

**DURHAM, NORTH CAROLINA
MONDAY, MAY 18, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at 101 City Hall Plaza with the following members present: Mayor William V. “Bill” Bell, Mayor Pro-Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, Deputy City Clerk Dianalynn Schreiber and Senior Executive Assistant Tonette Amos.

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

[CEREMONIAL ITEMS]

Mayor Bell read and presented a proclamation to the Director of Public Works Marvin Williams acknowledging National Public Works Week; May 17th thru May 23rd.

Public Works Director Williams expressed gratitude for receiving the proclamation; stated on behalf of the staff in Public Works, thanked Council for the recognition; acknowledged that internal job-shadowing was underway between Maintenance, Stormwater, GIS and Engineering Divisions; announced an upcoming trail cleanup with Pearis Elementary School; and invited Council to the Departmental luncheon at a park adjacent to the Operations Center on Friday, May 22nd at noon.

Mayor Bell presented the National Recognition Award for Engineering Excellence for the American Tobacco Trail Pedestrian Bridge to Reginald Scales, representing Parson Brinckerhoff Engineering.

Mr. Scales expressed appreciation for the honor and provided the background of the innovative bridge project; stated he was grateful for the support of Parson Brinckerhoff Project Manager Tim Hayes, Public Works Director Marvin Williams and the Public Works’ staff during construction; spoke to the award from the American Council for Engineering Companies, North Carolina Chapter; and addressed the caliber of the finalists who had been submitted for state and national awards.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council.

Mayor Bell spoke to his attendance at the Bimbe Cultural Arts Festival at Rock Quarry Park; complimented the staff of Parks and Recreation Department for organizing and supporting the event; and thanked Durham County for supporting the event by providing attendees free parking at the Durham County Stadium.

May 18, 2015

[PRIORITY ITEMS]

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

The City Manager, City Attorney and Deputy 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 Council Member would be discussed at the end of the agenda. No items were pulled from the Consent Agenda.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the Consent Agenda was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCE

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to accept the streets as listed below for maintenance by the City of Durham was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Madison Glen – PH 3

- 1) Walsenburg Drive – from the end of existing pavement @ STA 107+32.77 west to the end of Phase 3 construction @ STA 96+09.98 (1,123') and
- 2) Hidden Treasure Drive – from the centerline of Briana Drive north to the end of Phase 3 construction @ STA 50+40 (138') and
- 3) Briana Drive – from the end of existing pavement @ STA 89+90.95 southwest to the centerline of Walsenburg Drive (991') and
- 4) Moonbeam Court – from the centerline of Walsenburg Drive north through the cul-de-sac (343').

SUBJECT: DEDICATED FUNDING SOURCE FOLLOW-UP PERFORMANCE AUDIT (MARCH 2015)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to receive and accept the Dedicated Funding Source Follow-Up Performance Audit dated March

May 18, 2015

2015 as presented and approved at the March 23, 2015 Audit Services Oversight Committee meeting was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: HOME LOAN AND RELATED DOCUMENTS FOR THE WHITTED SCHOOL PROJECT – WHITTED REDEVELOPMENT, LLC

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the HOME Loan Agreement and related legal documents with the Whitted Redevelopment, LLC for construction/permanent financing in the amount of \$600,000.00 at a 0% interest rate, with a term not less than forty years was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM AMTRAK STATION AGREEMENTS WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the Reimbursement Agreement with the North Carolina Department of Transportation for the Durham Amtrak Station; and

To authorize the City Manager to execute the First Amendment to City of Durham/NCDOT Lease Agreement (Walker Warehouse Building Parking Lot Lease) with the North Carolina Department of Transportation at an seven-year total cost of \$194,527.77 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: INCREASE IN CIVIL PENALTIES FOR PARKING VIOLATIONS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance to Increase the dollar amount of Civil Penalties for Parking Violations from ten dollars to twenty dollars, to increase the late payment penalty for such violations, and to make technical corrections to City Code Section 66-370 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14748

SUBJECT: MUNICIPAL AGREEMENT BETWEEN THE CITY AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE USDOT SHRP-2 C16 GRANT - THE EVALUATION OF THE IMPACTS OF SMART GROWTH ON TRAVEL DEMAND

May 18, 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a Municipal Agreement between the City of Durham and North Carolina Department of Transportation (NCDOT) for the disbursement of the grant funds to the City was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND THE MPO MEMBER AGENCIES FOR LOCAL MATCHING FUNDS FOR FEDERAL TRANSPORTATION PLANNING GRANTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the inter-local agreements between the City of Durham and the following MPO member agencies for local matching funds for federal transportation planning grants: The Town Carrboro; The Town of Chapel Hill; The Town of Hillsborough; Chatham County; Durham County; Orange County and Triangle Transit was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: PROPOSED REVISIONS TO THE DURHAM CITY CODE TO PERMIT REIMBURSEMENT FOR CITY CONSTRUCTED INFRASTRUCTURE

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending Durham City Code of Ordinances sections 70-19 and 70-50 to allow the City to establish water and sewer service areas and to establish associated fees sufficient to recover the City's cost to construct water and sewer infrastructure needed to serve new development in a service area was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14749

SUBJECT: ESTABLISHMENT OF SERVICE AREA AND SERVICE AREA FEE FOR THE SOUTHEAST REGIONAL LIFT STATION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the establishment of the proposed Southeast Service Area pursuant to Durham Code section 70-50; and

To adopt an Ordinance to establish a service area fee for new development in the Southeast Service Area pursuant to Durham Code section 70-50 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

May 18, 2015

ORDINANCE #14750

SUBJECT: ADOPTION OF PROPOSED WATER AND SEWER RATES FOR FY 2015 - 2016

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance to change rates for water and sewer service, Section 1, Part 15-104 of the City's fee schedule effective July 1, 2015 to be applied to all bills rendered after August 1, 2015 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14751

SUBJECT: PROPOSED UPDATES TO FEE SCHEDULE FOR WATER AND SEWER CAPITAL FACILITY FEES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending Chapter 15, Part 15-103 (Capital facilities fees) of the City's Fee Schedule with and effective date of October 1, 2015 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14752

SUBJECT: INTER-LOCAL COOPERATION AGREEMENT FOR THE COLLECTION OF TAXES BETWEEN THE COUNTY OF WAKE AND CITY OF DURHAM

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the Inter-local Cooperation Agreement for the Collection of Taxes between the County of Wake and City of Durham was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: PURCHASE ORDER CONTRACT BETWEEN MEDALLION ATHLETIC PRODUCTS, INC. AND THE CITY OF DURHAM FOR AN ARTIFICIAL TURF SOCCER FIELD UPGRADE AT THE C. M. HERNDON ATHLETIC PARK

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a Purchase Order contract for the C.M. Herndon Park

May 18, 2015

Soccer Field Upgrades project with Medallion Athletic Products, Inc. through NJPA competitive purchasing program in the amount of \$472,290.00 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: COMPENSATION AND CLASSIFICATION PLAN RECOMMENDATIONS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to amend and adopt recommended changes to the City of Durham's Compensation and Classification Plan, including general pay plan structure adjustments; and

To amend and adopt the Durham Minimum Livable Wage rate to \$12.53 per hour, effective January 1, 2016 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR OPERATION AND MAINTENANCE OF THE CITY OF DURHAM RAINFALL AND STREAMFLOW NETWORK FY2016

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute an intergovernmental agreement with the U.S. Geological Survey for the continued operation of the automated rainfall and streamflow monitoring network at an amount not to exceed \$87,600.00 for fiscal year 2016 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ORDINANCE AMENDING CITY CODE CHAPTER 70, ARTICLE 1, SECTION 70-25 - RESALE OF WATER AND/OR SEWER SERVICE

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending the Durham City Code, Chapter 70, Article 1, Section 70-25 to further define the term "residential apartment complex" in the context of the resale of water and/or sewer services purchased from the City was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14753

SUBJECT: CONTRACT SW-38 WITH LANIER CONSTRUCTION COMPANY FOR 2015 SIDEWALK REPAIR PROJECT

May 18, 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract for SW-38, 2015 Sidewalk Repair Project with Lanier Construction Company, Inc. of N.C. in the amount of \$724,578.00;

To establish a contingency fund in the amount of \$72,457.80 (10%); and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total project cost does not exceed \$797,035.80 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: CONTRACT SW-38C WITH COULTER JEWELL THAMES, PA FOR 2015 SIDEWALK INSPECTIONS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract for SW-38C, 2015 Sidewalk Inspections project with Coulter Jewell Thames, P.A. of Durham, NC in the amount of \$66,204.00 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the May 7, 2015 Work Session:

20. **Poverty Reduction Initiative Update - Health Task Force**
(An update was received at the 05-07-15 Work Session)
21. **Durham Environmental Affairs Board Recommendations for Sustaining a Healthy Urban Forest in Durham**
(A presentation was received at the 05-07-15 Work Session)
22. **Report on Condition of Omah Street and Status of Petition for Improvements**
(A report was received at the 05-07-15 Work Session)
23. **Durham-Orange Light Rail Transit Project**
(A presentation was received at the 05-07-15 Work Session)
25. **Otis Lyons**
(Citizen did not appear at the 05-07-15 Work Session)
26. **Michael Lawrence**
(Comments were received at the 05-07-15 Work Session)
27. **Angela Langley**
(Comments were received at the 05-07-15 Work Session)

May 18, 2015

28. Beverly Stevenson

(Comments were received at the 05-07-15 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: PROPOSED FISCAL YEAR 2015-16 BUDGET AND FISCAL YEAR 2016-2021 CAPITAL IMPROVEMENT PLAN (CIP)

To receive a presentation from the City Manager on the proposed Fiscal Year 2015-16 Budget and Fiscal Year 2016-2021 Capital Improvement Plan (CIP).

City Manager Thomas Bonfield presented a Powerpoint presentation on the FY 2015-2016 preliminary budget which included no property tax increase – keeping the current tax rate at 59.12 cents per \$100 of assessed property value.

City Manager Bonfield recommended a total preliminary budget for FY 2015-16 of \$386.5 million, a less than 1 percent decrease from last year's budget, and includes \$170.2 million for services covered by the general fund, a nearly 3 percent decrease from last year. A tax rate of 59.12 per \$100 of assessed property value generates a tax bill of \$986.12 on a house valued at \$166,753, which is the median house value for the City of Durham according to the Durham County Office of Tax Administration.

The street resurfacing fund is recommended to receive a boost, increasing the fund to \$2 million along with \$500,000 allocated for repairing sidewalks. The City Manager stated improving streets continues to be a top priority for residents as well as fixing more sidewalks.

Other fee changes include water and sewer rate increases that were previously presented to Council at its May 7th work session, and approved during tonight's meeting. There are no proposed stormwater rate increases.

The FY 2016-2021 Capital Improvement Plan (CIP) budget contains \$12.9 million in general fund capital projects, including \$1.26 million for sidewalk design and repair, \$1.7 million for fire upgrade/Fire Station #18 land acquisition, \$2.7 million for parks repairs & upgrades, \$1.12 million for cemeteries upgrades, and \$395,000 for city-wide fiber optic cable installation. The remaining \$75 million of CIP funding is dedicated to water and sewer and stormwater enterprise projects. CIP funding is provided through impact fees, water and sewer revenues, revenue bonds, stormwater fees, and pay-go funds.

Other highlights in the budget included:

- \$600,000 for deferred maintenance (CIP)
- \$5.6 million for fleet vehicles (CIP)
- \$2.1 million for public arts & culture, including the new Durham Sports Commission, Carolina Theatre, Durham Arts Council, St. Joseph's Historic Foundation, American Dance Festival,

May 18, 2015

Full Frame Documentary Film Festival, Durham Blues Festival, Durham History Hub, and other public art initiatives

The City Manager also recommended that the City return to its differentiated pay-for-performance plan, rewarding employees according to their performance. While the average increase will be 3.5 percent for general pay plan employees, police and fire pay plan employees will receive between 3 percent and 5 percent increases. For the first time in three years, employee health care premiums will rise by 3 percent, and employee dental premiums will also increase by 5 percent.

The budget also estimates fund balance reserves at approximately 21 percent, with \$1.7 million of these funds to be used for one-time expenditures. The City continues to maintain excellent fiscal status with an AAA bond-rating from all three ratings agency – achieved by only a few of nation's more than 22,500 cities.

To encourage resident feedback, the third annual e-Town Hall will be held on Monday, June 1 at 7 p.m. during the regularly scheduled City Council Meeting. Residents are asked to send their thoughts and questions now that they've heard the proposed budget.

During the live E-Town Hall event, City Council will respond to as many comments and questions as possible, which will be televised live on Durham Television Network (Time Warner Cable Channel 8 or 97-5 and AT&T U-verse Channel 99) as well as live-streamed from the City's website.

A public hearing is also scheduled for the preliminary budget for Monday, June 1 with final budget approval set for Monday, June 15 at 7 p.m. in the City Council Chambers.

Council thanked the City Manager for the presentation that was balanced and contained no tax increase; expressed appreciation for staff's contributions and the Manager's accomplishments in preparing the proposed budget; and looked forward to public comments at the upcoming June 1st Council Meeting.

Council Member Moffitt appreciated the efforts of City Manager Bonfield; looked forward to the department directors in-depth budget discussions scheduled for May 26 and 27; acknowledged that Durham was a well-managed city; indicated that the proposed budget utilized total fewer dollars than the budget of the current year; and stated that the City Manager was committed to doing more with less.

SUBJECT: INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY TO ESTABLISH THE DURHAM WORKFORCE DEVELOPMENT BOARD AND ITS ADMINISTRATIVE ENTITY UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) OF 2014, EFFECTIVE JULY 1, 2015

Kevin Dick, Director of the Office of Economic and Workforce Development, spoke to the proposed an inter-local agreement for reestablishment of the Durham Workforce Development board under pending legislation put forth by the US Department of Labor's Workforce Innovation

May 18, 2015

and Opportunity Act; explained the new composition of the board to be smaller and more strategic with representatives from business, labor, apprenticeship programs, economic/community development, vocational, state employment organizations and other public agencies; recommended a maximum number of 25 members; and confirmed that elected officials' membership on the board would no longer be mandated.

Mayor Pro-Tempore Cole-McFadden spoke to elected officials no longer being mandated to be on the board; referenced concern that the County still wanted a voice on the board; referenced the City paying for the administrative staff to assist the board and the County not providing any funding.

Council Member Schewel concurred with Mayor Pro-Tempore Cole-McFadden comments; stated that council members could serve as liaisons which would allow them to be available for advise and support; and felt the board would be more efficient if elected officials were not members of the board.

Mayor Bell inquired about the proposed membership consisting of twenty-five slots without the elected officials from the City and County.

Mr. Dick confirmed the Durham County Commissioners agreed to the twenty-five member board option by a vote of 3/2.

Council Member Catotti supported the elimination of elected officials serving on the board; and requested clarification on the number of members; and the agreement being recommended; Option 1 or 2.

Mr. Dick recommended the inter-local agreement indicated as Option 1; and Schedule B1, with a maximum of twenty-five members.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the Mayor to execute the Inter-local Consortium Agreement (Option 1) between the City of Durham and the County of Durham to Serve as a Designated Local Workforce Development Area; to Establish a Local Workforce Development Board; and to Administer the Workforce Innovation and Opportunity Act of 2014;

To approve Schedule B1 Defined Durham Workforce Development Board Structure under the Workforce Innovation and Opportunity Act; and

To adopt a Resolution Incorporating the Workforce Innovation and Opportunity Act of July 1, 2015 within the Durham Workforce Development Board and Extending Specific Authority to enter into an Inter-local Consortium Agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9926

May 18, 2015

[GENERAL BUSINESS AGENDA - PUBLIC HEARING]

**SUBJECT: SECOND AMENDMENT TO ECONOMIC INCENTIVE CONTRACT
BETWEEN THE GENTIAN GROUP, LLC AND THE CITY OF DURHAM
FOR CAPITAL INVESTMENT IN DOWNTOWN DURHAM**

Kevin Dick, Director of the Office of Economic and Workforce Development, recommended a second extension to the contract with Gentian Group for the redevelopment of the former Mutual Community Savings Bank into a facility to be called the Hotel Durham; the hotel would add necessary hotel rooms to Downtown and offer employment in hospitality and tourism; acknowledged the project was slated to be completed by April 30th, however, the developer encountered delays not within its control; and recommended the extension through July 31.

Mayor Bell opened the public hearing. Being no public speakers to the item, Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute as the second amendment to the original agreement between the Gentian Group LLC and the City of Durham extending the time required to secure a final Certificate of Compliance to no later than July 31, 2015 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There being no further business to come before Council, the meeting was adjourned at 7:48 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk