

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 15, 2013
7:00 p.m.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III.

Also present: City Manager Thomas J. Bonfield, Senior Assistant City Attorney Don O'Toole, City Clerk D. Ann Gray and Senior Executive Assistant Tonette Amos.

Mayor Bell called the meeting to order with a moment of silent meditation to remember everyone impacted by the Boston Marathon bombings that took place this afternoon.

Council Member Brown led the Pledge of Allegiance.

Mayor Bell swore in Daniel M. Curia as Fire Chief of the City of Durham. Fire Chief Curia stated he was humble to be given the opportunity to lead the department and expressed his appreciation to the City Council, City Manager Bonfield, City leadership team and his family who has supported him through his entire career. The Mayor read proclamations recognizing 1) April 14-20, 2013 as National Public Safety 9-1-1 Communications Officer Week presented to 911 Emergency Communications Director James Soukup and DECC Employee of the Year James Richardson, III who thanked his department for the recognition, leadership and training; 2) April 21, 2013 as Earth Day presented to Parks and Recreation Director Rhonda Parker who commented on events planned for this occasion; 3) April 14-20, 2013 as The Week of the Young Child presented to Linzie Atkins Board Member of Durham's Partnership for Children who read a statement from the Executive Director Laura Benson, 4) Honoring Bill Kalkhof on his Retirement who read a statement that referenced his accomplishments and thanked the community for the opportunity they gave him; and 5) Honoring Bryan Huffman who thanked the Mayor and Council for the recognition.

Due to a conflict of interest [consulting relationship with the potential tenant] on Agenda Items # 17 [Proposed Sale of 1111 W. Chapel Hill Street by Upset Bid, Parcel ID 114009 - City Tract 1835) and #18 [Authority to Sign on Behalf of the City for Development Plans – Kent Corner], Council Member Moffitt stated that he would leave the dais during the discussion held on these items and that he had consulted with the City Attorney's Office. Senior Assistant City Attorney O'Toole confirmed the conflict of interest.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk. There were no priority items by the City Manager and City Attorney.

City Clerk Gray stated that Agenda Item #42 [Resolution in Support of Action by the Centers for Disease Control (CDC)] was added to the agenda as a Supplemental Item at the request of Mayor Pro Tempore Cole-McFadden.

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MOTION by Council Member Catotti seconded by Council Member Schewel to accept the City Clerk's priority item was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Mayor Bell explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. Consent Agenda Items 8 [Amendments to City Code Regulating Discharge and Possession of Dangerous Weapons], 17 [Proposed Sale of 1111 W. Chapel Hill Street by Upset Bid, Parcel ID 114009 [City Tract 1835] and 18 [Authority to Sign on Behalf of the City for Development Plans – Kent Corners Development] were pulled from the Consent Agenda.

MOTION by Council Member Moffitt seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

[CONSENT AGENDA]

SUBJECT: Approval of City Council Minutes

MOTION by Council Member Moffitt seconded by Council Member Catotti to approve minutes for the February 21, 2013 City Council Work Session, March 4, 2013 City Council Meeting and March 7, 2013 City Council Work Session was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Citizens Advisory Committee - Appointment

MOTION by Council Member Moffitt seconded by Council Member Catotti to appoint Etienne Thomas to the Citizens Advisory Committee with the term to expire on June 30, 2013 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Mayor's Nominee for Reappointment - Passenger Vehicle for Hire Commission

MOTION by Council Member Moffitt seconded by Council Member Catotti to reappoint Shelly A. Green as a Mayor's Appointee to the Passenger Vehicle for Hire Commission with the term to expire on January 1, 2016 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Boards, Committees and Commissions Attendance Reports for the Period January 1, 2012 - December 31, 2012

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive attendance reports from Boards, Committees and Commissions was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Adopt Preliminary Assessment Rolls and Set Public Hearings for the Confirmation of Donphil Road and Hursey Street Assessment Rolls

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt a preliminary resolution adopting the preliminary assessment roll and setting a public hearing for May 6, 2013, for confirmation of each of the following assessment rolls was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Water Main on Donphil Road from Brenda Court to Gatewood Drive; and

Sewer Main on Hursey Street from Lynn Road East to City Limits Line

SUBJECT: Street Acceptances – Fairfield at Hillandale – Chapelwood Subdivision – Phases I, II and III

MOTION by Council Member Moffitt seconded by Council Member Catotti to accept the streets as listed for maintenance by the City of Durham was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Fairfield at Hillandale

- 1) Bertland Avenue – from the end of existing pavement east toward Omaha to existing maintained portion of Bertland Avenue (600’.)

Chapelwood Subdivision – Phases I, II, and III

- 1) Hales Wood Road – from the southern curb line of Barbee Chapel Road south through the cul-de-sac (2,133’), and
- 2) Calwell Creek Drive – from the centerline of Hales Wood Road west through the cul-de-sac (142’), and

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- 3) Hayden Pond Lane – from the centerline of Hales Wood Road west through the cul-de-sac (386’.)

SUBJECT: Amendment to City Code to Allow Passengers on a Pub Bike to Possess and Consume from Open Containers of Certain Alcoholic Beverages

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt an ordinance amending the City Code to Allow Passengers on a Pub Bike to Possess and Consume Alcoholic Beverages was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14434

SUBJECT: FY2013-14 Budget Development Guidelines

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt FY2013-14 Budget Development Guidelines was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Assistance and Incentives for Southside Homebuyers

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive a report on the proposed assistance and incentives for low to moderate income homebuyers in the Southside project area; and

To authorize the City Manager to approve adjustments as necessary to accomplish the project objectives was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Selection of B. Wallace Design and Construction and Andrew Roby General Contractor for Southside Homebuilders

MOTION by Council Member Moffitt seconded by Council Member Catotti to approve the selection of B. Wallace Design and Construction and Andrew Roby General Contractor as the homebuilders for the first 48 lots in the Southside neighborhood redevelopment was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Approval of a Southside Neighborhood Site Preparation and Infrastructure Contract with D.H. Griffin Infrastructure, LLC

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the expenditure of up to \$1,908,863.00 in Community Development Block Grant, Section 108 and general funds for site preparation and infrastructure activities in the Southside neighborhood;

To authorize the City Manager to execute a site preparation and infrastructure contract with D.H. Griffin Infrastructure, LLC in an amount up to \$1,659,881.00;

To establish a contingency fund in the amount of \$248,982.00 from Community Development Block Grant funds; and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$248,982.00 and the total amount of the site preparation and infrastructure contract does not exceed \$1,908,863.00 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Sixth Amendment to Contract for Acquisition and Relocation Services with the Wooten Company

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the expenditure of \$25,000.00 in Community Development Block Grant (CDBG) funds; and

To authorize the City Manager to execute an amendment to the contract with the Wooten Company for acquisition and relocation services increasing the maximum compensation from Two Hundred Forty-Seven Thousand Four Hundred Fifteen Dollars (\$247,415.00) to Two Hundred Seventy-Two Thousand Four Hundred Fifteen Dollars (\$272,415.00) was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Conditional Commitment to Integral Development, LLC for the Whitted School Project

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to issue to Integral Development, LLC a conditional commitment of construction/permanent finances in the amount of \$500,000.00 with a term not less than twenty years and an interest rate not exceeding 2% for the renovation and expansion of the Whitted School for affordable senior housing was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Contract for Firefighter Wellness Program and National Fire Protection Association (NFPA) Qualifying Exams - Research Triangle Occupational Health Services, P.A.

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute a contract with Research Triangle Occupational Health Services, P.A. to provide medical services (including physical examinations) to current and prospective firefighters on the condition that annual amount paid under the contract shall not exceed \$54,000.00 and the total amount paid to the contractor during the three-year term of this contract shall not exceed \$162,000.00 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Proposed Advance Acquisition for the Future Expansion of Lake Michie Property of Phyllis Ellen Bass and John D. Bass, Jr.

MOTION by Council Member Moffitt seconded by Council Member Catotti to approve the fee simple acquisition of ±7.06 acres of vacant land from Phyllis Ellen Bass and John D. Bass, Jr., identified as Parcel ID 192265 (±7.06 acres) for a purchase price of \$67,500.00 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: 2012 Design District Review Team Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the 2012 Design District Review Team Annual Report was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: 2012 Durham City-County Appearance Commission Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the 2012 Durham City County Appearance Commission Annual Report was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Durham Open Space and Trails Commission 2012 Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the 2012 Durham Open Space and Trails Commission Annual Report was approved at 7:43 p.m. by

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the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Durham Environmental Affairs Board 2012 Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the Durham Environmental Affairs Board 2012 Annual Report was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Durham Board of Adjustment 2012 Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the Durham Board of Adjustment 2012 Annual Report was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Durham City-County Planning Commission 2012 Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the Durham City-County Planning Commission 2012 Annual Report was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: 2012 Historic Preservation Commission Annual Report

MOTION by Council Member Moffitt seconded by Council Member Catotti to receive the 2012 Historic Preservation Commission Annual Report was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: 2012 Democratic National Convention (DNC) Equipment Donation to the Durham Police Department

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to accept the 2012 DNC Equipment and Supplies Donation by executing the grant documents; and

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To adopt the 2012 DNC Equipment and Supplies Donation Grant Project Ordinance in the amount of \$30,718.43 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14436

SUBJECT: Amendment #4 to the Household Hazardous Waste Contract between the City of Durham and Ecoflo, Inc.

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute Amendment #4 to the Household Hazardous Waste contract between the City of Durham and ECOFLO, Inc. for one additional year and to increase the spending authority to \$1,831,055.80 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Inter-Local Agreement between Orange County and the City of Durham Regarding Disposition of Municipal Solid Waste Generated in Orange County at the Durham Transfer Station

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to enter into an Inter-Local Agreement with Orange County government to provide disposal services at the City's Transfer Station was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Resolution Supporting the 2013 Watch for Me NC Pedestrian and Bicycle Safety Education and Enforcement Campaign

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt the Resolution to Support the City of Durham's Participation in the 2013 Watch for Me Pedestrian and Bicycle Safety Education and Enforcement Campaign was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9852

SUBJECT: Interlocal Agreement for Administrative Distribution of Durham County \$7 Vehicle Tax - City of Raleigh, Town of Chapel Hill and Research Triangle Regional Public Transportation Authority

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MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute the Interlocal Agreement for Administrative Distribution of Durham County \$7 Vehicle Tax with Durham County, City of Durham, City of Raleigh, Town of Chapel Hill, and Research Triangle Regional Public Transportation Authority was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Contract CCC-1 - Residential Backflow Prevention Assembly Testing and Minor Repair Contracts - Acme Services of Durham, Inc. - Brown Brothers Plumbing and Heating, Inc.

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute the following two contracts for Residential Backflow Prevention Assembly Testing and Minor Repairs for 2013-2014;

a. A two-year contract with Acme Services of Durham, Inc. for the amount not to exceed \$68,000.00; and

b. A two-year contract with Brown Brothers Plumbing and Heating, Inc. for the amount not to exceed \$71,000.00.

To authorize the Department of Water Management to assess \$85.00 per annual testing activity for each year of the contract for customers enrolling in the program; and

To adopt an Ordinance Amending Chapter 15, Part 15-116 (Backflow Preventer Permit) of the City's Fee Schedule with an effective date of April 1, 2013 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14437

SUBJECT: Supplemental Article #4 for Jordan Lake Partnership - Phase II of the Regional Water Supply Plan and Contract Amendment #1 with Triangle J Council of Governments to Complete Expanded Scope of Tasks (Contract # 9583)

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute a Supplemental Article #4 for the Jordan Lake Partnership; and

To authorize the City Manager to execute a contract Amendment #1 with Triangle J Council of Governments for expanded scope of activities associated with Supplemental Article #4 at a cost of \$47,000.00 increasing the contract total to \$95,700.00 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Contract between Fountainworks, LLC and the City of Durham for Facilitation and Support for the Jordan Lake Partnership

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute the contract for services between Fountainworks, LLC and the City on behalf of the Jordan Lake Partnership to facilitate planning efforts regarding Jordan Lake as a regional water supply, coordinate allocation requests by the Partners and pursue the development of a western intake on Jordan Lake was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: 2013 Strategic Plan Adoption

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt the 2013 Strategic Plan was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: Public Hearing to Consider Ordering a Petitioned Sidewalk on Grandale Drive

To accept a Certificate of Sufficiency for the petition;

To adopt a Preliminary Resolution on Proposed Local Improvements;

To conduct a public hearing to receive comments; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically Sidewalk on Grandale Drive (East Side) from Sedwick Road north to Lyon Farm Drive.

Public Works Director Marvin Williams briefed Council on the ordering of a sidewalk improvement for the east side of Grandale Drive between Sedwick Road and Lyon Farm Drive. He stated that this is a petitioned project inside the city limits and staff is recommending that Council adopt a resolution ordering the project.

Mayor Bell opened the public hearing.

Steven Borkowitz, a member of the Parkwood Association, spoke in support of this item asking Council to consider this request for a sidewalk that would enable a network of people who walk and jog in the area to have connectivity and safety.

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No one spoke in opposition to this item. Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to accept a Certificate of Sufficiency for the petition;

To adopt a Preliminary Resolution on Proposed Local Improvements;

To receive comments; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically Sidewalk on Grandale Drive (East Side) from Sedwick Road north to Lyon Farm Drive was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Approval of Draft FY 2013-2014 Annual Action Plan for the Use of Community Development Block Grant, Home Investment Partnerships Program and Emergency Solutions Grant Funds

To conduct a public hearing to receive comments on the Draft FY 13-14 Annual Action Plan for the use of CDBG, HOME and ESG funds and approve the Draft FY 13-14 Annual Action Plan for the submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME and ESG program agreements and related documents;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant Project Ordinance in the amount of \$1,564,678.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnerships Program Grant Project Ordinance in the amount of \$1,082,712.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant Project Ordinance in the amount of \$150,000.00.

Community Development Director Reginald Johnson made opening remarks regarding this item.

Wilmur Conyers, with the Department of Community Development, stated that the purpose of this public hearing is to receive citizen comments on the Draft FY 13-14 Annual Action Plan (AAP) concerning the use of CDBG, HOME and Emergency Solution Grant [ESG] funds. The Draft Annual Action Plan was made available for public review from March 15, 2013 through April 15, 2013 at the Community Development Department, the Durham County Public (Main) Library, the City Clerk's Office, the front desk of City Hall, the Department's website and distributed via a general list serve. She said that notice of this meeting was advertised in the Herald Sun and via a general list serve (3/15) and Carolina Times (3/16) and on the Department

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of Community Development's website. She referenced that as a HUD requirement, the City is required to hold at least two public hearings prior to the submission of its Annual Action Plan. She reported the first meeting was held on February 4, 2013 to receive citizen comments on the Needs of the community. She said HUD has not yet released the FY 13-14 entitlement allocations and anticipate HUD releasing that information around mid-May. For planning purposes, the City used its FY 11-12 allocations with approximately 10% and 15% reductions to the CDBG and HOME funds with a slight reduction to the Emergency Solution Grant [ESG] funds program. She urged Council to approve the Draft FY 13-14 Annual Action Plan. She mentioned that the Annual Action Plan must be submitted to HUD by May 15th and stated comments from this public hearing and written comments received from citizens during the development of this Plan will be incorporated into the final Plan.

Mayor Bell opened the public hearing.

Community Development Director Reginald Johnson addressed questions raised by Council Member Schewel. He stated it would be his expectation that Council will receive the five-year spending plan with all sources of income during the budget hearings scheduled for the end of May. Regarding Attachment 17 - E, he commented on the three general fund expenditures listed and other expenditures not included, i.e. rapid re-housing, repair program. He stated that those items listed were for disclosure purposes and staff is asking Council for approval on the federal portion tonight and there would be a time during the budget process when the general fund portion will be under total discussion by Council.

Council Member Schewel requested that the total spending plan of expenditures be shared with Council earlier than the end of May, if possible, and to share that information with citizens as well.

For clarification, Wilmur Conyers explained Attachment 5 – *HOME RENTAL PROGRAM MONITORING SCHEDULE*.

Regarding the report to HUD, Item #2 Individual Development Accounts—Reginald Johnson responded that they don't have any individual development accounts that have been used for this year. He referenced that one of the challenges has been the economic down turn, but there have been more in previous years. Also, he addressed a significant change in this plan that was not in last year's plan referencing the application process that focused on homelessness programs.

Council Member Schewel stated he was anxious to see the five-year chart to see what kind of fund balance that is building up and was hopeful that we will be able to maintain that fund balance and save it for some larger projects, particularly, for low income people.

For clarification regarding HUD reductions, Wilmur Conyers stated they anticipate, based on the development of this plan, 10 to 15 percent cuts for CDBG and HOME. Also, figures used for the development of the Draft Annual Action Plan were based on their FY 11-12 allocations.

Mayor Bell opened the public hearing.

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Lorisa Seibel, representing Durham People's Alliance, thanked Council for their commitment to end homelessness and to ensure that all can call Durham home. She stated Council expressed their commitment by creating a dedicated funding source known as the Penny for Housing and including all housing funds in a 5-year plan. This plan had funds to create supportive homes for persons with special needs-- persons who are disabled, homeless, veterans, and extremely low income.

She asked Council to continue their commitment to end homelessness by identifying at least \$768,000 to create supportive homes for persons with special needs. These funds could come from the Penny for Housing, which appears to have a large fund balance.

Also, she asked Council to create homes for people earning less than 30% of area median income but this requires a long-term investment of funds and time by the City and its partners. Durham should dedicate at least \$750,000 each year in the 5-year plan. She stated the annual funding will help the City with the three things needed to build supportive homes: funds, land, and partners. She encouraged the City to work with their partners to include homes in mixed-income developments, especially along transit.

She referenced the People's Alliance statement [Funds for Supportive Housing to End Homelessness in Durham] that was provided to Council. She noted to reach Durham's goal to end homelessness, Durham should increase funding for homes affordable to extremely low income disabled veterans and other homeless persons with special needs. She highlighted the following items noted in the statement from People's Alliance:

- In fiscal year 2013-2014, allocate \$768,000 to build new supportive housing for extremely low income people, with a priority for homeless veterans, people with special needs, and or who are chronically homeless.
- Until Durham does reach its goal of ending homelessness, the City's Five Year Plan for Community Development continue to allocate at least \$750,000 per year to add and improve needed homes. Along with funding new housing, Durham should fund renovation to preserve existing housing that is well managed and affordable to extremely low income persons (at or below 30% of area median income).
- The City develop and adopt a process with a predictable schedule for selecting and allocating the resources dedicated for housing for extremely low income people to encourage high-performance nonprofit housing providers to plan and propose viable and developments that will remain affordable for decades to come.
- The County fund health care and supportive services for homeless persons and other extremely low income residents.

Jack Preiss, representing the Housing Results Team of the Housing Resources Advisory Committee, expressed concerns that various budgets and representations, do not reflect the need/allocation for homeless people who are chronically homeless with disabilities. He stated nothing has been built in this town for the last four years for this deprived population and asked Council to review these allocations that have come out of the Department of Community Development because what we have here is the removal of various years from 2012 to 2014 of funding and representations made by Community Development to eliminate housing in the category of those with special needs. He mentioned the difficulty in finding sites for these

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projects and they are in the process of putting together a group of players that are looking at sites where one of these projects can be done. It would be a mistake to remove certain allocations which have been made in the February 6th and April 9th revisions of what the Community Development Department has provided to Council, especially eliminating the \$250,000 in the latest edition that he has seen for housing for people with special needs. He noted what has been done in the past is to carryover funds if you haven't got a project specifically for the year. He stated because of difficulties of finding sites and leveraging other players, we have to be flexible in not eliminating items of significant amounts, like \$250,000 in this one category.

Kathryn Pleil, Durham Interfaith Hospitality Network Director, stated as a community we are doing a better job of collaborating and said that she supports comments made by previous speakers regarding the need for affordable and supportive housing. She stated over the past three years they have seen an unprecedented demand for shelter for families with children, every year since 2009 Durham's IHN average daily occupancy has risen and their capacity has been increased by 50% since December last year. She thanked Council for their partnership over the last several years in supporting Durham's IHN and homeless families in the community. She stated the funding that is provided to their program is critical to them achieving the successful outcomes that they do. Last year, 57% of families who entered without jobs gained jobs within 90 days and 70% gained permanent housing in that short period as well.

DeWarren Langley, Chair of the Citizens Advisory Committee, stated they had the distinct honor of reviewing the lengthy applications that were submitted to the Community Development Department. He highlighted their review process and stated this year their recommendations coincided with staff's recommendations so they concur with the Annual Action Plan. As we continue to address the issue of housing, affordable housing and community development, he stated we really need synergy between our transportation, economic development and job training. If we really want to deal with the issue of affordable housing, we have to have people move to a higher economic income bracket through education and job training. We have to prepare people for the jobs that are relocating to this area by making them competitive, qualified and ready for employment.

Patrice Nelson, Director of Urban Ministries of Durham, thanked the Community Development Department for their work on this plan and the work of the Homeless Services Advisory Committee. She stated a lot of progress has been made, but raised a concern that their funding is going down when needs continue to rise. She reported during the night of the Point and Time Count event, there were 759 people counted, 284 needed emergency shelter and of the 284, 46 percent were at Urban Ministries of Durham which is 132 people and of 132, 90% of those who were chronically homeless, 78% diagnosed with mental health illnesses, 51% with chronic addiction issues, 20 people released from corrective institutions and 9 released from mental health and medical institutions. She stated the amount of funding that they need to run the program is \$1.4 million and they received less than \$100,000 a year from the city, state and federal governments combined, and 80 percent of their funding is private sources. She provided stats on how many people have moved into permanent housing.

Mayor Bell closed the public hearing.

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive comments on the Draft FY 13-14 Annual Action Plan for the use of CDBG, HOME and ESG funds was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

MOTION by Council Member Schewel seconded by Council Member Catotti to approve the Draft FY 13-14 Annual Action Plan for the submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME and ESG program agreements and related documents;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant Project Ordinance in the amount of \$1,564,678.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnerships Program Grant Project Ordinance in the amount of \$1,082,712.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant Project Ordinance in the amount of \$150,000.00 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #s 14438, 14439, and 14440

Mayor Bell asked staff to provide a better sense of where all sources of funds are coming from other than the City as they go through the budget and review programs.

Regarding the five-year plan, Council Member Catotti asked staff to provide the following versions: Original proposed in June 2012, adjusted in February 13, 2013 and what staff is recommending again after that.

Council Member Schewel pointed out that many organizations that applied are extremely worthy of much more money and almost all of the organizations recommended for federal funding had somewhat less and that Urban Ministries was not the only one that received less than they had asked for. He stated the sequester is really hurting us.

Council Member Brown stated that there are a lot of funds going to Southside and Southside West which is a priority for this Council. He referenced that Urban Ministries is only receiving \$33,000 and when you look at the valuable work that they do, he felt it is not helpful in terms of the community needs that we are facing.

SUBJECT: Comprehensive Plan Amendment, Triangle Curling Club (A1200016)

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To conduct a public hearing to receive comments on the Triangle Curling Club (A1200016) Plan Amendment;

To adopt a Resolution to Change the Future Land Use from Office to Industrial.

Recommendations: The Staff recommends approval based on the justification and proposed land use designation meeting the four criteria for plan amendments.

Planning Commission recommended approval, based on information provided in the staff report, the applicant's justification, information heard at the public hearing, and meeting the criteria for plan amendments, 11-0, on February 12, 2013.

City/County Planning Director Steve Medlin certified that agenda items 39 and 40 have been properly noticed in accordance with both the general statute and the Unified Development Ordinance provisions and affidavits have been completed and are a part of the case files for public review. He briefed Council on the Triangle Curling Club plan amendment that would amend the future land use map to change the land use designation from office to industrial. The site is approximately 7.2 acres in size and located at 2310 So Hi Drive. He stated staff is recommending approval of this request as it meets the four criteria for plan amendments. He stated the purpose of the plan amendment is to allow the development of the site as an indoor recreation facility and the land, adjacent to the site on the east, west and south, lies within the Research Triangle Park and is zoned Research Science Park which is the industrial zoned designation. He stated the Planning Commission recommended approval of this item at its February 12, 2013 meeting.

Mayor Bell opened the public hearing.

Dan Jewell, representing the applicant, spoke in support of this plan amendment. He provided background information on this item, reported this would be the only dedicated curling facility south of Maryland, and introduced the curling group present at the meeting. He stated the site would be suitable for a long low building with four sheets of ice that could be used for what will be a nationally recognized curling facility. He urged Council to approve this request.

No one spoke in opposition to this plan amendment.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to receive comments on the Triangle Curling Club (A1200016) Plan Amendment; and

To adopt a Resolution to Change the Future Land Use from Office to Industrial was approved at 8:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and

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Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9853

SUBJECT: Zoning Map Change, Triangle Curling Club (Z1200027)

To conduct a public hearing to receive comments on the zoning map change for Triangle Curling Club (Z1200027); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1200027 out of Residential Rural (RR) and placing same in and establishing same as Industrial Light (IL); and

To adopt as support for its action on the proposed zoning map change the determinations that the action would be consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Determination: Staff determines that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances.

Planning Commission Recommendation and Vote: Approval, 11-0 on February 12, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

[The site is located at 2310 So Hi Drive, on the south side of So Hi Drive opposite Ed Cook Road, PIN 0739-02-77-3978].

City/County Planning Director Steve Medlin briefed Council on the zoning map change. He stated this is companion zoning to the land use plan amendment just approved. This is a request to rezone a 7.2 acre site located at 2310 So Hi Drive from its current zoning designation of residential rural to light industrial. He reported that staff has determined that this request is consistent with the Future Land Use Designation of the Comprehensive Plan and the Planning Commission recommended approval of this item at its February 12, 2013 meeting. He pointed out that ordinance date should reflect April 15th and not April 1st.

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Mayor Bell opened the public hearing.

Proponent

Dan Jewell, representing the applicant, stated he was present to answer questions.

No one spoke in opposition to the zoning map change.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive comments on the zoning map change for Triangle Curling Club (Z1200027); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1200027 out of Residential Rural (RR) and placing same in and establishing same as Industrial Light (IL); and

To adopt as support for its action on the proposed zoning map change the determinations that the action would be consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14441

[SUPPLEMENTAL ITEM]

SUBJECT: Resolution in Support of Action by the Centers for Disease Control (CDC)

Victoria Peterson spoke in support of this item. She asked Council to provide training funds to address the crisis here in Durham by creating programs separate from the school system. She made a recommendation that \$5 million over a five-year period be targeted for these young men in this community.

Mayor Pro Tempore Cole-McFadden provided background information on this item referencing support and adoption of resolution by the Black Caucus of Local Elected Officials, the National League of Cities - Human Development Committee in which she serves on that committee and the National League of Cities. She urged Council to support this request.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Resolution in Support of Action by the Centers for Disease Control (CDC) to Address Violence among Young African American Males was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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Resolution #9854

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: Amendments to City Code Regulating Discharge and Possession of Dangerous Weapons

Victoria Peterson raised a concern about this item and explained why she supports the right to bear arms. She asked the City Attorney what happened to our constitutional rights to bear arms and will the \$500 fine go back to the City. She stated good citizens should be allowed to carry guns in the park to protect themselves, particularly, women, and there should be classes to teach them how to protect themselves.

Assistant City Attorney O'Toole reported these code changes are to bring the City Code into conformance with recent changes in the state statute.

Mayor Bell asked Ms. Peterson to contact City Attorney Baker to address questions she raised.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to adopt an Ordinance Amending the City Code to Regulate Discharge and Possession of Dangerous Weapons was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14435

SUBJECT: Proposed Sale of 1111 W. Chapel Hill Street by Upset Bid, Parcel ID 114009 (City Tract 1835)

General Services Director Joel Reitzer stated the City received an offer to purchase city-owned property at 1111 W. Chapel Hill Street from Chapel Hill Street Development, LLC—an affiliate of Self-Help Credit Union. He stated the property is a public parking lot containing 12 spaces and the offer includes a purchase price of \$37,000.00 and six parking spaces to be designated for short-term use for public parking at all times. He reported the offer purposes to redevelop an area known as Kent Corner located at W. Chapel Hill and Kent Streets adjacent to the city-owned parking lot. As a mixed-used property, it proposes to include 38,000 square feet of office space, 10,000 square feet of retail space and approximately 160 parking spaces. He asked Council to declare the property at 1111 W. Chapel Hill Street as surplus and accept the offer of \$37,000 and six public parking spaces from Chapel Hill Street Development LLC to purchase the property and advertise for upset bids pursuant to the upset bid procedure (G.S. 160A-269).

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to excuse Council Member Moffitt from the discussion on this item due to a conflict of interest was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Brown, Catotti and Schewel. Noes: None. Absent: Council Member Clement.

David Anthony stated he lives next to the site and parking lot that this development will be built on. He mentioned that he sent letters to Council suggesting that they hold on to the property and stated he wanted to be considered to make a bid on the property. He made comments on the options for sale of real estate and noted at the work session that a number of them from the Kent Task Force would prefer option 3 – which would allow the City Council to be the final review of the bid process offered by the Real Estate Department. He stated that he will make a bid on this item himself with the intent to build more houses on this lot or make it commercial.

Larissa Oryshkevich, representing the Kent Street Corner Task Force, recommended that Council exercise Option 3. She expressed a concern that there is a conflict of interest in allowing the City Manager to make the decision for the responsible bidder.

Alisa Johnson, Chair of Southwest Central Durham Quality of Life Project, asked Council to allow Self-Help to purchase the City's parking lot on West Chapel Hill Street. She stated the acquisition of the City's parking lot will allow Self-Help to fulfill its goal to create a development that will bring new goods and services to the surrounding neighborhoods and provide an attractive outdoor social space for the community.

Barry Yeoman stated this proposal by Self-Help is the first time they have seen the possibility of bringing West Chapel Hill Street to life and this would be an exciting opportunity for jobs, retail, street life and recreation. Also, he made comments on the underutilization of the parking lot.

Andrew Balber made comments regarding the process and spoke in support of this item.

Evan Juhlin spoke in support of moving this item forward. He stated this is the first real plan that will make a significant difference and urged Council to approve this request.

Scott Sipe, representing Carolina Academic Press, made comments regarding the appearance of the area and spoke in support of Self-Help moving forward with buying the parking lot.

Dan Levine, representing Self-Help, made comments in support of this item. He stated this is the kind of catalytic project that it takes to get the community vision that has been expressed over the last 10 to 20 years really moving forward on West Chapel Hill Street. He stated the timing of getting this parking lot on West Chapel Hill Street under control matters both to the tenants that they are negotiating with to fill the space and the financing partners.

Bruce Mitchell, President of the Morehead Hill Neighborhood Association, stated he supports this project and urged Council to approve this item.

Sandy Demeree, representing West End Neighborhood Association, spoke in support of Self-Help's proposed project. She stated with one exception in the neighborhood, everybody is in favor of this item. She urged Council to sell the parking lot.

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J. J. Froenlka, representing Burch Avenue Neighborhood Association, stated Self-Help has proven to be a responsible, transparent developer that engages the community that it serves. He urged Council to accept this plan.

Nick Johnson made comments on the uselessness of the parking lot and expressed his excitement about the development project and urged Council to support it every step of the way.

Isaac Price, President of the Burch Avenue Neighborhood Association, stated they have full confidence in what Self-Help is trying to accomplish and urged Council to move forward with the sale of this property.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to declare the property at 1111 W. Chapel Hill Street as surplus;

To propose to accept the offer of \$37,000.00 and six public parking spaces from Chapel Hill Street Development, LLC to purchase the property at 1111 W. Chapel Hill Street and advertise for upset bids pursuant to the Upset Bid Procedure (G.S. 160A-269);

To authorize the City Manager to accept the bid from the highest responsible bidder at the conclusion of upset bid process, pursuant to Section 86.3 of the City Charter; and

To authorize the City Manager or the Mayor to convey the property with a non-warranty deed was approved at 8:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Schewel. Noes: None. Absent: Council Member Clement.

Note: Council Member Moffitt was excused from the discussion on this item due to a conflict of interest.

SUBJECT: Authority to Sign on Behalf of the City for Development Plans – Kent Corners Development

City/County Planning Director Steve Medlin stated Self-Help has submitted a development plan for the potential development of Kent Corners project. As a requirement of the Unified Development Ordinance, whenever a development plan is proposed to be applied over any property, then all property owners have to sign the owner's acknowledgement. He stated the parking lot in question is still under the City's control and staff has evaluated whether or not anyone in the administration has been given the authority to sign the application and staff determined that delegation of authority has not occurred. He reported this item authorizes the City Manager to sign the application as the owner's representative.

For clarification, City Manager Bonfield stated this will allow the complete evaluation of the development plan.

City/County Planning Director Steve Medlin stated without the signature the zoning application would be incomplete, and, therefore, could not move forward.

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David Anthony asked why this item is necessary.

Mayor Bell explained that Council has to authorize someone to sign as the owner of the property which is the City and Council is authorizing the City Manager to sign acknowledgment.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to sign owner's acknowledgment forms for zoning map changes with development plans for Kent Corners on behalf of the City was approved at 8:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Schewel. Noes: None. Absent: Council Member Clement.

Note: Council Member Moffitt was excused from the discussion on this item due to a conflict of interest.

There being no further business to come before the City Council, the meeting was adjourned at 8:57 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk