

DURHAM CITY COUNCIL WORK SESSION
Thursday, August 8, 2013 – 1:00 p.m.
Committee Room – 2nd Floor – 101 City Hall Plaza

Present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III.

Also present: Deputy City Manager Wanda Page, City Attorney Patrick Baker and City Clerk D. Ann Gray.

Mayor Bell called the work session meeting to order.

Council Member Brown requested an excuse absence from the August 19, 2013 city council meeting and the August 22, 2013 work session meeting.

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to excuse Council Member Brown from the August 19, 2013 city council meeting and the August 22, 2013 city council work session.

The motion was approved by a vote of 6/0 at 1:05 p.m.

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

Deputy City Manager Wanda Page asked the council to suspend the rules on Agenda Item #7 [Contract for Fun2ref as Booking Agent] to ensure programming can begin as scheduled. Also, she said they will be providing a legislative update on activities that occurred during the long session of the N. C. General Assembly.

The Deputy City Manager’s items were accepted by the council.

City Clerk Gray informed the council that a valid protest petition had been field against Item #14 [Zoning Map Change for Kent Corner2].

Due to the valid protest petition, Council Member Brown’s absence at the August 19th city council meeting, Council Member Moffitt being excused from voting on Zoning Map Change for Kent Corner2, and the uncertainty of Council Member Clement, the council directed the staff to re-advertise the public hearing for September 3, 2013.

The council accepted the City Clerk’s item.

There were no priority items from the City Attorney.

After Mayor Bell announced each item on the printed agenda, the following items were pulled for comments; discussion and/or action by the council.

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Subject: Contract for Fun2ref as Booking Agent – Dan Dunbar and Lynn Dunbar DBA

The Department of Parks and Recreation began hiring booking agents for officials for athletic games and events in 2010. The Department of Parks and Recreation contracts with several organizations, each handling a different variety of sports and events. This agenda item presents a proposed contract with Fun2Ref of Durham for \$58,164.00, and will provide officials for softball, volleyball, and several age groups of soccer.

The Department of Parks and Recreation recommends that the City Council authorize the City Manager to execute a contract with the booking agents Dan Dunbar and Lynn Dunbar dba Fun2Ref for a total contract amount of \$58,164.00.

Deputy City Manager Wanda Page asked the council earlier in the meeting to suspend the rules and vote on this item at the work session.

Motion by Council Member Catotti seconded by Council Member Moffitt to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract with the booking agents Dan Dunbar and Lynn Dunbar DBA Fun2Ref in the amount of \$58,164.00 was approved at 1:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Subject: Kimley-Horn and Associates, Inc.

To receive comments from Earl Lewellyn regarding Kimley-Horn & Associates community outreach and corporate involvements efforts.

Mark Dunzo, of Kimley-Horn & Associates, addressed the council on the progress of their community engagement activities in the City of Durham. Mr. Dunzo noted they have:

- Involvement with Durham youth work summer internship program
- Continued engagement of small and local businesses as partners in project pursuits
- Partner with local service providers in mentor relationships in business development and financial management practices
- Engagement with STEM high school by members of their production staff to start careers in engineering
- Look to work with North Carolina Chapter of the American Council of Engineering Companies as well as the City and County to provide expanded intern and career exposure opportunities for Durham youth

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Also, the council was provided a booklet entitled “Kimley-Horn & Associates Durham Community Involvement Initiative.”

Mayor Pro Tempore Cole-McFadden thanked Kimley-Horn & Associates for appearing before the council and providing a positive report.

For others that are doing business with the City of Durham, Mayor Bell suggested to the staff that maybe the information presented by Kimley-Horn be shared as a model.

Council Member Brown agreed with the Mayor regarding the presentation/booklet being a model for other companies doing work with the City of Durham.

Subject: Resolution Authorizing the Issuance of Limited Obligation Bonds, Series 2013A and 2013B

To adopt a Resolution of the City Council of the City of Durham, North Carolina providing for the Issuance of \$20,000,000.00 Limited Obligation Bonds, Series A (Tax Exempt), \$16,000,000.00 Limited Obligation Bonds, Series 2012B (Taxable) of the City of Durham, North Carolina; 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.

The staff memo indicated that the Finance Department is proposing the issuance of Limited Obligation Bonds in an amount not to exceed \$36,000,000.00 to fund new projects and refinance existing debt. The issuance amount is broken down into Series A (Tax Exempt) and Series B (Taxable). Series A Bonds will have a value of approximately \$20,000,000.00 and will fund a variety of projects approved via the City’s annual CIP, the acquisition of rolling carts for the Department of Solid Waste, improvements along Ninth Street and the acquisition of fleet vehicles. The Series B Bonds will have a value of approximately \$16,000,000.00 and will fund improvements to the Durham Bulls Athletic Park and will also refund the City’s remaining 2000 Taxable Variable Rate Housing Bonds. Actual sizing of the Bond Sale will be determined closer to pricing based on the current schedule of expected project expenditures and interest rates at the time of sale. The bonds will be sold on September 26, 2013 via negotiated sale.

Finance Director David Boyd explained why the use of the 2001 Indenture is being amended instead of having a total new issuance; commented on the replacement of New Durham Board members to facilitate the financing; the role of the New Durham Corporation, and referenced the purpose for taxable bonds and tax exempt bonds.

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Council Member Schewel said he would be interested in looking at what the savings are between the city's AAA and.....

Subject: Economic Development and Historic Property Preservation Agreement with Concord Hospitality Enterprises Company

To conduct a public hearing to receive comments on the proposed economic development and historic property preservation agreement between Concord Hospitality Enterprises Company and the City of Durham; and

To authorize the City Manager to execute an economic development and historic preservation agreement between the City of Durham and Concord Hospitality Enterprises Company for capital investment and historic property preservation of 1108 West Main Street for a total payment amount not to exceed \$1,332,266.00.

OEWD Director Kevin Dick indicated that the proposed \$29.5 million project would create a 143-room upscale select service Residence Inn by Marriott Hotel that will be located at 1108-1110 West Main Street in downtown Durham. The project includes the preservation of specific architectural elements of the historic McPherson hospital by incorporating the front and portions of the side facades of the McPherson building into the hotel structure. Additionally, the preservation of the McPherson hotel and its important architectural elements would help to integrate the project into the adjacent Trinity Park neighborhood to make it more compatible with the image and historical characteristics of Trinity Park.

In addition to preserving architectural elements of the McPherson Hospital, the project would expand Durham's tax base by generating new property, sales and occupancy taxes and would create new permanent jobs. The new jobs, expected to be created by the project, would consist of 14 part-time positions and 31 new full-time paying jobs with benefits; including 8 salaried positions.

The staff is proposing a \$1,332,266.00 incentive to be paid over an eight year period after the building is completed.

Subject: Parks and Recreation Master Plan

To receive a presentation on the Parks and Recreation Master Plan; and

To adopt the City of Durham Parks and Recreation Master Plan 2013.

The staff report indicated that the Department of Parks and Recreation has worked with residents of the City since September 2012, in the creation of a new master plan for the department. The plan covers facilities, programming, maintenance, and the department itself, it will guide the department's work for the next eight to ten years.

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The staff report also indicated the following:

- Eight community meetings in October and November 2012 at sites across the City
- The Parks & Recreation Community Survey by the National Research Council, Inc. which went to 4,000 households broken out by City geography and demographics; it provided a 95% accuracy rate based on the returns received
- Focus group meetings with groups that were underrepresented in the larger community meetings: Latinos, mature adults, and teens
- Focus group meetings with staff from General Services and Department of Parks & Recreation as the two City employee units most involved in park and recreation operations
- The MindMixer interactive online site-*PlantoPlayMoreDurham.org.*- that had signed up more than 240 registered participants by December 2012
- Program assessment data regularly collected by DPR staff as part of the recreation programming procedures
- Incorporation of recommendation from existing adopted plans that impact parks and recreation
- Data from the US 2010 Census and growth projects from the Long Range Transportation Plan

Also, Beth Timson made a powerpoint presentation on this item and the following recommendations were referenced.

- Continue to upgrade and renovate existing parks and facilities
- Make DPR facilities and organization sustainable
- Continue to make trails and greenways projects a high priority
- Acquire land and build new parks in underserved areas; add new uses as possible to existing parks
- Create a non-profit organization with DPR to enhance fundraising and volunteer support
- Complete an economic impact study on DPR's contribution to the Durham economy
- Make asset maintenance a department priority
- The City should aim to be at or above the average number of facilities for the surrounding communities in the region
- Enhance revenue generation
- Make natural resource management a department priority
- Continue quality control by monitoring program growth and customer feedback
- Make ongoing staff training a department priority

Discussion was held on the poor condition of the driveway entrance into the dog park at Northgate; maintenance of park bathroom facilities; requiring recycling at all city facilities; use of non-profit organizations; seeking input from the citizens advisory boards; crime in the parks; models in terms of cities for parks and recreation (New York and Philadelphia); accessibility of

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services from parks and recreation in areas such as Franklin Village and Birchwood Heights; it was suggested that facilities be more accessible by changing some of the policies that inhibit usage from neighborhood groups; afterschool care and summer camps; additional dog parks; staff providing a quick menu in terms of things needed and prices over a ten-year period; deferred maintenance needs (overplayed soccer fields); City of Durham being above average in terms of things that apply to dogs and below average in terms of recreation needs that apply to people; and how to ascertain larger recreational amenities whether it be a swimming pool/athletic complex/or recreation center in South Durham.

Mayor Pro Tempore Cole-McFadden requested the number of parks and recreation bathroom facilities in the floodplain in the City of Durham.

Council Member Schewel noted this report was done in-house and is comprehensive. He congratulated and thanked the staff for the work that was done. In terms of the deferred maintenance, Council Member Schewel asked if we are losing ground/or just sort of remaining where we are.

Beth Timson stated within the parks department, they manage park mowing/park cleanup and field mowing and cleanup. She said they do not manage maintenance in the parks department. Ms. Timson said they do have one property facilities technician on staff and he basically fixes small things all over town (keeping things going). She said starting in January they will be getting another property facilities tech and they are hopeful that person can do more of the long range repairs, but these two positions do not address deferred maintenance on a large scale. Ms. Timson said General Services has been putting a lot of resources toward deferred maintenance and they have a long-range plan and she felt they were getting better on the things they address but there is such a long list.

Mayor Bell stated the staff did an excellent job in pulling the document together and it is very comprehensive. Mayor Bell questioned who has ownership of the facilities and he was hard pressed in terms of providing something new and being uncomfortable with the level of maintenance he is seeing now. The Mayor said a priority for him is to maintain what the city already has. He said he did not see clear lines of responsibility for maintenance of parks and recreation.

Deputy City Manager Ferguson said he felt the way they have divided responsibilities does cloud the accountability and said that was one of the first things he observed coming on board. He referenced conversations with Ms. Parker and Mr. Reitzer which they are aware of and responsive to. He said one of the efforts that he has underway is to bring those resources together – so if we are not necessarily reorganizing on how to provide those services, then they are communicating a little bit better to answer the Mayor’s exact question, which has haunted him also, “how far behind are we and what would it take to get us where we should be.” He agreed that questions being raised regarding deferred maintenance was a critical element for council to make decisions.

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Council Member Catotti said it would be good to know what the 2005 bonds addressed – how far did we get, and far do we need to go.

Subject: Raindownus.org

To receive comments from Anita Woodley requesting support for Health Awareness.

Anita Woodley addressed the council on the work being performed through *Raindownus.org* at the Durham Senior Center for Life and the community on how they promote the elimination of Health Disparities in the African American community. Ms. Woodley said they would like to be a part of Breast Cancer Awareness Month in the City of Durham.

Subject: Update on 2013 Legislative Session

Senior Assistant to the City Manager Karmisha Wallace provided an update on the regular or “Long Session” of the 2013-2014 biennium of the N.C. General Assembly, which convened on January 30, 2013 and adjourned on Friday, July 26, 2013. A variety of issues were discussed and debated during the Long Session; and City staff partnered with the N. C. League of Municipalities, Metro Mayors Coalition, and in many cases – cities and counties across the state to protect the interests of municipalities and the communities being served. The General Assembly is scheduled to reconvene for the “Short” Session on Wednesday, May 14, 2014.

The City Council adopted a Legislative Agenda for the 2013 Long Session which included four general law items (Collection of Civil Penalties, Beer & Wine License Fees, Annexation of Donut Holes and Rights-of-Way, and Pre-trial Release & Bail Bonding); two local bills (Zoning Public Hearings and Design –Build Authority), and five advocacy requests. Staff worked with members of the General Assembly to draft associated bills while monitoring other pieces of legislation important to the City.

Listed below are bills expected to have an impact on the City. While some have been signed by the Governor, others are awaiting his signature. Staff will continue to work with the City Attorney’s Office to determine additional impacts.

- SB 315: Municipal Services (awaiting Governor’s signature)
- SB 316: Pre-trial Release/Rebuttable Presumption (SL 2013-298)
- SB 402: Appropriations Act of 2013 (SL 2013-360)
- HB 998: Tax Simplification and Reduction Act (SL 2013-316)
- SB 515: Jordan Lake Water Quality Act (awaiting Governor’s signature)
- HB 192: Allow ROW Usage in Central Business Districts (SL 2013-266)
- HB 488: Regionalization of Public Utilities (SL 2013-50)
- HB 664: Cell Tower Deployment Act (SL 2013-185)
- SB 9: Utilities/Design/Survey Location Services (SL 2013-42)
- HB 857: Public Contracts/Construction Methods/DB/P3 (awaiting Governor’s signature)

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- SB 468: Align Inspections w/Installer Licensing (SL 2013-160)
- HB 774: Building Code Exclusion/Primitive Structure (SL 2013-75)
- SB 148: Exempt Certain Steel Tubing/Electrical K'ors (SL 2013-36)
- HB 92: GSC Technical Corrections 2013 (awaiting Governor's signature)
- HB 74: Regulatory Reform Act of 2013 (awaiting Governor's signature)

Discussion held on Jordan Lake Rules; rental registration bill not passed in General Assembly in long session; firearm registration bill; and protest petition matter not being impacted.

Council Member Catotti suggested that the analysis of legislative items shared with the Joint City/County Planning Committee be provided to all members of the council.

Mayor Bell noted SB 316 was originally initiated in the House and Senate McKissick picked it up on the senate side.

At this time, City Clerk Gray announced the results of the Human Relations Commission and Citizens Advisory Committee appointments.

Settling the Agenda – August 19, 2013 City Council Meeting

Deputy City Manager Wanda Page referenced the following items for the August 19, 2013 City Council Meeting agenda: Consent Agenda Items 1 thru 6; 8 and 9, and for GBA Public Hearings Items 10 thru 12.

Motion by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to settle the agenda for the August 19, 2013 City Council Meeting as stated by Deputy City Manager Wanda Page.

The motion was approved by a vote of 6/0 at 3:16 p.m.

There being no further business to come before the council, the meeting was adjourned at 3:16 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk