

**DURHAM, NORTH CAROLINA  
TUESDAY, SEPTEMBER 8, 2015  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber, First Floor 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 recognized the Durham Youth Commission Coordinator Evelyn Scott regarding the 2015-16 Durham Youth Commission Induction Ceremony.

Ms. Scott spoke on behalf of the Office of Youth of the City Manager's Office; thanked the parents for entrusting her with their children; was excited about the upcoming advocacy projects; and deferred to Anthony Mitchell and Eric Jeffers for presentation of the candidates.

Mr. Mitchell introduced the Durham Youth Commission 2014-15 Year-End Wrap Up video that showcased the commissions' service programs; and thanked the individuals involved with supporting the program. The incoming youth commission members introduced themselves; their grade level and high school affiliation.

City Clerk Gray administered the oath of office to the 2015-16 members of the Durham Youth Commission.

Mayor Bell read and presented the proclamation recognizing Constitution Week to Fran Ferrell, Regent of the General Davie Chapter of the National Society Daughters of the American Revolution.

Ms. Ferrell accepted the proclamation; spoke to the significance of the Constitution and Bill of Rights; encouraged everyone to read the Constitution; and expressed appreciation for the recognition.

Mayor Bell read and presented the proclamation recognizing Life Insurance Awareness Month; and presented the proclamation to Ms. Del Mattioli, Financial Services Specialist.

Ms. Mattioli expressed appreciation for the recognition; addressed the Massachusetts Mutual Life Insurance Company created Life Bridge Free Life Insurance Program designed to offset the impact of losing caregivers early; and introduced her associates.

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Mayor Bell read and presented the proclamation recognizing National Recovery Month; presented the proclamation to Dorothy Smith, Volunteer Coordinator for National Alliance on Mental Illness in Durham and Robert Thomas, Chairman of the Durham Recovery Celebration's Planning Committee.

Ms. Smith expressed appreciation for the recognition; and thanked Mayor Bell for his initiatives in housing which in turn promoted recovery.

Mr. Thomas announced the upcoming Recovery Celebration on Saturday, September 19<sup>th</sup> at the Criminal Justice Resource Center, 326 East Main Street from 3-8 p.m., and spoke to the event designed to support and celebrate successful recovery from addiction.

**[ANNOUNCEMENTS BY COUNCIL]**

Mayor Bell asked if there were any announcements by Council.

Council Member Davis reminded the community that this year marked the 150<sup>th</sup> Anniversary of the 13<sup>th</sup> amendment's ratification; stated the Friends of Geer Cemetery would be hosting a program in honor of the 13<sup>th</sup> Amendment on December 5<sup>th</sup> and 6<sup>th</sup>; and noted the passing of George Nixon, a former member of the Council, and remembered his service while on Council.

Mayor Pro-Tempore Cole-McFadden thanked Evelyn Scott for her work with the Youth Commission; noted that funding had been set aside for delegates to attend the National League of Cities' Conference in Nashville; and addressed Ms. Mattioli's insurance program and her company's opportunities available to city employees.

Mayor Bell commented on the Durham-Orange Light Rail project which was scheduled on the work session agenda for September 10<sup>th</sup> where Council would be entertaining a letter to be sent to *GoTriangle* as part of the public comment period; referenced public comment sessions: Tuesday, September 29<sup>th</sup>, 4-7 p.m. at the Friday Center, Chapel Hill; and Thursday, October 1, 4-7 pm, Durham County Commissioners' Chamber in the Old Courthouse, 200 East Main Street, Second Floor; and requested that public comment be sent to the *GoTriangle* Board for record keeping via US mail, DOLRT Project-DEIS c/o Triangle Transit, PO Box 530, Morrisville NC, 27560; and/or email: [info@ourtransitfuture.com](mailto:info@ourtransitfuture.com); and stated the public comment period extended from August 28 to October 13, 2015.

**[PRIORITY ITEMS]**

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

The City Manager and City Attorney responded that they did not have any items.

City Clerk Gray indicated that Council was being asked to complete ballots for the Citizen Advisory Committee and Bicycle and Pedestrian Advisory Commission; and stated the results would be announced later in the meeting.

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The Mayor explained that the Consent Agenda was approved by a single motion and items pulled from that agenda by any citizen or Council Member would be discussed at the end of the agenda.

There were no items pulled from the Consent Agenda.

**[CONSENT AGENDA]**

**SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION - REAPPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to reappoint Kendra Bridges to the Durham Bicycle and Pedestrian Advisory Commission representing the category of Transportation Planning Policy with the term to expire on August 31, 2018 was approved at 7:40 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 HISTORIC PRESERVATION COMMISSION - APPOINTMENT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to reappoint Joseph Fitzsimons as a Regular Member on the Durham Historic Preservation Commission representing an Architect with the term to expire on September 1, 2018 was approved at 7:40 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: MAYOR'S NOMINEE FOR APPOINTMENT - DURHAM CONVENTION CENTER AUTHORITY**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to appoint Lewis H. Myers to the Durham Convention Center Authority as a Mayor's Appointee with the term to expire on July 31, 2016 was approved at 7:40 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: BOARDS, COMMITTEES AND COMMISSIONS ATTENDANCE REPORTS FOR THE PERIOD OF JULY 1, 2014 - JUNE 30, 2015**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive attendance reports for Boards, Committees and Commissions for the period July 1, 2014 - June 30, 2015 was approved at 7:40 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: 2015 RESIDENT SURVEY**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive an update report on the 2015 Resident Satisfaction Survey and to provide the administration feedback was approved at 7:40 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 AGREEMENT BETWEEN THE CITY OF DURHAM AND NORTH CAROLINA STATE UNIVERSITY FOR SUPPORT OF THE TRIANGLE REGIONAL MODEL DEVELOPMENT, ENHANCEMENT AND MAINTENANCE**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute an agreement with North Carolina State University to provide support for the Triangle Regional Travel Demand Model in an amount not to exceed \$218,591.00 was approved at 7:40 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: PROFESSIONAL ENGINEERING SERVICES FOR THE DEMOLITION OF DECOMMISSIONED WASTEWATER TREATMENT FACILITIES – THE WOOTEN COMPANY**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a contract with The Wooten Company for Professional Engineering Services in an amount not to exceed \$189,900.00 for the Demolition of Decommissioned Wastewater Treatment Facilities contract; and

To establish a contingency fund for the contract in an amount not to exceed \$18,900.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$208,800.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: BID REPORT - JULY 2015**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to receive a report and to record into minutes bids which were acted upon by the City Manager during the month of July 2015 was approved at 7:40 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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City of Durham | North Carolina

1869  
CITY OF MEDICINE

August 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 - July 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 July 2015.

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

- 1. **Bid: Soil Vapor and Groundwater Samples**  
 Purpose of Bid: Provides the Water Management Department with replacement Brass Sampling Stations for the Brown Water Treatment Plant.  
 Comments: 35 units @ \$736.00  
 Opened: 6/30/2015  
 Bidders: Fortiline Inc. \* \$25,760.00  
                   Concord, NC  
                   HD Supply Waterworks, Ltd. \$27,955.55  
                   Morrisville, NC  
                   Ferguson Waterworks \$28,043.75  
                   Greenville, NC

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	<u>408</u>		# Black Males	<u>29</u>	<u>7%</u>
Total # Females	<u>42</u>	<u>10%</u>	# White Males	<u>309</u>	<u>76%</u>
Total # Males	<u>366</u>	<u>90%</u>	# Other Males	<u>28</u>	<u>7%</u>
			# Black Females	<u>4</u>	<u>1%</u>
			# White Females	<u>38</u>	<u>9%</u>

# Other Females      0      0%

**2. Bid: Portable Hand Drills**

Purpose of Bid: Provides the Water Management Department with replacement Stanley Hydraulic Tools for the Water and Sewer Operations Division.

Comments: Fortiline is the sole authorized distributor of Stanley hydraulic tools, which conform to current uses by Water and Sewer Operations.

Opened: 6/30/2015

Bidders: Fortiline Inc. \* \$15,630.00  
Concord, NC

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	<u>408</u>		# Black Males	<u>29</u>	<u>7%</u>
Total # Females	<u>42</u>	<u>10%</u>	# White Males	<u>309</u>	<u>76%</u>
Total # Males	<u>366</u>	<u>90%</u>	# Other Males	<u>28</u>	<u>7%</u>
			# Black Females	<u>4</u>	<u>1%</u>
			# White Females	<u>38</u>	<u>9%</u>
			# Other Females	<u>0</u>	<u>0%</u>

**3. Bid: Ammunition**

Purpose of Bid: Provides the Police Department with ammunition for police issued weapons.

Comments: Priced in accordance with NC State Contract 680A.

Opened: 7/9/2015

Bidders: Lawman's Safety Supply, Inc. \* \$141,042.81  
Raleigh, NC

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

WORKFORCE STATISTICS

CORPORATION STATISTICS

Total Workforce	40		# Black Males	1	3%
Total # Females	<u>13</u>	<u>33%</u>	# White Males	<u>24</u>	<u>60%</u>
Total # Males	<u>27</u>	<u>67%</u>	# Other Males	<u>2</u>	<u>4%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>12</u>	<u>30%</u>
			# Other Females	<u>1</u>	<u>3%</u>

**4. Bid: Taser and Accessories**

Purpose of Bid: Provides the Police Department with thirty-two (32) Tasers.

Comments: Lawman's Safety Supply Inc. is the sole authorized distributor of Taser brand Police Grade products and accessories.

32 units @ \$1,224.65

Opened: 7/9/2015

Bidders: Lawman's Safety Supply, Inc. \* \$39,188.00  
Raleigh, NC

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	40		# Black Males	1	3%
Total # Females	<u>13</u>	<u>33%</u>	# White Males	<u>24</u>	<u>60%</u>
Total # Males	<u>27</u>	<u>67%</u>	# Other Males	<u>2</u>	<u>4%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>12</u>	<u>30%</u>
			# Other Females	<u>1</u>	<u>3%</u>

**5. Bid: Replacement Chiller**

Purpose of Bid: Provides the General Services Department with one (1) replacement 140 ton Trane chiller for the Durham Arts Council Building.

Comments: Emergency Purchase  
# Piedmont Service Group was not considered a responsible, responsive bidder relative to consideration of quality and performance on the failed chiller for this facility

Opened: 7/24/2015

Bidders: Comfort Engineers, Inc. \* \$102,407.00  
Durham, NC

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	Trademaster Services Inc.	\$127,735.00
	Durham, NC	
#	Piedmont Service Group	\$86,287.00
	Raleigh, NC	

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	<u>119</u>		# Black Males	<u>16</u>	<u>13%</u>
Total # Females	<u>10</u>	<u>8%</u>	# White Males	<u>84</u>	<u>70%</u>
Total # Males	<u>109</u>	<u>92%</u>	# Other Males	<u>9</u>	<u>8%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>9</u>	<u>8%</u>
			# Other Females	<u>1</u>	<u>1%</u>

**6. Bid: Replacement Impeller**

Purpose of Bid: Provides the Water Management Department with three (3) replacement cast iron impellers for the South Durham Water Reclamation Facility treatment process.

Comments: ClearWater, Inc. requires the purchase of a impeller wear ring which is not needed for this project.

3 units @ \$4,275.00

Opened: 7/24/2015

Bidders:	Sealing and Maintenance Products, Inc.	*	\$12,825.00
	Mechanicville, VA		
	ClearWater, Inc.		\$35,325.00
	Indian Trail, NC		

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	<u>2</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>0</u>	<u>%</u>	# White Males	<u>2</u>	<u>100%</u>
Total # Males	<u>2</u>	<u>100%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>0</u>	<u>0%</u>
			# Other Females	<u>0</u>	<u>0%</u>

**7. Bid: Automobiles-Vehicles (Trucks)**

Purpose of Bid: Provides the Fleet Management Department with three (3) replacement Toyota Tacoma Extended Cab trucks for the City/County Inspections Department and one (1) for the Planning Department.

Comments: 4 units @ \$20,998.00

Opened: 7/28/15

Bidders:	Fred Anderson Toyota	*	\$83,992.00
	Raleigh, NC		
	Mark Jacobson Toyota		\$85,157.12
	Raleigh, NC		

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	<u>795</u>		# Black Males	<u>124</u>	<u>16%</u>
Total # Females	<u>191</u>	<u>24%</u>	# White Males	<u>408</u>	<u>51%</u>
Total # Males	<u>604</u>	<u>76%</u>	# Other Males	<u>72</u>	<u>9%</u>
			# Black Females	<u>25</u>	<u>3%</u>
			# White Females	<u>135</u>	<u>17%</u>
			# Other Females	<u>31</u>	<u>4%</u>

**8. Bid: Automobiles-Vehicles**

Purpose of Bid: Provides the Fleet Management Department with two (2) replacement Toyota Prius Hybrid vehicles for use by the City/County Inspections Department.

Comments: 2 units @ \$18,694.28

Opened: 7/28/2015

Bidders:	Mark Jacobson Toyota	*	\$37,388.56
	Raleigh, NC		
	Fred Anderson Toyota		\$37,498.00
	Raleigh, NC		

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

WORKFORCE STATISTICS

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CORPORATION STATISTICS

Total Workforce	225		# Black Males	32	14%
Total # Females	49	22%	# White Males	115	51%
Total # Males	176	78%	# Other Males	29	13%
			# Black Females	27	12%
			# White Females	17	8%
			# Other Females	5	2%

**SUBJECT: GRANT AGREEMENT BETWEEN NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DURHAM FOR THE WEST ELLERBEE CREEK TRAIL PHASE II PROJECT**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute a grant agreement with the North Carolina Department of Transportation for the West Ellerbee Creek Trail Phase II Project was approved at 7:40 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: NETWORK HUT LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM AND GOOGLE FIBER NORTH CAROLINA, LLC**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute Network Hut License Agreements with Google Fiber North Carolina, LLC for construction and housing of network equipment huts to be located on real property owned by the City of Durham; and

To authorize the Mayor to execute any easements necessary to allow access for utility services providers to the improvements within the license areas was approved at 7:40 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 INTER-LOCAL AGREEMENT WITH DURHAM COUNTY FOR THE PURCHASE OF SODIUM CHLORIDE (SALT)**

**MOTION** by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to authorize the City Manager to execute an Inter-local Cooperation Agreement with Durham County to allow the County to purchase sodium chloride (salt) from the City during winter weather events for use around various County owned facilities was approved at 7:40 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 August 20, 2015 Work Session:

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**13. 2015 Street Repairs and Repaving Project, ST-274 Contract Award**  
*(This item was approved at the 08-20-15 Work Session with a vote of 5/0)*

**16. John Noel**  
*(Citizen did not appear at the 08-20-15 Work Session)*

**17. City Council Support for Discretionary Funding through State Legislative Delegation to Complete the Construction of a Roundabout at the Intersection of Herndon and Barbee Roads**  
*(This item was approved at the 08-20-15 Work Session with a vote of 5/0)*

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: POLICE HEADQUARTERS COMPLEX PRELIMINARY SITE LAYOUT CONCEPTS UPDATE**

To discuss design alternatives for the Durham Police Department and provide direction to the staff.

Assistant Director of General Services Jina Propst introduced the item; referenced additional information had been provided in the agenda as requested at the August 20<sup>th</sup> work session; stated they solicited additional input from the Durham Area Designers; Preservation Durham and Downtown Durham, Inc.; regarding the five concepts presented; referenced the revised matrix and additional criteria submitted by DAD and Preservation Durham; along with a letter from Downtown Durham.

Deputy City Manager Bo Ferguson commented on the meeting with Durham Area Designers and Preservation Durham regarding a design schematic they provided; stated the staff had not performed a detail analysis of the schematic; the design provided achieved the goal of maximizing private redevelopment on the site; noted the City's design focused primarily on the building from the ground-up with a presence on Main Street; noted their primary concern about the schematic presented by DAD and Preservation Durham was the elimination of any presence on Main Street; acknowledged a general concern that all uses associated with police headquarters were squeezed mid-block and that staff needed additional time to adequately analyze the proposed schematic; indicated the schematic provided by DAD and Preservation Durham included the Carpenter Building for private use; which was not an option the staff presented; and stated the design team and staff was available to answer questions.

Deputy City Manager Ferguson noted that none of the five proposed schemes shared with the Council on August 20<sup>th</sup> were consistent with the original project budget that was in the CIP; stated designs 4 and 5 were consistent with the revised budget that was discussed at the work session; and designs 1 through 3 would require an additional \$3.9 million on top of the revised budget due to renovations and reuse of the Carpenter Building.

Assistant Director of General Services Jina Propst stated the original project budget was approximately \$62 million which included land acquisition; construction; design; soft costs; stated

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the cost estimates had been updated and the new revised budget to deliver the project as originally developed was approximately \$80 million. She referenced the potential program reductions which were discussed at the work session in order to reduce the difference, in the amount of \$9.6 million.

Mayor Pro Tempore Cole-McFadden inquired about whether the Carpenter Building had any historical importance; and referenced the buildings in the Hayti area that were demolished for urban renewal. She stated keeping the Carpenter Building would result in more cost to the project.

Council Member Davis asked when would the staff be prepared to discuss the most recent analysis submitted by DAD and Preservation Durham.

Deputy City Manager Ferguson stated the staff was comfortable standing by their opinions shared; and noted if the Council indicated that was a preferred scheme, they would ask the design team to provide an analysis; and noted some of the objections shared by the staff would remain a part the analysis. Mr. Ferguson stated the additional analysis would be more of a feasibility test to make certain the design presented could in fact meet the programmatic requirements.

Mayor Bell stated there were speakers to the item.

Victoria Peterson spoke in opposition for the City to spend \$80 million to build a new police headquarters; referenced citizens voting on the Durham Bulls Stadium years ago; requested that the voters decide on approving a new police headquarters; and preferred funds be used to develop programs that would address crime and mental health in the City of Durham.

Mayor Bell noted that the ball stadium was not constructed by referendum; stated Council had the authority to build the police headquarters without a referendum; regarding the violence in the community he stated that coinciding with his tenure as Mayor, the crime index for violent crime per 100,000 people; and presently the City's population was 251,000 and noted crime was lower than it was in 2001; for violent and property crime indexes; and reiterated he considered crime statistics for the City every day; and that if a citizen had a solution or solutions to the crime, he was receptive to them.

Minister Rafiq Zaidi, a resident of Duke Street, referenced comments in the Herald Sun by s a staff person regarding the police department being a pro/con matrix; called for an environmental impact study of the selected parcel; and emphasized the need for funding of mental health trained professionals, youth programming and affordable housing; in lieu of spending \$80 million on a police headquarters.

Ellen Cassilly, representing Durham Area Designers, thanked Council for allowing DAD to provide feedback on the various schemes; referenced the recent proposal they submitted with two main goals being police safety and good urban planning; and added that schemes 2, 4 and 5 addressed Main Street presence and activation.

Wendy Hillis, representing Preservation Durham, stated her organization partnered with Durham Area Designers on the alternate scheme provided; spoke to the importance of the Carpenter Building; stated that although there was no civil rights history associated with the building, the building had architectural merit; referenced her conversations with the state historic preservation

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office regarding listing the property in the national registry of historic places; regarding the additional \$3.9 million to save the Carpenter Building, she asked the council to consider this from a private development standpoint; stating if the parcel was sold which lead to a private developer they could take advantage of preservation tax credits; 20 percent federal credits with an alternative building code. She stated indeed with a budget over \$18 million; how could the Council not maximize the return on what they had available. Ms. Hillis referenced the plan they provided; the 3 sites; stating at \$26 a square foot which the City paid for the site; which was \$1.4 million; adding to that the demolition costs for the Carpenter Building and not having to abate the Carpenter Building; which she felt was a potential savings.

David Arneson endorsed the Durham Area Designers' scheme; referenced statements in the UDO which he felt were relevant to the issue; questioned the reason for the headquarters being placed on Main Street; asking what function did that achieve; how did it benefit the community or the police department; and spoke to the benefit of retaining the Carpenter Building and generating money by selling the property.

Leslie Frost spoke to a shooting incident in her neighborhood that had just occurred; asked the Council to reopen the site selection process in order to choose a better site for the police department; asked that Main Street be opened up for the type of development that would connect East Durham to Downtown; which would also save the historic buildings that created the fabric of the City.

John Martin stated he had been a resident of Durham for a very long time and had seen Durham continue to make the same mistakes over and over again; agreed with the Mayor Pro Tempore's statement regarding demolishing buildings in the Hayti area; stated the City continues to demolish buildings and in a few years it is regretted. He asked the Council to delay the process allowing the proposal submitted by the Durham Area Designers to be reviewed.

Marcus Jackson, of Trademark Properties, stated a private buyer would be interested in the Carpenter Building; stated there was a serious momentum and rising interest in the City of Durham; and stated the area around Ramseur Street is going become an important part of the City to bring in "eclectic funky businesses" that would get priced out of the core part of downtown.

Tim Walter stated he was interested in helping connect East and West Durham; referenced the 900 spaces of restricted parking that would be built and no added public parking; which would not add much to the street life in the area.

After comments from the public, discussion and/or comments was held on the viability of selling the Carpenter Building; the differences in the schematics of 4 and 5; sidewalks being required around the perimeter of the site; visitor parking for the headquarters being 72 spaces; the original estimate of \$3.9 million for the city to incorporate some of the programmatic space in the Carpenter Building; the estimate of \$4.2 million to return the building to a useable core and shell facility; support of the land area around Ramseur for private development; if the city released the triangular area and the Carpenter Building; would the city have any control on the design; the \$9.6 million reductions in accommodations; possible resale of the current police headquarters on Chapel Hill Street as well as the office located on Rigsbee; the City continuing to expand police personnel due to the increase in population; the County's agreement to contribute funds to the

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communications center; O'Brien Atkins' belief that the DAD proposal misses an opportunity to have a positive impact on Main Street; the advantages of the police headquarters being located on Main Street vs. being behind Carpenter Building; or another building that might be in the triangle; building a headquarters behind the commercial buildings if they were present; the staff explained why they felt the DAD proposal might compress the site; the need for DAD proposal to be vetted more thoroughly; and support for O'Brien Atkins vetting the Durham Area Designers proposal.

Mayor Bell and Council Member Catotti reminded those in attendance that the East Main Street location was not the preferred site location; and the decision was made a new police facility was needed.

The Mayor stated he was not in favor of saving the Carpenter site; he could not see placing that amount of money into the building especially when the architects informed them of its value; and asked if there had been any offers to purchase the Carpenter Building.

Assistant Director of General Services Jina Propst replied there had been no offers.

David Arneson stated that he had been speaking with a developer who had expressed some interest in learning more about the building; however, could not make any commitments.

Wendy Hillis stated the building had not been marketed; however, since it is now owned by the City she felt it was on the people's radar that it would be available.

Mayor Bell stated if someone had an interest in the building they would have expressed it to the owners; independent of the fact that the City owed it. He stated there was no interest until this point; the police headquarters.

Leslie Frost stated she did have a conversation with a developer who thought the City had paid too much for the site; and stated the developer had been interested in the site. Ms. Frost stated the momentum for this area of town is just beginning to rise.

Assistant Director of General Services Jina Propst stated for the Carpenter site the City paid \$5.49 million.

Mayor Bell stated he valued that the Durham Area Designers had come up with a sixth proposal; and he was supportive of the architects reviewing the proposal submitted; with a report provided to the Council. He stated he could only support keeping the Carpenter Building if a private developer would purchase and with a guarantee that would occur.

Kevin Montgomery, of O'Brien Atkins, stated the other five schemes presented to Council were vetted in terms of drawing amounts; he stated the DAD proposal was a diagram and they would need to go back and bring it up to the same level; and stated at this point in time there is a difference. Mr. Montgomery stated it would take them at least one to two weeks to vet the design; stated there would need to be some cost vetting; he noted the same type of work would have to be done as with the other five schemes presented; which would be an additional cost.

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Mayor Bell stated for a project of such importance and size, it was Council's duty to ensure an accurate vetting of all six schemes.

Due to comments raised by some of the speakers, Council Member Davis expressed a desire that Council hear from the Police Department regarding the violent incidents occurring in Durham; and felt it would be beneficial to hear from Police.

Mayor Bell stated Council Member Davis' comments were valid; however; he did not want to jeopardize any police investigations that were underway; and stated he would rather for the Council to deal with the police headquarters project.

Council Member Davis stated he understood this was not the appropriate time; but he would like to have the discussion when appropriate.

Council Member Moffitt expressed the challenge of the issue that involved balancing the need of the men and women working for the City, the impact on Main Street and its inhabitants east and west of the site, the impact on the community and long-term capital spending implications; stated the costs were related to the program and uses of the building; stated he was very concerned about the costs; asked the staff to provide cost per square foot with peer cities for facilities they have built; asked if it was important to have a statement building on Main Street; raised concern regarding the conflict between the need to activate Main Street; and safety and security of the employees working in the building and the site; acknowledged the DAD proposal pushed the building back from Main Street; addressed the historical context and preserving such while being cost effective; spoke to selling the triangular parcel for additional uses along Main Street without costing the City \$4 million.

City Manager Bonfield restated the directive was to request the architect to vet the design site proposal submitted by Durham Area Designers with a report back to the Council at the September 24<sup>th</sup> or October 8<sup>th</sup> work session.

Mayor Bell stated Council Member Davis' concerns would be addressed after the public hearing items.

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

**SUBJECT: ZONING MAP CHANGE-US 70 SELF STORAGE CENTER (Z1400020)**

Assistant Planning Director Patrick Young stated the public hearing had been advertised in accordance with the provisions of law with the documentation on file in the Planning Department; stated the Zoning Case was Z1400020, US 70 Self Storage Center; stated the item was a request to change the zoning designation of approximately 7.55 acres of a 14.1 acre parcel located at 3415 East US 70 Highway, from its current designation of Industrial Light with a development plan to Industrial Light with a development plan with modified committed elements, for a proposed self-storage center.

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He stated the development plan associated with the request included commitments above ordinance minimums, including dedication of right-of-way along US 70 Highway and reservation of land for the future extension of Page Road planned for the location; requested that Council note that the applicant was seeking approval of a fence greater than four feet in height in the street yard along East US 70 Highway – in lieu of a minor special use permit – by inclusion on the development plan; indicated that staff and the Planning Commission raised concerns about non-compliance with the *Comprehensive Plan* policy that recommended adherence to the adopted Metropolitan Transportation Plan (MTP) and the Wake-Durham Comprehensive Street System Plan (Collector Street Plan); added that the MTP and Collector Street Plan called for US 70 at the location to be converted in the future to a limited access highway and that therefore new driveway connections onto US 70 be discouraged. The applicant’s proposal called for a new driveway connection onto US 70; stated it was staff’s opinion that text commitment #3 - as depicted on the cover the development plan and would be modified by the applicant - substantially addressed the concerns regarding compliance with the MTP and Wake-Durham Collector Street Plan to the maximum extent practical. The text commitment did so by requiring that the requested driveway onto US 70 be closed and that alternative access to the site be provided at no cost to the City or County at such future time that NCDOT converted the segment of US 70 into a limited access facility. Staff believed the commitment was legal and enforceable and recommended that it be accepted by Council; staff determined that the applicant’s proposal complied with all other provisions of the ordinance and policy; and finalized his comments by stating that the Planning Commission recommended denial on April 14, 2015 by a vote of 1-10.

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

Council Member Moffitt requested clarification on the additional proffer for commitment 3.

Mr. Young responded that commitment 3 should be on the face of the draft development plan and speaks about actions the applicant will take to ensure temporary access to US 70; and will be removed as such time as NCDOT limits access with the facility. He stated this added additional timing mechanism that an easement will be dedicated to ensure the cross access prior to the issuance of the first building certificate of occupancy; which would need to be formally proffered by the applicant.

Ron Horvath, the applicant, explained the proffer that would be acceptable and compliant with the major transportation corridor plan; he stated it would be a mechanism to record the easement for the driveway, a definitive date; he stated in paragraph 3 the last sentence; “if and when the access drive is closed, such permanent access easement will be memorialized in an easement agreement between the affected property owners to be recorded in the Durham County Register of Deeds prior to the issuance of the first building certificate of occupancy; and to run with the title of the property.” He stated neither did NCDOT or the City want the expense associated with closing the driveway or relocating it; and stated his client was willing to assume that task.

Attorney Jeff Bandini, representing the applicant, provided the legal perspective by stating his client applied for a driveway permit from NCDOT; NCDOT offered to issue a permit conditional upon the driveway connection being closed in the future when the highway was made limited access; stated there would be no compensation to land owner for closure; stated they have communicated with the adjoining property owner from whom his client was buying the property;

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the property owner had agreed to provide access easement at closing to provide access over property; his client would have the right to build road over property when DOT driveway connection was closed or when a connection to Page Road was devised; emphasized they had conducted this type of process several times with DOT and never had a problem; and stated the agreement would bind current and future land owners; and the agreement would run with the title of the property.

Council Member Catotti requested clarification asking if it was the intent to build the driveway now; and move it when US 70 was upgraded.

Attorney Bandini replied that is correct; when NCDOT closes the driveway connection, his client would build the road across the adjoining property.

Council Member Catotti summarized that US 70 was considered clogged, problematic and not at a good level of service, stated it was not just when NCDOT and/or local MPO received funds for upgrades, she was not convinced that any support be provided for additional driveway access on US 70 at the present, temporary or otherwise.

Bill Judge, of the Transportation Department, confirmed that additional access points led to additional congestion; that was the reason for limited access or controlled access facilities, noted the driveway connections were removed; the existing zoning did not allow for the driveway; and stated the applicant had gone to NCDOT with the proposal and NCDOT indicated they would approve a driveway permit with the conditions referenced.

Council Member Catotti inquired about building the alternate driveway instead of accessing US 70.

Mr. Horvath responded that there was a single driveway for 100 acres of land with 2500 feet of linear frontage on US 70; stated the access point was used exclusively by tractor trailers; explained he did not want the general public mixing with industrial traffic for safety reasons; and noted that a deceleration lane to be built on US 70 right-in, right-out, to get traffic out of the lane and into the driveway without dramatic impact to the existing traffic flow.

Attorney Bandini stated when they record the subdivision plat, language is placed on the plat that contained the covenant to remove the driveway; essentially the current property owner and future property owner waive all rights to compensation.

Council Member Moffitt referenced that the report in the agenda stated it was not consistent with the Metropolitan Transportation Plan and asked if staff would revise this or not; and inquired what the current development plan allowed for the site.

Assistant Planning Director Patrick Young responded that by providing new access, it was not technically compliant or consistent with the Metropolitan Transportation Plan; stated that he intended to say earlier that the commitment, clarified by the applicant, provided the most mitigation short of removing the new access to compliance and provided the best legal and enforceable mechanism to ensure removal of the access at the time; which the facility has limited access; responded that the 1996 development plan allowed development on the eastern portion of

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the tract of about a 14 acre parcel consisting of a trucking company, and no development was allowed on the tract that was presented before Council tonight along with no vehicular access.

Mayor Bell inquired if the proposals were presented at the Planning Commission; and referenced the strong denial by the Planning Commission.

Mr. Young responded the committed element #3 that was modified this evening was worded differently at the Planning Commission and less strong; stated what the staff represented at that time, they were not sure it was enforceable. He stated at the commission meeting, the facts were substantially different; and noted what was being presented this evening was much improved and staff felt comfortable.

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

A motion was made by Council Member Brown seconded by Council Member Moffitt to approve the item.

Council Member Moffitt stated that requiring the easement in hand prior to the building permit and certificate of occupancy would be his fall back; which has been included; stated he was conflicted that there was a development plan on the entire site, and that the proposal was severing off half of the site with a new development plan; referenced the comments from the Planning Commission where the major issue was around access; and stated although he had some hesitation, he would be voting in favor.

**MOTION** by Council Member Brown, seconded by Council Member Moffitt, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400020 out of Industrial Light with a development plan (IL(D)) and placing same in and establishing same as Industrial Light with a development plan (IL(D)) was approved at 9:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: Council Members Catotti and Davis. Absent: None.

**ORDINANCE #14830**

**MOTION** by Council Member Catotti, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt a consistency statement as required by GS 160A-383 was approved at 9:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z1400020, US 70 Self-Storage Center

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Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

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

That final action regarding zoning map change Z1400020, US 70 Self-Storage Center, 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: CITIZENS ADVISORY COMMITTEE – APPOINTMENT**

To appoint citizens to fill two (2) vacancies on the Citizens Advisory Committee with one term to expire on June 30, 2016 and one term to expire on June 30, 2018.

City Clerk Gray announced that by ballot, Barry Burch received 7 votes; and Matthew McKirahan received 5 votes for appointment to the Citizens Advisory Committee.

**SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION - APPOINTMENT**

To appoint a citizen to fill one (1) vacancy on the Durham Bicycle and Pedestrian Advisory Commission representing At-Large with the term to expire on August 31, 2018.

By ballot, City Clerk Gray announced that Andrew Hutson received 4 votes for appointment to the Durham Bicycle and Pedestrian Advisory Commission.

Mayor Bell recognized Council Member Davis for comments regarding the Police Department.

Council Member Davis asked Council to have some discussion on the amount of violence that had occurred over the last few weeks. He stated he did not want to put the Police Department in a position speaking about matters that would be more appropriate to discuss later.

City Manager Bonfield indicated that Police Chief Lopez was in attendance; stated there were many unrelated issues that had occurred over the last several weeks that the Police Department had faced; indicated that staff was not able to address the incident that had occurred on Saturday and that it was still under review; noted that details of the shootings were not yet ready to publicize in

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accordance with standard protocol; commented on the homicide this evening stating the Chief was anxious to get to the scene of the crime; reassured that resources were being ramped up to monitor and respond to occurrences; and if there were specific questions, he would attempt to respond.

The City Manager stated if there were questions of strategy, those inquiries would be more appropriate for a different forum; and encouraged Council Member Davis to communicate those questions to Chief Lopez.

Council Member Davis stated he was interested in sharing with the Durham community the Council's outrage and disgust regarding recent incidences, future plans to abet or offset some of the things that had gone on; respected protocol wanting to give fairness to all involved including the Police Department; and more importantly letting the public know that the Council was concerned.

Mayor Bell spoke to current and historical statistical data on crime; verified that there had been a decrease in the level of violence per 100,000 from 2001 to 2014, a decrease of 15-18%; property crime had fallen from 2001 to 2014; although the statistics were down, it did not diminish his concern about the violent crime in Durham; stated he was concerned about the level of violence in the community on a daily basis; felt disturbed by the crime reports of the suspects; in reviewing who the victims are; stated the race and age ranged from 16-30 years of age; with the majority of them being African-American males. He emphasized the need to find solutions to deal with the violence, noted law enforcement could not solve it alone; and stated if you were a victim of crime, the crime statistics he mentioned being lower; would not mean anything to the victim; which was understandable.

Mayor Pro-Tempore Cole-McFadden stated that the Mayor had asked community members to step up and mentor youth; asked how many individuals who had become mentors; stated the police could not do it all; spoke on the deterioration of the family unit, the lack of hope the children have; stated something needed to be done in society to improve things; and encouraged citizens to report incidents to the Police Department.

Council Member Davis stated his comments were not personal; and reiterated that addressing the issue of crime was the responsibility for the entire community.

There being no further business to come before Council, the meeting was adjourned at 9:28 p.m.

Dianalynn Schreiber, CMC, NCCMC  
Deputy City Clerk

D. Ann Gray, MMC, NCCMC  
City Clerk