

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, March 7, 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 (absent and excused)
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order. Invocation was rendered by Reverend Dr. H.C. Miller, Tupper Memorial Baptist Church. The Pledge of Allegiance was led by Council Member Baldwin. Mayor McFarlane stated Council Member Gaylord is absent and excused. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATES OF APPOINTMENT – PRESENTATION MADE

Mayor McFarlane explained the Certificate of Appointment process and presented a certificate to Sinclaire Owen who was recently appointed to the Raleigh Convention and Performing Arts Centers Authority. In accepting the proclamation Ms. Owen expressed appreciation at the opportunity to serve and work with the City of Raleigh.

PROCLAMATION – GIRL SCOUT WEEK – PROCLAIMED

Mayor McFarlane read a proclamation proclaiming March 12 through 18 as Girl Scout Week in the City of Raleigh. The proclamation was accepted by Chief Operating Officer Cindy Kelley-Deaton and a number of scouts from Troop #1150.

In accepting the proclamation, Ms. Kelley-Deaton stated this is the 150th Anniversary of the Girl Scouts, talked about the leadership, the number of people who participated in Girl Scouts, talked about Wake County having one of the 10 girl scouts of the year and the success she has had in her life and educational efforts in which she gave credit to her training in the girl scouts. Ms. Deaton talked about various leaders who grew up in the scouting program.

The Girl Scouts presented the Mayor with Girl Scout cookies to share with the Council.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – STEPUP MINISTRY – RECEIVED

Linda Nunnallee, StepUp Ministry, pointed out that organization has been in Raleigh some 28 years. She stated they offer services to people who want to work but do not have the resources, abilities, etc. She stated they help people find jobs and then the adults and their children spend one year in the program learning life skills, budgeting, work skills, etc. They also sponsor an alumni program and talked about the success of the program. She presented Council Members with a copy of their last annual report pointing out the gentleman on front of the report came to SetUp Ministry and talked about the success that he and his son have had. He now has a landscaping company and is doing a fantastic job as a working single-parent. Ms. Nunnallee expressed appreciation to the City of Raleigh pointing out they could not have done all they do without the support of the community and the city.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS PRESENTED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Council Member requests discussion on an item, the item will be removed from the consent agenda and considered separately. She stated the vote on the Consent Agenda will be a roll call vote. (Clerk's note: The Traffic item Fox Hollow Drive write up was incorrect on the agenda; however, Council Members received beforehand a corrected version and had received a copy at the table and that is the version that would be included in the consent agenda.) Council Member Baldwin moved approval of the items on the consent agenda. Her motion was seconded by Council Member Crowder and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. The items on the consent agenda were as follows:

UTILITY SERVICE EXTENSION – 6500 WEST LAKE ANN DRIVE – AUTHORIZED

A request has been received to extend a water and sanitary sewer main along the property frontage of 6500 West Lake Anne Drive. The property to be served is located outside the City limits, but within the Raleigh extraterritorial jurisdiction. The request complies with the city code; total cost for the extension of service will be borne by the property owner.

Recommendation: Authorize the extension of water and sanitary sewer services to the property. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

SURPLUS PROPERTY – DONATION TO THE WILSON MILLS FIRE DEPARTMENT – RESOLUTION ADOPTED

State statutes give authority to local governments to donate property that is no longer of use to another governmental unit within the United States, a sister city, or a nonprofit organization.

The Fire department has a washer extractor that is surplus; this equipment is used to clean firefighter turnout gear. The estimated value of the donation is \$2,250; the Wilson Mills Fire Department, Inc. has use for the equipment. The required public notice has been made. A draft resolution is included with the agenda packet authorizing the donation of surplus property.

Recommendation: Adopt the resolution. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Resolution 453.

HAZARD MITIGATION GRANT FOR ACQUISITION OF REPETITIVE LOSS PROPERTIES - APPROVED

The City periodically applies for Federal Emergency Management Agency (FEMA) Grants. During the grant process, FEMA requires the city to designate an agent at the staff level that is authorized to file applications, assurances and submit regular cost reports for active grants. These grant applications fund the acquisition of repetitive loss properties due to flooding.

Recommendation: Authorize the Engineering Services Director and the Assistant Engineering Services Director to file required documentation with the Federal Emergency Management Agency and the State of North Carolina Department of Public Safety Division of Emergency Management. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Resolution 454.

SANITARY SEWER INTERCEPTOR ASSESSMENT AND REHABILITATION DESIGN – CDM SMITH, INC. – AMENDMENT #1 – APPROVED

On December 1, 2015, the City Manager was authorized to execute a contract with CDM Smith, Inc. to complete phased assessment and design services for the Twin 72-inch Sanitary Sewer Interceptor Assessment and Rehabilitation Design project. Phase one services include inspection, assessment, and recommendation services for a contract amount of \$801,000.

To date CDM Smith, Inc. has performed approximately 85 percent of the inspection efforts on the twin 72-inch sewer interceptors. However, inspection was halted due to debris that was encountered in the remaining 15 percent of the sewer interceptors just upstream of the Neuse River Resource Recovery Facility. The debris must be removed in order to complete the full inspection and assessment process. This amendment is intended to provide additional funds for the interceptors to be cleaned of debris and for proper debris disposal.

Contract History:

Name of Project:	Twin 72-inch Sanitary Sewer Interceptor Assessment and Rehabilitation Design
Managing Division:	Public Utilities – Capital Improvements Division
Approval Request:	Contract amendment
Reason for Council Review:	Contract amendment >\$150,000
Vendor:	CDM Smith, Inc.
Prior Contract Activity:	\$801,000 (approved by City Council December 1, 2015)
Currently Encumbered:	\$801,000
Amount of this Amendment:	\$268,100
Encumbered with this Approval:	\$1,069,100

Recommendation: Authorize the City Manager to execute contract amendment number one with CDM Smith, Inc. in an amount not to exceed \$268,100. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

WATER AND SEWER LINE REPLACEMENT PROJECT #2 – CAROLINA CIVIL WORKS INCORPORATED - CHANGE ORDER #3 – APPROVED

On January 20, 2015, City Council approved a construction contract with Carolina Civilworks for the 2013 Water and Sewer Line Replacements, contract number two. This construction contract includes the replacement of approximately 12,800 linear feet of water lines and rehabilitation or replacement of approximately 8,700 linear feet of sewer lines. The project work areas were determined by staff with the asset management program, which strives to replace aging infrastructure in a systematic and proactive manner.

A construction contract for \$2,673,403 was executed with Carolina Civilworks in March 2015. Change orders one and two in amounts of \$296,278 and \$234,287, respectively, were necessary for costs associated with ten emergency water and sewer main repairs. Change order number three in the amount of \$602,286 is necessary for costs associated with five additional emergency water and sewer main repairs along Trinity Road, Millbrook Road, White Oak Road, and the Walnut Creek and Crabtree Creek Interceptors. The majority of the current change order costs were able to utilize the competitively bid unit prices in the original contract.

Contract History:

Name of Project:	2013 Water Line and Sewer Line Replacement Project Number Two
Managing Division:	Public Utilities – Capital Improvements Division
Approval Request:	Contract change order
Reason for Council Review:	Contract change order >\$500,000
Vendor:	Carolina Civil Works, Inc.
Original Contract:	\$2,673,403 (approved by City Council January 20, 2015)
Change Order Number One:	\$296,278 (administrative)

Change Order Number Two	\$234,387 (approved by City Council August 2, 2016)
Amount of this Change Order:	\$602,286
Encumbered with this Approval:	\$3,806,354

Recommendation: Authorize the City Manager to execute a change order in an amount not to exceed \$602,286. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused)

FEDERAL TRANSIT ADMINISTRATION SECTION 5310 – CENTER FOR VOLUNTEER CAREGIVING - RATIFICATION AND CONTRACT APPROVED

In December 2015, the City entered into a contract with the Center for Volunteer Caregiving to support enhanced mobility for seniors and for persons with disabilities. As the designated recipient of Federal Transit Administration Section 5310 funding, the Transit Division distributes funds to eligible recipients approved by a formal authorization of the Capital Area Metropolitan Planning Organization's Executive Board. The current contract has a period of performance from December 31, 2015 through November 30, 2017; the Federal Transit Administration grant has a period of performance beginning July 1, 2015.

It is necessary at this time to ratify the relationship between the City and the vendor for the period from October 1, 2015, through December 31, 2015, the effective date of the existing agreement. Upon ratification, the City will enter into an amendment to bring this period of prior performance under the terms and conditions of the existing agreement and to allow the City to make payment for those services provided.

Recommendation: Ratify the obligations of the City and the Center for Volunteer Caregiving for the period prior to the entrance into a written contract; authorize the City Manager to execute a contract amendment to bring that period under the existing contract for services with the City. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

BILTMORE HILLS – IMPROVEMENTS AND TENNIS CENTER EXPANSION – MANAGER AUTHORIZED TO EXECUTE CONTRACT; BUDGET AMENDED

Biltmore Hills Park Improvements and Tennis Center Expansion will include an approximately 1,000-square foot building addition to the Community Center, eight new tennis courts, Community Center upgrades, gym HVAC installation, ball field lighting upgrades, parking lot paving, and accessibility improvements.

A Request for Qualifications for architectural and engineering design, and construction administration services was advertised. Four proposals were received and after a thorough review of the qualifications, HagerSmith Design, PA was selected as the most qualified firm. Staff has negotiated a professional services contract with HagerSmith Design, PA for Schematic Design of the Biltmore Hills Park Improvements and Tennis Center Expansion in the amount of

\$113,725. A budget transfer totaling \$2,790,401 is needed to consolidate funds for project management.

Name of Project:	Biltmore Hills Park Improvements and Tennis Center Expansion
Managing Division:	Parks, Recreation and Cultural Resources Department – Park Development and Communications Division
Approval Request:	Contract award for schematic design
Reason for Council review:	Contract award and budget transfer
Original Project Budget:	\$2,790,401
Design Fee Proposal:	\$113,725
Vendor:	HagerSmith Design, PA
Amount of this Contract:	\$113,725
Encumbered with this Approval:	\$113,725
Budget Transfer Required:	\$2,790,401

Recommendation: Authorize the City Manager to execute the contract in the amount of \$113,725 and authorize a budget transfer totaling \$2,790,401. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Ordinance 674 TF 293.

COMFORT STATIONS AND SITE IMPROVEMENTS – VARIOUS PARKS – CONTRACT AWARDED TO BEAU CHENE COMPANY, LLC – FUNDS TRANSFERRED

The Comfort Stations and Associated Site Improvements at Buffaloe Road Athletic Park, Jaycee Park, and Roberts Park construction project was publicly bid on December 12, 2016, and five bids were received at the bid opening on January 24, 2017. The low bidder is Beau Chene Company, LLC, License Number 42073. Staff recommends the construction of the Comfort Stations at Buffaloe Road Athletic Park, Jaycee Park, and Roberts Park be awarded to Beau Chene Company, LLC with the total contract amount of \$894,370 including the base bid and three add alternates. Although the projects at Jaycee Park and Roberts Park were intended to be renovations, full replacement is required due to extensive structural damage. Minority and Women Owned Business Enterprise (MWBE) participation for this project is 17 percent. Beau Chene Company, LLC has provided supporting documents regarding their efforts to subcontract MWBE vendors. A budget transfer totaling \$646,000 is needed to consolidate funds for project management.

Name of Project:	Comfort Station Projects and Associated Site Improvements at Buffaloe Road Athletic Park, Jaycee Park, and Roberts Park
Managing Division:	Parks, Recreation, and Cultural Resources Department – Park Development and Communications Division
Approval Request:	Contract award for construction

Reason for Council review:	Contract award >\$300,000
Original Project Budget:	\$976,000
Construction Bid:	\$894,370
General Contractor:	Beau Chene Company, LLC
Prior Contract Activity:	N/A
Currently Encumbered (% of estimate):	Zero percent
Amount of this Contract:	\$894,370
Encumbered with this Approval:	\$894,370
Budget Transfer Required:	\$646,000

Recommendation: Authorize the City Manager to execute a construction contract in the amount of \$894,370 and authorize a budget transfer totaling \$646,000. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Ordinance 674 TF 293.

INSURANCE CLAIMS ADMINISTRATION SERVICES – INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA/AMENDMENT #4 – APPROVED

The City contracts with the Interlocal Risk Financing Fund of North Carolina (IRFFNC) and the North Carolina Interlocal Risk Management Agency (NCIRMA), both affiliated with the North Carolina League of Municipalities, for the administration of property, liability, and workers' compensation claims. The original contracts provided an option to renew for two additional one-year periods at the end of the initial term. The City has previously exercised those renewals which extended the contract through June 30, 2016. Due to several staff vacancies in the Risk Management Division, the contract was approved for an additional year extension of services through June 30, 2017. Due to the upcoming organizational shift of workers compensation administration from the Finance Department to the Human Resources Department and staffing, it would be prudent to extend services with our current vendor for an additional one-year term while staff initiate and complete the Request for Proposal (RFP) process for these services. The current contract contains a provision for the vendor to increase pricing by 10 percent and the vendor will exercise that option in the contract amendment.

Name of Project:	Insurance Claims Administration Services
Managing Division:	Finance – Risk Management
Request Reason:	Contract amendment approval (contract amendment >\$150,000)
Cause of Contract Amendment:	Contract expiration June 30, 2017
Vendor:	Interlocal Risk Financing Fund of North Carolina (property claims) North Carolina Interlocal Risk Management Agency (workers compensation claims)
Prior Contract Activity:	Council approval July 7, 2009 Original contract April 1, 2009 through June 30, 2014, five-year term (~\$420,000/year) Option one exercised July 1, 2014 through June 30, 2015), (\$400,000/year) Option two

Currently Encumbered:	exercised July 1, 2015 through June 30, 2016), (\$370,000/year) Council approved one-year extension July 1, 2016 through June 30, 2017), (\$370,000)
Amount of this Contract Amendment:	\$200,000 property and general liability claims administration \$170,000 workers compensation claims administration \$370,000 total claims administration \$370,000/year – one-year term July 1, 2017 through June 30, 2018
Encumbered with this Approval:	\$200,000 property and general liability claims administration (with FY18 budget) \$170,000 Workers compensation claims administration (with the FY18 budget) \$370,000 Total claims administration

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

INVESTMENT ADVISORY SERVICES – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH DAVENPORT & COMPANY, LLC

The City uses an investment advisory firm to provide advice and related services to the City in its investment of idle funds, including operating funds and bond proceeds, governed by North Carolina General Statute (NCGS) 159-30. In providing such services, the firm provides the City with a cash flow model that matches and manages future investment needs based on the City’s cash flow requirements. As the contract with the current provider approached its expiration, the City issued a Request for Proposals (RFP) to evaluate these services. On February 17, 2017, Treasury Services received six proposals in response to the RFP, and a committee consisting of Finance staff evaluated the proposals using criteria listed in the RFP, including corporate background, proposed team qualifications, experience and references, understanding of the scope of services, and cost proposal. Based on the evaluations, the committee has selected Davenport & Company, LLC for a five-year contract to begin March 13, 2017. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

STC-9-2016 – NORTH HARRINGTON/NORTH WEST STREET – RESOLUTION OF INTENT SETTING APRIL 4, 2017 PUBLIC HEARING ADOPTED

The City has received a petition to consider closing a portion of a public right-of-way located in Raleigh. North Harrington Street is located east of North West Street and extends to the east until the road straightens north of existing West Johnson Street. This portion of right-of-way contains the existing street and is approximately half of an acre. The petition for street closure is consistent with the Smokey Hollow redevelopment plan (SR-53-2016), which includes the proposed extension of West Johnson Street from North Harrington Street to North West Street.

Recommendation: Adopt a resolution authorizing a public hearing to be held on Tuesday, April 4, 2017 to consider closure of the right-of-way as requested. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Resolution 455.

ENCROACHMENT REQUESTS – VARIOUS LOCATIONS – APPROVED CONDITIONALLY

North West Street and West North Street

A request has been received from Celito CLEC, LLC to install 1,955 linear feet of underground fiber optic cable and eight hand holes.

Vanderbilt Avenue and Fairview Road

A request has been received from Fiber Technologies Networks, LLC to install 1,082 feet of underground fiber optic cable.

West Lenoir Street, Highwoods Boulevard, Corporation Parkway, and Sunnybrook Road

A request has been received from South Carolina Telecommunications Group to install 14,393 linear feet of underground fiber optic cable and thirteen hand holes.

Ronald Drive and Forest Ridge Road, Shelden Drive and Rush Street, Trademark Drive and Old Poole Road, Atlantic Avenue and Pacific Drive, Brickell Avenue and Old Westgate Road

A request has been received from Mobilitie, LLC to install one new wooden utility pole and four steel utility poles. A report was included with the agenda packet.

Reports were included with the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

BUDGET AMENDMENTS/TRANSFERS – VARIOUS – ORDINANCE ADOPTED

Council Members received in their agenda packet a list of budget amendments and transfers with code accounts and reasons outlined.

Recommendation: Adopt budget amendment/transfer as outlined. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Ordinance 674 TF 293.

PUMP STATION REHABILITATION PROJECT – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH HAREN CONSTRUCTION COMPANY, INC.

On February 9, 2016 the Public Utilities Department received four bids for the Pump Station Rehabilitation Project. This project includes upgrade and rehabilitation work at four pump stations. These include adding a pump, electrical improvements, replacing the generator, and roof replacement at Sycamore Creek Pump Station; a complete pump station replacement at the Green Spring Valley Pump Station; roof replacement at the Brier Creek Pump Station; and pressure indicating transmitter at the Highway 50 Pump Station.

Haren Construction Company, Inc. submitted the lowest responsive bid in the amount of \$1,522,000. Haren Construction Company, Inc. is properly licensed and experienced in the type of work involved in this project. Haren Construction Company, Inc. submitted an 8.21 percent Minority and Women-owned Business Enterprise (MWBE) participation plan. Though this participation does not meet the City's goal, Haren Construction Company, Inc. provided documentation demonstrating good faith effort for MWBE participation.

Name of Project:	Pump Station Rehabilitation Project
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$3,340,500
Construction Bid Award:	\$1,522,000
Vendor:	Haren Construction Company, Inc.
Prior Contract History:	N/A
Encumbered with this approval:	\$1,522,000

Recommendation: Award the bid to Haren Construction Company, Inc. in an amount not to exceed \$1,522,000. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

RESURFACING CONTRACT – 2017 PROGRAM – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH BARNHILL CONTRACTING COMPANY

The annual street resurfacing project consists of resurfacing 147 streets for a total of 27.5 centerline miles. Additional resources allocated for annual resurfacing generates more than 75% of cost of this contract. This contract will also include resurfacing of the driving pad for the Police Department Training Facility on Battle Bridge Road. On February 7, 2017, two formal bids were received. Since three bids are required on the first advertisement, the project was re-advertised.

On February 16, 2017, formal bids were received and publicly opened; a total of two bids were received. The lowest bid was submitted by Barnhill Contracting Company in the amount of

\$7,107,535. Minority and Women-owned Business Enterprise (MWBE) participation is 20.8 percent.

Name of Project:	Street Resurfacing Project TS2017-2
Managing Division:	Transportation Field Services
Approval Request:	Bid award
Reason for Council Review:	Formal bid award
Construction Bid Award:	\$7,107,535
CIP Project Budget:	\$7,563,000
Vendor:	Barnhill Contracting Company
Budget Transfers:	N/A
Prior Contract Activity:	N/A
Encumbered with this approval:	\$7,107,535

Recommendation: Award the bid and authorize the City Manager to execute a contract with Barnhill Contracting Company in the amount of \$7,107,535. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused).

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following recommendations relating to changes in the traffic code which would become effective seven days after adoption.

Multi-Way Stops – Ashland Street at Gordon Street, Wade Park Boulevard at Corporate Center Drive, North Boundary Street at Elm Street, and Bland Road at Steinbeck Drive

It is recommended that multi-way stops be installed at the intersections of Ashland Street at Gordon Street, Wade Park Boulevard at Corporate Center Drive, North Boundary Street at Elm Street, and Bland Road at Steinbeck Drive. Wade Park Boulevard, Corporate Center Drive, and Bland Road are classified as Two-Lane Avenues. North Boundary Street is classified as a Neighborhood Street. Ashland Street, Gordon Street, Elm Street, and Steinbeck Drive are classified as Neighborhood Local. These intersections meet and/or exceed the criteria specified in multi-way stop section of the Neighborhood Traffic Management Program (NTMP) adopted by the Raleigh City Council.

Speed Limit Reduction – Fox Hollow Drive

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Fox Hollow Drive. Fox Hollow Drive is classified as Neighborhood Local and is constructed to typical residential street standards. A signed petition has been received by staff representing at least 75 percent of the residents or property owners along the street in support of a speed limit reduction.

North Carolina State Bar – Two Hour Parking Zones

It is recommended that Two Hour Parking Zones be established on the east side of the 100 Block of North Blount Street, and on the north side of the 200 Block of East Edenton Street, and that the Commercial Loading Zone on the north side of the 200 Block of East Edenton Street be relocated. Staff received a request from the North Carolina State Bar to establish Two Hour Parking Zones along both frontages of their building to allow for visitor parking. These Zones will allow for quicker turnover where currently there are no time restrictions and parking is being taken up by all-day parkers. It is further requested that the Commercial Loading Zone on the north side of East Edenton Street, which is currently situated in front of a fire hydrant, be relocated a short distance eastward to conform to the standard setback distance from fire hydrants.

Recommendation: Authorize the appropriate changes in the traffic code as included with the agenda packet. Upheld on Consent Agenda Baldwin/Crowder – 7 ayes (Gaylord absent and excused). See Ordinance 675.

END OF CONSENT AGENDA

REZONING Z-44-16 – BRUCKHAUS STREET – PUBLIC HEARING AUTHORIZED FOR MARCH 21, 2017

This is a request to rezone property from Planned Development (PD) to Commercial Mixed Use – 5 stories-Urban Limited – Conditional Use (CX-5-UL-CU). The property is located on Bruckhaus Street, north side, at its intersection with Alma Street.

The request is consistent with the Future Land Use Map, the Urban Form Map, and most pertinent policies of the Comprehensive Plan. Conditions restrict certain uses, require buildings of at least two stories, and prohibit driveways on Alm Street.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of April 4, 2017.

It was pointed out there has been a request for this rezoning hearing to be scheduled for March 21, 2017 with representatives of the Planning Department indicating that would be find. Council Member Baldwin moved approval of Z-44-16 going to public hearing on March 21, 2017. Her motion was seconded by Council Member Crowder and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-45-16 – TRIANGLE TOWN BOULEVARD – PUBLIC HEARING AUTHORIZED FOR APRIL 4, 2017

This is a request to rezone property from Commercial Mixed Use – Four Stories – Conditional Use with partial Special Highway Overlay District-1 (CX-4-CU w/partial SHOD-1) to the same

district, but with new conditions. The property is located at the northeast corner of Triangle Town Boulevard and Old Wake Forest Road.

The request is consistent with the Future Land Use Map, the Urban Form Map, and pertinent policies of the Comprehensive Plan. Conditions restrict certain uses; limit total development to 400 residential units and 30,000 square feet of nonresidential uses; and establish a build-to area along Triangle Town Boulevard.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of April 4, 2017.

Council Member Baldwin moved approval of the April 4, 2017 public hearing. Her motion was seconded by Council Member Crowder and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-47-16 – RANDOLPH DRIVE – PUBLIC HEARING AUTHORIZED FOR APRIL 4, 2017

This is a request to rezone property from Residential-4 (R-4) to Residential-2 (R-2). The request is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. The property is located on Randolph Drive between Glenwood Avenue and Perquimans Drive and contains approximately 12.15 acres.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of April 4, 2017.

Council Member Crowder moved approval of the April 4, 2017 public hearing. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

Planning Commission Chair Braun indicated this is one of the first applications for down zoning and talked about the concern of the neighborhood. The comments were received.

SPECIAL ITEMS

REZONING Z-22-16 SIX FORKS ROAD – DENIED; STAFF ASKED TO DEVELOP REPORT FOR SELF STORAGE LOCATIONS

The following public hearing was held February 7, 2017:

This is a hearing to consider a request by Caplan Investments, LLC to rezone approximately 2.6 acres from Residential-4 (R-4) to Commercial Mixed Use – Three Stories – Conditional Use-Parking Limited (CX-3-CU-PL). Conditions would limit uses to those in the current zoning

category of Residential-4, plus Self-Service Storage. They also include measures to limit impact on adjacent properties. The request is not consistent with the Future Land Use Map or some Comprehensive Plan policies, but is consistent with policies regarding transit amenities and commercial impacts on adjacent properties. The Planning Commission recommends approval of the request.

The proposal was received by the City Council on January 17, 2017. At the close of the hearing on February 7, Council directed that the item be placed on the February 21, 2017 agenda. During the February 21, 2017 meeting it was reported the applicant had requested that the item be held and placed on this agenda for further consideration. The Council may take action to approve, deny, or refer the item to committee.

Planner Bynum Walter indicated the applicant has not submitted conditions and has some additional time therefore it is suggested that the item be held and placed on the March 7 agenda.

Council Member Thompson indicated in spite of any changes or conditions that may be submitted the use proposed is a self storage unit in a residential area. He does not feel that type use fits well in a residential area. He stated he has concern about the value of adjacent property and concern about this case in general. He stated even though this is not a public hearing there are a number of people in the ordinance who did not attend the hearing who are in opposition to the case and asked that they stand and between 25 and 30 people stood in opposition to the case.

Council Member Thompson moved denied of Z-22-16 – Six Forks Road. His motion was seconded by Council Member Crowder and put to a vote which resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

Council Member Stephenson stated he does not feel this type use is appropriate and talked about them being big billboard boxes and he does not feel that Council should rezone an area to allow this type of incompatible use.

Mayor McFarlane pointed out the City is seeing and receiving a lot of the self storage units and maybe staff could come up with some guidelines as to where they should be allowed buffers, locational criteria, etc. Council Member Crowder indicated staff can do some research and provide some guidance on separate of uses, etc. Council Member Baldwin pointed out this question had been asked before and staff did some research and study. She stated maybe staff could use that study and the concerns and develop a report to Council as to how we could move forward on addressing this type situation. Staff was asked to provide the information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

STRATEGIC PLAN AMENDMENTS – REVISIONS APPROVED

The Strategic Plan is important to the success of the City, and annual updates are made to reflect needed changes. During the February City Council retreat, the Council expressed support for

several recommended amendments to the adopted Strategic Plan. The amendments fall within three categories: refining language to more accurately reflect the strategies that will be undertaken, relocating initiatives for more appropriate placement within the Strategic Plan, and removing completed initiatives.

During the February 21 work session, Council discussed affordable housing goals; once identified, affordable housing goals could be incorporated into a subsequent amendment to the Strategic Plan or remain as goals within the Affordable Housing policy.

Recommendation: Adopt the revisions to the Strategic Plan as presented.

City Manager Hall pointed out Council received information in their agenda packet relative to amendments and revisions to the strategic plan. He expressed appreciation to staff who did all of the work and provided presentations at the recent retreat and followed up on the suggested amendments. He also expressed appreciation to the City Council who took a lot of time out of their busy schedule to hear the reports, provide feedback, etc. City Manager Hall indicated staff can provide a report or would be glad to answer questions. He stated work is ongoing on affordable housing recommendations/information which will come back to the Council for consideration/amendments to the plan. Council Member Branch questioned when the Council would receive the information on affordable housing. City Manager Hall indicated staff is following up on the questions etc., in the recent work session and will report as soon as possible. Council Member Stephenson indicated when staff brings the affordable housing back he wants staff to talk about NET product or goals. He talked about benchmarking our goals, etc., and what we are capable of and stated we need to look at NET product as we are making strides on construction of affordable housing but at the same time we are losing a lot of affordable housing. He referred to a recent initiative in Los Angeles and the amount of money they are providing towards the affordable housing initiative.

The proposed revisions were as follows.

Arts and Cultural Resources

Embrace Raleigh's diverse offerings of arts and cultural resources as iconic celebrations of our community that provide entertainment, community and economic benefit.

Objective 1: Position Raleigh as a nationally recognized entertainment, cultural and tourism destination.

Initiatives:

- Initiative 1.1: Develop a comprehensive brand and marketing campaign to market Raleigh as the "Southern Capital of Arts and Culture."
- Initiative 1.2: Explore the feasibility of partnering with the private sector to establish a unified arts and culture foundation.
- ~~Initiative 1.3: Complete development of the Raleigh Arts plan.~~

Objective 2: ~~Identify, protect, and develop places, traditions, and activities that celebrate Raleigh’s history and cultivate innovative and diverse arts, cultural, and tourism opportunities. Protect, enhance and develop unique places that reflect the City’s character, history and values.~~

Initiatives:

- Initiative 2.1: ~~Develop partnerships to define, inventory and evaluate needs for Raleigh’s unique places. Identify and inventory Raleigh’s unique places, experiences, and traditions.~~
- Initiative 2.2: Develop a long-term vision and goals for Raleigh’s historic assets.
- ~~Initiative 2.3: Conduct a market study for the Performing Arts Center to identify opportunities to improve facilities and programs.~~
- Initiative 2.34: Work with community partners to create a development plan for the Dorothea Dix Park.
- ~~Initiative 2.4: Identify future destination facilities and develop programs that support and enhance arts, culture, and tourism activities throughout all geographical areas of Raleigh.~~
- ~~Initiative 2.5: Cultivate projects and partnerships that foster collaboration between the creative community, arts and cultural organizations, and local tech companies.~~

~~**Objective 3:** Create initiatives and partnerships that foster diverse and innovative arts, cultural and tourism opportunities.~~

Initiatives:

- ~~Initiative 3.1: Develop a plan to increase diverse arts and cultural activities throughout all geographical areas of Raleigh.~~
- ~~Initiative 3.2: Identify future destination facilities that support and enhance arts, culture and convention activities.~~
- ~~Initiative 3.3: Identify opportunities to integrate the convergence of arts and technology.~~

Economic Development and Innovation

Maintain and grow a diverse economy through partnerships and innovation to support large and small businesses and entrepreneurs, while providing employment opportunities for all citizens.

Objective 1: Attract, retain and engage a talented workforce of various ages, skill sets and backgrounds to support a diverse and growing economy.

Initiatives:

- Initiative 1.1: Work with the Capital Area Workforce Development Board, the Greater Chamber of Commerce and other partners to continue the evaluation of the local labor force profile and analysis.

- Initiative 1.2: Convene a regional forum of educational organizations to build strategies for providing programs and degrees to meet workforce needs.
- Initiative 1.3: Continue to partner with non-profits on workforce development issues.

Objective 2: Cultivate an innovative and entrepreneurial culture based on shared strategic goals.

Initiatives:

- Initiative 2.1: Create partnerships and identify best practices ~~to develop an innovation lab that will be the platform for that assist~~ small, start-up and minority-owned business development and education.
- Initiative 2.2: Host regular forums with the business community to promote collaboration on economic development themes.
- Initiative 2.3: Pursue joint business ventures with the private sector, State of North Carolina and local universities that encourage and implement creative projects that add jobs and investment in our community.

Objective 3: Establish a strong economic development program that utilizes strategic policies and a comprehensive tool kit of resources to strengthen Raleigh and encourages business investment in all parts of the City.

Initiatives:

- Initiative 3.1: Create the economic development tool kit containing policies and programs such as business grants, loans, innovation funding and small business assistance that support business recruitment, development and retention.
- Initiative 3.2: Continue to refine, revise and improve the development review and permitting process.
- Initiative 3.3: Develop a policy for strategic property disposition and acquisition.

Objective 4: Maintain and develop amenities and infrastructure specifically attractive to economic development.

Initiatives:

- Initiative 4.1: Explore alternate financing methods adequate for on-going maintenance, repair and expansion of necessary infrastructure for economic development.
- Initiative 4.2: Develop downtown parking strategies to adequately support economic development.
- Initiative 4.3: Partner with providers to facilitate high-speed broadband service.

Growth and Natural Resources

Encourage a diverse, vibrant built environment that preserves and protects the community's natural resources while encouraging sustainable growth that complements existing development.

Objective 1: Develop and maintain adaptable services, policies and a regulatory framework that protects natural resources.

Initiatives:

- Initiative 1.1: Pilot an improvement process by evaluating ordinances and development plan review associated with tree cover to maximize water and air quality protection without impeding sustainable growth.
- ~~Implement process improvement methodology, to include~~
- ~~regulatory process review;~~
- ~~identification of best practices; and,~~
- ~~metrics for services, policies, regulations and incentives.~~

Objective 2: Increase the connected network of green spaces that conserve natural resources and promote outdoor activity.

Initiatives:

- Initiative 2.1: Add amenities to greenway trails to increase and improve user experience.
- Initiative 2.2: Expand green space in Raleigh by creating an open-space plan including criteria for land acquisition and pursuing non-City funding for land preservation.

Objective 3: Optimize public infrastructure projects to address community resiliency, sustainability and efficiency.

Initiatives:

- Initiative 3.1: Implement the climate energy action plan including the anaerobic digestion processes at the wastewater treatment plant, the renewable energy plan and the fuel and fleet transformation recommendations.
- Initiative 3.2: Evaluate all planned public infrastructure projects through a matrix and cross-departmental planning team designed to identify sustainability and resiliency along with interdepartmental, cross-agency and regional partnership opportunities.
- Initiative 3.3: Build on recommendations of the Green Infrastructure Task Force, including an inventory of green infrastructure and the establishment of a green-infrastructure policy for City projects and facilities.
- Initiative 3.4: Implement strategies for City-wide waste reduction.

Objective 4: Facilitate improvements to the built environment that preserve and create neighborhoods of choice.

Initiatives:

- Initiative 4.1: ~~Develop criteria and methods for identifying and prioritizing neighborhoods that would benefit from area planning. Prioritize and complete area plans for neighborhoods poised for new investment.~~
- Initiative 4.2: Align the Capital Improvement Program to support existing growth and to catalyze investment in targeted areas.
- Initiative 4.3: Evaluate funding strategies for implementation and maintenance of streetscape, pedestrian and neighborhood enhancement projects.
- Initiative 4.4: Adopt and implement a Complete Streets policy.
- ~~Initiative 4.5: Create guidelines and standards for transit supportive development.~~
- Initiative 4.56: Support efforts to improve the state government complex.

Organizational Excellence

Foster a transparent, nimble organization of employees challenged to provide high quality, responsive and innovative services efficiently and effectively.

Objective 1: Promote a culture that values continuous improvement, employs leading business practices and fosters financial stability.

Initiatives:

- Initiative 1.1: Develop and adopt a performance management philosophy that encourages innovation by:
 - promoting continuous improvement;
 - allowing evaluation of our financial condition, human capital and policies and processes; ~~and,~~
 - ~~aligning with community goals and priorities; and~~
 - identifying and implementing pilot projects.
- Initiative 1.2: Develop and implement stakeholder satisfaction surveys that have a visible and direct impact on decision making and service delivery.
- Initiative 1.3: Develop and implement a comprehensive communications policy and plan to effectively tell the City of Raleigh's story.
- Initiative 1.4: Assess the organization's ability to provide services during times of severe stress through a review of business continuity plans and resiliency principles.
- Initiative 1.5: Establish a governance structure for maintaining organizational policies and procedures.
- Initiative 1.6: Review the Sustainability Tools for Assessing and Rating (STAR) feedback to identify gaps and opportunities for community improvement.

Objective 2: Align facilities, staff and technology with organizational needs.

Initiatives:

- Initiative 2.1: Increase accessibility of documents and records to internal and external customers.
- Initiative 2.2: ~~Continue to evaluate further development of the City's institutional fiber network for current and future facilities and sites. Complete construction and connection of City institutional fiber to the City's 41 priority sites and evaluate future new facilities for appropriate investments.~~
- Initiative 2.3: Plan a centralized campus that provides easy access to staff and citizens and promotes effective collaboration.

Objective 3: Expand effective and equitable customer service that engages all stakeholders through transparency, cooperation and feedback.

Initiatives:

- Initiative 3.1: Develop and implement consistent customer service standards, training and evaluation organization-wide.
- Initiative 3.2: Review the scope, structure and engagement of City boards, committees and commissions to enhance purpose and value in the policy-making process.
- Initiative 3.3: Implement a Customer Relationship Management system to facilitate better customer service.

Objective 4: Recruit and retain a diverse, high-performing workforce.

Initiatives:

- Initiative 4.1: Identify core competencies and expectations for all employees hired and working for the City.
- Initiative 4.2: Assess, develop and adopt a total compensation philosophy and structure (to include pay, classification and employee performance evaluation systems).
- Initiative 4.3: Develop formal and structured career paths and succession- planning processes to encourage employee cross-training and professional development.
- Initiative 4.4: Develop recruitment strategies to ensure the City attracts highly qualified candidates while leveraging strengths of the local workforce.

Safe, Vibrant and Healthy Community

Promote a clean, engaged community environment where people feel safe and enjoy access to community amenities that support a high quality of life.

Objective 1: Promote a positive level of real and perceived safety that reflects a thriving atmosphere in which to live, work and play.

Initiatives:

- Initiative 1.1: ~~Assess response needed for adequate police presence at entertainment venues and special events. Develop a comprehensive approach for assessing City resources that are needed to ensure an adequate staff presence at entertainment venues and specials events.~~
- Initiative 1.2: Apply Crime Prevention through Environmental Design principles to increase and enhance safety in targeted areas throughout the City.
- Initiative 1.3: Evaluate public safety staffing and facility needs in order to optimize public safety outcomes.

Objective 2: Preserve and increase the supply of housing for all income groups, including those with supportive service needs.

Initiatives

- Initiative 2.1: Establish partnerships to provide for a homeless service resource center.
- Initiative 2.2: Expand partnerships to increase the supply of permanent housing for formerly homeless and at-risk persons with special needs.
- Initiative 2.3: Seek new partnerships for the development of mixed-income housing in or near the Downtown area.
- ~~Initiative 2.4: Replace the Scattered Site Policy with a tool that affirmatively sets forth desired housing outcomes.~~
- Initiative 2.45: ~~Evaluate funding strategies to support affordable housing; review, modify or expand housing programs and tools. Pursue affordable housing goals as outlined in the Affordable Housing Improvement Plan and approved by City Council.~~

Objective 3: Endorse targeted redevelopment through walkable, mixed-use and mixed-income neighborhoods.

Initiatives:

- Initiative 3.1: Prepare and adopt plans for targeted areas characterized by disinvestment and consider funding strategies to implement plan components.
- Initiative 3.2: Identify and address acquisition priorities in redevelopment areas to eliminate blight and create critical land mass for future development.
- Initiative 3.3: Strengthen neighborhood social fabric through community outreach, engagement and communication.

Objective 4: Enhance our citizens' quality of life by providing a well-designed community that facilitates active living.

Initiatives:

- Initiative 4.1: Develop tools and strategies that eliminate barriers to healthy lifestyle choices in the planning process.

- Initiative 4.2: Identify and implement service enhancements and capital investments to increase the cleanliness and appearance of Downtown Raleigh.

Transportation and Transit

Develop an equitable, citywide transportation network for pedestrians, cyclists, automobiles and transit that is linked to regional municipalities, rail and air hubs.

Objective 1: Develop a unified and coordinated transportation and land use vision implemented through effective and efficient project delivery.

Initiatives:

- Initiative 1.1: Review and evaluate project delivery process.
- Initiative 1.2: Develop and communicate the City's vision for transit, transportation and land use to include guidelines and standards for transit supportive development.
- Initiative 1.3: Review regional data, growth projections, development potential and area planning and reflect data in investments in transportation capital projects.

Objective 2: Enhance the safety, maintenance, convenience and appearance of the transportation network in order to give more people more choices.

Initiatives:

- Initiative 2.1: Identify and implement projects that strengthen connections between modes.
- Initiative 2.2: Evaluate usage data and public feedback to modify and improve the transportation experience with emphasis on bus cleanliness, safety, amenities and on-time service.
- Initiative 2.3: Develop a three-to-five-year plan for maintenance and improvements coordinated with available funding sources.
- Initiative 2.4: Make investments to position select greenway trails as transportation options.

Objective 3: Connect the City's transportation network to the region through partnerships.

Initiatives:

- Initiative 3.1: Evaluate existing relationships; explore and develop potential partnerships that would improve regional mobility.
- Initiative 3.2: Support the Wake Transit Investment Study. Expand transit service and complete infrastructure projects approved in the 2016 Transit Referendum.

Objective 4: Establish Raleigh as the leader in transportation innovation.

Initiatives:

- ~~Initiative 4.1: Identify and implement pilot projects to test transportation innovations for widespread use.~~
- Initiative 4.12: Examine and plan for alternative fuel technologies for transit services.
- Initiative 4.23: ~~Host regular summits on transportation and other relevant topics.~~ Initiate a speakers series with national experts to educate the organization and community on strategic and innovative topics.

Council Member Branch moved approval of the revisions/amendments. His motion was seconded by Council Member Baldwin and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on a 7-0 vote.

REPORT AND RECOMMENDATION OF THE FAIR HOUSING HEARING BOARD

FAIR HOUSING HEARING BOARD – QUARTERLY REPORT – RECEIVED AS INFORMATION

Ashleigh Parker Dunston, Chair of the Fair Housing Hearing Board, highlighted the following quarterly report.

In September 2016, the Fair Housing Hearing Board (FHHB) participated at the Wake County Bar Association's "People's Law School" event, providing information to the community about fair housing. The event gives Wake County lawyers an opportunity to provide free legal advice to the community.

In October and November of 2016, the FHHB partnered with the Finley YMCA Camp High Hopes, reading the book "The Other Side" to the children. This book was one of two that we recently donated to every elementary school, library, and charter school in Wake County.

On Tuesday, Jan. 24, the FHHB hosted a "Community Conversation on Housing" at Pullen Memorial Baptist Church-Finlator Hall located at 1801 Hillsborough St., Raleigh from 6:00 p.m. to 7:15 p.m. The event brought citizens, fair housing activists, and practitioners together to discuss the umbrella topic of fair housing and its importance to a healthy community. The panel included Dr. Portia Rochelle from the Raleigh-Apex branch of the National Association for the Advancement of Colored People (NAACP), Kelly Clarke of the Fair Housing Project of Legal Aid of NC, and Larry Jarvis from the City of Raleigh. More than 60 people were in attendance and various topics were discussed such as the analysis of impediment, locating affordable housing, recent successful fair housing cases, and the needs for more collaborative efforts on housing. Furthermore, there was discussion regarding the role of the Fair Housing Board and the steps needed to allow the board to hear fair housing cases. We received a lot of feedback

from the community requesting we hold more of these community conversation events. Our hope is to continue these efforts quarterly throughout the City of Raleigh.

The Fair Housing Hearing Board will hold its 14th Annual Fair Housing Conference on April 28 from 9 a.m. to 2 p.m. at the McKimmon Center located at 1101 Gorman Street. The topics will include criminal background reentry as it relates to fair housing and disability (physical and mental) as it relates to fair housing.

The report was received as information.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

ECONOMIC DEVELOPMENT TOOL KIT – REMOVED FROM COMMITTEE AGENDA; SMALL BUSINESS GRANT POLICY – REFERRED TO ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

Council Member Crowder reported the Economic Development and Innovation Committee recommends upholding staff's recommendation to remove the Economic Development Toolkit from the agenda and authorizing staff to develop a policy for small business grants as a new item for Committee discussion. Council Member Baldwin moved approval as read. Her motion was seconded by Council Member Thompson and put to a vote and passed with all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

ECONOMIC DEVELOPMENT BUILDING UPFIT GRANT – REVISIONS APPROVED AS AMENDED; DIRECTION GIVEN TO MANAGER

Council Member Crowder reported the Economic Development and Innovation Committee recommends that the Council uphold staff's proposed revisions to the Building Upfit Grant, as listed below, and requests that the City Manager include \$500,000 in the Fiscal Year 2018 recommended budget.

Proposed Revisions:

- Reduce maximum grant award to \$25,000 in Economic Development target zones and \$15,000 outside ED target zones (currently \$100,000);
- Add job creation requirement to point system (currently not required);
- Award grants on a quarterly basis (currently first-come/first-serve);
- Allocate \$125,000 per quarter (currently not allocated quarterly); and
- Bring qualifying projects to Council quarterly for funding consideration (currently approved by staff review board).

Mayor McFarlane stated she has a problem with the last "bullet" as she does not feel the projects should have to come back to council for approval. Council Member Baldwin agreed stating she feels they could be approved by the staff review board. Council Member Crowder talked about

what happened last year when someone went around the department and came to council stating she thinks the committee was trying to get around that happening again.

Council Member Baldwin suggested an amendment that the final “bullet” be removed and let the staff review board be the final decision with the Mayor agreeing. Council Member Stephenson questioned if there is an appeal process with City Attorney McCormick stating not at this point. Council Member Crowder stated if there is a problem it would be with the point system and someone could ask that the point system be changed but with the suggestion that the final decision rest with the staff review board that would be final. Council Member Crowder stated it might not be a perfect system but all have agreed we have a good system and she feels the council needs to empower the department to do the work.

Council Member Stephenson questioned if a person feels the criteria or system is wrong if they could appeal to the Council. City Attorney McCormick stated anyone can get on the agenda under requests and petitions of citizens and question any program or project of the city with Mr. Stephenson indicating that would be the appeal process. Council Member Thompson stated anyone could request discussion on changing the criteria.

Council Member Branch asked if a project was rejected on one round if they could reapply the next quarter with it being pointed out that could occur. Council Member Branch expressed appreciation for the addition of the jobs creation piece.

The motion with the deletion of the last “bullet” (staff review board would approved projects for funding) was put to a roll call vote which resulted in all members voting in the affirmative except Council Member Gaylord who was absent and ex used. The Mayor ruled the motion adopted on a 7 – 0 vote.

Mayor McFarlane stated she has a problem with the last “bullet” as she does not feel the projects should have to come back to council for approval. Council Member Baldwin agreed stating she feels they could be approved by the staff review board. Council Member Crowder talked about what happened last year when someone went around the department and came to council stating she thinks the committee was trying to get around that happening again.

Council Member Baldwin suggested an amendment that the final “bullet” be removed and let the staff review board be the final decision with the Mayor agreeing. Council Member Stephenson questioned if there is an appeal process with City Attorney McCormick stating not at this point. Council Member Crowder stated if there is a problem it would be with the point system and someone could ask that the point system be changed but with the suggestion that the final decision rest with the staff review board that would be final. Council Member Crowder stated it might not be a perfect system but all have agreed we have a good system and she feels the council needs to empower the department to do the work.

Council Member Stephenson questioned if a person feels the criteria or system is wrong if they could appeal to the Council. City Attorney McCormick stated anyone can get on the agenda under requests and petitions of citizens and question any program or project of the city with Mr.

Stephenson indicating that would be the appeal process. Council Member Thompson stated anyone could request discussion on changing the criteria.

Council Member Branch asked if a project was rejected on one round if they could reapply the next quarter with it being pointed out that could occur. Council Member Branch expressed appreciation for the addition of the jobs creation piece.

The motion with the deletion of the last “bullet” (staff review board would approve projects for funding) was put to a roll call vote which resulted in all members voting in the affirmative except Council Member Gaylord who was absent and ex used. The Mayor ruled the motion adopted on a 7 – 0 vote.

**HISTORIC STRUCTURES DOWNTOWN – PRESERVATION EFFORTS –
DIRECTION GIVEN; ITEM RETAINED IN COMMITTEE**

Council Member Crowder reported the Economic Development and Innovation Committee recommends reallocating \$50,000 of the Contract Services account in the Planning Department from the Warehouse District Study to a Historic Preservation Initiative Study with the understanding that the report would return to the Committee for further discussion. The Committee further recommends that the Planning Department involve stakeholders in developing an RFP and allow them to provide input into the study.

On behalf of the Committee, Council Member Baldwin moved approval. Her motion was seconded by Mayor McFarlane and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on a 7-0 vote (Gaylord absent and excused).

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

NO REPORT

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

NO REPORT

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

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

JOB TRAINING PROGRAM – PARTNERSHIP WITH NC HOMEBUILDERS ASSOCIATION – INFORMATION REQUESTED

Council Member Cox stated recently he learned that the City has sponsored a jobs training program where the City partners with the NC Home Builders Association. He stated his understanding is that the City provides around \$76,000 which has been successfully used to annually train around 30 people in the construction trades. The program is structured around three 7 weeklong classes. Students participate in class 40 hours per week. Each class combines classroom study with hands-on experience. Graduates of the program are then offered job placement opportunities.

Programs such as this directly address the need to provide marketable skills to Raleigh's citizens. He stated he would like to encourage staff to look for ways to increase the City's support of this program to increase the goal from 30 graduates a year to 100. Looking forward, this program could, in five years, provide training and jobs for 500 of Raleigh's citizens who can then participate in and directly contribute to Raleigh's growth and development. Council Member Cox asked that staff look for opportunities to partner with other organizations to provide training in other trades such as the automotive repair trade.

Providing training-to-work opportunities in partnership with private organizations such as the NC Home Builders Association will help the City meet another key focus area of the City's strategic plan: Economic Development & Innovation where the vision is to provide employment opportunities for all citizens.

The comments were referred to administration.

STATE OF THE CITY ADDRESS – COMMENTS RECEIVED

Council Member Stephenson expressed appreciation to the Contemporary Arts Museum for hosting the recent State of the City address. He also expressed appreciation to the Mayor for her comments and work.

COUNCIL MEMBER BRANCH – COMMENTS RECEIVED

Council Member Branch expressed appreciation at the opportunity of representing the Mayor and Council in delivering a proclamation on March 4, Cash Michaels Day pointing out it was a great event.

Council Member Branch pointed out the Southeast Raleigh Girls High School basketball team will be playing in Reynolds Coliseum for the State Championship on Saturday. He stated District C will represent Raleigh well stating he was sorry they had to knock out Millbrook High School in order to reach this level. Council Member Thompson stated District A wishes District C well.

WAKEUP WAKE LIVABLE TOUR – CONTRIBUTION APPROVED; TRANSFER APPROVED

Council Member Crowder asked that the City Council authorize an appropriation of \$2,500 from city council contingency to provide a sponsorship for the WakeUp Wake Livable Tour in Downtown Raleigh. She stated the tour is scheduled for April 29 and encouraged all to attend. Council Member Crowder moved approval of the appropriation. Her motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Resolution 674 TF 293.

WORK SESSION – OCTOBER 11, 2017 – DATE TO BE DETERMINED

Council Member Crowder pointed out she had been working hard to try to get all of the Growth and Natural Resources Committee meeting scheduled/calendared. She pointed out in looking at the calendar the City Council had scheduled a work session on October 11, which will conflict with the Growth and Natural Resources Committees regular meeting date. She would like to have the work session canceled or moved to another date.

City Manager Hall stated at this point we do not have anything scheduled that far out, there is flexibility. Discussion took place on whether to cancel the work session or the Growth and Natural Resources Committee. Council Member Crowder pointed out the 11th is the regularly scheduled Growth and Natural Resources Committee and she feels that the work session which was changed and conflicts with her regularly scheduled meeting should be changed. After brief discussion, Council Member Baldwin moved that the October 11 work session date be changed to a date to be determined. Her motion was seconded by Council Member Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on a 7-0 vote (Gaylord absent and excused).

PUBLIC NUISANCE – TRYON ROAD AND DURHAM DRIVE – HEARING DELAYED

Mayor McFarlane pointed out in the evening session of today's meeting there is a public hearing scheduled to considered an appeal by property owners Weeks and Sherron relative to a notice of violation for public nuisances in the Tryon Road/Durham Drive area. She stated that hearing has been delayed and will be placed on the March 21, 2017 agenda.

COUNCIL MEMBER THOMPSON - COMMENTS RECEIVED

Council Member Thompson indicated he was recently invited to tour and have lunch at Fire Station 16 which is his neighborhood fire station. He commended the group pointing out they make a "mean cheeseburger." He commented on the great job they do pointing out 70% of their calls are not fire related they are EMS. He commented all for a job well done.

Council Member Thompson commended the Mayor on a great state of the city speech pointing out it was a great turnout he ended up getting a \$30 parking ticket which he has already paid.

RALEIGH TRANSIT AUTHORITY – REQUEST FOR UPDATE ON BUS SHELTER PROGRAM – REPORT REQUESTED

Council Member Baldwin asked that the Raleigh Transit Authority provide the Council with an update on the bus shelter program. She would like information on when the program will roll out, how we are going to address right-of-way negotiations with NCDOT just information on the program in general.

It was also asked that the report include whether the shelters will have digital capabilities so that people would be able to have real time bus schedule information. Council Member Stephenson also asked if the design would meet the universal design principles as we want to make sure that the shelters are accessible to all.

Council Member Stephenson questioned if there would be further City Council action or presentations before the bus shelter program is rolled out. He stated we want this program to be highly successful and talked about the accessibility requirements.

LIGHT RAIL PROJECT – REPORT REQUESTED

Council Member Baldwin asked if the Council could have a report at the next work session or City Council meeting, relative to GoTriangle light rail project. Discussion took place as to when it could be scheduled with Council Member Baldwin talking about when the vote will come up and the need to get it scheduled ASAP, she stated she is not sure the drop dead date but she would prefer the discussion take place sooner than later. She suggested that staff talk to Jeff Mann to get his ideas as to when, how, etc.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS

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

Appearance Commission – One Vacancy – Todd Delk- 7 (all but Gaylord who was absent and excused)

Convention and Performing Arts Centers Authority – One Vacancy – No Nominees

Historic Cemeteries Advisory Board – Two Vacancies – No Nominees

Raleigh Transit Authority – Alternate Member – Mayor McFarlane nominated Karen Rindge. Council Member Branch nominated Teresa Hart

The City Clerk announced the appointment of Todd Delk to the Appearance Commission with the other items being carried over to the next meeting.

NOMINATIONS

HUMAN RELATIONS COMMISSION – NOMINATION MADE

The City Clerk reported a letter of resignation has been received from Utica Cason; therefore there is one vacancy for consideration. During the night portion of the meeting the City Clerk reported she had received a nomination from Council Member Branch of Mary Lucas. The item will be carried over to the next meeting.

STORMWATER MANAGEMENT ADVISORY COMMISSION – RESIGNATION ANNOUNCED

The City Clerk reported she had received a letter of resignation from Marc Horstman from the Stormwater Management Advisory Commission. The item will be on the next agenda, she just wanted to give the Council a heads up on the resignation.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

404 PERMIT APPLICANT - CITY MANAGER AUTHORIZED TO EXECUTE CONTRACT

The developers for the former Alcatel property on Wake Forest Road have requested that the City serve as the applicant for the 404/401 Nationwide permit to construct the culvert which will run beneath the extension of Wake Towne Street. The street is a part of the City's Transportation Master Plan and will connect the existing street from Wake Forest Road to Industrial Drive. The culvert will be used for the crossing one of the small remnants of a creek that runs from Crabtree Creek to the Beltline.

The property will be developed under a Brownfields Agreement to address the soil and groundwater contamination now at the site. Federal and state agencies have determined this severely impacted stream cannot be restored due to the many other sections of piping that carry it parallel to Wake Forest Road. The Nationwide permit allows the project to move forward under a more expedited, federal permit process.

The developers have agreed to prepare the application, bear all associated costs with the application, and to construct the project in full. When completed, the street will be dedicated to the City. By serving as the permit applicant, the City does have some risk exposure if the developers fail to abide by the permit and the controlling federal and state regulatory requirements. The developers have agreed to enter into a hold harmless agreement to assure that any cost incurred by the City will be reimbursed.

This is an unusual, if not unique set of circumstances: (1) It involves the completion of a City Master Plan street; (2) It allows the recommended means of addressing the unusual environmental conditions at the property; and (3) It allows a long vacant tract to be developed and improved after an environmental cleanup of groundwater and soil contaminants.

Engineering Services staff has reviewed the request and believes that serving as the applicant in this case is will not set an unreasonable precedent, given the uniqueness of the situation as described above. Council may wish to consider authorizing the City Manager to execute a contract by which the City will be the permit applicant, with appropriate considerations as outlined above.

City Attorney McCormick explained the issue and his recommendation. Council Member Branch moved approval as recommended. His motion was seconded by Council Member Stephenson and put to a vote which resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

ECONOMIC DEVELOPMENT – CITRIX BUSINESS INVESTMENT GRANT - PROPOSED AMENDMENTS – PUBLIC HEARING AUTHORIZED

City Attorney McCormick indicated the Council recently approved an economic development business incentive grant for Citrix. He stated Citrix has requested a minor modification relating to the number of jobs; however any change would require a public hearing. Mayor McFarlane moved the public hearing to consider the amendment be scheduled for March 21, 2017. Her motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. He Mayor ruled the motion adopted on a 7-0 vote (Gaylord absent and excused).

REPORT AND RECOMMENDATION OF THE CITY CLERK

NO REPORT

CLOSED SESSION – HELD

Mayor McFarlane stated a motion is in order to enter closed session pursuant to NCGS143-318.11(a)(3) and (5) for the purpose of consulting with the City Attorney regarding the following items: 1) settlement in *Twiggs v. Raleigh*; 2) general litigation updates; and pursuant to NCGS143-318.11(a)(6) for the purpose of conducting the annual performance review of the City Attorney. Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Council Member Stephenson and put to a vote which passed unanimously (Gaylord absent and excused). The Council went into closed session at 1:50 p.m.

The Council returned from closed session at 3:10 p.m. with Mayor McFarlane announcing that the Council received an update on general litigation, provided direction in the settlement of the *Twiggs v. Raleigh* case and performed the annual evaluation of the City Attorney. She stated the

Council voted in closed session to grant a 3% increase to the City Attorney and to raise the salary cap to \$150,000 for attorney pay.

RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 3:11 p.m.

Gail G. Smith
City Clerk

jt/CC03-07-17

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, March 7, 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 except Council Member Gaylord who was absent and excused. The following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

TEXT CHANGE – SENIOR HOUSING – ADMINISTRATION TO PROVIDE REPORT

Ann Stoddard, Director of Development for Grubb Ventures, pointed out that is a real estate firm that specializes in infill development in Raleigh and talked about her request for a text change to the UDO relating to senior housing and the ability of any firm to develop senior housing in infield development. She talked about the standards for these housing types and pointed out she has three changes relative to life care communities which they feel will support the ability to have this type housing in the City of Raleigh.

Ms. Stoddard suggested that the minimum site acreage for life care communities in R-6 or R-10 which is presently five acres makes development of life care communities in infield locations extremely challenging which is counter to the comprehensive plan goals of creating walkable mixed use communities and encouraging aging in place. She stated they are suggesting that the minimum in 6.2.2.E.2.c be reduced or eliminated.

Ms. Stoddard pointed out 6.2.2.E.2.h has open space requirements for life care communities at 30% pointing out 10% is consisted with open space requirements for apartment buildings in residential districts in general development mixed use districts. She stated she is requesting that the 30% be replaced with 10% in that code section which will help this development type in urbanized areas which will help allow aging in place.

Ms. Stoddard pointed out Code Section 6.1.4 – Principal Use Table that life care communities are currently a special use in R-10 and RX, thus requiring a hearing before the Board of Adjustment and, if successful, a one year deadline before starting the project. Life care communities are composed of independent living, congregate care and rest homes, all of which, if developed individually, are allowed as general or limited use in R-10 and RX without a Board of Adjustment hearing. The time limits attached to Board of Adjustment approval expose seniors' developers to unnecessary risk when undertaking a phased development or a development with a long sell cycle such as life care. She stated they are requesting that life care community be a limited use which is more restrictive of the designations of the component parts.

Ms. Stoddard pointed out they are asking for authority to go forth with a text change relating to these three code sections.

Mayor McFarlane questioned why the UDO is written as it is or if there are specific reasons. City Manager Hall indicated staff will be happy to provide a report which would allow the Council to analyze how to proceed. The item was referred to administration.

PARKS – ORDINANCE RELATING TO DIGGING AND REMOVAL OF ARTIFACTS – COMMENTS RECEIVED

Christopher Evans, 1209 Weldon Place, indicating he is representing himself and others and many kids who are interested in fossil hunting and rock collecting. He stated he is before the Council to ask the Council to repeal or amend Ordinance 2017-663 which he indicated effectively criminalizes all hobbyist fossil hunting/rock collecting/metal detecting in city parks such as Dorothea Dix. He pointed out Council Member Gaylord could not be at the meeting today but had indicated that he was open to some type discussion, etc. Mr. Evans stated he is all for protecting places such as Dorothea Dix Park and any treasures found but he feels it is a dangerous precedent to pass such an ordinance for all city parks. He stated he understands the need to protect Dix or any other historic park and pointed out previously the concerns were dealt with on a park by park basis through individual park rules. He asked that the Council consider repealing the ordinance and set the regulations by park.

Mr. Evans pointed out the ordinance talked about a permit and he applied for a permit as he wanted to allow the kids in the young group he works with to go to Lake Johnson to look for fossils along the shore line but he was told there is not a permit. He again called for amendments to Ordinance 2017-663 which would allow young people the opportunity to look for fossils or something like that in our parks. He pointed out it is a very significant event when a young person finds a shark tooth or a civil war bullet even though the monetary or historic significance is low it is very important to that young person. He stated he wanted the group of young people that he works with to have the same chances that he and his grandfather had fossil hunting, etc. He stated he understood Council Member Gaylord to state that he was open to work on a solution and he hopes that will occur. No action was taken.

HILLCREST CEMETERY RESTORATION – REQUEST FOR ASSISTANCE – REFERRED TO ADMINISTRATION

Ruby Powell Greene, 2101 Lyndhurst Drive, in Southeast Raleigh presented the following prepared statement.

I am the Chairman of the Friends of Hillcrest Cemetery Restoration, Inc.

On behalf of the Board of Directors, I would like to thank you for cutting back the trees and shrubs along the property line of your property that abuts the cemetery. You did a great job! So thank you very much!

Prior to doing that you put up sticks with pink plastic ribbons attached – I think to identify the property line.

Unfortunately a couple of sticks are very close to graves and headstones and one of the sticks has fallen over.

We would like to request that you install some type of permanent fencing to ensure the integrity of the property line. There is a fence around other parts of the cemetery, which the other property owners have installed. This, too is overgrown and we will be working with those property owners to address this. However –

Now that you have cleaned off your lot this has opened up that side of the cemetery and it may make it more susceptible to vandalism.

So we are asking you to please install proper permanent fencing along your property line to alleviate this possibility.

If you visit the cemetery you will see that the FHCR are working hard to clean up the cemetery. The city has said they will haul away bushes and tree branches if we pile them up at the front of the cemetery on Garner Road. Since they cannot drive on to the property, however, there is not even 6 inches of space between the sidewalk and the curb so the branches would have to be stacked up on the sidewalk and that is not permitted.

So we wondered if you would give us permission to place the branches at the front of your lot on Bailey Drive and the city truck could pick them up there – like yard waste. This would be a tremendous help.

So we are requesting just two things. . . . allow us to place or cut branches near the curb on your lot and have the city pick them up and please install permanent proper fencing along the property line. Are there any questions? Thank you very much for hearing and heeding these two requests.

Mayor McFarlane questioned why the group could not get their rubbish or branches picked up with Ms. Greene talking about the location, the fact that they could not put it next to the curb of the cemetery property because it's only a few inches and their quest to be able to put the limbs and debris on the city property. City Manager Hall pointed out their various rules and regulations relative to trash pickup and if Council so desires, staff could work with the group on some sort of solution. Mayor McFarlane talked about the cleanup days and the ability for the group to place a wall on their property as other property owners have around the cemetery. Ms. Greene pointed out they are just trying to get the cemetery property cleaned up. The City has cleaned its property and the group wants to help. Without objection, the item was referred to administration to work with the group.

PULLEN ROAD EXTENSION – REQUEST – REFERRED TO STAFF

Kate Pattison, Pullen Park Terrace Neighborhood Association, pointed out the neighbors of Pullen Park Terrace request that the intersection of Bilyeu Street and Western Boulevard be closed as the final stage of the planned Pullen Road extension project. She stated the concern is

that the intersection of Bilyeu and Western, a hairpin turn is already dangerous for the approximately 30 households in the area and they fear it will become even more dangerous with the addition of a 180 unit apartment building, increased traffic to the new Cathedral, increased traffic to the new Dix Park and the possible through traffic from Western Boulevard to Centennial Boulevard.

Ms. Pattison stated she had consulted with Eric Lamb and other City of Raleigh planning and transportation staff concerning the problem and are now requesting that the planned speed humps be eliminated from the project but the plan 3-way stop at Bilyeu and Barbour remain in the plan. She stated in addition, they request a “no outlet” and/or appropriate signage be added at the planned traffic circle to indicate that the intersection of Bilyeu Street has been closed at Western Boulevard.

Council Member Crowder indicated she feels the request is a good solution. She indicated when this was discussed previously she does not feel anyone anticipated the large apartment complex being in such close proximity, the Cathedral and Centennial Campus possible increased traffic. Council Member Crowder stated what is being suggested in her opinion is a good solution and she moved that the Council ask staff to come back with the appropriate way to implement the requests.

City Manager Hall indicated staff would bring a recommendation back on a future agenda.

RACE MORATORIUM – REQUEST – NO ACTION TAKEN

Jason Biggs, FS Series, talked about his work in promoting various races, walks, etc. He indicated a business owner in the Warehouse District contacted him about helping with a race in that area. He stated when he contacted the Special Events Office, he was told about the Moratorium. He stated he is not asking that the Moratorium be lifted as he understands the impact of the various events on an area. He stated he is asking that the Special Events Office be allowed to give consideration for special events. He stated the race he is proposing carries a good plan to lessen impact on people and to bring more people to the downtown area in a time frame when not much is happening explaining the proposed event is February, 2018 and he feels it will be good event to bring people downtown. He again stated he is not asking that the City change its current policy just asking that the City consider special events and be allowed to grant permission for special events.

City Manager Hall talked about the moratorium which relates to adding new events. He explained the Council cap on the number of events and we are at that limit. He stated the request would involve adding special events and/or increasing the cap.

Mr. Biggs stated he is working with a group that wants to bring an event to the Warehouse area but impacts only about a half a mile of city streets in one of the five districts that the moratorium was applied.

Council Member Crowder pointed out the cap was developed as there were so many race events, etc. She stated it's her understanding the new process has worked well and questioned if we have a cap as of today. Special Events Coordinator Remer talked about the cap and the fact that no new races were being added. He stated it has worked well and staff has continued the policy. Council Member Crowder pointed out she feels the Council should continue the cap as what we are doing seems to be working well. Council Member Baldwin indicated her committee discussed this issue a number of times trying to get it right. She stated she agrees that the policy should not be changed and pointed out another concern relates to all of the construction going on in the Warehouse District and talked about safety of participants in any even in that area. Mr. Biggs pointed out they have been very careful looking at the course design and how it would work. After brief discussion, the Council agreed not to change the policy.

WELLS FARGO – REQUEST FOR THE CITY TO DIVEST WHEN CONTRACT IS UP – COMMENTS RECEIVED

Elizabeth Miller, read the following prepared statement:

I'm here to ask the Council to divest our city from Wells Fargo. I am asking the City to honor the first two lines of its mission statement to focus on environmental, cultural and economic sustainability and to conserve and protect our environmental resources through divestment from Wells Fargo.

Wells Fargo is a bank that has taken advantage of middle and low income Americans. Between 2011 and 2016 they opened more than 2 million fraudulent accounts to boost sales numbers and collect erroneous fees. The Interfaith Center on Corporate responsibility conducted a study in 2013 of the top 7 banks benchmarking performance in risk management, responsible lending, executive compensation, and the purchasing of influence via lobbying and political contributions. Of the 7 banks surveyed Wells Fargo ranked last.

Wells Fargo is one of the top 6 banks supporting the private prison industry. They extended a \$65 million loan and were a part of a \$900 million loan to the two largest private prison companies, Geo group and Core Civic.

Wells Fargo supports obsolete and irresponsible energy industries. Between 2013 and 2015 they had \$9.33 billion invested in coal power and mining, \$6.05 billion in extreme oil such as transcontinental pipelines and \$13.33 billion in liquefied natural gas. These industries are unsustainable and are polluting our environment and at the same time the regulations in Washington to protect our air and water are being gutted.

Through its investments, Wells Fargo is benefitting from the mass incarceration of low income people and minorities in America. They are funding the desecration of sacred sites, violations of treaty rights and abuses against native people in North Dakota. With the former head of Exxon Mobile as our Secretary of State, our head of the EPA having accepted more than \$300,000 in contributions from the fossil fuel industry and an

Attorney General and President that openly support the private prison industry, it is more important than ever to ensure that we do not directly or indirectly fund these industries and to denounce corporations that do. I believe in the integrity, intrusiveness, and forward thinking of this city that I have resided in for the past 10 years and will assist in this endeavor in whatever way I can.

Approximately 10 people stood in support of Ms. Miller's remarks.

Karen Bearden presented the following prepared statement:

My husband and I have lived in Raleigh for 19 years. In support of the indigenous people and many others working to stop the Dakota Access Pipeline, and in support of mitigating climate change impacts, I am asking the City of Raleigh to divest their accounts with Wells Fargo. Wells Fargo has funded more than \$450 million in credit to Energy Transfer Partners and others in building the Dakota Access Pipeline (DAPL).

I am requesting the Raleigh City Council NOT to renew their contract with Wells Fargo. Instead, start the process of changing the City of Raleigh's account to a socially responsible financial institution when the current three-year contract ends in May 2018. The State Employees Credit Union, Coastal Federal Credit Union, and Self Help Credit Union are some local suggestions. Green America has a break up with your mega bank campaign that encouraged my husband and I to break up with Bank of America in 2009. They are another bank funding fossil fuel extraction. <http://breakupwithyourmegabank.org/take-action>

I am part of a Triangle No Dakota Pipeline group that formed last November that has organized rallies outside the Wells Fargo bank on Fayetteville Street. Members of the team spoke with staff in the bank, plus, contacted the Wells Fargo CEO in CA, asking them to pull their money from the pipeline. Many local people have closed their accounts with Wells Fargo and its spreading across the U.S.

Gratefully, the cities of Seattle, WA and Davis, CA have recently voted not to renew their contracts with Wells Fargo. It would be so great to see Raleigh added to the growing list of cities that are voting to end their contracts with Wells Fargo and other mega banks funding the fossil fuel industry. For those here who would like to see Raleigh join with other cities and end their contract with Wells Fargo, please stand.

It's way past time to keep fossil fuels in the ground and move to 100% renewable energy!!

Approximately 30 people stood in support of Ms. Bearden's remarks.

The remarks were received without comments.

SAVE OUR SONS – SUGGESTIONS RELATIVE TO POLICE DEPARTMENT – COMMENTS RECEIVED

Mayor McFarlane made the following comments relative to the next three items on the agenda (Kimberly Muktarian, Aisha Flood and Ashley McCloud).

Because the City is in litigation with some of the citizens addressing these items, the Council will hear the presentation of each but will have no comment or response while the litigation is continuing.

Kimberly Muktarian, President of Save Our Sons, indicated she would like to talk about a policy for the City of Raleigh and residents and make an appeal on behalf of the residents. She pointed out in September 2013, two young men were traveling on Skycrest Boulevard where they were struck by a police car that sent them flying 180 feet in the air. Two years later, another son was killed and we now have these two young men's grieving families who have not been compensated. She stated one of the families was offered burial expenses after three years but the other has not received any offers as the family did not have funds. The family didn't get justice and did not get an offered for burial expenses. She stated we must continue conversations and change our moral attitude. She stated she is asking and requesting that any funds that are available be offered to this family and she is also asking when a police officer strikes a citizen that they be held to the same standards as anyone else. They need to be given a toxicology test just like it's given to bus drivers, school employees, etc. Police not above law. She stated if the police can handcuff a person after death, surely there could be some compensation. She stated she understands the city has an insurance policy that doesn't kick in until half a million dollars and if two 20 year old life does not reach that point they are going to ask that the \$4 million utilize for body cameras be transferred to help pay these families and any future families. She stated they hope to get a response before this Council term ends.

Aisha Flood, 3947 Patriot Ridge Court, stated she was speaking on behalf of the Harden family as well as the voice of Maurice Antonio Harden and Jaqwan Julius Terry. She stated for most it's just another loss of two lives but to her and her family it's a battle they fight every day. She stated in her opinion the Raleigh Police Department has no kind of respect, they criminalize a victim before even knowing the circumstances or situation. She stated in the case she is talking about the Police Department had no clue of her brother's mental state. She stated every day they live in fear, they have been harassed and since the occurrence she and her family members have been stopped 23 different times but never have a good excuse why. She stated once the police department finds out that her brother is Maurice Harden they let them go. She stated they received a \$6,000 offer which is an insult to her family when both of her brothers' burial expenses were over \$12,000. She stated she has several sisters and they live in fear every day explaining one of her sisters has problems living the house as she never knows if she is going to come back. She stated she has one sister in law school and she is afraid of stepping out as she does not know which side to be on. She stated her own family has changed, her mother's mental state is bad, she has lost weight she is not even the same mother. Her mother has lost everything because of the Raleigh PD. She stated they are harassed daily and she is sure after her comments

today they will be harassed even more. She asked the Council and city officials to look at all the pictures and read all of the papers and make sure they understand. She asked for a public apology pointing out the City of Raleigh knows that they messed up extremely bad, stated the City took away two of her brothers, who will not be a part of the family, etc. She stated she does not understand pointing out some one was drinking and driving going over 78 mph in a 25 mph speed limit and then officers shot 9 times at her brothers not knowing their mental state. She stated she will never be the same, she is scared, does not know what to expect, have received no apologies or anything. She stated when she sat in front of the DA and the City Attorney they simply smiled at her and said they would give her \$6,000. She asked the Council to think about what has occurred.

Ashley McCloud, 3947 Patriot Ridge Court, stated she too is a grieving sister pointing out she has dreams to become an attorney as she always wanted to be an advocate of the disadvantaged because many times people do not know their rights. She stated she never thought she would be an advocate in a situation like this. She asked the Council to review their decision and have a heart and reconsider.

Ms. Flood stated her sister could not finish but again asked that the Council go back and look at every picture and every note on the reports, look at her brother's body. She stated every night when she goes to sleep she thinks about the fact that her family never got to say good-bye nor look at their bodies and still have received no answers calling on the Council to think about her family, think about her mom, her sisters, and her Aunt who has been harassed as the police who went through her Aunt's house without her knowledge or permission. She asked the City Council to support the citizens and demand justice as the justice system has failed as a whole. She asked the Council to step up and stand up and start showing up for the public not just her family but the family of Mr. Terry and others as well.

The comments were received.

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE – TRYON ROAD AND DURHAM DRIVE – TO BE PLACED ON MARCH 21, 2017 AGENDA

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

Following the hearing, the Council may take action to uphold the appeals or authorize staff to proceed with abatement as permitted by ordinance.

Mayor McFarlane announced that this hearing has been deferred and will be placed on March 21, 2017 agenda.

ANNEXATION PETITIONS – VARIOUS LOCATIONS – HEARING – ORDINANCES AND RESOLUTION ADOPTED

This was a hearing to consider the following petitioned annexations:

<u>LOCATION</u>	<u>ELECTORAL DISTRICT</u>
2400 Gresham Lake Road	A
7926 Ray Road	A

If following the hearing the Council wishes to proceed with the annexations, it would be appropriate to adopt ordinances annexing the properties effective March 7, 2017, and adopt a resolution placing the properties in appropriate electoral districts.

The Mayor opened the hearing on each location, no one asked to be heard thus the hearings were closed. Council Member Crowder moved adoption of ordinances annexing the properties effective March 7, 2017 and adoption of a resolution placing the properties in City Council Electoral District A. Her motion was seconded by Council Member Thompson and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 676 and 677 and Resolution 456.

EAST COLLEGE PARK – PROPOSED SALE OF CITY-OWNED LOTS – HEARING – APPROPRIATE OFFICIALS AUTHORIZED TO EXECUTE, SALES AND RELATED DOCUMENTS

This was a hearing to provide citizens the opportunity to discuss the proposed sale of 98 City-owned lots in the East College Park area to six home builders selected through a Request for Proposals (RFP) process. Details were provided with the agenda packet.

Following the hearing it is recommended that City Council approve the sale at not less than the appraised value and authorize the City Manager to execute lot sales contracts and related documents, deny the sale, or refer the item to committee for discussion.

City Manager Hall pointed out Council Members had received information on this issue. He stated staff would be happy to make a presentation or simply answer questions.

The Mayor opened the hearing.

Octavia Rainey pointed out she is opposed to this issue and has been since August 10, 2015. She talked about this not being included in the NRSA and again stated since August 10, 2015 to date someone has been lying to the public. She talked about meetings that have been held, how Council Member Branch attended those meetings, City Council support, the fact that the plan doesn't promote any type of social equity, it divides College Park into three areas and explained how that impacts her opposition. She stated the Federal funds should not have been divided and

asked the Council not to approve this sale. It does not protect the cultural and the history of the area. She talked about the plans that were presented and how she has objected and how nothing has changed, it was wrong in the beginning, talked about how she had all of the plans Housing and Neighborhoods Director Jarvis had presented and again asked the Council not to consider the sale. She talked about how she plans to continue her objections to what is occurring.

No one else asked to be heard thus the hearing was closed. Council Member Thompson moved approval of the sales. This motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused.

Later in the meeting, Mayor McFarlane announced that the recommendation should have been changed to read “. . . authorize the appropriate city authorities to execute lot sales, contracts. . .” with Council agreeing to the word change.

MARTIN HAYWOOD AREA – PROPOSED SALE OF CITY OWNED LOTS – HEARING – APPROVED; APPROPRIATE CITY OFFICIALS TO SIGN DOCUMENTS

This was a hearing to provide citizens the opportunity to discuss the proposed sale of 23 City-owned lots in the Martin Haywood Area to three home builders selected through a Request for Proposals process. Details were provided with the agenda packet.

Following the hearing it is recommended that City Council approve the sale at not less than the appraised value and authorize the City Manager to execute lot sales contracts and related documents, deny the sale, or refer the item to committee for discussion.

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Council Member Thompson moved approval of the sales as recommended. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

Later in the meeting, Mayor McFarlane indicated the recommendation should be changed to read, “. . . authorize the appropriate city officials to execute lot sales, contracts. . .” Council members agreed to that change in the motion.

REZONING Z-24-16 – LITCHFORD ROAD – HEARING – DENIED

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

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

The proposal was received by the City Council on January 3, 2017. The hearing was continued to allow the applicant an opportunity to provide new conditions to address the concerns raised by Council.

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

Planner Bynum Walter indicated she had not received any additional information.

Attorney Isabel Mattox introduced witnesses with her including representatives of NC Development Company, the proposed developer. She gave a history of the case starting with the application in February and pointed out she had heard Council members remarks and would like to respond.

Attorney Mattox made a presentation relating to the current versus proposed permitted land uses that could go on the parcel, trip generation report of the proposed use, and examples of possible land uses and the associated traffic impact. She stated they are offering a transit easement within a transit buffer, the proposal would facilitate road widening and addition of sidewalk, will provide much needed storage to the area with the many apartment complexes and storage needs pointing out a 240 unit apartment complex was recently permitted for a location just across Litchford Road, provides a much better buffer than permitted land uses and provides a tax basis/development opportunity without associated traffic at a challenged location. She presented photos of facilities pointing out the proposed use is a modern temperature control, internally access self storage which will be of high quality materials and finishes. She presented photos of similar projects at other locations.

Attorney Mattox talked about the consistency of the proposal with the Comprehensive Plan pointing out the location is designated as a City Growth Center Under the Urban Form Map, is at the intersection of two urban thoroughfares under Growth Framework Map, talked about the significant retail in the vicinity and the fact that the City recognized the area's progression of mixed use development when it rezoned the property to Neighborhood Mixed Use.

Attorney Mattox indicated at a recent meeting, Council Member Cox requested a decrease in size of signage and pointed out the conditions limit wall signage to a maximum of 100 square feet per wall sign and limit total signage to 1.0 lineal feet per lineal foot of building frontage. She stated currently the UDO allows two square feet signage per lineal foot of building frontage and talked about the signs at other locations. She stated Council Member Cox also requested a reduction in lighting from that at the Wakefield location pointing out the conditions on this case will specify a commitment to turn off all interior lighting except for low level security lighting after 9:00 p.m. closing.

Attorney Mattox indicated Council Member Thompson had questions relative to the rear elevation and presented exhibit showing the rear elevation of the building. She stated they agreed to his suggestion of reduced operating hours pointing out the proposal will have a 7:00 a.m. to 9:00 p.m. condition on hours. She stated they agreed to have dumpster service hours between 7:00 a.m. until 9:00 p.m. and agreed to have high quality building materials on all sides of the building. She talked about the conditions and exhibits that were presented.

Attorney Mattox suggested that the Council close the public hearing to allow her to file conditions as she talked about and to bring the case back in two weeks. No one else to be heard thus the hearing was closed.

City Council Member Thompson talked about his recent discussion with the applicant and appreciates all they are doing to address his concerns. He stated however it still doesn't change the fact that we are talking about public self storage units. He talked about his concerns about size, backing up to residential uses, adjacent to a fine high school and his feeling that it is not appropriate to have this type facility next to residential and a high school. He stated he went out and looked at the area and found 9 similar facilities in a 2 mile radius. Therefore he sees no need for additional self storage units. Council Member Thompson moved denial of Z-24-16. His motion was seconded by Council Member Crowder and put to a vote which resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. They Mayor ruled the motion adopted on a 7-0 vote.

REZONING Z-30-16 – VARSITY DRIVE – HEARING – CLOSED TO BE PLACED ON MARCH 21, 2017 AGENDA

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

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

Council agreed to hold the hearing open and place the item on the February 21, 2017 agenda for further consideration. During the February 21 meeting it was reported the applicant had asked that the item be held open and placed on this agenda for further consideration. Once the hearing is closed, the Council may take action to approve, deny, or refer the item to committee.

Planner Bynum Walter pointed out she understands the applicant is requesting that the hearing be closed and place the item on the March 21, agenda to receive additional conditions. Council Member Crowder questioned if the applicant feels that two weeks will give enough time. Steve Gurganus pointed out it was his understanding that additional conditions could not be added until the hearing is closed and he feels two weeks is ample time. Without further discussion and general consent the hearing was closed and it was directed that the item be placed on the March 21 agenda.

REZONING Z-39-16 – GREEN ACRES LANE – HEARING –CONTINUED UNTIL MARCH 21, 2017

The following hearing appeared on the February 7, 2017 Council agenda:

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

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

At the February 7 hearing, Council agreed to hold the hearing open and place the item on the February 21, 2017 agenda for further consideration. During the February 21 meeting, at the request of the applicant, it was directed that the hearing be held open and placed on this agenda for further consideration. Once the hearing is closed, the Council may take action to approve, deny, or refer the item to committee.

Planner Bynum Walter indicated she understands the applicant is asking that the case be held open for two more weeks and placed on the March 21, agenda. Attorney Lacy Reeves indicated that is correct pointing out he feels they are in the final stages relating to an easement pertaining to stormwater. Without further discussion, it was directed that the hearing be held open and placed on the March 21 agenda for consideration.

REZONING Z-23-16 – POOLE ROAD – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request by Longview Acre, LLC to rezone approximately 1.2 acres from Residential-6 (R-6) to Commercial Mixed Use – 3 stories – Conditional Use (CX-3-CU). The property is located on the north side of Poole Road at its intersection with Norwood Street.

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

Planner Bynum Walter explained this is a request to rezone 1.2 acres from R-6 to CX-3-CU. She presented maps showing the existing zoning and development, aerial views of the property, views from various sites along Poole Road, views at Poole and Norwood intersection, and views of the area in general. She presented information on what is allowed under existing versus the proposed zoning and went over the 15 conditions which included certain uses prohibited, residential density cap at six dwelling units per acre, building height capped at two stories/35 feet; minimum of two stories required; building square footage capped at 10,800 square feet; second floor restricted to residential uses; roof form and pitch limited; transition yard and fence specified; commercial drive-thrus prohibited; minimum of one primary entrance to face Poole Road connected via sidewalk; transit easement and shelter offered; loading areas prohibited from facing street; high and medium profile ground signs prohibited; changeable copy signs prohibited; outdoor lighting type and mounting height limited and streetscape landscape easement offered at street intersection. She presented the Future Land Use Map and Urban Form Map and Area Future Land Use designations. She went over the Comprehensive Plan analysis outlining the inconsistent policies and the recommendation for approval on a 9-0 vote from the Planning Commission which indicates while it is inconsistent with the Future Land Use Map, it is consistent with most pertinent policies of the Comprehensive Plan, is reasonable and in the public interest and would limit many nonresidential uses, while providing additional employment opportunities and housing options, promotes walkability and transit access and is compatible with the surrounding area. The recommendation indicates the conditions provide an effective transition to the adjacent residential properties. She explained the East CAC supports the proposal on a 12-2 vote. The Mayor opened the hearing.

Danny Coleman, 517 Rock Quarry Road indicated this has been a 7 year project. He stated this time he worked with the school, surrounding neighborhood and addressed the issues of the community. He stated he excluded as many uses as they could exclude. He talked about the 35 foot height limit, and the two-story requirement. He stated he would be glad to answer questions.

Brief discussion took place on the 35 foot cap with Planner Walter pointing out the adjacent residential property is entitled to 40 feet. Council Member Thompson questioned why Mr. Coleman did not prohibit alcohol with the City Attorney explaining state regulations.

No one else asked to be heard thus the hearing was closed. Council Member Branch moved approval of the rezoning as requested. His motion was seconded by Council Member Cox and a roll call vote resulted in all members voting in the affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 678 ZC 742.

REZONING Z-32-16 – HILLSBOROUGH STREET – HEARING – CONTINUED UNTIL THE MARCH 21, 2017 MEETING

This is a hearing to consider a request by Kathleen C. Hammon to rezone approximately 0.34 acres from Neighborhood Mixed Use – Four Stories – Shopfront (NX-4-SH) and Residential-6

(R-6), both with Special Residential Parking Overlay District (SRPOD) to Neighborhood Mixed Use – Five Stories – Shopfront – Conditional Use (NX-5-SH-CU) and Residential Mixed Use – Three Stories – Conditional Use (RX-3-CU), both with Special Residential Parking Overlay District (SRPOD). The property is located on the northeast corner of Hillsborough Street with its intersection with Bagwell Avenue.

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

Planner Bynum Walter explained the request, presented a map showing existing zoning in the area, aerial views of the area in question, photographs of the site from various locations along Hillsborough Street, Bagwell Avenue, etc. She presented information as to what is allowed under existing versus proposed zoning, went over the six proposed conditions which indicate the units will have three or fewer bedrooms, no more than half the units will have 3 bedrooms; 3 bedroom units will have no more than two full bathrooms; maximum building height of 62 feet as measured from the northern portion of 2812 Hillsborough Street; no new vertical building improvements on Bagwell parcel other than landscaping, a wall or similar screening structure; parking screened along Bagwell Avenue; building material specified (no EIFS or vinyl siding, minimum of 75% of siding to be brick/masonry).

Planner Bynum presented information on the Future Land Use Map and Urban Form Map, went over the Comprehensive Plan analysis, outstanding issues, which indicates the building heights may not be consistent with the plan, particularly with respect to the transition to the residential area to the north. She explained the Wade CAC supports the proposal with a vote of 19 yes, 9 no, and 9 in part. The Planning Commission voted 10-0 to recommend approval, as they felt the rezoning is in the public interest because it will provide additional housing in a corridor well served by transit and will provide additional market rate housing in the neighborhood.

Council Member Thompson questioned if the home is a historic home with it being pointed out it is a contributing structure.

The Mayor opened the hearing.

Ted Van Dyk, new City Design Group, 1304 Hillsborough Street pointed out this is a unique situation, talked about the new small area plan, the existing parking lot, the fact that it is a contributing structure and the existing gas station, etc. He talked about the development plan and the conditions relating to limiting the number of bedrooms, etc. He stated he would like for Council to hold the hearing open.

Donna Bailey, Co-Chair of the Wade CAC, explained the vote pointing out there were 37 people present. The majority did vote to support the case. She stated there were others that asked about some of the conditions and she pointed out they have a lot of student housing in the area and they support that on the south side; however they do not support student housing on the north side as that is where they would like to encourage market rate housing not just student housing. She talked about the development in the area and the need for a mix of housing. She stated Planning

Commission Member Jeffreys asked for condition that would indicate that the dwellings will be rented by units not rooms. She talked about the concern about five stories and inconsistency with the small area plan. She also had comments about the building being higher in front than it is in the back and asked about clarification on the condition as to whether it could be required to be rented by the unit rather than the room.

Greg Flynn, 2826 Barmettler, indicated this is a unique parcel. He talked about the difference in the north side and the south side of Hillsborough Street, the CAC discussion relative to height and suggested that five stories is not appropriate, the consensus that density along Hillsborough Street is fine but the 5-stories should transition to four on the rear.

Edith Jeffreys pointed out she did ask about the condition relating to the requirement that the units be rented as units rather than rooms. She pointed out she does have concerns that 5 stories on that side of the street could set a precedent.

Mr. Van Dyk suggested that the case be held open for two weeks as they would like to work on look at the four story height limit.

In response to questions from Council Member Stephenson relative to renting by the unit rather than the room, City Attorney McCormick indicated it is legal but he feels it would be virtually impossible to enforce.

Council Member Stephenson expressed concern pointing out we have a number of ordinances that may be difficult to enforce. He stated however if you have a condition it firmly states what the neighborhood wants and desires and he feels that condition could be added. He talked about the case and highlighted what had been discussed thus far including the fact that there is a new four story building directly across the street, this parcel is constrained because of location, uniqueness, etc., the applicant owns the first house, a contributing factor to the Historic District, the ability or inability to demolish the structure and turn it into a parking lot, what the applicant is willing to do and the fact that there is a small area plan being worked on, the neighbors willingness to go along as long as there are certain conditions and the consensus of the desire for a four stories. He does not feel five stories would be consistent with the small area plan or the community's vision of the area.

Council Member Crowder questioned if the applicant wanted to hold the item at the table or close the hearing in order to look at additional conditions. Mr. Van Dyk stated he would need to talk with his clients about the four stories pointing out the building across the street is half an acre in size and there are no buffers. He stated the four stories may be difficult based on the adjacency of surrounding development.

It was agreed to leave the hearing open and place it on the March 21 agenda for further consideration.

REZONING Z-37-16 – ACC BOULEVARD - HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request by Lowry Engineering to rezone approximately 6.99 acres from Planned Development (PD) to Commercial Mixed Use – 7 stories – Conditional Use (CX-7-CU). The property is located on ACC Boulevard at its northwest corner with T. W. Alexander Drive.

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

Planner Bynum Walker presented maps showing the existing zoning, aerial view, proximity to Durham jurisdiction, views of the site from various locations along ACC Boulevard, TW Alexander Drive, Brier Creek Crossing neighborhood, topography map, outlined what is allowed under existing versus proposed zoning, went over the proposed conditions which limit development to 46,200 square feet of office or 165 room hotel; dedicate a transit easement on TW Alexander Drive; require build-to of 0-100 feet on ACC Boulevard; require 50% of building width to be located within ACC Boulevard build-to; limit parking between building and ACC Boulevard to two bays and a single drive aisle and require at least one entrance facing ACC Boulevard. She went over the Future Land Use Map and Urban Form Map, Comprehensive Plan Analysis, and the outstanding issues relating to frontage conditions preempting the use of administrative alternates should the case be approved; the proposal is inconsistent with Future Land Use Map due to potential adverse impacts on nearby residential area and sewer and fire flow matters may need to be addressed upon development. She pointed out the Planning Commission recommends approval on a 7-0 vote stating even though it is inconsistent with the Future Land Use Map, it is consistent with the Comprehensive Plan, has public benefits of using unused public infrastructure and adding additional employment opportunities in the region and also the applicant is willing to provide transit improvements in the form of a pad and landing zone. She stated the North West CAC supports the proposal on a 5-0 vote.

The Mayor opened the hearing.

John Lowery representing the owner and the proposed developer indicated staff did an outstanding job of explaining the case. It is a very simple case. The site has difficulties pointing to the topo, flood plain, riparian buffer, tree conservation area, and the fact that without underground parking, it's difficult to design a hotel that would fit onto the property. He talked about the company's hotels, normally range between 100 and 110 rooms in four stories. In this particular case, currently they would be allowed a 300 foot structure with 135 to 165 units. He stated water will be extended and the sanitary sewer will be permitted. In response to questions about the intersection, Mr. Lowery pointed out John Edwards & Associates is getting the permits. No one else asked to be heard thus the hearing was closed. Council Member Stephenson moved approval as recommended by the Planning Commission. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the

affirmative except Council Member Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 678 ZC 742.

TC-5-17 – CAMERON PARK NCOD – HEARING – APPROVED – ORDINANCE ADOPTED

This was a hearing to consider amending Section 5.4.3.F.2.a.v. of Part 10A of Raleigh Unified Development Ordinance, Cameron Park Neighborhood Core Area– Maximum Building Height, to increase the maximum building height by eight feet to reflect a change in how the City measures building height.

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

Planner Eric Hodge explained the NCOD boundaries pointing out NCODs with height standards use average height method to define those standards prior to 2013. Average height is the point midway between the peak of the roof and the eaves of the roof. He explained the UDO was adopted in 2013 and changed the measurement method to the top height method which is measured from the peak of the roof. TC-11-16, which failed, proposed reverting back to the original method of average height for existing NCODs. He presented examples of height, calculation, methodology and pointed out TC-5-17 was initiated by Cameron Park Neighborhood Association. It increases allowed height measurements in the core area by 8 feet and has the effect of increasing the allowed height for buildings with peaked roofs back closer to what it was when the NCOD was created under the former measurement methodology. He pointed out the NCOD zoning was applied to the Cameron Park area in the spring of 2006. TC-7-10 – clarified the maximum allowed heights and split the core area into two zones as well as setting restrictions on garage entrances, front yard parking and driveway widths. He explained Cameron Park has three sub areas where heights are different – core area – 30 feet; specific exception sub area of the core area 26 feet and Transition Area B – 40 feet. He talked about the specific built environmental characteristics and regulations. The proposed change is to increase the maximum height from 30 feet to 38 feet which is representative of 98% of the affected lots. The 75th percentile number suggests a maximum height of at least 32 feet. The proposed change to increase the maximum height from 26 feet to 34 feet is representative of 97% of the affected lots. The 75th percentile number suggests a maximum height of at least 28.7. No changes are proposed to Transition Area B. He explained the City Council had authorized this text change before the City wide change. The Mayor opened the hearing.

Neil Reiman, 204 Park Drive indicated the Neighborhood Association filed the text change and talked about the process they went through and the years' work on this text change. In response to questioning, Planner Hodge pointed out the City notified some 300 people of this hearing and received only one call for information.

No one else asked to be heard thus the hearing was closed. Council Member Crowder moved approval of TC-5-16 as presented. Her motion was seconded by Council Member Baldwin and put to a vote which resulted in all members voting in the affirmative except Council Member

Gaylord who was absent and excused. The Mayor ruled the motion adopted on a 7-0. See Ordinance 679 TC 391.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 8:45.

Gail G. Smith
City Clerk

jt/CC03-07-17