

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, March 21, 2017 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

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

Mayor McFarlane called the meeting to order and invocation was rendered by Pastor Jim Whitfield, Triangle Christian Center. The Pledge of Allegiance was led by Council Member Cox.

UPC BAR CODE SYMBOL – ANNOUNCEMENT – RECEIVED

Former Mayor G. Smedes York stated Raleigh is often recognized as leader in innovation and technology etc. He stated in 1965 the UPC bar code symbol was developed in Raleigh. He talked about an event scheduled for April 3, in which a plaque will be placed on the building at 2020 Yonkers Road which is recognized as the birthplace of the UPC which everyone uses many times a day through their normal shopping routine. The symbol changed the way people shop. He pointed out the UPC Code was developed Bill Selmeier who worked for IBM. He talked about the history of the building and development of the UPC Code and recognized Bill Selmeier and other IBMers who may be present.

Mayor McFarlane pointed out we are always talking about being a leader for innovation and here we see that it has been going on since April, 1973.

FIRE – EMPLOYEES COMMENDED; \$5,000 DONATION FOR RED CROSS APPROVED

Mayor McFarlane read the following prepared statement:

I want to start by thanking Raleigh's first responders for their tremendous response to the devastating fire last week. The Raleigh Fire Department proved once again they are among the best firefighters in the country – they managed to control and extinguish the largest fire the city has seen in over 100 years.

The joint efforts of Raleigh Fire and Raleigh Police Departments helped to establish safety perimeters and evacuation plans that ensured no serious injuries resulted from the

event. I want to thank our partners in Wake County and in the community for their continued support of the response, recovery, investigation and humanitarian efforts.

Now that the imminent threat has subsided, there have been many questions raised – what caused the fire, how do we prevent it from happening again, what could have and should be done differently?

We recognize how important it is that we are able to find answers to our questions so that we are in the best position to help prevent a similar incident from happening again in the future. As we turn our focus to the investigation, the city will be working with local, state and federal partners – including experts from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) – to determine the origin and cause of the fire. Our partners bring technical expertise and state of the art equipment to aid in the investigation.

While we await the results, I would like our council and staff to work together to review current policies and procedures to see what if any changes may be needed to ensure the future safety of our community property and residents.

Thank you again to our firefighters and police for their heroic efforts and also the community at large for coming together to support your neighbors in their time of need.

City Manager Hall commended City employees for their efforts relating to the devastating fire which occurred in the city last week. He stated the police and fire departments did a wonderful job in managing to control and extinguish the fire. He stated in addition there are many other employees who responded such as the Emergency Communication Center which took the first calls about the fire and managed calls for help and information throughout. He called out the Communication staff which responded by letting people know through the various media outlets including social media, Emergency Management and Special Events which arranged various coordinators from the departments, and coordinated responses, etc.; Development Services which had inspectors going through the buildings making sure they were safe, working with property owners, helping get people back into their homes; Engineering Services, Building Maintenance Division staff which worked to put together an intake center in the Municipal Building where they helped some 257 residents on Saturday and 83 on Sunday make a temporary trip to their homes to gather belongings, etc.; Parks, Recreation and Cultural Resources which provided shuttle service; Transportation and Solid Waste for the cleanup activities pointing out the entire public area, streets and sidewalks were cleaned by Sunday; the Public Utilities Department pointing out many firemen talk about “big fire, big water.” The City used over 2 million gallons of water to help control the event with no pressure losses which is a tribute to our Public Utilities System and City Councils for making the investments to keep and upgrade our system; the City Attorney’s Office which helped with liability claims and issues, working with property owners, etc. City Manager Hall pointed out he is sure he has missed some but talked about the helpful cultural of the City employees.

City Manager Hall gave a shout out to our many partner agencies including the Red Cross, first responders including Federal and State agencies and the many other partners which came to the table.

City Manager Hall indicated he witnessed countless acts of sympathy and support and pointed out it shows a culture of care and support all have for our community. He asked those in the room who participated in the various events to please stand. The City employees present and all of those involved received a standing ovation. Council Members expressed admiration and appreciation.

Council Member Baldwin questioned the amount of funds in the City Council contingency and moved that the Council appropriate \$5,000 from Council contingency to donate to the Red Cross for their support and help and continued help to our community. Her motion was seconded by Council Member Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 689 TF 294.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – COMMENTS RECEIVED

Debra King, CEO of CASA talked about CASA's partnership with the City of Raleigh and what the City's investment has helped CASA return to the community. She stated this is the 25th year of the partnership between CASA and the City of Raleigh and gave a history of the work of CASA beginning in March of 1992. She stated last year CASA helped provide affordable rental homes to 180 people at a cost of \$494\home\per year. She pointed out most of these people earn less than \$12,000 a year. She talked about the rental subsidy pointing out the partnership with the City is what makes that possible. She pointed out that CASA had provided cupcakes for Council members and invitations to two upcoming events – April 11, 2017 and May 4, 2017 both ring celebrations of 25 years of CASA's existence and to help recognize the faces. She expressed appreciation to the Council.

A representative of CASA, pointed out Council members received information in their packet giving statistics of the number of locations and the fact that since 2013 CASA has added some 58 units of affordable housing in Raleigh. She indicated Council Members received information on "Tangie" who found herself homeless, staying at different shelters or sleeping outside. She talked about Tangie's life and pointed out she has just moved into a one bedroom CASA apartment paying 30% of her income for rent and talked about Tangie's life without and with CASA; representatives from the group displayed posters on the work of CASA.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS PRESENTED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Council Member requests discussion on an item, the

item will be removed from the consent agenda and considered separately. Mayor McFarlane stated the vote on the Consent Agenda will be a roll call vote. Mayor McFarlane stated she had not received any requests to withdraw items from the consent agenda. Council Member Stephenson moved approval of the consent agenda as presented. His motion was seconded by Council Member Cox 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:

MALT BEVERAGES AND UNFORTIFIED WINE – CITY PARKS – CODE AMENDED

Outside of the following exceptions the consumption of alcoholic beverages within City parks is prohibited. Permits to provide for the consumption of alcohol may be issued to individuals renting park facilities for private events such as weddings, birthday parties, family reunions or other social functions. In addition, permits may be issued to allow for the consumption of alcohol at designated public events.

It would be appropriate at this time to consider an amendment to the city code to expand and make corrections to the parks where alcoholic beverages are allowed upon issuance of a valid permit. Currently, malt beverages and unfortified wine are allowed in Mordecai Historic Park, Raleigh Little Theater, Theater in the Park, Tucker House, Borden Building, Lake Wheeler, Lake Johnson, Magnolia Cottage, Durant Park, Millbrook Tennis Center, Anderson Point, Walnut Creek Wetland Center, Sertoma Art Center, Five Points Center for Active Adults, Anne Gordon Active Adult Center at Millbrook Exchange Park, Compiegne Park, and Dorothea Dix Park, upon receipt of a permit.

The amendment revises the code to include Durant Nature Preserve, Pullen Amusement Park, Pullen Arts Center, John Chavis Memorial Park, Fletcher Park, Raleigh City Museum, Nash Square and Moore Square in the list of parks in which malt beverages and unfortified wines are permitted. The amendment replaces individual locations within a park with the full name of the park itself: Fletcher Park (Tucker House, Borden Building), Lake Johnson (Magnolia Cottage), Shelley Lake (Sertoma Art Center) and Millbrook Exchange Park (Anne Gordon Active Adult Center, Millbrook Tennis Center). Finally, the amendment changes the name of Walnut Creek Wetland Center to Walnut Creek Wetland Park. A copy of the proposed ordinance was included with the agenda packet.

Recommendation: Adopt the ordinance. Upheld on Consent Agenda Stephenson/Cox – 8 ayes. See Ordinance 688.

FALLS LAKE VISITOR ASSISTANCE CENTER – UTILITY SERVICE REQUEST – APPROVED

The United States Army Corps of Engineers (USACE) owns and operates the Falls Lake dam and reservoir. To accommodate public access to the dam and reservoir the USACE operates a Visitor Assistance Center at 11405 Falls of Neuse Road and the public restrooms at the trail head of the Neuse River greenway at the base of the dam. These restroom facilities currently operate

with well water; in order to enhance services to the public a request has been made to connect the restroom facilities to City water and sewer.

City code requires such connection requests to be accompanied by a request for annexation into the City limits; in addition such extensions are prohibited in the Falls Lake watershed.

Staff has reviewed the request and recommends exemption from the connection and utility extension policies, including waiving the annexation petition requirement under essential infrastructure and life safety exception criteria and precedent.

Recommendation: Authorize the extension of water and sewer service to the Falls Lake Visitor Assistance Center. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

FALLS LAKE REALLOCATION – RESOLUTION OF SUPPORT – ADOPTED

As reviewed for City Council in Manager's Update No. 2017-09 (March 10), the City petitioned the United States Army Corps of Engineers (USACE) to study reallocation of storage in Falls Lake on June 9, 2013. The USACE is authorized by Congress to consider and approve a reallocation of storage under Public Law 85-500, Title III, of the Water Supply Act of 1958.

On June 1, 2015, the USACE entered into a Memorandum of Understanding and began a formal Study that was fully funded by the City. On January 25, 2017, a reallocation was confirmed by the USACE as the Tentatively Selected Plan for new Neuse River Centric regional water supply, authorizing the release of a draft report and environmental assessment for public, policy, and agency technical review. This review is tentatively scheduled to begin March 17 and conclude April 17. Staff has developed a Resolution of Support to be entered into the public record for consideration by Council.

Recommendation: Adopt the resolution. Upheld on Consent Agenda Stephenson/Cox – 8 ayes. See Resolution 457.

VARIANCES AND SPECIAL USE PERMITS – PROPOSED TEXT CHANGE TO STANDARDIZED EXPIRATION PERIODS – REFERRED TO PLANNING COMMISSION

Prior to adoption of the Unified Development Ordinance (UDO) the expiration windows for variances and special use permits were in alignment and required that construction permits be applied for within one year. Staff recently discovered the existing discrepancy and following consultation with the City Attorney and the Board of Adjustment (BOA) recommends a text change to align the expiration windows of both procedures as expiring after one year. Alignment results in ease of administration for the City and the BOA; on March 13 the BOA endorsed pursuing a text change to rectify the discrepancy. Staff recommends authorizing a text change to align the timeframes for submittal of these permits.

Recommendation: Authorize a text change to the Unified Development Ordinance to be referred to Planning Commission. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

ANNEXATION PETITION – 1820 AND 1824 TRAILWOOD DRIVE – PUBLIC HEARING AUTHORIZED FOR APRIL 18, 2017

<u>AREA NAME & DISTRICT</u>	<u>PETITIONER</u>	<u>ACRES</u>	<u>PROPOSED USE</u>
1820 & 1824 Trailwood Drive (D)	Howard Moye	5.08	Residential

Recommendation: 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 public hearing to be held April 18, 2017. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN – APRIL 4, 2017 PUBLIC HEARING AUTHORIZED

The U.S. Department of Housing and Urban Development (HUD) requires entitlement communities under the Community Development Block Grant (CDBG), HOME Investment Partnership, and the Emergency Solutions Grant programs to hold two public hearings annually. The first hearing occurs at the beginning of the process associated with the preparation of the annual action plan in order to obtain citizen views on housing and community development needs, including priority non-housing community needs. The second hearing is held prior to the May submittal deadline of the annual action plan to HUD. Details were included with the agenda packet.

Recommendation: Authorize a public hearing for April 4, 2017. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

FLOOD STORAGE EASEMENT – 11921 LEESVILLE ROAD – CONVEYANCE APPROVED CONDITIONALLY

A request has been received from CalAtlantic Homes for a flood storage easement on City-owned property located at 11921 Leesville Road for the purpose of constructing roadway improvements in connection with the extension of Englehardt Drive. The Parks Recreation and Cultural Resources Department is the maintenance manager of this property and is in agreement with flood storage, private drainage and temporary construction easements requested by CalAtlantic Homes. A report was included with the agenda packet.

Recommendation: Authorize execution of the necessary instruments to convey the requested property interests, subject to approval of terms and conditions acceptable to the City Manager and City Attorney. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

DRAINAGE ASSISTANCE PROGRAM – WELDON PLACE – PROJECT AUTHORIZED TO PROCEED

As part of the periodic project review schedule for the Drainage Assistance Program, the Stormwater Management Advisory Commission recommends the following project for funding in accordance with the provisions of the Storm Drainage Policy.

Project Location	Estimated Project Costs
Weldon Place Drainage Improvements	\$250,000
Total Estimated Project Costs This Period	\$250,000

The project consists of remedying a poorly defined drainage system that exists from the outlet of two pipes at Baez Street through properties along Weldon Place, Grant Avenue and Hobson Court before discharging into a tributary for Beaverdam Creek. This is resulting in structural flooding at several properties on Weldon, along with standing water and property damages during heavy rain events. The project will seek to install a closed system to capture runoff and drainage from Baez prior to entering these properties and discharging it below grade to the creek.

Funding for the project is appropriated in the capital budget; authorization of this project will result in a \$125,000 remaining allocation out of an original budget appropriation of \$1,250,000. Project costs are estimates only and will likely vary as the project moves into detailed design and construction phases.

The following considerations accompany projects of this type: 1) Overall prioritization score and ranking based on the prioritization model assessment; 2) estimated project costs; 3) willingness of property owners to dedicate or donate a permanent drainage easement over the project repairs and stormwater improvements.

Recommendation: Authorize the project to proceed. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

SURPLUS PROPERTY – 216 HECK STREET – TO BE SOLD THROUGH UPSET BID PROCESS

Property located at 216 Heck Street has been identified by the Housing & Neighborhoods Department as surplus property. After a right-of-way reservation to clean up the right-of-way line of Dart Lane, which forms the northern property line and protects public infrastructure located on the property, the lot is non-buildable.

The property is located in the College/Idlewild and Newbern/Edenton Redevelopment Areas but is not part of any ongoing studies currently being conducted. Zell & Malaney Lucas have submitted an initial bid of \$7,000 for the property. The proposed use of the site will be residential use that will be regulated by the current R-10 zoning classification. Applicable City

departments have reviewed the property and have no objections to the disposition. A report was included with the agenda packet.

Recommendation: Declare the property located at 216 Heck Street as surplus real property and accept the bid of \$7,000 subject to the negotiated offer and upset bid process with the conditions that the winning bidder pays all advertising costs accrued during the upset bid process as well as the necessary dedication of right-of-way. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

INVESTMENT CONSULTING SERVICES – MORGAN STANLEY SMITH BARNEY/GRAYSTONE CONSULTING/AMENDMENT #4 – APPROVED

The City utilizes Morgan Stanley Smith Barney LLC, through Graystone Consulting, to provide investment consulting services for three of the City’s long-term investment funds: Other Post-Employment Benefits Trust, Law Enforcement Officers Special Separation Allowance, and the Capital and Risk Reserves Fund. The current contract with Graystone expires March 31, 2017. In preparation for issuing a request for proposal, staff has been exploring investment alternatives and will be issuing a request for proposal for investment consulting services. An extension of the contract with Graystone Consulting through December 31, 2017 is requested to allow time for issuance of the request for proposal, evaluation of proposals, and contract negotiation and transition of assets as necessary. Graystone has agreed to a contract extension with the same fee structure as the current contract.

Name of Project:	Investment Consulting Services
Managing Division:	Finance – Treasury
Approval Requested:	Contract amendment approval (contract amendment >\$150,000)
Vendor:	Graystone Consulting (Morgan Stanley Smith Barney LLC)
Prior Contract Activity:	Contract – (1/1/14) – one-year term Contract amendment #1 – (1/1/15) – one-year term extension Contract amendment #2 – (1/1/16) – one-year term extension Contract amendment #3 – (1/1/17) – three-month term extension
FY17 Budget:	\$100,000
Currently Encumbered:	\$ 75,000
Amount of this Contract Amendment:	\$ 75,000 (\$25,000 – FY17, \$ 50,000 – FY18)
Encumbered with this Approval:	\$100,000

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

INVESTMENT MANAGEMENT SERVICES – WEAVER C. BARKSDALE & ASSOCIATES AMENDMENT #3 – APPROVED

The City utilizes Weaver C. Barksdale & Associates, Inc. to provide fixed income investment management services for two of the City's three long-term investment funds: Other Post-Employment Benefits Trust and the Capital and Risk Reserves Fund. The current contract with Weaver Barksdale expires March 31, 2017. In preparation for issuing a request for proposal, staff has been exploring investment alternatives and will be issuing a request for proposal for investment consulting services. An extension of the contract with Weaver Barksdale through December 31, 2017 is requested to allow time for issuance of the request for proposal, evaluation of proposals, and contract negotiation and transition of assets if a new consultant is selected. Weaver Barksdale has agreed to a contract extension with the same fee structure as the current contract.

Name of Project:	Investment Management Services
Managing Division:	Finance – Treasury
Approval Requested:	Contract amendment approval (contract amendment >\$150,000)
Vendor:	Weaver C. Barksdale & Associates, Inc.
Prior Contract Activity:	Original contract – (1/1/2010) – Administrative Approval Contract Amendment #1 – (3/24/16) – amended as accumulated fees would exceed \$150,000 contract threshold in FY16; extended contract through December 2016 Contract Amendment #2 – (1/1/17) – three-month term extension
FY17 Budget:	\$26,000
Currently Encumbered:	\$19,500
Amount of this Contract Amendment:	\$19,500 (\$6,500 – FY17, \$13,000 – FY18)
Encumbered with this Approval:	\$26,000

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

ERP ANALYSTS, INC. – AMENDMENT #3 – APPROVED

Staff recommends an amendment to the existing managed services agreement with ERP Analysts, Inc. to include work on additional functionality and enhancements available within the PeopleSoft system. The functionality includes elimination of a paper-based process to initiate changes in eligible benefits associated with life events during a plan year. NeoGov is the employee recruitment software utilized by the City and this effort will allow data to be interfaced to the PeopleSoft human resources system, eliminating duplicate effort to keep data synchronized.

The additional contract funding will provide for managed services hours to implement the next two key projects, PeopleSoft Life Events and the NeoGov/ PeopleSoft bi-directional system interface. The amendment will not exceed \$85,000 with work to be complete by July 31, 2017; funding is appropriated in the capital budget.

Name of Project:	PeopleSoft Managed Services
Managing Division:	Information Technology – ERP Center of Excellence
Request Reason:	Contract Amendment Approval (Contract Amendments >\$150,000)
Cause of Contract Amendment:	Continue PeopleSoft managed services
Vendor:	ERP Analysts, Inc.
Original Contract:	\$100,000
Amendment One:	\$204,000
Amendment Two:	\$200,000
Amount of this Contract Amendment:	\$ 85,000 (Technology Capital Project Funds)
Encumbered with this Approval:	\$ 85,000

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

GENERATOR MAINTENANCE – GREGORY POOLE EQUIPMENT COMPANY/AMENDMENT #4 - APPROVED

The Resource Recovery Division has as backup power generation for various facilities and for critical processes required during utility service outages. These nine generators have varying ages and sizes and the locations include Neuse River Resource Recovery Facility (4), Smith Creek Waste Water Treatment Plant (1), Little Creek Waste Water Treatment Plant (1), Walnut Creek Lift Station (1), Crabtree Creek Lift Station (1) and the ultraviolet radiation disinfection system at the NRRRF (1). In order to ensure their operation, the Division maintains a service maintenance contract with Gregory Poole Equipment Company. The current contract includes an annual renewal for three years at \$56,699 per year and funds for unplanned corrective repairs not covered under the agreement. Amendments number two and three were for repairs made to generators that were beyond the scope of the service contract; this amendment number is for renewal of the service maintenance contract for the final year.

Contract History:	
Name of Project:	Generator Maintenance Services Contract
Managing Division:	Public Utilities – Neuse River Resource Recovery Division
Approval Request:	Contract Amendment
Reason for Council Review:	Amendment > \$150,000
Vendor:	Gregory Poole Equipment Company
Original Contract:	\$ 56,669 (Administrative)
Amendment Number One:	\$ 56,669 (Administrative)

Amendment Number Two:	\$ 16,000 (Administrative)
Amendment Number Three:	\$ 17,000 (Administrative)
Amount of this Amendment:	\$ 56,669
Encumbered with this Approval:	\$203,007

Recommendation: Authorize the City Manager to execute the amendment in the amount not to exceed \$56,669. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

NEUSE RIVER RESOURCE RECOVERY FACILITY BIOENERGY PROJECT – BID AWARDED TO CROWDER CONSTRUCTION COMPANY – MANAGER TO EXECUTE CONTRACT

Four proposals were received November 10, 2016 for construction manager pre-construction services for the Neuse River Resource Recovery Facility (NRRRF) Bioenergy Recovery project. The new biosolids campus at the NRRRF includes: preconditioning and dewatering, thermal hydrolysis, anaerobic digesters, post dewatering, and methane gas cleaning system to allow for beneficial reuse in the form of energy. After review of the qualifications and shortlisted interviews, Crowder Construction Company, Inc. was the selected construction manager for the project. Staff has negotiated a preconstruction services scope and fee in the amount of \$597,000 which includes participation in design progress meetings, three full cost estimates, value engineering, and constructability reviews. A budget transfer is being made from the Neuse River Waste Water Treatment Plant 15 MGD (million gallons per day) Expansion Project that is underway and will have budget capacity to fund the transfer. Accounting details are included with the agenda packet.

Name of Project:	NRRRF Bioenergy Recovery Project
Managing Division:	Public Utilities – Capital Improvements
Approval Request:	Contract
Reason for Council Review:	Contract > \$500,000
Original CIP Budget:	\$9,000,000 (Design Services)
Construction Bid Award:	\$597,000
Vendor:	Crowder Construction Company, Inc.
Prior Contract Activity:	N/A
Encumbered with this Approval:	\$597,000

Recommendation: Authorize the City Manager to execute the contract with Crowder Construction Company, Inc. in the amount of \$597,000 and authorize the associated budget transfer. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

UNINTERRUPTABLE POWER SYSTEMS MAINTENANCE – EATON CORPORATION – AMENDMENT #1 – MANAGER AUTHORIZED TO EXECUTE

The City has an existing contract with Eaton Corporation to provide full Uninterruptable Power Systems (UPS) maintenance for the Raleigh Municipal Building. Eaton Corporation is the sole manufacturer representative in this area and the contract term will end August 31, 2021. The

contract amendment is adding additional services of four Uninterruptable Power Systems (UPS) for the Central Communication Center located on Westinghouse Boulevard. The additional service will be for \$152,777 for the term of the contract and requires Council approval because it will exceed the monetary threshold for professional services.

Name of Project:	Full Uninterruptable Power Systems (UPS)
	Maintenance
Managing Division:	Engineering Services – Facilities and Operations
Reason for Council Review:	Contract Amount > \$150,000
Vendor:	Eaton Corporation
Prior Contract Activity:	\$ 83,250 for Original Contract
Amount of this Contract Amendment:	\$152,777
New Contract Amount:	\$236,027
Budget Transfer:	No
Encumbered with this Approval:	\$236,027

Recommendation: Authorize the City Manager to execute the contract amendment in an amount not to exceed \$152,777. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

DAM INSPECTION AND ASSESSMENT – FREESE & NICHOLS, INC./AMENDMENT #4 – MANAGER AUTHORIZED TO EXECUTE; FUNDS TRANSFERRED

Freese and Nichols, Inc. was previously selected as one of six on-call engineering consultants to provide professional engineering services. The Stormwater Management Division will begin development of a dam inspection and maintenance program for 30 City-owned or controlled dams. The City desires to become more proactive with our approach to monitoring and maintaining dam facilities; performing a thorough inspection of the dam embankment and related structures is integral in determining the condition of these facilities. Examining an embankment to look for any evidence of seepage through the dam is a crucial first step, and this type of investigation is best done when vegetation is low and foliage is minimal.

The inspection and assessment process will result in the development of a program that will establish future maintenance needs and costs for each of these City-owned or maintained dams. A fee has been negotiated for inspections, assessment, and training to better position staff to be proactive in the maintenance of these facilities. A budget transfer in the amount of \$149,339 is required for the contract amendment. The source of funding is residual appropriations from capital projects that are completed.

Name of Project(s):	City-Owned Dam Inspection and Assessment
Managing Division:	Engineering Services – Stormwater Management
Approval Request:	Contract Amendment
Reason for Council Review:	Contract Award>\$150,000
Vendor:	Freese and Nichols, Inc.

Prior Contract Activity:	Original Contract \$10,000 (Council Approval 7/7/15)
Amendment One:	\$ 25,000 (Executed 12/17/15)
Amendment Two:	\$100,000 (Executed 4/1/16)
Amendment Three:	Time Extension Only (Executed 9/1/2016)
Currently Encumbered:	\$135,000
Amount of this Contract Amendment:	\$149,339
Encumbered with this Approval:	\$284,339
Budget Transfer Required:	Yes

Recommendation: Authorize the City Manager to execute contract amendment four and authorize budget transfers in the amount of \$149,339. Accounting details were included in the agenda packet. Upheld on Consent Agenda Stephenson/Cox – 8 ayes. See Ordinance 689 TF 294.

MILLBROOK EXCHANGE PARK STREAM RESTORATION PROJECT – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH NORTH CAROLINA STATE UNIVERSITY

This contract will provide research and engineering services for evaluating the efficacy of an alternative method for raising a streambed in order to reconnect stormwater flood flows to the stream floodplain. In coordination with North Carolina State University, sediment loads currently carried by the stream will be evaluated; structures for retaining sediment within the stream channel and aggrading the stream bed will be designed; and construction oversight, monitor sediment load and sediment aggradation with the structures in place, prepare reports, and disseminate the project findings will be performed.

The total amount of this contract is \$171,670. Of this total amount, \$137,336 (80 percent) will be reimbursed to the City by a grant from the NC Clean Water Management Trust Fund, which the City Council accepted on February 7, 2017. The remaining \$34,334 (20 percent match) will be funded by the Stormwater Utility Fund. All funding for the initiative has been previously appropriated.

Name of Project:	Millbrook Exchange Park Stream Restoration Project
Managing Division:	Engineering Services – Stormwater
Approval Request:	Contract award
Reason for Council Review:	Contract award > \$150,000
Vendor:	North Carolina State University
Prior Contract Activity:	N/A
Currently Encumbered:	\$ 0
Amount of this Contract:	\$171,670
Encumbered with this Approval:	\$171,670

Recommendation: Authorize the City Manager to execute the contract in the amount of \$171,670. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

PERSONNEL CHANGES – FINANCE DEPARTMENT – RECLASSIFICATION APPROVED

The position reclassification below has been reviewed by the Human Resources Department. The fiscal impact of the reclassification will be absorbed within existing approved salary and benefit appropriations for FY 2017.

Finance.

Senior Staff Support Specialist, vacant position, (Job Code 000004; PG 26; Position Control Number 00001493) to Policy and Procedures Administrator (Job Code 003698; PG 39). The position will be assigned duties to develop and manage the development and governance of policies and procedures in coordination with City departments.

Recommendation: Authorize the position reclassification. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

ENCROACHMENT REQUESTS – VARIOUS LOCATIONS – APPROVED CONDITIONALLY

The agenda presented the following request for encroachments.

Departure Drive and Northbrook Drive

Duke University, a non-profit, is extending the North Carolina Research and Education Network to provide services to Duke University, NC State, UNC- Chapel Hill, medical clinics and the Wake County Government Complex. New fiber optic cable will be installed including 50,000 feet of underground conduit and fifty hand holes. A report was included with the agenda packet.

Corporate Center Drive, Corporate Ridge Road, Germantown Road and Daimler Way

A request has been received from Celito CLEC, LLC to install 3,263 linear feet of underground fiber optic cable and thirteen hand holes. A report was included with the agenda packet.

St. Mary's Street, West Morgan Street, Snow Avenue and Cox Avenue

A request has been received from Level 3 Communications to install 2,612 feet of underground conduit. A report was in 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 Stephenson/Cox – 8 ayes

BUDGET AMENDMENTS/TRANSFERS – APPROVED

The agenda presented a list of budget amendments and transfers including a \$25,000 match for the CityLab project at Raleigh City Museum. Council members received in their agenda packet a list of accounting details for the various budget amendments/transfer as outlined on the agenda.

Recommendation: Approve the budget amendment/transfers as outlined. Upheld on Consent Agenda Stephenson/Cox – 8 ayes. See Ordinance 689 TF 294.

BID – BIG BRANCH SOUTH PUMP STATION EXPANSION – MANAGER AUTHORIZED TO ENTER INTO CONTRACT WITH HAREN CONSTRUCTION COMPANY, INC.

Three construction bids were received on February 22, 2017 for the Big Branch South Pump Station Expansion project. The improvements include adding a 6 MGD (million gallons per day) pump for increased pump station capacity, new channel grinders, electrical upgrades, ventilation modifications and generator replacement. Haren Construction Company, Inc. was the low bidder in the amount of \$1,597,000 with a 5.3 percent Minority and Women Enterprise (MWBE) participation. The offices of MWBE and Public Utilities have reviewed the documentation and verified that a good faith effort to gain MWBE participation was made.

Name of Project:	Big Branch South PS Expansion
Managing Division:	Public Utilities – Capital Improvements Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$4,000,000
Construction Bid Award:	\$1,597,000
Vendor:	Haren Construction Company, Inc.
Prior Contract Activity:	N/A
Encumbered with this approval:	\$1,597,000

Recommendation: Award the contract to Haren Construction Company, Inc. in the amount of \$1,597,000 and authorize the City Manager to execute the contract. Funding is appropriated. Upheld on Consent Agenda Stephenson/Cox – 8 ayes.

TRAFFIC – VARIOUS CHANGES - ORDINANCE ADOPTED

The agenda presented the following recommended changes in the traffic code.

Multi-way Stops – Fairview Road at Scales Street, Winthrop Drive at Dodsworth Drive, Bluffridge Drive at Stonehenge Drive, Neuse Wood Drive at Tierra del Sol Way and Scotland Street at Beaufort Street

It is recommended that multi-way stops be installed at the intersections of Fairview Road at Scales Street, Winthrop Drive at Dodsworth Drive, Bluffridge Drive at Stonehenge Drive, Neuse Wood Drive at Tierra del Sol Way and Scotland Street at Beaufort Street. Fairview Road is classified as a 2-Lane Avenue. Winthrop Drive, Bluffridge Drive, Stonehenge Drive and Scotland Street are classified as Neighborhood Streets. Scales Street, Dodsworth Drive, Neuse Wood Drive, Tierra del Sol Way and Beaufort Street are classified as Neighborhood Local. These intersections meet and/or exceed the criteria specified in Section 4 of the Neighborhood Traffic Management Program adopted by the Raleigh City Council.

Twenty-Four Hour Material Loading Zone – Tryon Hill Drive

It is recommended that the existing Material Loading Zone on the north side of Tryon Hill Drive be changed to a Twenty-Four Hour Material Loading Zone. A request was received from the owner of Irregardless Café to have the current Material Loading Zone 9:00 a.m. to 5:00 p.m. along the Tryon Hill side of their property changed to a Twenty-Four Hour Material Loading Zone. This zone is vital to Irregardless Café's catering business and is used all hours of the day and night depending on the times and setup requirements for various occasions. The current zone ends at 5:00 p.m. and leaves the business struggling to find another place to safely load and unload during evening hours.

Twenty-Four Hour Material Loading Zone – Snow Avenue

It is recommended that the current Twenty-Four Hour Commercial Loading Zone situated on the east side of Snow Avenue at the intersection of Morgan Street be changed to a Twenty-Four Hour Material Loading Zone. In July 2016 staff received a request from the Table of Contents, a wedding supply rentals business, to change the existing loading zone in front of their establishment to a Twenty-Four Hour Commercial Loading Zone in order to help with customer deliveries and to prevent residents in the nearby apartment complex from parking there. Since the zone was implemented, Table of Contents has now become concerned that customers who pick up merchandise with private vehicles are now in violation of the ordinance. The business has requested that this zone remain Twenty-Four Hours but revert to a Material Loading Zone.

No Parking Zone – Wilderness Road

It is recommended that a No Parking Zone be established on the East side of the 7200 Block of Wilderness Road. A request was received from the Property Manager of Westwood Homeowners Association to have a section of Wilderness Road made No Parking due to residents being unable to see around parked cars at the intersection of Mapleton Lane. Staff conducted a sight-line study which concluded that cars parked along the east side negatively impact the view of drivers to observe oncoming traffic traveling southbound down Wilderness Road. The proposed change will alleviate this issue.

Recommendation: Approve the changes in the traffic code as recommended and authorize appropriate changes in the traffic code as included in the agenda packet. Upheld on Consent Agenda Stephenson/Cox – 8 ayes. See Ordinance 690.

END OF CONSENT AGENDA

SPECIAL ITEMS**REZONING Z-30-16 – VARSITY DRIVE – APPROVED – ORDINANCE ADOPTED**

This is a hearing to consider a request by Dobs, Inc. to rezone approximately 3.0 acres from Neighborhood Mixed Use – Four Stories – Conditional Use with Special Residential Parking Overlay District (NX-4-CU w/SRPOD) to Residential Mixed Use – Five Stories – Green Frontage – Conditional Use with Special Residential Parking Overlay District (RX-5-GR-CU w/SRPOD). The property is located at the southwest corner of the intersection of Varsity Drive and Avent Ferry Road. Conditions limit uses and total number of residential units and address impact on adjacent properties. The proposal is consistent with the Comprehensive Plan and Future Land Use Map. The Planning Commission recommends approval of the request.

Council first received this item at its December 6, 2016 Council meeting. Action was deferred until January 3, 2017 and then until January 17, 2017, as original signed conditions had not been provided. Signed conditions were provided before the deadline for the January 17 meeting, and the proposal was scheduled for a public hearing on February 7, 2017.

Council agreed to hold the hearing open and place the item on the February 21, 2017 agenda for further consideration. During the February 21 meeting it was reported the applicant had asked that the item be held open and placed on the March 7, 2017 agenda for further consideration.

During the March 7, 2017 Council meeting, the hearing was closed and it was directed that the item be placed on this agenda to receive additional conditions/clarifications. Once the hearing is closed, the Council may take action to approve, deny, or refer the item to committee.

Planner Bynum Walter pointed out appropriately assigned revised conditions have been received and the Council can move forward to take action.

Council Member Crowder pointed out the applicant has worked diligently with all involved and she would like an opportunity for the applicant to speak. Steve Gurganus, Land Planner with Womble Carlyle Law Firm indicated additional conditions have been submitted since the public hearing. He went over the additional conditions which relate to a limit on the unit allocation, a cap on the three bedroom units, deletion of four bedroom units, provides a range of how the bedroom units will be distributed, no roof top amenities, cistern along with irrigations which will be used to maintain the landscape, design details, no habitable basement or attic space, lighting and landscape conditions, etc. He indicated there were questions about Item 14A as to whether the doors and windows would be included in the calculations pointing out the developer says the intent is to include the surface area of all brick/masonry façade including windows and doors. He talked about the location of the panels along the top and the bottom, etc. Council Member Crowder moved approval of Z-30-16 with the amending conditions dated March 9, 2017, with the understanding that the measurable areas in 14A applies to the entire façade of the brick/masonry surface area including doors and windows. Her motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 391 ZC 743.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-28-16 – NORTH HILLS EAST PLAN DEVELOPMENT – PUBLIC HEARING AUTHORIZED FOR APRIL 4, 2017

This is a request to rezone property from Planned Development (PD) and Office Mixed Use-3Stories-Green Frontage with Special Highway Overlay District 2 (OX-3-GR w/ SHOD-2) and Conservation Management (CM) to Planned Development (PD).

The request is consistent with the Future Land Use Map and the Comprehensive Plan. Continuation of the existing Planned Development is to create a unified development pattern in the area.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 2, 2017

Council Member Gaylord requested to be recused from participation on this item. Council Member Baldwin moved that Council Member Gaylord be recused from participation on Z-28-16. 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.

Planning Director Bowers pointed out he understands the applicant has requested an April 4 public hearing. In response to questioning, as to why staff was recommending May 2, Planning Director Bowers indicated staff was just trying to space out the public hearings. Mayor McFarlane questioned whether staff will be ready to make a report on the transportation issues or update by April 4 with Planning Director Bowers indicating the April 4 date would be fine.

Council Member Stephenson talked about the presentations at the Midtown CAC which described all of the state and municipal projects that are in the works. He indicated the stakeholders are very concerned about having a coordination of all of these plans and plans to provide infrastructure to support the requested development in the area. They do not want the rezoning to move forward without knowing the infrastructure plans.

Planning Director Bowers pointed out there is a petition of citizens later on the agenda relative to the desire to have a more comprehensive area plan and if the Council moves forward with that it is unlikely that staff would have an update. He stated this is a planned development rezoning not a conditional use so some of the deadlines that apply in a CUD case wouldn't apply in this case. Council Member Stephenson again indicated he attended four of the Midtown CAC meetings and again talked about the stakeholders desires of not letting the rezoning get out ahead of the plans for infrastructure. He stated if the Council is going to hear this case on April 4 he would like something from staff relative to an outline of what infrastructure would be required, timing of that construction, infrastructure cost, etc., again asking if staff is holding to its recommendation on the public hearing date. Planning Director Bowers indicated staff has no additional recommendations on the public hearing date except that it be held within 60 days.

Council Member Stephenson pointed out he has no real objection to having the hearing in April but wanted everyone to understand that once the hearing is held he does not feel we should rush into making a decision on the rezoning until the Council receives more information on the infrastructure. Planning Director Bowers indicated staff can bring forth preliminary information when the Council desires. Council Member Cox questioned the need to have additional information before the public comes to speak at a public hearing. Council Member Stephenson indicated if Council is not satisfied with the information on infrastructure the hearing could be held open with Mayor McFarlane pointing out that is correct or it could be sent to a committee. Mayor McFarlane stated some of the infrastructure information is controlled by the State. She talked about the Six Forks Road Corridor Study and when information would be received on that project. Planning Director Bowers pointed out there is a meeting later today and staff will be recommending a 30 day online comment period. He stated there are several parts that will be studied, streetscape design and cross section, traffic improvement analysis and private input. He stated preliminary information on all of that could be provided whenever. Council Member Thompson talked about the votes of the CAC which recommended approval of this rezoning but expressed concern about the traffic impact and plan for the whole area. He stated he has no objection to going forth with the hearing on April 4, but he feels that it would need to be held open or referred to a committee for further study. Council Member Thompson moved approval of an April 4 public hearing. His motion was seconded by Council Member Baldwin and put to a vote which resulted in all members voting in the affirmative except Council Member Crowder who voted in the negative and Council Member Gaylord who was excused from participation. The Mayor ruled the motion on a 6-1 vote.

REZONING Z-43-16 – 8402 DARTON WAY – HELD AT THE TABLE

This is a request to rezone property from Office Mixed-Use-3 Stories-Parkway – Conditional Use, (OX-3-PK-CU) to Office Mixed-Use3 Stories-Parkway – Conditional, (OX-3-PK-CU). The request is a change to zoning conditions.

The request is consistent with the Future Land Use Map, the Urban Form Map, and most pertinent policies of the Comprehensive Plan. Conditions restrict particular land uses and building height.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 2, 2017.

Planning Director Bowers indicated the applicant has requested that this case be held at the table for two weeks in order to provide additional information. Without objection it was agreed that this item would be held at the table and placed on the April 4 agenda.

TC-8-17 – CITY COVENANT (COMMON OWNERSHIP OF STORMWATER CONTROL DEVICES) – HEARING AUTHORIZED FOR APRIL 4

This is a request is to discontinue the requirement of conveyance and a covenant with the City and the property owner for private stormwater control devices that address stormwater

management on a single lot. This would also negate the need for a property owners association since the system is on a single lot, under one ownership.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 2, 2017.

Planning Director Bowers pointed out Wake County Public School System is interested in this item and had requested that the hearing be held on April 4 rather than May 2 pointing out staff has no objections. Council Member Baldwin moved approval of an April 4, 2017 public hearing for TC-8-17. 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.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

TRANSPORTATION BOND UPDATE – 2017 – INFORMATION RECEIVED

A framework for a potential 2017 Transportation Bond measure, as well as example projects for each category, was discussed at the City Council retreat in February 2017. This report will update the City Council on the inventory of potential projects and programs by category that could be considered for the potential bond package. The inventory will be used by staff to prepare several example bond packages of varying focus and size for detailed discussion during the April 5 budget work session.

Recommendation: Receive as information.

City Manager Hall pointed out in the February Retreat, Staff introduced this concept and Council asked staff to come back with some specific projects, etc. He stated the item is on the agenda today to provide an update on possible alternatives, get Council feedback and staff would come back with a more refined proposal or options. He stated no decisions are needed today just feedback and staff would come back with a more defined package for the April 5 work session.

Eric Lamb, Office of Transportation Planning, pointed out as we move toward the possibility of a transportation bond the first question to answer is how big is the pie (bond package) and how big are the slices (types of products). He indicated the first draft of a project mix would be to look at a program similar to the 2013 bond which included no maintenance, parking or studies/planning, add public/private partnerships; finish projects already funded; and look at 3 scenarios each with slightly different priorities and allocations of the funds. He talked about the 2013 bond allocation of the \$75M issue which included street widening projects, major catalytic projects, neighborhood connections and enhancements in transit capital investments. He stated funding needed to complete existing projects is as follows: He talked about potential bond packages of \$120M, \$150M, \$200M, and \$250M. He gave various allocation scenarios for the mix of street widening, major catalytic, neighborhood connections, transit supportive and public/private partnerships for the potential amounts.

Mr. Lamb pointed out the next steps would be to receive Council direction or feedback and then staff will develop detailed bond packages for presentation to the City Council during the April 5 budget work session. He pointed out the key considerations for the April 5 meeting is to prioritize existing projects, narrow down possible package size and think about project priorities. He stated an issue that has to be considered in the future relates to the operating impacts and delivery capacity. It was pointed out the actual project mix isn't required at the go/no go point.

Council Member Baldwin questioned where sidewalks, traffic calming, etc. would fall into the categories with it being pointed out those would be considered as neighborhood connectors. Council Member Thompson questioned resurfacing projects with that being pointed out that would be in the operating budget. Council Member Branch questioned if the Council decided to go with a bond in the fall and if it is approved by the voters what the time frame for getting the work started would be. Mr. Lamb pointed out the earliest the FY17 Bond could be utilized for projects would be in the summer/fall of 2018; however the ones that are in the pipeline could move forward quicker.

Council Member Cox questioned how much money the City needs to clear the backlog as he understands there are some 200 sidewalk projects, some with curb and gutters and others without, with it being pointed out about \$20M.

Council Member Stephenson talked about the different levels of bond packages and the projects that fit into each of the categories. He talked about the need to look at the cost and geographical distribution, that is, what the citizens would get for their money. Council Member Thompson asked what is meant by major catalytic projects. Council Member Stephenson pointed out in terms of picking the size package he feels that the Council needs to see what the voters would get for each of the price points. Council Member Baldwin questioned the potential tax increase for each size bond package. Mr. Lamb pointed out we have enough debt capacity to address \$100M or \$120M, so no tax increase would be necessary; however some calculations need to be made and that information could be provided during the April 5 work session presentation. City Manager Hall pointed out it is a graduated amount pointing out there is approximately one cent for each amount above \$120M and that does not figure in operating impacts and that should be included in whatever package is chosen. It was pointed out that information would be provided at the April 5 work session.

CHIEF FINANCIAL OFFICER JAMES – RECOGNIZED

City Manager Hall pointed out this is Chief Financial Officer Perry James last Council meeting. He talked about Mr. James' 35 years with the City of Raleigh, 22 of which were in the leadership role of the Finance Department. City Manager Hall stated in addition, Mr. James served as interim city manager prior to his being hired. He stated there is a very long list of accomplishments that will be talked about at a later event. He expressed appreciation to Mr. James for his outstanding service to the City of Raleigh. Mr. James received a standing ovation.

**REPORT AND RECOMMENDATION OF THE GOTRIANGLE TRANSIT
AUTHORITY**

DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT UPDATE – INFORMATION RECEIVED

City Manager Hall pointed out during the March 7 City Council Meeting the Council requested that Jeff Mann, General Manager of GoTriangle provide an update on the light rail project.

Jeff Mann, General Manager of GoTriangle, provided Council Members with some facts relative to the Durham Orange Light Trail Transit project. He highlighted a slide presentation pointing out the area was one of the fastest growing metro areas in the 2010-2014 timeframe. The Durham Orange corridor showed 175,000 people in 2005 with an anticipation of growth to 231,000 in 2035. He stated that corridor has three of the top ten employers in North Carolina, 3 major universities and 3 major medical centers. He presented a map of the route, stations, etc., pointing out it covers some 17.7 miles and 18 stations and is scheduled to open in 2028. He stated it is a double track on a dedicated guideway separated from traffic with an anticipated travel time between Austin Avenue in Durham, and UNC Hospitals of some 42 minutes, calls for a 10 minute frequency during peak times and 20 minute frequency during off-peak and weekends. He talked about the challenges of the proposal which include more congestion/increased travel times; repair, replacement and expansion of our roadway network being unsustainable, and pointed out transit systems operating near capacity. They have 8 buses per hour to the UNC hospitals, 46 buses per hour in the Duke University, Duke VA Medical Center area.

Mr. Mann talked about the needed funding of \$2.48 billion explaining they are seeking 50% federal funding through the FTA new start program; local share to be funded through ½ cents sales tax (Durham 2011/Orange 2012) and vehicle registration fees. He talked about the record of decision on the environmental impact statement received in February 2016 and the application to enter engineering phase which was submitted in December 2016, a time line of the Durham and Orange bus and rail planning which has been 10 years in the making.

Mr. Mann talked about the economic development pointing out an independent estimate of economic development potential conducted in 2015 indicates a \$4.7 billion in economic impact in Durham and Orange counties plus some \$600 million in additional impact statewide. The project has an estimated 750 direct construction jobs and over 1,000 indirect construction related jobs and proposes to provide \$175 million in new tax revenue per year.

Mr. Mann talked about the funding challenges as it relates to bus service, vehicles, bus stops, park and ride, light rail, commuter rail, bus rapid transit and Hillsborough train station. He provided information on the increase/decrease of available funding in the various categories. He talked about the funding and what will or will not move forward if the funding is not approved and the critical nature of the funding.

Council Member Branch stated as he understands this is talking about light rail but questioned BRT. Mr. Mann pointed out Chapel Hill is applying under Smart Starts and talked about what Wake County is doing as it relates to a major study in the next few months. He pointed out smart starts takes some 18 or so months to apply, talked about the preplanning work and how the investment study by Wake County will help provide some of the answers.

Council Member Baldwin pointed out she had requested that Mr. Mann provide this input so that everyone can be fully informed of the project status and Federal budget challenges. She stated at some point GoTriangle will have to vote on how to proceed.

Mr. Mann went over the key dates relating to confirmation of local funding commitments, FTA decision on approval to enter engineering which requires confirmation of local commitment of at least 30% of nonfederal funding; June 2018 for request to be in the President's budget which requires 50% of non-NewStart funds to be committed; inclusion in the draft STIP where the State share is defined but not committed; project dates continue through commitments needed in 2018, 2019 with a target of full funding grant agreements in January 2020.

Mayor McFarlane questioned the local funding sources. Mr. Mann pointed out he is working with the counties to see if the vehicle tax and one half cent sales tax would be sufficient. He stated it is not felt that it will be in Durham County at this time, therefore they are working with the universities, land owners, private donations to help close the gap. He stated it is a very tight funding picture with not a lot of options. He talked about the various funding assumptions, what is committed and not committed etc. Mayor McFarlane questioned what it would take to fill the gaps. He stated he does not think this will impact their ability to issue debt in Wake County, whether they would attempt to move forward only in Orange without Durham was questioned by Council Member Thompson with Mr. Mann indicating he did not think so. Whether GoTriangle plans to move forward with engineering cost with the uncertainty of funding was talked about with Mr. Mann pointing out they have to continue to spend to move the project forward pointing out the design is estimated to be some \$70 million.

Council Member Baldwin again indicated she had asked that this report be given with all pointing out it is a big gamble with this much up in the air but decisions will have to be made. The reports were received.

REPORT AND RECOMMENDATION OF THE CITY OF OAKS FOUNDATION

CITY OF OAKS FOUNDATION – UPDATE RECEIVED

Chris Heagarty, Executive Director of City of Oaks Foundation, provided a PowerPoint giving information on their organization which he described as a private nonprofit to help protect natural treasures around the city and county and to provide opportunities to get kids active and outside. He talked about an event scheduled for March 30 at the Hurricanes game which will answer a program that will help get kids outdoors. He talked about a donation of 9.25 acres valued at some \$250,000 along Azalea Drive, its topography, etc., explaining they granted greenway easements to extend Crabtree Creek Greenway through to Laurel Hills Park. He

talked about the Environmental Awards Program pointing out they partner with the City of Raleigh to help sponsor this event and talked about the outstanding examples of environmental stewardship in the community and the urban agricultural mini grants to encourage innovation. He gave information on the Joslin Open Garden Days scheduled for April 29, May 6 and May 13 and the upcoming mother/daughter tea party scheduled for Mothers' Day at the Joslin Gardens. He talked about their work with the Parks, Recreation and Cultural Resources Department to transform the private area into public gardens as everyone is seeing it as a retreat center, nature educational site, artistic exhibits, performances, etc., calling it a fantastic resource for the city.

City Attorney McCormick pointed out Nell Joslin, whose parents made this all possible, is in the audience and Mayor McFarlane asked her to stand. Every one expressed appreciation for the information and the work of the City of Oaks Foundation.

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

BRENTWOOD PARK MASTER PLAN SITUATION ASSESSMENT AND CITIZEN PLANNING COMMITTEE – APPROVED

Amy Simes, Chair, will present the Parks, Recreation and Greenway Advisory Board (PRGAB) recommendation to approve the Situation Assessment and Citizen Planning Committee for the Brentwood Park Master Plan development.

Recommendation: Approve Situation Assessment and Citizen Planning Committee for the Brentwood Park Master Plan development.

Ms. Simes explained the project and the Boards' recommendation for approval.

Luke Wallenbeck, Parks, Recreation and Cultural Resources presented the following list of the proposed citizen planning committee. Garrett Anderson, Chris Browder, Michael Bustle, Laura deLuna, Lew DeTurk, Uli Gratzl, Sarah Harris, Crissty Martin, Justin McCurry, Mrs. McIntyre, Lakystal O'Neal, Barbara VanSant, Lisa Williams and Shelley Winters.

He also went over the project background pointing out the master plan was adopted in 2014 at which maintaining existing parks and reinvigorate existing facilities, greenway and sidewalk connectivity to the neighborhoods and improving the athletic fields and play grounds was the publicly identified system priorities. He talked about funding included in the 2014 Park Bond, which had \$2M for master plan update and project implementation.

Susan Hatchell, Landscape Architecture, pointed out this is an existing park of 19.5 acres which has an additional 6.71 acre dedicated greenway parcel located to the south with proposed greenway. She explained the location which is in the Brentwood neighborhood and the Atlantic CAC, adjacent to Brentwood Elementary School and has vehicular access at Vinson Drive off Brentwood Road, pedestrian access at Ingram Drive and Glen Raven Drive, pointed out the location of the Marsh Creek Greenway and other trails existing, pedestrian bridges, the existing

facilities. She explained the site conditions, including hydrology, topography/elevation, diverse plant and animal communities, and site constraints. She went over the existing structures, infrastructure and recreational facilities pointing out accessibility is a major issue. She went through the situation assessment pointing out the community survey results favors fitness and wellness, aquatics, family, senior adults and nature. The community survey results call for walkway/trails, greenway access and connection, playgrounds, restrooms, dog parks and community gardens. She talked about the Citizen Planning Committee makeup which consist of 14 community members and one Parks and Recreation Greenway Advisory Board representative explaining selection criteria. She highlighted the proposed schedule pointing out they are at the end of phase I – site analysis and situation assessment. Phase II which includes the Citizen Planning Committee and public meetings will consist of three public meetings and workshops and at least five Citizen Planning Committee meetings in the April to October 2017 timeframe with Phase III being the draft master plan and final master plan report to the Parks, Recreation and Greenway Advisory Board and City Council in the October to December 2017 timeframe.

Ms. Hatchell talked about the involvement and the activities of the Brentwood Garden Club and how they have been involved and have worked with the Park through the years. She talked about the need for a little more diversity and may be they will add a member or two to the Citizen Planning Group. She talked about discussions with the group on what do you do when you go to a city park, etc.

Council Member Cox indicated the residents in the area are very excited and look forward to the continuing their work on this project. He expressed appreciation for staff's good work in bringing this project forward to this point. Council Member Baldwin moved approval of the Situation Assessment and Citizen Planning Committee as outlined. Her motion was seconded by Council Member Cox and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

JOHN CHAVIS MEMORIAL PARK PHASE I SCHEMATIC DESIGN – APPROVED STAFF AUTHORIZED TO PROCEED

The schematic design for John Chavis Memorial Park Phase I Improvements has been presented to the public and the Parks, Recreation and Greenway Advisory Board. The schematic design will be presented as part of the PRGAB's report to the Mayor and City Council for review and consideration of approval.

Recommendation: Approve the schematic design for John Chavis Memorial Park Phase I Improvements and authorize staff to proceed with construction documents, permitting and bidding.

Parks, Recreation and Greenway Advisory Board Chair Amy Simes pointed out the Board recommends approval and moving forward.

Shawsheen Baker, Parks, Recreation Cultural Resources provided information starting with 2012. She went over the background including revised park master plan being adopted in May,

2014; phase I project funding in 2014 parks bond; phase I strategic implementation study which was approved in June 2016, and the schematic design and public input process which began in the fall of 2016. She went over the public input process and pointed out the Arts Commission has identified \$100,000 for public art for the park.

Fred Belladin, Clearscapes, and Eric Anis, Surface 678, provided information on the schematic plan phase I which was identified as the heart of the park and includes a new and expanded community center, new multi-functional central plaza, new and expanded playground area and renovated original carousel house, site plan for the playground including the shaded seating, drinking, fountain Hammock Farm, aromatic garden, interpretive opportunities, story circle, trees in wood decking, natural play areas, drop-off, shaded tables, chairs, drinking fountain, trash areas, etc., provided information on the playground equipment and surfaces; central plaza site plan which includes new splash pad, movable shaded seating, food truck parking areas, concert areas, festival tent, providing slides of each area. They also touched on the carousel floor plan, the renovation, the community center floor plan, upper and lower level, area views, main entrance, splash areas, event stage, etc.

Council Member Baldwin moved approval of the schematic design and authorizing staff to proceed with construction documents, permitting and bidding. Her motion was seconded by Council Member Branch. Council Member Branch expressed appreciation for all of the work pointing out a lot more needs to be done but expressed appreciation to all for their work and moving ahead with positive spirits.

Council Member Thompson stated he is in favor of the motion and pointed out he knows the track is not in this phase. He stated however Southeast Raleigh has a premier high school and track team and he feels we should keep that in mind as we move forward and he hopes that Phase II will include a full size track. 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.

REQUEST AND PETITION OF CITIZENS

UNFIT BUILDINGS – 1200 SOUTH EAST STREET AND 1013 SOUTH WILMINGTON STREET – EXTENSIONS GRANTED

Andrew Clark, JBAC Properties, LLC, would like to request a 90-day extension for properties at 1200 South East Street and 1013 South Wilmington Street in order to complete the minimum housing code requirements.

Mr. Clark stated he is actually asking for 120 days to complete 1200 South East Street. He talked about the work that had been completed there. Housing Inspector Ashley Glover presented information on 1601 Poole Road pointing out Mr. Clark has been working on that and it has been before the Council several times. He presented before and after photos, talked about the nice upgrades and Mr. Clark's work. He stated Mr. Clark is completing the 1601 Poole Road and he is on the right track for 1200 South East Street and 1013 South Wilmington Street but it will take time. Mr. Glover suggested an extension of 120 days for South East Street and then

they could start on 1013 South Wilmington Street. He suggested that the Council authorize the 120 days for 1200 South East Street and authorize him to grant an additional 90-day extension for 1013 South Wilmington Street. Council Member Baldwin moved approval. 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.

PARKS AND RECREATION POLICIES – CONCERNS – RECEIVED

Tim Hadley had requested permission to discuss various issues with the Raleigh Parks and Recreation organization and policies. Mr. Hadley stated he had been providing Council members with emails over the past week and half concerning this issue and he would be glad to address any specific thing he had outlined in his emails. He stated his request is for the city to continue grandfathering so his son could play Colt baseball. He stated his son was subject to the change and dates a couple of years back and had played the last two seasons in pony ball pointing out his son's birthday is two days past the cutoff date. He asked the Council to please allow his son to play pony ball for the third season. He stated he had talked to various members in the Parks and Recreation staff and made the request but it was rejected and he continues to receive rejections and the only answer he gets is "this is policy." He stated the recreation programs are for kids not to make the life of city employees easier. He talked about the number of people he had spoken to through the City's chain of command and he keeps getting the same message "if he does not like the way the city policies are he could simply go somewhere else." He stated it is not the Parks and Recreation and Cultural Resources policy, it is a policy adopted by the City and the staff is hired to enforce the policy. He asked that the Council consider his request.

City Manager Hall pointed out administration has reviewed the situation and supports the interpretation of the Parks and Recreation staff and he would suggest that the Council take no action on this request.

No comments were made therefore no changes.

ROSENGARTEN PARK – REQUEST TO BE A RESIDENTIAL PARKING PERMIT AREA – REFERRED TO ADMINISTRATION

Amanda Meyer, Rosengarten Park talked about the lack of parking in Rosegarten Park. She showed a video showing on street parking and pointed talked about the problems the people who live in the area have parking in the area. She pointed out the process they started some time ago and pointed out they had petitions signed by 75% of the resident homeowners and talked about the number of people who signed the petition. She talked about the number of homes in Rosengarten Park, the number of homes that have driveways, the proximity of their neighborhood to downtown pointing out people who must work in the downtown area use the streets in front of their homes for parking therefore many of the residents have no place to park. She stated they are simply requesting to be added to the residential parking program pointing out they realize they do not meet the requirements for the residential permit parking but because of

their unique situation, they need help. She stated the City Ordinance says you need eight city blocks in order to qualify for residential permit parking.

City Manager Hall indicated a report had been done on this and he would be glad to recirculate the report.

Council Member Crowder questioned if the problem is people parking there during the day or in the evening. Ms. Meyer pointed out primarily it is during the day. It seems that people park on the street and walk downtown to work or whatever. She stated the on street parking normally clears out about 6:00 p.m. but at 4:00 on any given week day, you cannot find a parking space on the street. She pointed out the property owners have asked people not to park on the street in front of their house, talking about when they put their garbage cans out the solid waste people cannot pick them up because they can't get to them and how, it creates many problems. Without further discussion, the item was referred to administration to provide a follow up report.

MIDTOWN NEIGHBORHOODS – REQUEST FOR SMALL AREA – PLAN AND TRAFFIC MANAGEMENT PLAN – ADMINISTRATION TO PROVIDE A REPORT

Alan J. Wiggs, representing the Midtown Neighborhoods, stated Midtown needs an area plan, prior to any projects the size of Z-28-16 North Hills should be considered or approved. He stated this proposed rezoning would add an additional 2.8 million square feet in the area. He compared that square footage to the area on Wake Forest Road from New Hope Road south to Six Forks Road which includes offices, hospitals, hotels, retail etc., equal some 2.9M square feet. He stated the citizens in the area have spent many hours going over the conditions in the case with Dewitt Properties and Kane Reality many of which could have been covered if the city had gone ahead and developed an area plan for Midtown. Mr. Wiggs stated a small area plan should include studies and plans for transit, bikes, sidewalks, roads and other amenities. He stated he looks forward to working with the Planning Department on a future area plan.

Council Member Stephenson questioned if this request has been submitted to the Midtown CAC. Mr. Wiggs stated it has not as of yet pointing out he is presenting the Midtown neighborhoods but they will be submitting the request to the Midtown CAC.

Mayor McFarlane indicated earlier in the day when the rezoning on Z-28 was scheduled for public hearing they asked staff to provide a report at the public hearing relative to timing, cost, etc. The comments were received with Mayor McFarlane pointing out comments will be made at the April 4 hearing.

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT BUILDING DEMOLITION – 709 SOUTH EAST STREET – HEARING – ORDINANCE ADOPTED

This was a hearing to consider adopting an ordinance pursuant to Article 11.6.13 of the UDO to authorize the demolition of the unfit building located at 709 South East Street in the name of

Sadie Davidson Heirs, tax ID 0060593. The Mayor opened the hearing no one else asked to be heard, thus the hearing was closed. Council Member Gaylord moved adoption of an ordinance authorizing the demolition of the unfit building as advertised. His 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. See Ordinance 692.

EXTRATERRITORIAL JURISDICTION – RELINQUISHMENT OF 15 ACRES – HEARING – RESOLUTION AUTHORIZING ADOPTED

This is the continuation of a hearing to consider proceeding with the relinquishment of 15 acres of land from the Raleigh extraterritorial jurisdiction (ETJ) to Wake County. The City Council received a citizen petition from William Long, Isabelle Long, and Mason Williams during the November 15, 2016 meeting. The petitioners requested that the City council consider relinquishing 15 acres of land located within the Swift Creek watershed from the ETJ to Wake County. A public hearing was set for February 7, 2017.

At that meeting it was reported the applicant did not possess a legal description to include in the relinquishment resolution as required and would need to perform a boundary survey of the property in order to proceed. The applicant and staff recommended that the public hearing be held open to allow the applicant to provide a legal description of the property being proposed for relinquishment. It was agreed to continue the hearing until this meeting; the required legal description of the property has been obtained.

Following close of the hearing, the Council may take action to adopt a resolution authorizing the relinquishment, deny the request, or refer the item to committee.

The Mayor questioned if anyone was present to speak. No one asked to be heard. Mayor McFarlane closed the hearing. Council Member Crowder moved adoption of the resolution of the relinquishment of the 15 acres as requested. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 458.

TC-1-17 – HISTORIC DISTRICT DEVELOPMENT GUIDELINES – HEARING – ORDINANCE ADOPTED

This is a continuation of a hearing from February 7, 2017 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	Guidelines presented 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
February 7, 2017	Public Hearing before City Council. Hearing was continued.

Council agreed to continue the public hearing to allow staff an opportunity to work with or contact representatives of the various historic districts to gather additional input on the proposed guideline changes.

Following the hearing the Council may take action to approve, deny, or refer the text change and guidelines to committee.

Garry Mitchell, Planning Department explained the status of the item.

Council Member Branch pointed out one of the reasons the hearing was held open is that staff was to check to see if there was input from the other historic districts. Planner Tulley indicated staff did not receive any comments; however citizens were asked to send any comments directly to the City Council.

George Smart, NC Modernist Houses, talked about his research into historic districts in other cities to find out if they had “alien houses” invading their districts and found none pointing out all of those had active historic development commissions. He spoke in support of the work of the Raleigh Historic Development Commission and their commitment to their work and pointed out he supports the text change and it does not need the amendments that have been proposed.

Bryan Ball, Associate Professor of Architecture at NCSU talked about his work and development of housing in historic areas in other towns. He called on the Council to let the Historic Development Commission do their job, approve the text change as proposed and not include the suggested amendments.

William Dodd, 526 North East Street, spoke in support of the Raleigh Historic Development Commission’s work and called on the Council to adopt the text change without the proposed amendments.

Mary Iverson, 123 West Park, former member of the Raleigh Historic Development Commission, pointed out the Raleigh Historic Development Commission has been trying to get the guidelines amended since 2010 and has gone through a very long public process. She stated she is opposed to the text change amendments pointing out she feels the two formal public participation processes have been held and called on the Council to adopt the guidelines as proposed by the Raleigh Historic Development Commission. She explained she does not like the proposal but the process has been followed.

Bruce Miller, 406 East Lane Street, spoke in support of the proposed amendments as submitted by the Oakwood Historic District. He pointed out it is his understanding that Oakwood is the largest collection of Victorian homes in the state. He stated the district has evolved very nicely, it's never had a modernistic style new homes which has helped preserve and keep it intact. He spoke in support of the amendments. He talked about the creation of the Oakwood Historic District.

The resident at 523 East Lane Street pointed out she and her husband purchased a home in the Oakwood Historic District in 2004. She stated they own four homes in Oakwood which is a Raleigh landmark that attracts people to the area. She stated many people who visit her ask how the modernistic house got into the neighborhood. She called on the Council to put this to rest. She pointed out Society for Preservation of Historic Oakwood has come to the Council with the same message time and time again. Please protect their neighborhood. She asked the Council to add the two amendments relating to "starkly different" and "glaringly different" to the new guidelines proposed by the Raleigh Historic Development Commission.

Sarah David, 500 Polk Street, Chair of the Raleigh Historic Development Commission, presented photos of approved projects which would not have been approved under the SPHO proposed amendments. She spoke in support of the new guidelines and referred to Preservation Brief 14 and read from that brief. She stated the guidelines proposed by Raleigh Historic Development Commission follow what the brief suggests and asked the Council to approve those guidelines pointing out they feel the amendments suggested by SPHO are too restrictive.

Peter Rumsey, 513 North Bloodworth Street pointed out he feels what the Raleigh Historic Development Commission has proposed addresses the concerns which have been raised by some. He stated the issue he feels is whether the Council will put into the guidelines the terms "starkly different" or "glaringly different" as he feels that may have significant indications or potential legal implications in the future. He called on the Council to let the appointed group, Raleigh Historic Development Commission, to interpret the guidelines.

Council Member Stephenson pointed out the staff has been tabulating the emails on this issue and it seems to be split down the middle. Debate followed and Council Member Stephenson stated Council has received the following compromise.

RHDC Guidelines Compromise

Compromise: No new language added, but repeat *national best practices* language contained in the draft Guidelines narrative text pages on the two corresponding bullet point pages as 3.2.13 and 3.3.13.

What does each side get?

- For proponents of more differentiation: the Guidelines will not incorporate new text that is inconsistent with *national best practices* language already in the draft Guidelines.
 - For proponents of less differentiation: the Guidelines will provide additional emphasis about differentiation in the two bullet point pages by highlighting that *national best practices* language addressing differentiation.
-

Proposed Added Bullet Points:

3.2.13 To preserve a property's historic character, anew addition must be visually distinguishable from the historic building. This does not mean that the addition and the historic building should be glaringly different in terms of design, materials and other visual qualities. Instead, the new addition should take its design cues from, but not copy, the historic building.

3.3.13 To preserve a district's historic character, new buildings must be visually distinguishable from historic buildings. This does not mean that new buildings and historic buildings should be glaringly different in terms of design, materials and other visual qualities. Instead, the new buildings should take design cues from, but not copy, historic buildings.

Council Member Stephenson explained the proposed compromise. He talked about the fact that the narrative includes the best practices; however the bullet points do not and he sees no reason for not adding what is already in the narrative into the bullet points. Lengthy debate followed about the proposed amendments, the fact that Society for Preservation of Historic Oakwood has been trying for years to get this clarified. Council Member Stephenson augured that the information is already included in the narrative and he sees nothing wrong with repeating the national best practices language into the bullet points. The difference in rules and guidelines was discussed at length.

Sarah David, Chair of RHDC, talked about quasi-judicial hearing processes and how they have to make their decisions. Curtis Kasefang indicated it is not the words in the proposed amendments but the context in which they are used and where they are placed. Council Member Stephenson again contended we are talking about Preservation Brief 14 language which is already in the narrative being added to the bulleted text, just repeated to add emphases. Council

Member Branch had questions concerning the differences in guidelines verses rules with City Attorney McCormick pointing out the RHDC proceedings are quasi-judicial and they must interpret the guidelines based on evidence submitted. He stated whether it is a guideline or a rule the commission must defend the actions it takes based on the evidence submitted.

Council Member Gaylord stated he does not see the proposal submitted by Council Member Stephenson as a compromise explaining his interpretation and this was debated at length.

Council Member Stephenson moved approval of the text change and guidelines with the addition of the two bullet points, 3.2.13 and 3.3.13. His motion was seconded by Council Member Cox. After discussion as to how the guidelines are used by RHDC, Council Member Baldwin made a substitute motion to approve the text change which incorporates the RHDC revised guidelines as presented. Her motion was seconded by Council Member Gaylord. In seconding the motion, Council Member Gaylord pointed out he feels the two amendments change the core arguments and moving these guidelines to the bullet list would cause the RHDC to have to consider in a quasi-judicial hearing. Council Member Stephenson pointed out the language already exists in the narrative text so nothing is being changed, just re-emphasized. It was pointed out the bullet points are the guidelines RHDC use to decide a case, the narrative is more descriptive. Planner Tulley read from the narrative and the bullet points and talked about the differences. The substitute motion to approve TC-1-17 which incorporates the revised design guidelines with the two bullet point amendments suggested by Council Member Stephenson was put to a vote which resulted as follows: ayes – 4 (Crowder, Branch, Stephenson, Cox); noes – 4 (Baldwin, Thompson, Gaylord, McFarlane). The motion was defeated on a 4-4 vote.

Additional discussion as to the difference in the guidelines and the bullet points, what is included in the guidelines and the bullet points, and how decisions have to be based on the bullet guidelines was talked about. Council Member Gaylord stated what he hears from RHDC is that the amendments to the proposals would harm their decision making. Council Member Crowder pointed out as she understands the narrative shows intent but RHDC has to use the bullet points in making their decisions. The original motion made by Council Member Baldwin to approve TC-1-17 which incorporates the revised guidelines as recommended by RHDC was put to a vote which resulted as follows: ayes – 5 (Baldwin, Thompson, Gaylord, McFarlane, Branch); Noes – 3 (Stephenson, Cox, Crowder). The Mayor ruled the motion adopted on a 5-3 vote. See Ordinance 693.

Mayor McFarlane was excused from the meeting at 4:00 p.m. Mayor Pro Tem Crowder took the Chair.

Later in the meeting, City Attorney McCormick stated since the Ordinance received only five votes on the first reading it will be placed on the April 4 agenda for a second and final consideration.

REZONING Z-32-16 – HILLSBOROUGH STREET – HEARING CONTINUED – TO BE PLACED ON APRIL 18, 2017 AGENDA

The following item appeared on the March 7, 2017 Council agenda: This item was first submitted to the City Council on February 21, 2017.

This is a hearing to consider a request by Kathleen C. Hammon to rezone approximately 0.34 acres from Neighborhood Mixed Use – Four Stories – Shopfront (NX-4-SH) and Residential-6 (R-6), both with Special Residential Parking Overlay District (SRPOD) to Neighborhood Mixed Use – Five Stories – Shopfront – Conditional Use (NX-5-SH-CU) and Residential Mixed Use – Three Stories – Conditional Use (RX-3-CU), both with Special Residential Parking Overlay District (SRPOD). The property is located on the northeast corner of Hillsborough Street with its intersection with Bagwell Avenue.

At the March 7, 2017 meeting, at the request of the applicant, it was agreed to hold the hearing open and place it on this agenda for further consideration.

Once the hearing is closed, the Council may take action to approve, deny, or refer the item to committee.

Ted Van Dyk explained the location, the case, the various views, surrounding development and zoning, the public investment taking place in the corridor, what could be allowed under existing zoning, the proposal and the reaction at the CAC meeting, the proposed conditions relating to elimination of 4 bedroom units, setting a 62 foot height limiting the development to three bedrooms which would help move the development toward market rate housing, etc. In response to questioning from Council Member Baldwin, Mr. Dyk pointed out they could get 28 to 30 units depending on configuration of the parking lot pointing out they are looking at an approximate \$8M investment. The proposed developer pointed out he had been in Raleigh most of his life, talked about the desire to move forward with the project; however, there is some more work they need to do. After discussion it was agreed to hold the hearing open and place the item on the April 18 agenda for further consideration.

REZONING Z-39-16 – GREEN ACRES LANE – HEARING CONTINUED TO APRIL 18, 2017

The following item appeared on the March 7, 2017 Council agenda:

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

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

At the February 7 hearing, Council agreed to hold the hearing open and place the item on the February 21, 2017 agenda for further consideration. During the February 21 meeting, at the request of the applicant, the hearing be held open and placed on the March 7, 2017 agenda for further consideration. During the March 7 meeting, it was reported the applicant had requested that the hearing be held open and placed on this agenda for consideration.

At the conclusion of the public hearing, the City Council may act on the request, refer to committee or hold for further discussion.

Planner Bynum Walter indicated the applicant had asked that this issue be held open and placed on the April 18 agenda. Without objection the Council agreed to follow that course of action.

REZONING Z-44-16 – BRUCKHAUS STREET – HEARING – APPROVED

This is a hearing to consider a request filed by GIP Brier Creek LLC and Cherokee Advisers LLC to rezone approximately 3.77 acres from Planned Development (PD) to Commercial Mixed Use-5 stories-Urban Limited-Conditional Use (CX-5-UL-CU). The property is located on Bruckhaus Street, north side, at its intersection with Alm Street.

Zoning conditions would prohibit certain uses and drive-thrus, limit self-service storage square footage, require principal buildings to be at least 2 stories, and prohibit driveways on Alm Street. The request is consistent with the Comprehensive Plan. The proposed rezoning is reasonable and in the public interest, promoting walkability and pedestrian access, restricting automobile-oriented uses while placing site buildings close to street sidewalks. Building height and setback limits echo those of existing development nearby. The Planning Commission recommends approval of the request.

This request was received by the City Council on March 7, 2017. At the conclusion of the public hearing, the City Council may act on the request, refer to committee, or hold for further discussion.

Planner Bynum Walker presented the case providing slides showing a view of the site surrounding development and zoning, Future Land Use Map, Urban Form Map and proposed conditions.

Planner Bynum pointed out the Planning Commission recommends approval on a 9-0 vote and read their findings and reasons. She pointed out the CAC supports the proposal on a 12-1 vote. The Mayor opened the hearing.

Attorney Michael Birch gave a history of the zoning on this property pointing out it was a part of the larger Brier Creek planned development. He explained residential uses were allowed but in 2008 the planned development district was revised and residential is no longer allowed. He stated the purpose of this rezoning is to allow residential similar to the adjacent Exchange

Apartments. He stated they have received very positive feedback and talked about the conditions.

In response to questioning from Council Member Thompson, Attorney Birch pointed out the property is under contract and currently it would be entitled to have self storage units and there is some hesitation on the part of the current owners to preserve what they have today, they want residential allowed. No one else asked to be heard, thus the hearing was closed.

Council Member Gaylord talked about the proposal and the fact that it is in a growth center, it is consistent with the plans, etc., therefore moved approval. His motion was seconded by Council Member Stephenson and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who had been excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Ordinance 691 ZC 743.

PUBLIC NUISANCE – TRYON ROAD AND DURHAM DRIVE – WITHDRAWN

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

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

Both matters were subsequently appealed by the property owner. The flooding at the properties remains an issue requiring resolution. Staff originally recommended a public hearing to consider the property owner appeal be scheduled for February 7; negotiations have been ongoing since that time.

Following a request to defer the public hearing, the following item appeared on the March 7, 2017 Council agenda:

This is a hearing to consider an appeal by property owners Weeks and Sherron, LLC related to a notice of violation for public nuisances pursuant to City Code Section 12-6002(1) related to properties at 150 Tryon Road, 201 Tryon Road, 2013 Tryon Road, and 3305 Durham Drive.

The Mayor announced that this hearing would be placed on the March 21, 2017 agenda.

Mayor McFarlane pointed out this item has been resolved by negotiated agreement; therefore this item will be removed from the agenda with no action taken.

ECONOMIC DEVELOPMENT TOOLKIT - CITRIX INCENTIVE GRANT – AMENDMENT/ADJUSTMENT – HEARING – APPROVED

This is a hearing to consider an amendment/adjustment to the Citrix Business Investment Grant as recently reviewed by the City Council. The amendment includes a provision that sets 90% of the full target number as a floor for grant purposes; provided that 90% of the targeted number of jobs are created (360), the grantee would be deemed to be in compliance with the Business Investment Grant program and eligible to receive corresponding grants allocations.

The new amendment sets both a floor and a ceiling for the grant. The grantee will receive an award as long as they meet the minimum job creation but cannot exceed the maximum target.

The amendment aligns the City of Raleigh grant terms with both the Wake County grant and the State’s Jobs Development Investment Grant program.

Table 1: Eligible Position Targets and Minimums by Grant Year

Grant Year	Period Ending	Total Eligible Positions (Target)	Total Eligible Positions (Minimum)
1	12/31/17	60	54
2	12/31/18	120	108
3	12/31/19	210	189
4	12/31/20	300	270
5	12/31/21	400	360

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

The Mayor Pro Tem opened the hearing, no one asked to be heard. Mayor Pro Tem Crowder questioned if this is a change of rules in our incentive grant program with Economic Development Director Sauls indicated the policy remains the same. This proposal is an amendment/adjustment to this grant only. Mayor Pro Tem Crowder closed the hearing. Council Member Baldwin moved approval. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who had been excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – MEETING SCHEDULED FOR MARCH 28, 2017 – CANCELED

Later in the meeting, the City Clerk reported that Mayor McFarlane had sent a message that the March 28, 2017 meeting of the Economic Development and Innovation Committee had been canceled.

REPORT AND RECOMMENDATION OF GROWTH AND NATURAL RESOURCES COMMITTEE

NO REPORT

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

NO REPORT

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBER

SIX FORKS ROAD CORRIDOR PLAN – MEETING ANNOUNCED

Council Member Thompson pointed out there will be a meeting on the Six Forks Road Corridor Plan at 6:00 p.m. tonight at 6300 Six Forks Road. The comments were received.

WAKE COUNTY TRANSIT PLAN – MEETING SCHEDULED

Council Member Branch talked about the Wake County Transit Plan meeting recently held at Chavis Park and one that is scheduled for Carolina Pines. He gave times and dates.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Convention and Performing Arts Centers Authority – One Vacancy – Council Member Thompson nominated Ken Crocket.

Historic Cemeteries Advisory Board – Two Vacancies – No nominees

Human Relations Commission – One Vacancy – Mary Lucas received 6 votes (all but Thompson and Gaylord).

Raleigh Transit Authority – Alternate Member – Karen Rindge received 4 votes (McFarlane, Baldwin, Thompson, Crowder); Teresa Hart – 2 (Stephenson, Branch). Council Member Gaylord nominated Linda Wyre.

The City Clerk announced the appointment of Mary Lucas to the Human Relations Commission pointing out the other items will be carried over to the next meeting.

NOMINATIONS

ARTS COMMISSION – UPCOMING VACANCIES ANNOUNCED

The City Clerk reported the terms of Nancy W. Novell and Jason Craighead are expiring. Neither are eligible for reappointment. Mr. Gaylord nominated Jamie Dawson.

APPEARANCE COMMISSION – UPCOMING VACANCY ANNOUNCED

The City Clerk reported the term of Andre L. Johnson is expiring. He does not wish to be considered for reappointment. No nominations were made.

ARTS COMMISSION – LAURENT P. deCOMARMOD - REAPPOINTED

The City Clerk reported the term of Laurent P. deComarmod is expiring. He is eligible for reappointment as far as length of service and would like to be considered for reappointment. Council Member Baldwin moved the Council suspend the rules and reappoint Mr. deComarmod by acclamation. Her motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

FAIR HOUSING HEARING BOARD – REAPPOINTMENTS MADE

The City Clerk reported the terms of Yetunde B. K. Andrews and Ashleigh Parker Dunston are expiring. Both are eligible for reappointment as far as length of service and would like to be considered for reappointment. Council Member Branch moved that the rules be suspended and the two reappointed by acclamation. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

HUMAN RELATIONS COMMISSION – UPCOMING VACANCY – ANNOUNCED

The City Clerk reported the term of Michael A. Leach is expiring. He does not wish to be considered for reappointment. No nominations were made.

PLANNING COMMISSION – ERIC BRAUN - REAPPOINTED

The City Clerk reported the term of Eric Braun is expiring. He is eligible for reappointment as far as length of service and would like to be considered for reappointment. Council Member Baldwin moved that the Council suspend its rules and reappoint Mr. Braun by acclamation. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

RALEIGH TRANSIT AUTHORITY – ANTHONY PECORARO – REAPPOINTED

The City Clerk reported the term of Anthony Pecoraro is expiring. He is eligible for reappointment as far as length of service and would like to be considered for reappointment. Council Member Baldwin moved that the Council suspend its rules and reappointment Mr. Pecoraro by acclamation. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

STORMWATER MANAGEMENT ADVISORY COMMISSION – NOMINATIONS MADE

The City Clerk reported a letter of resignation has been received from Marc Horstman; therefore there is one vacancy for consideration. Mayor Pro Tem Crowder had nominated Mark Senior. Council Members Baldwin and Stephenson nominated Todd Kennedy. The item will be carried over to the next meeting.

MECHANICAL, PLUMBING AND ELECTRICAL EXAMINING BOARDS – CONFIRMATION OF APPOINTMENTS MADE

The City Clerk stated it would be appropriate to confirm the following for a two-year period.

MECHANICAL EXAMING BOARD

M. Brett Mabe - Engineer
Ted Pappadake – Contractor
Richard McCallum - Contractor
Scott Dunn - Contractor
Nelson Ordonez – Journeyman

PLUMBING EXAMINING BOARD

Bob Poole - Contractor
Elbert Hill, Jr. - Contractor
Scott Brown - Engineer
Jason Edgerton - Journeyman
Bruce Capps - Journeyman

ELECTRICAL EXAMINING BOARD

Roger Turner - Engineer (Utility company representative)

Reuben Copeland - Contractor

Paul Szalanski - Electrical Engineer

Adam Carrington - Contractor

John Wrenn, Jr. - Journeyman

Council Member Thompson moved confirmation of the members of the three boards as outlined. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

Council Member Thompson moved confirmation of the members of the three boards as outlined. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS – APPROVED

Council Members received with the agenda packet copies of the minutes of the March 7, 2017 Council meeting, February 7, 2017 Council meeting, February 21, 2017 work session, and February 21, 2017 Council meeting. Council Member Baldwin moved approval as presented. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. Mayor Pro Tem Crowder ruled the motion adopted on a 7-0 vote.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor Pro Tem Crowder pointed out a motion is in order to enter closed session pursuant to GS.143-318.11(a)(2) for the purpose of preventing the premature disclosure of the annual Environmental Awards Winner. Mayor Pro Tem Crowder moved approval as read. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was excused from the meeting. The Council went into closed session at 4:30 p.m.

The Council reconvened in open session at 4:45 p.m. with Mayor Pro Tem Crowder reporting that the Council received information and voted on the Environmental Awards Winners.

Adjournment. There being no further business, Mayor Pro Tem Crowder ruled the meeting adjourned at 4:46 p.m.

Gail G. Smith
City Clerk

jt/CC03-21-17