

## **COUNCIL MINUTES**

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, May 2, 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 Shawn Park, Charisma Church. The Pledge of Allegiance was led by Mayor Pro Tem Crowder. The following items were discussed with action taken as shown.

### **RECOGNITION OF SPECIAL AWARDS**

#### **CERTIFICATE OF APPOINTMENT – PRESENTATION MADE**

Mayor McFarlane explained the Certificate of Appointment process and presented a Certificate to Karen Rindge who was recently appointed to a two-year term as an alternate member on the Raleigh Transit Authority.

#### **HALL OF FAME – INDUCTEES ANNOUNCED**

Dr. Barry Malone was at the meeting to announce the 2017 inductees to the Raleigh Hall of Fame. He gave a brief resume of each person who has been selected. The inductees are as follows:

Frank Evans  
Mary Lou Mitchell  
Dr. Dudley Flood  
Elizabeth Reid Murray  
Betty Lou Ward  
Dr. Tift Mann, III  
John Kane  
Lawrence Jefferson Wheeler  
Cliff Cameron

The Centennial Inductee is Colonel William Polk and the two organizations being inducted are the Capital Area Soccer League and the Methodist Home for the Children.

Dr. Malone told about the selection process and invited all to attend the formal induction of the 2017 Hall of Fame which is scheduled for October 2, 2017, at the Raleigh Convention Center.

### **AGENCY GRANTEE PRESENTATION**

#### **AGENCY GRANTEE PRESENTATION – RALEIGH LITTLE THEATRE – REPORT RECEIVED**

Charles Phaneuf, Executive Director of the Raleigh Little Theatre and Vice-President Georgia Donaldson were at the meeting to provide a report on the work of Raleigh Little Theatre. Mr. Phaneuf explained the revised mission statement which indicates “RLT is a welcoming community using theatre to enrich, educate, entertain and engage volunteers, students and audience of all ages.” He explained they have grown their operating revenue by 50% since 2012 and are continuing to grow attendance, classes for young people offered on-site as well as off-site in various locations throughout Raleigh and the Wake County, went through the highlights of their spring/summer 2017 season and provided highlights of outdoor activities in the spring and summer of 2017. He pointed out RLT will produce 11 shows of over 150 performances in the 2017/18 season. He talked about various plays, series and events, spoke about their education program, camp/classes/workshops both on and off-site, field trips, in school literacy programs, helping teachers use drama base instruction skills and acting for Creative Entrepreneurs a new program. He pointed out RLT has over 1,000 volunteers which contribute some 40,000 hours per year explaining their work including helping backstage, front of the house, board of directors, etc.

Mr. Phaneuf talked about their major gifts initiative and how that money will be utilized in equipment replacement, lobby renovations, amphitheater improvements, customer experience improvements and project management. He pointed out the original goal was \$725,000 and with the help of the City of Raleigh’s CIP investment of \$275,000, 39 individual gifts and 8 institutional gifts they had raised \$742,477. He presented a rendering of the Center proposal drafted in 1938 and how the utilization has changed and what goes on.

Georgia Donaldson indicated she felt RLT and the City is one of the greatest combinations and talked about the ground breaking scheduled for September 7 at 9:00 a.m. and invited all to attend.

Several Council Members voiced support and appreciation for the work of RLT and talked about events they have recently attended.

### **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. She stated the vote on the Consent Agenda would be a roll call vote. Mayor McFarlane stated she had not received any requests to withdraw items from the Consent Agenda. Council Member Baldwin moved approval of the Consent Agenda as presented. Her motion was seconded by Council Member Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor moved the motion adopted on an 8-0 vote. The items on the Consent Agenda were as follows.

### **HOUSING AND COMMUNITY DEVELOPMENT – 2017-2018 ACTION PLAN – AUTHORIZED FOR TRANSMITTAL**

On April 4, 2017, the City Council conducted a public hearing to receive comments on the City's Draft 2017-2018 Action Plan for the use of federal housing and community development funds. The draft Plan was presented at a public meeting on March 16, 2017, and was open to written public comment until April 17, 2017. Three total comments were received. The draft Plan has been posted under the Housing and Neighborhoods Department on the City's website ([www.raleighnc.gov](http://www.raleighnc.gov)). Paper copies were available upon request. Details were included in the agenda packet.

**Recommendation:** Adopt the FY 2017-2018 Action Plan and authorize the City Manager to sign the documentation for transmittal to the U.S. Department of Housing and Urban Development (HUD). Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

### **GRIMES – HAYWOOD HOUSE – 821 WAKE FOREST ROAD – DEED RESTRICTIONS REMOVED**

In 1996, the City acquired property located at 821 Wake Forest Road (also known as Grimes-Haywood House) as part of property assemblage activities associated with the Mordecai Historic Park Master Plan. Later in 1998, the City declared surplus and sold the property subject to deed restrictive covenants written in the form of a Historic Preservation Agreement. The Agreement lists covenants or restrictions toward ongoing maintenance and subsequent renovations to which the property's owner must adhere to in efforts to retain the property's historic integrity. Item #10 in the Agreement requires that in the event the owner decides to sell the property, first refusal as to any bona fide offer of purchase must be given to the City. After staff's review of this deed restriction, there appears to be no public benefit realized by continuing to encumber the property with this first right of refusal deed restriction. The property no longer meets any City Parks, Recreation and Cultural Resources program or plan purpose and therefore the first right of refusal restriction is no longer appropriate to remain in force. All other deed restrictions will remain to preserve the property's historic and architecturally significant features.

**Recommendation:** Authorize staff to prepare necessary legal instruments and documentation to remove item #10 of the Historic Preservation Agreement shown as Exhibit 2 of property deed to 821 Wake Forest Road currently held by Ronald H. & Pamela S. Calliari recorded in Deed Book 8072 Page 2319 of Wake County Register of Deeds. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

## **LAKE JOHNSON PARK – UTILITY EASEMENT FOR DUKE ENERGY PROGRESS – APPROVED CONDITIONALLY**

A request has been received from Duke Energy Progress for an easement on City-owned property located at 4601 Avent Ferry Road, known as Lake Johnson Park for the purpose of relocating electrical facilities on the site related to roadway improvements that will be completed as part of the NCDOT B-5130 Avent Ferry Road Bridge Reconstruction Project. The City's Parks, Recreation and Cultural Resources Department is the maintenance manager of this property and is in agreement with the easement request by Duke Energy Progress. Construction activities will be coordinated with PRCR Staff to ensure there are no interruptions to programs, events and rentals of the City facilities on the property. A report was in the agenda packet.

**Recommendation:** Authorize execution of the necessary instruments to convey the requested property interests to Duke Energy Progress, subject to approval of terms and conditions acceptable to the City Manager and City Attorney. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

## **STORMWATER COST SHARE 2521 REMINGTON ROAD – APPROVED CONDITIONALLY**

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

A petition for funding assistance for removing 1300 square feet of impervious surface consisting of compacted gravel and pavement at 2521 Remington Road and replacing it with soil and grass has been reviewed by the Stormwater Management Advisory Commission. When reviewing requests, the Commission considers the estimated project cost, water quality benefits, past requests for similar practices, available funding, and project sustainability. Replacing this impervious surface will reduce pollutant loads to local streams, specifically Crabtree Creek, by reducing the volume of stormwater runoff coming from the property.

The Commission recommends approval of this request, which totals \$2,750 and includes a City contribution not to exceed \$2,063 from the Stormwater Quality Cost Share Program, part of the Stormwater Capital Improvement Program. The City's contribution is 75 percent of the acceptable cost. The total cost estimate is based on quotes from several contractors and technical advice from Stormwater staff. The property owner has agreed to the required ten-year maintenance term for the project.

Approval is contingent upon the property owner ensuring the project complies with all applicable City standards, ordinances, and regulations.

**Recommendation:** Approve the petition request for a City contribution not to exceed \$2,063. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

### **SOLID WASTE COLLECTION – FINANCIAL ANALYSIS OF RESIDENTIAL VOLUME – CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS APPROVED**

The Raleigh City Council has discussed waste reduction and recycling initiatives and an interest in reducing the tonnage being sent to the South Wake Landfill. Also, the Strategic Plan's Growth and Natural Resources initiative 3.4 is to implement strategies for City-wide waste reduction. As part of the Waste Reduction Task Force recommendations, a variable rate for residential collection was included. In an effort to review delivery models and implementation strategies, a cost-benefit analysis for various waste reduction strategies, including Pay-As-You-Throw (PAYT) has begun.

A RFP was issued on December 19, 2016. Two responses were received on January 20, 2017 in response to the RFP. A multi-department staff team reviewed responses and conducted respondent interviews. Raftelis Financial Consultants has been selected by the review committee for the project and specific scoping of the project has been completed. The specific work items include a longitudinal financial model for a volume based solid waste collection program, discussion of a full cost recovery rate structure, case studies and best practices/standards on volume based collection program model options, implementation strategies resulting in recommendations that meet current operation standards, a media plan and content strategy to educate, engage, and empower Raleigh citizens to utilize a volume based collection system in an informed manner, and identification of vulnerabilities of each program and the financial implementation of each program model. The cost for the project is \$163,135 and funds are available in the Solid Waste Services budget.

**Recommendation:** Authorize the City Manager to execute the contract in the amount not to exceed \$163,135. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

### **ERP ANALYSTS, INC. – AMENDMENT #4 – SOFTWARE SUPPORT – APPROVED**

Staff recommends an amendment to the existing managed services agreement with ERP Analysts, Inc. to provide system services and support for the 2018 fiscal year and to cover remaining 2017 fiscal year efforts. In September 2015, the City entered into an initial managed services contract with the vendor to provide ongoing operational support of the PeopleSoft system to include annual software updates, technical support, knowledge transfer, and software patches. Various maintenance aspects of the software are contracted out and not performed by in-house resources. The amendment is needed for ongoing operational support in FY 2018 and adds hours to the current fiscal year to enable safe and secure end user access outside the

network. The amendment will not exceed \$216,000 with work to be complete by June 30, 2018; funding is included with the proposed FY 2017-18 operating budget.

Name of Project:	PeopleSoft Managed Services
Managing Division:	Information Technology - Enterprise Applications and Data
Request Reason:	Contract amendment approval (contract amendments > \$150,000)
Cause of Contract Amendment:	Continue PeopleSoft managed services
Vendor:	ERP Analysts, Inc.
Prior Contract Activity:	Original Contract \$100,000
Amendment One:	\$204,000
Amendment Two:	\$200,000
Amendment Three:	\$ 85,000
Amount of this Amendment:	\$216,000 (operating funds FY 2017-18)
Encumbered with this Approval:	\$ 16,000 (FY 2017)

**Recommendation:** Authorize the City Manager to execute the contract amendment in the amount not to exceed \$216,000. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

#### **EPLUS GROUP, INC – LEASE SCHEDULE 169 – APPROVED**

The City utilizes a leasing company to provide technology equipment including desktop computers, laptops, phones, projectors, as well as network equipment such as switches, routers and servers. The Master Lease Agreement provides for new equipment to be leased via a series of quarterly lease schedules. Lease Schedule 169 is in the amount of \$615,012. Lease Schedules 169 is for a four-year term and exceeds the administrative approval threshold of \$150,000.

**Recommendation:** Authorize the City Manager to execute Lease Schedule 169 in the amount of \$615,012. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

#### **PUBLIC UTILITIES EQUIPMENT – GPS/AVL SOLUTIONS – CONTRACT WITH VERIZON NETWORK FLEET – APPROVED**

A contract has been negotiated with Verizon Networkfleet to continue Global Positioning System/Automatic Vehicle Location (GPS/AVL) services for City owned vehicles. This provides a GPS/AVL tracking system solution for vehicles assigned to Public Utilities department staff. Verizon Networkfleet has provided these services to the City since 2014 and is an experienced and qualified solution provider that has delivered a real time vehicle information management system for tracking and monitoring the vehicle fleet assets in several departments. Considering the existing investment in deployed technology that is specific to Verizon Networkfleet and that this equipment significant remaining service life, Public Utilities is recommending a continued relationship under a sole source exemption for this contract renewal period only. The renewal contract has a lower overall per unit cost derived from City staff performing installation, training

and replacement. We have negotiated a three year contract in the amount of \$374,488, with two one-year renewal terms.

Name of Project:	GPS/AVL Solution for Public Utilities Equipment
Managing Division:	Public Utilities – Administration
Approval Request:	Contract Award
Reason for Council Review:	Contract > \$150,000 (Policy)
Vendor:	Verizon Networkfleet
Prior Contact Activity:	N/A
Amount of this Contract:	\$374,488 (FY17-\$20,000; FY18-\$112,447; FY18-\$118,069; FY19-\$123,972)
Encumbered with this Approval:	\$ 20,000

**Recommendation:** Authorize the City Manager to execute contract with Verizon Networkfleet in the amount not to exceed \$374,488. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

### **CONCRETE REPAIRS – VARIOUS LOCATIONS – AGREEMENT WITH SOUTH EASTERN CONTRACTING GROUP APPROVED CONDITIONALLY**

On March 20, 2017 proposals were received for small concrete repairs in Garner, Knightdale, Rolesville, Wake Forest, Wendell and Zebulon after water and sewer utility repairs. The proposal includes work zone setup, removing any concrete forms and debris, seeding and straw, and any other needed requirement to complete the concrete repair. Southeastern Contracting Group was the lowest responsive proposal, in the amount of \$160 per square foot. We have negotiated a contract in the amount of \$70,000 per year, with the option for three one-year renewals for a total contract amount of \$280,000.

Name of Project:	Small Concrete Repairs
Managing Division:	Public-Utilities – Water Distribution Division
Approval request:	Contract Award
Reason for Council Review:	Contract >\$150,000 (Policy)
Vendor:	Southeastern Contracting Group
Prior Contract Activity:	N/A
Amount of this Contract:	\$70,000

**Recommendation:** Authorize the City Manager to execute the contract with Southeastern Contract Group in the amount not to exceed \$70,000 per year for one year with the option for three additional one-year renewals. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

### **RED HAT AMPHITHEATER – CONTRACT WITH SPARKLE AND SHINE CLEANING SERVICES, INC. AMENDMENT #1 – APPROVED**

The City has an existing contract with Sparkle & Shine Cleaning Services, Inc. to provide event cleaning services at the Red Hat Amphitheater. The contract term will end June 30, 2017.

The contract provides for a per event cost based on anticipated attendance. When the initial contract was negotiated in March of 2015, the contract amount was based on the number of events and attendance that were expected for that season. However, the Red Hat Amphitheater has become more popular resulting in higher attendance and additional shows. As a result, the cost for cleaning services through June 30, 2017 will exceed the original contract amount and an amendment is needed. The additional funding will be for 10 events to be held from May, 6, 2017 through June 29, 2017 and is estimated to be \$25,000. The original contract was for \$141,000 resulting in a new contract amount of \$166,000 which exceeds the monetary threshold for professional services and requires Council approval. Funding is available in the 2017 Operating Budget.

Name of Project:	Event Cleaning Services at Red Hat Amphitheater
Managing Division:	Raleigh Convention and Performing Arts Complex– Red Hat Amphitheater
Reason for Council Review:	Contract Amount > \$150,000
Vendor:	Sparkle & Shine Cleaning Services, Inc.
Prior Contract Activity:	\$141,000 for Original Contract (14 months)
Amount of this Contract Amendment:	\$ 25,000
New Contract Amount:	\$166,000
Budget Transfer:	No
Encumbered with this Approval:	\$166,000

**Recommendation:** Authorize the City Manager to execute the contract amendment in an amount not to exceed \$25,000. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

## **ENCROACHMENTS – VARIOUS LOCATIONS – APPROVED CONDITIONALLY**

The agenda presented the following encroachment requests.

### Toler Place

A request has been received from Level 3 Communications to install 100 feet of underground fiber optic cable. A report was included with the agenda packet.

### Glenwood Avenue

A request has been received from Spirit Communications to install 188 feet of underground conduit and three handholes. A report was included with the agenda packet.

### Clark Avenue and Woodburn Road

A request has been received from Fiber Technologies Networks, LLC to install 186 feet of underground fiber optic cable. A report was included with the agenda packet.



**Recommendation:** Approve the encroachments subject to completion of a liability agreements and documentations of proof of insurance by the applicants. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

**RICHLAND CREEK SEWER IMPROVEMENT – PARK CONSTRUCTION OF NC INCORPORATED CHANGE ORDER #2 – APPROVED**

Seven construction bids were received on February 3, 2015 for the Richland Creek Sanitary Sewer Improvements and Durham Rd. Water Line Relocation project. This project replaced the existing Richland Creek Sanitary Sewer line in Wake Forest from Falls of Neuse Rd. to the Durham Rd. area for the future flow capacities. The project installed approximately 30,688 linear feet of sewer lines and 1,830 linear feet of water lines. Park Construction of N.C., Inc., of Morrisville, NC had the low bid in the amount of \$9,453,970.

On January 31, 2017, Change Order number one was approved and processed administratively to extend the Richland Creek 36” sewer interceptor 220 LF at Durham Road. for hydraulic connectivity and additional costs encountered for the bore and jack crossing of Pine Forest Drive. The change order also provided for sewer extensions on Wingate Rd. and Woodland Dr. that connected to the Durham Rd. sewer outfall to correct previously unknown nonconforming sewer services.

The construction contract provided for an amount of Rock Excavation based on geotechnical investigations completed during the design phase of the project. Once construction began, more extensive geotechnical borings where completed and indicated additional quantities of rock. Change Order number two, Final Adjusting, provides for this additional rock and also adjusts for the actual contract quantities used for the completed project at the current contract prices.

Name of Project:	Richland Creek Sewer Improvements
Managing Division:	Public Utilities – Capital Improvements Division
Approval Request:	Contract change order
Reason for Council review:	Contract change order > \$500,000
Vendor:	Park Construction of NC, Inc.
Original Contract:	\$ 9,453,970 (Approved by City Council March 3, 2015)
Change Order Number One:	\$ 468,117 (administrative)
Amount of this Change Order:	\$ 173,670
Encumbered with this approval:	\$10,095,757

**Recommendation:** Authorize the City Manager to execute a change order with Park Construction in an amount not to exceed \$173,670. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes.

## **TRAFFIC – NO STOPPING OR STANDING – APPROVED**

The agenda presented the following recommendation relating to no stopping or standing zone on Rowan Street which would be effective in seven days if Council approve.

It is recommended that a section of the existing No Stopping or Standing Zone be removed on the north side of Rowan Street between Six Forks Road and Gates Street. It is further recommended that the following changes to Traffic Schedules 13 and 14 be amended to reflect the current signage that is in place on Rowan Street between Six Forks Road and Pamlico Drive. Staff received a concern from a citizen that vehicles parked along Rowan Street between Six Forks Road and Gates Street were presenting a hazardous situation by affecting the ability for two-way traffic to safely operate. The roadway in this location is 26 feet wide. If vehicles are parked on both sides, there is not enough room for two-way traffic. Staff completed a review of the Traffic Schedule and found existing ordinances from October 2, 2001 that restricted parking along both sides of Rowan Street. Over time, many “no parking” signs were vandalized or otherwise removed by persons unknown but were never replaced and a pattern of parking in this section developed. Since parking restrictions were codified, staff installed the missing signs which triggered immediate input from the school that parents of students had become accustomed to parking on the north side of Rowan Street when visiting the school. City staff met with the school to discuss their current traffic control plan and what was currently needed. Since the prior ordinance was first codified in 2001, a great deal has changed in the area including the traffic patterns. Staff proposed a change to the on-street parking restrictions for the section of Rowan between Six Forks and Gates that could be presented to Council. In order to get complete buy-in by all effected parties, staff also reached out to Kane Realty. The proposed changes met both party’s needs and would provide for safe two-way travel. Staff recommends that the changes on Rowan Street between Gates Street and Pamlico Drive be approved and that the Traffic Schedule be amended to be consistent with the current street condition.

**Recommendation:** Approve as recommended and authorize the appropriate changes in the traffic code was included in the agenda packet. Upheld on Consent Agenda Baldwin/Thompson - 8 ayes. See Ordinance 703.

## **END OF CONSENT AGENDA**

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

#### **REZONING Z-4-17 – M.E. VALENTINE DRIVE – HELD AT THE TABLE**

This is a request to rezone property from Planned Development with Special Residential Parking Overlay District (PD w/SRPOD) to Residential Mixed Use-12 Stories-Conditional Use with Special Residential Parking Overlay District (RX-12-CU w/SRPOD).

The property is located along the south side of M.E. Valentine Drive, east of Concord Street.

The request is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. Conditions restrict certain uses, limit overall development intensity and building height, and provide for a transit easement and bicycle parking.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 16, 2017.

Planning Director Bowers indicated we have not received signed conditions therefore it is recommended that the item be held at the table and placed on the next agenda.

**REZONING Z-6-17 – CHARLES DRIVE – PUBLIC HEARING AUTHORIZED FOR MAY 16, 2017**

This is a request to rezone property from Office Mixed Use-3 Stories-Green Frontage-Conditional Use (OX-3-GR-CU) to Office Mixed Use-3 Stories-Urban General Frontage (OX-3-UG).

The property is located on the northwest quadrant of Lead Mine Road and Charles Drive.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 16, 2017.

Planning Director Bowers explained the request. Council Member Baldwin moved approval of the May 16, 2017 public hearing. Her motion was seconded by Council Member Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

**TC-9-17 – VARIANCE EXPIRATION PERIOD – PUBLIC HEARING AUTHORIZED FOR MAY 16, 2017**

This is a request to amend section 10.2.10 of the Unified Development Ordinance to align the variance expiration timeframe with the special use permit timeframe. Currently, variances expire six months after approval from the Board of Adjustment. Special use permits expire one year after approval. This text change would extend the expiration period for variances from six months to one year.

The Planning Commission recommends approval. Staff suggests a public hearing date of May 16, 2017.

Planning Director Bowers explained the proposed text change. Council Member Gaylord moved approval of the May 16, 2017 public hearing. His motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

## **SPECIAL ITEMS**

### **TC-1-17 – RALEIGH HISTORIC DISTRICT DEVELOPMENT GUIDE – ORDINANCE 2017 – 693 ADOPTED ON SECOND AND FINAL READING**

The following item appeared on the April 4 and April 18, 2017 agenda as a Special Item and during the April 18 agenda it was directed that the item be held for two weeks and placed on this agenda.

During the March 21 Council meeting, the City Council adopted Ordinance 2017-693 approving TC-1-17, which incorporates by reference the revised guidelines known as Design Guidelines for Raleigh Historic Districts and Landmarks. If approved, the document will be effective May 7, 2017.

The ordinance received only five votes on the first reading; therefore, it was directed that the ordinance be placed on this agenda for consideration on a second and final vote.

Council Member Baldwin moved approval of Ordinance 2017-693 on a second and final reading. Her motion was seconded by Council Member Gaylord. Council Member Stephenson stated he would support the motion however he has concerns but he knows it is an important document and we should move ahead. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Council Member Cox who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote and reported Ordinance 2017-693 is adopted.

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

### **COMPUTER AIDED DISPATCH PLATFORM REPLACEMENT – INTERLOCAL AGREEMENT – CITY OF RALEIGH AND WAKE COUNTY – APPROVED**

The Raleigh-Wake Emergency Communications Center is the second-busiest 9-1-1 center in the State of North Carolina and is responsible for answering 9-1-1 calls throughout the majority of Wake County. The City of Raleigh and Wake County jointly operate the CAD system that is utilized by the Raleigh-Wake Emergency Communications Center, Holly Springs 9-1-1, Apex 9-1-1 and Wake County Sheriff's Office Communications to process 9-1-1 calls and dispatch appropriate public safety resources.

Originally installed in 2003, the current CAD platform is reaching end of technical support and is in need of replacement. Wake County and the City of Raleigh secured appropriate funding via their budget processes to ensure that the anticipated initial procurement cost and ongoing maintenance for a new system was programmed into their respective funding models. The City's total commitment to this project is \$5,116,500. This includes an initial investment of \$116,500 in FY15 when the City and County each agreed to fund 50% of a needs assessment. Since FY16, the Capital Improvement Plan (CIP) has included funds for the CAD project. This includes \$3,000,000 for the City's share of core system costs. The CIP also includes \$2,000,000 for the City's individual equipment and software replacement costs. The Proposed FY2018-22 CIP,

which the City Manager will propose in May 2017, includes the final installment of \$1,000,000. Moving forward, the City and County will budget for the ongoing system maintenance.

Wake County and City staff developed an RFP to select and procure the new CAD system, released on June 28, 2016. The Request for Proposal evaluation committee has performed an in depth review of all proposals, and contract negotiations with the selected vendor is expected to begin in the 4th quarter of FY17.

Concurrent with the CAD platform replacement work, County and City staff members have been working with their finance and legal departments to rewrite the ILA governing the use, support, funding and ownership of the new CAD system. This agreement covers the initial acquisition of, ongoing hardware replacement for, and upgrades to all infrastructure, software and professional services that constitute the core CAD and mobile data system. Both parties agreed Wake County will serve as the lead procurement and contracting agency, with the City of Raleigh funding the project at 50% via quarterly reimbursements. This funding and reimbursement model will be used for future core CAD hardware replacements and software upgrades required to maintain the operation of the system. Partner agencies participating in the system will be responsible for the acquisition, maintenance and replacement of their mobile data hardware, CAD software licenses, and any ancillary systems required exclusively for use by their department. The term of this agreement is for a period of ten (10) years, through August 1, 2027, auto-renewing at one-year intervals.

A final version of the ILA has been reviewed by attorneys for City of Raleigh and Wake County. The CAD ILA was presented to the Wake County Board of Commissioners for their approval on May 1, 2017.

**Recommendation:** The City of Raleigh authorizes the City Manager to execute an ILA between the City of Raleigh and Wake County regarding the selection, procurement, installation, ownership and funding of the shared CAD for interoperable public safety communications.

City Manager Hall explained the City has been working diligently with Wake County on the interlocal agreement as it relates to replacement of our computer aided dispatch system. He expressed appreciation to Director Nutter and his staff and the staff of Wake County for working together collaboratively on this important piece of software. He stated it is a part of our infrastructure which relates to public safety and is critical to dispatching police and fire as well as other emergency functions such as medical service in some of the other towns in Wake County.

Director Dominick Nutter introduced Bill Greeves of Wake County and expressed appreciation for the partnerships. Director Nutter explained the background of the Raleigh Emergency Communications Center which originated in 1972 as a way for the County and the City to work together to deliver better services to its citizens. He stated the center currently dispatches 44 different agencies and continues to develop partnerships to improve the work and working relationships. He talked about the success of the center which has received an accreditation from the International Agencies of Emergency Dispatch for both fire and medical services. He

explained the partnership of the radio system, development of the Wake Emergency Communications Organization and the continued work of all.

Director Nutter explained we are moving into the computer aided dispatch system which serves the entire county with the exception of the Town of Cary. This system utilizes multiple 911 and dispatch centers and provided information on the governing interlocal agreements, partnerships, purpose and scope. He explained the growth and the steps that are being taken to set standards for the different agencies. He stated CAD refers to the software and hardware that enable a 911 center to receive emergency calls, determine the location of the emergency and send the appropriate resources to the scene. He stated basically it is the brains behind the entire system. He pointed out police officers have the computer terminals inside their vehicles and explained how the officers can communicate with the communication centers to make sure the proper parties respond to the proper location. He stated with this new system they will be able to do that faster and from outside their cars it will provide interconnectivity between different agencies and help to connect with agencies outside of Raleigh such as the City of Durham, Johnston County, etc.

Director Nutter pointed out the agreement was approved last night by Wake County. He explained how it has worked in the past and moving forward there will be county and city allocated funds to pay for the system and the two will be partners for the core infrastructure. He talked about State 911 funds to reimburse part of the cost and the remaining cost being split 50/50. He presented a powerpoint showing the number of calls and explained the interlocal agreements for procurement, funding, upgrades and ownership of the new system.

Council Member Thompson questioned if this is a GPS based system with Director Nutter talking about how the system works and how they will be able to work off mobile radios, portable, etc. It is more advanced than the City uses now. He talked about how they will be able to work off portables, integrate with the CAD system, and be able to determine the location of a police officer's vehicle and location of the police officer. Council Member Branch asked about the ability to text 911 with Director Nutter pointing out that can occur now but with this new system the information will feed directly into the CAD system.

Council Member Gaylord pointed out this sounds great and is a very sensible advancement in this technology and he appreciates the city and county working together on this great partnership and moved approval. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

## **TRANSPORTATION BOND PROPOSAL – 2017 – REFERRED TO TRANSPORTATION AND TRANSIT COMMITTEE**

At the April 5, 2017, budget work session, City Council directed staff to prepare a draft proposal for a possible 2017 Transportation Bond referendum. Staff has prepared a draft package based on the \$200 million funding target discussed by the City Council. Staff has also calculated potential operating impacts resulting from these additional projects and long term facility operations.

Regardless of the final project composition for such a transportation bond package, the City Council should plan to issue a Preliminary Findings Resolution for the total amount of a bond measure at the June 6, 2017, City Council meeting if it wishes to proceed with a referendum in October 2017.

**Recommendation:** Provide feedback to staff regarding the composition of the draft 2017 Transportation Bond referendum package.

City Manager Hall introduced the item briefly going over the time schedule and explained if the Council wishes to proceed with a referendum in October 2017, June 6, 2017 is the date final action should be taken. He stated staff will present the proposal and get feedback and direction on how to move forward.

Transportation Planner Jason Myers stated Council Members received a packet of material in their agenda packet and went over the information including existing projects, Yonkers Road - (Capital to New Bern) – \$7.1M; Old Wake Forest Road – North (Atlantic to Capital) - \$8.6M; Tryon Road Part C (Lake Wheeler to NSRR) - \$6.8M; Poole Road widening (Maybrook to Barwell) \$9.8M; Blue Ridge Road widening (Duraleigh to Crabtree Valley) - \$10.5M; Rock Quarry Road – A (Creech to Sunnybrook) - \$10.2M and Six Forks Road Corridor Plan (I-440 to Spring Forest) - \$29.5M. New projects totaling \$68.2M include Dixie Forest Road (Spring Forest to Atlantic) \$1.6M; Wake Forest roundabout (Brookside) - \$2.3M; Barwell Road – South (Rock Quarry to Berkeley Lake) - \$10.8M; Skycrest Drive – West (Brentwood to Trawick) - \$11.5M; (Atlantic Avenue (Highwoods to New Hope Road - \$11.6; Jones Franklin Road - A (I-440 to Buck Jones Road) \$8.8M; Leesville Road – B (O’Neal to Westgate) \$11.6M and West Street extension – South (Martin to Cabarrus - \$10M). Mr. Myers showed the geographical distribution of the various projects. He went over the proposed bond capital programs of \$54M which includes some \$14M for Corridor sidewalk improvements, neighborhood sidewalk improvements (non petition) and neighborhood sidewalk petitions pointing out the sidewalk program has been identified as one of the Council’s top priorities. He explained the funding for the various proposals.

Council Member Baldwin pointed out the Council will be reviewing the Wake County Transit Plan and stating transit is a priority as well and questioned if some of these things will change after that. Planner Myers pointed out the plan is to update that every two years therefore he thinks it will be revisited this summer and at that point we will double check the numbers, remove projects already started, etc.

Planner Myers went over the time line since the presentation at the council retreat. He stated discussion had been held about the size of a bond package, what has been done, the direction from Council to have a similar mix to the 2013 package, the addition of public/private partnerships, etc. He stated the Council is asked to look at the package, modifications, add, delete, etc. He stated however one of the important things since the April 5 discussion was looking at how staff can deliver a bond package of this size as it will take a lot of effort on the part of Engineering Services and Transportation. He went over the operating impact estimates which would include the addition of 14 total positions (Project Engineers – 23; Surveyors – 4;

Inspections – 5; Right-of-way Agent -1 and City Attorney – 1). He stated Staff has also looked at what it will take to maintain these facilities including signals, signs, pavement markings, sidewalks, mowing, maintenance urban forestry, resurfacing. He pointed out the potential tax impact would not begin until FY2019 and is estimated to be around 1.30 (capital impact 1.06 operating impact 0.23).

Mr. Myers talked about the criteria utilized in developing the priorities and briefly touched on the existing projects most of which were funded in the 2013 bond package for design and/or right-of-way. He stated Yonkers Road is an exception as that project is designed but does not have construction funding. He went through the various components and funding. He talked about how these programs implement sidewalks – without petitions relating to adjacency to schools, parks or something of that nature. He talked about how sidewalks are funded cooperation with NCDOT, streetscapes, improving existing sidewalks, and how all fit together.

Planner Myers went over the proposed next steps which include receiving feedback from the council, a decision on intent and amount, adoption of preliminary findings resolution, appointing a bond committee, public hearing date, referendum date and future budget and tax action by the City Council. He pointed out there is some discussion of a bill that might move the municipal election to a September time frame but he has told this is schedule to accommodate that if needed.

Mayor McFarlane questioned Yonkers Road and exactly why or what is proposed. Mr. Myers pointed out the plans for Yonkers Road are basically complete and there is some funding for right-of-way but this would add construction funding. Why it was added was talked about with Transportation Engineer Eric Lamb indicating it is in poor condition mainly as a result of heavy truck traffic and pointed out it was inherited from NCDOT several years ago and runs between New Bern Avenue and Capital Boulevard. It has a lot of businesses and people using transit would need a way to get from Capital and New Bern Avenue transit corridors to their work. It is 100% commercial.

Council Member Crowder asked about Tryon Road Part C pointing out she was under the impression that the design funding was allocated in 2013 with Mr. Lamb pointing out that is correct and we should be going out to the public engagement process soon and in this bond we would be looking for right-of-way acquisition and construction cost.

Council Member Thompson asked about the Six Forks Road corridor plan and which option was being use with Mr. Lamb pointing out they kept it funding at the most cost scenario pointing out that discussion will come back to the Council in May. What is included in this bond package was talked about as was the public/private participation. What is on the list, what was completed, what has been completed from the 2013 bond package was also discussed. Council Member Branch asked about the Wake Forest Brookside project and what is included in this package. Council Member Baldwin pointed out she has some additional questions and would like to continue to vet this proposal and asked that it be referred to the Transportation and Transit Committee for one round pointing out she also has a request under Council concern she would like the Council to consider when looking at the bond program.



Without objection, it was agreed to refer the item to Transportation and Transit Committee for a recommendation back to the May 16 Council meeting.

Under Report of Council Members, Council Member Baldwin talked about the Person Street Corridor Plan pointing out there are a number of questions as to whether it may be included in the upcoming bond package. She stated she would like for staff to provide information on how much money has been allocation, the plan for moving the project forward, etc. with it being agreed that it would be discussed in committee. Council Member Crowder also indicated she had some questions and she would provide those to Council Member Baldwin for discussion in the committee with all agreeing.

### **REPORT AND RECOMMENDATION OF THE CITIZEN ENGAGEMENT TASK FORCE**

#### **CITIZEN ENGAGEMENT TASK FORCE – FINAL REPORT – REFERRED TO WORK SESSION**

The following item appeared on the April 18, 2017 agenda and was deferred until the May 2 Council meeting.

The establishment of task force to study citizen engagement was discussed by Council on September 6, 2016. Following further discussion by a Council subcommittee later that month, Council appointed the membership and a scope of work for a Citizen Engagement Task Force and appropriated funding for a facilitator to work with the newly established body.

The task force convened over the course of several months and has completed its work. The chair will present the recommendations of the task force during the meeting. Included with the agenda packet was the task force report, as well as a compilation of documents that were provided to and/or utilized by the task force while conducting its work.

Damon Circosta, Chair of the Citizen Engagement Task Force, stated the task force is a group of nine people with different expertise and backgrounds including data management, governmental relations, communications, etc. He stated the goal of the Task Force was to ingender trust between the governed and the government. He stated all of the members live and work across the City of Raleigh. Mr. Circosta stated at the beginning the group reviewed the history of the CACs which had not been looked at in the past 40 years. He stated the innovative thing the City did 40 years ago was to develop the CACs and they have served the City very well over the years. He stated however like any innovation, we need to be constantly looking for what's new, best practices, etc. Mr. Circosta pointed out the task force spent about 10 weeks doing so and looked all over the country for best practices stating one of the bright spots they found was that the City of Raleigh did this without a crisis. Most cities evaluate or retool their citizen engagement process after something horrible has happened such as huge development issues, police issues or things of that nature. He stated he was not going into a whole lot of detail about the recommendations themselves but to give a little bit of what they are trying to build and that is

a structure and a concept of this structure that both comes from the Council and goes to the Council. He stated the Council is the lynch pin to any citizen engagement structure as the Council is the elected body of the City and the Council's direction to staff and its willingness to participate in citizen engagement is really what this recommendation is built around. He stated the task force is recommending that the Council create and elevate the notion of citizen engagement beyond the CAC process and create a citizen engagement board whose job would be to look at best practices and create engagement. He pointed out as they looked at their task they found that people really want to be involved but sometimes do not know how to connect or be involved. As it stands now, parks has one way, housing has another way, the zoning process is another way so the task force was looking for engagement certainty and recommend that a citizen engagement board be appointed mostly by the City Council. The next level beyond that is something that they suggest calling the CECs which is the most of like the current CAC but would have a level of engagement that is bigger than a neighborhood but smaller than the whole city. The CEC's job would be to provide a forum for folks to come and not only hear what the city is involved in and understand where and how they can engage with the city. He stated they are recommending the creation of a citizen engagement board or network and the people in the citizen engagement network would be able to plug into a predictable way to understand the goings on in the city.

Mr. Circosta stated this has been a very eye opening experience pointing out citizen engagement is not easy and it's not something that can be developed by a task force in 10 weeks. He stated the Task Force is hoping to leave today with the Council adopting a recommendation to create a board that would then have to go through the long process of filling in the holes for citizen engagement. He stated he sees this sort of like a party planning committee. The Task Force did not have the party but they are putting the structure in place so the party could happen.

Mayor McFarlane expressed appreciation to all for the many hours they put into the compressed time schedule given to them. She stated she knew there was a little bit of a bumpy start but she would applaud all for the hours and the work. Mr. Circosta expressed appreciation to the Council from the Task Force for giving them the opportunity to work on this. He also expressed appreciation to staff and a lot of engaged citizens they heard from.

Council Member Baldwin questioned if Mr. Circosta could over some of the highlights they learned from other communities. Mr. Circosta pointed out engagement is a huge problem and one of the challenges that folks have throughout. He talked about a situation in his neighborhood pointing out now he simply has to call a city staffer who looks at the process and tells him hopefully they can remember to let him know the outcome. He stated he knows this is happening many times throughout the city and well city staffers do a good job but we do not have a platform or a standard in place to make it easy to get back to the citizens and keep the citizens engaged or involved in the process. Mr. Cicosta pointed out the recommendations come to the Council with an almost unanimous vote. Eight of the nine members stand behind the recommendations and Carole Meyre, Chair of RCAC said that she has concerns.

Council Member Branch stated there is a lot of conversation going on about these recommendations doing away with the CACs and questioned if that was the intent of the

recommendations. Mr. Cicosta stated not at all they were trying to broaden that engagement and what they have recommended is that the citizen engagement board develops a structure for the CECs similar to the CAC process. He stated he does not see the CACs going away just being expanded to include more people. Mayor McFarlane pointed out when the Council decided to form the Task Force it was making a statement that the CACs and all citizen engagement is very important to the Council. She stated the Council was also approached by the CACs with various issues. The importance of having citizen engagement that is citizen driven but have a structure for individuality and predictability is needed. Mr. Cicosta pointed out their attempt to address those concerns is to recommend the structure and then the work is just beginning. You've got to have a lot of citizen input, you've got to have the work of a lot of people and hopefully the citizen's engagement board could help develop the process and he envisions that happening over a period of years, not a period of weeks.

Council Member Cox indicated he would be interested in hearing from the RCAC and individual CACs before we move ahead to create any board. He indicated the RCAC Chair Meyre was the no vote pointing out she represents 19 CACs throughout the City and he would like to hear what their concerns and objections are as it relates to the recommendation. He also stated he would like to know how many CACs the Task Force actually visited. Council Member Cox pointed out Mr. Cicosta talked about the approach of looking at citizen engagement and expressed appreciation for looking at best practices across the county but questioned if the group attended any CAC meetings or had any discussions with individual CAC chairs to understand their concerns. Mr. Cicosta stated the Task Force did not attend any CAC meetings as a group; however several members of the Task Force had CAC experience including him. He stated however most of the 400,000 + citizens in Raleigh have never heard of the CAC; therefore they felt their job was not just to look at the CAC structure but to imagine "blue sky world" that is broader and bigger than the CAC process.

Council Member Baldwin talked about a recent visit to Boston where one of the big things they are looking at is the use of technology especially smartphones. They are trying to figure out the best way to communicate with people via technology especially smartphones pointing out it is a huge initiative on their part as it is recognized that often people cannot get to meetings or may have limitations on time, whatever. She asked if the Task Force had an opportunity to talk about incorporating technology into citizen engagement with Mr. Cicosta pointing out the hope would be that the Citizen Engagement Board would include some technology experts. He stated the Task Force did have conversations about the use of technology but talked about the focus of making sure that there was not a one size fits all of approach. He stated you have to meet people where they are sometimes that's through technology, sometimes its face-to-face meetings, sometimes it is telephone, sometimes it is letters, etc. He stated this structure is designed to incorporate all forms of communication.

Mayor McFarlane talked about the work of the Task Force and pointed out it is her understanding this Citizen Engagement Board would be looking at how to foster citizen engagement and that may take three years or so. She feels part of the mission is to engage CACs, find out what's working and what is not working. There are many groups out there explaining many times in working with different groups they ask how they can find out what's

going on and how they can be involved, people do not have the good fortune of being able to attend meetings at certain times and talked about the need to expand communication in so many different ways. She stated many times she sees that the CACs are functioning well for a small group of people but there is a need to extend that across a city of over 470,000 people and she thought that is what we were trying to go with all of this.

Mr. Circosta pointed out there are really two things that are very important, first the Task Force is asking the Council to elevate citizen engagement to the level of so many other things the City does by giving it its own commission such as we do for planning, parks, historic preservation, etc. The Task Force felt that citizen engagement deserves a board on that same level. The second thing is the Task Force is asking the Council to appoint that citizen engagement board like it appoints all other boards that is, the elected official makes the appointments with one key difference. They are recommending a structure of between 9 and 11 people, 8 of those would come from Council appointments and the other 3 would come from the citizens themselves, that way they feel they are talking about citizen engagement that is broader and bigger.

Council Member Cox pointed out he is not comfortable with appointing a board today. He feels citizen engagement is extremely important but during the work of the Task Force they didn't have any sessions where citizens could provide input with Mr. Circosta stating he feels that is a misunderstanding. Council Member Cox indicated what he is looking for at the very least is providing an opportunity where citizens can come to this chamber and provide input about citizen engagement. Council Member Cox made a motion that the Council send this issue to committee and/or work session to have further discussion before it appoints a board.

Mayor McFarlane indicated she feels what is being proposed is setting out a platform, setting up a dedicated group that will spend the next two to three years on citizen engagement. By appointing a board, the Council would be elevating citizen engagement to a higher priority than what has been done before. She stated she feels it is important and proposed a substitute motion to accept the recommendation and move it to a work session and at that work session have discussion about what the committee looks like, how it is formed, who is on it, how the Council gets them the resources they need including consultants, that is how do we make sure that the voices of the CAC and all are heard in an on-going process.

Council Member Cox indicated he feels we need to look very closely at the charge to this board not just who is going to be on it, not just the structure or how it is funded but what define the goals of the board. He stated he strongly supports citizen engagement, supports citizens being able to come together and choose their own leadership, run their meetings the way they want to, chose representatives to run their meetings, or facilitate their meetings and help them come together and discuss the issues of today such as rezoning, gentrification and/or other issues. He stated in forming this board the Council has to be very careful how it is done, look at whether it is a top down approach where the City Council mandates and oversees or if it is a citizen run group. It seems the report is taking a top down approach. Council Member Stephenson talked about the good information but talked about the need to take time and care in the constitution of the Citizen Engagement Board. He stated he thinks it is extremely important that this board is seen as legitimate by all of our citizens and in that regard the recommendation is that it be made

up of experts and he does not think that is such a good idea. It needs to be a diverse board, inclusiveness with varying social and economic and educational levels with a rich variety of professional and non-professional backgrounds. He wants to make sure that when our citizens look at the Citizen Engagement Board they see themselves not a group of experts. He stated it is very important that this group is formed in a way to have excellent facilitation, experts to help them do their work but make sure it is a group that looks like and is like the citizens of Raleigh. He stated the Board could have some experts but we should have all types of people with all types of background.

A lengthy debate followed as to exactly what the motion and the substitute motion entails, whether the motion means to accept the recommendations and move the issue to a work session to discuss in detail how the group would be made up etc., or whether the motion is to accept the recommendation as information and/or guidance and move the issue to a work session for further discussion. Whether the motion would include the commitment to appoint a board and then referring it to work session or referring everything to work session and then decide how to move forward. Mr. Circosta pointed out the main recommendation is to commit to having a board and then that board could work on the issues. Various Council members argued their point as to whether the Council should make a commitment to appoint the Citizen Engagement Board and refer the issue to work session or refer the issue to work session before committing to appoint a board and the fundamental philosophical differences in those arguments. Also discussed was the current CAC process. In response to a request from the Mayor, the City Clerk gave her understanding of the substitute motion is to agree to develop Citizen Engagement Board, take the issue to work session to discuss what that board will look like, how it will work with the understanding the board would work through the issues and would use the recommendations as guidelines over the next three years. Council Member Baldwin indicated her interpretation is that the Council accept the recommendation from the Citizen Task Force and bring the issue to work session to discuss the makeup or composition of the Board, build a consensus on that and discuss ways to provide direction to the Board. Debate followed as to whether the document should be used as a guideline or recommendation. Various Council Members offered suggested motions and/or suggested amendments for consideration, discussed whether the report from the Citizens Task Force should be used as a recommendation or as information and/or guidelines and what would be approved if the motion or substitute motion was put to a vote. Council Member Stephenson stated he would like to add one amendment to indicate that the Council would use all the resources available to it to make sure the Citizen Engagement Board membership is a legitimate reflection of the diverse community values of our city. The Mayor called for a vote with various Council Members indicating they are not sure of the motion with various Council Members giving their interpretation of the motion with the main point of discussion being whether the Council is going to commit to appointing a board and referring the issues to work session or going the other way. What the Citizen Engagement Board would do and whether it would have oversight of the CACs was discussed.

City Attorney McCormick explained the process and pointed out he thinks the Mayor's substitute motion was to agree to create a board and refer the item to work session to figure out how the board is going to be constituted and work, with the Mayor pointing out that is her substitute motion. The Council agreed that the substitute motion would be amended to include

Council Member Stephenson's language "Council will select a Citizen Engagement Board that is a legitimate reflection of Raleigh's diverse community values." The substitute motion with that amendment was put to a vote which resulted in all members voting in the affirmative except Council Members Cox, Branch, and Crowder. The Mayor ruled the motion adopted on a 5-3 vote.

Later in the meeting, Council Member Cox requested that when this issue is discussed in Work Session that it be held in the City Council Chamber so there would be room for all interested parties to attend and/or participate.

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

#### **ERINSBROOK PARK MASTER PLAN – APPROVED**

Amy Simes, Chair of the Parks, Recreation and Greenway Advisory Board, pointed out that group reviewed the Erinsbrook Park Draft Final Master Plan on April 20, 2017 and voted to recommend it for approval.

Brian Starkey, OBS Landscape Architects talked about the process which started in the June-July 2016 timeframe, the public workshops and citizen Planning Committee deliberation in the August-December 2016 timeframe, and the final draft master plan phrasing timeframe of January-May, 2017. He explained the location of the park which contains 13.3 acres adjacent to Leesville Road, the future Leesville Road widening, continuation of Englehardt Drive and the adjacent and surrounding land uses, went over the site analysis talking about the vegetation, tree cover, former home site, zoning and pointed out the vision is "To develop a park where its natural character is celebrated while providing play, exercise and gathering opportunities for the neighborhood families of all ages and abilities." He went over the different things the group saw for programming the park and briefly described the proposed development including parking/active space on the flat area of the north part of the site, opportunities for overlooks, conservation areas and connections to the Woodlawn neighborhood. He presented the final draft concept showing the location of the shelter, combination restrooms and shelters, age separated playgrounds with shade sails, dog park, natural play area, open space, parking, etc. He presented illustrative renderings of the finished product from different vantage points and indicated the estimate of probable cost is \$2,766,500.

Council Member Baldwin moved approval of the final master plan as submitted dated May 2, 2017. 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.

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

**ECONOMIC DEVELOPMENT TOOL BOX – SMALL BUSINESS GRANTS POLICY –  
APPROVED AS AMENDED – BUDGET NOTE REQUESTED**

Mayor McFarlane reported the Economic Development and Innovation Committee recommends adopting the jobsRaleigh Grant program with the following changes:

1. Lower company's maximum revenues from \$17,400,000
2. Lower personal net worth of owner(s) from \$750,000
3. Widen grant area to include all of the City of Raleigh
4. Increase grant amount within Target Zones for Economic Development to \$2,500 per job
5. Add grant amount outside of Target Zones for Economic Development to \$1,500 per job
6. Add additional points to Criteria for Evaluating Projects for business and jobs that are created within Target Zones for Economic Development
7. Include Other Services as defined by the Unified Development Ordinance
8. Exclude non-profits, adult entertainment and bars/taverns, etc. as defined by the Unified Development Ordinance
9. Create clawbacks for companies that fail to retain jobs for less than one year
10. Allocate \$100,000 from the Innovation Fund to start the jobsRaleigh Grant program

Mayor McFarlane pointed out one item was left off and that would be No. 11, Any job created be at a living wage salary.

Council Member Baldwin questioned if the allocation of \$100,000 from the Innovation Funds question means there would be no money left in that account. It was pointed out the recommendation is to take the \$100,000 out of the fund which would leave some \$35,000 with it being pointed out Economic Development Director Sauls felt that would be adequate for the remainder of the year. Council Member Baldwin pointed out she could not support taking that amount of money out of the Innovation fund and pointed out the Council had worked for 3 years to get the fund in place to work towards businesses development activities and she feels this would constrain the City's ability to move forward on the objectives. She stated she could not support this unless there is some way the Council could ensure that there is \$100,000 in the new budget. City Manager Hall pointed out Council could ask for a budget note in that direction. Whether the \$100,000 would come out of this year's budget or next year's, how it could be discussed in budget session was talked about. It was pointed out the funding could be made available today but the program would not start until next year. Council Member Gaylord suggested that the Council have a budget note on this item for consideration for next year's budget. City Manager Hall indicated in order for staff to start marketing the project, it would have to know that there is a funding source. He stated the program will not start until July 1. He talked about existing funds and how staff was trying to identify current funding to start the program. How to proceed was discussed with the suggestion of approving this today and requesting a budget note for putting funds back in the Innovation fund. The fact that staff could

start working internally but delay the marketing until the funding is available was talked about. Council Member Baldwin moved approval of the program as amended at the table, contingent upon approval of the funding during budget process. Her motion was seconded by Council Member Gaylord and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

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

#### **TC-11-16 – PRE UDO NCOD BUILDING HEIGHT – ORDINANCE ADOPTED**

Chairperson Crowder reported the Growth and Natural Resources Committee, by split vote, recommends approving TC-11-16 – Pre UDO NCOD Building Height, which would alter the maximum building height in the Oberlin Village and South Park NCODs to 28.7 feet. The method of measuring height in NCODs would not be altered. Council Member Gaylord moved approval as read. His motion was seconded by Council Member Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 704 TC 394.

#### **REZONING Z-32-16 – HILLSBOROUGH STREET – HEARING CONTINUED UNTIL JUNE 20, 2017; ITEM RETAINED IN COMMITTEE**

Chairperson Crowder reported the Growth and Natural Resources Committee recommends that the public hearing on Z-32-16 be continued until June 20, 2017; however is holding the item in Committee to allow the applicant to continue work on conditions. She stated this action is being taken to meet the requirements that public hearings must be continued to a date certain. The information was received, the hearing continued until June 20, 2017 and the item retained in Growth and Natural Resources Committee.

#### **COMMITTEE MEETINGS - MEETING DATE – ESTABLISHED**

Council Member Crowder reported the Growth and Natural Resources Committee would meet on May 31, 2017. Mayor McFarlane reported the Economic Development and Innovation Committee would meet on May 23, 2017.

Council Member Branch talked about the need for the Transportation and Transit Committee to meet and indicated the date would be announced at the evening meeting. Clerk's note: The date was not announced; however after the meeting, a special meeting notice was issued to schedule the meeting for May 10, 2017 at 4:00 p.m.

### **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 MEMBERS**

**EARLY VOTING – COST – BUDGET NOTE REQUESTED**

Council Member Stephenson indicated at a previous council meeting he asked about the possibility, cost, etc., for the addition of early voting sites for the upcoming municipal election. He stated he is interested in the dollar amount, how many days, locations, etc. He asked that the City Manager provide a budget note incorporating that information for further consideration during budget deliberation. Without objection, staff was asked to provide the budget note.

**RALEIGH HOUSING AUTHORITY – DORIS WRENCH – REAPPOINTED**

Mayor McFarlane pointed out she had received a letter indicating the term of Raleigh Housing Authority Member Doris Wrench is expiring. Ms. Wrench is willing to continue to serve. Mayor McFarlane read information on the activities involvement, etc., of Ms. Wrench on the Housing Authority and the community in general. Mayor McFarlane stated she had reappointed Ms. Wrench to the Raleigh Housing Authority.

**INDIA VISIT WITH DALAI LAMA – INFORMATION RECEIVED**

Mayor McFarlane expressed appreciation to everyone who went out to Dix Park recently to sign Tibetan Prayer Flags which she plans to present to the Dalai Lama on her trip to India next month. She stated hopefully it will help encourage him to visit Raleigh. She stated her travels to India are at her own expense.

**COMMITTEES, COMMISSIONS, AND BOARDS – INFORMATION RECEIVED**

Council Member Gaylord pointed out he had talked with staff concerning Organizational Excellence Component 3.2. He stated he would like to learn more about how the Council can improve onboarding and offboarding of members of our boards and commissions. He stated it would be good to have some way to show appreciation for their work and provide them with some amenities such as free parking, etc. as he feels it would be good if the Council and City could show appreciation to these board members for their time, expertise and energy. He stated he wanted to make Council aware that he had asked staff to provide some information on the process. He pointed out it could be that it is a part of the Citizen Engagement Task Force work or whatever just wanted Council aware of his request.

**PERSONNEL – ROBERTA FOX – COMMENDED**

Council Member Thompson commended Roberta Fox pointing out recently he was trying to locate the Historic Preservation Office and ended up in the wrong building and wrong office. Assistant Planning Director Fox took her time to escort him to the proper location and he expressed appreciation for her thoughtfulness.

**MEDICINE DROP – COMMENTS RECEIVED**

Council Member Thompson pointed out the medicine drop was held recently and 982.4 pounds of medicine were dropped off by area citizens. He called on people to think about the weight of a pill and how many pills it would take to make 982+ pounds. He stated that is a large volume and expressed appreciation for the event pointing out how wonderful it is to keep that volume of pills, etc. out of our sewers or landfill with various Council members indicating it also helped keep pills from someone who did not need them.

**PERSON STREET CORRIDOR PLAN – TO BE DISCUSSED IN TRANSIT AND TRANSPORTATION COMMITTEE**

Council Member Baldwin indicated she recently attended the Person Street Corridor Study events along with Council Member Branch. She stated there were a number of questions asked and she does not know whether it has anything to do with the upcoming transportation bond but if it was okay with the Council she would like for it to be discussed in the Transportation and Transit Committee along with the proposed bond issue. She stated she would like to know how much money has been allocated for the Person Street Corridor Study, the plan for moving it forward, etc. Without objection it was agreed it could be discussed along with the 2017 transportation bond issue.

Council Member Crowder pointed out she had a number of questions relative to the transportation bond and asked if she could provide those to Council Member Baldwin for discussion in that committee with all agreeing.

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

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

Arts Commission – One Vacancy – Council Member Cox nominated Shelley Winters

Appearance Commission – One Vacancy – No nominees

Historic Cemeteries Advisory Board – Two Vacancies – Ruby Greene – 6 (Cox, Branch, Baldwin, Stephenson, McFarlane, Gaylord). Ms. Baldwin nominated Amy Howard.

Stormwater Management Advisory Commission – Once Vacancy – Mark Senior received 8 votes (All Council Members).

Substance Abuse Advisory Commission – One Vacancy – No nominees

The City Clerk announced the appointment of Ruby Greene to the Historic Cemeteries Advisory Board and Mark Senior to the Stormwater Management Advisory Commission with the other items to be carried over to the next meeting.

### **NOMINATIONS**

#### **APPEARANCE COMMISSION – CANDICE ANDRE – REAPPOINTED**

The City Clerk reported the term of Candice Andre is expiring. She is eligible for reappointment as far as length of service and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend its rules and reappoint Ms. Andre by acclamation. 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.

#### **BICYCLE AND PEDESTRIAN ADVISORY BOARD – NOMINATIONS MADE**

City Clerk reported a letter of resignation has been received from Harry Johnson. Council Members Baldwin and Gaylord nominated Nicole Bennett. Council Members Thompson and Crowder nominated Dwight Otwell. Council Member Baldwin pointed out Nicole Bennett is an African American and there are no African Americans on the Bicycle and Pedestrian Advisory Committee. The item will be carried over to the next meeting.

#### **HISTORIC CEMETERIES ADVISORY BOARD – REAPPOINTMENTS MADE**

The City Clerk reported the following terms are expiring and all are eligible for reappointment as far as length of service and all would like to be considered for reappointment: David Brown, Jenny Harper, Terry Harper and Jane Thurman. Council Member Branch moved the Council suspend its rules and reappoint the four by acclamation. His motion was seconded by Councilor Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

#### **PLANNING COMMISSION – VERONICA ALCINE – REAPPOINTED**

The City Clerk reported the term of Veronica Alcine on the Planning Commission is expiring. She 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 its rules and reappoint Ms. Alcine by acclamation. 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.

**REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**

**NO REPORT**

**REPORT AND RECOMMENDATION OF THE CITY CLERK**

**MINUTES – VARIOUS – APPROVED**

The City Clerk reported council members received in their agenda packet copies of the minutes of the April 18, 2017 Lunch Work Session and regular council meeting. Council Member Branch moved approval as presented. His 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.

**RECESS**

Mayor McFarlane announced the meeting recessed at 3:10 p.m. to reconvened at 7:00 p.m.

Gail G. Smith  
City Clerk

jt/05-02-17

The City Council of the City of Raleigh met in a regular session at 7:00 p.m. on Tuesday, May 2, 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 all Council Members present.

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

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

#### **ELECTIONS – REQUEST TO CHANGE DATES – COMMENTS RECEIVED**

Tara Romano, 704 Mills Street, pointed out the City municipal elections is the most important thing in making our government work. She stated the City of Raleigh holds its elections in October followed by a November runoff if needed. She stated all other agencies in Wake County and most of North Carolina do a primary in October and general election in November. She stated having election day scheduled different in Raleigh could be causing confusion and resulting in low turn out. She called on the city to change its elections schedule to that of nearly all of the other cities in the area. Ms. Romano pointed out she had called the City to find out why the city had a different election schedule and was told it has always been that way. She stated it didn't seem to have anything to do with money and she just feels that having this different schedule results in a small turnout and called on the city to do whatever it could to help get people out to vote including changing the election schedule.

Briona May, HBCU Student Action Alliance/Common Cause NC, read a prepared statement talking about the importance of voting and things that could be done to encourage all to vote including changing the municipal election to reflect the same as other cities in North Carolina. She pointed out Raleigh is a home to many students and many are not aware of the different schedule. She talked about work to get everyone out to vote, talked about the low turnout in Raleigh and encouraged the Council to move its election to a November general election with runoff if needed.

City Attorney McCormick talked about the history of the election schedule in Raleigh. He stated when it was changed to an October general election with runoff in November, the City Council thought it would be more efficient, talked about the home rule authority and pointed out it was felt it may save a little money, few people have complained about the schedule and it seems to be working well. He pointed out however, the General Assembly has a bill which would move the general election to September and explained the rationale behind that. In response to questioning, he stated he is not aware of any municipalities that have the general election in November with a run-off if needed.

The comments were received with no action taken.

**MATTERS SCHEDULED FOR PUBLIC HEARING**

**ANNEXATION PETITION – 9404 BAILEYWICK ROAD – HEARING – DENIED**

This is a hearing to consider the following petitioned annexation.

<b>LOCATION</b>	<b>ELECTORAL DISTRICT</b>
9404 Baileywick Road	A

Following the hearing, if the Council wishes to proceed, it would be appropriate to adopt an ordinance annexing the properties effective May 2, 2017 and to adopt a resolution placing the property in City Council Electoral District A.

Planner Bynum Walter explained the location and the request pointing out it is related to Rezoning Z-48-16 which appears later in the agenda.

Public Utilities Director Robert Massengill highlighted the following memo.

The subject property is outside of the City limits and the City ETJ in the Falls Lake water supply watershed. There are long standing Council affirmed policies prohibiting or significantly limiting annexation and rezoning within the Fall Lake water supply watershed. In particular, AP-FL policy series are applicable.

When considered within the context of precedent, standing policy, and previous direction from City Council, staff cannot support the requested annexation and rezoning. In particular staff cannot support the requested annexation. The request deviates from Council's intent, directives, and policies for Falls Lake. Review of Council minutes, existing policy directives such as the 2030 Comprehensive Plan (CP2030 Policy EP2.1, 3.3, 3.6, 3.8, 3.12, 3.16, PU2.1, 5.4 Action EP 2.1, 2.3, 3.1, 3.2), and previous resolutions regarding Falls Lake leads staff to conclude that Council has accepted and supports a strategy of "use control" for protecting water quality in the Falls Lake water supply watershed. "Use control" is the practice of limiting density through zoning to limit impervious surfaces and of limiting extension of municipal water and sewer service in all but very few areas of its water supply watershed by taking advantage of natural constraints on groundwater availability and on-site septic disposal capacities.

Approval of the requested annexation and rezoning could establish a precedent that could negatively impact the process for permitting and constructing the Little River Reservoir. The City provides water and wastewater services to the Towns of Garner, Rolesville, Wake Forest, Knightdale, Wendell and Zebulon. Three of those communities (Rolesville, Wendell and Zebulon) have both existing and potential future jurisdiction in the Little River water supply watershed. Although the City has an Interlocal Agreement (ILA) with the Towns of Wendell and Zebulon to limit municipal expansion (thus urbanization) in the Little River Reservoir watershed, the Town of Rolesville declined to

enter into the same agreement and is actively seeking municipal expansion into the Little River water supply watershed. To date, the City of Raleigh has opposed such expansion based upon a concern that watershed urbanization and resultant impacts on water quality would delay, interrupt or outright prevent permitting of the long planned Little River Reservoir. Many of the utility merger agreements contain language to ensure that the City of Raleigh uniformly applies policies and procedures across communities and the ILA itself contains language that ensures the Towns of Wendell and Zebulon may receive the same concessions, rights and privileges granted to the Town of Rolesville. Precedents in the Falls Lake watershed will impact potential future negotiations or litigation between the City and the Town of Rolesville, as the debate over urbanization of the Little River Reservoir water supply watershed continues to evolve.

For the reasons given above, it is the collective conclusion of staff that Z-48-16 is inconsistent with established policy and contrary to the public interest.

Michael Huening pointed out the Holy Transfiguration Orthodox Church orchestrated this petition. He stated he has just learned about the opposition, the watershed issues, etc., and asked that the Council consider continuing the hearing to the next meeting to see if they can come up with a different strategy, etc. Council Member Crowder questioned if this location is in the primary watershed and it was pointed out it is actually the secondary watershed. Discussion took place on the City's policies, reasons for the policies, etc. The possibility of holding it at the table was talked about as was the precedent setting. Council Member Crowder moved to deny the annexation as it is inconsistent with City of Raleigh policies. Her motion was seconded by Council Member Stephenson.

Various Council Members asked if the representatives of the church had discussed this issue with the Public Utility Staff or the Planning Staff prior to submitting the annexation petition and whether the Planning Commission had the benefit of the request for annexation and all of the city policies prior to making a recommendation on Z-48-16. Public Utilities Director Massengill pointed out they got involved late in the process. Ms. Walter pointed out the Planning Commission did not have the benefits of these comments and if they had she thought the recommendation on Z-48 may have been different. Mr. Huening pointed out they followed the process and did not know anything about the watershed policies and had not had any discussions. Whether it is in the primary or secondary watershed was talked about with Mayor McFarlane pointing out either way it is in an area in which the City of Raleigh has policies not to extend water and sewer. In response to questions Public Utilities Director Massengill pointed out a series of resolutions were adopted establishing the policies. Council Member Baldwin pointed out she just wished that this item or issue had not got so far into the process before the applicants were notified of the concerns and she hoped that staff would do something to make sure a situation like this does not occur in the future. The motion to deny the annexation petition was put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

**ANNEXATION PETITION – GRESHAM LAKE ROAD – HEARING – ORDINANCE AND RESOLUTION ADOPTED**

Mayor McFarlane pointed out a petition to annex property known as 3701 Gresham Lake Road had been received was properly advertised notifications given, etc.; however it was left off of the agenda therefore she would add it at this point. She stated following the hearing if the Council wishes to precede it would be appropriate to adopt an ordinance annexing the property effective May 2, 2017 and adopt a resolution placing the property and City Council Electoral District A. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Council Member Gaylord moved approval of the adopting the ordinance annexing the property and a resolution placing the property in the appropriate electoral district. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 705 and Resolution 465.

**PAVING ASSESSMENT ROLL 948 – LAKE WHEELER ROAD – HEARING – RESOLUTION CONFIRMING COST ADOPTED**

A hearing to consider adoption of a resolution confirming Paving Assessment Roll 948 for installation of pedestrian and turn lane improvements on Lake Wheeler Road from Tryon Road to Centennial Parkway.

Following the hearing, the Council may adopt a resolution confirming the cost as outlined in Resolution 2017-460 adopted on April 4, 2017.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Council Member Gaylord moved adoption of a resolution confirming cost as advertised. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 466.

**REZONING Z-13-16 – ST. ALBANS DRIVE/QUAIL HOLLOW DRIVE – HEARING – APPROVED**

This is a hearing to consider a request filed by multiple property owners to rezone approximately 39.41 acres from current zoning district – Commercial Mixed Use-7 Stories-Parking Limited Frontage with conditions, Conservation Management with conditions, and Office Mixed Use-3 Stories-Green Frontage with conditions (CX-7-PL-CU, CM-CU and OX-3-GR-CU) to Commercial Mixed Use-20 Stories-with conditions, Commercial Mixed Use-7 Stories-Parking Limited with conditions, and Conservation Management with conditions (CX-20-CU and CX-7-CU, and CM-CU). The property is located on St. Albans Drive at its intersection with Quail Hollow Drive.

Zoning conditions prohibit certain uses, provide for a transit easement, specifies right-of-way improvements, restricts construction activity, specifies parking regulations, signage requirements, building and parking setbacks, lighting regulations, and proposes development intensities. The request is consistent with the Comprehensive Plan and would provide a public



benefit by permitting an intense mix of residential, office and retail uses that are consistent with the Plan. The Planning Commission recommends approval of the request.

This request was received by the City Council on April 18, 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 Walter presented the case explaining the location, existing zoning, views of the site from various locations, what is allowed under the existing versus proposed zone, went over the 18 proposed conditions presented an exhibit explaining proposed conditions 13 – heights which are range from a 5 story maximum next to St. Albans back to 12 story maximum. Planner Walter went over the Future Land Use Map, Urban Form Map, went over the comprehensive plan analysis which indicates the proposal is consistent with the 2030 Comprehensive Plan, Future Land Use Map, Urban Form Map and the various policies. She stated there are no outstanding issues and the Midtown CAC voted 63 yes, 66 yes with conditions and 26 noes. The Planning Commission recommended approval on a 6-0 vote pointing out the rezoning is consistent with the Comprehensive Plan and would provide a public benefit by permitting an intense mix of residential, office and retail uses that is consistent with the plan and there has been good dialogue with neighbors regarding the case.

In response to questions from the Mayor, Planner Walter pointed out the site encompasses some 40 acres and talked about the size of the various proposed zones. There was discussion about the heights as outlined in Condition 13, right-of-way dedications, trip generation under the existing zone build out versus the proposed zone, build out existing entitlement and the various scenarios.

The Mayor opened the hearing.

Attorney Michael Birch representing the property owner and the applicant talked about the setbacks along St. Albans, additional landscaping, outdoor amenities and the CAC vote and the additional conditions since the CAC vote.

Todd Saieed, Benson Drive, indicated he represents the applicants pointing out they are Raleigh people, they live in the North Hills area and pointed out he and Ven Poole started assembling this property some 20 years ago when he lived in the neighborhood. He talked about development of their mixed use plan, how they worked with the neighborhood which led to the 18 conditions they have presented. He talked about the cooperation between the owners/developers and adjacent neighbors.

Attorney Birch talked about the work with the neighborhood pointing out the concerns relating to traffic and what could be done under the existing zoning versus the proposed. He talked about the individual sites still having to comply with UDO requirements, talked about the public/private transportation improvements planned for the area, the extensive work with the CAC relative to the heights, etc. He pointed out they now have the majority support of the neighborhood and indicated one of the chief representatives of the neighborhood was Anne Sherron.

Anne Sherron, 3805 Colegate Place, talked about the work with the neighborhood and pointed out the applicants have been good neighbors from the start. The applicants have responded to the neighbors' concerns and the neighborhood is in favor of the rezoning. Mayor McFarlane had questions about the views from the adjacent neighborhood with Ms. Sherron pointing out it is felt the trees will block the view of the tall buildings and talked about the view she has now.

Alan Wiggs, 1113 Indian Trail, talked about the flooding concerns downstream and the need for the city and staff to do their part in making sure those are addressed. He talked about financial impact of the flooding. Mr. Wiggs spoke about the Midtown CAC vote and concerns related to traffic and height. He pointed out the work on this zoning case was one of the finest examples of community engagement he has seen, talked about the topography, the neighborhood and how the applicants had met with the neighbors and have listened to their concerns. He stated there was a concern about the traffic cut through, fear that the infrastructure would not support the growth, stormwater, the need for a small area plan, connection of streets, the proposed improvements to address the traffic concerns and the flooding issues.

Stormwater Manager Blair Hinkle talked about the stormwater concerns in the area pointing out any time a site is developed you can expect an increase in volume. However, there is not extra concern and talked about what would be done to address the stormwater concerns including culvert size, what is called for in the Comprehensive Plan, the topography in the area, construction of channels, and the stormwater infrastructure in the area and plan.

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

Discussion followed on how much right-of-way will be dedicated, concern about the locations of dumpsters with Council Member Thompson expressing concern or the desire to see them on the south side or at least hidden from St. Albans. Attorney Birch and Transportation Planner Myers talking about the right-of-way, what the city requires, what is existing, the number of cars per day and the fact that there will be a TIA required at site plan and what and how those issues would be addressed at the site plan. The approval process was talked about with Council Member Thompson requesting the estimated build out. The applicant indicated we are talking about a 40 acre site and he feels we are looking at a 10 years plus build out. Council Member Thompson asked about adding a condition relative to the prohibition of dumpsters between St. Albans and the buildings with Attorney Birch pointing out we are talking about a rezoning as opposed to a master plan as was approved for North Hills East at the last meeting. He stated conditions could be added to the master plan at the table but here we are talking about a rezoning which would delay moving forward at least two weeks to add a condition. He stated his clients would be willing to commit to the prohibition of no dumpsters between St. Albans and the buildings. With that commitment, Council Member Thompson moved approval of Z-13-16 as recommended by the Planning Commission. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 706 ZC 747.

**REZONING Z-33-16 (MP-4-16) – THE LAKES – APPROVED – ORDINANCE ADOPTED**

This is a hearing to consider a request filed by Hawthorne Lakes, LLC to rezone approximately 82.64 acres from Residential-10 and Conservation Management (R-10 and CM) to Planned Development (PD). The request also includes a master plan that provides general site layout and establishes development regulations. The property is located the Lakes Drive at its intersection with Sandy Forks Road.

The request is consistent with the Comprehensive Plan, will help to preserve the existing apartment housing stock, and provides connections to existing Greenways with significant active open space. The Planning Commission recommends approval of the request.

This request was received by the City Council on April 4, 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 Walter presented the case, talked about existing zoning, location, views of the property from various locations, what is allowed under existing versus proposed zoning, proposed master plan, pedestrian circulation, tree conversation area, illustrative renderings, proposed zoning district modifications, UDO requirements and master plan modification, Future Land Use Map, Urban Form Map, Comprehensive Plan Analysis which indicates the proposal is consistent with the 2030 Comprehensive Plan, Future Land Use Map. The proposal has no inconsistencies with any of the policies, there are no outstanding issues, and the North CAC voted 17 to 0 for approval. The Planning Commission voted 7-0 for approval as it is felt it is consistent with the Future Lane Use Map and the 2030 Comprehensive Plan, the proposal will help to preserve the existing apartment housing stock and connects to existing greenways and provides for significant active open space.

Mayor McFarlane had questions concerning the park public space and commitment to open space.

Mayor McFarlane opened the hearing.

Attorney Mack Paul introduced the people with him representing the applicant who could answer various questions.

Attorney Paul indicated this property was developed in the 70's when Raleigh exploded to the north. It was opened as a singles only property which became known as party central in the area. He talked about the condition of the current apartments pointing out 80% do not have washer, dryers, and are in need of major renovations, talked about the income of the average tenant, being an attractive location for affordable work force housing and the various options that would be available including demolition of the existing apartments which would allow many more to be built, the need to preserve the work force housing, and reviewed the options that are available. He talked about the owners being willing to spend millions of dollars in upgrades, the desire to

amend the master plan and doing upgrades; keeping the existing facilities and pointing out the average rental rate would probably go up about \$100 a month. He talked about the existing property which has no public parks, a drained lake, the poor condition of the existing buildings, what has occurred next door, what his client has done in other parts of the city.

No one asked to be heard in opposition.

The Mayor closed the hearings.

Council Member Thompson pointed out he feels this is a great opportunity for the City to get affordable housing. He stated the existing development has fallen on hard times and with the infrastructure improvements in the area including Sandy Forks Road, etc., he feels this is a good thing therefore he would move approval as presented. His motion was seconded by Council Member Baldwin.

Mayor McFarlane questioned how the Council or the City could be assured that if the case is approved the applicants would move forward with renovations as promised and keep it affordable housing. Representatives of the applicants talked about the work they have done on the complex next door where they invested millions of dollars, the rents only increase between \$100 and \$150 a month and pointed out in the proposal the current rent averages about \$700, etc. Mayor McFarlane stated she understands but just wants some assurance that given the additional density that would be allowed affordable work force housing will be developed. Whether the Council could put conditions and/or requirements about affordable housing and how assurances could be address was talked about. The work of these proposed developers, their track records and their desire to continue working in the Raleigh area was talked about. The motion as made was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 706 ZC 747.

#### **REZONING Z-41-16 – EVERSFRING LANE – HEARING – CLOSED ITEM TO BE PLACED ON MAY 16 AGENDA AS A SPECIAL ITEM**

This is a hearing to consider a request filed by Mehdi Investments Group LLC to rezone approximately 0.69 acres from current zoning district Residential 1 (R-1) to Residential 6 (R-6). The property is located on Everspring Lane, south of its intersection with Spring Glen Lane. The request is consistent with the Comprehensive Plan and is reasonable and in the public interest. The Planning Commission recommends approval of the request.

This request was received by the City Council on April 4, 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 Walter explained this is a general use case to rezone from R-1 to R-6. She presented the existing zoning map, aerial views of the area, views of the area from various locations, what is allowed under existing versus proposed zoning, the Future Land Use Map, Urban Form map, the Comprehensive Plan analysis which indicates the proposal is consistent

with the 2030 Comprehensive Plan, consistent with the Future Land Use Map and all other applicable comprehensive plan policies. There are no outstanding issues and the North East CAC voted 4 to 2 to approve the request. The Planning Commission recommends approval on an 8-0 vote, as the proposal is consistent with the Future Land Use Map, 2030 Comprehensive Plan and is reasonable and in the public interest. Mayor McFarlane questioned what could be built under the zoning and the proposed shared driveway was discussed.

The Mayor opened the hearing. The applicant spoke in support of the proposal pointing out at the time the surrounding property was developed these two properties were not for sale. He stated he had acquired the property, and is requesting to acquire the second one. He talked about the private shared driveway and pointed out he proposes a joint home with a double wide shared driveway. They will have separate front doors, one adjacent wall each house will be separately owned. He stated they are working with the City to do whatever is necessary to accommodate the trash, fire, etc. The proposed driveway would be about 15 feet wide. He talked about the setbacks and what is proposed. In response to questioning, Planner Bynum pointed out townhomes is not allowed.

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

Council Member Cox indicated he had met with some of the residence in the area and there is concern about building materials that may be used. He indicated he had understood the applicant stated he had talked about materials he plans to use and questioned if he would add that as a condition. It was pointed it this is a general use case and to add conditions it would have to be converted to a conditional use case which will cost additional money. The applicant indicated he had not heard anything from the neighborhood meeting. Council Member Cox again questioned if we could hold this at the table and let the applicant convert it to a conditional use case. Whether that could be done through a private agreement or had to be or the case has to be converted to a conditional use case and added conditions for enforceability was talked about. By general consensus, it was agreed to hold the item at the table to give the applicant and city staff an opportunity to discuss the options/alternatives and place it on the May 16, agenda as a special Item.

### **REZONING Z-43-16 – DARTON WAY – HEARING- APPROVED – ORDINANCE ADOPTED**

This is a hearing to consider a request by Rainbow Rascals Louisburg LLC to rezone approximately three acres from Office Mixed Use-3 Stories-Parkway-Conditional Use, (OX-3-PK-CU).

Zoning conditions would limit building height and certain land uses. The request is consistent with the future land use plan and the Comprehensive Plan and the Planning Commission recommends approval.

The request was first received by the City Council at the March 21, 2017, Council meeting.

At the conclusion of the hearing the council may act on the request, refer it to committee or hold for further discussion.

Planner Bynum Walter presented the case pointing out the reason behind the application is to change the current zoning conditions. She explained the existing surrounding zoning, presented aerial views of the location and development, views of the property from various locations, went over the four proposed conditions, Urban Form Map, Future Land Use Map, presented the Forestville Village Plan, explained the permitted land uses under Z-21-08 which establishes the current zoning, Land Use allowed in OX and what is prohibited with the proposed conditions, what is allowed under existing versus proposed zoning, the fact that the proposal is consistent with the 2030 Comprehensive Plan, Future Land Use Map and Urban Form Designations. The Planning Commission recommends approval on a 7-0 vote, and the CAC recommends approval on an 18-0 vote.

Mayor McFarlane questioned if this would change the setbacks and that was discussed briefly. The Mayor opened the hearing.

Attorney Michael Burch explained this property was purchased in 2015, talked about the surrounding or adjacent zoning/development and pointed out the reason this case is being brought forward relates to the 25 foot building setback requirement. He talked about how this would require the building to be closer to the street. This would allow the building to be set back further from the street. He stated they are going through this process in order to eliminate the requirement to build close to Darton Way and allow the building to be setback further. He talked about access to the property, went over the four conditions and pointed out the CAC vote was 18 to 0 and the Planning Commission recommended unanimous approval.

Carol Vilar, 4006 Newell Lane, spoke in support talked about the residential nature of the community, the fact that this property will have to use the neighborhood streets and how the applicant and attorney had tried to listen to their concerns. Council Member Cox asked about the access.

No one else asked to be heard thus the hearing was closed. Council Member Cox asked about building a wall with Attorney Birch talking about the conversations and how his client would work with the community with the landscaping setbacks, signage, etc. What is proposed for the location was briefly spoken to. Council Member Cox moved approval of the request as outlined. His motion was seconded by Council Member Stephenson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0. See Ordinance 706 ZC 747.

### **REZONING Z-48-16 – BAILEYWICK ROAD – HEARING – DENIED**

This is a hearing to consider a request filed by Holy Transfiguration Orthodox Church to rezone approximately 4.34 acres from current zoning district Wake County Zoning District Residential-40W w/ SHOD, (R-40W w/SHOD) to City of Raleigh Zoning District Residential-1 with Falls

Lake Watershed Protection Overlay District (R-1 w/ FWPOD). The property is located on the north side of Baileywick Road at its intersection with Hunter Road.

Note that the requested property is located in the primary watershed of the Falls Lake Area Plan, not the secondary watershed as originally noted in the staff report. The rezoning request is inconsistent with City of Raleigh Comprehensive Plan, and inconsistent with policies PU 2.2 – Utility Extension beyond Raleigh’s Jurisdiction and Policy AP-FL 1 - Falls Lake Watershed Zoning, and AP-FL Falls Lake Primary Watershed Utilities. The Planning Commission recommends approval of the request.

This request was received by the City Council on April 4, 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 indicated since the annexation of this property is denied there is no need to continue this hearing. City Attorney McCormick indicated the hearing should be held and the Council could simply deny the case.

The Mayor opened the hearing no one asked to be heard, thus the hearing was closed. Council Member Crowder moved denial of Z-48-16. 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.

### **REZONING Z-2-17 – POOLE ROAD – HEARING – APPROVED**

This is a hearing to consider a request filed by Leon C. Weaver Family Trust to rezone approximately 20 acres from Residential-6 (R-6) to Residential-10-Conditional Use (R-10-CU). The property is located on Poole Road northeast of the Poole Road and Rawls Drive intersection.

Zoning conditions would limit overall density and provide an offer of a greenway easement. The request is consistent with the Comprehensive Plan. The Planning Commission recommends approval of the request.

This request was received by the City Council on April 4, 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 Walter presented the case talking about the location, existing zoning and the surrounding development, aerial view of the property, views of the property from various locations, Future Land Use Map, Capital Area Greenway Corridor Master Plan, what is the allowed under existing versus proposed zoning and the proposed conditions which prohibit apartment building types, limited overall density to 8 units per acre, provision of a transit easement and shelter and provision of a greenway easement. She pointed out the Planning Commission recommends approval on a 9-0 vote pointing out they requested the greenway

easement condition be added before schedule the public. The ECAC recommended approval on an 8-6 vote. The Mayor opened the hearing.

A representative of the applicant indicated he had met with this CAC, Planning Commission, neighborhoods, etc. and thinks all of the questions have been answered. Council Member Branch indicated he had also met with applicant and he understands the applicant has addressed the concerns. No one else asked to be heard thus the hearing was closed. Council Member Branch moved approval of Z-2-17 as submitted. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 706 ZC 747.

**Adjournment:** There being no further business, Mayor McFarlane announced the meeting adjourned at 9:00 p.m.

Gail G. Smith  
City Clerk

jt/CC05-02-17