

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 4, 2016
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers, First Floor at 101 City Hall Plaza with the following members present: Mayor William V. "Bill" Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eddie Davis, Jillian Johnson, Don Moffitt, Charlie Reece 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; and deferred to Council Member Davis to introduce former, ACC multi-sport athlete and four sport letterman from the University of North Carolina Albert Long, who led the Pledge of Allegiance to the Flag.

[CEREMONIAL ITEMS]

Mayor Pro Tempore Cole-McFadden read into the record the proclamation honoring the Week of the Young Child; and presented the proclamation to Laura Benson, Executive Director of Durham's Partnership for Children.

Mayor Bell addressed protestors in the Chambers; and asked them to respect the meeting process.

Mayor Pro Tempore Cole-McFadden read into the record the proclamation denoting Meatless Monday Month; and presented the proclamation to Leanne Siart, co-organizer and Eleni Vlachos, co-organizer of the Triangle Meatless Monday Initiative.

Ms. Siart encouraged listeners to go to www.TriangleMM.com for additional information.

Mayor Pro Tempore Cole-McFadden read into the record the proclamation honoring National Public Safety 911 Communications' Officer Week; and presented the proclamation to Jamie Helms, Public Safety Communications Employee of the Year.

Ms. Helms expressed appreciation for the honor.

Mayor Pro Tempore Cole-McFadden read into the record the proclamation announcing Fair Housing Month; and presented the proclamation to Delilah Donaldson, Human Relations Manager of Neighborhood Improvement Services and Phil Seib, Chairperson the Human Relations Commission.

Ms. Donaldson announced local events centered on Fair Housing. Mr. Seib made additional remarks and recognized Ms. Donaldson's impending retirement and thanked her for her service.

Mayor Pro Tempore Cole-McFadden read into the record the proclamation announcing the Wyland Foundation National Mayor's Challenge for Water Conservation; and presented the proclamation to James Lim, Water Efficiency and Conservation Manager of the Department of Water Management, and Wayne Drop, mascot for the Water Management Department.

Mr. Lim made brief remarks regarding the water efficiency program.

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[ANNOUNCEMENTS BY MEMBERS OF COUNCIL]

Council Member Reece expressed gratitude to the Select Committee on Strategic Transportation Planning and Long-Term Funding Solutions at the NC General Assembly; stated the Select Committee conducted a unanimous bipartisan vote to remove the funding cap placed on light-rail projects that had been enacted during the last budget cycle; thanked Select Committee leadership for standing up for the principle that data driven decisions about transportation made the best public policy; and looked forward to light rail becoming a reality in Durham.

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

City Manager Bonfield noted that a supplemental item had been added to the agenda, a Public Hearing on the Proposed Economic Development Incentive Agreement between the City of Durham and Aurobindo Pharma USA Incorporated.

MOTION by Council Member Schewel, seconded by Council Member Davis, to accept the City Manager's priority item was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

There were no priority item(s) by the City Attorney.

City Clerk Gray stated that relevant to the General Business Agenda Item #3, Citizen Advisory Committee Appointment, additional information was provided by the applicant for Council's consideration.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to accept the City Clerk's priority item was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

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. Mayor Bell stated that several citizens had requested that Consent Item #4 "FY2016-17 Budget Development Guidelines" be pulled for comments later in the meeting.

MOTION by Council Member Moffitt, seconded by Council Member Reece, to approve the Consent Agenda as amended was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Moffitt, seconded by Council Member Reece, to approve the City Council Minutes for the following meeting dates: February 1, 2016; February 4, 2016; February

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15, 2016; and February 18, 2016 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE APPOINTMENT

MOTION by Council Member Moffitt, seconded by Council Member Reece, to appoint Keelan Brown to the Durham Performing Arts Center Oversight Committee representing Business with the term expiring on March 1, 2019 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: PROFESSIONAL ENGINEERING SERVICES FOR SOUTHEAST REGIONAL LIFT STATION – CONTRACT AWARD TO HAZEN AND SAWYER, P. C.

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to execute a contract with Hazen and Sawyer, P.C., for Professional Engineering Services in an amount not to exceed \$1,267,200.00 for the Southeast Regional Lift Station;

To establish a contingency fund for the contract in an amount not to exceed \$133,000.00; and

To authorize the City Manager to negotiate amendments to the contract provided that the total contract value does not exceed \$1,400,200.00 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: FEBRUARY 2016 - BID REPORT

MOTION by Council Member Moffitt, seconded by Council Member Reece, to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2016 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

DURHAM



1869
CITY OF MEDICINE

City of Durham | North Carolina

Date: March 7, 2016

To: Thomas J. Bonfield, City Manager

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Through: Wanda S. Page Deputy City Manager
From: David Boyd, Finance Director
Jonathan Hawley, Purchasing Supervisor
Subject: Bid Report - February 2016

Recommendation:

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2016.

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

1. **Bid:** Yard Hydrants
Purpose of Bid: Provides the Water Management Department with thirty (30) yard hydrants to comply with backflow requirements for lift station locations.
Comments: 30 units @ \$506.03
Opened: 02/02/2016
Bidders: Carolina Plumbing Supply, Inc. * \$15,180.90
Durham, NC
Ferguson Enterprises \$15,546.48
Durham, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>46</u>		# Black Males	<u>18</u>	<u>40%</u>
Total # Females	<u>8</u>	<u>17%</u>	# White Males	<u>20</u>	<u>43%</u>
Total # Males	<u>38</u>	<u>83%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>4</u>	<u>9%</u>
			# White Females	<u>3</u>	<u>6%</u>
			# Other Females	<u>1</u>	<u>2%</u>

2. **Bid:** Replacement Progressive Cavity Pump
Purpose of Bid: Provides the Water Management Department with replacement Monyo thickened solids pump for the North Durham Water Reclamation Facility.
Comments: Daparek, Inc. is the sole authorized distributor of Moyno pumps and

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parts.
 Opened: 02/02/2016
 Bidders: Daparak, Inc. * \$20,154.94
 Chesapeake, VA

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

WORKFORCE STATISTICS
 CORPORATION STATISTICS

Total Workforce	<u>16</u>		# Black Males	<u>1</u>	<u>6%</u>
Total # Females	<u>4</u>	<u>25%</u>	# White Males	<u>11</u>	<u>69%</u>
Total # Males	<u>12</u>	<u>75%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>4</u>	<u>25%</u>
			# Other Females	<u>0</u>	<u>0%</u>

3. Bid: Replacement Truck Utility Service Bodies

Purpose of Bid: Provides the Fleet Management Department with two (2) replacement utility service bodies for the Water Management Department - Facilities/Pump Station Division. The service bodies will be installed on 2016 Ford F250 Regular Cab trucks.

Comments: 2 units @ \$8,130.00

Opened: 02/02/2016
 Bidders: Quality Truck Bodies and Repair, Inc. * \$16,260.00
 Wilson, NC
 Cook Truck Equipment and Tools, Inc. \$19,549.89
 Charlotte, NC

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

WORKFORCE STATISTICS
 CORPORATION STATISTICS

Total Workforce	<u>21</u>		# Black Males	<u>9</u>	<u>43%</u>
Total # Females	<u>1</u>	<u>5%</u>	# White Males	<u>10</u>	<u>47%</u>
Total # Males	<u>20</u>	<u>95%</u>	# Other Males	<u>1</u>	<u>5%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>1</u>	<u>5%</u>

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Females				
# Other Females	0	0%		

- 4. Bid: Custom Orthoimagery**
 Purpose of Bid: Provides the Public Works Department with updated customized satellite imagery (Airbus Orthoimagery technology) of the City of Durham.
 Comments: Emap International is the sole authorized provider of Airbus Orthoimagery.
 Opened: 2/3/2016
 Bidders: Emap International * \$24,120.00
 Ocala, FL

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	0%
Total # Females	3	75%	# White Males	1	25%
Total # Males	1	25%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	75%
			# Other Females	0	0%

- 5. Bid: Traffic Signal Cabinet Parts**
 Purpose of Bid: Provides the Transportation Department with replacement McCain traffic signal cabinet parts for the Traffic Signal Shop Division for inventory.
 Comments: Atlantic Technical Sales is the sole regional authorized distributor of McCain traffic parts, used to maintain existing traffic signal cabinets.
 Opened: 02/04/2016
 Bidders: Atlantic Technical Sales * \$11,300.00
 Chantilly, VA

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	11		# Black Males	1	8%
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Total # Females	<u>5</u>	<u>46%</u>	# White Males	<u>4</u>	<u>38%</u>
Total # Males	<u>6</u>	<u>54%</u>	# Other Males	<u>1</u>	<u>8%</u>
			# Black Females	<u>1</u>	<u>8%</u>
			# White Females	<u>4</u>	<u>38%</u>
			# Other Females	<u>0</u>	<u>0%</u>

6. Bid: Lawn Care Maintenance

Purpose of Bid: Provides the Parks and Recreation Department - Parks Maintenance Division with various lawn care maintenance products (Bermuda grass seed, fertilizer and herbicide) for use at all City of Durham park locations.

Comments:

Opened:	1/12/2016		
Bidders:	Southern Seeds, Inc.	*	\$15,132.70
	Middlesex, NC		
	SiteOne Landscape Supply		\$22,374.31
	Durham, NC		
	Ewing Irrigation Products & Industrial Plastics		\$38,565.20
	Garner, NC		

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>14</u>	# Black Males	<u>4</u>	<u>29%</u>	
Total # Females	<u>1</u>	<u>7%</u>	# White Males	<u>9</u>	<u>64%</u>
Total # Males	<u>13</u>	<u>93%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>1</u>	<u>7%</u>
			# Other Females	<u>0</u>	<u>0%</u>

7. Bid: Remote Pressure Sensors

Purpose of Bid: Provides the Water Management Department with fifteen (15) Mueller Intelligent Water Technology Hydro Guard remote water pressure sensors for the Water and Sewer Maintenance Divisions, Utility Engineering Division and various Water Treatment Plants.

Comments: Mueller Products, Inc. is the sole authorized distributor of Mueller Intelligent Water Technology Products.
15 units @ \$1,569.60

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Opened: 02/12/2016
 Bidders: Mueller Products, Inc. * \$23,544.00
 Decatur, IL

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>1998</u>		# Black Males	<u>272</u>	<u>14%</u>
Total # Females	<u>226</u>	<u>11%</u>	# White Males	<u>1345</u>	<u>67%</u>
Total # Males	<u>1772</u>	<u>89%</u>	# Other Males	<u>155</u>	<u>8%</u>
			# Black Females	<u>23</u>	<u>1%</u>
			# White Females	<u>163</u>	<u>8%</u>
			# Other Females	<u>40</u>	<u>2%</u>

8. **Bid: Fire Protection Clothing**

Purpose of Bid: Provides the Fire Department with eleven (11) sets of replacement fire protection turnout gear.

Priced in accordance with the City of Charlotte Cooperative Purchasing Alliance (CCPA) Agreement pricing.

Comments: 11 sets @ \$1,720.09

Opened: 02/18/2016
 Bidders: Municipal Emergency Services, Inc. (MES) * \$18,920.99
 Charlotte, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>39</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>10</u>	<u>25%</u>	# White Males	<u>28</u>	<u>72%</u>
Total # Males	<u>29</u>	<u>75%</u>	# Other Males	<u>1</u>	<u>3%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>10</u>	<u>25%</u>
			# Other Females	<u>0</u>	<u>0%</u>

9. **Bid: Replacement Desktop Computers**

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Purpose of Bid: Provides the Technology Solutions Department with twenty-two (22) replacement Lenovo ThinkCentre Desktop Computers for the Parks and Recreation Department.

Comments: Priced in accordance with NC State Contract 204A.
 Eleven (11) units for Weaver Street Recreation Center
 Eleven (11) units for Cleveland Street Recreation Center
 22 units @ \$540.00

Opened: 02/18/2016

Bidders: Lenovo United States, Inc. * \$11,880.00
 Morrisville, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>3278</u>		# Black Males	<u>168</u>	<u>5%</u>
Total # Females	<u>909</u>	<u>28%</u>	# White Males	<u>1818</u>	<u>55%</u>
Total # Males	<u>2369</u>	<u>72%</u>	# Other Males	<u>383</u>	<u>12%</u>
			# Black Females	<u>110</u>	<u>3%</u>
			# White Females	<u>653</u>	<u>20%</u>
			# Other Females	<u>146</u>	<u>5%</u>

10.

Bid: Replacement Nitrogen Glycerin

Purpose of Bid: Provides the Water Management Department with replacement MircoC2000 glycerin-based treatment chemicals for the North Durham Water Reclamation Facility.

Environmental Operating Solutions, Inc. is the sole authorized distributor of MircoC2000 nitrogen glycerin treatment chemicals.

Comments: 4,800 gallons @ \$2.10 gallon

Opened: 02/18/2016

Bidders: Environmental Operating Solutions, Inc. * \$10,080.00
 Bourne, MA

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>29</u>		# Black Males	<u>0</u>	<u>0%</u>
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Total # Females	<u>8</u>	<u>27%</u>	# White Males	<u>17</u>	<u>59%</u>
Total # Males	<u>21</u>	<u>73%</u>	# Other Males	<u>4</u>	<u>14%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>7</u>	<u>24%</u>
			# Other Females	<u>1</u>	<u>3%</u>

11. Bid: Replacement Truck

Purpose of Bid: Provides the Fleet Management Department with one (1) replacement 2016 Ford F250 4x2 pickup truck for the Transportation Department - Traffic Operations Division.

Comments:

Opened: 2/25/2016

Bidders: University Ford * \$24,496.00
 Durham, NC
 Piedmont Truck Center \$24,534.00
 Greensboro, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>145</u>	# Black Males	<u>14</u>	<u>10%</u>	
Total # Females	<u>10</u>	<u>7%</u>	# White Males	<u>120</u>	<u>82%</u>
Total # Males	<u>135</u>	<u>93%</u>	# Other Males	<u>1</u>	<u>1%</u>
			# Black Females	<u>2</u>	<u>1%</u>
			# White Females	<u>8</u>	<u>6%</u>
			# Other Females	<u>0</u>	<u>0%</u>

SUBJECT: BID - PURCHASE OF TWELVE (12) LIGHT TRANSIT VEHICLES – CONTRACT WITH INTERSTATE TRANSPORTATION SALES & SERVICE, INC.

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to enter into a contract to purchase twelve (12) light transit vehicles in the amount of \$685,212.00 from Interstate Transportation Sales & Service, Inc. was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND DEED OF TRUST AND AUTHORIZATION TO EXECUTE ASSOCIATED LEGAL DOCUMENTS

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MOTION by Council Member Moffitt, seconded by Council Member Reece, to adopt a Resolution Approving Installment Financing Contract and Deed of Trust related to the financing of the Police Headquarters Facility, 911 radio acquisition and other projects and other related matters; and

To authorize the City Manager or his designee to execute other associated legal documents as necessary to complete this transaction, and to make changes to any of the legal documents prior to execution, so long as the changes are consistent with the intent of the agenda item memo and the existing versions of the documents was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

RESOLUTION #9968

SUBJECT: DESIGN SERVICES FOR THE CAMPUS HILLS POOL DEHUMIDIFICATION IMPROVEMENTS – CONTRACT WITH DURABLE DESIGN, PLLC

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to execute a professional services contract with Durable Design, PLLC for an amount not to exceed \$104,650.00;

To establish a design contingency in the amount of \$15,700.00; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Agreement for the Campus Hills Pool Dehumidification Improvements Design Services provided the total cost does not exceed \$120,350.00 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: NETWORK HUT LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM AND GOOGLE FIBER NORTH CAROLINA, LLC

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to execute a Network Hut License Agreement with Google Fiber North Carolina, LLC for construction and housing of a network equipment hut 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 area was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: EMPLOYER FITNESS TRACKING DASHBOARD AND FITNESS TRACKERS – CONTRACT WITH FITBIT

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to execute a contract between the City of Durham and Fitbit to offer discounted Fitbit devices to benefits-eligible City of Durham employees in an amount not to exceed \$135,000.00 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-

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McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR A LOWER ELLERBE CREEK GROUNDWATER/SURFACE WATER INTERACTION STUDY

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to execute an intergovernmental agreement with the U.S. Geological Survey to conduct a study of lower Ellerbe Creek Groundwater/Surface Water Interactions was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: ENO RIVER WATERSHED IMPROVEMENT PLAN – CONTRACT WITH AECOM

MOTION by Council Member Moffitt, seconded by Council Member Reece, to authorize the City Manager to execute a contract for Eno River Watershed Professional Planning and Design Services with AECOM in an amount of \$2,444,928;

To establish a contingency fund in the amount of \$244,493 (10%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders and the contract does not exceed \$2,689,421 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: REVISION TO CITY CODE SECTION 70-50 – SERVICE AREA FEES FOR WATERLINE PROJECTS

MOTION by Council Member Moffitt, seconded by Council Member Reece, to adopt an Ordinance Amending Chapter 70, Article II, Section 70-50 of the Durham City Code for Service Area Fees for Waterline Projects was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

ORDINANCE #14914

The City Council disposed of the following agenda items at the March 24, 2016 Work Session:

5. Discussion on Gentrification

(A discussion was conducted at the 03-24-16 Work Session)

13. Employment and Training 2015-2017 Grant Project Ordinance Superseding Grant Project Ordinance #14891

(This item was approved at the 03-24-16 Work Session with a vote of 5/0)

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25. Patrice Nelson

(Comments were received at the 03-24-16 Work Session)

26. Liz Kazal

(Comments were received at the 03-24-16 Work Session)

27. John Tarantino

(Comments were received at the 03-24-16 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: CITIZENS ADVISORY COMMITTEE APPOINTMENT

Council Member Schewel had requested the appointment of Mr. Powell be placed on the General Business Agenda due to needing additional information from the applicant; stated the information had been received; and he was supportive of the appointment.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Schewel, to appoint Tavion Powell to the Citizens Advisory Committee with the term to expire on June 30, 2018 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: MOOGFEST FUNDING AND ECONOMIC IMPACT

City Manager Bonfield referred to a funding request by Moogfest at the last Work Session; and stated Mayor Pro Tempore Cole-McFadden requested the item be placed on the General Business Agenda for additional discussion.

Mayor Pro Tempore Cole-McFadden stated fairness should be given to the Art of Cool who has requested \$20,000 for their upcoming event; and requested the status of the request. She encouraged Council to be racially equitable in funding; making certain that if the funding request for Moogfest's was approved; to also fund the additional request from the Art of Cool.

City Manager Bonfield stated that the organizers of the Art of Cool had recently provided additional information to OEWD which was being reviewed; and that a recommendation would be forthcoming back to the Council prior to the Art of Cool event occurring.

Mayor Pro Tempore Cole-McFadden encouraged holistic review of the issue; referenced that one of the largest black festivals in Durham, the Bimbe Festival, was relocated to a park away from Downtown; wanted Council to ensure that race was not an issue when holding events in Downtown; and called for equal consideration for events.

MOTION by Council Member Reece, seconded by Council Member Davis, to consider the funding request from Moogfest for the 2016 Moogfest Festival was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

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[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - ROSE WALK CLUB BOULEVARD (Z1500020)

Kyle Taylor, of the City-County Planning Department, confirmed legal notice requirements were executed in accordance to state and local law for all public hearings items; with affidavits on file in the Planning Department. He stated Zoning Case Z1500020, Rose Walk Club Boulevard, was a request to change the zoning designation of 5.59 acres located on West Club Boulevard between North Duke Street and Ruffin Street from Residential Urban - 5 (RU-5), Residential Urban – RU-5(2) to Planned Development Residential 10.800 (PDR 10.800) for a Future Residential Development.

Mr. Taylor stated the development plan associated with the request commits to 60 maximum residential units, one access point and 3% tree coverage.

Text commitments on the development plan included closing the existing right-of-way for Sally and Hildreth Street, a mix of housing types, a community green space, and a buffer along the northern property.

Graphically, the development plan committed to general location of one site access point, location of tree preservation areas, and building and parking envelopes and project boundary buffers in excess of ordinance standards.

The staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and the Planning Commission recommended approval on November 10, 2015 by a vote of 11-0.

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

Robert Chapman, representing Pocket Partners, LLC., noted projects he had developed; referenced their relationship with the Durham Community Land Trustees and having at least ten units of affordable housing; which would be voluntarily included in the project; anticipated a 50% impervious surface; commented on attempting to save specimen trees; and referenced their dialogue with the Ellerbee Creek Watershed Association asking them to make this a pilot project for best practices for which they offered to do.

Selena Mack, representing the Durham Community Land Trustees, stated a letter of intent had been signed to include ten units of affordable housing; looked forward to working with the developer and with the prospect of this being a model for affordable housing being incorporated into for profit development in the future; and urged Council's support of the project.

Council Member Moffitt raised concern that affordable housing being discussed was without any assurances; such as a proffered commitment.

Mr. Chapman responded that this was not a proffered commitment; they were challenging themselves totally voluntarily; referenced their signed letter of intent with the Durham Community Land Trust; noted the land trust would come back to the city if housing was accomplished and request a change in the ordinance in order for the maximum income level to be increased to 80% of the AMI.

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Council Member Schewel supported the project; asked that Council begin thinking about the tree removal and mass grading ordinances; and urged the administration to come back to Council after reviewing model ordinances across the country pertaining to mass grading.

Mayor Bell referenced a development approved in southern Durham with mass grading and the feedback he had received from residents on how the pond was polluted with the runoff; and was supportive of the administration reviewing the city's current ordinances on tree removal and mass grading.

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

MOTION by Council Member Reece, seconded by Council Member Schewel, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500020 out of Residential Urban - 5 (RU-5) and Residential Urban – 5(2) (RU-5(2)) and placing same in and establishing same as Planned Development Residential 10.800 (PDR 10.800) was approved at 7:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

ORDINANCE #14915

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt a Consistency Statement as required by GS 160A-383 was approved at 7:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1500020, ROSE WALK CLUB BOULEVARD

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 Z1500020, Rose Walk Club Boulevard, is based upon review of 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: COMPREHENSIVE PLAN AMENDMENT - HOPE VALLEY COMMONS
BUSINESS PARK (A1500010)**

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Laura Woods, of the City-County Planning Department, stated the plan amendment was associated with a zoning map change Case Z1500023; indicated the applicant, Horvath Associates, PA, requested an amendment to the Future Land Use Map (FLUM) from Office (OFC) to Commercial (COM), for a 4.5 acre site located in vicinity of at 7101 West NC 751 Highway, south of NC 54 Highway in south Durham, adjacent to the existing Hope Valley Commons Shopping Center; stated the site was in the Suburban Tier and within the Falls Lake Jordan Lake B Watershed Protection Overlay; noted the site was currently vacant; and stated that according to the applicant, the purpose of the amendment was to support a rezoning to allow for a mini-storage facility.

The staff recommended approval based on conditions warranting an amendment to the *Future Land Use Map* and the proposed land use pattern meeting the four criteria for plan amendments.

The Planning Commission recommended approval by a vote of 11-2, on February 9, 2016, based on information provided in the staff report, the applicant's justification, information heard at the public hearing and meeting the criteria for plan amendments.

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

Proponent

Tim Sivers, representing Horvath Associates, stated the development plan was formerly approved by Council in 2003 and 2005 and nothing was ever constructed on the site; provided details on the development plan consisting of storage; and stated the plan would expand the existing land use.

Opponent

Chris Sanders, of Sedgemoore Drive, Cary, voiced concerns about the overbuilding and over-saturation of self-storage facilities in South Durham; stated that on the proposed scale, the construction of storage facilities represented a monopoly as opposed to a competitive environment; questioned the co-mingling of moving trucks with retail traffic; and inquired if the rapid expansion taking place in South Durham was in the City's best interest.

Council Member Davis inquired about the speaker's statement regarding over-saturation and a monopoly of storage facilities.

Mr. Sanders responded that Ample Storage had been recently granted several re-zonings in the area.

Council Member Moffitt stated that office industrial established the appropriate buffer to the adjoining properties; did not understand the rationale for changing to commercial; and stated he would be voting against the item.

Council Member Reece concurred with Council Member Moffitt that the current use on the map was appropriate.

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

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MOTION by Schewel, seconded by Council Member Davis, to adopt a Resolution to change the Future Land Use from Office to Commercial **FAILED** at 8:06 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Member Davis and Schewel. Noes: Mayor Bell and Council Members Johnson, Moffitt and Reece. Absent: None.

SUBJECT: ZONING MAP CHANGE - HOPE VALLEY COMMONS BUSINESS PARK (Z1500023)

Kyle Taylor, of the City/County Planning Department, stated Zoning Case Z1500023, Hope Valley Commons Business Park, was a request to change the zoning designation of 4.536 acres located at 7101 and a portion of 7103 West NC 751 Highway from Office Institutional with a development plan (OI(D)) and Commercial Center (CC(D)) with development plan to Commercial General with a development plan (CG(D)) for a proposed use of self-storage; which was not committed to on the development plan.

The development plan associated with the request committed to 400,000 square feet of building footprint, one access point, 70% maximum impervious surface and 10% tree coverage.

The developer did not proffer any text commitments; the development plan committed to general location of one site access points, location of tree preservation areas, and building and parking envelopes and project boundary buffers.

Staff determined that the request was not consistent with the Comprehensive Plan and other adopted policies and ordinances; based upon the previous action taken by the Council.

The Planning Commission recommended approval on February 9, 2016 by a vote of 11-2.

Council Member Moffitt inquired about the allowed uses if the rezoning was approved.

Mr. Taylor responded that most commercial uses would be allowed including fast food restaurants.

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

Proponent

Tim Sivers, representing the applicant, stated the development plan did not have a traffic study involved with it therefore limited site to 150 peak hour trips; indicated that based on the traffic allowance, a restaurant could not be established at the site; and noted self-storage would be a very low end use. Mr. Sivers asked for a 60 day deferral on the item.

Opponent

Chris Sanders stated the zoning classification of CG(D) with development plan allowed for self-storage as well.

Council Member Johnson inquired with Mr. Sivers about self-storage not being committed as part of the development plan.

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Mr. Siverson stated the original reason was because of the limiting trip factor; however, noted he had no problem committing to self-storage as a use.

Council Member Moffitt inquired about the rationale for continuing the item for sixty-days.

Mr. Siverson responded that he would like to meet with Mr. Sanders and council members regarding concerns about the project.

Council Member Schewel stated the location was a good place for self-storage; noted that if the commitment was there for self-storage, that many would be comforted by the commitment; and recognized the competitive concerns referenced by Mr. Sanders, but stated the council could not judge that issue.

Mr. Siverson proffered self-storage would be a use.

Mr. Medlin inquired if self-storage would be the only use or a use.

Mr. Siverson stated that after consulting with his client, self-storage would be the only use.

A motion was made by Council Member Moffitt to continue the item four cycles for additional consultation between the developer and interested parties.

Mayor Bell indicated the public hearing could be continued until that time.

City Manager Bonfield inquired if it was being recommended to reconsider the previous action by Council on the Comprehensive Plan amendment.

Mr. Medlin interjected that since Council took prior action on the plan amendment, it would be typically consistent to apply the zoning consistent to the plan amendment under law; and he recommended that council reconsider its prior action if they were inclined to approve the rezoning on the property; or consider it further.

City Attorney Baker encouraged Council to reconsider the previous item - Comprehensive Plan Amendment for Hope Valley Commons Business Park.

Council Member Moffitt withdrew his motion.

City Attorney Baker advised that if Council was going to reconsider the motion and second, the motion would have to come from one of the Council Members of the winning side; that would essentially put Council back to the beginning of Item #19, Comprehensive Plan Amendment-Hope Valley Commons Business Park (A1500010).

Council Member Johnson made a motion to reconsider Council's action on the Comprehensive Plan Amendment for Hope Valley Commons Business Park (A1500010).

Mayor Bell ruled that Council Member Johnson's motion died due to lack of a second; and referred back to Council Member Moffitt's original motion to hold the public hearing open for four cycles.

MOTION by Council Member Moffitt, seconded by Council Member Davis, to continue the public hearing on Zoning Map Change Hope Valley Commons Business Park to the June 6, 2016 City

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Council Meeting was approved at 8:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: ZONING MAP CHANGE - WESTPOINT AT 751 REVISIONS III (Z1500027)

Kyle Taylor, of the City/County Planning Department, introduced Zoning Case Z1500027, Westpoint at 751 Revisions III, stated the item was a modification of an existing development plan and request to change the zoning designation of 17.36 acres located on Southwest quadrant of the intersection of NC 751 Highway and Interstate – 40 opposite Renaissance Parkway, from Commercial Center with a development plan (CC(D)) to Commercial Center with a development plan (CC(D)) to allow for office and restaurant uses on PIN 0718-03-13-5216 also known as (Building Envelope B).

The development plan associated with the request kept all commitments as previously approved with zoning cases Z0800031 and Z1200011 with the exception of text commitment #6 that had been reworded to only identify the building graphic in building envelope A and a new commitment had been added to address the building graphic in building envelope B.

Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and the Planning Commission recommended approval on February 9, 2016 by a vote of 13-0.

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

Attorney Ken Spaulding, representing the applicant, stated the project concurred with the Comprehensive Plan; stated that neighborhood meetings had been conducted and elicited support for the project; and acknowledged that staff and Planning Commission recommended approval.

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

MOTION by Council Member Schewel, seconded by Council Member Moffitt, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500027 out of Commercial Center with a development plan (CC(D)) and placing same in and establishing same as Commercial Center with a development plan (CC(D)) was approved at 8:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

ORDINANCE #14916

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Reece, to adopt a Consistency Statement as required by GS 160A-383 was approved at 8:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL

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REGARDING Z1500027, WESTPOINT AT 751 REVISIONS III

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 Z1500027, Westpoint at 751 Revisions III, is based upon review of 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: STREET CLOSING – ACADIA STREET AND GRESHAM AVENUE (SC1500007, SC1500008)

Jacob Wiggins, of the City-County Planning Department, stated that Bernadette Chasteen proposed to close 41,323 square feet of public right of way. The request comprised portions of both Acadia Street and Gresham Avenue and requires a separate vote for each street. The subject site was located to the east of Northgate Park and the Ellerbee Creek Trail.

The right-of-way was currently open and the portion of the two streets requested for closure was bordered by property owned by four different property owners, including the City of Durham. The right-of-way was proposed to be recombined with adjoining properties which front on the street. Each property would receive the land along their street frontage, to the center line of the street, as seen on the street closing plat reductions.

No issues were raised by other departments during the review of the request, which included General Services' Real Estate Division and Parks and Recreation.

If the request was approved, Mrs. Chasteen proposed to construct a single family structure on the property owned by Owen W. Synan.

Staff had no issues with the proposal and recommended the closure of the right-of-way.

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 Mayor Pro Tempore Cole-McFadden, to adopt an Order permanently closing 26,062 square feet of Acadia Street (SC1500007); and

To adopt an Order permanently closing 15,261 square feet of Gresham Avenue (SC1500008) was approved at 8:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-

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McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None.
Absent: None.

ORDINANCE #'s 14917 and 14918

**SUBJECT: COMPREHENSIVE PLAN AMENDMENT - CORNWALLIS ROAD PROPERTY II
(A1500012)**

Grace Smith, of the City-County Planning, stated the plan amendment was associated with a zoning map change, case Z1500031; noted the request explained the Plan Amendment Case A1500012, Cornwallis Road Property II, was a request to change the Future Land Use Map designation of 6.10 acres of Commercial, 4.20 acres of Low Density Residential, and 16.24 acres of Medium Density Residential (a total of 26.54 acres) to Low-Medium Density Residential which would allow residential development between 4 and 8 dwelling units per acre; stated the request included all or a portion of 18 parcels on the south side of West Cornwallis Road between Welcome Drive and US 15-501; and stated the site was in the Suburban Tier and not located in a protected watershed.

Staff recommended approval based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments; and the Planning Commission recommended denial by a vote of 10-3 on February 9, 2016.

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

Proponents

Attorney Patrick Byker, representing Pulte Homes, made a presentation stating the following:

As you know, the site is near the intersection of 15-501 and West Cornwallis Road. Just to provide a little context, to the west of the area lies the Colony Park Subdivision, built primarily in the 1960's; 15-501 lies directly adjacent to the east of the property, and the Colony Hill Townhomes, built in the 1980's, are directly to the south. Finally, to the north, upstream from the site is Duke Forest.

We very much appreciate the Planning Department's recommendation for approval, and I have a couple key points to add to the staff presentation.

First, the proposed plan amendment provides exactly the kind of transition that supports good land use planning. It is important to note that this property has over 1,200 feet of frontage along 15-501 By-pass, a limited access freeway, and across the freeway there are 18 acres designated for industrial development, currently utilized for self-storage. Directly adjacent to the south is a townhouse community that is designated as 6-12 units per acre. Our application for Low-Medium Residential at 4-8 units per acre is the reasonable and appropriate transition from the Low Density Residential to the west, the freeway and industrial to the east, and the Medium Density to the south.

Second, the plan amendment yields a significant decrease in the development intensity on the site before the Council this evening. Our community invested significant resources in 2005 for the creation of our Future Land Use Map. That Future Land Use Map was reviewed by JCCPC, the Planning Commission, the City Council and the County Commissioners. The current land use

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designations support up to 279 units on this assemblage. The majority of this assemblage, over 16 acres, is designated for Medium Density, which is 6-12 units per acre. Medium Density usually means townhouses and garden apartments such as this area in Parkwood that is approximately 9 units per acre. We are reducing that residential density significantly, and removing the commercial designation on over 6 acres. This reduction is important for environmental considerations that you may well hear about from persons here tonight. It is vital to note that this area is not within the watershed overlay since it is located well over 7 miles north from the edge of Jordan Lake. Accordingly, there would be no impervious surface limitations on this assemblage unless a development plan were before the council as is the case tonight. As you can see our requested comp plan amendment reduces the development potential of this site to 218 units, and I would be remiss if I did not point out our zoning map change next on your agenda only requests 126 new single family detached homes.

Attorney Byker respectfully requested approval of the item.

Lyle Overcash, representing VHB Engineering, referenced his background in engineering; noted projects he had been involved with in Durham; spoke to the road impacts and the affected segments along Cornwallis Road and US 15-501; stated he did not determine any congestion or safety issues arising from the proposed development; the plan amendment yielded a reduction in trip generation; and that there would be no change in the overall level of service for any intersections in the study area.

Jim Stewart, of Stewart, Martin and McCoy, noted his activities as an active member of the Durham real estate community; stated that Durham was in need of single family homes both affordable and non; referenced articles pertaining to Durham's growth with special mention to housing needs; and urged approval of the item.

Francis Feinberg stated her extended family owned the parcel being considered; reminisced about her upbringing in Durham; spoke to the burden caused by increased taxes; the tax re-evaluation she recently received with an 54% increase; the difficulty in maintaining vacant land; and urged Council's support of the request.

Opponents

Kristina Sigmon, representing Colony Park Homeowners, stated that the residents of Colony Park recognized the use of the land would change; stated the new development should be compatible with the surrounding area; stated residents met multiple times Pulte Homes and requested specific commitments which were not adequately addressed; noted one-third of the property was located in the floodplain of Sandy Creek compressing the area that could be developed; referenced the plan including a 30-foot buffer with Colony Park that was too small when adjoining a row of two-story homes spaced 10 feet apart; referenced the future land use map and section near Colony Park was planned for very low density development; expressed concerns regarding clear cutting of the tree canopy; and she displayed photos of flooding problems in the area.

Dr. Kathi Beratan, a resident of Colony Park, stated the development would produce significant negative water quality impacts on Sandy Creek which would increase state mandated mitigation costs to the City; highlighted clear cutting/mass grading and stormwater detention features within Sandy Creek flood plain and associated such with impervious surface and stormwater infiltration; reminded Council that the Planning Commission had voted against the item; and asked the council to not grant the request unless Pulte Homes presented a detailed stormwater management plan that included low impact development practices.

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Professor Curt Richardson, representing Duke University Wetland Center, stated that since 1999 he had worked on restoring both streams and wetlands in the Sandy Creek watershed area; indicated that Sandy Creek was on the "303 D" list for water quality and fed directly into the Jordan Lake Reservoir; stated the Pulte plan with its 70% impervious surface would degrade water quality and negate work done upstream on Durham's water quality; clear cutting of the trees would result in too small of a wetland to treat the floodplain; emphasized that flooding was a dramatic problem; spoke to the Jordan Rules; and stated the project needed to have some rethinking, changes, if not he said the city would suffer in the long term facing the Jordan rules.

Dr. Patrick Halpin, representing Duke Forest Advisory Committee, noted the parcel of Duke Forest directly adjacent to the proposed development covers 970 acres of forest land; spoke to the benefits of the Duke Forest corridor adjacent and through the proposed development eventually joining Sandy Creek Park; expressed concerns regarding the high concentration of housing units, loss in standing tree cover, with proposed 70% of impervious surface area directly breaking the natural forest corridor; and stated placing the proposed development between two areas of recreation open space land use in the north/south direction would not represent a gradual orderly transition as stipulated by planning policy.

Tom Struhsaker, retired Biologist, explained reasons to reject the amendment and rezoning; stated the parcel being considered is ecologically sensitive and inappropriate for the kind of development being proposed; noted 25% of the land was in a floodplain and flood fringe; where no disturbance should be allowed; referenced at 50 foot drop between the highest and lowest points to be developed; commented on the clear-cutting and mass grading of the land that would remove thousands of trees; and noted the benefits of trees; and urged rejection of the Comprehensive Plan Amendment and the rezoning.

Lewis Carson, representing Welcome Circle Neighborhood, expressed concerns regarding traffic congestion if the plan was approved; stated site was inadequate to support the desired density; spoke to traffic counts/patterns at peak hours along Cornwallis Road; stated the additional daily trips would increase the hazard of 15-501 ramps and stop lights; expressed safety concerns about school buses and fire engine traffic and vehicles along Woodburn Road and in other parts of Duke Forest; stated the development was not right for the site and did not meet the policy objective of the UDO and traffic safety would be jeopardized; and urged rejection of the proposal.

Ellen Pizer, resident of Colony Park, stated if the proposal was approved, her backyard would face five housing units; noted the significant environmental impacts; commented on the importance of Duke Forest; encouraged thoughtful development of the area that utilized low density impact to be in harmony with the existing houses, forest and wildlife; spoke to Durham as a model city differentiating itself from others by consciously expanding upholding the use of Comprehensive Plan; called for specific contingencies that would protect the neighborhood and wetlands; expressed the difficulty that residents had in negotiating with Pulte to accommodate their current concerns; asked that council request a design to be responsible and considerate for transitioning neighborhoods; noted residents not allowed to utilize the protest petition any longer; looked to Durham leaders to be the residents safeguard; referenced Durham needing more affordable housing; the need for consideration for current residents; referenced the purpose of the comprehensive plan; and urged the council to uphold the standards, voting against the plan amendment and rezoning.

Karen Prus, a resident of Colony Park, referenced the applicant's initial request for rezoning, the neighborhood exercising its right to file a protest petition; noted the applicant withdrew the

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application after the Planning Commission denied the rezoning; and afterwards the applicant resubmitted its application; and noted in the intervening time the North Carolina legislatures took away the residents rights to file a protest petition. Ms. Prus stated the residents only recourse was their voices and presence at the meeting; stated in the council's deliberations about the benefits and risks of the proposed development, asked the elected officials to keep in mind if approved the applicant would take its profits and move on to other projects, but the citizens of the affected neighborhood would bear the brunt and costs of the immediate consequences of the density of the development at the location; and urged rejection of the proposal at the site.

Raymond Weston, resident of Colony Park, urged rejection of the rezoning and development of the project; stated the proposal did not fit within the neighborhood; the development would have a negative effect on his property values; and asked Council to preserve his neighborhood by rejecting the proposal.

Andrew Woods, resident of West Cornwallis Road, spoke in opposition to the project; encouraged stewardship of nature and highlighted the benefits of green spaces; and urged the council to see the value of the property not in the space of housing it might provide, but in the benefits its currently provides to the community which would be lost if not protected. Also, asked that everyone needed to look at the housing currently empty in Durham to see how one could be better stewards of the housing than to seek to destroy a space that is already housing a non-human community; which was important to the ecosystem.

Rebuttal by Applicant

Attorney Patrick Byker, representing Pulte Homes, stated they viewed the proposal a good environmental stewardship; stated a number of the issues brought up by the speakers were more appropriately addressed in the upcoming agenda item Zoning Map Change for Cornwallis Road; stated the city had been proactive in adopting strict but fair and appropriated stormwater ordinances; stated Pulte Homes was ready to comply with stormwater requirements with the proposal; and raised an issue with a letter distributed to Council and Planning Commission from Curtis Richardson written on Duke letterhead; which he stated should not be construed as the official position of Duke University.

Jared Edens, representing Edens Land Corporation, explained the new project would need to comply to Durham's stormwater ordinance; stated new projects were not the issue but rather the old projects caused run-off because they did not have to comply with the new standards; referenced the DENR Design Manual; regarding wetland disturbance he explained that a professional consultant with the presence of the Corps determined there was 1/10 of an acre of wetlands on the entire property; and stated they were not in a watershed; not in a primary, not in a secondary, and they had in the past approval of projects much closer to Jordan Lake.

Lyle Overcash, representing VHB Engineering, responded to the daily traffic volume concerns; noted they did 13 hours of counts at each intersection in the study area from Welcome Drive and at the interchange ramps, resulted in 60/40 split; that would result in 5500 trips, less than half of the traffic capacity of the road; noted the worst intersection they found was in the am peak hour at the southbound ramps Level Service C; and the rest were B's and A's in the study area; and indicated the development would add an average of two seconds of delay.

Jim Stewart, representing Stewart, Martin & McCoy, addressed property values; noted they had done analysis of the properties that would border the western boundary of the project; stated there was an average of \$294,888 as the current tax values of the homes that would border the

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project; stated the average price of the home sale proposed by Pulte would be \$330,000 and above.

In summary, Attorney Patrick Byker stated a number of the items, the impervious surface limitation, the buffer between the proposed new neighborhood and Colony Park and other issues could be addressed during the hearing on the zoning map change. He referenced the staff report indicating a strong dramatic decrease in the development intensity of the property before the council tonight; and stating they were asking that a commercial designation be removed from over 60 acres; looking at a development plan that would restrict impervious surface on an area of Durham that had not impervious surface limitations; and asked the council to approve the plan amendment.

Mayor Bell recognized the Council for comments.

Council Member Davis stated he was trying to weigh comments by opponents regarding the threat to Sandy Creek and Jordan Lake Reservoir; threat being seven miles away; and inquired about the water quality issues and provisions for new stormwater controls;

Attorney Byker stated that new development was not quite the problem with water quality issues; noted the problem was all the existing development; referenced the development along Garrett Road; Oak Creek Village Shopping Center; development at New Hope Commons; noted the numerous amount of asphalt developed in previous years; including the Colony Park development; which all these developments have no stormwater controls; older developments that have never been retrofitted. He stated the newer developments have state of the art stormwater controls.

Council Member Davis asked if the developer would be willing to sign or be responsible for any litigation that might come from the failure of the stormwater controls being proposed.

Attorney Byker stated those facilities would have to be bonded by the developer and the homeowner's association; which he stated provided the city with the surety necessary in perpetuity for the stormwater facilities to operate as designed.

Mr. Edens stated that annual inspections of stormwater facilities were required in accordance to the city's stormwater ordinance; and stated every project that his firm designed was focused on stormwater; noted the stormwater on the project drives the design; where does the water go and how do you treat the water; how you meet the code.

Council Member Moffitt requested City/County Planning Director Steve Medlin to summarize the issues at hand focusing on the plan amendment.

Mr. Medlin stated the plan amendment was simply an amendment to the future land use map of the comprehensive plan that established broad land use category for each property in Durham; stated the applicant was requesting to modify that broad land use designation from its current commercial/low density residential designations to allow for low-medium density residential to potentially be allowed at site; and added the plan amendment did not give any rights, and does not establish zoning; at this point, he stated the Council needed to answer if this was appropriate land use to be on the property.

Council Member Moffitt emphasized that many of the speakers' concerns focused on the importance of neighboring properties and Duke; stated if this was important to downstream

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properties of Duke, then he would like encourage them to step up; noted the person that should not bear the cost of keeping the property as it is should not be the current landowner. He stated the site was located in proximity to employment centers and was not appropriate to include commercial on any part of the property; and stated the plan amendment was appropriate due to its location. Also, he stated the plan amendment dealt with the future use and not any rights on the property as it currently exist.

Mayor Bell asked the developer about the rationale behind removing low density-residential as part of the overall plan map.

Attorney Byker responded that it was to make the overall density come to 4.131 with a yield of 126 dwelling units on the assemblage; and referenced Council's recent adoption of changes to stream buffering calculations.

City/County Planning Director Medlin clarified that the Unified Development Ordinance had not been modified; but that state law had changed.

Attorney Byker apologized for his UDO comments; and recognized that Council had been updated on the session law.

Council Member Schewel inquired about low-density residential at the western end; and asked why not allow that parcel to remain low-density residential as a transition area.

Attorney Byker responded the parcel's boundary lines run north to south and encompasses quite a lot of the property; stated if the acreage was not allowed it would have an adverse effect on the project; which translated the ability of the project to support affordable housing; to support the turn lanes; and other issues they were benefits that would be addressed on the next item, the zoning map change.

Council Member Moffitt asked if the referenced strip of land was left at the lower density; referenced the plan amendment's request was for 4-8 units per acre, and stated the developer could go up to eight units per acre and still be fine.

Attorney Byker replied that was correct, but if the parcel was removed from the left that was designated from 0 to 4; it would knock the remaining acreage below, given that there request was 4.131, not being able to attain 4 units per acre if it was left at 4.

Regarding the plan amendment, Mayor Bell sympathized with the transition that the residents raised; stated it allowed that type of transition.

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

Mayor Bell called for a motion on the item; and there was no reply by council members.

A motion was made by Mayor Bell to approve the Comprehensive Plan Amendment for Cornwallis Road Property II. No second to the Mayor's motion was voiced.

A motion was made by Mayor Bell to approve the Planning Commission's recommendation of denial of the comprehensive plan amendment on February 9, 2016, based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing. The motion was seconded by Mayor Pro Tempore Cole-McFadden.

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Council Member Schewel stated he would be supporting the Mayor's motion, the planning commission's recommendation of denial; stated he also supported development on the parcel with a reasonable amount of density; noted his major concerns centered around the zoning request; stated there was a lot of traffic capacity available on the roadway and the proposed density would not have a negative effect; noted he understood the stormwater concerns of the neighborhood, but concurred with the applicant that the stormwater concerns were entirely because of the current situation; and believed the city's standards were strong; relevant to the orderly transition issue, stated it was a trade-off; it would be a good and orderly transition to have some medium density; low density; residential and stated it was a good corner for development.

Council Member Schewel referenced the need for housing in Durham; commented on the affordable units being proffered with the proposal; and stated there was demand; and as long as demand was not being met it would force people to reside further away out of town. He voiced concerns about the buffer and could see why it was troubling to the neighborhood, but stated if the item came back before the council and that issue was dealt with adequately, he would be voting in favor.

Council Member Moffitt raised concerns about a penalty for affordable housing; the size of the buffer between Colony Park and proposed development; was concerned about the little-to-no buffer along Cornwallis; and stated he would like to see a visual barrier along Cornwallis; He expressed concerns about the impervious surface; pointed out the approval of a project this evening consisting of a development with 100% impervious surface limitation; committed tree preservation; the density was high; and working very closely with the neighbors. Also, Council Member Moffitt explained his rationale for not seconding the Mayor's original motion for approval of the plan amendment.

Council Member Davis spoke to Ms. Feinberg's comments regarding the original sale of the land for Colony Park; referenced the proposal being analogous to lots of opposition to immigration as being voiced nationally; referenced a speaker's comment regarding not having the beauty of one's residential area disturbed by the new development; and stated he hoped that attitude would not be maintained in the future when there was a proposal for land use that might be more conducive than what the neighbors might want.

Mayor Bell explained that if Council voted in favor of the motion to approve the Planning Commission's recommendation of denial, it meant the future land use map remained as is; and if Council voted against the motion, then in effect, Council could get the proposed amendment; and noted his hesitancy in supporting the developer's request stating that he favored some type of transition between the two properties; which would not happen with the proposed amendment.

MOTION by Mayor Bell, seconded by Mayor Pro Tempore Cole-McFadden, to approve the Planning Commission's recommendation of denial of the Comprehensive Plan Amendment on February 9, 2016, based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Reece and Schewel. Noes: Council Member Moffitt. Absent: None.

SUBJECT: ZONING MAP CHANGE - CORNWALLIS ROAD PROPERTY II (Z1500031)

April 4, 2016

Grace Smith, of City-County Planning, stated Zoning Case Z1500031, Cornwallis Road Property II, was a request to change the zoning designation of 40.95 acres located at 2417 West Cornwallis Road, on the south side of West Cornwallis Road between Welcome Drive and US 15-501, from Residential Suburban – 20 and Commercial General to Planned Development Residential 4.131 to allow for 126 single-family residential units.

The development plan associated with the request committed to the following uses: 126 single-family residential units, two vehicular access points, a maximum of 70% impervious surface, 20% tree preservation, two greenway easements through the site and a pedestrian access easement from Tanglewood Drive.

Based on the Council's previous action, the staff determined that the request was not consistent with the Comprehensive Plan and other adopted policies and ordinances.

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

Attorney Patrick Byker, representing Pulte Homes, requested a continuance of the item and to hold the public hearing open in order to address concerns heard this evening; and bringing back the item at the appropriate time.

City Manager Bonfield requested a date certain.

City/County Planning Director Steve Medlin confirmed that a date should be specified.

Attorney Byker deferred to the Planning Director for a recommendation.

Mr. Medlin noted that a two cycle delay would not allow for sufficient time and recommended three or four cycles.

Attorney Byker in turn requested a three cycle delay.

Council Member Moffitt recommended a delay of four cycles and his rationale and acknowledged he was planning on voting against the motion to continue the public hearing.

Attorney Byker accepted a delay four cycles.

City/County Planning Director Medlin indicated the date certain as June 6, 2016.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Davis, to continue the public hearing to the June 6, 2016 City Council Meeting was approved at 9:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Reece and Schewel. Noes: Council Member Moffitt. Absent: None.

[SUPPLEMENTAL ITEM]

SUBJECT: PUBLIC HEARING ON THE PROPOSED ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF DURHAM AND AUROBINDO PHARMA U.S.A., INC.

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Kevin Dick, Director of Office of Economic and Workforce Development, presented the item and made a PowerPoint presentation; stating it was important to note that what was being presented was a recommended economic development incentive agreement; and the location of the project in Durham was contingent upon a matching amount from Durham County and a Job Development Investment Grant from North Carolina Department of Commerce.

- Aurobindo has plans to create new service lines and will grow the R&D business to develop new inhalation and dermatological products; the manufacturing facility would then create these products
 - Company anticipates the creation of 200 jobs, including 113 manufacturing-production jobs by the end of 2018;
- Average wage for the positions is \$54,175.00 and the positions would have full benefits.
- Proposed offer is up to \$1,000.00 per job for 200 jobs for a total not to exceed \$200,000.00 to be paid in one lump sum;
- All jobs must be created in order for the company to receive the full amount.
- Durham County will propose similar amount
- Amounts will provide partial match for State grant
- Creation of 200 jobs within 3 years;
- Completion of \$31.7M of capital investment within three years;
- Inclusion of a Workforce Plan stipulating the use of NCWorks Career Center as a source of the recruitment of talent;
- Inclusion of a Durham-Based Business Plan promoting use of Durham-based contractors and vendors including MWBE's.
- \$200,000 in City investment is needed to make the project feasible in Durham because:
 - Biopharmaceuticals is a coveted industry and there is evidence that not providing an incentive would result in the project occurring elsewhere;
 - The State of North Carolina is proposing an incentive requiring an adequate local match.
- 200 high paying jobs within a growing industry;
- Recruitment of a great corporate citizen:
 - Pledge to utilize the NCWorks Career Center system as a source to recruit talent;
- Support of the Durham YouthWork Internship Program.

Mayor Pro Tempore Cole-McFadden requested information on skillsets required for employment.

Mr. Dick responded that short-term certifications in bio-works, biopharma, manufacturing and certified production technicians could result in eligibility for positions.

Council Member Moffitt stated job creation and land use were the most important tasks of Council; and voiced additional support for granting the incentive agreement.

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

Ted Conner, representing the Durham Chamber of Commerce, advocated in favor of the Aurobindo Pharma economic incentive; and spoke to Bio-work and Durham Connect as options for training opportunities for Durham residents.

Katie Kulp, representing KSM Location Advisors, spoke on behalf of the representative from Aurobindo; and thanked Council for the incentive opportunity.

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Mayor Pro Tempore Cole-McFadden inquired about advertising of employment positions; and suggested the distribution of flyers in the community.

Ms. Kulp responded that jobs would be advertised on-line and in print media.

Mr. Dick interjected that individuals could register with NCWorks Career Center; and spoke to Rapid Response Events to handle dislocated workers.

Mayor Bell requested clarification on the \$1,000 per job incentive; and asked if the economic incentive was strictly for hiring Durham residents.

Mr. Dick responded that incentives could not be earmarked solely for Durham residents as that violated interstate commerce; and stated the hired positions had to stay online for a year in order for the company to qualify for the incentive.

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

MOTION by Council Member Reece, seconded by Council Member Davis, to authorize the City Manager to execute an economic development incentive agreement with Aurobindo Pharma U.S.A., Inc. for a total incentive payment amount not to exceed \$200,000.00 was approved at 10:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

[ITEM REMOVED FROM THE CONSENT AGENDA]

SUBJECT: FY2016-17 BUDGET DEVELOPMENT GUIDELINES

To adopt the FY2016-17 Budget Development Guidelines.

Mayor Bell recognized the following speakers for comments:

Max Davis, representing Durham City Workers Union UE150, spoke to a proposed budget his organization had prepared; expressed opposition to the \$81 million proposed for the new Durham Police Headquarters; stated funds should be allocated throughout the city for city workers to receive raises; improve the recreation centers for residents; livable wage raises; and crisis intervention. He stated Durham worked better when all employees worked; and not just one group of employees.

Nathanette Mayo, representing Durham City Workers Union UE150, commemorated Dr. Martin Luther King's death on April 4th; stated that the late Dr. King advocated for public workers of Memphis who had been fighting for benefits and respect on the job. Ms. Mayo spoke to passing a budget that invested in communities and city workers, which did not include spending \$81 million on a police headquarters; spoke in support of spending funds on replacing broken down garbage trucks, adequate safety gear, lowering health care costs; full staffing of vacant positions; livable wages; \$15 for city workers and contracted workers; requested a \$2,000 across the board wage increase for city workers; and cost of living increases, worker training; and an end to discrimination, and favoritism in hiring, promotions, training and discipline in the Water Management Department and other city departments; improved and free mass transit, extended and free programming at community centers, sidewalks, improvements streets, lower utility rates,

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and tax assessments; crisis intervention resources, restorative justice programs, and a reformed independent civilian police review board; and a number of other things the community and city workers need. She noted the quality of life in communities affected jobs, and the quality of jobs and the work environment directly affected the quality of life in communities; including worker's families; and stated they would stand for, fight for and support a Durham budget for the people.

Donald Quick stated he preferred the \$81 million in funds be used for employee training instead of a police headquarters; stated he was switched to department and did not receive training; stated he had to learn basically on his own; spoke in support for sanitation, water/sewer, public works and fire department employees.

Dante Strabino, representing Durham City Workers Union UE150, expressed continued frustration regarding police accountability; referenced the murder of Lavonte Biggs; stated the funds being used for the police headquarters be used in other places and ways; urged the council to continue to show concern regarding the racism in Water Management; referenced recommendations from the Human Relations Commission especially on the grievance procedure; and favored workers being able to file for a wider range of issues.

Mayor Bell stated the concerns raised by the speakers were not mutually exclusive, noted that in a sense if you have a police department it does not mean you cannot have other things and likewise, if you have other things you're asking for, it does not mean you cannot have the police department; spoke to affordable housing not happening overnight and Council's efforts to address the issue; emphasized that it was unfair to pit the police department against all other issues; stated the police department headquarters project was not decided overnight, noted that open, public hearings were held associated with the process; and he acknowledged that Council heard the concerns raised by the speakers and were sensitive to them. The Mayor stated the question was, can a compromise be reached on issues; and what had to be done as a Council. Mayor Bell welcomed the speakers to attend the upcoming budget meetings; stated the Council would review the requests, but noted he could not promise the requests could be accomplished; and would review it very closely.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Reece, to adopt the FY2016-17 Budget Development Guidelines was approved at 10:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

There being no further business to come before Council, the meeting was adjourned at 10:20 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk