

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 3, 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 Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. 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 Brown.

Mayor Bell spoke to the patient who had been admitted at Duke Medical Center; announced that Ebola tests were determined as negative; and acknowledged the presence of Dr. Monte Dean Brown, Vice President and Secretary of Duke University Health System Associate Dean, Duke University School of Medicine.

Mayor Bell stated Dr. Brown, was a 1981 graduate with BS from Stanford University, Stanford, California; in 1986, received his MD from Baylor College of Medicine in Houston, Texas and has been at Duke since 2005; originally served as chief operating officer of the Private Diagnostic Clinic (PDC). Prior to Duke, Dr. Brown was the Vice Chairman of Medicine for Clinical Operations, Finance and Strategic Planning at the Brigham and Women's Hospital (BWH) and Assistant Professor of Medicine at Harvard Medical School; he was named Vice President of Administration for Duke University Health System (DUHS) and Associate Dean of Veterans Affairs for the Duke University School of Medicine in April 2006. Dr. Brown reports directly to the Chancellor of Health Affairs and plays a key role in guiding and implementing the health system's strategic plan and coordination with the School of Medicine, School of Nursing, as well as, Duke University regarding Duke Medicine activities; including serving on the President's Senior Leadership Group. Dr. Brown is Secretary for DUHS. During his tenure, Dr. Brown has served in many roles, including twice as the Duke Medicine CIO overseeing the IT needs of Duke Medicine; and overseeing all facility planning, design, maintenance and construction related activities for Duke Medicine, including Duke University Health System, Duke University School of Medicine, and the Duke University School of Nursing and the Private Diagnostic Clinic.

Dr. Brown noted that he was representing his medical team that was in attendance; addressed the issues of infectious disease screening and processing in an isolation unit within Duke Medical Center; explained measures designed to protect staff and community; spoke to regimented clinical education and screening processes and analysis; clarified the process used to identify the suspected case; and noted that the Secretary of Health and Human Services reported the patient was in stable condition.

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Mayor Bell noted that no calls had been received regarding the suspected case; that outreach campaigns were effective; and transparency would continue.

Councilmember Schewel stated that as a Duke employee, he had received an informational email which was comforting, reassuring and confidence building.

Councilmember Moffitt inquired about the system involving a regional referral facility designed to treat patients with symptoms; and inquired about vehicles for transport.

Dr. Brown responded that there was no designation for a regional referral facility in North Carolina; stated that his clinic's objectives were to screen, identify, isolate and assess; spoke to outreach efforts that were underway consisting of 'training the trainer'; stated that the health systems were gearing up for the caring of such patients; and that if necessary, specialty vehicles were available to transport the infirmed.

Councilmember Moffitt replied that the community was fortunate to be provided with extraordinary health facilities and appreciated the sharing of the preparation processes.

Mayor Pro-Tempore Cole-McFadden expressed appreciation to the Duke medical team for attending the meeting and updating the community.

Councilmember Brown expressed gratitude for Dr. Brown's attendance; inquired about the background of the screening process for the patient admitted to the Duke Medical Center; and expressed a sense of relief that a coherent identification process had been instituted.

Dr. Brown spoke to the self-identification process; and referenced contacts with the CDC, State Health Department and Person County's Health Department.

Gayle B. Harris, Durham County Health Director, reaffirmed the fact that public health departments played a role in contact tracing in communicable disease control; emphasized that staff worked with the CDC and State health officials to conduct regular practice drills to ensure the institution of best and essential practices.

Mayor Bell thanked and expressed appreciation for the Duke medical team's attendance.

[ANNOUNCEMENTS BY COUNCIL]

Councilmember Schewel spoke to the background of the running race, *The Schewel Challenge*; detailed the Healthy for Life event involving a five-mile run/walk/stroll; and read into the record the participants and departments.

The Schewel Challenge
Hosted by Dee Byers and Michele Cash
November 1, 2014 10:00 a.m. 35 participants

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<u>First Name</u>	<u>Last Name</u>	<u>Department</u>	<u>Time</u>
Randall	Stewart	Inspections	0:37:05
Eric	Halstead	Public Works	0:37:26
Dan	Schuluman	Finance	0:38:00
Simon	Lobdell	Water Management	0:39:46
Dana	Hornkohl	Public Works	0:40:25
Dan	Curia	Fire	0:40:34
James	Pflaum	Public Works	0:42:17
Matthew	Sprouse	Parks and Recreations	0:42:18
Councilman Steve	Schewel	Council Member	0:42:32
Mayor Bill	Bell	City Manager	1:29:00
David	Boyd	Finance	0:47:10
Tina	Carden	Fleet	0:58:15
Mark	Clancy	Police	0:49:00
Bo	Ferguson	City Manager	0:45:41
Rodja	Flippin	Police	0:49:00
Marquita	Gist	Police	0:49:00
Kenny	Gooch	Police	0:49:00
Alethea	Hardy	Human Resources	1:29:00
Marvin	Hembrick	Police	0:49:00
Keith	Herman	Finance	0:44:29
Andrew	Holland	Fleet	0:58:15
Giancarlo	Ladaga	Police	0:49:40
Zachary	Letsinger	Police	0:49:00
Robert	Lewis	Police	0:49:00
Laurin	Milton	Neighborhood Improvement	1:10:05
Anne	Nicholson	Parks and Recreations	0:45:46
Sheldon	Perkins	Police	0:49:00
Nick	Schneider	Police	0:49:00
Diana	Schreiber	City Clerk	1:20:20
Lindsey	Smart	Transportation	1:27:15
Kyle	Stuart	Police	0:49:00
Mark	Sykes	Police	0:49:00
Tom	Thrall	Police	0:49:00
Regina	Youngblood	Human Resources	1:23:20
Tom	Dawson	Planning	0:42:00

Mayor Bell thanked Councilmember Schewel for initiating the event.

Councilmember Moffitt announced it was his and his wife's fourteenth wedding anniversary and made a special statement in her honor.

Councilmember Brown announced the passing of former Councilmember Chuck Grubb; referenced Mr. Grubb's contributions to the establishment of the Durham Bull's Baseball Stadium and efforts to retain the baseball team in Durham; and led a moment of silence in Mr. Grubb's honor.

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Councilmember Catotti encouraged all eligible and registered voters to vote in the upcoming elections; and added that the polls were open from 6:30 a.m. to 7:30 p.m. on Tuesday, November 4.

[PRIORITY ITEMS]

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

City Manager Bonfield referenced two priority items: Agenda Item #7, Guidelines for Dedicated Funding Source (DFS) Funded Small project Development and Neighborhood Revitalization and requested that the item be deferred to the November 6th Work Session, and stated he would ask Council to consider suspending rules for a vote on the item at the upcoming Work Session; and Agenda Item #12, contract between Musco Sports Lighting, LLC and the City of Durham for Sports Lighting at Garrett Road Park Tennis Courts, that pursuant to Council's request, noted additional information was attached to the agenda item.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to accept the City Manager's priority items was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: GUIDELINES FOR DEDICATED FUNDING SOURCE (DFS) FUNDED SMALL PROJECT DEVELOPMENT AND NEIGHBORHOOD REVITALIZATION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to defer the item to the November 6th Work Session was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

City Attorney Baker and City Clerk Gray stated there were no priority items.

Mayor Bell explained that the Consent Agenda would be approved with a single motion and items pulled from the agenda by any citizen or councilmember would be discussed at the end of the agenda.

Councilmember Moffitt requested Item #8, Durham Central Park Waterline Replacement Project – Contract Award to CDM Smith, Inc., be pulled from the consent agenda for further discussion.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to approve the amended consent agenda was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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Councilmember Catotti expressed appreciation for the sculpture donated by Liberty Arts to the City of Durham and that the community was looking forward to enjoying the artwork.

[CONSENT AGENDA]

**SUBJECT: BOARDS, COMMITTEES AND COMMISSIONS ATTENDANCE
REPORTS FOR THE PERIOD OF JULY 1, 2013 - JUNE 30, 2014**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to receive attendance reports for Boards, Committees and Commissions July 1, 2013 - June 30, 2014 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMISSION - APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to appoint David Green to the Recreation Advisory Commission with the term to expire on August 8, 2017 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers 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 Councilmember Brown, to appoint Eric J. Ireland to the Durham Open Space and Trails Commission representing At-Large with the term to expire on June 30, 2017 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: DURHAM CONVENTION AND VISITORS BUREAU TOURISM
DEVELOPMENT AUTHORITY – REAPPOINTMENTS**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to reappoint Deanna Crossman to the Durham Convention and Visitors Bureau Tourism Development Authority representing Limited Services/Bed and Breakfast and Craig Spitzer representing Lodging-Full Services with the terms expiring on October 31, 2017 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to accept the streets and infrastructure for maintenance by the City of Durham as outlined below was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Hanover Pointe – Sub Area B

- 1) Tanners Mill Drive – from the east curb-line of South Mineral Springs Road, east through the cul-de-sac (689’) and
- 2) September Drive – from the centerline of Tanners Mill Drive south through the cul-de-sac (425’).

Hanover Pointe – Sub Area B – Additional Infrastructure

- 1) Sanitary Sewer Outfall – from the sewer main located in the cul-de-sac end of September Drive south, then northeast, to the existing sewer outfall in Ashton Hall Phase 1A (891’) and
- 2) Sanitary Sewer Outfall – from the sewer main located in the cul-de-sac end of Tanners Mill Drive southeast to the outfall listed above (104’).

Ashton Hall – Offsite Sanitary Sewer Outfalls in Phase 1A

- 1) Sanitary Sewer Outfall – from existing McLamb Drive Outfall generally south to STA 25+45 of Ashton Glen (3,365’), and
- 2) Sanitary Sewer Outfall – from the sewer outfall listed above, west to the property line of Hanover Pointe – Sub Area B (231’).

Southeastern Freight Lines, Inc.– Sanitary Sewer Outfall

- 1) Sanitary Sewer Outfall – from the north property line of 4363 S. Alston Avenue, generally north to the existing sewer outfall (914’).

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City of Durham Parks and Recreation Operations Building – Sanitary Sewer Outfall

- 1) Sanitary Sewer Outfall – from the north property line of 301 Archdale Drive, crossing Archdale Drive near Third Fork Road, to the existing sewer main in Archdale Drive (88’).

SUBJECT: INVENTORY AUDIT JUNE 2014

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to receive and accept the Inventory Audit dated September 2014 as presented and approved at the September 22, 2014 Audit Services Oversight Committee meeting was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: RESOLUTION OF SUPPORT FOR THE JORDAN LAKE PARTNERSHIP AND THE TRIANGLE REGIONAL WATER SUPPLY PLAN

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to adopt a Resolution Supporting the Jordan Lake Partnership and the Triangle Regional Water Supply Plan; and

To authorize the City Manager to execute Addendum No. 1 to the Memorandum of Understanding Supporting a Regional Partnership for Water Supply Planning and Potential Use of the B. Everett Jordan Reservoir through June 30, 2019 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9904

SUBJECT: BID REPORT - SEPTEMBER 2014

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of September 2014 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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Date: October 3, 2014

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page Deputy City Manager

From: David Boyd, Finance Director
Jonathan Hawley, Purchasing Supervisor

Subject: Bid Report - September 2014

Recommendation: To receive the bid report for September 2014 as outlined below:

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Electronic Rotary Valve**
- Purpose of Bid: Provides the Water Management Department with a Beck rotary valve electronic control device required for maintenance at the North Durham Water Reclamation Facility.
- Comments: Harold Beck & Sons is the sole source provider for the required rotary valve, which integrates into existing plant equipment.
- Opened: 9/2/14
- Bidders: Harold Beck & Sons, Inc. * \$14,180.00

*Awarded based on: _____ Low Bid _____ X _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	121		# Black Males	0	0%
Total # Females	16	13	# White Males	101	83
Total # Males	105	87	# Other Males	4	3%
		%	# Black Females	0	0%
		%	# White Females	16	13
		%	# Other Females	0	0%

2. Bid: Pump Replacement
 Purpose of Bid: Provides the Water Management Department with two replacement self-priming pumps for the Brown Plant Lift Station.
 Comments: Tercarva Municipal Company is the sole source provider in North Carolina for the required self-priming pumps.
 Opened: 9/5/14
 Bidders: Tercarva Municipal Company * \$13,922.00

*Awarded based on: _____ Low Bid _____ X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	355		# Black Males	10	3%
Total # Females	80	23%	# White Males	258	73%
Total # Males	275	77%	# Other Males	7	2%
			# Black Females	2	1%
			# White Females	73	21%
			# Other Females	5	1%

3. Bid: Truck Body
 Purpose of Bid: Provides the Fleet Management Department with a replacement 8 yard rear loading truck body for use by the Solid Waste Department for residential collections.
 Comments:
 Opened: 9/9/14
 Bidders: Amick Equipment Company, Inc. * \$48,558.00
 Lexington, SC
 Carolina Environmental Systems, Inc. \$58,058.00
 Kernersville, NC
 New Way \$51,250.00
 Scranton, IA

# Other Females	0	0%
	_____	_____

5. Bid: Replacement Box Truck

Purpose of Bid: Provides the Fleet Management Department with a replacement box truck for use by the Solid Waste Department for residential collections.

Comments:

Opened:	9/9/14		
Bidders:	MHC Kenworth Inc.	*	\$44,819.64
	Durham, NC		
	Transource Isuzu		\$46,641.81
	Raleigh, NC		

*Awarded based on:	X	Low Bid	Other (See Comments)
	_____	_____	_____

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	3352		# Black Males	105	3%
Total # Females	255	8%	# White Males	266	79%
Total # Males	3097	92%	# Other Males	8	%
			# Black Females	324	10%
			# White Females	6	0%
			# Other Females	226	7%
				23	1%

6. Bid: Play More Catalog

Purpose of Bid: To provide the Parks and Recreation Department with printing and circulation of the Play More Catalog.

Comments: Furnishes 80,000 copies and 74,000 insertions of the catalog.

Opened:	9/16/14		
Bidders:	Herald Sun	*	\$29,640.00
	Durham, NC		
	News and Observer		\$37,666.00

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Females		
# White	33	17
Females		%
# Other	18	9%
Females		

SUBJECT: PROPOSED ADVANCE ACQUISITION FOR THE FUTURE EXPANSION OF LAKE MICHIE PROPERTY OF RAYMOND ALAN JONES AND WIFE, ELAINE K. JONES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to approve the fee simple acquisition of 18.89 acres of vacant land from Raymond Alan Jones and Elaine K. Jones identified as Parcel 193190 (9.76 acres) and Parcel 193189 (9.135 acres) for a purchase price of \$188,900.00 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: CONTRACT BETWEEN MUSCO SPORTS LIGHTING, LLC AND THE CITY OF DURHAM FOR SPORTS LIGHTING AT GARRETT ROAD PARK TENNIS COURTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to approve the purchase and installation of new Musco Light-Structure Green Lighting System without competitive bidding on the basis of the following: (a) performance and price competition for critical elements of the patented lighting technology are not available; (b) the Musco Light-Structure Green Lighting System is available from only one source of supply; and (c) the integral remote monitoring system is compatible with systems already in place in 37 City of Durham fields and facilities, which helps to standardize citywide remote monitoring systems; and

To authorize the City Manager to enter into a contract with Musco Sports Lighting, LLC, in the amount of \$144,000.00 for the Purchase and Installation of Sports Lighting for the Garrett Road Park Tennis Courts was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DEDICATION OF DRAINAGE EASEMENTS ON CITY-OWNED PARCEL #206562 TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION VIA PLAT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to authorize the City Manager to execute a plat dedicating drainage easements on city-owned parcel #206562 to North Carolina Department of Transportation was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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SUBJECT: ACCEPTANCE OF THE DONATION OF A SCULPTURE FROM LIBERTY ARTS, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to authorize the City Manager to execute a contract with Liberty Arts, Inc. to accept ownership by the City of a sculpture to be installed in Parrish Street Plaza, or at such alternate location as the City staff might deem appropriate, subject to final approval of the installation of the sculpture in conformance with city requirements was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the October 23, 2014 Work Session:

15. U.S. Environmental Protection Agency Environmental Workforce Development and Job Training 2014-2017 Grant Project Ordinance
(This item was approved at the 10-23-14 Work Session by a vote of 5/0)
16. State of Durham's Image 2013-2014
(A presentation was received at the 10-23-14 Work Session)
21. John "Giovanni" Tarantino
(Comments were received at the 10-23-14 Work Session)

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT - INDUSTRIAL LIGHT PROJECT BOUNDARY BUFFER (TC1400002)

Mayor Bell introduced the item and deferred to Michael Stock, of the Planning Department, for presentation.

Mr. Stock stated that the notifications for all four of the public hearing items on the agenda this evening had been performed according to law and affidavits were on file for review.

Mr. Stock continued by stating the text amendment TC1400002 was a privately-initiated request by Morningstar Law Group to reduce the required project boundary buffer required for properties zoned Industrial Light (IL) adjacent to developed properties without a buffer in the Industrial (I) zoning district. The amendment would reduce a potential 100% buffer opacity to 40% opacity, with a corresponding reduction to the buffer width, and limited to properties of four acres or less.

He stated as part of the request, the Planning staff proposed a minor reorganization of UDO paragraph 9.4.3 for clarity. The change would create a new paragraph 9.4.3C, Modifications to

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the Project Boundary Buffer Table. In this paragraph, staff had relocated the current buffer modification standards found in paragraph B, and had added the proposed standard. No other changes were proposed.

Mr. Stock stated that on August 6, 2014, the Joint City-County Planning Committee reviewed the text amendment and did not indicate any concerns with the request. The Planning Commission recommended approval, 13-0, of the text amendment on September 9, 2014. The Planning Commission determined that the ordinance request was consistent with the adopted *Comprehensive Plan*, and that the request was reasonable and in the public interest based on comments received at the public hearing and the information in the staff report.

As a reminder, he noted Council would be required to take two actions as similarly done with zoning map changes. The first action would be a vote on the amendment itself; and the second action would be a vote on the appropriate statement of consistency.

Mr. Stock stated the applicant and himself were available to answer questions.

Mayor Bell asked if Council had comments.

Councilmember Schewel complimented Planning Department on the well-explained item.

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

Patrick Byker, Attorney with Morningstar Law Group, stated he was representing Wendy's International; Wendy's was requesting approval of the text amendment to reduce the required buffer between parcels zoned IL and parcels of less than 4 acres that were zoned Industrial; stated he thought the staff report for this text amendment did a fine job of outlining the important issues; stated they did not have a lot to add on the item; indicated that Wendy's wanted to replace its store on Hillsborough Road that was over 35 years old with a tax value of about \$155,000 and replace it with a new store that would add new jobs and have a tax value that was significantly higher than the status quo; noted that when they first looked at redeveloping the parcel on Hillsborough Road, they saw that it was 200 feet deep, and that there was an Industrial-zoned parcel behind Wendy's with a 12,500 square foot warehouse on it. Under the current regulations, there was a 25 foot street setback, and because the property behind Wendy's was zoned Industrial, there was an 80 foot buffer imposed to redevelop the Wendy's site. Out of the 200 feet they had to work with, they would lose 105 feet, more than half of the property, to setback and buffer, and stated that just did not make sense. In contrast, he stated they thought it made sense to request the minor text amendment that would spur redevelopment opportunities like what they had discussed briefly for Wendy's. Attorney Byker asked for approval and stated he was available to answer Council's questions.

There being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to receive comments on the Unified Development Ordinance Text Amendment, Industrial Light (IL) Project Boundary Buffer (TC1400002); and

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To adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 9, Landscaping and Buffering was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE # 14690

MOTION by Councilmember Schewel, seconded by Councilmember Moffitt, to adopt the consistency statement as required per NCGS § 160A-383 as outlined below was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Unified Development Ordinance
Text Amendment Consistency Statement
Regarding TC1400002, Industrial Light (IL) Project Boundary Buffers

Whereas, the Durham City Council, upon acting upon a text amendment to the Unified Development Ordinance and pursuant to NCGS § 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas, the Durham City Council, upon acting a text amendment to the Unified Development Ordinance and pursuant to NCGS § 160A-383, is required to provide a brief statement indicating how the action is reasonable and the in the public interest.

Now Therefore, Be It Adopted by the Durham City Council that final action regarding text amendment TC1400002, Industrial Light (IL) Project Boundary Buffers, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the “Issues” section of the memo to the City Manager, dated November 3, 2014, regarding the subject “Unified Development Ordinance Text Amendment, Industrial Light (IL) Project Boundary Buffer (TC1400002),” along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promoted this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Issues” section of the memo to the City Manager, dated November 3, 2014, regarding the subject “Unified Development Ordinance Text Amendment, Industrial Light (IL) Project Boundary Buffer (TC1400002),” along with additional agenda information provided to the City Council and information provided at the public hearing; therefore, the amendment is reasonable and in the public interest.

SUBJECT: ZONING MAP CHANGE -MADDRY RESIDENTIAL (Z1400007)

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Mayor Bell introduced the item and deferred to Patrick Young, Assistant Planning Director, for presentation.

Mr. Young stated that Zoning Case Z1400007, Maddry Residential, was a request to change the zoning designation of 25.35 acres located in the northeast quadrant of the Barbee Road and NC 54 Highway intersection from Residential suburban – 20, Office Institutional, and Commercial Neighborhood to Office Institutional with a development plan; committing to a maximum of 175 multifamily residential units. Staff determined the request was consistent with the future land use designation of the *Comprehensive Plan* which designated the site as Office. The request included an accompanying development plan. There were text, graphic, and design commitments associated with this request; and referred to Table D5, Summary of Development Plan in the staff report for more details. Detailed the following text commitments: housing type (apartments or townhouses), dedication of right-of-way along NC 54 Highway and Barbee Road, additional asphalt along NC 54 Highway and Barbee Road for a bicycle lane, and roadway improvements at the site entrances along NC 54 Highway and Barbee Road; graphic commitments: general location of the tree preservation areas and location of site access points; design commitments: through the design commitments of the project the applicant had committed to roofline details with gables and/or dormers, and building materials. Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and stated the Planning Commission recommended approval on September 9, 2014 by a vote of 13-0.

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

Jarroed Edens, representing Edens Land Corp., stated the project reduced the number of trips on Highway 54; stated he had committed to installing bike lanes; proffered a stipend totaling \$6,500 to Durham Public Schools (13 students; \$500 per student); and requested council's support for the item.

Mr. Young interjected the stipend needed to be submitted prior to the first site plan submittal.

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

MOTION by Councilmember Catotti, seconded by Councilmember Schewel, to receive comments on the zoning map change for Maddry Residential (Z1400007);

To adopt an Ordinance amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400007 out of Residential Suburban – 20 (RS-20), Office Institutional (OI), and Commercial Neighborhood (CN) and placing same in and establishing same as Office Institutional with a development plan (OI(D)) was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14691

MOTION by Councilmember Moffitt, seconded by Councilmember Catotti, to adopt the consistency statement as required by GS 160A-383 as outlined below was approved at 7:40 p.m.

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by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Unified Development Ordinance
Zoning Map Change Consistency Statement
Regarding Z1400007, Maddry Residential

Whereas, the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas, the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

Now Therefore, Be It Adopted by the Durham City Council that final action regarding zoning map change Z1400007, Maddry Residential, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that was applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: COMPREHENSIVE PLAN AMENDMENT – THE CORNERS AT BRIER CREEK (A1200008)

Mayor Bell introduced the item and deferred to Patrick Young, Assistant Planning Director, for presentation.

Mr. Young stated that the case was The Corners at Brier Creek, A1200008; the applicant was the Morningstar Law Group; its location was on the north side of US Highway 70, near the intersection of T.W. Alexander Drive; the request was to change 21.56 acres from Commercial to Medium Density Residential, 32.40 acres from Low-Medium Density Residential to Medium Density Residential, 7.47 acres from Low-Medium Density Residential to Commercial, and to transfer 1.07 acres from the City of Raleigh to the City of Durham; stated staff recommended approval; and that the Planning Commission recommended approval on an 11-2 vote at its September 9, 2014 meeting.

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

Patrick Byker, Attorney with Morningstar Law Group, stated he was representing Creekwood Highway 70-Alexander, LLC; indicated the applicant was requesting approval of the plan amendment for slightly more than 60 acres located primarily in Wake County, near the intersection of T.W. Alexander Drive and Glenwood Avenue. Attorney Byker stated Traffic Engineer, Earl Lewellyn of Kimley-Horn, was in attendance; stated since Council had just heard

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a thorough staff report on the plan amendment, he did not have a lot to add on the topic. Attorney Byker stated they were requesting the plan amendment because the commercial area along this part of US 70 needed to be consolidated at the T.W. Alexander intersection. The plan amendment would create an attractive commercial center rather than an unattractive strip commercial development. Also, he stated it was important to locate residential buildings on parcels that needed to be developed with more sensitivity to environmental constraints such as stream buffers and topography. Attorney Byker asked for Council's approval of the plan amendment and stated he would answer any questions.

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

Councilmember Schewel inquired about objections made at the Planning Commission that the development represented an expansion of Brier Creek's commercial node and that it was at odds with the intent of the *Comprehensive Plan*.

Mr. Byker stated he could not track the criticism from Commissioner Miller and did not understand the disagreement with the proposal; stated the staff report outlined the rationale of removing commercial frontage off US-70 while consolidating it with the rest of the commercial development; stated it was important to look at what Wake County had done regarding residential density in the area; and noted that commercial was a logical extension of what was already there.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to receive comments on the Corners at Brier Creek (A1200008) Plan Amendment; and

To adopt a Resolution to Change the Future Land Use Map of the *Durham Comprehensive Plan* from Commercial and Low-Medium Density Residential (4–8 DU/Ac.) to Commercial and Medium Density Residential (6–12 DU/Ac.) was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9905

**SUBJECT: ZONING MAP CHANGE -THE CORNERS AT BRIER CREEK
(Z1200019)**

Mayor Bell introduced the item and deferred to Patrick Young, Assistant Planning Director, for presentation.

Mr. Young stated Zoning Case (Z1200019) The Corners At Brier Creek , is a request to change the Rural Residential zoning designation of 122.22 acres located along U.S. 70 Highway at T.W. Alexander Drive. The request would change 61.68 acres to Planned Development Residential 12.000 and 60.54 acres to Commercial General with a development plan. He stated if approved as requested, it would allow up 603 residential units and 390,000 square feet of non-residential uses at the site. With approval of the previous plan amendment A1200008, the request was

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consistent with the future land use designation of the *Comprehensive Plan* which now designates the site as [Commercial and Medium Density Residential (6-12 DU/Ac.)]. The request included an accompanying development plan. There were text, graphic, and design commitments associated with the request and stated a more detailed summary of development plan was noted in the staff report. He commented on text commitments: right-of-way dedication, traffic mitigation improvements, accommodations for bike lanes, and dedication of a 200-foot greenway easement. Referenced graphic commitments: general location of the tree preservation areas and location of site access points; and the design commitments: through the design commitments of this project the applicant has committed to roofline details and building materials. Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances. The Planning Commission recommended approval on September 9, 2014 by a vote of 13-0.

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

Patrick Byker, Attorney with Morningstar Law Group, stated he was representing Creekwood Highway 70-Alexander, LLC. The applicant was requesting approval of the zoning map change for slightly more than 120 acres located primarily in Wake County, near the intersection of T.W. Alexander Drive and Glenwood Avenue. He stated the applicant's traffic engineer, Earl Lewellyn of Kimley-Horn was in attendance. In regard to the zoning map change, he stated the applicant was calling the approximately 120 acre development The Corners at Brier Creek. The northern half of the development would be a mix of apartments and townhouses, and the southern half, close to the corner of Alexander Drive and Glenwood Avenue, would be commercial. The Brier Creek submarket was strong for multifamily, and even stronger for retail. The Corners at Brier Creek represented a tremendous opportunity for the City of Durham to get a piece of the action in this hot corner of Wake County. Based on anecdotal evidence, it appeared that many East Durham residents were spending a considerable portion of their disposable income in Raleigh at Brier Creek. The retail component of The Corners at Brier Creek was Durham's opportunity not only to reduce sales tax leakage, but also to attract Raleigh residents to spend their money within the Durham city limits. Attorney Byker stated they were very excited to bring The Corners at Brier Creek to the Council. He stated they had been working for more than two years on the ambitious project, and thought it will be a great asset for the City of Durham; expressed his appreciation to the Mayor and City Council, the Planning Department staff, and the Durham Delegation to the General Assembly, for the work that went into legislation to match their project's boundary lines along with a correction of the city limits between Durham and Raleigh; asked for Council's approval; and stated his team was available to answer questions.

Councilmember Schewel inquired if the developer had proffered \$500 per child for the additional 20 students entering the Durham Public Schools; and inquired about the Greenway easement connections.

Mr. Byker responded that to cover the students, for the record, the applicant would contribute \$10,000 to the Durham Public Schools reflecting \$500 per student; stated the funds would be contributed prior to site plan approval for that section and he would send that extra committed element to the Planning Department. Regarding the greenway easement/trail, Mr. Byker

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responded they needed to work with the Del Webb development (Carolina Arbors) to connect that development with theirs down to the commercial development.

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

MOTION by Councilmember Moffitt, seconded by Mayor Pro-Tem Cole-McFadden, to receive comments on the zoning map change for The Corners at Brier Creek (Z1200019); and

To adopt an Ordinance amending the Unified Development Ordinance by taking the described property in zoning map change case Z1200019 out of Residential Rural (RR) and placing same in and establishing same as Planned Development Residential 12.000 (PDR 12.000) and Commercial General with a development plan (CG(D)) (with the additional proffered elements) was approved at 7:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14692

MOTION by Councilmember Moffitt, seconded by Mayor Pro-Tem Cole-McFadden, to adopt a consistency statement as required by GS 160A-383 as outlined below was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Unified Development Ordinance
Zoning Map Change Consistency Statement
Regarding Z1200019, The Corners At Brier Creek

Whereas, the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas, the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

Now Therefore, Be It Adopted by the Durham City Council that final action regarding zoning map change Z1200019, The Corners at Brier Creek, 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 report and associated documents submitted to the City Council, and the information provided through the public hearing.

[ITEM PULLED FROM THE CONSENT AGENDA]

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**SUBJECT: DURHAM CENTRAL PARK WATERLINE REPLACEMENT PROJECT -
CONTRACT AWARD TO CDM SMITH, INC.**

Don Greeley, Director of Water Management, provided background on the item and bidding process; and introduced corporate representatives from CDM Smith in attendance at the meeting: Kevin Irby, (VP and Client Services Manager, CDM's Raleigh office) and Patrice Robbins, (CDM Smith's Affirmative Action EEO Manager, of the Orlando office.

Mayor Bell noted there was a speaker to the item.

Rafiq Zaidi, representing the FADE Coalition, explained he had recently returned from Ferguson, Missouri; expressed concerns about the City hiring white contractors that did not employ black people; demanded that black youth be trained for employment; and cited demographic statistics of CDM Smith and their lack of diversity.

Councilmember Moffitt requested information regarding the recommended contractor's recruiting efforts of minorities; and inquired about the obstacles hindering a more diverse workforce.

Patrice Robbins, of CDM Smith & Affirmative Action Manager, expressed appreciation for being allowed to provide an update on minority recruiting efforts, demographics and outreach efforts; spoke to minority employment at the Raleigh office consisting of positions from technical to administrative; indicated that programs were being instituted to focus on training and scholarship opportunities at the collegiate level in engineering; explained partnerships with local workforce agencies and employer networks; detailed community outreach efforts into area high-schools; and stated she would forward future opportunities to the City's Workforce Development and Human Resources staff persons. Also, she spoke about their relationship with North Carolina A&T University and North Carolina Central University and provided a brochure outlining the company's progress in diversifying their workforce.

Mayor Pro-Tempore Cole-McFadden inquired about the role of the North Carolina Central University student hired to work in the Raleigh office; stated she noticed that CDM was subcontracting with Rohadfox Construction and inquired about the role of the company; stated she was appreciative of the firm's outreach, strides and local employment efforts; and requested City of Durham staff be added to emailed employment announcements.

Mr. Kevin Irby, of CDM Smith, responded that Rohadfox would be assisting with construction management which involved cost estimation and inspection; stated that CH Engineering firm of Raleigh, would conduct surveying and that the MWBE percentage was above and beyond the established MWBE goals.

Mayor Bell inquired about the sub-contractor Rohadfox Construction of Atlanta, Georgia and the \$5,000 being awarded.

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Don Greeley, Water Management Director, clarified the current contract before Council was for the design portion; and that the construction/inspection portion would be negotiated later.

Councilmember Moffitt expressed appreciation for diversity improvements exhibited by the company; inquired about the timeframe for filling open positions; and addressed Mr. Greeley and requested updated information on new hires by CDM Smith.

Ms. Robbins addressed the recruitment timeframe.

Councilmember Davis inquired about CDM Smith's obstacles/barriers they were experiencing regarding diversity.

Ms. Robbins spoke to engineering education at the high school level; awareness by organizations within the community of opportunities for minorities, engaging veterans, disabled and women; and efforts to develop partnerships in order to create a more diverse workforce.

Mayor Pro-Tempore Cole-McFadden addressed the Durham Mayor's Summer Youth Work Program whereby companies were sought to offer youth internships and encouraged Ms. Robbins to contact the city's Workforce Development Department in order to participate in the program.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Brown, to authorize the City Manager to execute a contract with CDM Smith, Inc. for Professional Engineering Services in an amount not to exceed \$1,446,350.00 for the Durham Central Park Waterline Replacement Contract; and

To establish a contingency fund for the contract in an amount not to exceed \$144,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$1,590,350.00 was approved at 8:13 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden, and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Councilmember Catotti reminded everyone that the polls were open Tuesday, November 4th from 6:30 a.m. to 7:30 p.m. and encouraged voters to take others along to the polls.

There being no further business to come before the Council, the meeting was adjourned at 8:14 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk