

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, August 15, 2017 in the Council Chamber, Room 201, Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 West Hargett Street, Raleigh, North Carolina with the following present.

Mayor Nancy McFarlane
Councilor Kay C. Crowder
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson (Excused)

Mayor McFarlane called the meeting to order and invocation was rendered by Reverend James Davis, Grace AME Zion Church. The Pledge of Allegiance was led by Council Member Stephenson. Mayor McFarlane announced that Council Member Thompson is absent and excused. The following items were discussed with action taken as shown.

CHARLOTTESVILLE, VIRGINIA - STATEMENTS MADE

Mayor McFarlane made the following statement.

I would like to take a few moments before we begin to talk about the events that took place in Charlottesville, VA this past weekend. First and foremost, I want to offer sincere condolences to family and friends of Heather Heyer who died tragically as a result of the weekend violence – the loss of life and injuries to others was reprehensible and cannot be tolerated.

Like many in our community, I watched in disbelief and sadness as the events unfolded. We cannot and should not ignore the hateful rhetoric espoused by extremist groups like the K.K.K., neo-Nazis, and other white supremacist groups that gathered as it serves as a stark reminder that there is still much work to be done in combatting racism and bigotry in our communities.

Our country was founded on a belief that freedom of thought and diverse opinions should be valued and protected not used to incite violence on another as seen in Charlottesville. We must come together in this moment to collectively say enough is enough.

We saw many in our community come together last night for a candlelight vigil at the Martin Luther King Jr. Memorial Gardens and I invite you to join me at another - the Raleigh Community Candlelight Vigil this Wednesday, August 16th at 7:00 PM at the Pullen Memorial Baptist Church.

This event is co-sponsored by Pullen Church, Temple Beth Or Social Action Committee, the Triangle MLK Committee, and the Triangle Interfaith Alliance.

Let us come together in a return to reason; a return to listening to each other; and return to accepting that differences of opinion are opportunities to discuss evolving viewpoints. Let's stand together as Raleigh - a community that strives to be understanding and turns its back on extremist groups and beliefs that do not reflect our values as a community, city or country. The city has received questions about what we might be doing in response to what is going on outside our community – I'd like to turn it over to the manager who would like to make a few comments.

City Manager Hall pointed out the City has had few questions as to how it is addressing these events. He stated the City is monitoring national and local events very carefully, staying in contact through law enforcement and other community stakeholders. City Manager Hall pointed out the City takes these situations very seriously and are making appropriate preparations including regular communication between local and area law enforcement, key stakeholders, etc. City Manager Hall stated he has an extreme amount of confidence in the City staff and has a lot of confidence overall including members of our law enforcement body. He stated we have the staff and equipment to be able to respond to various situations pointing out the City has a lot of practice as we have numerous demonstrations and protests on an almost regular basis. He commended Chief Deck-Brown for doing work to keep us prepared to respond to any situation. He expressed appreciation to all involved.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATES OF APPOINTMENT – PRESENTATIONS MADE

Mayor McFarlane presented the following certificates to persons recently appointed to advisory boards: Raleigh Sister Cities – William H. Dodge; J. Gaston B. Williams – Raleigh Historic Development Commission. Each expressed appreciation for the appointment.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – RALEIGH BOYCHOIR – RECEIVED; PROCLAMATION – PRESENTED

Mayor McFarlane read a proclamation proclaiming August 16, 2017 as Raleigh Boychoir Day in the City of Raleigh in celebration of this 50th anniversary season. The proclamation was accepted by Jeremy Tucker, Artistic Director for Raleigh Boychoir. In accepting the proclamation, Mr. Tucker expressed appreciation to the City Council for their efforts to make Raleigh the Southern Capital of Arts and Culture. He talked about the leadership opportunities for boys across Raleigh explaining the support of the City of Raleigh goes a long way to help them meet those goals. Several of the Raleigh Boychoir members joined Mr. Tucker in providing a musical selection which ended with Grant Little singing a short selection from "You Raise Me Up". Mr. Little stated he had been a member of the choir for seven years and it provided him the background to study music and learn leadership skills which he will take with him while attending St. Rose School, New York studying music production.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the consent agenda will be a roll call vote. Mayor McFarlane indicated the item relating to Condemnation – Brentwood Today Stream Stabilization has been removed by Administration as the issue has been settled. Council Member Baldwin had requested that the item relating to Raleigh Union Station be withdrawn from the consent agenda. Without objection the two items were withdrawn from the consent agenda. Council Member Baldwin moved approval of the Consent Agenda as amended. Her motion was seconded by Council Member Crowder and put to a roll call vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. The items on the consent agenda were as follows.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM – DELEGATION OF AUTHORITY – APPROVED

Since 2007, the City of Raleigh has held and maintained a permit with the North Carolina Department of Environmental Quality (NCDEQ) and predecessor agencies for discharging stormwater to receiving waters of the State. This permit was renewed on March 1, 2013 and expires on February 28, 2018. In late August 2017, City staff will submit to NCDEQ an application to renew this permit. NCDEQ requires that the application be signed by a principal executive officer, the ranking elected official, or a duly authorized representative.

It has been staff's experience with this and other permits that administration and compliance are simplified by the City's delegation of authority to senior managers within the responsible departments. Staff recommends that the Assistant Engineering Services Director for Engineering Program Management be designated as the City's duly authorized representative for matters concerning this NPDES stormwater MS4 permit renewal application and subsequent administration of the permit once renewed. NCDEQ requires that this delegation of authority be authorized through action of the City Council.

Recommendation: Designate Blair Hinkle, PE, Assistant Engineering Services Director as the City's duly authorized representative for matters concerning renewal of NPDES Stormwater MS4 Permit No. NCS000245 and for subsequent administration of the permit once it is renewed. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

STORMWATER QUALITY COST SHARE PROJECT – 2909 ONEIDA COURT – APPROVED

The Stormwater Quality Cost Share Policy, which was adopted by Council, 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 installing a 200 square foot rain garden to treat roof runoff at 2909 Oneida Court 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. This rain garden will reduce pollutant loads to local streams, specifically Big Branch South, by slowing and infiltrating runoff from 900 square feet of impervious roof surface. The property owner has agreed to the required ten-year maintenance term for the project. This project is comparable to past requests for small scale rain gardens.

The Commission recommends approval of this request, which totals \$4,476 and includes a City contribution not to exceed \$3,357 from the Stormwater Quality Cost Share Program, part of the Stormwater Capital Improvement Program. The City 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.

This recommendation for 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 \$3,357. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

SURPLUS PROPERTY – 412 MONTAGUE LANE – DECLARED; OFFERED FOR SALE THROUGH UPSET BID PROCESS

The property located at 412 Montague Lane, having REID 0030701 and consisting of 3,049.2 +/- square feet (.07 +/- acres) has been identified by the Housing & Neighborhoods Department as surplus property. It is located within the Hunter/Thompson 1 redevelopment area but is not part of any ongoing studies currently being conducted by the City of Raleigh. Palo Investment Properties, LLC has submitted a bid of \$18,000. The proposed use of the site will be residential that will be regulated by the current R-10 zoning classification. Applicable City departments have reviewed the property and have no objection to the disposition. A report was included with the agenda packet.

Recommendation: Declare the property as surplus, and accept the bid of \$18,000 subject to the negotiated offer and upset bid process with condition that the winning bidder pay all advertising costs accrued during the upset bid process and authorize appropriate officials to execute all required instruments of conveyance at conclusion of the process. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

SURPLUS PROPERTY – 8415 ONEAL ROAD - DECLARED; OFFERED FOR SALE THROUGH UPSET BID PROCESS

The property located at 8415 Oneal Road and consisting of 3,920.4 +/- square feet (.09+/- acres) has been identified by the Transportation Department as surplus property. Eric S. Campbell, an adjacent property owner, has submitted a bid of \$6,000. Upon sale of the property, the City would retain 18.5 feet of public street right-of-way and a 20 foot slope easement behind the new right-of-way line on the Leesville Road frontage to allow for future widening of Leesville Road.

In addition, a 10 foot permanent slope easement would be retained on the Oneal Road frontage to allow for construction of an upcoming Safe Routes to School sidewalk project as well as a 30 foot sanitary sewer easement over existing sewer infrastructure that crosses the property on the Oneal Road side. The proposed use of the site will be recombination with the adjacent property for residential use that will be regulated by the current R-4 zoning classification. Applicable City departments have reviewed the property and have no objection to the disposition.

Recommendation: Declare the property as surplus, and accept the bid of \$6,000 subject to the negotiated offer and upset bid process with condition that the winning bidder pay all advertising costs accrued during the upset bid process along with dedication of all necessary easements at closing and authorize appropriate officials to execute all required instruments of conveyance at conclusion of the process. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

SEWER EXTENSION REQUEST – 8416 STRICKLAND ROAD – APPROVED – PROPERTY OWNER TO PAY COST

A request has been received from Robuck Design Build, LLC to extend a sewer main along the property frontage in Strickland Road. This property is located outside the City limits, but within the City's extraterritorial jurisdiction. This request complies with the City Code of Ordinances Section 8-2063. The total cost for the extension will be borne by the property owners.

Recommendation: Staff recommends that City Council authorize the proposed extension. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

WATER MAIN EXTENSION – HASTY STREET – APPROVED – PROPERTY OWNER TO PAY COST

A request has been received from Blue Water of Morrisville, Inc. to extend a water main along the property frontage in Hasty Street. This property is located outside the City limits, but within the City's extraterritorial jurisdiction. This request complies with the City Code of Ordinances Section 8-2063. The total cost for the extension will be borne by the property owners.

Recommendation: Staff recommends that City Council authorize the proposed extension. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

FARM PRODUCTS AND RENTAL OF FARM EQUIPMENT – PUBLIC UTILITIES DEPARTMENT – RESOLUTION ADOPTED

On September 21, 1982, the Council authorized the Public Utilities Director or designee to sell certain agricultural products produced at the Neuse River Wastewater Treatment Plant, now called the Neuse River Resource Recovery Facility (NRRRF).

For background, biosolids are generated as a byproduct of the wastewater treatment process. They are treated to a level that makes them safe for the environment and then are applied to agricultural land as a fertilizer. The primary purpose for growing crops or agricultural products like corn, soy bean, sunflowers and hay is to utilize the nutrients from the biosolids for growth which prevents the migration of nutrients through the soil and into the groundwater. Crops are selected for their ability to take up nitrogen and phosphorous as well as how the crop can be beneficially used. For example, crops like corn and soy bean are sold on the commodity market while sunflowers are used to produce biodiesel fuel for use in City equipment.

Approximately 30% of biosolids are used to grow crops on-site at the NRRRF but more biosolids are produced than can be utilized on City owned land so we also have to distribute biosolids to the agricultural community in central and eastern North Carolina. To encourage the timely spreading of the biosolids as required by State/Federal permits, spreading equipment is rented out to the farmers who use our biosolids. The current rental charge is \$3/product ton does not encourage the timely usage of the equipment so the requested change (\$200/week) is necessary to incent timely application of Class A biosolids and allow the equipment to be made available to other farms. This will aid the department by not having to buy additional spreading equipment.

It is also necessary to revise the existing authorization to reflect changes in state law such as 143-129 (Procedure for Letting of Public Contracts) that have occurred in the intervening period since the last authorization. The proposed resolution, crafted in partnership with the City Attorney's Office, establishes threshold requirements for the sale of agricultural products and establishes the rate at which Class A residuals and biosolids products are sold. The resolution also modifies the rental fee for equipment used in the spreading of Class A biosolids.

Recommendation: Adopt the resolution. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused). See Resolution 493.

ANNEXATION PETITIONS – VARIOUS – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE PUBLIC HEARING FOR SEPTEMBER 19, 2017 – STRICKLAND ROAD, LEESVILLE ROAD AND SYCAMORE ROAD – DEFERRED

The agenda presented the following annexation petitions

<u>Contiguous Annexation</u>	<u>Petitioner</u>	<u>Acres</u>	<u>Proposed Use</u>
5510 Homewood Banks Drive (E)	Debra K. Woody Lorraine Bullock Chris Woody	16.02	MF Residential
6650 Perry Creek Road (B)	Charley Yokley	51.07	MF Residential

8220 Ortin Lane (E)	David Rutherford	.48	SF Residential
8416 Strickland Road (N/A)	Raleigh Buffalo Retail Investment, Inc.	1.69	SF Residential
<u>Satellite Annexation</u>	<u>Petitioner</u>	<u>Acres</u>	<u>Proposed Use</u>
12204 Leesville Road (N/A)	Karen Merritt	2.35	SF Residential
10000 Sycamore Road (N/A)	Deborah Kuban	1.88	SF Residential

Recommendation: Acknowledge the annexation petitions and direct the City Clerk to check the sufficiency of the petitions pursuant to State statutes and if found sufficient, authorize advertisement for public hearing to be held September 19, 2017. Because the properties located at 8416 Strickland Road, 12204 Leesville Road, and 10000 Sycamore Road are connecting to City water only, it is recommended that the annexation of these properties be deferred. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

HAZARDOUS MATERIALS RESPONSE TEAM – INTERLOCAL AGREEMENT WITH WAKE COUNTY - APPROVED

The City has been under contract with Wake County to provide hazardous materials response in Wake County but outside the city limits. The County has proposed to continue the arrangement for the 2017-18 fiscal year. Wake County will compensate the City in the amount of \$241,846.41.

Recommendation: Authorize the City Manager or his designee to execute the agreement. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

YOUTH DEVELOPMENT WORKSHOPS/WAKE COUNTY HUMAN SERVICES – INTERLOCAL AGREEMENT WITH WAKE COUNTY - APPROVED

The Wake County Human Services Department (WCHS) 4-H Youth Development program will provide youth development workshops through classroom and interactive instruction. The goal of the program is to build assets through collaborative programming that includes but is not limited to healthy living workshops, career preparation sessions, and STEM programs for participants in City of Raleigh programs. Utilization of resources and personnel from both WCHS 4-H Youth Development and the PRCR Recreation Division will maximize the opportunity for a successful program. Workshops provided by WCHS shall be free of charge to all participants. The interlocal agreement serves as a larger collaboration between Wake County and the City to foster and further develop a healthier community and provides the roles and responsibilities of each agency.

Recommendation: Authorize the City Manager to execute the agreement. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

INFORMATION TECHNOLOGY – LEASE SCHEDULE 171/EPLUS GROUP, INC – 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 171 is in the amount of \$377,600. Lease Schedule 171 is for a four-year term and exceeds the City Manager's approval threshold of \$150,000.

Recommendation: Authorize the City Manager to execute Lease Schedule 171. Upheld on Consent agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

NEUSE RIVER WASTE WATER TREATMENT PLANT EXPANSION - HAZEN AND SAWYER, PC/AMENDMENT NUMBER SEVEN – APPROVED

The Neuse River Waste Water Treatment Plant Expansion to 75 MGD Project is a multiyear, multiphase project in the Public Utilities Capital Improvement Program. The City previously retained Hazen and Sawyer, PC to perform engineering planning, design, and construction phase services through a qualifications based selection process as required by State law.

Staff is requesting an amendment to Hazen and Sawyer, PC in the amount of \$388,000 for additional construction administration and inspection services. These additional funds are needed due to the prolonged time period of the project and additional construction administration needs. The additional needs are a result of a combination of authorized changes to the contractor's work, project time delays, and additional services required to effectively manage the project's construction. In addition, staff is requesting an extension for the Hazen and Sawyer, PC's contract from October 1, 2017 to June 1, 2019.

Prior Contract Activity:	\$582,000 Approved by Council October 16, 2007
Amendment Number One:	\$3,418,900 approved by Council January 11, 2009
Amendment Number Two:	\$287,120 approved by Council March 18, 2011
Amendment Number Three:	\$475,600 approved by Council October 13, 2011
Amendment Number Four:	\$50,000 Administrative
Amendment Number Five:	\$2,171,361 approved by Council April 23, 2013
Amendment Number Six:	\$2,023,267 approved by Council October 7, 2015
Amount of This Amendment:	\$388,000
Encumbered With This Approval:	\$9,396,248

Recommendation: Authorize the City Manager to execute the contract with Hazen and Sawyer, PC in an amount not to exceed \$388,000. Upheld on Consent agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

FIRE AND POLICE FALSE ALARM BILLING – CONTRACT WITH A.T. ALLEN & COMPANY – APPROVED

The Fire and Police Departments utilize the services of A.T. Allen and Company to provide billing and collection services for false alarm, fire inspections and fire permits accounts. The existing contract was authorized effective October 13, 2014 and expires September 30; staff recommends extending the existing contract for one additional year (\$187,334) and increase the

amount by (\$28,667) due to increase in volume for a total of \$216,000 for FY2017-18. With this amendment the total contract value becomes \$777,000.

Recommendation: Authorize the City Manager or his designee to execute this contract amendment. Upheld on Consent agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

E.M. JOHNSON WATER TREATMENT PLANT – COMPLIANCE LABORATORY – CONTRACT WITH LS3P ASSOCIATES, LTD. – APPROVED

The City of Raleigh accepted RFQs for the Drinking Water Compliance Laboratory for E.M. Johnson Water Treatment Plant on June 11, 2015. LS3P Associates, Ltd. was the selected firm to complete the initial Programming and Schematic Design Services phase for \$79,700 with the intent that design and construction administration services would be added once the scope of work was more clearly defined. The current laboratory facilities at the E.M. Johnson Water Treatment Plant are in need of expansion for additional testing, office, and storage space. The initial phase determined space needs, schematic design documentation, and evaluated site locations including properties with existing building facilities.

The Programming and Schematic Design Services phase evaluated several alternatives and determined that a new Drinking Water Compliance Laboratory should be built on existing City of Raleigh property at 10700 Star Road in Wake Forest, NC. This contract for \$888,175 will provide consulting service for the architectural, design, and construction administration phase for the construction project.

Contract History

Name of Project:	Drinking Water Compliance Laboratory for E.M. Johnson Water Treatment Plant
Managing Division:	Public Utilities – Capital Improvements Division
Approval Request:	Contract award
Reason for Council Review:	Contract award >\$150,000 (policy)
Original CIP Budget:	\$6,078,800
Vendor:	LS3P Associates, Ltd.
Prior Contract Activity:	N/A
Encumbered With This Approval:	\$888,175

Recommendation: Authorize the City Manager to execute the contract with LS3P Associates, Ltd. in an amount not to exceed \$888,175. Upheld on Consent agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

E.M. JOHNSON WASTEWATER TREATMENT WEST RESERVOIR RESIDUALS REMOVAL – BENEFICIAL REUSE MANAGEMENT, LLC/CHANGE ORDER NUMBER THREE - APPROVED

Two construction bids (Re-Advertised Bid Opening) were received on December 9, 2016 for the E.M. Johnson WTP West Reservoir Residuals Removal project. After many years of service, the

available storage in the west raw water reservoir has been greatly reduced due to the accumulation of sediment and water plant residuals. As a result of this project, the removal of the accumulated residuals from the reservoir will allow for additional raw water storage and increase the overall efficiency of the water treatment plant operation.

As the project has progressed, it was realized the estimated quantity of dry tons of residuals contained in the west reservoir would exceed the estimated quantity of 15,000 dry tons in the original contract, so change order number one was processed administratively to allow for an additional 2,000 dry tons of residuals removal so the contractor could continue the removal of the residuals from the reservoir. Change order number two provided for an additional 3,000 dry tons of residual in efforts to complete the removal of the residuals in the west reservoir and was approved by the City Council on July 5, 2017. As the removal of the residuals continued and water levels dropped to further evaluate the amount of remaining residuals, it was estimated that an additional quantity of 7,559 dry tons and associated funding would be needed for the project in order to completely remove all the residuals from the reservoir. The additional cost associated with the remaining residuals is based on the competitively bid unit prices in the contract. The original CIP budget approved for this project was \$5,000,000 and the additional funds (\$767,272) for the balance of this change order will be transferred from the EM Johnson Facility Rehabilitation capital budget.

Contract History

Name of Project:	E.M. Johnson Water Treatment Plant – West Reservoir Residuals Removal
Managing Division:	Public Utilities – Capital Improvements Division
Approval Request:	Contract change order
Reason for Council Review:	Contract change order >\$500,000
Vendor:	Beneficial Reuse Management, LLC
Original Contract:	\$3,155,000 (approved by City Council January 3, 2017)
Change Order Number One:	\$416,000 (administrative)
Change Order Number Two:	\$624,000 (approved by City Council July 5, 2017)
Amount of This Change Order:	\$1,572,272
Encumbered With This Approval:	\$5,767,272

Recommendation: Authorize the City Manager to execute a contract change order with Beneficial Reuse Management, LLC in an amount not to exceed \$1,572,272. Authorize a budget transfer in the amount of \$767,272. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused). See Ordinance 733 TF 299.

FIRE STATION ELEVEN RENOVATIONS – HUFFMAN ARCHITECTS – CONTRACT APPROVED

The Fire Station No. 11 Expansion project is a renovation of the existing fire station located at 2925 Glenridge Road. The existing building was constructed in 1971 at 4,923 SF. The professional services contract was initially awarded to Stewart Cooper Newell Architects with limited scope of construction and renovations. That contract was terminated due to changes in

the design and building program, which resulted in an estimation of probable construction costs that exceeded the available funding.

The project has been internally re-programmed and a new estimate of probable construction costs has been developed. Scope of work has been scaled back to renovate the existing structure including partial tear down of apparatus bays. A solicitation for professional design consultant services was advertised April 2017. Nine (9) design firms registered and five (5) firms submitted qualifications proposals May 5, 2017. Firms were evaluated under the formal process by a selection panel with two (2) firms advancing and selected for interviews. Interviews were conducted on May 23, 2017, resulting in the recommendation of the following firms in order of preference.

1. Huffman Architects
2. Davis Kane Architects PA
3. Oakley Collier Architects (not interviewed; rank and recommendation based on evaluations of response to RFQ)

Contract negotiations with Huffman Architects for professional design services associated with Fire Station No. 11 Expansion project have resulted in a proposed contract amount of \$170,490. This amount is within the available CIP funding of \$211,725.

Contract History

Encumbered With This Approval:	\$5,767.272
Managing Division:	Engineering Services – Construction Management
Approval Request:	Professional services contract authorization
Reason for Council Review:	Award professional services contract > \$150,000
Original CIP Project Budget:	\$2,123,180
Design Estimate:	\$211,000
Vendor:	Huffman Architects
Prior Contract Activity:	None
Budget Transfer:	N/A
Current Encumbrance:	None
Amount of This Contract:	\$170,490
Encumbered With This Approval:	\$170,490

Recommendation: Authorize the City Manager to execute the contract in an amount not to exceed \$170,490. Upheld on Consent Agenda Baldwin/Crowder 7ayes (Thompson absent and excused).

CAMPO – NON MOTORIZED VOLUME DATE – INTERLOCAL AGREEMENT – AUTHORIZED FOR EXECUTION

The Capital Area Metropolitan Planning Organization (CAMPO) proposes an interlocal agreement with the City to participate in the North Carolina Department of

Transportation statewide non-motorized volume data program. As part of the agreement, CAMPO will install counters at seven locations and provide bicycle and pedestrian volume data to the City for a period of ten years. The agreement amount will not exceed \$2,500.

Recommendation: Authorize the City Manager to execute the interlocal agreement. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

SWIMMING POOL RENOVATION – BILTMORE HILLS AND RIDGE ROAD CONTRACT WITH OSTERLUND ARCHITECTS, PLLC - APPROVED

An overall swimming pool study was completed in April 2016 by Szostak Design. As a result, areas for pool repairs were identified for Biltmore Hills and Ridge Road Pools. An RFQ was advertised on January 20, 2017 and one proposal was received. After a thorough review of the qualifications, staff recommended negotiating with Osterlund Architects. Osterlund Architects submitted a design proposal for services including schematic design, design development, construction documents, bidding, construction administration, and project closeout. The negotiated amount is for \$201,650.00 and approval is requested to execute the contract.

Recommendation: Authorize the City Manager, in accordance with City standard procedure, to execute a contract with Osterlund Architects, PLLC in an amount not to exceed \$201,650,000. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

ENCROACHMENT REQUESTS – VARIOUS LOCATIONS – APPROVED CONDITIONALLY

The following requests for encroachments have been received. Reports outlining location and need for the encroachments were included in the agenda packet.

Bruckhaus Street

A request has been received from Toll at Brier Creek Limited Partnership to legalize the bottom two steps encroaching into the right-of-way of Bruckhaus Street (the Cottages at Brier Creek Building #7).

East Peace Street, East Martin Street, East Lane Street, and East Lenoir Street

A request has been received from Fiber Technologies Networks, LLC to install 485 linear feet of underground fiber optic cable, a 40-foot wood pole, and a 30-foot steel pole.

Shree Court and Westwood Place

A request has been received from AANSAN, LLC to install an underground detention system that slightly encroaches in the right-of-way of Shree Court and Westwood Place.

2315 Beechwood Road

A request has been received from MCNC to install 8,890 feet of underground fiber optic cable and 12 hand holes to access existing conduit. .

1505 Hillsborough Street

A request has been received from BVSHSSF Raleigh, LLC to install utility connections (storm drainage, water service, and sanitary sewer service).

223 South West Street

A request has been received from Kane Realty Corporation to install a ramp and stairs to access ground floor retail space.

510 Glenwood Avenue

A request has been received from Spirit Communications to install 51 linear feet of underground fiber optic cable. .

422 South Bloodworth Street

A request has been received from Craig Bethel to install a retaining wall with stairs.

4116 Virtuous Street

A request has been received from BK Investments, LLC to install 10 linear feet of 18" RCP drainage pipe.

East Hargett Street, South Tarboro Street, Calvary Drive, Green Road, and Segal Drive

A request has been received from Mobilitie, LLC to install three 50-foot wood poles.

Recommendation: Approve the encroachments subject to completion of liability agreements and documentation of proof of insurance by the applicants. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused)

REIMBURSEMENT CONTRACT – MHB DEVELOPMENT, LLC – APPROVED

One minor line water and sewer main extension project has been completed by a private developer within the municipal jurisdiction of the City of Raleigh. The amount of the reimbursement has been certified by staff and the reimbursement is in accordance with City Code Section 8-2077. The project is described as follows:

MHB Development, LLC, completed 190 linear feet of 8-inch water main and 190 linear feet of 8-inch sewer main in Landover Peak Place to serve Harris Crossing Subdivision. This project is eligible for \$18,340 in reimbursement.

Recommendation: Authorize the City Manager to execute the reimbursement agreement. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

HILLSBOROUGH STREET UTILITY TRANSMISSION LINE REPLACEMENT – CONTRACT AWARDED TO T. A. LOVING COMPANY

Five construction bids were received on July 25, 2017 for the Hillsborough 36-inch waterline transmission replacement project. The project includes the installation of 5,000 feet of 36-inch waterline, 4,000 feet of 6 to 12-inch waterline, and 2,000 feet of 8-inch sewer lines. The project is the result of ongoing assessment of critical waterlines that serve the utility system, which is an important component of the utility asset management program.

T.A. Loving Company was the low bidder in the amount of \$4,279,660.00 with a 13 percent Minority and Women Enterprise (MWBE) participation. The office of MWBE and Public Utilities have reviewed the documents and verified that a good faith effort to gain MWBE participation was made.

Contract History

Name of Project:	Hillsborough Transmission Replacement
Managing Division:	Public Utilities – Capital Improvements Division
Approval Request:	Bid Award
Reason for Council Review:	Formal bid award
Original CIP Project Budget:	\$6,600,000
Construction Bid Award:	\$4,279,660
Vendor:	T. A. Loving Company
Prior Contract Activity:	N/A
Encumbered With This Approval:	\$4,279,660

Recommendation: Award the contract to T.A. Loving Company in the amount of \$4,279,660 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused).

TRAFFIC CHANGES - VARIOUS – APPROVED

The Agenda presented the following recommended changes in the traffic code which would effective seven days after Council action unless otherwise indicated.

Two Hour Time-Limited Parking – Hargett Place Townhomes

It is recommended that Two Hour Time-Limited Parking Zones be established on the east side of the 100 block of South Bloodworth Street, the west side of the 100 block of South East Street, and both sides of the 400 block of East Hargett Street.

Staff has received requests from Hyde Street Holdings, the developer of the new Hargett Place Townhomes, and from the Property Manager of the Lincoln Apartments, to implement Two

Hour Time Zone limits along their respective frontages of East Street, Hargett Street, and Bloodworth Street. These Two-Hour restrictions will provide turnover for the residents and guests of Hargett Place Townhomes and the Lincoln Apartments for which parking is currently being utilized by all-day parkers.

No Parking Zone – Noble Road

It is recommended that a No Parking Zone be established on the east side of Noble Road at the intersection of Fallon Grove Way.

A complaint was received by Department of Transportation staff from a resident of The Groves at Fallon Park concerning vehicles parking along the east side of Noble Road creating a visual obstruction for motorists exiting Fallon Grove Way. Staff conducted a sight-line study which concluded that cars parked along this side of Noble Road did negatively impact the view of drivers exiting Fallon Grove Way, making it difficult to see oncoming traffic traveling in both directions down Noble Road. Staff has spoken with the HOA of The Groves at Fallon Park and they are in full support of the proposed changes. The affected property owners were duly notified and provided two weeks to respond with any concerns, but no responses were received.

No Parking Zone – Villa Green Court

It is recommended that a No Parking Zone be established on the south side of the 1100 block of Villa Green Court.

A petition was received from the affected homeowners of the 1100 block of Villa Green Court to restrict parking along the south side of the roadway of which the total width of the street is twenty-two feet. This request comes as the result of continuing concerns about the lack of access for emergency vehicles and residents when cars are parked along both sides of the roadway. The proposed recommendation will alleviate this issue.

Multi-Way Stops – Noble Road, Wayne Drive, and Granville Drive

It is recommended that multi-way stops be installed at the intersection of Noble Road and Lowden Street/Deodar Lane; at the intersection of Wayne Drive and Yancey Street; and at the intersection of Granville Drive and Pasquotank Drive. Noble Road and Pasquotank Drive are classified as Neighborhood Street and Lowden Street, Deodar Lane, Wayne Drive, Yancey Street and Granville Drive are all classified as Neighborhood Local. These intersections meet and/or exceed the criteria specified in Section 4 of the Neighborhood Traffic Management Program (NTMP) adopted by the Raleigh City Council. Multi-way stops further restrict on-street parking based on existing City ordinances anywhere from 13-25 feet. Affected residents have been notified of these potential impacts to on-street parking.

Speed Limit Reduction – North Bend Drive

It is recommended that the speed limit be reduced from 35 mph to 30 mph on North Bend Drive. North Bend Drive is classified as Neighborhood Street and is constructed to typical residential

street standards. Staff has received a signed petition representing at least 75 percent of the residents or property owners along each street in support of a speed limit reduction. The associated speed and volume study found a daily volume of over 4,000 vehicles per day. Per Section 3.1.2 of the Neighborhood Traffic Management Program, streets with volumes over 4,000 vehicles per day may only have its speed limit reduced to 30 mph.

No Parking Zone – Okelly Street

It is recommended that a No Parking Zone be established on the north side of the 2800 block of Okelly Street.

A request was received from Freedom Temple of Deliverance Church to have a section of Okelly Street made No Parking due to members of the church and daycare being unable to see around parked cars near the exit of the driveway. Staff conducted a sight-line study which concluded that cars parked along the north side negatively impacted the view of drivers trying to exit the property, making it impossible to see oncoming traffic in either direction of Okelly Street. The proposed change will alleviate this issue.

Bus Zone – 2700 Hillsborough Street

It is recommended that a Bus Zone and Two Hour Metered parking be established on the south side of Hillsborough Street between Gardner Street and Brooks Avenue.

A request was received from the City's Transit division to implement a Bus Zone between Brooks Avenue and Gardner Street. The routes that this stop serves have grown substantially in demand and must now be expanded to add additional runs. The Bus Zone signs will be placed to ensure that the City's buses have an area to safely stop, unload and load. Staff further requests the re-establishment of Two Hour Metered Parking along the remainder of the block upon the completion of the Hillsborough Renewal Project. The recommended change will return this area to its former state.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code as included with the agenda packet. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Thompson absent and excused). See Ordinance 734.

END OF CONSENT AGENDA

RALEIGH UNION STATION – DUKE ENERGY PROGRESS/UTILITY EASEMENT

A request has been received from Duke Energy Progress for an easement on City-owned property located at 599 West Hargett Street, known as Raleigh Union Station, for the purpose of providing/locating electrical facilities on the site related to the Union Station project. The City's Construction Management Division of the Engineering Services Department is the current maintenance manager of this property and is in agreement with the easement request by Duke Energy Progress. A report is included with the agenda packet.

Recommendation: Approve the easement conveyance to Duke Energy Progress with no monetary compensation.

Council Member Baldwin stated she withdrew this item due to her employer's involvement. She stated the City Attorney had indicated this item had nothing to do with her employer; therefore, she should vote on the issue. Council Member Baldwin moved approval of the recommendation as outlined. Her motion was seconded by Council Member Stephenson and a roll call vote resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

TC-4-17 – GREEN INFRASTRUCTURE/LOW IMPACT DEVELOPMENT – PUBLIC HEARING AUTHORIZED FOR SEPTEMBER 5, 2017

This text change would amend various UDO sections in Chapters 1, 2, 7, 8, 9, and 12 to advance the use of Green Infrastructure practices and promote Low Impact Development. The changes to the UDO provide additional options for meeting the City's stormwater requirements. These changes would allow developers and property owners to elect to install low impact stormwater control devices. The City Council received an update on these potential UDO text changes in work sessions on May 10, 2016 and October 11, 2016. Included with the agenda materials was a staff memorandum in supplement to the Planning Commission report.

The Planning Commission recommends approval. Staff suggests a public hearing date of September 5, 2017.

Planning Director Bowers gave an overview of the history of this item defining Green Infrastructure (GI) as basically being nature. He pointed out green infrastructure and low impact development allow for an approach that reduces stormwater runoff volume by promoting infiltration and evapotranspiration, taking advantage of existing natural features and installing new features that mimic nature. He gave a timeline beginning with a Stormwater Commission initiative which received Council endorsement in the 2006/07 timeframe. Planning Director Bowers talked about the May, 2016 and October 2016 Council work sessions in which this item was discussed. He stated based on those discussion staff regulations for "built area" and it is included in the text change. This proposal would amend approximately 25 section of the code (UPO chapters 1,2,7,8,9 and 12. The proposal will allow GSI in addition to conventional infrastructure, affects exemptions for residential lots, reducing allowable impervious surface from 15 to 10 percent, GSI maintaining pre-development runoff volumes can meet nitrogen export load requirements.

Planning Director Bowers stated in Falls and Swift Creek Watersheds, rainwater harvesting is permitted to meet stormwater retention requirements; permits practices in addition to wet ponds (outdated requirement from the late 198s/more effective devices currently prohibited; introduces new term (Built area) and introduces limits for certain lots to address City Council concerns regarding development intensity in secondary watershed areas; new requirement to limit post-development runoff to predevelopment volumes.

Council Member Baldwin moved approval of the September 5, 2017 public hearing. Her motion was seconded by Council Member Crowder and put to a vote which passed with all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7 – 0 vote.

CP-2-17 POLLINATOR HABITAT – PUBLIC HEARING AUTHORIZED FOR SEPTEMBER 5, 2017

This request would modify language in the Comprehensive Plan. On June 20, 2017, the City Council adopted a resolution making the City of Raleigh a participant in a program known as Bee City USA. The City has committed to a range of activities related to pollinator vitality and public education. As part of its resolution, the City Council authorized the Environmental Advisory Board to review the 2030 Comprehensive Plan with regard to pollinators.

The proposed changes would amend Policy EP 9.8 of the Environmental Protection element of the Comprehensive Plan to include provisions for pollinator habitats and public education.

The Planning Commission recommends approval. Staff suggests a public hearing date of September 5, 2017.

Planning Director Bowers stated this is a minor change to policy. Council Member Baldwin moved approval of the September 5, 2017 public hearing which was seconded by Council Member Branch and put to a vote which passed with all members voting in the affirmative except Mr. Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-10-17 – FREEDOM DRIVE CONDITIONAL USE – PUBLIC HEARING AUTHORIZED FOR SEPTEMBER 5, 2017

This is a request to rezone 22.22 acres on the west side of Freedom Drive opposite Rhyne Court from Residential-6 (R-6) and Industrial Mixed Use-3 stories (IX-3) to Heavy Industrial-Conditional Use (IH-CU).

The Planning Commissions finds the request to be inconsistent with the Future Land Use Map and Comprehensive Plan, but to be reasonable and in the public interest due to opportunities for business and employment expansion, demonstrated community support, and mitigating zoning conditions. Conditions prohibit certain uses, limit the number of buildings, limit building height, limit the amount of development square footage, restrict hours of operation, require enclosure of certain activities, limit the height of stacked vehicles and parts, require a minimum number of parking spaces, require enclosure of graveyard, set visiting hours of graveyard, require screening of the site beyond UDO standards, and reduce the block perimeter standard.

The Planning Commission recommends approval. Staff suggests a public hearing date of September 5, 2017.

Council Member Branch moved approval of the September 5, 2017 public hearing. He stated he understands some of the neighbors have questions and he hopes they will attend the public hearing. His motion was seconded by Council Member Stephenson and put to a vote which passed with all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7 – 0 vote.

TC-2-17 – TRANSIT INFLUSTRATION – PUBLIC HEARING AUTHORIZED FOR SEPTEMBER 5, 2017

This is a request to amend the UDO to include requirements for the installation of transit facilities in conjunction with certain development plans. The new standards would set a minimum threshold for the dedication of a transit easement and the installation of a transit stop and related infrastructure. The threshold is based on a minimum number of daily trips, determined by the proposed use of the property as defined in the Institute of Transportation Engineers (ITE) manual. This text change would modify sections 1.1 and 8.2.7 of the UDO and insert a new section, 8.11. As proposed, the ordinance would be effective on January 1, 2018.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of September 5, 2017.

Council Member Crowder moved approval of the September 5, 2017 public hearing. He motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Mr. Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7 – vote.

REZONING Z-9-17 – EDWARDS MILL ROAD CONDITIONAL USE – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This is a request to rezone 7.78 acres on the east side of Edwards Mill Road, approximately 700' north of Glen Eden Drive, from Residential-4 (R-4) to Residential Mixed Use-Four Stories-Conditional Use (RX-4-CU).

Although the application is inconsistent with the Future Land Use Map, proposed conditions – including those relating to setbacks, landscaping, height, and architecture – mitigate impacts of the increased density, and it is generally compatible with the surrounding area. The proposal also would provide needed senior housing on a multimodal corridor. Conditions would restrict uses, limit density, provide additional setbacks, specify landscaping, and provide a transit shelter.

The Planning Commission recommends approval. Staff suggests a public hearing date of September 5, 2017.

Council Member Stephenson moved approval of the September 5, 2017 public hearing. His motion was seconded by Council Member Crowder. Attorney Michael Birch stated the applicant would like for the item to go to committee prior to scheduling the public hearing. The motion

was withdrawn and Mayor McFarlane stated without objection Rezoning Z-9-17 would be referred to Growth and Natural Resources Committee.

SPECIAL ITEMS

PRELIMINARY SUBDIVISION S-73-16 – LOTS 21 AND 22 DELANY HOUSE – FINDINGS AND CONCLUSIONS – APPROVED

Following an evidentiary hearing on June 20 and July 5, 2017, the Council approved preliminary Subdivision S-73-2016 – Lots 21 and 22 Addition to Idlewild Subdivision (Delany House) and directed that the item be placed on this agenda to consider the proposed findings of fact and conclusion of law. The proposed findings and conclusions of law are listed below.

**BEFORE THE CITY COUNCIL
RALEIGH, NORTH CAROLINA**

In Re: Raleigh City Council)
June 20, 2017 Meeting)
Case No. S-73-16)
Property: 210 & 212 North State Street)
Delany House Subdivision)
Applicant: North State Street, LLC)

**FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

The Raleigh City Council, held a quasi judicial public hearing on Tuesday, June 20, 2017 at 2:00 pm, which was continued to Wednesday, July 5, 2017 at 7:00 pm, to consider, a Preliminary Subdivision request filled by North State Street, LLC (the “Property Owner”) requesting approval of a subdivision (the “Subdivision”) of a historic landmark property located at 211-212 North State Street (the “Property”) and in connection therewith do make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Property Owner has requested approval of a subdivision of the Property zoned R-10 containing .35 acres pursuant to S-73-16 (the “Subdivision”).
2. The Property contains two (2) legal lots.
3. If the Subdivision is approved, the Property will contain three (3) legal lots.
4. The Property contains an existing dwelling, the Lemuel and Julia Delany House, which was designated a Raleigh Historic Landmark on October 22, 2009 (Ordinance No. 638) (the “Delany House”).
5. The Delany House has been vacant and deteriorating for many years.
6. The Subdivision is subject to the subdivision requirements of the Raleigh Unified Development Ordinance (“UDO”).
7. Under UDO Section 10.1.8, a proposed subdivision of a historic landmark property is required to be reviewed by City Staff and the Raleigh Historic Districts Commission (“RHDC”) and a recommendation regarding approval or disapproval is to be made by RHDC to the City Council.

8. Under UDO Section 10.1.8, following the recommendation by RHDC, a proposed subdivision is to be considered by the City Council in a quasi judicial evidentiary hearing.

9. On December 20, 2016, the RHDC recommended approval of the Subdivision to the City Council.

10. On February 6, 2017, the Raleigh Board of Adjustment granted a 12-foot variance to the minimum lot width requirement for proposed Lot 3 of the Subdivision, reducing the minimum lot width for Lot 3 to 33 feet (the "Variance").

11. On March 16, 2017 Raleigh Planning Staff approved a Design Alternate to address landscaping issues on the proposed Subdivision property (the "Design Alternate").

12. RHDC Executive Director Tania Tully confirmed the Subdivision's compliance with the RDHC Guidelines and compatibility with the historical context of the neighborhood.

13. Historic Preservation Consultant Dan Becker confirmed (by affidavit) the compatibility of the Subdivision with the context of the neighborhood.

14. City Planner Mike Walters confirmed the Subdivision's compliance with the UDO subdivision requirements, as modified by the Variance and Design Alternate.

15. Professional Land Planner Stoney Chance confirmed compliance with the UDO subdivision requirements, as modified by the Variance and Design Alternate.

16. The Property Owner made significant community outreach efforts to explain the Subdivision by hosting several open houses during the month of February 2017 at the Tarboro Road Community Center and at the Delany House.

17. Notarized letters of support of the Subdivision from two members of the Delany family, Brandi Delany and Esther Delany, were offered into evidence.

18. A notarized letter of support for the Subdivision from the immediate next door neighbor, Carrie Kelly, was offered into evidence.

19. The Property Owner has agreed to enter into a Preservation Agreement for the Delany House with Historic Preservation North Carolina, Inc. if the Subdivision is approved.

20. There are numerous other lots in the neighborhood of the Subdivision which are 35 feet wide or smaller in width.

21. The Property Owner agreed to 3 conditions of Subdivision.

CONCLUSIONS OF LAW

1. The Raleigh City Council is authorized by City Code and the Unified Development Ordinance to approve or deny the requested Subdivision based on evidence presented at a quasi-judicial hearing.

2. The Subdivision is in compliance with all UDO subdivision requirements, as modified by the Variance and Design Alternate.

3. The protective conditions offered by the Property Owner will provide additional protections to the neighborhood and will facilitate the preservation of the Delany House.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Raleigh City Council hereby approves the Subdivision requested in S-73-16, with the following conditions:

1. The Front building wall of any new house to be constructed to the immediate south of the Delany House on Lot 3 on the proposed Subdivision Map ("New House") shall be located at least 24.2 feet and no more than 33.1 feet from the front property line of said Lot 3.

2. Any New House shall be located at least 5 feet from the southern property line of Lot 3 on the proposed Subdivision Map in order to provide a minimum five foot setback adjoining the neighboring property at 208 N. State Street.

3. The owner of Lot 1 on the proposed Subdivision Map shall enter into a Historic Preservation Agreement with The Historic Preservation Foundation of North Carolina, Inc., or a similar preservation entity, in general accordance with the draft agreement attached hereto as **Exhibit A**, providing for the preservation of the Delany House.

EXHIBIT A

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

HISTORIC PRESERVATION AGREEMENT

THIS AGREEMENT, made this the ____ day of _____, 20__, by and between **NORTH STATE STREET LLC**, a Limited Liability Company organized and existing under the laws of the State of North Carolina with its principal office being in Raleigh, Wake County, North Carolina (hereinafter referred to as the "Grantor"), and **THE HISTORIC PRESERVATION FOUNDATION OF NORTH CAROLINA, INC.**, a non-profit corporation organized and existing under the laws of the State of North Carolina with its principal office being in Raleigh, North Carolina (hereinafter referred to as the "Foundation");

W I T N E S S E T H:

WHEREAS, the Grantor owns certain real property (hereinafter referred to as the "Subject Property"), a description of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Subject Property currently has certain permanent improvements consisting of a one-story Classical Revival House important for its associations with one of Raleigh most prominent African-American families of the early 20th century and with St. Augustine's College, hereinafter referred to as the **Lemuel and Julia Delany House**; and

WHEREAS, the Lemuel and Julia Delany House, located at 212 North State Street (aka 210 North State Street), Raleigh, Wake County, North Carolina, is a property of recognized historical and architectural significance; and

WHEREAS, the Foundation and Grantor both desire that the Subject Property shall retain its historically and architecturally significant features, while being sympathetically adapted and altered, where necessary, to provide for contemporary uses; and

WHEREAS, the Foundation and Grantor both desire that the Subject Property shall not be subdivided in order to preserve its integrity of site; and

WHEREAS, the Foundation is a charitable organization which accepts preservation easements on buildings having historical or architectural importance, said easement subjecting such buildings to restrictions that will ensure that they are preserved and maintained for the benefit of future generations; and

WHEREAS, the North Carolina General Assembly has enacted the Historic Preservation and Conservation Agreements Act validating restrictions, easements, covenants, conditions, or otherwise, appropriate to the preservation of a structure or site significant for its architecture, archaeology or historical associations.

NOW, THEREFORE, for and in consideration of the Grantor's interest in historic preservation and their support for the Foundation and its purposes, and for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, the Grantor, for himself, his successors and assigns, hereby covenants and agrees to abide by the following restrictions (hereinafter referred to as "covenants"), said covenants to be restrictions of record to attach to the land described in Exhibit A:

1. These covenants shall be administered solely by The Historic Preservation Foundation of North Carolina, Inc., its successors in interest or assigns; and in all subsequent conveyances of Subject Property, the Foundation, its successors in interest or assigns shall be the sole party entitled to administer these covenants. In the event that the Foundation, or its successors in interest by corporate merger cease to exist, then in such event the Foundation shall assign all of its rights and interests in these easements, covenants, and conditions subject to such duties and obligations which it assumes hereby to a non-profit corporation of responsibility which exists for substantially the same reasons as the Foundation itself (as described hereinabove); if no such corporation be available for such assignment then, under such circumstances such assignment shall be made to the State of North Carolina which shall be the sole party entitled to administer those covenants.

Maintenance

2. The Grantor covenants and agrees to continuously maintain, repair, and administer the Lemuel and Julia Delany House herein described in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties (1992) so as to preserve the historical integrity of features, materials, appearances, workmanship and environment of the Subject Property. Maintenance shall be continuously provided. Said standards are attached hereto and incorporated in these covenants by reference.

Prior Approval Required For Modifications

3. Unless prior written approval by the President or Chairman of the Board of Directors of the Foundation is obtained, no alteration, physical or structural change, or changes in the color, material or surfacing to the exterior of the Lemuel and Julia Delany House shall be made.

4. Unless the plans and exterior designs for such structure or addition have been approved in advance in writing by the President or Chairman of the Board of Directors of the Foundation, no addition or additional structure shall be constructed or permitted to be built upon the Subject Property. The Foundation in reviewing the plans and designs for any addition or additional structure shall consider the following criteria: exterior building materials; height; fenestration;

roof shapes, forms, and materials; surface textures; expression of architectural detailing; scale; relationship of any additions to the main structure; general form and proportion of structures; orientation to street; setback; spacing of buildings, defined as the distance between adjacent buildings; lot coverage; use of local or regional architectural traditions; and effect on archeological resources. Contemporary designs for additions or additional structures shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, material and character of the property and its environment.

5. The Grantor and the Foundation hereby agree that the interior architectural features listed below are elements which contribute to the architectural significance of the Lemuel and Julia Delany House:

- Two paneled plinths with square columns and pilasters in the entry hall
- Three Classical Revival mantels: Mantel with pilasters and overmirror in the front left room; mantel with pilasters and overmirror with Art Moderne influence in the dining room; and mantel with curving surrounds in the front right room

Unless prior written approval by the President or Chairman of the Board of Directors of the Foundation is obtained, no removal, relocation, or alteration of the above mentioned architectural features shall be made.

6. Neither the Lemuel and Julia Delany House nor any part thereof may be removed or demolished without the prior written approval of the President or Chairman of the Board of Directors of the Foundation.

7. No portion of the Subject Property may be subdivided.

8. Express written approval of the Foundation is required for removal of living trees greater than 12 inches in diameter at a point 4 feet above the ground from the Subject Property unless immediate removal is necessary for the protection of any persons coming onto the Subject Property or of the general public; for the prevention or treatment of disease; or for the protection and safety of the Lemuel and Julia Delany House or other permanent improvements on the Subject Property. Any tree of the aforementioned size which must be removed shall be replaced within a reasonable time by a new tree of a substantially similar species. If so requested, the Foundation may approve the use of an alternate species.

Covenant to Obey Public Laws

9. The Grantor shall abide by all federal, state, and local laws and ordinances regulating the rehabilitation, maintenance and use of the Subject Property.

Right of First Refusal

10. In case of any contemplated sale of the Subject Property or any portion thereof by the Grantor or any successor in title thereto, first refusal as to any bona fide offer of purchase must be given to the Foundation, its successors or assigns. If the Foundation so decides to purchase, it shall notify the then owner of its willingness to buy upon the same terms within thirty (30) days

of receipt of written notice of such bona fide offer. Failure of the Foundation to notify the then owner of its intention to exercise this right of first refusal within such thirty (30) day period shall free the owner to sell pursuant to the bona fide offer. The Foundation may, in its discretion, waive its right of first refusal in writing, upon written receipt of such bona fide offer. Provided, however, that if there are any outstanding deeds of trust or other encumbrances against the property, any right to repurchase shall be subject to said deeds of trust or encumbrances, and they shall either be satisfied or assumed as part of the purchase price.

Inspection

11. Representatives of the Foundation shall have the right to enter the Subject Property at reasonable times, after giving reasonable notice, for the purpose of inspecting the buildings and grounds to determine if there is compliance by the Grantor with the terms of these covenants.

Public Access

12. Researchers, scholars, and groups especially interested in historic preservation shall have access to view the interior of the rehabilitated property by special appointment at various times and intervals. Nothing shall be erected or allowed to grow on the Subject Property which would impair the visibility of the property and the buildings from the street level or other public rights of way.

Hazardous Materials

13. The properties the Foundation seeks to protect may contain certain hazards as a result of outdated building practices or use of certain materials that may contain lead paint, asbestos, or some other hazards that may need to be removed or encapsulated before the buildings are habitable. Addressing these problems is one of the challenges of owning and restoring a historic property. The Foundation does not have the resources to correct these problems and cannot take responsibility for the condition of the properties being sold. The Foundation is not liable in any way for any hazards, defects, or other problems with the properties under covenants.

Extinguishment

14. The Grantor and the Foundation recognize that an unexpected change in the conditions surrounding the Subject property may make impossible or impractical the continued use of the Subject Property for conservation purposes and necessitate the extinguishment of this Historic Preservation Agreement. Such an extinguishment must comply with the following requirements:

(a) The extinguishment must be the result of a final judicial proceeding.

(b) The Foundation shall be entitled to share in the net proceeds resulting from the extinguishment in an amount in accordance with the then applicable regulations of the Internal Revenue Service of the U. S. Department of the Treasury.

(c) The Foundation agrees to apply all of the portion of the net proceeds it receives to the preservation and conservation of other property or buildings having historical or architectural significance to the people of the State of North Carolina.

(d) Net proceeds shall include, without limitation, insurance proceeds, condemnation proceeds or awards, proceeds from a sale in lieu of condemnation, and proceeds from the sale or exchange by Grantor of any portion of the Subject Property after the extinguishment.

Remedies

15. In the event of a violation of covenants contained in Paragraphs 2, 3, 4, 5, and 6 hereof, the Foundation then shall have an option to purchase the Subject Property, provided that it shall give the Grantor written notice of the nature of the violation and the Grantor shall not have corrected same within the ninety (90) days next following the giving of said notice. The purchase of the Subject Property, pursuant to the exercise of the option retained hereby, shall be at a price equal to the then market value of the Subject Property, subject to restrictive covenants, as determined by agreement of the then owner and the Foundation, or, in the absence of such agreement, by a committee of three appraisers, one to be selected by the Foundation, one to be selected by the then owner, and the other to be designated by the two appraisers selected by the Foundation and the owner respectively. Provided, however, that if there are outstanding deeds of trust or other encumbrances against the property, any right to purchase shall be subject to said deeds of trust or encumbrances, and they shall either be satisfied or assumed as part of the purchase price.

16. In the event of a violation of these covenants and restrictions, all legal and equitable remedies, including injunctive relief, specific performance, and damages, shall be available to the Foundation. No failure on the part of the Foundation to enforce any covenant or restriction

herein nor the waiver of any right hereunder by the Foundation shall discharge or invalidate such covenant or restriction or any other covenant, condition or restriction hereof, or affect the right of the Foundation to enforce the same in event of a subsequent breach or default. In any case where a court finds that a violation has occurred, the court may require the Grantor to reimburse the Foundation for all expenses incurred in stopping, preventing and correcting the violation, including but not limited to reasonable attorney's fees.

Transfer Fee

17. Except as otherwise provided herein, there shall be assessed by the Foundation and collected from the purchasers of the Subject Property, or any portion thereof subject to these covenants and restrictions, a transfer fee equal to twenty-five one-hundredths of one percent (0.25%) of the sales price of such property, or any portion thereof, which transfer fee shall be paid to the Foundation and used by the Foundation for the purpose of preserving the historical, architectural, archeological or cultural aspects of real property. Such fee shall not apply to inter-spousal transfers, transfers by gift, transfers between parents and children, transfers between grandparents and grandchildren, transfers between siblings, transfers between a corporation and any shareholders in the same corporation who owns 10 percent (10%) or more of the stock in such corporation and transfers between a limited liability corporation and any member who owns more than ten percent (10%) of such limited liability corporation, transfers by Will, bequest, intestate succession or transfers to the Foundation (each of the foregoing hereinafter referred to as an "Exempt Transfer"); *provided, however*, that such fee shall not apply to the first two non-exempt transfers of the Subject Property, but shall apply to each non-exempt transfer thereafter. In the event of non-payment of such a transfer fee, the amount due shall bear interest at the rate of 12% (twelve percent) per annum from the date of such transfer, shall, together with accrued interest, constitute a lien on the real property, or any portion thereof, subject to these covenants and restrictions and shall be subject to foreclosure by the Foundation. In the event that the Foundation is required to foreclose on its lien for the collection of the transfer fee, and/or interest thereon, provided for herein, the Foundation shall be entitled to recover all litigation costs and attorney's fees incurred at such foreclosure, which litigation costs and attorney's fees shall be included as part of the lien and recoverable out of proceeds of the foreclosure sale. The Foundation may require the purchaser and/or seller to provide reasonable written proof of the applicable sales price, such as executed closing statements, contracts of sale, copies of deeds, affidavits or such other evidence, and purchaser shall be obligated to provide such information within forty-eight (48) hours after receipt of written request for such information from the Foundation.

Insurance

18. Grantor shall insure the Subject Property against damage by fire or other catastrophe. If the original structure is damaged by fire or other catastrophe to an extent not exceeding fifty percent (50%) of the insurable value of those portions of the building, then insurance proceeds shall be used to rebuild those portions of the Subject Property in accordance with the standards in Exhibit B. The Grantor shall keep the Subject Property insured under a comprehensive general liability policy that protects the Grantor and the Foundation against claims for personal injury, death and property damage.

Mortgage Subordination

19. All mortgages and rights in the property of all mortgagees are subject and subordinate at all times to the rights of the Foundation to enforce the purposes of these covenants and restrictions. Grantor will provide a copy of these covenants and restrictions to all mortgagees of the Subject Property and has caused all mortgagees as of the date of this Historic Preservation Agreement to subordinate the priority of their liens to these covenants and restrictions. The subordination provisions as described above relates only to the purposes of these covenants and restrictions, namely the preservation of the historic architecture and landscape of the Subject Property.

Duration of Covenants

20. The Grantor does hereby covenant to carry out the duties specified herein, and these restrictions shall be covenants and restrictions running with the land, which the Grantor, his heirs, successors, and assigns, covenant and agree, in the event the Subject Property is sold or otherwise disposed of, will be inserted in the deed or other instrument conveying or disposing of the Subject Property.

21. Unless otherwise provided, the covenants and restrictions set forth above shall run in perpetuity.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal, and The Historic Preservation Foundation of North Carolina, Inc., has caused this instrument to be signed in its corporate name by its duly authorized officer by the authority of its Board of Directors, the day and year first above written.

NORTH STATE STREET LLC

(Seal)

By: _____
Name/Title: _____

THE HISTORIC PRESERVATION FOUNDATION
OF NORTH CAROLINA, INC.

BY _____
J. Myrick Howard, President

_____ COUNTY, NORTH CAROLINA

I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that Stuart Cullinan personally appeared before me this day and acknowledged he is _____ of NORTH STATE STREET, LLC, and that he, as _____, being authorized to do so, executed the foregoing instrument on behalf of the company.

Witness my hand and official seal, this the _____ day of _____, 20__.

Notary Public

My commission expires: _____

NORTH CAROLINA
WAKE COUNTY

I, _____, a Notary Public for Wake County, North Carolina, certify that J. Myrick Howard personally came before me this day and acknowledged that he is President of THE HISTORIC PRESERVATION FOUNDATION OF NORTH CAROLINA, INC., a non-profit North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this the _____ day of _____, 20____.

Notary Public

My commission expires: _____

EXHIBIT A

Legal Property Description

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EXHIBIT B

**SECRETARY OF THE INTERIOR'S
STANDARDS FOR THE REHABILITATION OF HISTORIC PROPERTIES
(1992)**

REHABILITATION is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

STANDARDS FOR REHABILITATION

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historical materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Council Member Baldwin moved approval of the Findings and Conclusions as presented. Her motion was seconded by Council Member Gaylord and put to a roll call vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7 – 0 vote.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM – POLICY UPDATE/PROJECT EXCEPTIONS – APPROVED; PROGRAM TO BE REVIEWED

This past spring, City Council approved a revised Neighborhood Traffic Management Program (NTMP) policy. One major revision to the policy was the method used to gauge public support for a traffic calming project. The prior policy accomplished measuring public support via citizen-circulated petitions for residents living on the subject street, an approach which was criticized by residents of the surrounding neighborhood. The updated policy altered the approach for gauging citizen support to a staff-provided ballot which includes an online option for both residents of the subject street as well as the surrounding neighborhood. Since adoption of the revised policy, staff met with stakeholders of the highest-ranked streets under consideration for traffic calming treatments and reviewed the revised process prior to beginning

the balloting process. After the initial public meetings, ballots were mailed to residents of the top ten-ranked streets, as well as to residents of surrounding neighborhoods. The results of the balloting process are complete. As this is the first iteration of evaluating public support for proceeding with traffic calming projects using the revised policy guidelines, it is prudent at this time to provide an update and recommendation for exceptions to the City Council.

A balloting system with an online voting option was employed in order to measure public support for a traffic calming project. The NTMP Policy specified a successful show of citizen support when two thresholds (minimum percentage for participation and a minimum percentage of those in support) were met by residents of both the subject street as well as the surrounding neighborhood. Six streets, consisting of Fairview Road SE, Pineview Drive, Sycamore Grove Lane, Chester Street, Granville Drive and Huntleigh Drive N, met all minimum thresholds. Only Scotland Street failed to meet both the participation and support percentages. The remaining three streets – Ujamaa Drive, Grantland Drive, and Edmund Street – failed to meet the specified participation percentages, but those that did participate in the balloting voted overwhelmingly in favor of traffic calming installation for the subject street.

The thresholds adopted by Council were derived from peer reviews of other jurisdictions and internal results from similarly-styled citizen balloting. Despite this, the threshold for success is somewhat subjective and difficult to anticipate or predict. It should be noted that although the participation percentages were lower than the adopted threshold, the results are on par with or exceed similar public engagement efforts conducted by other departments. An additional consideration is that balloting at this stage represents only the first step in the traffic calming project process. The same balloting process will occur for a second time following completion of the design phase. If residents on any of the streets or surrounding neighborhoods are unsatisfied with a project design or no longer desire a traffic calming installation, the second round of balloting/online voting provide the option to not participate in the project.

Council may wish to consider exceptions to the policy-mandated thresholds of support as part of this round of streets under consideration for traffic calming installation under the revised Neighborhood Traffic Management Program.

Recommendation: Authorize exceptions to the adopted Neighborhood Traffic Management Program policies for demonstrated thresholds of citizen support. Authorize staff to proceed with design phase for Ujamaa Drive, Grantland Drive, and Edmund Street.

Transportation Director Mike Rogers talked about the time and effort the Council put in to come up with a neighborhood traffic calming policy in early 2017. He stated once you have adopted a policy it is always good to take a step back and determine if it is working. He stated Council Members received a background information memo explaining some of the expected and some of the unexpected outcomes of this step back.

Jed Niffenegger, Transportation Department, provided a PowerPoint giving background information of the changes made by Council in early 2017 including evaluation criteria which is felt is more equitable better reflects conditions and severity of speeding, new methods of gaging support for a project, touching on the old system which included circulating a petition to the

people residing on the subject street explaining the new system called for staff to provide a ballot with online voting options and include the surrounding neighborhood in addition to the people residing on the subject street.

Mr. Niffenegger pointed out the policy specifies a goal of having 7 to 10 streets receiving traffic calming treatments each year. To achieve that, the following steps are outlined in the “NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM (NTMP)” policy.

- Hold preliminary meetings with the top 15 ranked streets (75 streets are on the list)
- Mail ballots to the top 10 ranked streets to gain support for a project
- Hold a design meeting with streets that meet a defined criteria for demonstrating support
- Repeat balancing process upon completion of design to ensure support is still high
- Schedule a public hearing where Council can authorize projects for construction

He went over the key thresholds for projects including the initial ballot and the final ballot.

Mr. Niffenegger pointed out staff has held preliminary meetings with the top ranked streets, mailed over 3,200 ballots in the process of gaging public support. He stated six of the 10 streets met the Council adopted threshold and will move forward with design. He stated 4 streets did not meet the adopted thresholds – 3 or 4 demonstrated supported but fell to meet the participation thresholds. He presented a slide showing the results or support for the various streets pointing out which did meet and which come up with a result that did not meet the policy threshold. He also presented information of support from the neighborhood and the combined results of each of the streets being projected. He pointed out 6 streets met adopted criteria and will move forward with the design process. Scotland Street failed to meet a participation threshold and demonstrated low support for a project. He stated a multi-way stop was recently approved that seems to have an effect either real or perceived perception of speed compliance. He stated without action by the City Council, Scotland Street will be removed from potential project list explaining it will be eligible for reevaluation in 12 months.

Mayor McFarlane questioned if the staff had considered grandfathering projects in the pipe line with Mr. Niffenegger indicating that is correct. He stated when you criteria was implemented they did not “punish” the streets in the pipeline.

Mr. Niffenegger pointed out the City Council can grant an exception to participation per threshold to advance Ujamaa Drive, Grantland Drive and Edmund Street given the level of demonstrated support. He stated residents will have second opportunity to demonstrate support with another round of balloting after designs are complete and the thresholds for ballot return can be revisited with future experience. He explained absent exception to policy threshold, Ujamaa Drive, Grantland Drive, Edmund and Scotland Streets will be removed from the potential project list. Staff will bring the ballot process with street ranked 11 through 15 in an attempt to get more potential projects.

Council Member Gaylord talked about the multi-way stop on Scotland Street which everyone feels is working. He talked about problems on that street explaining he will bring up a proposed sidewalk project later in the Council meeting. Council Member Baldwin pointed out she feels

this is a better process and moved approval of the recommended actions as outlined on the agenda. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on 7-0 vote.

Council Member Baldwin stated her motion was made with the understanding that the Council would reevaluate the criteria as we go along and make adjustments as needed. Transportation Director Rogers pointed out they will have at least one more data point check if there are different results. Various Council Members expressed appreciation for a job well done.

FIRE STATION 22 – 9350 DURANT ROAD – RELOCATION – INFORMATION RECEIVED; TO BE PLACED ON SEPTEMBER 5, AGENDA

Currently, the City operates Fire Station 22 at 9350 Durant Road. Opened in 1998, the station provides fire protection and hazardous materials response in serving northwest Raleigh. Since 2010, the Transportation Improvement Plan (TIP) adopted by the State of North Carolina has included several projects that support the potential for a future high speed rail corridor. One of these projects is a grade separation at the rail corridor interchange with Durant Road, which would fully occupy the existing Fire Station 22 site. The State recently funded the project (TIP Project P-5720) and staff with the North Carolina Department of Transportation indicates pursuing an accelerated construction schedule. This prompted staff to develop a proposal for the relocation of Fire Station 22.

During the meeting staff will provide Council with background and context, summarize how the rail improvements benefit the City, describe a proposed project scope and budget, and respond to questions and feedback from Council. Staff anticipated a future agenda item for the September 5, 2017 Council meeting for formal actions to advance the project.

City Manager Hall introduced the item again pointing out it is for information only and a specific item will be on a subsequent agenda, hopefully September 5. He introduced Priscilla Williams, City Construction Projects Administration, Engineering Services.

Ms. Williams pointed out representatives of NCDOT are present to answer questions. Utilizing a slide presentation she explained Fire Station 22 was constructed in 1998 on Durant Road near a CSX Freight Rail Line. She explained the State Transportation Improvement Program (STIP) includes high speed rail improvements with one specific project being a grade separation of CSX Rail Line on Durant Road. She explained the City provided input in 2010 and 2011. The City was notified of State Funding and STIP approval in 2017 however yesterday the City was advised that the project is being moved forward to FY19. The present fire station is located at 9350 Durant Road and the proposed relocated facility would be at 10050 Durant Road which is currently owned by the City. She described the location as well as the Durant Road Grade Separation Project known as P-5720. She stated the proposed new location compliments the strategic plan and comprehensive plan, the grade separation will provide a safer intersection and the proposal compliments other transit improvements and the Raleigh Union Station. She stated the proposed relocated station is within the current Raleigh Fire Department acceptable response time, initial analysis shows no construction challenges and the preliminary programming of the

facility at 14,000 square feet includes future needs in accordance with the Fire Department standards. She presented a map showing the current location, proposed location and the area within the 4 minute optimal fire response time. The project cost is projected at \$9M breaking down the components of that proposed estimate. Ms. Williams pointed out staff recommends a combination of general capital reserve and debt (\$965,700) and debt issuance (\$8,032,300) to be repaid from the City's General Debt Fund. The slide indicated the current balance in general capital reserve is \$9.8M and the final June 30, 2017 audited balance will be provided when the Finance Department presents the completed FY2017 CAFR results. Ms. Williams indicated the purpose of today's presentation is to receive Council Members feedback and questions. At the September 5 meeting, staff anticipates requesting the Council to amend the CIP to include the relocation of Fire Station 22 at a total project budget of \$9M; approved the proposed funding sources and approve the reprogramming of the 1.3 acre parcel known as 10050 Durant Road from a parks use to fire protection use.

Council Member Cox questioned if the City will receive any compensation for the loss of the station. City Manager Hall pointed out the City will receive some compensation but it is complicated because the property at 10050 was donated to the City, and the City Attorney will have to be involved in that discussion/decision. He stated NCDOT will value the appropriate amount of lost but there is no specific number as yet. Various Council Members asked for clarification to which it as pointed out there is approximately one mile between the existing and proposed location and a representative of NCDOT pointed out there will be access to the existing location through an access road. There are other facilities in this general vicinity which will keep access including Waste Industries facility. The alignment of Durant Road will be shifted slightly at this location. In response to questioning from Council Member Cox it was pointed out the popular market that sells fruits and vegetables are in discussion with NCDOT about the impact on their property or location.

City Manager Hall expressed appreciation to the Fire Department, Budget Management Services, Finance, City Attorney Parks and other departments which worked to respond to the loss of the existing station and finding a new location. It was pointed out the item will be placed on the September 5, agenda for further consideration.

NALOXONE KITS – FOR USE BY THE RALEIGH POLICE DEPARTMENT – PURCHASE APPROVED

Like many other municipalities, Raleigh has seen an increase in opioid overdoses. Opioids include heroin and prescription pain pills like morphine, codeine, oxycodone, methadone and Vicodin. When a person is overdosing on an opioid, breathing can slow down or stop and it can be very difficult to wake them from this state. From January 2015 to projected year-end 2017, incidents of heroin overdose in Raleigh will have increased 190 percent. From 2015 to 2016, heroin overdose deaths increased 77.78 percent. In an effort to save the lives of citizens, law enforcement personnel and first responders who overdose or become exposed to opioids, Raleigh Police Department would like to purchase naloxone - a prescription medicine that blocks the effects of opioids and reverses an overdose. Raleigh police officers will carry naloxone and administer it when necessary.

In order to procure naloxone doses for issue to police officers, an appropriation from the Controlled Substance Tax funding is requested. Accounting detail was included with the backup material.

Police Chief Cassandra Deck-Brown explained opioids include heroin and prescription pain pills like morphine, codeine, oxycodone, methadone and vicodin. She presented quotes from various entities such as Centers for Disease Control and Prevention, United Nations, President Donald Trump, about the epidemic of opioid addiction in the United States and indicate that overdose deaths occur outside of a medical setting some 77% of the time and the feeling that opioid crisis is a national emergency. She presented statistics showing increases on the opioid overdoses and deaths in the City of Raleigh. She talked about the signs and symptoms of an opioid emergency which includes unusual sleepiness, breathing problems, pinpoint pupils, etc. Naloxone is a prescription medicine that blocks the effects of opioid and reverses an overdose. She pointed out the proposed program includes training all sworn Raleigh Police Officers between July 24 through August 29, 2017, which will allow all 600 sworn operational personnel to administer as needed. The policy guidelines would fall under this first aid policy. She presented a sample of the Narcan nasal spray which is the first and only FDA approved nasal form of Naloxone for the emergency treatment of a known or suspected Opioid overdose. She stated since most accidental overdoses occur in a home setting, this nasal spray was developed for first responders as well as family, friends and caregivers in case of an emergency.

Mayor McFarlane expressed appreciation to Chief Deck-Brown and the police department for their work in this area pointing out using Narcan is a huge step to fight overdoses. She explained the North Carolina Legislature passed a law that allows anyone to ask a pharmacy for Narcan with or without a prescription. Various Council Members expressed appreciation to the Chief for the department's efforts in this area. Council Member Branch questioned if we have a disposal procedure in the policy with the Chief pointing out it is included. Chief Deck-Brown expressed appreciation to the EMS partners, the City's Health Center and Dr. Mask for helping developed the policy. Council Member Baldwin moved approval of the recommendation as outlined. Her motion was seconded by Council Member Gaylord and put to a roll call vote which resulted in all members voting in the affirmative except Mr. Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 733TF299.

REPORT AND RECOMMENDATION OF THE HUMAN RELATIONS COMMISSION

HUMAN RELATIONS COMMISSION – ANNUAL WORK PLAN – DEFERRED TO RECEIVE REPORT

The City of Raleigh's Human Relations Commission (RHRC) serves as an advisor to the City Council in the areas of human services and human rights, promoting activities that build inclusiveness within our city and advance human dignity, equal opportunity and harmony among the city's citizens. The Commission's work plan for 2017-2018 sets forth the continuation of annual events, such as the Mayor's Unity Day, the Human Relations Awards Banquet, the recommending of human service agencies for grant awards, and spells out new opportunities for outreach by the Commission.

The RHRC eagerly anticipates the continuation of its service to the citizens of Raleigh and City Council in the coming year. It respectfully requests approval to move forward with its proposed Work Plan for Fiscal Year 2017-18.

The following is the work plan presented:

The City of Raleigh's Human Relations Commission (RHRC) serves as an advisor to the City Council in the area of human services and human rights. Human relations shall mean those activities which promote human dignity, equal opportunity and harmony among the many different citizens who make up the population of the city of Raleigh. This definition *shall* include those activities and programs classified as promoting the general well-being of citizens without regard to race, color, creed, gender, age, sexual orientation, or national origin in their daily activities.

The Commission's work plan for 2017-2018 sets forth the continuation of annual events, such as the Mayor's Unity Day, the Human Relations Awards Banquet, the recommending of human service agencies for grant awards, and spells out opportunities for outreach by the Commission.

The Commission: Past and Present

At its inception, the Human Relations Commission was charged with evaluating human services and human relations within the city and making recommendations to the City Council in areas where its action was required. Initially, these responsibilities carried with them the authority to receive complaints from citizens and to attempt to reconcile disputes within the community. While the authority to mediate or reconcile complaints from citizens has been removed from the Commission, the supporting language for the Commission confirms an authority to make recommendations to the City Council in the area of human services and human relations. To that end, the Commission will invite speakers, including residents, to make presentations on issues, complaints or concerns generally involving questions of diversity and human dignity at its meetings, and will make recommendations to the Council for their consideration.

Structure of the Commission

The Commission is staffed by the Raleigh's Community Engagement Division of the Housing & Neighborhood Department. While some support is provided from a number of employees, only one employee is assigned to provide limited support specifically as the staff liaison for the Commission. This employee also has a number of other job responsibilities, including the oversight of other programs not related to the Commission's work. The Commission had successfully requested that the City Manager consider the creation of a Human Relations Program Manager. Without additional staff support, the Commission is limited in the projects and scope of activities in which it can participate.

The Commission continues to recommend that the City Manager and Council fund a dedicated Human Relations Program Manager.

The Commission is organized into a number of standing committees. The following provides a description, by committee, of the work in which the Commission proposes to be engaged.

Administration

Commission Planning Retreat

Commission members met for an extended meeting in June to plan activities for the coming year. The planning meeting was held from 5:00 pm to 8:30 pm at Vidrio at the time of the monthly meeting.

Conferences/Workshops

Throughout the year, several conferences and workshops are organized around issues of human relations and cultural diversity. For example, the North Carolina Human Relations Commission organizes an annual conference that addresses some of these topics. Select members of Raleigh's Commission may plan to attend up to two of these workshops throughout the year. Information gathered will be shared with the full Commission for the purposes of education and training, and forwarding the mission of the Commission.

Themes of Focus for 2017-2018:

The Commission will focus on three areas of human relations within the City of Raleigh in the 2017-2018 sessions. RHRC committee work and corresponding initiatives will focus on, but not be limited to, the following areas:

1. Transgender youth
2. Immigrants
3. Law enforcement community relations

Commission Committees:

By-Laws Committee

Reviews the Bylaws that establish the structure, function and operations of the RHRC. Bylaw changes *must be approved* by the City Council.

Communications Committee

The Communications Committee is responsible for all internal and external communications efforts put forth by the RHRC, including the Commission newsletter and Commission publications.

The Communications Committee will continue to review and update its communication methods. A strong communications plan is critical to establish necessary public awareness of the RHRC and the role it serves in the Raleigh community.

Communications issued by the RHRC will seek to educate Raleigh residents on the purpose of the Commission, its initiatives, and opportunities for public engagement.

The communications committee will focus on two key channels:

1. Outbound: The Commission looks to effectively communicate RHRC events, sponsorships, forums, initiatives and resources available to Raleigh residents.
2. Inbound: The committee seeks to make it easier for residents to provide feedback on issues related to human relations by expanding and diversifying inbound communication channels. Currently residents may express feedback or concerns using the following methods:
 - Email to the RHRC Chairperson or City Liaison
 - Present before a RHRC meeting
 - Social Media (Facebook, Twitter, etc.)

The Commission will employ the following tactics on both channels:

- Strengthen its existing website and evaluate current RHRC marketing materials.
- Consider outreach channels such as the Raleigh Television Network (RTN), blogs, and social outlets such as Facebook and Twitter.
- Gain valuable input and feedback from the residents of Raleigh including, but not limited to, the use of surveys, social networking sites, and other forms of engagement.
- Build relationships with local nonprofits and partner in media opportunities such as press releases and public service announcements.
- Create an Annual Report highlighting the year's accomplishments and activities.

Community Relations & Celebrations Committee

Sponsorships:

In an effort to promote and celebrate all citizens of Raleigh, the Commission and its members will actively participate in local cultural events that *may include, but are not limited to:* Viva Raleigh, Out! Raleigh, the Raleigh-Apex NAACP Banquet, the International Festival, the African American Cultural Festival, the Greek Festival, Mosque Open House, and the Martin Luther King Jr. breakfast and events. Where appropriate, the Commission will sponsor events or set up tables in order to promote outreach that parallels with the Commission's themes for this year.

Human Relations Awards Banquet:

Every year, in February, the Commission hosts a banquet at which awards are presented to members of our community who have made outstanding contributions in the area of building human dignity and harmony in our city. Individuals from diverse backgrounds, including students, are invited to participate in the banquet program. Awards are presented to an individual, business entity, non-profit organization and a youth. The 2018 year will mark the 29th Anniversary of the Human Relations Awards Banquet.

Grants Committee**Human Services Grants:**

In 1989, the City Council charged the Commission with reviewing requests for human services funding and making recommendations to the Council. As such, the Human Relations Commission received \$520,000 to be awarded to human service agencies in 2016-2017 and \$533,200 in 2017-2018.

Based on the growth in Raleigh and in comparison to other Commissions funded by the City, the Human Relations Commission request that funds be allocated commensurate to the population of the City. Funds received help meet unmet needs in targeted service areas for the elderly, youth, handicapped, immigrants, substance abusers and the homeless.

The Commission appoints a subcommittee in January of each year consisting of five commission members; one member of the Substance Abuse Advisory Commission; one representative from Wake County Human Services; one representative of a nonprofit community; and one representative of Triangle United Way. The subcommittee reviews grant applications from human service agencies and recommends proposed funding levels to the full Commission at its meeting in March. Thereafter, the full Commission forwards their recommendations to the Council before the budget deliberation process.

The Commission uses fair and equitable criteria and performance measurement standards to determine grant allocation in a way that maximizes outcomes and objectivity. The Commission will host a forum in an effort to promote awareness of human service grants.

In order to better understand the services provided by the human service agencies who receive grants from the City of Raleigh and in an effort to monitor their work, members of the Commission will seek to make site visits to various agencies.

Nominating Committee

Responsible for presenting a slate of candidates for officers of the RHRC to be voted on annually.

Public Safety Committee

The Public Safety Committee seeks ways to promote and support public safety in the city of Raleigh. Primarily, the Committee collaborates with fire and police departments to strengthen relations within the community through educational and activity-driven events. The RHRC also arranges public safety updates at Commission meetings, including reports on criminal activity and other crime trends within the City.

The Committee will expand its efforts this year to also focus on community law enforcement engagement to build relationships between police and citizens of the city, with a particular focus on youth and welcoming new immigrants. Our efforts will include but are not limited to: improved communications and transparency between law enforcement and communities, familiarity and trust building activities (coffee with cops, neighborhood specific events, school events, etc.), civilian police review boards and more channels for personal interactions and outreach.

Diversity Relations Committee

The Diversity Relations Committee serves as a conduit for civil rights discrimination concerns of Raleigh citizens and residents. The committee will organize the annual Mayor's Unity Celebration and any forums and presentations related to race and ethnic relations.

Human Relations Diversity Forum (Mayor's Unity Day):

The purpose of the Mayor's Unity Day is to celebrate the human diversity of the Triangle. This breakfast is to create opportunities to learn about the diversity of the Triangle area, promote dialogue among all its citizens, share insights, experiences and lessons learned and build a community that is open and inviting to all people.

Below is a list of forums that the Raleigh Human Relations Commission may host in the 2017-2018 session. Following all community forums, the Commission will contact participants with relevant follow-up information and/or participation surveys. By collecting contact information of citizens attending these forums, the RHRC will re-engage the community in all follows up activities that result from the forums.

- **Immigrants Welcome Forum** to have an open dialogue and discuss ways we can help protect the rights of immigrants in our community.
- **A Transgender Youth Equality Forum** to welcome allies seeking information, continue the dialogue to find ways Raleigh can support the transgender community, and to provide a listening community of support.
- **Law Enforcement Community Engagement Forum** to host a conversation between law enforcement, the community members and the city on ways we can better collaborate and support each other.

Chris Moutos, Chair of the Human Relations Commission highlighted the report. Mayor McFarlane pointed out it was her understanding all boards and commissions discuss only items that are referred to them from Council and questioned if this is the same format for Human Relations Commission. Council Member Crowder questioned if this is different from other boards with City Attorney McCormick indicating it is. This Board is proposing to invite citizens in to hear issues and bring to the Council for consideration; whereas, other boards only discuss items referred to them by Council. Council Member Crowder questioned why the Council structured this board differently with City Attorney McCormick indicating he does not know but would be glad to research.

Chairperson Moutos pointed out they have amazing people on the Board pointing out however there has been some confusion in the past. Mayor McFarlane talked about the event proposed at Pullen Baptist Church and how she feels it would be good for the Human Relations Commission to be involved with Chairperson Moutos pointing out that is exactly the type event they feel they should be involved in.

Council Member Baldwin pointed out she understands the City will be hiring a new Executive Director in the Housing and Neighborhoods and that person would oversee HRC. City Manager Hall pointed out the City has been holding off filling that position until discussions and/or results

of the citizens engagement task force takes place. He pointed out the position has been budgeted for but no action has been taken to fill the position. Council Member Baldwin stated she understands that person will help provide more clarity and direction to HRC with City Manager Hall indicating that is correct with Chairperson Moutos pointing out the group would appreciate any guidance.

City Attorney McCormick suggested holding off approving the work plan that he get some information as to why the Human Relations Commission was structured differently. The Council agreed to hold action on the work plan of the Human Relations Commission until information is received with the hope being expressed that action could be taken within two weeks.

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

PARKS, RECREATION AND GREENWAY ADVISORY BOARD – ANNUAL WORK PLAN – APPROVED

Amy Simes, Chair of Parks, Recreation and Greenway Advisory Board pointed out Council received the following work plan for FY2017-18.

2018 Fred Fletcher Outstanding Volunteer Awards - Responsible for planning and hosting the annual awards event.

Elect Chair and Vice Chair – Responsible for annual elections.

Fees and Charges – Responsible for reviewing and hosting public input sessions on proposed adjustments to PRCR fee schedule.

PRGAB Annual Work Plan – Develop annual work plan.

Liaison Representatives – Continue to serve as liaison representatives to other City boards/commissions.

Rollover Items – Items still in progress from previously approved work plans.

Citywide Off Leash Dog Facilities (OLDF) Analysis—Based on the OLDF Program Statement, continue to research opportunities to expand in areas where OLDF are not available.

Public Participation Policy for Park Planning evaluation—Review the 2012 adopted policy based on implemented projects. Report to City Council findings and potential recommendations.

Neighborhood and Community Connections Program Policy Development— The program will define criteria and a prioritization policy to provide equitable neighborhood access to parks .

Unmanned Aerial Systems (UAS) Policy Development—Develop a policy for City Council approval that addresses use of UAS in parks.

Master Plan – Review and forward recommendation to City Council.

Barwell Road Park
Walnut Creek Wetland Park
Brentwood Park

Schematic Design – Review and forward recommendation to City Council.

Barwell Road Park
Wooten Meadows Park
Rosengarten Greenway
Baileywick Community Center
Biltmore Hills Improvements

Project Updates – Review and comment

Marsh Creek Disc Golf Course
Experience Based Land Acquisition Model
Dorothea Dix Master Plan Updates
Public Art Master Plan
Facility Improvements – Ralph Campbell, Eastgate and Powell Dr.
Dedications and Ground Breakings
Forest Ridge
Moore Square
Optimist Park Playground
Dr. Bill and Merrie Hedrich Homestead
Sierra – Lineberry Park

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

BARWELL ROAD PARK MASTER PLAN – ADOPTED

The Barwell Road Park Master Plan was developed through a six-month community planning process that included public workshops, online participation opportunities, special youth and community outreach, regular engagement with the Southeast Citizen Advisory Council, and in-depth meetings with the fifteen-member Citizen Planning Committee to form consensus around site management, design configuration, optimal park amenities, and community needs. The vision statement “Play – Learn – Discover” emerged from this process, and successfully captures the overall vision for this park. The master plan invites active play on multi-use courts and fields, provides opportunities for learning and shared-use with the co-located Barwell Road Elementary School, and encourages visitors to explore and discover the natural beauty of the forested and riparian areas of the site. On July 20, the Parks, Recreation and Greenway Advisory Board unanimously approved the draft master plan and recommended it to City Council for adoption.

Recommendation: Approve the Master Plan.

Chairperson Simes pointed out the Parks, Recreation and Greenway Advisory Board met and had approved the plan and recommends its adoption of the master plan by the City Council.

TJ McCount, Parks Recreation and Cultural Resources Planner, talked briefly about the plan process, location of the 55 acres located at the intersection of Rock Quarry and Barwell Roads and introduced Glenn Waters of Design Workshop.

Glenn Walters presented information on the community engagement throughout the process, number of meetings, workshops, activities throughout the process, Play, Learn and Discover theme, organizing principles showing areas to be more active or quiet, community priorities which included something unique and special, variety of activities and programs, fun and accessible for all ages, walking and biking safely, working with the site features, being environmental responsible, linking school, center and park together, accessible trails, sports of all types, flexible use space and family gatherings. He presented slides showing typical activities which would carry out these themes in the park environment. He talked about the alternatives for the community review, information on connectivity, the overall master plan, what is included, rendering of proposed uses for the east side and west side, and first priority areas and what would be included such as playground, picnic shelter, decorative garden and harvest table, splash pad, restrooms activities such as game areas, climbing multi-purpose field for soccer, baseball, softball, etc., soft surface running tract, benches, water fountains, 60 parking spaces, dog park, sidewalk shade trees and naturalized stormwater elements.

Kevin Seymour talked about the group, the planning efforts, the people's interest, collaborative efforts and the bottom up process that was utilized in developing the plan.

Mayor McFarlane expressed appreciation to everyone involved in developing the plan including the community involvement. Council Member Branch moved approval of the Master Plan as presented pointing out he wanted to be sure that the park is connected with bus services. Council Member Baldwin seconded the motion which was put to a vote and resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on an 8-0 vote.

REQUEST AND PETITIONS OF CITIZENS

AFFORDABLE HOUSING – MICHAEL ANTHONY – NOT PRESENT

Michael Anthony had requested permission to discuss truly affordable housing. Mr. Anthony was not at the meeting therefore the item was removed with no action taken.

YMCA – REQUEST FOR TEXT CHANGE – WITHDRAWN

Jon Mills and representatives of the YMCA had requested permission to discuss a possible text change which would allow the YMCA letters on their facility which faces Hillsborough Street to be designated a historic landmark. It was pointed out the request had been withdrawn.

POLICE DEPARTMENT – VARIOUS CONCERNS – REFERRED TO ADMINISTRATION

Curtis Johnson had requested permission to discuss various concerns he has with the Raleigh Police Department. Mr. Johnson stated he had been before the Council before pointing out he is a resident and the homeowner in the area and had a person intruding on his property and the called the police to get the person removed. He talked about problems he had with the process, contact with the Internal Affairs Unit, and how he just wanted justice. He talked about the person returning, knocking the windows out of his car, how he tried to get the police to investigate, take her away, get fingerprints, etc. He talked about charges against him relating to an assault against a female, how he felt it was not investigated properly and asked if there could be some kind of independent outside investigation. He stated he loves his city, he is a retired City of Raleigh employee and he just needs help.

City Manager Hall pointed out his office would review the situation and provide a report to Council.

SCHOOLS – REQUEST TO MODIFY UDO RELATIVE TO REQUIRED SQUARE FOOT PER PUPIL – STAFF AUTHORIZED TO WORK ON TEXT CHANGE

Gene Davis was at the meeting to request that Council modify UDO Section 6.3.1.D.2.b which requires a school to be located on a lot with a total area of 500 square feet per pupil enrolled. Specifically, requesting that an exception be made for schools within the DX district by modifying the section to read "Be located on a lot with a total area of 500 square feet per enrolled pupil, except in the DX district".

Mr. Davis explained the request and pointed out if the wording in the UDO had always been like it is today, we would not have Moore Square School, School of the Arts and other such schools in the downtown area. He stated this text change would make it so we could have schools in the downtown area.

Mayor McFarlane stated everyone feels we need more schools downtown. She questioned if a school is in mixed use project or building, how it would affect the open space requirements. Assistant Planning Director Crane pointed out that is a separate requirement and the text change being proposed by Mr. Davis would not affect open space requirements. He stated he does not know of any impacts it would have at this time. He stated if the Council agreed with moving forward with Mr. Davis proposal, staff would do a full examination to determine any impacts. He stated if the Council agrees, staff would ask that Mr. Davis submit a petition for a text change and go through the regular process. Council Member Crowder moved approval of asking staff to move forward with the text change being offered by the petitioner. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Mr. Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

MATTERS SCHEDULED FOR PUBLIC HEARING**REZONING Z-1-17 FALLS OF NEUSE ROAD CONDITIONAL USE – HEARING CLOSED - TO BE PLACED ON SEPTEMBER 5, AGENDA**

This is a continuation of a public hearing to consider a request from FON, LLC to rezone approximately 5.91 acres from Neighborhood Mixed Use-Three Stories-Parking Limited-Conditional Use (NX-3-PL-CU) to that same category, but with revised conditions. Zoning conditions limit uses; limit commercial uses to 60,000 square feet; specify 40' of tree conservation along the eastern property line; provide a transit easement and shelter; limit light poles to 20'; and allow no more than two points of access to Falls of Neuse Road.

The property is located on the east side of Falls of Neuse Road at its intersection with Strickland Road.

A public hearing was opened at the July 5, 2017 City Council meeting. The hearing was held open until August 15 in order to allow for the consideration of additional conditions. Following the closure of the hearing, revised conditions may be submitted.

The proposal is consistent with the Comprehensive Plan and the Future Land Use Map. It would allow additional housing on a corridor served by transit and additional flexibility for commercial uses. The Planning Commission recommends approval of the request.

Recommendation: A public hearing was first opened at the July 5, 2017 City Council meeting. The hearing was held open until August 15 in order to allow for the consideration of additional conditions. Following the closure of the public hearing, revised zoning conditions may be submitted.

Planner Bynum Walker recapped this request and past actions pointing out she understands the applicant is ready to close to the hearing and submit conditions.

Attorney Mack Paul, 21 Fayetteville Street, asked the Council to close the hearing so that they can submit revised conditions relating to hours of operation for a restaurant, access to properties in the rear, extending buffer from 40 feet to 60 feet and limitations on the grading ratio. Council Member Crowder moved the hearing be closed to allow the applicant to bring conditions to the next meeting. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-4-17 – ME VALENTINE DRIVE CONDITIONAL USE – HEARING – CONTINUED UNTIL OCTOBER 19, 2017

This is a request filed by Stanhope Center, POA and Provident Group Stanhope Properties 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.

At the June 5 City Council meeting, the public hearing was held open until August 15 in order to allow the applicant to consider additional zoning conditions. Following the closure of the public hearing, revised conditions may be submitted.

The Planning Commission recommends approval of this request (8-0 vote). However, the version of the conditions acted on by the Commission is not the same as the version that accompanied the opening of the public hearing. A signed copy of the version acted on by the Commission was not provided prior to the deadline to authorize the hearing, so the conditions for the case reverted back to those included with the original application. Following the closure of the public hearing, some of the conditions included in the version acted on by the Commission may be restored; others, because they would be less restrictive than conditions in the current version, would not be allowed by the UDO.

Recommendation: A public hearing was first opened at the July 5, 2017 City Council meeting. The hearing was held open until August 15 in order to allow the applicant to consider converting this request to a conditional use rezoning request. Following the closure of the hearing, zoning conditions may be submitted.

Planner Bynum gave a brief description of the case pointing out the applicant has requested that the hearing be held and placed on the agenda for October 19 to allow time to work with the neighborhood, applicant, etc. Council Member Stephenson moved the hearing for Z-4-17 be continued until October 19, 2017. His motion was seconded by Council Member Baldwin and put to a vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-40-16 – OAK FOREST DRIVE – HEARING CLOSED – TO BE PLACED ON SEPTEMBER 5 AGENDA

This is a request to rezone property from Industrial Mixed Use-4 stories-Parking Limited-Conditional Use (IX-4-PL-CU) to Commercial Mixed Use-4 stories-Parking Limited (CX-4-PL). The property is located along the north side of Oak Forest Drive, west of Capital Boulevard. The request is for a general use zoning district. The applicant indicated that he may wish to submit zoning conditions, which would entail the submittal of a revised application, additional fee and draft set of zoning conditions. If the applicant wishes to convert the request to a conditional use request, the City Council must close the public hearing and defer action.

One of the parcels has recently been sold to another party. If the applicant wishes to convert the case to a conditional use request, the new owner of the western-most lot must also agree to the

zoning conditions. Conversely, the new property owner could choose to remove the parcel from the rezoning request.

The request is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. The Planning Commission recommends approval of the request by a vote of 6-0.

Planner Bynum gave a brief recap of this case pointing out she understands the applicant would like to have the hearing closed and they will refile. Attorney Robert Hedrick pointed out he was representing his brother who owns one of the parcels. He stated they plan to refile with conditions as suggested by staff. Council Member Crowder moved that the hearing on Z-40-16 be closed to allow refiling. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-46-16 – HARDEN ROAD – HEARING CONTINUED UNTIL NOVEMBER 7, 2017

This is a request by Laurel Kilgore to rezone approximately 1.1 acres from Residential-4 (R-4) to Residential-10 (R-10). The property is located on the south side of Harden Road between Blue Ridge Road and Nancy Ann Drive.

There are no conditions proposed for the rezoning request. The request is consistent with the Comprehensive Plan. The Planning Commission found that while the request is consistent with the Comprehensive plan, the possible build-out could be at odds with adjacent land uses and that not addressing the potential conflict compromises the reasonableness and public benefit of the request. The Planning Commission recommends denial of the request.

The case was first scheduled for a public hearing on June 6, 2017 and was postponed until July 5, 2017 at the request of the applicant. The July 5, 2017 Public Hearing was left open.

Recommendation: 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 recapped the case and pointed out Attorney Tom Worth will be out-of-town for a month and he and the other attorneys involved have requested that the hearing be continued until November 7, 2017. The resident at 3412 Laurel Road stated he had originally spoken on this case and pointed out he is not opposed to the continuation. Council Member Crowder moved that the hearing be continued until November 7, 2017. Her motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

**PUBLIC NUISANCE ABATEMENTS – VARIOUS LOCATIONS – HEARING –
RESOLUTION ADOPTED**

This was a hearing to consider adopting a resolution confirming liens against the property as listed below for charges associated with the abatement of public nuisances.

<u>LOCATION AND (COUNCIL DISTRICT)</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NO.</u>	<u>COST OF ABATEMENT</u>
839-A Barringer Drive (D)	NC Patriot, Inc.	0119715	\$237
1332 Battery Drive (C)	CFW Investments LLC	0439114	\$762
1334 Battery Drive (C)	CFW Investments LLC	0001463	\$762
1413 Battery Drive (C)	Mark Thompson Bullock and Marsha Mahatoo Bullock	0078166	\$297
5528 Centipede Trail (C)	Sondi A. Best	0195132	\$291
3101 Cinnamon Circle (C)	Jeffrey D. Bond and Ann G. Simpson	0163187	\$364
1041 Corporation Pkwy (C)	RK Ingram Properties LLC	0243026	\$282
2440 Derby Drive (C)	Helena Stephen	0029410	\$480
4612 Ellsmere Lane (C)	Larry C. and Barbara Turner-Owes	0167029	\$325
1522 Eva Mae Drive (C)	Heritage Manor Association, Inc.	0341186	\$348
1523 Eva Mae Drive (C)	Heritage Manor Association, Inc.	0306989	\$348
1107 Fayetteville Street (D)	Mamie Thorpe Yeargin Jones and Willie Catherine Yeargin McCullers	0080259	\$293
2530 Garner Road (C)	Thomas and Annie Lee Jiles	0037389	\$235
215 Heck Street (C)	Robert Hicks Heirs and Earlene F. Hicks	007461	\$258
1310 Heritage Manor Drive (C)	CSH Property One, LLC and River Rock Capital Partners	0315740	\$530
1507 Joe Louis Avenue (C)	Lewis David ST, Triangle Building and Properties, LLC	0044125	\$433
2442 Kennington Road (C)	Wilbur Tharpe	0019213	\$1,011
3465 Leonard Street (D)	Carlton Odell Fields Heirs	0035945	\$426
524 Marble Street (D)	Maria Torres	0025958	\$425
1109 Mark Street (C)	Jeremiah J. Frederick	0019404	\$307
7901 McGuire Drive (B)	Raymond Araujo	0131867	\$466
108 Penncross Drive (C)	Bedrock Corporation Company	0333931	\$336
5107 Pomfret Point (D)	Mohamed Houman and Helal Toulimat	0369082	\$2,329
5107 Pomfret Point (D)	Mohamed Houman and	0369082	\$332

5816 Ricker Road (C)	Helal Toulimat Rodgest L. III and Sharon L. Pinkney	0310395	\$572
416 Rogers View Court (C)	Pelagic Investments LLC	0245010	\$374
420 Rogers View Court (C)	Pelagic Investments LLC	0245009	\$374
2224 Shannon Street (C)	Edward Walker Heirs c/o Marilyn Walker	0072179	\$462
143 Summit Avenue (D)	Tina M. Huges Hanks Heirs and Bryan Hanks	0046962	\$400
2418 Sunnybrook Road (C)	Earth Petroleum VI, Inc.	0073740	\$685
1804 Sunview Street (C)	First Franklin Financial	0101682	\$348
106 North Tarboro Road (C)	Roi and Netta L. Eisner Gershon	0027234	\$327
8428 Whisper Ridge Place (E)	AMH 2014-3 Borrower LLC	0301107	\$325

Mayor McFarlane pointed out she has been advised that 215 Heck Street should be removed as the charges have been paid. She opened the hearing on the other locations. No one asked to be heard thus the hearing was closed.

Council Member Stephenson moved adoption of a resolution confirming the charges as outlined noting that 215 Heck Street had been removed. 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 except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Resolution 494.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – AUGUST 22, 2017 MEETING - CANCELED

Mayor McFarlane pointed out the next meeting of Economic Development and Innovation Committee has been canceled and rescheduled. The information was received.

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

GROWTH AND NATURAL RESOURCES COMMITTEE – MEETING SCHEDULED ANNOUNCED; Z-42-15 – LAKE WHEELER ROAD AND CP-3-17 – SCHEDULE FOR PUBLIC HEARING ON SEPTEMBER 5, 2017

Council Member Crowder reported the Growth and Natural Resources Committee scheduled for August 23 has been canceled.

Council Member Crowder pointed out there are two items pending in the Growth and Natural Resources Committee that have schedules that have to be met. Since the Committee will not be meeting prior to the September 5 meeting with the committees consent she is asking that Z-42-15 – Lake Wheeler Road conditional use be removed from the agenda and scheduled for hearing on September 5, 2017. Also CP-3-16 – Comprehensive Plan Amendment for Cameron Village and Hillsborough Streets Small Area Plan should also be scheduled for Public Hearing on September 5, 2017. She stated following the hearing on CP-3-16 she will suggest that the item be referred back to Growth and Natural Resources Committee.

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

AFFORDABLE HOUSING – REFERRED TO SAFE, VIBRANT AND HEALTHY NEIGHBORHOODS COMMITTEE

Council Member Stephenson passed out the following information and asked that the item be referred to Safe, Vibrant and Healthy Neighborhoods Committee. His motion was seconded by Mr. Cox. The item was as follows:

In the current economic recovery, incomes for many US citizens have not kept pace with the rising cost of living and the gap is getting wider. [In growing urban areas like Raleigh¹](#) and across the country, the gap between stagnant wages and rising housing costs is magnified even more.

The City of Raleigh has responded to declining housing affordability by developing updated affordable housing policies and significant new and reliable funding to triple the production and retention of affordable housing over previous years. The City has also increased the supply of forgivable rehab loans to qualifying homeowners. But without a method to estimate lost affordable units, we don't know if we are gaining or losing.

While the growing gap between wages and the cost of living is often driven by policies outside Raleigh, the City has a responsibility to periodically review and update our policies and programs to ensure we are doing the best we can to mitigate the impact of these changes on vulnerable populations and to ensure that the greatest number of citizens can continue to be healthy and productive members of our community. Raleigh citizens' ability to realize their potential and contribute to our economy is directly related to their opportunities for sound basic education, health care, healthy food, employment, transportation and affordable housing that meets their daily needs.

While this rising cost of housing is a citywide problem, it is being felt most strongly near downtown by those such as service and creative workers and by fixed income residents. The planned redevelopment of two privately owned senior apartment's downtown to higher rents is a very visible example of the growing gap between incomes and housing costs, and illustrates the need for Council to take a closer look at how our affordable housing programs are working downtown and citywide. Where are

opportunities for improvement, and what specific actions should the City take to improve housing opportunities so that downtown seniors living on very low incomes and working families facing rising cost will have affordable housing choices that meet their daily needs?

Preliminary List of Affordable Housing Issues for Consideration

1. Regarding the Wintershaven and Sir Walter Apartments residents downtown²: investigate what specific actions are underway or may need to be taken by the City and in cooperation with the County and non-profit 'housing navigators' to ensure that those seniors will continue to have affordable housing choices that meet their daily needs.
2. Review progress of Raleigh's affordable housing plan including the following: publicizing our successes, identifying emerging challenges and best practices, investigating opportunities for increasing forgivable loans, use of Certificates of Participation funding for critical needs, and other opportunities for improvement that may be identified.
3. Establish liaison with the Wake County Affordable Housing Task Force to [ensure that City and County efforts are well coordinated](#)³. Learn about the County initiative to provide small surplus parcels to nonprofit affordable housing developers and learn about the County method for estimating lost affordable units, and then use that method to estimate Raleigh's lost units and establish Raleigh's net production goals
4. Consider modifying City policies to measure affordability by the combined cost of housing and transportation - as a more accurate measure of the costs of living for a given location. This will become even more meaningful as increased transit options become available.
5. Consider replacing Raleigh's new zoning code (UDO) prohibition on affordable housing with performance standards tied to the Affordable Housing Plan criteria for location, Area Median Income (AMI) rent ranges and other factors.
6. Consider a density bonus program to support affordable housing funds or units, perhaps similar to the program being developed in Durham.
7. Consider zoning rule change that would allow micro dwelling units, perhaps similar to [Greensboro's Tiny House initiative](#)⁴.
8. Consider zoning rule text change to reduce or eliminate parking requirements for affordable units, especially near transit.

9. Consider [synthetic Tax Increment Financing \(TIF\) funding similar to Asheville](#)⁵ and other alternative financing options for affordable units. (Note that while per-unit TIF funding is higher than tax credit funding, the TIF funding comes from new tax base that would not otherwise exist.)
10. Solicit additional input from Councilors, County Commissioners, the public, neighborhood leaders and affordable housing experts and advocates. Make it clear we are open to solutions.

Raleigh's economic success creates the opportunity to share our prosperity more broadly. When more of our citizens can realize their potential and become both contributors and beneficiaries of our success, we all prosper.

1. <http://www.newsobserver.com/opinion/editorials/article163111133.html>
2. Wintershaven leases end mid-2018. Sir Walter Apartments leases end in 2020.
3. <http://www.wral.com/wake-officials-seek-coordinated-response-to-affordable-housing-crisis/16830145/>
4. http://www.greensboro.com/blogs/around_town/susan-ladd-tiny-houses-greensboro-provides-a-model-for-success/article_22779bda-f349-5c0a-89c7-5bb89447d537.html
5. <https://www.youtube.com/watch?v=PwyUC-sCreE>

Council Member Stephenson stated distributed this document at the beginning of the meeting explaining the document outlines some of the things being done or things that need to be done relative to affordable housing. He asked that the issues included in this document be referred to Safe, Vibrant and Healthy Neighborhoods Committee. His motion was seconded by Council Member Cox. Council Member Baldwin stated she would like to hear from Housing and Neighborhood Director Jarvis before further discussion. Council Member Stephenson pointed out one of the items listed in his document includes coordination with the Housing and Neighborhoods Department. Council Member Baldwin asked that this issue be held for two weeks as the Council had just received it at the table. She stated she would also like to have some conversations with Mr. Jarvis prior to proceeding. Council Member Stephenson pointed out he thought these issues had been discussed with all Council Members and he wants to make sure where we are, what we are doing and what we are not doing. Council Member Baldwin pointed out this is the first she has heard of this. Mayor McFarlane expressed concern about duplicating efforts. Council Member Stephenson stated he is simply trying to figure out the status of all the various projects. This would be an opportunity for the Council to explain to the citizens what is being done, receive questions and comments from the citizens and pull it all together in an effort to try to increase the supply of affordable housing. He stated in addition we could have some input as to what is happening at Wintershaven and the Sir Walter apartments as he feels there is a lot miss information going around. He stated this would provide an opportunity for everyone to get an update, bring people in who are involved in the various

transactions, get a time table, learn first hand of the plans and clear up any issues and/or questions. The motion to refer the items as outlined to Safe, Vibrant and Healthy Neighborhoods Committee was put to a vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

TRANSPORTATION AND TRANSIT COMMITTEE – TO MEET ON AUGUST 22

Chairperson Branch reported the Transportation and the Transit Committee will meet on August 27 at 3:00 p.m. When the Council reconvened after closed session, Council Member Branch stated the meeting would begin at 3:30 p.m. on August 27.

REPORT OF MAYOR AND COUNCIL MEMBERS

JACQUELINE DRIVE – SIDEWALK – STAFF COMMENDED

Council Member Cox expressed appreciation to staff for the prompt response relative to sidewalk repair on Jacqueline Drive. He recently asked about the possibility of a report and later went by to see if it had started and it had been completed. He expressed appreciation for the prompt response.

CITIZEN ENGAGEMENT PROCESS – COMMENT RECEIVED

Council Member Stephenson pointed out there was a document distributed on July 5 relative to engaging consultants and the status of the citizen engagement process. He stated he heard one of the consultants talking about inclusion and talked about the consultant process going in the right direction. Mayor McFarlane pointed out the Council has scheduled a special work session on August 28 at 4:00 p.m. in the Council Chamber relative to the Citizen Engagement Task Force issue. She pointed out there has been a lot of questions and comments that the Citizen Engagement Task Force report has not been acted on and pointed out no action will be taken until Council has gone through the facilitated process which will be held on August 28.

AFRICAN AMERICAN CULTURAL FESTIVAL – COMMENTS RECEIVED

Council Member Branch pointed out the annual African American Cultural Festival will be held on Fayetteville Street on September 2, 2017 and encouraged all to attend.

RALEIGH COUNTRY CLUB GOLF COURSE – POSSIBILITY OF BEING DESIGNATED TO BE INCLUDED AS AN ECONOMIC DEVELOPMENT PRIORITY AREA – OPTION 3 APPROVED

Council Member Branch distributed copies of the July 21 memo from Ken Bowers about priority areas for economic development in the New Bern Avenue area. The memo was as follows:

Dan Douglass, on behalf of the New Bern Avenue Corridor Alliance (NBACA), has asked staff and a Council Member whether a census block group located on the south side of New Bern Avenue could be added to the Priority Areas for Economic Development map (Map ED-1 in the Comprehensive Plan, which is the same as the Target Areas for Economic Development map that is part of the Economic Development Toolkit). Currently no property fronting New Bern Avenue between Raleigh Boulevard and WakeMed is in the priority area. The requested change would make enhanced economic development incentives available to certain commercial properties along the corridor, the largest being the Longview Shopping Center, as well as some additional commercial land located along Poole Road near Raleigh Boulevard.

The Priority/Target Areas for Economic Development map was adopted by City Council based set of criteria for how census block groups could be qualified as priority areas, and alongside an economic development toolkit of incentive programs which reference the map as being eligible for enhanced incentives. Both the map and the criteria for designation are adopted policy contained within the Comprehensive Plan. A detail map of the existing and proposed area is attached to this memo, and the criteria for designation are as follows:

1. Census Block Groups in which 40% or more of the Block Group are zoned for non-residential uses; and that are considered “high poverty” or are adjacent to “high poverty” block groups.
2. Census Block Groups in which 40% or more of the Block Group are zoned for industrial use.

The reason why the requested block group does not qualify under these criteria is the relative lack of non-residential zoning, as the area is largely residential and contains the Raleigh Country Club, which is zoned R-6. Only 29 percent of the block group has non-residential zoning. The block group does meet the high poverty threshold, however.

Changing the map and/or the criteria for designation requires a Comprehensive Plan amendment. As a locally-adopted map and incentive program, any contemplated change to the criteria or map designations can be initiated and adopted by the City Council. The purpose of the criteria was to make decisions regarding what areas would be included in the priority areas, based on data that could be updated easily over time. They are binding only to the extent that the City Council wishes them to be so.

Staff has identified three options for addressing the request from the NBACA:

- **Option 1:** Council could leave the existing map and criteria unchanged. This would leave the area in question outside of the priority economic Development area. Incentives would still be available, but would not be enhanced.
- **Option 2:** Council could amend the criteria in a way that the block group in question would qualify, for example, by relaxing the required percentage of non-

residential zoning, or creating a special carve-out for non-residential uses in residential areas, such as golf courses or schools. Staff would need to conduct an analysis of what other block groups would also qualify under the revised criteria. This option could result in a larger revision to the map than simply adding the requested block group.

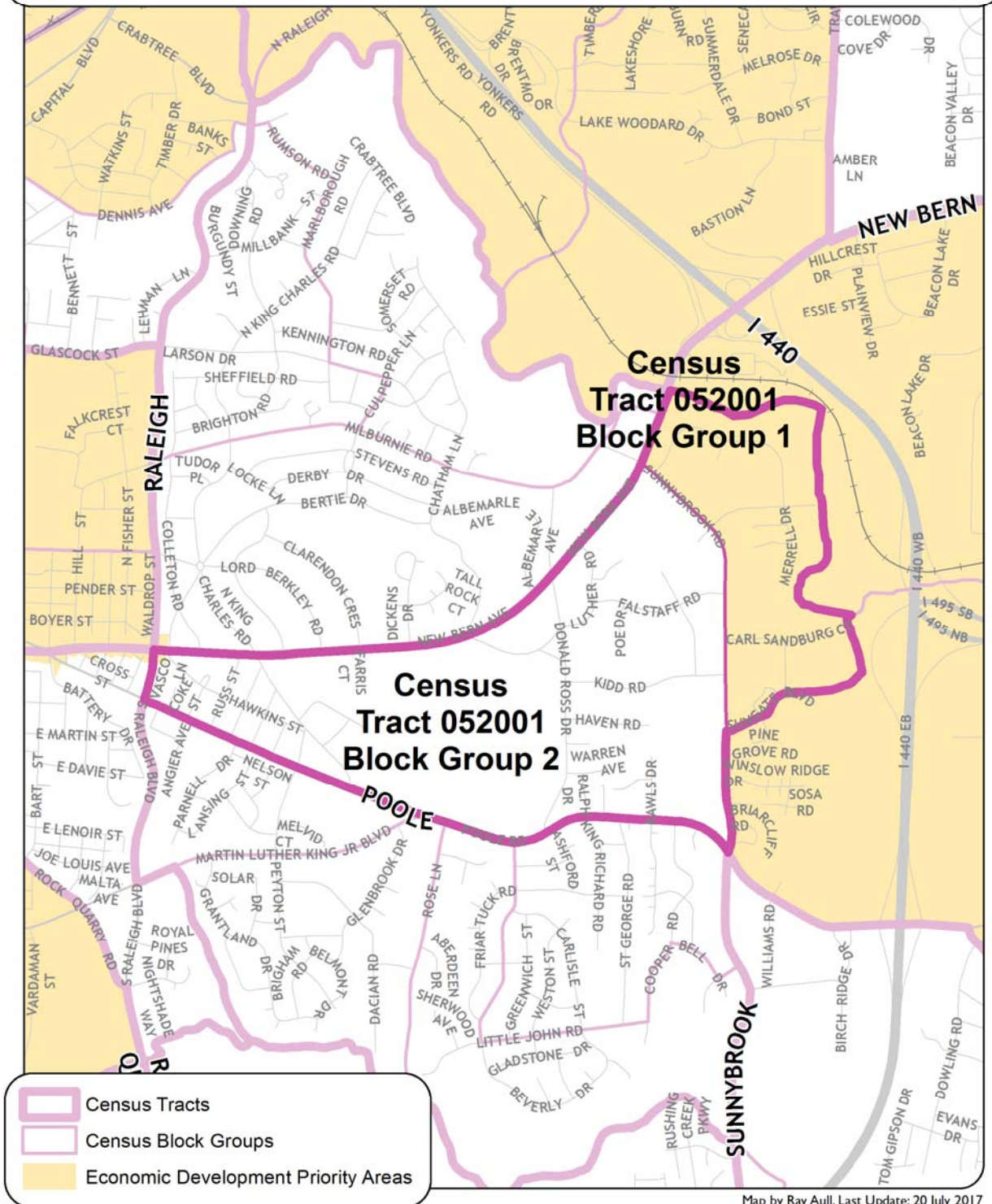
- **Option 3:** Council could leave the criteria largely unchanged but amend the map to include this block group as a special exception. This might be accompanied by an additional criterion added to the text of the plan, such as “3. Other areas deemed appropriate for inclusion by the City Council.”

Should Council wish to include this block group on Map ED-1, staff suggests Option 3 as being simpler and less impactful in terms of expanding the priority area than Option 2. The primary unintended consequence would be the potential for additional special exception cases to be brought before the City Council. Either option requires that a Comprehensive Plan amendment move through the process, which includes Planning Commission review and a public hearing in front of City Council.

A fourth option proposed by Mr. Douglass would be to rezone the golf course to a non-residential zoning classification, which would qualify the block group based on the 40 percent threshold without a special exception or change to the criteria. Such zoning would be inconsistent with the Comprehensive Plan, and under a recent revision to state law, would trigger an automatic Comprehensive Plan amendment. If applied by the City, such zoning would be general use. Staff recommends against this alternative.

At present, there is no formal request before the City Council to make any changes to the economic development map. If Council wishes to proceed, the issue can be raised at a future meeting to give staff direction to bring one or more options back for consideration.

Economic Development Priority Areas & Census Tract 052001



Council Member Branch pointed out the area around Raleigh Country Club does not qualify as a priority area for economic development as the golf course is shown as a residential use. He asked the Council to consider moving forward with Option 3 pointing out that would not include changing any zoning but would amend the map to include this group as a special exception and so moved. His motion was seconded by Council Member Baldwin and put to a vote which passed with all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

SIDEWALK INSTALLATION – SCOTLAND DRIVE – REFERRED TO ADMINISTRATION TO START PROCESS

Council Member Gaylord talked about the traffic calming on Scotland Drive pointing out it is his understanding the neighbors perceive that the stop sign may be working. He stated however a child was hit on the street while walking to school. He feels it would be good to have a sidewalk and moved that the City Council authorize staff to initiate sidewalk installation on Scotland Drive. His motion was seconded by Council Member Baldwin and put to a vote which passed with all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

CONCERNS – WILMINGTON STREET; SIGNAGE FOR MEMORIAL AUDITORIUM; CITY PLAZA RENOVATIONS – INFORMATION REQUESTED

Council Member Baldwin asked for an update on the crosswalk improvements on Wilmington Street near the Moore Square Transit Center. She indicated it was his understanding the City was waiting until the Moore Square Transit Center renovations were complete and now that has occurred and she would like an update as to what can be done on the Wilmington Street Crosswalk. She stated she walks down this street every day and it is a dangerous situation. She talked about some creative, clever way for pedestrians to get across the street and may be continued to Fayetteville Street pointing out she would like to see something in October as to what is being done.

Council Member Baldwin indicated she would like to get an update on signage advertising events at the Auditorium and Red Hat. She asked for an update pointing out she understood there was concern about the City's sign ordinance however we need some type event signage and she would like an update as to what is being done.

Council Member Baldwin asked for a time line for the City Plaza renovations that were approved in this year's budget. She stated the businesses in this area need a heads up so that they can plan for any possible shutdowns. Administration was asked to provide report.

APPOINTMENTS

APPOINTMENTS – NO ACTION TAKEN

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

Housing Appeals Board – one vacancy – No Nominees

Substance Abuse Advisory Commission – One vacancy – No nominees.

The Clerk reported the items will appear on the next agenda.

NOMINATIONS

ARTS COMMISSION – NOMINATIONS MADE

The City Clerk out Gail Perry's term on the Arts Commission is expiring. Ms. Perry does not wish to be considered for reappointment as she is moving out of the city. Council Members Cox, Branch and Stephenson nominated Shelley Winters. The item will be carried over to the next meeting.

CENTENNIAL AUTHORITY – NO ACTION TAKEN

The City Clerk reported the terms of Bill Mullins and Jessie Taliaferro on the Centennial Authority are expiring. Both are eligible for reappointment and would like to be considered for reappointment. Mayor McFarlane pointed out Council Member Thompson asked that this be held and he is not at the meeting so she would ask that it be held over.

FIREMEN'S RELIEF FUND – BOARD – FRANK MCLAURIN APPOINTED

The City Clerk reported a letter of resignation has been received from Shirley Boone on the Firemen's Relief Fund Board. She explained this is a State mandated board which calls for the Fire Chief or his recommended person to serve on the Board. The Fire Chief has recommended that the vacancy be filled by Frank McLaurin. Council Member Baldwin moved that the Council appoint Frank McLaurin to replace Shirley Boone. Her motion was seconded that Council Member Cox and put to a vote which passed with all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

STORMWATER MANAGEMENT ADVISORY COMMISSION – VACANCY ANNOUNCED

The City Clerk reported a letter of resignation from the Stormwater Management Advisory Commission has been received from Marion Deerhake therefore there is one vacancy for consideration. No nominations were made. The item will be carried over to the next meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**CITY ATTORNEY – COMMENTS RECEIVED**

City Attorney McCormick indicated he has no report other than a closed session which will be announced later.

REPORT AND RECOMMENDATION OF THE CITY CLERK**MINUTES – VARIOUS – APPROVED AS PRESENTED**

The City Clerk reported Council Members received copies of the minutes of the June 13, 2017 Work Session, June 20, 2017 Lunch Work Session and regular Council Meeting and the July 5, 2017 regular Council Meeting. Council Member Stephenson moved approval of the minutes as submitted. His motion was seconded by Council Member Cox and a roll call vote resulted in all members voting in the affirmative except Council Members Thompson who was absent and excused. The Mayor ruled the minutes approved on a 7-0 vote.

SURPLUS PROPERTY – 2809 GORMAN STREET – RESOLUTION AUTHORIZING SALE ADOPTED

On June 20, 2017, the City Council declared property known as a portion of 2809 Gorman Street surplus and authorized the sale through the upset bid process with a starting bid of \$10,000 plus accrued advertising costs. A bid was received from Eugene Wilson which was advertised in the N & O and the city's website on July 17, 2017. No upset bids were received. All legal procedures have been followed. A copy of the information relating to the property was included in the agenda packet. Council Member Stephenson moved approval. His motion was seconded by Council Member Cox and a roll call vote resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

CLOSED SESSION – HELD

Mayor McFarlane announced a motion is in order to enter closed session to pursuant to NCGS143-318.11(a)(5) for the purpose of instructing city staff how to proceed in the acquisition of the following interest in real property:

1. South Wilmington Street property
2. Property in the area of the Convention Center, and
3. pursuant to NC143-318.11(a)(3) to consult with the City Attorney regarding a potential litigation matter.

Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Council Member Thompson who was absent and excused. The Council went into closed session at 2:59 p.m.

The Council reconvened in open session at 3:45 p.m. Mayor McFarlane announced that the Council met with City staff as to the potential acquisition of property and received a report on a potential litigation matter and gave direction.

ADJOURNMENT

Mayor McFarlane announced the meeting adjourned at 3:46 p.m.

Gail G. Smith
City Clerk

jt/CC08-15-17