

**DURHAM, NORTH CAROLINA  
THURSDAY, MARCH 6, 2014  
4:30 P.M.**

**Pursuant to the proper notification** and due to the cancellation of the regular March 3, 2014 meeting, the Durham City Council held a special meeting on the above date and time in the Council Chambers in City Hall with the following members present:

Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Also present: Deputy City Manager Wanda Page, City Attorney Patrick Baker and City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation with the pledge of allegiance led by Council Member Brown.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk. Deputy City Manager Page informed Council that Agenda Item #22 [Durham Police Department's 2013 Annual Summary Crime Report] has been added as a Supplemental Item. Also, she asked Council to defer public hearing Agenda Items #15 [Public Hearing on FY2014-15 Fiscal Year Budget and FY2015-2020 Capital Improvement Plan (CIP)], #16 [Consolidated Annexation Item – Fifty-Four Plaza] and #17 [Zoning Map Change-Bethpage Village Revisions] to the March 17, 2014 City Council Meeting.

**MOTION** by Council Member Catotti seconded by Council Member Schewel to accept the City Manager's priority items was approved at 4:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There were no priority items by the City Attorney and City Clerk.

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. No items were pulled from the Consent Agenda.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**[CONSENT AGENDA]**

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**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve City Council minutes for the January 6, 2014 Special Meeting, January 21, 2014 City Council Meeting, January 23, 2014 City Council Work Session and February 3, 2014 City Council Meeting was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION - APPOINTMENTS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Pamela Marie Porter and Ellen Weinstein to the Durham City-County Appearance Commission with the terms to expire on April 1, 2017 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION -APPOINTMENT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Perry Whitted to the Durham Open Space and Trails Commission representing At-Large with the term to expire on June 30, 2017 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Thomas Miller to the Durham Planning Commission with the term to expire on June 30, 2015 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the streets and associated infrastructure for maintenance by the City of Durham as listed was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None.  
Absent: None.

Chamberlynn Subdivision – Phase I

- 1) Victorian Oaks Drive – from the centerline of Cook Road west to the end of Phase I construction @ STA 12+75 (2,290') and
- 2) Baronet Court – from the centerline of Victorian Oaks Drive northwest through the cul-de-sac (197') and
- 3) Promenade Court - from the centerline of Victorian Oaks Drive south through the cul-de-sac (141').

Chamberlynn Subdivision – Phase I – Additional Infrastructure Limits

- 1) 8" Sanitary Sewer Outfall – from Victorian Oaks Drive @ STA 1+05 south to existing sewer outfall north of Swallows Ridge Court (326').

The Park at Auburn

- 1) Mallory Lane – from the centerline of Pebble Creek Crossing southeast to the centerline of Auburn Village Drive (892').

Ben Franklin Boulevard

- 1) Ben Franklin Boulevard – from the west curb line of Danube Lane west to the existing maintenance (599').

Ravenstone - Phases IIIA and IIIB

- 1) Holly Blossom Drive – from the centerline of Hiddenbrook Drive east to the centerline of English Ivy Drive (1857') and
- 2) Hiddenbrook Drive – from the city limits line @ STA 17+20 south to the end of Phase IIIB construction @ STA 13+78 (342') and
- 3) Cottonseed Way – from the centerline of Holly Blossom Drive north to the end of Phase IIIB construction @ STA 25+05 (165') and
- 4) Cottonseed Way – from the centerline of Holly Blossom Drive south to the end of Phase IIIB construction @ STA 21+42 (198') and
- 5) Wild Sage Way – from the centerline of Holly Blossom Drive south through the cul-de-sac (470') and

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- 6) White Willow Court – from the centerline of Wild Sage Way east through the cul-de-sac (345’).

Ravenstone - Phases IIIA and IIIB – Additional Infrastructure

- 1) 10” Sanitary Sewer Outfall – from Wild Sage Way cul-de-sac southeast, then northeast to Rondelay Drive Pump Station (1825’).

Grove Pointe Subdivision

- 1) Sylvias Court – from the centerline of Northlake Drive north through the cul-de-sac (730’) and
- 2) Nobel Road from the centerline of Sylvias Court west to the end of construction @ STA 12+03 (203’).

Grove Pointe Subdivision – Additional Infrastructure Limits

- 1) 8” Sanitary Sewer Main – along Northlake Drive from Sylvias Court west to Winward Pointe Drive, then south along Winward Pointe Drive to the existing sewer main at Spinnaker Court (540’).

Wedgewood Lane Water and Sewer Extensions

- 1) 8” Sanitary Sewer Extension – along Wedgewood Lane from Carpenter Fletcher Road northeast to terminal manhole (169’) and
- 2) 8” Water Line Extension – along Wedgewood Lane from Carpenter Fletcher Road northeast to the existing water main @ STA 2+00 (285’).

**SUBJECT: CONTROLS OVER INVENTORY TOOLS AND SAFETY MATERIALS PERFORMANCE AUDIT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Controls Over Inventory Tools and Safety Materials Performance Audit, which was presented to the Audit Services Oversight Committee members at the January 27, 2014 meeting was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: PROPOSED ACQUISITIONS OF FEE SIMPLE RIGHTS-OF-WAY AND EASEMENTS FOR CARVER STREET EXTENSION PROJECT**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the fee simple acquisition of 4.34 acres of right-of-way from Old Oxford Road, LLC (a portion of parcel #177736) in the amount of \$100,000.00, plus a Storm Water easement of .22 acres, Storm Water Containment Measure of 2.12 acres, Sanitary Sewer easement of .04 acres and Temporary Construction Easement of 2.0 acres;

To approve the fee simple acquisition of 3.96 acres of right-of-way from Joven Group Three (a portion of parcels #171658 and 171917) in the amount of \$86,800.00, plus a Storm Water easement of .35 acres, Storm Water Pond area of .46 acres and Temporary Construction easement of 1.67 acres; and

To approve the fee simple acquisition of 2.27 acres of right-of-way from Leonard B. Shaffer, Katherine W. Shaffer, and Tanga Radford (a portion of parcels #171852, 171853, 171860, 171861, 171868, 171888, 171928, and 171929) in the amount of \$44,800.00, plus a Storm Water easement of .34 acres, Storm Water Pond area of 1.71 acres and Temporary Construction easement of .76 acre was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: AMENDMENT #3 FOR PROFESSIONAL SERVICES FOR THE DURHAM PARKS AND RECREATION OPERATIONS FACILITY WITH RATIO ARCHITECTS, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract amendment to the Professional Services Agreement for the Durham Parks and Recreation Operations Facility with Ratio Architects, Inc. in the amount of \$34,620.00 so that the total contract amount will not exceed \$209,068.00;

To establish an additional design contingency in the amount of \$15,000.00; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Agreement for the Durham Parks and Recreation Operations Facility with Ratio Architects, Inc. provided the total cost does not exceed \$224,068.00 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: PROFESSIONAL SERVICES CONTRACT SD-2013-03, THIRD FORK CREEK STREAM RESTORATION - WILDLANDS ENGINEERING, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for stream restoration services with Wildlands Engineering, Inc. in an amount of \$250,000.00;

To establish a contingency fund of \$37,500.00 (15%); and

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To authorize the City Manager to negotiate change orders provided that the total project cost does not exceed \$287,500.00 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: CONTRACT SD-2013-04 ROUTINE DITCHING AND PIPE REPLACEMENT - HINE SITEWORK, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for SD-2013-04, Routine Ditching and Pipe Replacement, with Hine Sitework, Inc. in the amount of \$824,295.00; and

To authorize the City Manager to negotiate change orders provided that the total project cost does not exceed \$824,295.00 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: CONTRACT SW-33, 2013 GARRETT ROAD SIDEWALK CONSTRUCTION PROJECT - WHITE OAK CONSTRUCTION CORP. OF N.C.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for SW-33, 2013 Garrett Road Sidewalk Construction Project with White Oak Construction Corp. of N.C. in the amount of \$456,945.00;

To establish a contingency fund in the amount of \$45,694.50; and,

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total project cost does not exceed \$502,639.50 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: N.C. DEPARTMENT OF TRANSPORTATION (NCDOT) SCHEDULE C AND SCHEDULE D MUNICIPAL AGREEMENTS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute municipal operations agreements with NCDOT for: a) Traffic Control Devices Traffic Signals Schedule "C"; and b) Computer, Communications, Equipment and Systems Operations for Computerized Traffic Signal System Schedule "D"; and

To authorize the City Manager to negotiate and execute any extensions, including agreeing to additional compensation or higher reimbursement that may be provided for in such extensions.

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Extensions may be made in one (1) year increments, incorporating any mutually agreed upon adjustments, with the final year of service ending June 30, 2018 was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: FY 2013-14 SECOND QUARTER FINANCIAL REPORT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive the FY 2013-14 Second Quarter Financial Report was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**The City Council disposed of the following agenda items at the February 20, 2014 Work Session:**

**14. Maplewood and Beechwood City Cemeteries Phase I Study Findings**

*(A presentation was received at the 02-20-14 Work Session)*

To receive a presentation on the findings of the Maplewood and Beechwood City Cemeteries Phase I Study.

**18. Together for Resilient Youth**

*(Comments were received at the 02-20-14 Work Session)*

To receive comments from Wanda Boone regarding permanent drop boxes for prescriptions in PAC 1 and PAC 4 substations.

**20. Dr. Regina George-Bowden**

*(Citizen did not appear at the 02-20-14 Work Session)*

To receive comments from Dr. Regina George-Bowden regarding the removal of a lien and civil penalties from record.

**21. Roadside Solicitation**

*(This item was approved at the 02-20-14 Work Session with a vote of 6/0)*

To adopt an Ordinance to Modify Restrictions on Sales and Solicitations in the Street Right-of-Way; and

To adopt an Ordinance to Restrict Unwanted Contact with and Intrusion into Occupied Motor Vehicles on Roadways.

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**[GENERAL BUSINESS AGENDA]**

**SUBJECT: ACTIONNC**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Resolution Opposing Homeowners Insurance Rate Increase was approved at 4:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**Resolution #9886**

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: PUBLIC HEARING ON FY2014-15 FISCAL YEAR BUDGET AND  
FY2015-2020 CAPITAL IMPROVEMENT PLAN (CIP)**

To conduct a public hearing to receive comments on the FY2014-15 Fiscal Year Budget and FY2015-2020 Capital Improvement Plan (CIP).

**Note: By a vote of 7/0, the City Council deferred this item to the March 17, 2014 City Council Meeting at the request of the City Manager.**

**SUBJECT: CONSOLIDATED ANNEXATION ITEM – FIFTY-FOUR PLAZA**

To conduct a public hearing to receive comments on the Consolidated Annexation – Fifty-Four Plaza;

To authorize the City Manager to enter into a water and sewer extension agreement with Durham Imperial Investors, LLC;

To adopt an Ordinance Annexing the Fifty-Four Plaza development into the City of Durham effective March 31, 2014;

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300021 out of Commercial Neighborhood (CN) (County Jurisdiction) and placing same in and establishing same as Commercial General with a development plan (CG(D)) (City Jurisdiction); and

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

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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.

Recommendations: The staff recommends that the City Council approve the Utility Extension Agreement, Voluntary Annexation Petition, and Zoning Map Change.

**Note: By a vote of 7/0, the City Council deferred this item to the March 17, 2014 City Council Meeting at the request of the City Manager.**

**SUBJECT: ZONING MAP CHANGE-BETHPAGE VILLAGE REVISIONS  
(Z1300030)**

To conduct a public hearing to receive comments on the zoning map change for Bethpage Village Revisions (Z1300030);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300030 to modify the previous proffered commitments associated with the development plan for the existing zoning designation of Planned Development Residential – 4.733 (PDR 4.733), Commercial General with a development plan (CG (D)), and Industrial Light with a development plan (IL (D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan 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 January 14, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted 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.

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[The site is located in the northwest quadrant of the intersection of Page Road and chin Page Road. PINs: 0748-03-94-7127, 0758-03-12-7976, -01-20-0345, -03-11-2112]

**Note: By a vote of 7/0, the City Council deferred this item to the March 17, 2014 City Council Meeting at the request of the City Manager.**

**[SUPPLEMENTAL ITEM]**

**SUBJECT: DURHAM POLICE DEPARTMENT'S 2013 ANNUAL SUMMARY  
CRIME REPORT**

To receive a presentation on the Durham Police Department's 2013 Annual Summary Crime Report.

Police Chief Jose Lopez gave a power point presentation on the Police Department's 2013 Annual Summary Crime Report highlighting the following:

***2013 DPD Highlights***

- CALEA Gold Accreditation
- Forensics Services Accreditation
- Robberies at 23-Year Low
- National Recognition of Programs

**Part 1 Violent Crime**

- Part 1 violent crime - homicides, rapes, aggravated assaults and robberies
- Violent crime equals 13% of Part 1 crime
- Violent crime incidents down 6% from 2012
- Violent crime rate per 100,000 down 5.8% from 2012

Violent crime rate per 100,000 down 30% from 2000

Part 1 Violent Crime – 3 year average [2011, 2012 and 2013]

**Part 1 Property Crime**

- Part 1 property crime - burglary, larceny and motor vehicle theft
- Property crime incidents up 6% from 2012
- Property crime rate per 100,000 up 5% from 2012
- Property crime rate per 100,000 down 40.5% since 2000

Part 1 Property Crime – 3 year average [2011, 2012 and 2013]

**Part 1 Index Crime**

- Total of property and violent crime
- Index crime incidents up 4 percent compared to 2012
- Index crime rate per 100,000 up 3.8 percent compared to 2012
- Index crime rate per 100,000 down 39.4 percent since 2000

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2013 Part 1 Index Crime

**Clearance Rates**

**Staffing Levels**

**Priority 1 Call Response Times**

- 5,067 Priority 1 calls from Jan. 1, 2013 to Dec. 31, 2013
- 5.9 minute average response time – Almost met target of 5.8
- 53.96% under 5 minutes – Does not meet target of 57%

**2000-2013 Index Crime Rate Trend**

**2013 Holiday Initiatives**

Council Member Moffitt requested a copy of the police report summary.

Police Chief Lopez highlighted change in the FBI reporting standards for rape referencing that the definition of rape was expanded to include additional victims of sexual assault and explained the difference between robbery and burglary.

**Note: No action was taken by the City Council.**

Mayor Bell announced that on March 19, 2014, there will be a breakfast meeting at 7:30 a.m. at the Durham Rescue Mission to address *Reducing Poverty Neighborhood by Neighborhood* which was the theme of his annual State of the City Address.

There being no further business to come before the City Council, the special meeting was adjourned at 4:49 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC, NCCMC  
City Clerk