUTHORIZED TO EXECUTE

The City utilizes contractual services to provide baseball officials for youth league play. After posting a request for proposals, staff received one bid to provide the requested services.

The contract with Fun2Ref will provide services for the period March 2017 to November 2019 for a total amount \$270,000.

Name of Project:	Baseball Officials
Managing Division:	Parks, Recreation, and Cultural Resources – Recreation Division
Approval Request:	Contract award
Reason for Council Review:	Contract award >\$150,000

Vendor: Fun2Ref
 Amount of this Contract: \$270,000
 Encumbered with this Approval: \$90,000

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed \$270,000. Upheld on Consent Agenda Stephenson/Branch – 7 ayes (McFarlane absent and excused).

ON-CALL ENGINEERING DESIGN MASTER AGREEMENT – DEWBERRY ENGINEERS, INC. – AMENDMENT NUMBER ONE – MANAGER AUTHORIZED TO EXECUTE CONTRACT AMENDMENT

The Stormwater Management Division is in need of additional engineering analysis, design, and construction administrative services to finalize the project plan and oversee construction of two capital improvement projects: Simmons Branch Drainage Improvement Project – Phase Two and White Oak Lake Reconstruction Project. Both projects are located in the Simmons Branch watershed within close proximity to one another. The need for additional services is a result of the North Carolina Department of Transportation (NCDOT) informing City staff of design details regarding the I-440 widening project, which is located immediately downstream of White Oak Lake. The City now has proposed right-of-way limits and can proceed with finalizing plans for retrofit improvements to White Oak Lake that would not be jeopardized by the NCDOT project. Proposed improvements to White Oak Lake include reduction of downstream flows, the magnitude of improvements necessary along Swift Drive, and reduced flooding to residential structures. Professional services and costs necessary for both projects are estimated as follows:

Simmons Branch Drainage Improvements, Phase Two	\$303,615
White Oak Lake Reconstruction Project	\$267,425

Dewberry Engineers Inc. is the original design engineer consultant for both projects. The consultant has completed a majority of the project design and permitting and currently has an on-call contract with the Engineering Services Department’s Construction Management Division, with a not-to-exceed limit of \$500,000. In order to effectively complete the redesign that incorporates NCDOT planned I-440 improvements, staff recommends an amendment to the existing on-call contract with Dewberry with an increase to the not-to-exceed amount to \$1,200,000 to provide for additional work along with additional on-call work that may be forthcoming. The amendment prevents significant re-design fees and delays to both project schedules. The amended contract will cover negotiated fees for design, analysis, and construction administration to support engineering design work to complete both projects.

Contract History:

Name of Project(s): Simmons Branch Drainage Improvement Project
 Phase Two and White Oak Lake Reconstruction Project
 Managing Division: Engineering Services – Construction Management

Approval Request:	Contract amendment
Reason for Council Review:	Contract amendment >\$150,000 and increase the not-to-exceed amount to \$1,200,000
Vendor:	Dewberry Engineers, Inc.
Prior Contract Activity:	Original contract \$0 (not to exceed \$500,000) Council approved January 5, 2016
Statement of Work One:	\$17,900 (Construction Management) safety call boxes
Statement of Work Two:	\$16,655 (Construction Management) grease trap vent piping
Statement of Work Three:	\$231,580 (Stormwater) Lake Dam Bridge
Statement of Work Four:	\$29,850 (Construction Management) parking deck camera upgrade
Statement of Work Five:	\$15,000 (Construction Management) Union Station survey services
Current Statement of Work Total:	\$310,985
Proposed Statement of Work Six:	\$303,615 (Stormwater) Simmons Branch Drainage Improvement Project Phase Two
Proposed Statement of Work Seven:	\$267,425 (Stormwater) White Oak Lake Reconstruction Project
Amount of this Amendment:	\$700,000 (added to not-to-exceed limit of \$500,000)
Budget Transfer:	N/A
Encumbered with this Approval:	\$1,200,000

Recommendation: Authorize the City Manager to execute a contract amendment in an amount not to exceed \$700,000, with a revised not-to-exceed total contract amount of \$1,200,000. Upheld on Consent Agenda Stephenson/Branch – 7 ayes (McFarlane absent and excused).

VEHICLE REGISTRATION TAX – INTERLOCAL AGREEMENT WITH WAKE COUNTY – MANAGER AUTHORIZED TO EXECUTE AGREEMENT CONDITIONALLY

As reviewed with Council during the January 10 City Council work session, on June 6, 2016 the Wake County Board of Commissioners officially adopted the Wake County Transit Plan, including the Wake County Transit Financial Plan and the Transit Governance Interlocal Agreement, which guide the ongoing planning, funding, expansion, and construction of the overall Transit Plan. The Board of Commissioners also authorized an advisory referendum for a one-half percent sales tax for transit, a key source for funding implementation. The governing boards of GoTriangle and the Capital Area Metropolitan Planning Organization (CAMPO) also adopted the Transit Plan, including the financial plan. The Transit and the Financial plans clearly identify all projected revenue sources. The advisory referendum was held November 8, 2016 and was approved by the voters.

A new \$7 Wake County Vehicle Registration Tax was included as a local funding source in the Wake County Transit Plan and Wake County Transit Financial Plan. It is estimated that a full year of funding will result in approximately \$6 million of new revenue. This fee would be charged on all qualifying motor vehicles registered in Wake County.

Transit sales tax dollars are, by state statute, directly remitted by the North Carolina Department of Revenue to the Triangle Tax District, administered by GoTriangle. Per the Wake Transit Governance Interlocal Agreement (ILA) and Financial Plan Agreement, this revenue is defined as part of Wake County Tax Revenue and must be used solely and explicitly for the implementation of the Wake County Transit Plan. Conversely, the state statute allowing the \$7 Wake County Vehicle Registration Tax directs that funds collected by the North Carolina Department of Motor Vehicles (NCDMV) be remitted to Wake County and the municipalities in its jurisdiction providing public transportation services. The municipalities currently providing public transportation services in Wake County are the City of Raleigh, the Town of Cary, and the Town of Wake Forest. Additionally, a small portion of the City of Durham overlaps with the jurisdiction of Wake County and as such Durham would also be deemed a municipality providing transit services in Wake County.

In lieu of allocating revenues derived by the \$7 Wake County Vehicle Registration Tax on a per capita, pro rata basis in accord with GS 105-570, a draft Interlocal Agreement has been developed and circulated to the transit providing municipalities in Wake County and GoTriangle. If executed, all parties would agree to an administrative distribution of these revenues directly from NCDMV to the Triangle Tax District which is to be administered by GoTriangle. Per the Wake Transit Governance ILA and Financial Plan Agreement, the \$7 Wake County Vehicle Registration Fee is defined as part of Wake County Tax Revenue and also must be used solely and explicitly for the implementation of the Wake County Transit Plan.

It is anticipated that the City of Raleigh, GoTriangle, the Town of Cary, the Town of Wake Forest, and the City of Durham will consider and approve the interlocal agreement, subject to further amendments of the parties, for the administrative distribution of funds derived from the \$7 Wake County Vehicle Registration Tax before January 31, 2017. Once approved, Wake County will submit all necessary documentation to the NCDMV for implementation of the \$7 Wake County Vehicle Registration Tax in accordance with GS 105-570. The \$7 Wake County Vehicle Registration Tax would be effective for vehicle registration renewals that occur in July 2017, subject to NCDMV implementation.

This Interlocal Agreement is intended to act as an interim agreement until a Master Joint Agency Agreement can be distributed and executed by all municipal jurisdictions in Wake County. The future Joint Agency Agreement will define the roles and responsibilities of each signatory and the proposed use of the \$7 Wake County Vehicle Registration fee over the life of the agreement.

Recommendation: Authorize the City Manager to execute the interlocal agreement, subject to terms and conditions acceptable to the City Attorney. Upheld on Consent Agenda Stephenson/Branch – 7 ayes (McFarlane absent and excused).

ENCROACHMENT – NANCY ANN DRIVE/LANDMARK DRIVE – APPROVED

A request has been received from Celito CLEC, LLC to install 1,038 linear feet of underground fiber optic cable and seven hand holes. A report was included with the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Stephenson/Branch – 7 ayes (McFarlane absent and excused).

TRAFFIC – NO PARKING ZONES – ASBURY STREET – ORDINANCE ADOPTED

The agenda presented the following traffic change recommendation which would become effective seven days after Council action.

It is recommended that a No Parking Zone be established on the east side of Asbury Drive.

A request was received from the President of the Redwolf Crossing Homeowners Association to have parking restricted to one side of the Asbury Drive to improve traffic flow issues and to ensure adequate clearance for emergency vehicles in the event of an emergency. There are no affected property owners on this street.

Recommendation: Authorize the appropriate changes in the traffic code as included with the agenda packet. Upheld on Consent Agenda Stephenson/Branch – 7 ayes (McFarlane absent and excused).

END OF CONSENT AGENDA

TRAFFIC – NO PARKING ZONES ON WEST HARGETT STREET – TO BE PLACED ON FEBRUARY 7, 2017 AGENDA

The agenda presented the following recommendation relating to no parking zones on West Hargett Street.

It is recommended that two No Parking Zones be established on both sides of West Hargett Street between South West Street and South Boylan Street.

A request was received from the Construction Management division to implement two No Parking Zones between the railroad crossings on both sides of the 600 Block of West Hargett Street. The proposed changes coincide with the approved construction plans for CSX Transportation and affect two existing unregulated parking spaces on the north side and four spaces on the south side.

Council Member Baldwin indicated she withdrew this from the Consent Agenda as she would like some additional information. She stated this is in an area where we have a critical parking

situation and here we are talking about adding additional no parking and she would just like to have a little more information as to why the recommendation is being made.

Engineering Services Manager Kelly indicated this is a condition that was found during a construction analysis relating to a project on West Hargett Street. He stated it was determined that Hargett Street is too narrow to have on-street parking; therefore the recommendation. Council Member Branch pointed out we have one of our departments that has moved out of this area and there is an empty surface lot and he would like information as to how that is being utilized. Council Member Baldwin stated she would like to delay this for two weeks in order to get information. Mr. Kelly pointed out they would work with the Department of Transportation relative to the recommendation and bring it back at the next meeting.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-39-16 – GREEN ACRES LANE – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 7, 2017

This is a request to rezone 2.5 acres on Green Acres Lane from R-10 to IX-3-CU. Conditions include a limitation of uses to those in R-10, plus parking for a car dealership. They also include measures to limit impact on adjacent properties. The request is not consistent with the Future Land Use Map, but it would provide a benefit in terms of allowing the expansion of an existing business.

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

Council Member Stephenson moved approval of the Planning Commission's recommendation. His motion was seconded by Council Member Thompson and put to a vote which passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. Mayor Pro Tem Crowder moved the motion adopted on a 7-0 vote.

TC-17-16 – ATTICS AND BASEMENTS – 30 DAY EXTENSION GRANTED

The request amends the Part 10 Raleigh Unified Development Ordinance to clarify the regulations related to attics and basements. As currently written, the UDO permits a basement or an attic, or both to add to the building massing without counting as a story. The Development Services Department has received several site plan submittals for what can only be considered a four- or five-story building within a three story zoning district.

The Planning Commission requests a 60-day Time Extension.

It was pointed out by Planning Commission representatives that the request is for a 30 day time extension not a 60 day. Mayor Pro Tem Crowder moved approval of the 30-day extension for TC-17-16. Her motion was seconded by Council Member Gaylord and put to a vote which

passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

CP-5-16 – REMOVAL OF ASHE/MORGAN CONNECTOR – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 7, 2017

The request is for an alteration to the City of Raleigh Street Plan, Map T-1 of the Comprehensive Plan. The proposal seeks to eliminate the planned extension of West Morgan Street to Ashe Avenue.

The Planning Commission recommends denial of the request. Staff suggests a public hearing date of February 7, 2017.

Council Member Stephenson moved the recommendation be upheld. His motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REZONING Z-36-16 – NORTH TARBORO STREET – FEBRUARY 7, 2017 PUBLIC HEARING AUTHORIZED

This is a request to rezone .78 acres on N. Tarboro Street from Residential Mixed Use-Three Stories (RX-3) to Office Mixed Use – Three Stories-Conditional Use (OX-3-CU). Conditions would limit uses to those in RX, plus School and College, Community College, University. They also would limit height of any new construction to 30 feet. The request is not consistent with the Future Land Use Map but is consistent with several relevant Comprehensive Plan policies.

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

Council Member Stephenson moved approval of the recommendation set in the Public Hearing for February 7, 2017. His motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REZONING Z-22-16 – SIX FORKS ROAD – PUBLIC HEARING SCHEDULED FOR FEBRUARY 7, 2017

This is a request to rezone 2.6 acres on Six Forks Road from Residential-4 (R-4) to Commercial Mixed Use – 3 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. Staff suggests a public hearing date of February 7, 2017.

Mr. Stephenson moved the recommendation be upheld which would schedule a February 7, 2017 public hearing. His motion was seconded by Mr. Gaylord and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

TC-1-16 – HISTORIC DEVELOPMENT GUIDELINES – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 7, 2017

The request amends section 1.1.12.C and section 5.4.1.H.1 of the Part 10 Code of the City of Raleigh to adopt the revised historic development district design guidelines. This request is related to the proposed revisions to the Design Guidelines for Raleigh Historic Districts and Landmarks.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of February 7, 2017. The updated Design Guidelines will be presented in tandem with this text change request.

Council Member Stephenson moved the Planning Commission's recommendation be upheld. His motion was seconded by Council Member Gaylord.

Council Member Branch stated he has been in conversation with some of the citizens or residents in the area and he understands they have presented some recommendations to staff and he wonders if staff has had a chance to look at the recommendations and make any necessary changes or will include their answers at the February 7 public hearing. Planning Director Bowers indicated if the Council wants to make any revisions to the proposal going to public hearing it would be best to hold it at the table or Council could move forward with the public hearing and incorporate the comments as a part of the public hearing. Council Member Stephenson pointed out the Oberlin neighborhood continues to be concerned with some of these guidelines which they do not feel reflect their values. The motion as stated was put to a vote and passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

CP-4-16 – COMPREHENSIVE PLAN AMENDMENTS TO SOUTHERN GATEWAY STUDY; SOUTHERN GATEWAY STUDY – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 7, 2017

The proposed changes would amend Comprehensive Plan maps Raleigh Street Plan (Map T-1) and Area Plan Locations (Map AP-1), and include a new area plan section into the 2030

Comprehensive Plan. The Commission received comments prior to the meeting regarding the removal of the proposed McCauley Street southern extension to Keeter Center Drive.

The Planning Commission recommends approval of CP-4-16, as amended. Staff suggests a public hearing date of February 7, 2017.

Council Member Gaylord moved approval. His motion was seconded by Council Member Thompson. Brief discussion took place on the Southern Gateway Study which is the next item with Planning Director Bowers pointed out this is a new process. Council Member Baldwin suggested adding the Southern Gateway Study which is listed on the agenda as follows:

The request is to approve the recommendations of the Southern Gateway Corridor Study Report.

Additionally, the Commission suggests clarifying the language in the report about McCauley Street southern extension to continue to remain as a long-term vision for redevelopment of the Cargill Focus Area, while recommending removing it from the proposed Streets Plan amendments consideration at this time.

The Planning Commission recommends approval of the request. This corridor study will be presented in tandem with CP-4-16 on February 7, 2017. Council Member Gaylord moved approval of CP-4-16 and the Southern Gateway Study go to public hearing with Council Member Thompson agreeing. The restated motion which was put to a vote and resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

SPECIAL ITEMS

REZONING Z-30-16 – VARSITY DRIVE – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 7

This is a request to rezone property from Neighborhood Mixed Use – 4 Stories – Conditional Use with Special Residential Parking Overlay District (NX-4-CU w/SRPOD) to Residential Mixed Use – 5 Stories – Green Frontage – Conditional Use with Special Residential Parking Overlay District (RX-5-GR-CU w/SRPOD). The property is located at the southwest corner of the intersection of Varsity Drive and Avent Ferry Road. The proposal is consistent with the Comprehensive Plan and Future Land Use Map.

Council first considered this item at its December 6, 2016 Council meeting. Action was deferred until the January 3, 2017 Council meeting as original signed conditions had not been provided.

At the January 3, 2017 Council meeting, it was reported that signed conditions had not been received; therefore, it was directed that the item be held until this meeting.

Recommendation: The Planning Commission recommends approval of the request. Provided the applicant has provided signed conditions before the deadline for the January 17, 2017 meeting, staff suggests a public hearing date of February 7, 2017.

Planner Bynum Walter pointed out the Council has now received the signed conditions so the public hearing could be scheduled. Mayor Pro Tem Crowder moved Z-30-16 be scheduled for public hearing for February 7, 2017. Her motion was seconded by Council Member Stephenson and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

TEXTILE COLLECTION PROGRAM – APPROVED – ORDINANCE ADOPTED

During the November 15, 2016 Council meeting staff provided a summary of next steps for a potential textile curbside collection recycling program. Council requested that staff provide greater detail on the terms of a potential Request for Proposals (RFP) and contract. This update will provide more information about textile curbside collection programs in other cities, the benefits of a potential program, key contractual terms, and possible next steps should Council desire to proceed with a program.

During the January 3, 2017 meeting, a report was provided answering the questions that had been posed to administration. Since all Council members were not present at the January 3 meeting, it was directed that Council members be provided a copy of the presentation and that the item be placed on this agenda for further consideration.

Recommendation: If the Council wishes to proceed, it would be appropriate to adopt code changes to Section 12-103A to allow a private collection service to hold a permit issued under code Section 12-1022(a) to operate in the right-of-way and collect from the curb and authorize staff to create and issue an Request for Proposals from vendors to provide the service.

Council Member Baldwin moved approval to adopt the code changes and authorizing staff to create and issue a RFP. Her motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Ordinance 662.

Council Member Baldwin expressed appreciation to Mayor Pro Tem Crowder for her leadership in this issue.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

SALE OF CITY-FINANCED RENTAL DEVELOPMENT – APPROVED CONDITIONALLY

In the mid-1990s the Episcopal Housing Ministries received an allocation of federal low-income housing tax credits from the North Carolina Housing Finance Agency for the purchase and development of two properties: Walnut Woods and Fox Haven. The City provided gap financing in the form of second mortgages to Walnut Woods Limited Partnership and Fox Haven Limited Partnership in the amounts of \$256,000 and \$500,000 respectively.

The Episcopal Housing Ministries has requested authorization to sell these properties to Preservation Housing Partners, on behalf of a North Carolina limited liability company to be formed. The owner desires to sell both properties in compliance with the Extended Use Agreement. As noted in the purchaser's written request to the City, the seller and purchaser share the common goal of preserving both properties as a vital source of affordable housing for Raleigh. Due to the age of the properties, both will require major capital investment.

Fox Haven consists of 32 two-bedroom and 16 three-bedroom apartments with rents ranging from \$690 per month to \$865 per month. Walnut Woods consists of 33 two-bedroom apartments renting for \$700 per month and three three-bedroom units renting for \$775 per month. Prior to the development of Walnut Woods, the site upon which the units were constructed was owned by EHM. Presumably to make the land exempt from property taxes, EHM asked the City to assume ownership and lease the land to the Limited Partnership for a period of 99 years. The site is currently subject to the lease for the remaining 79 years. To strengthen the competitiveness of the application to the Federal Home Loan Bank of Atlanta Affordable Housing Program (AHP), the Purchaser is requesting that the site be conveyed to its ownership. AHP application scoring provides five points for site donation.

Preserving existing affordable housing is a priority in the City's adopted Affordable Housing Improvement Plan. In this specific instance, improving the physical condition of the property and strengthening the property's operating results and ability to adequately fund replacement reserves are of primary importance.

The purchaser does not intend to seek additional financial assistance from the City. Additional details regarding the request are included with the agenda packet. Following review and evaluation, staff has no objections to the sale of the property provided certain conditions are achieved.

Recommendation: Consent to the sale of the property subject to the following conditions: 1) The impending sale is approved by NCHFA; and 2) the purchaser is successful in receiving a federal Affordable Housing Program grant and obtaining first mortgage loan commitments. Authorize staff to execute all required documentation upon verification of conditions to the sale having been met.

City Manager Hall indicated this is a pretty straight forward item which could have been on the consent agenda but he wanted to make sure that the Council understands the recommendation which meets or exceeds all of the goals.

Housing and Neighborhoods Director Larry Jarvis highlighted the following PowerPoint presentation:

WHAT IS REQUESTED

(Subject to the award of \$405,000 in grant funds from Federal Home Loan Bank and approval by NCHFA)

- Allow non-profit purchaser to assume City loans
- Approve modifications to loan terms
- Allow subordination of City loans to new first mortgage loans
- Donate (sell for \$1.00) Walnut Woods site to non-profit

REASON FOR REQUESTS:

PRESERVATION OF AFFORDABLE UNITS

- EHM no longer has professional staff
- Properties not on solid financial footing
- Capital improvements are needed

WALNUT WOODS AND FOX HAVEN

Original Funding Amounts:

- Walnut Woods 36 units \$256,000 Bond
- Fox Haven 48 units \$500,000 HOME

Both have completed initial 15-year compliance period and now operating in extended-use period

UNDER NEW OWNERSHIP

- New partnership will assume the City loans
- Loan terms will be modified such that they will be forgiven at the end of 15 years and be co-terminus with the new financing and extended compliance dates
- The City agrees to subordinate to the acquisition loan obtained by new owners

MAJOR OBJECTIVES OF THE AFFORDABLE HOUSING PLAN

- Emphasize increasing the supply of affordable rental units.

- More strategically influence location.
- Maximize development capacity.
- Preserve existing affordable units.
- Maintain diversity and housing choice in near downtown neighborhoods.

CONVEYANCE OF LAND

- Future Council action may be required to fulfill the statutory requirements with regard to the disposition of the land
- Upon successful award of the grant, we will coordinate with the City Attorney's office on the disposition logistics

Council Member Baldwin moved approval as recommended. Her motion was seconded by Council Member Thompson.

Council Member Branch had questions about affordable housing, what happens in Year 16 and what would require them to keep it affordable housing. Mr. Jarvis indicated they are a nonprofit and they only own and manage affordable housing. Council Member Stephenson asked about the responsibility for management and maintenance oversight with Mr. Jarvis indicating it would be Excel Management Company. He stated Preservation Housing Partners is a nonprofit and while they do not have any projects in Raleigh they do have them in North Carolina. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

LIVING WAGE POLICY – APPROVED – RESOLUTION ADOPTED – ITEM REFERRED TO ADMINISTRATION FOR CONSIDERATION IN UPCOMING BUDGET DEVELOPMENT

The adopted compensation philosophy provides direction to the City to implement a salary structure for employees that is based on market data, but is also informed by living wage criteria. Staff has researched the practices of other jurisdictions related to living wages, as well as various methodologies used to calculate a living wage rate. Calculation methodologies were evaluated based on the ability to identify and replicate data collection and evaluation; ability to accurately address cost of living; and the ability to predict predictability for both the City and employees. Staff will briefly review its research; address recommended methodology and present a draft policy for full time employees with standard 38.75- and 40-hour work weeks for the Council consideration.

Recommendation: Adopt the policy and refer implementation to the upcoming annual budget development process.

City Manager Hall indicated when the City Council adopted the analysis which included a living wage policy and directed staff to do some analysis and come back with a recommendation. City Manager Hall indicated Council is being asked to consider adopting this policy and refer the issue to the upcoming budget development process.

Human Resources Director Steve Jones explained that Council did adopt the Comprehensive Philosophy in February of 2016. He highlighted the following PowerPoint.

ADOPTED COMPENSATION PHILOSOPHY

- The city believes that its employees are its most valuable asset in achieving the city's mission, goals and objectives.
- The city strives to attract and retain employees who are committed to public service demonstrate initiative and are accountable for individual and team performance that provides a high level of service.
- The city will strive to maintain a competitive market based compensation system that ensures internal and external equity, recognizes performance and sustained contributions to the organization, and provides opportunities for growth.
- The city will have a compensation system that is transparent, fair, equitable and sustainable.
- To sustain the system, the city will conduct regular market reviews and offer employees developmental and advancement opportunities to retain the most qualified and productive employees.
- In establishing relevant market competitiveness, the city:
 - ▶ Defines market competitiveness at the 50th percentile when employees are fully proficient and meeting expectations;
 - ▶ Uses total compensation including pay and benefits; and
 - ▶ **Applies living wage criteria.**

WHAT IS A LIVING WAGE?

- Different than minimum wage
- Focus on minimum standard of living in specific geography
- Typically ignores market-based pay factors
- Several calculations exist...no standard to follow
- Consideration of employer-paid benefits (specifically health insurance) common but not universal

WHO HAS A LIVING WAGE?

- Over 140 (of over 8,000) municipalities/counties across the country
- In North Carolina:
 - Asheville

- Carrboro
- Chapel Hill
- Charlotte
- Durham City
- Durham County
- Greensboro (min wage)
- Orange County
- Wake County

CURRENT “SNAPSHOT”

- Reclassified 57 employees in lowest job classifications:
- Eliminated 2 lowest pay grades – February 2016
 - ▶ Lowest hourly pay increased from \$10.89/hr. (\$22,668) to \$12.00/hr. (\$22,991)
 - Approximate cost = \$144,000

SUMMARY OF RESEARCH OBJECTIVES

- Canvas “Peers”
 - Other NC municipalities and counties
- Identify/evaluate calculation methods
 - Straight-forward
 - Replicable
 - Defensible
- Estimate cost of implementation
 - Current and ongoing
- Make recommendation

METHODS REVIEWED

- Universal Living Wage
 - Focus is on cost of housing
- Percentage Above the Federal Poverty Line
 - Considers federal poverty guidelines
- Basic Needs Assessment
 - Estimate minimum cost of basic needs
- Minimum Wage Increase
 - Requires consideration of other costs to establish

PROPOSAL

- Eligibility

- FT employees working a “regular” schedule (1,950-2,080 hrs/year)
- Formula
 - Universal Living Wage (most common/similar to Wake County)
 - ▶ Use 4-Yr. average of Fair Market Rents
 - ▶ Assume 1-bedroom
 - ▶ Current rate of \$15.26
 - Recognize health insurance benefit
 - ▶ \$1.50/hour deduction (most common approach)
 - Calculation will set an earnings “floor”
 - ▶ \$13.76/hr. (\$28,630 annually)
 - ▶ Increase of \$1.76/hr. (\$3,639 annually) from current
- Annual review of formula
 - Adjust as needed but never reduce
- Impact
 - \$13.76/hr. (\$28,630 annually)
- Employees/Job Classifications
 - 215 positions (143 filled)
- Financial
 - \$494,000 FY 2017-18

COMPARISON

<u>Municipality/County</u>	<u>Wage</u>
Raleigh*	\$13.76
Wake County*	\$13.50
Carrboro??	\$13.58
Chapel Hill*	\$11.25
Charlotte	\$13.00
Durham*	\$13.50
Durham County*	\$13.50
Asheville*	\$12.50
Orange County*	\$12.25
Greensboro	\$12.00 (min wage)
Hillsborough*	\$11.26

*Applies deduction for health insurance

RECOMMENDATION

- Council approval to:
 1. Adopt Living Wage Philosophy/Policy

2. Refer implementation to the upcoming annual budget development process

Council Member Baldwin moved approval. Her motion was seconded by Council Member Gaylord.

Council Member Cox stated he would like to learn more about and better understand the formula pointing out as he understands the 30% would cover housing needs and that would be the \$15.26 with it being pointed out by Mr. Jones that no more than 30% of a person's earnings should go to housing. Council Member Cox pointed out he understands that if you deduct \$1.50 it wouldn't cover the housing. A discussion followed on the calculation with Human Resources Director Jones and Alexander Vazquez talking about the formula and why the \$1.50 is subtracted. Council Member Cox again questioned why the \$1.50 would be subtracted pointing out if that occurs the formula would not meet the goal of living wage. He stated he objects to deducting the \$1.50. It was pointed out the staff used best practices, with the council talking about use best practices. Various Council members provided input on the understanding that best practices are being used, what counties and cities have used this formula, the fact that the city's methods are consistent with other municipalities and expounding on their understanding of what other municipalities are looked at in developing their policy. Council Member Cox stated he feels we should study this further as he does not understand the \$1.50 deduction. It was pointed out that what is before the Council today is approving the philosophy and policy and the implementation would be considered during budget deliberation. Whether the policy has to be adopted today was talked about and whether if the policy is adopted today there will be room for additional discussion was also put forth. It was pointed out by Human Resources Director Jones that if the policy is adopted then there would be no further discussion however the implementation would be discussed in the budget deliberation. Whether the item could be held without negatively impacting budget development was talked about. Council Member Cox made a substitute motion to hold the item for more information with various Council members asking Council Member Cox to explain what type information he would like to have. Council Member Cox indicated he just wants information on the \$1.50 deduction. He stated he simply wants to make sure that the City is paying people enough money that they can afford housing and stay within the 30% of their income. There was no second to this substitution motion and the original motion to uphold the recommendation of adopting the policy and referring implementation to the upcoming budget development process was put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Resolution 445.

**REPORT AND RECOMMENDATION OF THE PARKS, RECREATION AND
GREENWAY ADVISORY BOARD**

**LAKE WHEELER WATERSPORT CENTER – SITUATION ASSESSMENT –
ADOPTED**

As indicated in the annual work plan for the board, staff has worked with stakeholders from the watersport community to better understand uses and needs for Lake Wheeler by conducting a situation assessment. Citizens identified lake-related activities as one of the top needs in the adopted 2014 PRCR System Plan. Specific actions resulting from the plan was to “develop the Lake Wheeler watersport center in partnership with the watersport community.” This action item was assigned a medium-term timeframe, to be conducted over the course of a ten-year period. Immediate next steps to further develop plans for a watersport center would include a feasibility study and an update to the existing master plan for changes to any boat storage options. The feasibility study will further evaluate the requirements for a new boat storage and program space, including environmental or resource protection requirements; evaluation of economic impact; development of estimated capital and operating cost projections; and review of requirements for partnership agreements with third party agencies. The board has recommended approval of the Lake Wheeler Watersport Center Situation Assessment.

Recommendation: Adopt the situation assessment.

Council Member Baldwin moved approval. Her motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

**HORSESHOE PARK NATURE PRESERVE – NAMING OF FARMHOUSE –
APPROVED**

The board received an application requesting consideration to name the farmhouse at the Horseshoe Farm Nature Preserve as the “Dr. Bill and Merrie Hedrick Homestead”. In 1994, Dr. and Mrs. Hedrick sold what is now known as Horseshow Farm Nature Preserve to the City; 23 acres along the Neuse River specifically for greenway development were also donated at that time. Dr. Hedrick has been a leader in the healthcare field for over 54 years and Mrs. Hedrick has served Wake County in several capacities for over more than 30 years, including service as County Commissioner from 1986 to 1994. Additional supporting documentation was included with the agenda packet.

In compliance with Resolution (2005)-681, appropriate public notifications and press releases have been made. With no opposition to the request, on December 15, 2016 the Parks, Recreation, and Greenway Advisory Board voted unanimously to recommend the naming request to City Council for consideration.

Recommendation: Approve the renaming of the farmhouse at the Horseshoe Farm Nature Preserve to the “Dr. Bill and Merrie Hedrick Homestead at Horseshoe Farm Nature Preserve”.

Council Member Baldwin moved approval. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

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

**REZONING Z-18-16 – HOMEWOOD BANKS DRIVE CONDITIONAL USE – TO BE
PLACED ON FEBRUARY 7, 2017 AGENDA**

The Committee recommends that the City Council close the public hearing on Z-18-16 – Homewood Banks Drive Conditional Use District, which would allow the applicant to submit a new condition to cap the dwelling units to 15 per acre. The Committee further recommends that this case be exempt from TC-17-16 – Attics and Basements, which is currently under consideration in the Planning Commission.

It is recommended that the item be placed on the February 7, 2017 City Council agenda as a special item, at which time the Council could consider the case with the revised condition.

Council Member Gaylord moved approval. His motion was seconded by Council Member Baldwin and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

**RESIDENTIAL INFILL STANDARDS – INTERRELATIONSHIP BETWEEN
NCOD/INFILL COMPATIBILITY STANDARDS – REFERRED TO GROWTH AND
NATURAL RESOURCES COMMITTEE**

Mayor Pro Tem Crowder pointed out the Growth and Natural Resource Committee recommends that the City Council refer the topic of the interrelationship between Neighborhood Conservation Overlay District (NCOD) standards and Infill Compatibility Standards to the Growth and Natural Resources Committee for discussion.

Council Member Baldwin questioned the origin of this recommendation. Mayor Pro Tem Crowder asked Council Member Stephenson to explain.

Council Member Stephenson pointed out when the UDO was being developed everyone wanted to determine a way for the NCODs to work with the base zoning or Neighborhood Infill Standards. He stated however unless it is specifically stated the NCOD would negate the infill standards. He stated the question has come up as to how we look at the two, how they work together and develop a way so that when approving NCOD the protections of the base zoning is

not put at risk. Council Member Baldwin questioned if staff has discussed this or suggested it go to committee. Mayor Pro Tem Crowder pointed out it does seem to be something that we keep hearing a lot about; that is, that the NCOD negates infill compatibility and vice-versa. Planning Director Bowers talked about the conflict explaining out there does seem to be a conflict pointing out when the infill standards were drafted and NCOD had already regulated the height, then the NCOD would control but if the NCODs want to have the same standards as other classifications, the question of what controls comes up. Council Member Baldwin moved approval of the recommendation to refer the issue to committee. Her motion was seconded by Ms. Crowder and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

GROWTH AND NATURAL RESOURCES – COMMITTEE MEETING TIME – CHANGED

Mayor Pro Tem Crowder indicated the Growth and Natural Resources Committee will meet on January 25 at 4:00 p.m. She stated that is a new meeting time and from the January 25 forward the Growth and Natural Resources will meet from 4:00 p.m. until 6:00 p.m. on the same schedule as has been previously approved only the time has changed. The report was received.

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

No report and the Committee will not be meeting the next round.

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

Transportation and Transit Committee has no report; however Council Member Branch indicated the Committee will meet at 3:00 p.m. on January 24 in Room 305. The report was received.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

The City read the following results of the ballot vote:

Appearance Commission – One Vacancy – No Nominees

Civil Service Commission – One Vacancy – Ms. Baldwin and Mr. Stephenson nominated Kimberly Rehberg

Historic Cemeteries Advisory Board – One Vacancy – Ms. Baldwin nominated Joe Dillon

Human Relations Commission – One Vacancy – Mr. Thompson and Mr. Branch nominated Eric Handy

Parks, Recreation and Greenway Advisory Board – One Vacancy. Dexter Herbert has been nominated. Mr. Branch moved that nominations be closed and Mr. Herbert be reappointed by acclamation. His motion was seconded by Mr. Thompson and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused.

The City Clerk announced the reappointment of Mr. Herbert to Parks, Recreation and Greenway Advisory Board. The other items will be carried over.

NOMINATIONS

CONVENTION AND PERFORMING ARTS CENTERS AUTHORITY – NOMINATIONS MADE

The City Clerk reported the term of Joyce Kekas is expiring in February. She is not eligible for reappointment due to length of service. No nominations were made.

PLANNING COMMISSION – NOMINATIONS MADE

The City Clerk reported the term of Steve Schuster is expiring in February. He is not eligible for reappointment due to length of service. Council Member Stephenson nomination Mark Turner. Council Member Baldwin and Council Member Gaylord nominated Sara Queen. Council Member Branch nominated Hardy Watkins. The item will be carried over to the next meeting.

STORMWATER MANAGEMENT ADVISORY COMMISSION – FRANCINE DURSO – REAPPOINTED

The City Clerk reported the term of Francine Durso is expiring. She is eligible for reappointment and would like to be considered for reappointment. Council Member Baldwin moved that the Council suspend the rules and reappoint Ms. Durso by acclamation. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0.

REQUEST AND PETITIONS OF CITIZENS

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE ABATEMENT – 2511 GARNER ROAD – HEARING – RESOLUTION ADOPTED

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

<u>LOCATION AND DISTRICT</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NUMBER</u>	<u>COST OF ABATEMENT</u>
1019 Brighton Road (C)	Nicole Sansoni and Barre Gambling	0170516	\$257
2511 Garner Road (C)	Rolanda Lynne Allison	0001580	\$1108.00
820 Weston Street (C)	Virginia Ann Burt	0048639	\$241.00

Mayor Pro Tem Crowder pointed out 1019 Brighton Road and 820 Western Street have been withdrawn as charges have been paid. The Mayor Pro Tem opened the hearing on 2511 Garner Road. No one asked to be heard. Council Member Thompson moved that the public hearing be closed and the charges confirmed. His motion was seconded by Mr. Branch and put to a vote which passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Resolution 444.

BUSINESS INVESTMENT GRANT – CITRIX SYSTEMS, INCORPORATED – HEARING – MANAGER AUTHORIZED TO EXECUTE APPROPRIATE AGREEMENTS

This is a hearing to consider a proposal to provide a business investment grant to Citrix Systems, Inc. in the amount of \$500,000 in accordance with North Carolina General Statute 158-7.1. Citrix Systems, Inc. (“Citrix”) announced on December 15, 2016 that the company has selected Raleigh to increase workforce presence with the creation of 400 permanent, full-time jobs to support, sell, and build products at the company facility in Raleigh. Citrix is investing \$5,000,000 to up-fit and equip new space for the additional jobs.

Selection of Raleigh by Citrix for location of the new jobs is contingent upon a City decision to support the project with an economic development incentive grant. City Council, in closed session on September 6, 2016, authorized staff to offer an economic development incentive grant to Citrix for the expansion of its facility located in Raleigh based on the creation of 400 new jobs. The annual grant is performance-based and tied to job creation. Performance requirements include the creation of 400 permanent, full-time jobs within the next five years with an average

annual salary of \$73,325 in addition to the retention of 789 full-time employees plus 22 contractor positions. The grant allocates \$1,250 per job with a maximum grant amount not to exceed \$500,000. Payments are to be made on an annual basis for five years following creation of the 400 new jobs no later than 2021.

Following the hearing, the Council may take action to authorize staff to finalize grant terms and authorize the City Manager to execute appropriate agreements. Council may also deny the grant or refer the item to committee for further discussion and consideration.

City Manager Hall briefly explained the item. Mayor Pro Tem Crowder opened the hearing no one asked to be heard. Council Member Thompson moved that the hearing be closed. His motion was seconded by Council Member Branch and put to a vote which passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0.

Council Member Gaylord moved that the Council authorize staff to finalize grant terms and authorize the City Manager to execute appropriate agreements. His motion was seconded by Council Member Stephenson and put to a roll call vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REPORT OF MAYOR AND COUNCIL MEMBERS

RETREAT AGENDA – RECEIVED

Mayor Pro Tem Crowder indicated the agenda for the Council retreat scheduled for February 8, 9 and 10 has been circulated. It will be held at the North Carolina Art Museum on Blue Ridge Road. She went over the agenda. There were no questions or comments made.

FOOD TRUCKS – ALLOWANCE FOR RETAIL – CITY ATTORNEY TO DRAFT ORDINANCE

Council Member Baldwin pointed out we have food, produce and floral mobile shops that are allowed in the city; however we have a mobile men's retail shop who has been trying to operate in the City but is being ticketed. She questioned if the City could incorporate this new retail mobile unit in our policy so that the company can operate. City Attorney McCormick indicated he would bring back a proposed ordinance change at the next meeting.

PERSON STREET – NEGOTIATIONS – REPORT REQUESTED

Council Member Baldwin asked that the Manager or staff provide a report on the negotiations ongoing as it relates to the historic homes, Murphy's School, etc., along Person Street. She stated Council had received an email explaining there does not seem to be a lot of clarity as to whom is negotiating with whom and what. She pointed out some of the properties are owned by

the State, some by Murphy's School, some by the City, etc. She stated she would just like to have a report as to what is going on, what the next steps are, etc. She stated it is in negotiation but she would just like to be better informed as to what is occurring.

City Manager Hall indicated staff could provide a report in the Friday Manager Update or it could be placed on the February 7 agenda to receive a report. Council Member Baldwin pointed out it is being negotiated and she felt it would be best to get information in the City Manager Update. City Manager Hall indicated he would try to have it in the Friday, January 20 report if possible and if not would provide it in a subsequent update.

Council Member Stephenson pointed out this is a very complicated situation. DHIC, the City and State of North Carolina are partners. He stated he understands there is an impasse in the negotiations and it may be that the City of Raleigh could help come up with a solution that would support all partner's assets. Mayor Pro Tem Crowder asked that the Manager provide as much detail as possible. Council Member Baldwin again indicated this is in negotiation and we need to be as sensitive as possible. It was agreed a report will be provided in a City Manager Update.

PERSONNEL – COMMENDED

Council Member Thompson expressed appreciation to all staff involved in the recent snow and ice removal. He stated it was a job well done. Council Member Thompson gave a thumbs up to Mayor Pro Tem Crowder for running the meeting, pointing out she did a great job.

PAULA STREET – COMMENTS RECEIVED – INFORMATION REQUESTED

Council Member Gaylord asked the City Attorney to provide a report on an item he hears about repeatedly in his district and that is concerns along Paula Street. He talked about different information he has heard including gunshots, loud music, etc. Mayor Pro Tem Crowder indicated she too has had many calls about the situation and talked about all of the information that is out there including request from the media. She questioned how many compliments are needed before the City can take action.

City Attorney McCormick indicated it depends on types of complaints, where they are, etc. He stated this is a situation that can occur not just on Paula Street but others explaining if one offending location closes, another of the same type business can open up in the same location. Mayor Pro Tem Crowder questioned if the tabulation of complaints has to start over each time a manager changes and gets a new license with City Attorney McCormick indicating that is correct. Council Member Stephenson questioned if the City Code could be amended so that an owner cannot come in and open up the same type business in a location that had been closed because of complaints, etc. City Attorney McCormick indicated the zoning on the property could be changed but that would not necessary prevent certain uses. Council Member Gaylord questioned if the City could initiate a rezoning with it being pointed out they could. Mayor Pro Tem Crowder stated she just feels something should be done as we do not want a tragedy while it is being studied. She questioned what the next steps would be to avoid a bad situation. The City

Clerk reported two people have requested permission to appear at the February 7 meeting to discuss the problems.

WAKE COUNTY POVERTY PARTNERSHIP – FUNDS APPROPRIATED

Council Member Branch talked about the Wake County Partnership to Prevent Poverty and other issues and concerns about low income communities. He pointed out there has been discussion about the Crosby Garfield program. Council Member Branch pointed out Wake County has hired a coordinator to look at the issues and moved that the City Council allocate \$50,000 from council contingency to Wake County to help with this study, issues, etc. Council Member Baldwin made a substitute motion to consider taking the \$50,000 from outside agency funding and if there is not enough in that account to take the rest from city council contingency. Council Member Branch amended his motion to appropriate as much from outside agency reserve and the remainder from city council contingency. His amended motion was seconded by Council Member Baldwin.

Council Member Stephenson stated he understands Wake County would be the lead agency and he would like to have something that describes what they will use as a measure of success and/or accountability and asked that that could be included as a friendly amended. Council Member Branch stated he had no problem with that. Council Member Baldwin pointed out if we are using outside agency grants that would be a part of the process with it being pointed out by the City Manager that is correct.

Council Member Thompson stated he had talked with Wake County Commissioner West at length concerning this issue particularly about the need to stay focused. He pointed out we keep trying to get job training for unemployable people and he has concerns about trying to make business people out of people who have never even had a job. Council Member Baldwin pointed out she understands this initiative does focus on job training with Council Member Branch pointing out he would monitor to make sure that is the focus of the study. Council Member Thompson talked about the need to teach people how to become employed, how they can work, how they have to come to work each day, responsibilities of having a job, etc., and talked about the importance of teaching a person to work so that they can support themselves. The motion was put to a roll call vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Ordinance 664 TF 290.

REZONING Z-15-16 – COMMENTS RECEIVED

Council Member Cox pointed out at the December 6 meeting, the City Council sent Rezoning Case Z-15-16 back to the Planning Commission. He stated he now understands that recently the developer met with the Planning Department about the case and he would like some information on what was discussed and the outcomes of the meeting. Mayor Pro Tem Crowder questioned if it is possible for staff to provide an update on that meeting such as was it a pre-application meeting or was it a meeting on a revised case.

Planning Director Bowers indicated the City Council action referred the case back to the Planning Commission with the recommendation that the applicant consider revising to a planned development case. He pointed out Planner Doug Hill and Bynum Walker met with the applicants and their attorneys to discuss the submission and the case they may submit. Mr. Bowers pointed out a planned development application requires a formal pre-submittal meeting; however that has not occurred. He stated if a revised case is filed it would retain the same number but it would basically be a new case if they come forward with a planned development case.

Council Member Cox questioned if there is a new case, what happens to the conditions that were filed with Z-15-16. Mr. Bowers pointed out the conditions would be replaced by a planned development but at this point that has not come forth. He stated if they do connect it would contain master plan development diagrams, etc. Council Member Cox pointed out he understands conditions could be attached to a planned development case and questioned if the conditions aren't changed within the 30 day time period if the original conditions would remain with Planning Director Bowers indicating they would not.

Mayor Pro Tem Crowder asked about a precedent for referring a zoning case back to Planning Commission and what process was used at that point. Planning Director Bowers talked about the UDO remapping where there was a subset of properties and the Council wanted to address the concerns by moving to less restrictive conditions designations, etc. Those cases were sent back to the Planning Commission who made recommendations and a second public hearing was held.

In response to questions, Assistant Planning Director Crane pointed out a planned development request is not a conditional use case. It becomes the base zoning district. He stated there are no conditions on a planned development case; however, he feels it would be wise if the applicant incorporated the conditions/concerns in the master plan. Council Member Stephenson questioned if this is clearly defined in the UDO and if the process is spelled out and if not should it be spelled out. Council Member Cox questioned if the applicant comes forth with a planned development case, what happens to Z-15-16 which has not been acted upon with Planning Director Bowers pointing out the new case would replace the existing case.

City Attorney McCormick pointed out what we are talking about is the conversion of a case. It converts an old case into a new case. He pointed out this has been done by the Council in the past. The conditions will go away if a planned development case comes forward but it is entirely up to the applicant if he wants to include the conditions in the old case as a part of the master plan. Council Member Stephenson pointed out he feels we should clear up the conversion and talked about the issue of a two-year waiting period. No further action was taken.

CITIZEN ENGAGEMENT TASK FORCE – COMMENTS RECEIVED

Council Member Cox indicated he recently attended the Citizen Engagement Task Force meeting. He stated one of the central questions before them is whether the CAC should continue

to review zoning cases. He stated this surprised him as he did not know that this was one of the questions before them. He stated he totally supports CACs reviewing zoning cases and he did not think that was what was assigned to the Citizen Engagement Task Force. He stated had he known that was one of the assignments he would not have supported it.

Mayor Pro Tem Crowder questioned if the Council could get the exact language from the Council minutes or directive to the Task Force and suggested that the information be put in the next City Manager Update. She stated everyone wants them to stay true to the directive given to them when the Task Force was established. Council Member Stephenson pointed out he brought information to the Council about the scope of the work of the Citizen Engagement Task Force and the Council agreed. He talked about the subcommittee of the council that worked with developing the charge to the committee. He stated he personally proposed a number of changes and talked about the discussion as to how to measure success pointing out he tried to address questioned to the Council about measuring success. He talked about the fact that the Council had voted to direct them that they wanted them to follow the high expectation language. He questioned if the Task Force had ever seen exactly what was referred to them.

Council Member Baldwin pointed out this may be a good topic for the upcoming retreat. She talked about the governance area. She stated it is important that everyone have all of the information and the same language. She stated however it really surprised her that Council members attended the meeting as that is not usual practice. She stated Council Members attending meetings could tend to influence the outcome. She stated even if Council Members do not speak, they could cast an influence by their mere presence. She stated she understands Council Member Stephenson and Council Member Cox have attended meetings of this Task Force and she feels that may be inappropriate.

Council Member Stephenson indicated in the meeting he attended he was extremely surprised that the background materials the Council worked on had not been given to the Task Force and he had asked staff about this. He talked about his attendance at the meeting was to hear about national best practices and the Task Force asked the Council members to make comments.

Mayor Pro Tem Crowder pointed out it is extremely important for the Task Force to move forward and it's extremely important they receive all of the background material. Council Member Gaylord stated he agrees and in addition of going forward, he feels it is extremely important to allow all of our task forces to operate independently and determine what they perceive and he feels the Council should agree that it would not be a party to the Task Force and their proceedings. Council Member Stephenson pointed out they are all public meetings and Council and any one can attend. He stated may be one way to address the concern is to video record the meetings and Council could look at them later but he understands that option is not available.

Mayor Pro Tem Crowder pointed out it seems that some Council Members prefer that Council members not attend task force meetings and others think it is okay. She stated there is no legal standing to prevent Council Members from attending Task Force meetings with the City

Attorney pointing out that is correct. City Attorney McCormick stated the Code of Conduct Task Force is nearing completion of their work and it contains references to when it is appropriate for Council members to attend advisory group meetings, etc. Council Member Gaylord questioned if staff could provide videos of the meetings with Council Member Baldwin pointing out minutes or notes would be good. City Manager Hall indicated the room the meetings are held in doesn't have a video setup but if Council wanted that approach the location of the meetings could be changed or the Council could be provided notes from the meetings. Council Member Baldwin talked about how behavior changes when being video-taped. She stated she feels the Council should trust the Task Force that the Council appointed to do a good job.

Mayor Pro Tem Crowder suggested that Council be insured that the Task Force be provided with all of the information from the Council reference to the scope of work and ask that the Task Force provide an update of where they are in the process.

Council Member Baldwin pointed out she understands that a majority of the Council feels that Council Members should not attend these meetings. Mayor Pro Tem Crowder pointed out these are open meetings and perhaps a discussion on that could take place at the retreat or some other time. No further action was taken.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

PARKS – PERMIT REQUIRED TO DIG, REMOVE EARTH OR ARTIFACTS OR SCATTER REMAINS – ORDINANCE ADOPTED

City Attorney McCormick indicated when the Dix property was purchased the City had talked about the incredible beauty and the desire to keep it that way. He stated in addition it is a treasuretrove of history and historic artifacts. He indicated he understands that the metal detectors and other people are beginning to go onto the Dix property and other parks property digging and taking those artifacts away, etc. He pointed out he had taken the liberty to draft an ordinance to require a permit to dig within park property, remove earth or artifacts from the parks system, or to scatter remains at a park facility. He stated he feels adoption of this ordinance will help protect our parks and preserve the historic integrity, etc. He stated the only change from the ordinance he passed out would be that the proposed effective date be upon adoption.

Council Member Baldwin asked about the penalty with the City Attorney pointing out it could vary as it could be a civil penalty or misdemeanor as it would fall under NCGS160A-175. Mayor Pro Tem Crowder moved adoption with the effective date being immediately. Her motion was seconded by Council Member Baldwin and put to a vote which passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Ordinance 663.

CLOSED SESSION

CLOSED SESSION - HELD

Mayor Pro Tem Crowder pointed out a motion is in order to enter closed sessions pursuant to NCGS143-318.11(a)(3) and (5) for the purpose of consulting with the City Attorney regarding a potential legal claim and direct the City Attorney as to how to proceed in the manner. Mayor Pro Tem Crowder moved approval as read. Her motion was seconded by Mr. Gaylord and put to a vote which resulted in all members voting in the affirmative. The Council went into closed session at 2:30 p.m.

The Council reconvened in open session at 3:00 p.m. with Mayor Pro Tem Crowder pointing out the Council heard a report from the City Attorney and gave direction.

Adjournment: There being no further business, Mayor Pro Tem Crowder ruled the meeting adjourned at 3:00 p.m.

Gail G. Smith
City Clerk

jt/CC01-17-17