

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 16, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the 2nd Floor Committee Room at City Hall with the following members present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Excused Absence: Council Member Eddie Davis.

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 Council Member Brown.

City Clerk Gray stated that Council Member Davis was requesting an excused absence from the meeting.

[EXCUSED ABSENCE COUNCIL MEMBER DAVIS]

MOTION by Council Member Catotti, seconded by Council Member Brown, to excuse Council Member Davis from the March 16, 2015 meeting was approved at 7:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

[CEREMONIAL ITEMS]

Mayor Bell introduced and read a proclamation announcing Creek Week, March 21-28, 2015; and presented the proclamation to Laura Webb Smith, Public Education Coordinator, Public Works, Stormwater and GIS Department representatives.

Ms. Smith introduced Tanya Dautlich of Keep Durham Beautiful and Mabel Williams of Public Works; they stated the event was community-wide; and announced the events and highlights for the upcoming week.

Mayor Bell introduced and read the Durham Crop Hunger Walk Day Proclamation; noted that this was the 41st Annual Walk scheduled to take place on Sunday, March 22nd 2:30 p.m. at Duke Chapel; addressed the background of the walk that integrated people of different faiths, cultures and ages uniting to stop hunger locally and globally; and acknowledged the event raised \$145,000 in 2014 for Meals on Wheels, Urban Ministries, Housing for New Hope, Threshold Clubhouse, Food Bank of Central and Eastern North Carolina, St. Andrew’s Society along with various church pantries.

Bob Newlin, Treasurer of the Durham CROP Hunger Walk, expressed appreciation for the honor and distributed event t-shirts to the Council Members.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council.

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Council Member Catotti congratulated Council Member Schewel for participating and completing a Marathon and qualifying for the Boston Marathon.

[PRIORITY ITEMS]

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

The City Manager, City Attorney and City Clerk responded that they had no priority items.

Mayor Bell explained that the Consent Agenda was 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.

Mayor Bell read each agenda item and at the request of a citizen, Item #2 (Confirmation of Civilian Police Review Board Members) was pulled by a citizen.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the Consent Agenda as amended was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

[CONSENT AGENDA]

SUBJECT: HOUSING APPEALS BOARD - APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to appoint Kevin Davis to the Housing Appeals Board as a Regular Member representing Realty with the term expiring on June 30, 2017 was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

SUBJECT: AWARD OF DEDICATED HOUSING FUNDS TO DURHAM COMMUNITY LAND TRUSTEES, INC. (DCLT) AND WOODLAND ASSOCIATES, INC. (WOODLAND) FOR THE PRESERVATION OF EXISTING RENTAL HOUSING (MOREHEAD GLEN APARTMENTS, WEST PARK APARTMENTS, MUTUAL MANOR, ROCKWOOD COTTAGES)

MOTION by Mayor Cole-McFadden, seconded by Council Member Catotti, to authorize the expenditure of a total of \$716,025.00 in budgeted Dedicated Funding Source funds (\$203,000.00 for Morehead Glen Apartments, \$92,800.00 for West Park Apartments, \$197,838.00 for Rockwood Cottages, \$142,859.00 for Mutual Manor and \$79,528.00 for Mathison Apartments) for the preservation of 77 existing affordable rental housing units; and

To authorize the City Manager to execute a Forgivable Loan Agreement and other related legal documents for each of the aforementioned projects, that is forgiven over a period of 15 years at 0% interest with Durham Community Land Trustees, Inc. and Woodland Associates, Inc. was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

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SUBJECT: ANNUAL PROPERTY/CASUALTY INSURANCE PLAN 2015-2016

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to maintain the general insurance plan as and modify it as needed, provided the modifications are consistent with the City's overall risk management and financial objectives;

To authorize the City Manager to purchase additional insurance throughout the year, as needed for special events, lease and contract requirements, new programs, and builders risk insurance; and

To authorize the City Manager to expend an amount for all insurance premiums not to exceed \$1,200,000.00 to maintain the annual insurance plan and make additional insurance purchases as needed beginning April 1, 2015 was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

SUBJECT: JOINT CITY-COUNTY ECONOMIC DEVELOPMENT STRATEGIC PLAN

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the 2015 Joint City-County Economic Development Strategic Plan was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

SUBJECT: RENEWAL OF POLICE DEPARTMENT SOFTWARE AGREEMENTS WITH SUNGARD PUBLIC SECTOR, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the Software Maintenance Agreement with Sungard Public Sector, Inc. for Records Management System (RMS) and Mobile Field Reporting (MFR) Applications in an amount not to exceed \$94,735.95 in Fiscal Year 2014-2015 and a total five year cost not to exceed \$545,977.91 was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

The City Council disposed of the following agenda items at the March 5, 2015 Work Session:

7. Duke Energy's Residential Neighborhood Program
(A presentation was received at the 03-05-15 Work Session)
8. Durham-Orange Light Rail Transit Project
(A presentation was received at the 03-05-15 Work Session)
9. Durham City-County Disparity Study
(A presentation was received at the 03-05-15 Work Session)

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONSOLIDATED ANNEXATION - BRIER CREEK ASSEMBLAGE

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Patrick Young, Assistant Planning Director, stated that the Brier Creek Assemblage consisted of three separate requests by M/I Homes to City Council related to the requested annexation of approximately 115 acres of property in Durham and Wake County south of Andrews Chapel Road; pointed out that a utility extension agreement has been requested to serve the development with City water and sewer utilities; the Public Works and Water Management departments performed a utility impact analysis and determined that adequate sewer and water capacity was available with improvements; a voluntary petition for annexation had been submitted by the property owners for the site; Budget and Management Services Department performed a Fiscal Impact Analysis based on the proposed use of the site as under the most intense use permitted by the initial zoning – which assumed the development consisted of up to 132 single-family residential units; the analysis projected estimated revenues would exceed estimated expenditures the fourth year after annexation; stated the City Council was required to apply an initial zoning to newly annexed property; staff recommended an initial zoning of RR for the subject property, which was the least intense zoning permitted in the Suburban Development Tier; noted that a separate zoning map change request would be considered by City Council at a later date; and staff recommended that Council approve the extension agreement, voluntary annexation, and initial zoning for the Corners at Brier Creek.

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

Jarroed Edens, representing the developer, stated he was available for questions.

Mayor Bell inquired about the projected population of the development once completed.

Mr. Edens responded that the development before the council consisted of up to 132 units; and they will be submitting a rezoning request at an upcoming June meeting for a total of 400-450 units.

Mayor Bell asked if there were any additional questions or comments by Council. Being none, the Mayor declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to receive comments on the Consolidated Annexation – Brier Creek Assemblage;

To authorize the City Manager to enter into a water extension agreement with M/I Homes;

To adopt an Ordinance Annexing 114.980 acres of Brier Creek Assemblage (case BDG1400003) into the City of Durham effective March 31, 2015;

To adopt an Ordinance Amending the Unified Development Ordinance (case Z1400009A) to establish Residential Rural (RR) zoning for the property was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

ORDINANCE #14724 & #14725

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MOTION by Council Member Catotti, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt a consistency statement as required by NCGS 160A-383 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Davis.

**UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400009A, Brier Creek Assemblage Initial**

Whereas, the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not 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 NCGS 160A-383, is required to provide a brief statement indicating whether or not the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400009A, Brier Creek Assemblage 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.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: CONFIRMATION OF CIVILIAN POLICE REVIEW BOARD MEMBERS

Mayor Bell stated there was a speaker to the item.

Minister Rafiq Zaidi, of 807 South Duke Street, provided and read a letter ,which was addressed to the City Manager, regarding review and response regarding recommendations, applications and appointments of Civilian Police Review Board members. He requested copies of public records pertaining to recommendations, communications, and applications submitted for the vacancies on the Civilian Police Review Board, as well as the City Council Members' confirmation vote.

MOTION by Mayor Cole-McFadden, seconded by Council Member Catotti, to confirm the City Manager's five appointments to the Civilian Police Review Board [Kelli Dugan, Rachel Green, David Harris, David Smith and Susan Veasey] was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-

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

There being no further business to come before the Council, the meeting was adjourned at 7:21 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk