

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 18, 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 Councilmembers Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Excused Absence: Councilmember Eugene Brown.

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

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Councilmember Davis.

Mayor Bell recognized Evelyn Scott Director of the Office of Youth for introductory comments regarding the Durham Youth Commission Induction. Following the Youth Commission members' self-introductions, City Clerk D. Ann Gray administered the oath of office to the Durham Youth Commission members.

Councilmember Schewel spoke to a community event at Red Maple Park; noted that the park was in disrepair; and expressed a desire to revitalize the park.

Mayor Pro-Tem Cole McFadden announced a \$300,000 grant was received from Bayer Crop Science to be utilized for the Food Bank of Eastern North Carolina's Backpack Program.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield referenced three priority items: Item #7, revisions made to issues and analysis sections; Items #18 & 19 contained modifications to recommendations and required consistency statements as required by State law; and indicated that for the record, the City Manager's Report was posted on the City's website containing the recommendations from the Human Relations Commission regarding the Police Review Board and would be discussed at the upcoming work session.

Mayor Bell requested a motion to accept the City Manager's priority items. Motion by Mayor Pro-Tem Cole-McFadden, seconded by Councilmember Schewel, to accept the City Manager's priority items was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

Mayor Bell requested priority items from the City Attorney. City Attorney Baker stated there were no priority items.

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Mayor Bell requested priority items from the City Clerk. City Clerk Gray stated there were three priority items.

City Clerk Gray introduced the new Deputy City Clerk Diana Schreiber, formerly of the City of Greensboro; and administered the oaths of office to Leah Denise Wyatt of the Citizen's Advisory Committee and Latasha Wilson of the Durham Homeless Service Advisory Committee.

Mayor Bell extended his support and appreciation to board and commission members and highlighted their volunteerism.

Mayor Bell explained that the Consent Agenda was approved with a single motion and items pulled from that agenda by any citizen or Councilmember would be discussed at the end of the agenda. Consent Agenda Item #2, Crime Statistics Performance Audit; and #9, Agreement with Time Warner Cable Business Class to Provide Metropolitan Area Network Services to the City of Durham were pulled by a citizen.

MOTION by Mayor Pro-Tem Cole-McFadden, seconded by Councilmember Catotti, to approve the Consent Agenda as amended at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

[CONSENT AGENDA]

SUBJECT: DURHAM HOMELESS SERVICES ADVISORY COMMITTEE - REAPPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to reappoint Chris Tuttle to the Durham Homeless Services Advisory Committee representing Non-Profit Organization with the term to expire on June 30, 2017 was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: OVERTIME FOLLOW-UP PERFORMANCE AUDIT FOR JUNE 2014

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to receive and accept the Overtime Follow-Up Performance Audit (June 2014) as presented and approved at the June 9, 2014 Audit Services Oversight Committee meeting was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: UTILITY EXTENSION AGREEMENT WITH BIOMERIEUX, INC. (TREYBURN)

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to enter into a Utility Extension Agreement with BioMerieux, Inc. to extend the City's water and sanitary sewer systems to serve BioMerieux Line 4 Expansion was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: UTILITY EXTENSION AGREEMENT WITH ANGEL AND MAVELIN ORELLANA TO SERVE 602 PLEASANT DRIVE (WATER ONLY)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to enter into a Utility Extension Agreement with Angel and Mavelin Orellana to serve 602 Pleasant Drive (water only) was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: CITY CODE REVISION OF THE RIGHT-OF-WAY ORDINANCE (CHAPTER 62, ARTICLE II, DIVISION 1 OF THE CITY OF DURHAM CODE OF ORDINANCES)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to adopt an Ordinance to Rename Chapter 62, Article II of the City of Durham Code of Ordinances, and to Repeal Existing Division 1, Consisting of §§ 62-50 through 62-60, and to Replace it with New Division 1, §§62-50 through 62-56, and to Reserve §§ 62-57 through 62-78 for Future Use was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #14665

SUBJECT: MICROSOFT ENTERPRISE AGREEMENT WITH DELL MARKETING L.P.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to accept the quote from Dell Marketing L.P. and

To authorize the City Manager to execute the agreement with Dell Marketing L.P. in the amount of \$366,866.36 for a one-year period to furnish the City of Durham with a Microsoft Enterprise Licensing Agreement to cover the licensing of desktops, servers, and training software was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: MUNIS SOFTWARE ANNUAL SUPPORT & LICENSE AGREEMENT FOR 2015 WITH TYLER TECHNOLOGIES, INC.

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute the Annual Support Agreement and License Agreement with Tyler Technologies, Inc. in the amount of \$329,626.46 for the use and support of the MUNIS ERP software for a period of one year was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: GENERATOR MAINTENANCE AND EMERGENCY REPAIR SERVICES CONTRACT WITH NATIONAL POWER CORPORATION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute a contract with National Power Corporation for the Generator Maintenance and Emergency Repair Services for \$134,810.00 was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown

SUBJECT: PIPELINE AGREEMENTS WITH NORTH CAROLINA RAILROAD COMPANY AND NORFOLK SOUTHERN RAILWAY COMPANY FOR THE DOWNTOWN LOOP WATERLINE REPLACEMENT CONSTRUCTION CONTRACT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute the Pipeline Agreements NCRR o_h-054+3659 and NCRR o_h-55+0359 with North Carolina Railroad for access for the proposed installation, maintenance, removal and operation of the referenced water pipeline and steel casing pipe was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

The City Council disposed of the following agenda items at the July 24, 2014 Work Session:

12. Presentation for the Preservation of Affordable Rental Housing
(Presentation was received at the 8-7-14 Work Session)

20. Thalea Lyras
(Comments were received at the 8-7-14 Work Session)

21. June Forsyth
(Comments were received at the 8-7-14 Work Session)

22. John Tarantino
(Comments were received at the 8-7-14 Work Session)

23. Mattioli and Associates
(Comments were received at the 8-7-14 Work Session)

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24. Re-Adoption of City/County Emergency Operations Plan

(This item was referred back to the administration – City Manager’s Office)

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING ON PROPOSED CONTRACT BETWEEN ARGOS THERAPEUTICS, INC. AND THE CITY OF DURHAM REGARDING INCENTIVES FOR CAPITAL INVESTMENT WITHIN THE CITY LIMITS

To conduct a public hearing to receive comments on the proposal between Argos Therapeutics, Inc. and the City of Durham regarding incentives for capital investment within the city limits; and

To authorize the City Manager to execute an agreement between Argos Therapeutics, Inc. and the City of Durham in an amount not to exceed \$924,676.00.

Kevin Dick, Director of the Office of Economic and Workforce Development, provided the following PowerPoint presentation on the proposed incentive agreement:

PROPOSED CONTRACT BETWEEN ARGOS THERAPEUTICS, INC. AND THE CITY OF DURHAM

Regarding Incentives for Capital Investment
City Council Public Hearing Presentation
August 18, 2014
Argos Therapeutics, Inc.

Profile

- Biopharmaceutical company focused on the development and commercialization of treatments for cancer and other infectious diseases;
- Currently employs approximately 100 workers;
- Has recruited talent from local universities, including NCCU’s BRITE Program;
- Community focused: annual food drive for Durham and Eastern North Carolina’s Food Banks.

The Project

- \$40.9M of capital investment by 2017;
- City’s proposed incentive payment of \$924,676 over a seven year period;
- Projected capital improvements to yield \$1.7M in new tax value over ten-year period;
- “Build to Suit” facility to be located at TW Alexander site with approximately 100,000 square feet for headquarters, manufacturing and research and development.

Positions to be Created

- Over 100 additional jobs by 2017; total of 236 additional jobs at average wage of \$90,725 by 2018 per year plus benefits
- Job mix includes scientific and technical, administrative, research and development
 - o 5 General Administrative
 - o 55 Sales, Licensing, Marketing

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- 103 Manufacturing/Quality Assurance/Clinical
- 15 R&D/Process Development

Policy Issues

Capital Investment in the Biopharmaceutical Industry

Targeted Occupational Types:

- Research and Development
- Biopharmaceutical Production
- Manufacturing

Economic Development Financial Assistance Policy approved by the Durham City Council on April 10, 2014.

Total Incentive Package

- \$924,676 to be paid over seven years;
- Durham County match at 100% - based upon the creation of over 100 jobs.

Condition Precedents

- Workforce Agreement as part of Business Incentive Contract stipulating the use of Durham Career Center as source of the recruitment talent;
- Incentive payments subject to the verification of capital investment expenditures of \$40.9M within three-year of City Council approval;
- Argos must provide the City with expenditure documentation of the aforementioned capital investment amounts;
- Execution of a Durham Based Business Plan

Why is an Incentive Necessary?

- \$924,676 is needed to make the corporate expansion take place in Durham because:
- Mebane and Orange County combined to offer \$3.1M;
- Durham County approved their matching incentive on July 28, 2014;
- The combined offer would be over \$1.8M and On the Job Training grants may be offered to the company as well as to ensure that Durham Career Center system registrants have strong opportunities for job placement.
- City will gain \$40.9M in capital investment by 2017 and approximately \$1.7M in projected new tax revenues between fiscal year 2016 and fiscal year 2025.
- Creation of over 100 jobs by 2017.

Why this Makes Sense for Durham Taxpayers?

- Durham would be retaining a company that is creating high wage jobs in growing industries;
- Research and development, manufacturing and biopharmaceuticals are among the job categories that we covet.

Recommendations: Staff recommended approval; and recognized Argos Therapeutics' representatives attending the meeting: Jeff Abbey, President and CEO; Randal Goller, Director of Facilities; and Fred Miesowicz, Chief Operating Officer.

Mayor Bell opened the public hearing and stated there were speakers to the item:

Ted Conner, 300 West Morgan Street, representing the Durham Chamber of Commerce spoke in support of the incentive project; expressed excitement for the growth of the life sciences economic development cluster and support for the Durham-born company; referenced the

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immunotherapy technology that originated at Duke University; referenced the corporate leadership attending the meeting; and supported the incentive package.

Victoria Peterson, requested the racial break-down of the corporation's workforce; stated that her political activism sought to ensure employment opportunities for African-Americans; and stated that she did not see information on how many local persons would be employed.

Mayor Bell responded the information was available in the report; and closed the public hearing.

Mayor Bell, assuming Council would approve the request, inquired about what assurances staff had that the company would settle in Durham.

Mr. Dick responded that the dollar amount of the counter-offer combined with proximity to talent, airport, amenities, and the biopharmaceutical industry, that served to entice the corporation to remain in Durham.

Jeff Abbey, President of Argos Therapeutics, compared the Durham and Mebane proposals; noted that the State's final decision on its incentive offer was still outstanding; and stated that Argos would respond with its final decision on its location plan after hearing from the State.

Council thanked Argos' corporate representatives for attending; reaffirmed that Durham was a business friendly location; appreciated that the corporation was considering Durham for expansion; indicated the corporation was offering great jobs and excellent pay; and expressed support for the proposed incentives and local hiring practices.

Council inquired about the tax rate impact on the incentives and if the plan was within the city's guidelines; expressed appreciation for the Durham-based business plan; inquired if the Durham Youth Works Internship was included; and inquired about state incentives differing between those offered respectively to Mebane and Durham.

Mr. Dick confirmed the incentive request fell within prescribed guidelines; clarified the incentive request consisting of \$924,676 within seven years; that the tax breaks fell within the prescribed guidelines for tax incentives; and confirmed that the Durham Youth Works Internship was part of the plan.

Mr. Abbey expressed appreciation for the recruitment from Durham residents and students; described the corporate location off Roxboro Road and Ben Franklin in a medical park; noted the company had been heavily recruited for relocation from the Province of Quebec, and the states of Florida and Texas; and reiterated that it was important for the company to remain in Durham due to the extensive training of its workforce.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to receive comments on the proposal between Argos Therapeutics, Inc. and the City of Durham regarding incentives for capital investment within the city limits; and to authorize the City Manager to execute an agreement between Argos Therapeutics, Inc. and the City of Durham in an amount not to exceed \$924,676.00 was approved at 7:38 p.m. by the following vote: Ayes:

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Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: STREET CLOSING - SOUTH MIAMI BOULEVARD (SC1400010)

To conduct a public hearing to receive comments on the permanent closing of 3,585 square feet of South Miami Boulevard; north of Lumley Road, west of Rolling Pines Avenue; and

To adopt an order permanently closing 3,585 square feet of South Miami Boulevard.

Assistant Planning Director Patrick Young stated that Gail Sherron, with Edens Land Corp, proposed to close a 3,585 square foot portion of South Miami Boulevard. The right-of-way was currently open and the portion of the street requested for closure was bordered by property owned by 'BDG Miami Associates, LLC'. If the request was approved, the portion of the right-of-way would be recombined with the adjacent property, which was currently occupied by 'Camp Bow Wow'. The applicant indicated that the street closure had been requested as the property owner desired a more visible free-standing sign at the subject property. Both the North Carolina Department of Transportation and City of Durham Transportation Department had indicated support for the closure of the right-of-way.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Moffitt, to adopt the ordinance permanently closing 3,585 square feet of South Miami Boulevard was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #14666

SUBJECT: STREET CLOSING - BELMONT DRIVE (SC140008)

To conduct a public hearing to receive comments on the permanent closing of 7,035 square feet of Belmont Drive; north of Independence Avenue, south of Mansfield Avenue; and

To adopt an order permanently closing 7,035 square feet of Belmont Drive.

Assistant Planning Director Patrick Young referenced the applicant who proposed to close a total of 7,035 square feet of Belmont Drive. The area to be closed was comprised of two separate portions of Belmont Drive. The right-of-way was currently open and the portion requested to be closed was bordered by both the applicant's property and property owned by Janie Johnson.

Through the request, the applicant was asking for the two separate portions of Belmont Drive to be closed. In addition to the closing, the applicant was proposing to dedicate right-of-way to the remaining open portions of the street so as to construct a public cul-de-sac, as seen on the applicant's street closing plat.

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As noted on the approved site plan, the applicant proposed to use the cul-de-sac to provide access to three (3) single family lots which were a part of the overall "Hope Crossing II" Development. The project had an approved rezoning request with a Development Plan. Within the development, the applicant proposed to construct 105 residential units on properties adjacent to the proposed closing.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Mike Tarrant, 2205 Caroline Drive, representing the applicant, spoke in support of the item and stated he was available to answer Council's inquiries.

Being no additional speakers, Mayor Bell closed the public hearing.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to receive comments on the permanent closing of 7,035 square feet of Belmont Drive; north of Independence Avenue, south of Mansfield Avenue; and to adopt an ordinance permanently closing 7,035 square feet of Belmont Drive was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #14667

SUBJECT: STREET CLOSING - DODSON STREET (SC140009)

To conduct a public hearing to receive comments on the permanent closing of 199.81 linear feet of Dodson Street; east of Belmont Drive and south of Lutz Lane; and

To adopt an order permanently closing 199.81 linear feet of Dodson Street.

Assistant Planning Director Patrick Young stated the applicant proposed to close a 199.81 linear foot portion of Dodson Street. The case was related to the previous case for Belmont Drive. The right-of-way was currently open and the portion requested to be closed was bordered by the applicant's property on both sides of the street requested for closure. The request was associated with a previously approved rezoning request, "Hope Crossing II" in which the applicant committed to submitting a request to close the portion of Belmont Drive. Had the applicant not offered the commitment, the applicant would have been required to build a public street connecting Dodson Street to the proposed development.

There was an existing stream on the applicant's adjacent property and the environmental and financial ramifications of making such a connection resulted in the applicant determining that the connection was an unfeasible option and instead requested to close the portion of Dodson Street. Therefore, with the application the applicant was following through with the commitment to close the street as required by the approved Development Plan. The applicant ultimately proposes to construct 105 residential units on property adjacent to the proposed closing.

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

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to adopt an ordinance permanently closing 199.81 linear feet of Dodson Street was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #14668

SUBJECT: STREET CLOSING - WATERBURY DRIVE (SC1400006)

To conduct a public hearing to receive comments on the permanent closing of 160.33 linear feet of Waterbury Drive; east of Garrett Road, north of Landsbury Drive; and

To adopt an order permanently closing 160.33 linear feet of Waterbury Drive.

Assistant Planning Director Patrick Young stated that Robert Murphy proposes to close 160.33 linear feet of Waterbury Drive. The right-of-way was currently open and the portion of the street requested for closure was bordered by property owned by Bryan & Mary Feger and property owned by John & Lucinda Pittman. If the request was approved, the portion of the right-of-way would be recombined with the adjacent properties. The applicant desired to close the right-of-way as it had yet to be improved and the adjoining property owners to the south – Mr. & Mrs. Feger – driveway entrance encroaches into the street. The closure of the right-of-way would correct the encroachment; and noted the right-of-way was a possible access point for Sandy Creek Park. The Parks & Recreation Department consented to the closing and indicated that such an access point was likely not feasible at the location.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to adopt an ordinance permanently closing 160.33 linear feet of Waterbury Drive was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #14669

SUBJECT: CONSOLIDATED ANNEXATION - JOVEN-NORTHEAST CREEK ANNEXATION

To conduct a public hearing to receive comments on the Consolidated Annexation Joven-Northeast Creek Annexation;

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To authorize the City Manager to enter into a water extension agreement with Leonard B. Shaffer;

To modify the contract prior to execution provided that such modifications do not increase the dollar amount of the contract and do not significantly decrease the obligations of the contractor; and

To adopt an ordinance annexing 177.217 acres, known as “Joven-Northeast Creek” into the City of Durham effective September 30, 2014;

To adopt an ordinance amending the Unified Development Ordinance to establish Residential Suburban-20(RS-20), Industrial Light with a Development Plan (IL(D)), Commercial General with a Development Plan (CG(D)), Planned Development Residential-4.840 (PDR 4.840) zoning for the property, and

To adopt a consistency statement as required by NCGS 160A-383.

Assistant Planning Director Patrick Young said a request for utility extension agreement, voluntary annexation, and initial zoning had been received from Leonard B. Shaffer for a 177.217 acre site located at the northeast quadrant of the intersection of Ellis Road at the Durham Freeway. Portions of the site were part of a previously approved development plan approved by the Durham County Board of Commissioners on June 12, 2006.

The applicant had requested an initial zoning designation of Residential Suburban-20 (RS-20), Industrial Light with a Development Plan (IL(D)), Commercial General with a Development Plan (CG(D)), and Planned Development Residential-4.840 (PDR 4.840), which was not consistent with City Council policy designating the least intense zoning based on the Development Tier and the size of the lot. Staff recommended accepting the translation of the county zoning designations and a memo summarizing the zoning request. Staff recommended that the City Council adopt the extension agreement, voluntary annexation, and zoning map change and the associated consistency statement.

Councilmember Schewel referenced Memo Page 5, “Inspections” and requested explanation of street impact fee credits; and inquired about the form of the credit.

Mr. Young responded that the Inspections Department issued credits for roadway construction in lieu of payments into the impact fee fund; and deferred to Robert Joyner.

Robert Joyner, of the Public Works Department, clarified that the street impact fees were fees charged for future road improvements that could be offset by having developers pay for upfront, offsite roadway improvements with their current projects.

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

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Davis, to authorize the City Manager to enter into a water extension agreement with Leonard B. Shaffer; to modify the contract prior to execution provided that such modifications do not increase the dollar amount of the contract and do not significantly decrease the obligations of the contractor; and to adopt an ordinance annexing 177.217 acres, known as “Joven-Northeast Creek” into the City of Durham effective September 30, 2014; to adopt an ordinance amending the Unified Development Ordinance to establish Residential Suburban-20 (RS-20), Industrial Light with a Development Plan (IL(D)), Commercial General with a Development Plan (CG(D)), Planned Development Residential-4.840 (PDR 4.840) zoning for the property was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #'S 14661 AND 14662

MOTION by Mayor Pro-Tempore Cole-McFadden to adopt a consistency statement as required by NCGS 160A-383 - that final action regarding zoning map change Z1400012A, Joven Northeast Creek Initial, is based upon review of the Durham Comprehensive Plan and any other officially adopted plan that is applicable; and that the proposed zoning map change is not consistent with the Comprehensive Plan, but is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: CONSOLIDATED ANNEXATION - 1307 OLD OXFORD ROAD

To conduct a public hearing to receive comments on Consolidated Annexation - 1307 Old Oxford Road;

To authorize the City Manager to enter into a water extension agreement with Oxford Hills, LLC;

To modify the contract prior to execution provided that such modifications do not increase the dollar amount of the contract and do not significantly decrease the obligations of the contractor; and

To adopt an ordinance annexing 1.333 acres of 1307 Old Oxford Road into the City of Durham effective September 30, 2014; and

To adopt an ordinance amending the Unified Development Ordinance to establish Industrial Light (IL) zoning for the property, and

To adopt a consistency statement as required by NCGS 160A-383.

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Assistant Planning Director Patrick Young informed Council that a utility extension agreement had been requested by Oxford Hills, LLC to serve the development. The Public Works Department had performed a utility impact analysis and determined that adequate sewer and water capacity was available. A voluntary petition for non-contiguous annexation had been submitted by the property owner for the site. The Budget and Management Services Department had performed a Fiscal Impact Analysis based on the proposed use of the site self-storage. The analysis projected that estimated revenues would be revenue positive at the time of annexation.

Pursuant to State law, City Council is required to apply an initial zoning to newly annexed property. Staff recommended an initial zoning of Industrial Light for the subject property, which allowed for the proposed use as self-storage.

In addition, two motions were required for the item, first, to conduct a public hearing; to enter into a water extension agreement with Oxford, LLC, and to adopt an ordinance to annex 1.333 acres of 1307 Old Oxford Road and establishing the Industrial Light zoning designation. The second motion was to adopt a consistency statement as required by NCGS 160A-383.

The staff recommended that Council approve the extension agreement, voluntary annexation, and initial zoning for 1307 Old Oxford road and the associated consistency statement.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to enter into a water extension agreement with Oxford Hills, LLC; to modify the contract prior to execution provided that such modifications do not increase the dollar amount of the contract and do not significantly decrease the obligations of the contractor; to adopt an ordinance annexing 1.333 acres of 1307 Old Oxford Road into the City of Durham effective September 30, 2014; and to adopt an ordinance amending the Unified Development Ordinance to establish Industrial Light (IL) zoning for the property was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

ORDINANCE #'S 14663 AND 14664

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Davis, to adopt a consistency statement as required by NCGS 160A-383 – that final action regarding zoning map change Z1400015A, 1307 Old Oxford Road Initial, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable; and that the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and

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Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: CRIME STATISTICS PERFORMANCE AUDIT (JUNE 2014)

Mayor Bell stated there was a speaker to the item.

Victoria Peterson, resident, requested additional statistics on the number of persons arrested by the Durham Police and Sheriff Department; the number of youth arrested; advocated for the youth under the age of 18 who were incarcerated in the County Jail; requested that the youth be allowed to continue their education; and said that the school system was in violation of Title 9 and 30; that no one had been found guilty of anything.

City Manager Bonfield, clarified the purpose of the agenda item was for the Audit Services Department to audit the crime statistics to ensure that reported statistics were accurate and complete.

Germaine Brewington, Director of Audit Services, elaborated that the purpose of the Audit was to look at the process of reporting crime statistics and its accuracy.

MOTION by Councilmember Moffitt, seconded by Councilmember Catotti, to receive and accept the Crime Statistics Performance Audit (June 2014) as presented and approved at the June 9, 2014 Audit Services Oversight Committee meeting was approved at 7:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

SUBJECT: AGREEMENT WITH TIME WARNER CABLE BUSINESS CLASS TO PROVIDE METROPOLITAN AREA NETWORK SERVICES TO THE CITY OF DURHAM

Victoria Peterson, spoke to training in fiber optics, referenced murders and shootings in her neighborhood; spoke to the lack of Time Warner Cable's hiring practices of African-American men; requested information on the number of African-American residents of Durham who were hired by Time Warner Cable.

Mayor Bell addressed the speaker's concerns; read an excerpt from the staff memo that determined that Time Warner had complied with the City's Equal Opportunity Ordinance in City contracting.

Councilmember Schewel referenced the memo's statistics that stated over 50% of those hired by Time Warner in this division were African-Americans; and felt that Council could be extremely happy with the number of African-Americans that Time Warner has hired to do this work.

August 18, 2014

MOTION by Mayor Pro-Tempore Cole-McFadden seconded by Councilmember Schewel to authorize the City Manager to execute an Optical Access Service Agreement with Time Warner Cable Business Class in the amount of \$807,606.00 for the term of three years was approved at 8:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Councilmember Brown.

There being no further business to come before the council, the meeting was adjourned at 8:03 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk