

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 2, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber located 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, 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.

[CEREMONIAL ITEMS]

Mayor Bell read the 50th Anniversary of the Durham Soil and Water Conservation District Proclamation; and presented the proclamation to Katie Locklier, Supervisor of the Durham Soil and Water Conservation District Board.

Ms. Locklier expressed gratitude and appreciation for the recognition.

Mayor Bell read the Celebration of Health Month Proclamation; and presented the proclamation to Chasity Newkirk, Chair of the Celebration of Health Event and Khali A. Gallman, Public Relations Representative of the Durham County Department of Public Health.

Ms. Newkirk encouraged the community to attend the various outreach events; and referenced www.durhamdiabetescoalition.org for additional details.

Mayor Pro-Tempore Cole-McFadden read the Long-Term Care Awareness Month Proclamation; and presented the proclamation to Del Mattioli of Mattioli and Associates, LLC Financial Services.

Ms. Mattioli addressed the importance of supporting caregivers and patients in long-term care; and introduced her colleagues.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Catotti encouraged the community to vote in the upcoming election on Tuesday, November 3, 2015.

Mayor Pro-Tempore Cole-McFadden commented on her attendance at the 50th Anniversary of the Soil and Water Conservation District celebration; and stated it was a wonderful event.

November 2, 2015

Mayor Bell referenced the Fidelity Company who had, over six years, conducted corporate civic outreach; had adopted Lowes Grove Middle School by providing students with computers and improving landscaping; creating a garden in the school's courtyard; and encouraged the Council and community to visit the school to see the improvements.

Mayor Pro Tempore Cole-McFadden commented on her attendance at the City's Fall Leadership Conference; stated she was impressed by the vigor and enthusiasm exhibited by the city employees; and thanked the City Manager for the positive atmosphere.

[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

City Manager Bonfield referenced the following items: Item #4, Housing Opportunities for Persons with AIDS (HOPWA) Contract with Duke University, was being referred back to the Community Development Department; Item #18, Wiley and Elizabeth Forbus House - Local Historic Landmark Designation (LD1500002), a fiscal impact analysis had been added to the packet; and Item #19, Imperial Tobacco Building - Local Historic Landmark Designation (LD1500003), a fiscal impact analysis had also been added to the packet.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Brown, to accept the City Manager's priority items was approved at 7:18 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.

City Attorney Baker stated he had no priority items.

City Clerk Gray referenced the recent reappointment of Ms. Gloria Nottingham to the Durham Housing Authority Board of Commissioners; and stated Ms. Nottingham was present to receive her oath.

Clerk Gray administered the oath of office to Ms. Nottingham.

Council expressed appreciation to Ms. Nottingham for her continued and outstanding service on the Durham Housing Authority's Board of Commissioners.

The Mayor explained the Consent Agenda was passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda for discussion later in the meeting. It was noted that the City Manager had requested that Item #4, Housing Opportunities for Persons with AIDS (HOPWA) Contract with Duke University, be removed from the Consent Agenda and referred back to the Community Development Department. No additional items were pulled from the Consent Agenda.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the Consent Agenda *as amended* was approved at 7:23 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.

November 2, 2015

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the City Council Minutes for the following meeting dates: August 17, 2015; August 20, 2015; and September 8, 2015 was approved at 7:23 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: DEVELOPMENT REVIEW PROCESS PERFORMANCE AUDIT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive and accept the Development Review Process Performance Audit dated September 2015 as presented and approved at the September 28, 2015 Audit Services Oversight Committee meeting was approved at 7:23 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: HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)
CONTRACT WITH DUKE UNIVERSITY**

To approve the selection of Duke University as a sole source Program Sponsor for the City of Durham; and

To authorize the City Manager to execute a six-month Contract with Duke University in the amount of \$140,663.00.

Note: At the request of City Manager Bonfield, this item was removed from the agenda; and referred back to the Community Development Department.

SUBJECT: VEHICLE LEASE AGREEMENT - LINCOLN COMMUNITY HEALTH CENTER

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a lease agreement between the City and Lincoln Community Health Center to lease four (4) paratransit vehicles was approved at 7:23 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.

November 2, 2015

SUBJECT: PROFESSIONAL ENGINEERING SERVICES FOR SANITARY SEWER FLOW MONITORING AND INFLOW/INFILTRATION (I/I) REDUCTION EVALUATION – CDM SMITH, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a contract with CDM Smith, Inc. for engineering services in the total amount not to exceed \$695,700.00;

To establish a contingency fund for the contract of \$69,300.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders and the total project cost does not exceed \$765,000.00 was approved at 7:23 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: BID REPORT - SEPTEMBER 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive a report and to record into minutes bids which were acted upon by the City Manager during the month of September 2015 was approved at 7:23 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.



City of Durham | North Carolina

Date: October 6, 2015
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 2015

Recommendation:
To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of September 2015.

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

1. Bid: Replacement Transport Trailers

Purpose of Bid: Provides Fleet Management Department with five (5) replacement transport trailers:
 Two (2) for Public Works Department - Street Maintenance Division
 Two (2) for Water Management Department - Facilities Pump Station Maintenance
 One (1) for Public Works Department - Storm Water Division
 Comments: 5 units @ \$15,524.00

Opened: 08/31/2015

Bidders: Proline Trailers * \$77,620.00
 Wendell, NC
 Rigsbee Auto Parts \$93,175.00
 Knightdale, NC
 Gregory Poole \$103,350.00
 Raleigh, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>8</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>2</u>	25	# White Males	<u>5</u>	<u>63</u>
		%			%
Total # Males	<u>6</u>	<u>75</u>	# Other Males	<u>1</u>	<u>13</u>
		%			%
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>2</u>	<u>24</u>
					%
			# Other Females	<u>0</u>	<u>0%</u>

2. Bid: Warning Lights-Arrowboard Trailers

Purpose of Bid: Provides Water Management Department with three (3) replacement arrowboard trailer lights set.

Comments: 3 sets @ \$3,800.00

Opened: 9/3/2015

November 2, 2015

Bidders: Stay Alert Safety Services, Inc. * \$11,400.00
 Raleigh, NC
 Traffic Control Safety Services, Inc. \$12,600.00
 Winston-Salem, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>62</u>		# Black Males	<u>6</u>	<u>8%</u>
Total # Females	<u>3</u>	4%	# White Males	<u>53</u>	<u>81%</u>
Total # Males	<u>59</u>	<u>96%</u>	# Other Males	<u>5</u>	<u>7%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>3</u>	<u>4%</u>
			# Other Females	<u>0</u>	<u>0%</u>

3. Bid: Digital Recorder System (911)

Purpose of Bid: Provides Emergency Communications (911) Department with a replacement Nexlog 740 Logging recorder D(136 channel) dispatching system. This system is configured to record 40 Analog and 96 VoIP channels. This 3U rack-mount recording chassis contains 12TB of RAIDS storage and Linux Operating System.

Comments: Priced in accordance with GSA Contract GS-35F-0415V.

Opened: 9/3/2015

Bidders: Carolina Recording Systems * \$51,165.00
 Charlotte, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>12</u>		# Black Males	<u>1</u>	<u>8%</u>
Total # Females	<u>1</u>	8%	# White Males	<u>10</u>	<u>84%</u>
Total # Males	<u>11</u>	<u>92%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>1</u>	<u>8%</u>

Other Females 0 0%

4. Bid: Digital Recorder System (911)

Purpose of Bid: Provides Emergency Communications (911) Department with a replacement Nexlog 740 Logging recorder C (240 channel) dispatching system and integration of the system. This system is configured to record 56 Analog and 184 VoIP channels. This 3U rack-mount recording chassis contains 2TB of RAID storage and Linux Operating System.

Comments: Priced in accordance with GSA Contract GS-35F-0415V.

Opened: 9/4/2015

Bidders: Carolina Recording Systems * \$209,169.64
Charlotte, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>12</u>		# Black Males	<u>1</u>	<u>8%</u>
Total # Females	<u>1</u>	8%	# White Males	<u>10</u>	<u>84%</u>
Total # Males	<u>11</u>	<u>92%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>1</u>	<u>8%</u>
			# Other Females	<u>0</u>	<u>0%</u>

5. Bid: Replacement Vehicle

Purpose of Bid: Provides Fleet Management Department with one (1) replacement truck (2016 Ford F-250 4 x 2) for Transportation Department Off-Street Parking Division.

Comments:

Opened: 9/8/2015

Bidders: Piedmont Truck Center, Inc. * \$29,085.00
Greensboro, NC
University Ford \$34,605.00
Durham, NC

November 2, 2015

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>82</u>		# Black Males	<u>2</u>	3%
Total # Females	<u>6</u>	7%	# White Males	<u>72</u>	<u>87</u> %
Total # Males	<u>76</u>	<u>93</u> %	# Other Males	<u>2</u>	3%
			# Black Females	<u>0</u>	<u>0</u> %
			# White Females	<u>6</u>	<u>7</u> %
			# Other Females	<u>0</u>	<u>0</u> %

6. Bid: Concrete Vault Installation

Purpose of Bid: Provides Water Management with the installation of one (1) underground concrete vault. Concrete vaults for housing switching, connecting or splicing equipment, etc.

Comments:

Opened: 9/10/2015

Bidders:	Concrete Pipe and Precast LLC	*	\$10,570.00
	Harrisonburg, VA		
	Oldcastle Precast		\$16,225.00
	Raleigh, NC		

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>513</u>		# Black Males	<u>123</u>	24 %
Total # Females	<u>47</u>	9%	# White Males	<u>273</u>	<u>53</u> %
Total # Males	<u>466</u>	<u>91</u> %	# Other Males	<u>70</u>	14 %
			# Black Females	<u>3</u>	1%
			# White Females	<u>43</u>	7%
			# Other Females	<u>1</u>	1%

7. Bid: Tree and Root Cutters
 Purpose of Bid: Provides Fleet Management Department with one (1) replacement for General Services Department -Urban Forestry Division.

Comments:

Opened: 9/10/2015

Bidders: DAF Inc. DBA Calton Professional Tree Equipment Company Inc. * \$75,725.00
 Greensboro, NC
 Alexander Equipment Company Inc. \$80,600.00
 Durham, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>49</u>		# Black Males	<u>2</u>	<u>4%</u>
Total # Females	<u>2</u>	4%	# White Males	<u>45</u>	<u>92%</u>
Total # Males	<u>47</u>	<u>96%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>2</u>	<u>4%</u>
			# Other Females	<u>0</u>	<u>0%</u>

8. Bid: Replacement Laptops
 Purpose of Bid: Provides Technology Solutions Department with thirty (30) replacement Lenovo Laptops Computers.

Comments: Priced in accordance with NC State Contract 204A.

30 units @ \$688.00

Opened: 9/14/2015

Bidders: Lenovo United States, Inc. * \$20,640.00
 Tempe, AZ

*Awarded based on: Low x Other (See

November 2, 2015

on: _____ Bid _____ Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>3730</u>		# Black Males	<u>190</u>	5%
Total # Females	<u>1013</u>	27	# White Males	<u>205</u>	55
		%		<u>6</u>	%
Total # Males	<u>2717</u>	<u>73</u>	# Other Males	<u>471</u>	13
		%			%
			# Black Females	<u>132</u>	4%
			# White Females	<u>699</u>	18
					%
			# Other Females	<u>182</u>	5%

9. Bid: LED Traffic Signal Modules

Purpose of Bid: Provides Transportation Department-Traffic Signal Shop Division with replacement vehicular traffic signal light modules. In accordance with the five (5) year replacement program with NCDOT specifications.

Comments:

Opened: 9/14/2015

Bidders:	Rosenblett and Associates, Inc. DBA Rai	*	\$11,517.00
	Products		
	Charlotte,. NC		
	ATS-Sales, LLC		\$15,170.00
	Chantilly, VA		
	RGA, LLC		\$18,990.00
	Powhatan, VA		

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>82</u>		# Black Males	<u>2</u>	3%
Total # Females	<u>6</u>	7%	# White Males	<u>72</u>	87
					%
Total # Males	<u>76</u>	<u>93</u>	# Other Males	<u>2</u>	3%
		%			
			# Black Females	<u>0</u>	0%

# White Females	<u>6</u>	<u>7%</u>
# Other Females	<u>0</u>	<u>0%</u>

10. Bid: Bed Filter Press and Parts
 Purpose of Bid: Provides the Water Management Department with replacement Klampress spare rollers for the South Durham Water Reclamation Facility belt press.
 Comments: Alfa Laval Inc. is the sole authorized distributor of Klampress products.

Opened: 9/15/2015

Bidders: Alfa Laval Inc. * \$19,845.00
 Houston, TX

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>1195</u>		# Black Males	<u>88</u>	<u>7%</u>
Total # Females	189	16	# White Males	<u>614</u>	<u>52</u>
		%			%
Total # Males	<u>1006</u>	<u>84</u>	# Other Males	<u>304</u>	<u>25</u>
		%			%
			# Black Females	<u>29</u>	<u>2%</u>
			# White Females	<u>141</u>	<u>12</u>
					%
			# Other Females	<u>19</u>	<u>2%</u>

11. Bid: Riding Lawn Mower
 Purpose of Bid: Provides the Fleet Management with one (1) replacement riding mower for Parks and Recreation Department- Athletics Division.

Comments:

Opened: 9/14/2015

Bidders: Revels Turf and Tractor * \$11,062.47
 Fuquay-Varina, NC
 Smith Turf and Irrigation \$18,906.41
 Charlotte, NC

November 2, 2015

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>45</u>		# Black Males	<u>3</u>	7%
Total # Females	<u>6</u>	13 %	# White Males	<u>36</u>	80 %
Total # Males	<u>39</u>	<u>87</u> %	# Other Males	<u>0</u>	0%
			# Black Females	<u>0</u>	0%
			# White Females	<u>6</u>	13 %
			# Other Females	<u>0</u>	0%

12.. Bid: Replacement Portable Radios
Purpose of Bid: Provides Parks and Recreation Department with four (4) replacement portable radios.

Comments: Priced in accordance with North Carolina State Contract #725G.

Opened: 4 units @ \$3,382.30
9/17/2015

Bidders: Motorola DBA Wireless Communications, LLC * \$13,529.20
Morrisville, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>6230</u>		# Black Males	<u>224</u>	4%
Total # Females	<u>1576</u>	25 %	# White Males	<u>337</u>	54 %
Total # Males	<u>4654</u>	<u>75</u> %	# Other Males	<u>105</u>	17 %
			# Black Females	<u>5</u>	%
			# White Females	<u>123</u>	2%
			# Other Females	<u>100</u>	16 %
				<u>5</u>	%
				<u>448</u>	7%

November 2, 2015

SUBJECT: PROPOSED ACQUISITION OF APPROXIMATELY 28 ACRES AT 1902 CAMDEN AVENUE FOR THE DEPARTMENT OF WATER MANAGEMENT MIST LAKE FACILITY EXPANSION PROJECT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the fee simple acquisition of the property, Parcel #160516, which is comprised of approximately 28 acres and is located at 1902 Camden Avenue, from the United States of America for \$155,000.00 was approved at 7:23 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: UNCONSCIOUS BIAS TRAINING FOR THE WATER MANAGEMENT DEPARTMENT – JJA CONSULTANTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize a services agreement with JJA Consultants to allow for Unconscious Bias Training for the Water Management Department was approved at 7:23 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: FOURTH AMENDMENT TO ASSIGNMENT AGREEMENT BETWEEN THE CITY OF DURHAM AND THE DURHAM BULLS BASEBALL CLUB FOR THE OPERATION OF THE DURHAM ATHLETIC PARK

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a fourth amendment to the assignment agreement with the Durham Bulls Baseball Club, Inc. extending the operating agreement for the Durham Athletic Park for an additional twelve months to September 30, 2016 for an amended contract amount of \$111,980.28 was approved at 7:23 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 SD-2015-01 WITH URETEK ICR MID-ATLANTIC FOR EAST MAIN STREET CULVERT STABILIZATION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute contract SD-2015-01, East Main Street Culvert Stabilization, with Urettek ICR Mid-Atlantic, Inc. in the amount of \$431,150.00;

To establish a contingency fund in the amount of \$64,672.50; and

To authorize the City Manager to negotiate change orders for contract SD-2015-01 provided that the total project cost does not exceed \$495,822.50 was approved at 7:23 p.m. by the following

November 2, 2015

vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ALSTON AVENUE WIDENING PROJECT U-3308, CSX RAILROAD FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a Railroad Facility Encroachment Agreement with CSX Transportation, Inc. for the relocation of City water utilities associated with the Alston Avenue Widening project (U-3308) was approved at 7:23 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: WASTE INDUSTRIES TRANSFER STATION CONTRACT AMENDMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a contract amendment with Waste Industries, LLC settling a claim for additional payment for construction work at the City's new Transfer Station and repair work at the existing Transfer Station building, in an amount not to exceed \$160,587.50 was approved at 7:23 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 October 22, 2015 Work Session:

2. Durham City-County Appearance Commission - Appointment
(This item was referred back to the City Clerk's Office)

11. Underground Private Utility Installation Cost Recovery
(This item was referred back to the Public Works Department)

21. Mist Lake Facility Expansion
(A presentation was received at the 10-22-15 Work Session)

22. John Tarantino
(Comments were received at the 10-22-15 Work Session)

23. Delvin Davis
(Citizen did not appear at the 10-22-15 Work Session)

24. Tia Hall
(Citizen did not appear at the 10-22-15 Work Session)

November 2, 2015

25. Nia Wilson

(Citizen did not appear at the 10-22-15 Work Session)

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: COMPREHENSIVE PLAN AMENDMENT – FAMILY FARE (A1400012)

Patrick Young, Assistant Planning Director, certified that all the public hearings before the Council tonight had been advertised in accordance to law and affidavits to that effect were on file in the Planning Department. Mr. Young introduced the Comprehensive Plan case as Family Fare, A1400012; stated the applicant was Horvath Associates, PA and the location was 4116 NC 55 Highway, at the northwest quadrant of the intersection with Carpenter Fletcher Road; stated the request was to change the Future Land Use Map designation of 1.34 acres from Recreation and Open Space to Commercial; noted that if approved, the re-designation would allow for the support of the companion zoning case that followed on the agenda to permit the development of a gas station and convenience store at the site; acknowledged that staff recommended approval, based on consistency with the four criteria for plan amendments found in the Durham Unified Development Ordinance (UDO) and the Planning Commission recommended approval on a 9–3 vote at its September 10, 2015 meeting.

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

Ron Horvath, representing Horvath and Associates, stated he was available if Council had questions.

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

MOTION by Council Member Catotti, seconded by Council Member Brown, to adopt a resolution to change the Future Land Use Map of the Durham Comprehensive Plan from Recreation and Open Space to Commercial was approved at 7:25 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 #9950

SUBJECT: ZONING MAP CHANGE - FAMILY FARE - HIGHWAY 55 (Z1400041)

Patrick Young, Assistant Planning Director, introduced Zoning Case Z1400041, Family Fare – Highway 55; stated the item was a request to change the zoning designation of 1.933 acres located at 4116 NC 55 Highway, at the intersection with Carpenter Fletcher Road, from Office Institutional to Commercial General with a development plan for a proposed convenience store with gasoline sales with a maximum of 6,000 square feet of floor area; added the 1.933-acre site was a portion of a 6.115-acre parcel; indicated the development plan associated with the request included commitments above minimum ordinance requirements, which were detailed in the staff report associated with the item; the item included the dedication of right-of-way along Carpenter

November 2, 2015

Fletcher Road, provided an additional four feet of asphalt for a bicycle lane, site driveway improvements, a height limitation of 35 feet for buildings and structures.

Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and Planning Commission recommended approval on September 10, 2015 by a vote of 7-5.

Council Member Catotti requested a map be projected to illustrate the portion of the site being rezoned; and the balance of the zoning on the remainder of the site; requested clarification of the trail along the creek on the western side of the property and the rationale behind the proffered easement dedication that had been declined by staff; and inquired what development was allowable without the easement.

Mr. Young responded that the site in question was located at intersection of NC 55 and Carpenter Fletcher Road; there was a 1.9 acre portion in the southeast corner of the portion of parcel that was filled legally in 1999 to be above flood plain elevation; and that portion was included in the agenda item for council action; verified that the remainder of the site not included in the zoning action and zoned office institutional primarily in the floodway; with a portion of it being in the floodway fringe; stated there were significant development limitations on that remaining piece and the development rights on that portion would not change with the zoning action; explained there was a proposed city greenway trail, North Prong Creek, on the western portion of site; and believed the applicant would be proffering this evening a commitment to dedicate right of way for the future improvement.

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

Ron Horvath, representing Horvath and Associates, stated his initial plan was to rezone the entire six acre parcel to General Commercial but reconsidered to only rezone the portion being developed at the intersection; spoke to neighborhood concerns; noted the Planning Commission wanted to put additional constraints on development in the residual property; acknowledged the residual portion of property was located 100% in flood plain and 93% was covered by floodway or stream buffer, noted very little could be done with it except a small piece near existing development; stated the UDO and FEMA regulations adequately restricted development on the residual property; and proffered that prior to issuance of a building permit, the owner/developer will provide a fifty-foot greenway easement to the east or west side of the existing stream, the location to be determined at time of site plan approval. He asked for Council's support of the request.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an ordinance amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400041 out of Office Institutional (OI) and placing same in and establishing same as Commercial General with a development plan (CG(D)) was approved at 7:33 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 #14865

November 2, 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt a consistency statement as required by GS 160A-383 was approved at 7:33 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.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400041, FAMILY FARE – HIGHWAY 55

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 AS APPROPRIATE:

That final action regarding zoning map change Z1400041, Family Fare – Highway 55, 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.

**SUBJECT: ZONING MAP CHANGE-TROSA ROXBORO OUTDOOR DISPLAY
(Z1500004)**

Patrick Young, Assistant Planning Director, introduced Zoning Case Z1500004, TROSA Roxboro Outdoor Display, as a request to change the zoning designation of 13.744 acres located at 3500 North Roxboro Street, at Old Oxford Road, thus modifying the existing Commercial Center with a development plan designation for the portion of the existing shopping center to allow for an outdoor display area; stated the request was consistent with the future land use designation of the property which was commercial; noted that the development plan associated with the request included the commitments to a maximum of 70,850 square feet of outdoor display and storage areas and committed to retaining the existing building floor area; the former Walmart at 119,163 square feet, along with a number of other graphic and text commitments detailed in the staff report associated with the item.

Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances and the Planning Commission recommended approval on September 10, 2015 by a vote of 10-0.

November 2, 2015

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

Dan Jewell, representing the applicant, requested a modification to the original development plan dated from 1989 in order to allow for outdoor display by TROSA; acknowledged that no other physical changes were being requested to the development plan; and explained the request was to simply have area in the middle of the parking lot; and stated it would not be visible from Roxboro Road and would be roped off several times a year for sales events.

Council Member Moffitt requested clarification on the term ‘several times a year’ to determine the total impact of the rezoning change; asked if the client anticipated that during the rest of the time, would the area be an empty parking lot; inquired with staff, if somebody occupying the space with the requested zoning change, placed anything they wanted in the parking lot leaving it year round, could the outdoor sales area remain all year.

Mr. Jewell spoke to the background on the sales events that ranged from 2-3 times per year, each for approximately a week per sale event. He stated they had discussions with the Planning Department; even when the area was roped off, there would be sufficient parking spaces to meet the ordinance requirements.

Mr. Young stated there were no restrictions on the number of days the area could be used; there were limitations on how the outdoor display areas were operated; materials could not be left out indefinitely; stated the site plan would have to specify permitted improvements versus display activities; confirmed that there was a distinction between outdoor storage and outdoor display which has to be taken in every night; materials defining the outdoor sales area could remain outside, but display of goods; items for sale would need to go inside each night.

Council Member Catotti requested clarification if the materials for sale within tents would remain overnight.

Mr. Young stated that generally, display materials could not remain outside indefinitely but that certain exceptions existed; and that determination would be made during the site plan review process.

Mayor Pro-Tempore Cole-McFadden was happy to see renewal of life in the shopping center; which has been idle for such a long time.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt an ordinance amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500004 out of Commercial Center with a development plan (CC(D)) and placing same in and establishing same as Commercial Center with a development plan (CC(D)) was approved at 7:42 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.

November 2, 2015

ORDINANCE #14866

MOTION by Council Member Catotti, by seconded by Mayor Pro-Tempore Cole-McFadden, to adopt a consistency statement as required by GS 160A-383 was approved at 7:42 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.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1500004, TROSA ROXBORO OUTDOOR DISPLAY

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 AS APPROPRIATE:

That final action regarding zoning map change Z1500004, TROSA Roxboro Outdoor Display, 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.

**SUBJECT: WILEY AND ELIZABETH FORBUS HOUSE LOCAL HISTORIC
LANDMARK DESIGNATION (LD1500002)**

Patrick Young, Assistant Planning Director, introduced the item as the Wiley and Elizabeth Forbus House, LD1500002 located at 3307 Devon Road in Hope Valley; noted the applicants were Marc and Jennifer Rubin; stated the request was to designate the structure as a local historic landmark for its architectural significance and its connection to local Durham architect, Grenville Murray Nelson; noted staff had reviewed the request and recommended approval; indicated a fiscal impact statement was included in the staff report which referenced the approximate revenue impact to the City and County at \$11,804.00 per year; and the Historic Preservation Commission recommended approval on a 6-0 vote at its August 4, 2015 meeting.

As this was the time and place set for the public hearing.

November 2, 2015

Mayor Bell asked if there were questions from the Council regarding the staff report.

Council Member Catotti inquired about window replacement allowance; the consistency regarding window replacement.

Karla Rosenberg, of the Planning Department, stated for local landmarks and contributing structures in historic districts you must replace with like visual qualities; commented on the original windows at the structure; noted it was mainly the color of the metal that had changed; stated the windows had been replaced twice on the structure; and noted the first replacement occurred before the National Register nomination was written.

Council Member Schewel expressed concerns regarding the frequency of awarding landmark designations; and inquired if the house was truly exceptional warranting the designation.

Ms. Rosenberg replied the home was a unique structure consisting of an architectural style termed Norman Provincial based on a provincial architectural style from Normandy, France; referenced a subtype consisting of the building's round tower and conical roofline; and that the home was the only example of such style in Durham.

Council Member Schewel inquired if the City anticipated that the nineteen additional homes in Hope Valley would be coming before the Council for consideration.

Ms. Rosenberg stated the structure being discussed this evening was particularly unique; due to its tower element.

Mayor Bell inquired about the property owners' benefits of a landmark designation.

Ms. Rosenberg responded that the property owner would receive a 50% tax abatement based on the value of the structure; and summarized that the City and County would forfeit total tax revenues of \$11,800 annually by awarding the historic designation. She also outlined the process that property owners would undertake to be considered for a landmark designation.

Council Member Schewel stated that based on the fact that the house was unique/exceptional as staff noted he would be supporting the request, but he wanted it to be clear that he would not be supporting a lot of the requests for landmark designation unless they were truly exceptional; referenced the loss property tax revenue; and stated the value of that was the property owners should use the revenue savings to maintain the structure.

Steve Medlin, City/County Planning Director, provided background information that in 2009, Council modified the criteria used to evaluate historic landmark applications in order to assure that only the worthy properties achieved the designation; and stated staff had ratcheted the criteria down to make certain the truly worthy properties make it this far in the process.

Council Member Moffitt inquired if the tax abatement was provided for by North Carolina General Statute; and asked if the program consisted of local discretion; if Council desired to look at the program, could Council do so.

November 2, 2015

Mr. Medlin confirmed that the abatement was provided for by the General Statutes but that the tax abatement was not automatic; the property owner was required to apply for the tax abatement with the tax office; and verified that if Council chose to review the program again, it could do so.

Being no comments from the public, the public hearing was closed by Mayor Bell.

MOTION by Council Member Schewel, seconded by Council Member Moffitt, to adopt an ordinance designating the Wiley and Elizabeth Forbus House as a Local Historic Landmark was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Moffitt and Schewel. Noes: Council Members Brown and Catotti. Absent: None.

ORDINANCE #14867

SUBJECT: IMPERIAL TOBACCO BUILDING LOCAL HISTORIC LANDMARK DESIGNATION (LD1500003)

Patrick Young, Assistant Planning Director, introduced the item as the Imperial Tobacco Building, LD1500003 located at 215 Morris Street; stated the applicant was Measurement Incorporated; indicated the request was to designate the structure as a local historic landmark for its historical significance and contribution Durham's tobacco history; noted the staff recommended approval of the item; and the Historic Preservation Commission recommended approval by a vote of 5-0 at its August 4, 2015 meeting. He referenced the fiscal impacts; the total estimated impact in terms of tax abatement to the City and County together was \$85,047 per year.

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

Drew Medlyn, representing Measurement Incorporated, stated he was in attendance if Council had questions regarding the item; and requested Council's support of their request.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Davis, to adopt an ordinance designating the Imperial Tobacco Building as a Local Historic Landmark was approved at 7:57 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 #14868

SUBJECT: CONSOLIDATED ANNEXATION - LEESVILLE-ANDREWS RESIDENTIAL (BDG1500002)

November 2, 2015

Patrick Young, Assistant Planning Director, introduced the item as the consolidated annexation for a proposed single-family residential development on 44.87 acres at the intersection of Leesville and Andrews Chapel Road, consisting of three sub-components.

He stated pursuant to state law, the City Council was required to apply an initial zoning to newly annexed property; noted the requested initial zoning of Planned Development Residential – 3.291 for the subject property; would allow up to 134 single-family residential units.

The utility extension agreement would allow the applicant to serve the development with City water and sewer services, the Public Works and Water Management Department conducted a utility impact analysis that found that there was adequate capacity to serve the development with water and wastewater services.

Budget and Management Services Department performed a fiscal impact analysis based on the most intense use permitted within the proposed initial zoning. The analysis projected that estimated revenues would exceed estimated expenditures following annexation.

The staff recommended that the Council approve the extension agreement, voluntary annexation, and initial zoning for Leesville-Andrews Residential and adopt a consistency statement. The Planning Commission recommended approval of the initial zoning by a vote of 10-0 on September 10, 2015.

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

Jarrod Edens, representing the applicant, requested rezoning for up to 134 single family homes with density of 3.3 per acre; expected a good fit with the surrounding community; referenced no neighborhood opposition to the request; provided background information on the applicant who constructed age-targeted communities; and offered a proffer of a \$10,000 to Durham Public Schools to be made prior to the first final plat for the development; and stated he was available to answer questions.

Council Member Catotti inquired about the status of bike lanes, additional roadway frontage and sidewalks along Andrews Chapel and Leesville Roads as requested by the Bicycle and Pedestrian Committee.

Mr. Edens responded that Andrews Chapel and Leesville Roads would be widened at the driveway entrances of the development; stated the Bicycle and Pedestrian Committee had requested that the developer provide sidewalk and bike lanes; in addition to their off-site widenings; which his client had not agreed to; because it was not consistent with any of the other projects in the area; and stated they were providing a longer frontage sidewalk on their frontage; right-of-way dedication; five foot sidewalk and four foot bike lane.

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to enter into a utility extension agreement with Epcon Communities Carolinas, LLC; and 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;

November 2, 2015

To adopt an ordinance annexing Leesville-Andrews Residential (BDG1500002) into the City of Durham effective December 31, 2015; and

To adopt an ordinance amending the Unified Development Ordinance to establish Planned Development Residential 3.291 (PDR 3.291) zoning for the property was approved at 8:01 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 #14869

ORDINANCE #14870

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to adopt a consistency statement as required by NCGS 160A-383 was approved at 8:02 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.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1500001, LEESVILLE/ANDREWS 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 AS APPROPRIATE:

That final action regarding zoning map change Z1500001, Leesville/Andrews Residential, 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.

There being no further business to come before Council, the meeting was adjourned at 8:02 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk