

## **COUNCIL MINUTES**

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, May 16, 2017 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

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

Mayor McFarlane called the meeting to order and invocation was rendered by Fr. Peter Murray, S.J., St. Raphael the Archangel Catholic 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**

#### **CERTIFICATES OF APPOINTMENT – VARIOUS ACTIONS TAKEN**

Mayor McFarlane explained the Certificate of Appointment process presented a Certificate to Emily Kisse who agreed to serve a two-year term on the Raleigh Human Relations Commission. In accepting her Certificate of Appointment, Ms. Kisse thanked the City and pointed out she looks forward to serving in the capacity.

Mayor McFarlane called on Sepideh Saidi who was recently appointed to a two-year term on the Raleigh/Durham Airport Authority. Mayor McFarlane presented her with a Certificate of Appointment and Administer the Oath of Office to serve on the Raleigh/Durham Airport Authority.

#### **ARTSPLOSURE – 2017 – INFORMATION RECEIVED**

Mayor McFarlane called on Billy Warden, Volunteer Chair of Artsplasure 2017. Mr. Warren indicated he along with his mother-in-law Lucy Daniels are honorary co-chairs of Artsplasure 2017. He pointed out Artsplasure is a family affair which includes arts, music, businesses, etc., pointing out this is the 38<sup>th</sup> year of Artsplasure and family includes all of the Raleigh community. He expressed appreciation for the City's involvement and funding and invited all to attend. He presented this year's Artsplasure poster.

Terri Dollar, Artsplasure, spoke briefly about the event pointing out this year City Plaza will host Architects of Air's Massive Luminarium Installation Katena, talked about the bands, the different events and invited all to attend.

### **AGENCY GRANTEE PRESENTATION**

#### **AGENCY GRANTEE PRESENTATION – PLM FAMILIES TOGETHER, INC.**

Lisa Rowe, Executive Director of PLM Families, Inc. was scheduled to give the Agency Grantee Presentation; however, Ms. Rowe was not present.

### **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 Council Member requests discussion on an item, the item will be removed from the consent agenda and considered separately. She stated the vote on the Consent Agenda would be a roll call vote. Mayor McFarlane stated she had received a request from Administration to withdraw the Annual Employee Wellness Assessment and Data Management item reporting it will come back at a later time. She had also received a request from Council Member Gaylord to withdraw Item 9.3-Encroachment. Mayor McFarlane stated without objection those two items will be withdrawn. Council Member Baldwin moved approval of the Consent Agenda as amended. Her motion was seconded by Council Member Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. The items on the consent agenda were as follows.

#### **MARRIOTT CITY CENTER HOTEL REFINANCING – AMENDMENTS AND AGREEMENTS APPROVED CONDITIONALLY**

CWI Raleigh Hotel LLC, owner of the Marriott City Center Hotel, has proposed certain certifications, clarifications, and amendments of agreements with the City for the purpose of underwriting a refinancing of the Marriott City Center Hotel by Wells Fargo Bank. Though the proposed amendments do not affect the essence of the long-term arrangement between CWI Raleigh and the City, some of the amendment language requires City Council authorization before the City Manager can implement the amendments. The amendments/agreements before City Council for its approval include: (1) Amendment Three to Ground Lease Agreement; (2) Amendment Two to Conference Center Lease Agreement; (3) Estoppel Agreement (Sub-Condominium Declaration); and (4) Amendment Two to the Master Declaration of Leasehold Condominium of Raleigh City Center Hotel and Public Parking.

CWI Raleigh and the City also seek to amend the Reciprocal Easement, Construction, Parking, Operating and Use Agreement (“Parking Agreement”) that governs parking within the City Underground Parking Deck (“Parking Deck”) located underneath the Marriott City Center Hotel. CWI Raleigh has requested that the number of its Exclusive Parking Spaces (i.e. valet parking spaces for the Hotel) within the Parking Deck be reduced by thirty (30) parking spaces, with CWI Raleigh having the right to recall up to twenty-four of these spaces for its exclusive use as valet parking spaces upon sixty (60) days written notice to the City. So long as CWI Raleigh has

elected not to recall any of these spaces for its exclusive use, the City will be able to utilize the parking spaces for public parking, helping to ease downtown parking demand. Parking Administration is in support of this amendment to the Parking Agreement.

The City Manager's Office and the City Attorney's Office continue to work with CWI Raleigh and Wells Fargo to finalize the amendments/agreements referenced above.

**Recommendation:** Authorize the appropriate City officials to execute the amendments/agreements, subject to City Manager and City Attorney approval of final language in each. Authorize the Mayor to execute Amendment Three to the Ground Lease and Amendment Two to the Conference Center Lease. Authorize the City Manager to execute the Estoppel Agreement (Sub-Condo Declaration), Amendment Two to the Master Declaration and the amendment to the Parking Agreement. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

#### **EMERGENCY WATER SERVICE – 9008 RAY ROAD – AUTHORIZED; ANNEXATION REQUIREMENT WAIVED**

Ms. Nellie Mitchell Kirkman has requested permission to connect her property at 9008 Ray Road, in the Raleigh jurisdiction, to the public water system. The property is located outside of the City Limits and ETJ, and within the Falls Lake watershed.

Wake County Environmental Services has provided documentation that the existing private well serving the property is contaminated with the pesticide dieldrin, and continued use possesses an imminent health risk. Water service is available from the existing water main along Ray Road; therefore no public main extension is required. Sewer service is not currently available to the property.

**Recommendation:** Authorize the service connection and waive the requirement for petitioned annexation. Upheld on Consent Agenda Baldwin/Thompson - 8 eyes.

#### **SURPLUS PROPERTY – RESOLUTION AUTHORIZING SALE – ADOPTED**

Council approval is required for the disposition of equipment estimated to exceed \$30,000 in value. Vehicle Fleet Services has one boring drill previously utilized by the Public Utilities department. The equipment is no longer needed and is considered surplus.

**Recommendation:** Adopt the resolution authorizing the sale of surplus property. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes. See Resolution 467.

#### **PROFESSIONAL SERVICES PROCUREMENT – DELEGATION OF APPROVAL AUTHORITY – RESOLUTION ADOPTED**

The Finance Department continues to seek efficiency improvements for small dollar transactions in support of departments while ensuring adequate review and oversight. State statutes authorizes units of local government to exempt contracts for design services from the

qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000. Professional services are defined as architectural, engineering, surveying, construction management-at-risk, design-build services and public-private partnership construction services.

Pursuant to G.S. 143-64.32, the City has the option to self-exempt from these provisions when a contract for professional services is estimated to be less than \$50,000. Staff recommends that Council authorize a blanket delegation of approval authority to the City Manager to make the exemption determinations on a project-by-project basis, with discretion to delegate further. This delegation of authority is in alignment with the adopted strategic plan (Organizational Excellence Key Focus Area, Objective 1: Promote a culture that values continuous improvement, employs leading business practices and fosters financial stability). Delegation of approval authority for the procurement of professional services will provide a more streamlined process for delivery of efficient, effective, and timely small dollar procurements of professional services.

**Recommendation:** Adopt the resolution authorizing self-exemption for procurement of professional services, with delegation authority to the City Manager for exemption determinations on a project-by-project basis, with discretion to delegate further. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes. See Resolution 468.

#### **ANNEXATION – 420 CHAPANOKE ROAD – REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARING**

The agenda presented an annexation petition from Steve Hubrich for the annexation of a 3.65 acre industrial track located at 420 Chapanoke Road (D).

<b>AREA NAME &amp; DISTRICT</b>	<b>PETITIONER</b>	<b>ACRES</b>	<b>PROPOSED USE</b>
<b>Contiguous Annexation</b> 420 Chapanoke Road (D)	Steve Hubrich	3.65	Industrial

**Recommendation:** Acknowledge the annexation petition and direct the City Clerk to check the sufficiency of the petition pursuant to State statute and if found sufficient, authorize advertisement for public hearing to be held June 6, 2017. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

#### **PROPERTY EXCHANGE – 1500 SOUTH WILMINGTON STREET – EXCHANGE APPROVED CONDITIONALLY**

The City of Raleigh and Wake County, together with Raleigh/Wake Partnership to End and Prevent Homelessness and Catholic Charities, have undertaken a joint effort for development of the Oak City Center. In order to redevelop its properties on Wilmington Street for the Center, Wake County is in need of additional land area and has approached City staff for an exchange of real property.

The exchange will involve a 0.142 +/- acre portion of the City's 41.84 acre property located at 1500 South Wilmington Street for a 0.261 +/- acre portion of Wake County's 4.2 acre property located at 1430 South Wilmington Street. The property exchange will be shown on a recombination plat and title transferred with deeds between the parties.

Staff with Parks, Recreation and Cultural Resources has reviewed the request by Wake County and has no objections to the property exchange.

**Recommendation:** Authorize the real property exchange and authorize the appropriate officials to execute instruments of conveyance, subject to City Manager and City Attorney approval of the final deed documents. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

### **YOUTH SUMMER CAMPS – BEFORE/AFTER SCHOOL PROGRAMS – FACILITY RENTAL – APPROVED**

The City rents facility space from the Wake County Public School System to operate before school, after school, and various summer camp programs. Space will be rented at Daniels Middle School and Pleasant Grove Elementary School for summer camp programs during the summer of 2017. During the 2017-18 school year, space is rented at Harris Creek Elementary, Pleasant Grove Elementary, River Bend Elementary, and Sycamore Creek Elementary schools for Before and After School programs.

The total contract amount will not exceed \$178,295, of which \$12,464 will be encumbered in FY17 and the remaining balance of \$165,831 encumbered in the next fiscal year. Funding is appropriated for the current fiscal year.

Name of Project:	Facility Rental for Summer Camp and Before/After School Programs
Managing Division:	Parks, Recreation, and Cultural Resources – Recreation Division
Request Reason:	Contract Execution
Cause of Contract:	Contract Amount > \$150,000
Vendor:	Wake County Board of Education/Wake County Public School System
Amount of this Contract:	\$178,294
Encumbered with this Approval:	\$12,464 (FY17)

**Recommendation:** Authorize the City Manager to execute a contract in an amount not to exceed \$178,295. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

### **LAKE JOHNSON PARK AND ATHENS DRIVE HIGH SCHOOL – JOINT USE AGREEMENT – MANAGER AUTHORIZED TO EXECUTE**

In 1979 the City Council approved a 30-year joint use agreement with the Wake County Board of Education for the properties known as Lake Johnson Park and Athens Drive High School. In

June 2013, Council approved a four-year extension of the original agreement while negotiations for a new 25-year agreement were finalized.

Community use of school property and facilities is encouraged by the Community Schools Act (G.S. 115C). City property which adjoins school system property is located at 5623 Jaguar Park Drive, 5000 Avent Ferry Road, 4500 Avent Ferry Road, 1040 Avent Ferry Road, and 0 Athens Drive. Property use governed by the agreement includes portions of the Lake Johnson Park master plan (swimming pool, the Thomas G. Crowder Woodland Center, parking areas, trail head, and stadium, and track and field facilities). Joint use of other amenities such as the stadium, track and field facility, designated parking areas and drive access as well as use of the outdoor shuffle board courts, horseshoe pits, and designated parking areas on school property are also addressed by the agreement. The new joint use agreement will be effective for 25 years upon execution.

**Recommendation:** Authorize the City Manager to execute the joint use agreement with the Wake County Board of Education. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

#### **PULLEN AMUSEMENT PARK - GOVERNOR MOREHEAD SCHOOL – LEASE AGREEMENT – APPROVED**

The City leases temporary overflow parking for Pullen Amusement Park from the Governor Morehead School on weekend days and, upon agreement, State-designated holidays. The parking lot offers an additional 64 spaces for patron use and is located across from Pullen Amusement Park on Ashe Avenue. Lease cost is \$180.25 per day with a 2% escalator in year two.

Both parties would like to enter a multi-year lease agreement commencing upon execution of the contract and terminating on June 30, 2019. Total contact amount will not exceed \$42,000.

Name of Project:	Lease Agreement for Parking at Governor Morehead School
Managing Division:	Parks, Recreation, and Cultural Resources – Resources Division
Request Reason:	Contract Execution
Cause of Contract:	Multi year lease agreement
Vendor:	Governor Morehead School
Amount of this Contract:	\$42,000
Encumbered with this Approval:	\$6,489 (FY17)

**Recommendation:** Authorize the City Manager to execute a contract in an amount not to exceed \$42,000. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

## **SOUTH SAUNDERS OUTFALL PROJECT – MANAGER AUTHORIZED TO EXECUTE CONTRACT WITH DEWBERRY ENGINEERS**

Six professional services proposals for qualifications were received December 20, 2016 for the South Saunders Outfall project. The project is located adjacent to S. Saunders St. from Ileagnes Street north and ending at Walnut Creek outfall north of I-440 for a distance of 8,000 feet. The project was identified in the 2014 Sanitary Sewer Capacity Study to eliminate surcharging; overflows during peak wet weather, and provide for future growth. This contract will provide geotechnical, survey, and design services for the project.

Name of Project:	South Saunders Outfall Project Managing Division: Public Utilities – Capital Improvements Division
Approval Request:	Contract Award
Reason for Council Review:	RFQ
Original CIP Project Budget:	\$668,000
Vendor:	Dewberry Engineering
Prior Contact Activity:	None
Encumbered with this Approval:	\$470,900

**Recommendation:** Authorize the City Manager to execute the contract with Dewberry Engineers in the amount not to exceed of \$470,900. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

## **PUBLIC UTILITIES – 2017 ON CALL CONTRACTS – VARIOUS – APPROVED**

Forty-two proposals were received on February 14, 2017 for on call engineering services to secure nineteen firms to design various water and sanitary sewer main replacements, small water and sewer extension projects, various water and wastewater treatment replacement and rehabilitation projects, and assist with emergency design/permitting as necessary. Other services include environmental engineering, geotechnical engineering, construction materials and testing, subsurface utility engineering, and surveying. The on-call engineering design contracts are used to design sewer collection and water distribution projects with construction cost estimates less than \$3,000,000 and water and wastewater plant construction projects with construction cost estimate less than \$5,000,000. The Public Utilities Department is seeking authorization to contract up to \$600,000 over the two year period for each firm. These contracts will be treated as a master services agreement and will not encumber any funds at this time. Funds will be encumbered from the appropriate project accounts based on statements of work issued to each selected firm. The term of each on call contract is two years. Firms identified with \* are minority- or woman-owned business enterprises; those identified with # have not previously participated in the on-call professional services program.

Name of Project	2017 On-Call Professional Engineering Services
Managing Division:	Public Utilities – Capital Improvements Division
Approval request:	Contract Award
Reason for Council review:	Contract Amounts Exceed \$150,000

Vendors:	AECOM	\$600,000
	Black & Veatch	\$600,000
	# Brown & Caldwell	\$600,000
	CDM Smith	\$600,000
	# CJS Conveyance	\$600,000
	* Cooper & Associates	\$600,000
	Dewberry	\$600,000
	# ESP Associates	\$600,000
	* Froehling & Robertson	\$600,000
	Freese & Nichols	\$600,000
	Geotechnologies	\$600,000
	Hazen & Sawyer	\$600,000
	Highfill Infrastructure	\$600,000
	Hydrostructures	\$600,000
	Kimley Horn	\$600,000
	McKim & Creed	\$600,000
	# Withers & Ravenel	\$600,000
	WK Dickson	\$600,000
	The Wooten Company	\$600,000
Prior Contract activity:	N/A	
Encumbered with this approval:	N/A	

**Recommendation:** Award master services contracts to the selected firms not to exceed the stated amounts and authorize the City Manager to execute the contracts. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

#### **FEDERAL TRANSIT ADMINISTRATION – MEMORANDUM OF UNDERSTANDING – APPROVED**

The Federal Transit Administration (FTA) programs known as Section 5307/5340 and Section 5339 are annually appropriated by the FTA to the Raleigh Urbanized Area on a formula basis. Raleigh is the designated recipient for Section 5307/5340 and Section 5339 federal transit funds for the Raleigh Urbanized Area and expects to continue to be the designated recipient. GoTriangle, the Town of Cary, and Wake County are grant recipients for Section 5307/5340 and Section 5339 federal transit funds in the Raleigh Urbanized Area and expect to continue to be grant recipients. Raleigh, GoTriangle, Cary and Wake County are required to submit data to the National Transit Database (NTD), which is utilized by the FTA for the distribution of federally appropriations; with population, population density, bus revenue miles, and passenger miles providing components of the formula. Raleigh, as the designated recipient, desires to pass-through Section 5307/5340 and Section 5339 funds on an annual basis in proportion to GoTriangle, the Town of Cary and Wake County. In order to do so an interlocal agreement governing the disbursement of funds is necessary.

Name of Project:	Memorandum of Understanding for Section 5307/5340 and Section 5339 funding
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Managing Division:	Transportation Operations – Transit Program
Approval Requested:	Interlocal Memorandum of Understanding
Reason for City Council Review:	Interlocal
Original Contract Amount:	\$0
Vendor:	City of Raleigh, GoTriangle, Town of Cary, and Wake County
Prior contract activity:	None
Amount of this amendment:	None
Project Budget:	\$0
Reason for this amendment:	Renewal of MOU, with same terms
Encumbered with this approval:	\$0
Anticipated future amendments:	None
Budget transfer required:	None

**Recommendation:** Authorize the City Manager to execute the Memorandum of Understanding. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

### **PRINTING SERVICE – CONTRACT WITH TELEPATHIC GRAPHICS, INC. – EXTENDED**

A Request for Proposals (RFP) for print and copy services was issued May 1, 2015. Proposals were received from four firms. Following a proposal evaluation and selection process, the City contracted with Telepathic Graphics, Inc., which submitted the best overall pricing and service schedule. The contract was for a two year period with the option to extend for one additional year. Funding is programmed in the FY2017-18 budget proposal.

**Recommendation:** Authorize the City Manager to execute the one-year option to extend the contract with Telepathic Graphics, Inc. in an amount not to exceed \$200,000. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

### **ENCROACHMENT REQUESTS – VARIOUS LOCATIONS – APPROVED CONDITIONALLY**

The agenda presented the following encroachment request.

#### 5301 Departure Drive

A request has been received from Level 3 Communications to install 1,190 feet of underground fiber optic cable. A report was included in the agenda packet.

#### Cabarrus Street

A request has been received from Mobilitie, LLC to install a new steel utility pole with small cell antennas. A report was included with the agenda packet.

North West Street, North Harrington Street and West Johnson Street

A request has been received from WK Smokey Hollow, LLC to install a duct bank. A report was included in the agenda packet.

**Recommendation:** Approve the encroachments subject to completion of liability agreements and documentation of proof of insurance by the applicants noted above. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes.

It was pointed out Mr. Gaylord has been previously excused from participation as it relates to the North West Street/North Harrington Street – West Johnson Street, WK Smokey Hollow, LLC however to make sure he had pulled this from the Consent Agenda in order to continue his excusal. Council Member Baldwin moved that Mr. Gaylord's vote not count as it relates to Northwest Street/North Harrington Street and West Johnson Street encroachment. Her motion was seconded by Council Member Thompson and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

The three encroachments were upheld on the Consent Agenda as recommended on the motion of Council Member Baldwin, seconded by Council Member Crowder and passed unanimously with the understanding Council Member Gaylord's vote would not count on the WK Smokey Hollow, LLC item.

**TRAFFIC VARIOUS CHANGES – ORDINANCE ADOPTED**

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

No Parking Zone – Forest Ridge Road

It is recommended that a No Parking Zone be established on the East side of the 1600 block of Forest Ridge Road. A request was received from the Raleigh Police Department to implement a No Parking Zone along a section of Forest Ridge Road due to citizens' complaints of not being able to see around parked cars and semi tractor-trailers when exiting any of the three exits of the Wal-Mart parking lot onto Forest Ridge Road. Staff conducted three sight-line studies which concluded that cars parked along the east side negatively impacted the view of drivers, rendering it impossible to see oncoming traffic in either direction on Forest Ridge Road. The proposed change will alleviate this issue.

Material Loading Zone and Two Hour Parking – Lincoln Apartments

It is recommended that a Material Loading Zone and a Two Hour Parking Zone be established on the 200 Block of South Bloodworth Street. A request was received from the Property Manager of the Lincoln Apartments to install a Material Loading Zone and a Two Hour Parking Limit Zone along the Bloodworth Street frontage of their property. The proposed Loading Zone will provide a safe loading and unloading area for tenants moving in and out of the building while the

Two Hour parking will provide for the needed turnover for daytime guests and possible future tenants.

Two Hour Parking and Passenger Loading Zone – 517 West Jones Street

It is recommended that a dual purpose Two Hour Parking Zone in the daytime and a Passenger Loading Zone in the evening be established on the south side of the 500 block of West Jones Street.

A request was received from the owner of the Five Seventeen Lounge and Discotarium to implement a daytime Two Hour Parking Zone along the frontage of their new business situated on the south side of the 500 block of West Jones Street, which would then become a Passenger Loading Zone in the evenings. Parking at this location is currently unrestricted. The Two Hour Zone will provide restaurant customers with short-term parking during the day. The Passenger Loading Zone will provide evening customers the convenience of having a safe and convenient area for curbside drop off and pick up in the evenings.

Speed Limit Reduction – Larchmont Drive

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

**Recommendation:** Approve as recommended and authorize the appropriate changes in the traffic code was included in the agenda packet. Upheld on Consent Agenda Baldwin/Crowder - 8 eyes. See Ordinance 707.

END OF THE CONSENT AGENDA

**REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION**

**NO REPORT**

**SPECIAL ITEMS**

**REZONING Z-41-16 – EVERSFRING LANE – APPROVED**

This was a hearing to consider a request filed by Mehdi Investments Group LLC to rezone approximately 0.69 acres from current zoning district Residential-1 (R-1) to Residential-6 (R-6). The property is located on Everspring Lane, south of its intersection with Spring Glen Lane was held on May 2, 2017.

The request is consistent with the Comprehensive Plan and is reasonable and in the public interest. The Planning Commission recommends approval of the request.

This request was received by the City Council on April 4, 2017. The public hearing was closed on May 2, 2017 and deferred for two weeks for the applicant to consider converting to a conditional use case or offer a private agreement for specifying building materials. The City Council may act on the request, refer to committee or hold for further discussion.

Planner Bynum Walter explained that the Council had closed the hearing and had asked the applicant to consider converting to a conditional use case or consider a private agreement with the adjacent homeowners association. A private agreement has been entered into. Mr. Cox moved approval of the rezoning as recommended by the Planning Commission. His motion was seconded by Council Member Stephenson and a roll call vote resulted in all members in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

#### **REZONING Z-4-17 – M.E. VALENTINE DRIVE – TO BE PLACED ON JUNE 6, AGENDA**

This is a request to rezone property from Planned Development with Special Residential Parking Overlay District (PD w/SRPOD) to Residential Mixed Use-12 Stories-Conditional Use with Special Residential Parking Overlay District (RX-12-CU w/SRPOD). The property is located along the south side of M.E. Valentine Drive, east of Concord Street.

The request is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. Conditions restrict certain uses, limit overall development intensity and building height, and provide for a transit easement and bicycle parking. The Planning Commission recommends approval of the request.

This request was received by the City Council on May 2, 2017. Signed conditions had not yet been provided, preventing a public hearing date from being set at that meeting. If signed conditions have been provided by the deadline for the May 16, 2017 meeting, staff suggests a public hearing date of June 20, 2017.

Planner Bynum Walter pointed out sign conditions have not been received therefore the item should be placed on the June 6 agenda for further consideration. Mayor McFarlane stated without objection the item would be placed on the June 6 agenda.

#### **NORTH HILLS NEIGHBORHOOD – POTENTIAL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT – VARIOUS ACTIONS APPROVED**

On February 7, 2017, residents of the North Hills neighborhood submitted a petition to City Council requesting consideration for a neighborhood built environmental characteristics and regulations analysis. This analysis is the first step in the potential creation of a Neighborhood Conservation Overlay District (NCOD), a zoning overlay used to preserve and enhance the general quality and appearance of neighborhoods by regulating built characteristics such as lot size, setbacks, and building height.

Planning staff will present the results of the analysis for the North Hills study, as well as a summary of a neighborhood meeting that was held in April. City Council may decide whether to authorize a text change and public hearing to incorporate these built characteristics and regulations into the Unified Development Ordinance (UDO). If the City Council chooses to authorize the text change, staff request additional authorization to amend Section 5.4.3 of the UDO to expand the list of eligible built environmental characteristics and specific submittal threshold for neighborhood studies.

Planner Matthew Klem provided information on the definition of a NCOD, the process starting with a citizen petition, neighborhood study, text change, rezoning, guidelines to qualify for an NCOD, information on the neighborhood study of the North Hills touching on average lot size, lot width, street setbacks, side setbacks, building heights and code requirements. He pointed out in this case there are 443 lots in this study area and the 75% equals 333. He talked about the distinguishing elements which include single family homes built between 1950 and 1960, went over the various characteristics including the minimum/maximum range, predominant character, etc. in this study finding. He gave information on the current zoning.

The next step requires two text changes one text change would authorize a citizen – initiated text change to add a definition for North Hills NCOD to the UDO. The second text change would be a staff initiated text change to expand characteristics that can be regulated by the UDO.

Council Member Crowder asked about the possibility of referring this issue to the Growth and Natural Resources Committee pointing out any time we initiate a text change that will impact all NCODs she would like a chance to study it further. Planning Director Bowers indicated this would not impact the existing NCODs. He talked about items on the short list that could be regulated by UDOS. He stated when the UDO was adopted, the short list went away and this proposal would expand the list of issues that could be regulated in an NCOD. He pointed out it simply takes the listing that was in part 10 and adds all of the characteristics to the UDO. He stated this strengthens the process. Council Member Thompson moved approval of the two text changes with it being pointed out this would simply refer the item to staff and it would go through the Planning Commission and City Council public hearing review process. His motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative. They Mayor ruled the motion adopted on an 8-0 vote.

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

### **COMPREHENSIVE PLAN UPDATE – STAFF AUTHORIZED TO MOVE FORWARD**

This item was last discussed during the September 20, 2016 work session. Since that time, Planning staff have collaborated with several City departments to draft a revised Comprehensive Plan, and begun publishing content in installments for public review. Plan content will continue to be published through May and June. Outreach to facilitate public engagement and review will include a final round of four themed public meetings during May and June alongside on-line survey and comment opportunities. These meetings are being promoted through GovDelivery,

the CACs, and social media. Public comment will be reflected in the revised Comprehensive Plan to be considered for adoption by City Council.

Planning staff has completed the first two phases and most of the third of the three-phase scope of work to update the Comprehensive Plan, as set forth in Policy IM 3.1. Work to date includes an initial round of four public workshops to gauge progress and identify issues; input from all relevant City departments; the drafting of a White Paper to summarize proposed revisions to the Comprehensive Plan; and vetting and refining these recommendations through a further round of four public workshops alongside on-line engagement.

Staff will provide a presentation that provides background and identified steps.

**Recommendation:** Authorize staff to move forward with this process.

Planning Director Ken Bowers read from the Comprehensive Plan Policy IM 3.1 which calls for an update of the Comprehensive Plan every 5 years in order to remain current and relevant with a particular focus of the plan's policy, actions. Policy IM 3.2 talks about amending the Comprehensive Plan on a yearly basis so the plan may address changes in demography economic markets and public priorities. He stated the goals for the update include responding to the latest trends, integrating recent planning initiatives including the strategic plan, incorporate new and emerging best practices and to refresh stale policies and actions. The update has a three phrase scope of work including due diligence (updating the data book and policy audit); outreach and in reach (boards and commissions, departmental focus groups and public workshop and online engagement) and plan drafting (recommendations white paper, public meetings, draft plan and public review.

Planning Director Bowers talked about the 10 significant changes – graphic redesign, key policies, height and transitions, transit plan, resiliency, affordable housing, water supply, local food systems, downtown element and area plans. He went through Round 1 of the public engagement which includes sustainable, transit – accessible development; resiliency reflected in policies on transportation, infrastructure, local food, neighborhood conservation; watershed protection and environmental quality; increased affordability throughout Raleigh; great urban design; communication and transparency. Round 2 public engagements includes input themes - sustainability, parks and public space, housing and affordability, transportation, economic development, downtown, quality of design and communication. This engagement will include collaboration with all departments including brainstorming for potential revisions, white paper review, review and refreshing of the 70 ± maps and authoring and reviewing draft documents. He talked about the Council engagement which included a January 2014 project kickoff, September 2015 Status Update, revised schedule to coordinate with Wake Transit Plan; July – September 2016 – status update and May 2017 status update draft document and review process. He talked about the next steps starting with the public review through the Council review and adoption. He stated the public review includes more than 400 pages, incremental publication to simplify review, installments throughout May and June. He talked about the publicity for the public engagement which will include GovDelivery, Twitter, Facebook and Project Page/Cityzen. He stated people can participate by reviewing online content, providing emails, in

person or online surveys and the scheduled public meetings. The public engagement includes the four themed meetings throughout the city which will be open to all citizens. Each of the meetings highlights a significant change in the plan and the meetings will include representatives from the key departments and will be coordinated to coincide with publication of related contents.

The public engagement events include the following:

June 7, Resiliency – Crowder Woodland Center; June 20 – height and transitions – Marsh Creek Park Community Center; Wednesday, June 14 affordable housing, Chavis Park Community Center; the 4<sup>th</sup> meeting would include transit plan and would be at the Pioneer Building in the Method Community Park, the date has not been established. He stated the review and adoption would include Council referral to the Planning Commission for review and recommendation and referral back to the Council.

Planning Director Bowers indicated the request before the Council today is to receive the information, provide feedback on proposed engagement strategy and authorize staff to proceed with the final round of public engagement with a draft document to be returned to Council to go through the adoption process. Council Member Cox talked about the location of the four meetings and stated he feels it would be good to have a 5<sup>th</sup> meeting in North/Northwest Raleigh and could look at issues such as watershed, etc.

Council Member Stephenson pointed out the last time the City Council saw this was in work session and he thought the Council had a number of questions about the elements such as stormwater, etc., and he does not remember getting anything back. Planning Director Bowers indicated he thought staff had responded but he would double check.

Council Member Cox asked Staff to make sure the CACs were notified of the process, etc. Planning Director Bowers talked about changes and the citizen engagement process, and work items with Council Member Stephenson stating he felt there was a need for further Council discussion before going to the public process. Planning Director Bowers pointed out there is a line item in the proposed budget discussing public engagement and comprehensive policy amendments. The public engagement will be a part of the work plan for the upcoming year pointing out the Comprehensive Plan policy speaks to how to do citizen engagement. Council Member Baldwin expressed appreciation for the report and the way it is packaged. Without objection the report was received and Administration to authorized to move forward.

## **POLICE – BODY WORN CAMERAS – STAFF AUTHORIZED TO ENTER INTO CONTRACT NEGOTIATIONS WITH WATCH GUARD**

On March 15, 2016, the City Council authorized a phased implementation of body-worn cameras for the Police Department. Following a request for proposals process to solicit a vendor for body-worn cameras and replacement of in-car camera equipment, three vendors were selected to participate in the pilot testing program. Each product was tested for approximately 30 days each. Each of the systems tested offers integrated body-worn and in-car cameras to provide

comprehensive recording. Approximately 20 body-worn cameras and five in-car cameras were supplied by each vendor taking part in the pilot testing program; officers from a cross-section of the department participated in testing each of the systems.

The pilot testing program is now complete and a vendor identified which provides the best overall solution for the Police Department and the City. Staff will review the proposal during the meeting; if negotiation is authorized contract terms and funding scenario will be brought back for Council consideration.

**Recommendation:** Authorize staff to enter into contract negotiations with the selected vendor, with the option to negotiate with the other vendors whose equipment was tested if mutually acceptable terms cannot be reached with the selected vendor.

City Manager Hall introduced the item and thanked all who have worked on this issue and the collaborative effort with other departments and the careful and thoughtful evaluation of this project. He expressed appreciation to all involved and pointed out he feels the group has done a good analysis on this issue and again thanked all for their collaborative effort.

Police Chief Cassandra Deck-Brown pointed out about a year ago she came before the Council asking to go forward with consideration of body worn cameras and in-car camera system for the Raleigh Police Department. She stated she feels they have done their due diligence and talked about the collaborative effort of the Police Department, Information Technology, City Attorney, Budget and Management Services, Communications, Wake County DA and others and asked all in the audience who were involved in the effort to please stand.

Deputy Police Perry gave a recap of the time line starting in March 2016 when a request for proposal was released and 35 vendors requested a RFP; 19 proposals were received. He stated there was a short delay pointing out on October 1, 2016 the Law Enforcement Recording Statute took effect. They started their testing in October 2016 and tested three separate vendors throughout the period of October 2016 to February 2017. He talked about the testing and evaluation which included the qualifications of the firm, study elements, approach and schedule, technology leveraged, team organization and expertise, references and proposed cost. Deputy Chief Perry stated 20 officers were utilized for testing (16 field operations/DWI squad/traffic enforcement units/K9 units/gang suppression units) and five police cars in the Field Operation Division were equipped with in-car systems. Each vendor's equipment was tested for a 30 day period and officers provided comments and feedback throughout the testing. Videos were provided to the District Attorney's Office if relevant to a criminal case. He stated the body worn camera technology is constantly evolving but the features they knew to test included ease of use, battery life, quality of video/audio and where to wear the cameras. He stated issues not previously considered included reassigning the cameras after hours.

Deputy Chief Perry talked about the public input explaining 104 emails were received, pointing out all but three were form letters.



Deputy Chief Perry pointed out after considering all including reaching out to peers locally and nationally including some on-site visits to various locations, the Police Department is recommending WatchGuard, explaining their recommendation was based on items including storage on-site or cloud that could be vendor provided or city provided; multiple mounting options, the fact that the in-car camera activates the body worn camera and vice-versa and recordings triggered by speed, blue lights and anything that can be plugged into an activation device. Their consideration also looked at cost, warranty, storage, cost of internal storage to support a hybrid system, storage racks in police facilities, and check out ability for officers. He stated the projected cost includes \$3.19M, plus \$468 K cloud storage equaling \$3.658M pointing out the actual cost is subject to change during negotiations pointing out they hope to do some savvy negotiations. He talked about storage consideration and budget considerations in FY18, FY19-20 and FY21 onward. He talked about the one time infrastructure cost of some \$540K in CIP funds, \$1.2M grant which includes \$600,000 of city funds from FY17 cash match, the operating funds and appropriations in FY18. He talked about the grant details and the fact that the Departmental Operating Instructions must be approved by DJA for grant compliance and talked about the Departmental Operating Instructions which were used during testing and evaluation which had been reviewed by the Bureau of Justice Assistance. He stated the Interim Departmental Operating Instructions were given high passing grades and would be used in developing the final DOI.

Deputy Chief Perry went over the working time line which would include the first wave of camera deployment in the fall or winter of 2017.

Chief Deck-Brown talked about the community engagements which would include public forums, emails, attending CAC meetings, the DOI being presented for public feedback and then recommendations for approval of the DOI. The next steps would include contract negotiations, executions, infrastructure, improvements, training and development, DOI finalization and implementation and deployment pointing out there would be regular re-evaluations and assessments of the technology.

Various Council Members expressed appreciation to the Police Department for the process. Council Member Branch had questions about the hardware/software with it being pointed out WatchGuard offers various levels of support depending on the location of stored data, etc. Council Member Cox questioned if in the future there was a need to switch to another vendor if there was any problem in transferring the data with it being pointed out no one sees that as a big issue.

Mayor McFarlane moved approval of the recommendation as outlined which includes the recommended vendor WatchGuard and the next steps in the process. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

## **BUDGET – OPERATING/CAPITAL IMPROVEMENT AND COMPENSATION STUDY RECOMMENDATIONS – INFORMATION RECEIVED AND REFERRED TO SCHEDULED BUDGET WORK SESSIONS**

The City Manager and staff will present the Proposed Budget for FY2018 and the five-year Capital Improvement Program. The Proposed Budget documents, including a budget message memorandum discussing the proposal in more detail, will be distributed at the meeting.

The presentation will include staff recommendations for implementing a new job classification structure and pay structures. An excerpt from the April 5 budget work session materials, which reviewed the new classification and pay structures, were included with the agenda packet.

**Recommendation:** Refer the City Manager’s recommended budget to the scheduled budget work sessions.

City Manager Hall talked about budget work sessions and discussions that took place and pointed out the budget being presented is based on three primary influences – dealing with the impacts of a high growth community, responding to elements of the community survey and the six focus areas in the approved strategic plan.

Interim Budget Director Canada presented a video highlighting some of the ways the City and proposed budget is responding to the community surveys. It was pointed out managing growth is driving the budget explaining the city grew 63% between 2000 and 2015. It is projected by 2030 the current population of 460,000 will reach some 600,000. There are growing customer service needs and infrastructure maintenance and expansions. Some 30,000 new regional jobs in 2017, are expected and property tax growth of 2.7% over FY17 budget, sales tax increases of some \$4.3M, user fees, water/sewer services, solid waste collections and stormwater management remain steady. Mr. Canada pointed out some 91% of the respondents to the community survey rated Raleigh as an excellent or good place to live while some 87% rate Raleigh as an excellent or good place to raise children. Even though the community survey shows positive results there are some service areas that must be addressed.

Mr. Canada talked about addressing the strategic plan initiative to “assess, develop and adopt a total compensation philosophy and structure, recruit and retain staff to continue providing outstanding customer service and for the critical police and fire services, build on the midyear market adjustments with structural changes that make the City of Raleigh highly competitive. The compensation study recommendations include new job classifications and reduces the number of job classifications from 750 to 250; groups positions into “job families,” provides consistency across departments, reduces the need for future job reclassifications and provides employees predictable paths to advancement. The compensation study recommends a new pay structure which includes step pay structures and broadband pay structure. He presented information on the new pay structure touching on the 1,200 positions in the police and fire departments and includes Police officers up to the sergeant positions and uniform firefighters up to the captain position. The general pay structure relates to skilled trade, labor and administrative positions while the broadband pay structure includes the 800 director, managers

and technical positions. The study also includes new performance review tools. During FY2018 work will be done to refine policies and develop training of the supervisors and FY2019 broadband employees will receive variable pay increases tied to performance reviews and step structure employees who perform satisfactory will receive annual step advancements. The implementation in FY2018 includes moving employees to new minimums and placing steps structure and employees into new pay steps. The implementation invests in public safety and aligns police and fire pay with the market and implementing the step system is the major driver.

It was pointed out the proposal builds on the 2017 adjustments with additional market based changes, places us as a regional leader in starting pay for police and fire personnel and we would expect to be second in the region with a starting pay of \$42,300 for police officers and first in the region with a starting pay of \$39,200 for firefighters. It was pointed out this new structure would provide greater pay potential for tenure experienced officers and firefighters and higher pay range maximums. Outside the public safety arena more than 2,100 city positions will see increases in starting pay rates while most positions will see higher earning potential with higher pay range maximums.

City Manager Hall talked about valuing the city's employees. He stated when he was hired and started to work in the City of Raleigh, he noted problems and/or concerns related to the compensation structure. He stated work started on changing the process. He stated implementation is challenging but he feels the benefits will include pay more aligned with the surrounding market, simpler, more consistent compensation structure and addresses the critical public safety recruitment and retention and it will build a foundation for being the best we can.

City Manager Hall talked about fiscal stewardship and how we refine our revenue estimates and prioritize the needs, etc. He stated the departments worked hard to prioritize their needs pointing out only nine new recommended positions that are not supported by user fees or budget trade-offs are recommended. The revenue growth and trade-offs cover most of the implementation costs. The budget recommends an increase in the property tax rate of 0.7 cents which generates some \$4.1M. He provided information comparing the City's property tax rate with the tax rate of surrounding areas. He stated it is felt this budget will ensure that the city attracts, retains and rewards the talented employees we need to provide reliable, high quality services to our growing community.

City Manager Hall indicated the next steps include the work sessions which are scheduled to start June 5 and continue every Monday until the budget is adopted. The public hearing is scheduled for June 6 at 7:00 p.m. City Manager Hall expressed appreciation to all city staff, departments, etc., who worked so hard on putting the budget together. He expressed appreciation to Interim Budget Manager Ben Canada, who showed exemplary leadership as Interim Budget Director and getting the budget together.

Council Member Cox questioned how the pay structures would get adjusted over time. He also stated he has questions as to how to address the pay compression and referred two examples of pay compression in the fire department and others. He stated he has also heard comments from city employees about the sessions the city has been holding to explain the new pay compensation

package pointing out many say they are not getting answers to their questions during those sessions. Interim Budget Director Canada pointed out information will be provided at the work sessions relative to the comments raised by Council Member Cox and pointed out staff is working to answer all of the questions and information will be going out soon. Various Council Members expressed appreciation to Mr. Canada for his work as Interim Budget Director. Without further discussion the budget was referred to the budget work sessions scheduled and the June 6 public hearing.

### **WORK SESSION – UPDATE – RECEIVED; AUGUST 8<sup>TH</sup> WORK SESSION CANCELED**

City Manager Hall presented Council Members with the following schedule of work session dates and projected topics pointing out this is just an update.

<u>Date</u>	<u>Topic</u>	<u>Responsible Department</u>
Tuesday, May 16 11:30 a.m.	Six Forks Corridor Study Update Interlocal/Hospitality Tax Agreement Update	City Planning, Transportation City Planning Transportation
Tuesday, June 13 4:00 p.m.	Milburnie Dam Removal Raleigh Union Station Leases Multi-family Recycling	Parks, Rec and Cultural Res Transportation Solid Waste Services
Tuesday, June 20 11:30 a.m.	Civic Campus Update	City Planning
Tuesday, July 11 4:00 p.m.	No Meeting, Summer Break	
Tuesday, July 18 11:30 a.m.	No Meeting, Summer Break	
Tuesday, August 8 4:00 p.m.	Currently scheduled - Recommend cancellation	
Tuesday, August 15 11:30 a.m.	One Way Street Conversions	Transportation

#### Potential Future Topics List

Community Engagement (from Citizen Engagement Task Force)  
Raleigh Union Station, Phase II  
Other topics as assigned by Council

City Manager Hall pointed out this is the first of our new meeting scheduled with the extended break and possibly the Council would want to cancel the August 8 work session. By consensus

the Council agreed to the work session projected topics and dates and the cancelation of the August 8, 2017 Work Session.

**REPORT AND RECOMMENDATION OF THE RALEIGH HISTORIC  
DEVELOPMENT COMMISSION**

**HISTORIC LANDMARK APPLICATIONS – VARIOUS – REFERRED TO  
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES – JOINT PUBLIC  
HEARING ESTABLISHED FOR JULY 5, 2017**

Five applications for Historic Landmark designation have been received:

1. Berry O’Kelly School, 514 Method Road
2. Lillie Stroud Rogers House, 616 Method Road
3. Rev. Plummer T. Hall House (Boundary Change), 814 Oberlin Road
4. H. J. Brown Coffin House, 200 South Salisbury Street/105 West Hargett Street
5. Fisher's Bakery & Sandwich Company, 1519 Brookside Drive

The Raleigh Historic Development Commission has reviewed the applications and found that they meet the criteria for designation contained in the General Statutes and Unified Development Ordinance. The Unified Development Ordinance sets out certain actions for the City Council to take in regard to the applications.

**Recommendation:** Refer the applications to the Department of Natural and Cultural Resources, Office of Archives and History for analysis and recommendations concerning the reports; authorize a joint public hearing before the City Council and the Raleigh Historic Development Commission on the evening of July 5, 2017 to receive public comment on the historic landmark report and proposed landmark designations.

Planner Tania Tully presented the information and explained the request. Council Member Baldwin moved approval. Her motion was seconded by Council Member Gaylord and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

**REPORT AND RECOMMENDATION OF THE MAYOR’S COMMITTEE FOR  
PERSONS WITH DISABILITIES**

**MAYOR’S COMMITTEE FOR PERSONS WITH DISABILITIES – ANNUAL WORK  
PLAN APPROVED; BUDGET NOTE REQUESTED**

James Benton and other representatives of the Mayor’s Committee for Persons with Disabilities were at the meeting to present the following annual work plan for that group.

The Raleigh Mayor’s Committee for Persons with Disabilities hereafter referred to as the Committee, has been in existence for more than four decades. Since the mid 1980’s, the leadership of the City of Raleigh has provided the Committee with financial support and

partnership with City departments to ensure that issues and concerns confronting the disability community are addressed.

The Committee meets monthly on the third Thursday of each month at the Avery C. Upchurch Building, 222 West Hargett Street, Room 305. Meetings are called to order at 12:00 noon and are adjourned at 1:00 pm. During these sessions, topics relating to advocacy for persons with disabilities are discussed and the subcommittee chairpersons provide reports to the persons in attendance.

The Committee is composed of four executive officers and nine subcommittee chairpersons who are appointed by the mayor annually. The public is welcome to attend meetings. The officers are Chairman, Vice Chairman, Secretary, and Treasurer. The list of sub committees are as follows: Awards Banquet, Employer Resource Day, Housing, Health and Wellness, Public Access, Public Information, Recreation, Scholarship, Transportation and Nominations.

### **Role and Purpose of the Sub Committees**

#### **Awards Banquet**

Our annual awards banquet provides recognition of businesses and individuals who have made positive contributions towards the enhancement of life for persons with disabilities. Awards Banquets have featured a keynote speaker, comments from the Mayor or designee, and occasionally entertainment and vendor booths. The Awards Banquet is typically the largest event for the Committee averaging more than 100 attendees. Changes have been implemented to conserve funds such as a less expensive venue and inexpensive lunch.

#### **Employer Resource Day**

For more than three decades beginning in the mid 1980's, the Committee sponsored an annual job fair. This event was designed to bring employers and persons with disabilities together to meet and discuss job options. For many years there were positive outcomes realized by both the employers and the applicants. Due to a changing job market in the late 1990's, attendance by employers waned. Consequently, the leadership of the committee embarked upon a new approach and developed what is now known as the Employer Resource Day; a seminar for local employers to learn about laws and best practices in the employment of persons with disabilities. A breakfast is provided by the Committee to entice employers to attend. This event is scheduled during the last week of July to commemorate the anniversary of the signing of the Americans with Disabilities Act (ADA) which was made law by President Bush on July 26, 1990.

Employers learn about compliance with the ADA, best practices pertaining to persons with disabilities, and to dispel myths about employing persons with disabilities. The Employer Resource Day hosts approximately 50 employers annually.

### **Health and Wellness**

This committee's charge is to advocate for persons with disabilities as it pertains to both health and wellness, provide information to persons with disabilities who will be maneuvering through the Affordable Care Act and provide information on how this law affects them.

### **Housing**

The Housing subcommittee chair attends fair housing meetings and affordable housing conferences, and provides information regarding accessibility to affordable, accessible housing in the City. The Committee maintains a strong relationship with the Raleigh Housing Authority as well as with the management teams of several local apartment complexes that feature accessible housing.

### **Nomination**

The nomination subcommittee oversees the process for electing officers and subcommittee chairs.

### **Public Access**

The Public Access sub committee was formed to aid in resolving issues within the City that involve accessibility to public buildings, parking, sidewalks, entertainment venues and other public facilities. This subcommittee chair attends meetings with City leaders and community advocates who are working to find resolution to various public access issues.

### **Public Information**

The Public Information subcommittee chair works closely with the Community Services Division of the City of Raleigh. Updates to the Committee's website, publicity, flyers for upcoming events, and committee brochures are handled by this subcommittee.

### **Recreation**

This subcommittee focuses on recreation and leisure activities in the City of Raleigh with emphasis on activities for persons who are disabled.

From audio described performances to the Special Olympics, our recreation subcommittee is at the forefront. For the last several summers the Sarina's Song hot air balloon project has come to Raleigh. This project is specifically designed to provide persons with disabilities with the opportunity to ride in a hot air balloon. A portion of the Committee's annual budget is made available to support this incredible life experience. The Committee plans to continue to support this event on an annual basis.

### **Scholarship**

Annually the City has funded the Committee with \$2000 for the purpose of providing a \$1000 scholarship to two persons with disabilities. The Scholarship subcommittee chair administers the process. The recipient must be a person with a disability who is a resident of Raleigh and has been accepted or is attending an accredited school of higher

undergraduate education. The applicant may choose an academic or a vocational award. The winners of the scholarship are recognized and given a plaque at the Employer Resource Day breakfast in July.

### **Transportation**

The Committee has a pivotal role in developing and sustaining affordable transportation for Raleigh's disability community. In 1989, the Raleigh City Council enacted legislation to provide what is known today as the Accessible Raleigh Transportation Program (Tier I). Several years later, the City of Raleigh began to provide paratransit services which are required by the Americans with Disabilities Act. Over the years the program has endured necessary changes.

The Committee works closely with the Transit Administration of the City of Raleigh. Public forums and electronic feedback centers were developed to inform the users of Para transit service (Tier II) of changes and adjustments in the program. The strong partnership with the Transit Administration and the Committee has ensured that Raleigh's disability community continues to be a leader in exceptional transportation. The City Council aided in the development of a plan with the Raleigh Transit Authority that enhances and sustains transportation services for our citizens with disabilities for years to come.

### **Conclusion**

The Committee is a group of individuals who believe that a person's disability should not prohibit him or her from accessing and enjoying life fully on a day-to-day basis. People have the right to work, have appropriate housing, the ability to move from point to point, and have access to the ultimate empowerment tool, education. With these key building blocks in place, we can all realize positive life experiences.

Mr. Benton talked about the work of the group and talked about the great city Raleigh has become. He stated Council members did receive their work plan in their agenda packet and also received a request from the Committee for an additional \$3,000 allocation in their budget. He stated presently they receive a \$9,000 grant and the increase would assist in the development and support of programs outlined in the work plan and would help cover the cost of interpreter service. The request outlined utilization of the current funding to support two annual scholarships, a citywide recognition banquet, employer resource day and a variety of seminars and workshops designed to generate empowerment for people with disabilities. He stated over the past few years they realized a substantial increase in the amount of funds necessary to cover the cost for interpreter service for their monthly meetings and special events. He stated because of that increase they have not been in the position to fund special projects such as the summer youth retreat, youth leadership programs, etc. He talked about things they have done to help cut the cost and what they do to make all of their events as accessible as possible.

Mayor McFarlane and others expressed appreciation to Mr. Benton and the group for their work and Council Member Gaylord moved approval of the work plan and referral of the request for increased funds to budget work session and staff was asked to provide a budget note. The



motion was seconded by Council Member Thompson and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

### **REQUEST AND PETITIONS OF CITIZENS**

#### **SIDEWALK PETITION POLICY – REQUEST FOR CHANGE – REFERRED TO TRANSPORTATION AND TRANSIT COMMITTEE**

Joseph Hartman talked about the city's sidewalk petition process pointing out he feels it has a built-in vice. One can vote for a petition but there are two ways to vote against a petition; you either vote "no" or don't vote at all which counts as a negative vote. He talked about how bond issues are treated. He suggested treating sidewalk votes the same way as bond votes. He stated in a bond referendum if more people vote "yes" than "no," it passes. So if you don't vote it is not counted and he feels sidewalk petitions should be the same way. You can vote "yes" or "no."

Council Member Gaylord pointed out that is an interesting approach and asked if staff had comments. Council Member Crowder indicated Mr. Hartman is correct and asked if it is possible to review the City's policy.

Assessment Supervisor James Plescher referred to General Statute 160A-217 and the City's Sidewalk Assessment Policy. He pointed out for the City to consider a petitioned sidewalk project; the petition must be signed by 50% plus one. City Manager Hall suggested that staff look at the policy and provide some input. After brief discussion, Mr. Plescher pointed out the City no longer assesses for sidewalk therefore we probably do not have to hold to that procedure. City Manager Hall again stated this is a Council policy decision and the Council can change the threshold but asked that the staff provide a report. He stated the Council may wish to consider the relationship between the 50% threshold and whether it would make a difference. After brief discussion by consent, it was agreed to refer the item to Transportation and Transit Committee to look at the policy.

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

#### **REZONING Z-39-16 – GREEN ACRES LAND – HEARING – CLOSED – ITEM TO BE PLACED ON JUNE 6 AGENDA**

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

The proposal was received by the City Council on January 17, 2017. The City Council considered this item on February 7, 2017 and kept the public hearing open. On February 21, 2017, March 7, 2017, March 21, 2017, and April 18, 2017, the hearing was again held open. New zoning conditions cannot be offered until the public hearing has closed. At the conclusion of the public hearing, the City Council may act on the request, refer to committee or hold for further discussion.

Attorney Lacy Reeves representing the applicant expressed appreciation to the Council for their patience over the last four months pointing out he had been working to obtain private agreements to address the drainage issues and those had been sent to the City today. He pointed out this parcel is entirely land lot and stormwater is an issue as the stormwater flowing east would enter private property. He stated he has a signed drainage agreement that allows his client to use the private drainage system that is in place; therefore stormwater coming from the east will flow underground into the City's system. He asked that the Council consider closing the public hearing and deferring the vote until the Council had received the revised conditions.

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

Mayor McFarlane had questions about the City's ability to address any failure of the stormwater system and how the City would monitor a private agreement. Planner Bynum Walker indicated it is a private agreement and the private parties would handle it. She stated she had not seen the additional conditions. Stormwater Manager Blair Hinkle pointed out the City would have no control over maintenance or replacement it would be a private property issue to resolve.

In response to questions from the Mayor, Attorney Reeves talked about the ridge line, the flow of the stormwater, the private system that is in place which is subject to HOA or private homeowner associations and they are required to maintain the system. He stated in the private agreement his client had agreed to participate in maintenance, repair and/or any replacement that is required. He stated the stormwater system must continue to operate or all of the structures would lose their COA. He stated that is addressed in the conditions they submitted yesterday. Stormwater Manager Hinkle pointed out the development must meet the same requirements as any other development; it is not an unusual situation. It puts the agency property owners on notice, there is stormwater draining from the site. Attorney Reeves talked about the existing conditions and the new conditions that deal with the disposition of stormwater from the site.

Mayor McFarlane stated without objection the item would be placed on the June 6 agenda to consider the rezoning in light of revised conditions and private agreements.

#### **REZONING Z-6-17 – CHARLES DRIVE – HEARING – DENIED**

This is a request to rezone property from Office Mixed Use-3 Stories-Green Frontage-Conditional Use (OX-3-GR-CU) to Office Mixed Use-3 Stories-Urban General Frontage (OX-3-UG). The property is located at the Northwest quadrant of the Charles Drive and Lead Mine Road intersection.

The request is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. This is a general use zoning case.

The proposal was reviewed by the City Council on May 2, 2017.

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

Planner Bynum presented the case explaining the request, location, existing zoning, aerial views, views from the site from various locations, what is allowed under existing verses proposed zoning pointing out this is a general zoning case therefore there are no conditions. She gave information on the Future Land Use Map, Urban Form Map, and the Comprehensive Plan Analysis which indicates no inconsistent policies. She stated there are no outstanding issues and the North CAC voted 1 to 0 in support. The Planning Commission recommended approval on an 8-0 vote as the proposal is consistent with the vision, themes and policies of the Comprehensive Plan.

The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. In response to questioning, Planner Walter indicated the case was filed to remove the conditions and changing the frontage. Council Member Stephenson questioned the frontages on either side of the lot with Planner Walter responding and pointing out the primary access is off Charles Drive.

Council Member Thompson indicated this is in his district, talked about the existing conditions and development and pointed out he was on the Planning Commission when this case was heard initially. He stated the conditions were put on the case as they had validity and to change this to a general use case causes him problems therefore he would move denial of Z-6-17. His motion was seconded by Council Member Crowder and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

#### **TC-9-2017 – VARIANCE EXPIRATION TIME PERIOD – HEARING – ORDINANCE ADOPTED**

This text amendment was authorized by City Council in March. This is a request to amend section 10.2.10 of the Unified Development Ordinance to align the variance expiration timeframe with the special use permit timeframe. Currently, variances expire six months after approval from the Board of Adjustment. Special use permits expire one year after approval. This text change would extend the expiration period for variances from six months to one year. The Planning Commission reviewed this proposal at its April 25, 2017, meeting and recommended approval.

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

Assistant Planning Director Crane explained the request pointing out presently there are two different time frames relating to expiration of the approvals of variances and special use permits by the Board of Adjustment. He stated some feel that six months is too short and seemingly every one feels that the time frame should be the same as it would cause less confusion. He stated basically the text change would make the two timeframes match. The Mayor opened the hearing no one asked to be heard thus the hearing was closed. Council Member Gaylord moved approved of TC-9-2017. His motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote. See Ordinance 709 TC 395.

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

**NO REPORT**

**ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE – MEETING DATE  
ANNOUNCED**

Mayor McFarlane indicated the Economic Development and Innovation Committee will meet on Tuesday, May 23, 2017 at 11:00 a.m.

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

**NO REPORT**

**GROWTH AND NATURAL RESOURCES COMMITTEE – MEETING ANNOUNCED**

Chairperson Crowder reported the next meeting of the Growth and Natural Resources Committee would be on Wednesday, May 31, 2017 at 4:00 p.m.

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

**NO REPORT**

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

**TRANSPORTATION BOND PROPOSAL – 2017 TO BE PLACED ON JUNE 6  
COUNCIL AGENDA**

Chairperson Branch reported the Transportation and Transit Committee recommends moving forth with a 2017 Transportation Bond Package as presented by administration with the following amendments:

- Remove the Skycrest Drive West project from the project list, which was estimated at \$11.5 million;
- Add the Marsh Creek Road project, estimated at \$4.9 million, and the Trawick Road West project, estimated at \$5.8 Million, with a combined impact of \$10.7 million;
- Remove the Wake Forest roundabout project, estimated at \$2.3 million;
- Add a project to convert the Blount and Person corridors to two-way traffic, as recommended in the Blount-Person Corridor, estimated at \$6.1 million; and
- Add \$2 million in funding to the WTP Project Participation (Transit Project Betterments) to bring total funding for WTP Project Participation to \$6 million.
- The changes recommended by the Committee would increase the amount requested in the bond referendum from \$204.7 million to \$209.7 million.

The Committee requests that the Council discuss the opportunities, cost changes, and impacts of removing the Jones Franklin Road project, estimated at \$8.8 million, and adding the Carolina Pines Drive project, estimated at \$10.6 million.

Upon finalizing the decision regarding these amendments, the Committee recommends that staff prepare the preliminary findings resolution for Council action at the June 6, 2017 Council meeting in order to schedule a public hearing for July 5, 2017.

The agenda packet included a copy of the PowerPoint presentation that was provided to the Transportation and Transit Committee in addition to updated tables of recommended project revisions. An updated estimate of tax impacts was distributed with the City Manager's report on May 12, 2017.

Council Member Thompson stated he would like to hold this over until the June 6 Council meeting. Council Member Baldwin suggested discussing the issues now as June 6 is the drop dead date for moving forth with a 2017 bond issue.

Council Member Crowder talked about the Jones Franklin Road and Carolina Pines projects. She stated the Jones Franklin Road project needs sidewalks; I-440 is being widened and she is not sure how the interchange will work in that location so she had suggested deferring that for now and approving the Carolina Pines project as it's an unsafe area with no sidewalks. She called Council's attention to the fact that the Carolina Pines project is \$1.8M more than the Jones Franklin Road. Council Member Stephenson indicated he has some concerns that he would like to discuss further and he supports Council Member Thompson's suggestion to hold the item until June 6 and may be it could be discussed offline. Council Member Baldwin pointed out the time for discussion is now as we are talking about a transportation bond and public discussion is needed. City Manager Hall pointed out there are very detailed statute requirements relative to moving forward with a bond referendum. He stated based on the current City Council schedule, the Council would need to act on the resolution at the June 6 meeting in order to move forth with an October referendum. This resolution sets the amount of the bond referendum but does not require outlining the projects. He stated the projects could be rearranged later but if the Council

wants to move forth with a bond referendum in 2017 the amount and the schedule must be named at the June 6 meeting.

Council Member Baldwin talked about the impact of the bond amount on property tax. She stated Council Member Crowder had suggested putting the Carolina Pines project into this bond referendum rather than the Jones Franklin Road and she would like to have the tax rate calculation for that. City Manager Hall stated staff will develop the various scenarios and tax impacts and have that available at the June 6 meeting. Council Member Stephenson pointed out if changes were made that were not included in the various scenarios it could be held until the evening meeting on June 6 and staff could come back with the tax impacts and the amounts could be set at that time. Without further discussion, it was agreed to place the item on the June 6, 2017 Council agenda.

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

#### **PARK - 416 EAST LEE STREET – COMMENTS RECEIVED**

Council Member Branch talked about the park located at 416 East Lee Street which has recently renamed the Junius Sorrell Park. He pointed out Mr. Sorrell took care of the park for many years and commended the efforts.

#### **GRADUATION – COMMENTS RECEIVED**

Council Member Branch also commended and congratulated all of the graduates especially Shaw, St. Augustine and Peace University all of which are in his district. He wished all well.

#### **TRANSIT PASSES – HIGH SCHOOL STUDENTS – BUDGET NOTE REQUESTED**

Council Member Crowder requested that the Council be provided a budget note for free bus passes for high school students. Without objections, staff was asked to provide the report.

#### **MAYOR MCFARLANE – VARIOUS COMMENTS – RECEIVED**

Mayor McFarlane talked about the NCSU graduation which had almost 10,000 graduates and commended all for a job well done.

Mayor McFarlane announced a special city council work session on June 1 at 5:00 p.m. for BoardDocs training.

Mayor McFarlane asked staff to evaluate the speed limits in the downtown area paying particular attention to the Dawson/McDowell Streets and the possibility of adjusting the speed limit to 30 mph.

Mayor McFarlane invited all Council Members to support her and participate in the WakeMed step challenge in which there is challenge to walk one million steps over a set number of days. She pointed out it takes place the week of June 4 at Cary Towne Commons.

Mayor McFarlane stated she just returned from her trip to India and her meeting with the Dalai Lama. She stated he loved the prayer flags sent from the citizens of Raleigh and talked about looking forward to meeting his people about the possibility of coming to Raleigh.

#### **PERSONNEL – NICK SADLER - RECOGNIZED**

Council Member Thompson asked Nick Sadler to come forward. He pointed out Mr. Sadler was the policy analyst for him, Council Members Crowder and Stephenson. He stated he did not think anyone ever formally personally thanked him and commended him for a job well done.

#### **APPOINTMENTS**

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

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

Arts Commission – One Vacancy – Shelly Winters – 4 (Stephenson, Branch, Cox, Thompson). Council Member Crowder nominated Beth Khalifa.

Appearance Commission – One Vacancy – Council Members Gaylord and Baldwin nominated Chad Parker.

Bicycle and Pedestrian Advisory Commission – One Vacancy – Nicole Bennett – 4 (Branch, Gaylord, Baldwin, McFarlane); Dwight Otwell – 4 (Cox, Thompson, Crowder, Stephenson); Council Member Baldwin asked that Council reconsider its votes on the Bicycle and Pedestrian Advisory Commission as Ms. Bennett is an African-American and the Bicycle and Pedestrian Advisory Commission has no African-American representation.

Historic Cemeteries Advisory Board – One Vacancy – Amy Howard – 8 (All Council Members)

Substance Abuse Advisory Commission – One Vacancy – Council Member Branch nominated Elliot Palmer, Jr.

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

**NO REPORT**

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

**MINUTES – VARIOUS – APPROVED**

The City Clerk reported council members received in their agenda packet copies of the minutes of the April 11 and May 9, 2017 Work Sessions. Council Member Gaylord moved approval as presented. His motion was seconded by Council Member Crowder and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

### **CLOSED SESSION**

#### **CLOSED SESSION – HELD**

Mayor McFarlane stated a motion is in order to enter closed session pursuant to G.S. 143-318.11(a)(5) for the purpose of instructing city staff on how to proceed in the acquisition of the following interest in real property: watershed protection acquisitions. Mayor McFarlane moved approval of the motion as read. Her motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. The Mayor ruled the motion adopted on an 8-0 vote and the Council went into closed session at 3:25 p.m.

The Council reconvened in open session at 3:45 p.m. Mayor McFarlane reported the Council in closed session recommended upholding the Public Utilities staff recommendations to provide funding from the Watershed Protection Program in the following situations based on the water quality benefits:

Edgevale Property	- \$ 46,549.50
Hobgood Properties	- \$100,000
Iski Properties	- \$ 69,830
Sandy Plane Tracks	- \$496,850

**Adjournment:** There being no further business, Mayor McFarlane announced the meeting adjourned at 3:50 p.m.

Gail G. Smith  
City Clerk

jt/CC05-16-17