

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 5, 2015
7:00 P.M.**

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

Also present: City Manager Thomas J. Bonfield, Senior Assistant City Attorney Emanuel McGirt, 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 a proclamation for “Imagine a Day Without Water” to Vicki Westbrook, Assistant Director of Water Management.

Ms. Westbrook addressed the audience about the importance of the natural resource, water; appreciated the proclamation and was accepting it on behalf of the employees of her department; encouraged the community to consider how life would be impacted without water; and referenced the video: <http://bit.do/valuewater>.

Mayor Bell read and presented a proclamation for “Domestic Violence Awareness Month” to Charlene Reiss, Sexual Assault Response Team Coordinator.

Ms. Reiss expressed gratitude for the proclamation; and referenced the agencies who served victims of domestic violence in Durham.

Mayor Bell read and presented a proclamation for “National Arts and Humanities Month” to Sherry Devries, Executive Director of Durham Arts Council; and North Carolina State Senator Mike Woodard, President of the Board for the Durham Arts Council.

Senator Mike Woodard stated that the arts were part of the great things happening in Durham; confirmed that a record-breaking 35,000 persons attended this year’s *CenterFest* in Downtown; and looked forward to continuing the relationship between the City and the arts community.

Sherry Devries, Executive Director of the Durham Arts Council, thanked Council for their support of the proclamation and for promoting the celebration of “National Arts and Humanities Month;” referenced the Piedmont Laureate Program; and introduced the 2015 Piedmont Laureate James Maxey; and spoke to his accomplishments.

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Mr. Maxey spoke to the popularity of the genre of speculative fiction in the Triangle; and summarized his theme, the *Super Hero Inside Us All*.

Mayor Bell read and presented a proclamation for “Long-Term Care Residents’ Rights Month” to Gwendolyn Price, Co-Chair of the Durham County Adult Care Home Committee and Nursing Home Committee, along with her committee members.

Ms. Price thanked Council for the recognition; spoke to operations that involved visiting local facilities in Durham; and was dedicated to ensuring the rights of individuals in long-term care facilities.

[ANNOUNCEMENTS BY COUNCIL]

There were no announcements by Council.

[PRIORITY ITEMS]

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

City Manager Bonfield stated he had no formal items; referenced distribution of a flyer regarding the Durham-Orange-Chatham Counties Parade of Homes; stated this year’s Parade of Homes featured a home located on South Street built by the Durham Building Company; and emphasized the home was a tribute to Council’s efforts to promote the Southside neighborhood.

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

The Mayor explained the Consent Agenda was passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda. No items were removed from the Consent Agenda for discussion.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to approve the Consent Agenda as printed was approved at 7:27 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: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to approve the City Council minutes for the August 3, 2015 City Council Meeting; August 6, 2015 Special Meeting and the August 6, 2015 Work Session was approved at 7:29 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: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to accept the streets and infrastructure for maintenance by the City of Durham was approved at 7:29 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.

Riverside on the Eno

- 1) Golden Heather Drive – from the north curb line of Rose of Sharon Road north through the cul-de-sac (1,238’) and
- 2) Piney Ridge Court – from the centerline of Golden Heather Drive east through the cul-de-sac (139’) and
- 3) Glenn Glade Drive – from the centerline of Golden Heather Drive west to the end of construction @ STA 12+31.83 (232’) and
- 4) Reynolda Circle – from the centerline of Golden Heather Drive east to the end of construction @ Eno Forest Phase B (229’).

Riverside on the Eno – Additional Infrastructure

- 1) Sanitary Sewer Outfall – from the end of Golden Heather Drive northward to the existing sewer outfall at Eno Forest (370’) and
- 2) Sanitary Sewer Outfall – from the sewer manhole located in Golden Heather Drive west to the end of construction (164’).

Green Gardens – Phase II

- 1) Coral Drive – from the end of Phase I construction south to the end of Phase II construction @ STA 23+85.99 (850’) and
- 2) Lemongrass Lane – from the centerline of Coral Drive southeast to the centerline of Turmeric Lane (800’) and
- 3) Turmeric Lane – from the end of Phase I construction west to the centerline of Coral Drive (1,225’) and

Green Gardens – Phase II – Additional Infrastructure

- 1) Sanitary Sewer Outfall “A” – from the sewer manhole in Lemongrass Drive southeasterly to the sewer manhole in Turmeric Lane (880’) and

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- 2) Sanitary Sewer Outfall “F” – from the sewer manhole in Turmeric Lane south to the southern edge of Phase II construction (170’).

Hills at Southpoint – Phases 1, 1B, 1C, 2A, 2B, 2C & 3B

- 1) South Heritage Drive – from the east curb line of Fayetteville Road east to the centerline of South Bend Drive (173’) and
- 2) South Bend Drive – from the centerline of South Bend Drive @ STA 19+46.59 north past South Heritage Drive looping back to the centerline of South Bend Drive and proceeding southward to the centerline of Swift Creek Crossing (5,665’) and
- 3) Eastcrest Court – from the centerline of South Bend Drive north through the cul-de-sac (176’) and
- 4) Woodcreek Court – from the centerline of South Bend Drive southeast through the cul-de-sac (128’) and
- 5) Thompsonville Court – from the centerline of South Bend Drive north through the cul-de-sac (605’) and
- 6) Sagerview Way – from the centerline of South Bend Drive east then north and around past South Bend Drive to the end of construction @ STA 24+06 (1,406’) and
- 7) Misty Pond Court – from the centerline of Sagerview Way southeast through the cul-de-sac (148’) and
- 8) Beaufort Court – from the centerline of South Bend Drive northwest through the cul-de-sac (223’) and
- 9) Colbury Court – from the centerline of South Bend Drive southwest through the cul-de-sac (134’).

Hills at Southpoint – Additional Infrastructure

- 1) Sanitary Sewer Outfall “D” – from the manhole at STA 13+10.22 at the edge of Misty Pond Court east to the sewer outfall @ STA 10+00 (310’) and
- 2) Sanitary Sewer Outfall “E” – from the manhole at STA 36+73.41 in South Bend Drive east to the sewer outfall @ STA 10+00 (204’).

Del Webb Arbors – Phase 1

- 1) Del Webb Arbors Drive – from the northwest curb line of Andrews Chapel Road north to the end of Phase 1 construction @ STA 31+72.74 (2,178’) and
- 2) Rosedale Creek Drive – from the beginning of Phase 1 construction @ STA 37+84 west past Del Webb Arbors Drive through the cul-de-sac (2,745’) and

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- 3) Dickson Mill Lane – from the centerline of Rosedale Creek Drive south to the end of Phase 1 construction @ STA 12+05 (205') and
- 4) Gaston Manor Drive – from the centerline of Del Webb Arbors Drive west to the centerline of Rosedale Creek Drive (2,162') and
- 5) Gaston Manor Drive - from the centerline of Del Webb Arbors Drive northerly around the loop to the end of Phase 1 construction @ STA 31+80 (2,180') and
- 6) Manning Way – from the centerline of Farintosh Valley Lane east to the centerline of Gaston Manor Drive (1,221') and
- 7) Farintosh Valley Lane – from the beginning of Phase 1 construction @ STA 8+24 north to the end of construction at the private rights-of-way @ STA 16+95 (871').

Del Webb Arbors – Phase 1 – Additional Infrastructure

- 1) Sanitary Sewer Outfall #1 – from the manhole in Rosedale Creek Drive west to the existing sanitary sewer outfall @ STA 2+74.94 (225') and
- 2) Sanitary Sewer Outfall #2 – from the manhole in Gaston Manor Drive west to the existing sanitary sewer outfall @ STA 2+91.17 (215') and
- 3) Sanitary Sewer Outfall #3 – from the manhole in Farintosh Valley Lane north to the existing sanitary sewer outfall @ STA 3+03 (227') and
- 4) Sanitary Sewer Outfall #4 – from the manhole @ STA 10+16.17 southeast of Gem Yarn Lane, west then south to the Del Webb Arbors pump station wet well @ STA 74+22.77 (5,971') and
- 5) Sanitary Sewer Force Main – from Del Webb Arbors pump station wet well northward to the gravity sewer main @ STA 25+77.81 (19,592') and
- 6) Sanitary Sewer Outfall #5 – from the Brightleaf Pump Station wet well @ STA 10+00 southeasterly to the end of construction @ STA 25+77.81 (1,578') and
- 7) Sanitary Sewer Outfall #6 – from the manhole in Del Webb Arbors Drive west to the end of the private rights-of-way portion of Farintosh Valley Lane (1,242') and
- 8) Water Main – from the Durham/Raleigh interconnection on US 70 Hwy @ STA 0+00 southeast then east on T.W. Alexander Drive then north on Del Webb Arbors Drive to Andrews Chapel Road (5,310').

Crystal Meadows

- 1) Pinetree Lane – from the centerline of Camellia Drive east through both hammerheads (590') and

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- 2) Ramblegate Lane – from the centerline of Bogarde Street west through the cul-de-sac including the hammerhead to the south (451’).

Additional Streets

- 1) Jubilee Lane - from the centerline of Pilot Street southwest through the cul-de-sac (745’) and
- 2) Laurel Avenue – from the centerline of Angier Avenue northeast to the centerline of Stokes Street (472’) and
- 3) Hoffler Lane – from the centerline of New Hope Commons Boulevard southeast to the west curb line of the Hwy 15-501 Service Road (362’).

Street Limits Correction

- 1) Bexley Avenue – from the east curb line of Hope Valley Road east to the end of street maintenance and recorded rights-of-way (2,015’) and
- 2) East Shoreham Street – from the north curb line of W. Cornwallis Road to the centerline of East Woodridge Drive (1,594’) and
- 3) West Woodridge Drive – from the north ditch line of W. Cornwallis Road eastward to the west curb line of University Drive (1,688’) and
- 4) East Woodridge Drive – from the east curb line of University Drive eastward to the centerline of East Shoreham Street (1,119’).

**SUBJECT: GENERATOR MAINTENANCE AND EMERGENCY REPAIR SERVICES
CONTRACT 2014 AMENDMENT NO. 1 WITH NATIONAL POWER
CORPORATION**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to authorize the City Manager execute a contract amendment with National Power Corporation for the Generator Maintenance and Emergency Repair Services not-to-exceed annual expenditure of \$204,863.00, renewable annually at the option of the City Manager for up to four (4) additional years was approved at 7:29 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 - AUGUST 2015

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to receive a report and to record into minutes bids which were acted upon by the City Manager during the month of August 2015 was approved at 7:29 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.



1869
CITY OF MEDICINE

City of Durham | North Carolina

Date: August 31, 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 - August 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 August 2015.

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

- Bid:** OnBase Agenda Management Software Upgrade

Purpose of Bid: Provides the Technology Solutions Department with OnBase Agenda Management Module solution, which is a project to streamline and centralize the agenda creation, attachment, conversion and web publishing of our existing OnBase Agenda Approval Workflow System.

Comments: Databank IMX LLC is the sole authorized provider for the City of Durham's OnBase Management System.

Opened: 08/07/2015

Bidders: Databank IMX, LLC * \$37,500.00
Beltsville, MD

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	584		# Black Males	20	3%
Total # Females	292	50	# White Males	235	41
		%			%
Total # Males	292	50	# Other Males	37	6%
		%			
			# Black Females	39	6%
			# White Females	167	29
					%
			# Other Females	86	15
					%

2. Bid: Fire Protection Clothing

Purpose of Bid: Provides the Fire Department with nine (9) sets of replacement protection turnout gear.

Comments: Priced in accordance with the City of Charlotte Cooperative Purchasing Alliance Agreement Pricing. (Contract # 1200344).

Opened: 8/13/2015

Bidders: Municipal Emergency Services (MES) * \$15,259.00
Charlotte, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	39		# Black Males	0	0%
Total # Females	10	26	# White Males	28	72
		%			%
Total # Males	29	74	# Other Males	1	2%
		%			
			# Black Females	0	0%

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# White Females	10	26%
# Other Females	0	0%

- 3. Bid: Replacement Computer Server**
 Purpose of Bid: Provides the Water Management - Administration Division with one (1) replacement computer server.
 Comments: Priced in accordance with the City of Charlotte Cooperative Purchasing Alliance Agreement Pricing. (Contract # 1200800).
 Opened: 8/18/2015
 Bidders: CDW-Government Inc. * \$33,016.00
 Vernon Hills, IL

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

**WORKFORCE STATISTICS
 CORPORATION STATISTICS**

Total Workforce	6939		# Black Males	284	4%
Total # Females	1986	29%	# White Males	373	54%
				9	%
Total # Males	4953	71%	# Other Males	930	13%
					%
			# Black Females	158	2%
			# White Females	144	21%
				0	%
			# Other Females	383	6%

- 4. Bid: Replacement Exchange Grinders**
 Purpose of Bid: Provides the Water Management Department with two (2) replacement Muffin Monster Exchange Grinders units for the South Durham Water Reclamation Facility.

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Comments: JWC Environmental is the sole authorized provider for the Muffin Monster Exchange Grinders which grind rags, plastics, leaves, branches, clothing and debris into small particles that flow easily through pumps and system.

2 units @ \$7,830.00

Opened: 8/19/2015

Bidders: JWC Environmental * \$15,660.00
Durham, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	119		# Black Males	16	13%
Total # Females	<u>10</u>	9%	# White Males	<u>84</u>	<u>70%</u>
Total # Males	<u>109</u>	<u>91%</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>

5. **Bid:** **Replacement Chemical Feed System**
Purpose of Bid: Provides the Water Management Department with two (2) replacement chemical feed systems for the Brown Water Reclamation Facility.

Comments:

2 units @ \$8,027.50

Opened: 8/20/2015

Bidders: Heyward Services * \$16,055.00
Charlotte, NC
United States Plastic Corporation \$18,307.80
Lima, OH

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

WORKFORCE STATISTICS

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CORPORATION STATISTICS

Total Workforce	<u>37</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	12	33	# White Males	23	62
		%			%
Total # Males	<u>25</u>	<u>67</u>	# Other Males	<u>2</u>	<u>5%</u>
		%			
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	11	30
					%
			# Other Females	<u>1</u>	<u>3%</u>

SUBJECT: PROPOSED TEMPORARY CONSTRUCTION EASEMENT AND REVOCABLE USE EASEMENT WITH EMPRESS DEVELOPMENT LLC FOR SHARED USE OF ALLEY ADJACENT TO 112 WEST MAIN STREET

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to accept Empress Development LLC’s request to improve 410 square feet of public alley adjacent to 112 W. Main Street by granting a temporary construction easement and a revocable use easement (collectively the “Easement”); and

To authorize the City Manager or the Mayor to convey the easement by deed was approved at 7:29 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 SALE OF 110 CHESTNUT STREET BY UPSET BID - (PARCEL #118597)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to declare the city-owned property located at 110 Chestnut Street surplus;

To propose to accept the offer of \$20,000.00 from Chad Perry to purchase 110 Chestnut Street and to advertise for upset bids pursuant to the procedure set forth in N.C.G.S. §160A-269;

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

To authorize the City Manager or the Mayor to convey 110 Chestnut Street via non-warranty deed was approved at 7:29 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 SALE OF VARIOUS PROPERTY INTERESTS TO LAMBERT DEVELOPMENT HUNT STREET, LLC FOR THE PARKSIDE AT MORRIS RIDGE PROJECT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to declare the property interests located at 501 Foster Street surplus;

To propose to accept from Lambert Development Hunt Street LLC compensation totaling \$209,396.00 to purchase the property interests enumerated in the executive summary, all of which are shown on the plat entitled, "Redevelopment Plat for Lambert Development Hunt Street LLC," which will be recorded at the Durham County Register of Deeds if this transaction is completed;

To authorize allocation of funds as enumerated in the Financial Impact section;

To advertise for upset bids pursuant to the procedure set forth in N.C.G.S. §160A-269;

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

To authorize the City Manager or the Mayor to convey the property interests via non-warranty deed was approved at 7:29 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 DESIGN SERVICES FOR THE DEPARTMENT OF TRANSPORTATION'S SIGN AND SIGNAL SHOP OPERATIONS – DTW PLANNERS & ARCHITECTS, LTD

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to authorize the City Manager to execute a professional services contract with DTW Planners & Architects, LTD for an amount not to exceed \$243,700.00;

To establish a design contingency in the amount of \$36,300.00; and

To authorize the City Manager to negotiate and execute amendments to the professional services contract with DTW Planners & Architects, LTD provided the total cost does not exceed \$280,000.00 was approved at 7:29 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 HISPANIC-LATINO COMMITTEE REQUEST TO BE AN OFFICIAL COMMITTEE

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to recognize the Mayor's Hispanic-Latino Committee as an official committee of the City of Durham

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was approved at 7:29 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 September 24, 2015 Work Session:

3. An Ordinance to Revise the Temporary Street Closing Procedures for Special Events
(This item was referred back to the Administration - City Manager's Office)

11. Police Headquarters Update
(An update was received at the 09-24-15 Work Session)

13. Durham Performing Arts Center (DPAC) Oversight Committee Annual Report
(A presentation was received at the 09-24-15 Work Session)

14. Mayor's Poverty Reduction Initiative Update - Health Task Force
(A presentation was received at the 09-24-15 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT

Wesley Parham, of Transportation Department, stated the staff recommended authorizing the Mayor to send a letter to GoTriangle endorsing the recommended preferred alternative in the Draft Environmental Impact Statement for the Durham-Orange Light Rail Project.

He stated the proposed letter was presented to City Council on September 21st and Council deferred action on the matter pending the outcome of the project's public hearings. The hearings were held Tuesday and Thursday, October Sept 29th and October 1st, and the staff summary of the oral comments was provided and included in the agenda materials; he noted the 45-day public comment period remained open through October 13th; indicated the draft letter before Council for approval, was modified following the September 21st Council meeting; stated the modification occurred in the first sentence of the last bullet of page 1; and indicated the wording was changed in response to Council Member Davis' recommendation at the September 21st City Council meeting.

Mr. Parham noted the attendance of the GoTriangle staff to answer any remaining questions by Council; verified that staff recommended that Council authorize the Mayor to move forward with the proposed letter to GoTriangle endorsing the recommended preferred alternative in the Draft Environmental Impact Study for the Durham-Orange Light Rail project.

Mayor Bell stated there were speakers to the item.

Mark Iwinski, of Quincemoor Road, expressed support for the light rail project; as a visual artist, encouraged Council to intertwine public art with transportation by incorporating public art as an

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integral element of the mass transit project; and requested approval of 1% funding for the arts as it applied to light rail and related CIP projects within the appropriate jurisdictions.

Dan Jewell, representing Durham Area Designers, stated his organization supported the light rail project; and requested the consideration of additional language in the draft letter that supported the addition of the Center City Station, with adjustments for two of the downtown stations; and expressed continued support for exploring the Alston Avenue option.

Council Member Moffitt suggested four additions to the letter based on feedback the Council had heard over the last few weeks:

- The City is aware of the concerns of those who would like to see the Alston Avenue transit station located to the east of Alston Avenue. Given the economic and technical engineering constraints, it appears that it is not feasible to relocate the station beyond its proposed location. In the event there is an analysis by GoTriangle and the FTA that these constraints can be overcome, the City supports such a move.
- The City requests that during the project engineering phase GoTriangle carefully evaluate the feasibility of modifications to the locations of the Buchanan Station and the Durham Multi-modal Transit Station as well as the inclusion of the City Center Station, as recommended by the Durham Area Designers.
- The City requests that, in light of reasonable concerns by Durham residents of potential stormwater impacts at the proposed Rail Operations Maintenance Facility, GoTriangle investigate and implement stormwater controls at a level necessary to ensure water quality.
- The City requests that, in light of reasonable concerns by Durham residents related to access to and egress from the Downing Creek neighborhood, GoTriangle work with the neighborhood and other parties to ensure that Downing Creek residents have safe and convenient access to Highway NC 54.

Council Member Catotti stated the Farrington Rail Operation Maintenance Facility (ROMF) had many zoning hurdles ahead and admitted that she continued to struggle with whether the industrial use was compatible in the area. Given that, Council Member Catotti recommended adding the following language in the letter:

- Should problems arise with the recommended ROMF location, the City expects that GoTriangle will carefully evaluate the feasibility of a revised site for the ROMF at Cornwallis Road.

Council Member Davis requested the term “*wholeheartedly*” in the draft letter’s first paragraph, second sentence, be removed; and spoke to the community’s concerns regarding costs and inclusion.

Mayor Pro-Tempore Cole-McFadden voiced concerns raised by North Carolina Central University’s Chancellor regarding the university’s lack of inclusion; stated that even though a station could not be located in the area, it did not look right for a piece of the project to be at UNC and Duke, and not including some portion of the project at a predominantly black university; and

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indicated that North Carolina Central was not on the 2040 Transportation Plan; and requested that NCCU be included on the plan at some juncture.

Mayor Bell addressed Mayor Pro-Tempore Cole-McFadden's concerns; referenced his conversations with NCCU's Chancellor and referenced the Chancellor's letter regarding inclusion of NCCU. The Mayor stated the Chancellor understood the issues at hand; stated GoTriangle had taken the Chancellor's comments seriously and had worked to address her concerns; unfortunately, due to timing; economics and technical issues, it was not possible to include NCCU in the current phase; and stated pending the success of the light-rail as proposed, the second phase could include opportunity transfers to NCCU, via Alston Avenue down Lawson Street; Briggs to Durham Tech; and hopefully toward the Research Triangle Park.

Regarding Council Member Davis' request, Council Member Schewel suggested inserting the word "*strongly*" and deleting "*wholeheartedly*."

MOTION by Council Member Schewel seconded by Council Member Catotti, to authorize the Mayor to send a letter to GoTriangle endorsing the recommended alternative in the Draft Environmental Impact Statement (with the amended language added by Council Members Moffitt; Catotti and Davis) 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.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING TO CONSIDER ORDERING CURB, GUTTER AND PAVING, WATER MAIN, AND WATER AND SEWER LATERALS ON A PORTION OF OMAH STREET UNDER THE ENABLING ACT AUTHORITY

Robert Joyner, of the Public Works Department, briefed the Council on the request; recommended Council hold a public hearing; adopt the preliminary and final resolutions; and stated he was available for questions.

Council Member Catotti spoke to the costs of improvements in assessments; and inquired about the source of funding for the balance.

Mr. Joyner replied that the funds would come from a combination of water/sewer and general funds.

Council Member Schewel referenced the parcel owners of the properties fronting Omah and Carver Streets who had not signed the petition; and acknowledged Carver Street already had curb/gutter.

Council Member Moffitt asked if the Council voted tonight to approve the improvements, how long would it be until the improvements were installed.

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Mr. Joyner estimated design completion by 2019; and depending on the CIP, he estimated three to four years for construction.

Mayor Bell opened the public hearing.

Miranda Terry, resident of Omah Street, stated she was the petitioner and her concerns focused on quality of life; indicated that over 50% of the neighbors had signed the petition to go ahead and pave the street; stated the road was in very poor condition; and requested that Council approve the paving of the road.

Deborah Johnson stated she lived on Carver Street; did not feel it was appropriate or fair for her to pay \$4,400.00; she did have the funds; stated she resided on Carver and felt it was unfair for her to pay for paving for someone that lived on Omah; and stated the portion of Omah in question had never been paved; and asked why now.

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

Council Member Brown inquired about the amortization of the assessment, the annual payment; and about the source of the 9% interest rate.

Mr. Joyner responded that the repayment period was typically eight years; referenced the hardship policy available for a longer repayment period which ranged up to 15 years; referenced the current interest rate of 9%; noted the cost per linear feet for curb/gutter/paving; and stated for Ms. Johnson, the cost would be \$4,365.00; commented on the history of the 9% interest rate; and stated the Council could choose to set a lower interest rate.

Council Member Brown suggested a lower interest rate; stating it would be fair; and recommended reviewing increasing the amortization.

Mr. Joyner stated that the interest rate would be determined at the time of the final assessment; which was done at actual cost.

Mayor Bell inquired if there was criteria for establishing hardship.

Mr. Joyner confirmed that the hardship criteria was established by council resolution.

Mayor Bell suggested that the administration share the hardship criteria with Ms. Johnson.

Mayor Pro-Tempore Cole-McFadden concurred with Council Member Brown regarding the interest rate reduction; spoke to the Mayor's Poverty Reduction Initiative and the desire to not induce hardship on residents; and stated the City needed to work with the homeowner, Ms. Johnson.

MOTION by Council Member Catotti, seconded by Council Member Brown, to adopt a Preliminary Resolution on a Proposed Local Improvement;

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To receive comments to consider ordering curb, gutter and paving, water main, and water and sewer laterals on a portion of Omah Street under the Enabling Act Authority; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically curb, gutter and paving, water main and water and sewer laterals on Omah Street from the north property line of PIN 0832-17-02-3089 north to West Carver Street was approved at 7:59 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 Schewel, seconded by Mayor Pro Tempore Cole-McFadden, to include a note requesting that a future City Council consider lowering the interest rate at time of the final assessment was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ZONING MAP CHANGE-DAVIS PARK REVISIONS (Z1500015)

Patrick Young, Assistant Planning Director, certified for the record that all of the public hearings before the Council this evening had been advertised according to law; and affidavits were on file in the Planning Department.

Mr. Young presented the item as a request to change committed elements from an existing development plan originally approved in September of 2008; specifically, the applicant was requesting removal of commitments regarding restrictions on the number of stories allowable in residential buildings – instead defaulting to a maximum height limitation – the addition of additional allowable building materials, and other commitments detailed on page 2 of the staff report. If approved, the underlying zoning would remain Commercial General (or “CG”) with a development plan.

Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances and the Planning Commission recommended approval on August 11, 2015 by a vote of 12-2.

Mayor Bell opened the public hearing.

At the request of Council Member Catotti, Mr. Young referenced the difference between cementitious siding and panels; commented on the policy intent of the design commitments as indicated in the ordinance; and stated it was at Council’s discretion to approve a reduction or modification in terms of the design outcome.

Mayor Bell asked if there were citizens who would like to speak on the item. Being none, the public hearing was closed by the Mayor.

A motion was made by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Brown, to approve the item as presented by the staff.

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Council Member Schewel stated he appreciated Council Member Catotti's questions regarding the change in building materials; indicated the item was initially passed by Council with a combination of materials specified as part of the development plan; text commitment; and stated the specified plan was worse than what was originally committed to; and that he planned to vote against the item.

Mayor Bell acknowledged the public hearing was closed; however, since Council had raised questions for the applicant, Mayor Bell called on the applicant for a response.

John Felton, representing Cline Design Associates, commented on the cementitious siding; referenced his involvement with the original rezoning in 2007; commented on the number of apartments they had constructed in the area and stated none of them just have brick; noting all of them have a percentage of cementitious siding. He stated he was not their intention to use just one material; their intent was to have a combination of materials; and the change would be fine with him and his client.

Mr. Young indicated that staff could accept and enforce the change from two to three materials.

SUBSTITUTE MOTION by Council Member Catotti, seconded by Council Member Schewel, to adopt an Ordinance amending the Unified Development Ordinance by taking the described property in zoning map change Case Z1500015 out of Commercial General with a development plan (CG(D) and placing same in and establishing same as Commercial General with a development plan (CG(D) for a modification of design commitments; and that the exterior of building materials will include, at least three of the following: masonry (standard size brick, block size brick, synthetic stucco, cementitious siding, cementitious panel and glass) was approved at 8:09 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 #14842

MOTION by Council Member Schewel, seconded by Council Member Brown, to adopt a consistency statement as required by GS 160A-383 was approved at 8:10 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
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1500015, Davis Park West Revisions

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.

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

That final action regarding zoning map change Z1500015, Davis Park West Revisions, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: ZONING MAP CHANGE-HANOVER POINTE SUB AREA A (Z1500011)

Patrick Young, Assistant Planning Director, presented the item as a request to change the zoning designation of 13.47 acres located on the east side of East Horseshoe Road, east of South Miami Boulevard, from Planned Development Residential Suburban – 4.760 to Planned Development Residential 6.038 to allow for a maximum of 64 single-family dwelling units.

The property was part of a larger zoning map change request approved by City Council in October of 2006, and despite the nominal increase in density caused by changes in the method of calculating density, the total number of units permissible in Sub-area A would remain as approved in 2006 at 138 single-family units.

The substantial change proposed in the request was a modification to a number of committed elements, outlined in detail of the staff report that included removal of commitments pertaining to off-site roadway improvements.

Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances and the Planning Commission recommended approval of the item at its August 11, 2015 meeting by a vote of 13-0.

Council Member Catotti inquired about the striking of the committed element related to the tot lot.

Attorney Patrick Byker responded that the tot lot had already been constructed.

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

Patrick Byker, Attorney representing Lennar Carolinas, LLC, requested approval of the zoning map change in order to remove the commitment of the original 2006 rezoning case related to improvements on East Horseshoe Road. He stated at that time, the Public Works Department had requested that a section of the road be improved to meet the city standards to include a thirty-three foot wide road with curb/gutter. Mr. Byker stated since then they re-evaluated the design with Public Works; and determined that Horseshoe Road could not be constructed in a manner to satisfy current stormwater criteria due to existing structures, drainage patterns and topography. He stated the rezoning would relieve them from having to build the road improvements as committed to in

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2006; instead, with the help of NCDOT, the applicant had redesigned access ways and related road improvements for the new neighborhood– indicated the plans had been approved by NCDOT and were in the construction process presently; and requested Council’s approval based on the planning staff’s presentation and their unanimous recommendation for approval from the Planning Commission.

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

MOTION by Council Member Brown, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500011 out of Planned Development Residential 4.760 and placing same in and establishing same as Planned Development Residential 6.038 was approved at 8:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14843

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt a consistency statement as required by GS 160A-383 was approved at 8:15 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 Z1500011, HANOVER POINTE SUB AREA A

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 Z1500011, Hanover Pointe Sub Area A, 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.

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**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT,
ACCESSORY STRUCTURES-HOME OCCUPATIONS (TC1500005)**

Michael Stock, of the Planning Department, presented the item as a request by Parker and Ellis PLLC, on behalf of Mr. Travis Felts, to amend Section 5.4 of the UDO regarding accessory structures and home occupation regulations; explained that two changes were proposed with the amendment: to allow accessory structures to the side of primary structures in the RS-20 zoning district, as long as the property was at least two-acres in size, located outside of required side yards, and located in the suburban or rural tiers; and to clarify the home occupation standards to explicitly allow the use of accessory structures for home occupations. Mr. Stock continued that this was currently allowed for rural home occupations, but not explicitly allowed in general for all home occupations. No change in the allowed size of the home occupation would be made.

Mr. Stock continued his presentation stating that the Planning Commission recommended approval at its August meeting, by a vote of 14-0; and the Board of County Commissioners approved the request, 5-0, at its Sept. 28th meeting.

Mayor Bell opened the public hearing.

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

MOTION by Council Member Moffitt, seconded by Council Member Brown, to adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations was approved at 8:17 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 #14844

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt the consistency statement as required per NCGS § 160A-383 was approved at 8:17 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 TC1500005, ACCESSORY STRUCTURES-HOME OCCUPATIONS

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

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.

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

That final action regarding text amendment TC1500005, Accessory Structures-Home Occupations, 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” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated October 5, 2015, regarding the subject “*Unified Development Ordinance* Text Amendment, Accessory Structures-Home Occupations (TC1500005),” 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” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated October 5, 2015, regarding the subject “*Unified Development Ordinance* Text Amendment, Accessory Structures-Home Occupations (TC1500005),” 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: ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN WEXFORD CHESTERFIELD PARKING, LLC AND THE CITY OF DURHAM

Kevin Dick, Director of the Office of Economic and Workforce Development, made a PowerPoint presentation providing background information on Wexford and the proposed project to redevelop the Chesterfield Building at 701 West Main Street in the Brightleaf District; noted completion of construction by 2017; presented aerial and street renderings; explained the parking assemblage; potential job creation; elaborated on policy issues relevant to capital investment in science and technology industry as a ‘knowledge community’; explained project financing; city providing \$6 million over 15 years; and remaining capital required for project including a combination of historic and new markets tax credits, private equity, the anticipated Durham County incentive; spoke to conditions precedent and the rationale of why the incentive was necessary; and why it made sense for Durham taxpayers.

Mayor Pro Tempore Cole-McFadden acknowledged the outstanding job done by Mr. Dick on the project.

At the request of Council Member Schewel, Mr. Dick clarified the location of the parking availability and its proximity to the Chesterfield building; commented on the monitoring of the guarantee of 50% of parking to be publicly available on nights and weekends; which would be in some form of an agreement; and stated they were still awaiting final word on the amount of the County’s participation.

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Council Member Schewel was appreciative of the included language regarding the treatment by contractors and sub-contractors.

Council Member Moffitt echoed the Mayor Pro Tem's comments on the excellent work by the staff. Mr. Moffitt noted three reasons for his support of the project: the project required a substantial investment by the owner of the property; the need and creation of excellent jobs; and stated the cost of the City's incentive payment was covered by the increase in property taxes, without the project there was no increase in property taxes, which was cash-flow positive for the City and taxpayers; and stated the project was taking a long-term vacant building and converting into an important asset to the community.

The public hearing was opened by the Mayor.

At the request of Mayor Bell, Justin Parker of Wexford Science and Technology, explained the presence of cranes at the Chesterfield Building; stating that Phase 2 redevelopment had begun to prepare the building for corn shell construction in the near future, pending Council's decision. In addition, Mr. Parker stated the Office of Economic and Workforce Development had been an excellent partner throughout the process; spoke to creating a building to be proud of; a building that would be consistent with the importance the building had played in the Durham economy for the last several decades; and once the building was completed, he hoped it would further enhance the innovation ecosystem which already existed in Durham.

Council Member Catotti supported the project primarily because of the redevelopment of a long vacant building; and inquired about the Georges Rousse painting that was located in the stairwell; and urged preservation of the painting.

Mr. Parker stated he had not personally seen the painting; but he would look into it.

Council Member Moffitt referred Mr. Parker to Frank Konhaus and Ellen Cassilly, the coordinators of the work with Georges Rousse.

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

MOTION by Council Member Schewel, seconded by Mayor Pro-Tempore Cole-McFadden, to authorize the City Manager to execute an economic development incentive agreement between the City of Durham and Wexford Chesterfield Parking, LLC for capital investment associated with construction of The Chesterfield, for a total incentive payment amount not to exceed \$6,000,000.00 over 15 years was approved at 8:37 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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There being no further business to come before Council, the meeting was adjourned at 8:37 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk