

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

The Durham City Council met in regular session on the above date and time in the Second Floor Committee located in City Hall with the following members present: Mayor William V. Bell and Councilmembers Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: Mayor Pro-Tempore Cora Cole-McFadden.

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.

**[CEREMONIAL ITEMS]**

Mayor Bell introduced the Arbor Day Proclamation that declared March 14<sup>th</sup> as Arbor Day in the City of Durham; stated the proclamation acknowledged the annual municipal observance; and deferred to Alexander Johnson, Urban Forestry Manager of the Department of General Services, for comment.

Mr. Johnson expressed appreciation for issuing the proclamation; recognized Arbor Day Partners Joel Reitzer, Tania Dautlick and Tobin Freid; spoke to the background of Durham as a Tree City USA for over three decades; stated Arbor Day celebrations consisted of a community tree planting and tree seedling giveaway at Greystone Baptist Church located at 2601 Hillsborough Road on Saturday, March 14<sup>th</sup>; spoke to the importance of the municipal tree canopy and the benefit of creating thriving, livable neighborhoods; and encouraged the community to celebrate Arbor Day.

Mayor Bell introduced and read the proclamation honoring the National Multiple Sclerosis Society-Greater Carolinas Chapter that declared the week of March 2-8 as Multiple Sclerosis Awareness Week.

Constance McClary, Services Manager of the National Multiple Sclerosis Society - Greater Carolinas Chapter, accepted the proclamation for the organization.

**[ANNOUNCEMENTS BY COUNCIL]**

Mayor Bell asked if there were any announcements by Council.

Councilmember Moffitt spoke to the recent Budget Retreat and expressed appreciation for staff's budgetary work; and recognized the exceptional storm cleanup efforts by the city's snow removal personnel.

**[PRIORITY ITEMS]**

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

City Manager Bonfield recapped the City's winter storm clean-up efforts; detailed the road preparation and snow removal processes; spoke to public safety, solid waste, fleet management, storm debris removal and stranded motorist rescue efforts; and expressed sincere gratitude and thanks for staff's exceptional response. The audience members applauded the successful snow removal efforts.

Beverly Thompson, Public Affairs Director, displayed photographs taken during the storm response efforts.

**MOTION** by Mayor Pro-Tem Cole-McFadden, seconded by Councilmember Catotti, to accept the City Manager's priority item was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

The City Attorney and City Clerk stated 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 consent agenda item and the following items were pulled by a citizen for further discussion: Items 7, 14, and 15.

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to approve the Consent Agenda with the exception of Items 7, 14 and 15 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to approve the City Council minutes for the following meeting dates: December 18, 2014, January 5, 2015, January 8, 2015, January 16, 2015 and January 20, 2015 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to appoint Vernetta Alston (term expires on June 30, 2016) and Alex Kotch (term expires June 30, 2015) to the Citizens Advisory Committee was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell

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and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: DURHAM BOARD OF ADJUSTMENT - APPOINTMENT**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to appoint Nicholas Serrano to the Durham Board of Adjustment as an Alternate Member with the term to expire on June 30, 2015 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: INTERLOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND THE CITY OF RALEIGH FOR THE COMMUNITY VIZ SCENARIO PLANNING INITIATIVE**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute an Interlocal Agreement between the City of Durham and the City of Raleigh for the Community Viz Scenario Planning Initiative was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: INTERLOCAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF RALEIGH FOR THE REGIONAL FREIGHT PLAN**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute an Interlocal Agreement between NCDOT, the City of Raleigh and the City of Durham for the development of the Regional Freight Plan was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: CONTRACT WITH PARSONS BRINCKERHOFF FOR THE DEVELOPMENT OF THE REGIONAL FREIGHT PLAN**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute an agreement with Parsons Brinckerhoff, Inc. for the development of the Regional Freight Plan in an amount not to exceed \$399,994.00 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: FY2014-15 SECOND QUARTER FINANCIAL REPORT**

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**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to receive the FY2014-15 Second Quarter Financial Report was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: BID REPORT- JANUARY 2015**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to receive a report and to record into minutes bids which were acted upon by the City Manager during the month of January 2015 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.



**City of Durham** | North Carolina

**Date:** February 3, 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 - January 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 January 2015

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

- Bid:** Lawn Mover  
**Purpose of Bid:** Provides the Fleet Maintenance Department with a replacement riding lawn mover



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# Other Females      0      0%

**3. Bid: Cargo Van**

Purpose of Bid: Provides the Fleet Maintenance Department with replacement cargo van for the General Services-Building Maintenance.

Comments:

Opened: 1/21/2015  
 Bidders: Precision Ford \* \$22,031.88  
                   Lillington, NC  
                   University Ford \$22,162.00  
                   Durham, NC

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	<u>36</u>		# Black Males	<u>6</u>	<u>17%</u>
Total # Females	<u>8</u>	<u>22%</u>	# White Males	<u>22</u>	<u>61%</u>
Total # Males	<u>28</u>	<u>78%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>8</u>	<u>22%</u>
			# Other Females	<u>0</u>	<u>0%</u>

**4. Bid: Camera w/ High Intensity LED light**

Purpose of Bid: Provides the Public Works Department with a replacement Aries inspection system. This camera system gives us the ability to televise and inspect the City sewer system.

Comments:

Opened: 1/21/2015  
 Bidders: Rodders & Jets \* \$57,320.00  
                   Sumter, SC  
                   Telepipe Service, Inc. \$59,025.00  
                   Daniel Island, SC  
                   MSC Equipment Inc. \$59,520.00  
                   Oilville, VA



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Lillington, NC  
University Ford \$83,550.00  
Durham, NC

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	36		# Black Males	6	17%
Total # Females	<u>8</u>	22%	# White Males	<u>22</u>	<u>61%</u>
Total # Males	<u>28</u>	<u>78%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>8</u>	<u>22%</u>
			# Other Females	<u>0</u>	<u>0%</u>

**SUBJECT: PROPOSED SALE OF 0 MISSION PLACE BY UPSET BID, PARCEL ID 110153 (CITY TRACT 2286) – OFFER FROM TIMOTHY WERRELL**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to declare the Subject Property at 0 Mission Place as surplus;

To accept the offer of \$5,000.00 from Timothy Werrell to purchase the property at 0 Mission Place and advertise for upset bids pursuant to the Upset Bid Procedure (G. S. 160A-269);

To authorize the City Manager to accept the bid from the highest responsible bidder at the conclusion of the upset bid process, pursuant to Section 86.3 of the City Charter, and;

To authorize the City Manager or the Mayor to convey Parcel ID 110153 with a non-warranty deed was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: SALE OF PROPERTY BETWEEN THE CITY OF DURHAM AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PEDESTRIAN ENHANCEMENT PROJECT LOCATED AT 4702 OLD CHAPEL HILL ROAD, PARCEL ID140067 (CITY TRACT 1911)**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to accept the offer of \$12,140.00 from the North Carolina Department of Transportation;

To authorize the City Manager to sell 0.166 acres as right-of way, 0.013 acres of temporary construction easement, 0.166 acres of permanent utility easement and 0.007 acres as permanent drainage easement by deed to the North Carolina Department of Transportation; and

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To authorize the City Manager or Mayor to convey portions of parcel ID140067 by deed to the North Carolina Department of Transportation was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: LEASE OF A PORTION OF DUKE PARK LOCATED AT 106 WEST KNOX STREET (PARCEL #109272) TO THE DURHAM BICYCLE COOPERATIVE**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute a lease for a ten (10) year term with the Durham Bicycle Cooperative on a portion of Duke Park located at 106 W. Knox Street, Durham, North Carolina 27701 (Parcel #109272) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: PROPOSED CONVEYANCE OF VARIOUS PROPERTY INTERESTS TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE ALSTON AVENUE WIDENING PROJECT**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize conveying to the North Carolina Department of Transportation a) .019 acres on 1117 Gillette Avenue for a temporary construction easement; b) the entire .124-acre parcel located at 116 S. Alston Avenue in fee simple; and c) .078 acres on 1000 Gilbert Street for a temporary construction easement, a temporary drainage easement, a permanent drainage easement, a permanent utility easement and fee simple right-of-way for a total amount of \$32,055.00 pursuant to NCGS §160A-274; and

To authorize the City Manager or Mayor to convey the city-owned property interests by special warranty deed was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: CONTRACT WITH MORRIS AND MCDANIEL, INC. FOR PROMOTIONAL TESTING AND ASSESSMENT SERVICES**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute a contract in the amount of \$152,330.00 with Morris and McDaniel, Inc., for police promotional testing and assessment services was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

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**SUBJECT: NORTH CAROLINA INSTITUTE OF MINORITY ECONOMIC DEVELOPMENT CONSTRUCTION INSPECTIONS CONTRACT AMENDMENT WITH KIMLEY-HORN AND ASSOCIATES**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to amend the on-call supplemental agreement with Kimley-Horn and Associates by increasing the contract amount by \$39,000.00 to provide additional professional services to complete the NCIMED project was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: UTILITY RELOCATION AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR ALSTON AVENUE BRIDGE NO. 93 REPLACEMENT**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute a Design Build Utility Agreement with NCDOT for the reimbursement of relocation costs for water and sewer utilities associated with replacement of Alston Avenue Bridge No. 93 Road for an estimated cost of \$240,000.00; and

To establish a contingency fund in the amount of \$24,000.00 for costs that may exceed the estimate, so long as the total reimbursement does not exceed \$264,000.00 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: CONTRACT AMENDMENT FOR ST-257 CARVER STREET EXTENSION WITH HORVATH ASSOCIATES, P. A.**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute Contract Amendment No. 2 for ST-257 Carver Street Extension with Horvath Associates, P.A. of North Carolina in the amount of \$712,000.00 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONSTRUCTION AGREEMENT TO REPAVE GUESS ROAD**

**MOTION** by Councilmember Schewel, seconded by Councilmember Brown, to authorize the City Manager to execute a Construction Agreement with NCDOT for the repaving of Guess Road from Broad Street south to W. Club Boulevard under Project WBS 5CR.20321.28;

To authorize the expenditure of \$195,000.00 from the CIP Street Paving account; and

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To establish a contingency fund in the amount of \$19,500.00 from the CIP Street Paving account (10%) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

The City Council disposed of the following agenda items at the February 19, 2015 Work Session:

**24. Report on Failed and Struggling Developments**

*(A report was received at the 02-19-15 Work Session)*

**21. Southside Neighborhood Association of Durham, Inc. (SNA) Tipping Point Presentation**

*(This item was referred back to the Administration – Community Development Dept.)*

**22. Durham City-County Disparity Study**

*(This item was referred back to the Administration – EO/EA Dept.)*

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: 2014 ANNUAL POLICE CRIME REPORT**

Mayor Bell introduced the item to receive a presentation on the Durham Police Department's 2014 Annual Summary Crime Report.

Police Chief Jose Lopez made a PowerPoint presentation that focused on Performance Measures consisting of Part 1 Violent, Property and Index Crime, Clearance Rates, Priority 1 Calls and staffing loads; elaborated on the Police Department's community activism and summarized the crime statistics by stating there had been an increase in aggravated assaults involving shootings into homes and vehicles; robberies and property crimes had increased in 2014; stated that the Residential Awareness Program (RAP) had continued; referenced response times; and spoke to staff's community involvement and partnerships.

Councilmember Schewel acknowledged that there had been additional officers assigned to the public housing communities; spoke to positive feedback and appreciation by residents regarding the increased police presence; and inquired about recommended strategies to deal with the overall increase in aggravated assaults.

Chief Lopez responded that shootings into dwellings and motor vehicles had increased in December 2014 and January 2015; redeployment had been shifted to the targeted areas; stated that community outreach regarding an increase in police presence had been conducted into neighborhoods, places of worship and amongst PAC members; requested information from residents and exchanged information on methods to contact police; stated that in response, an extreme reduction in crime was evident; and that pending an improvement in the weather, additional outreach would be conducted.

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Councilmember Schewel inquired about a section of the report regarding police recruitment; noted that recruitment was often thwarted by candidates failing the written test; mentioned the benefit of tutoring through test preparation centers; asked about the Fair and Impartial Policing and Misdemeanor Diversion Programs; inquired about how front-line officers were being trained to figure out when someone should be referred to the Misdemeanor program and requested the number of referrals to the programs; asked for an update on the Call-In program for minor offenders in the drug market intervention program; congratulated Police Department on the CIT program; requested the percentage of the number of calls for service with a mental health component that were being responded to by CIT qualified personnel along with the number of officers with such training; congratulated the department on progress made on the Human Relations recommendations; expressed support for an incentive program for officers residing in the City of Durham; inquired about the status of the written consent requirement for consent searches; referenced the Chief's budget request for additional line officers; compared the request to the fifteen-year trend in falling crime rates with a static number of officers, and stated the current one-year spike in the single crime category did not justify a corresponding increase in officers; requested a different logic for increasing the number of front-line officers; referenced the recent population increase without a corresponding increase in crime rates; and inquired about how increasing the number of front-line officers would enhance community policing and that such information could provide rationale to support the Chief's budget request.

Chief Lopez responded that he had been in contact with community groups about identifying and preparing applicants for the police academy's written and physical entrance requirements; indicated that retesting was allowed; explained that the Fair and Impartial Policing program had not had any negative feedback by the officers; clarified the referral process to the Misdemeanor program that touched front-line officers and investigators; responded the drug call-in program was constantly being reevaluated and that it was difficult to identify persons to qualify for the program and that best practices were being researched for adaptive purposes; stated that officers had the capability to refer to CIT qualified personnel for mental health follow-ups; suggested Council participate in ride-alongs with investigators who work with mental health outreach programs; stated officers were complying with the policies and procedures enacted by the City relative to consent searches and that the proposed body cameras would be recording encounters.

Councilmember Catotti expressed gratitude for the detailed crime report and the follow-up on the Human Relations Commission's recommendations; inquired about the miscellaneous marijuana report data and requested clarification on 'self-initiated' and 'flagged-down' terms on the marijuana arrests table; inquired about non-sworn staff vacancy hiring percentages; congratulated officers who were noted for going above and beyond in saving lives; referenced concerns about County EMS response times, after comments from the Budget Retreat, that were highlighted in the report; inquired about individuals failing physical tests and favored some sort of pre-screenings to help applicants; stated that at the last meeting of Project Safe Neighborhoods it was noted that there was a challenge in getting parental participation in the juvenile diversion program; stated low participation rates were discouraging when a youth was being offered an alternative and it was not possible to get the parents to the table; and she thanked the Police Chief for his report.

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Councilmember Davis inquired about accusations from a citizen group at a recent work session indicating difficulties in meeting and call-backs between the group and the Chief; and inquired if the Chief had remedied the situation.

Chief Lopez responded that he had discussed the matter with the community group; stated that no phone calls had been made by the group to the Chief or to his staff; that he had been in conversation with the group and had scheduled meetings regarding city issues and protests; and noted the group was having scheduling problems and he was waiting for the group to respond.

Councilmember Moffitt referenced a newspaper article regarding outcomes to the community groups meetings with the Police Chief; requested data on the number of aggravated assaults versus the number of incidents; referenced another article highlighting Police outreach activities in District 1 at the Boys and Girls Club; stated such outreach activities enhanced community relations and long-term career options for youth; and expressed appreciation for the Chief's efforts.

Chief Lopez responded that the number of incidents rose 12% and the number of victims was up by 23% with some association with a number of shootings.

Mayor Bell stated there was a speaker to the item.

Victoria Peterson expressed concerns about the crime and murders of African-Americans in the community, particularly black-on-black crime; and encouraged Council's activism on her concerns.

Mayor Bell responded that Council had been outspoken on the topic of black-on-black crime in the community and took the issue very seriously.

**[PUBLIC HEARINGS]**

**SUBJECT: CONSOLIDATED ANNEXATION - HENDRICK SOUTHPOINT PHASE II**

Scott Whiteman, of the Planning Department, briefed the Council on the staff report, presented maps, aerial photographs and diagrams to illustrate the site and surrounding property, read the conditions attached to the annexation request, and stated that the Planning Commission and staff had recommended approval of the request.

Mayor Bell opened the public hearing.

Lewis Cheek, representing Hendrick Automotive Group, spoke to Phase 2 of the Autopark Development; asked for Council's support; and stated he was available for questions.

There was no opposition present to speak on the matter; and Mayor Bell closed the public hearing.

Councilmember Schewel inquired about the term 'street impact fee credit' and requested explanation as to the reason the applicant possessed the credit; and inquired about the lack of impact fees for parks or open space.

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Bill Judge, of the Transportation Department, spoke to the street impact fee credits; stated the developer was required to make improvements to the site and roadway network to increase capacity by widening Fayetteville Street; that in turn, the developer received credits for improvements that could be applied to impact fees; and stated improvements were made in Phase 1 and were in process for Phase 2.

Scott Whiteman, of the Planning Department, stated that since no residential development was proposed in the project, that there were no impact fees associated with parks or open space.

Councilmember Schewel continued with his inquiry relative to Page 10, by referencing improvements may be required under the development; and asked under what circumstances would they be required.

Councilmember Moffitt interjected the phrasing was “the following improvements of the other developments may also be required of this development”.

Mr. Judge explained that those were improvements required of the NC 751 South Development, as the development progressed, the necessity for additional improvements would be reassessed.

Councilmember Moffitt commented that the list of proffered items spoke well to working with the neighboring developments in the area.

**MOTION** by Councilmember Moffitt, seconded by Councilmember Brown, to receive comments on the Consolidated Annexation – Hendrick Southpoint Phase II;

To authorize the City Manager to enter into a water and sewer extension agreement with Hendrick Automotive Group;

To adopt an Ordinance Annexing the Hendrick Southpoint Phase II development into the City of Durham effective March 31, 2015; and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400002 out of Residential Rural (RR) (County Jurisdiction) and placing same in and establishing same as Commercial General with a development plan (CG(D)) (City Jurisdiction) was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**ORDINANCE #14722 & #14723**

**MOTION** by Councilmember Catotti, seconded by Councilmember Brown, to adopt a consistency statement as required by NCGS 160A-383 was approved at 8:03 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

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**UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z1400002, Hendrick Southpoint Phase II**

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 Z1400002, Hendrick Southpoint Phase II, 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: PUBLIC HEARING ON FY2015-16 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP)**

To conduct a public hearing to receive comments on the FY2015-16 Budget and FY2015-16 Capital Improvement Plan.

Bertha Johnson, Director of Budget and Management Services, presented the item; and stated she was available to answer questions.

Mayor Bell opened the public hearing.

Steven Hopkins, a Durham resident, reminded Council to support items relevant to homelessness with special mention to Northeast Central Durham.

Victoria Peterson, a Durham resident, expressed concerns regarding violent crime in the community; advocated for job skill programs for African-American youth be offered by companies receiving municipal incentives; and noted that the Holton Resource Center could provide trade training programs for young men and women.

Lorisa Seibel, representing the Coalition for Affordable Housing and Transit, advocated for affordable housing around transit stops.

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Tevin Armstrong, Volunteer at D3 Community Center, requested Council to support programming for youth at the Center in the upcoming budget; and stated it was imperative that Council support funding for youth programs so that youth can be guided in the right direction.

Councilmember Moffitt thanked the speakers for their input; requested to put the following Part 2 Crime statistics into the record: “In 2012, there were 8993 Part 2 crimes; in 2013, the figure was down over 500, and this year it was down slightly, trending down”; noted the horrific crimes of three students which occurred in Chapel Hill, but within Durham County; and reiterated that all people’s lives matter regardless of the amount of press coverage the crime provided.

The public hearing was closed by Mayor Bell.

**MOTION** by Councilmember Catotti, seconded by Councilmember Moffitt, to receive comments on the FY2015-16 Budget and FY2016-2021 Capital Improvement Plan (CIP) was approved at 8:13 p.m. by the following vote: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: FRONTIER TELEPHONE SETTLEMENT – FRONTIER COMMUNICATIONS OF THE CAROLINAS**

Mayor Bell stated there was a speaker to the item.

Victoria Peterson, a Durham resident, addressed City Attorney Baker and requested details about the settlement.

City Attorney Baker deferred to Jim Soukup, Emergency Communications Director, for clarification.

Mr. Soukup spoke to the negotiation based on the interpretation of tariffs; stated that Intrado was the next generation system; noted the negotiation had been conducted over five years; stated that the settlement was part of surcharge funds; and added that the settlement had no tax impact on the General Fund.

Ms. Peterson requested that the City ask Frontier about their hiring of Durham citizens; and advocated for the hiring of youth.

**MOTION** by Councilmember Moffitt, seconded by Councilmember Catotti, to ratify the agreement with Frontier Communications of the Carolinas LLC to provide service at the rate of \$13,000.00 per month for 24 months, for a total of \$312,000.00 was approved at 8:17 p.m. by the following vote: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**March 2, 2015**

**SUBJECT: CONSTRUCTION MANAGER AT-RISK CONTRACT WITH LEND LEASE (US) CONSTRUCTION INC. FOR THE POLICE HEADQUARTERS COMPLEX (“PROJECT”)**

Mayor Bell stated there was a speaker to the item.

Victoria Peterson, a Durham resident, inquired about the number of African-American employees working for Lend Lease (US) Construction; and wanted a report on the number of Durham residents hired by the company and its subcontractors.

Mayor Bell responded that a Disparity Study would be discussed at an upcoming work session which included such information; and suggested Ms. Peterson attend the work session.

Joel Reitzer, Director of General Services, stated that Lend Lease had its own internal workforce and had engaged minority-owned Callis Construction Company of Durham for its pre-construction services; and stated once the City received a guaranteed maximum price at the conclusion of design, Lend Lease would coordinate with Workforce Development to devise a plan to engage with the City.

**MOTION** by Councilmember Moffitt, seconded by Councilmember Catotti, to adopt a resolution finding that the use of construction manager at risk services is in the best interest of the Police Headquarters Complex project pursuant to G.S. 143-128.1(e); and

To authorize the City Manager to negotiate and execute a CMAR contract with Lend Lease (US) Construction Inc. for preconstruction services for the Police Headquarters Complex project in the lump sum amount of \$215,000.00 was approved at 8:24 p.m. by the following vote: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

**RESOLUTION #9920**

**SUBJECT: ARCHITECTURE CONTRACT WITH O’BRIEN/ATKINS ASSOCIATES, P.A. FOR THE POLICE HEADQUARTERS COMPLEX (“PROJECT”)**

Mayor Bell stated there was a speaker to the item.

Victoria Peterson, a Durham resident, inquired about the total design services expenditure; expressed a desire for Council’s work sessions to be televised; stated that she was speaking to empower the African-American community; and encouraged the City to hire African-American youth in fiber optics.

It was made known to Ms. Peterson that Council’s work sessions were streamed on-line and archived.

Mr. Reitzer spoke to the partners of the firm being African-American along with other employees.

**March 2, 2015**

**MOTION** by Councilmember Catotti, seconded by Councilmember Moffitt, to authorize the City Manager to negotiate and execute an Architectural services contract with O'Brien/Atkins Associates, P.A. for comprehensive design services for the Police Headquarters Complex project in an amount not to exceed \$4,881,361.00;

To authorize a project contract contingency for the Architectural Services contract in the amount of \$488,136.00; and

To authorize the City Manager to execute contract amendments to the Architecture contract provided the total contract does not exceed \$5,369,497.00 the amount budgeted for architecture services including the contingency was approved at 8:28 p.m. by the following vote: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: Mayor Pro-Tempore Cole-McFadden.

There being no further business to come before the Council, the meeting was adjourned at 8:28 p.m.

Dianalynn Schreiber, CMC, NCCMC  
Deputy City Clerk

D. Ann Gray, MMC, NCCMC  
City Clerk