

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 2, 2014
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, Eddie Davis, Don Moffitt and Steve Schewel. Excused Absence: Council Member Diane Catotti.

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

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

Council Member Davis recognized Hortense McClinton and R. Kelly Bryant for their outstanding contributions.

Council Member Moffitt and Mayor Pro Tempore Cole-McFadden requested an excused absence from the July 24, 2014 City Council Work Session.

MOTION by Council Member Schewel seconded by Council Member Davis to excuse Council Member Moffitt from the July 24, 2014 City Council Work Session was approved at 7:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

MOTION by Council Member Moffitt seconded by Council Member Schewel to excuse Mayor Pro Tempore Cole-McFadden from the July 24, 2014 City Council Work Session was approved at 7:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

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 informed Council that Item #35 [Resolution Memorializing Dr. Maya Angelou] was added to the agenda as a Supplemental Item.

MOTION by Council Member Moffitt seconded by Mayor Pro Tempore Cole-McFadden to accept the City Clerk's priority item was approved at 7:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

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Mayor Bell announced there is a program scheduled at Wake Forest University for the late Dr. Maya Angelou and asked the Clerk to fax the Resolution to the appropriate person.

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 Davis to approve the Consent Agenda was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to approve City Council minutes for the April 10, 2014 City Council Work Session and April 21, 2014 City Council Meeting was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to accept the streets and associated infrastructure in the memo for maintenance by the City of Durham was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

Summer Meadows – Phases 2 & 5

1) Summer Storm Drive – from the end of Phase 1 construction @ STA 4+17.54 east then north to the centerline of the second intersection with Rainmaker Drive (1,716') and

2) Rainmaker Drive – from the centerline of Summer Storm Drive north through the cul-de-sac (1,444') and

3) Vienna Drive – from the north ditch line of Hebron Road north to the centerline of Summer Storm Drive (182') and

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4) Salzburg Court – from the centerline of Summer Storm Drive west through the cul-de-sac (158’).

Summer Meadows – Phases 2 & 5 – Additional Infrastructure

1) Sanitary Sewer Outfall “A1” – from the sewer main located in Rainmaker Drive north to the existing sewer outfall (495’) and

2) Sanitary Sewer Outfall “A2” – from the sewer main located in the cul-de-sac end of Rainmaker Drive west to the intersection of sewer outfall A1 (306’) and

3) Sanitary Sewer Outfall “D” – from the sanitary sewer main in Summer Storm Drive south to STA 2+48.75 (149’).

Villas at Culp Arbor – Phases 1A, 1B, & 1C

1) Culp Hill Drive – from the west curb line of Farrington Road west to the end of Phase 1 construction @ STA 7+85 (455’) and

2) Niagra Drive – from the beginning of Phase 1 construction north past Culp Hill Drive to the end of Phase 1 construction @ 6+65 (565’).

Villas at Culp Arbor – Phases 1A, 1B, & 1C – Additional Infrastructure

1) Sanitary Sewer Outfall A – from the sanitary sewer line in Niagra Drive north then east to the sanitary sewer manhole west of Farrington Road (726’) and

2) Sanitary Sewer Outfall B – from the sanitary sewer manhole west of Farrington Road easterly under Interstate 40 and south to the existing Trenton Road sewer outfall (3,438’) and

3) Sanitary Sewer Outfall C – from the sanitary sewer main in Niagra Drive east to the end of the sewer outfall line (216’).

Cardinal Lake – Phases 3, 4, 5, 6, 8, 9, 10, 11, & 12

1) Whispering Oak Lane – from the centerline of Cardinal Lake Drive south through the cul-de-sac (1,425’) and

2) Golden Meadow Court – from the centerline of Whispering Oak Lane east through the cul-de-sac (478’) and

3) Serenity Court – from the centerline of Whispering Oak Lane east through the cul-de-sac (427’) and

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- 4) Red Bird Drive – from the centerline of Whispering Oak Lane eastward to the end of the road @ STA 15+72.41 (572') and
- 5) Red Crest Lane – from the centerline of Red Bird Lane south to the end of the road @ STA 15+64.10 (564') and
- 6) Scarlett Lane Drive – from the centerline of Cardinal Lake Drive south and then east back around to the centerline of Cardinal Lake Drive (853') and
- 7) Golden Eagle Drive – from the end of Phase 2 construction @ STA 24+20.29 eastward and back around to the end of Phase 12 construction @ STA 45+90 (2,170') and
- 8) Falling Star Way – from the end of Phase 2 construction @ STA 13+18 south to the centerline of Golden Eagle Drive (155') and
- 9) Rosebud Lane – from the centerline of Golden Eagle Drive westward to the centerline of Golden Eagle Drive (814').

Cardinal Lake - Phases 3, 4, 5, 6, 8, 9, 10, 11, & 12 - Additional Infrastructure

- 1) Sanitary Sewer Outfall T – from the sanitary sewer manhole located in Cardinal Lake Drive north then southwest to the end of the outfall line (533') and
- 2) Sanitary Sewer Outfall U – from the sanitary sewer manhole located in Cardinal Lake Drive north then northeast to the end of the outfall line (405') and
- 3) Sanitary Sewer Outfall P – from the sanitary sewer manhole east of Red Crest Lane west to the existing sanitary sewer outfall line southwest of Whispering Oak Lane (714').

Swanns Mill - Phases 7A, 7B, 7C, & 8

- 1) Genlee Drive – from the centerline of Miller Drive east to the centerline of Cozart Street (1,917') and
- 2) Nethers Court – from the centerline of Genlee Drive south through the end of the cul-de-sac (143') and
- 3) Cozart Street – from the end of previous construction @ STA 33+19.34 north to the end of construction @ STA 35+49.65 (230') and
- 4) Shiley Drive – from the centerline of Genlee Drive southward to the centerline of Cozart Street (817') and

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5) Bolter Court – from the centerline of Shiley Drive southeast through the end of the cul-de-sac (130’) and,

6) Tennessee Road – from the centerline of Genlee Drive north to the end of construction @ STA 19+85.26 (985’) and

7) Miller Court – from the centerline of Miller Drive west through the end of the culde-sac (128’) and

8) Miller Drive – from the end of previous construction @ STA 29+67.45 north then east to the centerline of Tennessee Road (898’).

Swanns Mill - Phases 7A, 7B, 7C, & 8 - Additional Infrastructure

1) Sanitary Sewer Outfall D – from the sanitary sewer manhole in Tennessee Road east to the existing sewer outfall (85’).

Brier Village – Phase II

1) Torrey Heights Lane – from the centerline of Evanston Avenue east then north to the centerline of Evanston Avenue (1,265’).

SUBJECT: PHILLIPS DEVELOPMENT AND REALTY'S IMPACT FEE APPEAL

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to approve the final decision of City Council Upholding the determination of the Manager’s Impact Fee Appeal Committee in an appeal filed by Robin T. Currin on behalf of Phillips Development and Realty was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: DEDICATED FUNDING SOURCE PERFORMANCE AUDIT DATED MARCH 2014

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive and accept the Dedicated Funding Source Performance Audit dated March 2014 as presented and approved at the March 24, 2014 Audit Services Oversight Committee meeting was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: GRANTS DRAWDOWN PERFORMANCE AUDIT DATED APRIL 2014

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive and accept the Grants Drawdown Performance Audit dated April 2014 as presented and approved at the April 28, 2014 Audit Services Oversight Committee meeting was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: SECOND AMENDMENT TO NINTH STREET INFRASTRUCTURE PROJECT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DURHAM AND CPGPI REGENCY DEVELOPMENT, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute a second amendment to the agreement for the Redevelopment and Renovation of the Durham Ninth Street Commercial District extending the completion of the work to January 31, 2015;

To accept a final Guaranteed Maximum Price (GMP) for the streetscape construction work based upon final design and cost estimates in the amount of \$657,907.40;

To establish a project contingency fund for the streetscape project in the amount of \$204,695.07; and

To negotiate and execute change orders to the agreement so long as the total cost of the streetscape improvements including construction, engineering, lighting and other streetscape related work does not exceed the total project budget of \$1,039,687.32 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: PROPOSED CONVEYANCE OF APPROXIMATELY 0.190 ACRES IN FEE SIMPLE TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AT 753 ELLIS ROAD (PARCEL #156775) AND 801 ELLIS ROAD (PARCEL #156779), DURHAM, NC 27703 FOR THE EAST END CONNECTOR PROJECT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize conveying approximately 0.190 acres in fee simple to North Carolina Department of Transportation across portions of 753 Ellis Road (parcel #156775) and 801 Ellis Road (parcel #156779) for \$8,150.00 pursuant to G.S. §160A-274; and

To authorize the City Manager or Mayor to convey the city-owned property by non-warranty deed was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore

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Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None.
Excused Absence: Council Member Catotti.

SUBJECT: PLAN YEAR 2014-15 EMPLOYEE BENEFITS RECOMMENDATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to approve the recommendations for benefit vendors, recommendations for the 2014-2015 Employee Benefits Program for the plan year September 1, 2014 through August 31, 2015; and

To authorize the City Manager to execute the contracts with recommended benefit vendors was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

P&A Group Administration for Consolidated Omnibus Budget Reconciliation Act (COBRA);

UNUM Life for Basic and Supplemental Life, Long Term and Short Term Disability;

The Laymon Group for Administration of the Medical and Dental Flexible Spending Account Programs and administration of the City's Healthcare Reimbursement Arrangement;

Colonial Life for Voluntary Benefits (Accident, cancer, critical illness, whole life and Short Term Life);

Liberty Mutual for Home, Auto and Umbrella.

SUBJECT: HISTORIC PRESERVATION COMMISSION 2013 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive the Historic Preservation Commission 2013 Annual Report was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION 2013 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive the Durham Open Space and Trails Commission 2013 Annual Report was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

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SUBJECT: DURHAM PLANNING COMMISSION 2013 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive the 2013 Annual Report of the Planning Commission was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: DURHAM BOARD OF ADJUSTMENT 2013 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to accept the 2013 Annual Report of the Durham Board of Adjustment was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: DURHAM ENVIRONMENTAL AFFAIRS BOARD 2013 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive the Durham Environmental Affairs Board 2013 Annual Report was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION 2013 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive the 2013 Durham City-County Appearance Commission Annual Report was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: WINDERMERE RIDGE TOWNHOMES CATEGORY 4 FAILED DEVELOPMENT REIMBURSEMENT AND STORMWATER FACILITY AGREEMENT - J & F INVESTMENTS, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to enter into a contract for reimbursement of Failed Developments funds with J & F Investments, LLC for completion of infrastructure in Windermere Ridge Townhomes Failed Development; and

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To authorize the City Manager to enter into a Stormwater Facility Agreement with J & F Investments, LLC and Windermere Ridge Townhome Owner Association, Inc. was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: CONTRACT AMENDMENT FOR ST-254 FAYETTEVILLE, BUXTON, RIDDLE PROJECT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute an amendment to increase the ST-254: Fayetteville, Buxton, and Riddle professional services contract by \$53,928.00 for design modifications and extend the contract by four months was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: CITY OF DURHAM TELEPHONE SYSTEM IMPROVEMENT PROJECT - INTERNETWORK SERVICES INCORPORATED DBA INTERNETWORK ENGINEERING

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute a contract with Internetwork Services Incorporated dba Internetwork Engineering in the amount of \$951,211.00 to cover the period of five years to install an in-house VoIP telephone system and provide on-call engineering support and monitoring services was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: EXECUTION OF AMENDMENT 3 WITH LANIER PARKING SYSTEMS OF DURHAM, LLC FOR PARKING MANAGEMENT SERVICES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute a contract amendment with Lanier Parking Systems (LPS) of Durham, LLC for parking management services for the period of July 1, 2014 – June 30, 2015 for a contract amount of \$1,639,260.99, plus additional fees for special events parking estimated to be \$41,937.01 for a total not to exceed amount of \$1,681,198.00 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

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**SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)
ENCROACHMENT AGREEMENT FOR ERWIN ROAD UNDERPASS
LIGHTING PROJECT - DUKE UNIVERSITY**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute an N. C. Department of Transportation three party right of way encroachment agreement with Duke University for the Erwin Road Underpass Lighting Project was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

**SUBJECT: WATER TREATMENT PLANT RESIDUALS ENGINEERING SERVICES
CONTRACT - AMENDMENT NO. 1 - CDM SMITH INC.**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute a contract amendment with CDM Smith Inc. for engineering services for the Water Treatment Plant Residuals Master Plan and Design Project in the total amount not to exceed \$2,655,700.00;

To authorize a contingency amount of \$264,300.00; and

To authorize the City Manager to negotiate and execute change orders for the contract provided that the cost of all change orders together with the original contract costs does not exceed the total project cost of \$3,466,100.00 which includes the revised total contract amount of \$3,151,800.00 plus remaining contingency was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

**SUBJECT: FY 2014 - WATER RECLAMATION FACILITIES IMPROVEMENTS
ENGINEERING SERVICES CONTRACT - HAZEN AND SAWYER, P.C.**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute a contract with Hazen and Sawyer, P.C. for engineering services for the FY 14 Water Reclamation Facilities Improvements in the total amount not to exceed \$1,148,290.00;

To authorize establishment of a contingency fund for the contract of \$114,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders together with the original contract cost does not exceed the total project cost of \$1,262,290.00 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

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SUBJECT: AMENDMENT #4 FOR CONTRACT 4668 - ANGIER AVENUE ELEVATED STORAGE TANK DESIGN CONTRACT ADDITIONAL CONSTRUCTION PHASE SERVICES - KIMLEY-HORN AND ASSOCIATES INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to authorize the City Manager to execute a contract amendment with Kimley-Horn and Associates Inc. for additional services related to the contract for additional costs not to exceed \$77,840.11 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: HUMAN RELATIONS COMMISSION RECOMMENDATIONS TO COUNCIL ON ALLEGATIONS OF RACIAL BIAS AND RACIAL PROFILING BY THE DURHAM POLICE DEPARTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Davis to receive and accept a report from the Human Relations Commission regarding the allegations of racial bias and racial profiling of the Durham Police Department was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM TRAFFIC SEPARATION STUDY (TSS)

To adopt a resolution concerning the recommendations in the Traffic Separation Study for the City of Durham, North Carolina.

Dan Jewel, representing Durham Area Designers, thanked Council for their deliberations on the Durham Traffic Separation Study and commented on the public hearing held last October. He stated it must be clear whatever Council does that the limited number of scenarios that were covered in the report will be conceptual at best and that they are not recommended solutions. He stated some of those solutions at key places will be potentially damaging for Durham in terms of City development and livability. He stated they strongly support the following language in the resolution: That the implementation of the long-term recommendations will only be advanced with project-specific studies and public engagement in collaboration with and approval by the City of Durham. He said that the Durham Area Designers Team is ready and eager to assist and support the City Council and staff in any way that they can in this undertaking and process.

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Council Member Schewel stated that he would be voting against this resolution. He said he was in favor of receiving the report since the recommendations would not be carried out until there are detailed studies.

MOTION by Council Member Moffitt seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution concerning the recommendations in the Traffic Separation Study for the City of Durham, North Carolina **FAILED** AT 7:15 by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Member Davis. Noes: Council Members Brown, Moffitt and Schewel. Excused Absence: Council Member Catotti.

MOTION by Council Member Schewel seconded by Council Member Brown to receive a report concerning the recommendations in the Traffic Separation Study for the City of Durham, North Carolina was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

[E-TOWN HALL [BUDGET]

At this time during the meeting, Mayor Bell stated that this is the second E-Town Hall on the budget which provides an opportunity for people who would not or unable to come to City Hall to interact with Council Members. The Mayor outlined the E-Town Hall procedures and introduced Ken Smith of WRAL-TV as the moderator. The following questions were raised and answered by Council.

Sidewalks (Topic: Need for more sidewalks building new as well as repair of existing)

1. I and my family have tripped many times on the unsafe and badly broken sidewalks which are in desperate need of repair in front of our home. There is also NO WAY that handicapped people in wheelchairs or on crutches or walkers can get down our street because the sidewalk is in pieces. I ask City Council to increase funds to repair sidewalks more quickly. I hope the City Council agrees that waiting years to repair this and provide safe access is too long and that something must be done to repair our sidewalks now.
2. How can we get a sidewalk along the edge of Eno Trace between Shadebush and Lazyriver on Infinity road built? Is there money set aside to increase the number of sidewalks in Durham in general?
3. The Old North Durham Neighborhood Association Board has asked the City to increase sidewalk repair funds from \$100,000 to \$200,000/year city-wide. What are the plans to increase funds for sidewalks?

Streets (Topic: Ongoing Street maintenance)

1. Bumpy streets are still an issue in Durham. How is the city addressing the need to fix bumpy streets and potholes in the City?

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Traffic safety improvements: (Topic: Bike lanes)

1. My primary objective is to add one more voice to requests for more adequate funding for traffic safety improvements for pedestrians and cyclists. As a family, we conduct the majority of our errands by bicycle, which is indeed possible in Durham (wonderful).

However, in those locations where adequate infrastructure (sidewalks, traffic lights) is absent, bike riding with children can quickly become a life-threatening exercise. **To sum up this writer's question:** There are critical gaps between sidewalks, sidewalk ramps, missing pedestrian lights, and lights that do not switch automatically. How do we solve this problem in the budget? Can funding for other seemingly less important areas be reduced? (*For example, this writer cited Public Affairs government TV on which he's probably watching us now as a place that could be reduced*)

Public Safety (Topic: Does increase in crime reflect need for more tax dollars in this area?)

1. The press has reported an increase in crime this year, and according to the Police Department, it is mostly "retaliatory crime," and not related to other crime. When I have a conversation with staff in Neighborhood Improvement Services, we agree that blighted property often leads to negative outcomes...pertaining to "public safety." With that in mind, does the amount of property tax allocated for public safety need to be increased to keep the city safe?

Solid Waste (topic: Possibility of reduction of recycling due to position elimination)

1. Now that the Waste Reduction Coordinator position has been eliminated, how does the City intend to coordinate local government agencies and community groups who are working on positive-impact waste reduction initiatives in Durham?
2. The environmental-economic evidence base demonstrates that waste reduction pays for itself. How does the City justify removing the Waste reduction coordinator position as a "budget cut?"
3. Why not reduce 401K for employees rather than eliminate positions in Solid Waste?
4. Please clarify what it means for code enforcement to be done on a "reactive basis."

Parks & Recreation (topic: half cent on the tax rate was discussed at budget meetings last week to support maintenance issues and repairs at city parks and facilities.)

1. I am writing in support of increased funding for city parks maintenance in this year's budget even if it means a tax increase to pay for it. I would also like to express my support for the development of a multi-field sports complex for sports such as soccer and lacrosse. This lack of fields not only costs Durham visitor dollars, it also results in the over-use of both city fields and Durham Public schools fields. Please address this issue.
2. I am asking specifically about funding to the Walltown Swimming pool. Is this in the plans?

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Planning (Topic: Staffing needs to meet long-term Planning needs)

1. How does a citizen ensure their planning needs are prioritize in the planning work plan? I have been waiting over three years for a study to be done on my neighborhood's local historic district designation. Each year it is not included because there is not enough staff, but the planning department feels they don't need any extra staff. PLEASE HELP ME UNDERSTAND!

Mayor Bell's Poverty Initiative

1. I understand the need to address poverty throughout the city. How is the City funding this initiative?

Youth Engagement/Teens

1. What opportunities is the City providing to engage our youth?

Downtown Development

1. With all the development downtown (4 new hotels), is there going to be adequate parking for citizens?

Southside Development

1. Are we putting too much money into the Southside Project? What about other needs for the homeless?

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING ON THE PROPOSED FY 2014-15 BUDGET AND FY 2015-20 CAPITAL IMPROVEMENT PLAN (CIP)

To conduct a public hearing to receive comments on the Proposed FY 2014-15 Fiscal Year Budget and FY 2015-20.

Mayor Bell opened the public hearing.

Charlie Reese, representing People Alliance, stated this is a good budget for the City with one exception. He urged Council to repeal the regressive solid waste fee in favor of a small increase in the property tax rate.

Steve Hopkins thanked Mayor Bell and Council Members Davis and Schewel for attending the Northeast Central Durham Town Hall Meeting.

Gwyn Silver highlighted the following concerns: 1) Parks and Recreation – would like to begin discussions on how they can generate more income and revenue; 2) Stone Hill Estates – Concern with infrastructure and street paving and 3) the need for more solid waste revenue.

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James Williams, President of the Stone Hill Homeowners Association, referenced information provided to Council. He expressed a concern with streets that are deteriorating [pot holes, etc.] and urged Council to provide funding in this year's budget to have streets re-surfaced.

Donald Bryson, representing Americans for Prosperity, raised a concern with the proposed property tax increase which would hurt economic freedom and increases the tax burden on citizens of Durham.

Victoria Peterson thanked City Attorney Baker and his team for saving the community dollars. She expressed a concern with the crime in this community and asked Council to create a training program that would allow young men to receive a stipend.

Peter Skillern, representing Reinvestment Partners, asked Council to invest in sidewalks and outlined solutions mentioning increasing the budget to \$200,000 which would cut the wait time in half. He commented that there is a need for better management policy on prioritizing those repairs and thanked the Public Works Department and staff person who handles sidewalk repairs.

Lorisa Seibel provided Council with a signed petition of 65 signatures to repair sidewalks and urged Council to place this issue on their priority list.

Tevin Armstrong asked Council to repair sidewalks because it is difficult for persons with disabilities.

Mayor Bell closed the public hearing.

Council Member Schewel made comments regarding sidewalks. He referenced the discussion held at the last Work Session and noted that the City Manager and or administration will report back to Council on how to re-prioritize our sidewalk funds. Also, he made comments about the property tax rate increase and fees. He shared information on what city taxes pay for.

Mayor Pro Tempore Cole-McFadden thanked staff for their role in shaping the budget.

Council Member Moffitt thanked everyone who spoke on the budget.

Mayor Bell discussed the next steps in the process and stated the goal is for Council to adopt the final budget on June 16, 2014.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive comments on the Proposed FY2014-15 Fiscal Year Budget and FY2015-20 was approved at 8:53 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

SUBJECT: 2013 EVALUATION AND ASSESSMENT REPORT OF THE DURHAM COMPREHENSIVE PLAN (A1400002)

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To conduct a public hearing to receive comments on the 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan; and

To adopt a Resolution Amending the Future Land Use Map of the Durham Comprehensive Plan and making policy changes to the Durham Comprehensive Plan.

Recommendations: The staff recommends adopting a resolution amending the Future Land Use Map and making policy changes to the Durham Comprehensive Plan.

The Planning Commission recommended approval on a 12-0 vote at its April 8, 2014 meeting.

Aaron Cain, of the City/County Planning Department, briefed Council on the staff report on the 2013 Evaluation and Assessment Report [EAR] of the Durham Comprehensive Plan. He gave an overview of the three parts of the EAR that are being considered by Council: rectification of any changes to the Future Land Use Map that was made by the Durham Board of County Commissioners, policy changes to the text of the Durham Comprehensive Plan and technical changes to the Future Land Use Map. He reported there were no Future Land Use Map changes adopted by the Board of Commissioners in 2013, there are 54 policies of the Durham Comprehensive Plan that have been edited, removed or newly created polices that need to be adopted by Council, and three parcels proposing to change Future Land Use Designations. He stated that staff is recommending approval, the Planning Commission recommended approval at its April 8, 2014 meeting and the Board of County Commissioners adopted report at its May 27th meeting.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution Amending the Future Land Use Map of the Durham Comprehensive Plan and making policy changes to the Durham Comprehensive Plan was approved at 8:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

Resolution #9895

SUBJECT: STREET CLOSING OF AN UNNAMED ALLEY, PERPENDICULAR TO ALLEY #12 (SC1400005)

To conduct a public hearing to receive comments on the permanent closing of 50 linear feet of an Unnamed Alley; west of Watts Street; and

To adopt an Order Permanently Closing 50 Linear Feet of the Unnamed Alley.

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Recommendation: To adopt an order permanently closing 50 linear feet of the Unnamed Alley.

Patrick Young, of the City/County Planning Department, certified that all public hearings items on the agenda tonight have been properly advertised in accordance with law and affidavits are on file with the department. He briefed Council on the street closing request from Joanne Darby to close a 50 linear foot portion of an "Unnamed" alley off of Alley #12, which is immediately east of Buchanan Boulevard, south of Irwin Avenue. He reported the right-of-way is currently open and the portion requested to be closed is bordered by the applicant's property and property is owned by Berini Properties. If the request is approved, the right-of-way will be equally divided and recombined with the adjacent properties. He stated City and County staff, along with utility service providers, have reviewed this request and identified no adverse impacts.

Council Member Moffitt asked why the entire alley is not being closed.

JoAnne Darby, the applicant, explained why she did not request closing the entire alley. She noted that some property owners would not have access to their own garages.

Mayor Bell opened the public hearing. There being no one to speak against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Order Permanently Closing 50 Linear Feet of the Unnamed Alley was approved at 8:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #14613

SUBJECT: STREET CLOSING OF CHAPPARAL DRIVE (SC1300005)

To conduct a public hearing to receive comments on the permanent closing of 1090 linear feet of Chapparral Drive; west of Fayetteville Street; and

To adopt an Order Permanently Closing 1090 Linear Feet of Chapparral Drive.

Recommendation: To adopt an order permanently closing 1090 linear feet of Chapparral Drive.

Patrick Young, of the City/County Planning Department, briefed Council on the street closing. He stated Hendrick Automotive Group proposes to close a 1090 linear foot portion of Chapparral Drive, which is located just west of Fayetteville Road and south of Renaissance Parkway. He noted the right-of-way is currently open and the portion requested for closure is bordered by the applicant's property and property owned by Southpoint Mall, LLC. If the request is approved, the right-of-way will be equally divided and recombined with the adjacent properties. This action is requested to facilitate the development of the adjacent property for an automotive sales use. He

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reported City and County staff, along with utility service providers, have reviewed this request and identified no adverse impacts.

Mayor Bell opened the public hearing. There being on one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Moffitt seconded by Council Member Brown to adopt an Order permanently closing 1090 Linear Feet of Chapparal Drive was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #14614

[SUPPLEMENTAL ITEM]

SUBJECT: RESOLUTION MEMORIALIZING DR. MAYA ANGELOU

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt a Resolution Memorializing Dr. Maya Angelou was approved at 9:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Catotti.

Resolution #9896

There being no further business to come before the City Council, the meeting was adjourned at 9:00 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk