

**DURHAM, NORTH CAROLINA
THURSDAY, FEBRUARY 19, 2015
5:00 P.M.**

Due to inclement weather on Monday, February 16, 2015, the regular meeting of the Durham City Council was rescheduled on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Councilmembers Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Councilmember Brown.

[ANNUAL STATE OF THE CITY ADDRESS]

Mayor Bell addressed the audience and viewing public by making the following presentation:

Good evening! It is my distinct pleasure to welcome you to my 13th Annual State of the City Address.

Let me begin by saying that the state of our city is good and getting better.

To my fellow council members, fellow elected officials, City staff, business and community leaders, and others who are present tonight – welcome and thank you for being here. Each year, I am honored by your presence and continued support.

Also, I'd like to welcome my fellow residents who are viewing us on Durham Television Network as well as those who are watching tonight's live stream from the City of Durham's website.

2014 – What will you remember from last year?

Is it the astounding economic development happening in Durham, the opening of the Durham Innovation District (DID), the construction of new hotels, offering visitors and convention-goers more than 400 hotel rooms?

Is it the festivals, like the long-established *CenterFest* and the new *Art of Cool*, which brought thousands to our city to enjoy great music and art, and adding more than a million dollars into our local economy?

Or, is it questions raised and the actions taken by some in the community about law enforcement's relationship with residents...questions that eventually led to a number of actions being put into place to increase transparency, trust and accountability with our residents.

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What will you remember? For me, 2014 is a memorable year for a lot of reasons, including many of those just mentioned.

But what stands out in my mind is how we, as a community, despite the challenges that come our way, continue to come together and engage each other about what is important to us, to our children and, indeed, to our grandchildren.

My annual State of the City address is a time to look at how our accomplishments over a year's time are positioning us for the future.

But before I go on, I'd like to start by continuing our tradition of looking back at the year before -- at our accomplishments, our accolades, at how we all worked together to build on our mission to make Durham a great place to live, work and play.

Don't just take it from me. Look at the accolades showered on Durham last year...

- #15 America's Smartest Cities – *Forbes*
- #18 Best Cities for Young Entrepreneurs – *NerdWallet*
- #29 Top 100 Best Cities to live in 2015 – *Livability*
- #23 America's 25 fittest Cities – *The Active Times*
- Best Places to Travel in 2015 – *Travel + Leisure*
- #47 Best Performing Cities of 200 metros – *Milken Institute*

The list goes on. Accolades that show that Durham's future is bright...so bright in fact, that we just might need shades.

(Video shown at this time)

I'd like to take just a quick moment to thank the Office of Public Affairs for giving us a quick look back at many of the highlights of last year.

So much of what we accomplished was the result of a successful partnership and relationship between City Council, City staff, led by City Manager Tom Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray, and our remarkable community.

We are now into the third year of implementing our five strategic plan goals and the administration is in an ongoing process to align their department's functions to meet these strategic goals. I want to reiterate those goals from the Mayor's perspective as they affect the state of our city.

STRONG & DIVERSE ECONOMY

Our economy has improved considerably, our unemployment rate at 4.4 percent is one of the lowest in the state, but if you are one of the 4.4 percent that is still unemployed, then unemployment remains a problem, which we hope will be solved.

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We need to continue to work to provide quality paying jobs for our residents who want to work. We must continue to create a business-friendly environment, attracting quality businesses, supporting work training programs that are aligned with what employers need, such as those proposed by “Made In Durham” and workforce development.

We must do this while at the same time creating an atmosphere with respect to regulations or procedures and guidelines that encourage businesses that are already committed to our city to want to stay and grow, as well as those who may be entertaining moving to our city.

A sustainable workforce and business friendly environment will be key to our continued quality growth and development and to a strong and diverse economy.

SAFE & SECURE COMMUNITY

Durham’s population increased by 28.55 percent (190,218 to 244,522) from 2001 to 2014. While our population has increased, our violent crime rate has decreased.

- 974.68 incidents of violent crime per 100,000 population in 2001
- 764.76 incidents of violent crime per 100,000 population in 2014

Our property crime rate has also decreased, even though our population has grown considerably.

- 6,980.4 incidents of property crime per 100,000 population in 2001
- 4,528 incidents of property crime per 100,000 population in 2014

Overall, the total index crime per 100,000 residents has trended down from 2001 (50 percent), except that it was up slightly (0.5 percent) in 2014 compared to 2013.

- 7,955.08 total index crime per 100,000 population in 2001
- 5,293.16 total index crime per 100,000 population in 2014

We must continue to focus on making crime reduction a priority, along with the continued support of our Fire Department in its attempts to be more responsive to fire calls and the education of our residents on fire safety.

THRIVING, LIVABLE NEIGHBORHOODS

We are making good progress in the revitalization of our neighborhoods, particularly in some of those neighborhoods that have been depressed for years.

I continue to believe that “Strong Neighborhoods Make a Strong City” and contribute greatly to the quality of life in our city.

While we continue to focus on helping to improve those neighborhoods that have been distressed, we as a Council and Administration must maintain a sensitivity, awareness and responsiveness to issues in other neighborhoods throughout the city.

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I mean everyday issues that are brought to our attention through individual conversations, phone calls, emails, and written letters and at our Coffee with Council sessions, if we are to have thriving, livable neighborhoods.

WELL-MANAGED CITY

Fiscally, we continue to maintain our triple A Bond ratings with the three major bond rating agencies (Standard & Poor's, Moody's and Fitch).

A well-managed city depends on having good employees committed to their jobs and providing the services for which they are hired. In my opinion, City employees are among the best committed civil servants. We have a very diverse work force of over 2,400 employees. Many of our employees go beyond the call of duty in performing their duties, and for that, we are grateful.

However, just as we expect those employees to perform their duties, it is also important that they all be treated fairly, no matter the positions that they hold in City government – from the lowest-paid staff person to the highest-paid staff person. All should be judged and disciplined fairly when necessary.

However, we know that in certain instances, there have been allegations of unequal treatment in discipline and other employment areas with some of our employees.

It is important that we determine the veracity of these allegations, and if they prove to be true, provide equitable solutions to correct them, as well as, establish procedures and guidelines to ensure that they don't reoccur. If they do occur, the persons responsible for those inequities should be held accountable and accordingly disciplined.

STEWARDSHIP OF CITY'S PHYSICAL ASSETS

This is an ongoing effort and requires attention to detail as well as the resources to support the maintenance of our facilities.

To that end, I want to congratulate General Services Director Joel Reitzer for his leadership, who has recently announced that he will be retiring.

If you look around City Hall and other City facilities, you can see the results of his teams' work.

But, the City's physical assets consist of more than City buildings – it's also streets, sidewalks, water and sewer lines, waste management and other facilities that require our attention. We, as a Council, must be prepared to provide the resources needed to maintain our physical assets at a high level on an ongoing basis.

Last year, the City Council voted to dedicate ½ cent of the property tax, about \$1.2 million, for maintenance of our parks and recreation centers and trails.

As of December 31st, nearly half of the funding has been used or allocated for park and trail maintenance throughout the city.

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These last two slides have shown just some of the much-needed repairs that have occurred at various parks throughout the city.

LOOKING FORWARD TO 2015 AND BEYOND

So, in addition to what we have commented on, what are some of the priorities for 2015?

Complete construction and occupancy of Phase 1 of 132 Lofts at Southside East.

In my opinion when it is completed, it will be one of the finest truly, mixed-income apartment developments in the state of North Carolina.

We also will begin planning for Phase 2 of 85 Lofts at Southside East.

We need to complete construction of 48 homes Southside West and begin planning for Southside west home sites.

We must continue our efforts, under the leadership of our Mayor Pro-Tempore Cora Cole-McFadden and other agencies, to reduce homelessness in general and specifically for our veterans.

I would like to see us set a manageable goal for reducing homelessness in 2015.

Planning for the new police headquarters will begin in 2015 with the possibility of community input through a charrette.

While the city does not have the responsibility for building the Durham Orange Light Rail, we will have the responsibility for approving as well as planning for access to the transit stops and also approving important sections to the plan for the corridor going through Durham.

It is important that our residents, as well as the appropriate City staff, attend critical public meetings set for March, June and September of this year. There are decisions to be made that will help determine the next steps for the Durham Orange Light Rail project.

More details on these meetings will be publicized by Triangle Transit and I encourage residents to visit the website listed on the screen for more information.

If the Federal Transit Administration gives approval to enter into engineering in Fall 2016, then 2016 to 2019 will be devoted to engineering the project, after which if the Federal Transit Administration approves a Full Funding Grant Agreement in 2019, utility relocation would begin in 2020.

Construction would be from 2021 to 2025 and testing and start-up would be in 2026...all assuming state and local matching funds are available.

Decisions by the City Council on street resurfacing and side walk plans need to be made as well as decisions on City swimming pool repairs.

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We also must continue to work with Google, Time Warner, AT&T and Frontier in preparation for fiber installation.

And, we have to continue to be focused on reducing crime and improving police/community relations.

POLICE AND THE COMMUNITY

I recently attended the United States Conference of Mayor's Winter Conference in Washington, D.C. last month, and attended the committee on "Strengthening Police-Community Relations in America's Cities."

Key areas of the committee's focus were recommendations on:

- Building Trust Between Police and Community
- Improving Police Department Practices
- Ensuring Timely and Accurate Communications
- Conducting Independent Investigations of Deaths Relating to Police Encounters
- Addressing Racial and Economic Disparities and Community Frustration with and Distrust of Governmental Institutions
- Providing National Leadership

I have shared this report with our City Manager and requested that he review it for applicability to our situation here in Durham, and report his recommendations to the City Council.

The report states that in some instances, the recommendations go beyond the purview of mayors/city councils and police chiefs, and calls for actions by the broader community in cities, the nation as a whole, and by the federal government. The report may also be the basis for a broader Durham community conversation on police and community relations.

However, let me emphasize that we as a City Council and City Administration respect and support the overall work that our police department does in providing services to the residents of our city.

I have repeatedly said that they probably have one of the more difficult responsibilities in our City Administration in serving our city. At the same time, we must always evaluate how those services are being delivered and work to improve those areas in which they may be deficient, while applauding and acknowledging those efforts that go beyond the normal call of duty, or in solving very difficult cases.

Our police officers put their lives on the line every day, and for that, we are most grateful. We are angered when we see attempts on their lives.

We will support their efforts at the highest level to apprehend those persons responsible for such cowardly acts and ask the community's support in helping to apprehend such individuals.

REDUCING POVERTY INITIATIVE

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As you may recall in my last February 2014 State of the City Address, I focused on the challenge of “Reducing Poverty Neighborhood-by-Neighborhood, Year-by-Year starting in 2014.”

We kicked off the initiative in March 2014 at the Durham Rescue Mission with over 100 people from a broad cross section of the community in attendance.

We established six task forces – Education; Finance; Health; Housing; Jobs; and Public Safety.

I want to thank all of the people who volunteered their time and service on this initiative, to include the staffs of the City, County and Durham Public Schools, and most importantly, the residents of the neighborhoods in which the initiative has focused.

The Reducing Poverty Initiative focused on neighborhoods in North East Central Durham with approximately 2,300 people living in approximately 1,100 homes and apartments.

After many meetings among the task force members, staff and most importantly, the residents of the neighborhoods, a community survey of the neighborhoods was conducted focusing on the six task force areas.

The results of those surveys were compiled by the City’s Neighborhood Improvement Services Department staff and distributed to the task force members, as well as shared with the residents.

In January of this year, the task forces assembled at Holton Resource and Community Center to present their action plans to address the issues derived from the community surveys, and to respond to questions from those in attendance.

The year 2015 will be a year of action for the task forces to implement and execute their plans, with periodic reports to the City Council at our work sessions.

As I said last year, the road to reducing poverty is not easy, and is mostly an uphill battle.

I have seen over the last few months that people in poverty are willing to work in partnership with the many people who are willing to assist them. It is a journey that we must continue.

CONCLUSION

Finally, as I conclude, great things continue to happen in our city.

We are the fourth largest city in North Carolina with a population of approximately 245,000 people. We are a city with a very diverse population with no ethnic majority. As with any large and growing city, we have many challenges, some of which I have spoken to earlier in my remarks.

As we grow and develop we must also continue to be environmentally and infrastructure sensitive to the decisions that we make in approving growth and development, while striking the balance that will continue to make our city attractive and sustainable.

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We also know that as Councilman Brown and my other colleagues so often say, “We have more needs than resources.” We always have the challenge of making decisions that lead to a balanced budget, while at the same time taking into consideration those priorities with which we have the resources to support.

I remain convinced that we as a City and Administration, led by our City Manager, City Attorney and City Clerk, are up to meeting those challenges.

Thanks again for taking the time to listen and I hope that you agree with me that “Great Things are happening in Durham” and that the state of our city is good and getting better.

May God Bless America and May God Bless Durham.

Mayor Bell called for a break and stated the meeting would resume at 5:30 p.m.

[CEREMONIAL ITEMS]

Mayor Bell read a proclamation proclaiming “Larry Stogner Day” in the City of Durham. He presented Mr. Stogner with the proclamation and the Key to the City.

Mr. Stogner expressed appreciation for the honor and thanked those in the audience for attending .

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council.

Councilmember Moffitt recognized Senator Mike Woodard who was in attendance in the Chamber.

Councilmember Davis offered sympathy to the family of Johnny “Red” Williams, a former City Councilmember; and requested a moment of silence in his honor.

[PRIORITY ITEMS]

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

City Manager Bonfield stated there was a priority item; and deferred to Bo Ferguson, Deputy City Manager of Operations, for comments.

Due to this week’s winter weather and continued icy road conditions in neighborhoods, Deputy City Manager Ferguson detailed the makeup schedule for solid waste collections. He stated that normal operations would resume next week; added that blue week recycling collections (Tues-

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Wed-Thurs) would be conducted on Saturday, February 21st and stated that starting Monday, February 23rd the City would return to normal collections.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to accept the City Manager's priority item was approved at 5:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Attorney and City Clerk stated they had no priority items.

The consent agenda is approved with a single motion. If a councilmember or citizen request to pull an item from the consent agenda, the item will be heard at the end of the agenda. No items were pulled from the consent agenda.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to approve the consent agenda as printed was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: CASH COLLECTIONS PERFORMANCE AUDIT (JANUARY 2015)

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to receive and accept the Cash Collections Performance Audit dated January 2015 as presented and approved at the January 26, 2015 Audit Services Oversight Committee meeting was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: FY2014-15 AMENDMENTS TO THE BUDGET ORDINANCE, GRANT PROJECT ORDINANCES, AND CAPITAL IMPROVEMENTS PROGRAM ORDINANCES

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

To adopt the U.S. Department of Housing and Urban Development Lead Based Paint Reduction Grant Project Ordinance Superseding Ordinance #14185;

To adopt the FY 2012-13 Transit Planning and Capital Grant Project Ordinance (GPO) Superseding GPO #14584;

To adopt the FY 2013-14 Transit Planning and Capital Grant Project Ordinance (GPO) Superseding GPO #14686;

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To adopt the FY 2014-15 Transit Planning and Capital Grant Project Ordinance (GPO) Superseding GPO #14634;

To adopt an Ordinance Amending the Water and Wastewater Capital Improvement Project Ordinance, FY 2014-15, as amended, the same being Ordinance #14624; and

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, FY 2014-15, as amended, the same being Ordinance #14623 was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14714; #14715; #14716; #14717; #14718; #14719; & #14720

SUBJECT: FY2014-2015 EMERGENCY SOLUTIONS GRANT AND CITY GENERAL FUNDS HOUSING FOR NEW HOPE, INC. SUBRECIPIENT CONTRACT RAPID RE-HOUSING SERVICES

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the expenditure of \$79,554.00 in Emergency Solutions Grant funds and \$200,000.00 in City General funds; and

To authorize the City Manager to execute a contract with Housing for New Hope, Inc. in the amount of \$279,554.00 to provide financial assistance to households experiencing homelessness was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: FOURTH AMENDMENT TO CONTRACT FOR EMERGENCY SOLUTIONS GRANT & DEDICATED HOUSING FUND RAPID REHOUSING SERVICES WITH HOUSING FOR NEW HOPE

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the expenditure of \$11,082.00 in Emergency Solutions Grant (ESG) funds; and

To authorize the City Manager to execute Amendment Four to (the) Contract for Emergency Solutions Grant and Dedicated Housing Fund Rapid Rehousing Services with Housing for New Hope increasing the total contract amount to \$558,257.00 was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: HOUSEHOLD HAZARDOUS WASTE CONTRACT WITH ECOFLO, INC.

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MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute the Household Hazardous Waste contract between the City of Durham and ECOFLO, Inc. for a period of five years, at a cost through the remainder of the 2014-15 fiscal year of \$87,850.00, and \$210,840.00 per year thereafter, for a total contract cost through June 30, 2020 of \$1,142,050.00, plus applicable increases for CPI in accordance with the contract terms was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: SOFTWARE MAINTENANCE SERVICE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute an agreement with Environmental Systems Research Institute, Inc. in the amount of \$95,947.81 to cover the period of one year for software maintenance service was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: OPEN DATA INITIATIVE PROFESSIONAL SERVICES CONTRACT WITH DATASTAFF, INC.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to approve the contract with DataStaff, Inc. in the amount not to exceed \$94,500.00 to purchase professional services to develop an open data portal for the City of Durham was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: CIVICPLUS PROFESSIONAL SERVICE AGREEMENT

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to approve the agreement with CivicPlus in the amount of \$169,224.00 to provide professional service in the development of a Web 2.0 website for effective engagement with the City of Durham was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: NETWORK INFRASTRUCTURE LANS IMPROVEMENTS CONTRACT WITH NWN CORPORATION

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year

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2014-2015, as amended, the same being Ordinance # 14623 for the purpose of adding funding in the amount of \$895,000.00 for the Network Infrastructure project; and

To authorize the City Manager to execute a contract with NWN Corporation, not to exceed \$895,000.00 to install new LANs hardware in all City facilities was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14721

SUBJECT: TRANSIT BUS REPOWER CONTRACT WITH CLARKE POWER SERVICES, INC.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute a contract with Clarke Power Services, Inc. to repower six 2008 model transit buses in the amount of \$377,748.24 was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: NORTH CAROLINA RAILROAD COMPANY AND NORFOLK SOUTHERN RAILWAY COMPANY WIRELINE SUPPLEMENTAL AGREEMENT

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Councilmember Catotti, to authorize the City Manager to execute Supplemental Wireline Agreement 1201118 with the North Carolina Railroad Company and Norfolk Southern Railway Company to modify the existing power line feed to the City's overpass lighting system was approved at 5:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the February 5, 2015 Work Session:

12. Durham Pool Assessment Findings

(Presentation received at the 2-05-15 Work Session)

13. Katina Parker

(Citizen did not appear at the 2-05-15 Work Session)

14. Gwyn Silver

(Comments were received at the 2-05-15 Work Session)

15. James Chavis

(Comments were received at the 2-05-15 Work Session)

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16. John Tarantino

(Comments were received at the 2-05-15 Work Session)

There being no further business to come before the Council, the meeting was adjourned at 5:41 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk