

## **COUNCIL MINUTES**

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, September 5, 2017 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

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

Mayor McFarlane called the meeting to order and invocation was rendered by Council Member Branch. The Pledge of Allegiance was led by Council Member Stephenson. The following items were discussed with action taken as shown.

### **RECOGNITION OF SPECIAL AWARDS**

#### **NORTH CAROLINA LEAGUE OF MUNICIPALITIES – RESOLUTION OF APPRECIATION – RECEIVED**

Mayor McFarlane called on Paul Meyer, Executive Director of the North Carolina League of Municipalities who had requested permission to make a presentation to the City Council.

Mr. Meyer stated he was at the meeting to give praise to the Council pointing out the League of Municipalities went through a pretty significant loss during the fire which destroyed the Metropolitan Apartment Complex. He stated when he heard the news the morning following the fire he knew the League was in trouble as the building is next to the one that was destroyed by fire. He stated he did not know what they were going to do. They serve 550 cities and towns throughout the State. He contacted the City Manager and stated the League needed Raleigh's help. He stated within three days the League staff was in temporary offices provided by the City. He stated they are currently still out of their building and it will be some time before they can regain occupancy. He stated the Board of Directors wanted to make sure that the citizens of Raleigh knew how helpful the City has been. He stated Council Member Crowder is on the Board and knew how hard they have been working to try to get things back in order. Mr. Meyer presented the Mayor with a framed resolution of appreciation from the North Carolina League of Municipalities.

### **AGENCY GRANTEE PRESENTATION**

#### **AGENCY GRANTEE PRESENTATION – NORTH CAROLINA MASTER CHORALE - RECEIVED**

Michelle Hile, Executive Director of the North Carolina Master Chorale and Alfred Sturgis, Music Director were present to express appreciation to the Council for their support of the North Carolina Master Chorale. Ms. Hile pointed out this is the 75<sup>th</sup> anniversary season and the 25<sup>th</sup> season of Music Director Sturgis. She stated without the City's support she does not think they would have survived. She talked about their home, their work with the symphony and the programming for the upcoming year.

Music Director Sturgis talked about the upcoming events including The Joy of the Season to be aired statewide. He stated he is so thankful to live and work in a city that puts so much emphasis on the arts and talked about how it is appreciated by the many who come to the area to be a part of such a great city. He invited all to attend some or all of the upcoming events. They both expressed appreciation for the City of Raleigh's support.

### **CONSENT AGENDA**

#### **CONSENT AGENDA – APPROVED AS PRESENTED**

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. She stated the vote on the Consent Agenda will be a roll call vote. Mayor McFarlane stated she had not received any requests to withdraw an item from the Consent Agenda. Council Member Baldwin moved approval of the consent agenda as presented. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

#### **FIRE STATION 22 RELOCATION TO 9350 DURANT ROAD – APPROVED – VARIOUS ACTIONS TAKEN**

During the August 15 City Council meeting staff presented information and background concerning the need for the relocation of Fire Station 22 and construction of a new, replacement station. The presentation included a brief summary of the North Carolina Department of Transportation grade separation project and the larger high speed rail corridor project. In summary, the grade separation at the CSX railroad crossing at Durant Road will encompass the current site of Fire Station Number 22. Preliminary programming evaluation results in a new fire station of approximately 14,000 square foot in size that will house Engine #22, Ladder #5, a Battalion Chief, and critical facilities for the Hazardous Materials Regional Team. A city-owned parcel within the Abbotts Creek Park has been identified as the proposed location for the new

fire station. The address is 10050 Durant Road and is less than a mile from the current station location, maintaining the optimal 4 minute response time.

A project budget of \$9,000,000 has been developed for this project. Funding for the cost of the new station is as follows: \$967,700 for land, design, and site work from General Capital Reserves and the remainder, \$8,032,300, from Debt Issuance repaid from City's General Debt Fund.

**Recommendation:** Amend the FY2018 Capital Improvement Program to include Fire Station Number 22 Relocation project at a total project budget of \$9,000,000; authorize budget transfers and amendments including appropriating \$967,700 from General Capital reserves and \$8,032,300 in debt issuance through general debt capacity; and authorize reprogramming of the 1.3-acre parcel at 10050 Durant Road from a parks use to a fire protection use. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

#### **PUBLIC UTILITIES – WATER AND SEWER CAPITAL FACILITY FEES – APPROVED – BUDGET AMENDMENT ADOPTED**

As a result of the lawsuit filed against the Town of Carthage in 2013, new utility connection fee legislation (House Bill 436) has been enacted by the General Assembly. The new law is effective October 1, 2017, but it has a bridge provision allowing the City to continue under its prior authority until July 1, 2018. While the City's current utility connection fees, the Water and Sewer Capital Facilities Fees have been determined by the City Attorney's Office to have been calculated in accordance with the requirements of our existing authority, staff recommends revising the connection fees to mitigate the negative impacts of the new law related to providing revenue credits to developers.

The City retained Raftelis Financial Consultants to develop a cost justified approach for calculating the utility connection fees and to calculate defensible connection fee amounts. A copy of the Capital Facilities Fee Report and calculations were included with the agenda.

The new legislation authorizes two approaches to calculating the utility connection fees, System Buy-in approach and Marginal Incremental Approach. Both methods are described in the attached report.

Utility connection fees for new connections are calculated based on the present worth of the depreciated value of the growth related assets, such as the water and wastewater treatment plants, elevated tanks, booster pump stations, water transmission mains, and large sewer interceptors. Once the value of the growth related assets is calculated, it is divided by the total available treatment capacity to determine the cost per gallon, which is converted to charges based on water meter sizes, as described in the attached Raftelis report.

Based on the most recent calculation using the System Buy-In approach, the Water Capital Facilities Fees will decrease and the Sewer Capital Facilities Fees will increase. The fees are

based on the water meter size. The table below shows the current and proposed Capital Facilities fee (CFF) amounts based on a single family connection (5/8" meter). The Capital Facility Fees for new connections with larger meters are shown on the attached ordinance.

	<u>Water</u>	<u>Sewer</u>	<u>Total Combined Water &amp; Sewer</u>
Current CFF	\$1,492	\$1,567	\$3,059
Proposed CFF	\$1,315	\$1,938	\$3,253
Difference	(\$ 177)	\$ 371	\$ 194

In order to comply with the accounting and tracking provisions in the new legislation, it is necessary to create two new funds to collect and distribute our Capital Facilities Fees. There are several budget actions that are necessary in order establish and operate these. Details were included in the agenda backup.

**Recommendation:** Approve the new Water and Sewer Capital Facilities Fees. Authorize budget amendments and transfers totaling \$7,974,364 for the collection and distribution of Capital Facilities Fees. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 735.

## **HUMAN RESOURCES – EMPLOYEE CLASSIFICATION AND PAY SYSTEM – VARIOUS POLICIES APPROVED**

Over the course of the last two years the City has been undertaking a revision of the Employee Classification and Pay system, a comprehensive review that in addition to restructuring the pay system has also resulted in a reduction to the number of individual job classifications from approximately 750 to approximately 240. Council approved the implementation of the new pay and classification system effective with adoption of the Fiscal Year 2017-18 annual budget. The new pay structures will go into effect September 30, 2017. An important element of implementation of the new system is the updating of existing personnel policies that support the day-to-day administration of the new classification and pay structures.

An inter-departmental team reviewed existing human resource and personnel policies and crafted policy updates and revisions following careful consideration. Additional policy revisions remain under consideration. The revised policies reflect changes required to administrate the new pay structures; in addition to pay administration, many of the policy changes reflect updated terminology and human resource practices that have evolved since the last time these policies were reviewed.

Included with the agenda materials were copies of the existing policies, the proposed policy changes, as well as a summary that highlights many of the substantive changes contained within each policy.

The policies for Council approval include:

1. 300-1A - Policy Definitions Overview
2. 300-4A - Job Classification and Compensation System
3. 300-8 - Performance Evaluation System
4. 300-9A - Leave
5. 300-23 - Probationary Status
6. 300-33 - Employment Status

The Civil Service Act §2(c) requires review by the Civil Service Commission. The Commission reviewed and discussed the policies during a meeting August 24, 2017; comments from the commission were forwarded to the city manager in accordance with the Civil Service Act. Minutes of the commission meeting were included with the agenda materials. The revised policies will also be reviewed by the Employee Advisory Group, which has assisted with the comprehensive review of the job classification and pay system throughout the development process.

Other policies referenced in these six revised policies will continue to apply as currently written, and future policy revisions including revisions to the Family and Medical Leave Act (FMLA) and other policy revisions will be forwarded for Council consideration in the near future. A copy of the six policies was included in the agenda packet.

**Recommendation:** Approve the revised policies. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **SURPLUS PROPERTY – 1820 TRAILWOOD DRIVE – AUTHORIZED FOR SALE WITH CONDITIONS**

The City acquired by deed several easements on property located at 1820 Trailwood Drive to be utilized for the Trailwood Drive Bicycle and Pedestrian Retrofit Project Trailwood Apartments, LLC has requested that the City sell the sloping easement areas and temporary construction easement areas to allow for future development of the property. Street and sidewalk improvements have not yet been completed by the City; however Trailwood Apartments, LLC has agreed to construct the sidewalk improvements planned for the project as part of its redevelopment of the 1820 Trailwood Drive property. Staff has received approval from NCDOT for this change to the project scope. The petitioner of the sale has agreed to pay all costs associated with the sale of surplus property, which will include a minimum bid of \$10,200 plus advertisement costs associated with the upset bid process. A map of the easement areas was included with the agenda packet.

**Recommendation:** Declare the approximately 8,728 square feet of real property interest located at 1820 Trailwood Drive as surplus. Accept the bid of \$10,200 from Trailwood Apartments, LLC, subject to the negotiated offer and upset bid process, with the condition that the winning bidder pay all advertising costs accrued during the upset bid process and appropriate officials be

authorized to sign all required instruments of conveyance. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **STORMWATER QUALITY COST SHARE – 621 KIRBY STREET – APPROVED**

The Stormwater Quality Cost Share policy provides a funding mechanism for assisting organizations and citizens in improving water quality through the installation of stormwater best management practices on their properties, beyond what is required by environmental regulations. The practices supported by the 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 adoption in 2009, the City Council has appropriated \$250,000 per year for these projects.

A petition for funding assistance for the installation of a 150 sq. ft. rain garden to treat roof runoff at 621 Kirby Street 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 Rocky Branch, by slowing and infiltrating runoff from 300 square feet of impervious 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 \$1,573 and includes a City contribution not to exceed \$1,180 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.

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 and authorize a City contribution in an amount not to exceed \$1,180. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **NORTH CAROLINA MUNICIPAL STORM SEWER SUSTAINABILITY STRATEGY – RESOLUTION ADOPTED**

The North Carolina Department of Environmental Quality (NCDEQ) is offering municipalities with regulated Municipal Separate Storm Sewer Systems (MS4s), as is the case with the storm sewer system of the City, an opportunity to draw on the experience of peers through a Municipal Separate Storm Sewer Systems Sustainable Strategy (MS6), a new voluntary program developed in partnership with the U.S. Environmental Protection Agency (EPA) and other regulated municipal stormwater programs. Participation would allow, for instance, a municipality to maintain self-regulated inspections and compliance audits completed by qualified third parties.

Participation in the MS6 program will benefit the City by enabling staff to dedicate more time and resources to improving water quality and stream health, which is the primary purpose of the Clean Water Act and the EPA National Pollutant Discharge Elimination System (NPDES), with less time and resources allocated to administrative details and reporting to NCDEQ.

Included with the agenda materials was a draft resolution which, if adopted by Council, would make Raleigh among the first municipalities to commit to the Municipal Separate Storm Sewer Systems Sustainable Strategy program. Staff has already contributed to developing materials for the MS6 program, in partnership with numerous municipalities which have also signaled intention to participate in this new program.

Also included with the agenda materials is a statement from NCDEQ encouraging program participation and noting department commitment to the MS6 program.

**Recommendation:** Adopt the resolution. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Resolution 496.

#### **POLICE WEAPONS AND WEAPON PARTS – EXCHANGE OF PROPERTY – RESOLUTION**

State law (G.S. 160A-271) permits the exchange of public property under certain conditions. The Police Department currently has a surplus of weapons and weapon parts, and some of the weapons and parts are nearing the end of service life. A local vendor, Lawmen's Safety Supply, has agreed to trade the weapons and parts in exchange for credit that will be used for the purchase of weapons accessories that are currently issued by the department. This one-time exchange of property represents a significant savings to the City. The vendor has made similar offers to other law enforcement agencies.

Included with the agenda material was a draft resolution authorizing the property exchange; adoption is recommended.

**Recommendation:** Adopt the resolution authorizing the exchange of publicly-owned property. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Resolution 497.

#### **STREET AND SIDEWALK PETITION – NORRIS STREET – PUBLIC HEARING AUTHORIZED FOR OCTOBER 3, 2017**

The following street and sidewalk petition has been received and signed by a majority (50 percent plus one) of the adjacent property owners as required by the City's residential street and sidewalk petition policy.

Installation of approximately 175' of curb and gutter along Norris Street south from Glascock St. on an existing 27' width of Norris Street from back to back of curb to be maintained. A sidewalk

is to be installed on both sides of the street along the proposed curb and gutter. A sidewalk setback area of 2' from the back of the curb will be installed. A 5' wide sidewalk will be installed to match existing sidewalk network. A 1' wide maintenance strip behind the sidewalk will be installed in lieu of the required 2' as needed.

In accordance with Article 10 of Chapter 160A of the General Statutes of North Carolina staff recommends the City Council assess the standard residential fee of \$32 per linear foot against the lots and parcels of land abutting directly on the improvements according to the extent of their respective frontage by an equal rate per foot of such frontage or part thereof within the limits above defined. The current assessment rate for street improvements as approved by City Council is \$32 per linear foot for neighborhood/residential streets. No Assessment will be made for the installation of the sidewalk. The estimated cost of construction is \$201,425.

Funds are currently unavailable in the Street Petition Program for construction, however, design can begin by City staff and the project advertised at a later date when additional funding becomes available.

**Recommendation:** Adopt a resolution of intent setting a public hearing for October 3, 2017 Council Meeting. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Resolution 498.

#### **RALEIGH DURHAM AIRPORT AUTHORITY – FEDERAL GRANT – ACCEPTANCE AUTHORIZED**

The Raleigh Durham Airport Authority is in receipt of grant offers from the Federal Aviation Administration (FAA) in the amount of \$16,561,952 for construction services related to the rehabilitation of a taxiway.

The FAA requires the cities of Raleigh and Durham and the counties of Wake and Durham, as the jurisdictions that share joint ownership of the land and the airport facility, to accept grant offers made by the FAA to the RDU Airport Authority as operator of the airport.

Additional information was included in the agenda packet.

**Recommendation:** Accept the federal grant. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

#### **POLICE – HIGH INTENSITY DRUG TRAFFICKING GRANT AMENDMENT – APPROVED – BUDGET AMENDMENT AUTHORIZED**

The City has been awarded an additional \$2,500 from the federal Office of National Drug Control and Policy to pay overtime for police detectives to conduct investigations related to drug trafficking and money laundering. These funds will be added to the current 2016 HIDTA grant of \$20,000, which was approved by Council on August 2, 2016. On June 28, 2016, the Grants Committee reviewed and provided authorization for the department to proceed with submitting



the original HIDTA grant application. The City grants program managers and Grants Committee has been made aware of the additional funding award. There is a \$522 match required for this grant.

**Recommendation:** Accept the grant, authorize the City Manager to execute a contract amendment, and authorize a budget amendment totaling \$3,022. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

**POLICE DEPARTMENT – HIGH INTENSITY DRUG TRAFFICKING AREA GRANT – AMENDMENT – APPROVED – BUDGET AMENDMENT AUTHORIZED**

The City has been awarded \$20,000 from the federal Office of National Drug Control and Policy to pay overtime for police detectives to conduct investigations related to drug trafficking and money laundering. The Raleigh area was designated as a High Intensity Drug Trafficking Area in 2007, and the Raleigh Police Department has been participating in this grant program since that time.

On August 22, 2017, the City grants program managers reviewed and provided authorization for the department to precede with submitting the grant application. There is a \$4,180 match required for this grant.

**Recommendation:** Accept the grant, authorize the City Manager to execute the grant contract, and authorize a budget amendment totaling \$24,180. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

**POLICE – 2017 JUSTICE ASSISTANCE GRANT – MANAGER AUTHORIZED TO EXECUTE; BUDGET AMENDMENT AUTHORIZED**

The Raleigh Police Department is preparing to submit a grant application in partnership with the Wake County Sheriff's Office to the Bureau of Justice Assistance for formula funding from the 2017 Justice Assistance Grant program. A copy of the grant application is included with the agenda packet for review. The Raleigh Police Department will be the fiscal agent of the grant. Grant funding for the department will be used to pay overtime and fringes to sworn officers working on intelligence-led policing projects. A total of \$146,847 in federal funding was allocated to the Raleigh/Wake County area. The RPD's portion of funding based on disparate jurisdiction will be \$80,766; the Wake County Sheriff's Office portion is \$66,081. No cash match is required for this grant. On August 17, 2017, the Grants Committee reviewed and authorized submission of the Justice Assistance Grant application.

**Recommendation:** Authorize submission of the grant application, authorize the City Manager to execute the required Memorandum of Understanding, and authorize a budget amendment in the amount of \$146,847. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

**DRAINAGE ASSISTANCE PROGRAM PROJECTS – VARIOUS – APPROVED AS RECOMMENDED BY STORMWATER MANAGEMENT ADVISORY COMMISSION**

As part of the periodic project review schedule for the Drainage Assistance Program, the Stormwater Management Advisory Commission recommends the following four projects for approval and funding in accordance with the provisions of the City Storm Drainage Policy, Resolution 2016-327:

<b>Project Location</b>	<b>Estimated Project Costs</b>
6221 Chapel Hill Road Drainage Improvements	\$255,000
3105 Comstock Road Drainage Improvements	\$225,000
Kings Court Bank Stabilization	\$185,000
3712/3716 Baugh Street Drainage Improvements	-
Total Estimated Project Costs This Period	\$ 665,000
FY18 Drainage Assistance Program Budget	\$1,250,000
FY18 Remaining Drainage Assistance Funds	\$ 585,000

Funding for these projects is appropriated in the Capital Improvement Program. Anticipated project costs are estimates only and will likely vary as the project moves into detailed design and construction phases.

(Baugh Street previously funded through Drainage Petitions Program - Council approval December 2012)

Residents at 3712 and 3716 Baugh Street have resubmitted their project through the drainage assistance project review process for 100 percent funding through the City's Drainage Assistance Program. This project was approved under the City's previous drainage cost-share policy in December 2012 and funds were encumbered by earlier City Council action.

**Recommendation:** Approve the drainage assistance projects as recommended by the Stormwater Management Advisory Commission. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**DURHAM COUNTY TAX COLLECTION – INTERLOCAL AGREEMENT – APPROVED**

The City has maintained an interlocal agreement with Durham County for the billing and collection of the portion of Raleigh property tax which falls within the Durham County border. There is no change to the fee structure and the services covered is consistent with previous agreements. The fee charged to the City for this service is 1 ½% on taxes collected which estimates to \$12,000 annually.

Staff requests approval for renewal of the interlocal agreement between the City and Durham County for tax collection through June 30, 2022.

**Recommendation:** Authorize City Manager to execute a five-year interlocal agreement with Durham County for property tax collection services. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **ASPHALT REJUVENATION – CONTRACT AWARDED TO PAVEMENT TECHNOLOGY, INCORPORATED**

A Request for Proposals was issued July 17 for the application of an asphalt rejuvenating agent to city-maintained streets that will extend the service life of the asphalt. The process involves the sealing of micro-cracks and penetrating the asphalt to prevent asphalt and aggregate loss, which occurs through the natural oxidation process.

A process such as this has been used effectively by municipalities and DOT's across the nation for more than 20 years. Following an extensive evaluation process, Pavement Technology Incorporated was selected as the qualified responsive and responsible proposal. Pavement Technology Incorporated has performed application of an asphalt rejuvenating agent to asphalt surfaces for the towns of Cary and Waynesville in North Carolina as well as the cities of Charleston, SC and Roswell, GA. Staff has negotiated a contract in the amount of \$270,306 for a three month contract upon notice to proceed. Included with the agenda materials are photographic exhibits of the process application.

**Recommendation:** Authorize the City Manager to execute a contract in an amount of \$270,306. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **PUBLIC UTILITIES – INSTRUMENTATION SERVICES, INC. –AMENDMENT NUMBER ONE – APPROVED**

The City entered into a three year contract with Instrumentation Services, Inc. in FY 2015. This vendor provides routine maintenance and calibration services for instruments utilized at the E.M. Johnson Water Treatment Plant and various remote pumping and water storage facilities. The contract was written with an option to renew for two additional one year periods, at the original annual cost of \$175,766, per year. As the end of the three year contract term nears, staff recommends continuing to utilize the services provided by Instrumentation Services, Inc, by exercising the option to renew the contract at the original cost.

#### **Contract History:**

Name of Project:	Instrumentation Calibration Services
Managing Division:	Public Utilities - Water Plant
Approval request:	Contract amendment
Reason for Council review:	Contract amendment > \$150,000
Vendor:	Instrumentation Services, Inc.

Prior Approval:	\$527,298 (three year contract) Council approval October 7, 2014
Amendment amount:	\$175,766
Amount of this amendment:	\$175,766
Encumbered with this approval:	\$175,766

**Recommendation:** Authorize the City Manager to execute the contract renewal options with Instrumentation Services, Inc. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **HOUSE MOVING SERVICES – ON-CALL CONTRACT – CONTRACT WITH WOLFE HOUSE MOVERS, LLC – APPROVED**

Staff has identified a need for on-call services to be used for the relocation of historic resources. There are two active structure relocation projects under consideration by the City and the Raleigh Historic Development Commission (RHDC). The first is the Rev. Plummer T. Hall House, a Raleigh Historic Landmark, which is partially located within the right-of-way. The City will move the structure out of the right-of-way in cooperation with the eventual property owner, Preservation North Carolina. In May 2014 \$50,000 of Transportation Capital Improvement Funds was allocated for the move. The second project is relocation of Raleigh's last remaining Lustron House at 3612 Buffalo Road. In July 2016, City Council authorized up to \$100,000 to relocate this structure from its current property, which will be redeveloped. The \$100,000 was allocated from the Preservation Revolving Fund.

A solicitation for professional house moving services was advertised June 2, 2017. One firm registered and submitted a qualified proposal on June 26, 2017. The firm was evaluated by staff and determined to possess the requisite experience, skills, and technical and administrative capability and capacity to relocate these structures and buildings. As a result, Wolfe Movers, LLC is recommended for the on-call services contract, in an amount not to exceed \$500,000. The contract will be in the form of a master services agreement and will not encumber funds at contract award. Funds will be encumbered from project budgets based on statements of work issued to the selected firm.

Managing Division:	City Planning - Urban Design Center
Approval Request:	Professional Services Contract Authorization
Reason for Council Review:	Professional Services Contract > \$150,000
Vendor:	Wolfe House Movers, LLC
Prior Contract Activity:	None
Budget Transfer:	N/A
Current Encumbrance:	None
Encumbered with this Approval:	\$0

**Recommendation:** Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**MUNICIPAL AGREEMENTS – WAKE FOREST/BLOUNT/PERSON IMPROVEMENTS – NCDOT AMENDMENT NUMBER ONE – APPROVED**

In September 2016, NCDOT executed an agreement with the City of Raleigh to reimburse the City for construction expenses on the Wake Forest/Blount/Person improvement project. This funding was originally awarded through the Capital Area Metropolitan Planning Organization's through a competitive process. NCDOT is now offering an additional \$575,000 to help resurface these state-maintained streets north of Edenton Street, which requires an amendment to the existing agreement.

**Recommendation:** Authorize the City Manager to execute the supplemental agreement with NCDOT. Authorize a budget amendment in the amount of \$575,000. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

**OFF-STREET PARKING DECKS – MCLAURIN PARKING – OPTION TO EXTEND – APPROVED**

The City has an existing services contract with McLaurin Parking to provide daily operations and collections associated with the off-street parking program. The initial contract, which became effective in November 2011, was a four year contract with the option of two, two-year extensions. The first two-year extension was executed in November 2015. The current contract will expire October 31, 2017, absent extension by the City. Staff recommends executing the second two-year extension for the period November 1, 2017 to October 31, 2019.

Name of Project:	McLaurin Contract Option to Extend
Managing Division:	Transportation – Parking
Request Reason:	Contract Option > \$150,000
Vendor:	McLaurin Parking Company
Prior Contract Activity:	\$894,661 (TO 50-11, November 2011 - October 2012) \$916,811 (TO 50-11, November 2012 - October 2013) \$940,482 (TO 40-11, November 2013 - October 2014) \$960,529 (TO 40-11, November 2014 - October 2015) \$1,921,057 (TO 77-15, November 2015 – Oct 2017, Extension of Time) \$1,108,255 (TO 89-15, Jan 2016 – October 2017, Add of Night and Weekend Parking)
Previous Budget Transfers:	None
Budget Transfer:	None
Amount of this Contract Option to Extend:	\$3,158,217
Encumbered with this approval:	\$1,579,109 FY18 amount for November 2017 - October 2018; new purchase order in FY19.

**Recommendation:** Authorize the City Manager to execute the contract's option to extend the present contract to October 31, 2019. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**CRABTREE BOULEVARD CULVERT REHABILITATION PROJECT – NARRON CONTRACTING, INC., - CHANGE ORDER #1 – APPROVED**

On December 21, 2016 the City entered into a contract with Narron Contracting, Inc. for the rehabilitation of the existing reinforced concrete box culverts on Pigeon House Branch under Crabtree Blvd. In addition to the rehabilitation work, the project included removal and replacement of an existing failing reinforced concrete wingwall and roadway drainage improvements.

Change Order number one in the amount of \$125,157 is necessary for costs associated with the repairs to larger than anticipated and unknown voids beneath and around the existing reinforced concrete box culvert discovered during construction. Additional excavation as well as additional material was required to ensure voids were sufficiently addressed. All of the current change order costs were able to utilize the competitively bid unit prices in the original contract. Funding is available in Stormwater Capital Improvement Program and Stormwater Street Surfacing Capital Improvement Program.

Name of Project(s):	Crabtree Boulevard Culvert Rehabilitation Project
Managing Division:	Engineering Services – Stormwater Management
Approval Request:	Contract Change Order
Reason for Council Review:	Contract Amount > \$500,000
Original CIP Project Budget:	\$423,986
Vendor:	Narron Contracting, Inc.
Prior Contract Activity:	Original Contract \$423,986 (Administrative)
Budget Transfer Required:	No
Current Encumbrance:	\$423,986
Amount of this Change Order:	\$125,157
Encumbered with the Approval:	\$549,143

**Recommendation:** Authorize the City Manager or Designee to execute the contract change order not to exceed \$125,157. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT – TETRA TECH ENGINEERING, PC – AMENDMENT NO. THREE – APPROVED**

Since mid - 2013 the City has engaged in a range of activities for advancing the use of Green Infrastructure (GI) and Low Impact Development (LID) with the assistance of consulting firm Tetra Tech Engineering, PC. Considerable progress has been made, the most recent of which has been advancing changes to the Unified Development Ordinance for reducing barriers and encouraging the use of GI/LID practices throughout Raleigh. Progress also has been made with parallel GI/LID initiatives as staff and stakeholders have implemented work items described in

the Work Plan for Advancing Green Infrastructure and Low Impact Development in Raleigh, issued in February 2015. Council discussed and approved the GI/LID Work Plan at the March 3, 2015 meeting.

Name of Project:	Technical Support for Advancing GI/LID in Raleigh
Managing Division:	Engineering Services – Stormwater Management Division
Approval Request:	Consulting Contract Amendment
Reason for Council Review:	Contract Amendment >\$150,000
Original CIP Project Budget:	\$200,000
Vendor:	Tetra Tech Engineering, PC
Prior Contract Activity:	\$200,000 Approved by Council May 21, 2013
Amendment Number One:	\$368,000 Approved by Council May 19, 2015
Amendment Number Two:	\$39,000 Administrative
Amount of this Amendment:	\$200,000 (Operating Budget)
Encumbered with this Approval:	\$807,000
Budget Transfer Required:	No

**Recommendation:** Stormwater - Operating Budget. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

### **LAKE DAM ROAD BRIDGE REPLACEMENT – NCDOT SUPPLEMENTAL AGREEMENT – APPROVED; BUDGET AMENDMENT AUTHORIZED**

The City of Raleigh has partnered with the North Carolina Department of Transportation (NCDOT) to replace the bridge at Lake Dam Road across Walnut Creek. This bridge was closed in 2014 after the bridge failed a structural inspection. After determining that the bridge could not be repaired, the City entered into a municipal agreement with NCDOT under their Municipal Bridge Replacement Program (TIP Project B-5556), which provided the City with 80% of the funds necessary to replace the bridge and allowed the City to manage the design and construction of the project. Design of the project is now complete and staff is preparing to bid this project.

In developing the final design and cost estimate for this work, City staff determined that additional funds would be necessary to cover the cost of the project, which is now estimated at \$1.8 million. NCDOT has prepared a supplemental municipal agreement that provides the additional \$746,400 in bridge replacement funds necessary for this project to proceed. Funds are available to cover the City's additional participation of \$186,600.

**Recommendations:** Authorize the City Manager to execute the Supplemental Agreement with NCDOT for this project. Authorize a budget transfer in the amount of \$186,600 and a budget amendment in the amount of \$746,400. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

**TERMINIX SERVICE II, INC. – AMENDMENT #6 – APPROVED**

The Facilities and Operations Division of the Engineering Services Department has an existing pest control service contract (PR181-14) with Terminix Service II, Incorporated, executed on September 8, 2014, for multiple buildings citywide, expiring June 30, 2019. Contract amendment number six is to add services for community centers throughout the parks system and is intended to align all sites maintained by Facilities and Operations, with minimal cost impacts, into one adaptable contract. The amendment is for \$63,220 and requires Council approval because it will exceed the monetary threshold for contracts for services. Funding is available within the operating budget and will be addressed administratively.

Managing Division:	Engineering Services – Facilities and Operations
Reason for Council Review:	Contract Amount > \$150,000
Vendor:	Terminix Service II, Incorporated
Prior Contract Activity:	Original Contract \$49,734
Amendment Number One:	\$(1,225)
Amendment Number Two:	\$4,500
Amendment Number Three:	\$6,630
Amendment Number Four:	\$215
Amendment Number Five:	\$40,356
Amount of this Amendment:	\$63,220
Current Encumbrance:	\$99,940
Encumbered with Approval:	\$163,160

**Recommendation:** Authorize the City Manager to execute Amendment number six for Terminix Service II, Incorporated for additional pest control services and in the amount not to exceed \$63,220. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**POLICE – STOLEN PROPERTY – CONTRACT WITH LEADS ONLINE, LLC – EXTENDED**

The vendor operates and maintains a website which offers a confidential investigations system accessible electronically for the exclusive use by law enforcement agencies, for the sole purpose of identifying merchandise and/or persons suspected to have been involved in crimes. The data accessible includes but is not limited to the ticket number, item number, make, model, property description and serial number of merchandise sold to a dealer or used as loan collateral, and also includes other non-public personal information pertaining to any customer(s) involved in the aforementioned transactions.

The department desires to continue to utilize the electronic system in support of investigations; increase contract amount of \$42,178 exceeds the City Manager's approval threshold of \$150,000.



**Recommendation:** Authorize the City Manager to execute the contract extension. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**STC-4-2017 – CHAMBERLAIN STREET RIGHT-OF-WAY – RESOLUTION OF INTENT SETTING OCTOBER 3, 2017 PUBLIC HEARING – ADOPTED**

The City has received a petition to consider closing a portion of public right-of-way located in Raleigh. The City of Raleigh has been petitioned to close a portion of right-of-way along the west side of Chamberlain Street north of Everett Avenue. The request would abandon the public right-of-way from the existing right-of-way line to a new right-of-way line 14 feet behind the existing back of curb of Chamberlain Street. This portion of right-of-way proposed for closure is approximately 500 square feet.

**Recommendation:** Adopt a resolution authorizing a public hearing to be held on Wednesday October 3, 2017 to consider closure of the right-of-way as requested. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Resolution 499.

**ENCROACHMENTS – VARIOUS REQUEST – APPROVED CONDITIONALLY**

The agenda presented the following requests for encroachments.

Navaho Drive and Executive Drive

A request has been received from Duke Raleigh Hospital to install 62 linear feet of underground fiber optic cable. A report was included with the agenda packet.

Atlantic Avenue and Atlantic Springs Road

A request has been received from Spirit Communications to install 3,108 ft of fiber optic cable. A report was included with the agenda packet.

3900 Browing Place and 8200 Brownleigh Drive

A request has been received from Level 3 Communications to install 844 ft of fiber optic cable. A report was included with the agenda packet.

National Drive

A request has been received from Celito Clec, LLC to install 2,017 linear feet of underground fiber optic cable and 10 new handholes. A report was included with the agenda packet.

**Recommendation:** Approve the encroachments subject to completion of a liability agreement and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Baldwin/Branch - 8 ayes.

**RALEIGH LITTLE THEATRE – LOBBY RENOVATION PROJECT – BUDGET AMENDMENT AUTHORIZED**

The City and the Raleigh Little Theatre (RLT), a non-profit organization, have maintained a mutually beneficial partnership since 1939 in order to provide the citizens of Raleigh community theatre. The City owns and maintains the facility, while the RLT is responsible for the staffing and programming of the space. In August 2015, the RLT board voted to begin an initiative to modernize the theatre facility and technology over the next twelve months. This initiative follows recommendations in a campaign feasibility study completed in July 2015. Included in the larger initiative are three priorities for capital improvements – upgrades for accessibility, aesthetics and directional signage. An architectural study was conducted early 2016 with focus on these priorities. Based on the study and associated cost estimates, funds were included in Capital Improvement Program following agreement by the RLT board for this partnership project.

The RLT is contributing funding in the amount of \$54,540 towards the improvements. Construction bids for the project have been received and staff is recommending that the contract be awarded to the apparent low bidder, in the amount of \$382,044, which includes the base bid and alternates to install a new window and add an awning over the doors leading to the balcony. The City has appropriated \$327,504 for this project. A construction contract in the amount of \$382,044 will be executed administratively; appropriation of the private contribution is necessary at this time.

**Recommendation:** Authorize a budget amendment in the amount of \$54,540. Upheld on Consent Agenda Baldwin/Baldwin - 8 ayes. See Ordinance 736 TF 300.

**BUDGET AMENDMENTS AND TRANSFERS – VARIOUS – APPROVED**

Council Members received in their agenda packet a number of budget amendments and transfers related to change orders and other items on the agenda. The memos included detail information on the various amendments and transfers.

**Recommendation:** Approve budget amendments and transfers. Upheld on Consent Agenda Baldwin/Branch – 8 ayes. See Ordinance 736 TF 300.

**FEDERAL TRANSIT ADMINISTRATION – SECTIONS 5307 AND 5310 GRANT ACCEPTED – BUDGET AMENDED**

The City anticipates receiving two Federal Transit Administration (FTA) Section 5307 Capital grants and a Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant to complete a variety of projects for GoRaleigh. Awarded projects under the Section 5307 grant include the replacement of approximately three bio-diesel buses that have met or are beyond their useful life. This grant also includes the acquisition of Automated Data Processing (ADP)

system to purchase an upgrade to the current Computer Aided Dispatch (CAD) system. The Section 5310 grant will fund projects for GoRaleigh and associated grant sub-recipients. Grant funded projects were selected by the Capital Area Metropolitan Planning Organization. Awarded projects include mobility management, travel training programs to educate participants, and services designed to increase transportation options for seniors and persons with disabilities. On May 18, 2017 and August 3, 2017, the Grants Committee reviewed and authorized the grant applications.

The total amounts of the grants are \$4,395,026.

FTA Funding (80%)	\$3,475,863
City Match (20%)	\$633,382
FTA Section 5310 Sub recipients Match	\$285,781

Accounting details were included with the agenda packet.

**Recommendation:** Accept the anticipated grant awards and authorize a budget amendment in the amount of \$4,395,026. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

#### **AMMUNITION BRASS – BUDGET AMENDED**

Appropriation of funds received from the sale of ammunition brass will be utilized to purchase maintenance services for the exterior of training facilities at the firing range location, two (2) Brass Buggy brass collection systems, and one (1) Toro ZMaster 6000 Commercial mower. Appropriation of funding in the amount of \$13,940 will assist RPD training staff with maintenance of the firing range facility.

**Recommendation:** Authorize a budget amendment in the amount of \$13,940. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 736 TF 300.

#### **TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED**

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

##### School Zone Updates

It is recommended that the traffic schedule be modified to reflect the revised school zone times associated with Wake County Public School System's 2017/2018 bell schedule and also reflect any updates or corrections to the signage and pavement markings from the annual school zone review conducted by the Department of Transportation and the Raleigh Police Department.

### Multi-Way Stops – Chester Road/Lewis Circle – Townfield Drive

It is recommended that multi-way stops be installed at the intersections of Chester Road at Churchill Road, Lewis Circle at Chester Road and Townfield Drive at Sycamore Grove Lane. Chester Road, Churchill Road, Lewis Circle, Townfield Drive and Sycamore Grove Lane 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. If approved, existing City ordinances would restrict a minor amount of on-street parking. Affected residents have been notified of these potential impacts.

### Speed Limit Reduction – Country Trail

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Country Trail from 5125 Country Trail to Leesville Road. Country Trail is classified as a Two-Lane Avenue and is constructed to typical residential street standards. Staff received a signed petition representing at least 75 percent of the residents or property owners along the street in support of a speed limit reduction.

### Commercial Loading Zone – 300 Commerce Place

It is recommended that the current Commercial Loading Zone on the east side of Commerce Place at Martin Street be relocated southward to Davie Street.

Transportation staff has received complaints from vendors who have been receiving parking citations while loading and unloading near the intersection of Commerce Place and Davie Street due to the lack of available loading zones. After meeting with all affected parties, including the Police department, and obtaining mutual agreement, staff is recommending that the currently underutilized Commercial Loading Zone at the north end of the east side of Commerce Place be relocated to the south end at Davie Street, and that the current timed parking zone at that location be moved directly across to the west side of the street. The proposed relocation will better facilitate the needs of the surrounding businesses without decreasing any of the current on street parking.

### No Parking Zone – Maywood Avenue

It is recommended that a No Parking Zone be established on the north side of the 500 Block of Maywood Avenue.

A request was received from a concerned citizen to have a section of Maywood Avenue made No Parking due to citizens being unable to see around parked cars at the intersection of Herring Street. Staff conducted a sight-line study which concluded that cars parked along the north side negatively impact the view of drivers to observe oncoming traffic traveling westbound down Maywood Avenue. The proposed change will alleviate this issue.

### Valet Zone – 300 West Davie Street

It is recommended that the current Valet Zone on the north side of the 300 Block of West Davie Street be extended to encumber the entire north side of West Davie Street from Harrington Street to Commerce Place.

A request was received from the Downtown Raleigh Police Department to extend the Valet Zone in front of The Pit to help ease the constant traffic congestion across the intersection of West Davie Street and Commerce Place caused by backups from the abundance of customers utilizing this valet service. The proposed changes will provide valet staff more room to stage customers and prevent these safety issues from continuing. Staff has also spoken with the owner of the adjacent Boxcar Arcade and Bar who has no objection with the proposed changes.

**Recommendation:** Approve changes to the traffic schedule as included in the agenda packet to be effective in 7 days. Upheld on Consent Agenda Baldwin/Branch - 8 ayes. See Ordinance 737.

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

#### **REZONING Z-21-14 – BRIER CREEK PARKWAY – TO BE PLACED ON SEPTEMBER 19 AGENDA**

This is a request to rezone 35.89 acres from Commercial Mixed-Use – 5 Stories – Parkway with Airport Overlay District and Special Highway Overlay District -2 (CX-5-PK w/ AOD & SHOD-2) to Commercial Mixed-Use – 5 Stories – Parking Limited with Airport Overlay District and Special Highway Overlay District -2 with Conditions (CX-5-PL-CU w/ AOD & SHOD-2). The property is located northeast of the Lumley Road and Brier Creek Parkway intersection.

The Planning Commission found the request to be consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. The Commission recommends that an additional condition be offered by the applicant to include the provision of a transit easement and shelter. In order to allow the applicant to submit additional conditions, City Council may hold this item or refer it to committee for further discussion. Conditions restrict height within the first 50 feet of Brier Creek Parkway and certain high intensity uses.

**Recommendation:** The Planning Commission recommends approval and further recommends that the applicant consider offering an additional zoning condition to be added before scheduling a Public Hearing. If the City Council would like to allow the applicant to offer an additional zoning condition, the request must be held. A public hearing would be scheduled after the applicant has offered the additional condition. A public hearing must be noticed within 60 days.

Planning Director Bowers presented the case and pointed out it is understood the applicant wants to add some additional conditions; therefore it is suggested that the item be held and placed on the September 19, agenda. Without objection it was agreed to follow that course of action.

**TC-17-17 – NORTH HILLS NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT – PUBLIC HEARING AUTHORIZED FOR OCTOBER 3, 2017**

This request would amend the Part 10 Raleigh Unified Development Ordinance to include a new Neighborhood Conservation Overlay District. A petitioner approached the City Council to request a study of neighborhood environmental characteristics for the North Hills neighborhood. The petitioner requested that staff analyze the typical lot size and lot width in addition to other items that weren't ultimately included with the text change application submitted to staff. The study area is approximately 175 acres in size, encompassing 443 properties. Staff performed the analysis and presented the results to the property owners on April 26, 2017. The results were also presented to the City Council on May 16, 2017. The City Council authorized a text change to include these standards in the UDO. Based on neighborhood input, the initiators of the text change narrowed the scope of the earlier request to include just lot size and lot width as a means of increasing neighborhood acceptance to the proposal.

The NCOD process contains three steps: the study phase, the text change phase and the rezoning phase. If this text change is approved, a rezoning must occur to apply the new overlay zoning district to the properties. The Planning Commission reviewed this request and recommends approval.

**Recommendation:** The Planning Commission recommends approval. Staff recommends setting a public hearing for October 3, 2017.

Planning Director Bowers and Planning Commission Chair Braun were available to answer questions. Council Member Baldwin moved approval of the October 3, 2017 public hearing. Her motion was seconded by Council Member Thompson and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0.

**REZONING Z-16-17 – HILLSBOROUGH STREET – PUBLIC HEARING AUTHORIZED FOR OCTOBER 3, 2017**

This is a request to rezone 3.23 acres at 3101 Hillsborough Street, at its southwest corner with Concord Street, from Commercial Mixed Use – 3-Stories (CX-3) and Commercial Mixed Use – 3-Stories – Urban General (CX-3-UG) to Neighborhood Mixed Use – 5-Stories – Urban Limited – Conditional Use (NX-5-UL-CU).

This property was the subject of a previous rezoning public hearing in 2016. That request was ultimately denied by the City Council. The property requested and received a waiver to resubmit another zoning case on this property. At the public hearing, staff will identify the differences between the previously-denied request and this pending request.

The Planning Commissions finds the request to consistent with a number of relevant policies in the Comprehensive Plan and that it is reasonable and in the public interest due to the creation of

additional housing supply near a major educational institution, an employment center, and transit service. The applicant has also addressed multiple issues raised by neighbors through the offered conditions. Proposed conditions regulate development and site elements including height, setback, materials, articulation, access, and allowed uses.

**Recommendation:** The Planning Commission recommends approval. Staff recommends setting a public hearing for October 3, 2017.

Planning Director Bowers and Planning Commission Chair Braun was available to answer questions. Council member Crowder moved approval of the October 3, 2017 public hearing. Her motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

### **SPECIAL ITEMS**

#### **REZONING Z-40-16 – OAK FOREST DRIVE CONDITIONAL USE – HEARING – APPROVED – ORDINANCE ADOPTED**

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-Conditional Use (CX-4-PL-CU).The property is located along the north side of Oak Forest Drive, west of Capital Boulevard. The request was originally for a general use district. The public hearing was closed to allow the applicant to convert the case to conditional use. The applicant has submitted an amended application with conditions prohibiting several high-intensity uses and limiting hours of operation for commercial uses.

One of the two parcels in the case has recently been sold to another party, CLI Holdings, LLC. CLI Holdings, LLC has decided to stay with the rezoning case and has signed the amended petition.

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.

**Recommendation:** Conduct the public hearing. At the conclusion of the public hearing, the City Council can choose to act on the item, refer to committee, or defer for further discussion.

Mayor McFarlane opened the hearing. No one asked to be heard thus the hearing was closed. Council Member Crowder moved approval of the case with the two conditions. Her motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 738 ZC 751.

**REZONING Z-1-17 – FALLS OF NEUSE ROAD – APPROVED**

This is 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 a 60' protective yard along the eastern property line; provide a transit easement and shelter; limit light poles to 20'; allow no more than two points of access to Falls of Neuse Road; limit operating hours of a restaurant to between 7 a.m. and 11 p.m.; and prohibit access from Fiesta Way, Bolero Circle, or Madeira Court.

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. On August 15, the hearing was closed in order to allow for additional conditions to be submitted. Following the closure of the hearing, a revised version of conditions was received. Added conditions include the following:

- A limitation on hours of operation for restaurants.
- The widening of a protective yard along the east side of the property from 40' to 60'.
- The prohibition of access to the property from Fiesta Way, Bolero Circle, and Madiera Court.

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:** City Council may act on the request, refer to committee, or hold for further discussion.

Planner Bynum pointed out this hearing has been closed and explained the additional conditions. Council Member Crowder moved approval with the new conditions. Her motion was seconded by Council Member Branch. Council Member Stephenson had questions about “no establishment having operations after 11:00 p.m.” with Planner Byrum talking about prohibited uses. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 738 ZC 751.

**HUMAN RELATIONS COMMISSION – ANNUAL WORK PLAN – APPROVED**

During the August 15 City Council meeting, the Human Relations Commission presented an annual work plan for 2017-18, which includes new opportunities for outreach by the commission. During discussion Council raised questions regarding the authority of the commission and requested the City Attorney to provide a report. Included with the agenda materials is the proposed work plan as well as the information requested from the City Attorney.



**Recommendation:** Council may approve the work plan as presented, revise the work plan, or refer to committee for further discussion.

City Attorney McCormick pointed out he had provided Council with a memorandum in response to the Council asking his office to ensure that the work plan would not be in conflict with the group's city code enabling authority. He stated he had reviewed the City Code Chapter 3, Section 4, which sets out the duties, authority and responsibility of the Commission and Resolution 2002 – 240 which further limits the activities that most boards and commissions are allowed to undertake. He pointed out the proposed work plan is very general in nature and much like the group's previous work plans. He sees nothing in the document that would seem to be in violation of the commission's authority. Council Member Baldwin moved approval of the work plan as submitted at the August 15 Council meeting. Her motion was seconded by Council Member Cox and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

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

#### **NCDOT I-440 PROJECT ALTERNATIVE – FEEDBACK PROVIDED**

The North Carolina Department of Transportation (NCDOT) is developing plans to improve the I-440 Beltline from Walnut Street in Cary to Lake Boone Trail. This project (TIP Project U-2719) will widen the corridor to six lanes and reconstruct the existing interchanges at Jones Franklin Road, Melbourne Road, Western Boulevard, Hillsborough Street, and Wade Avenue. The project will also modify the existing crossings at Athens Drive and Ligon Street, and has impacts to the Reedy Creek Greenway.

NCDOT has requested feedback on the proposed alternatives for the project. Staff will present an overview of the project and all of its components and will review the alternatives that NCDOT has developed for consideration.

**Recommendation:** Receive as information. Council may wish to provide feedback and indicate any preferences regarding the project alternatives as provided by NCDOT.

City Manager Hall introduced the item pointing out the purpose is to provide the Council an opportunity to provide feedback and indicate any preferences regarding project alternatives.

Eric Lamb, City of Raleigh Transportation Department, pointed out the project under consideration is basically the first portion of the Raleigh Beltline which was constructed in the mid 60's. It is the oldest section remaining to be modernized and has been a NCDOT funding priority since the early 1990's. The project is funded through TIP U-2719.

Mr. Lamb provided information showing the need for the upgrade including interchange configurations which do not meet current standards, substandard bridge height, narrow

shoulders, and an area which has a current traffic problem, and pointed out the area between I-40 and Wade Avenue, carries some 78,000 to 87,000 vehicles per day. There are frequent peak hour delays and crashes. He presented photos showing the section in question which highlights the drivers for the improvements needed.

Mr. Lamb pointed out this will be a design build project pointing out DOT will select the contractor and explained how a design build project works as it relates to value engineering. He stated the project includes reconstruction and new capacity from Walnut Street in Cary to Lake Boone Trail, significant changes to Jones Franklin Road and Western Boulevard interchanges, major reconstruction at the Hillsborough/Wade interchanges and combines the Blue Ridge/Hillsborough/NCRR Grade Separation Project with the I-44- project by accelerating from FY24 to FY18.

Mr. Lamb presented PowerPoint showing the Wade/Hillsborough interchanges, proposed braided interchanges and three options (Option 1, one flyover alternative; Option 2 two flyover alternatives; Option 3, a slight detour) under consideration as it relates to the Wade Hillsborough interchanges. He talked about the Blue Ridge Hillsborough Project which will carry Blue Ridge Road under Hillsborough Street and the North Carolina Railroad corridor, talked about environmental work and public involvement which has been completed and the impacts on west Raleigh.

Mr. Lamb stated NCDOT has completed the environmental assessments, public meetings and hearings which were held on August 8 and there will be additional discussion regarding betterments and cost sharing elements. Mr. Lamb pointed out the State has requested City Council feedback as it relates to the preference regarding the Athens and Melbourne Bridge replacements and Ligon Street Crossing. He pointed out the Athens and Melbourne Bridge will be replaced and raised as a part of this project. The options for consideration are to replace the bridges in place or build new bridges next to existing bridges which would allow traffic to continue on the existing bridges while the new bridges are constructed. The replacement in place option will provide shorter construction duration, less expense, fewer property impacts; more inconvenience to travelers and closure coordination would be required. The new bridge next to the current bridge would be a longer duration closing, more expensive, more property impacts but the traffic would be maintained.

Mr. Lamb talked about the Ligon street tunnel which cannot be widened but has been recommended for improvement in the Blue Ridge Road Corridor Plan. He went through the three options under consideration. One would be to extend the existing tunnel, the second would be a new bridge (tangent) and the third option would be a new curved bridge over the beltline. He explained the advantages and disadvantages of the three options.

Mr. Lamb pointed out the alternative selection is to be completed this month – September 2017 with the final environmental document being completed by November 2017, and in July 2018 selection of the design build team then there would be additional public meetings for design refinements. He pointed out the city would be developing municipal agreements with NCDOT

for participation and betterments, maintenance responsibilities, etc., as it relates to sidewalks/greenway links, noise walls and median planters. Mr. Lamb responded to questions relative to the various options for the bridge replacement and addressing the tunnel situation. Various Council Members weighed in with their opinion as to which would be less disruptive as it relates to the bridge replacements and the Ligon Street options. Mayor McFarlane talked about NCDOT possibly holding a project information open house update sometime in October. Council Member Crowder talked about pedestrian crossings and how that will be addressed. Council Member Baldwin asked about visuals to show how the intersection improvements and Ligon Street crossing would look with Mr. Lamb pointing out there are visuals available on YouTube and talked about how to access those videos. Council Member Branch asked about the pedestrian bridge over I-440 with it being pointed out it will not be impacted.

Council Member Crowder moved that the Council suggest to NCDOT that they replace the Melbourne and Athens Drive bridges in place but not closing both at the same time and to go with Option 3 (curved new bridge) as it relates to Ligon Street. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

#### **MOORE SQUARE PARK – CONTRACT AWARDED TO AMERICAN SOUTH CONTRACTORS BUDGET TRANSFER AUTHORIZED; STAFF TO PROVIDE INFORMATION ON DOG PARK/DOG RUN POSSIBILITIES**

Bids were advertised for the Moore Square Park construction in April 2017. Bids were due June 5 however only one bid was received and therefore bids were not opened. Bidding was re-advertised June 15 and established a new bid opening date of June 29. As a result of the re-advertisement the City received 3 bids; all bids exceed the available appropriations for the project. Staff has worked with the apparent low bidder, American South Contractors, on a value engineering process to bring the project within budget.

A \$200,000 budget transfer from appropriations for historic resources is recommended; accounting details are included with the agenda packet.

**Recommendation:** Approve the low bid and authorize the City Manager to execute a construction contract with American South Contractors, License No. 34536, in an amount not to exceed \$10,300,000. Authorize a budget transfer in the amount of \$200,000.

City Manager Hall briefly explained the item. Grayson Maughan, Parks and Recreation and Cultural Resources, gave a history of this project starting with the adoption of the master plan in 2011. She went through the construction bidding process which was advertised in 2017, had a pre-bid meeting and the first bid opening was scheduled for June 5, 2017; however, only one bid was received and was not opened. On June 29 the scheduled second bid opening resulted in bids being received and went through the bids received from American South, Bordeaux and Clancy & Theys. She pointed out the bids were very close and talked about the reasons for the high construction cost. She explained the construction budget was \$10.3M and the lowest bid after

alternate deducts was \$13,751,000 or \$3,651,000 over construction budget. She went through the value engineering which included changes to materials, reduction in trellis, granite seat walls, amending the fountain and deletion of one grove room. She presented a diagram showing the adjustments. She went over the park closing schedule which would begin in November 2017 with a reopening date of early 2019, talked about the next steps which include the notification period, meetings with stakeholders, postcard mailings to users and nearby property owners, social media, press releases, signs in park and bus station and how Parks, Recreation and Cultural Resources and City Communications will work on an outreach and Engineering Services will lead the construction administration.

Council Member Baldwin had questions concerning tree protection with Ms. Grayson pointing out the construction team has an arborist and the city arborist will also be participating.

Council Member Baldwin pointed out some time ago she brought the questions of dog parks and talked about dog runs in Moore Square pointing out there are 100s of people who live near the area and talked about the need for dog parks. Ms. Maughan pointed out that is still a possibility. She talked about the ability to have occasional dog runs, pop up dog runs, etc., during certain events. Council Member Thompson talked about dog runs being a good feature in this area and it was pointed out the Parks, Recreation and Greenway Advisory Board has dog parks in this and other locations around the city as a part of their work program. What is meant by occasional dog runs or pop up dog parks was talked about. Council Member Crowder talked about area in the general vicinity that could be designated as a dog park or for dog runs. Council Member Baldwin talked about the materials in dog runs/parks that could be cleaned or disinfected. Council Member Crowder talked about the need to have her desire to see a dog park or dog run in this area and another location outside the park with it being pointed out again that is part of the work plan for Parks, Recreation and Greenway Advisory Board. Council Member Crowder and Council Member Baldwin questioned the time frame and suggested that aspect be moved along as fast as possible and the Council provided a report.

Council Member Cox questioned the budget and the fact that his came in so much over budget with it being pointed out through the value engineering, etc., the project is now within budget. Council Member Cox stated he thought the budget was \$12M+ with the City Manager pointing out that included other aspects and construction. In response to questions, Ms. Maughan stated they will have options on dog parks available before the park opens. Council Member Crowder questioned the reduction in the trellis. Council Member Baldwin expressed concern about the lack of inclusion of dog runs or approved dog parks in the area. Council Member Thompson moved approval of the recommendation as outlined. His motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative except Council Member Baldwin who voted in the negative. The Mayor ruled the motion adopted on a 7-1 vote. See Resolution 736 TF 300.

## **WAYFINDING KIOSKS-UPDATE – RECEIVED**

At the July 5, 2017 City Council meeting, the Downtown Raleigh Alliance (DRA) presented information related to the installation of interactive kiosks in the downtown area. City Council directed staff to coordinate with the DRA and review the potential for kiosk installations. Staff with City Planning, Development Services, and the City Attorney's office met to discuss opportunities and challenges, and staff subsequently met with the DRA to discuss. While some unanswered questions remain related to the permanent installation of these kiosks, both staff and the DRA agreed that the idea was worth further exploration. The interactive kiosks can provide digital, real-time wayfinding and information to pedestrians.

City Manager Hall pointed out the item is before Council to get reaction as to whether and how to pursue the item. He stated there is no formal approval being requested just information being provided with the request for input, direction, etc.

Assistant Planning Director Roberta Fox went over the background starting with Downtown Raleigh Alliance (DRA) introducing the “IKE” (Interactive Kiosks Experience” platform. She talked about staff including representatives of the City Attorney’s Office reviewing and various meetings with DRA and the key considerations that were identified. She talked about interactive wayfinding kiosks which includes digital information, interactive touch screens; sizes range from 8 to 12 feet tall and 2 to 4 feet wide and are placed on the right-of-way or public space. They usually have customizable designs and structure. Kiosks of this nature usually provide wayfinding, public service announcements, transit and parking, bike sharing information, general public information, display public art, analytical and technical functions as well as soliciting feedback. She presented photos of the IKE recently installed in downtown Denver, San Diego, Los Angeles, etc. She talked about the demo of the product in Raleigh in June which received positive feedback. Ms. Fox stated the key features to consider would be design, scale and compatibility; numbering locations of units; infrastructure requirements such as power and data; permit approval, desired functions; relationship with small sale facilities. The challenges in a program such as this relate to ownership and maintenance, procurement process and advertising. Assistant Planning Director Fox indicated questions for Council consideration relate to the Council’s desire to include Interactive Wayfinding Kiosks in the downtown and if so, what the preferred ownership model would be – vendor owned/DRA owned/City owned and the preferred method to manage advertising and free speech on public right-of-way. Assistant Planning Director Fox talked about how under certain models there would be no cost involved to the city.

Discussion followed as to how and if the City Council wanted to proceed. Council Member Crowder talked about the various ownership models explaining that technology is changing so rapidly she would question if the City would have the ability to switch to the newest technology under the different ownership models with Ms. Fox pointing out it depends on the ownership model chosen. The various ownership models and how they would work was vetted. Ms. Fox pointed out there had been discussion on changing out software but she would have to come back with information on change out of hardware under the vendor owned scenario. Who would provide the information in the various ownership scenarios was questioned with it being pointed

out that no matter who owned the equipment, DRA would probably be providing the information. Interim DRA Director Quarles talked about DRA being in the position to provide the information to the vendor; however most of the information would initially come from the city via DRA to the vendor.

Council Member Gaylord talked about how expenses, maintenance, etc., would be handled under the public and/or private models. He stated he feels this type wayfinding kiosks would be a great benefit to citizens and visitors and it is a wonderful opportunity that DRA should continue to research. Various scenarios was talked about as was whether there would be expense to DRA and/or the city. Mr. Quarles talked about the ownership and pointed out if it is vendor owned they are responsible for maintenance, etc. If the machines do not work or not updated, etc., timely, then the vendor stands to lose the money.

Council Member Crowder had questions concerning free speech and who regulates the content. City Attorney McCormick indicated it doesn't really matter who owns the equipment it is the kind of speech explaining commercial speech cannot be on the public right-of-way. He talked about criteria that would have to be developed, the city's banner program and the fact that if the Council chooses to move forward, we need to figure out how the speech or the content would be regulated or not regulated. Council Member Baldwin questioned if the City Attorney's office has talked to other cities pointing out if they can get by with the content on public right-of-way the City of Raleigh should be able to. City Attorney McCormick talked about discussions with other city attorneys and pointed out if the City decides to move forward, his office would be glad to work with the vendor, etc. Technology that the vendors have and the rules and regulations were talked about.

Council Member Branch questioned the benefits of this type Kiosks to the City. Mr. Quarles pointed out the City and DRA is always actively recruiting people to visit Raleigh. This is a way to connect with the people and it puts us on a level playing ground with other large cities. Council Member Baldwin talked about it being a messaging tool, people want to see what is happening in a town. The City could provide information on amenities we have such as bike sharing, transit, various events in the City, etc. She talked about the demo which occurred in June which happened to be during high school graduations. She stated she witnessed people leaving the graduation ceremonies gathering around the demo and talked about the excitement she saw. Mr. Quarles talked about the ability to do surveys and gathering input from the citizens. Council Member Gaylord indicated he knows that a lot of this information can be found on smartphones but not all people have smart phones, this is just another way to get the information out. Mayor McFarlane stated she feels everyone is interested in pursuing some type wayfinding kiosks but questioned the impact on our staff.

City Manager Hall pointed out the purpose of the presentation today was to get a feedback. He stated if the Council is comfortable looking at DRA remaining in a lead position we could look at identifying how we can manage the flow the information, etc., and bring back information as to how to proceed. Whether the City Attorney's office felt comfortable with advertising on the right-of-way, the practice of collecting information from people's cell phones, the advertising on

our transit buses and the need to have some criteria on what type information would be conveyed through the kiosks was talked about with various Council Members indicating they feel what they are hearing is that the Council would like to move forward but we need to have some criteria around what would and would not be allowed. Council Member Crowder stated she likes to concept but she just wants to make sure that all council members realize they would endorsing advertising on our right-of-way. Staff and DRA was asked to move forward and come back with additional information.

#### **WEATHER – COMMENTS RECEIVED**

City Manager Hall pointed out staff has been watching the weather events, path of Irma, etc., but at this point it is too far out to make a prediction. He stated the City/Staff is working very closely with our emergency management partners and other stakeholders and would be providing information as soon as it becomes available.

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

**NO REPORT**

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

#### **GROWTH AND NATURAL RESOURCES COMMITTEE – MEETING DATE ANNOUNCED; QUORUM RULES ESTABLISHED**

Chairperson Crowder reported the Growth and Natural Resources Committee will meet on September 13, at 4:00 p.m. in the City Council Chambers.

Chairperson Crowder asked that the Council consider clarifying the rules that a quorum for the Growth and Nature Resources Committee will be two; that is change from 3 to 2 and so moved. Her motion was seconded by Ms. Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

#### **REPORT AND RECOMMENDATION OF THE SAFE, VIBRANT AND HEALTHY NEIGHBORHOOD COMMITTEE**

Chairperson Stephenson stated he is trying to get a date on which the committee could meet and he would make an announcement at the beginning of the evening meeting.

At the beginning of the evening meeting, Council Member Stephenson reported the next Safe, Vibrant and Healthy Neighborhoods Committee meeting would be October 7, at 3:00 p.m. in the City Council Chamber. Council Member Stephenson asked the Council staff to work with Council Members to make sure the regular meeting dates of Safe, Vibrant and Healthy

Neighbors Committee shows up on everyone's calendar so that the time could be reserved for meetings if needed.

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

### **SIDEWALK PETITION POLICY - AMENDED**

Chairperson Branch reported the Transportation and Transit Committee recommends amending the Sidewalk Petition Policy to indicate the determination for a petitioned sidewalk project to proceed would be based on an affirmative vote tally of 50 percent plus 1 of the total ballots received either by paper or online from the abutting properties' owners. The language on the ballot will be amended to indicate the property owner must either return the ballot or vote online in order for their vote to count. On behalf of the Committee, Council Member Branch moved approval. His motion was seconded by Council Member Stephenson and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

## **REPORT OF MAYOR AND COUNCIL MEMBERS**

### **FALLS OF NEUSE WIDENING PROJECT – SEPTEMBER 5 PRESENTATION - AMENDED**

Council Member Cox pointed out NCDOT is conducting a presentation on September 9, at the North CAC meeting relative to the widening project impact at Falls of Neuse Road. He stated in addition they have agreed to extend the public comment period until September 29, 2017.

### **COUNCIL MEMBER BRANCH – COMMENTS – RECEIVED**

Council Member Branch expressed appreciation to staff for all their work and support to the African American celebration in downtown Raleigh pointing out it was the longest yet. He expressed appreciation for the great turnout, work, celebration, etc. He pointed out the new company working with the celebration is doing a great job.

Council Member Branch expressed sympathy to the Reverend W. B. Lewis family pointing out Reverend Lewis passed recently and his funeral service will be on Saturday. He talked about Reverend Dr. Lewis' work towards the betterment in the City of Raleigh.

### **TEXT CHANGE – ZONING NOTIFICATION DISTANCE – STAFF TO DEVELOP TEXT CHANGE**

Mayor McFarlane asked that staff be authorized to develop a text change which would require notice of rezonings to be made to property owners within 500 feet pointing out this would be an



increase from 100 feet to 500 feet. Her motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

### **SUBSTANCE ABUSE – APPRECIATION EXPRESSED**

Council Member Thompson indicated he was not at the last meeting but understands Chief Deck-Brown gave a report about the use of the Naloxone a drug which helps reverse the effects of an overdose. He expressed appreciation to the City Council for supporting that effort. He stated he has been talking about this problem for a number of years explaining he lost a daughter to an overdose. He pointed out if the effort the City Council authorized saves one life it would be worth it. He again expressed appreciation to the Council and staff for moving in this direction pointing out he is a believer that good things come to those who wait.

### **TEXT CHANGE – TINY HOUSES - INFORMATION REQUESTED**

Council Member Baldwin talked about tiny home developments. She talked about her work with the American Institute of Architects and learning about various discussions, allowances for tiny home developments and a site visit to Chapel Hill. She would like to see some type adjustment in our zoning code which would allow for tiny house communities or developments. She talked about an upcoming conference about tiny home communities and asked staff to look at the impacts or possible changes that would need to be done to the City's development code to allow such developments. Council Member Crowder questioned if Council Member Baldwin is talking about tiny homes on wheels or stick built with Council Member Baldwin pointing out she is looking at both. She talked about instances where she has seen tiny houses on slabs she would just like to see some information or thought given to the possible process and moved that staff be asked to provide information/options. Her motion was seconded by Council Member Branch.

Council Member Stephenson talked about instances or this type development in Greensboro, Detroit and other cities who have rent to own models. He stated he would like staff to look at all possibilities. Council Member Baldwin stated she is just asking that staff try to find a way and come back with some recommendations of how and what the City might be able to do to provide opportunities as allowed in other cities. This motion was stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

## **APPOINTMENTS**

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

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

Arts Commission – One Vacancy – Shelley Winters received seven (7) votes (all but Thompson)

Housing Appeals Board – One Vacancy – no nominees

Storm Water Management Advisory Commission – One Vacancy – no Nominees

The City Clerk announced the appointment Shelley Winters to the Arts Commission pointing out the other items will be placed on the September 19 agenda.

### **NOMINATIONS**

#### **BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – REAPPOINTMENTS MADE; ONE VACANCY REMAINING**

The terms of Rebecca Ann Proudfoot, Mary Sell and Amy M. Simes are expiring in September. Ms. Proudfoot and Ms. Sell are eligible and would like to be considered for reappointment. Ms. Simes does not wish to be considered for reappointment.

Council Member Baldwin moved the Council reappoint Rebecca Ann Proudfoot and Mary Sell. Her motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote pointing out one vacancy is remaining and would be placed on the September 19 agenda.

#### **CENTENNIAL AUTHORITY – NO ACTION TAKEN**

The City Clerk reported the terms of Bill Mullins and Jessie Taliaferro are expiring. Both are eligible for reappointment and would like to be considered for reappointment. The City Clerk stated she understands the Council would like to hold this item with the Council agreeing.

#### **DHIC – ARTDEXTER J. HERBERT – REAPPOINTED**

The City Clerk reported the term of Artdexter J. Herbert on DHIC is expiring. He is eligible for reappointment and would like to be considered for reappointment. Council Member Branch moved Mr. Herbert be reappointed. His motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

#### **ENVIRONMENTAL ADVISORY BOARD – VACANCY ANNOUNCED**

The City Clerk reported the term of Laurel A. Passera is expiring. She is not eligible for reappointment due to length of service. No nominations were made.

#### **HISTORIC CEMETERY ADVISORY BOARD – NOMINATIONS MADE**

The City Clerk reported the term of Danny Coleman on the Historic Cemeteries Advisory Board is expiring. He does not wish to be considered for reappointment. Council Member Baldwin nominated Judy Lorraine Kelly. The item will be carried over to the next meeting.

**HISTORICAL RESOURCES AND MUSEUM ADVISORY BOARD – VARIOUS ACTIONS TAKEN**

The terms of Fred Belledin, Al Brothers, Nick Fountain, Treva Jones and Janette Coleridge-Taylor are expiring. Ms. Jones, Mr. Fountain and Mr. Brothers are not eligible or do not wish to be considered for reappointment. Mr. Belledin and Ms. Coleridge-Taylor wish to be considered for reappointment.

The City Clerk reported the Boards Nominating Committee submitted the names of Samuel F. Mordecai, Jr. and Esther Hall for consideration. Council Member Baldwin moved that the Council reappoint Mr. Belledin and Ms. Taylor and appoint Mr. Mordecai and Ms. Hall. Her motion was seconded by Council Member Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote pointing out this action leaves one vacancy for consideration at the next meeting.

**HOUSING APPEALS BOARD – GWENDOLYN WALLER – REAPPOINTED**

The City Clerk reported the term of Gwendolyn Waller on the Housing Appeals Board is expiring. She is eligible for reappointment and would like to be considered for reappointment. Council Member Baldwin moved Ms. Waller be reappointed. Her motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

**PARKS, RECREATION AND GREENWAY ADVISORY BOARD – CHARLES TOWNSEND – REAPPOINTED**

The City Clerk reported the term of Charles Townsend on the Parks, Recreation and Greenway Advisory Board is expiring. He is eligible for reappointment and would like to be considered for reappointment. Council Member Baldwin moved Mr. Townsend be reappointed. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

**REPORT AND RECOMMENDATION OF THE CITY ATTORNEY****NO REPORT****REPORT AND RECOMMENDATION OF THE CITY CLERK****SURPLUS PROPERTY – 8415 O’NEAL ROAD – RESOLUTION AUTHORIZING SALE ADOPTED**

During the August 15, 2017 council meeting, Council declared property known as 8415 Oneal Road (REID 0429364) surplus, retaining certain easements, and accepted an offer of \$6,000

from Eric Campbell and authorized the sale through upset bid process. The bid was advertised in the N & O and the city's website on August 18, 2017. No upset bids were received.

**Recommendation:** Adopt resolution authorizing sale of property to Eric Campbell for \$6,000 plus advertising cost of \$493.05 and authorize the proper officials to sign instruments of conveyance. The sale would be subject to retaining easements as advertised.

Council Member Gaylord moved approval as recommended. His motion was seconded by Council Member Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Resolution 500.

### **MINUTES – AUGUST 15, 2017 – APPROVED**

The City Clerk reported Council Members received copies of the August 15, 2017 Council Meeting in their agenda packet. Approval is recommended. Council Member Gaylord moved approval of the minutes as submitted. His motion was seconded by Council Member Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

### **CLOSED SESSION**

#### **CLOSED SESSION – HELD**

Mayor McFarlane stated a motion is in order to enter closed session pursuant to NCGS143-318.11(a)(3)(5) for the purpose of consulting with the City Attorney regarding the following items: 1) potential settlement of Hines V. Raleigh; 2) possible acquisition of real estate near Lake Wheeler Road; 3) general attorney – client matters. 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. The Mayor ruled the motion adopted on an 8-0 vote. The Council went into closed session at 2:45 p.m.

The Council reconvened in open session at 4:00 p.m. with Mayor McFarlane announcing the Council had returned from closed session in which the Council provided direction to staff and the City Attorney regarding the three items.

Mayor McFarlane announced the meeting recessed at 4:00 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith  
City Clerk

jt/CC09-05-17

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, September 5, 2017 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with all Council Members present. Mayor McFarlane called the meeting to order and the following items were discussed with action taken as shown.

**JOINT HEARING WITH THE RALEIGH HISTORIC DEVELOPMENT COMMISSION  
RALEIGH HISTORIC LANDMARKS –HEARING – TO BE PLACED ON OCTOBER 3  
AGENDA**

Raleigh Historic Development Commission Members Gaston Williams, Nick Fountain, Sarah David, Laurie Jackson, Kaye Webb, Jenny Harper, Don Davis and Nichole Alvarez were present for this hearing.

This is a public hearing to receive public comment on four proposed Raleigh Historic Landmarks and one Historic Landmark boundary change:

RHDC-initiated:

- Berry O’Kelly School, 512 & 514 Method Road
- Lillie Stroud Rogers House, 616 Method Road
- Rev. Plummer T. Hall House, 814 Oberlin Road (boundary change)

Owner-initiated:

- H. J. Brown Coffin House Building, 200 South Salisbury Street/105 West Hargett Street
- Fisher's Bakery & Sandwich Company, 1519 Brookside Drive

At the conclusion of the public hearing, the items will be referred to the Raleigh Historic Development Commission for review and recommendation. This recommendation will be delivered to the City Council for final action.

Tania Tully, Department of City Planning stated the city has received four applications for landmark designation and one boundary change for an existing landmark. Ms. Tully recognize the RHDC members present, especially Don Davis, Commission Chair, and Jenny Harper, Chair of the Research Committee.

All requirements of North Carolina General Statutes and city code, preceding the scheduling of this public hearing, have been complied with. The RHDC reviewed the reports and found they meet the criteria for designation. The reports were referred by the City Council to the North Carolina Department of Natural and Cultural Resources, as required by statute, and copies of the state’s comments are included in your agenda packet. The state had suggestions for the Berry O’Kelly School report, which have already been incorporated.

Ms. Tulley gave the following descriptions of the four proposals.

### **1. Berry O’Kelly School**

**Location:** 512 Method Road and 514 Method Road

**Constructed/altered:** 1928; 1931; ca. 1959

**Significance:** The Berry O’Kelly School is architecturally, historically and culturally significant for its associations with African American ethnic heritage and for education, as well as for its association with Berry O’Kelly. O’Kelly was born into slavery, but through hard work and talent became a prominent businessman whose work to build up the community of Method and whose philanthropy for the school made him a much revered source of pride for Method residents. Method was a community of free African Americans established shortly after the Civil War. Along with the already historic landmark-designated agriculture building, the athletic/agriculture field, gymnasium building, and basketball court and land comprise the remaining resources with physical integrity associated with Berry O’Kelly and the Berry O’Kelly School of the Method community.

### **2. Lillie Stroud Rogers House**

**Location:** 616 Method Road

**Constructed/altered:** ca. 1940

**Significance:** The Lillie Stroud Rogers House is significant as an intact, representative example of the modest housing built in Method in the second quarter of the twentieth century. This was a time when Method was evolving from a rural freedman’s village into a black residential suburb of Raleigh. Unlike most suburban development, Method was subdivided and parcels sold or passed down largely to friends and relatives of Method’s earliest settlers and property owners. Most of Method’s early dwellings have been demolished or very heavily altered. The Rogers House is a rare intact example from this period of Method’s development.

### **3. Rev. Plummer T. Hall House (Boundary Change)**

**Location:** 814 Oberlin Road

**Constructed/altered:** between 1878 and 1893; 1990s addition

**Significance:** The Rev. Plummer T. Hall House is architecturally and historically significant. The picturesque one-story frame Queen Anne cottage was built for Plummer T. Hall, the first pastor of the Oberlin Baptist Church, as a wedding present for his bride. The house is the only 1-story Queen Anne cottage in the Oberlin community, and features a turreted porch and bay window as well as circular and quatrefoil gable vents. The boundary is being changed to encompass the full lot created by city acquisition and recombination. The additional land was purchased to accommodate the relocation of the house back from Oberlin Road and clean up its encroachment on the former adjacent lot.

### **4. H. J. Brown Coffin House Building**

**Location:** 200 South Salisbury Street/105 West Hargett Street

**Constructed/altered:** 1907, ca. 1920, ca. 1971, 2012-2013

**Significance:** The H.J. Brown Coffin House Building was constructed by a Raleigh business founded in 1836. The concern started as a cabinet shop becoming the city's most

prominent undertaking and funeral business and evolving alongside technological advances in embalming and undertaking. The establishment eventually became Brown-Wynne Funeral Home, now Raleigh's oldest continuously-operating business. The impeccably-restored Classical Revival-style building embodies the type and form of architecture built in downtown Raleigh in the early twentieth century, a period of prosperity and optimism in the capital city.

The Mayor opened the hearing on each location.

### **Berry O’Kelly School**

John Goode, Albert Crenshaw, Marilyn Jervay spoke in support of the designation with each explaining their experiences in living in the Method Community and attending Berry O’Kelly School. They talked about how Mr. O’Kelly was their mentor, how the school became a second home to them, “Method Boys to Men” fraternity and the inspiration provided by Mr. O’Kelly. They talked about the historical significance of the Method Community, activities that take place, and how the campus has remained vital and an integral part of the neighborhood. Ms. Jervay talked about being proud of her ancestor Mr. O’Kelly and all asked that the designation be approved.

Val Brown pointed out she has worked at the community center for a number of years, worked closely with the people of the community, talked about the various programs, kids who went through the programs or attended school at Berry O’Kelly coming back and bringing their kids back and how tight knit the community has always been. She encouraged the Council to support the designation.

The Mayor opened the hearing.

Tim Marriott pointed out he is the grandson of Lillie Stroud Rogers talked about how he lived in the house with his grandmother and took care of her, how he wanted to renovate the house but his grandmother wanted to leave it as is and asked that the Council approve the designation. No one else asked to be heard, thus the hearing was closed.

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed.

### **Fisher Sandwich Company:**

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed.

Mayor McFarlane stated all four locations would be referred to the Raleigh Historic Development Commission for review and recommendation and report back to Council for final action.

## **REQUEST AND PETITIONS OF CITIZENS**

### **SIGN PERMIT – WILLOW CREEK SUBDIVISION – REQUEST FOR WAIVER – SOLUTION AUTHORIZED; STAFF TO PROVIDE REPORT ON NEW POLICY SUGGESTION**

Winnie and Joe Algood were at the meeting to explain that the residents of Willow Creek Subdivision have been attempting to enhance the neighborhood safety and security in response to increased vandalism and burglaries of homes, vehicles and entrance signage. She pointed out the density of their neighborhood and traffic has been increasing explaining there is a neighborhood grocery store with after hour parking, loitering, food and alcohol consumption on site. In addition there is construction of new neighborhoods with many transit workers, potential buyers, etc., and parking of non-neighborhood owner vehicles is increasing. They are seeing increasing trash from vehicles and pedestrian.

Ms. Algood stated they formed a neighborhood watch and have developed neighborhood beautification initiatives to include replacing the vandalized entrance signage. She stated however they have learned that they will have to pay \$250 to get a permit to replace the sign. She presented photos of their entrance sign and what they are proposing which is a simple sign with their neighborhood name.

Ms. Algood pointed out they have looked at ways to address the situation explaining they have 27 homes in their subdivision which is made up primarily of retirees on fixed incomes with a few young families with young children and three rental properties. She stated the neighborhood had agreed to power washing the pillars, repairing the damaged mortar or cement, painting the pillars, and developing the two 2 x 12 pine boards with their name engraved or etched on both sides. They plan to clean the area and provide planting.

Ms. Algood pointed out they are before the Council to request the City Council to waive the \$250 permit fee or request that the Council allow the community to make the repairs and pay the \$250 permit fee in installments over a 6 month period, or request the City Council to barter the cost of the \$250 permit with resident expertise such as web designing, online or home school teacher, expert gardener, power washer, nurse instructor, house sitter, handyman, etc. She stated their preference would be for the City to waive the permit but if that could not occur to let them pay it over time or talked about how they could barter their expertise and provide volunteer work for the city.

Council Member Baldwin pointed out the Algoods presented a very touching suggestion and moved approval of the waiver. Her motion was seconded by Council Member Cox.

City Manager Hall indicated it is his understanding the City Council does not have authority to waive the fee. He stated however staff has consulted with representatives of the Housing and Neighborhoods Department which has some matching grants. While the Council could not waive the fee, staff could waive all of the requirements of filing for a grant and allow Housing



and Neighborhoods to provide the grant without the matching funds being required. Council Member Baldwin amended her motion to allow the City Manager to work with Housing and Neighborhoods Department to waive the requirements for applying for a grant including the matching grant amount. Her amended motion was seconded by Council Member Cox and put to a roll call vote which resulted in all members voting in the affirmative. They Mayor ruled the motion adopted on an 8-0 vote.

Council Member Cox indicated he agrees with the waiver and would also ask that people in neighborhoods who come to the City to request a permit to repair vandalized signs be allowed to secure the permit without paying a fee. He would ask administration to look at developing such a policy. The Council agreed and City Manager Hall pointed out the would provide follow-up information.

### **HAMPTONS AT UMSTEAD – RELEASE OF OPEN SPACE – APPROVED**

Attorney Brian S. Edlin, representing the Hamptons at Umstead Homeowners Association had presented information to request the Raleigh City Council to release a portion of open space previously dedicated to the City as a condition of development for the residential subdivision known as the Hamptons at Umstead. The City's parks and recreation and cultural resources department identified a need for ancillary parking to accommodate the Crabtree Creek West Greenway Project as a part of the Greenway Project a parking lot is proposed on a portion of the lot 112 and 213 as shown on subdivision plats recorded in book of maps 2007, pages 2444-2446 and Book of maps, page 200A pages 1001 – 1010 Wake County Registration. A portion of open space on Lot 112 must be released to allow for the construction of a permanent parking lot to serve the greenway project.

If Council approves the request the HOA intends to grant a new greenway easement over the release portion of open space. It was pointed out the plan has been approved by City staff and the City Attorney's Office, subject to City Council approval.

In response to questioning from Council Member Baldwin, City Manager Hall indicated staff has no objections. It was pointed out Council had received a memorandum from City staff outlining what is being proposed and recommending approval of the request as submitted. Council Member Baldwin moved approval as requested. Her motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative. The Mayor Ruled the motion adopted on an 8-0 vote.

### **PUBLIC NUISANCE ABATEMENT – 2010 SUMMERDALE DRIVE – WITHDRAWN**

James T. Faison had requested permission to ask the Council to reconsider public nuisance abatement against property at 2010 Summerdale Drive. Mr. Faison was at the meeting but pointed out due to a tragedy in his neighborhood/life he would like to withdraw the request and would come back at a later date.

**AFFORDABLE HOUSING AND VARIOUS CONCERNS – REMOVED FROM THE AGENDA**

Martha Brock had requested permission to address several problems associated with continued gentrification of the city, public transportation and staff and Council reliance on the internet. It was pointed out by the City Clerk that Ms. Brock was not able to be at the meeting and would come at a later date.

**PERSONNEL – VARIOUS CONCERNS – MANAGER TO PROVIDE A REPORT**

Angaza Laughinghouse indicated he represents employees from various city departments. He talked about the police accountability task force and support of some of their recommendations. He talked about various concerns of the group he represents including the removal of homes, black business, etc., in the area which causes many city employees problems. Mr. Laughinghouse talked about the death of two city workers in Charlotte during the extreme heat on July 3. He stated Charlotte does not have an excessive heat policy. He talked about OSHA requirements and whether they are being followed in Raleigh. He asked the Council to help him and others in his group get a meeting with the City Manager so they can share a heat index policy. He stated he thought Council Member Cox HAS an interest in this as they have seem him at community meetings and he expressed an interest. Mr. Laughinghouse questioned why the City Manager would not meet with them. He stated no one should have to work outside in extreme heat. He asked that the Council direct the City Manager to meet with his group within the next ten days to address this concern.

Council Member Cox questioned if we do have policy and procedures. City Manager Hall pointed out the City of Raleigh does have practices and he would be glad to provide a report detailing exactly what the City currently does in excessive heat. He asked that he be allowed to provide a report outlining some of the steps that the City currently takes.

Mr. Laughinghouse stated it is important that his group be allowed to meet with the City Manager. He talked about what occurred in 2006 between the City and some of its workers and expressed appreciation to the then City Manager and City Council for the role they took at that point. He stated he does not think we have a policy to implement and feels it is important to meet with the City Manager.

The City Council agreed to ask the City Manager to provide a report on current practices.

**AFFORDABLE ENERGY EFFICIENT PROGRAMS – COMMENTS RECEIVED**

William Dean Terry, 730 Gateway Park, apartment 209 representing PowerUp presented the following prepared statement:

I will like to talk about how uncomfortable I be sometimes in my own apartment not being able to use my utilities and how energy efficient jobs could better our environment. I can't run my air

condition sometimes because it would make my bill high. In the summer time all I can do is run my fans because that does not make my bill high. Friends and family members will come over and sometimes they will say it's too hot in here. I will turn it on, but after they leave I will turn it back off. At night I sleep under the fan. When I am sleep at night I will wake up in the middle of the night and my bed would be full of sweat. My skin sometimes itches also because it is so hot sometimes in my apartment. I have a grandson that comes over and I don't like for him to sleep under the fan because he could catch a cold. So what I do is turn the fan on low and the air condition on low, but then it is uncomfortable for me, because I am use to my fan being on high. It makes me very uncomfortable sometimes, but I have to deal with it because I can't afford a high electric bill. I would love to feel comfortable in my own apartment and my family and friends would to.

We as PowerUp N.C. have an idea that will help this problem. With energy efficiency homes that would bring the electric bill down a lot. This is also good for the environment. Trained adults would learn to install this in homes, apartments and other facilities. This would be good jobs for felons also. We know that this would provide jobs for people living in poverty. I have a lot of friends that are without jobs right now as we speak. All of these apartments, homes, and facilities are in need of this trade. That means a lot of jobs would be created. People are homeless on the streets, but this trade would put these individual's in an apartment or home of their own. Since it is hard for felonies to find jobs, this could be a solution for them also. I have seen trained energy efficiency technicians at work. On August 5th I watched technician's retro fit St. Ambrose Episcopal Church. They sealed up doors and attics. They stored energy efficiency light bulbs. We as PowerUp N.C. are working hard to bring this to life. We know this would help the community and the environmental to. Our vision will help families; create jobs, affordable housing and utilities. Thanks for letting me speak and thanks for listening.

## **GENTRIFICATION AND GREEN JOBS – COMMENTS RECEIVED**

Rachel Piontak, 1016 Aaron Drive, PowerUp, NC presented the following prepared statement.

I moved to Raleigh almost two years ago, although I'd visited my sisters here dozens of times before. To me, Raleigh was always the standard city-fine enough, but nothing exceptional. What I've come to learn in my time here is that Raleigh not only has a rich foundation of history, but also exceptional potential.

I moved to my neighborhood intentionally because I wanted to access downtown by bike. And in my 2 and a half mile commute over the past few years, I've witnessed entire blocks change hands – through remodels and rebuilds.

If history teaches us anything, it's that gentrification is rife with structural racism. It falls hardest on those who are out priced and bought out, in working class and in Raleigh's case, in historically black neighborhoods, and the negative effects are disproportionately unjust in these communities.

The displacement of my neighbors who live in this stretch of desirable land between my house and here is just one piece of the injustice.

The ripple effects of being pushed out beyond the reach of accessible public transportation, further from job opportunities, and scattered from their core communities hold severe economic and social consequences.

We don't often talk about this intrinsically classist and racist side, but it's built into the very foundation of these homes and buildings as the process goes unchecked. I don't mean codes or permits sort of unchecked; I mean that as a city, we're failing many of our hardworking community members who have been here for generations.

As a city, we've chosen to invest in development companies who bid high only to lowball working class residents. And as our city council, I ask that you invest in revitalization, not gentrification.

As a city, we've chosen to invest in development companies who bid high only to lowball working class residents. And as our City Council, I ask that you invest in revitalization, not gentrification.

Rather than tear down, we need to invest in building up the core of these communities-through efficient energy-saving practices, more city funded green-collar job initiatives and programs, and solar power accessibility, to name a few. These skills and resources need to be made more readily available to the community members who need it most and are least able to afford it. There are already organizations like PowerUp NC who are having these ongoing conversations with community members.

I know that no matter what we do moving forward, the effects of gentrification are already happening. This is why we also need truly affordable housing. Your claim to "welcome growth and diversity" and to "protect, preserve and enhance Raleigh's existing neighborhoods, natural amenities, rich history, and cultural and human resources for future generations." Who's future generations are we talking about here? At this rate, many of the children I see walking home from the bus or playing in their yards will not be able to afford to raise their own families here if the city continues to pull in private developers rather than invest in community revitalization.

I ask that we use our banner as a "21st Century City of Innovation" – to build up our communities by investing in community revitalization to ensure those who live here can stay:

## **ENVIRONMENT AND DEVELOPMENT – VARIOUS COMMENTS – RECEIVED**

Justine Oller, 112 South Blount Street, PowerUp, NC presented the following prepared statement:

Hi, I'm Justice Oller with PowerUp NC, which is a program of the North Carolina League of Conservation Voters.

We are glad to see the City prioritizing affordable housing and increasing the goal for building new affordable units. And, we want to share our vision for a more equitable, sustainable City, which we feel aligns well with the direction that the council has laid out.

We believe that Raleigh's development could be how the City helps to bring good jobs to people who are overworked and underpaid, and are facing displacement by the current downtown development boom.

The City could set the conditions that would bring truly affordable housing. Many families in Southeast Raleigh are underpaid, bringing home an average of less than \$9,000 a year (info from NRSA City Plan). Currently, the definition of affordability the City uses is far out of reach for many families who need housing in Raleigh. We therefore propose that the City shift its definition of affordability to 50% of the area median income and below.

Another element of affordability relates to energy bills. It is important that affordable housing stock be energy efficient to create more sustainability for families to stay in their homes. Energy efficiency contributes to lower energy bills so that families are no longer forced to choose between paying an electric bill or paying for food. This would also contribute to Raleigh's commitment to lowering greenhouse gas emissions.

We know that there are folks in Southeast Raleigh who really need jobs, and the opportunity around affordable housing and energy efficiency is to provide job readiness training and weatherization skills to folks who are in danger of losing housing downtown. The type of training program we envision would provide alternative points of entry both into education and employment that is not provided currently through traditional schooling.

And, finally, we know that demands for these jobs can be created by the City making a firm commitment to 100% renewable energy by 2050, starting with city-owned buildings.

We see these elements as key to creating a more equitable and sustainable path in the City at this time. And, we have seen the City prioritizing equity and sustainability in the comprehensive plan. We hope that the City will direct investment toward these priorities in ways that benefit both community and environment.

## **AFFORDABLE HOUSING AND GENTRIFICATION – COMMENTS RECEIVED**

Stephanie Lormand, 2704 Ramsey Road, PowerUp, NC presented the following prepared statement:

When City Councils, LLCs, and nonprofits don't recognize their role in maintaining institutional racism, we also fail to notice that whatever happens today is the outcome of 150-years of state-legislated, Post-Confederacy-flavored bigotry combined with federally-mandated, racist banking policies.

We are the legacy inherited from our great-grandfathers – the men who served in places of social and political influence after they incited a terrorist coup against black voters in 1898. The men whose family names still decorate our streets, who were the bankers and lawyers serving as trustees in the Deeds of Sale signed with a buyer's X, who were also unapologetically racist. (BR) With the creation of the federal housing projects, their children and grandchildren would become the first developers and beneficiaries from one of many dispersals of social welfare dollars to those both wealthy and white.

We choose to ignore that it was the FHA's 1934 redlining policy of denying mortgage insurance to black neighborhoods that created the blight that allowed Raleigh – past and present – to use the law of eminent domain to take as it pleased.

The Wake County Register of Deeds office tells us exactly how many times the City paid barely more than \$100 per parcel—"a fair market price" – to accrue the acreage needed to build Walnut Terrace, and Chaviv heights. Neighborhoods created in the early 1900s, its parcels sold to the black workers whose enslaved labor built this city, whose barely-more-than-free labor we continue to legally exploit. And now the families displaced by the conversion of federal housing projects to workforce housing, tax-payer funded, multi-million dollar affordable housing developments. Incentive housing that restricts occupancy to tenants making 60-80% of the area median income. But the very low wage workers, the school bus drivers, childcare and grocery store clerks – once tenants in these housing projects built on land we stole from their grandparents – where do they live while the white elite continued accumulate our unearned investment and tax-credit wealth?

White-only restrictive land covenants, the preferred method used to choke the growth of political power from the Fourth Ward's black voter is not illegal. Now we write policies for Affordable Housing Location intended to prevent "further concentrations of minority and low-income persons," which deliberate or not, uses federal funding to dilute the concentrations of black voting power in 2017.

How do we ignore a history that so conveniently repeats every 15 years – right when federal tax credits expire? How can we ignore the real strategy of neighborhoods with a skyline view, boldly mapped with green blocks of city-owned parcels instead of red lines?

Even pretending none of this matters, (BR) it does not explain the choices Raleigh make about how to disperse the hundreds of millions of revitalization dollars received to fight a

war on poverty that is never really intend to win. (BR) Most of these funds stay with developers and investors, or the nonprofit and charity partners directed and controlled by the white elite.

Why does all of the money for serving the black poor continue to be gripped in the fists of wealthy white people?

Council Member Branch asked if Ms. Lormand could leave contact information of those who wish to be notified of an upcoming event relative to this issue.

### **JOBS AND ENVIRONMENT – DEVELOPMENT – COMMENTS RECEIVED**

Denicia Williams indicated she was speaking on behalf of Coby Crandall; A. Phillip Randolph Institute presented the following prepared statement:

NC A. Philip Randolph Institute is an organization of Black Trade Unionist and Community Activists who fight for racial equality, economic justice and environmental justice for all Americans.

As a program Manager for APRI I personally see the impact of not having affordable housing for women with children and seniors that are equitable and energy efficient.

Why does Raleigh City Leaders not want to take care of their own? But let big business come in and push people out of their homes with rental increments and pricing homes that are not affordable.

Raleigh City leaders need a people first development plan that is sustainable and equitable.

Truly affordable housing with energy efficient is so necessary. I believe developers should focus on people and their wellbeing; therefore making it more sustainable and equitable.

Making all truly affordable rental units energy efficient will help people not only be able to afford their home but be able to save to do other things that bring a quality of life that is not afforded to folks who pay more in energy bills now.

The current profit first model is forcing people out of their homes.

Raleigh city leaders can shift how development happens and invest in communities again in truly affordable housing and rentals that are energy efficient.

**RALEIGH POLICE DEPARTMENT – IMMIGRANT COMMUNITIES – STATEMENT RECEIVED**

Maria Jimenez, through a translator read the following statement:

My name is Maria Jimenez, 3509 Haworth Drive and I'm a resident of this City and Country. As a citizen, I would like to see this as a peaceful and safe place, where the law and justice are applied equally to all of us who live here; where we all feel protected and comfortable with the authorities and no one experiences fear or a lack of confidence when reporting a crime or an attempt against their life, their family, their home, their neighborhood, or their community.

As City Council people, we ask that you hold the police accountable to their responsibility to protect and serve all the residents of all communities; that there not be discrimination or difference in the level of treatment, respect, protection, or services we receive based on the color of our skin, ethnicity, religious beliefs, or language spoken or even different dress.

When the authorities become agents or ICE, they criminalize and detain people who work hard and who many times do not even have a criminal record and who live peacefully. We believe that a police officer's education, training, energy and professional ethic should be focused on protecting all of society not in detracting from our communities.

In Wake County, where RPD is the largest law enforcement agency, Latinos are 107 percent more likely to be stopped-and-searched during a stop sign violation stop than white people. This is only an example.

Even though the Raleigh PD insists that there is no relationship with ICE, the statistics demonstrate that there is biased policing in Raleigh which makes this department complicit in a system that ties up immigrants in an inhumane immigration system.

The moment that a Raleigh police officer detains us on pretext for something small like a broken taillight, we run the risk of ending up in a Wake County jail where they do have an ICE agreement. There they take our fingerprints and we could end up in ICE's hands.

It is time for this City and RPD to stop wiping their hands of their collaboration with ICE by saying that they don't have a written agreement. Their discriminatory behavior – where they detain us and subject us to searches with more frequency is a part of the broken immigration system as the statistics indicate.

If our community is to trust this department we need action: a promise in writing that they will never collaborate with ICE and that they will take the necessary steps to create a community oversight board so that we can seek justice when a violation of our rights occurs in the streets of Raleigh. This is what it would look like to create a Raleigh for all.



**RALEIGH POLICE DEPARTMENT – BODY CAMERAS AND COMMUNITY OVERSIGHT BOARD – COMMENTS RECEIVED**

Rolanda Byrd, presented and read the following prepared statement:

The DOI for the RPD's bodycam program has many areas that have room for improvements. Many suggestions were made in the many forums that were held around the city over the past few months. One of my main concerns is the fact that state law allows an officer to view recorded video to assist them in completing an incident report or any official report, including a Use of Force report. I understand that the system is set up to protect the brotherhood first, but to show transparency and accountability, these said officers should be able to write their reports from memory, without having to review video prior to writing their reports. Especially since for a defendant or citizen in the video, has to go through a number of channels that are not so convenient to be able to view recordings. It's so frustrating to keep coming here, and the issues before you such as a street going through a community that would ruin some ones front yard, are the hardest decisions you have to make. The hardest decision I had to make was what color casket to pick out for my son. This policy should be looked at carefully, the suggestions that we gave should be seriously considered, the lives of the people sitting here before you should matter. Don't wait until it happens to you, your son, or your grandson. Funding a new training facility that will cost millions is NOT the way to go!! Use those millions to make sure these cameras protect your citizens as well as your officers, by making the proper upgrades NOW on the front end, to include the proper equipment such as the sensors that will automatically activate the cameras as soon as the officer pulls his gun or taser from the holster. This is the million dollar project that your citizens will approve of. Thank you, Ms. Rolanda Byrd, the mother of Akiel Denkins who was murdered by a lone officer with no witnesses.

**RALEIGH POLICE DEPARTMENT – COMMENTS RECEIVED**

Kia Christopher, 524 Nautical Lane, Raleigh PACT, indicated he is a minister and an educator. He talked about growing up in the area, the events in Charlottesville which shows him the problems of black people are not over. He stressed concern about ignoring the solid majority concerns which creates stress in an area. He talked about problems he had in growing up as a black man, problems that causes concerns about injustice when you see murders and things that are similar to post-traumatic stress disorder (PTSD). He talks about the problems when you see such injustice and how it is similar to the soldier who cannot set through fireworks because of the emotional impact. He called for the Council to come up with policies that reflects the needs of the community particularly a community that is suffering from PTSD. He expressed concern about people who are trying to rebound from years of stress, concerns that are created by distrust and questioned when we are going to see the policy on body worn cameras.

Council Member Branch questioned when the policy is going to be completed and made public and how the concerns that have been expressed here and at other forums be included. City Manager Hall talked about the number of meetings including 18 CAC meetings, two general community meetings, officers having personal conversations, gathering of information from our peer cities, etc., stating he hopes to have a report in the next 60 to 90 days to submit to Council. He stated we need to go through all of the information and feedback so we can develop the best possible policy.

Council Member Branch indicated if we do not have the report done within 90 days he would like for the Council to have a report.

### **MATTERS SCHEDULED FOR PUBLIC HEARING**

#### **BUSINESS INVESTMENT GRANT – ABC PHONES OF NORTH CAROLINA D/B/A A WIRELESS – HEARING – APPROVED**

This is a hearing to consider a proposal to provide a business investment grant to ABC Phones of North Carolina, Inc., d/b/a A Wireless (“A Wireless”). The proposed grant is up to \$200,000 and is within the parameters of the Business Investment Grant program, as authorized by Chapter 158 of the North Carolina General Statutes. A Wireless announced on July 25, 2017 that the company has selected Raleigh for the relocation of its headquarters with the creation of 250 permanent, full-time jobs. A Wireless is investing \$4,950,000 to up-fit and equip new space for the additional jobs.

The selection of Raleigh by A Wireless for location of its headquarters and new jobs is contingent upon the City’s support of the project through an economic development incentive grant. The City Council has previously authorized staff to offer such a grant on the terms and conditions described in the Business Investment Grant policy and herein. The City’s Business Investment Grant fulfills the requirement for the State of North Carolina’s Job Development Investment Grant (JDIG) that the local government must participate in the recruitment of the project and offer incentives in a manner appropriate to the project. The annual grant is performance-based and tied to job creation. Performance requirements include the creation of 250 permanent, full-time jobs within the next five years with an average annual salary of \$84,330. The grant amount will be based on the creation of 250 jobs with the maximum grant amount not to exceed \$200,000. Payments are to be made on an annual basis for five years following creation of the 250 new jobs no later than 2021.

At the conclusion of the hearing, if the Council desires to approve the grant the Council must make a finding that the award of the grant will increase the employment and business prospects of the city and authorize the City Manager to execute the grant agreement. The Council may also deny the grant or refer the item to committee for further discussion and consideration. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Council Member Baldwin moved that the Council find that the award of the grant will increase the employment and business prospects of the city therefore authorize the City Manager to execute

the grant agreement. Her motion was seconded by Council Members Gaylord and Thompson and put to a roll vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

### **BUSINESS INVESTMENT GRANT – INFOSYS LIMITED – HEARING – APPROVED**

This is a hearing to consider a proposal to provide a business investment grant to Infosys Limited. The proposed grant is up to \$1,000,000 and is within the parameters of the Business Investment Grant program, as authorized by Chapter 158 of the North Carolina General Statutes. Infosys Limited announced on August 10, 2017 that the company has selected Raleigh to build a technology hub with the creation of 2,000 permanent, full-time jobs. Infosys Limited is investing \$8,730,000 to up-fit and equip new space for the additional jobs.

The selection of Raleigh by Infosys Limited for location of its technology hub and new jobs is contingent upon the City's support of the project through an economic development incentive grant. The City Council has previously authorized staff to offer such a grant on the terms and conditions described in the Business Investment Grant policy and herein. The City's Business Investment Grant fulfills the requirement for the State of North Carolina's Job Development Investment Grant (JDIG) that the local government must participate in the recruitment of the project and offer incentives in a manner appropriate to the project. The annual grant is performance-based and tied to job creation. Performance requirements include the creation of 2,000 permanent, full-time jobs within the next five years, with an average annual salary of \$72,146. The grant amount will be based on the creation of 2,000 jobs with the maximum grant amount not to exceed \$1,000,000. Payments are to be made on an annual basis for five years following creation of the 2,000 new jobs no later than 2021.

At the conclusion of the hearing, if the Council desires to approve the grant the Council must make a finding that the award of the grant will increase the employment and business prospects of the city and authorize the City Manager to execute the grant agreement. The Council may also deny the grant or refer the item to committee for further discussion and consideration.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed.

Council Member Baldwin moved that the Council find that the award of the grant will increase the employment and business prospects of the city therefore authorize the City Manager to execute the grant agreement. Her motion was seconded by Council Members Gaylord and Thompson and put to a roll vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

**REZONING Z-10-17 – FREEDOM DRIVE – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE**

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 reviewed this request and recommends approval.

Planner Bynum Walter presented the case outlining location, existing zoning, what is allowed under existing versus proposed zoning, proposed conditions presented by the applicant pointing out the proposal is for a pickup and pay auto parks yard. She presented the Future Land Use Map Urban Form Map, talked about the inconsistencies with the Comprehensive Plan, Planning Commission recommending approval of an 8-0 vote with the South CAC recommending approval on a 14-0 vote.

In response to questioning, Planner Walter stated the principle use is proposed to be a salvage yard with storage with retail being a secondary use. Council Member Crowder pointed out she was unfamiliar with the area so she drove out to the site. She talked about the surrounding usage, pointing out it looks as if this proposal would be an extensive upgrade to heavy commercial next to affordable housing. Planner Walter pointed out it is consistent with the Comprehensive Plan and Future Land Use Map. In response to questioning, Planner Bynum talked about Bullet Farm Road being extended and how the applicant had provided conditions relative to reducing the block perimeter standards.

The Mayor opened the hearing.

Attorney Karen Kemerait, Smith Moore Leatherwood, representing the owners and the applicants, stated this case has the support of the neighborhood. The CAC voted 14-0 in support of the case. There has been no opposition. She stated there are a number of people in the audience in support of the case and approximately 20 people raised their hands in support. She stated Senator Dan Blue had authorized her to report that he supports the rezoning as he believes it will be a benefit to the area. She stated the Planning Commission recommends approval and it is consistent with all of the city's plans.

Attorney Kemerait pointed out the applicant David J. Joseph is a recycling company that has been in business some 130 years and operates approximately 60 recycling facilities throughout the US. She talked about the proven record of environmental protection and sustainability and pointed out the proposed plant will employ between 25 to 30 local residents. She talked about the type of business pointing out they purchase end of life vehicles and reuse and recycle therefore nothing ends up in the landfill. She talked about the you pull and pay concept which is a self service used auto parts retailer that sells high quality used auto parts at a fraction of retail price to the residents. She again pointed out they are committed to the environment and sustainability indicating 100% of the parts are reused and it is a very clean and neat operation. She presented affidavits from Robyn Carpenter, Lee Iran and Metal Company and Steve McGlothlin, Gerber Collision and Glass, both in support of the rezoning. She explained the Comprehensive Plan calls for much of the property to be moderate density resident; however that makes no sense as the surrounding uses are predominately industrial, warehouses, distribution stores, etc. She indicated during Planning Commission discussion on this item staff was asked to look at why it is shown as moderate density residential. Staff said that they did not think much scrutiny occurred because of the present zoning. She presented slides showing surrounding development which includes U-Haul and Gerber Collision, a Fire Protection Service, Dunn's Wrecker Service, Ready Light First Petroleum, C&A Equipment, Pike Electric, City of Raleigh Land fill, among others such as a mobile home park, a school north of the property and she talked about the proposed conditions which prohibits many uses and only allow self-service retail auto parts recycling facility. Other conditions relate to limiting the number of operating hours, fencing, etc. She presented a conceptional site plan which she feels provides appropriate buffers and transition, tree conservation areas, etc.

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

Council Member Branch pointed out he did receive a call from Senator Blue's office with some questions and concerns so he would like to refer this item to Growth and Natural Resources Committee for further vetting. Council Member Crowder stated she was not opposed to it going to committee but she needs clarity about relative to the statement of staff that there was not much scrutiny of this area. Planner Walter pointed out the residential portion of the project was not subject to remapping. Council Member Stephenson stated he has a hard time understanding how such a use would be consistent with a school in the area with Mayor McFarlane questioning if there was any discussion relating to bulk storage of flammable liquids and chemicals. Planner Walter pointed out she understands they drain all liquids from all of the vehicles and it is a good question as to whether this is a good use near a school. Without further discussion, the item was referred to Growth and Natural Resources Committee.

#### **REZONING Z-42-15 – LAKE WHEELER ROAD – HEARING – TO BE PLACED ON THE SEPTEMBER 19<sup>TH</sup> AGENDA**

This is a public hearing to consider a request from Ram Lavani to rezone approximately 5.21 acres from Residential-4 and Residential Mixed Use - 3 Stories - Conditional use with Special Highway Overlay District-2 and Special Residential Parking Overlay District (R-4 w/ SHOD-2

& SRPOD and RX-3 w/ SHOD-2 & SRPOD) to Residential Mixed Use-3 Stories-Conditional Use with Special Highway Overlay District-2 and Special Residential Parking Overlay District (RX-3-CU w/ SHOD-2 & SRPOD). The property is located on the east side of Lake Wheeler Road, approximately 300' south of Kirkland Road. Conditions limit housing unit density and provide a transit easement.

Council opened the public hearing at its meeting of July 5, 2017. At that meeting, Council referred the case to the Growth and Natural Resources Committee and continued the hearing to September 5, 2017. The case has not been heard in Committee but was continued to date certain, requiring its placement on the September 5 agenda. Following the closure of the hearing, additional conditions may be submitted.

The proposal is consistent with the Future Land Use Map and several relevant Comprehensive Plan policies. The Planning Commission recommends approval of the request.

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

In response to questioning, Planner Walter pointed out the applicant cannot submit conditions until the hearing is closed. Mayor McFarlane opened the hearing, no one asked to be heard thus the hearing was closed. Council Member Crowder stated she had talked to the applicant and if the hearing is closed he can submit new conditions. Without further discussion it was agreed the item will be placed on the September 19, agenda under special items to allow the applicant an opportunity to submit new conditions.

#### **TC-2-17 – TRANSIT INFRASTRUCTURE – HEARING – APPROVED**

This text change will add new requirements to the Unified Development Ordinance related to transit infrastructure. The request would amend section 1.1.12 Adopted Manuals and add sections 8.2.7 and 8.11 Transit Infrastructure. The new regulations would identify thresholds for the installation of transit infrastructure, such as benches and transit shelters in conjunction with site plan review. The requirement for transit infrastructure would be tied to the amount of daily trips generated by a specific use. Additionally a number of new terms associated with this text change will be added to Chapter 12.2. The Planning Commission has reviewed this text change and recommends approval.

**Recommendation:** Once the public hearing has closed, the City Council can choose to act on the request, refer to committee or defer for further discussion.

Transportation Engineer Lamb pointed out this requirement applies specifically to site plans with a threshold of 500+ trips per day triggering the requirement for a transit shelter. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Council Member Baldwin moved approval as presented. Her motion was seconded by Council Member Branch

and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 739 TC 397.

**TC-4-17 – GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT – HEARING – APPROVED – ORDINANCE ADOPTED**

This was a 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 BeeCity 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 Comprehensive Plan with regard to pollinators and recommend amendments.

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 has reviewed this amendment to the Comprehensive Plan and recommends approval.

**Recommendation:** Conduct the public hearing. At the conclusion of the public hearing, the City Council may act on the text change, refer to committee, or hold for further discussion.

Planner Eric Hodge presented the case pointing out in late 2016 the Council authorized to staff to advance, implement and encourage green development. He went over a history of the Planning Commission review stating this text change would help remove obstacles to using green infrastructure, low impact development practices and would encourage developers to use these practices in their site designs. He stated it will help provide a more predictable process and time line for plan reviews and obtaining permits. He stated if this text change is approved, staff will make necessary changes to other ordinances and handbooks. Council Member Stephenson talked about how these practices would encourage and would be implemented and accepted through the UDO. Planner Hodge pointed out there more carrots than sticks and this helps makes it clear that this type development is allowed and encouraged.

Jennifer Dean, WakeUp Wake County read a prepared statement talking about water being one of the most precious resources. She gave information on the benefits of this proposal including removal of barriers, reducing runoff, etc., and encourages development in a sustainable way. She stated approving the text change is a first step and hopefully the city will reach out to its peers to develop similar ordinances. She invited all to attend an upcoming meeting in Durham. A representative of the League of Women Voters which supports and applaud this text change, read the following prepared statement.

The League of Women Voters of Wake County congratulates Raleigh's elected officials and staff for studying and adopting Green Infrastructure and Low Impact Development approaches to stormwater management. The League of Women Voters supports adoption of these code changes.

These approaches, aimed at reducing rainwater runoff, spreading it out, and absorbing it into soil or using it onsite, can:

- Reduce stream pollution and stream bank erosion;
- Mitigate flooding;
- Supplement water supply;
- Lower air temperature and remove air pollutants;
- Improve urban wildlife habitat; and
- Reduce development and urban infrastructure costs.

Studies across the United States have revealed that one of the main barriers to implementation of GI/LID is development codes focused on managing stormwater by using concrete and steel pipe to divert rainfall runoff into streams. A GI/LID Code Review Work Group has identified 25 code changes and staff practices that can reduce barriers and promote use of GI/LID. Some of these changes are as simple as explicitly stating that vegetated best management practices are allowed in landscape areas, or perimeter and parking screening areas. Others may require eliminating code restrictions that prevent rainfall retention onsite, or changing exemptions to stormwater control requirements.

Taken together the proposed common-sense code changes bring Raleigh's official policies into line with its stated goals of using GI/LID to improve the health of local streams and the Neuse River.

Denny Murphy, 38 Airline Drive pointed out he is the former Chair of the Environmental Advisory Board and former co-chair of the Appearance Commission. He pointed out this first appeared in the Appearance Commission work plan in the 1980s when this concept was first studied. He stated everyone agrees we cannot continue to pave and develop areas without expanding and causing flood problems. He stated in the past we had the idea of designing everything to get the water off as fast as possible and into the creeks but we can't handle that, we need a different approach. Creeks cannot continue to take all of the water being carried to them. He talked about the water flow into the creeks. He urged the Council to move forward and adopt this text change.

No one asked to be heard thus the hearing was closed. Council Member Gaylord moved approval as presented. His motion was seconded by Council Member Baldwin. Council Member Stephenson expressed appreciation to Mr. Murphy and others who championed this cause for many years. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 740 TC 398.



**CP-2-17 – POLLINATOR HABITAT – HEARING – RESOLUTION ADOPTED**

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 BeeCity 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 Comprehensive Plan with regard to pollinators and recommend amendments.

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 has reviewed this amendment to the Comprehensive Plan and recommends approval.

**Recommendation:** Conduct the public hearing. At the conclusion of the public hearing, the City Council may act on the request, refer to committee or defer for future discussion.

Planner Bynum Walter explained the City recently became a participant in a program known as BeeCity USA which commits the City to a range of activities and public education. As a result and at the request of Council, the Environmental Advisory Board reviewed the comprehensive plan with regard to pollinators and recommended amendments. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Council Member Baldwin moved approval as presented. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. Resolution 501.

**CP-3-16 – CAMERON VILLAGE AND HILLSBOROUGH STREET SMALL AREA PLANS – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCE COMMITTEE**

The Cameron Village and Hillsborough Street Small Area Plan is the result of a three-year planning and public engagement process that kicked off in December 2014. In addition to extensive involvement from an Advisory Committee made up of over 25 stakeholders, the public engagement process included:

- A Visioning Workshop to gather input on existing conditions (issues and opportunities) from community members (December 2014).
- Two Multi-Day Charrettes--one for the Cameron Village area and one for the Hillsborough Street area — to obtain input on preliminary growth scenarios and preferred infrastructure improvements (February & March 2015).
- A Public Meeting to present draft recommendations and gather feedback (October 2015).

The public also participated in the process online. More than 1,600 internet survey responses were received over the course of the planning process. The final stages of the planning process

included a 30-day comment period during which the draft project report was posted online for public review. This review period garnered more than 50 comments. Planning Commission's review of the project report and associated comprehensive plan amendment also garnered more than 20 comments, a number of which are directly addressed by Planning Commission's recommendation to Council.

The proposed amendment to the 2030 Comprehensive Plan reflects the recommendations of the Cameron Village and Hillsborough Street Small Area Plans report. Map LU-3 Future Land Use and Map T-1 Street Plan would be amended. In addition, a new Cameron Village and Hillsborough Street area plan (Area Plan 4.1) would replace the Stanhope Village (Area Plan 18) and Wade-Oberlin (Area Plan 21) area plans. Existing policies that are still relevant in these two area plans are incorporated into the new Cameron Village and Hillsborough Street area plan in combination with the new policies and action items recommended by the Cameron Village and Hillsborough Street Small Area Plans report.

The Planning Commission recommends approval of CP-3-16.

Planner Bynum highlighted the following prepared statement:

I work in the planning department and have served as the city's **project manager** for the Cameron Village and Hillsborough Street Area Plans.

This evening, I'll be speaking about the **recommendations of the project report** and related **comprehensive plan amendments**.

The amendments are the mechanism we use to **adopt plan recommendations into the comprehensive plan**, in addition to adopting the plan itself as policy guidance. This is the same process we used to adopt the **Southern Gateway Plan** earlier this year. As I talk about the plan recommendations, I'll point out aspects that are proposed to be adopted into the comprehensive plan.

The planning process for this project has been lengthy. It began back in **March of 2014** when we interviewed consulting firms and selected a team led by **Lord Aeck Sargeant**. At the beginning of the process City **Council appointed an advisory committee** with about 25 members – some of them are here this evening. They represent a wide range of viewpoints and have contributed significant time and thought to the project with both grace and persistence –I'd like those who are here to **stand and be recognized**.

The first phase of planning continued through December of 2014 and included the project's first public workshop. The second phase took the bulk of 2015 and included exploration of a variety of different scenarios; the second phase also included 2 public workshops. One each for Cameron Village and Hillsborough Street.

The **final phase** of the project began in October of 2015 with a public workshop to present draft plan recommendations. Subsequently a project report was drafted. It has been **revised 3 times** 1) to reflect input received during the April 2016 **public comment** period, 2) to incorporate **Council direction** offered in December 2016, and 3) most recently in June of this year to incorporate **Planning Commission recommendations**.

This project covers a large area and as result **2 vision statements** were developed– 1 for Cameron Village and 1 for Hillsborough Street. We also approached the study area as a **series of districts** to help make the large project area easier to understand. To help **orient** you – Cameron Village shopping center and neighborhood, Cameron Park, Oberlin Road, Hillsborough Street, University Park and Meredith College.

This brings us to the first proposed amendment to the comprehensive plan; this is a change to a citywide map in the plan that illustrates areas **where there are adopted area plans**. This amendment will add the project area to the map; it will also **remove the Wade/Oberlin and Stanhope Village** area plans from the map.

The plan recommendations are organized as **7 planning strategies**. Each of these strategies is tied to a policy included in the proposed amendment to the Comprehensive Plan. I'll briefly describe the highlights of each strategy.

#1 The plan calls for **complete pedestrian and bicycle networks**. The intent is to create more useful networks. One of the key proposals is to make a **bicycle connection along Johnson Street between Cameron Village and downtown**. Johnson Street neighbors have been active in shaping this aspect of the plan. Future implementation will include ongoing engagement with residents. Pedestrian improvements in the Cameron Village area, the plan calls for new sidewalks and maintenance to strengthen **north-south pedestrian movement through the University Park neighborhood**. Similarly, in the Hillsborough Street area of the plan, the emphasis is on improving **east-west pedestrian routes through University Park to better connect Meredith College and Cameron Village**. There are also key pedestrian improvements to improve **north-south connections between the neighborhood and Hillsborough Street and further south**.

Another recommendation is to make better use of existing ROW at the **Wade/Oberlin interchange** to improve the experience for people walking and biking. Just like Johnson Street, future implementation will include ongoing engagement with residents.

#2 The second planning strategy is to improve and expand parks and open space. This largely relies on **improvements to existing facilities** – the area is well-served by Fred Fletcher and Pullen Park. Dix Park is also nearby. However, there is opportunity for smaller new open spaces within **private redevelopment** – for example Daniels Street in Cameron Village and on Hillsborough Street to realize a long talked about pair of spaces and also as part of potential redevelopment at the SE quadrant of Gorman and Hillsborough. In response to public comment during their review the Planning

Commission added a recommendation that a small parcel of city-owned property at the north end of **Ferndell Lane** be designated for use as a publicly accessible open space.

#3 Of course transit already is and will continue to be important in the project area. Plan recommendations reinforce the Wake Transit Plan in Cameron Village and along Hillsborough Street.

#4 The fourth planning strategy is to distribute and calm traffic. These recommendations are focused on Cameron Village area – this was not a part of the scope for Hillsborough street. A couple of changes are proposed with the intent of better distributing traffic in this area of the city:

- The first is a **connection between Oberlin Road and Wade Ave** – exists today as private drive; public ROW would require redevelopment of relatively new buildings – this is a **placeholder** idea for the long term.
- The second is a **realignment of Smallwood Drive**. The realignment of Smallwood Drive would simplify the intersection with Sutton and Cameron Streets to a conventional 4-way intersection. It would also change the priority or **default movement of Peace Street to follow Smallwood**. Analysis shows that a lot of the volume on this piece of Clark is headed to Wade Ave, more direct route is along Smallwood. The comprehensive plan amendment captures all this and also changes the street type to 2-lane divided, that street section includes a median.

Planning Commission review removed 2 recommended connections between Oberlin Rd and Wade Avenue – this was in response to organized public input from the Cameron Village Neighborhood.

*These recommendations are proposed to be incorporated into the street plan as placeholders for future neighborhood streets – this is the smallest designation on the street plan.*

- *The northernmost one is probably the farthest off as it requires redevelopment of Oberlin Court to be realized – this is a long-term place holder for a future connection.*
- *The second one is an improvement and extension of Glover Lane. A good bit of this will happen as part of Kimberly Development Group's proposal for this area.*
- *The final connection requires private redevelopment; so the date is uncertain. The third one that would connect Bedford and Graham also requires private redevelopment in order to be realized.*

The **5<sup>th</sup> planning** strategy is to **plan for parking**. This is largely focused on Hillsborough street, as the parking supply in that area is quite dispersed. Two key takeaways here are to better use what currently exists through more active management and leveraging

opportunities for new private development to incorporate public parking. One recommendation is to expand on-street metering. Implementing this requires some additional study and coordination with neighbors. More meters means more turnover, which helps improve access to businesses on the street.

**The 6<sup>th</sup> strategy** is tied to **land use and zoning**. In the Cameron Village area office use would be focused at the Wade/Oberlin interchange – no recommendation for increased height north of Annapolis, commercial remains focused around the shopping center with potential for additional height, mixed use in the village proper. No additional retail west of Oberlin or south of Clark.

These recommendations result in some proposed amendments to the FLUM:

- 2 properties in NE quadrant of Smallwood and Oberlin would change
- Handful of properties on the west side of Oberlin would change, including the post office.

Along Hillsborough Street, the area around Enterprise Street becomes a knuckle of activity and there is policy guidance that could support additional height in these areas along the street. Here's a look at what Enterprise might look like in the future.

These recommendations result in some proposed amendments to the FLUM:

- And on the north side of Hillsborough street on either side of Enterprise Street.
- On the south side of Hillsborough Street on either side of Rosemary street, a change
- Again on the south side – just west of the powerplant site, a change to Community Mixed Use

In addition to FLUM amendments, the area plan includes policy guidance for height – this map, which would be adopted into the comprehensive plan, indicates areas where height higher than what is currently entitled may be considered appropriate.

**Finally**, the plan includes recommendations to promote quality design recognizing the important of height/scale transitions, as well as breaking up large buildings and blocks and noting that street level activity makes for a more human scale place.

What's Next? You'll want to hear from the public this evening. Following the public hearing you could take action on the plan or send it to committee for further discussion.

Council Member Cox pointed out Planner Walter talked about zoning guidance policy and that seems to be a new term. He questioned if we have zoning guidance policy elsewhere in the Comprehensive Plan. Planner Bynum pointed out the Planning Commission encouraged this and it is a new strategy. Council Member Baldwin questioned where this come from with Planner Bynum pointing out it come forth through public workshops which had specific ideas as what

was and was not acceptable. She talked about the various recommendations and working with a consultant team based on the input.

Council Member Crowder pointed out this item had been in Growth and Natural Resources Committee but it had to be moved out for a public hearing; however she wants it referred back to Growth and Natural Resources to discuss things she feels needs further work, such as 4 or 5 heights, Ferndell open space and the street network with Council Member Baldwin suggesting that the policy and strategy including the zoning guidance strategy should be discussed.

Mayor McFarlane opened the hearing.

Smedes York, 1904 Craig Street, expressed concern about the suggestions relating to Smallwood Drive. He stated a representative of Regency - shopping center side of York properties and his brother Phil York who represents the residential side are with him. He stated they have great interest in and concerns about losing that much property from both sides of Smallwood Drive. He talked about walkability, the history of Cameron Village, and stated they wanted an opportunity to discuss the Smallwood design.

John Wardlaw, 4113 Reddington Drive, stated he was interested in the Ferndale Open Space and talked about the proximity of that to his driveway.

Laura Wellborn, 410 ½ Chamberlain Street, talked about the parking lot behind the post office. She expressed concern that their property has no street frontage and if it is rezoned they do not know what the setbacks would be, etc. She stated she needs more information, talked about the highlighted areas on the map and concern about development that could completely over shadow her property. She does not know what it all means. She talked about neighborhood transitions and whether this plan changes the rezoning.

Beverley Clarke, 719 Graham Street, stated her involvement began in January when some of her neighbors received a letter saying they live within 100 feet of the proposed street plan. She stated since this is going to committee, she will hold her comments until that time but pointed stated the vast majority of Cameron Village residents want to eliminate the connectors between Oberlin and Daniels Street and the connection Maiden Lane be only for pedestrians. She stated she shares Mr. York's concern about the Clark/Smallwood revisions and pointed out she did not feel the Committee of the Whole had enough information when voting on this issue.

Peter Wutmrch, 104 Turner Street, questioned if the rezoning will change from neighborhood mixed use to commercial mixed use. Planner Walters explained the Future Land Use Map designations would change from NMW to CMW indicating the vision is for more intensive use and would support base districts zoning that would allow for hotel uses, greater heights, boarder range of uses, etc. She stated however it just change the Future Land Use Map, any zoning or rezoning would have to be initiated privately. She stated this has nothing to do with zoning/rezoning the property it is providing policy guidance. Council Member Cox pointed out the changes in the Future Land Use Map could make future rezoning request consistent or

inconsistent. Mayor McFarlane questioned why the group felt that this is better than the neighborhood mixed use with Planner Walter talking about surrounding uses such as power station, railroad and how this is an area that is ripe for potential redevelopment. It was pointed out if rezoning takes place, it would require another public hearing.

Ted VanDyk, New City Design, stated he felt we need a discussion relative to the recommendations. He talked about height and appropriateness which were discussed during the public meetings. He talked about the original intent was for a plan for growth in these areas but when we start talking about individual parcels, etc., that wasn't the spirit of the discussion. The quality of community was the spirit of discussion.

Doug Lewis indicated he owns property at 2512 Vanderbilt Avenue and he received a letter stating he owns houses at the corner of Poque and Vanderbuilt and questioned how this would affect him.

Joe Whitehurst, 6109 Iris Drive, pointed out he is president of the Hillsborough Street Community Service Cooperation and he also owns property on Hillsborough Street. He talked about the public participation and the community involvement in this effort. He stated he feels it is a good plan but may need more vetting and expressed appreciation to Planning Director Bowers and Planner Bynum Walter for their leadership in the development of this plan. He talked about zoning guidance being similar to a small area plan which is zoning guidance. We look to small area plans to show what is in the future and this is similar to zoning guidance. He stated he feels there is a lot of good work and a good base for a plan.

Steve Pace, 18 Turner Street, pointed out he just learned about this. He stated he was doing renovation of his property and had just taken his front porch off now setbacks will be different and questioned how this plan would affect his rebuilding his porch. Mayor McFarlane pointed out nothing will change about the rules, setbacks, etc., this is just a plan for how the area may look in the future. No zoning on the ground will change with Planner Walter pointing out there would be no change to regulations that guide development of property. She stated the policy guidance would apply only if someone chooses to rezone or make a request to rezone their property.

No one else asked to be heard thus the hearing was closed. Council Member Crowder moved that the item be referred back to Growth and Natural Resources Committee to be discussed on September 13 at 4:00 p.m. She stated at that time the Committee would discuss the plan particularly as it relates to Ferndell Lane, street network particularly as it relates to Smallwood, Oberlin and Daniels, whether the 4 or 5 story heights, the nature of the recommendations originating from the small area plan and to look at the definition of policy zoning guidance. Her motion was seconded by Mayor McFarlane and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

**Adjournment:** There being no further business, the Mayor announced the meeting adjourned at 9:30 p.m.

Gail G. Smith  
City Clerk

jt/CC09-05-17