

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, January 3, 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, Presiding
Councilor Kay C. Crowder, Mayor Pro Tem
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord (absent & excused)
Councilor Russ Stephenson (absent & excused)
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order and Invocation was rendered by the Reverend Paul Anderson, Fountain of Raleigh Fellowship. The Pledge of Allegiance was led by Council Member Cox. Mayor McFarlane reported Council Members Gaylord and Stephenson are absent and excused. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATE OF APPOINTMENT – PRESENTATION MADE

Mayor McFarlane presented a Certificate of Appointment to Jennifer Wagner who was recently appointed to the Parks, Recreation and Greenway Advisory Board.

NATIONAL ARTS PROGRAM EXHIBITION AND COMPETITION – 14TH ANNUAL WINNERS - ANNOUNCED

Stacy Bloom Rexrode, Curator of Exhibitions and Collections for the City of Raleigh Parks, Recreation and Cultural Resources Department, explained the 14th Annual National Arts Program Exhibition in the Block Gallery features nearly 100 works of art by City of Raleigh and Wake County employees and their families. The National Arts Program is designed to give all artists, at every skill level an opportunity to exhibit their art work in a professional manner. The exhibition is sponsored by the United Arts Council of Raleigh and Wake County and the City of Raleigh Arts Commission in collaboration with the National Arts Program Foundation of Malvern, Pennsylvania. She gave information about this year's judges. She stated prizes were awarded in five categories – youth, teen, amateur, immediate and professional, with a newly added Arts Education Award. She stated the winners were announced during the opening reception on December 2.

Ms. Rexrode recognized and presented certificates to the following:

Youth (twelve and under)

- 3rd Zoey Fox, age 10 family member of City of Raleigh employee - Planning Department.
- 2nd Laurette Kiser, age 5, family member of City of Raleigh employee - Parks and Recreation Department.
- 1st Mina Reburn, age 4, family member of City of Raleigh employee - Water Treatment Plant.

Honorable Mention Max Hagel (age 4) family member of City of Raleigh employee - Parks and Recreation.

Teen (13 through 18)

- 3rd Danielle Walden, family member of City of Raleigh employee - Public Utilities
- 1st Lillian Mazanek, family member City of Raleigh employee - Engineering Services.

Amateur

Honorable mention Amanda Phyfer, City of Raleigh employee Development Services

- 3rd T. J. McCount, City of Raleigh employee - Parks and Recreation
- 2nd Alexander Vacquez, City of Raleigh employee - City Manager's Office
- 1st Theordore Savage, City of Raleigh employee - Communications.

Intermediate

Honorable Mention

Leah Hathcote, family member of City of Raleigh employee - Public Works

- 3rd Tammy Kaufman, family member City of Raleigh employee Public Utilities
- 2nd Lianne Won, family member of City of Raleigh employee - Water Treatment

Professional

Honorable mention Lauren Brockman, City of Raleigh employee - Parks and Recreation

- 3rd David Wilson, City of Raleigh employee - Parks and Recreation
- 1st Sara Heinsohn, City of Raleigh employee, Office of Emergency Management and Special Events.

Arts Education Awards

Amanda Phyfer, City of Raleigh employee, Development Services. It was pointed out this is the first year for this award and the recipient received a \$200 scholarship for use of arts classes.

Best in show

Dahr Joseph Tanoury, City of Raleigh employee, City Attorney's Office.

AGENCY GRANTEE PRESENTATION**AGENCY GRANTEE PRESENTATION – NORTH CAROLINA SYMPHONY – RECEIVED**

Rob Schiller, North Carolina Symphony, expressed appreciation for the support from the City of Raleigh via a grant and in kind support for rent and parking subsidies. He talked about the FY16 Annual Report and pointed out they are celebrating 84 years of service. They have brought some of the world's top talents to our State including Jean Yves Thibaudet, Renee' Fleming, Zuill Bailey and Johnny Mattis. He stated the Symphony was established in 1932 and talked about delivering education service by working in conjunction with the North Carolina Department of Public Instruction on music curriculum in public schools. He pointed out the North Carolina Symphony has the most extensive music education program of any US orchestra as no other orchestra serves its state to the same extent, talked about concerts that reach 52,000 4th and 5th graders by pointing out the traveling some 18,000 miles throughout the State over the year. Mr. Schiller explained their educational efforts of teaching 4th and 5th graders the essential music concepts and providing teacher workshops. He pointed out the North Carolina Symphony was enjoyed by some 250,000 people over the past year and broke down the participants by new tickets buyers, returning friends, attendees at free community concerts, broadcasts, etc. He stated in addition to those events they have Sound Bites which provides concerts at alternate locations such as Kings at Midtown (North Hills), Manning Chamber Music Series, etc. He talked about introducing audiences to twenty works by living composers including two co-commissions by composers Sarah Kirkland Snider, Salisbury and Caroline Shaw of Greenville.

Mr. Schiller pointed out the net income in FY16 was \$22,000; they had record ticket sales, increased the endowment assets to \$17M and consolidated net assets of \$17.9M. He presented a pie chart showing the expenses which included 73% on statewide service and music education, pointed out 35% of their income was from ticket sales and performances, and 29% from the State of North Carolina. He talked about the four persons who had retired each with more than 40 years of service explaining the average tenure of musicians in the Symphony is 25 years. He talked about the new employees including Colin Hartnett, Principal Timpani, Erin Zehngut – Violin, and Wenmin Zhang – Assistant Principal Bassoon.

Mr. Schiller talked about 2017 proposed highlights including participation in the SHIFT Festival at the John F. Kennedy Center for Performing Arts in March, having two Wake County teachers honored and Britten War Requiem which marks the centennial of the US entry into World War I pointing out they will be partnering with the North Carolina Master Corale and the Raleigh Boys Choir for that event and they look forward to Beethoven Ninth Symphony.

He talked about the economic importance, economic driver and economic engine the North Carolina Symphony brings to the area.

Council members expressed appreciation to Mr. Schriller for all of the fine work.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor McFarlane presented the consent agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. Mayor McFarlane stated the vote on the consent agenda would be a roll call vote. Mayor McFarlane stated Administration has withdrawn the traffic item – Bus Zone – Beryl Road and will bring it back at a later date if needed. Without objection that item was withdrawn. Ms. Baldwin moved approval of the consent agenda as amended. Her motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. The items on the Consent Agenda were as follows.

BOND FINANCING – GENERAL OBLIGATION – VARIOUS ACTIONS APPROVED; RESOLUTION ADOPTED

Authorization to issue \$73,775,000 General Obligation Public Improvement Bonds as the funding source for certain Transportation/Parks and Recreation capital projects is appropriate at this time. This issuance is comprised of \$20,000,000 Transportation Bonds approved by voters in the October 11, 2011 referendum; \$45,000,000 of Transportation Bonds approved by voters in the October 8, 2013 referendum; and \$8,775,000 of Parks and Recreation Bonds approved by voters in the November 5, 2014 referendum.

To proceed with the proposed issuance it is necessary for Council to pass a resolution providing for the issuance of not to exceed \$73,775,000 General Obligation Public Improvement Bonds, Series 2017; approve, ratify, and confirm application to the Local Government Commission to advertise and sell the Bonds and request the Local Government Commission to ask for sealed bids for the sale of the Bonds; and authorize staff to take such actions necessary to include execution of related documents to facilitate the sale and issuance of the Bonds.

Included with the agenda packet were suggested proceedings prepared by bond counsel for the above actions.

Recommendation: Adopt the resolution and authorize staff to proceed with related actions. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused). See Resolution 436.

FLOOD STORAGE EASEMENT – CONVEYANCE OF CALATLANTIC HOMES – APPROVED

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

Recommendation: Authorize the conveyance subject to City Attorney approval of the final easement document and City Manager approval of the final design. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

STORMWATER QUALITY COST SHARE – 813 DARBY STREET – CITY PARTICIPATION APPROVED

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

A petition for funding assistance for installing a 516-square-foot rain garden to treat parking lot runoff at Saint Ambrose Episcopal Church has been reviewed by the Stormwater Management Advisory Commission. When reviewing requests, the Commission considers the estimated project cost, water quality benefits, past requests for similar practices, available funding, and project sustainability. This rain garden will reduce pollutant loads to local streams, specifically Walnut Creek, by slowing and infiltrating runoff from 4600 square feet of impervious parking lot. The property owner has agreed to the required ten-year maintenance term for the project. This project is comparable to past requests for small-scale rain gardens. The Commission recommends approval of this request, which totals \$5,500 and includes a City contribution not to exceed \$4,125 from the Stormwater Quality Cost Share Program. The City contribution is 75 percent of the acceptable cost. The total cost estimate is based on quotes from several contractors and technical advice from staff.

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

Recommendation: Authorize participation in the project with a City contribution not to exceed \$4,125. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

DIX PARK CONSERVANCY – LEASE AGREEMENT – EXECUTION AUTHORIZED

On June 3 Council approved the Memorandum of Understanding (MOU) between the City and the Dix Park Conservancy. The terms of the MOU specify the exploration of options for an office site for the Conservancy located on Dix Park. Staff and the Conservancy identified a 1.6±-acre site, including a small cottage known as the Flower Cottage, as the potential office site.

The purpose of the lease agreement is to allow use of the identified property by the Conservancy to support the planning, development, and operation of Dorothea Dix Park. The proposed term of the lease agreement is nine years, with an annual rent payment of \$1.00 per year. The Conservancy agrees to accept the property “as is” and is responsible for all improvements.

Recommendation: Authorize the City Manager to execute the lease agreement. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

BIG BRANCH SOUTH PUMP STATION EXPANSION – SOLE SOURCE PROCUREMENT AUTHORIZED; CONTRACT EXECUTION AUTHORIZED

The Big Branch South Pump Station expansion project is near the bid stage process. This project includes the addition of a third pump, instrumentation, controls, and SCADA modifications, as well as other pump station upgrades for future area growth. Sole sourcing or limiting competition on certain pump station components and work will offer certain benefits and cost savings to the City that other manufacturers or vendors cannot offer. All costs identified below are consistent with projects that have been competitively bid throughout the industry based on staff and consultant experience on similar projects.

State statutes authorize the City Council to waive competitive bidding when a need for standardization and compatibility is an overriding consideration. Funding is appropriated in the capital budget.

- CITI, LLC – Instrumentation, Control System Integration
CITI has been the instrumentation and control system integrator consultant for many projects with the Public Utilities Department over the past several years. Utilizing one integrator for the entire system minimizes the potential programming complications that can cause operational malfunctions and reduces security risks associated with giving multiple vendors access to sensitive controls that operate the City’s water and wastewater treatment plants and pump stations. CITI has submitted an estimate of \$68,250 which includes instrumentation, new PLC, SCADA integration, and associated equipment.
- Aurora Pump represented by Mechanical Equipment Company (MECO) – Vertical Turbine Solids Handling Pump, suction elbow, stand, and spare rotating assembly
The existing Big Branch South pump station was originally designed to include a future third pump, and currently uses two Aurora pumps. A third Aurora pump for this capacity increase will provide standardization of equipment at the pump station, reduce

maintenance costs, and simplify control and operation of the pump station. MECO has submitted an estimate of \$92,900 for the Aurora Model 613 pump.

- JWC Environmental Channel Monster Grinders represented by Heyward, Inc. – two 5 MGD Hydraulic Drive Grinders

The existing channel grinder needs to be replaced and additional grinder capacity provided for the expansion. Public Utilities have several JWC grinders in many of the existing sewer pump stations and would like to provide for standardization to reduce maintenance costs. Heyward has submitted an estimate of \$143,860 for the two 5 MGD grinders.

Recommendation: Authorize the sole source procurement of the equipment and services specified for the Big Branch South Pump Station Expansion project, and authorize the execution of contracts with each vendor in the amounts not to exceed as identified above. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

RIVERTOWNE DEVELOPMENT – UTILITY SERVICE AMENDMENT #1 – APPROVED

During the June 4, 2013 Council meeting, the Public Works Committee recommended and Council approved an Agreement for Utility Services and Escrow Agreement for the extension of utility services to the proposed Rivertowne development, which is located within the boundaries of a 2006 satellite annexation. Due to the recession which followed the original agreement as well as changes in the composition of the development team, property development has not commenced. An agreement to extend utility service was executed June 28, 2013 following the Council action.

The City has received a request from RWC Buffaloe, LLC to extend contract deadlines set forth in the Amended and Restated Agreement for Utility Services, and the related Amended and Restated Escrow Agreement, both dated June 28, 2013 (“2013 Agreements”). The proposed amendment will extend the time that the developer has to submit utility design drawings to January 1, 2018 at the earliest, or July 1, 2019 at the latest. The amendment also extends the time that the City has to complete the construction of the utility lines to serve the development to December 31, 2019 at the earliest, or July 1, 2022 at the latest. All other terms and conditions of the 2013 Agreements will remain in effect.

Recommendation: Authorize the City Manager to execute the proposed contract amendment. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

CREATIVE BUS SALES – SERVICE CONTRACT – APPROVED – BUDGET AMENDED

Staff recommends a contract with Creative Bus Sales for the lease of nine transit buses. This request includes a budget amendment to provide funds through calendar year 2018 to lease nine

transit buses to be used for transit services to and from Southern Wake County for traffic mitigation during the I-40/440 NCDOT project, known as the Fortify Forty project, which will be under construction through calendar year 2018. All expenses associated with the bus lease are 100 percent reimbursable by GoTriangle. Expenses for the lease of the nine buses will be invoiced and received monthly from GoTriangle. Should the Fortify Forty project be completed prior to the end of the lease terms, GoRaleigh shall use the leased buses on selected contract routes for GoTriangle. There will be no cost to the City for this service.

Recommendation: Authorize the City Manager to execute the contract and authorize a budget amendment in the amount of \$535,140. Accounting details were included with the agenda packet. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused). See Ordinance 655 TF 289.

STC-08-2016/PEARL ROAD AT CAMELOT VILLAGE AVENUE – RESOLUTION OF INTENT SETTING FEBRUARY 7, 2017 PUBLIC HEARING - ADOPTED

The City has received a petition to consider closing a portion of public right-of-way located in Raleigh. Pearl Road at Camelot Village Avenue is located northeast of the intersection of Pearl Road and Camelot Village Avenue. The subject right-of-way remains from the previous alignment of Pearl Road, and is approximately 1/3 of an acre. The owner of the abutting lots wishes to abandon the right-of-way servicing these lots in order to consolidate that portion of the block for future use.

Recommendation: Adopt a resolution authorizing a public hearing to be held on Tuesday, February 7, 2017 to consider closure of the right-of-way as requested. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused). See Resolution 437.

ENCROACHMENTS – FAIRVIEW ROAD/STONE STREET; CENTERVIEW DRIVE/CAPITAL CENTER DRIVE AND WATERS EDGE DRIVE AND WEST CABARRUS AND WEST SOUTH STREETS – APPROVED CONDITIONALLY

The agenda presented the following encroachment requests.

Fairview Road and Stone Street

A request has been received from Fiber Technologies Networks, LLC to install 1,878 feet of underground fiber optic cable and 4,773 feet of aerial fiber optic cable. A report was included with the agenda packet.

Centerview Drive, Capital Center Drive and Waters Edge Drive

A request has been received from Celito CLEC, LLC to install 4,260 linear feet of underground fiber optic cable and 11 hand holes. A report was included with the agenda packet.

West Cabarrus Street and West South Street

A request has been received from BroadPlex, LLC to install 4,690 feet of underground conduit and two access vaults. A report was included with the agenda packet.

Recommendation: Approve the encroachments subject to completion of a liability agreements and documentation of proof of insurance by the applicant. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

BUDGET AMENDMENTS AND TRANSFERS – VARIOUS – APPROVED

The agenda presented Budget Amendments and Transfers as outlined in the agenda packet including a budget amendment in the amount of \$352,202 for additional summer camp program for the 2017 summary session which will be offered at various locations throughout Raleigh. The backup in the agenda included code accounts involved and the reasons for the recommended budget amendment/transfers.

Recommendation: Approve the amendments as outlined. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused). See Ordinance 655 TF 289.

WILLIAMSON DRIVE SANITARY SEWER MAIN REHABILITATION PROJECT – BID AWARDED TO CAROLINA CIVIL WORKS, INC.; CONTRACT EXECUTION AUTHORIZED

On December 3, 2016, five bids were received for the Williamson Drive Sanitary Sewer Main Rehabilitation project. This project involves the rehabilitation or replacement of approximately 640 linear feet of 6-inch DIP water main and 2,800 linear feet of 8-12-inch sanitary sewer main along Williamson Drive between the Glenwood Avenue/Wade Avenue interchange and St. Mary’s Street.

Carolina Civilworks, Inc. submitted the lowest responsive bid amount of \$770,137 with a 3.9 percent Minority and Women-owned Business Enterprise (MWBE) participation plan. The City of Raleigh Business Assistance Program concluded that Carolina Civilworks, Inc. did make a good faith effort for minority and women business participation. Carolina Civilworks, Inc. is properly licensed and experienced in the type of work involved with this project.

Name of Project:	Williamson Drive Sanitary Sewer Main Rehabilitation Project
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$6,300,000

Construction Bid Award:	\$770,137
Vendor:	Carolina Civilworks, Inc.
Prior Contract History:	N/A
Encumbered with this approval:	\$770,137

Recommendation: Award the bid to Carolina Civilworks, Inc. in an amount not to exceed \$770,137. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

E.M. JOHNSON WATER TREATMENT PLANT WEST RESERVOIR RESIDUALS REMOVAL – BID AWARDED TO BENEFICIAL REUSE MANAGEMENT, LLC; CONTRACT EXECUTION AUTHORIZED

Two construction bids (re-advertised bid opening) were received on December 9, 2016 for the E.M. Johnson Water Treatment Plant West Reservoir Residuals Removal project. After many years of service, the available storage in the West Raw Water Reservoir has been greatly reduced due to the accumulation of sediment and water plant residuals. As a result of this project, the removal of the accumulated residuals from the reservoir will allow for additional raw water storage capacity and increase the overall efficiency of the water treatment plant operation.

Beneficial Reuse Management, LLC was the low bidder in the amount of \$3,155,000 with a 15 percent Minority and Women-owned Business Enterprise (MWBE) participation plan.

Name of Project:	EM Johnson Water Treatment Plant West Reservoir Residual Removal
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$5,000,000
Construction Bid Award:	\$3,155,000
Vendor:	Beneficial Reuse Management, LLC
Prior Contract History:	N/A
Encumbered with this approval:	\$3,155,000

Recommendation: Award the bid to Beneficial Reuse Management, LLC in an amount not to exceed \$3,155,000. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

NEUSE RIVER PUMP STATION INTERIM EXPANSION – BID AWARDED TO CAROLINA CIVILWORKS, INC. – CONTRACT EXECUTION AUTHORIZED

On November 29, 2016, four bids were received for the Neuse River Pump Station Interim Expansion. This project includes the addition of a fourth pump, temporary bypass pumping

system, electrical modifications, ventilation modifications, roof repairs, wet well cleanout, and instrumentation modifications.

Carolina Civilworks, Inc. submitted the lowest responsive bid in the amount of \$843,380. Carolina Civilworks, Inc. is properly licensed and experienced in the type of work involved in this project. Carolina Civilworks, Inc. submitted a 2.5 percent Minority and Women-owned Business Enterprise (MWBE) participation plan. Though this participation does not meet the intended goal, Carolina Civilworks, Inc. provided documentation demonstrating good faith effort for MWBE participation that has been substantiated by the Business Assistance Program.

Name of Project:	Neuse River Pump Station Interim Expansion
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$1,840,000
Construction Bid Award:	\$843,380
Vendor:	Carolina Civilworks, Inc.
Prior Contract History:	N/A
Encumbered with this approval:	\$843,380

Recommendation: Award the bid to Carolina Civilworks, Inc. in an amount not to exceed \$843,380. Authorize the City Manager to execute the contract. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

LOWER MARSH CREEK SANITARY SEWER REHABILITATION – MOFFAT PIPE, INC. CHANGE ORDER #1 – APPROVED

On November 29, 2016 three bids were received for the Lower Marsh Creek Sanitary Sewer Rehabilitation project. This project includes the rehabilitation of a total of 2,725 feet of 24-, 30-, and 36-inch sewer interceptor by cured-in-place pipe (CIPP) lining; rehabilitation of 12 manholes; temporary sewer bypass pumping systems; and manhole replacement. Funding is provided through the Sewer Main Replacements FY17 program, which replaces or rehabilitates aging and undersized sewer infrastructure.

Moffat Pipe, Inc. submitted the lowest responsive bid in the amount of \$1,865,325. The bids came in over budget; therefore, the Public Utilities Department requested a reduction in bid items and provided clarification to Moffat Pipe, Inc. to reduce risk that allowed bypass pumping costs to be reduced significantly. Moffat Pipe, Inc. provided a deductive credit of \$666,300. Moffat Pipe, Inc. is properly licensed and experienced in the type of work involved in this project. Moffat Pipe, Inc. submitted a 30 percent Minority and Women-owned Business Enterprise (MWBE) participation plan.

Name of Project:	Lower Marsh Creek Sanitary Sewer Rehabilitation
------------------	---

Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$6,300,000
Construction Bid Award:	\$1,199,025
Vendor:	Moffat Pipe, Inc.
Prior Contract History:	N/A
Encumbered with this approval:	\$1,199,025

Recommendation: Award the contract with deduct change order number one to Moffat Pipe, Inc. in an amount not to exceed \$1,199,025. Authorize the City Manager to execute the contract and deductive change order. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

GORALEIGH STATION DIGITAL SIGNS AND SOFTWARE – CONTRACT AWARDED TO REDMON GROUP, INC. – CONTRACT EXECUTION AUTHORIZED

On October 26, 2016 eight bids were received for the GoRaleigh Transit Station Passenger Information Display System project. Project implementation includes software, hardware, and the installation of 38 digital signs throughout the transit station to provide real time bus departure information as well as other important bus rider notifications. The supporting infrastructure including conduit and fiber for this project was bid as part of the original GoRaleigh Station scope of work; technical specifications for the procurement of the software and hardware for the system hardware and software were bid independently. Several contributing factors resulted in the independent bidding of this project; these include the development of the technical specifications during the early phases of the GoRaleigh Station project, the timing of grant funds to support to PIDS system and ensuring federal Buy America provisions would be achieved.

The system will be installed during Phase II of the GoRaleigh Station project and will be operational upon completion of the station this spring. Funding includes 80 percent Federal Transit Administration funding and 20 percent City funds. The funding ordinance for this procurement was adopted by Council during the August 2 meeting.

Name of Project:	GoRaleigh Station Digital Signs and Software
Managing Division:	Transit
Approval request:	Contract award
Reason for Council review:	Formal contract award
Contract amount:	\$466,121
Vendor:	Redmon Group, Inc.
Prior Contract History:	N/A
Budget Transfer:	N/A
Encumbered with this approval:	\$466,121

Recommendation: Award the contract to Redmon Group, Inc. in an amount not to exceed \$466,121 and authorize the City Manager to execute a contract. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused).

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following traffic changes which would become effective seven days after Council approval.

No Parking Zone - 2121 North Hills Drive

It is recommended that a No Parking Zone be established on the south side of the 2100 block of North Hills Drive. A request was received from the Property Manager of Brickettwood Glyn Apartments to have a section of North Hills Drive made no parking due to residents being unable to see around cars that are parked near the only driveway in and out of the complex. Staff completed a line of sight study, which confirmed that with the grade of the road and vehicles parked along the south side of the street, it is not possible to see oncoming traffic traveling eastbound down North Hills Drive.

Multi-way Stop Intersection – Campfire Trail at Diamondhitch Trail

It is recommended that a multi-way stop be added at the intersection of Campfire Trail and Diamondhitch Trail. Campfire Trail and Diamondhitch Trail are classified as Neighborhood Locals. Campfire Trail and Diamondhitch Trail are built to typical City of Raleigh street standards. This intersection meets and/or exceeds warrants found in Section 2B.07 in the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) approved as policy by the Raleigh City Council.

Recommendation: Authorize appropriate changes in the traffic code as included with the agenda packet. Upheld on Consent Agenda Baldwin/Thompson – 6 ayes (Gaylord/Stephenson absent and excused). See Ordinance 656.

END OF CONSENT AGENDA

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-34-16 – GLENWOOD AVENUE AUTHORIZED FOR PUBLIC HEARING ON FEBRUARY 7, 2017

This is a request rezone property from Residential-6 (R-6) to Office Mixed Use – 3 Stories – Parking Limited – Conditional Use (OX-3-PL-CU).

The proposal is inconsistent with the Future Land Use Map. However, it provides a public benefit by allowing slightly more intensive development along a corridor well-served by transit

and by lessening the likelihood of multiple curb cuts on a major street. The dissenting vote was cast based on the allowable residential density that would be permitted with the rezoning.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of February 7, 2017.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Thompson and put to a vote which passed with all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

REZONING Z-35-16 – SUMNER BOULEVARD – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 21, 2017

This is a request rezone property from Commercial Mixed Use –3 Stories – Urban Limited (CX-3-UL) to Commercial Mixed Use – 5 Stories – Conditional Use (CX-5-CU).

The proposal is consistent with the Comprehensive Plan and Future Land Use Map. The CAC vote will not occur until February 9, 2017. Planning Commission recommends that the final disposition occur after the CAC vote.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of February 7, 2017.

Mayor McFarlane indicated since agenda preparation, staff had recommended the public hearing date be February 21, 2017.

Ms. Baldwin moved approval of the February 21, 2017 public hearing for Z-35-16. Her motion was seconded by Mr. Branch and put to a vote which resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

REZONING Z-24-16 – LITCHFORD ROAD – PUBLIC HEARING AUTHORIZED FOR FEBRUARY 7, 2017

This is a request rezone property from Neighborhood Mixed Use – 3 stories – Conditional Use (NX-3-CU) to Commercial Mixed Use – 3 stories – Conditional Use (CX-3-CU).

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. Staff suggests a public hearing date of February 7, 2017.

Ms. Crowder moved approval of the February 7, 2017 public hearing. Her motion was seconded by Mr. Branch and put to a vote which resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

PLANNING COMMISSION RULES AND PROCEDURES – APPROVED

The Planning Commission proposes an update to their Rules and Procedures, which have not been amended since 1997. The Commission wishes to amend their operating rules to align with local and state law, as well as current practice. The Commission formed a special subcommittee to review and recommend enhancements.

Major changes to the rules and procedures include additional structure related to the subcommittees and rules for public comment. The previous rules and procedures contained no reference to the planning commission subcommittees and did not provide any guidance for public input at the meetings. The revisions also include the addition of a secretary for the commission, which is specified in the city charter. The Unified Development Ordinance requires that the City Council approve changes to the Rules and Procedures.

The Planning Commission recommends approval. If Council concurs with the recommendation, approval of the amended rules and procedures is recommended.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Branch.

Ms. Crowder stated she did not get this information in her packet and would like a brief description. Assistant Planning Director Crane pointed out the Planning Commission's rules and procedures have not been updated in a number of years. He stated the changes mainly relate to giving structure to the meeting guidelines, how and when people can speak, election of secretary, etc. Ms. Crowder questioned if the Committees including Committee of the Whole, etc., stay the same with Mr. Crane pointing out that is correct.

The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

SPECIAL ITEMS

ETJ – REQUEST FOR RELINQUISHMENT TO WAKE COUNTY – TO BE PLACED ON FEBRUARY 7, 2017 AGENDA

City Council heard a Petition of Citizens from William Long, Isabella Long and Mason Williams at the November 15, 2016 meeting. The petitioners request that Council consider relinquishing 15 acres of land in the Swift Creek Watershed from the Raleigh Extraterritorial Jurisdiction (ETJ) to Wake County. Current guiding policies of the City would be favorable to relinquishing

the ETJ to Wake County. City policy discourages extending utility services into watershed areas and does not support the annexation of this area.

Reducing the amount of watershed land under the City's jurisdiction impacts adopted policies of the Swift Creek Watershed Plan. The Swift Creek Watershed Plan caps urban uses at five percent of the total land area within the watershed plan area (Policy AP-SC 8). Under the land use designations of the Swift Creek Land Management Plan, the percentage of urban use within the Raleigh jurisdiction is very close to five percent, and by taking some rural land out of the jurisdiction the five percent cap may be exceeded. Amending Policy AP-SC 8 of the Swift Creek Watershed Plan to cap the acreage of the urbanized areas would retain the current allocation of urban area while allowing the City to reduce overall ETJ acreage in the future. An additional policy added to the Swift Creek Watershed Plan would assure that the City continues to be in compliance with the Swift Creek Land Management Plan.

In response to the citizen petition, staff has identified has three possible options:

1. Take no action in response to the citizen petition.
2. Set a public hearing date to consider relinquishment of the petitioners' property from the ETJ, and initiate an amendment to the Comprehensive Plan after the consent of the other five jurisdictions for land reassignment is in place.
3. Wait for resolution of Comprehensive Plan amendment process and ETJ study before setting single public hearing to consider petitioners' property and any other land that study may indicate should be relinquished.

Recommendation: Should Council desire to proceed with an action at this time, staff would recommend pursuing option two as outlined above.

City Manager Hall briefly explained the issue pointing out it is a very complicated topic therefore asked Christopher Golden of the City Planning Department to explain the item.

Christopher Golden, Planning Department, highlighted the information included on the agenda pointing out at the November 15 Council meeting, Council asked staff to evaluate the precedent and consequences of the request if approved, explore and present options to resolve the comprehensive plan policy implications and look at other areas that may be considered for relinquishment in the future. Mr. Golden talked about the Swift Creek Management Plan which assigned management responsibility of the watershed to each jurisdiction with zoning power within the Swift Creek basin which includes Apex, Garner, City of Raleigh and Wake County. The plan was adopted by the General Assembly. Mr. Golden pointed out the resolution adopted by the General Assembly expressed the intention that the plan become the subject of an interlocal agreement; however that step was never taken. He pointed out the plan and its enabling legislation does not address how property may be transferred from one jurisdiction to another. Provisions in an interlocal agreement would normally address the transfer issue. Mr. Schriller pointed out Wake County has accepted the role of preparing the initial draft of an interlocal agreement for consideration by the other governing bodies.

Mr. Golden presented slides showing the location of the property, area covered by the Swift Creek Land Management Plan, map showing the location of the Garner ETJ, Raleigh ETJ and relationship to the site. He went over the City's Comprehensive Plan which indicate that the city is favorable to relinquishing the ETJ to Wake County as the City of Raleigh policies discourage extending utility services into watershed areas and does not support annexation of the area in question. He went over the policies of the comprehensive plan which indicate annexing this area is not favorable as it would be providing municipal services including public utilities. He referred to Policy LU 3.2, 3.5, PU 1.1, 2.1, 2.3, 3.9, 3.11 and AP-SC1, 2, 8, 9 and 10. He pointed out Policy AP-SC8 talks about Swift Creek impervious surface limits pointing out impervious surface in the Swift Creek Watershed should be limited to 12% unless public utilities are available, in which case a 30% maximum may be allowed. The 30% maximum may be exceeded up to 70% with additional rainfall runoff retainage in specific areas along US70/401 at Tryon Road as noted on Map APSC-1 and the small watershed area on the north side of Tryon Road near Gorman Street. The areas that exceed 30% impervious surfaces should not exceed 5% of the entire Swift Creek Watershed within the City's jurisdiction. The policy issue is reducing the amount of watershed land under the City's jurisdiction impacts adopted polices of the Swift Creek Watershed Plan. He went over the options as included in the agenda packet.

Council Member Crowder questioned how the relinquishment of the 15 areas will change the calculations. Mr. Golden pointed out presently we are right at the 5% so this would put the City over slightly. Mr. Thompson questioned if the petitioner changed the request to say 14 acres if that would keep it under the 5%. Council Member Branch questioned why we are looking at relinquishing to Wake County rather than Garner. Planner Golden pointed out if it goes into Garner's ETJ, it would change their calculation. If it goes into Wake County which has a bigger area it would not have the same impact. He stated he does not think the petitioner has approached Garner.

Mr. Cox questioned how long it will take to develop the interlocal agreement with Mr. Golden pointing out he does not know but it would take some time as the various jurisdictions would have to approve it.

Stormwater Manager Hinkle pointed out if the request was granted it would show Raleigh at 5.02%. He pointed out however that is based on build out of currently available property to the maximum extent possible. Right now the percentage of developed property is at 2.5%. The 5.02 is assuming everything in the area is developed to the maximum.

Council Member Crowder indicated she has no particular problems with the current request but the City does not have a plan as to how to handle possible future requests. Mayor McFarlane pointed out we have policies relative to the watershed that do not support development of this area. She feels the real question is how to address future requests. Ms. Baldwin stated may be the best thing to do is to go ahead and set the public hearing to consider approving the request with the understanding there would be no consideration of future requests until we have a plan in place and so moved. Her motion was seconded by Mayor McFarlane and put to a vote which resulted in all members voting in the affirmative except Mr. Cox who voted in the negative and

Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 5-0 vote.

REZONING Z-30-16 – VARSITY DRIVE – TO BE PLACED ON JANUARY 17 AGENDA

This is a request to rezone property from Neighborhood Mixed Use–4 Stories– Conditional Use with Special Residential Parking Overlay District (NX-4-CU w/SRPOD) to Residential Mixed Use–5 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. The proposal is consistent with the Comprehensive Plan and Future Land Use Map.

Council first considered the item at its meeting on December 6, 2016. Action was deferred until the following meeting because original signed conditions had not yet been provided.

Recommendation: The Planning Commission recommends approval of the request. Provided the applicant has provided signed conditions before the deadline for the January 3, 2017 Council meeting, staff suggests a public hearing date of February 7, 2017.

Council Member Crowder asked that this request be delayed for two weeks and placed on the January 17, agenda for further consideration. Planner Bynum Walter pointed out that is what is proposed as we do not have the sign conditions as of yet. Without discussion the item will be placed on the January 17 agenda as a special item.

TEXTILE COLLECTION – UPDATE RECEIVED; TO BE PLACED ON JANUARY 17 AGENDA AS SPECIAL ITEM

During the November 15 Council meeting staff provided a summary of next steps for a potential textile curbside collection recycling program. Council requested that staff provide greater detail on the terms of a potential Request for Proposals (RFP) and contract. This update will provide more information about textile curbside collection programs in other cities, the benefits of a potential program, key contractual terms, and possible next steps should Council desire to proceed with a program.

Megan Anderson, City Manager Office presented the following statement.

I'm here to provide additional information on a potential opportunity for textile recycling.

As previously discussed, City staff and some Raleigh City Council members have been approached by a *for-profit* entity about creating a curbside textile collection program for clothing and other textiles.

At the Council meeting on Nov. 15, Council asked staff for additional information on next steps for a potential curbside collection program.

Through this presentation, I'll be providing information about programs in other cities, potential benefits, and key terms that would be included in an RFP process for a potential program.

During the November meeting, you asked us to paint a picture of how textile recycling would work, and I'd like to first give you a brief overview of *textile curbside collection programs* in other Cities. This type of program is a relatively new concept for cities. The municipalities of *Plano Texas, Fairview Ohio, Austin Texas, and East Lansing, Michigan* are all collecting textiles, and are all under contract with the same for-profit company that has approached the City of Raleigh.

These programs are all voluntary for residents to participate in.

- All of these programs are relatively new - the oldest is East Lansing at 3 years old and Austin's program just launched in December of 2016 so is less than a month old
- With the exception of Austin, these are all cities with a population much smaller than Raleigh
- All of these programs are being provided free of charge to residents and the municipalities.
- Data was not available for all cities, but from what we could tell the volume of textiles collected per month varied widely from 22.5 tons collected/ month in Plano, TX to 0.05 tons/month in Fairview, OH
- All of these cities are also being provided with a rate of \$20/ton for the items that are collected by the vendor.
- Due to how new this program is, there is not a lot of data or history for us to learn from.
- Staff has traded information with contacts at each of these Cities and overall, these Cities report relatively minor problems.
- The most common issues are textiles not being collected on the designated days. However, participants also reported that the vendor has responded quickly to resolve the issues.

The cities we spoke with market these programs as voluntary residents put items out on the same day as recycling pickups. To make it easy for residents to participate, the textile collection partner offers collection routes following the same schedule used by City recycling crews.

Some of the key collected materials for these types of programs include: clothing, bedding, shoes, curtains, rags and textiles at the end of their useful life, and small kitchen items such as dishes, utensils, pots and pans. Items such as carpeting are not included.

Later in the presentation, I'll reference a list of items that staff would include in the scope if we decide to move forward with a pilot here in Raleigh.

SO....why recycle textiles???

- Textiles are one of the Fast growing sources of waste
- EPA estimates that Americans dispose of 80 pounds of clothes each year
- Only 15% of textiles get recycled while 85% are landfilled
- Textiles are valuable for re-use products such as rags, upholstery and other end market items
- The more textiles we re-use, the less new textiles have to be produced—which saves and protects further resources
- *While textiles don't represent a large source of trash going into our local landfill, diverting them is feasible because there are existing markets for reuse or recycling of the materials*

As mentioned, 85% of textiles from people's homes end up in landfills and the average American disposes of 80 lbs of clothes per year.

- A 2011 waste characterization study of the South Wake Landfill (where Raleigh residents' waste is disposed of) found that textiles comprised 3.7% of the incoming waste.
- Reducing textiles going into the landfill has several potential benefits to the city:
- Most importantly, it could reduce the City's disposal costs by diverting waste from City-issued garbage carts.
- In addition, slowing the flow of waste will extend the expected life of the landfill, which will help Raleigh and the other 11 municipalities that comprise the South Wake Landfill Partnership.
- There would also be a benefit because this program would consistently communicate recycling messages to the larger Raleigh community. This communication could raise awareness about opportunities to recycle, instead of throwing items in the trash. This has the added benefit of raising awareness to all the streams of recycling and re-use programs.

If Council wishes to move forward with a pilot program the City would be responsible for:

1. communicating with residents who have questions or complaints about the program, and bringing these concerns to the vendor
2. Solid Waste Services staff would also coordinate recycling routes with the contractor (and give them 30 days notice if changes were made to the routes)
3. Staff will also assess the performance of the contractor through facility site visits, reviewing monthly reports and customer service needs as well as working with

the contractor to address operational, communications or any other needs that arise as part of the pilot process

4. The city will also work with the contractor to provide consistent education and outreach about the textile recycling program and provide up to date information to residents about alternative charitable donation opportunities for residents and local non-profits.

The Contractor responsibilities include:

1. The contractor will be asked to clearly identify and communicate the materials to be collected and provide a container (or bag) explicitly labeled for collection (so there is no confusion with other items left out at curb)
2. To collect materials in a timely manner
3. To market the service to customers– and provide SWS with a communications plan that outlines consistent and detailed outreach to customers
4. To provide a robust customer service program that answers all questions and handles complaints in a timely manner
5. To provide monthly reports to Solid Waste Services staff to track progress over time
6. To coordinate with local non-profits to support residents continued charitable donations

Council received in the following in their agenda packet.

1. A memo that provides an overview of previous information provided to council about this potential pilot program
2. A Draft Term Sheet which highlights typical items and contractual considerations that the City would require as part of the RFP process
3. A sample contract from the City of Plano, Texas on the recent curbside Textile Recycling program that they launched

As outlined in the 1st item – the memo:

Staff were directed at the September 20th City Council meeting to consider the steps necessary to enable a textile recycling program... and in particular to consider 2 things:

1. To limit the impact on non-profits and organizations that rely on charitable contributions of textiles
2. To limit the impact on enforcement

A written report to Council was distributed on October 21st, and a summary of the report was given on November 15th. Staff was then asked to provide greater detail about the terms of a potential RFP and contract.

The draft term sheet was developed with the aid of contract language from the City of Plano, Texas... and it also incorporates typical items that the City would require through the RFP and contract process and include the key terms that potential contractors would be asked to submit information on as part of the City's standard RFP process. Ms. Anderson highlighted the following.

Under Outline of Services Provided:

1. The contractor would be asked to submit descriptions of all the necessary recycling collection needs to maintain excellent customer service and provide regularly scheduled residential collection services plans would include equipment needs, supplies, collection trucks, drivers and other employees and for services to be provided at no charge to the City of Raleigh or to customers that receive the service

Under Customer Service and Education Provisions:

1. The contractor would be asked to submit plans for program start up- including guidelines for residents, promotional and marketing materials. As well as ongoing outreach and promotional materials that consistently educates and reminds residents of program guidelines and benefits
2. The contractor would also be asked to submit plans about their collections including:
 1. What type of collection containers they would be providing residents (such as bags or bins),
 2. Clear labeling for collection containers, and a distribution plan to meet customer requests for more containers
3. The contractor would also need to demonstrate a robust customer service program that answers customers' questions and handles complaints in a timely manner including:
 1. responding to complaints or missed collections within 24 hours
 2. providing a dedicated customer service phone line and adequate staffing to respond to all requests
4. The Contractor would also be asked to submit a plan for monthly reporting to include information on the number of collections completed, the tonnage of material collected, end uses of items collected (to include the volumes and where items were recycled, reused or resold), the number and nature of customer service calls, and details of education and community engagement as identified in the vendor's communication plan

Under Coordination with City Services:

The contractor would be asked to:

1. coordinate routes with City Staff to provide convenient collection services to residents on the same schedule as bi-weekly recycling pickups

2. allow SWS Code enforcement staff to visit and inspect the local operational facility quarterly
3. clearly mark their vehicles with their logos and the partnership with the City, and require all their employees to wear uniforms that identify them as their employees

Under the Curbside Debris Management:

1. The Contractor would submit a plan to address items missed or not picked up in the right of way
2. And should also agree to pick up all textile recycling packaging left out by residents; and to properly dispose of these items (including contaminated materials or non-textile waste)

Under Compensation to the City for Education and Code Enforcement:

1. The contractor would be asked to submit a plan to reimburse the city for staff time and code enforcement impacts. A standard reimbursement rate for textiles collected in other Cities is typically \$20/ton and Solid Waste Services staff is working to calculate a minimum compensation amount to be recovered annually that would cover potential impacts, such as: staff time to answer calls and emails from customers that should go to the textile collection partner, items missed or not picked up in right of way that would require the attention of code enforcement staff

The next section is Limiting impacts on Local Non-Profits ...because this_was a main concern for Council....I will address that later.

Other Contractual Considerations include Terms and Insurance....:

1. The initial **term** for this pilot will be 3 years with an option to renew for additional years
2. The standard service contract agreement requires the contractor to have broad and ample insurance coverage for operating vehicles, as well as other insurance and liability requirements. The contractor would be required to maintain the coverage and limits required by the *Contract for Services* for the duration of the pilot program.

In staff's research and discussions with other municipalities that offer this type of textile collection program they typically address potential negative impacts to local charities in these ways:

- They market these programs as voluntary
- They advertise that these programs are for items at the end of their useful life (like torn clothing or rags).

- They encourage residents to continue to donate items that are in good shape to local charities, and they communicate that this service is provided purely for convenience that provides an outlet to people that would have otherwise thrown items in the trash.

As part of the RFP, applicants would be asked to submit a fully developed public education program :

1. The contractor and city would both clearly state on their websites and communications: if the contractor is a for-profit or non-profit and they can also remind residents that their donations to charities are tax deductible, and provide information on their websites on these local charities
2. As part of the RFP process, a provision would be included where non-profits could elect to have the contractor pick up unwanted textiles from their organization (as some organizations discard flawed items and have to pay for disposal)
3. The goal of providing consistent and frequent communications from the contractor and from the City would be to potentially benefit local charities by raising awareness to Raleigh residents about the importance of recycling textiles, and the benefits of donating to charities and to provide a higher level of exposure for local non-profits by providing information about individual donation locations

As part of the scope for the RFP, staff would ask the contractor to submit a plan to collect and educate residents about the following items :

- Clothing and Shoes
- Curtains, Towels, Blankets and Sleeping Bags
- Rags and textiles at the end of their useful life
- Small Kitchen items that fit in a collection bag or container such as dishes, utensils, pots and pans

Items out of Scope include electronic waste, small furniture, carpeting and other items too large for a collection container.

The City currently has programs to collect these types of items. Larger items like furniture, mattresses or carpet can be scheduled for pick up through the City's Bulky or Special Load collection services. The city also has a free electronic waste pick up program where residents can schedule a free special pickup of electronics and the City will responsibly recycle these items

If Council wishes to move forward with a pilot, staff plans to write the RFP to include *Items in the Scope* as required items for collection.

If the applicants would like to collect other items (such as those listed *out of the Scope*) the process will allow applicants to submit a detailed collection plan for these other items and staff can then consider including these specialty items as part of the pilot project.

If council would like to move forward with a pilot, the actions necessary to implement a pilot program include authorizing staff to create and issue an RFP and authorizing staff to make the necessary code changes for a pilot program

The code change includes an update to allow a private collection service to hold a permit for the pilot period, to operate in the City right of way and collect items from the curb

Paragraph (b) of City Code RCC 12-1038 will need to be amended to allow the private vendor to collect from the curb. A proposed amendment is shown below underlined:

Sec. 12-1038. - JUNK, ETC., ON RIGHTS-OF-WAY PROHIBITED.

(a) It is unlawful for any person to place or leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage, scrapped automobile or truck or part thereof, scrap metal or junk of any kind on the right-of-way of any street or highway within the City.

(b) This section does not apply to domestic trash or garbage placed on such rights-of-way for removal by the City or for removal by private collection services holding a permit issued under §12-1022(a) and approved by the Director of Solid Waste Services to collect solid waste from the City rights-of-way.

Mayor McFarlane asked about the financial impact and the amount collected in the cities surveyed. Ms. Anderson pointed out it varies from 22 tons to 45 tons. Mayor McFarlane questioned if this is something that every citizen would be provided or if it is on a call basis. Ms. Anderson stated in the RFP response the various vendors would tell the City how they plan to handle coverage.

Ms. Baldwin questioned if Ms. Anderson had reached out to any of the nonprofits about this type program. Mayor McFarlane pointed out she had some conversations with nonprofits who stated they may be interested in having collections from the back of the house, that is collection of clothing and/or textiles that they could not use. Ms. Crowder pointed out there are a couple of nonprofit representatives in the audience and asked that they be heard.

Mary Allison, Director of Development, Step Up Ministry, pointed out their organization is very much in favor of this type program. She talked about the program they run to help dress persons looking for jobs, teach them how to dress for success, etc. She stated they appreciate receiving donations and pointed out some times they receive things they cannot use therefore they would support a program that would allow them to dispose of the items they receive that they cannot use. She stated she feels this is a win win and a great opportunity.

Lisa Rivers, Salvation Army Advisory Board, told about herself, work she has done and stated she and the Salvation Army Advisory Board are huge advocates of the proposed program. They feel it would be cost efficient, provide positive environmental impacts, etc. Ms. Rivers pointed out she is on the committee which looks for/receives donations and feels the proposed program will actually increase the donations many nonprofits receive. She stated most people who donate do not consider their donations “trash.” She feels the proposed program is a great opportunity for all and feels it will create a lot of awareness related to needs, donations, be a great thing, and be much more effective and provide a return for all. It is a great opportunity and will provide a great partnership.

Mayor McFarlane questions what staff feels the proposed usage will be with Ms. Anderson pointing out it is felt it will increase as time goes by. Mayor McFarlane stated she felt that three years is a long pilot program. Ms. Anderson pointed out they had discussed that with the City Attorney and others and it is felt for any company to be able to make a proposal they need to know that they will have a contract long enough to help them recoup the cost for trucks, personnel, investments, etc.

Ms. Crowder stated any time we reduce waste in the landfill it is a good thing. She stated her concern was about the possible negative impact on charitable organizations. She stated however after talking to others, hearing comments, etc., she feels it is an excellent program. She stated however there are only six council members present and she feels it would be good to have it voted on when all Council members are present therefore she would suggest that this item be placed on the January 17 agenda as a special item and ask staff to provide all Council members with a copy of the presentation, etc. Without objection, it was agreed to follow that course of action.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

BRAND PLATFORM STUDY UPDATE – INFORMATION RECEIVED

The FY2016-17 annual budget contained an appropriation for staff to undertake a City brand platform study. Staff issued a Request for Proposals to identify partners to assist the City with a study Council was provided with a progress update during the October 11 work session. Staff will provide an additional update during the meeting.

Recommendation: Receive as information.

City Manager Hall pointed out Council had seen an update on this issue during the October 11 work session but would like for the Council to receive a status report.

Communications Director Damien Graham talked about “What is Raleigh’s Brand” explaining the City has a “logo” problem. All departments are different and presented the various logos, city seals, etc., that are presently used by the City. Sometimes it is the City seal. He stated the City needs help and are seeking a consultant. They went out with the RFP and received 27 proposals which was cut down to 5 by a group of City employees. He explained the general

evaluation criteria related to design aesthetic, place making branding experience, creative approach, presentation and cost. He indicated they had decided to divide the project into two phases. The project will have two parts – strategy or discovery and design. They selected cubic for the strategy, information gathering, and developing a mission statement. They are Oklahoma. He told of their work, experience, etc.

The second phase is the design stage and the group selected The Assembly which is local and told of their experience and abilities and how they can build from the work of the first group. He explained how and why they are suggesting two contracts pointing out if Council approves this concept the contracts will be approved administratively.

Ms. Baldwin questioned how these two contracts or proposals will be pulled together. Mr. Graham pointed out in some situations he would be nervous about getting the two companies to work together; however, he talked about the background of these two pointing out they have already started conversations, etc., and he feels comfortable about their ability to work together.

The information was received without comment.

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

NO REPORT

**ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – MEETING
CANCELED**

Mayor McFarlane pointed out the Economic Development and Innovation Committee will not be meeting next week.

**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

TRANSPORTATION AND TRANSIT COMMITTEE – MEETING ANNOUNCED

Chairperson Branch reported the Transportation and Transit Committee will be meeting on January 24, 2017. The report was received.

REPORT OF MAYOR AND COUNCIL MEMBERS

AFFORDABLE HOUSING – VARIOUS COMMENTS RECEIVED

Mr. Cox indicated he would like to take a few minutes to talk about affordable housing. He stated he knows there is an item on the agenda tonight about affordable housing regarding one particular aspect of the UDO and possible changes. He stated within the past few weeks there have been some stories and editorials in the News and Observer regarding affordable housing and quoted some of the concerns included in those articles. He stated he feels everyone agrees that the City of Raleigh does need to do more to help provide for affordable housing and maybe 2017 is the time to take steps in that direction. Mr. Cox talked about taking a closer look at inclusionary zoning as one option and look at what the city may be able to do to modify its zoning code to allow for affordable housing. He talked about what is occurring in towns like Chapel Hill, Carrboro and Davidson where he understands they have implemented mandatory inclusionary zoning programs. He stated he understands the Chapter Hill Ordinance deals with owner occupied housing and talked about State prohibition on rental controls. He stated according to Chapel Hill's website their plan was implemented in 2010 and it mandates set aside percentages for affordable housing in new developments but he understands that only applies to non-rental due to the prohibition relating to rent controls.

Mr. Cox pointed out in Raleigh there is no provision to allow conditions in zoning cases for affordable housing. Raleigh does not allow voluntary conditions. Mr. Cox stated he understands the UDO disallows such zoning conditions by preventing disclosure about the character of the tenant. He stated in discussing this with various people, he understands it may be difficult to amend the UDO by removing the provision regarding the character of the tenant. Mr. Cox stated that leads him to question what the City can do to allow zoning conditions that would allow for commitments for affordable housing. He stated he would like to ask staff to come back to Council with a report, suggestions, or recommendations about implementing zoning conditions and inclusionary zoning for affordable housing and how those options could be applied to owner occupied housing, how the City could address the State's prohibition on rent control and changes that would allow affordable housing offered as a zoning condition or inclusionary zoning be enforced. He stated he feels that this will be discussed more at the meeting tonight when the petitioner comes forth with similar type questions and/or concerns. Mr. Cox pointed out staff did touch on some of this information and the back up for the item on the evening agenda.

Mr. Cox stated he would like to ask staff to provide a report to Council about implementing zoning conditions and inclusionary zoning for affordable housing; how these options could be applied to owner occupied housing and to rental housing; how the City can address the State's prohibition on rent controls; how affordable housing offered as a zoning condition or as inclusionary zoning could be enforced. Mr. Cox stated information included in the back up for the petitioner on the evening agenda addressed these questions somewhat. He stated his last question would be what can the City do to lobby the legislature to allow some degree of affordable rental housing and questioned if the City should partner with other municipalities to make affordable housing a priority for 2017.

Mayor McFarlane pointed out the City only has power to do what the General Assembly allows and inclusionary zoning is not allowed in the state. She talked about what other cities do and what the City of Raleigh has done in the past. She pointed out what is allowed now is based on what the State allows the city to do. She indicated there is an item on the agenda tonight and also pointed out we have fair housing rules as to what and who can be included or excluded. She stated she felt it would be discussed more tonight. No further action was taken.

POVERTY INITIATIVE – COMMENTS RECEIVED

Council Member Branch indicated he sent all Council members an email over the holidays concerning a poverty initiative and possible partnership with Wake County to address the needs of the less fortunate. He stated since there are two council members absent, he would wait until next meeting to bring this up for consideration however he would ask all to review his email and think about how the City can partner with the County to move this initiative forward. The comments were received.

BILTMORE HILLS – BASEBALL FIELDS – STAFF TO INVESTIGATE

Council Member Branch indicated the Parks and Recreation Department is in the process of installing tennis courts at Biltmore Hills park. He stated he understands doing this will cause us to lose the kids baseball field. He pointed out the kids field is adjacent to the adult baseball field and he had rather lose the adult field than the kids field. He asked that staff look at the possibility of retrofitting the adult field for use by the kids particularly the league play relating to the Raleigh Police Department. He asked staff to look at the concerns and possibilities.

INCUBATOR – REPORT REQUESTED

Council Member Branch pointed out he knows there has been a lot of conversation about the incubator and he would like an update as to where we are in that process. The item was referred to administration for a report.

TOWN HALL MEETINGS – DISTRICT C – INFORMATION RECEIVED

Council Member Branch stated he would like to schedule two town hall meetings in his district one would be the last week in January and one the first week in February. He stated there would

be no staff requested however, if staff wanted to attend and participate that would be fine. Mayor McFarlane asked about the location and the exact time with Council Member Branch indicating he is working on that. No further comments were received.

TRAFFIC – NO PARKING ON METHOD ROAD – INFORMATION REQUESTED

Council Member Crowder pointed out a couple of meetings ago she asked about the possibility of removing some of the no parking signs on Method Road near the post office. She indicated there was an item withdrawn from the agenda today relating to a bus zone in that area. She asked that Council be provided a report on the parking near the Method Post Office and the concern she had expressed.

SHORT TERM RENTAL COMMITTEE – INFORMATION REQUESTED

Ms. Crowder indicated some time back the City Council appointed a task force on short term rentals. She asked for an update as to the progress being made by that committee.

City Manager Hall pointed out there was information provided in the last City Manager update relative to the various task force/committees appointed by the Council. He stated he would provide that information again.

FIRST NIGHT – COMMENTS RECEIVED

Mayor McFarlane expressed appreciation to everyone involved and working to make First Night a very successful event. He stated there were great bands, great activities and talked about how much work goes in to putting together events such as that. She expressed appreciation to all involved pointing out it was a very successful event.

Council Member Baldwin agreed with Mayor McFarlane comments. She called attention to the art screen on Market/Exchange pointing out it brings what was a blank wall to life stating it was “cool” to see it come to life.

PERSONNEL – VARIOUS – COMMENDED

Council Member Thompson indicated recently Police Captain Tommy Klein retired on December 31, 2016 from the Raleigh Police Department with 24 years of service. He stated for the last two years Captain Klein headed up the North District. He expressed appreciation to Captain Klein for all the years of service and wished him the best in his retirement.

Mr. Thompson commended right-of-way Manager Noah Otto and Engineer Rebecca Duffy for their help in getting a fiber hut moved from a location which was blocking the front of a home. He thanked them for a job well done

PARKING – GLENWOOD AVENUE – REFERRED TO ADMINISTRATION

Council Member Baldwin indicated there has been conversation via email from Jim Belt concerning parking problems in Glenwood South near the intersection of Johnson and Peace Streets. She stated there are problems with the signage as it is not clear and in addition it seems that a parking official is setting waiting to give tickets. She talked about the problem particular between 4 p.m. and 6 p.m. She stated she has asked that this be addressed on numerous occasions and maybe we should have fresh eyes look at it and asked that the new Department of Transportation Director take a look. She stated the City has made changes, cleared the spaces during the day but having them in rush hour. She questioned if the spaces are absolutely needed during rush hour and stated again the signage is not clear. She ask Administration to look at the situation again. The item was referred to administration.

APPOINTMENTS**APPOINTMENTS – VARIOUS ACTIONS TAKEN**

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

Bicycle and Pedestrian Advisory Commission – One Vacancy – Molly Stuart – five votes (Branch, Baldwin, McFarlane, Thompson, Crowder)

Civil Service Commission – One Vacancy – No nominees

Historic Cemeteries Advisory Board – One Vacancy – No nominees

The City Clerk announced the appointment of Molly Stuart to the Bicycle and Pedestrian Advisory Commission indicating the other items would be carried over to the next meeting.

NOMINATIONS**APPEARANCE COMMISSION – JAMIE FERGUSON – REAPPOINTED; VACANCY REMAINING**

The City Clerk reported the terms of Jedidiah Gant and Jamie Ferguson are expiring. Mr. Gant is not eligible for reappointment as he will have served 6 years. Ms. Ferguson is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend the rules and reappoint Ms. Ferguson. Her motion was seconded by Ms. Crowder and put to a vote which passed unanimously (Gaylord/Stephenson absent and excused).

BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – DAN HOWE – REAPPOINTED

The City Clerk reported the term of Dan Howe on the Bicycle and Pedestrian Advisory Commission is expiring. He is eligible for reappointment. Ms. Baldwin moved the Council

suspend the rules and reappoint Mr. Howe. Her motion was seconded by Ms. Crowder and put to a vote which passed with all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

CONVENTION AND PERFORMING ARTS CENTERS AUTHORITY – ALY KHALIFA – REAPPOINTED

The City Clerk reported the term of Aly Khalifa is expiring. He is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend the rules and reappoint Mr. Khalifa by acclamation. Her motion was seconded by Ms. Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on a 6-0 vote (Gaylord/Stephenson absent and excused)

HUMAN RELATIONS COMMISSION AND PARKS, RECREATION AND GREENWAY ADVISORY BOARD – CONSIDERATION HELD UNTIL JANUARY 17 MEETING

The City Clerk reported the term of Dave Parnell on Human Relations Commission is expiring. He is eligible for reappointment as far as length of service. The term of Herbert Dexter on Parks, Recreation and Greenway Advisory Board is expiring and he too is eligible for reappointment and would like to be considered for reappointment. Ms. Baldwin moved the Council suspend the rules and reappoint the two by acclamation. Mr. Thompson expressed concern about the attendance record of each and asked that consideration of the appointments be held until next meeting. Without objection it was agreed to hold consideration of appointment/reappointment to the Human Relations Commission and Parks, Recreation and Greenway Advisory Board until the next meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK

SURPLUS PROPERTY – 1700 CARSON STREET – RESOLUTION AUTHORIZING SALE ADOPTED

On September 6, 2016, the City Council accepted an offer of \$355,000 from Urban Building Solutions, LLC to purchase surplus city owned property at 1700 Carson Street which consists of approximately .353 acres. This negotiated offer was accepted subject to upset bid process with the understanding the winning bidder would pay all accrued advertising costs. The offer was advertised in the News and Observer and the city's website on 9/9/16, 10/7/16, 10/21/16, 11/4/16, 11/18/16 and 12/2/16. The last upset bid period closed at 5:00 pm on 12/12/16 with Urban Building Solutions, LLC being the winning bidder at \$526,000.

Recommendation: Adopt a resolution authorizing the sale to Urban Building solutions, LLC for \$526,000 plus advertising costs.

Ms. Crowder moved approval. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Resolution 438.

SURPLUS PROPERTY – 13 DART LANE – RESOLUTION AUTHORIZING SALE ADOPTED

On December 6, 2016, the City Council accepted an offer of \$30,000 from David C. Jones to purchase surplus city owned property at 13 Dart Lane which consists of .12 acres. This negotiated offer was accepted subject to the upset bid process with the understanding the winning bidder would pay all accrued advertising costs. The offer was advertised in the News and Observer on December 9, 2016 with a closing date of December 19, 2016. No upset bids were received therefore David C. Jones became the winning bidder at \$30,000.

Recommendation: Adopt a resolution authorizing the sale of the property to David C. Jones for \$30,000 plus advertising costs.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Resolution 439.

SURPLUS PROPERTY – 0 AND 0 SOUTH STATE STREET – RESOLUTION AUTHORIZING SALE ADOPTED

On December 6, 2016, the City Council accepted an offer of \$8,000 from Sheffield Capital Group, LLC to purchase surplus city owned property at 0 and 0 South State Street which consists of .12 acres with the retention of a 20 ft. stormwater easement over existing city infrastructure. This negotiated offer was accepted subject to the upset bid process with the understanding the winning bidder would pay all accrued advertising costs. The offer was advertised in the News and Observer on December 9, 2016 with a closing date of December 19, 2016. No upset bids were received therefore Sheffield Capital Group, LLC became the winning bidder at \$8,000.

Recommendation: Adopt a resolution authorizing the sale of the property to Sheffield Capital Group, LLC for \$8,000 plus accrued advertising costs and retention of the 20 ft. stormwater easement over existing city infrastructure.

Ms. Baldwin moved approval. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Resolution 440.

MINUTES – VARIOUS – APPROVED AS PRESENTED

Council members received in their agenda packet minutes of the November 1, 2016, November 15, 2016 and December 6, 2016 Council meetings. Ms. Baldwin moved approval as presented. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

TAX – RESOLUTION ADOPTED

Council members received in their agenda packet a resolution adjusting, rebating and/or refunding ad valorem property tax. Adoption of the resolution is recommended. Ms. Baldwin moved approval. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Resolution 441.

CLOSED SESSION**CLOSED SESSION – HELD**

Mayor McFarlane stated a motion is in order to enter closed session pursuant to GS143-318.11(a)(4) for the purpose of considering the location or relocation of a business or industry to Raleigh and to discuss any incentives that may be involved in such a move. Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Ms. Crowder and put to a vote which resulted in all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Council went into closed session at 2:30 p.m.

The Council reconvened in open session at 2:55 p.m. with Mayor McFarlane indicating the Council had recommended authorizing a public hearing on January 17, 2017 to consider a business investment grant for Citrix Systems Inc. in the amount of \$500,000.

RECESS

There being no further business, Mayor McFarlane announced the meeting recessed at 3:00 to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC01-06-17

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, January 3, 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 members present with the exception of Mr. Gaylord and Mr. Stephenson who, during the afternoon session had been excused from participation in the meeting. The Mayor called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

TRAFFIC IMPACTS ON NEIGHBORHOODS – WADE CAC REQUEST – REFERRED TO ADMINISTRATION

Donna Bailey, Wade CAC presented the following prepared statement requesting the City Council to authorize staff to analyze and revise policies regarding impacts of traffic on neighborhoods from new development.

The Wade CAC requests that existing city policies be analyzed and revised with the goal of providing quality information about traffic impacts of new development on neighborhood streets as well as larger corridors. Realistic and timely information will allow citizens to engage in thoughtful analysis of rezoning requests. Examples of useful information include:

- 1) The vehicular capacity of adjacent traffic corridors and anticipated impacts of new development;
- 2) Restrictions typically placed by the NC Department of Transportation and/or Raleigh on entries and exits onto main corridors during the site planning process;
- 3) The estimated number of diverted trips through nearby neighborhood streets due to congestion and/or limited access to corridors;
- 4) Assessment of the capacity of neighborhood streets to bear additional traffic, accounting for narrowing by street parking; and
- 5) Estimation of potential increased parking in the neighborhoods arising from the new development.

We thank you in advance for considering this request as part of the continued healthy development of Raleigh.

Mayor McFarlane pointed out we are embarking on a new transit plan and asked if staff could take a look at Ms. Bailey's comments and bring back recommendations and/or comments when staff is able to access it in association the transit plan. City Manager Hall pointed out staff would be glad to take Ms. Bailey's comments, assess them and bring a report back to Council.

CITY OWNED PROPERTY – 230 EAST MARTIN STREET – REQUEST TO PURCHASE – REFERRED TO ADMINISTRATION

Justin Miller stated he and Lily Balance are the co-founders of El Taco Cartel. He stated for those unfamiliar with his business, El Taco Cartel is a bicycle plus food cart hybrid located on Fayetteville Street which serves an array of authentic Mexico City style street tacos.

Mr. Miller stated following a successful launch, they began lying brick and mortar opportunities to expand their business concept. He stated 230 East Martin Street which is known as the Horse Barn, caught their eye and looks like the perfect place to grow their business in the heart of downtown Raleigh. He stated the proximity of the building to Moore Square their concept would utilize the park and surrounding green space. The restaurant will be primarily take out with a small area inside for dine in patrons. Mr. Miller stated their mission has always been to provide locally sourced produce to their customers utilizing the North Carolina Farmers Market. He stated they pride themselves on the quality of their product and ensure as they continue to scale the business they will remain true to that mission. He stated all paper/plastic products utilized will be eco-friendly.

Mr. Miller stated what they are looking at would be a restaurant which operates during lunch and dinner hours 5 to 6 days per week and would employ an additional ten plus employees. They want to preserve and utilize the historic appeal of the building in the overall branding and design of the space. Mr. Miller stated he is before the Council to ask consideration of allowing El Taco Cartel to use the building for a restaurant with terms to be negotiated with the City.

Ms. Crowder questioned if the request is granted if they would prepare food in the building or prepare it elsewhere and bring it to the location. Mr. Miller stated they would propose to outfit the building with a full kitchen.

In response to questions, City Manager Hall indicated a study is underway analyzing the overall concept for use of the land and the block owned by the City. He stated the City owns the horse barn and adjacent historic house and additional land in the area and a study is underway to look at best use of the area. He stated the Council may want to think about this request and the overall concept of the land and the whole block.

Mayor McFarlane questioned if the City has any current plans to use the horse barn or adjacent house in conjunction with the Moore Square renovation. City Manager Hall indicated the study is underway and there may be additional needs, etc., in the area and it may be best to have additional conversation relative to programming, staff location, etc., before moving ahead.

Council Member Baldwin indicated she likes the idea being presented by Mr. Miller. She questioned when the study will be complete and a report given to Council. City Manager Hall indicated it would probably be 60 days or so. He stated when the staff has received the completed analysis we could schedule a work session. Ms. Baldwin again stated she would like for the City Council to explore this concept to see if it is feasible. It was pointed out this is historical property and the condition of the property was discussed briefly.

Mr. Thompson questioned if the City could just lease the property or if it would have to go out with an RFP for use of the property with it being pointed out it would depend on the length of a lease.

Ms. Crowder pointed out since the Council does not seem to have consensus may be it's better to wait approximately 60 days to get the report, allow the petitioner a chance to look at the property, see the condition, etc. Mr. Miller pointed out he and Ms. Balance have opened three restaurants in Raleigh and have been looking at various scenarios to move forward. Ms. Baldwin asked that staff meet with Mr. Miller, allow him an opportunity to visit the site, see the condition of the building, etc. Without objection or further discussion, the item was referred to administration with the understanding staff would meet with Mr. Miller to look at the site, etc.

TEXT CHANGE – PROPOSAL RELATING TO WORK FORCE/AFFORDABLE HOUSING/COMMITMENTS – REFERRED TO WORK SESSION

Attorney Thomas C. Worth, Jr., representing D&N Development, LLC contract purchaser of the property which is the subject of now pending Rezoning Case Z-15-16, would like to request the Council to authorize a text change to modify UDO Section 10.2.4 “Rezoning” Subsection 10.2.4.E.2.e to permit rezoning conditions, which specify commitments for Workforce and/or Affordable Housing or alternatively to grant specific permission for the inclusion of such commitments in conditional use rezoning applications.

Attorney Tom Worth stated the agenda indicates exactly what the petition seeks which is the authority to work with the Planning Department, the City Attorney and Housing and neighborhoods to develop a text change that will permit the private sector people such as his client to include a condition in zoning cases relating to affordable or workforce housing. He stated as he understands the code does not permit such conditions at this point.

Mayor McFarlane stated she feels the Council and all are interested in the possibility of a developer being able to offer a condition relating to provide affordable housing. She stated however it is more than a text change. The issue involves the process of how that would work, who would enforce, how it would fit in our procedures, would involve the Planning Department, Development Services, Housing and Neighborhoods. The City needs to know how the enforcement would work, how long the condition would stand, how to determine if the condition is being met, etc. She stated it is a complicated issue. The Council had a little discussion in the afternoon section of the meeting and pointed out there are a lot of pieces. She stated maybe we should ask the Planning Staff to come up with some recommendations and it is probably worthy of a work session because there are so many layers and complications.

Council Member Baldwin pointed out she had asked staff a month or so ago to come back with ideas and ways to allow require the private sector to include affordable housing or work force housing in their developments. She questioned if this could be considered a part of that request. Could it be just one of the many tools?

City Attorney McCormick indicated he understands what Ms. Baldwin is saying and pointed out there are really two different ways to approach the problem however they may not necessarily come out of the same tool box. He stated all of the focus in the past has been on incentives in terms of allowing extra density or things such as that in return for affordable or work place housing. He stated what is being proposed here is completely different as it would be volunteered by the private developer, owner, etc.

Council Member Branch stated one of his questions relates to enforcement. When someone volunteers to have affordable or work force housing how the City would determine if they are actually doing that, how would you check, how long does it have to be provided, etc. Mayor McFarlane indicated that is one of the problems. There are so many pieces and it is more than just a text change. Mayor McFarlane stated may be this is something that we could schedule for a future work session. City Manager Hall pointed out that is possible and may be the two issues could be combined. We could look at Ms. Baldwin's point relative to incentives and how they could be provided, etc., and include what Attorney Worth is suggesting put it in a joint memo and simply separate the tools out for discussion with all agreeing.

Mr. Cox stated in addition to the enforcement concern he is concerned about the legality particularly as it relates to rentals and rent control and asked that that be included in the analysis of what can and cannot be done. City Attorney McCormick indicated they are different issues. He talked about North Carolina case law which says you cannot discriminate based on whether something is rental or owner occupied. He stated he has not heard Attorney Worth allude to that in any way. What he understands Attorney Worth saying is about the potential of offering zoning conditions that might deal with ownerships, condominiums, town house units, etc. The volunteered conditions and rent controls are two different issues. The City has no authority to control rents or set specific rents; however, if a person/developer wanted to volunteer a condition that a certain percentage of the area would be for workforce or affordable housing, he does not see that as rent control but he knows of no case law there.

Attorney Worth questioned if he should continue preparing something for consideration with the Mayor saying it is a whole lot more complicated than just a text change. She stated the Council would like to hear from staff about a follow through plan, procedure, etc., if the Council decided to allow conditions to be offered. We need to process, etc. Attorney Worth talked about procedure that was outlined in the staff memo for this item. After brief discussion on how to proceed it was agreed that the Council is asking Administration to develop a memo as talked about by Ms. Baldwin's and Attorney Worth's proposal and look at it in a future work session.

MATTERS SCHEDULED FOR PUBLIC HEARING

BUDGET – ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROGRAM - HEARING – COMMENTS REFERRED TO ADMINISTRATION

This is a hearing to provide an opportunity for the public to provide input as to what should be included in the Fiscal Year 2017-18 Budget and Capital Improvement Program.

Following the hearing, the comments should be referred to administration for consideration when preparing the proposed budget.

Mathew Cooper presented the following prepared statement:

I am Matthew Cooper, the President of the Raleigh Police Protective Association, representing 500 Raleigh Police Officers.

Last year, we predicted an upcoming staffing crisis due to the continuing exodus of officers leaving RPD. Unfortunately our prediction became reality. We have taken the initiative in finding out why officers are leaving and where they now working.

In 2016, 86 people had left RPD, 63 of these positions were sworn officers, 25 percent of these sworn officers now work for a different law enforcement agency and half of those now work for other agencies in Wake County. 23 people hired as recruits for the past and current academies in 2016 have resigned prior to completing academy training. These numbers do not account for many officers who are currently in the hiring process for other agencies and are now contemplating leaving in 2017.

RPD's newest officers need mentors who are experienced to guide them, and we are now losing those experienced officers at a critical rate. There are many vacancies in patrol and community policing squads. Officers now have to work harder than ever to make up for these vacancies. Raleigh citizens have demanded community policing. These designated officers, who typically do not respond to 911 calls for service, are needed to fulfill the needs of successful community policing. These squads have been understaffed in an attempt to fill vacancies in patrol. Our ability to respond to civil disturbances, protests, and mass casualty incidents has been compromised. Pre-hires, academy recruits, officers on light or admin duty, officers on military leave and officers who have not yet completed field training, are counted as officers for staffing levels. We continue to count our eggs before they have hatched.

We are found, confirming what we have known before, is that the lack of pay along with the belief that the city will not properly compensate us in the future, is a major factor in why officers are deciding to leave RPD.

We are aware of the ongoing pay study that is expected to conclude at the end of the month. We do not agree with the planned goal of the pay study that will place Raleigh at the 50th percentile among the compared markets. We are also disappointed that the study's recommendations will not greatly affect this upcoming budget.

50 percent is NOT an acceptable level. 50 percent is only average. Raleigh does NOT produce average parks, homeless shelters, train stations or transit malls. Raleigh has not won all of the accolades that it continues to receive by being AVERAGE. This plan will NOT attract quality applicants, nor will it retain and reward the excellent officers we have. We know that our police department is NOT average.

We need a higher, more acceptable standard. We need a significant and bold mid-year adjustment to get us on the right path. We believe that the citizens of Raleigh want and deserve more for their police department.

Rick Armstrong presented the following prepared statement:

First, I would like to thank you all for offering us this opportunity to provide input on the budget in a public forum.

My name is Rick Armstrong and I am Vice President of Teamsters Local 391. We represent police officers across the state but in particular close to 500 Raleigh police officers. I am also a proud citizen of the City of Raleigh.

I have been representing Raleigh officers in some capacity for over 17 years. What I am seeing today is a growing problem that has reached a point where we have lost 86 police officers in one year. This is a major problem for the City, for the police department, and for the community.

Why are they leaving?

Police Officers, my members are vocal in their serious concern of low pay. I have spoken to many officers who have told me they are leaving RPD for a police department for better pay. I have also spoken to many officers who cannot afford to live in the City.

This can be and should be addressed immediately. While the city receives numerous accolades for being a great place to live, work, and raise a family we are not paying our employees, police officers and firefighters, the ability to live in this great City.

We have cities in this very county paying their police officers 10-15% more than the City of Raleigh is paying our police officers. We are asking this council and our City Manager to raise salaries immediately and make them more competitive with other police departments in Wake County.

For Two Reasons:

We need to retain and recruit excellent police officers. In this day and age when police officers are held to a much higher standard, there is significant scrutiny of police officers by activists and community groups with high expectations of our officers. If we are going to have higher expectations we need to compensate them appropriately. The job is becoming much more dangerous. Assault by firearms have increased by 60% in 2016. Police officers are literally being shot and killed simply because they are wearing a badge.

The second reason there should be immediate significant raises is it is the morally right thing to do. Raleigh Police officers are going out there every day risking their lives for a purpose; to keep this great city safe. Let us show them the respect they deserve and provide them a salary they can afford to live on.

Tyler Pearson, Raleigh Fire Fighters Association, presented the following prepared statement:

Ladies and Gentleman of the City Council, thank you for the opportunity to speak with you today. I come here to speak for the men and women that wake up in the morning, and selflessly answer the call to duty to provide safety to this amazing city. Mayor McFarlane, your website states that “our future depends on protecting and enhancing the benefits that living in Raleigh offers,” a statement I whole heartedly agree with you on. Through the hard work and dedicated efforts of this City Council, the City of Raleigh is ranked Number 3 for best places for business and career and Number 8 for Americas Friendly Cities. Our city has even been honored by our Nation’s First Lady Michelle Obama as a priority city to connect youth to the great outdoors. We have seen the accomplishments that this council has achieved when they invest time and effort in accomplishing a goal. It is through strong investment into the community that makes it stronger. Much like the talents and efforts the firefighters and police officers invest into the City of Raleigh every day they don the uniform.

As a child, my father would take me to visit my uncle at the fire station. He had the opportunity to serve this great city and provide a good life for his family. After visiting the fire station and seeing all the fascinating equipment and seeing him leave to go on a call I knew then and there what I wanted to do when I grew up. My Uncle retired here reaching the rank of captain and devoted his life to this city. His devotion was awarded by the City with merit raises, longevity and modest cost of living adjustments. It was through that pay system talented individual like himself were able to continue to provide excellent service to the citizens. However, the fact of the matter is that under the current pay system if I serve as long as my uncle and even reach the rank of captain, I will be making substantially less than he did when he retired. The fact is the current pay system provides a very bleak outlook for those wanting to make this profession a career in Raleigh. Therefore the city will see negative returns on their investments in new public safety employees who will receive the costly certifications at the cost of taxpayer dollars and then leave for smaller municipalities who offer better pay.

Scripture states “As each one has received a special gift, employ it in serving one another as good stewards of the manifold grace of God.” No one enters this profession to become rich. Our riches come from the satisfaction that no money can provide when we bring citizens loved one back from cardiac arrest or save them a precious family photo album from the flames.

So as you develop the city’s budget please make us a priority like many of you on the council have expressed you would, because I know that when this council makes a priority of an issue they get it done whether it be smart growth, expanding transportation, economic development, strong neighborhoods, quality of life and our environment. I

know you can draft a budget that is both fiscally responsible to citizens and provides fair pay to public safety employees. So as representatives of your constituents please invest into us a fraction of what we have invested in you so that we may move this city forward together and continue to be the jewel of the Great State of North Carolina.

Dalya Burton pointed out she is a first grader at Lead Mine Elementary School and asked the Council to consider another crossing guard to provide for her and others safety.

Sarah Burton presented the following prepared statement:

Hello, my name is Sarah Burton, and these are my neighbors. Our children go to Lead Mine Elementary. We are part of a Parent Action Committee working to improve safety for families and students who walk to and from school. She provided a hand out.

Mr. Burton presented a map showing that Lead Mine Elementary is located on Old Lead Mine Road, which connects Lead Mine and Forum, District A in North Raleigh. We currently have one crossing guard stationed at the corner of Foxwood Drive to help families cross Old Lead Mine, which is a 45 mile per hour road.

You can see pictures of the entrance/exit to our school parking lot. You can see that it's a busy area with cars traveling in and out for morning drop-off or afternoon pick-up, and you can see that families have to navigate that crosswalk with no assistance. In the picture, that mother is making eye contact with the driver as she escorts her kids across, making sure that car is not going to proceed forward. Several years ago, there was a teacher stationed at that corner to help kids cross, but the teacher was hit by a car while she was standing in the crosswalk.

My two young daughters and I were very nearly hit by a car that turned in front of us while we were in the crosswalk.

Page two of your packet details all of the steps that our Parent Action Committee, the Lead Mine PTA, school administration, and local police are taking to help make this a safe for families. You can also read about the plan that the Raleigh Transportation Department has created to improve our signage and refresh our existing crosswalk paint, as well as conducting a speed study along Old Lead Mine. I have tried to do my homework and explore all potential avenues for improving safety for our children.

We're here tonight to ask the City Council to assign an additional crossing guard to Lead Mine Elementary, to be stationed at the entrance/exit of our school parking lot. There are 8 schools in the district that currently have more than one crossing guard. I understand that this would be an added, ongoing expense for the city, but I believe that safety of our children is worth the investment. We appreciate your support and commitment to our families.

The resident of 516 Brent Road talked about the public works people, police, fire, and other public safety employees who often complain about low wages which put them in a position of finding it difficult to provide for themselves and families and they have to work more than one job to make ends meet. He talked about where we land in comparison to others on salaries, but the idea that someone who wants to make our city a safer and better place to live has to have multiple jobs in order to live in the area is difficult to understand.

No one else asked to be heard, thus the hearing was closed and the comments referred to administration for consideration in developing the budget.

ANNEXATION – COUNTRY TRAIL ESTATES, HEARING – ORDINANCE AND RESOLUTION ADOPTED

This is a hearing to consider the petitioned annexation of property known as Country Trail Estates. If following the hearing Council wishes to proceed with the annexation, it would be appropriate to adopt an ordinance annexing the property effective January 3, 2017 and adoption of a resolution placing the property in City Council Electoral District E.

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Baldwin moved adoption of an ordinance annexing the property effective immediately and a resolution placing the property in Electoral District E. Her motion was seconded by Mr. Thompson and put to a vote which resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-2 vote. See Ordinance 657 and Resolution 442.

ANNEXATION – FAMILY DOLLAR/TRAWICK ROAD – HEARING – ORDINANCE AND RESOLUTION ADOPTED

This was a hearing to consider the petitioned annexation of property known as Family Dollar – Trawick Road. If following the hearing Council wishes to proceed with the annexation, it would be appropriate to adopt an ordinance annexing the property effective January 3, 2017 and adoption of a resolution placing the property in City Council Electoral District B.

The Mayor opened the hearing no one asked to be thus the hearing was closed. Ms. Baldwin moved adoption of an ordinance annexing the property effective immediately and a resolution placing the property in city Council Electoral District B. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Ordinance 656 and Resolution 442.

STC-06-16 – MAIDEN LANE – APPROVED TO BE EFFECTIVE FEBRUARY 8, 2017

This was a hearing to consider a petition from LG Oberlin, LLC to permanently close a portion of Maiden Lane according to Resolution 2016 – 435. The proposed closure is associated with a pending development plan for most of the property adjoining the right-of-way that is proposed

for closure. Comments regarding this closure have been provided by the Raleigh Historic Development Commission.

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

Transportation Planning Manager Eric Lamb explained the request and provided information on the location, surrounding development, etc. He pointed out when the petition was submitted the applicant controlled all of the property with the exception of Lot 7A as shown on petition. He pointed out the applicant has worked with the owner of 7A and 7A and 7B have been recombined and the applicant owns all of the surrounding property. He stated a development plan has been submitted. He pointed out when the petition was first presented to Council there were some questions from the Raleigh Historic Development Commission as the property is a part of a national historic district. Mr. Lamb pointed out Council members had a copy of the comments provided and again pointed out the applicant owns all of the property surrounding the portion of Maiden Lane that is requested to be closed.

Mayor McFarlane questioned if the Raleigh Historic Development Commission had requested that some of the houses be donated with Mr. Lamb pointing out that is correct. Council member Crowder stated it is her understanding the applicant is willing to donate or move any of the houses but the bigger question is where the houses can be moved to and the condition of the houses. She stated she understands the City has some pieces of vacant property and questioned if staff could look at the possibility of using some of that property for relocation of the homes. Mayor McFarlane stated she thinks it is more than finding a location as there is concern about the condition of some of the structures.

Mayor McFarlane opened the hearing.

Caleb Smith, 525 North East Street, representing the Raleigh Historic Development Commission, pointed out he thought Council members had a memo from Sarah David describing the vote of the Raleigh Historic Development Commission. The November 15 memo also included conditions that they would like to be included or considered in this request. He pointed out they have no problem with the City approving the street closing but they do have concern about three houses that they are asking to be saved and moved to another location; there is a one-story house; a two-story house; and a duplex. He stated he understands Ms. David, asked that the Council defer action on this request until they get some more information relative to their request to save these three houses.

Julie Payne pointed out she lived on Maiden Lane when she was in college. She talked about the unique character of the area pointing out is one of the earliest developments in Raleigh even before Boylan Heights, Oakwood, etc. She stated it seems that whoever purchased the property plans to demolish the houses and redevelop the property. She asked that all consider other uses for the area which she feels could be used to develop antique shops, boutiques, etc. She called on the Council and the developer to look at districts in Richmond, San Francisco, Charlottesville and Lexington for ideas. She indicated if all would look at other cities where historic housing

like this is located in the middle of a neighborhood and adjacent to a University there could be ideas developed.

Attorney Michael Birch, representing the owner Brian Nicholson of Leon Capitol Group who was at the meeting with Attorney Birch and is the purchaser of the property indicated there are 18 parcels involved. He gave the location of the property, talked about the existing conditions, presented photographs of the homes in the area, explaining many of the structures had been divided into smaller units, rooming facilities, etc., pointing out most have been used by fraternities, etc. He presented the proposed site plan for the redevelopment of the area explaining it has gone through the first round of reviews by the City. He talked about and presented renderings of the adopted street plan and the draft small area plan for the area. He talked about the updated staff report and presented the following information on the request:

- Extension of Maiden Lane is not current policy or proposed policy of the city
- Draft small area plan does not propose extension of Maiden Lane
- Closure would not compromise integrity of street network
- Closure provides compliance with dead end street length
- Fire and emergency vehicles turn around does not currently exist but will be provided by the development
- Closure will not have any operational impacts
- Closure will not negatively impact pedestrian or bicycle circulation
- Redevelopment advances small area plan policies of enhancing Enterprise Street as primary connection between Hillsborough Street and Cameron Village.

Mr. Nicholson talked about contacts with the Commission, Preservation, North Carolina, Capital Area Preservation, Preservation Greensboro and group such as Builders of Hope, Habitat for Humanity, Roundabout Art Collective, Historic Preservationists and House Relocators. He indicated RHDC, Preservation North Carolina, Capital Area Preservation and Preservation Greensboro have offered to help and work together and have been talking about the use or reuse, salvaging material for public art, etc. He stated they are committed to spending the next six months to try to honor the request of RHDC to relocate the buildings. He stated they have talked to half a dozen or more people and/or groups in this effort.

In response to questioning about a delay in acting on the request, Attorney Birch pointed out they are at a point in this process that it doesn't make sense to move forward until they get approval of the street closing. He stated he understands the request to defer however he feels they need a decision but they are committed to continuing to work to honor the request.

Council Member Baldwin questioned if the developer has anything in place that to ensure that there is a commitment to find homes for the historic houses, is that a condition. Attorney Birch indicated the General Statutes do not allow conditions to be placed on street closures. He stated they have tried to take steps to show their commitment. He pointed out however the feedback they are getting from the various groups is negative speaking to the lack of space, condition of the properties, but pointed out it is their commitment to continue to work to try to find homes to

relocate the properties and/or preserve significant features of the homes to be utilized in the new development. Mayor McFarlane questioned if Attorney Birch is saying if someone has a property and wants to accept the home is the developers are willing to move the house. Council Member Thompson pointed out he feels that would be difficult to answer as it would depend on where the person has land to accept the property. It may be a great distance. Attorney Birch stated they are committed to continued discussions. How to proceed was discussed. Mayor McFarlane pointed out if the Council approves the street closure there is no leverage relative to the getting the housing saved and/or moved. How the City could ensure the developer will be committed to try to save the houses was talked about with Mr. Nicholson talking about their work in the City of Raleigh, how they have other projects that are before the City and they will do what they can to retain the trust of the City that they follow through on their commitments, work his company does in Dallas, Texas with Hearts and Hammers, whether the City owns vacant land that could accept the houses, the city's willingness to look at properties it owns to see if they could accept the houses, what the developer could do to preserve the character and incorporate some of the architectural elements into the project and the fact that Maiden Lane is in an intact historic district.

Martha Lauer, Raleigh Historic Development Commission, pointed out she has talked with the developer but the developer has not had an opportunity to speak with the Commission and she feels that would be good conversation to have.

Mr. Nicholson talked about where they are in the development process, their desire to continue the process, their willingness and commitment to talk to any group about saving or relocating the housing, their commitment to work on the design elements to help protect the character of the area, their commitment to salvage materials as much as possible, work on details of the façade, architectural elements, etc. The fact that the City could not put any conditions on the street closure which if the street closure request is approved would leave the City without any firm commitment or leverage to try to save the houses. How street closings work, the possibility of adopting a resolution closing the street and make it effective at some point in the future, the fact that street closings usually involves up to a year for recording, etc. concern by the developer and his attorney on having some type stop gap by the City which would lead them down the road without any leverage to continue the project if the City decided not to close the street, etc., was discussed.

The Mayor closed the hearing.

After several attempts to formulate a proper motion with the strong desire of the Council that the developer do whatever possible to help salvage and/or relocate the three structures, Ms. Baldwin moved approval of the street closing effective February 8, 2017. Her motion was seconded by Mr. Thompson. It was pointed out this delayed effective date would allow an opportunity for the developer to continue to meet with the various groups including the City, etc, to try to come up with an idea for saving the three houses. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Resolution 443.

REZONING Z-11-16 – NORTH ROGERS LANE – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request from Stewart Marlow, Andrew Peatross, and Dep Property Investments, LLC to rezone approximately 13.79 acres from Planned Development District (PD) to Residential Mixed Use – 4 stories – Conditional Use. The property is located on the east and west side of North Rogers Lane north of Interstate 495.

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

Planner Bynum Walter presented the case explaining the location, existing zoning, aerial views, surrounding development, views of the property from various locations, what is allowed under existing versus proposed zoning, stating the proposed conditions prohibit all nonresidential uses. Ms. Walter presented the Future Land Use Map, Urban Form Map and talked about the open space allocations relating to Anderson Point Plan Development. She showed the location of the 4.416 acres dedicated to the City as a parks, greenway, 2.017 acres to the City as a parks greenway and 0.2396 acres and 0.9421 acres to the Anderson Pointe Park Homeowners Association.

It was pointed out prior to the City Council hearing this case, the applicant would be required to make the open space allocations as outlined. Planner Walter pointed out this case is inconsistent with the Future Land Use Map but consistent with pertinent policies of the Comprehensive Plan but inconsistent with Policy LU-1.2 – Future Land Use Map and Zoning consistency. She talked about the outstanding issues relating to the FEMA Flood Plain on 113 and 115 N. Rogers Lane, several existing drainage features are located on the property including potential blue line streams and riparian buffers and the sewer and fire flow matters will need further analysis at site plan stage. She explained the Planning Commission recommended approval by a 7-0 vote though technically inconsistent with the Future Land Use Map it will allow for the development of a large undeveloped site with residential uses in close proximity to a school and open space resources, and provides for expanded multi-family housing options in this part of the city. The CAC voted 8-4 to support the case.

Mayor McFarlane had questions concerning the open space and the commitments and how this relates to the Planned Development presently approved for the area pointing out they made an agreement in advance of approval of the planned development and this is removing the planned development and whether additional open space allocations should not be made. Mayor McFarlane questioned the location of sidewalks with it being pointed out they will have to meet all code requirements. Brief discussion took place with Council Member Crowder questioning if the greenway dedicated to the City counts as open space and if that is the normal situation with it being pointed out that is correct. The Mayor opened the hearing.

Tony Tate, Landscape Architect and Land Planner, talked about what the original developers done as it relates to the Planned Development construction including the single family to the

north and townhouses, etc. He pointed out what the original developers handled. He stated the original development got into financial trouble and the bank took back all of the assets and the present developer acquired a lot of the assets, etc. He stated he had worked with the City Attorney's Office and they wanted everything cleared up before moving forward. He talked about the open space, going to the homeowners association and work that had been done to clear up and try to make everything legal and proper before moving ahead. He talked about problems they had had and worked with the City Attorney's Office to try to get this resolved. He talked about the school coming into the area and the fact that at this point it is felt that commercial development next to a school would not be the best fit. He stated therefore the rezoning application was filed; they had received a favorable vote from the CAC and the Planning Commission. He stated he would try to answer any questions and again talked about working with former Deputy City Attorney Botvinick to get everything clarified before moving ahead.

No one else asked to be heard for or against the case; therefore the Mayor closed the hearing. Mr. Branch moved approval of the request as advertised. His motion was seconded by Ms. Baldwin and a roll call vote resulted in all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-vote. See Ordinance 659 ZC 739.

REZONING Z-27-16 – T.W. ALEXANDER DRIVE – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request from representatives of SLF Ruby Jones LLC to rezone approximately 7.8 acres from Residential-10 (R-10) to Commercial Mixed Use – Three Stories (CX-3). The property is located on the northwest corner of the intersection of T.W. Alexander Drive and Brier Creek Parkway.

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

Planner Bynum Walter presented the case giving information on the existing zoning, aerial views of the property, views of the property from various locations, what is allowed under existing versus proposed zoning, proposed conditions which consist of development limited to 90,000 square feet office/10,000 square feet commercial; no parking or driveways located between any buildings at TW Alexander Drive/Brier Creek Parkway Intersection or in the street and parking elsewhere limited to either beside buildings or to a single bay of parking between buildings and the street. She presented the Future Land Use Map, Urban Form Map, talked about the Comprehensive Plan analysis which indicates no inconsistent policies. She stated the only outstanding issue relates to sewer and fire flow matters which will need to be addressed upon development. She pointed out the Planning Commission recommended approval on a 9-0 vote as the request is consistent with the Comprehensive Plan, Future Land Use Map, Urban Design Guidelines and would focus development within a city growth area. The Northwest CAC voted to support the case on a 4-0 vote. The Mayor opened the hearing.

A representative of the State Employees Credit Union which owns the property pointed out his client wants to build a branch bank on a portion of the property and sell the rest for future development but they have no timeframe. He stated a time frame is required under the master plan zoning, therefore the requested rezoning.

No one else asked to be heard for or against the proposal thus the hearing was closed. Mr. Thompson moved approval of the request as advertised. His motion was seconded by Ms. Baldwin and put to a vote which resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Ordinance 659 ZC 739.

REZONING Z-31-16 – CUMBERLAND STREET – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request from representatives of 630 Rock Quarry Road, LLC to rezone approximately 0.75 acres from Residential-10 (R-10) to Commercial Mixed Use – Three Stories (CX-3).

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

Planner Bynum Walter presented the case showing the existing zoning, aerial views of the property, views of the property from various locations, what is allowed under existing versus proposed zoning, Future Lane use Map, Urban Form Map, comprehensive Plan analysis, etc.

Ms. Walter pointed out the Planning Commission recommended approval on an 8-1 vote pointing out while the request is inconsistent with the Future Land Use Map it would correct an existing nonconformity and would allow for re-investment in the property, redevelopment would likely trigger requirements for protective yards adjacent to residential properties. The CAC supported the request and petitions in support were provided. She stated the South Central CAC voted 11-0 to support the proposal.

The Mayor opened the hearing.

Ed Sconfienza representing the applicant explained the property has been used as commercial for some 50 years or so. He stated his client purchased the property around 2004 and he started working with him around 2010 in an effort to get a variance because the building/use didn't meet the front yard setback requirements. However with approval of the UDO it now meets the requirements. He stated the application for rezoning is an effort to make the back of the property consistently zoned with the front. The current zoning would not allow for the existing use. He stated the no vote at the Planning Commission had to do with the sidewalk or lack of a sidewalk or the timing of the installation of the sidewalk.

In response to questioning from Council Member Branch, Mr. Sconfienza pointed out the front of the property was zoned Neighborhood Business and the back R-10. He stated the applicant

indicated it is his intent to remove the trailers and expand the business to the rear. In response to questioning, it was pointed out there are no conditions related to the zoning of the front of the property. No one else asked to be heard thus the hearing was closed. Ms. Baldwin moved approval as advertised. Her motion was seconded by Mr. Branch and a roll call vote resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. See Ordinance 659 ZC 739.

TC-18-16 – ANIMAL CARE IN OX – HEARING – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

This is a hearing to consider amending 6.1.4. of the Part 10A Raleigh Unified Development Ordinance by changing the allowed Principal Use Table to add “Animal care (indoor)” as a Limited Use in the Office Mixed Use (OX-) district.

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

Council Member Crowder questioned if the proposed use will allow inside activities only. Planner Eric Hodge explained the text change and history of the text change. He stated animal care is allowed indoor as a limited use. This text change would allow walking and bathing animals outdoors, etc., during the day but it is limited to four animals outside at one time. The Mayor opened the hearing.

Attorney Chad Essick representing a number of veterinarian locations pointed out this use was permitted in O&I under the old code. When the UDO was adopted OX was put on these properties and it does not allow outdoor use. As a result 15 to 20 vet clinics across the City have been rendered nonconforming. He pointed out outdoor animals or housing would still be allowed only in industrial. He explained under this proposal no more than four animals would be allowed outdoors in OX at any one time. He stated there has been unanimous support from all involved. He stated in talking with staff and others it was felt that leaving the use out was an oversight. What was allowed under the old Part 10, animal care under the legacy zoning, the fact that regulations under the legacy code got lumped together in the UDO under animal care in doors. Council Member Branch questioned if kennels could be allowed in OX with Mr. Hodge indicating not at this point. Under the old code a special use permit was required for kennels and catteries in certain zones. Various Council members expressed concern about the ability to have animals outside in an office mixed use development. Whether this text change could be made more restrictive, the fact that the adoption of the UDO basically rendered some 21 existing clinics as nonconforming, the fact that Council had adopted allowing four animals outdoor at the same time but not in this particular zoning and the fact that this text change would not be limited to the existing nonconformities it would be allowed in all OX zones. After discussion on these points the Mayor closed the hearing.

Mayor McFarlane moved approval. Her motion was seconded by Ms. Baldwin and put to a vote which resulted as follows: Ayes – 4 (McFarlane, Baldwin, Branch, Thompson) Noes – 2 (Crowder and Cox) absent and excused - Stephenson and Gaylord. The Mayor ruled the motion

defeated on a 4-2 vote. Brief discussion took place as to how to proceed with the various suggestions being made. After which Ms. Crowder moved that the Council reconsider the previous vote with the understanding she would make a motion to refer the item to Growth and Natural Resources Committee. Her motion was seconded by Mr. Branch and put to vote which resulted with all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who would absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

Ms. Crowder moved that TC-18-16 be referred to Growth and Natural Resources Committee. Her motion was seconded by Mr. Cox and put to a vote which passed with all members voting in the affirmative except Mr. Gaylord and Mr. Stephenson who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

TEXT CHANGE – 21-16 – SINGLE FAMILY DWELLINGS IN MOBILE HOME DISTRICTS – HEARING – APPROVED

This is a hearing to consider amending Sections 4.5.1 and 6.1.4 of the UDO to permit single-family detached homes to be constructed on pre-existing lots within the Manufactured Housing (MH) District provided setback and lot criteria for the R-6 zoning district is maintained.

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

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Ms. Baldwin moved approval. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Mr. Stephenson and Mr. Gaylord who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Ordinance 660 TC 389.

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

Gail G. Smith
City Clerk

jt/CC01-03-17