

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, April 19, 2016 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 Mary-Ann Baldwin (absent & excused)
Councilor Corey D. Branch (absent & excused)
Councilor David Cox
Councilor Kay C. Crowder
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order indicating Council Members Baldwin and Branch are absent and excused. Invocation was rendered by Reverend Shannon Scott of Mount Vernon Baptist Church. The Pledge of Allegiance was led by Council Member Gaylord.

The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATE OF APPOINTMENT – PRESENTED TO TATY PADILLA

Mayor McFarlane explained the Certificate of Appointment presentation and presented a Certificate to Taty Padilla who was recently appointed to the Human Relations Commission. Mayor McFarlane had a Certificate for Blaine Wiles who was recently appointed to the Human Relations Commission but was not present.

In accepting her Certificate of Appointment, Ms. Padilla expressed appreciation at the opportunity to serve the City of Raleigh.

PROCLAMATION – BIKE MONTH – PROCLAIMED

Mayor McFarlane read a Proclamation proclaiming May 2016 as Bike Month in the City of Raleigh. Amy Simms, Chair of the Bicycle and Pedestrian Advisory Commission accepted the proclamation pointing out there are a lot of activities that will be occurring during the month of May relating to bicycling not all require riding a bicycle. She invited all to participate and expressed appreciation for the proclamation.

PROCLAMATION – BREWGALOO DAY – PROCLAIMED

Mayor McFarlane read a Proclamation proclaiming April 22 and 23, 2016 as Brewgaloo Day in the City of Raleigh. The Proclamation was accepted by Jennifer Martin, Executive Director for Shop Local Raleigh. Ms. Martin expressed appreciation pointing out she is very proud and honored to have the festival taking place in Raleigh. She expressed appreciation to all involved in the event and the City of Raleigh for their participation.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – PREVENT BLINDNESS NORTH CAROLINA - RECEIVED

Marcia Brantley, Prevent Blindness North Carolina, was at the meeting expressing appreciation for the funding and support her organization has received from the City of Raleigh over the past number of years. She stated many of us take our good vision for granted and it is only when we have a problem that we understand and appreciate our good vision. She talked about the screening of high risk individuals that helps them detect any vision problems. She talked about the number of screenings they do in North Carolina and in the City of Raleigh and talked about the importance of protecting one's vision. She again expressed appreciation for all of the support from the City.

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 explained the vote on the consent agenda will be a roll call vote. Mayor McFarlane stated she had received the following requests to withdraw items from the consent agenda: Disposition of City-owned lots (Stephenson); Moore Square Park Construction Management At Risk (McFarlane/Crowder) and NCDOT Capital Boulevard Bridge Replacement (Crowder). Without objection, those items were withdrawn from the consent agenda. Mr. Stephenson moved approval of the consent agenda as amended. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on an 6-0 vote. The items on the Consent Agenda were as follows.

REPLACEMENT HOUSING – CONVEYANCE OF CITY-OWNED PARCEL – NOTICE OF INTENT ADOPTED

In 2014, the Code Enforcement division of the Housing and Neighborhoods Department determined that the owner-occupied property at 219 Parkland Road was unsafe and unfit for habitation. Community Development division staff assisted in temporarily relocating the

handicapped couple into safe accommodations. Subsequent inspections by staff determined that the structure was deteriorated to such a degree that rehabilitation was not feasible. As is the practice in such instances, reconstructing a replacement home on site was proposed and the owner-occupants entered into such an agreement.

Plans for on-site reconstruction were halted when it was determined that, over 60 years ago, four legally platted lots on Parkland Road were reconfigured by deeded metes and bounds conveyances. Following reconfiguration of the four lots, one of which has no public street access as a result, homes were built on each of the lots. All four structures share a single driveway; one home encroaches upon the lot line of an adjacent parcel.

The 219 Parkland Road property is one of the reconfigured lots and although it is a legal lot of record, building a replacement home there would further memorialize the non-conforming conditions and complicate future redevelopment of the affected parcels.

The Last Resort provisions of the Uniform Act give local units of government broad latitude in the steps which may be taken to achieve relocation, including the purchase of replacement housing or sites and land swaps. In considering how best to proceed in this situation, it was determined that building a new home versus acquiring an existing home would be in the best interest of the affected couple since new construction would provide for the extensive handicap accommodations that are necessary. A City-owned lot at 805 Bragg Street was identified as a potential replacement housing site, and the affected couple and their family members are pleased with that location.

The value of the City property to be conveyed in the exchange is approximately \$24,000 based on a recent appraisal completed on the purchase of a lot on the same block; and the value of the Combes' property is approximately \$25,200. Though the Combes' property is larger (0.26 vs. 0.14 acres), the non-conforming conditions offset the difference in value. Details are provided with the agenda packet. City staff and the property owners, Cherry and Martha Combes, are in favor of the even exchange. The exchange of land represents a full and fair consideration to both parties.

Recommendation: Authorize the exchange of property to provide replacement housing as outlined above and authorize the publication of a Notice of Intent, pursuant to GS 160A-271, to conclude the proposed property exchange. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused). See Resolution 287.

NEUSE RIVER RESOURCE RECOVERY FACILITY – ANAEROBIC DIGESTER TECHNOLOGY – RESOLUTION ADOPTED

Anaerobic digestion is a collection of processes by which microorganisms break down biodegradable materials in the absence of oxygen, and is a treatment process which can be used at wastewater treatment plants to process biosolids for conversion to bioenergy. The North Carolina Department of Environmental Quality, Clean Water State Revolving Fund Loan Program offers low interest (1.7%) or zero percent interest rate loans for water and wastewater

systems across North Carolina. Conversion to anaerobic digestion technology at the Neuse River Resource Recovery Facility is included as part of the adopted Public Utilities Capital Improvement Program (CIP); Council has previously authorized a professional services contract for preliminary design services. Anaerobic digestion conversion is specifically named in the City's Strategic Plan under the Growth and Natural Resources key focus area, Objective 3, Initiative 1.

Staff recommends applying for a revolving fund loan to finance the installation of anaerobic digesters; loan rates are favorable as compared to current bond rates. It is anticipated that all, or a large portion of, project financing would qualify for "green funding" which has a zero percent interest rate over a 20-year term.

A resolution from Council is required as part of the loan application process; a proposed resolution was included with the agenda packet.

Recommendation: Adopt the resolution. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused). See Resolution 288.

HOUSING ASSISTANCE PROGRAM – CITY EMPLOYEE PARTICIPATION – NOTED

Pursuant to the Charter of the City of Raleigh, employees are not prohibited from participating in any rental or home ownership program sponsored or operated by the City, provided the employee meets all program criteria for participation.

The Charter also provides that when an employee participates in a City housing program, the award shall be noted in the minutes of the City Council. The following City employee complies with all criteria for participation in the Home Ownership Program administered by the Housing and Neighborhoods Department: Marquita M. Mbonu.

Recommendation: Direct the City Clerk to record in the minutes. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

ANNEXATION – PERKINS PROPERTY – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE MAY 17 HEARING

The agenda presented the following petition for annexation.

<u>AREA NAME AND DISTRICT</u>	<u>PETITIONER</u>	<u>ACRES</u>	<u>PROPOSED USE</u>
<u>Contiguous Petition</u>			
Perkins Property, 3001 Club Road (A)	Jerry C. Perkins	1.16	Residential

Recommendation: Acknowledge the annexation petitions and direct the City Clerk to check the sufficiency of the petitions pursuant to State statute and if found sufficient, authorize

advertisement for a public hearing to be held May 17, 2016. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

EASEMENT – 224 SOUTH WEST AND 510 WEST MARTIN – REQUEST APPROVED

A request has been received from PSNC Energy for an easement on city-owned properties located at 224 South West Street and 510 W. Martin Street for the purpose of locating natural gas facilities to the site of the Union Station facilities. The Construction Management division of Public Works is managing this project and is in agreement with the need for the easement. A report was included with the agenda packet.

Recommendation: Authorize staff to proceed and complete the easement process. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

GOTRIANGLE – REGIONAL CALL CENTER AGREEMENT – MANAGER AUTHORIZED TO EXECUTE

GoRaleigh transit, GoTriangle transit, and other transit providers in the region have collaborated to develop the regional call center agreement. The purpose of the two-year agreement is to fund the continued receipt of telephone inquiries and trip planning requests received at the regional call center. The agreement also funds the upkeep and development of the regional GoTriangle trip planner and the web, text, and smartphone passenger information services. The agreement also funds the shared use of a Regional Data Technician; this position is responsible for the continued upkeep and development of the databases and technology used to provide these critical information services. The City's share for FY2017 is \$400,828.

Name of Project:	Regional Call Center Agreement
Managing Division:	Public Works – Transit
Request Reason:	Contract amount >\$150,000
Original Project Budget:	\$400,828
Vendor:	GoTriangle
Prior Contract Activity:	N/A
Budget Transfer:	N/A
Currently Encumbered:	0%
Amount of this Contract:	\$400,828
Encumbered with this Approval:	\$0 (will not encumber until July 1, 2016)

Recommendation: Authorize the City Manager to execute the agreement in the amount not to exceed \$400,828. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

GORALEIGH – BUS STOP IMPROVEMENTS – RAMEY KEMP AND ASSOCIATES – AMENDMENT #4 – APPROVED

Supplemental agreement number four in the amount of \$196,399 with Ramey Kemp & Associates will fund engineering and design of thirty-six transit bus stop locations within the GoRaleigh service area. The addition of these thirty-six sites will result in a shelter either programmed or existing at all GoRaleigh bus stops that meet ridership criteria of twenty-five passenger boardings per day. Upon completion of this supplement, GoRaleigh will begin programming transit amenity locations that meet a ten boarding per day threshold; locations meeting this threshold criteria may be equipped with shelters or benches. The new contract amount will be \$577,324.

Name of Project:	Passenger Amenity Amendment Number Four
Managing Division:	Public Works – Transit
Request Reason:	Contract amount >\$150,000
Vendor:	Ramey Kemp and Associates
Original Budget:	\$130,819 in FY 2014; \$100,819 in FY 2015; \$345,686 in FY 2016
Original Contract:	\$101,781
Amendment Number One:	\$29,038
Amendment Number Two:	\$100,819
Amendment Number Three:	\$149,287
New Project Budget:	\$577,324
Currently Encumbered:	\$380,925
Budget Transfer:	N/A
Amount of this Contract Amendment:	\$196,399
Encumbered with this Approval:	577,324

Recommendation: Authorize the City Manager to execute the contract amendment. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

BANK OF AMERICA BUILDING – 421 FAYETTEVILLE STREET – CONSTRUCTION LICENSE AGREEMENT – APPROVED CONDITIONALLY

Highwoods Realty Limited Partnership (Highwoods), owner of the One Bank of America Plaza building (“Bank of America building”) has plans for exterior maintenance to the building. These improvements include re-caulking the entirety of the west face of the structure which fronts City Plaza to the property line. This work requires a portion of City Plaza to be utilized for construction purposes, including but not limited to mobile scaffolding placement along the western face of the Bank of America building as well as staging of construction materials. A maintenance schedule will be coordinated with the City Special Events Office.

Highwoods is requesting a temporary construction license be granted to cover those portions of City Plaza needed for construction on the Bank of America building.

Recommendation: Authorize the City Manager to execute a Construction License Agreement with Highwoods following finalization of the agreement by the City Manager and City Attorney. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

BRANCH BANKING AND TRUST BUILDING – 434 FAYETTEVILLE STREET – CONSTRUCTION LICENSE AGREEMENT – APPROVED CONDITIONALLY

Phoenix Limited Partnership of Raleigh (Capital Associates), owner of the Branch Banking & Trust building (“BB&T/Two Hannover building”) has plans for exterior maintenance to the building. These improvements include replacement of expansion joints and window frame perimeters and subsequent resealing of all joints and re-caulking of all window frames from the bottom of the 20th floor to the top of the 29th floor on the east face of the structure, which fronts City Plaza to the property line. This work requires a portion of City Plaza to be closed off for construction purposes, including but not limited to pedestrian safety as well as staging of construction materials along the eastern face of the BB&T/Two Hannover building. A maintenance schedule will be coordinated with the City Special Events Office.

Capital Associates is requesting a temporary construction license be granted to cover those portions of City Plaza needed for construction on the BB&T/Two Hannover building.

Recommendation: Authorize the City Manager to execute a Construction License Agreement with Capital Associates following finalization of the agreement by the City Manager and City Attorney. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

RISK MANAGEMENT INSURANCE PROPERTY AND CASUALTY BROKER – WILLIS TOWERS WATSON – AMENDMENT #1 – APPROVED

The City utilizes Willis Towers Watson (formerly Willis of North Carolina, Inc.) for property and casualty broker services. Willis is a global insurance broker serving public and private clients in over 120 countries, and the North Carolina office is considered a strong insurance broker within the public entity market. Willis is noted as a transparent insurance broker in terms of reporting all commissions received and not accepting contingency commissions. The contract with Willis expires on July 1, 2016 and does not contain provisions for extending the contract. However, it is desirable to extend the contract for a two-year term with the same commission structure (not to exceed \$175,000 per year).

Name of Project:	Risk Management Insurance Broker Services
Managing Division:	Finance – Risk Management
Request Reason:	Contract Amendment Approval (Contract Amendment >\$150,000)
Cause of Contract Amendment:	Contract expiration July 1, 2016
Vendor:	Willis Towers Watson (formerly Willis of North Carolina, Inc.)

Prior Contract Activity:	Original contract August 5, 2013-July 1, 2016; three-year term (~\$175,000/year)
FY16 Budget:	\$175,000
Amount of this Contract Extension:	\$350,000 (~\$175,000/year); two-year term (July 1, 2016-July 1, 2018)

Recommendation: Authorize the City Manager to execute the contract amendment. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

FORCE MAIN CONDITION ASSESSMENT – CONTRACT AWARDED TO AECOM

On November 13, 2015 four proposals were received for the sanitary Sewer Force Main Condition Assessment project. The project will provide condition assessment services for six critical sanitary sewer force mains within the Raleigh Public Utilities Service area totaling approximately 41 miles. This contract will provide professional engineering services for pipe condition assessment resulting in a report with recommendations for rehabilitation and/or replacement. This project is part of the Asset Management plan and is necessary due to the age and criticality of existing force mains.

Name of Project:	Force Main Condition Assessment
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Contract award
Reason for Council Review:	RFQ selection
Original CIP Budget:	\$860,000
Vendor Name:	AECOM
Prior Contract Activity:	N/A
Encumbered with this approval:	\$860,000

Recommendation: Authorize the City Manager to execute the contract for professional design services with AECOM in an amount not to exceed \$860,000. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

ZEBULON BEAVERDAM CREEK INTERCEPTOR PROJECT – GREEN ENGINEERING CONTRACT RATIFICATION AND AMENDMENT – APPROVED

Green Engineering, PLLC has been under contract since September 4, 2012 to provide engineering design services for the Zebulon Beaverdam Creek Interceptor project. Amendment number one in the amount of \$34,979 provides funding for design changes due to easement negotiations and railroad permitting issues, which have delayed the original project schedule.

Staff is requesting approval for ratification of the contract and to amend the contract with Green Engineering, PLLC.

Contract History:

Name of Project:	Zebulon Beaverdam Creek Interceptor
Request Reason:	Ratification
Vendor:	Green Engineering, PLLC
Prior Contract Activity:	\$274,800 (Council approval September 4, 2012)
Currently Encumbered:	\$274,800
Amount of this Contract Amendment:	\$34,979
Encumbered with this Approval:	\$309,779

Recommendation: Ratify the contract and authorize the City Manager to execute a contract amendment in an amount not to exceed \$34,979. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

ENCROACHMENT REQUESTS – VARIOUS – APPROVED CONDITIONALLY

The agenda presented the following encroachment requests.

1290 Falls River Avenue and Falls River Avenue at Dunn Road

A request has been received from Falls River Community Association to install two meter boxes and 25 up-light lights (10 lights at 1290 Falls River Avenue and 15 lights at intersection of Falls River Avenue and Dunn Road) in the right-of-way. A report was included with the agenda packet.

Shree Court

A request has been received from Aansan, LLC to install a storm drainage system in the right-of-way. A report was included with the agenda packet.

Beryl Road, Method Road, and Bland Road

A request has been received from Fiber Technologies Networks, LLC to install 4,420 feet of aerial fiber optic cable and one 35-foot wooden pole in the right-of-way. A report was included with the agenda packet.

Recommendation: Approve the encroachments subject to completion of liability agreements and documentation of proof of insurance by applicants. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused).

BUDGET AMENDMENT – HORSESHOE FARM NATURE PRESERVE FARMHOUSE RENOVATIONS – APPROVED

An administrative contract will be executed for renovations to the historic farmhouse at the Horseshoe Farm Nature Preserve to support staff and programs and to display the history of the

house and surrounding site. A grant from the State of North Carolina in the amount of \$250,000 will support the renovations.

A transfer in the amount of \$95,000 is necessary to support the renovations; funding is available in the project budget for the Annie Louise Wilkinson Nature Preserve, which is complete.

Recommendation: Authorize a budget transfer in the amount of \$95,000. Accounting detail was included with the agenda packet. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused). See Ordinance 575 TF 273.

HYDRANT REPAIR AND REPLACEMENT ON-CALL CONTRACT – AWARDED TO CAROLINA CIVILWORKS, INC. – FUNDS TRANSFERRED

Bids were received March 15, 2016 for the Hydrant Repair and Replacement On-Call Contract. The project includes repair and replacement of approximately 200 fire hydrants with necessary hydrant legs and emergency service line repairs.

Carolina Civilworks, Inc. is a licensed general contractor and has completed many successful projects of similar nature. Carolina Civilworks, Inc. submitted the lowest responsive bid in the amount of \$2,081,590 with a 20 percent Small Disadvantage Minority Women Owned Business (SDMWOB) participation plan. A budget transfer in the amount of \$212,900 is necessary; accounting details were included with the agenda packet.

Name of Project:	Hydrant Repair and Replacement On-Call Project
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval Request:	Bid award
Reason for Council Review:	Formal bid award
Original CIP Budget:	\$2,200,000
Construction Bid Award:	\$2,081,590
Vendor:	Carolina Civilworks, Inc.
Prior Contract Activity:	N/A
Encumbrance with this approval:	\$2,081,590

Recommendation: Award the bid to Carolina Civilworks, Inc. in an amount not to exceed \$2,081,590. Authorize the City Manager to execute the contract; and authorize the associated budget transfer. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused). See Ordinance 575 TF 273.

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

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

Speed Limit Reduction – Steinbeck Drive

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

Bus Zone – Martin Luther King, Jr. Boulevard

It is recommended that a Bus Zone be established on the north side of Martin Luther King Jr. Boulevard.

A request was received from the City's Transit office to implement a Bus Zone in front of 1813 and 1814 Martin Luther King Jr. Boulevard. This request was received because the routes that this stop serves have grown substantially in demand and must now be expanded to add additional runs. The Bus Zone signs will be placed to ensure that the City's buses have an area to safely stop, unload, and load. The affected property owners were duly notified and provided two weeks to respond with any concerns, but no response was received from either party.

No Parking Anytime – Arckelton Drive

It is recommended that a No Parking Anytime Zone be established at the dead end of Arckelton Drive.

A request was received from the Solid Waste Services Department to have the area at the end of Arckelton Drive restricted in order for Solid Waste Services vehicles and emergency vehicles to turn around safely. Currently these trucks are backing into residents' driveways to turn around, or backing all the way out of Arckelton Drive, which creates a hazard for City staff, emergency responders, and any other vehicles trying to enter or exit the street. The proposed change would alleviate this issue.

No Parking Anytime – Coulwood Court

It is recommended that a No Parking Zone be established on the west side of Coulwood Court.

A request was received from the City's Solid Waste Services Department to restrict parking on one side of Coulwood Court to improve traffic flow and ensure adequate clearance for Solid Waste Services and emergency vehicles. Currently, vehicles are parking on both sides of the street, leaving only 12 feet of clearance in the roadway, which is insufficient for two-way traffic and is especially hazardous for larger service vehicles. The affected property owners on both sides of the street have stated that the vehicles parking there do not belong to them and they are in approval of the No Parking restriction.

No Parking Restriction – Navaho Drive

It is recommended that a No Parking restriction on the south side of Navaho Drive be removed to allow unrestricted parking. A request was received from The Pointe at Midtown Apartments to remove the existing No Parking restriction on the south side of Navaho Drive in order to free up more parking for their residents due to a shortage of on-site parking. The proposed change would maintain the current No Parking restriction on the north side of Navaho Drive while still allowing adequate distance for traffic in both directions. The request is supported by the police and there are no other affected property owners.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code was included with the agenda packet with the changes to become effective seven days after adoption. Upheld on Consent Agenda Stephenson/Crowder - 6 ayes (Baldwin/Branch absent and excused). See Ordinance 576.

END OF CONSENT AGENDA

CITY-OWNED LOTS – PROPOSED DISPOSITION – PUBLIC HEARING SCHEDULED FOR MAY 3, 2016

The Housing and Neighborhoods Department issued a Request for Proposals (RFP) for the sale of 14 city-owned lots on Oakwood Avenue, Idlewild Avenue, East Jones Street, East Lane Street, and Seawell Avenue. Five potential builders submitted responses to the RFP for the purchase and creation of affordable homeownership opportunities on the 14 lots.

According to North Carolina State General Statute Article 160A-457, the sale of real property in a community development project area to any redeveloper at private sale for residential use is subject to the approval of the governing body. In addition, the statute specifies that the sales price shall not be less than the appraised value and that the proposed sale be subject to a public hearing at which the terms of the sale are disclosed. Details of the property addresses and appraised value/proposed sales price were provided with the agenda packet.

Recommendation: Authorize a public hearing to be held May 3, 2016, for the purpose of receiving citizen comments on the proposed sale of the 14 city-owned properties.

Council member Stephenson pointed out he had withdrawn this from the consent agenda questioning how the proposed purchase prices compare with other properties in the area. Housing and Neighborhoods Director Jarvis talked about the prices pointing out the average price in the area is some \$220,000. Mr. Jarvis stated all of the properties would be sold with the understanding they would be developed for low or moderate income housing and the prices will be slightly lower than those in the neighborhood. Mr. Stephenson moved approval. His motion was seconded by Mr. Thompson and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on a 6-0 vote (Baldwin/Branch absent and excused).

MOORE SQUARE PARK – CONSTRUCTION MANAGEMENT AT RISK SELECTION – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

Staff solicited a Request for Qualifications (RFQ) for a Construction Manager At-Risk (CMAR) team for the redevelopment of Moore Square Park. Qualifications were received from six CMAR teams and staff narrowed the selection to three teams using a combination of weighted criteria scoring and an interview process. The prioritized recommended order is as follows:

- (1) Whiting-Turner and Holt Brothers
- (2) Brasfield and Gorrie
- (3) Barnhill Contracting Company

Phase I services generally includes preconstruction services such as cost estimation, constructability and sequencing analysis; the contract amount for Phase I is anticipated to be within administrative contract execution authority. Contracts for subsequent phases with the selected CMAR team will require Council approval.

Recommendation: Authorize staff to negotiate with Whiting-Turner and Holt Brothers team for Construction Manager at Risk services and authorize contract execution should the outcome of negotiation be successful.

Mayor McFarlane stated she had asked that this be withdrawn from the agenda pointing out there was nothing in the backup that talked about the second nor third company. She stated she was curious and questioned how the firms scored as it relates to previous experience for construction manager at risk.

Grayson Maughan pointed out all three firms had experience in construction management at risk and all met the qualifications. She pointed out Whiting-Turner and Holt Brothers had experienced with tree conservation, they have an arborist on the team, high level of planning and experienced architects on board, etc.

Ms. Crowder stated she too had asked that the item be withdrawn from the consent agenda questioning what experiencing this three firms had pointing out it would have been nice on this and in future items such as this to be able to see the scoring, the thought process, just general information on what drove the decision to make the particular recommendation. Mayor McFarlane agreed pointing out she would like to see any experience the three have for urban park development, etc.

Interim Public Works Director Rich Kelly talked about the experience as well as the Engineering News Record which has information on the top 100 construction manager at risk throughout the country. Whiting-Turner was at the top of the list as it relates to volume and variety of experience. He talked about what they brought to the table as it relates to tree protection and other issues that were scored. Mr. Thompson questioned if the Engineering News Record ranked them best in volume. Mr. Thompson stated may be this item should be referred to committee so

every one can have an opportunity to look at experience, background, thought process behind the recommendation, etc.

Without objection the item was referred to Growth and Natural Resources Committee.

MUNICIPAL AGREEMENT – NCDOT CAPITAL BOULEVARD BRIDGE REPLACEMENT PROJECT – MANAGER AUTHORIZED TO EXECUTE AGREEMENT TRANSFER APPROVED

The North Carolina Department of Transportation (NCDOT) is preparing to replace the existing bridges at Peace Street and at Wade Avenue along Capital Boulevard (TIP Projects B-5121 and B-5317). These projects will include significant reconstruction of the existing interchanges at each location and will affect City property north of Peace Street. Previous Council reviews of the project were as follows:

February 2014	Overview presentation of the project
July 2014	Council endorsed the project designs and adopted resolution to participate in funding the project
October 2015	Review of proposed bridge enhancements at Peace and at Wade
March 2016	Approval of utility relocation agreement

Construction on the project is anticipated to begin in August 2016 and is expected to be complete in summer 2019.

NCDOT has prepared a municipal agreement based on this direction. The City is fiscally responsible for a variety of enhancements and betterments associated with the project design, including the reconfiguration of the Peace Street interchange, wider sidewalks, lighting improvements, culvert reconstruction, aesthetic bridge improvements, and a greenway link under the Wade Avenue bridge. To help offset these costs, the City has secured grants via the Capital Area Metropolitan Planning Organization (CAMPO) to assist with the right-of-way acquisition and the construction for this project. \$4,621,620 is available to assist with right-of-way acquisition, and another \$1,500,000 will be applied towards the construction costs associated with the City's requested enhancements and betterments for the project. These funds require a minimum 50 percent local match; a total of \$9,693,605 in City funds is required to participate in this project. Approval of the agreement and authorization of a budget transfer in the amount of \$9,693,605 is recommended.

Name of Project:	Capital Boulevard Bridge Replacements TIP Project B-5121/B-5317
Managing Division:	Planning – Transportation Planning
Approval Request:	Contract Approval
Reason for Council Review:	Municipal Agreement
Original CIP Project Budget:	N/A; \$10,000,000 reserve established for NCDOT project participation
Vendor:	NCDOT

Encumbered with this Approval: \$9,693,605

Recommendation: Authorize the City Manager to execute the municipal agreement and authorize a budget transfer in the amount of 9,693,605. Accounting details were included with the agenda backup.

Ms. Crowder stated she withdrew this from the consent agenda pointing out she is excited about the project and the enhancements, etc. She stated her concern however is that the proposed funding would be out of the same pool of money as the I-40 proposed enhancement improvements. She stated she wants to make sure we leave enough money in that pool for the other projects on the list including the I-40 bridge projects. Transportation Planner Lamb pointed out there are multiple options for funding. He stated we are proposing to use a little more on this particular project than anticipated and talked about the cost as it relates to urban/suburban projects and talked about the opportunity to replenish some of the funds as NCDOT will be purchasing property the City owns in the vicinity of Peace and West Streets. Ms. Crowder questioned if we feel comfortable that we will have enough funds left and talked about the enhancements on this cross section. Mr. Lamb pointed out we do not have exact cost estimates on the other projects, talked about the enhancements from concrete to brick and the estimates for the I-40 project. He stated based on previous projects, etc. it is felt we will be able to cover all of the enhancement costs on the I-40 projects that have been discussed. He talked about the delta of the cost with Ms. Crowder express concern as we do not know the total cost, do not know if there will be money if we want to have additional enhancements on the I-40 project and questioned if we could decrease the enhancements to the Capital Boulevard bridge replacement project to ensure that we would have enough money left to do the I-40 project. Mayor McFarlane pointed out the Council has approved the Capital Boulevard Bridge project and enhancements and she is not comfortable with changing the design at this point. Mr. Lamb pointed out the pool of money being proposed as the source of funding here is not the only pool of money that the City can draw from as it relates to the I-40 project. Ms. Crowder moved approval. Her motion was seconded by Mr. Gaylord and put to a roll call vote which resulted in all members voting in the affirmative. They Mayor ruled the motion adopted on a 6-0 vote (Baldwin/Branch absent and excused). See Ordinance 575 TF 273.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

NO REPORT

SPECIAL ITEMS

REZONING Z-39-15 – TRAILWOOD DRIVE – TO BE PLACED ON MAY 3, 2016 AGENDA

A public hearing to consider this rezoning request was held by City Council on April 5, 2016. Following the closing of the hearing, the Council deferred action to permit the applicants opportunity to submit additional amendments. The rezoning request is by Addie B. Clark, Grady Langston, Erica D. Langston, and Star Brite Housing to rezone approximately 5.61 acres from

Residential-6 with Special Residential Parking Overlay District and Special Highway Overlay District-1 (R-6 w/SRPOD & SHOD-1) to Residential Mixed Use – 3 stories – Parkway – Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (RX-3-PK-CU w/SRPOD & SHOD-1) [northern two properties] and Residential Mixed Use – 3 stories – Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (RX-3-CU w/SRPOD & SHOD-1) [southernmost property].

Additional Conditions dated April 11, 2016 were timely received and included with the agenda packet. It would be appropriate to consider action in the case.

Planner Brynum Walter pointed out the City did receive additional conditions dated April 11, 2016; however, the conditions were not signed as required. At the time of publication of the agenda we had received the unsigned new conditions; and understood the sign conditions would be received timely; however, that did not occur; therefore the Council cannot vote on this item at this point.

It was agreed to place Z-39-15 – Trailwood Drive on the May 3, 2016 agenda for further consideration.

REZONING Z-41-15 – HILLSBOROUGH STREET – MOTION TO APPROVE – FAILED

A public hearing on this rezoning request was held by City Council on April 5, 2016. Following the closing of the hearing, the Council deferred action to permit the applicants opportunity to submit additional amendments. The rezoning request is by Rosemary Development, LLC to rezone approximately 3.22 acres from Commercial Mixed Use – 3 stories with Special Residential Parking Overlay and Commercial Mixed Use – 3 stories – Urban General with Special Residential Parking Overlay (CX-3 w/SRPOD & CX-3-UG w/SRPOD) to Neighborhood Mixed Use – 4 stories – Urban Limited – Conditional Use with Special Residential Parking Overlay (NX-4-UL-CU w/SRPOD).

Additional Conditions dated April 8, 2016 were timely received and included with the agenda packet. It would be appropriate to consider action in the case.

Planner Bynum Walter stated she understands the applicant is asking for a two week delay for further discussion and possible additional conditions.

Attorney Lacy Reeves explained the issues have evolved as the case has moved forward and he thought they had been dealing with them and addressing the concerns; however a couple of new issues have developed. The first relates to the amount of retail on the first floor facing Hillsborough Street. They had proposed a minimum of 5,000 square feet however they are prepared to double that to 10,000 square feet. He stated they were asked at the first CAC meeting if there would be a possibility to save the historic tractor sign and he had indicated would be up to the city as it would require city approval. He stated they are committed to saving the tractor sign if they could get approval from the city and they would bear all of the expense of

preserving the sign. He stated he has been asked what would be required to get approval from the City and after talking with the City Attorney he understands it would require a text change to the City's sign ordinance as it relates to landmark signs. He understands that would be a simple text change of adding a few words to the existing code. He stated they will commit to revising the condition to say they will seek the text change and will add to the conditions that they will save the sign. He stated if the text amendment could be approved and they get permission to save the sign it would be a win/win situation. He stated this case has three pages of conditions and talked about their commitment to work with the CAC and the neighborhood and the request to delay two weeks is so those conditions could be submitted.

In response to questioning from Council member Thompson, Attorney Reeves indicated if they are allowed a deferral they are prepared to make a commitment relative to the orientation of the retail and to provide direct access from Hillsborough Street. He feels that is in the condition but they will be glad to clarify that language.

Mayor McFarlane talked about the retail and questioned if the commitment to expand the retail to 10,000 square feet would be accomplished by incorporating the existing gym and expanding availability of memberships. She stated if that is the case in her opinion that is not really expanding the retail. Attorney Reeves pointed out if a private gym such as Life Fitness or any type of private entity/gym then that would be within the 10,000 square feet. Mr. Sweeney presenting the applicant indicated if a gym leases space from them then it would be included in the retail but the current gym doesn't count as a part of the retail even though it would be open to the public. He stated they would be glad to modify/clarify the conditions in that regard.

Ms. Crowder pointed out this process has been going on for quite some time. She stated there has been constant and good communications with the residents but she does not feel that the conditions as written are exactly what was promised to the residents. She stated there had been commitments to save the historic sign but now she understands there is a problem with saving the sign. She expressed concern about the lack of due diligence early in the process to prevent some of these problems. She stated extensions have been granted but another two week extension wouldn't be long enough to get things in lace to assure saving the tractor sign. She stated it is not that she disapproves of the project but she feels an additional two week delay just moves the ball down the road and the applicant will have to come back and the issues will still not be resolved.

Attorney Reeves indicated several of the things in the conditions depend on the City approval and that would not occur until the rezoning takes place. He stated he has made it clear to the residents and the CACs that if the rezoning is approved and the city gave approval to save the sign they would do that and they are prepared to pursue that. He stated he never understood that the city's approval could be obtained before approval of the zoning. Many of the conditions would have to be met through the site plan approval process. They could not be addressed at zoning. You put the conditions in and if the conditions are not met the project cannot go forward.

Mayor McFarlane questioned the height and if the tractor sign is included in the height. Mr. Stephenson expressed concern about the length of time this case has taken and the issues still have not been resolved. He stated there still seems to be a disconnect or unresolved issues relative to the three story height limit. He stated that is not in the conditions and the conditions also talk about non operatable windows on the Rosemary side and the conditions include wording such as "if approved by the city" or "if we can." He too expressed lack of due diligence on the part of the applicant.

Attorney Reeves talked about the development process starting there is rezoning with conditions and the conditions have to be met before subsequent things happen such as approval of the site plan, issuance of building permits, etc. He stated there is no way to draft conditions that guarantee things or assure approvals that are not within their control. Mr. Stephenson pointing out that is his concern. The applicants should not have told the neighbors they would do certain things if they were not within their control, if something is not in the applicants control it should not be in the conditions. The deadline for the project moving forward was talked about. Mr. Thompson stated he had no problem with the deferral as the Council has no deadline to act on the case but he wanted to make sure that all of the issues had been worked out before coming back to Council. Attorney Reeves talked about a two week deferral which would allow them to clarify or revise conditions and the development process in general. The fact that the tractor sign issue could not be resolved until a text change occurs and that could not happen in two weeks was talked about. Planner Bynum talked about roof top signs which are generally prohibited by the code but crown signs which are allowed and the fact there may need to be a text change to address the height or measurement issues. She stated there is a time line for submitting new conditions and that is prior to May 5.

Ms. Crowder moved approval of rezoning Z-41-15. Her motion was seconded by Mr. Stephenson and put to a vote which resulted in Mr. Thompson and Mr. Gaylord voting in the affirmative and the remainder of the Council voting in the negative (Baldwin/Branch absent and excused). The Mayor ruled the motion defeated on a 2-4 vote.

SIX FORKS ROAD CORRIDOR - DIRECTION GIVEN ON ADDITION STUDY ON THE FOUR TRAVEL LANES/ADDITIONAL OUTSIDE LANE FOR DEDICATED BUS LANES

During the March 8, 2016 Council work session, staff provided an overview of the results of the Six Forks Corridor Study. The study identified, evaluated, and prepared recommendations for street and streetscape improvements to Six Forks Road from Interstate 440 to Lynn Road. Staff will present additional information regarding the study, focusing on concerns raised at the March 8 work session. Included with the agenda packet is information detailing the options and costs associated with studying additional corridor design concepts as suggested by Council, as well as a preliminary analysis of the various design concepts and a copy of the executive summary of the Corridor Study has also been provided. The full study is available on line:

A summary of the options discussed by Council follows; the additional cost associated with design options is estimated at \$50,000. A funding source for additional design work would need to be identified.

- four vehicular travel lanes with wider lanes and narrower total right-of-way
- four travel lanes with additional right-of-way for a future six-lane section
- four travel lanes with an additional outside lane in each direction for dedicated bus lanes
- four travel lanes with a wide median for Bus Rapid Transit (BRT)

Urban Planner Carter Pettibone presented Council with slides showing alternatives as outlined above and provided the qualitative analysis, provided examples of Parkway and Urban Boulevard treatments and explained the difference. He went over the four alternatives and explained staff needs direction from Council on reengaging the corridor consultants, Design Workshop and Stantec Engineering to develop alternative street design concepts to the six lane section that was proposed and provide analysis on result in traffic and property impacts. He stated the cost estimate would be approximately \$50,000 and the additional work would include a public open house, Council work session to validate problem statement, guiding principles, matrix, etc., work session with client, traffic analysis of the entire corridor, concept design for a four lane facility and assist with a second public meeting as well as including the property impacts. Construction is not included. This would take 4 to 5 months and any additional alternative over the one selected would be an additional \$15,000 and would include additional time.

Mr. Stephenson presented a copy of the matrix and gave his analysis pointing out he had focused on the six lane option provided in the matrix (current proposal) and a 4 lane section which would include median, bike lanes and side walks. He went over his matrix explaining his theory as to the pros and cons of the six lane section versus the four lane section, which he felt may be equal and touched on the moderate impact versus minimum impact, cost, which would improve bus priority and compared the project and cost outcome to Hillsborough Street pointing out in the Hillsborough Street project we reduced the number of lanes in half, the traffic is flowing and it has attracted some \$1 billion in new investments. He also questioned what would be best for the urbanizing area, talked about the option of widening and improving the existing four lanes, widening the median and including sidewalks and bike lanes.

Mayor McFarlane talked about the current capacity of four lanes which is some 26,000 stating it is her understanding that 80% of the corridor is currently over capacity and questioned if any of the options addressed that concern Mr. Pettibone pointed out that is one of the reasons staff was looking at 6 lanes. The need or desire to steer people to utilizing mass transit and whether building six lanes is sending the right message was discussed.

What transit estimates we have, whether we have any information on projected traffic counts when and if transit is added and what type transit this corridor could best support was discussed. The Wake County transit plan and how it would treat the Six Forks Road corridor was discussed with Transportation Manager Lamb talking about the high frequency service projected in the Wake County transit plan ending at North Hills. A lower level of transit would apply north of

North Hills with Mr. Lamb talking about the parallel corridors of Falls and Creedmoor taking traffic. Mayor McFarlane questioned the traffic projections on the corridor in years to come if we do nothing. The traffic patterns north and south bound, north and south of Millbrook Road were talked about. Mr. Cox talked about his traveling this section of Six Forks daily and it usually takes him an average of 3 minutes in 8:00 a.m. traffic. How to address the congestion on Six Forks in the Millbrook area was talked about.

Mr. Gaylord moved that the Council direct staff to direct the consultant to seek additional information on Option 3 that is, approve and engage the consultant and provide cost associated for Option 3 which is the 4 lane section with additional right-of-way for medians, bike lanes and sidewalks. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 5-0 vote.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

HILLSBOROUGH STREET PROJECT UPDATE – INFORMATION RECEIVED

Following a public hearing held on February 3, 2015, City Council approved the Hillsborough Street, Phase Two project design. Right-of-way acquisition was completed in January 2016 and the project was formally advertised for construction bids. The bid opening is currently scheduled for April 13, 2016 and staff is anticipating a construction bid award to be brought to City Council for consideration at the May 3, 2016 City Council meeting.

In advance of the bid award, a presentation will be made at the meeting to provide a project update as follows:

- Brief recap of the project goals and design;
- Provide an update on the anticipated construction timeline and impacts; and
- Introduce the communication and outreach plan

Recommendation: Receive as information.

Design/Construction Manager Chris Johnson provided a powerpoint showing phase II of the Hillsborough Street project design, time line, need and next steps. He explained they have opened bids twice. He presented information on the existing conditions, proposed enhancements including bike and pedestrian facilities, infrastructure benefits, streetscape benefits, project information in the area from Rosemary Street/Shepherd Street to Daisy Street, Daisy Street to Dan Allen Drive and Dan Allen Drive to Gardner Street. He talked about the construction challenges, preconstruction outreach efforts, communication plans, examples of brochures, etc.

Mr. Stephenson pointed out the City learned a lot in Phase I and pointed out he knew there had been a lot of public meetings, public outreach, etc, but pointed out he keeps hearing two questions and they relate to loading zones and mid block crossings. Mr. Johnson pointed out they are proposing loading zones for the first three spots on Stanhope, south side in the morning.

He stated as far as mid block crossings are concerned, we already have a large amount of crossing and they do not see that much benefit in additional ones.

In response from questioning Mr. Johnson pointed out the bids came in approximately \$2M over the final estimate; however they have meetings to discuss value engineering, etc. The information was received.

RAIL STUDY – RALEIGH-CARY CROSSING – STUDY APPROVED

Over the last 18 months, the City has been participating in the Raleigh-Cary Rail Crossing Study, conducted by the Capital Area Metropolitan Planning Organization (CAMPO) in partnership with City of Raleigh, Town of Cary, North Carolina Department of Transportation (NCDOT), GoTriangle, North Carolina Railroad Company, and Norfolk Southern Railroad. The purpose of the study was to evaluate potential improvements to the at-grade highway/rail crossings from NE Maynard Road to Gorman Street and to study how changes at the crossings will affect future land uses and the community.

A range of options was considered for each crossing and then evaluated based on design, traffic operations, and economic development. After the conclusion of the analysis and input from the public, one alternative was determined to be most feasible at each existing and proposed future crossing. It would be appropriate to approve the study and the incorporated recommendations at this time. The full report had been made available online.

Recommendation: Approve the study.

Todd Delk, the City Planning Department made a PowerPoint presentation speaking of the genesis and overview of the project pointing out this is part III of CAMPO Rail Study from Raleigh to RTP and is to respond to increased discussions of light, commuter, passenger and high speed rail. It is to look at high level conceptual design and test the impacts of design, traffic and development and plan for street connectivity as rail projects move forward. It is to document public involvement, expedite projects in future if funded. He talked about the project participants which include NC Capital Area Metropolitan Planning Organization, State DOT, City of Raleigh, Town of Cary, North Carolina Railroad Company, GoTriangle, Norfolk Southern and CSX.

Mr. Delk pointed out the primary questions include.

- How can we improve safety at existing at-grade crossing?
- How should we cross railroad where local plans propose new roads?
- How will potential road/rail improvements affect future land uses and the community?

He went over the project time line which started in the summer – winter of 2014 with the recommendations coming forth at this point. He presented a map showing the study area and the alternative selection process, the design assumptions and talked about what they had as it relates to the following locations: I-40 – to Jones Franklin Road Corporate Center Drive, Nowell Drive

at Edwards Mill Road, Jones Franklin Small Area Plan, the fairgrounds area, Powell Drive, I-40 to Gorman Street, Beryl Drive/Royal Street and went over the following summary of study recommendations.

SUMMARY OF STUDY RECOMMENDATIONS			
Crossing	Existing Type	Recommendation	Cost
Corporate Center	Future	Roadway bridge over rail connecting to Bashford Rd.	\$22M
Nowell	Existing at-grade	Closure in conjunction with Corporate Center or Edwards Mill improvements	\$36K
Edwards Mill	Future	Rail bridge over roadway	\$48M
Jones Franklin	Future	Rail bridge over roadway	\$26M
Powell	Existing at-grade	Rail bridge over roadway realigned to Youth Center Dr.; closure of crossing	\$44M
Beryl + Royal	Existing at-grade	Closure of Beryl crossing with Beryl Rd. extension to Royal St. and improvements to Royal St.	\$7M

He went over future studies and designs which include update of streets and Future Land Use Plans to inform future improvements and project decisions and pointed out there is nothing in the short term period, mid term would include Beryl Road closure and extension to Royal Street explaining this is a potential NCDOT rail safety project. The long term relates to grade separations at Corporate Center Drive – road over rail, Edwards Mill Road extension rail over road; Powell Drive and Jones Franklin Road rail over road. The designs would be refined with project funding and there would be more input, etc. He stated staff recommends that the Council endorse the study and recommendations as proposed and staff will initiate comp plan amendments to update the streets and future land use maps. The next steps would be presentation at the CAMPO Executive Board meeting on April 20.

Mr. Thompson pointed out the vast majority of Trinity Road is in the City of Raleigh but the railroad track is actually in Cary and questioned how that split would be addressed. Mr. Delk pointed out Cary plans to take the road over the railroad and extend it to Cary Towne Boulevard however there are no time lines, etc. In response to questioning from Mr. Thompson, Mr. Delk state funded projects. Mr. Stephenson asked about the Wake transit plans, rail component and how it ties in.

Ms. Crower moved approval as recommended by staff. Her motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

DOROTHEA DIX PARK – UPDATE RECEIVED; MEMORANDUM OF UNDERSTANDING – APPROVED

Staff will provide a brief update on ongoing preparations for the future master planning of Dorothea Dix Park. The update will include interim parking and event planning, programming, a fundraising partnership, master planning options and framework, park site tours, and continued meetings with multiple stakeholders.

Recommendation: Receive as information.

Kate Pearce, Parks, Recreation Cultural Resources, provided Council members with a packet of information which outlined the update on current work, early programs and activities, master plan committee structure and next steps. She talked about ongoing meetings with NC State, State Farmers Market and its tenants and other stakeholders, presentations to various departments, boards, commissions, and developing a schedule of presentations to community groups and organizations. She pointed out they are working with DHHS on assigned parking, meeting with public safety groups and presented a planning frame work. She talked about early programming and activities which include Explore and Celebrate, walking and bus tours which they hope will start in late April, activities that will be ongoing while the planning is ongoing including the possibility of such things as fitness classes, art, field days, nature walks, art in the park, and various programs which will provide something for every one at low or no cost. She went over information on the Master Plan Committee structure, explained Master Plan Executive Committee which would be established by the memorandum of understanding and would have eight members which would include the Mayor, City Council member, two city staff, 3 representatives of Dix Park Conservancy and North Carolina State University Chancellor. The role of that group would be select a consultant team and work with other leadership groups from the city and advance the vision of the park. She explained the proposal for a Master Plan Advisory Committee, which would be up to 45 members which will be chosen through a public application process. The board diversity of background expertise and interest would be looked at through the applications in order to have broad presentation. This group will advise the consultant team, advocate for the park, engage community at large and lead topic specific work groups. She talked about the committee composition which will include members with the following areas of interest or expertise: creativity, history, design, development, business and entrepreneurs, neighborhood and community, youth, parks and recreation, Farmers Market, education, faith, tourism, health, mobility environmental and natural resources. The master plan would have two work groups one topic specific that would work to enrich the planning process advocate for the park and engage the community at large. She talked about the Master Plan Advisory Committee formation process which would start with the public application, city staff review, approval by the Mayor and Council. They group would engage in public outreach and engagement pointing out there would be just one part of the larger community outreach efforts.

City Manager Hall pointed out Council members received a copy of the memorandum of understanding and which is a public private partnership opportunity. The role of Dix Park Conservancy which would be described in the Memorandum of understanding would be a five year term with no commitment beyond the first term, initial focus on fund raising, contribute up

to \$3M for the Master Plan process (\$2M for planning and \$1M for other activities and support, participate in the Master Plan Executive Committee and Advisory Committee, partner on supporting programming, marketing and communications, agree to periodically provide financial reporting and the City will explore options for an interim Conservancy Office at the park.

Mayor McFarlane pointed out the proposed memorandum of understanding has \$2B and it should be \$2M. She expressed appreciation for all of the work and the willingness of the Conservancy to commit. It was pointed out the next steps would be approval of the MOU, approve the master plan committee structure and determine consultant selection process for the master plan.

Mayor McFarlane moved approval of the memorandum of understanding and the next steps as outlined. Her motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

Mayor McFarlane introduced Greg Poole and asked him to come forward pointing out he has been the heart and soul and a driving force behind the purchase of Dix Park and has worked on it over the past 10 years. City Attorney McCormick presented Mr. Poole with a framed copy of the mylar filed with the Register of Deeds that shows city ownership of the park. Mr. Poole received a standing ovation and expressed appreciation to everyone.

REPORT AND RECOMMENDATION OF THE APPEARANCE COMMISSION

OUTDOOR SEATING DESIGN – RECOMMENDATIONS – REFERRED TO ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE; OUTDOOR DINING ON PLAZAS – REFERRED TO ECONOMIC DEVELOPMENT AND INNOVATIONS COMMITTEE

During the November 3, 2015 Council meeting, staff reported findings of a three-month pilot period evaluation and recommended text amendments to the ordinance to lend greater clarity to address the documented enforcement issues. At the meeting, Council directed specific action items to be evaluated by the Appearance Commission. In response to this request, the Appearance Commission, a 15-member body appointed by Council, created an eight-member design review committee to focus on these items over an eight-week period in January and February of 2016. The Committee deliberated over the assigned tasks and noted the impacts to other areas of the ordinance.

The Commission's final report includes an inventory, analysis, and recommendations of the Appearance Commission for the assigned aspects of the outdoor seating ordinance that have visual, aesthetic, and operational impacts to the urban environment and the public realm.

A full copy of the report was included with the agenda packet.

Assistant Planning Director Roberta Fox was at the meeting to make a presentation and/or answer questions.

Mayor McFarlane expressed appreciation for the huge amount of work done by the Appearance Commission on this issue; and she feels it would be best to discuss it in committee.

Brian O'Haver, Chair of the Appearance Commission, highlighted the following report.

On behalf of the entire Appearance Commission, we would like to thank the City of Raleigh City Council and the Urban Design Center for engaging our commission in the development of these recommendations. It is important our community address these challenges as we continue to grow and emerge as a city that is recognized as one of the most desirable places to live in the country.

The role of the Appearance Commission has been dramatically affected by the new UDO, and the opportunity to play an integral part in the development of these recommendations that are intended to bring the community together and find common solutions to our "growing pains" was a welcomed challenge.

We would be remiss not to mention the involvement and dedication of not only our commission, but the commitment and investment of time and energy by staff (especially UDC and Zoning), local residents, and finally business owners (and media). There were hundreds of hours spent when you combine the eight (8) weeks of regularly scheduled meetings, time spent by staff doing research, and residents, business owners and commission members engaging in thoughtful discussions and debate outside of the weekly meetings.

We believe this has been a very inclusive process and one that allowed an opportunity for all who were interested and engaged to have a voice. The commission worked diligently to consider a holistic view of the proposed recommendations and consider the impacts our decisions would have on all involved.

We strived to find consensus. Sometimes we resorted to compromise, but our objective was to provide recommendations that would reflect the collective thinking borne out of the process and put forward ideas that all shareholders participated in, understood fully, believe is workable and can live with and actively support.

In closing, a topic that was revisited weekly, was the enforceability of any ordinances the City Council ultimately decides to enact. Without the ability, and the willingness to enforce the regulations, our time was spent in just getting to this point. On the flip side, we hope that Council appreciates and understands that the goals of these recommendations are not meant to be punitive. This is a challenging issue and in all situations we hope council leads by example and makes decisions that you believe are the best for our community at this time.

1. Physical Delineation and the Use and Appearance of Stanchions
2. Design Standards for Outdoor Furnishings
3. Design Standards for Regulatory Signage
4. Impact of Physical Elements on Occupancy Calculations

The Commission has provided recommendations for these items and has provided an assessment of their impact on other aspects of the ordinance, e.g. occupancy maximums, and items for additional council consideration for staff research.

A number of the commission members were a part of the community as the City began this journey 15 years ago when it committed to the conversion of Fayetteville Street into a lively, ceremonial, Main Street for Raleigh. The Fayetteville Street Renaissance recommended by the Downtown Livable Streets Plan was intended to “activate” the area and encourage usage. The aim of the investment in Fayetteville Street was to improve aesthetics, function and safety as well as create an economic catalyst for the region. We now find ourselves attempting to mediate a clear user conflict resulting from the success of this economic development project.

User conflicts are not new when the government attempts to manage the private use of public spaces while balancing the larger public good. There are countless precedents by which the government grants the use of public assets for private usage so long as there is a clear public purpose in doing so. In the case of outdoor seating, the clear public purpose is enhancing the economic vitality and livability of our public realm.

Numerous methods are available to the City to manage this balancing act for public and private interests. For that reason, the recommendations of the report assume a larger strategy including:

- Increased importance of the permit application. The permitting system has proven to be an effective tool in striking the balance between private goals and public purpose. It can be individually tailored to the specific set of circumstances for the particular area (e.g. stricter guidelines for Fayetteville Street). The intent is that all elements intended for inclusion in the outdoor seating area are included on the original permit application, regardless of intended seasonal use. These items include tables, chairs, physical delineation barriers (medallions, planters, pots, and stanchions, under special circumstances), umbrellas and other furniture accessories, signage, or any other item the City deems allowable in the permitted area. If we reinforce the importance of the permit, many of these user conflicts can be managed effectively and enforced equitably and consistently.
- Performance measures. Raleigh is a vibrant, diverse city that welcomes entrepreneurialism, innovation, and inclusion of the arts. The Commission does not believe a ‘one size fits all’ approach is the proper solution. In all cases a performance specification approach was used versus a prescriptive design specification approach. All of the recommendations provide design guidelines for

each element and a method or procedure to verify that the element meets the standard. Conversely, when an applicant is unable to meet the outlined standards, an alternate method or procedure is provided. Resources are included in each section to show commercially available examples that meet the performance standards, but recommendations to sole-source a particular vendor(s) is not recommended.

- Team review approach. In most City of Raleigh permitting situations, multi-disciplinary teams are tasked with the review. Throughout our discussions we learned that the typical review process for Private Use of Public Spaces (PUPS) Ordinance does not follow this process. Although this last round of permits for Outdoor Dining were reviewed by the Urban Design Center in addition to Zoning, we believe that additional improvements could be made. Minor changes to the City's review process and a formalized role of internal design staff could facilitate better outcomes. Additionally, a 'design alternate' review role for the Appearance Commission would allow the review of applications that do not technically meet the criteria to be administratively approved, but allow flexibility for entrepreneurial ingenuity, creativity and alternatives that meet the spirit of the criteria.
- PUPS Urban Design Handbook. Upon the approval to redesign the pedestrian mall, a multi-disciplinary team of City staff created guidelines to provide a framework for the private use of this new public space in Downtown. The PUPS document was an effective planning and permit review tool and should be updated and tied to the Outdoor Dining ordinance language. The recent update to the PUPS Handbook pulled out many relevant features and details to incorporate into the ordinance and in effect removed much of the language tying the ordinance to the PUPS handbook guidelines. As an example, the citywide Pushcart Vendor ordinance references back to the PUPS handbook within the Downtown limits. Removing reference to a handbook within the UDO may ease enforcement but does not allow flexibility as future conditions inevitably change in a prospering Downtown. Furthermore, periodic updates to the PUPS Handbook are recommended as our community will continue to evolve, and we should pursue the flexibility to adapt to these changes (i.e. current PUPS ordinance was updated in 2008).
- Arms' length from State Law. Some requirements in the ordinance, such as the requirements to separate the outdoor seating with stanchions or to provide signage reminding patrons to keep alcohol within the designated area, were included in the ordinance to directly address the interpretation of North Carolina ABC laws. The Appearance Commission is not equipped to make a legal determination of the validity of state laws, but instead recommends removing requirements from our local ordinance that are intended to enforce state laws. As is the case of many local rules pertaining to the built environment, a reference is made to "meeting the standards of all applicable federal or state laws" but the individual requirements

(ADA, North Carolina Food Code, etc) are not inserted into our local requirements.

We understand that these recommendations will be reviewed within the context of many stakeholder viewpoints and some may not agree with our proposed revisions to the ordinance(s). We believe that the city's vision and goals for Fayetteville Street and other mixed use areas clearly indicate the City's desire to support and foster a vibrant and well-used public realm. We understand and accept that vibrancy and activity will inherently have some challenging consequences.

We are pleased to provide any follow-up or additional analysis and recommendation upon request.

The Citywide Outdoor Seating Ordinance was first approved by City Council on August 4, 2015, and subsequently staff was directed to enforce, monitor, and evaluate the effectiveness of the new ordinance with a report back to Council at the end of a three-month pilot period.

At the November 3, 2015 Council meeting, staff reported the findings of the three-month pilot period evaluation and recommended text amendments to the ordinance to lend greater clarity to address the documented enforcement issues. At the meeting, Council directed specific action items to be evaluated by the Appearance Commission, Downtown Raleigh Alliance, or other staff teams.

In response to this request, the Appearance Commission, a 15 member body appointed by Council, created an eight member design review committee to focus on these items over an 8-week period in January and February of 2016. The Committee deliberated over the assigned tasks and noted their impacts to other areas of the ordinance. Additionally, the conversations identified a series of related, albeit out-of-scope items, which have been proposed for additional research.

II. Recommendations

A. Physical Delineation and the Use and Appearance of Stanchions

Introduction

During the pilot period of the ordinance, community and Council concerns were raised about the negative visual impacts due to the use of varying design, style and material of stanchions by permit holders to define the permitted seating area. The requirement for defining outdoor seating area with barriers was included in the ordinance primarily to meet the NC ABC standards for alcohol service and to aid enforcement of the PUPs standards, especially during late hours of business operation.

Recommendations

The Commission supports the requirement that a permit holder provide visible delineation between the designated outdoor seating area and the remainder of the public sidewalk during business operating hours. In lieu of stanchions, we are suggesting the city supply ground-surface mounted, ‘Medallions’ to delineate the space. Different designs could be utilized for specific areas of the city (e.g. Fayetteville Street, Warehouse District, Cameron Village, etc.) and a Call-to-Artists could be utilized to generate unique ideas and build community consensus. Stanchions would be prohibited except under separate, special consideration.

Where vertical physical delineation is desired by the applicant (i.e. stanchions), whether it is for special events, evening use, or at all times of operation; the element would need to meet specific design criteria and the design specifications would need to be included in the permit application.

Physical Delineation Design Guidelines

Where vertical, physical delineation, in addition to City-issued medallions, is requested it should be:

- Made for commercial use
- Movable, durable, and weather-resistant
- Between 18”-42” above sidewalk
- Visually cohesive with adjacent architecture and other Outdoor Seating elements
- Designed to meet ADA Guidelines
- Well-maintained, cleaned regularly, and kept in good repair

Method or procedure to verify the vertical physical delineation element meets the standard

All permit applications should include a manufacturer cut-sheet (spec sheet) which clearly states that the product is intended for outdoor, commercial use; and provides additional information related to size and materials. Scaled drawings of the elements would need to be included in the permit application.

Method or process to monitor and/or ensure quality

Permit applications would be reviewed by a multi-disciplinary, multi-department team against the standards described herein.

Approval process for physical delineation elements

Staff may administratively approve the items with design services provided by Urban Design Center staff, should an applicant request it. Appeals or requests outside of the

described standards would be referred to the Appearance Commission for review and recommendation to the appropriate city staff.

Applications should be submitted a minimum of 6 weeks prior to the expiration date of the current permit.

B. Design Standards for Outdoor Furnishings

Introduction

In the absence of specific design standards for outdoor furnishings, permit holders have utilized furnishings of varying size, color, design, materials and dimensions in the permitted outdoor seating areas. Specifically on Fayetteville Street—the City’s ceremonial and signature street, which was designed with symmetrical dimensions and high-quality materials to render visual harmony of streetscape elements –the negative visual impacts of the use of random design of outdoor furnishings has been most significant.

Recommendations

Permitted outdoor furnishings, including seating, tables and chairs for dining, umbrellas and other accessories must be made of safe, sturdy, durable materials such as wrought iron, wood, steel, or cast aluminum.

Furniture material and scale should compliment the architectural character of the area, and should create a cohesive, compatible arrangement of elements; and should be movable and manufactured for outdoor commercial use. The use of small round or square tables seating 2-4 people will maximize the number of available tables and will provide flexibility in layouts and should be encouraged. All furniture should be maintained and cleaned regularly. Tablecloths should be brought indoors nightly and cleaned on a regular basis.

All elements must be consistent with permit requirements and standards. Tables and chairs may be shifted to accommodate larger dining parties (while still adhering to) occupancy maximums.

Furniture may be left out for public use during non-business hours; however, stacking of furniture for storage is prohibited on public property and is discouraged on private property that is readily visible from the right-of-way.

Outdoor Furnishings Design Guidelines

All outdoor furnishings should meet the following criteria (“prescriptive base standards”):

- Made for outdoor, commercial use (submit cut-sheet with application)
- Complimentary to the architecture and the character of the area
- Movable, durable, weather-resistant
- Match and/or be compatible within a grouping
- In scale with surrounding elements. Tables for 2-4 people are recommended and must not exceed a maximum dimension of 42" L x 42" W x 42" H (i.e. communal tables)
- Picnic tables are prohibited on Fayetteville Street.
- Communal tables with detached seating are permissible with additional design review and approval.
- All furniture should be well-maintained, cleaned regularly, and kept in good repair

Method or procedure to verify that outdoor furnishing elements meet the standard

All permit applications should include a manufacturer cut-sheet (spec sheet) which clearly states that the product is intended for outdoor, commercial use; and provides additional information related to size and materials. Scaled drawings of the elements would need to be included in the permit application.

Method or process to monitor and/or ensure quality

Permit applications would be reviewed by a multi-disciplinary, multi-department team against the standards described herein.

Approval process for outdoor furnishing elements

Staff may administratively approve the item with design services provided by Urban Design Center staff, should an applicant request it. Requests that vary from prescriptive base standards would be referred to the Appearance Commission for review. For example, 2-4 top tables that do not exceed the maximum dimensions (42") are permitted through administrative review. Oversized furniture and communal tables would be referred to the Appearance Commission for review and recommendation to the appropriate staff for all areas including Fayetteville Street.

C. Design Standards for Regulatory Signage: Maximum Occupancy, 'Exit'

Introduction

Two types of signage are included in Outdoor Seating ordinance:

1. "Exit" Signage (e.g. 'No Alcohol Beyond This Point')
2. "Maximum Occupancy" Signage

The ordinance requires that "permit holders shall post visible signs at all exit points from the outdoor seating area to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside the public seating area". Insufficient guidance on size, location, and quality of

signage has resulted in a visually cluttered environment that is inconsistent with the character and harmony of the built urban fabric, with the issue being most prominent along Fayetteville Street.

Additionally, permit holders are required to post signage declaring maximum occupancy on the outside of buildings. This signage is provided by the City and is standardized.

Recommendations

The use of “Exit” signage is not required by the City but may be considered, if included in the permit application, and is limited to:

1. Table-top signs,
2. Included in the menu, or
3. As part of other regulatory signage (e.g. the maximum occupancy signage).

The “Maximum Occupancy” signage will be supplied by the City and should be displayed on the interior face of an adjacent window to the outdoor seating area clearly visible from the exterior. If the permit holder does not have windows adjacent to the outdoor seating area, the “exit” signage may be attached to an exterior face of the building utilizing a weather resistant frame with building owner approval.

Outdoor Seating Signage Design Guidelines

All signage should meet the following guidelines:

- Only one sign is allowed per table.
- If placed on a table, the sign should be durable and weather-resistant and meet all other standards
- Complimentary to the architecture and the character of the area
- Match and/or be compatible
- In scale with surrounding elements
- Size not to exceed one square foot

Method or procedure to verify that the signage elements meet the standard

All permit applications should include a sample of proposed signage indicating the size and materials.

Method or process to monitor and/or ensure quality

Permit applications would be reviewed by a multi-disciplinary, multi-department team against the standards described herein.

Acceptance process for element

Staff may administratively approve the item with design services provided by Urban Design Center staff, should an applicant request it. Appeals would be referred to the Appearance Commission for review and recommendation to the appropriate city staff.

D. Impact of Physical Elements on Occupancy Calculations

During discussions, it became evident that recommendations for physical components of the ordinance would have a direct impact on the occupancy requirements as currently written.

Currently the layout and use of the outdoor seating areas are controlled by a series of setback requirements, including minimum distances that must be kept from equipment (parking meters, light poles, etc), public furniture, and trees; and occupancy maximums are also defined by 15 square feet per person. This results in the creation of an ‘eligible area’ (a term used by staff which is not included in the ordinance) which is often disjointed, not visually cohesive, and confusing for patrons and pedestrians. As a reminder, the 15 square feet per person requirement was a threshold suggested during the initial Task Force meetings as a way to limit the “standing room only” concerns and was meant to be in effect during a test period to assess its performance. With the removal of the “standing room only” permission, some could argue the square footage requirement becomes somewhat moot.

The Commission has explored these issues and presents a list of considerations:

- The combination of physical barriers and occupancy maximums limit access to seats and create issues for mobility impaired customers and passers-by.
- The ordinance controls for “standing-room only” concerns and may not need additional constraints on seating occupancy. By meeting ‘seating only’ rules and setback requirements as already outlined in the ordinance, applicants are further encouraged to consider the scale of the outdoor furnishings they choose. As an alternate,
 - The ordinance could allow for the layout of table and chairs as the controlling mechanism, providing that all setback requirements are met from the PUPS Handbook, and other applicable laws or standards are met (i.e. ADA clearances); OR
 - An alteration to the method of applying the occupancy rules and further defining the “eligible area” in the ordinance may facilitate review and enforcement and could allow the current occupancy regulation to remain as is.

III. Recommended for Additional Research

Throughout the research and dialogue of the committee meetings, many business owners and downtown residents expressed concerns with other aspects of the ordinance, it's enforcement, and the interrelated nature of many of the requirements (e.g. it is difficult to have a conversation on the size, scale, and character of furniture without touching on it's impacts to occupancy, storage requirements of the furniture, or costs associated with any newly proposed requirements).

For that reason, the Commission has documented some areas of additional research for Council to consider:

- The impact of the existing ordinance requirements on low-vision, sight-impaired, or wheelchair/scooter assisted members of our community
- Specific, more detailed requirements for the character of physical elements in historic districts and along Fayetteville Street
- Location of seating on narrow sidewalks (in reference to the "split seating" issue and minimal clearance requirements)
- Method of calculating occupancy requirements
- Setback requirements from permanent physical features (i.e. trees, lights, parking meters) as defined in the PUPS Handbook
- Setback requirements from trees when accompanied by ADA accessible tree grates
- City replacement of non-compliant ADA tree grates in areas where applicants are requesting PUPS permission.
- Advertisements, emblems, and 'signage' on furniture, accessories and stanchions
- The use of stanchions during large events (i.e. First Night, Bluegrass Festival, etc)
- Inclusion of art elements in outdoor seating areas
- Financial impacts of the recommendations herein
- 'Grandfathering' or 'grace period' to become compliant with any new recommendations
- Expansion beyond storefront to adjacent frontage with permission
- Use of Market, Exchange and City Plaza for outdoor dining
- Periodic updates to the PUPS Handbook

Mayor McFarlane suggested the item be referred to Economic Development and Innovation Committee. It was pointed out another item of discussion relates to outdoor dining on the City Plaza and it was agreed to refer that item to Economic Development and Innovation Committee also. Mr. Stephenson pointed out Council members are interested in this and all Council members should be advised when this will be on the agenda for discussion.

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

CRABTREE CREEK WEST GREENWAY TRAIL PLAN – APPROVED

The board held a public meeting on the Crabtree Creek West Greenway Trail Plan on March 17, 2016. Public comment and the recommendations of the design consultant were presented.

The Crabtree Creek West Greenway is a proposed trail connection that extends from the current Crabtree Creek Trail terminus at Lindsay Drive to the eastern boundary of Umstead State Park on Ebenezer Church Road. This connection is the last remaining section of the Crabtree Creek Corridor and is approximately two miles in length. This segment is also a critical link in a regional greenway system and is designated as a “Cross-City Trail” in the newly adopted Capital Area Greenway Planning & Design Guide. Stewart Inc., design consultant for the project, will present an overview of the project alignment.

Recommendation: Approve the plan for the Crabtree Creek West Greenway Trail. Mike Surasky Chair of Parks, Recreation and Greenway Advisory Board introduced this item, explaining discussion and pointed out funding was a part of the 2014 Parks Bond Referendum and this plan has the unanimous approval of the Parks, Recreation and Greenway Advisory Board.

Iona Thomas, Stewart Engineering, pointed out the location explaining this is the last link of the Crabtree Creek Greenway Trail to Umstead Park. She presented information on the project time line, presented a map showing the Capital Area Greenway System and pointed out the last link and explained when his project is complete the trail will run from Umstead State Park to the Neuse River. She stated it has a long time frame pointing out when the study started and the projected completion. She talked about the stakeholders and the public process and who was included, transit, the overall theme, the alignments, the strong desire for a park, the crossing and the preference of the Hampton Subdivision, talked about the critical easements, what has been negotiated, the temporary alignment which will remain until the Hanson Query has completed its operation, in the relationship between bridge and the sewer, the park area outside the greenway and consistency with all adopted plans. She went over the new alignment and construction time frame which is proposed to begin in the Fall of 2016.

Mr. Thompson moved approval. His motion was seconded by Ms. Crowder and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on an 6-0 vote.

REQUEST AND PETITIONS OF CITIZENS

PUBLIC NUISANCE APPEAL – 500 SOMERSET MILL ROAD – DENIED

Liliya Oleschuk had requested permission to appeal and administrative fee/silver penalty per health sanitation and public nuisances code sections 12-6005, 12-6006 and 12-6008 related to 500 Somerset Mill Road. She was not at the meeting.

Housing and Neighborhood Inspector Ashley Glover pointed out this relates to a notice of violation relative to a couch on the front porch. He stated Ms. Oleschuk had appealed his notice based on the fact that her doctor had recommended that she sleep outside occasionally. He denied her appeal because it is in direct violation of the code sections. Mr. Thompson moved that her appeal be denied. His motion was seconded by Mr. Gaylord and put to a vote which

resulted in all members voting in affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

UNFIT BUILDING – 420 MONTAGUE LANE – 90 DAY EXTENSION GRANTED

Mark Anthony Ferrell was at the meeting to request additional time to complete work on the house at 420 Montague Lane. He expressed appreciation for the Council's patience on this item and stated he would like to have an additional 3 to 4 months to complete the work. Housing and Neighborhood Inspector Glover explained the time frame pointing out Mr. Ferrell is making progress and he feels 90 days should be enough time to complete the repairs. He would also recommend that if Mr. Ferrell completes the repairs within that time that the Council waived the citations as well. Mr. Gaylord moved approval. His motion was seconded by Mr. Stephenson and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

BLACK WORKERS FOR JUSTICE – REMOVED FROM THE AGENDA

Angaza Laughinghouse, Black Workers for Justice, had requested permission to address the Council about the history of the community and Black Workers for Justice trying to seek police accountability. Mr. Laughinghouse was not at the meeting therefore the item was removed with no action taken.

POLICE – MARIJUANA STOPS – REMOVED FROM THE AGENDA

Kimberley Muktarian, Save Our Sons/PACT, had requested permission to discuss the impact of marijuana stops in Southeast Raleigh as well as other citizens that are African American males. She was not at the meeting therefore the item was removed with no action taken.

UDO – REQUEST FOR SETBACK CLARIFICATIONS AND INTERPRETATION OF HEIGHT REQUIREMENTS – REFERRED TO GROWTH AND NATURAL RESOURCES COMMITTEE

Jennifer Hollar, 2313 Bedford Avenue, stated she moved to the area and build a house in 2014 in the Oberlin Village section. She stated everything was going along fine but later on in the process a question came up about height restrictions and the fact that the height restrictions are not being enforced. She told about a developer who come into the neighborhood and started building and developing with driveways being built right next to the property line. She stated some of the houses on her street are already using almost all of the property and expressed concern about the height restrictions not being enforced as there seems to be an argument over language "and" versus "or" and because of that they are getting a lot of three story homes in the neighborhood. The tall homes and the setback are not in line with houses in the neighborhood and talked about many of the older homes having small accessory buildings so you are ending up with a small plot of land having these small buildings in the setback between the houses.

Assistant Planning Director Crane pointed out 2313 Bedford Avenue is in the NCOD which has a maximum height of 25 feet or 2 stories. He stated when the word “or” is in the code it gives the ability to choose between the two. He stated that was official interpretation given last year. To address the concern would be a simple text change to take out the ‘or’. Ms. Crowder stated she thought this had been addressed previously with Mr. Crane indicating it has been discussed. He talked about the text change process for mixed use projects and of the word “and” came up but the NCOD was not changed when the UDO was drafted.

Mayor McFarlane questioned the driveway going all the way to the property line and whether that is permitted with Mr. Crane pointing out there are no setbacks for driveways but if the Council wanted to require a setback for driveways that could be through a text change also.

Discussion followed on exactly what the problem entails and how to correct it. Ms. Hollar pointed out she has discussed this at length with the planning staff and the language “or” makes the height limitation meanliness. She stated she understands the planning department is willing to draft a text change to address the accessory structures and requiring that they be held to the same standards as the primary structures. She expressed concern about the development that is occurring pointing out she understands her neighbor is seeking approval to build a garage and she fears that will be two stories and because of the glitz in the NCOD she feels it will be very close to her property line and will affect her light, shadow her home, etc.

Brief discussion took place as to how to proceed after which by consensus it was agreed to refer the concerns to the Growth and Natural Resources Committee.

MATTERS SCHEDULES FOR PUBLIC HEARING

PUBLIC NUISANCES – VARIOUS LOCATIONS – HEARING – RESOLUTION ADOPTED

This was a hearing to consider adopting a resolution to confirm as a lien against the properties as listed below the charges for the abatement of public nuisances:

<u>LOCATION AND DISTRICT</u>	<u>PROPERTY OWNER</u>	<u>TAX ID NUMBER</u>	<u>COST OF ABATEMENT</u>
3961 Tyler Bluff Lane (D)	Joseph Young, Jr.	0295953	\$361
4725 Windbreak Lane (D)	Vincent and Florence Odusanya	0250299	\$323
3213 Winfield Court (D)	Jane Ford Gilchrist c/o John E. Gilcrest, Jr.	0032428	\$571

The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Ms. Crowder moved adoption of a resolution confirming the cost as outlined. Her motion was seconded by Mr. Gaylord and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote. See Resolution 289.

ANNEXATION – 9600 FONVILLE ROAD - HEARING – ORDINANCE AND RESOLUTION ADOPTED

This was a hearing to consider the petitioned annexation of property known as the Taylor-Long Residence, 9600 Fonville Road.

If following the hearing, the Council wishes to proceed with the annexation, it would be appropriate to adopt an ordinance annexing the property effective immediately and adoption of a resolution placing the property in City Council Electoral District A.

The Mayor opened the hearing no one asked to be heard thus the Mayor closed the hearing. Mr. Gaylord moved adoption of an ordinance annexing the property effective April 19, 2016 and adoption of a resolution placing the property the appropriate electoral district. His motion was seconded by Mr. Stephenson and put to a vote which resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. See Ordinance 577 and Resolution 290.

DOWNTOWN AND HILLSBOROUGH STREET MUNICIPAL SERVICE DISTRICTS – HEARINGS TO CONSIDER VENDOR SELECTION – TO BE PLACED ON MAY 3, 2016 AGENDA

A hearing to receive citizen input related to the City entering into a contract for the provision of supplemental municipal services with the Downtown Raleigh Alliance to provide services in the Municipal Service District and the Hillsborough Street CSC to provide service in the Hillsborough Street MSD.

Budget and Management Services Kirsten Larson gave a brief history on this item pointing out back in February the Council adopted an RFP scope of services for both municipal service districts. The scope elements included a clean environment, safe environment, economic development, targeted visitor marketing and communications, conflict resolutions and consensus building services for all MSD residents and property owners. Following the Council adoption of the services and criteria for the Downtown and Hillsborough Street, RFPs were published on the City's website and advertised on four websites including the International Downtown Association, NC Economic Developers Association, NC Downtown Development Association and the America Planning Association as well as used govdelivery messaging system to notify the following groups of the publishing of the RFPs: MWBE vendors, members of NC Minority Network and the Carolinas Minority Supplier Development. Seven firms requested both MSD RFPs and four additional firms requested the Downtown MSD RFP. On March 18 responses to the RFP were due and the City received one submission per MSD. Downtown Raleigh Alliance for the Downtown MSD and Hillsborough Street Community Services, Inc., for the Hillsborough Street MSD. She presented the following information on the responses.

Downtown Raleigh Alliance

She pointed out the response included information on the total budget of \$2.2M which includes revenue sources of \$1.27M in the Downtown MSD funding; Safety Ambassador Contract with the City - \$470,000; Corporate Sponsorship and Memberships - \$362,000; Outside Agency Grant for retail recruitment from the City of Raleigh in the amount of \$108,450 and other grants and contracts totaling \$50,000. She explained that the RFP required that each vendor provide two cost proposals – one at the current financial resource level and then alternative proposal that would require additional financial resources. She explained the enhanced resource level from DRA includes 4 additional clean staff and in an increased service level, an increase of six position and increase patrolling hours and increasing the retail Upfit grant program and hiring of a consultant to assess the retail mix search study for the purpose of developing a downtown retail strategy and the addition of a marketing coordinator position and a position for conflict resolution. She also highlighted DRA Board proposal which includes adding a second dedicated resident, seat, recommend gender and ethnic diversity, modifying status of City Council and staff liaisons to non voting and a proposed five year contract. The Mayor opened the hearing.

Jason Smith, Clarenda Stanley Anderson, Vice President of Shaw University, Pam Blondi, Deco Raleigh, Sarah Powers and John Wilson of Kimly Horne all spoke in support of the DRA proposal. Each gave information about their work and how it has been enhanced through the coordination with the DRA. They talked about benefits they had received through their participation and encouragement of DRA. A packet containing letters of support from various downtown business was presented.

Hillsborough Municipal Service District

Ms. Larson explained the Hillsborough MSD boundaries and pointed out the Hillsborough Street CSC shows a total budget of \$620,000 with their source of funding including \$296,000 in the Hillsborough MSD funding; City of Raleigh outside agency grand of \$125,513, NCSU - \$100,000, Donor contributions/other revenue \$52,000 and Stanhope Property - \$47,000. She pointed out Hillsborough CSC RFP response includes continued emphasis on diverse representation of all stakeholders, and proposes a five year contract. The current resource level basically provides the same service level with additional reporting requirements. The enhanced level includes an expansion of the clean and safe program including the addition of one position and new tree lights/electricity, funding for a parking strategy study, an expansion of economic development activities including new research, data collection, programs and materials, hiring of a part time communications professional and a part time administration professional and additional funds for operations, reserves to fund a strategic plan and reserves to enable a refreshed vision for Hillsborough Street every five years.

Jeff Murison, Executive Director of Hillsborough CSC introduced board members who were present. He talked about the service they have been provided and pointed out he would be glad to answer questions and he looks forward to continued participation.

No one else asked to be head thus both hearings were closed and it was directed that the items be placed on the May 3, agenda to consider recommendations and next steps.

**HOUSE BILL 2 – PUBLIC FACILITIES – PRIVACY AND SECURITY ACT –
STATEMENT ENDORSED**

Mayor McFarlane read the following statement:

On March 28th, I issued a statement with your (Council) support following the passage of the Public Facilities Privacy & Security Act, better known as HB2, reiterating Raleigh's continued commitment to being open to everyone, treating everyone with dignity and respect, and providing support to our businesses, citizens and visitors.

Since then, there has been much debate statewide and nationally regarding HB2; while here in Raleigh, we've been focused on the local impact. Over the past few weeks we have heard from many community groups and individual citizens about their concerns that HB2 does not reflect Raleigh's values. We've also heard from businesses, conventions, conferences, employment recruiters and others about the negative economic impact of HB2. The Greater Raleigh Convention and Visitors Bureau has indicated there are currently 16 Raleigh events at risk totaling an estimated \$28 million in visitor spending, this is in addition to \$3.2 million in confirmed losses through event cancellations and downsizing. Additionally, just today, the Greater Raleigh Chamber of Commerce issued a statement in opposition to HB2 and calling for its repeal.

I want to take this opportunity to assure the public that we have heard them and we are doing something. Raleigh's legislative team has been and will continue to work hard in the NC Legislature to change HB2. It is important that the state and nation understand that HB2 does not reflect Raleigh's values and it has not changed our culture of acceptance and inclusiveness of diversity.

I would ask you to join me in endorsing the Raleigh Chamber's HB2 statement today and affirm that we stand with our businesses and residents and are committed to continuing to represent and fight for our local cause and local economy in the NC Legislature. I would also ask that you join me in offering to be part of a broader coalition of elected officials, businesses and residents in continuing the discussion with the State on how to best protect our citizens while ensuring we preserve the dignity, privacy and prosperity of all North Carolinians.

Mr. Gaylord moved that the Council endorse the statement made by the Mayor. His motion was seconded by Ms. Crowder and put to a vote which resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

Councilman Gaylord left the meeting at 4:00 p.m. however was not excused.

REZONING Z-3-16 – FORESTVILLE ROAD – HEARING – REFERRED TO THE GROWTH AND NATURAL RESOURCES COMMITTEE

This was a hearing to consider a request from Jeanna Blinson to rezone approximately 9.41 acres from Residential-4 (R-4) to Residential – Mixed Use – 3 stories – Conditional Use (RX-3-CU).

If 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 adopted zoning map, aerial locations, various views from Forestville Road and different locations, Future Land Use Map, Urban Form Map, and the Forestville Area Village Plan. She stated the proposed conditions prohibit office and the retail uses; limits residential development to 100 units; requires that all lights in parking areas be full cut-off with maximum pole height of 20 feet; dedicates transit easements upon building permit issuance or recordation of subdivision lots; provides site arrangements and pedestrian accommodations for any future signalized crossing of Forestville Road subject to NCDOT approval; limits construction work between 7:00 a.m. and 5:00 p.m. Monday through Friday and prohibits construction work on weekends and Federal holidays. The proposed conditions establish the following conditions with respect to 13 adjacent properties to the south.

- Requires that, during construction, all construction-related dumpsters must be located no closer than 200 feet from adjacent residential properties to the south
- Requires that during construction, all portable toilets must be located no closer than 200 feet from adjacent residential properties to the south
- Requires that, during construction, a temporary 6 foot screening fence must be erected along property's southern boundary
- Requires that service areas be located at least 300 feet from properties to the south
- Prohibits principal accessory buildings within 50 feet of adjacent properties to south
- Requires evergreen plantings and 6.5 fee vinyl fence along properties to the south

Planner Bynum presented what is allowed under existing versus proposed zoning pointing out Comprehensive Plan analysis indicates consistent policies and inconsistent policy LU1.2- Future Land Use Map and Zoning consistency. The outstanding issues relate to right-of-way allocation at Oak Marsh Drive will be required at site plan stage and sewer and fire flow matters may need to be addressed upon development. She explained the Planning Commission recommends approval by a 10-1 vote as the proposal, though inconsistent with the Future Land Use Map, is consistent with pertinent policies of the Comprehensive Plan. The proposed zoning is reasonable and in the public interest and would allow for residential development only. The proposal is compatible with the surrounding area, conditions provide a range of measures to mitigate impacts on adjacent and surrounding uses, including limits on uses; placement of structures and service areas; placement and intensity of light poles; height and materiality of fencing, vegetative buffers and restrictions on construction times and service areas including dumpster and temporary toilet facilities. The proposal also includes conditions that will provide transit and pedestrian amenities upon request by state and city staff. Planner Bynum explained the Forestville CAC opposes the proposal by 0 yes votes and 3 no votes.

The Mayor had questions about the opposition and the inconsistency with the Future Land Use Map with Planner Walter explaining her understanding.

The Mayor opened the hearing.

Attorney Michael Birch spoke on behalf of the applicant and noted that the vacant tract as shown in the aerials presented by Planner Walter is now developed at 10 units per acre and talked about this small area plan which he stated which is some 10 years old. He stated multi-family development is appropriate for the area and the rezoning is to allow the development of 100 units of affordable housing which will be funded in part by Federal tax credits. He talked about the conditions which limit the height to three stories, explained there is a 50 foot setback adjacent to the existing single family development. it is consistent with most provisions of the comprehensive plan and the City's scattered site policy. He stated it is close to shopping, transit or proposed transit. He explained the conditions which limit the development to 100 units and that would generate about 53 additional trips in the a.m. and about 73 in the p.m. which is only about 17 more than existing traffic in the a.m. and 30 more in the p.m. He stated there were only 3 people who voted at the CAC and that was before conditions were added. He stated those who attended the CAC was the chair and a couple who live adjacent to the property. After conversations with them conditions were added.

Matt Monroe, Rea Properties talked about the conditions and went over the summary. Attorney Birch pointed out the location of the planned retention pond. Ms. Crowder asked about the fence with Attorney Birch explaining the location of the fence and landscaping and pointed out they are going beyond UDO required no construction zone. In response to questioning from Mr. Thompson, Attorney Birch talked about the evergreen transition buffer which will consist of shade trees, understory trees, shrubs and pointed out at the time of installation the shade trees would be a minimum of 8 feet in height, the understory a minimum of six feet with the shrubs a minimum of 3 feet. He stated they are doubling the required evergreens. The conditions on the number of units and retail were discussed.

James Yeager, 8031 Oak Marsh Drive talked about the apartment complex in the vicinity pointing out his family moved to the area because of the single family homes and the petitioner purchased the land when it was zoned for single-family homes and is now asking the Council to bail them out of a bad business decision so they can make a profit on their property. He talked about the subsidized housing and how it will impact their property value and called on the Council to look out for the citizens and not people trying to make a profit. He asked that this item be sent to the committee to look at the issues and not allow additional subsidized housing in the area.

Donna DeMatteo, 8214 Willowglenn Drive, pointed out she had sent Council members an email outlining her concerns. She pointed out some of the people just received notification explaining her properties does not abut or fall within the notification area. They had not had time enough to study the issues, form an opinion but they have concerns about the detention pond and the need to fence or close off the pond area to prohibit walk through traffic and provide safety in the area.

She stated they do not want pedestrian or vehicular traffic in the area and they would like to see a condition. She talked about the flooding, questioned why additional affordable housing is needed in the area, particularly in an area of medium income single-family homes. She talked about the traffic problems in the area.

She again expressed concern about traffic, talked about problems in the area and expressed concern that they were not notified.

Mayor McFarlane questioned transit with it being pointed out there is no transit on Forestville Road at this point, short range plans takes mass transit from Louisville Road to Forestville Road and talked about the Wake County Transit Plan. Mr. Stephenson had questions about the extension of Oak Marsh Drive and whether it will be connected.

The resident at 8139 Willow Glenn Drive pointed out he moved to Raleigh some 15 years ago and talked about the changes and stated the City of Raleigh has gone from a friendly city to a city that is all about the dollar. He stated this proposal would ruin their peaceful community, expressed concern about low income housing and the residents and asked that the item be placed in committee for further discussion.

Attorney Birch and Mr. Monroe talked about the site plan and pointed out the proposal would be for safe decent quality affordable housing. It was pointed out this is not subsidized housing. Attorney Birch talked about the deadline to file for tax credits and asked the Council to give him direction about their concerns. Mr. Thompson pointed out the City Council did not create the time crunch and should not be rushed into making a decision. Ms. Crowder asked about information on stormwater, transportation and home values in the area with the Mayor stating she would like to information on the impervious surfaces, detention pond location, etc. Attorney Birch pointed out they plan to provide for transit easements and shelters with the Mayor pointing out if there is no transit there is no point in putting in shelters. The Council suggested that Attorney Birch have some conversations with the neighbors about the definition of affordability, the difference between work force housing and subsidize housing and have discussions with the homeowner association. Mr. Cox pointed out he understood the Homeowners Association president indicated they had just found out about this request and questioned why they were not notified. Attorney Birch pointed out mail was sent to the management company and it was not returned. No one else asked to be heard and the Mayor closed the hearing and by general consensus the item were referred to Growth and Natural Resources Committee.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

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

NO REPORT

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

NO REPORT

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

NO REPORT

REPORT OF MAYOR AND COUNCIL MEMBERS

ETHICS CODE REVIEW – INFORMATION REQUESTED

Ms. Crowder asked for a status report on the City Council Ethics code review that was requested by Former Council Member Maiorano. She asked that the Council be provided an update.

She pointed out every one should do whatever possible to avoid conflicts of interest on any item that comes before the City Council. The comments were received and administration was asked to provide a report.

GO RALEIGH – TEAM ACCESS – BUDGET NOTE REQUESTED

Ms. Crowder stated:

Recently I have been thinking about how we influence the next generation of Raleigh citizens to take advantage of our public transportation system that is currently in place.

We realize that students between the ages of 13-18 are in their formative years; often during this time young people are forming future habits. I believe that the future of our transit system begins with these young people.

I would like to have staff, through a budget note, revisit our fare structure to further eliminate barriers for young people to take advantage of our transit.

The item was referred to administration.

FLETCHER PARK – DOG PARK – INFORMATION REQUESTED

Mayor McFarlane stated she had received request relative to a dog park at Fletcher Park and asked administration to look at that possibility and provide a report. The item was referred to administration.

GRACE HOUSE – CONTRIBUTION AUTHORIZED

Council Member Thompson indicated Grace House is a 501C3 nonprofit organization which provides temporary housing for women who have been released from the State Women's Prison on Bragg Street. He stated in addition to providing food and shelter, Grace House helps find jobs for the women and teaches them life skills such as financial responsibility, etc. He stated the house is over 90 years old and is in immediately need of repairs and renovations in order to provide these women decent housing as they transfer back into society. Mr. Thompson moved that the Council allocate a one-time amount of \$20,000 from the outside agency reserve contingency funds. His motion was seconded by Ms. Crowder and put to a roll call vote which resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

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

Bicycle and Pedestrian Advisory Commission – One Vacancy – Nat Humphrey – 6 (All Council members except Baldwin and Branch who were absent and excused.

Planning Commission – One Vacancy

The City Clerk indicated Mr. Stephenson had nominated Steve Smith but she understands Mr. Smith will not be able to serve therefore his name will be withdrawn.

Nate Humphreys appointment to the Bicycle and Pedestrian Advisory Commission was announced and the vacancy on the Planning Commission will be carried over to the next meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NO REPORT

REPORT AND RECOMMENDATION OF THE CITY CLERK,

TAXES – RESOLUTION ADOPTED

Council Members will received in the agenda packet a proposed resolution adjusting, rebating and/or refunding penalties, exemptions and relieving the late listing of property for ad valorem taxes. Adoption was recommended. Mr. Stephenson moved adoption of the resolution as presented. His motion was seconded by Mr. Cox and a roll vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on a 6-0 vote.

MINUTES – VARIOUS – APPROVED

The City Clerk reported Council members received minutes for the March 15, 2016 Council meeting, March 21, budget work session and the April 6, 2016 Work Session. Mr. Stephenson moved approval as presented. His motion was seconded by Mr. Cox and a roll call vote resulted in all members voting in the affirmative except Ms. Baldwin and Mr. Branch who were absent and excused. The Mayor ruled the motion adopted on an 6-0 vote.

Adjournment: There being no further business, Mayor McFarlane announced the meeting adjourned at 4:45 p.m.

Gail G. Smith
City Clerk

jt/CC04-19-16