

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 15, 2015  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers 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 and presented the proclamation recognizing National Park and Recreation Month to Director of Parks and Recreation Rhonda Parker.

Director Rhonda Parker spoke to the current summer programs with special mention to the Rock the Park Movie and Concert Series; announced that the Fun Caravan would be stopping by various parks throughout the summer; and expressed appreciation for the recognition.

Mayor Bell read and presented the proclamation recognizing the 25<sup>th</sup> Anniversary of the Americans with Disabilities Act to the Chairperson of the Mayor’s Committee on Persons with Disabilities Marge Walters-Clemmons.

Ms. Walters-Clemmons expressed appreciation for the recognition; and asked citizens to support and integrate persons with disabilities into the community.

Mayor Bell spoke to efforts to make sidewalks ADA accessible throughout the City.

Mayor Bell read and presented the proclamation recognizing Internal Audit Week to Assistant Director of Audit Services Sonal Patel.

Assistant Director Patel expressed appreciation for the recognition; and spoke to sponsoring the Fifth Annual Fraud Prevention Awareness Symposium, among other events, in celebration of Internal Audit Week.

**[ANNOUNCEMENTS BY COUNCIL]**

Mayor Bell asked if there were any announcements by Council.

Council Member Schewel recognized Journalist Jim Wise of the *News & Observer* on his upcoming retirement; and acknowledged the reporter’s accomplishments in the field of Journalism.

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Mr. Wise expressed appreciation for Council's recognition.

**[PRIORITY ITEMS]**

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

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

Mayor Bell noted the Consent Agenda is passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda. The following items were pulled from the Consent Agenda: Items 27; 34; 35; 36; 37 and 53; which were discussed later in the meeting.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:22 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: AUDIT SERVICES OVERSIGHT COMMITTEE REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Kim E. Anglin to the Audit Services Oversight Committee representing a Certified Public Accountant with the term to expire on June 30, 2019 was approved at 7:22 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 OPEN SPACE AND TRAILS COMMISSION REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Sunny Carrington-Hahn to the Durham Open Space and Trails Commission with the term to expire on June 30, 2018 was approved at 7:22 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 BOARD OF ADJUSTMENT REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Regina DeLacy as a Regular Member on the Durham Board of Adjustment with the term to expire on June 30, 2018 was approved at 7:22 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.

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**SUBJECT: CITIZENS ADVISORY COMMITTEE APPOINTMENTS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to appoint Karen Newell and to re-appoint Anitra Bailey to the Citizens Advisory Committee with the terms to expire on June 30, 2018 was approved at 7:22 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 CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD APPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to appoint Neil Matouka to represent Law on the Durham City-County Environmental Affairs Board with the term to expire on June 1, 2016 was approved at 7:22 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 CULTURAL ADVISORY BOARD REAPPOINTMENTS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Daniel Ellison, Chris Ogden and Mary (Lou) Rollins and to appoint Angela Lee, Pamela Renee Purifoy and Katie Spencer to the Durham Cultural Advisory Board with the terms to expire on June 30, 2017 was approved at 7:22 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 HOMELESS SERVICES ADVISORY COMMITTEE REAPPOINTMENTS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Edward H. Abdullah (representing Former Homeless Person) and Dr. Warren L. Herndon (representing Faith Community) to the Durham Homeless Services Advisory Committee with the terms expiring on June 30, 2018 was approved at 7:22 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: HUMAN RELATIONS COMMISSION REAPPOINTMENTS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Phillip Seib (Non-Minority Male); Crystal LaVerne Brooks (Minority Female); Geraldine Thompson Robinson (Minority Female); Jeffrey Clark (Minority Male); Reverend Norris Wicker (Minority Male) and Giriya Mahajan (Other Racial Group Female) to the Human Relations Commission with the terms to expire on June 30, 2018 was approved at 7:22 p.m. by the

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

**SUBJECT: CITIZENS ADVISORY COMMITTEE REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Alex Kotch to the Citizens Advisory Committee with the term to expire on June 30, 2018 was approved at 7:22 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 APPEALS BOARD REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Vanessa O'Neal to the Housing Appeals Board representing Alternate/At-Large with the term to expire on June 30, 2018 was approved at 7:22 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 APPEALS BOARD REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint John R. Martin to the Housing Appeals Board representing Regular Member Neighborhood Association with the term expiring on June 30, 2018 was approved at 7:22 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: STREET AND INFRASTRUCTURE ACCEPTANCES**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to accept the streets and infrastructure as listed below for maintenance by the City of Durham was approved at 7:22 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.

Chamberlynnne – Phase 2

- 1) Victorian Oaks Drive – from the end of Phase 1 construction southwest then south past Morningside Drive to the end of Phase 2 construction @ STA 12+68 (1,049') and
- 2) Shadow Hawk Drive – from the centerline of Victorian Oaks Drive southeast then southwesterly to the end of Phase 2 construction @ STA 21+67.49 (2,167') and

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- 3) Bougainvillea Court – from the centerline of Shadow Hawk Drive southward and around back to the centerline of Shadow Hawk Drive (271’) and
- 4) Kinney Glen Court – from the centerline of Victorian Oaks Drive northwest to the end of Phase 2 construction @ STA 12+50 (250’) and
- 5) Morningside Drive – from the centerline of Victorian Oaks Drive southwesterly and then south past Sturbridge Drive to existing Morningside Drive @ STA 10+00 (1,967’) and
- 6) Morningside Drive – from the centerline of Victorian Oaks Drive northwest through the cul-de-sac (170’).

Chamberlynnne – Phases 2 – Additional Infrastructure

- 1) Sanitary Sewer Outfall “A” – from the sewer main located in Shadow Hawk Drive south to the existing sewer outfall (204’) and
- 2) Sanitary Sewer Outfall “B” – from the sewer main located in the Shadow Hawk Drive northwest to the sewer main located in Morningside Drive (286’).

Additional Infrastructure

- 1) Scott King Road Water Main - from C.M. Herndon Park east to the existing water main at STA 41+30 main (3,130’) and
- 2) Scott King Road 2” Sanitary Sewer Force Main – from C.M. Herndon Park east to the gravity sanitary sewer main at Herndon Road (1,005’)

Street Limits Correction

- 1) Shoccoree Drive – from the west ditch line of Cole Mill Road west to the end of street maintenance and recorded rights-of-way (change from 3,590 to 3,085’) and
- 2) Jester Road – from the east ditch line of S. Alston Avenue east to the end of the road rights-of-way (change from 1,150’ to 716’).

**SUBJECT: FY2016-2018 CITY OF DURHAM STRATEGIC PLAN**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt the FY2016-2018 City of Durham Strategic Plan was approved at 7:22 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.

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**SUBJECT: FY2014-15 AMENDMENTS TO THE BUDGET ORDINANCE AND GRANT PROJECT ORDINANCES**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt a budget Ordinance Amending the City of Durham Budget Ordinance as amended, Fiscal Year 2014-15, the same being Ordinance # 14650;

To adopt the FY 2013-2014 (FY 2014) 5303 Metropolitan Transit Planning Grant Project Ordinance superseding GPO # 14585;

To adopt the FTA Section 5317 New Freedom Funds Grant Project Ordinance (GPO) Superseding GPO # 14266;

To adopt the FY 2013-14 Federal Transit Administration Section 5339 Bus and Bus Facilities Grant Project Ordinance (GPO) Superseding GPO # 14636;

To adopt the FY 2012-13 Section 9 Transit Planning and Capital Grant Project Ordinance (GPO) Superseding GPO # 14715;

To adopt the FY 2014-15 Section 9 Transit Planning and Capital Grant Project Ordinance (GPO) Superseding GPO # 14717;

To adopt the FY 2014-15 Federal Transit Administration Section 5307 STPDA Grant Project Ordinance (GPO) Superseding GPO # 14637;

To adopt the FY 2014-15 State Apprentice Program Grant Project Ordinance (GPO) Superseding GPO # 14633;

To adopt the FY 2013-14 NCDOT Section 104(f) and Section 133(b) (3) (7) Transportation Planning Grant Project Ordinance (GPO) Superseding GPO # 14587;

To adopt the FY 2014-15 NCDOT Section 104(f) and Section 133(b) (3) (7) Transportation Planning Grant Project Ordinance (GPO) Superseding GPO # 14638; and

To adopt the FY 2012-14 City of Durham Employment and Training Grant Project Ordinance (GPO) Superseding GPO #14536 was approved at 7:22 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 #'S 14763; 14764; 14765; 14766; 14767; 14768; 14769; 14770; 14771; 14772; 14773**

**SUBJECT: PROPOSED FY16 PLANNING DEPARTMENT WORK PROGRAM**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the FY16 Planning Department Work Program was approved at 7:22 p.m. by the

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

**SUBJECT: PARKING FEES CHANGES**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance to Allow Temporary Use of Street Rights of Way by Contractors and to Allow Parking for Extended Periods in Limited Time Zone Parking Spaces;

To amend City Code Section 66-345 to Provide for Official Map Books to Depict where those Parking Ordinances Apply; and

To adopt an Ordinance to add Part 17-109 to the Fee Schedule to Set Fees for Temporary Use of Street Rights-of-Way by Contractors and Parking for Extended Periods in Limited Time Zone Parking Spaces was approved at 7:22 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 #14809 & #14810**

**SUBJECT: PARKING MANAGEMENT SERVICES CONTRACT WITH REPUBLIC PARKING SYSTEMS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a three year contract with Republic Parking Systems for parking management services for the period of August 1, 2015 – July 31, 2018 for a total not to exceed \$5,501,203.18 was approved at 7:22 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: CONTROLLED PARKING RESIDENTIAL AREA (CPRA) ORDINANCE REVISIONS AND DESIGNATIONS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance to Revise Requirements for Controlled Parking Residential Areas;

To adopt an Ordinance Ratifying Existing Controlled Parking Residential Areas A, B, C, D and E; and

To adopt an Ordinance to Establish Controlled Parking Residential Area F was approved at 7:22 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 #'s 14811; 14812 & 14813**

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**SUBJECT: GRANT AGREEMENT BETWEEN THE CITY OF DURHAM AND THE U.S. DEPARTMENT OF TRANSPORTATION – TIGER GRANT FOR THE DUKE BELT LINE TRAIL MASTER PLAN**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt a Resolution accepting a grant to be appropriated in the CIP; and

To authorize the City Manager to execute a grant agreement in the amount of \$297,700.00 with U.S. Department of Transportation for the purpose of preparing the Duke Belt Line Master Plan was approved at 7:22 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 #9931**

**SUBJECT: SOUTHEAST PRESSURE ZONE WATERMAIN CONTRACT - CONSTRUCTION CONTRACT AWARD TO PARK CONSTRUCTION OF NORTH CAROLINA, INC.**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Park Construction of North Carolina , Inc. for the Southeast Pressure Zone Watermain Contract for \$2,449,013.60;

To establish a contingency fund for the contract in the amount of \$245,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$245,000.00 and the total project cost does not exceed \$2,694,013.60 was approved at 7:22 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: LOCKHAVEN LIFT STATION REPLACEMENT – CONTRACT WITH WATER & WASTE SYSTEMS CONSTRUCTION, INC.**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Water & Waste Systems Construction, Inc. for the Lockhaven Lift Station Rehabilitation project in the amount of \$304,000.00;

To establish a contingency fund for the contract in the amount of \$30,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$30,000.00 and the total project cost does not exceed \$334,000.00 was approved at 7:22 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.

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**SUBJECT: AMENDMENT #2 - AGREEMENT WITH HAZEN AND SAWYER, PC. - ENGINEERING SERVICES FOR NORTH AND SOUTH DURHAM WATER RECLAMATION FACILITY IMPROVEMENTS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a second amendment to agreement to provide FY14 Engineering Services for North and South Durham Water Reclamation Facility Improvements between the City of Durham Hazen and Sawyer, P.C. in the total amount not to exceed \$4,330,000.00 for a revised, total contract amount not to exceed \$5,577,599.00;

To authorize increasing the contingency fund for the contract by \$433,000.00 for a total contract contingency of \$447,691.00; and

To authorize the City Manager to negotiate and execute amendments to the contract provided that the cost of all amendments together with the original contract cost does not exceed the total project cost of \$6,025,290.00 was approved at 7:22 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 WITH PAYMENTUS, INC. FOR ONLINE PAYMENT SOLUTIONS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to enter into an agreement with Paymentus, Inc. to provide expanded payment options and terminate any existing contracts was approved at 7:22 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 CONDEMNATION OF PROPERTY LOCATED AT 3039 UNIVERSITY DRIVE (PARCEL ID 123182) FOR THE UNIVERSITY DRIVE SIDEWALK PROJECT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 123182: a fee simple in 1,846 square feet (0.042 acres) and 2,512 square feet (.058 acres) of temporary construction easement as shown on the map for the University Drive Sidewalk Project (SW-39), prepared by the City of Durham Department of Public Works, with a deposit into court of \$14,600.00 as the City's estimate of just compensation; and

To authorize the City Attorney to initiate condemnation proceedings for that purpose was approved at 7:22 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.

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**SUBJECT: PROPOSED CONDEMNATION OF PROPERTY LOCATED AT 3033 UNIVERSITY DRIVE (PARCEL ID 123184) FOR THE UNIVERSITY DRIVE SIDEWALK PROJECT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 123184: a fee simple in 400 square feet (0.009 acres) and 1,342 square feet (.031 acres) of temporary construction easement as shown on the map for the University Drive Sidewalk Project (SW-39), prepared by the City of Durham Department of Public Works, with a deposit into court of \$3,700.00 as the City's estimate of just compensation; and

To authorize the City Attorney to initiate condemnation proceedings for that purpose was approved at 7:22 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: THIRD AMENDMENT TO THE CONTRACT WITH A1 CONSULTING GROUP, INC. FOR SPECIAL INSPECTIONS AND CONSTRUCTIONS MATERIALS TESTING SERVICES FOR THE FIRE STATION 9 PROJECT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract amendment to the contract for Special Inspections and Constructions Materials Testing Services for the Fire Station 9 Project with A1 Consulting Group, Inc. in the amount of \$50,800.00 so that the total contract amount will not exceed \$140,550.00;

To maintain a contract contingency of \$8,975.00; and

To authorize the City Manager to negotiate and execute contract amendments to the contract for Special Inspections and Constructions Materials Testing Services for the Fire Station 9 Project, provided the total contract cost does not exceed \$149,525.00 was approved at 7:22 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: ELEVATOR MAINTENANCE SERVICES CONTRACT WITH SOUTHERN ELEVATOR COMPANY, INC.**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Southern Elevator Company, Inc. to inspect, maintain and repair and/or service each elevator for three years in an amount not to exceed \$112,533.84;

To establish a contingency in the amount of \$11,253.38; and

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To authorize the City Manager to execute contract extensions for an additional three years of service after the initial three year term of the contract, at \$38,625.60 per year, provided all contract requirements have been met prior to allowing an extension was approved at 7:22 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: PEST CONTROL SERVICE CONTRACT WITH CLEGG'S TERMITE AND PEST CONTROL, INC.**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Clegg's Termite and Pest Control, Inc. to render pest control services for facilities for three years in an amount not to exceed \$60,211.86

To establish a contingency in the amount of \$6,021.18; and

To authorize the City Manager to execute contract extensions for an additional three years of service after the initial three year term of the contract, at \$20,597.64 per year, provided all contract requirements have been met prior to allowing an extension was approved at 7:22 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: ADDITIONAL FUNDING AND CONSTRUCTION CONTRACTING AUTHORITY FOR CITY HALL ANNEX AND BUILDING ENVELOPE PROJECT – BALFOUR BEATTY CONSTRUCTION**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to negotiate and execute change orders on the City Hall Annex and Building Envelope CMAR contract, provided the total project cost does not exceed \$6,345,704.00, the amount budgeted for preconstruction and construction services including the project contingency was approved at 7:22 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: ON CALL PROFESSIONAL SERVICES CONSULTANTS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the On Call Professional Services Consultants was approved at 7:22 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: FY 2016 AGREEMENT WITH DOWNTOWN DURHAM, INC. TO FUND ECONOMIC DEVELOPMENT PROGRAMS AND SERVICES**

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**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the FY2016 funding agreement with Downtown Durham, Inc. to operate economic development programs and services for the City in an amount not to exceed \$160,048.00 was approved at 7:22 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 WORKFORCE INNOVATION AND OPPORTUNITY ACT CONTRACT BETWEEN THE CITY OF DURHAM AND EDUCATIONAL DATA SYSTEMS INCORPORATED (EDSI)**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a fourth contract amendment to the original contract between the City of Durham and Educational Data Systems, Incorporated (EDSI) for services to be provided from July 1, 2015, through June 30, 2016, increasing the amount of the original contract by up to \$621,000.00 for a total contract amount not to exceed up to \$1,939,251.00 was approved at 7:22 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 WITH NORTH CAROLINA POLYGRAPH SERVICES FOR PRE-EMPLOYMENT POLYGRAPH EXAMINATIONS**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a three-year contract in the amount of \$56,250.00 with North Carolina Polygraph Services, Inc. for police pre-employment polygraph examinations was approved at 7:22 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: PROJECT MANAGEMENT SERVICES FOR THE INSTALLATION OF FIBER OPTIC CABLE CITY-WIDE (ST-277) – CONTRACT WITH KIMLEY-HORN & ASSOCIATES**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Kimley-Horn and Associates, Inc. for the installation of fiber optic cable city-wide in the amount of \$995,000.00; and

To authorize the City Manager to negotiate and extend the contract, so long as the total contract cost does not exceed \$2,400,000.00 was approved at 7:22 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.

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**SUBJECT: LICENSE AGREEMENT WITH GOOGLE FIBER NORTH CAROLINA, LLC**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to enter into a license agreement with Google Fiber North Carolina, LLC for installation of facilities within public rights-of-way located within City limits was approved at 7:22 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: TRANSFER STATION SCALE REPLACEMENT PIGGYBACK PURCHASE – CHARLOTTE SCALE COMPANY, INC.**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the piggyback bid purchase of two (2) replacement truck weigh scales in the amount of \$103,162.80 from Charlotte Scale Company, Inc., of Charlotte, North Carolina was approved at 7:22 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: AMENDMENT OF CONTRACT WITH OTTO ENVIRONMENTAL SYSTEMS (NC) FOR ROLL-CART SERVICES**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a three-year contract amendment with Otto Environmental Systems (NC), LLC for the purchase of roll-cart delivery, maintenance and repair services for an amount not to exceed \$630,000.00 for the three year extension was approved at 7:22 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: EXTENSION OF CONTRACT WITH OTTO ENVIRONMENTAL SYSTEMS (NC) FOR ROLL- CART PURCHASE**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a one-year contract extension from July 1, 2015 through June 30, 2016 with Otto Environmental Systems (NC), LLC for the purchase of roll-carts for an amount not to exceed \$300,000.00 for the one year extension was approved at 7:22 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: EXTENSION OF INTER-LOCAL AGREEMENT WITH DURHAM COUNTY FOR RECYCLING SERVICES**

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**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute an inter-local agreement with Durham County for recycling services in the amount of \$552,430.00 in revenue to the City for the five-year extension was approved at 7:22 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 June 4, 2015 Work Session:**

49. FY 2015-16 Budget Follow-Up  
(A report was received at the 06-04-15 Work Session)
50. Addressing Minority/Women Business Availability and Underutilization  
(A presentation was received at the 06-08-15 Work Session Continued from 06-04-15)
51. Presentation on the Police Headquarters Complex Preliminary Site Layout Concepts  
(A presentation was received at the 06-04-15 Work Session)
52. Poverty Reduction Initiative - Education Task Force Update  
(A presentation was received at the 06-04-15 Work Session)
57. Rachel Stine  
(Comments were received at the 06-04-15 Work Session)
58. Jade Brooks  
(Comments were received at the 06-04-15 Work Session)
59. Serena Sebring  
(Comments were received at the 06-04-15 Work Session)
60. Renee Leverty  
(Comments were received at the 06-04-15 Work Session)
61. Charlene Reiss  
(Comments were received at the 06-04-15 Work Session)
62. Chris Ogden  
(Comments were received at the 06-04-15 Work Session)

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: PROPOSED SALE OF VARIOUS PROPERTY INTERESTS TO BH-AG DURHAM FOSTER, LLC**

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Jina Propst, Assistant Director of General Services Department, commented on the staff report; explained that the item involved the sale of various easements for the construction of a condominium complex; and stated she was available for questions.

City Manager Bonfield requested an update regarding the development agreement.

Ms. Propst addressed items discussed at the work session that included additional oversight for approval of amenities, clarification of the easement location and the affordable housing contribution to Habitat for Humanity.

Mayor Bell stated there were speakers to the item and indicated the item was not a public hearing.

Attorney Patrick Byker, representing the developer, introduced the development team; clarified the line of demarcation between the condominium and the Durham Central Park to which liability could be assigned; emphasized the liability covering the stairs would be carried by the condominium owners association and that the area within the park would be covered by the City; and stated he was available for questions.

City Attorney Patrick Baker spoke concerning the referenced liability issue mentioned by Attorney Byker; referred to the revised agreement dated 6/15/15, proposed language Section 2, V(iii) that the developer should maintain liability coverage regarding the terrace; indicated the developer sought to strike the referenced language from the contract; and inquired with Attorney Byker about the assigned maintenance and liability coverage.

Attorney Patrick Byker responded that with distinct lines of demarcation of the property that it was much easier to assign maintenance and liability.

Rafiq Zaidi, a Durham resident, expressed support regarding the line of demarcation statement and liability issues; and stated he was satisfied.

Council Member Moffitt referenced the forty-foot by forty-foot easement in the development of stairs and requested clarification.

Ms. Propst responded that the easement was temporary and allowed for construction on the park-side.

Council Member Moffitt stated he continued to have concerns; referenced the low valuation of adjacent property; and noted that although both sides had benefitted, he would vote against the item.

Council Member Catotti requested from the staff that in the future, items involving the granting of easements by the City be forwarded to Council earlier in the process to allow time for review.

Council Member Schewel inquired about calculating the value of the land being given up as easements and granted to the developer.

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Attorney Patrick Byker responded that the value came from the collaboration between the project and Durham Central Park; indicated the City was giving up the right to build a building on the fifteen-foot easement; noted that in accordance to the Durham Central Park Master Plan, there had been no plans to build there; emphasized that Habitat for Humanity was receiving \$200,000 that met the community need; and allowed a project to move forward that was in compliance with the UDO.

Council Member Schewel requested that standards be formulated by staff for private entities seeking access to publically owned easements; and appreciated the element added for affordable housing.

Council Member Brown spoke in support of the project; encouraged residents to live in downtown condominium units as permanent dwellers; thanked the developer for the contribution to Habitat for Humanity; and expressed appreciation to his colleagues and staff for collaborating with the Durham Central Park Board.

Mayor Bell addressed the issue of affordable housing; suggested that when developers approach staff with projects potentially requiring city incentives, he urged creativity pertaining to the affordable housing element; and requested that it should be made known to developers that Council would expect affordable housing elements to be included in their plans.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a development agreement with BH-AG Durham Foster, LLC for a 100-unit residential condominium building adjacent to Durham Central Park (parcel # 104848) with said development agreement containing provisions for BH-AG Durham Foster, LLC to acquire the following property interests located on portions of the park for a total purchase price of \$41,788.76: a) a non-exclusive fire separation easement that is no more than fifteen (15) feet wide; b) non-exclusive footings and roof extensions easements that are no more than six (6) feet wide; c) a temporary non-exclusive thirty (30) foot-wide construction and staging easement; d) a twenty (20) foot-wide cross-access easement; e) an easement to relocate a portion of an existing storm culvert; f) an easement to relocate an existing sanitary sewer line; and g) a non-exclusive easement to construct concrete stairs;

To authorize the City Attorney to draft and approve the language for an Easement Agreement consistent with the Development Agreement;

To authorize the sale of the specified property interests to BH-AG Durham Foster, LLC pursuant to N.C.G.S. §160A-273 and City Charter Section 86; and

To authorize the City Manager to sell and the City Manager or the Mayor to convey the property interests by non-warranty deed, pursuant to the terms of the Development Agreement was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis and Schewel. Noes: Council Member Moffitt. Absent: None.

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**SUBJECT: CONTRACT WITH LAW ENFORCEMENT SERVICES GROUP FOR THE PROVISION OF POLICE PSYCHOLOGICAL SERVICES**

Council Member Catotti complimented staff for changing the contract three years to a one- year contract and for including the detailed provisions she had requested.

**MOTION** by Council Member Catotti, seconded by Council Member Schewel, to authorize the City Manager to execute a one-year contract with Law Enforcement Services Group, PLLC, d/b/a the FMRT Group for psychological service was approved at 7:41 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 WITH LAW ENFORCEMENT SERVICES GROUP FOR THE PROVISION OF PRE-EMPLOYMENT PSYCHOLOGICAL TESTING**

**MOTION** by Council Member Catotti, seconded by Council Member Schewel, to authorize the City Manager to execute a three-year contract in the amount of \$85,000.00 with Law Enforcement Services Group, PLLC, d/b/a The FMRT Group for police pre-employment psychological examinations was approved at 7:41 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 Manager Bonfield requested that the Fiscal Year 2015-16 Budget and 2016-21 Capital Improvement Plan (CIP) be addressed next; which was pulled by Council Member Schewel.

**SUBJECT: FISCAL YEAR 2015-16 BUDGET AND 2016-21 CAPITAL IMPROVEMENT PLAN (CIP)**

Council Member Schewel provided a brief overview regarding funding for trails; stated that after Year 1, there were no trails included in the CIP (Capital Improvement Plan); stated the lack of trails did not reflect the City's priorities; and referenced a feasibility study being conducted regarding trails.

**MOTION** by Council Member Schewel, seconded by Council Member Catotti, to direct the administration to administratively find a way to include greenways and trails in a study to help guide the upcoming CIP discussions was approved at 7:43 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.

**MOTION** by Council Member Moffitt, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt the Fiscal Year 2015-16 Budget; 2016-21 Capital Improvement Plan (CIP) Ordinances and Other Related Ordinances/Resolution as outlined below was approved at 7:45 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.

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Fiscal Year 2015-16 City of Durham Budget Matters:

A) Fees

- 1) To adopt an Ordinance to Authorize Fees for tampering with water meters and locks and to create presumption for enforcement; Sec. 1 70-1 adding subsection (b); **Ordinance #14774**
- 2) To adopt an Ordinance to Amend Chapter 15 of the Water Management Department Fee Schedule, Adding Water Meter and Lock Tampering Fees, Sec. 1 Part 15-121. **Ordinance #14775**
- 3) To adopt an Ordinance to Amend Chapter 7 of the Finance Department Fee Schedule, Adding Charges for Returned and Denied Payments, Sec. 1 Part 7-110. **Ordinance #14776**
- 4) To adopt an Ordinance to Amend Chapter 14 of the Solid Waste Department Yard Waste Collection Fee Schedule for Cart Charges, Sec. 1 Part 14-106. **Ordinance #14777**

B) Capital Project Ordinances

- 1) To adopt the City of Durham General Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14778**
- 2) To adopt the City of Durham Water and Wastewater Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14779**
- 3) To adopt the City of Durham Stormwater Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14780**
- 4) To adopt the City of Durham Solid Waste Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14781**
- 5) To adopt the City of Durham Parking Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14782**
- 6) To adopt the City of Durham Transit Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14783**
- 7) To adopt the City of Durham Performing Arts Center Capital Improvements Project Ordinance Fiscal Year 2015-16. **Ordinance #14784**

C) Grant Project Ordinances

- 1) To adopt the City of Durham and National Park Service (NPS), North Carolina Department of Cultural Resources Fiscal Year 2016 Historic Preservation Grant Project Ordinance. **Ordinance #14785**

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- 2) To adopt the City of Durham Employment and Training (WIOA) Fiscal Year 2015 – 2017 Grant Project Ordinance. **Ordinance #14786**
- 3) To adopt the City of Durham and U.S. Department of Housing and Urban Development (HUD) Cooperative Agreement Fair Housing Grant Project Ordinance Fiscal Year 2014 - 19. **Ordinance #14787**
- 4) To adopt the City of Durham and North Carolina Department of Transportation Apprenticeship Program Grant Project Ordinance Fiscal Year 2015 -16. **Ordinance #14788**
- 5) To adopt the City of Durham Transit Capital Grant Project Ordinance for Durham Transit System Fiscal Year 2015-16. **Ordinance #14789**
- 6) To adopt the City of Durham Transit Section 9 Planning and Capital Grant Project Ordinance Fiscal Year 2015-16. **Ordinance #14790**
- 7) To adopt the City of Durham 5303 Metropolitan Transit Planning Grant Project Ordinance Fiscal Year 2015-16. **Ordinance #14791**
- 8) To adopt the City of Durham 5339 Bus and Bus Facilities Grant Project Ordinance Fiscal Year 2015-18. **Ordinance #14792**
- 9) To adopt the City of Durham and North Carolina Department of Transportation Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance Fiscal Year 2015-16. **Ordinance #14793**
- 10) To adopt the City of Durham and North Carolina Department of Transportation State Technology Grant Project Ordinance Fiscal Year 2015-16. **Ordinance #14794**
- 11) To adopt the City of Durham and U.S. Department of Justice Federal Asset Forfeiture Funds Grant Project Ordinance Fiscal Year 2015-16. **Ordinance #14795**
- 12) To adopt the City of Durham and State of North Carolina Controlled Substance Abuse Funds Grant Project Ordinance Fiscal Year 2015-16. **Ordinance #14796**
- 13) To adopt the City of Durham and Federal Task Team Initiatives Fiscal Year 2015 Grant Project Ordinance. **Ordinance #14797**
- 14) To adopt the City of Durham and U.S. Department of Justice Fiscal Year 2015 Bulletproof Vest Partnership Grant Project Ordinance. **Ordinance #14798**
- 15) To adopt the City of Durham and the United States Marshals Service, 2016 Fugitive Apprehension Task Force Agreement Grant Project Ordinance. **Ordinance #14799**
- 16) To adopt the City of Durham and U.S. Department of Justice Office of Justice Programs, Bureau of Justice Assistance Fiscal Year 2015 Local Solicitation Edward Byrne Memorial Justice Assistance Grant (JAG) Project Ordinance. **Ordinance #14800**

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- 17) To adopt the City of Durham and The Town of Chapel Hill Halloween Grant Project Ordinance Fiscal Year 2015. **Ordinance #14801**
  - 18) To adopt the City of Durham and North Carolina Governor's Highway Safety Program Bike Safe Grant Project Ordinance. **Ordinance #14802**
  - 19) To adopt the City of Durham and U.S. Department of Treasury Financial Crimes Task Force Grant Project Ordinance Fiscal Year 2016. **Ordinance #14803**
  - 20) To adopt the City of Durham and North Carolina Governor's Highway Safety Program Equipment Grant Project Ordinance Fiscal Year 2016. **Ordinance #14804**
  - 21) To adopt the City of Durham and Office of Justice Programs, National Institute of Justice, 2015 Paul Coverdell Forensic Science Improvement Grant Project Ordinance. **Ordinance #14805**
  - 22) To adopt the City of Durham and U.S. Department of Justice Office of Justice Programs, Bureau of Justice Assistance, 2015 Justice and Mental Health Collaboration Program (JMHC) Expansion Grant Project Ordinance. **Ordinance #14806**
  - 23) To adopt the City of Durham and Fox Family Foundation, Inc. Grant Project Ordinance Fiscal Year 2015. **Ordinance #14807**
- D) To adopt the resolution establishing Financial Plans for Internal Service Funds for Fiscal Year 2015-16. **Resolution #9930**
- E) To adopt the City of Durham Budget Ordinance for Fiscal Year 2015-16. **Ordinance #14808**

**SUBJECT: 2015-2016 EMPLOYEE HEALTH CARE CARRIER RECOMMENDATION**

Mayor Bell stated that the 2015-16 Employee Health Care Carrier recommendation, would be addressed prior to the Durham-Chapel Hill Boulevard (Business 15-501) Road Reconfiguration Project.

City Manager Bonfield indicated that during the recent Work Session, staff was directed to provide clarification on the BCBS proposal for employee health insurance coverage and term sheet; and deferred to Human Resources Director Regina Youngblood and Finance Director David Boyd to respond to Council's questions.

Council Member Catotti expressed concerns about receiving ten or more revised proposals by BCBS; spoke to the negative financial impact on employees not benefitting from participation in the Duke ACO and the unknown aspect of the future ACO network to be provided by BCBS; and stated she was voting 'no' on the item.

Council Member Schewel inquired about the duration of the contract's rate guarantee.

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Human Resources Director Youngblood responded that the thirty-four month contract period was the negotiated period; and that five-year rate guarantee was presented by both insurers.

City Manager Bonfield recommended that the shorter period was necessary in order to monitor the progress.

Finance Director Boyd stated that the thirty-four month period aligned the contract with the budget year.

Council Member Schewel inquired about the confidence level to tie the proposed guarantees into language of which the Legal Department was comfortable.

City Attorney Baker responded that there needed to be a clear understanding between the parties regarding the BCBS term sheet; and that the terms would be incorporated into the master agreement.

Council Member Schewel spoke to the relationship between staff and BCBS; explained that he supported the AETNA plan due to its lower first year employee discount, lower out of pocket, three tiers versus two; and reiterated the RFP process needed to be respected and non-politicized.

Mayor Bell stated that there was no policy that stated RFPs could not be revised; emphasized BCBS's favorable corporate history; indicated BCBS was willing to guarantee that if it looked as if the City would lose up to \$6.7 million, BCBS would cover it; noted that BCBS would have an ACO in 2016; emphasized the taxpayers would not lose on the BCBS plan; and wanted to ensure that the Legal Department could ensure the details.

Council Member Davis applauded staff; requested that the Manager monitor the tenets of the contract during the 34 month period and report back to Council at the appropriate time.

Council Member Brown emphasized that both insurers were fine firms competing against each other and that money would be saved regardless of which plan was chosen.

Mayor Pro-Tempore Cole-McFadden reiterated support for a local company and acknowledged that BCBS was a Durham company.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve the vendor Blue Cross Blue Shield for the health care carrier for the 2015-2016 benefit program for the plan year September 1, 2015 through August 31, 2016; and

To authorize the City Manager to execute the contract with Blue Cross Blue Shield was approved at 7:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown and Davis. Noes: Council Members Catotti, Moffitt, Schewel. Absent: None.

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**SUBJECT: DURHAM-CHAPEL HILL BOULEVARD (BUSINESS 15-501) ROAD RECONFIGURATION PROJECT**

Mark Ahrendsen, Director of Transportation, addressed concerns raised regarding the project; spoke to public safety issues and existing vehicular volumes; stated the restriping would not affect driveway access points; noted that a request for a traffic light and the installation of crosswalks and sidewalks were beyond the scope of the project; spoke to buffers between travel and bicycle lanes; concurred that the roadway reconfiguration normally had a positive impact on area businesses; provided illustrations/photographs of the resurfacing/reconfiguration; and explained the transition from four divided lanes to three.

Council expressed appreciation for the visualization.

Council Member Davis felt the safety of students crossing the thoroughfare would be enhanced.

Council Member Brown requested that Mr. Ahrendsen speak to case studies of analogous street types/projects; and inquired about the NC General Assembly getting involved in local issues regarding street striping.

Director of Transportation Mark Ahrendsen referenced the street projects in the cities of Seattle, Los Angeles, Vancouver, Kentucky and Charlotte, NC; and spoke briefly regarding street design and economic impact.

Mayor Pro-Tempore Cole-McFadden requested that Mr. Ahrendsen address the disadvantages of the striping.

Mr. Ahrendsen did not believe there would be an adverse impact on businesses; expected traffic would be slowed; spoke to the potential for congestion; emphasized that the number of accidents was expected to be lower; and spoke to traffic signal coordination at James Street and University Drive and the C level of service.

Mayor Bell spoke about the traffic pattern as drivers approached University Drive and queuing of traffic; and addressed concerns regarding the road diet on Fayetteville Street from South Point Mall and the recurrent traffic stacking.

Mayor Bell stated there were speakers to the item.

Wayne Lee, representing Hair By Design, requested that Council consider what the businesses along the corridor wanted.

Christin Lampkowski, representing Bike Durham, noted that she had supporters in attendance who signed off on an electronic petition in support of the reconfiguration; and emphasized the project would improve safety along the roadway.

DeAnna Hall, representing Durham Bicycle Pedestrian Advisory Committee, voiced support for the project; and stated that the reconfiguration could be reverted back if necessary.

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Kendra Bridges, representing Durham Bicycle Pedestrian Advisory Committee, understood the interests of business owners along the corridor; and referenced the Seattle study and its favorable impact on economic development.

David Stephenson, representing Tuscaloosa Neighborhood Association, expressed support for the project in regard to public safety improvements; and urged Council support of sidewalk improvements and a traffic signal in non-downtown districts.

Joanne Andrews, teacher at Rogers-Herr Middle School, referenced student crossings Chapel Hill Boulevard which was forbidden; focused on student safety that was contingent on slowing traffic; and encouraged Council's support of the project.

Susan Sewell, Durham resident, spoke to an AARP fact sheet pertaining to road diets; and expressed support of the project.

Chris Russo, representing Bike Durham and business owner, expressed support for the road diet and roadway reconfiguration; spoke to safe cycling access to businesses; and urged Council to support the reconfiguration.

Ivona Piper, resident of Durham, urged Council to support the road diet; emphasized the safety aspect of the road diet; spoke to the increased accessibility and livability along the corridor; favored increasing the number of parking spaces; and noted the project could be reverted, if need be.

Sam Hudson, proponent of the project, supported projects that added to the roadway inventory for cyclists.

Martin Steinmeyer, representing Durham Coalition for Complete Streets, considered streets from the perspectives of economics, health and design; and urged Council's support of the project.

Claudia Cooper, bakery owner, spoke in support of the road diet; emphasized that something needed to be done to the boulevard to address safety concerns; and looked forward to a potential Phase II consisting of sidewalks and a traffic signal.

Leslie Richardson, representing Music Clarity Studios, inquired about the Charlotte study that compared the boulevard along 15-501; if the striping went through, she inquired how would the project affect signage; encouraged additional monitoring of speeders; and supported a potential future phase that would incorporate business owners.

Director of Transportation Mark Ahrendsen noted that the roadway in the case study was East Boulevard in Charlotte and parts were analogous to 15-501; determined that the existing Level of Service was C in the morning and D in the afternoon; indicated that the restriping would not change the service levels; and spoke to a comparison of Fayetteville Road and 15-501.

Council Member Catotti requested the resurfacing schedule and potential impacts on the timeline; appreciated the community's support and staff guidance; read a statement of support of the project; and stated she would move the item at the appropriate time.

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Director of Transportation Mark Ahrendsen stated the contract had until April of 2016 to be completed; and indicated restriping could be accomplished in a matter of days.

Council Member Schewel appreciated the business owners' comments; stated he believed that more customers would be interested in stopping at the businesses; referenced the ranking of the Capital Improvement Plan of sidewalks and their associated costs; looked forward to the sidewalk and bike study coming to fruition next year; stated that to install sidewalks along 15-501 would be very expensive and required NCDOT approval; and acknowledged the core issue was traffic speed and public safety.

Council Member Moffitt thanked all who contributed to the discussion; reiterated that economic studies of roadway reconfigurations had positive impacts on businesses and neutral impacts on sales and property values; noted the high accident rates; stated Council needed to do something especially in the realm of sidewalks and crosswalks; and supported the project.

Mayor Pro-Tempore Cole-McFadden acknowledged the traffic speeds along the corridor; expressed a need to slow traffic; and thanked those in attendance for their comments.

Council Member Brown stated he was initially dubious about the reconfiguration; however, after conducting research, he determined that the restriping was the right way to go; and was supportive of the project.

Mayor Bell inquired about the costs associated with re-verting the roadway from three to five lanes; and reiterated his concerns regarding safety, business operations and traffic volumes.

Director Mark Ahrendsen confirmed that the stripes, consisting of thermoplastic, would need to be removed and the removal would impact the condition of the asphalt.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to request the N. C. Department of Transportation reconfigure the pavement markings on Durham-Chapel Hill Boulevard between Chapel Hill Road and University Drive from a five-lane vehicle cross section to a three-lane vehicle cross section consisting of one center turn lane, one travel lane in each direction, one bicycle lane in each direction and bus pull-outs and on-street parking accommodations was approved at 9:03 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.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT -  
INDEPENDENT LIVING FACILITY (TC1400005)**

City/County Planning Director Steve Medlin presented the item; stated that all required notifications for the Planning related public hearings were performed and affidavits to this effect

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were part of the case files and available for review. *Unified Development Ordinance* text amendment TC1400005 was a privately-initiated application by Morningstar Law Group to develop standards for a type of residential use called an “independent living facility”, which was a type of residential use for senior populations that the UDO currently does not accommodate. The draft text amendment ordinance established the independent living facility use within Article 5, Use Regulations; clarified references to other similar uses within Article 5, Use Regulations; Established parking requirements in Article 10, Parking and Loading; and provided a definition for the use in Article 16, Definitions; noted that staff concluded the request was consistent with the *Comprehensive Plan*, and reasonable and in the public interest and recommended approval; indicated that the Planning Commission recommended approval 11-0 at its April 14, 2015 meeting; and reminded Council to take two actions - the first action, to vote on the amendment itself, the second action, to vote on the appropriate statement of consistency.

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

Attorney Patrick Byker, representing the applicant, spoke to the request for the text amendment; stated the UDO failed to carryover a defined use category for independent-living facilities when the UDO was reincorporated; addressed census data; thanked council members who visited the facility; noted that developer Morgan Burkett had passed prior to the project’s completion; and requested Council’s approval.

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

**MOTION** by Council Member Moffitt, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations; Article 10, Parking and Loading; and Article 16, Definitions was approved at 9:09 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 #14814**

**MOTION** by Council Member Catotti, seconded by Council Member Moffitt, to adopt the appropriate consistency statement as required per NCGS § 160A-383 was approved at 9:10 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  
TEXT AMENDMENT CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING TC1400005, Independent Living Facilities

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

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

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

That final action regarding text amendment TC1400005, Independent Living Facilities, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the “Issues” section of the memo to the City Manager, dated June 15, 2015, regarding the subject “*Unified Development Ordinance* Text Amendment, Independent Living Facilities (TC1400005),” along with additional agenda information provided to the City Council and information provided at the public hearing; and It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community.

The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Issues” section of the memo to the City Manager, dated June 15, 2015, regarding the subject “*Unified Development Ordinance* Text Amendment, Independent Living Facilities (TC1400005),” along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

**SUBJECT: STREET CLOSING - RONEY STREET (SC1400017)**

Patrick Young, Assistant Planning Director, stated that Coulter Jewell Thames proposed to close 235.53 linear feet of Roney Street. The right-of-way was currently open and the portion of the street requested for closure was bordered by property owned by the City of Durham, Durham Credo LLC, and E.L. Clark. If the request was approved, the portion of the right-of-way would be equally distributed to the adjoining property owners.

He stated the request had been reviewed by over twenty City, County and State Departments and agencies and public utility providers and no concerns were identified, except for concerns regarding access and liability raised by the City Department of Parks and Recreation and General Services, which were addressed through the agreement and associated easement adopted and authorized earlier this evening on the agenda; and stated that staff recommended approval.

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

Attorney Patrick Byker, representing the developer of the project, stated he was available to answer questions.

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

June 15, 2015

**MOTION** by Council Member Moffitt, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt an Order for the permanent closing of 235.53 linear feet of Roney Street was approved at 9:11 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 #14815**

**SUBJECT: AMENDMENT TO THE ECONOMIC REDEVELOPMENT AND HISTORIC PROPERTY PRESERVATION INCENTIVE DEVELOPMENT AGREEMENT WITH THE CONCORD HOSPITALITY ENTERPRISE COMPANY**

Reginald Jones, of the Office of Economic & Workforce Development, stated the item recommended approval of the contract to amend the agreement between Concord Hospitality Enterprise Company and the City of Durham related to economic development historic property preservation incentive awarded to Concord on October 2013; staff recommended that the City Council authorize the City Manager to hold a public hearing on the proposed amendment to an economic development economic incentive agreement per G.S. 158-7.1; and to authorize the City Manager to execute an amendment to the original agreement between the Concord Hospitality Enterprises Company and the City of Durham extending the time required to secure a final Certificate of Compliance to no later than August 27, 2015 for a total of forty-two days.

Mayor Bell opened the public hearing; and stated there were speakers to the item.

Robert Gutman, a resident, stated he had been involved with the planning of the project; noted the project required an extension due to running into some foul weather; and asked council to support the request.

Tim Oslecki, representing Concord Hospitality Enterprises Company, explained the rationale for the extension; stated the interior was almost complete but that the exterior was lagging; and thanked staff for their assistance.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City manager to execute an amendment to the original agreement between Concord Hospitality Enterprises Company and the City of Durham extending the time required to secure a final certificate of Compliance to no later than August 27, 2015 was approved at 9:14 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.

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

**SUBJECT: AMENDMENT 2 CONTRACT WITH TERRACON CONSULTANTS, INC. FOR ADDITIONAL INVESTIGATION AND TESTING SERVICES FOR THE POLICE HEADQUARTERS COMPLEX PROJECT**

June 15, 2015

Mayor Bell stated there was a speaker to the item.

Minister Rafiq Zaidi, Durham resident, raised concern that the City was not sure if the EPA should conduct an environmental impact study of remediation cleanup on the police headquarters complex project; suggested the EPA become involved at the site; and asked that the site be checked for lead.

City Manager Bonfield stated staff was available for questions.

Assistant General Services Director Jina Propst stated that Terracon was the city's consultant and the city was working closely with them and the N. C. Department of Environmental Natural Resources and stated that entity is who the City consults with and following all procedures and requirements with (NCDENR).

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to execute a contract amendment to the engineering services contract with Terracon Consultants, Inc. in an amount not to exceed \$123,442.00, so that the total contract amount will not exceed \$206,133.00;

To authorize a project contract contingency for the engineering services contract in the amount of \$11,784.00; and

To authorize the City Manager to execute contract amendments to the engineering services contract provided the total contract does not exceed \$217,917.00, the amount budgeted for engineering services including the contingency was approved at 9:20 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 WITH MADE IN DURHAM TO SUPPORT BUSINESS ENGAGEMENT FOR YOUTH AND TO ASSIST WITH THE DEVELOPMENT OF AN EDUCATION TO WORK PIPELINE SYSTEM FOR YOUTH**

Mayor Bell stated there was a speaker to the item.

Stephen Hopkins, Durham resident, stated his comments were also applicable to the next item he pulled; Item #35. Mr. Hopkins requested that prior to distributing funds to youth organizations, that certain requirements/ benchmarks be established by the organizations receiving funding so that accountability can be met.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Made In Durham (MID) to support Business Engagement for Youth and to assist with the development of an Education to Work Pipeline System for Youth in an amount not to exceed \$200,000.00 was approved at 9:21 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.

June 15, 2015

**SUBJECT: CONTRACT AMENDMENT WITH COMMUNITY PARTNERSHIPS, INC. TO PROVIDE WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) YOUTH FRAMEWORK SERVICES FROM JULY 1, 2015 – JUNE 30, 2016**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to execute a contract amendment with Community Partnerships, Inc. to provide uninterrupted youth framework services from July 1, 2015 through June 30, 2016 for a contract amount of \$325,000.00 was approved at 9:21 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 AMENDMENT WITH ACHIEVEMENT ACADEMY OF DURHAM TO PROVIDE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) YOUTH PROGRAM ELEMENTS SERVICES FROM JULY 1, 2015 – JUNE 30, 2016**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to authorize the City Manager to execute a contract amendment with Achievement Academy of Durham to provide uninterrupted youth program elements services from July 1, 2015 through June 30, 2016 for a contract amount of \$91,000.00 was approved at 9:22 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: FY2016 CONTRACT FOR CITY SERVICES AND PROGRAMS FOR THE DOWNTOWN DURHAM MUNICIPAL SERVICE DISTRICT WITH DOWNTOWN DURHAM, INC.**

Steve Hopkins, a Durham resident, stated that he wanted to obtain information from the Office of Economic & Workforce Development about supportive programs being offered to entice African-American owned businesses to locate Downtown.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a contract with Downtown Durham, Inc. to provide services within the Downtown Durham Municipal Service District (“MSD”) in an amount not to exceed \$653,503.00 for FY 2016, subject to City Council budget authorization was approved at 9:23 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: COMPLETION OF STREET AND STORMWATER INFRASTRUCTURE IN STONE HILL ESTATES AND RAVENSTONE SUBDIVISIONS**

**June 15, 2015**

Gwyn Silver, resident of Stone Hill Estates, expressed gratitude to staff for moving forward in completing the streets in her neighborhood that had been left unfinished by the developer; and stated she looked forward to the improvements.

City Manager Bonfield deferred to Marvin Williams, Public Works Director, for clarification of the timeline.

Public Works Director Marvin Williams clarified the timeframe on the subdivision repairs; stated the assessment process had begun; staff was in the process of putting the contract together for sub-paving bids; and stated work was expected to begin in the Fall of 2015.

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to direct Public Works to schedule and notice a public hearing for City Council to order the completion of the street and stormwater infrastructure in Stone Hill Estates and Ravenstone subdivisions was approved at 9:25 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.

Mayor Bell announced the upcoming trip to Charlotte regarding touring a municipal maintenance facility; and stated Council Members should contact the City Clerk if they were interested in attending.

There being no further business to come before Council, the meeting was adjourned at 9:26 p.m.

Dianalynn Schreiber, CMC, NCCMC  
Deputy City Clerk

D. Ann Gray, MMC, NCCMC  
City Clerk