

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, February 07, 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
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order. Invocation was rendered by Rabbi Lucy Dinner, Temple Beth Or, who stated in the divisive times in which we find our country, she feels we are blessed with the open mind and hearts that the City Council brings to the leadership of our city and expressed appreciation for the stance the City takes. The Pledge of Allegiance was led by Council Member Kay Crowder. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATE OF APPOINTMENT – PRESENTATIONS MADE

Mayor McFarlane explained the Certificate of Appointment presentation and presented the following certificates: Raleigh Convention and Performing Arts Center Authority – Aly Gamil Khalifa; Appearance Commission – Jamie Ferguson; Bicycle and Pedestrian Advisory Commission – Molly Stewart. In accepting their Certificates each expressed appreciation at being able to serve the City of Raleigh.

PROCLAMATION – BLACK HISTORY MONTH – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming February 2017 as Black History Month in the City of Raleigh. The Proclamation was accepted by Octavia Rainey on behalf of the Carolinian newspaper.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – INTERACT OF WAKE COUNTY

Leigh Duque, Executive Directive of InterAct presented the following prepared statement:

I am honored to be here, and I thank each of you for your vision for and leadership in this fine community. InterAct's mission is to save lives, rebuild lives, and secure safer futures for victims and survivors of domestic and sexual violence, and our entire community. InterAct is Wake County's only provider of this comprehensive emergency support, and we are making a life or death difference 24/7.

I am joined by members of InterAct's Board of Directors, operational volunteer corps, and staff, – many of whom are wearing purple, a sign of our commitment to ending the cycle of domestic and sexual violence.

We are here today to thank the City of Raleigh. Simply put, we can't provide these critical public safety services without you.

InterAct is also grateful for the support of individual citizens of Raleigh. More than 2,300 Raleigh residents support InterAct through financial gifts. And last year more than 1,700 Raleigh residents volunteered at InterAct. All have worked tirelessly with us to ensure that those impacted by violence don't just survive – but truly thrive.

According to the CDC, more than 1 in 3 women and more than 1 in 4 men will experience rape, physical violence, and/or stalking by an intimate partner in their lifetime. Our City is no exception. Domestic and sexual violence aren't some other community's issues. They are ours. Since our opening, demand for services has tripled. Just four years ago, 7 families walked through InterAct's doors each day. Today it's 23.

But we are a community with solutions. InterAct brings together eight community partners – three crisis lines, the Raleigh Police Department's entire Family Violence Intervention Unit, legal services, group and individual counseling, case management, court advocacy, and North Carolina's first and only community-based sexual assault forensic examination center (The Solace Center) – all under one roof. And we provide our City's only emergency shelter program for women and children fleeing abuse – a 45-bed "home away from home."

City of Raleigh funding has helped InterAct to accomplish a great deal over the past few years:

- We have deepened our partnership with the Raleigh Police Department through the Lethality Assessment Program (or LAP, for short), which identifies victims of domestic violence who are at the highest risk of being seriously injured or killed, and connects them – at the scene – to InterAct for comprehensive services. Last year, more than 1,000 Raleigh residents were screened, and approximately 70% were identified at very high risk and connected by officers to InterAct.
- Funds from a City of Raleigh Community Enhancement Grant helped us launch the e-Filing initiative, making the process of filing for Domestic Violence

Protective Orders safer...and far less daunting. Since May 2016, 330 victims have filed for protective orders electronically and video-conferenced with a judge – all from InterAct.

- And, since 2014, InterAct has been the lead agency for Wake County's Domestic Violence Fatality Review Team. Lessons learned from its study of eleven past homicides in our community are shaping key systems-level changes that will ultimately break the cycle of violence.

More victims than ever before are reaching out to InterAct. And that's good news – and a testament to greater accessibility, visibility, coordination, and connectivity of services. That's where the City of Raleigh is helping lead the way. We will always respond to crisis. But the end game must be to break the cycle of violence – through collective impact initiatives and even deeper collaboration. With the continued support of the City of Raleigh, we know we will sustain – and expand – our nationally acclaimed model of integrated services.

We're so proud – and grateful – to partner with the City of Raleigh in helping families build lives that are free from violence, abuse, and fear.

The City Council received the report thanking the group for all they do.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mayor McFarlane stated she had received a request from Council Member Crowder to withdraw the item relating to Bus Stop on Beryl Road. Without objection that item was withdrawn from the consent agenda. Mayor McFarlane stated Council Member Gaylord should be excused from the traffic item relating to commercial loading zone on West Hargett Street. Council Member Baldwin moved approval of the consent agenda as amended. Her motion was seconded by Council Member Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

WATER AND SEWER MAINS – ADMINISTRATIVE ACCEPTANCE OF PRIVATE LINES – ORDINANCE ADOPTED

The City maintains water distribution and sewer collection systems that are located in the municipal jurisdictions of Raleigh, Garner, Knightdale, Rolesville, Wake Forest, Wendell, and Zebulon. There exist privately-owned water distribution mains and sewer collection mains inside the service area that connect multiple single-family residential properties to the publicly-

owned system. In many instances, the operation and maintenance of the private infrastructure is the responsibility of community homeowner associations (HOA). Many HOAs are not equipped to operate and maintain public infrastructure, and desire to dedicate these utilities to the City.

Staff proposes to provide an administrative process to address the acceptance of private water and sewer infrastructure into the publicly-owned system, and has drafted an ordinance to accomplish that goal. The ordinance requires the following determinations be made in advance of formal acceptance:

- The infrastructure must be constructed to City standards;
- The system must be in good working order; and
- Adequate easements are furnished to the City to provide access for maintenance of the infrastructure systems.

Staff recommends adoption of the ordinance to create an administrative process to accept dedication of private systems and infrastructure to the City. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 665.

ANNEXATION PETITIONS – VARIOUS – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARINGS; TRAILWOOD DRIVE, ROCK QUARRY ROAD AND ALBRIGHT ROAD - DEFERRED

The agenda presented the following petition for annexation.

<u>AREA NAME AND DISTRICT</u>	<u>PETITIONER</u>	<u>ACRES</u>	<u>PROPOSED USE</u>
2400 Gresham Lake Rd (A)	William H. Wynn	12.75	Residential
7926 Ray Road (A)	John H. Anderson, Jr.	0.81	Residential
1900 Trailwood Drive (D)	Grady Langston	0.606	Residential
5308 Rock Quarry Road	Daniel Dupon	2.9	Residential
8802 Albright Road (E)	Mark Hanson and Patricia Parish	5.01	Residential

Recommendation: (1) Acknowledge the annexation petitions and direct the City Clerk to check the sufficiency of the petitions pursuant to State statute and, if found sufficient, authorize advertisement for a public hearing to be held on March 7.

(2) Because the properties located at 1900 Trailwood Drive, 5308 Rock Quarry Road, and 8802 Albright Road are connecting to City water only and the other utility is not available at this time, it is recommended that the annexation of these properties be deferred. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

DEVELOPMENT FEES – SCHEDULE OF FEES AND CHARGES PROPOSAL – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 21, 2017

An interdepartmental team has been working with consultants, meeting with stakeholders, and has provided status updates to City Council via a series of work session discussions. In order to implement the results of the development services fee study, a public hearing is required. Staff recommends that the required hearing be scheduled for February 21.

Recommendation: Schedule the public hearing as indicated. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

CLEAN WATER MANAGEMENT TRUST FUND – GRANT – ACCEPTANCE AUTHORIZED; BUDGET AMENDED

The City has been awarded an Innovative Stormwater Grant by the North Carolina Clean Water Management Trust Fund in the amount of \$240,000 to design, construct, and evaluate the effectiveness of an innovative approach for restoring a severely eroded stream in Millbrook Exchange Park. This stream is an unnamed tributary to Perry Creek. The City Council authorized staff to apply for this grant during the January 19, 2016 Council meeting.

Recommendation: Accept the grant, authorize staff to execute required documentation, and authorize a budget amendment in the amount of \$240,000. Accounting details were included with the agenda packet. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes. See Ordinance 666.

PULLEN AQUATIC CENTER DESIGN – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH OSTERLUND ARCHITECTS

In April 2016 an assessment study of Pullen Aquatic Center was completed to identify necessary repairs to the swimming pool. In addition, building envelope and system capital improvements will be performed to include repair or replacement of roof gutters, skylights, roof panels, boilers and other interior repairs.

A Request for Qualifications for professional services was advertised October 11, 2016 for services including schematic design, design development, construction documentation, bidding, construction administration, and project close out. Two proposals were received and following a review of qualifications staff selected Osterlund Architects as the most qualified firm to begin negotiations. Staff has negotiated a professional services contract with Osterlund Architects for in the amount of \$172,000 to design and administer improvements to the Pullen Aquatic Center; funding is appropriated in the capital budget.

Name of Project:
Managing Division:

Pullen Aquatic Center Improvements
Parks, Recreation, and Cultural Resources
Department – Design & Development

Approval Request:	Contract award
Reason for Council review:	Contract award >\$150,000
Original Project Budget:	\$172,000
Design Fee Proposal:	\$172,000
Vendor:	Osterlund Architects
Prior Contract Activity:	N/A
New Project Budget:	\$172,000
Currently Encumbered (% of estimate):	\$0
Amount of this Contract:	\$172,000
Encumbered with this Approval:	\$172,000

Recommendation: Authorize the City Manager to execute a contract in an amount not to exceed \$172,000. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

CONVENTION AND PERFORMING ARTS CENTERS – FOOD AND BEVERAGE MANAGEMENT SERVICES – CITY MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH SERVICE AMERICAN CORPORATION – D/B/A CENTERPLATE

On November 2, 2016, staff issued a request for proposals (RFP) to provide food and beverage management services at the Raleigh Convention Center and the Performing Arts Center. Terms of the RFP established that the successful vendor would be compensated in an amount of a \$250,000 flat rate management fee (with annual CPI adjustment), plus 1% of gross revenue as a variable fee compensation component. The monthly pro-rata fee is reduced from the net profit remitted to the City each month.

Food and beverage service continuity is a critical aspect of negotiating with convention and conference organizers; for this reason staff recommends a five-year contract term, with an option to extend the terms for one additional five-year period. The initial term of the contract will end July 31, 2022; if at any time the City is not satisfied with service delivery the terms provide for a thirty day termination with cause provision.

Two responses were received to the RFP; a selection committee including representatives from the Greater Raleigh Convention and Visitors Bureau, Convention and Performing Arts Complex Commission, and staff reviewed the qualifications of each proposal and ranked the responses. The incumbent vendor, Service America Corporation d/b/a Centerplate, is recommended as the preferred proposal by the selection committee. Centerplate has been the food and beverage service provider since 2001 and continues to provide excellent customer service. As part of the proposal, Centerplate has indicated intent to retain the current management team.

Recommendation: Authorize staff to negotiate and authorize the City Manager to execute a contract with Service America Corporation d/b/a Centerplate to provide the requested services. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

POLICE PROMOTIONAL PROCESS EVALUATION – CONTRACT WITH INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC. – MANAGER AUTHORIZED TO EXECUTE

Personnel promotion to the ranks of Police Detective, Police Sergeant, and Police Lieutenant includes successfully passing written promotional examinations and evaluation of performance during an assessment center. A request for proposals process was completed, and six vendors submitted responses. Following committee review the proposal submitted by Industrial/Organizational Solutions, Inc. was selected based on the company experience and expertise in the field of conducting promotional processes for law enforcement agencies. Services include the creation and administration of written promotional examinations for Police Detective and Police Sergeant and assessment centers for all three ranks. A contract has been negotiated in an amount not to exceed \$132,395 for services, with an additional amount not to exceed \$60,000 for assessor travel, lodging, board, and associated costs. The total amount of the contract is not to exceed \$192,395, and funding is appropriated in the operating budget.

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

TRYON ROAD PART C – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH H.W. LOCHNER, INC.

Capital appropriations have been made for improvements to Tryon Road, from Lake Wheeler Road to Par Drive, to widen the thoroughfare to a four-lane median divided section.

Staff received proposals from 20 firms to provide professional design services associated with the Tryon Road Part C widening project. Proposals were evaluated with regard to criteria identified in the request for proposals letter, which includes the anticipated level of Minority and Women-owned Business (MWBE) participation. A complete list of firms submitting proposals are included with the agenda packet. The proposals were reviewed by a staff committee; following review the committee recommends H.W. Lochner, Inc. to perform professional engineering services on the project. Staff has completed negotiations with H.W. Lochner, Inc. and finalized an agreement and fee for professional engineering services. The consultant is proposing to utilize 20.1 percent MWBE participation.

Name of Project:	Tryon Road, Part C Widening
Managing Division:	Engineering Services – Roadway Design and Construction
Approval Request:	Contract approval
Reason for Council Review:	Contract >\$150,000
Original CIP Project Budget:	\$4,525,000
Design Estimate:	\$1,091,611
Vendor:	H.W. Lochner, Inc.
Prion Contract Activity:	N/A

Amount of this Contract:	\$1,091,611
Encumbered with this Approval:	\$1,091,611
Budget Transfer Required:	N/A

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed \$1,091,611. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

OLD WAKE FOREST ROAD NORTH WIDENING PROJECT – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH WETHERILL ENGINEERING, INC.

Staff received proposals from 20 firms in association with the Old Wake Forest Road North project, which includes the widening Old Wake Forest Road to a four-lane median divided section from the intersection with Atlantic Avenue and Litchford Road to Capital Boulevard. Each proposal has been evaluated with regard to criteria identified in the request for proposals letter, which includes the anticipated level of Minority and Women-owned Business (MWBE) participation. A complete list of the firms submitting proposals are included with the agenda packet. The proposals were reviewed by a staff committee; following review the committee recommends Wetherill Engineering, Inc. to perform professional engineering services on the project. Staff has completed negotiations with Wetherill Engineering and finalized an agreement and fees for professional engineering services in an amount not to exceed \$1,425,112. The consultant is proposing to utilize 73.38 percent MWBE participation.

Name of Project:	Old Wake Forest Road North Widening
Managing Division:	Engineering Services – Roadway Design and Construction
Approval Request:	Contract approval
Reason for Council Review:	Contract >\$150,000
Original CIP Project Budget:	\$4,800,000
Design Estimate:	\$1,425,112
Vendor:	Wetherill Engineering, Inc.
Prior Contract Activity:	N/A
Amount of this Contract:	\$1,425,112
Encumbered with this Approval:	\$1,425,112
Budget Transfer Required:	N/A

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed \$1,425,112. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

CUSTOMER CARE AND BILLING IMPLEMENTATION – MANAGER AUTHORIZE TO CONTRACT WITH UTILITY SOLUTIONS PARTNERS

The City converted from the Banner Customer Information System (CIS) to the Oracle Customer Care and Billing (CC&B) software in November 2010 as part of a larger, enterprise business

systems software initiative. At that time the City transitioned from 1) bi-monthly to monthly billing; 2) single rate to a tiered rate billing structure; 3) initiated electronic billing; and 4) implemented real-time mobile field solutions. The current CC&B application supports but is not limited to managing customer information, billing, bill and letter print via a third party vendor, payments via interface, rate structure, credit and collections with two levels of debt referrals, a general ledger interface, field activities, meter reads, meter inventory, and customer contacts and premise notes.

The CC&B application bills for utility services in Raleigh and the six merger communities for any combination of water, wastewater, irrigation, reuse, solid waste, recycling and stormwater; average total monthly billings approach 20 million dollars per month. The billing application interfaces and integrates with approximately 20 software solutions to provide timely and accurate bills for 196,000 premises. All field activities related to meters are created, modified, tracked, closed and reported through the CC&B application. Nearly 50% of the utility customers utilize the CC&B web interface, where customers can review bill and letter history, make payments to an account, review financial and consumption data, or update account information.

The CC&B environment is at least three major revisions behind the current version; as a web based application the software will have internet incompatibility issues without upgrading the system.

Following issuance of a request for proposals (RFP), eight vendors responded to provide implementation, functional, and technical design services for the CC&B software upgrade. A cross-departmental staff team representing Solid Waste Services, Stormwater Management, Information Technology and Public Utilities evaluated and scored the proposals based on qualifications and method of approach, staffing and resource plans, on-site information sessions, reference feedback, and costs for service which were then combined for overall tabulation. Following review and evaluation of the proposals, the top four vendors were ranked in the following order:

- (1) Utility Solutions Partners, LLC
- (2) Black & Veatch Management Consulting, LLC
- (3) PricewaterhouseCooper Advisory LLC
- (4) Intollect, LLC

The implementation partner will assist the City with both technical and functional assistance including conversion of all COBOL software code; the COBOL language is obsolete. In addition, the upgrade partner will assist with conversion of more than 280 custom algorithms, business objects and scripts, to include changes and enhancements to the current self-service component, upgrades to the reporting package and additional system modifications required to remain compliant with national Payment Card Industry standards. As the highest ranked proposal, Utility Solutions Partners is recommended as the preferred vendor.

Name of Project:

CC&B Upgrade Project

Managing Division:	Public Utilities Billing Division
Approval Request:	Contract Award
Reason for Council Review:	Contract Execution
Original CIP Budget:	\$5,000,000
Encumbered with this Approval:	\$4,997,370

Recommendation: Authorize the City Manager to execute a contract with Utility Solutions Partners in an amount not to exceed \$4,997,370. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

CRABTREE AND UPPER PIGEON HOUSE TUNNELS – BRADSHAW CONSTRUCTION COMPANY AMENDMENT #4 – APPROVED

The Public Utilities Department is currently under contract with Bradshaw Construction Company for the Crabtree and Upper Pigeon House Interceptor Tunnels Project. This project involves the construction of eight microtunnels that are part of the Crabtree Pipeline 54-inch sanitary sewer project, as well as the open cut construction of the Upper Pigeon House Interceptor.

Name of Project:	Crabtree and Upper Pigeon House Interceptor Tunnels Project
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Change order
Reason for Council Review:	Change order >\$500,000 (policy)
Vendor Name:	Bradshaw Construction Company
Original Contract:	\$20,181,317 (approved by City Council February 17, 2015)
Change Order Number One:	\$174,120 (administrative)
Change Order Number Two:	\$155,907 (administrative)
Change Order Number Three:	\$151,315 (administrative)
Amount of this Change Order:	\$532,417
Encumbered with this Approval:	\$21,195,076

Recommendation: Authorize the City Manager to execute the change order in the amount not to exceed \$532,417. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

NEUSE RIVER PARALLEL INTERCEPTORS PHASES III AND PHASE IV – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH HAZEN & SAWYER

On October 7, 2016, the Public Utilities Department received six complete proposals for design services for the Neuse River East Parallel Interceptors (NREPI) Phase III and Phase IV project. The NREPI project will install approximately 25,000 feet of large diameter (84- and 96-inch) sewer interceptors beginning at the proposed East Neuse Regional Pump Station (ENRPS), along

the east side of the Neuse River to Anderson Point Park. This project is the backbone to address wet weather sanitary sewer capacity for the majority of the City's wastewater collection system. The project is funded through the Public Utilities Department Capital Improvements Plan and identified as the Neuse River East Parallel Interceptor Phase III and Phase IV.

Hazen & Sawyer of Raleigh, NC was the selected consultant and staff has negotiated a contract for design and construction administration services in the amount of \$2,879,415. The total estimated construction cost for the project is approximately \$95,000,000.

Name of Project:	Neuse River East Parallel Interceptors Phase III and Phase IV
Managing Division:	Public Utilities – Capital Improvements Division
Approval request:	Contract award
Reason for Council review:	Contract award >\$150,000 policy
Original CIP Budget:	\$5,000,000
Contract Award:	\$2,879,415
Vendor:	Hazen & Sawyer
Prior Contract Activity:	N/A
Encumbered with this approval:	\$2,879,415

Recommendation: Award the contract to Hazen & Sawyer in the amount not to exceed \$2,879,415 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

PERSONNEL – POSITION RECLASSIFICATION IN SOLID WASTE SERVICES – APPROVED

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

Solid Waste Services

Equipment Operator I (Job Code 004011, PG 26, Position Control No. 00002983) to Solid Waste Services (SWS) Regulatory Compliance Analyst (New classification, PG 38).

This vacant position will be reclassified to an analyst position not currently in the classification plan. The position is needed to monitor and maintain the integrity of department environmental compliance system activities and reporting to include but not limited to: repairs, corrective actions, gas collection and control system, flare operations, leachate collection, groundwater monitoring storm water discharge to ensure compliance with regulations. Prepare and submit compliance, operational, and safety forms or reports as required. The position will manage all environmental testing and reporting in accordance with municipal, county, state, and federal regulations.

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

ENCROACHMENT – LAKE BOONE TRAIL – APPROVED CONDITIONALLY

A request has been received from Level 3 Communications to install 1,226 feet of underground conduit. 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 Baldwin/Thompson – 8 ayes.

ENCROACHMENT – JONES STREET AT HARRINGTON STREET – APPROVED CONDITIONALLY

A request has been received from Spirit Communications to install 244 feet of underground conduit. 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 Baldwin/Thompson – 8 ayes.

DUKE ENERGY CENTER FOR PERFORMING ARTS – MEYMANDI ROOF REPLACEMENT – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH OWENS ROOFING

On October 20, 2016, six bids were received for replacement of the roof at the Meymandi Hall portion of the Duke Energy Center for the Performing Arts. The lowest bid received was from Owens Roofing for \$594,864, which is 11.6 percent lower than the engineering estimate of \$673,100. Staff has reviewed the documentation demonstrating good faith effort for Minority and Woman Business Enterprise (MWBE) participation and has accepted the use of MWBE at three percent. The bid summary and MWBE participation letter were included with the agenda packet.

Name of Project:	Duke Energy Center Performing Arts – Meymandi Roof Replacement
Managing Division:	Engineering Services – Construction Management
Approval Requested:	Bid award
Reason for Council Review:	Formal bid award
Vendor:	Owens Roofing
Prior Contract Activity:	N/A
Budget Transfer:	N/A
Encumbered with this approval:	\$594,864

Recommendation: Award the bid to Owens Roofing in an amount not to exceed \$594,864 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**NORTH HILLS DRIVE PRIORITY SEWER AND WATER REPLACEMENTS –
MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH T.A. LOVING
COMPANY**

Five construction bids were received on January 12, 2017 for the North Hills Drive Priority Sewer and Water Replacement project. The project will replace or rehabilitate the existing sewer and water lines along North Hills Drive from Lead Mine Rd to Millbrook Rd. The project will rehabilitate or install approximately 7,270 linear feet of sewer lines and replace 5,300 linear feet of water lines. The project is funded through the water and sewer main replacement program that replaces aging and undersized mains in the older areas of the merger towns and City.

T. A. Loving Company of Goldsboro, NC had the low bid in the amount \$2,345,000 with a 15 percent Minority and Women Enterprise (MWBE) participation.

Name of Project:	North Hills Drive Priority Sewer and Water Replacement
Managing Division:	Public Utilities – Capital Improvements Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$2,500,000
Construction Bid Award:	\$2,345,000
Vendor:	T. A. Loving Company
Prior Contract Activity:	N/A
Encumbered with this approval:	\$2,345,000

Recommendation: Award the bid to T. A. Loving Company in the amount not to exceed \$2,345,000 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

**SEWER AND WATER REPLACEMENT – EAST LANE/LENOIR STREET/HOLDEN
AND CORPORATION PARKWAY – MANAGER AUTHORIZED TO EXECUTE
CONTRACT WITH T.A. LOVING COMPANY**

Five construction bids were received on December 20, 2016 for the East Street, Lenoir Street, Holden Street, and Corporation Parkway Priority Sewer and Water Replacement project. The project will replace the existing sewer and water lines in these areas of the Raleigh jurisdiction. The project will install approximately 4,230 linear feet of sewer lines and 1,970 linear feet of water lines. The project is funded through the water and sewer main replacement program that replaces aging and undersized mains in the older areas of the merger towns and City.

T. A. Loving Company of Goldsboro, NC had the low bid in the amount \$1,459,950 with a 15 percent Minority and Women Enterprise (MWBE) participation. Therefore, staff recommends bid be awarded to T. A. Loving Company in the amount of \$1,459,950.

Name of Project:	East Street, Lenoir Street, Holden Street, and Corporation Parkway Priority Sewer and Water Replacement
Managing Division:	Public Utilities Capital Improvements Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$1,500,000
Construction Bid Award:	\$1,459,950
Vendor:	T. A. Loving Company
Prior Contract Activity:	N/A
Encumbered with this approval:	\$1,459,950

Recommendation: Award the bid to T. A. Loving Company in the amount not to exceed \$1,459,950 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes.

TRAFFIC – VARIOUS – APPROVED

Commercial Loading Zone – West Hargett Street

It is recommended that the current Commercial Loading Zone and the Two-Hour Meter Parking Zone on the south side of the 300 Block of West Hargett Street be reversed in their locations.

A joint request was received from Kane Realty Corporation, developer of the Dillon Project and the owner of Legends Night Club, to switch the locations of the Commercial Loading Zone in the middle of the block, with the Two-Hour Meter Parking Zone at the west end of the block. The loading zone is predominantly used for deliveries to Legends, but because its current location is inconvenient for large bottle deliveries, trucks are parking at the side of the night club on the 100 Block of South Harrington Street to off-load. This is now hindering construction vehicles from entering and exiting the Dillon Construction Site as well as impeding two-way traffic and City busses from turning northbound onto Harrington Street.

The proposed changes will provide a more convenient location for deliveries to Legends and will alleviate this issue.

One Hour Parking Zone – 300 West Davie Street

It is recommended that the One Hour Meter Parking Zone currently established on the south side of West Davie Street at Dawson Street be removed and replaced with a One Hour Time Limited Parking Zone.

A request was received from Empire Properties to remove a single parking space on the 300 Block of West Davie Street that is currently blocking access to a gravel lot located at the corner of Davie and Dawson Streets. Staff completed a review and found that, in oversight, two of three delineated meter spaces comprising the current zone were installed in a location that is negatively impacting driveway access. The affected businesses have been notified.

Recommendation: Approve required changes to the traffic code. Upheld on Consent Agenda Baldwin/Thompson – 8 ayes (Gaylord had previously been excused on the West Hargett Street item; therefore vote on that would be 7-0). See Ordinance 667.

END OF CONSENT AGENDA

TRAFFIC – BUS STOP ON BERYL ROAD – APPROVED – ORDINANCE ADOPTED

It is recommended that an existing bus stop with a shelter situated on the north side of the 3900 block of Beryl Road be codified. The shelter was installed some time ago but never recorded in the Traffic Schedule.

GoRaleigh staff has determined that the bus stop currently has an average of 33 passenger boarding and alightings per day, meeting the GoRaleigh policy for the placement of a shelter. The stop is not programmed for bus service in the Wake Transit Plan; however high frequency service is scheduled for Hillsborough Street to Blue Ridge Road, and a new bus route alignment is proposed for Method Road. Due to the pending route and stop changes, the only current need is for the No Parking Zone on the north side to be extended eastward by 53 feet which will end at east side of the bus shelter to ensure clear and unrestricted access for passengers to safely walk to and from the bus stopping in the travel lane while minimizing impact to on-street parking. The arrangement will allow for 12 vehicle parking spaces; staff has coordinated with the Beryl Road Post Office personnel who indicate there are seldom more than six vehicles parked at any one time as it is mainly used by customers for mail pickup.

Council Member Crowder stated she had withdrawn this from the consent agenda pointing out she wanted to make sure about what is being proposed. She stated she understands the importance of getting the bus zone but also explained concern she had relative to the parking situation around the post office in that area. She questioned how many parking spaces would be impacted.

Gordon Dash, Transportation Department, talked about the parking spaces west of the bus stop. He talked about the existing situation, how many parking spaces would be removed and how many would be left. He stated city representatives have talked with the post office officials about the number of cars that utilize the area for parking. He stated he feels this will resolve all

of the issues. Council Member Crowder moved approval as recommended. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor rule the motion adopted on an 8-0 vote. See Ordinance 667.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-37-16 – ACC BOULEVARD – PUBLIC HEARING AUTHORIZED FROM MARCH 7, 2017

This is a request to rezone property from Planned Development to Commercial Mixed Use – 7 stories – Conditional Use.

Even though the request is inconsistent with the Future Land Use Map, it is consistent with the Comprehensive Plan, has public benefits of using unused public infrastructure and adding additional employment opportunities in the region, and also the applicant is willing to provide transit improvements in the form of a pad and landing zone.

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

Council Member Baldwin moved approval of the public hearing for March 7, 2017. Her 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.

REZONING Z-38-16 – BUFFALO ROAD – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 21, 2017

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

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.

The proposal is reasonable and in the public interest. It limits certain non-residential uses while offering additional goods and services to surrounding neighborhoods. Conditions provide a transit easement/shelter, pedestrian connection from building to street sidewalks, and pedestrian-oriented improvements at the street intersection.

The proposal is compatible with the surrounding area. Conditions limit building height and square footage, outdoor lighting height and type, and the number of parking spaces, while providing a 50-foot-average-width buffer (with wall) next to the adjacent neighborhood.

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

Council Member Crowder pointed out a request has been received from the applicant asking that the item be scheduled for public hearing on February 21, rather than March 7. In response to questioning representatives from the Planning Department indicated they had no objection. Council Member Crowder moved approval of a public hearing for Z-38-16 on February 21, 2017. Her motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

TC-20-16 – CONSTRUCTION SAFETY BARRIER FENCES – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

The request amends Section 7.2.8 of the Part 10 Raleigh Unified Development Ordinance by adding 7.2.8.1 A and B Construction Safety Barrier Fencing, which requires that construction safety barrier fencing be installed along property lines to protect adjacent properties from negative impacts associated with the construction activity.

The Planning Commission recommends approval. Staff suggests a public hearing date of March 7, 2017. Council Member Crowder expressed appreciation for all the work the Planning Commission did on this issue. She stated she thinks this is the result of a problem that came to the Council through Request and Petitions of Citizens and she feels this addressed that concern but pointed out it could create unintentional consequences such as someone who is building tract homes. She stated she was wondering if there is something that could trigger some type change from this requirement if it is a situation where one person is building a number of homes adjacent to each other. She suggested that the item be referred to Growth and Natural Resources Committee to look at the possibility of tweaking the issues before proceeding. Without objection the item was referred to Growth and Natural Resources Committee.

TC-17-16 – ATTICS AND BASEMENTS – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

The request amends section 1.5.7 of the Part 10 Raleigh Unified Development Ordinance to clarify the regulations related to attics and basements. As currently written, the UDO permits a basement, 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 recommends approval. Staff suggests a public hearing date of March 7, 2017.

Council Member Thompson moved approval of the Planning Commission's recommendation. Council Member Baldwin pointed out she has some concerns about this issue and may be it should be sent to Growth and Natural Resources Committee for further study. Council Member

Stephenson pointed out there does seem to be some legitimate concerns, etc., and he stated the Council needs to take the time to look at the matter and study it a little further. Without objection the item was referred to Growth and Natural Resources Committee.

SPECIAL ITEMS

REZONING Z-18-16 – HOMEWOOD BANKS DRIVE – APPROVED – ORDINANCE ADOPTED

A Public Hearing for this item was held on December 6, 2016, at which time Council referred the case to the Growth and Natural Resources Committee. The public hearing was kept open. The Committee discussed the proposal at its January 11 meeting and reported the case back to the full Council on January 17, with the following recommendations:

- That the public hearing on Z-18-16 be closed to allow the applicant to submit a new condition to cap the dwelling units at 15 per acre.
- That the case be exempt from TC-17-16–Attics and Basements, which is currently under consideration by the Planning Commission.

Council accepted the recommendations, closing the public hearing and voting to place the proposal on the February 7, 2016 Council agenda as a special item in order to receive and consider the revised conditions. A copy of the amended conditions was included with the agenda packet.

Planner Bynum Walker explained the item and the recommendation as outlined. She stated the signed conditions were received timely.

Mayor McFarlane indicated she would like to hear from Stormwater Manager Hinkle as she understands there may be some stormwater concerns relative to this case.

She questioned why the city is not asking for more stringent stormwater controls since this property drains directly into Crabtree Creek.

Stormwater Manager Hinkle indicated when a property drains directly into a creek we like to see it run off ahead of the peak coming down the creek or stream. He stated there is a bigger drainage area upstream that runs into the creek and so when property is adjacent to the creek, it is best to get it into that creek or stream prior to the peak coming. Mr. Thompson stated if you have something like a 6 hour rain that wouldn't help with Stormwater Manager Hinkle pointing out it is correct that it is more helpful for larger rains.

Council Member Stephenson questioned utilizing LIDs to look at capturing the water before it is released. He questioned if this property would be a candidate for LID practices. Stormwater Manager Hinkle indicated it would be a candidate however a good approach is to divert the water directly into the stream. Council Member Stephenson talked about LID approaches pointing out

he feels those type systems or approaches will be used more frequently in the future. Council Member Gaylord pointed out at this point we do not have LID policy guidelines. He stated that is coming but he feels we should move forward with this project and staff could come back with LID practices for considerations on future projects. Stormwater Manage Hinkle pointed out staff is working on moving forward with code changes as soon as possible. Council Member Stephenson talked about discussions in committee relating to impervious surface limits, etc. Mr. Stephenson moved approval of Z-18-16 with amended conditions dated January 18, 2017. His motion was seconded by Council Member Crowder.

Council Member Thompson pointed out as he understands one of the conditions relates to a bus shelter and while it doesn't relate to this case he would question where we stand on the bus shelter contest. Transit Administrator Eatman pointed out a recommendation will be going to the Raleigh Transit Authority on Thursday and it has to go through Engineering, NCDOT, right-of-way approval, etc. before shelters can actually be placed in the right-of-way. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 668 ZC 740.

TRAFFIC – NO PARKING ZONE ON WEST HARGETT STREET – APPROVED

The following item appeared on the January 17, 2017 Council consent agenda.

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.

Recommendation: Authorize the appropriate changes in the traffic code was included with the agenda packet.

Council Member Baldwin pointed out she brought this issue up and expressed appreciation to the staff for working things out. She feels the way it is outlined on the agenda is a good solution and moved approval. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

STC-16-16 – MAIDEN LANE STREET – INFORMATION RECEIVED

At the January 3 meeting, Council approved the permanent closure of a portion of Maiden Lane (STC-6-16). The closure is associated with a pending development plan for most of the property adjoining the right-of-way.

In approving the permanent closure, Council delayed the effective date to February 8 to allow for additional dialogue between the applicant, LG Oberlin, LLC, and the Raleigh Historic Development Commission regarding the potential relocation of several historic homes along this portion of the street.

Staff will provide an update at the meeting regarding the status of the requested dialogue.

Attorney Michael Birch representing Leon Capital Group pointed out the Council adopted a resolution authorizing the street closing with a delayed effective date in order to allow time for his clients to try to relocate or find relocation methods for some of the homes on Maiden Lane. He pointed out they received a lot of interest from various groups but none were willing to participate in finding new locations for the homes. He talked about conversations with Raleigh Historic Development Commission, Preservation North Carolina and other stakeholders, again pointing out there was a lot of interest but no takers. They suggested alternatives to do things to facilitate salvaging some of the historic aspects of the homes inside and outside. He stated his client would be willing to provide access to the homes prior to removal. He stated some of the stakeholders they had talked with had offered to assist in the salvaging. He stated his client has agreed to donate \$25,000 to the Bell Tower rehab fund and \$17,500 to the Raleigh Historic Development Commission to assist recovering cost of the study, etc., to get this property declared historic.

Attorney Birch pointed out they did receive a map of city-owned property to see if there were any that would serve as a host to a relocated house; however it had been determined that none were practical because of location of power lines, narrow streets, traffic signals, etc. City Attorney McCormick indicated the \$17,500 donation would have to be given to the City of Raleigh and the City Manager could determine how that money would be used but the money could not be given directly to RHDC.

Council Member Crowder expressed concern that no city owned property could be used to salvage at least one of these historic homes and questioned if community services or community development department had looked at the possibility. Housing and Neighborhoods Director Larry Jarvis pointed out they did provide a map of all city owned properties and as he understands it was determined that there was no feasible location because of what had been listed before, power line relocations, traffic signals, narrow streets, etc. Council Member Crowder stated it is unfortunate that a city the size of Raleigh couldn't do something to save at least one house from the 1800s. It was pointed out no action is required and the resolution relating to STC-6-16 would be effective on February 8, 2017.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

EMPLOYEE COMPENSATION SYSTEM STUDY – PHASE II UPDATE – RECEIVED AND REFERRED TO BUDGET DEVELOPMENT PROCESS

City Manager Hall indicated in November 2013 he was honored to accept the role of the Raleigh City Manager. He stated he spent the first six months or so talking and listening to the employees and he has been fortunate to learn about the outstanding employees and services they provide each and every day. He talked about public service being the business of the city and talked about the extraordinary acts of public service. He stated after going through that process and learning about the work of the city employees, it didn't take long to realize that the current employee compensation system was limiting the ability to take the organization to a higher level. He stated the current system is dated, confusing and doesn't completely reflect the market. He pointed out 2003 was the last time the City conducted a comprehensive market analysis and reviewed the pay structure system. He talked about work that was done in 2008 when there were some minor adjustments made. He stated we could have tweaked the current system but that would not address the long term problems or address the growth the City is experiencing. He stated it will take time to address significant market adjustments. What we are talking about now is a first step in a large complex and difficult task. He talked about the need for a new comprehensive approach and expressed appreciation to the City Council for support of the organization and employees. He talked about the compensation, philosophy, market survey analysis, etc.

Human Resources Director Steve Jones introduced Jim Fox with Arthur J. Gallagher and Company giving information on that company's experience in conducting this type study.

Mr. Fox highlighted the following PowerPoint presentation.

Class System Simplification

Classification Study

- Employees completed Position Description Questionnaires (PDQ)
- Job documentation reviewed within the context of:
 - City's adopted philosophy
 - Duties/responsibilities & types/levels of work
 - Best practices
- Updated job classification structure recommended
 - Simplification/consolidation
 - Standardized titling/internal alignment of jobs
 - Reviewed/edited by City staff
- Jobs evaluated for internal alignment
- New class specs under development

Current State

- Approximately 700+ Classes

- Includes Current Classes many of which are Single Incumbents

Recommended Future State

- Approximately 260+ Classes
- 55 Series + Stand-Alone Classes within 34 Class Structures

Reduction

- More than 64% [Excluding single incumbent classes, less than 1/3 reduction]
- Consolidation Includes More Standardized Class Titling

Job Evaluation Tool

- Classes were “rated” using the Decision Band Method®
 - The value of a job should reflect the importance of the job to the organization
 - The importance of a job is directly related to the decision-making requirements of the job
 - Decision-making is common to all jobs
 - Decision-making is measurable
- Used in conjunction with market data to develop new pay structures
- Allows for the “slotting” of jobs not included in the market survey process

Band A defined	Band B operational	Band C process	Band D interpretive	Band E progress	Band F policy
Determine manner and speed to perform defined steps of an operation	Determines how and when to perform steps of processes	Selects appropriate process to accomplish operations of programs	Interprets programs into operational plans and deploys resources	Plans strategies, programs and allocates resources to meet goals	Organization scope, direction, and Goals

Market Data Collection

- 84 Benchmark Jobs Surveyed
- 36 Custom Surveys Distributed
 - 27 responses (16 NC Agencies)
- 4 private sector published survey sources used
 - Weighted 75%/25% custom public sector/private sector data
- Geographic differentials applied
 - Economic Research Institute (ERI)
- Data conformed to common time period of July 1, 2017

Market Analysis-Comparators

Public Sector Organizations (16 of the 27 Respondents are NC Organizations)
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<i>Agency</i>	<i>ERI</i>	<i>Agency</i>	<i>ERI</i>
City of Albuquerque	1.03	City of Winston-Salem*	1.02
City of Austin	0.99	Durham County*	0.96
City of Charlotte*	0.99	Forsyth County*	1.02
City of Colorado Springs	1.00	Guilford County*	1.03
City of Denver	0.93	Kansas City MO	1.00
City of Durham*	0.96	Mecklenburg County*	0.99
City of Fayetteville*	1.07	Metropolitan Government of Nashville and Davidson County	1.05
City of Greensboro*	1.03	Town of Apex*	1.00
City of Knightdale	1.00	Town of Cary*	1.00
City of Memphis	1.03	Town of Holly Springs*	1.00
City of Miami	0.99	Town of Morrisville*	1.00
City of Omaha	1.03	Town of Wake Forest*	1.00
City of Richmond	0.99	Wake County*	1.00
City of Virginia Beach	1.02	*North Carolina Agency	

Market Competitive Criteria

Market Competitiveness

- Data greater than 15% +/- market considered significantly misaligned
- Individual jobs vary above or below the market
- Other factors will impact actual salaries and may explain some of the large differences such as performance, turnover and longevity

% to Market Target	Alignment to Market
+/- 5%	Highly Competitive
+/- 5% - 10%	Competitive
+/- 10% - 15%	Possible Misalignment
+/- 15%	Significant Misalignment

Summary Analysis of City of Raleigh Pay Competitiveness

	Market Difference	Market Status
Actual Salaries	-1.6%	Highly Competitive
Range Minimums	-12.7	Misalignment
Range Midpoints	-8.7%	Competitive
Range Maximums	-5.2%	Competitive

- The City is generally competitive with the market.

	+/- 10% Competitive/Highly Competitive	+/- 10-15% of Market Possible Misalignment	+/- > 15% of Market Significantly Misaligned
Median Actual Salary*	53	12	116
Average Range Midpoint	45	20	19

* 3 positions with insignificant data not included.

- Represents jobs both above and below market figures
- Median Actual Salary: Median actual salary paid within the Market
- Average Range Midpoint: Average pay range midpoint of the Market

Pay Structure Development

Step System

- Pay system with specified levels, each with a pay range
 - System has significant predictability
 - Allows employee to reach range maximum within a defined period of time

Broadband

- Jobs are broadly grouped resulting in a salary structure with few levels and with wide salary ranges
- Provides flexibility for career growth

Competitive salary structures are recommended taking into account market parity/data and internal equity.

Future Calculation of Implementation Costs

- Determined by final pay structures
- Influences on cost
 - The impact of employees who fall below/above established pay range minimums/maximums
 - Placement within any step structure system
 - The inclusion of part-time or temporary employees

Next Steps

- Finalize Job Classification and Pay Structures (City)
- Classification Specification Development (Underway – GBS)
- Employee Allocation (City)
- Reconsideration Process (City)
- New Pay System Implementation (City)
- Final Report (GBS Concludes Project)

- Development and Implement Performance Review Tool (City)

Human Resources Director Jones made the following presentation:

I think everyone recognizes that our current compensation structure is in need of being updated to better align with our current and future needs. Much like a vehicle that is not regularly maintained, our compensation system has gradually become complex, less flexible and outdated. Rather than restore what we had, we want to design and implement a new system that better meets our needs.

We need a pay system that is updated and has clarity for all employees throughout the organization. We want a system that is much simpler, more linear, defined and easy to maintain.

When we assessed the overall need for changes to our compensation system, we quickly realized the system had elements that touched every job and employee across the organization. As a result we believe it is important to take a broader, more comprehensive approach to our review instead of trying to address individual jobs or departments one at a time.

Needless to say this was, and is, a significant and complex project and not one that could be completed quickly. Knowing the final outcome will reshape the way we compensate employees, we have used a collaborative approach involving employees at all levels to provide input and suggestions as we proceed through each phase of the project. While this approach has been effective, it has also taken time to coordinate meetings, review and analyze information and discuss alternatives before making recommendations.

One logical question might be “How did we get here to begin with?” It’s been over 13 years since the last formal compensation system study was conducted across the City. We all recognize that there has been a tremendous amount of change in our City as well as within our organization during this period. This includes changes in the way we hire, develop, reward and retain employees. And changes in the labor markets where we compete for highly qualified employees

As a first step in this project, we developed a formal Compensation Philosophy which was adopted by Council in February 2016. This philosophy has helped guide us through this process.

Our primary focus for this project is to develop a compensation system that is

- Competitive,
- Simple and
- Provides some level of predictability for employees throughout the organization.

When it is all said and done...we need a compensation system that allows us to recruit, reward, develop and retain a highly qualified and diverse workforce.

There are basically 4 major elements to this project.

- Job Classification Structure
- Pay Structure,
- An Evaluation or Performance review tool...and using
- Market Pay Survey data to help ensure what we construct is competitive

Before talking more about the market survey, let me address the other three components.

As Jim mentioned earlier, we have worked to examine our job classifications to simplify our current system. Our current system had gotten too complex with more than 700 job classifications. Working closely with our consultant and using the job evaluation process described earlier, a revised job classification structure is being finalized that reduces the number of job classifications to approximately 260.

This has been accomplished by focusing on the core duties/responsibilities and similarities between jobs and then grouping them into job families.

Simultaneous to the efforts to review our job classifications, we have also been working to develop new pay structures that will provide flexibility, predictability and opportunity for employees to grow in the organization. It is recognized that our current quartile system needs to be replaced with a pay structure that better fits the variety of needs we have across the organization.

An employee task force has been working since October to review various pay structure alternatives and are finalizing recommendations for essentially 3 structures ...

- A step structure for Fire and Police
- A general step structure for our labor and trade positions and a
- Broadband pay structure for our supervisor/manager and professional positions that will allow for

Each of these structures was carefully examined by the employee task force and determined to be the best fit for the positions included.

Step pay structures generally provide more predictability and allow for regular pay movement for employees who are meeting or exceeding the performance expectations of their jobs. It is typical to have a separate step plan for fire and police due to some of the unique characteristics of these jobs.

Broadband systems generally provide more flexibility with positions where individual goals can be established and more easily measured which is typically a position that

supervise or manage others or have unique skills such as Information Technology or Engineering

The third element that is being addressed is how performance will be reviewed and evaluated in the new pay structure. The employee task force has been gathering and reviewing information to develop a tool and process that will give supervisors and managers flexibility to reward performance with a process that includes more structure and objectivity. The group will also be incorporating our new City values and organization wide competencies into the instrument.

That brings us back to the custom market pay survey. The purpose of conducting the custom salary survey was to gather pay data from other organizations with whom we compete for labor as well as other organizations with whom we are regularly compared. The data is intended to help us develop pay rates, levels and ranges in our new system to ensure we are competitive within the relevant markets.

The custom survey collected data on 84 benchmark positions...positions commonly found in organizations similar to us. We invited 36 organizations to participate and received 27 responses...16 of which are located in NC. WE are particularly pleased with the response rate and believe this is a fair representation of the market.

While the custom survey data is intended to help us as develop our new pay system, Jim stated earlier that the data showed that while overall, many of our actual salaries are competitive with the similar positions surveyed in the market we did see that our pay ranges tended to be below the market with our current system...most significantly our minimum pay ranges.

As we looked closer at the data, we saw some big challenges and misalignment with our current system to the market data in both our actual average pay and pay ranges...particularly with sworn police officers, uniform fire fighter and other core functions.

The survey results are a reminder and reflection that our current pay structure has been in place for over 13 years. We also recognize that the recommendations from the last comprehensive study were not fully implemented because of economic factors that continued for several years...interrupting our ability to fully implement the changes recommended at that time. While we have continued to provide merit pay increases during this period, the recommendations from the last study were never fully implemented. The impact has been felt both on our pay structure as well as our market pay competitiveness.

As a result, we recognize that we will not be able to fix all of our issues at one time rather we will have to take a measured approach that gives consideration to existing critical

issues and resource limitations... both in the current year and as we develop our new pay system using market data for the next budget year.

However, some of the market pay data is so compelling that before we move forward into a new pay structure and system, we need to make some pay adjustments within our existing structure.

As you recall we advised Council in November 2016 that while we did not know what the market salary survey results might show, we wanted to be prepared to consider midyear adjustments in our current pay structure pending the survey data results.

We outlined 4 categories of consideration for potential midyear adjustments that included;

- Positions the data showed to be significantly below targeted market pay
- Positions experiencing high turnover
- Positions that needed to be aligned with our living wage policy and philosophy
- Sworn police and uniform fire positions as supported by the market data.

Using our stated criteria for Mid-Year Adjustment consideration, let's first look at the positions that are significantly below the target market rates which by using the consultant guidelines/definition are positions that are 15% or greater below the target market rates. These are referred to as being significantly misaligned with the market.

Excluding Fire and Police positions, which we will discuss in a few minutes, there are 311 positions that are impacted with the majority of these being in IT, transportation and Parks, Recreation and Cultural Resources.

For positions that are at least 15% but less than 20% misaligned to the market pay target , we will make a pay adjustment of up to 2%...while positions that are misaligned 20% or greater to the market pay target will be adjusted up to 4%. These adjustments will be effective April 1, 2017

It should be noted that since all adjustments are being made within our current pay system, pay adjustments will be applied up to the maximum of an individual's pay range.

The next criteria we considered is for positions experiencing unusually high turnover. These are positions that are difficult to fill and retain.

We identified 3 classifications that fit this criteria...Call Takers and Telecommunicators in our Emergency Communications Center and Equipment Operators who are in various departments throughout the City including Solid Waste Services, Public Utilities and Parks Recreation and Cultural Resources.

This will affect 393 positions. Employees in these classifications will receive up to a 3% pay adjustment also effective April 1, 2017

It should be noted once again that since all adjustments are being made within our current pay system, pay adjustments will be applied up to the maximum of an individual's pay range.

The third criteria for a midyear adjustment involves alignment with our Living Wage. On January 17th of this year, the Council adopted a Living Wage policy and philosophy that included an accepted calculation that establishes a current annual earnings minimum of \$28,621 for regular full-time employees.

Implementing this current Living Wage minimum effective April 1st will affect 215 positions across the organization...raising their annual pay to the living wage minimum of \$28,621. It will also establish our minimum annual hiring pay for regular full-time employees at \$28,621.

Our final consideration for mid-year adjustments are our sworn police officers and uniform firefighters.

We all agree that living in a safe community is a very HIGH priority and that our ability to attract and retain highly qualified employees in both our police and fire departments is critical to achieving this.

The market pay survey data shows that sworn police officers and uniform firefighters pay is either misaligned or significantly misaligned to our market target rates...especially at the entry level for both groups. In addition, we have also been experiencing an increasing trend of turnover in our Police Officer and 1st Class Police Officer classifications that needs to be considered.

As a result we will be making mid-year adjustments that will affect almost 1,200 positions combined in both Police and Fire.

Based on the market data and turnover issues we will be making the following mid-year adjustments effective April 1st.

We will establish our starting sworn police officer annual salary at \$40,000 and make pay adjustments of up to 13.25% to the Police Officer, First Class Police Officer and Master Police Officer classifications.

Based on the market data we will also make pay adjustments of up to 6% for Senior Police Officer, Detective, Police Sergeant, Police Lieutenant and the Police Captain classifications.

We will establish our Firefighter annual starting pay at \$37,018 and make pay adjustments up to 10% to the Firefighter classification.

Based on the market data we will also make pay adjustments of up to 6% for all uniform fire classifications from First Class Firefighter through Division Fire Chief.

As has been stated previously, since all adjustments are being made within our current pay system, pay adjustments will be applied up to the maximum of an individual's pay range.

I'll now turn the presentation over to Ben Canada, Interim Budget Director who will walk through how these adjustments will be funded.

Mr. Canada highlighted the following information.

Budget Impact on current fiscal year

- Based on first pay period beginning April 1st
- Estimated FY17 cost is \$1.8 Million (mostly impacting the General Fund)
- Analyzed budget savings from vacant positions, operational savings
- City Manager is authorized to make market adjustments up to 20%

FY 2018 Impact

Full Annualized Cost

- Total city cost is \$6.7 Million

FY 2018 Impact

General Fund

Categories	Full Year Cost (FY2018)	Description
Sworn Police and Uniform Fire	\$5,279,900	After ,182 positions in Fire and Police Departments
Positions Significantly Below Market	\$304,000	Affects 177 positions, mostly in Information Technology, Parks, and Transportation
Living Wage	\$264,000	Affects 125 positions, mostly in Transportation, Parks, and Development Services
Turnover	\$236,000	Focus on 911 call takers, telecommunications, as well as equipment operators in other departments; 196 positions total
TOTAL:	\$6,083,000	

ENTERPRISE AND OTHER FUNDS

Categories	Full Year Cost (FY2018)	Description
Sworn Police and Uniform Fire	\$0	All public safety positions are in the General Fund
Positions Significantly Below Market	\$197,000	Affects 134 positions, mostly in Public Utilities and Solid Waste Services
Living Wage	\$200,000	Affects 90 positions across three enterprise funds
Turnover	\$228,000	Adjustments focusing on Equipment Operators in Public Utilities and other departments
TOTAL:	\$625,000	

FY 2018 Impact

- Impact on FY18 Budget Decision-making
- Committing \$6 million at this stage of the budget cycle reduces flexibility
- Reserving funds for FY18 merit increase
- Balanced budget proposal in May

Human Resources Director Jones continued with the following:

As you can have seen and heard these mid-year pay adjustment decisions have required careful and thoughtful analysis and consideration and are not intended to solve all of our issues. While the primary purpose of the custom salary survey is to help develop our new pay system, our decision to make mid-year adjustments is an attempt to mitigate some of the more acute pay challenges we are facing in our current pay structure in advance of finalizing a new pay system.

While these pay adjustments don't completely solve our challenges and issues with pay, we are fortunate enough to have resources to make some mid-year adjustments for critical needs identified by the survey data. It's important to note these adjustments will impact over 2,100 positions or more than half of the City's full time workforce.

As you have heard and seen, there has been a tremendous amount of focus and energy on this very complex and comprehensive project. Developing and implementing a new pay system takes an incredible amount of time and resources. We have established a firm foundation on which we can now continue building to finalize our new pay system.

Our immediate next steps include finalizing our Job Classification and Pay Structures and including these in our FY 2018 budget development process. We will be applying all of the mid-year pay adjustments effective April 1st.

We have covered a lot of information today. We will continue having conversations with employees about the compensation project over the coming weeks in locations across the City to share information and answer questions.

We will also be utilizing other communication tools to keep employees informed including Podcasts and CORECON where we will post information for employees to access and read.

While the mid-year pay adjustments will affect over half of the full time workforce and address some immediate pay concerns with the current system, we will be working to finalize the job classification and pay structures over the coming weeks to develop a new pay system. We will then assess the impact of the new pay system in the upcoming annual budget development process.

While the new pay system will be designed for implementation sometime in FY 2018, we expect to communicate with every individual employee in early spring to identify their new job classification and new pay range.

We will also provide additional opportunities for individual employees to meet with members of the human resources staff to discuss concerns and answer questions about the new pay system.

That concludes our formal update and presentation. We ask that you receive this report as information and refer the findings of the study to the FY 2018 budget process.

Mayor McFarlane expressed appreciation to Human Resources Director Jones and City Manager Hall for all the work that has been put in to this issue. Mr. Stephenson expressed appreciation for the mid-year adjustments for those critical public safety positions pointing out he supports moving ahead as staff has done what the Council asked that they do.

Council Member Crowder moved that the Council received this as information and refer compensation study findings and recommendations to the FY2017-18 budget development process for additional consideration. Her motion was seconded by Council Member Gaylord. Mr. Cox expressed appreciation to the City Manager, staff and Mayor McFarlane for pushing ahead with this issue. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

**REPORT AND RECOMMENDATION OF THE
SPECIAL POLE BANNER COMMITTEE**

POLE BANNER POLICY – PUBLIC RIGHT-OF-WAY – RESOLUTION ADOPTED

The City Council formed a special subcommittee of Council members to discuss the policies related to pole banners located within the right-of-way. The Committee recommends changes to

the previously-adopted resolutions, with the most recent amendment coming in 2011. This revised resolution would provide a mechanism for Business Improvement Districts (BID) and Municipal Service Districts (MSD) to submit programmatic permits for the installation of pole banners. The pole banners would only be permitted within certain areas and must be installed, maintained, and removed by the BID or MSD. A bond or surety would be required for each installation area that could be used by the City in the event a removal is required. This resolution also addresses banners across the right-of-way for certain events located in an historic district. An updated resolution was included with the agenda packet.

Recommendation: Adopt the resolution.

Assistant Planning Director Crane pointed out there are several areas in the City of Raleigh in which pole banners can be installed on public right-of-way, generally downtown, portions of Hillsborough Street and Glenwood South. He stated this issue came up initially under requests and petitions of citizens in which a citizen asked that the pole banners be allowed in Midtown. He pointed out the Special Pole Banner Committee was set up to look at the issue and the possibility of expanding the area where the pole banners would be appropriate. He stated there are presently three resolutions to allow this to occur and the committee felt it was best to update the policy into one resolution maintaining the same standards relative to size, etc. He stated the proposed resolution does add some new standards, fee, surety, etc. He stated under the proposed resolution banners would be created, installed, removed, maintained, etc., by the entity making the request, etc. He stated the proposed resolution also addresses banners across the street in certain historic districts being allowed with no permit fee, etc.

Council Member Thompson asked about Midtown Raleigh as they would not fit into these categories. Assistant Planning Director Crane and City Attorney McCormick indicated Midtown Raleigh would be included in business improvement districts.

Ms. Baldwin expressed appreciation to Council Member Branch and Council Member Crowder for being a part of this Task Force and moved approval of the resolution as included in the agenda packet. 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 vote. See Resolution 446.

REPORT AND RECOMMENDATION OF THE COMMITTEE TO STUDY A CODE OF CONDUCT

CODE OF CONDUCT – REPORT AND RECOMMENDATION – RECEIVED AND REFERRED TO THE CITY COUNCIL RETREAT

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. The committee has completed its work and will make a report during the meeting. Included with the agenda packet is the draft code of conduct for consideration by the City Council.

Recommendation: Receive as information.

Wayne Maiorano, Committee Chair, expressed appreciation for being allowed to serve the City of Raleigh on this committee. He recognized the other committee members which included Anthony McCloud, City Attorney McCormick and Chief of Staff Buonpane. He pointed out the task that came to the special committee was to recommend a draft of what, how and why. He explained the City of Raleigh does have an ethics policy in place however what is being proposed is a code of conduct which would outline aspirational goals and identify Council behavior. Mr. Maiorano pointed out they spend a lot of time understanding the task before them, what the task would include and they felt that this was an opportunity to promote and preserve professionalism of Council members and their interactions with each other, staff, citizens, etc. He pointed out Council members received the proposal as well as a letter outlining the thought and consideration in drafting a code of contact. He talked about how they went about their task including seeking knowledge and experience of organizations such as UNC School of Government, National Association of Corporate Developers, individuals, past Council members, etc. He stated the Committee felt this was an important task but not an easy task. He stated everyone recognizes what elected official have to face including being a champion for their constituents, advocating for groups, individuals, etc. He stated everyone knows it is important to promote an atmosphere in which the Council can conduct the public's business pointing out this is not an attempt to hinder any one's ability to perform their duty.

Mr. Maiorano stated the committee is in no way trying to create the wheel they looked at what is out there, met over an extended period of time and came up with the proposal included in the agenda packet.

City Attorney McCormick pointed out Mr. Maiorano gave an excellent summary of the proposal.

Council Member Thompson thanked everyone for all of the work behind this proposal with Mr. Stephenson talking about the difference in an ethics policy and the code of conduct with Mr. Maiorano pointing out a code of conduct and ethics policy works together. He stated if the Council adopts a code of conduct, it provides an outline as to how the Council wants to conduct their business, and provide a way to achieve the goals outlined in an ethics policy.

City Attorney McCormick explained an ethics policy consists of things that the Council is required to do or are prohibited from doing by law. A code of conduct is an aspirational document and the two needs to work together. Mr. Maiorano pointed out the committee attached the existing ethics policy as an appendix to the proposed code of conduct. He stated ethics policies and general statutes require training and it is felt that should the code of conduct be adopted that that is included in the training. Brief discussion took place as to the relationship and what is meant by some of the terms with Mayor McFarlane indicating the item is on the retreat agenda with it being pointed out the City Attorney would lead that discussion. The item was referred to the Retreat.

REPORT AND RECOMMENDATION OF THE APPEARANCE COMMISSION

APPEARANCE COMMISSION – ANNUAL REPORT – RECEIVE – 2017 WORK PLAN – APPROVED

Brian O’Haver, Chair of the Appearance Commission indicated the Council received the 2016 Annual Report and Propose 2017 Work Plan in their agenda packet. He expressed appreciation to the staff of the Urban Design Center for their support of the committee and pointed out the members of the Appearance Commission are excited to serve and look for ways to work with the Council.

The 2017 Work Plan in the agenda packet was as follows:

2017 WORK PROGRAM Raleigh Appearance Commission

The Appearance Commission held its 2017 planning retreat over two sessions in January. During the meetings, the members crafted a new mission statement for the Commission, “To Enrich the Quality of Life in our Community through Design.” The group also began developing a vision and a strategy for fulfilling this mission, which included identifying three key responsibilities for the Commission in 2017: Advise; Promote; and Celebrate.

These three roles form the basis for the Commission’s proposed working groups for 2017.

I. DESIGN ADVISORY WORKING GROUP (ADVISE)

The Design Advisory Working Group will provide professional design assistance to stakeholders in the community in the following areas:

- Design Review
The Commission will continue to provide design review and recommendations for a variety of development projects:
 - Administrative Alternates (UDO)
 - Preliminary Site Plans (Old Code)
 - City Initiated Projects & Streetscapes
 - Courtesy Reviews
- Design Standards Review
As in 2016 with the Outdoor Dining standards, the Commission can provide assistance in the review and recommendation of various design-related development standards.

- City Rebranding Effort
The Commission seeks to be an advisory resource to assist with the City's new branding campaign.

II. DESIGN ADVOCACY WORKING GROUP (PROMOTE)

The Design Advocacy Working Group will help promote and market good design within the community, using the following objectives:

- Fostering Design Excellence
The Commission will look to plan and produce community lectures, workshops, tours, and roundtable discussions to further design excellence.
- Partnerships and Collaborations
We continue to look for opportunities to collaborate with other interests and energies to further the discussion of design and successful urban development.
- Design Review for Public Projects
The Commission plans to advocate for Commission design review of a larger pool of publicly-funded development project types within the City of Raleigh.
- Commission Rebranding
The Commission will continue to explore possibilities for rebranding, including a potential name change and/or addition of a tagline and creation of a commission logo.

III. AWARDS WORKING GROUP (CELEBRATE)

The Awards Working group will recognize and celebrate good design in our community through the following initiatives:

- Sir Walter Raleigh Awards
The Commission has implemented a new vision for the Sir Walter Raleigh Awards, including partnerships, new awards categories, and outreach to new audiences. This year the Commission will continue to evolve the event format in an effort to reach extended audiences and celebrate design excellence.
- Student Design Awards
The Commission is considering expanding the recognition of quality design by developing an awards program for student work.
- Design Competitions

In 2016, the Commission sponsored a call for designers for the redesign of the Sir Walter Raleigh Award certificate. The commission wishes to expand opportunities to hold competitions for additional design-related projects.

The Appearance Commission looks forward to providing continued professional service to the City of Raleigh in the coming year. We stand ready to address any special tasks initiated by the City Council, along with performing our usual duties of development review, engaging in community outreach, and pursuing major initiatives. Please use us as a resource as you are faced with important decisions about Raleigh's future growth, character and prosperity.

ON-GOING SERVICE

The North Carolina General Statutes [§160A-452(3)] call on appearance commissions “to provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations, and agencies.” In the coming year, the Raleigh Appearance Commission seeks to continue to serve in that capacity. We assess appearance issues as they relate to active facades, pedestrian connectivity and quality of experience, and pleasing urban form. It is unanimous within our group that sprawling parking lots, strip malls, covered streams, unbridled advertising, inappropriate grade change devices, and car-focused development do not lead to a beautiful city. We want to see more multimodal transportation opportunities, greenways, parks, and sustainable landscaping principles integrated into our urban fabric and forms. These qualities make for a more beautiful—and livable—city. The Raleigh Appearance Commission stands ready to help make it happen.

We look forward to our new service to the City Council in the coming year, and eagerly await all tasks assigned.

Council Member Baldwin expressed appreciation to the Commission for all of their work on the outdoor dining review pointing out the felt they handled competing interests and needs exceptionally well. Council Member Gaylord moved receiving the annual report and approval of the 2017 Work Plan as presented. His motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE HISTORIC CEMETERIES ADVISORY BOARD

HISTORIC CEMETERY ADVISORY BOARD – BY-LAW REVISIONS – APPROVED AS PRESENTED

As part of the annual work plan the board has completed a review and update of the current bylaws. Included with the agenda packet are the current bylaws and proposed bylaw revisions. In summary, changes to the bylaws include:

- Reflect the current name of the Parks Recreation and Cultural Resources Department;
- Expand the membership by adding two voting members for a total of nine board members;
- Removal of two City staff positions as non-voting, ex-officio members;
- Clarification of board member attendance requirements; and
- Adjustments to the board calendar year and alignment of terms of office for officers.

Recommendation: Approve the bylaw revisions.

Wayne Schindler, Parks, Recreation and Cultural Resources, pointed out Council members received the proposed amendments in their agenda packet pointing out the group had worked closely with the City Attorney Office in making these changes. Council Member Baldwin moved approval of the bylaw revisions as presented. Her motion was seconded by Council Member Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

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

**PULLEN ART CENTER IMPROVEMENTS – SCHEMATIC PLAN – APPROVED;
STAFF AUTHORIZED TO PROCEED**

The schematic design for Pullen Arts Center Improvements has been presented to the public and the Parks, Recreation, and Greenway Advisory Board. At the January 19 meeting, the board reviewed the design and recommends approval.

Recommendation: Approve the schematic design and authorize staff to proceed with the next phase of the capital project.

Amy Simes, Chair of Parks Recreation and Greenway Advisory Board gave a history of this project and pointed out the Parks Recreation and Greenway Advisory Board in their January 19, 2017 meeting recommended that the Council approve the schematic design and authorize staff to move to the next step.

Shawsheen Baker, Parks Recreation and Cultural Resources, gave a history of the project starting with the Pullen Park Master Plan goals adopted in July 2001 which were to preserve and enhance open space, provide addition and improvements to the Arts Center, provide new pedestrian arts plaza between Arts Center and Theatre in the Park and provide organized and efficient parking lots. She went over the project time line which brings us to today for the presentation to the City Council. She went over the rest of the time line which calls for the projected start of the construction phase to be February 2018.

She talked about the citizen planning committee members, went over the conceptual study phases, etc.

Steve Schuster talked about the schematic design phase including the community outreach efforts with public meetings being in October 2016, Planning Commission meeting October 2016 meeting with the Gregg Museum and NCSU in September 2016 and numerous meetings with the Theatre in the Park. He talked about the public discussions relating to the need for covered drop off and access to the front door, minimal impact to existing Theatre in the Park gardens, parking operation and management of parking spaces and more parking and convenient parking for loading arts supplies. Mr. Schuster went over the existing floor plan for the lower level, proposed improvements, the main level plan, pedestrian flow and use of public space that does not exist today, a loading dock, various studios and the upper level which will include a lounge which provides great views of the park, etc.

He talked about the multi-level building, the existing in new areas, talked about the fact that since 1960 the front door had been hidden around a corner, how it will be drawn out, gave comparisons of the current and proposed square footage, which has increased and the various uses as well as the addition of a porch, deck and outdoor pottery area. He talked about the major building increases, existing site conditions, the schematic design, and the relationship between the street drop-off area, cedar circle, Theatre in the Park, Pullen Arts Center and the Gregg Museum of Art and Design. He talked about the traffic flow, passed through for drop off, protection of the great gardens, parking, the outdoor gathering areas, and the major site improvements. He went over the next steps which, if Council approves today would be design development in the spring of 2017; construction documents and permit review in the summer of 2017; bidding in the fall of 2017; award of construction contract in the winter of 2017 with construction to start in 2018. He talked about the approvals by the Planning Commission and Parks, Recreation and Greenway Advisory Board both of which were unanimous with the exception of one vote.

Council Member Thompson questioned the impact of this construction on the existing trees with Mr. Schuster pointing out everyone had worked hard to preserve the trees, particularly the cedar circle.

Graham Smith indicated there are a few trees which will be impacted. He stated they have been working with the city forester, staff, etc., and pointed out the ones that would be impacted most are some of the older trees. The cedar circle will be preserved as will the Theatre in the Park gardens. He talked about one of the larger trees that will be impacted but talked about the work they had done to preserve and protect the trees and pointed out they will be replacing the trees that have to be removed and adding trees.

Mr. Gaylord asked about the orientation of the front door and questioned why it is not oriented towards Pullen Road. Mr. Schuster talked about all of the work they did to look at the various locations for the front door. He stated the one that was chosen would face the public gathering space and would allow for patrons to drive in or drop off people at the front door. He pointed

out while they did look at the front door facing Pullen Road, explaining when one pulls in from Pullen Road one could not see the building.

Brief discussion took place with the Mayor asking about the distance between the front door and parking. Mr. Schuster talked about the distance from the drop off today pointing out with the plan it would be the same distance. He pointed out the locations, talked about the circulation and distances between the various amenities, etc.

Council Member Crowder talked about the pottery center and the possibility of an outdoor kiln. Mr. Schuster pointed out the outdoor space is immediately adjacent to the pottery studio and there would be a loading dock right outside, talked about the access, etc.

Council Member Stephenson pointed out he was on the 2001 Pullen Park master plan committee and talked about the challenge of balancing the programing and the budget and getting all of the needs of the various entities met. He also talked about the excitement of the College of Design, and how the two could work together.

Mr. Gaylord pointed out he was very excited about all of the wonderful work and the processes used and the results. He stated while he likes the idea of the facility facing Pullen Road, he understands and therefore would move approval as presented. His motion was seconded by Mr. Branch. Mayor McFarlane expressed appreciation for all of the work and all of the efforts to keep the gardens intact. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

TC-18-16 – ANIMAL CARE IN OX – DISTRICT – ORDINANCE ADOPTED

Chairperson Crowder reported the Growth and Natural Resources Committee recommends that the Planning Commission recommendation on TC-18-16 – Animal Care in OX- District be amended by:

- a. Adding Veterinary Clinic/Hospital as its own line item in the Allowed Principal Use Table;
- b. Only adding Veterinary Clinic/Hospital as a limited use in the Office Mixed Use (OX-) District instead of the entirety of the “Animal care (indoor)” category;

- c. Permitting Veterinary Clinic/Hospital wherever “Animal care (indoor)” is allowed as well as the addition of Veterinary Clinic/Hospital to the Office Mixed Use (OX-) District; and
- d. Clarifying the hours that activity is regulated for this use.

The Committee recommends adoption of TC-18-16 – Animal Care in OX- District as amended and included in the agenda packet. On behalf of the Committee, Chairperson Crowder moved adoption as recommended. Her motion was seconded by Ms. Baldwin.

Council Member Stephenson indicated he had talked with several vets who have concern about the hours and would like longer hours such as what is allowed in other zones. Assistant Planning Director Crane pointed out we could use the standard noise hours which would be 7:00 a.m. to 11:00 p.m. Mr. Thompson expressed concern pointing out that is late at night and many of these facilities may be located adjacent to residential, etc. He stated changing the hours to 7:00 a.m. to 11:00 p.m. causes him a concern. Council Member Crowder pointed out there hasn't been any problems and it should be okay. Mr. Thompson again expressed concern that some of these may be located in residential areas. Council Member Stephenson talked about the rule which calls for no more than 4 dogs at a time being outside. Council Member Crowder moved to amend the motion and proposed ordinance to allow the outside use hours to be 7:00 a.m. to 11:00 p.m. The amendment was put to a vote which resulted in all members voting in the affirmative except Mr. Thompson who voted in the native. The Mayor ruled the motion adopted on a 7-1 vote.

Council Member Gaylord moved approval of TC-18-16 as amended by the Committee and as amended at the table today relating to the hours. His motion was seconded by Council Member Crowder and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 669 TC 390.

Chairperson Crowder pointed out the Growth and Natural Resources Committee will not be meeting in February. The next meeting would be the regular scheduled meetings would continue after February.

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

NO REPORT

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

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM POLICY – CHANGES APPROVED; NEIGHBORHOOD STREETScape POLICY – RETAINED IN COMMITTEE

Chairperson Branch reported the Transportation and Transit Committee recommends adopting changes to the Multi-way Stop Control Policy to include roads with lower traffic volumes and an appeals process. It is understood that any installation would have to have been in place for a two-year period before staff would accept a request for removal. Copies of the staff memo and proposed policy changes were included with the agenda packet. This item remains in Committee for further discussion on the Neighborhood Streetscape Policy.

On behalf of the Committee, Chairperson Branch moved approval as presented. 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.

REPORT OF MAYOR AND COUNCIL MEMBERS

REZONING Z-15-16 – RAVEN RIDGE/FALLS OF NEUSE ROAD – COMMENTS RECEIVED

Council Member Cox presented the following statement.

I want to address Rezoning Z-15-16, Raven Ridge and Falls of Neuse Road. He stated recently Z-15-16 applicant submitted an update to the Planning Department for this rezoning request. A review of what was submitted shows that the proposed rezoning is essentially the same as it was two months ago. The primary difference is that it has been repackaged as a Planned Development.

In December, Council voted to send the case back to the Planning Commission with the expectation, as stated by Council Member Baldwin, that the applicant must come back with something substantially different and, Mayor McFarlane reminded everyone that without substantial changes, the request will have a long road to hoe in the Planning Commission.

This Planned Development proposal continues to allow nearly 50,000 square foot grocery anchor store, a total of 115,000 square feet of commercial development, continues to have huge traffic and infrastructure impacts, and ignores the 40% forestation requirement for the Richland Creek Watershed. In short, the proposal continues, as before, to dramatically and detrimentally change the character of the area, in contradiction with the city's policies that guide growth and development.

Furthermore this update was submitted after two months without any interaction with the many citizens who have expressed concerns about this case or with me, the District B Councilor, I will therefore make two motions if possible. My first motion will be to bring the case back to Council rather than sending it to the Planning Commission which has yet to meet on this case and my second motion will be to deny the rezoning case. For my first motion, whereas, Z-15-16 has not substantially changed and

- Whereas the Planning Commission has already recommended by unanimous vote of 9-0 to deny Z-15-16
- Whereas no attempt was made over the course of two months to work with the community to make substantial changes

I move that Z-15-16 be brought back to the Council effective immediately.

Council Member Stephenson seconded the motion explaining he would support both motions mentioned by Council Member Cox consistent with his previous vote on this matter. He stated this has been a long drawn out process where there have been many opportunities for negotiations to take place; however no real changes have happened with the case. He stated he understands the Council majority did vote to send Z-15-16 to the Planning Commission. He stated he would like to talk about the process some and how the Council should let that process of going back to the Planning Commission play out; however he would point out that was not a one-way street. The applicant was invited to bring back a repackaged product but they are coming back with a project of the same intensity, etc. He stated by the Council offering the developer another chance, the developer or applicant was expected make a good faith showing by bringing back a new project with reduces intensity and impacts. He stated by failing to file a different project the applicant in his view has broken faith with the Council and the Council's intent in offering the applicant another bite at the apple. He stated the failure of the applicant to honor their part of the process should provide the City Council ample grounds to cut the city's loses and take the necessary steps to deny this case.

Mayor McFarlane stated when this case was heard the room was full of people some for the case and some in opposition. She stated this Council made the decision to send Z-15-16 back to the Planning Commission to allow the applicant to bring forward a repackaged case. She stated Council Member Stephenson is right in that the Council did say bring back a case with substantial changes and one that address the concerns the Council outlined. She stated Council Member Crowder made the comment that she felt there was potential for a win/win but it was going to take a lot of work. Mayor McFarlane stated the case has been referred back to the Planning Commission and she feels the Council needs to honor the process. She stated she cannot support removing the case from the Planning Commission as it would cut out additional citizen input, etc.

Council Member Baldwin stated she would like to explain why she voted the way she voted. She stated there was a room full of people when the case was heard, half of them in favor, half not in favor. She stated many of the people were the African American people who worship and live adjacent to the property and she felt that they were entitled to voice their opinion one way or the other, and pulling the case from the Planning Commission now would not allow for that process. She stated she does not know what will happen between now and what lands at the table; however, she feels it would set a very bad precedent to pull something out of the Planning Commission just because the Council does not like the case. She stated everyone should understand when the Planning Commission makes a recommendation back to the Council it

would need to go through the process or be voted down if the Council does not like what is proposed.

Council Member Thompson pointed out he had voted against it previously and unless the case has changed he would vote against it again but he hasn't seen what the applicant is bringing forth. He feels the Council should give them an opportunity to do what the Council asked them to do and if they come back with the same case the Council can vote the same way.

Council Member Cox stated he would like to offer a rebuttal to the argument that the case should be brought back to the Council table. He stated the review of Z-15-16 has followed the standard and accepted review process for over a year. The rezoning request was presented at numerous meetings with citizens, presented to the CAC several times, reviewed by the Planning Commission for nearly 3 months, and the Planning Commission recommended denial on a 9-0 vote. He stated he feels the Council was very generous in giving the developer another extraordinary unprecedented chance to work with the community to bring back a Planned Development request with significant changes and that has not happened. The developer did not work with the community and the request has not changed in any significant way. He pointed out the developer stated in the Triangle Business Journal that the City Council merely wanted more details in a Planned Development request. He pointed out he feels this demonstrates that the applicant did not hear what the City Council said and did not take advantage of the opportunity offered. He questioned how many more generous and extraordinary chances will be given to this developer, questioned why this developer should receive special treatment that the Council does not give others and he feels sending this request for further review is a waste of taxpayer money, city resources, Planning Commission time as well as a waste of the citizens' time. He feels continuing to request that this case be afforded more time is unreasonable and unfair to the many people involved with and affected by this case.

Council Member Thompson stated it is unusual to send a case back to the Planning Commission. He stated he served on the Planning Commission and does not ever recall the City Council taking a case back to from the Planning Commission and he understands the City Attorney has made that same statement.

The motion as made by Council Member Cox that Z-15-16 be brought back to the City Council effectively immediately was put to a vote with results as follows: Ayes – 4 (Cox, Stephenson, Branch, Crowder); Noes – 4 (McFarlane, Baldwin, Gaylord, Thompson). The Mayor ruled the motion failed on a 4-4 vote.

SITE PLANS – HIGH INTENSITY/HIGH IMPACT – REFERRED TO THE APPEARANCE COMMISSION FOR RECOMMENDATION

Council Member Stephenson indicated several months ago a group of citizens, attorneys, architects, etc, came to the City Council and said they would like to explore the possibility of high impact/high visibility site plans, have input by the Appearance Commission. He pointed out that the Appearance Commission is no longer involved and the group made the request to be

more involved in public review in hopes of getting recommendations to the table for better projects, etc. He pointed out the item was assigned to the Planning Department to come back with recommendations.

Council Member Stephenson stated he would like to assign this question and discussion to the Appearance Commission asking them to define what small percentage of site plan cases that represent high impact and high visibility cases such as ones on ceremonial corridors the Council should allow the Appearance Commission to offer recommendations to the applicant for enhancements or improvements in their project. He stated this would not be a requirement for the applicants to change their case in any shape or form but it would be an opportunity for some thoughtful and creative people to offer some ideas that the applicant may not have considered initially and some of those ideas could be incorporated in the UDO and hopefully help provide for improved site plans, etc. He stated he would like to take the conversation that the Council has already assigned to staff to review and send it to the Appearance Commission and let them chew on the idea that if the Council were going to send a few or small percentage of site plans that met the criteria of either high impact or high visibility to the Appearance Commission so they could define what those values would be which would give them an opportunity to offer recommendations to the applicants.

Mayor McFarlane stated as she understands Mr. Stephenson is asking that the Appearance Commission be allowed to look at an item to define the values or criteria of high impact, high visibility and bring recommendations back as to which site plans that meet that criteria would be sent to the Appearance Commission for their review.

Council Member Baldwin pointed out she thought when this was brought up that the City Attorney said that those type cases would have to be in a quasi-judicial setting. City Attorney McCormick indicated if any subjective criteria is used it would require a quasi-judicial hearing but what he understands Council Member Stephenson say is to ask them to define what high impact/high visibility is so that the Council could come up with a mechanism that would have City Council review/Appearance Commission review of certain site plans. Mr. Stephenson stated he is merely asking for mechanism that the City could use to provide recommendations to the applicants. He understand there would be a small percentage that would have impact or high visibility and develop a mechanism that could be used so that those small percentage of cases could be referred to the Appearance Commission who would offer an advisory recommendation to the applicant. It would be a recommendation only.

Mayor McFarlane stated without objection the item would be referred to the Appearance Commission.

TOWN HALL MEETINGS – CITIZEN COMMENTS – REFERRED TO STAFF

Council Member Branch expressed appreciation to the Mayor, City Manager, Chief of Staff and others for attending his recent two town hall meetings. He indicated the goal is to take the citizen comments and concern and ask staff to get information back to the citizens. He expressed

appreciation to all involved. Council Member Stephenson questioned if the concerns and findings could be circulated to the full Council with all agreeing.

COMPENSATION STUDY – COMMENTS RECEIVED

Council Member Crowder expressed appreciation to all of the work done on the Compensation study pointing out she hopes the Council can move forward with it during budget deliberations.

COMMUNITY CONVERSATIONS – INFORMATION RECEIVED

Mayor McFarlane talked about the City Conversations pointing out the Council and staff is following up with community conversations. She stated there have been two city-wide conversations that had great response. The Council is now starting conversations in each distant and outlined the following times and dates:

- February 13 – John Chavis Memorial Park Community Center(C)
- February 15 – Carolina Pines Community Center (D)
- February 20 – Anne Gorden Center active adults at Millbrook Exchange Parks (A)
- February 22 – Laurel Hills Park Community Center (E)
- February 27 – Abbotts Creek Park Community Center (B)

She stated all of the events will be from 6:00 to 8-00 pm.

COUNCIL SCHEDULE - COMMENTS RECEIVED

Mayor McFarlane pointed out the Council retreat will start on February 8, 2017 at 12 noon at the North Carolina Arts Museum on Blue Ridge Road.

Mayor McFarlane stated the February 14, 2017 Work Session is canceled.

PARKS - DIGGING AND REMOVING ARTIFACTS – COMMENTS RECEIVED

Council Member Gaylord indicated at the last meeting the City Council adopted an ordinance relative to restrictions on digging and removing artifacts from our parks facilities. He stated he understands we have always had that ordinance it was just not easily enforced. He stated as he understands there have been specific incidents of artifacts being sold on line. He stated staff as stated they will continue to look for ways to work with the community on efforts to save all of the artifacts, etc. that are found in our parks including Dix. He expressed appreciation to staff for their response on this issue and their willingness to continue to work with the community on that issue.

NEIGHBORHOODLIFT – COMMENTS RECEIVED

Council Member Thompson indicated he and Council Member Branch attended the NeighborhoodLift event at North Raleigh Hilton recently. He stated the event was sponsored by DHIC and Wells Fargo and over 500 people signed up and attended a lot being first time home owners. He talked about the event pointing out one of the first people who qualified was a 70 year old woman for wanting to purchase her first home. He talked about the heartwarming experience of the event. He expressed appreciation to DHIC and Wells Fargo for the event pointing out it was well organized, streamline, etc. and people were able to get in and out in about an hour.

LITTER ALONG RIGHTS OF WAY – REFERRED TO ADMINISTRATION

Council Member Thompson indicated Raleigh is a beautiful city; however, lately he has been noticing that we are having a tremendous problem with litter and debris along many of our streets including the Beltline, Western Boulevard, etc. He stated he knew a lot are state streets but something should be done. He stated it may be that it is winter time and there is no grass to cover the debris but something needs to be done.

City Manager Hall suggested that the staff develop a report about what we currently do and if the Council wants to take a more assertive approach after receiving the report, Council could bring the issue forward.

CITY PLAZA – VARIOUS CONCERNS – REFERRED TO ADMINISTRATION

Council Member Baldwin pointed out the City is in the process of redesigning the City Plaza. She stated in that work she hopes that the staff will determine what could be done with the fountain pointing out it hasn't worked in years. She asked if staff could provide a report on what it would cost to make it work who is responsible for the maintenance, etc.

Council Member Baldwin indicated in addition during this pretty weather she has been seeing people sitting on the ground in the City Plaza pointing out there are not enough tables and chairs. She does not feel it is becoming to the city's image to see people having to sit on the ground.

Council Member Baldwin indicated a number of people have been asking her about the possibility of having a 15 minutes parking spot which would allow time for someone to park, run in pick up food from the restaurants, etc.

City Manager Hall indicated the Urban Design Center and Planning are looking at the fountain and other issues and staff would provide a report for Council.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Appearance Commission – One Vacancy – No Nominees

Civil Service Commission – One Vacancy – Kimberly Rehberg received 7 votes (All but Council Member Thompson)

Convention and Performing Arts Centers Authority – One Vacancy - Mayor McFarlane and Council Member Stephenson nominated Sinclaire Owen

Historic Cemeteries Advisory Board – One Vacancy – Joe Dillon received 7 votes (All but Council Member Cox)

Human Relations Commission – One Vacancy – Eric Handy received 7 votes (All but Council Member Baldwin)

Planning Commission – One Vacancy. The City Clerk reported Mark Turner had been nominated but has asked that his name be withdrawn. Sara Queen received 5 votes (Baldwin, Gaylord, Stephenson, McFarlane, Crowder); Hardy Watkins – 3 (Thompson, Cox, Branch)

The City Clerk announced the appointment of Kimberly Rehberg to the Civil Service Commission, Joe Dillon to Historic Cemeteries Advisory Board, Eric Handy to Human Relations Commission and Sara Queen to the Planning Commission. The other items will be carried over until the next meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

MOBILE RETAIL – PROPOSED ORDINANCE – REFERRED TO ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

Included with the agenda packet was a draft of a proposed ordinance which will allow mobile retail in the City of Raleigh. This was requested by Council Member Baldwin during the January 17, 2017 Council meeting. City Attorney McCormick indicated the Transportation Department had not had an opportunity to review this therefore he would suggest that it be held until the next meeting. Brief discussion took place with Council Member Crowder indicating she would like to have some additional conversation before the Council moves forward. She stated as she understands this would be shared with the food truck vendors and again stated she would like some additional conversation. Council Member Baldwin talked about how this would work. Discussion took place as to how to get additional conversation/input with several

suggestions being made and it was agreed that the item be referred to Economic Development and Innovation Committee.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED AS PRESENTED

The City Clerk reported Council Members received in their agenda packet copies of minutes of the January 3, January 10 and January 17 Council meetings. Council Member Crowder moved approval as presented. Her motion was seconded by Council Member Branch and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

TAXES – RESOLUTION ADOPTED

Council members received with the agenda packet a resolution adjusting, rebating, or refunding penalties, exemptions and relieving interest for the late listing of property for ad valorem taxes. Adoption of the resolution was recommended.

Council Member Crowder moved approval as presented. Her motion was seconded by Council Member Branch and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 447.

CLOSED SESSION

CLOSED SESSION – VARIOUS – HELD

Mayor McFarlane stated a motion is in order to enter closed session pursuant to NCGS143-318.11(a)(3) for the purpose of discussing two potential legal matters. Mayor McFarlane moved approval as read. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote and the Council went into closed session at 3:45 p.m.

The Council reconvened in open session at 4:15 p.m. Mayor McFarlane stated the Council had returned from closed session at which the Council gave direction to the City Attorney on two legal matters.

RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 4:16 p.m.

Gail G. Smith
City Clerk

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, February 7, 2017 at 7:00 p.m. in the City Council Chamber, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, Raleigh, North Carolina, with all Council members present. The Mayor called the meeting to order at 7:03 p.m. and the following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

PAULA STREET – VARIOUS CONCERNS – COMMENTS RECEIVED

Sara Wilson, 1016 Canterbury Road, Raleigh, NC 27607, requested placement on the agenda in order to ask the Council to revoke/not approve the Dubai Live hookah bar and any other bar on Paula Street. She submitted a written statement and read most of it into the record with a few edits. The following is a combination of her prepared statement and oral comments.

Good evening, Mayor McFarlane and City Council members. My name is Sara Wilson. I am sure you guys are as tired of seeing me as I am of coming here. Again, I am addressing the ongoing issues at Paula Street.

The new club has not had their grand opening yet, to my knowledge. I am guessing it is due to the delay of the ABC license. I am once again asking that you not approve that permit. I understand that they claim not to be associated with the previous club that we all had so much trouble with, but if you dig deep enough, you will find the same names that previously occupied the same place. I understand the legalities of your position, but this appears to be the same group that was there, watered down a little and a change of ownership name. You managed to shut them down before; it should not be hard to keep it that way.

I did not realize the depth of the issues on and around Paula Street until the drive-by shooting of the 2414 building. It was shot up multiple times on a Friday night for unknown reasons; this is with no alcohol involved. What is to come when and if you approve that permit? There are schools and three churches on the street that do multiple activities with children, and an ice rink behind the street, but there are many things that don't need to be there.

I also wanted to take the time to say "thank you" to a couple of people. Megan Hinkle has been a jewel. She has responded many times to me regarding Paula Street and made things happen down there like having the potholes repaired, worked to have many dumpster issues resolved with the clubs, and continues in her efforts. Megan is doing a very good job for you and for us.

I extended a request through Megan that each of you visit Paula Street and the neighborhood behind us and see how close we are to an elementary school, an ice skating

rink, and churches actually on the street, with many child-related activities. And how little parking is actually available for the clubs.

Your police staff, again, is doing a great job. Captain Quick made a request to meet with us. He heard our problems and was very familiar with the ongoing problems on Paula. These people are doing a great job, but it is impossible for them to do this alone. Council needs to support these employees who are working so hard, and make it easier on them. Please deny this permit.

David S. Wilson, 1016 Canterbury Road, Raleigh, NC 27607, stated he was Sara Wilson's husband. He submitted a written statement and read much of it into the record with a few edits. The following is a combination of his prepared statement and oral comments.

My name David Wilson, here to speak on behalf of Paula Street. As my wife said, we own properties on Paula Street. All the businesses, not just the night clubs, on that street are not held to the same standards as everywhere else in Raleigh and we need Council's help. The Police Department has been wonderful; their presence down there has been good.

If you have not had time to ride down the street, I can provide pictures to show you what we are dealing with. The bars are an ongoing issue, parking and trash being the top two.

There is a business painting cars with no paint booth and I believe it is required to have a paint booth in Wake County. They are working in a building that appears to be made with leftover building materials. It has been that way over a year and looks terrible. There are abandoned cars on the property that have been there since the flood, inside and out of the fenced area. They work on cars in the street. The No Parking signs that Council authorized to be installed on the street have helped, but some of the tenants have removed them. I don't know if the tenant or the landlord is the one who is supposed to be helping to back the Council to better the street.

I don't have millions of dollars to buy buildings where we would get special attention. I was born and raised in Raleigh and am very familiar with this area, and knew when I bought property there that it would be a challenge, but I thought we would get a little more support. We have gotten some, but it can't stop. We got the most support when Channel 11 came down there and did a story. It was a whole different deal with the subdivision behind the street. Things started happening because you got bad press; it is unfortunate it happened that way.

I'll never get you to ride that that street at 10:30 or 11:00 at night or midnight. This is close to John Kane's development at North Hills and everything he is doing, and he is coming this way. The Five Points area has half-million dollar and up homes; not that they should get special attention, but everyone should be held to the same standards.

I have some pictures of the bar adjacent to my property. The City got it cleaned up, and I found out how that works or does not work. They don't have the power to enforce it, but it happened, whatever it took, like SeeClickFix.

The City owns the property at the end of the street and it has become a dumping area due to all the trash accumulated over the years. The flood did not help this, but trash breeds trash, so it continues to pile up.

If you are going to approve these bars, force them to the same standards as those on Glenwood Avenue. I just want Paula Street to be held to the same standards as other places in Raleigh.

We are working to improve this street and need your support to make it happen. There are a couple folks that have made an effort along with the Police Department, but this cannot be done without full support from everyone on the City Council.

I'm not here to beat you up on everything, but I am asking for all the support I can get. This street is in a great location, even though it is in a flood zone, but it can be a lot better than it is. The Police Department is working really hard. Thank you for giving the police and firemen a raise.

NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT – NORTH HILLS – BUILT ENVIRONMENTAL CHARACTERISTICS AND REGULATION ANALYSIS – AUTHORIZED

Kim Dittman, 208 Sampson Street, Raleigh, NC 27609 had requested placement on the agenda in order to request Council consideration for a neighborhood built environmental characteristics and regulation analysis for the purpose of a proposed Neighborhood Conservation Overlay District. Additional information was included with the agenda packet.

Ms. Dittman reminded the Council that when she first made her request in November, she was told she needed to have the signatures of 51% of the neighborhood residents before Council would authorize the study. She stated she now had 52% of the necessary signatures. She added that they had altered the proposed NCOD map slightly by removing three houses on Gates Street and four houses on Lassiter Mill Road. Ms. Dittman said she had a copy of the revised map with her, if any of the Council members wanted to see it.

Ms. Baldwin thanked Ms. Dittman for going back to her neighborhood and obtaining the necessary signatures because it makes a difference in terms of process. Mr. Thompson moved to direct staff to perform the built environmental characteristics and regulation analysis for the proposed NCOD. His motion was seconded by Ms. Baldwin and carried unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

LED OUTDOOR DISPLAY – DONATION TO CITY – SPEAKER ABSENT

Bill Benham, representing Billboardtech, had requested placement on the agenda in order to donate an LED outdoor display to the City to display City-related messages, sponsorships, and advertising for increased revenue to the City. Mr. Benham was absent from the meeting.

POLICE ACCOUNTABILITY AND COMMUNITY RELATIONS – COMMENTS RECEIVED

Mayor McFarlane said the next eleven speakers were representing the same organization, the Police Accountability Task Force, and after they all spoke, she would address their comments.

Rolanda Byrd, 2326 Glascock Street, Raleigh, NC 27610 – Ms. Byrd read the following statement into the record.

This is now the fourth time PACT has presented in front of this body and nearly a year since you first received their policy recommendations to make police more accountable, equitable, and transparent. It is a problem that every time we demand action from this Council, your response is to organize more meetings and dialogue sessions. That's why we keep coming, until we see action for real accountability and transparency. Once again, we echo the sentiments of so many across the City. Dialogue is not enough.

We are resilient. We find strength in our creative brilliance and we're here to show you what that looks like. Our stories and the cold, hard numbers of how black and brown people are being disproportionately stopped, searched, and even killed have not moved you to support the community oversight board and body camera policies we deserve.

We hope that through our art, we may find common ground on what this community's next steps must be: strong body camera policies and your support for community oversight.

Tomorrow, February 8, is my son Akhil Denkins' birthday and instead of celebrating his life, I have to mourn his death.

Rachel Piontak, 1016 Aaron Drive, Raleigh, NC 27610 – Ms. Piontak read the following statement into the record.

To Raleigh City Council: Some words on police accountability.

Let's first set the stage. To believe us a country built on freedom is to negate our history of enslavement. First we used chains and exploited labor in fields. Now we use fear and exploited labor behind bars. You may channel your good intentions with police relations, but there's a different channel playing, one that plays an endless loop of fear and violence

from police among our neighbors of color. We compound this fear when we add in closed doors. When we subtract transparency, it divides us even more.

We're taught that police catch robbers, but what is worse than being robbed of life unjustly? What lesson are we really teaching? We need to pause. We need to loosen our fists on the binary of the right and wrong, understand the tension between the black and white. We as white people established this system that allows for lopsided accountability, veiled intent, and excessive use of force against brown and black bodies. We established it. What are we going to do to correct it?

This excessive use of force is forcing us to use excessive voice. We have asked for a community oversight board and have been buried beneath red tape. We have asked for open discussion and transparency and have been buried behind paperwork. This community has buried too many already to have time for your bureaucracy and paper cuts. Why are some raised to fear, and still we're afraid to rise up, call out, scale up and live down, and tackle the history of violence and exploitation at the hands of this policing, largely white, power?

Let's talk about transparency. Our objective is clear. We've seen the delays, the broken promises, the atrocities, while one thing we haven't seen is a body camera policy. Now is not the time to slow down and settle in. So step up, lean in, and show us that you care for our community, all shades of it. There's been a grave discrepancy between who makes the calls and who takes the fall.

Thank you.

Alex Walton, 3416 Poole Road, #108, Raleigh, NC 27610 – Mr. Walton asked the Council members why they have not made a decision when the PACT representatives have been coming to them for a year. He said the Council doesn't have the power to do anything. After one year, Council should be able to say yes or no to PACT's recommendation. Mr. Walton lives in Southeast Raleigh, was born and raised there, and said Council can't imagine police brutality. He's not speaking on behalf of criminals tonight; he's speaking on behalf of everyday citizens who work and pay taxes. People can't walk down the street in this area without being stopped and asked who they are and what they're doing there. He asked the Mayor why she would have meetings about police brutality without any of the meetings being in Southeast Raleigh. The second community meeting was changed and people in Southeast Raleigh were very confused because they didn't know about the change. Its location was changed to the Millbrook Park area and the residents there don't have the same problems as Southeast Raleigh. Mr. Walton suggested if the Mayor wants to "get real" and find out what's going on, she should go to Southeast Raleigh and ask the people there what is happening in their neighborhood. He reiterated he is highly upset without the Council for not taking action after a year. He said if the Council members are not going to approve the PACT recommendation, they should tell the people, and if they are going to approve it, then they should sit down with the people in Southeast Raleigh to discuss it further. They could have the meeting at Chavis Park, an historic

landmark for black people all over the south, instead of Marbles Kids Museum or Millbrook Park. Mr. Walton stated they are united and will let people know at election time what the Council members have and have not done.

Jeff Land, 2508 Hiking Trail, Raleigh, NC 27615 – Mr. Land read the following statement into the record.

"A fury of Achilles, sing you goddesses." "Fury" is the first word in The Iliad. Why is Achilles furious? It is the failure of the king. Ladies and gentlemen of the Council, in the few minutes that I have, I do not want to waste our time with the same request for police accountability that you have heard and ignored. Rather, I want to give you a little context with the poetry I bring to you this evening. Poetry has always been a tool of last resort. It is a cry of desperation in catastrophic times when all other means of communication have failed. Poets sing out when our systems of tradition and accountability are in jeopardy, when those entrusted to serve and protect shoot us in the back. When the Temple of Jerusalem was sacked, God's chosen people shattered in exile. They turned to poetry to expose their wounds. "By the rivers of Babylon where we sat down, and there we wept when we remembered Zion. The wicked carried us away in captivity, required from us a song. How can we sing a song in this strange land?" (Clerk's Note: Mr. Land distributed copies of the nursery rhyme "London Bridge is Falling Down.") When "London Bridge has fallen down, fallen down, fallen down," which you can see in front of you now, the song of the children cries out when all the materials to build it up are inadequate. You must listen to these youth who are following me here. They, more than anyone else, are capable of speaking the truth to you. We are here tonight resorting to poetry because all the other means of addressing this problem have failed. The bridge of civic dialogue collapses in front of us, not just in Raleigh, but nationally. Fury, lament, despair. During the past year you have allowed us to speak time and again in these chambers, and you have given us public forums to vent, but somehow you have not heard us. We come to you tonight after months of petitioning, dialogue, open houses, staged civic participation, and legal maneuvering, all the tools which you imagine have provided us the ability to present and address the plague of police abuse. They always lead nowhere, so we must turn to poetry, not as some version, not as rhetoric to entertain you, but because it remains and always has been the necessary means of enunciating our wrath.

Jessica Lin, 3509 Hayworth Drive, Raleigh, NC 27619 – Ms. Lin read the following statement into the record.

"How are you afraid of a man running away from you?" – Toni Morrison. Fear is a magnetizer. It changes the polarity of black bodies, makes them highly attractive to bullets, police batons, Tasers, white rage, white guilt, and blue-eyed blonds. Fear is a multiplier. It turns children into men, men and women into monsters, and noncompliant teens into dangerous gangs and threatening mobs. Fear is a magician. It turns hip-hop into gangster rap; plastic toys into guns; cigarillos, cell phones, wallets, brazenness, and

extended index fingers into high-caliber weapons. Fear is a revisionist history class. It turns people of color into the enslavers; Confederate soldiers into lynch mobs, Klansmen, night riders, and terrorists. Fear is a sniper. It takes dead aim, aims to kill, kills for sport and pleasure, is pleased to take souvenirs, and stuffs and mounts its trophies.

Survival guide for animals born in captivity: the trick is to get on the ground and fold yourself into a small, soft shape, to be in no way sudden, to smile but keep your lips tight-shut. The trick is: don't get smart, don't dream, don't imagine. Pull yourself up, but not too up. Don't forget you don't belong to anyone or anyplace at all. Don't flinch. Don't startle. The trick is: you were never meant to be let in. This life is not for you. Don't protest. Don't complain. The trick is: you buck against your skin. The boys look like men and the girls get exactly what they want. Surrender. Deserve it. The trick is: your body itself is a violence. This is all your fault.

The emperor's deer: their noises make you think they are crying or suffering. They have learned to bow. Even the fawns bow, centuries of bowing in their blood. They are not considered wild. Precious pests litter parks with dung, take over the roads, sweet nuisance worth saving. Thinning these herds is a last resort, once a capital offense to spill their endangered blood. They are so used to humans it is scary.

Our cries are heard as noise, our suffering considered natural.

Richard Krawiec, 319 Wilmot Drive, Raleigh, NC 27606 – Mr. Krawiec said hopefully, some of the Council members have children and can understand what this is about. He handed the City Clerk a book called *Resisting Arrest: Poems to Stretch the Sky*, then read the majority of each of the following poems from that book.

"Black Girls" – *for Hadiya*

When black girls are killed
sometimes
the sky opens
but mostly there is quiet
unless they die in groups
maybe like addie mae, denice, carole and cynthia
who died in 16th street baptist
in sunday school
with starched dresses
and Jesus
but mostly brown girls die everywhere
like juarez's maquiladoras and chicago playgrounds
didn't you know
black girls get murdered before the weather report
on the news but not

after sports
we cry
and what good is that?
it hurts
but well, life hurts right?
and then your twelve year old
daughter whose skin is gold
says all this murder
makes it hard to plan for the future
mama..like you may not make it to
be a woman..
and you stop her before the rest
before she can finish..
you will live, you say.
she knows this is a command
and she won't disobey you
because you are her mother
who knows what happens
to black girls. but you don't tell
her of all the black women who have been killed
over nothing, just nothing
and so
you won't tell her today. not
today.

– Kelly Norman Ellis

"We Can't Have Nothing"

We can't have nothing. Not our skin. Not our peace. Not our sanctuary.
Can't have nothing. Can't shop, can't swim, can't walk home. Can't pray.
Can't worship. Can't have candy. Can't sit in the car with friends with the
windows down, bathed in bass. Can't be a free black girl, free black child,
free black boy. Can't have courtesy. Can't ask for help. Can't have nothing.
Can't get the benefit of the doubt. Can't get called by the names we want to
be called. Can't sit in church, pray in a church, have a church, mosque, temple.
Can't have nothing. Can't have a nice day. Can't have an uninterrupted ride
home. Can't have a day when you don't have to look over your shoulder.
Can't have nothing. Can't have a day where you KNOW without a shadow
of a doubt that people you love will come home alive. Can't. Have. Nothing.

– Derrick Weston Brown

Khalif Hakim Stsallah Ruebin, 3509 Haworth Drive, Raleigh, NC 27609 – Mr. Ruebin said he woke up every day and wondered if he will make it the next day. He said every time he turns around, there is a cop asking him questions for no reason. It always seems another black man just dies, a black woman just dies, but all of a sudden, when it comes to us trying to do something good for our community, we get cops, we get people coming up to destroy our community. When we're trying to do a positive, they turn it into a negative. Every time we turn around in the world we're living in, we are always considered a threat, but we're the people who have been on this earth for the longest. All of a sudden, the people who created and brought us into this earth treat us like we're nothing and try to make it seem like every time we get killed it's over something. The media tells us lies and tries to make it seem like we had a reason to be shot. Every time I see a cop, I think of the KKK. They get away with murder and they wonder why black men and black women don't trust them, don't have conversations with them. In every situation, we have certain white people who try to stop them, but some assume it's okay for the cops do whatever they want, but it's a big disappointment when you wake up every day and think "Oh, I don't have to worry about getting harmed anymore," but suddenly it's the people who are unarmed who are getting harmed. Suddenly, we got shot. People say "It's your fault; you run." If you have a gun, it's not a toy; it's not something you play with. Suddenly we have cops who think they can do whatever they want without being punished. They seem to have more of a privilege. They cause all this damage and cause everyone to be a savage to our society. Another human body is dead and everyone wonders why this keeps happening, but they never have an answer. They just walk away from these situations, thinking "Oh, they're doing something about it." You're not doing a damn thing about it. That just makes society realize that if you're a black man, you are treated like a boy, and a black man's death is treated as a joy.

Kai Christopher, 3509 Haworth Drive, Raleigh, NC 27609 – Mr. Christopher stated Derek Dewayne Davis could not be here tonight and he would recite a poem for him. He asked, "What if I told you the real problem with police brutality was the hopelessness?" He said he would never forget when a cop told him that when he's off duty, he's afraid of the cops. Mr. Christopher asked the policeman what he would say and why he wouldn't tell them he was a cop. The officer responded "If the cop doesn't believe me, it could still be the same result. We're both black and we know black men get shot." Mr. Christopher said before he was born, his father was born in Watts, Los Angeles. Mr. Christopher's uncle was shot by the same officer in the O.J. Simpson trial. He said he will never forget his father walking him into the kitchen and he overheard his father tell him mother, "It's the same cop." They didn't know he could hear them, and he walked in and asked "What do you mean, the same cop?" At the age of 10, he learned from his parents that you can't trust the police and you can't expect them to be held accountable. No one ever told him cops were good; that was something he learned in school. Mr. Christopher was taught to be careful. He was taught if you ever think about speaking back, if you were ever caught slipping, that could be your last day. So he asked, what if the real problem is the hopelessness? What if the real problem is that there are so many people who believe nothing will ever be done and that they would rather go out in self-defense; that they would rather risk it all than to go out for nothing. There are people who don't believe that justice will ever come. There are people who will never walk into this room right here because they think that nothing will ever be done. He asked, "So what do we finally do?" There's a problem

of hopelessness; it's the stem. We're looking at crimes as if they are the problems, but they are just the fruit. If you want to get to the problem, you have to check the root. There are people who have no faith in this system. Because they have no faith in this system and because they have no faith in justice, there's nothing that anyone can tell them. They're becoming self-destructive, but that is still the fruit of the real problem, which is the hopelessness.

Derek Thomas, 3509 Haworth Drive, Raleigh, NC 27609 – Mr. Thomas read a poem into the record. At the end of the poem, he stated President Trump's answer to help "clear the carnage" in urban areas is to increase police presence, give them more weapons, and have them stop-and-frisk when "it's already a powder keg." This is not good, he stated.

Quayshaun Monte Weston, 3509 Haworth Drive, Raleigh, NC 27609 – Ms. Weston thanked everyone for coming together and said we've come a long way but have a long way to go. She sang a song called "Alley Cat."

Essence Shelton, 118 East South Street, Raleigh, NC 27601 – Ms. Shelton read the following statement into the record.

My name is Essence Shelton. My address is 118 East South Street and I'm a junior at Shaw University. I'm here because of the article printed recently in *The News and Observer* and my knowledge of the things I've seen around my campus being over-policed and the way police interact with my campus. Our president has clarified that she did propose a substation on our campus in an "exploratory letter" to the Raleigh Police Department. We are here to make clear that we don't believe a substation will improve relations with police and students or campus safety.

The majority of the time, I see police officers finding petty reasons to harass students, using City resources and wasting valuable time.

One time I saw a student smoking a cigarette and throw the cigarette on the ground. A police officer jumped out of the car, patted him down, handcuffed him, and eventually gave him a citation over a cigarette butt on the ground.

One time, I was walking, again on Person Street. I'll admit I was jaywalking and a Raleigh Police Officer found it necessary to use this City's resources to turn on his lights and sirens to pursue, interrogate me, and pat me down in the middle of the day on my way to class.

It's no wonder that Shaw students are afraid of police, that for us more police does not equal more safety. For me personally, I don't feel like I can even say "hi" to an officer. Actually, it's not a feeling, it's a reality. Last week, my phone was dead. I walked up to some officers in their vehicle to ask for directions. They shook their heads no, didn't even roll down their window.

Although it was our president who brought up the idea for the police on the campus, I know, and so many of our classmates know, this is not the right approach for Shaw. What we need, like the broader Raleigh community, is greater investments in our future: textbooks, new computers, building improvements, departmental investments, and more. Policing doesn't secure our future. It doesn't build leaders.

On a more basic level, we've already made significant investments in campus safety. Every single dorm got new cameras this year; 10 new campus security guards were hired, including a new chief; and sometimes there's even a K-9. I applaud Shaw University for taking matters into their own hands and the City Council for not making a quick decision on adding this substation when it was first presented in the fall. But if the request is still on the table, myself, the Shaw University student body, and the 500+ petition signers against the substation deserve to know the status of the request.

In closing, I STRONGLY urge this body, especially Corey Branch, my representative, to:

1. Clarify the status of the Shaw University and/or Southeast Raleigh substation and promise to reject the request if it moves forward.
2. Get those body cameras off the street until there's a stern policy that the Raleigh community has contributed to.
3. Create a strong system of checks and balances in Raleigh policing by supporting a Community Oversight Board.

SHAW STUDENTS and RALEIGH deserve better!

Mayor McFarlane told Ms. Shelton it is her understanding that the Shaw University president has clarified there will not be a substation on the campus.

Mayor McFarlane said she would like to address the PACT issues. Starting last spring, City officials have had many meetings with the group and have implemented many improvements.

- Written consent search forms were improved to prevent bias in stops and searches and the forms will soon be available in Spanish.
- The Internal Affairs Unit has developed an enhanced protocol for accepting and tracking citizen complaints and is focused on providing more timely updates to citizens.
- RPD is in its final stages of testing the body worn camera systems. They are testing multiple systems to find out which one will be the best for Raleigh. Citizens will be invited to participate in the policy development as soon as they decide which system they will be using going forward.
- RPD has increased training efforts of its Anti-Bias Policing Policy.

The Mayor said they have been listening and have been working with PACT. Councilor Branch had two community forums last week. One was at Chavis Park and one was at Barwell Road.

There were at least 100 participants at the first forum. There have been two communitywide conversations and there will be further conversations in each district. The first one will be February 13 from 6-8 p.m. at John Chavis Memorial Park. There has been a lot of community engagement and a lot of issues have risen to the top. The Mayor said she asks and welcomes everyone to come out to these meetings and meet their community neighbors to talk about all the issues that are important to them. There will be one meeting in each of the five districts and another citywide meeting at the end. She reminded the audience that the City does not have the authority for the type of oversight board the PACT members have requested as North Carolina is a Dillon's Rule state. She reiterated that changes have been implemented, that Council has listened to comments from PACT and the community and continues to listen, and she hopes everyone will participate in the district meetings.

MATTERS SCHEDULED FOR PUBLIC HEARING

STREET CLOSING STC-8-16 – PEARL ROAD AT CAMELOT VILLAGE AVENUE – HEARING – APPROVED; RESOLUTION ADOPTED

This was a hearing to consider a petitioned request to close right-of-way known as Pearl Road at Camelot Village Avenue according to Resolution 2016-437. Following the hearing, it would be appropriate to adopt a resolution authorizing the street closing, defer a decision or refer the item to committee.

Transportation Planning Manager Eric Lamb presented this item and showed a map of the proposed street closure. He explained this is an area in southeast Raleigh where the road used to follow the curve indicated in red on the map. As part of a development plan, it was reconstructed for future realignment. The same property owner owns the property on both sides of this right-of-way. This is a proposal to clean up part of the construction that took place previously. It meets all the City criteria for a street closure and staff recommends approval.

Mayor McFarlane opened the hearing and the following person spoke.

Howard Moye, P.O. Box 20667, Raleigh, NC 27619 – Mr. Moye stated he is the applicant for the street closure and explained that during the subdivision process, they realigned Pearl Road. This section of Pearl Road is abandoned and he owns the property on both sides of the right-of-way. He would like to close the street and incorporate it into the subdivision. It was part of the PUD (Planned Unit Development) that this would take place once the street was in place and paved, and that has taken place.

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

Ms. Baldwin moved to adopt a resolution closing the street as requested. Her motion was seconded by Mr. Branch and a roll call vote resulted in all Council members voting in the affirmative. The Mayor ruled the motion adopted on a vote of 8-0. See Resolution 448.

RALEIGH EXTRATERRITORIAL JURISDICTION – RELINQUISHMENT OF 15 ACRES TO WAKE COUNTY – HEARING CONTINUED TO MARCH 21, 2017

This was a hearing to proceed with the relinquishment of 15 acres of land from the City of Raleigh Extra Territorial Jurisdiction (ETJ) to Wake County. City Council received a citizen petition from William Long, Isabella Long, and Mason Williams during the November 15, 2016 meeting. The petitioners requested that City Council consider relinquishing 15 acres of land located within the Swift Creek Watershed from the Raleigh ETJ to Wake County. City Council directed staff to evaluate the consequences and precedent of relinquishment. During the January 3, 2017 meeting, City Council set a public hearing for February 7, 2016 to proceed with the relinquishment of the subject property.

The applicant does not yet have a legal description to include in the relinquishment resolution as required, and will need to perform a boundary survey of the property in question in order to meet this requirement. The applicant and staff are recommending that the public hearing be held open until the applicant can provide a legal description of the property being proposed for relinquishment. A date for the continued public hearing will be announced at this meeting.

Senior Planner Christopher Golden presented this item with the assistance of a PowerPoint presentation. This was a citizen-initiated petition received on November 16, 2016. On January 3, 2017 staff was directed to present the item for public hearing on February 7, 2017. A resolution containing a legal description of the property is necessary to accomplish the relinquishment request. The applicant needs a survey in order to prepare the legal description, and is currently in the process of obtaining a survey. Staff and the applicant request that the public hearing be held open until March 21 so a survey can be performed in order to obtain a legal description of said property.

Mayor McFarlane opened the hearing and the following person spoke.

Mack Paul, Esq., Morningstar Law Group, 1330 St. Mary's Street, Raleigh, NC 27605-1375 – Attorney Paul expressed his appreciation for holding the hearing open. This property has been in the family for many generations and in reviewing the record, it is taking some time to update the property description.

No one else asked to be heard and without objection, Mayor McFarlane stated the public hearing would be continued to March 21, 2017.

TEXT CHANGE TC-1-17 – HISTORIC DISTRICT DEVELOPMENT GUIDELINES – HEARING CONTINUED TO MARCH 21, 2017

This was a hearing to consider a text change to incorporate by reference an updated version of the *Historic District Design Guidelines*, which includes changing the name of the document from *Historic District Development Guidelines* to *Design Guidelines for Raleigh Historic Districts*

and Landmarks. These guidelines have been updated from the previous document to reflect changes in the field of historic preservation. The final document can be accessed at:

<http://www.raleighnc.gov/business/content/BoardsCommissions/Articles/RaleighHistoricCommission.html>

Below is a timeline of actions and activities which have occurred with the proposed guidelines prior to this hearing:

January 19, 2016	Draft adopted by the Raleigh Historic Development Commission
October 18, 2016	Brought to City Council
November 15, 2016	New public comments discussed by RHDC
November 15, 2016	Referred to Safe, Vibrant and Healthy Neighborhoods Committee
November 29, 2016	Safe, Vibrant and Healthy Neighborhoods Committee
December 6, 2016	Referred to Planning Commission
December 20, 2016	Raleigh Historic Development Commission voted on minor language edits
January 3, 2017	Planning Commission Committee of the Whole
January 10, 2017	Planning Commission recommends approval with minor language edits
January 17, 2017	Public hearing scheduled

Prior to the hearing staff will present an overview of the revised guidelines. Following the hearing, the Council may take action to approve, deny, or refer the text change to committee.

Planning and Zoning Administrator Gary Mitchell introduced this text change and said that basically, it is a name change in the UDO as outlined above. He turned the presentation over to Planner II Tania Tully, who offered the following PowerPoint presentation.

Why Update the *Guidelines*

The update seeks to:

- Remain consistent with historic preservation best practices
- Clarify several preservation issues where the 2001 *Guidelines* do not provide clear direction, such as cemeteries and landmarks
- Add certainty and greater predictability for applicants

The update addresses key questions:

- How are post-World War II and Modern (1945-65) architecture reviewed?
- Where do archaeological sites and cemeteries fit in design review?
- What kind of infill architecture is wanted downtown?
- What would make the *Guidelines* more relevant to individual historic landmarks?
- What does it mean for the *Guidelines* to embrace sustainability?

About Design Guidelines

- Evolving document first proposed by the RHDC and approved by City Council in 1975
- Not intended to prevent changes, but to guide alterations and new development in a way that preserves and respects historic properties and neighborhoods
- Used in conjunction with Special Character Essays and Landmark Reports
- Advocate repair over replacement

Use of Design Guidelines

- The *Design Guidelines* are for all seven Historic Overlay Districts
- Each district has a Special Character Essay that provides the planning and architectural context particular to each district
- State enabling legislation does not prescribe that new construction match the style of a district; rather, it states that the Commission is "to prevent [work] which would be incongruous with the special character of the landmark or district"
- Interpretation of the *Guidelines* is made by City Council-appointed citizens – RHDC

Major Changes

New text:

- Historic preservation and sustainability
- Cemeteries
- Non-residential additions
- Non-residential new construction
- New glossary terms

Text updates:

- Archaeological sites and resources
- Sustainability and energy retrofit
- Glossary of terms
- Review of individual historic landmark sites
- Post-World War II and Modern architecture
- Language updates for new construction and additions

Other Changes

- Title of document
- Formatting and branding
- New and updated photos
- Language to correspond with UDO
- Text tweaks to language to clarify various guidelines

Recent Changes

- Addition of language from the National Park Service's *Preservation Brief 14*, "New Exterior Additions to Historic Buildings: Preservation Concerns"
- Addition of definition of the adjective "Contemporary": "associated with or belonging to the present time"

Public Process

2010 Historic Preservation Fund Grant to update guidelines

Included multiple stakeholder input sessions from 2010-2016:

- Design Guidelines Review Group
- Public design review dialogues
- Web survey
- Community meetings
- Public comment periods (2011, 2014, 2015)

Consolidated Draft 2015

- Submitted and adopted by RHDC January 2016
- Referred to Council Committee November 2016
 - ◆ Edits recommended

Revised Final Draft 2016

- Approved by RHDC December 2016
- Planning Commission recommends approval of text change and *Guidelines* document January 2017
- Public hearing February 2017

Suggested Actions

- Approve the text change which would modify the name of the document
- Adopt the *Design Guidelines* as amended
 - ◆ New *Guidelines* to be in effect for next COA (Certificate of Appropriateness) application deadline

Mayor McFarlane opened the hearing and the following people spoke.

Don Becom, 308 North East Street, Raleigh, NC 27601 – Mr. Becom distributed several documents to the City Council. He stated he lives in Historic Oakwood and is a member of the Board of Directors of the Society for the Preservation of Historic Oakwood (SPHO). He is also Safety Chair for the neighborhood. Mr. Becom reported that on January 12, the Oakwood Board voted unanimously, with one abstention, to approve the first document he distributed, which is a letter to the City Council Neighborhoods Committee. He said this letter is a compromise proposal. The SPHO has brought several resolutions to the Council, taking from key parts from the U.S. Park Service's *Preservation Brief 14*. There are two sections in the Preservation Brief that they believe are extremely important and they would ask that these sections be added to the *Guidelines*:

- 3.2.13 It is not appropriate to construct an addition that is starkly different from the original building in terms of architectural style.
- 3.3.13 It is not appropriate to construct a new building that is starkly different from nearby buildings that contribute to the special character of the historic district, in terms of architectural style, materials, form, size, massing, proportion, roof shape, or overall appearance.

Mr. Becom said every time they have had a request for input in their neighborhood, whether it be an informal survey, neighborhood meetings, etc., a supermajority of the residents has asked for strengthened guidelines. As a compromise, they feel including the two sections above is the least the Council could do to support the special character of historic districts throughout Raleigh. Mr. Becom said the glossy sheet he distributed is the only example of the Department of Interior's guidelines that show how infill can be done appropriately in a neighborhood of diverse architectural styles. The infill was done in Portland, OR and is the only example cited by the Department of the Interior. Mr. Becom closed his comments by thanking the Council members for their consideration.

Don Davis, 603 South Boylan Street, Raleigh, NC 27603 – Mr. Davis stated he is Vice Chair of the RHDC. He read aloud language from *Preservation Brief 14* that the RHDC had added in the revised *Guidelines*. He believes the language covers the same concern relative to not having glaringly different additions or new buildings. There was a lot of public input over the years as the *Guidelines* were revised, and he hopes the Council will adopt the document.

Mr. Thompson clarified with Mr. Davis that the term "building" also includes homes in the historic districts and landmarks. Mayor McFarlane asked how much input had been received from other historic neighborhoods during this process. Mr. Davis replied these were open meetings; all the historic districts were invited and people from all the districts were present. Ms. Crowder asked Mr. Davis to define the term "glaring." He responded additions must be compatible with the building they are added to, and additions and new construction must be compatible with the surrounding buildings.

Dave Wiesner, 515 Euclid Street, Raleigh, NC 27604 – Mr. Wiesner stated he lives in Oakwood and is interested in historic preservation. He is coming before Council as a "regular" citizen, not a preservationist or architect, who has concerns about preservation in Raleigh. There are beautiful historic districts in Raleigh. A recent concern he has had is with infill, either new construction or additions to existing properties in historic districts. The question about what is "glaringly different" really applies here. He has the same kind of question, *i.e.*, what is the definition of "compatible"? There is a difference of opinion. The RHDC Commissioners help make that decision and as a private citizen, he feels there is a bias that happens. There are some people who view compatibility one way while others view it a different way. Mr. Wiesner commended the Council for having a lot of public hearings to get a lot of people's input into this. He participated in several. He expressed concern that a lot of public comment had been received but the *Guidelines* before the Council are somewhat of a compromise. As Mr. Becom mentioned, there is still a piece in this document that many people as very critical, and that is the two changes that were cited earlier. Mr. Wiesner encouraged the Council members to be open to the concerns of the public and the non-professional preservationists. He closed with a quote from Abraham Lincoln: "I'm a firm believer in the people. If given the truth, they can be depended on to make critical national decisions."

Matthew Brown, 601 East Lane Street, Raleigh, NC 27601 – Mr. Brown noted that the letter distributed by Don Becom was approved unanimously by the Board of Directors of the Oakwood Society. That Board is elected by the membership of the Society, which includes all residents of Oakwood, and he believes the Board was elected unanimously. He said this letter is the sentiment of the neighborhood as a compromise they could all live with. Mr. Brown said Mr. Davis mentioned the language from *Preservation Brief 14* that has already been added to the *Guidelines*, and he pointed out that language does not forbid an addition that is "glaringly different." All it says is that the *Guidelines* do not require it to be "glaringly different" or, to use the language in *Preservation Brief 14*, "starkly different"; it just has to be "different." This brings the Raleigh *Guidelines* in line with the best preservation practices of the National Park Service. Mr. Brown thanked the Council members for considering the opinions of the residents of the largest and most frequently visited historic district in the City.

Gail Wiesner, 515 Euclid Street, Raleigh, NC 27604 – Ms. Wiesner distributed documents to the City Council. She stated that if the Council members read Mr. Becom's handout, they will see what the dilemma is and why there is so much consternation here. The Secretary of the Interior's guidelines, on the Department's Web site and in its publications, recommend being as specific as possible. Ms. Wiesner said specificity gives reasonable predictability to applicants and to the Committee. The Committee membership changes constantly and many of the members are less experienced than the applicants, and they need good guidelines. The guidelines the City has are extremely vague and the Committee seems to want to keep it that way because they want to have flexibility and it gives them a lot of power. However, it causes confusion, hard feelings, and anger. The more specific you can be for any process, the better. Ms. Wiesner said the compromise they suggested is the spirit of *Preservation Bulletin 14*. The language incorporated to date is not giving a specific meaning. She talked to Mr. David about defining "contemporary" and saying it is "of our time," and cautioned him that people confuse that with "Modernist." Mr. Davis told her that's what the Committee wants it to mean. Ms. Wiesner said Modernist architecture was started in the early 1900s and since she doubts anyone in the room was born during that time, saying it is "of our time" is wrong. One of three questions asked during public meetings was "Do you want to see Modernist architecture in a Victorian neighborhood?" There were plenty of people present from other historic neighborhoods at those meetings and the majority said they did not. However, for some reason, that was ignored and the process continued. Ms. Wiesner said the residents feel they are compromising more than they probably should for good national practices and preventing disagreements. She reiterated the *Guidelines* need to be more specific in order to have proper function.

Paula Huot, 534 East Jones Street, Raleigh, NC 27601 – Ms. Huot stated she had attended the Safe, Vibrant, and Healthy Neighborhoods Committee meeting when this topic was discussed, and what the attendees understood from that committee and the excellent discussion is that the Council was looking for compromise. What Don Becom distributed and Matthew Brown talked about is the residents' compromise; that they don't want additions or new construction to be "starkly different." This is also consistent with *Preservation Brief 14*. Ms. Huot said she is amazed that the RHDC is resisting this. What one person thinks is compatible may be different

from another person's definition, and more specificity is needed. She asked that the Council give them this compromise position.

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

Mayor McFarlane asked if other historic neighborhoods, such as Mordecai and Boylan Heights, were included in the last round of discussions. Planner Tully replied the most recent general discussion where all seven historic districts were invited was 2015; then the RHDC voted in 2016. In the fall, notice was put on the City's Web site and the City e-blast.

Mayor McFarlane asked what the issue is with this language. Planner Tully said neither staff nor the RHDC has seen the exact SPHO language or vote. She knew a vote was happening, but does not recall seeing the final language. If she had seen the language, she would have taken it to the RHDC.

Ms. Baldwin asked how the language from the SPHO would impact the other historic districts. Planner Tully replied all the historic districts would be impacted the same way. The same guidelines are used for all districts; the difference comes with the Special Character Essay. Each district has its own periods of significance. Oakwood, for example, goes from the 1800s through the mid-1930s. Prince Hall goes all the way up to the 1960s. The definition of "compatible" will vary from district to district because each district has a slightly different character. The main difference Planner Tully sees, irrespective of the language suggested by the SPHO and the language suggested by the RHDC, is that the Commission's language was placed in the guiding section of the *Guidelines*. Each section of the *Guidelines* has two pages. One is things to consider as you plan and the other is the actual guidelines. The SPHO is suggesting the addition of two brand-new guidelines that appear to include some language that is already in some of the other guidelines. They are suggesting the addition of two new guidelines, one in new construction and one in additions, as opposed to changing the existing guidelines. Mayor McFarlane asked if the other historic districts had weighed in on that. Planner Tully said she did a tally at the Committee meeting and there were one or two people from different districts. However, most of the disagreement has been from Oakwood, specifically.

Mr. Branch asked what the negative impact would be if those two additions were inserted. Planner Tully responded she has not had time to analyze the language. Essentially, over time, the RHDC would have to define "starkly different." There is no definition for "compatible" because it is different for every district and there are 12 or 13 different guidelines. The RHDC does listen to the neighborhoods.

Mayor McFarlane asked if Section 3.2.13 proposed by the SPHO says the same as the RHDC language. Planner Tully replied not exactly. The Commission language says it doesn't have to be different, the proposed SPHO language says it should not be different.

Mr. Gaylord said both SPHO sections state that new houses or additions have to be exactly the same as nearby buildings, which negates the entire intent of the *Guidelines*. The Contemporary

Art Museum would not be able to be constructed under the SPHO guidelines because it is starkly different from the surrounding buildings and therefore would not have met those guidelines. He said the RHDC has done a significant amount of work to listen to the community and has come forward with a very good proposal, and the proposed changes from the SPHO would gut what the Commission has done.

Mr. Stephenson said he would like to speak on this subject as an architect, a preservation consultant, and a person who has worked with the State Preservation Office and the National Park Service and used the Preservation Briefs in renovation projects. He said updates to the *Raleigh Historic Development Guidelines* are important to bring the City into the 21st Century. Many aspects of historic preservation were not included in the first draft. Mr. Stephenson said it comes down to two things: additions to historic buildings in historic districts and new infill construction in historic districts. He suggested there are two tests for an appropriate guideline. One is, does it reflect national best practices? That is put forward by *Preservation Brief 14*. He spoke to the principal author of that document and confirmed the changes they made to the Preservation Brief for guidance in doing additions to historic buildings in historic neighborhoods were in response to the fact that they were finding that the original guidelines were yielding results with too much differentiation. They were too far away from the historic district fabric that was in the historic district. As a result, they wrote new guidelines with new language that met the national best practice standard. The other test is community values. Dan Becker, former Division Manager in the Raleigh Department of City Planning, spoke to that at the Safe, Vibrant, and Healthy Neighborhoods Committee meeting and to Mr. Stephenson privately as well. Mr. Becker said the *Guidelines* should do two things: they should reflect national best practices and they should reflect community values. Mr. Stephenson said that three times over the course of three years, Council has heard from the elected Board of Oakwood, which is the premier preservation community in the City of Raleigh with the largest preponderance of property owners who are regulated by these *Guidelines*, that the guidelines for infill additions and new construction don't reflect national best practices and don't reflect their community values. Mr. Stephenson said as a preservation professional, he disagrees with Mr. Gaylord's comment that the two additions proposed by the SPHO will gut the RHDC standards. The standards will always be interpreted by the people the Council appoints to the RHDC and it will be up to them to decide what those words mean. Mr. Stephenson said he does not see where these two additions do substantial harm.

Mr. Stephenson moved to add the two SPHO items into the draft RHDC *Guidelines* and approve the amended document. His motion was seconded by Mr. Cox.

Mayor McFarlane state she knows what the issue is, but she is concerned that the other historic districts are not part of this discussion, even though they helped develop the *Guidelines*. She understands the theory behind the two proposed additions, but does not want a Disney-fied copycat of old houses filling up those neighborhoods, which is what this feels like to her.

Ms. Baldwin said there was extensive discussion on this in the Safe, Vibrant, and Healthy Neighborhoods Committee. Basically, the Committee added the language the Planning

Commission had added, including the term "contemporary." That was the compromise the Committee brought forward. Ms. Baldwin shares the Mayor's concern about not having input from other communities. She thinks everyone is reacting to one instance, which is the modern house (the Cherry house) in Oakwood. Ms. Baldwin stated Council appoints the members of the RHDC based on their expertise and Council needs to trust them to make the right decision. She is also concerned that the language proposed by the SPHO takes away any flexibility from the RHDC in making decisions, and there will be unintended consequences if the language is added.

Mr. Stephenson said he respects the work of the RHDC, but its role is not to have a lot of flexibility; its role is to interpret the *Guidelines* based on national best practices and community values. He said the reason the other historic districts have not weighed in on this matter is that they have not been faced with modern houses or additions being built in their districts.

Mr. Thompson commented that the Council wants the protection of historic neighborhoods, but does not want neighbors suing each other as has happened before. That is not good for individuals, their neighborhood, or the City, and it is shameful. He said after all the study that has been done, handing this revised document to the City Council at the 11th hour is not reasonable or fair. It is also not fair that the other historic districts have not seen the document.

Mr. Branch made a substitute motion to hold this item for two weeks. Mr. Thompson asked if it could be held longer. Ms. Crowder asked if 30 days would be enough time to consult with the other historic districts and obtain their input about the two changes proposed by the SPHO, and Planner Tully replied it was. She asked if Council would like staff to take this specific language to the RHDC at its next meeting on February 21, and the Council replied affirmatively. Mayor McFarlane added that the Council also wanted RHDC's input. City Attorney Tom McCormick suggested the Mayor re-open and continue the hearing so Council could receive this new information.

Ms. Crowder asked what areas would discuss the language. Planner Tully replied there are seven local historic overlay districts. Six are general historic overlay districts, where an entire lot is reviewed. They are Oakwood, Boylan Heights, Prince Hall, Capital Square, Moore Square, and North Blount Street. The seventh and newest, Glenwood-Brooklyn, is a streetside historic overlay district. It uses the same guidelines but only certain portions of a parcel are reviewed.

Without objection, Mayor McFarlane re-opened the hearing and continued it to March 21, 2017.

REZONING Z-22-16 – SIX FORKS ROAD CONDITIONAL USE DISTRICT – HEARING – TO BE PLACED ON THE FEBRUARY 21, 2017 AGENDA AS A SPECIAL ITEM

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

Senior Planner Bynum Walter presented this item with the assistance of a PowerPoint presentation. Slides included a map showing the existing and surrounding zoning (site is on the east side of Six Forks Road just south of the Bainbridge Apartments); an aerial view of the property; views of the site from Six Forks Road; existing v. proposed zoning (changes relate to setbacks, permitted industrial square footage for self-service storage use [just under 200,000 sf], and the build-to requirement resulting from Parking Limited frontage); proposed conditions; Future Land Use Map (designates site as Office and Residential Mixed Use); Urban Form Map (Six Forks Road is a Transit Emphasis Corridor); Comprehensive Plan analysis (request is inconsistent with the Future Land Use Map and some relevant Plan policies); and recommendations (Planning Commission recommended approval 9-0 because the proposal would provide public benefits, including the provision of storage space that would serve nearby properties, that outweigh the inconsistencies with the proposal; North CAC supported the proposal 28-4).

Mayor McFarlane opened the hearing and the following person spoke.

Michael Birch, Esq., Morningstar Law Group, 1330 St. Mary's Street, Raleigh, NC 27605-1375 – Attorney Birch stated he represented the applicant. Based on conversations they have had with the surrounding property owners and a few Council members, they would like to submit additional conditions regarding hours of operation, hours for dumpster service, additional architectural features, interior lighting, and limiting the building size. Once the hearing is closed, two weeks should be a sufficient amount of time for the applicant to submit revised conditions.

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

Without objection, Mayor McFarlane announced this rezoning would be a Special Item on the February 21, 2017 Council agenda.

REZONING Z-24-16 – LITCHFORD ROAD CONDITIONAL USE DISTRICT – HEARING CONTINUED TO MARCH 7, 2017

This was a hearing to consider a request by Eagle Land, LLC to rezone approximately 4.57 acres from Neighborhood Mixed Use – 3 Stories – Conditional Use (NX-3-CU) to Commercial Mixed Use – 3 Stories – Conditional Use (CX-3-CU). Conditions limit uses primarily to self-service storage, single-unit living, and remote parking; conditions also address impact on adjacent properties. The proposal is inconsistent with the Future Land Use Map. However, it would provide storage space in an area adjacent to residents and businesses, has conditions to mitigate

impact, and has addressed transitions to adjacent properties. The Planning Commission recommends approval of the request.

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.

Senior Planner Bynum Walter presented this item with the assistance of a PowerPoint presentation. Slides included a map showing the existing and surrounding zoning (site is located at the intersection of Litchford Road and Dixie Forest Road); an aerial view of the property; views of the site from Atlantic Avenue, Old Wake Forest Road, Dixie Forest Road, and Litchford Road; existing v. proposed zoning (biggest changes are large reduction in dwelling unit allowance and addition of permitted industrial square footage for self-service storage use [185,000 sf]); proposed conditions (significantly limited uses except for self-storage); Future Land Use Map (designates site for Moderate Density Residential); Urban Form Map (Old Wake Forest Road is an Urban Thoroughfare and the site is located in a City Growth Center); Comprehensive Plan analysis (request is inconsistent with the Future Land Use Map and some Plan policies); and recommendations (Planning Commission recommended approval 7-0 because the proposal would provide public benefits and includes conditions to mitigate impact, provides storage space in an area adjacent to residents and businesses, and has addressed transitions to adjacent properties; North CAC supported the proposal 8-1).

Mayor McFarlane opened the hearing and the following people spoke.

Isabel Worthy Mattox, Esq., P.O. Box 946, Raleigh, NC 27602-0946 – Attorney Mattox stated she represented The Carroll Companies, developer of the Bee Safe storage facilities. She named the other development team members who were present, including Ian Phillips of Carroll Companies and Bradley Bowling, P.E. of Priest Craven & Associates, Inc. Attorney Mattox said Senior Planner Walter did a good job of summarizing this case, but she would like to emphasize a few points. She used a PowerPoint presentation to help in this regard. Attorney Mattox stated this rezoning request is technically inconsistent with the Comprehensive Plan mainly because of the Future Land Use Map, but the existing zoning is also inconsistent, as was the zoning before that. She does not believe it is critical to consider the Future Land Use Map in this instance because this property was departed from that a long time ago. Attorney Mattox pointed out the rezoning request is consistent with the Urban Form Map. The subject property is located at the very challenged intersection of two major thoroughfares and is in a City Growth Center. Slides in her PowerPoint presentation which she reviewed in detail with the Council included the effects of rezoning (permitted land uses on the parcel), a trip generation report, a public benefits and reasonableness analysis, pictures of Bee Storage facilities in Greensboro and Wakefield, NC to show the high quality materials and finishes used by the company, consistency with the Comprehensive Plan, and an Urban Form Map.

Dionne Brown, P.E., Davenport Engineering, Inc., 4600 Marriott Drive – Suite 350, Raleigh, NC 27612 – Ms. Brown is the traffic engineer for this project. She reviewed with the Council the slide of the trip generation report. The report compared the Bee Safe storage facility

in Greensboro, NC to the Self-Storage ITE Manual (Code 151), retail use, general office use, and single family detached homes with regard to weekday daily trips, daily peak hour trips, Saturday daily trips, and Saturday peak hour trips. Engineer Brown stated the report shows the Bee Safe storage facility will generate very few trips on the site, especially as compared with the other uses.

Attorney Mattox pointed out the dramatic difference in the weekday daily trips column that showed 177 for Bee Safe Storage versus a possible 4,872 for 60,000 square feet of retail use. She said she knows there has been commentary about the necessity of a self-storage facility, but Raleigh is growing a lot. There is a lot of new apartment development in Raleigh; people are living in smaller places and need storage for their belongings. Attorney Mattox said Senior Planner Walter summarized the conditions well, and she pointed out the applicant has reduced the allowable uses considerably. This will be self-storage capped at 185,000 square feet. With regard to the buffer transition, the Comprehensive Plan policies staff deemed the applicant inconsistent with related to whether this is an appropriate transition to the single family low-density residential to the south of this site to the more intense uses across Atlantic Avenue and Dixie Forest Road and the very intense road network at this location. She and her client believe it is a very appropriate transition because Bee Storage is an office building. She showed the slides of the Greensboro and Wakefield sites. The applicant has committed to high quality building materials and a minimum of two stories addressing Litchford Road and Dixie Forest Road. The maximum number of stories allowed would be three. The applicant also proposes to put a tree conservation area adjacent to the single family development. Attorney Mattox pointed out some of the public benefits they are offering include a transit easement within a transit buffer. The rezoning will facilitate road widening and addition of sidewalks. They are working with staff and the North Carolina Department of Transportation (these are NCDOT roads) on the possible installation of a crosswalk. They will provide much needed self-storage to an area with many apartment complexes and storage needs. This use will provide a much better buffer than the current permitted land uses.

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

Mr. Cox asked how large the signs are on the building and Attorney Mattox replied they don't have a commitment to do anything less than what the sign ordinance allows. Mr. Cox asked if the applicant would commit to smaller signage without the giant hive and bumblebee. Additionally, Mr. Cox said he is very familiar with the Bee Safe storage facility in Wakefield. It has a lot of tall, narrow windows and the building is lit up all night long, making it very bright. He asked if the lighting could be attenuated. Ian Phillips of The Carroll Companies replied they could change the tint shade on the window, which they have done in other Bee Safe facilities. Mr. Cox asked if there was a specification as to how much lighting that would reduce, and Mr. Phillips said he did not have that information currently. Ms. Crowder commented that might be why it isn't a very good transition buffer to a neighborhood. Attorney Mattox pointed out the windows will be on the side(s) of the building facing the streets. Mr. Thompson said the problem with that is that there is residential development behind the building, which means those

residents will be viewing the back end of the building, which isn't very pretty. Later in the discussion, he said he would like to see an elevation of the back of the building.

Mr. Thompson stated he also has a problem with the hours of operation. Six a.m. to 11:00 p.m. are too early and too late and they will not be acceptable to the neighbors. He thinks the hours should be no earlier than 7:00 a.m. and no later than 9:00 p.m. A member of the applicant's development team said those hours came directly from their customer input and were discussed at the CAC meeting. Mr. Thompson replied they may have been, but he represents that district and can tell Mr. Phillips the neighbors won't be happy about those hours. Mr. Thompson asked if there are any restrictions on the hours for dumpster collection and Mr. Phillips replied they are willing to discuss that. Attorney Mattox said they can look at all the issues that have been raised.

Mr. Cox said Council recently approved a rezoning for the land next to the Sheetz station. The applicant in that case went to a smaller format signage on that property. A smaller format signage in this rezoning case would be consistent with what is on that property next to Sheetz. Attorney Mattox said the Bee Safe signage is a prototype the company likes to use because they have brand recognition. Mr. Phillips stated the Bee safe sign is 120 square feet overall. This is consistent with other jurisdictions, although Greensboro might be larger, and proportionate to the building. They would entertain the possibility of smaller signage; they certainly don't want to be outlandish or set out in the community.

Ms. Crowder stated this rezoning request is inconsistent with everything except the Urban Form Map, and this is not even in an urban area. She said she cannot support this case. Attorney Mattox responded they are consistent with many of the Comprehensive Plan policies; staff found them to be consistent with five or six policies. She also thinks they are providing a good buffer transition. Attorney Mattox said they will provide a rear elevation and could probably commit to building materials on the rear of the building. They were doing mainly what the Planning Commission asked them to do. She said they did not receive a lot of public input, but the North CAC was generally in favor of this use. Mr. Cox said he was at that CAC meeting and he knows many people favored this because of the low traffic impact and because this is a very congested area at rush hour.

Attorney Mattox asked if Council would hold the case at the table for two weeks. Mr. Thompson said he did not think that would give the applicant enough time to address Council's concerns. Attorney Mattox reminded the Council that the existing zoning of NX is inconsistent with the Future Land Use Map recommendation of Moderate Density Residential, and so was the prior zoning of O&I-1.

Attorney Mattox said she hopes to be able to reach out to individual Council members, especially Mr. Thompson and Mr. Cox. She summarized the issues raised by Council today: the size of the sign, interior lighting, reduction in the hours of operation, dumpster collection hours, and a request for a depiction of the rear elevation. The Mayor reminded her that the Council would be holding its annual retreat the next three days.

After brief discussion of timelines, Mayor McFarlane, without objection, continued the hearing to March 7, 2017.

REZONING Z-30-16 – VARSITY DRIVE CONDITIONAL USE DISTRICT – HEARING CONTINUED TO FEBRUARY 21, 2017

This was a hearing to consider a request from 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). 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.

Senior Planner Bynum Walter presented this item with the assistance of a PowerPoint presentation. Slides included a map showing the existing and surrounding zoning; an aerial view of the property; views of the site from Avent Ferry Road and Varsity Drive, and their intersection; existing v. proposed zoning (increase in density and setbacks, decrease in office use, decrease in retail use); proposed conditions; Future Land Use Map (designates site for Neighborhood Mixed Use); Urban Form Map (Avent Ferry Road is a Transit Emphasis Corridor); Comprehensive Plan analysis (fully consistent, no inconsistent policies identified); and recommendations (Planning Commission recommended approval 8-1; West CAC supported the proposal 7-1).

Mayor McFarlane opened the hearing and the following people spoke.

Steve Gurganus, AICP, Womble Carlyle Sandridge and Rice, LLP, 555 Fayetteville Street – Suite 1100, Raleigh, NC 27601 – Mr. Gurganus stated he is a land planner with the law firm of Womble Carlyle and John Cook is his supervising attorney. He named the other members of the applicant's development team who were present. Mr. Gurganus said this property was rezoned in 2006 and was remapped to NX-4 during the UDO remapping process, both with conditions. There was an unsuccessful and somewhat controversial rezoning in 2015. They studied the unsuccessful rezoning in an attempt to rectify as many things as they could. Now they have a different developer, a different team, a different project, and a different approach. In the summer of 2016, Council granted the applicant a waiver. They are now asking for RX-5 zoning with a 62-foot height cap and Green Frontage. In its presentation to the Planning Commission, staff called this a downzoning. Mr. Gurganus emphasized they are only asking for two additional feet in entitlement. This project replaces an important but increasingly

obsolete-functioning apartment complex on a notably underdeveloped parcel that is surrounded by other multi-unit development. It is located across institutional uses at NC State University and across from the Centennial Research Campus, which is critically important to NC State. It is on a Transit Emphasis Corridor; Avent Ferry Road and Varsity Drive is probably the most important transit "ground zero" after Moore Square Station. The development will not loom over its neighbors. The applicant met with City Planning and Transportation staff in the spring, with NC State in May, and with the neighbors in July. They had four meetings with the West CAC and ultimately gained their support with a 7-1 vote. The case was later presented to the Planning Commission and there was no opposition there. The one opposing vote related to the status of the Avent Ferry Road Corridor Study, which is now underway. Mr. Gurganus said the applicant added very detailed conditions regarding design and included a 2,500-foot outdoor amenity area between the front of the building and the right-of-way, even though it is not required by the UDO. There is a limit to the units and there are no 4-bedroom or 5-bedroom units proposed for the project. There are no rooftop amenities. There are limits to the number of balconies on the site, or there will be in the final conditions they submit. There is no attic on the project and no basement on the project notwithstanding the portion of the half of one level of parking that is below grade. There is no additional sloping site-related floor on the site; five levels is five levels on this project. To the best of their knowledge, the project conforms to TC-17-16 – Attics and Basements. Mr. Gurganus said they think they have a landmark design in a landmark location with minimal additional entitlement, more conditions than with the current zoning of NX-4-CU, and a project for which Council has greater assurances as to the outcome on the site. Mr. Gurganus asked that the remainder of the eight minutes be reserved for rebuttal to any opposition.

Collin Bober, 560 Brent Road, Raleigh, NC 27606 – Mr. Bober stated he is Co-Chair of the West CAC. He said the developer came to three meetings and met with the leadership of the CAC. They were supportive, met with the neighbors, and worked quite a bit in light of what happened with the previous rezoning. They were willing to work with the CAC and add conditions to the case. The seven yeses were mainly because people want new development in the area, especially new development that doesn't dwarf the adjacent properties. The applicant wants to call this project a catalyst to revitalize the area. The one dissenting CAC vote was related to stormwater concerns and the developer is willing to work with the City on that. Mr. Bober noted the developer has to follow the City's stormwater guidelines, anyway.

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

Ms. Crowder said she and Mr. Gurganus have had lots of meetings. She very much appreciates the applicant and his team working with her and the neighbors; however, there seem to be a few things they discussed that are missing from the conditions. She suggested closing the hearing so the applicant can file revised conditions. That would give them 30 days before they have to return to the Council for a vote. Mr. Gurganus said they anticipated that and have already begun drafting revised conditions.

Mr. Stephenson said he met with Mr. Gurganus and two members of the development team last week and saw very detailed renderings. He liked the building he saw and would like to see it built. Mr. Stephenson held up one of the drawings for people to see. He said part of their discussion was how the Council can be guaranteed it will get that design. The applicant had researched the UDO and found out it allows a developer to incorporate renderings into the zoning conditions with certain restrictions. Mr. Gurganus dropped off revised conditions this afternoon, and Mr. Stephenson said he could not tell from those conditions whether the applicant plans to restate the picture in several thousand words in the conditions or will commit to including the picture.

City Attorney Tom McCormick cautioned that the Council cannot condition a particular building. There is no way to guarantee the applicant will build what Mr. Stephenson has a picture of. Mr. Stephenson cited language from the UDO that he thought was applicable to his desire. He asked if the City Attorney was saying that if the applicant wanted to go by the drawing, he would have to convert it all into words, and Mr. McCormick told him that was correct. Mr. Stephenson asked Mr. Gurganus if that was his intent. Mr. Gurganus stated his intent is to submit a rendering but do what the UDO requires, which is make sure the rendering illustrates the words that are in the written conditions. He said they have already started elaborating on the details. City Attorney McCormick again cautioned everyone they need to be very careful, because even though this is a conditional use case, they are beginning to stray into contract zoning.

Ms. Crowder reiterated the applicant and his development team have made a good effort to produce a really good product. This is important, because this site is one of the entrance points for the Centennial Campus, and she appreciates the hard work that has gone into this. However, she thinks a few little tweaks need to be made to get this to where Council needs it to be. If Mr. Gurganus thinks 30 days is ample time, Council can close the hearing. Senior Planner Walter stated that if the hearing is closed, the applicant only has 30 days to submit new conditions, which doesn't leave a lot of time for conversation. Mr. Stephenson said they've had the conversation that everyone likes the picture, but they have not had the conversation relative to whether or not the words will produce that product. He has just started comparing the words to the drawing and in his opinion, there is no way the applicant could take these words and end up with that drawing.

Ms. Baldwin asked Ms. Crowder what conditions she is expecting to see come forward. Ms. Crowder replied that under Condition #2 they spelled out the bedroom percentages, and that is missing. Lighting needs to be worked out because part of the parking deck is above ground and it backs up to a condominium project. She wants to make sure the right kind of lighting is used so there is no problem for the existing homeowners behind the parking deck. Ms. Crowder said she received the revised conditions late this afternoon and hasn't had a chance to review them. She would like 30 days to be able to read the revised conditions thoroughly.

Mr. Gurganus pointed out some of the other design details in the written conditions. They are proposing cisterns for the back side as a first effort to address any remaining stormwater

concerns; lighting where the filament or diode will not be visible; more details for the outdoor amenities area, such as planters and benches, to make it a comfortable area for people to use; and no rooftop amenities.

Mr. Thompson commented that he does not want the Council to get too fixated on the verbal description of the building and what it is going to look like. Council saw two self-service storage projects this afternoon and did not ask the same of those developers. Council needs to keep the same standard. Mr. Stephenson reminded the Council members that they have seen applicants produce renderings to get Planning Commission support for a project, then they were unable to commit to conditions that carried through that rendering. Mr. Gurganus said he will consult with the City Attorney and Planning staff regarding what type of rendering the applicant might be able to include that would illustrate those written conditions.

Brief discussion ensued relative to closing the hearing. Mr. Gurganus suggested leaving the hearing open for two weeks would be the safer route.

Without objection, Mayor McFarlane the hearing would be continued to February 21.

REZONING Z-34-16 – GLENWOOD AVENUE CONDITIONAL USE DISTRICT – HEARING – APPROVED; ORDINANCE ADOPTED

This is a hearing to consider a request from Emory Campbell, LLC to rezone approximately 0.62 acres from Residential-6 (R-6) to Office Mixed Use – 3 Stories – Parking Limited – Conditional Use (OX-3-PL-CU). Conditions limit uses and address impact on adjacent properties. The proposal is inconsistent with the Future Land Use Map. However, it provides a public benefit by allowing slightly more intensive development along a corridor well-served by transit and by lessening the likelihood of multiple curb cuts on a major street. The Planning Commission recommends approval of the request.

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.

Senior Planner Bynum Walter presented this item with the assistance of a PowerPoint presentation. Slides included a map showing the existing and surrounding zoning; an aerial view of the property; views of the site from Glenwood Avenue; existing v. proposed zoning (increase in number of dwelling units, change to build-to, increase in setbacks, increase in office use from zero to 19,110 square feet); proposed conditions; Future Land Use Map (designates site for Low Density Residential); Urban Form Map (Glenwood Avenue is a Transit Emphasis Corridor); Comprehensive Plan analysis (consistent with the exception of the Future Land Use Map); and recommendations (Planning Commission recommended approval 6-1 because the proposal provides a public benefit by allowing slightly more intensive development along a corridor well-served by transit and by lessening the likelihood of multiple curb cuts on a major street; Glenwood CAC supported the proposal 10-0.

Mayor McFarlane opened the hearing and the following people spoke.

Mack Paul, Esq., Morningstar Law Group, 1330 St. Mary's Street, Raleigh, NC 27605-1375 – Attorney Paul stated anyone who has lived in Raleigh for more than five years is familiar with the Palm Reader House. It is the last single family residential property facing Glenwood Avenue on this side of Glenwood Avenue between Oberlin Road and the Beltline. Over time, these properties have transitioned to low intensity office use and this request is part of that trend. Applicant Jeremiah Jackson, who is present tonight with Jim Harris, who is helping him, will move his law firm from the Six Forks Road Corridor to this location. The neighborhood is very engaged and worked with the applicant on the conditions; some of the neighborhood residents are also present tonight. This site is the low area, so the surrounding neighbors are draining onto the property and stormwater issues are less of a concern.

Mayor McFarlane asked about the setbacks. Attorney Paul responded that they have Parking Limited Frontage, which would allow between zero and 100 feet, but they prohibited any parking between the office building and the street. There has to be some connectivity and sidewalk to the street. The applicant is working with staff and understands this is consistent with the Urban Form Map. Most of the offices along Glenwood Avenue are not right up on the street. They are trying to move in a more urban direction by having no parking. There will be direct pedestrian access as well as a transit facility.

Mr. Stephenson asked if there is a condition regarding building materials. Attorney Paul said there is not, as it didn't come up in any conversations. Mr. Stephenson said this is a high visibility area and the building should have high quality materials; everything being built around the subject property is being built with high quality materials. He asked if the applicant is willing to commit to a percentage of brick on the principal façade. An unidentified speaker (probably Mr. Jackson) responded from the audience that wants the building to be of high quality stone. Attorney Paul stated he has a condition he uses frequently that lists a range of materials. By not specifying certain materials, such as stucco, the project will get to high quality materials. He pointed out there is a two-story orthodontist's office immediately next door that is covered with siding, but many of the buildings in the area are brick. The applicant is open and amenable to adding a condition, if building materials is a concern; however, Attorney Paul noted the applicant has not seen the frequently-used condition with the list of building materials and he would need to explain it to the applicant.

Mayor McFarlane opened the hearing and the following people spoke.

Daniel Gunter, 114 Lake Boone Trail, Raleigh, NC 27608 – Mr. Gunter stated the back corner of his back yard abuts the subject property. On June 2, he received an e-mail from Mr. Harris about the proposed development. Throughout the rezoning process, Attorney Paul, Mr. Jackson, and Mr. Harris met with the neighbors numerous times and listened to all their requests, and all the requests they made are included in the project. Mr. Gunter has no concerns. He has talked to all the neighbors whose properties abut the subject property, and they have no concerns. Mr. Gunter shares a back yard with his neighbors and together they have a total of four children. Removing the Palm Reader House will be a wonderful development in their back yard. He

emphasized again how open the developer has been with the neighbors, and how he listened to their concerns and took those concerns to heart.

Mark West, 110 Lake Boone Trail, Raleigh, NC 27608 – Mr. West stated he lives directly behind the subject site. Mr. Jackson and his development team have been engaged with Mr. West and his neighbors since June. The existing property is an overgrown eyesore with people going in and out all the time. This is not what he and his neighbors want for raising their families in the area. Mr. West said Mr. Jackson and his team reached out directly to the neighbors to ensure consistency with what they want. They are excited about this building and believe it would be an asset to their families. They have excellent communication with Mr. Jackson. Mr. West is very impressed with how Mr. Jackson has dealt with them, and he votes to move forward.

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

Mr. Gaylord stated this property is in his district. While he appreciates Mr. Stephenson's concerns and thinks a condition about building materials is generally used to get around the use of EIFS or vinyl siding, he does not think there is any probability of Mr. Jackson putting either of those materials on his law office.

Mr. Gaylord moved to approve rezoning Z-34-16. His motion was seconded by Mr. Branch.

Mr. Stephenson offered a friendly amendment to add a condition along the lines that "the predominant materials will be glass, steel, stone, brick, architectural CMU, hard coat stucco" and anything else Attorney Paul can think of. (**Clerk's Note:** CMU is concrete masonry unit.)

Mr. Gaylord said if this causes a problem or a challenge or slows down the project, he is not interested in pursuing that amendment; however, it is not a problem. As long as the condition includes cementitious siding, wood, steel, glass, stone, brick, and architectural masonry, it covers everything except EIFS and vinyl siding. Mr. Stephenson said that was good, so Mr. Gaylord accepted the friendly amendment.

Attorney Tom McCormick advised the Council that if they wanted that condition added, the hearing would have to be closed and Council would not be able to vote tonight. Mr. Gaylord retracted his acceptance of the friendly amendment.

Mayor McFarlane called for the vote on Mr. Gaylord's original motion for approval of rezoning Z-34-16. A roll call vote resulted in all Council members voting in the affirmative. The Mayor ruled the motion adopted on a vote of 8-0. See Ordinance 668 ZC 740.

REZONING Z-36-16 – NORTH TARBORO STREET CONDITIONAL USE DISTRICT – HEARING – APPROVED; ORDINANCE ADOPTED

This was a hearing to consider a request from Saint Augustine's University to rezone approximately 0.78 acres from Residential Mixed Use – Three Stories (RX-3) to Office Mixed Use – 3 Stories-Conditional Use (OX-3-CU). Conditions limit uses and specify height and materials in the event of redevelopment. 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.

The proposal was received by the City Council on January 17, 2017. Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Senior Planner Bynum Walter presented this item with the assistance of a PowerPoint presentation. Slides included a map showing the existing and surrounding zoning; an aerial view of the property; views of the site from East Lane Street and North Tarboro Street; existing v. proposed zoning (increase in office intensity from 3,795 square feet to 19,110 square feet); proposed conditions; Future Land Use Map (designates site for Medium Density Residential); Urban Form Map (there is no Urban Form Map designation); Comprehensive Plan analysis (consistent with the exception of the Future Land Use Map); and recommendations (Planning Commission recommended approval 9-0 because the proposal is consistent with the Comprehensive Plan overall, will provide a public benefit by allowing for a greater mix of uses in the area, will allow for more consistent zoning for St. Augustine's University properties, and will support Comprehensive Plan Policy ED 4.7 – Supporting Colleges and Universities; North CAC supported the proposal 14-0).

Mayor McFarlane opened the hearing and the following people spoke.

Mr. Gaylord said he did not see glass or stone in the list of exterior materials in the conditions and he does not want to get into a bind by not including glass. Mayor McFarlane told the applicant the Council is trying to open up the condition to more materials, if he wants.

Andre Johnson, Andre Johnson Architect (no address provided) – Architect Johnson said the materials in the condition were listed as the predominant materials. They are trying to keep in character with the neighborhood and not have a metal panel building. The building will have windows.

Mr. Gaylord said if these materials are listed as predominant, that's fine. He just wanted to make sure the applicant "was all right there."

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

Mr. Branch moved to approve rezoning Z-36-16. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all Council members voting in the affirmative. The Mayor ruled the motion adopted on a vote of 8-0. See Ordinance 668 ZC 740.

REZONING Z-39-16 – GREEN ACRES LANE CONDITIONAL USE DISTRICT – HEARING CONTINUED TO FEBRUARY 21, 2017

This was a hearing to consider a request from 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). 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. Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Senior Planner Bynum Walter presented this item with the assistance of a PowerPoint presentation. Slides included a map showing the existing and surrounding zoning; an aerial view of the property; views of the site from North New Hope Road, Green Acres Lane, Capital Boulevard, Hollenden Drive, and the adjacent apartment complex; existing v. proposed zoning (increase in dwelling units per acre, decrease in setbacks, significant increase in commercial square footage from zero to 88,090); proposed conditions; Future Land Use Map (designates site for Medium Density Residential); Urban Form Map (there is no Urban Form Map designation); Comprehensive Plan analysis (inconsistent with the Future Land Use Map, buffering requirements, and zoning for housing); and recommendations (Planning Commission recommended approval 8-1 because the proposal includes conditions that address impact on adjacent properties and the proposal would provide a public benefit by allowing for the expansion of an existing business; North CAC supported the proposal 20-0).

Mayor McFarlane opened the hearing and the following person spoke.

Lacy Reaves, Esq., Smith, Anderson, Blount, Dorsett, Mitchell & Jennigan, LLP, 150 Fayetteville Street – 2500 Wachovia Capitol Center, Raleigh, NC 27601 – Attorney Reaves stated he is present on behalf of Capital Ford. Tim Michael of Capital Ford is also present. Attorney Reaves said this 2.5-acre parcel is landlocked in the middle of the block bounded by Capital Boulevard, Spring Forest Road, and New Hope Road. It is accessed by a private drive, not a public street. The parcel really does not have any legal access; there is no recorded easement of any kind. A single family residence has been on the site since 1946. An elderly family member passed away several months ago. Her children now own the property and they have offered it for sale. Because this is an illegal lot with no public access and doesn't abut a public street, it cannot be developed standing alone for any purpose except a single family residence. The UDO prohibits a use that would generate more traffic than the existing use. Practically speaking, the only effective utilization of this property would be its acquisition by an

adjoining property owner and a recombination to combine this lot with the property of the adjoining property owner. If this property is rezoned to make its use available to Capital Ford, which is a proposal on the table, 50' neighborhood transition buffer zones would come into effect on the northern and southern boundaries of the property. That would involve a 20' planted buffer as well as a height restriction of 15 feet for lights. Other conditions limit the uses to parking of employee vehicles and inventory vehicles possible continued use of a storage building on the property, and existing R-10 uses. The applicant has had extensive dialogue with the neighbors who have expressed an interest in this case. So far, they have been solely the residents of Lincoln Villas to the north. There is currently no existing vegetation along the northern boundary, so the applicant has added a condition to supplement additional plantings for a 20' buffer on that side of the property. A fence is also required as part of the neighborhood buffer, so the applicant has added a condition requiring an 8' fence. Attorney Reaves said there is a real security problem in the area right now. The Lincoln Villas residents feel there is sufficient residential density in the block already. Tony Lawrence, President of the Lincoln Villas Homeowners Association, sent the Council members a letter stating that the 103 residents and their Board support Capital Ford's proposal. They like the fact that it's a passive use of the property. With the conditions the applicant has imposed, for all practical purposes there would be no traffic generation. They like the fencing. They like the idea that there would be at least limited illumination of the property on a 24-hour basis. They like that the property will be subject to the on-site security patrols that Capital Ford maintains on its properties. Attorney Reaves said the proposal was presented to the North CAC on two occasions and the Lincoln Villas residents spoke in support of it both times. The CAC voted 20-0 to recommend approval of the case. The Planning Commission voted 8-1 to recommend approval. The one dissenting Planning Commission vote asked staff to talk to the Parks, Recreation, and Cultural Resources Department about potential use of the site for a park, but the Department expressed no interest. Attorney Reaves said while this case is not consistent with the Future Land Use Map, it cannot legally be developed in consistency with the Future Land Use Map as it stands now. The proposal that Capital Ford made is reasonable and in the public interest, it is supported by neighbors, it enhances security in the area, it adds absolutely no traffic, and it provides for a passive but reasonable use of the property on an ongoing basis. Attorney Reaves said he is aware that staff has been asked to comment on a couple of questions related to stormwater. He also talked to one of the local owners of the adjacent apartment complex last week who had not been made aware of the rezoning case because of a communication glitch on his end. He asked Attorney Reaves to communicate to the Council members a request to defer action on the rezoning for two weeks so he can meet with Attorney Reaves and Capital Ford to get a complete picture of what Capital Ford is proposing. The applicant is prepared to do that, and it will give staff an opportunity to comment on the stormwater issues. Capital Ford is aware that stormwater must be responsibly addressed and it intends to do so. Attorney Reaves stated they believe this case is reasonable and in the public interest, and they would ask Council to approve it.

Mr. Thompson asked if it is Capital Ford's intention to park cars on this lot and Attorney Reaves replied affirmatively. Mr. Thompson expressed concern with transport trucks and noise if vehicles are delivered at night. That could be a problem for residents of the adjacent apartments. Attorney Reaves said the neighbors raised that question. Capital Ford has an off-site location

where it unloads delivery trucks and the vehicles are then driven to respective dealerships in this area.

Mayor McFarlane said if this case is held for two weeks, Council will need to see a concrete plan for addressing stormwater issues. Attorney Reaves said the applicant is interested in staff's observation. Capital Ford's engineers are looking into the issues as well. He said this is an interesting site in many respects. There is a slight ridge near the center of the property that runs north to south. At least the front third of the property drains toward Capital Boulevard into one watershed. The rest of the property drains to another watershed primarily to the southeast of the property. The applicant is aware that the adjoining property owners deserve protection, as does the public at large. There are public stormwater outfalls available within reach of this property as long as they make the appropriate legal arrangements, which they are in the process of doing.

Mr. Stephenson said he wants to make sure the owner of the adjacent property that will be receiving this stormwater has an opportunity to meet with the City's stormwater staff and get their input before Capital Ford completes its discussions. Mayor McFarlane asked if they will find a way to infiltrate the water on site. Mr. Stephenson suggested if the lot is completely paved, that will be hard to do. Attorney Reaves said this will involve impervious surface, but they are dealing with a site that will have 20' vegetative buffers on the northern and southern boundaries and a required tree conservation area. The lot will not be 100% paved. If it is used for parking, it will be considerably smaller than the average shopping center parking lot. Mr. Stephenson said currently, the water infiltrates largely on the site and what doesn't infiltrate sheets off. The adjacent property owner will receive that runoff and will have to deal with the impacts of it. He wants to make sure that conversation happens with stormwater staff so everyone understands what the potential impacts are of Council approving a rezoning that creates all these new impacts.

Attorney Reaves said he has talked with the adjoining property owner. They have established a dialogue and it is underway. He would ask the Council to close the hearing, as they may address the stormwater issue with a new condition. He would ask the Council to place the item on its next agenda in two weeks and if the applicant needs more time, he will ask for it. Attorney Reaves, responding to a request from Mr. Stephenson, said he will provide the adjacent property owner with contact information for Assistant Engineering Services Director Blair Hinkle.

Ms. Baldwin reminded the Mayor that if the hearing is closed, it triggers the 30-day period for discussion and submission of revised conditions. She thinks Attorney Reaves means to leave the hearing open for two weeks, and the 30 days would start when the hearing is closed at that time. Attorney Reaves agreed the hearing should be kept open. Without objection, Mayor McFarlane announced the hearing was continued to February 21, 2017.

COMPREHENSIVE PLAN AMENDMENT CP-4-16 – SOUTHERN GATEWAY CORRIDOR STUDY – HEARING – APPROVED; RESOLUTION ADOPTED

This was a hearing to consider amendments recommended by the Southern Gateway Corridor study. The proposed amendments include changes to the maps Raleigh Street Plan (Map T-1) and Area Plan Locations (Map AP-1) and introduce a new area plan section into the 2030 Comprehensive Plan.

The proposal was received by the City Council on January 17, 2017. The study report that frames the context of the proposed amendments will be presented in tandem at this meeting. The Council may take separate actions on each of the two items.

Following the hearing, Council may approve, approve as revised, deny, or send the proposed Comprehensive Plan amendments to the Planning Commission or Planning Director for additional consideration. Approval by the City Council of CP-4-16 shall include the adoption of a statement describing how the City Council considers the action taken to be reasonable and in the public interest.

The revised report and Comprehensive Plan amendments (CP-4-16), reflecting changes recommended by the Planning Commission, can be accessed at:

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

Planning Director Ken Bowers provided a brief introduction of this item before turning it over to Project Manager Dhanya Sandeep and consultant Larry Zucchini of JDavis Architects. He reminded the Council that during a work session last summer, discussion had taken place about the adoption process for area plans, how to give the process more formality, and how to tie the policy recommendations of the area plans that are directly related to land use decisions more closely into the Comprehensive Plan process. This is the first "test drive" for the process. Staff is bringing to Council at the same time the full area plan document with all of its richness in detail and a set of Comprehensive Plan amendments that amend certain citywide maps, such as the Streets Map, and also introduce for the first time since 2009 new area-specific guidance into the Comprehensive Plan as an amendment. This area-specific guidance would then be referenced in any rezoning petition within the plan area for which it was relevant. Staff requests two motions from the Council members when they are ready to act on this: one for the area plan document itself and one for the Comprehensive Plan amendment. Assistant Planning Director Travis Crane distributed copies of a document containing four current street plan maps and proposed changes to each plan.

Senior Planner Dhanya Sandeep introduced the Southern Gateway Corridor Study and thanked everyone involved in this huge collaborative effort. The project team would like to dedicate this study to the late Councilor Thomas G. Crowder because it was his vision and leadership that helped push this study forward. Senior Planner Sandeep briefly recapped the process for the

study. Almost two years ago, Council directed staff to move forward with this study. There was extensive community engagement including 10 community meetings, several CAC meetings, several meetings with stakeholders, and review and endorsement by several boards and commissions after the study was published. The Planning Commission was the last commission to review the study and it voted unanimously to recommend approval. The study provides a great vision for significant infrastructure improvements that could transform one of Raleigh's key gateways, the Southern Gateway Corridor, into a vibrant, economically revitalized corridor full of opportunities. Senior Planner Sandeep then turned the presentation over to lead consultant Larry Zucchini of JDavis Architects.

Mr. Zucchini said he will provide a brief overview of the key concepts and recommendations for the study. One of the key questions the study was set up to answer was what type of infrastructure improvements can the City make in this district, both large and small, in order to catalyze private investment and economic development? Second, if that investment was made on the private/public side, what types of land use patterns and urban form would you expect to see and which ones are better for the district and the City at large? Many public meetings were held and the project team took those public comments and combined them into four topic areas. The study also identified four focus areas. Mr. Zucchini provided more detail of the information on the following slides in his PowerPoint presentation.

1. **Identify Transportation and Transit Improvements** that address local needs while continuing to serve a regional role.
 - South Saunders Street as a commuter route/South Wilmington Street as a transit-oriented BRT (bus rapid transit) corridor.
 - Strategic intersection and roadway improvements.
2. **Improve Connectivity** within the study area.
 - Improve east-west roadway connections.
 - Establish a north-south greenway connection.
3. Develop an **Attractive Image and Character** that transforms the perception of Saunders and Wilmington Streets.
 - Establish strong identity for each focus area.
 - Build upon the existing character of each sub-district.
4. Establish a **Development Strategy** that maximizes the district's potential.
 - Nodal approach to concentrate development potential.
 - Match public infrastructure improvements with nodal development.

Tryon Focus Area

"Transit-Oriented Town Center"

- Destination retail/mixed use center
- Commuter park and ride
- South Wilmington Extension "Main Street" as central spine

- Future transit – additional office or employment uses

South Wilmington/Rush Focus Area

"Main Street"

Neighborhood Scale Development/Main Street

- Medium to high density residential
- Market rate housing focus
- Neighborhood service retail
- Complete Streets approach
- Transit stop and bike/ped corridor
- Improved east-west connectivity
- New neighborhood "address"

Cargill Focus Area

"Downtown Connections"

Urban scale development

Nice office option for downtown

- Office alternative to CBD
- Mixed use with high density office component
- Flex space opportunities/office/light warehouse
- Connect to City street grid
- Transit stop and bike/ped corridor
- Potential civic use
- Long-term Cargill decision

Old Saunders Focus Area

"Industrial Conversion"

- Industrial "Chic" warehouse conversion
- "Maker"/Tech start-up district
- Downtown gateway opportunity
- Specialty retail/office anchor
- Shared programmable plaza/parking/event space
- High density residential along Dix/Lake Wheeler frontages
- Lake Wheeler as major bike/ped corridor

Implementation

- Clear vision
- Catalytic projects
- Early wins
- Champions

Action Matrix

- Short-term (0-3 years)
- Mid-term (4-7 years)

- Long-term (8+ years)

Mr. Zucchini said the project team believes, and the market study suggests, that investment by the City will be necessary to promote and get things started for this area versus other parts of the City. Ms. Baldwin asked if by "investment," Mr. Zucchini is referring to by BRT specifically or other investment. Mr. Zucchini replied BRT is the big picture version, but the smaller investments would include things such as bus stops, road improvements, intersection improvements, bikeways, and greenways. The focus is on the BRT concept. Council members commended Mr. Zucchini for his excellent work and he responded that they enjoyed it.

Transportation Planning Manager (TPM) Eric Lamb presented the next portion of the report, CP-4A-16 – Street Plan Amendments, with assistance from a PowerPoint presentation. He said there are a significant number of street plan amendments proposed as part of the plan for this area. Council members received a handout that shows before and after views with a list of proposed changes for each street plan. Some of these reclassify existing streets, some are recommendations for new street locations associated with this.

The first section shows the north end of the Dawson Street/McDowell Street/Western Boulevard interchange. The most significant change proposed with this is twofold. First, the large green area in the middle of the picture is the median along Dawson and McDowell Streets that is proposed to be consolidated. The strategy is to allow potentially for some developable area within the middle of the picture. The other aspect of this is what is now a four-lane undivided street would be converted to two lanes with on-street parking to help facilitate some of the potential redevelopment in that area. On-street parking is currently allowed in this area during off-peak hours.

The second section shows the proposed street network. An earlier version showed the extension of South Saunders Street south of Grissom Street. Based on feedback they received, staff removed that section from the recommendations at this point. Moving further down the corridor, TPM Lamb indicated the section that is down by the Cargill plant. He pointed out the recent public housing redevelopment on the left side of the page. Staff is proposing to add a grid of streets; assuming there is some potential for redevelopment of the Cargill site at some point in the future, the City would want a street network to support that. Staff received one comment from the North Carolina Railroad Corridor. There is currently a railroad crossing at this location (upper right-hand corner of street grid). The idea is to use that railroad crossing to extend the street further west to have an intersection with Wilmington Street. NC Railroad has said this is part of their long-term corridor plan and they would like to explore this in greater detail at some point, so staff will be having an ongoing conversation with them.

The third section is further down South Saunders Street; TPM Lamb indicated the location of Sam's Club as a point of reference. There are not many changes other than adding some classifications to existing Pecan Road. TPM Lamb indicated a street connection that was part of a previously-approved development and said the street connection will be added into the plan as a preferred future connection.

The fourth section is down where South Wilmington Street and South Saunders Street come together. This is where staff really started to explore connections associated with the Bus Rapid Transit Corridor. TPM Lamb indicated on the aerial view the shopping center that sits on the site formerly occupied by the old Raleigh Airport. This street plan change is a significant revisioning of Wilmington Street. It would take Wilmington Street and basically add it as a new street that would parallel existing Wilmington Street that would become the Bus Rapid Transit Corridor. That would support significant opportunities for transit-oriented development (TOD) with parcels TPM Lamb indicated on the aerial view, as well as the future extension of the line south into Garner. Staff has had significant discussions with the Town of Garner about this. Garner is in the midst of doing a Comprehensive Plan update. This road would eventually extend into the Garner Station area. Garner is very excited about prospect of a Bus Rapid Transit Corridor being extended into that area.

TPM Lamb stated that what staff is calling the South Wilmington Street Extension would be the new Bus Rapid Transit Corridor associated with the area. Bus Rapid Transit is a median-based system with one lane of general purpose traffic on each side of the bus way. This is classified in the proposed recommendations as a four-lane avenue because the City does not have a Bus Rapid Transit designation, but that footprint is equivalent to what we are talking about here with a Bus Rapid Transit system.

Senior Plan Sandeep continued the report with presentation of CP-4B-16 – Area Specific Guidance: Southern Gateway Corridor. This adds a new section to the Comprehensive Plan, under area plans. All of these policies essentially help establish the development pattern, character, connectivity, and land uses envisioned by the study report. Slides included the following information.

Proposed Comprehensive Plan Policies

- 18 area-specific policy items introduced that summarize the key policy recommendations contained in the study report
- General Area Plan Policies (overall plan area)
 - ◆ AP-SG-1 Targeted Investments (includes map of Southern Gateway Plan Area)
 - ◆ AP-SG-2 South Wilmington Street Transit Corridor (includes maps of Southern Gateway Focus Areas)
 - ◆ AP-SG-3 Improve Connectivity
 - ◆ AP-SG-4 Redevelopment With Public-Private Partnerships
 - ◆ AP-SG-5 Improve Greenway Trail Connections

Proposed Comprehensive Plan Policies

Saunders Focus Area

- AP-SG-6 Warehouse Adaptive Reuse
- AP-SG-7 Preserving the Historic Character
- AP-SG-8 Main Street Character of South Saunders Street

- AP-SG-9 Redevelopment Between Old South Saunders and South Dawson Streets
- AP-SG-10 Redevelopment of Lake Wheeler Road

Cargill Focus Area

- AP-SG-11 Redevelopment of Cargill Site
- AP-SG-12 Land Uses

South Wilmington/Rush Focus Area

- AP-SG-13 Wilmington/Rush TOD Neighborhood

Tryon Focus Area

- AP-SG-14 Renaissance Park Hub
- AP-SG-15 South Wilmington Extension as Central Spine
- AP-SG-16 Hammond Road Alternative
- AP-SG-17 Connection to Garner
- AP-SG-18 Enhance Overall Connectivity

Senior Planner Sandeep continued with CP-4C-16 – Area Plan Locations Map. This adds the Southern Gateway boundary to the Area Plan Locations Map in the Comprehensive Plan. By doing so, it recognizes the Southern Gateway as an area of the City that has very specific policy guidance in the Comprehensive Plan. Senior Planner Sandeep showed a slide of the Area Plans Location Map. This amendment is consistent with Comprehensive Plan policies (Policy IM 4.1 – Area Planning Studies and Policy IM 4.2 – Area Study Content and Intent). The Planning Commission unanimously recommends approval of the study and the CP-4-16 Comprehensive Plan amendments.

Mr. Branch noted Hammond Road is a border and asked if it is considered part of the Southern Gateway. TPM Lamb told him it is not.

Mr. Cox reported the Council had received at least one e-mail today regarding the Southern Gateway Corridor. The e-mail was from Gary Buck, who is concerned about his property being bisected by road construction. Mr. Buck owns several parcels in the area. TPM Lamb showed the location of Mr. Buck's properties on one of the maps and said it is one of the quirks of this area that those properties do not have allowable frontage along Wilmington Street. Full access control was implemented by NCDOT when the interchange was built. Right now, access to the site is a cross-access that is provided through the existing shopping center site; the access has been compromised. There is a trade-off here. There is a road running through Mr. Buck's property, but it will provide enhanced access to the property that would hopefully allow it to be developed more easily.

Mr. Cox said since the e-mail was just received at 1:30 this afternoon, he is not entirely sure what Mr. Buck's concerns are. Apparently, he is trying to sell the property and this is a problem. Senior Planner Sandeep said that Mr. Buck has met with Planning and Transportation staff, so they are aware of this. Mr. Buck is not necessarily opposed to the Southern Gateway Corridor,

but he wants more surety. His property has been for sale for a while and no buyers are coming forward. Senior Planner Sandeep thinks Mr. Buck is in a difficult situation relative to the sale of his property and would like for the City to help him obtain a more definitive position as to what he can do with his property. This is not something that can be easily addressed at this point in time because there is no funding for the project yet and staff cannot provide a timeline for when this may happen.

Mr. Cox said Council also received an e-mail today from Lou Miller, managing member of Hammell Drive, LLC. Mr. Miller also expressed concerned about creating a new street through their property at 1008 Hammell Drive. Ms. Crowder commented to Mr. Cox that this has been a very long process with a lot of citizen engagement. She has spoken with Mr. Buck. It is important for people to know that citizen engagement is a big part of the process. The community and the City have really stretched themselves to try to accommodate people's concerns about what might happen to their property, as well as giving some incentive and actually economically helping the viability of the area. As with any situation where changes like this are suggested that would open up a corridor to economic development with the help of the City as it relates to Bus Rapid Transit, not everyone will be pleased. This has been an exhaustive process but people have worked well together with the City and their neighbors. This corridor is long and people have different concerns and different issues, but they have been very open to listening to everyone's concerns, making sure no one felt left out of the process, and have collaborated to ensure everyone had a chance to talk about what they believe is good about the plan and bad about the plan. This corridor needs this type of definition in order to grow the way the Council wants it to grow. Ms. Crowder does not want these last minute e-mails to make it look like this has not been a cooperative process, because it really has. She stated it has been one of the best collaborative processes she has ever watched happen and she is proud of each and every person who took part.

TPM Lamb addressed Mr. Miller's e-mail. He showed the location of the property on a map. The recommendations propose the extension of Curfam Street to Hammell Drive. Part of the issue pertains to block perimeter standards. Meeting the block perimeter standards of the UDO would necessitate another street to bisect the block to bring it within City standards for that type of spacing. The e-mail raised questions about the grade that will be required. Staff ran some preliminary numbers and found it would be acceptable. Mr. Stephenson said in his opinion, this is not a project that is going to happen until the property owners wants to redevelop. He does not view this as a high priority connectivity street segment. TPM Lamb replied that is correct. The property now is mostly industrial in nature, so there will not be a problem until development plans are filed for the property. Mr. Stephenson said in both of these cases, it appears these are redevelopment parcels and it is either a matter of something that won't happen without their participation, or has the potential, since they are in a redevelopment posture anyway, will be something for them to work in negotiating to benefit them.

Mayor McFarlane opened the hearing and the following people spoke.

Nora Rooney, 913 Chapanoke Road, Raleigh, NC 27603 – Ms. Rooney stated she lives in Renaissance Park and is here to speak about the importance of passing the Southern Gateway Corridor plan. She works for the federal government in Alexandria, Virginia and has the ability to telecommute full time at her job and live anywhere in the United States. She chose to buy a house in Renaissance Park specifically because of its accessibility to downtown, as well as the plans for retail and development within walking distance to her house. Renaissance Park is not just where she lives; it is also where she works. Developing the Southern Gateway to improve the area, to define community, and to make the area more desirable to work and spend free time in is of great interest to her, her neighborhood, and the diverse communities within the Southern Gateway. The Southern Gateway will attract more people to Raleigh to invest their money, their time, and their talent.

Isabella Long, 3701 Holly Lane, Raleigh, NC 27612 – Ms. Long owns 601 Tryon Road in the Garner ETJ. That property will be very much affected by the Southern Gateway plan. Ms. Long wants to develop this property, not redevelop it, and has been unable to do so given the current situation at the intersection of Tryon Road and South Saunders Street. She owns the Tryon Road property with her brothers, and they are very much in favor of this plan.

Connie Crumpler (no address provided) – Ms. Crumpler stated she lives in the Caraleigh community. She is Second Vice Chair of the Community Watch Neighborhood Association and Co-Chair of the South CAC. Ms. Crumpler said she wants to piggyback on what Council Crowder said. So many neighbors and business owners from Caraleigh to Renaissance Park and Carolina Pines attended these meetings and gave input, and it was really a pleasure to work on this plan. They are looking forward to the redevelopment of South Saunders Street and the economic improvement it will bring to their area. They hope the South Saunders Street redevelopment will carry on in all areas, not just the industrial area.

Ann Franklin, 200 South Dawson Street, Raleigh, NC 27601 – Ms. Franklin stated she uses this corridor most days of every week. She drew Council's attention to the affordable housing component of the plan, which is under Implementation on pages 14 and 95. Its implementation is not scheduled for the near term but for study in the mid-term and action later on. Ms. Franklin asked the Council to please change that tonight and incorporate the affordable housing component in the near term. The City is dramatically improving the value of the entire corridor and she thinks the communities the Council anticipates creating will be mixed income and mixed use, and they will be standouts on the national stage of what you can do with properties that have been undervalued in the past. Ms. Franklin said she appreciates the investments and would appreciate the change in that one piece of language.

Ron Boyd (no address provided) – Mr. Boyd stated he lives in Renaissance Park and is currently on the Advisory Board there. He commended the Mayor and Council on the diligent approach they have taken toward increased growth in Raleigh. Everyone likes to look at the great numbers that go along with it, but there is also a downside with regard to density and affordable housing. This plan deals directly with future population and business growth in the City's Southern Corridor region. It offers a detailed legitimate framework which can be used for

a planning guideline and a perspective for developers and government entities. In his opinion, it also represents a solid long-term strategic growth plan which the Council and the City Planning could use as a reference blueprint for associated development. The plan gave ownership to its residents and embraced the thoughts of all who participated, as Ms. Crowder said. It was well-funded, well-thought out, and was presented professionally to the South Raleigh community, welcoming comments and suggestions before it was finalized and presented to City Planning.

Anthony McLeod, 1329 Palace Garden Way, Raleigh, NC 27603 – Mr. McLeod thanked the consultants and staff. They really made this project great. They listened to us throughout, they held everyone on equal footing, and really made this the plan that it is. Mr. McLeod said he wanted to say "thank you" to them and to all the Council members.

Mary Belle Pate, 2506 Crestline Avenue, Raleigh, NC 27603 – Ms. Pate stated that she and Mildred Flynn worked on the first plan long ago, and it was like kindergarten compared to the quality of work we had this time. They asked for a multi-story restaurant northeast of Ray Price Harley-Davidson in the triangle Eric Lamb mentioned, a nice high-rise building with a restaurant on top that would give an awesome view of downtown Raleigh. Ms. Pate gets little bullets of information from *The Carolina Journal*. A Maryland home builder company called Caruso Homes just paid \$10M for 215 acres off Lake Wheeler Road. If you were driving down Lake Wheeler Road and passed Yates Mill Pond, it's the land over there. Those people will be coming to this retail area as well. It's going to be awesome, she said.

Jeffrey Parker, P.O. Box 464, Raleigh, NC 27602 – Mr. Parker stated he is one of the people who sent a last-minute e-mail objecting to something in this plan that has been going on for three years. He is one of the property owners of 1008 Hammell Drive. They object to the proposed street extension of Curfam Street to Hammell Drive. They don't understand it, but Mr. Parker said he guesses he understands it a little bit better in the context of trying to create a more residential extension of downtown. This street extension bisects their property and will have a significant impact, particularly when combined with the physical challenges associated with the site. There is probably a 20+ foot elevation difference between Hammell Drive and where Curfam Street would intersect. Mr. Parker said they wanted to go on record as objecting to that small component of the plan; otherwise, he thinks it's great and they think the other improvements to Hammell Drive will be great.

Alice Penny, 120 Penmarc Drive, Raleigh, NC 27603 – Ms. Penny stated Penmarc Drive is at South Saunders Street and I-40. She loves the Southern Gateway plan, but she thinks the City has missed the crown jewel coming into Raleigh. You exit I-40 and BAM! we're the gateway. We ARE the gateway. It doesn't take 10 or 20 years to clean it up and get it beautiful for people coming into Raleigh. It's hardly a mile from I-40 down to Martin Luther King, Jr. Boulevard. It needs to be beautified and we can do it now, not wait five years, three years, 10 years. We can do it, she reiterated.

Ann Young (no address provided) – Ms. Young stated she lives in the area where this transition will take place. She understands all the information that was provided tonight.

However, the maps that were sent did not provide clarification of what is going on. Ms. Young said she wishes her neighbors could receive this information. This project will affect everyone in the area and their livelihoods. People really want to know what is going on. She hopes this information can be mailed to everyone in the area because many are seniors who do not use the Internet.

City Clerk Gail Smith confirmed with Mayor McFarlane that the Council members had received the comments from WakeUP Wake County and that they would be incorporated into the record. The comments submitted by **Karen Rindge, Executive Director of WakeUP Wake County, P.O. Box 6484, Raleigh, NC 27628** are as follows.

The Southern Gateway Corridor Study for Raleigh provides an excellent vision for looking to the future of a part of the fast-growing city that is already seeing change. Given growth, we need to plan now for opportunities for this community and gateway into the state's capital. WakeUP is very pleased that the City has understood this need for creating a sense of place, increasing transportation options and seeking community improvements. WakeUP offers a few comments:

- Re-envisioning of transportation patterns and new bike-ped-transit options is strong. We very much support creating new and improved bike and pedestrian access in the area and looking at corridors with a Complete Streets approach, including improved transit access.
- Under the Design section, we recommend bike lanes be protected, rather than next to the traffic lane because traffic is fast moving on South Wilmington and South Saunders. This will significantly enhance safety and encourage bike use. This is a wide corridor and could incorporate protected bike lanes.
- Given that the Wake Transit Plan has been approved by the Wake Board of Commissioners and funding was approved by the voters, this Southern Gateway Study could reflect that this critical step is completed. We see that the study assumes likely Bus Rapid Transit on S Wilmington.
- Planning for affordable housing should begin in the early planning phases, rather than waiting til the Mid-Term for study and Long Term for action (under Implementation). Given the median income of this area, "naturally occurring" affordable housing, future BRT, and the opportunity for re-development, the City must plan for future affordable housing at the beginning.
- Since Smart Growth America provided technical assistance in October 2016 assessing opportunities for revitalization without displacement, that report should be included at least as an addendum to this study.

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

Mayor McFarlane asked at what point we will make the decision as to when this projects actually goes on the ground and how the affected property owners, such as those whose properties will be bisected by a new street, will be engaged in that process. Using the specific example of the Curfam Street extension, TPM Lamb replied that the City would not initiate this type of street construction unless the Council incorporates the street extension as part of a Capital Improvement Project. This is the type of thing that would only be addressed if the property was being redeveloped. As long as things are being used as they currently are, things stay status quo. At the time a development plan is submitted, at this part of the site plan process, the developer would be required to set aside the right-of-way, and in all likelihood would be required to build portions of the street as part of the overall development plan. Mr. Cox asked if a developer could ask Council for relief from that requirement if he petitioned for rezoning or developed the property. TPM Lamb replied it is a lot more difficult if it is added in as an adopted element of the City's Comprehensive Plan. There have been discussions on whether or not conditions that are specifically counter to the Comprehensive Plan would be allowable conditions. That is a topic that staff has not had to broach yet, but that developer request would be discouraged. If the City is adopting a plan that indicates a street will be extended in a certain manner, then having a zoning condition that prohibits that would be contrary to the Council's adopted policies. Mr. Branch asked if Council could remove a street, if necessary. TPM Lamb said yes, that could be done through a Comprehensive Plan amendment.

Ms. Crowder asked if it would be difficult to move the affordable housing component into the first phase of the project as requested by Mrs. Franklin during the hearing. Mr. Zucchini told her it would not be difficult at all and he thinks it is a good suggestion.

Ms. Crowder moved to approve rezoning Z-36-16. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all Council members voting in the affirmative. The Mayor ruled the motion adopted on a vote of 8-0. See Ordinance 668 ZC 740.

Ms. Crowder moved that the Council adopt the Southern Gateway Corridor Study as presented with the exception of moving affordable housing to the Phase 1 portion of the plan. Her motion was seconded by Mr. Branch and a roll call vote resulted in all Council members voting in the affirmative. Mayor McFarlane ruled the motion adopted on a vote of 8-0.

Ms. Crowder made a motion that the Council accept the revised report to the Comprehensive Plan amendments, CP-4-16, reflecting changes made by the Planning Commission. Her motion was seconded by Mr. Branch and a roll call vote resulted in all Council members voting in the affirmative. Mayor McFarlane ruled the motion adopted on a vote of 8-0. See Resolutions 449-A and 449-B.

COMPREHENSIVE PLAN AMENDMENT CP-5-16 – REMOVAL OF WEST MORGAN STREET EXTENSION – REQUEST DENIED

This was a hearing to consider a privately-initiated amendment to the Street Plan, a document within the 2030 Comprehensive Plan. The amendment seeks to remove a proposed street connection (street type: Avenue 2-Lane Undivided) between West Morgan Street and Ashe Avenue.

The proposal was received by the City Council on January 17, 2017. Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Transportation Planning Manager (TPM) Eric Lamb presented this item and stated Council had just discussed the scenario of adding a street to the plan where there might be some objection associated with it in the future. This agenda item is a citizen-initiated request to delete a street that was added as part of a small area plan effort several years ago. The area in question is at the intersection of Morgan Street and what is proposed to be the future Morgan Street/Ashe Avenue connector. TPM Lamb indicated the area on a current street plan. This came about as a series of studies done several years ago when the City was looking at connectivity across the railroad corridor. The idea was to increase enhanced connections to what is now the Dorothea Dix Park project. Staff ran into some feasibility issues and as a result, ended up looking at the street connection over to Ashe Avenue, which would create the connectivity across the railroad corridor that enhances what exists today. The street connection also relocates some of the traffic that currently uses Ashe Avenue, comes up Hillsborough Street, and goes around Morgan Street or down Hillsborough Street. The idea is that the City would have a future street that traverses the area in question over to Ashe Avenue, and as part of that, the street would be realigned. In principle, this would allow for the street to be abandoned and the entire area to be put back into a private domain for potential redevelopment. It would also create a square corner and make the area more walkable, which is always done in the context of potential redevelopments of lots in the area.

TPM Lamb explained the applicant's request is to delete the section of the street extension as shown in the current Comprehensive Plan. Slides in his PowerPoint presentation included a map of the current street plan, an aerial view of the subject area, a map with the proposed changes, various street view photographs of the area in question, a map of the existing street rights-of-way and as-built widths, an aerial and street plan of the proposed extension, a map of existing and surrounding zoning, the Future Land Use Map, and the Planning Commission's recommendation. By a vote of 9-0, the Planning Commission recommended denial of the request for the following reasons:

1. The proposed Comprehensive Plan Amendment is not in the public interest, as the planned street would extend West Morgan Street to the Dexter Place/Ashe Avenue intersection, creating a continuous street connection to and from downtown, providing an alternate route for area traffic away from the Morgan

- Street/Hillsborough Street intersection, and reducing traffic volume on the northern portion of Ashe Avenue.
2. The proposed Comprehensive Plan Amendment is not in the public interest, as the planned street was incorporated into the West Morgan Small Area Study (adopted by City Council on June 7, 2011).
 3. The proposed Comprehensive Plan Amendment is not in the public interest, as a previously-considered southward extension of Morgan Street to Western Boulevard was removed from the Street Plan, in favor of the West Morgan extension.

Ms. Baldwin asked about the applicant's purpose in wanting to remove the street.

Tom Worth, Esq., P.O. Box 1799, Raleigh, NC 27602-1700 – Referring to the map on the screen, Attorney Worth indicated the location of the property owned by his client, MMP, LLC. He introduced the three heirs (grandchildren) of the Martin family. Attorney Worth said his February 1 letter, a copy of which was in the agenda packet, explained the history of this request. The studies commencing in 2008 favored a north-south connection to get from Morgan Street to Western Boulevard. Those plans were abandoned in 2011 for the plan shown on the slide. At the same time, the City did away with the planned linkage from Morgan Street to Western Boulevard. Basically, his client has a severe topographic situation. His client's property is 20 feet down from Morgan Street and 44 feet from its low point up to Ashe Avenue. He said if this becomes a reality, 100 affordable residential units between his client's property and Ashe Avenue will be done away with; they must be either condemned or purchased. It will also make a constrained passageway on Ashe Avenue to Hillsborough Street directly or via Dexter Flint Park to get to Hillsborough Street, or in the alternative, to pass across the antiquated bridge at the Governor Morehead School to get to Western Boulevard. Attorney Worth does not know what the future Dix Park plan will say about this, but it seems to him the City is losing out on a very important southern linkage. He said the City's plan is ruining any prospects for his clients to sell this property; they have already had a buyer walk away. The property is properly zoned CX-7; the Land Use Map and Comprehensive Plan call for the property to be Community Mixed Use. He client is asking that this street be removed so the property can be redeveloped, and they believe it is a reasonable request. The connector has stymied any redevelopment of this property, and there will need to be public cooperation if the property if redevelopment is going to happen. Attorney Worth showed photographs of his client's property to illustrate the topographic situation.

Ms. Crowder stated she and Mr. Worth have talked about this. She has met with the Martins and understands their dilemma. Looking at this from a long-term perspective, from the 30,000-mile view, having an east-west connection along there makes sense. Having the Morgan Street extension stay in this location is important to what the Council sees happening in the area as it relates to Dix Park, Pullen Park, the Gregg Museum, and the arts in this area. Ms. Crowder said it would be reasonable to ask staff to do a more detailed evaluation of the alignment and the impacts to the adjoining properties so Mr. Worth and his client will have a better sense of what could be done and not done.

Mayor McFarlane opened the hearing and the following people spoke.

Ben Fletcher, 201 Park Avenue, Raleigh, NC 27605-1834 – Mr. Fletcher stated he lives in the Pullen Park neighborhood. He and his neighbors are in favor of keeping the West Morgan Street extension as part of the Comprehensive Plan and would like to see it expedited for the sake of the property owner. The amount of density around Pullen Park is immense and it will only get worse. Mr. Fletcher said he would like to see this extension be made in his lifetime.

Mike Iverson, 4304 Glen Laurel Drive, Raleigh, NC 27612-3703 – Mr. Iverson owns two properties in the Pullen Park neighborhood and said anything to keep traffic down in the neighborhood would be a benefit. He favors keeping the West Morgan Street extension in the Comprehensive Plan.

No one else asked to speak; thus, the hearing was closed.

Ms. Crowder moved to keep the West Morgan Street Extension in the Comprehensive Plan and direct staff to perform a more detailed evaluation of the alignment and the impacts to the adjoining properties. Her motion was seconded by Ms. Baldwin. Mr. Stephenson commented that if the property is to be fully developed, the road connectivity will be necessary to deal with the traffic impacts. Approval of Ms. Crowder's motion was unanimous. The Mayor ruled the motion adopted on an 8-0 vote.

ADJOURNMENT

There being no further business before the City Council, Mayor McFarlane announced the meeting adjourned at 11:01 p.m.

Leslie H. Eldredge
Deputy City Clerk