

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, November 21, 2013 – 1:00 p.m.**  
**Committee Room – 2<sup>nd</sup> 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: City Manager Thomas J. Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.**

The meeting was called to order by Mayor Bell.

Mayor Bell asked if there were any announcements by council members.

Mayor Pro Tempore Cole-McFadden acknowledged the win by North Carolina Central University Eagles over the North Carolina State Wolfpack.

Council Member Moffitt read the following statement: I was saddened to learn of the death of Jose Huerta on Tuesday; my heart goes out to his family. This incident adds to three other cases under investigation by the SBI here in Durham; Carlos Riley, Jose Ocampo and Derek Walker. The Riley case is almost a year old. The Ocampo case is four months old. Until the investigations are complete we are all on hold. The families of the deceased, and of Mr. Riley, are on hold. The officers involved are on hold. The community is on hold. As a leader of this City, I’m frustrated that I know so very little about these cases. I appreciate the thoroughness and professionalism of the SBI. It’s important to get the results of the investigations right, but Durham needs information and transparency. We need the SBI to complete their investigations, and we need every other office involved-whether it’s the medical examiner or the district attorney or whomever to complete their work so that we know what happened. It’s time to move forward.

Mayor Bell read a proclamation Honoring the Life and Legacy of President John F. Kennedy and proclaiming Friday, November 22, 2013 to be a day of solemn remembrance and reflection on the life of President John F. Kennedy, and asking all residents of the City of Durham to observe a moment of silence at 12:30 p.m.

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

City Attorney Baker requested a closed session at the end of the meeting for attorney-client privilege, pursuant to G.S. 143-318.11(a)(3).

The City Attorney’s item was accepted.

City Clerk Gray asked the council to suspend the rules on Item #3 “Triangle Transit Board of Trustees Reappointment.”

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The City Clerk's item was accepted.

There were no priority items from City Manager Bonfield.

Mayor Pro Tempore Cole-McFadden asked the Clerk to prepare a Resolution Memorializing Joseph Becton.

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

**Subject: Triangle Transit Board of Trustees Reappointment – Commissioner Ellen Reckhow**

To reappoint Commissioner Ellen Reckhow to the Triangle Transit Board of Trustees as the City/County appointee with the term to expire on November 30, 2017.

**Motion** by Council Member Catotti seconded by Council Member Schewel to suspend the rules of the council and take action on the above-mentioned subject.

The motion was approved by a vote of 6/0 at 1:10 p.m.

**Motion** by Council Member Catotti seconded by Council Member Brown to reappoint Commissioner Ellen Reckhow to the Triangle Transit Board of Trustees as the City/County appointee with the term to expire on November 30, 2017.

The motion was approved by a vote of 6/0 at 1:10 p.m.

**Subject: Terry Rekeweg**

To receive comments from Terry Rekeweg regarding the Durham-Orange Light Rail Plan.

Terry Rekeweg addressed the council proposing a revision to the Durham-Orange Light Rail project for consideration to significantly reduce cost and increase service.

**Subject: John Tarantino**

To receive comments from John Tarantino regarding the 50<sup>th</sup> anniversary of the assassination of President John F. Kennedy.

John Tarantino provided a song selection in remembrance of the 50<sup>th</sup> anniversary of the assassination of President John F. Kennedy.

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**Subject: Scott Barndt**

To receive comments from Scott Barndt regarding solicitation, housing, the elderly and the sidewalks.

Note: Mr. Scott Barndt was not present to speak at the meeting.

**Subject: FY14-15 Budget Development Schedule**

To approve the FY14-15 Budget Development Schedule.

The staff report indicated that the schedule provided represented the proposed dates and times for the major events related to the development of the FY2014-15 budget. Two planning retreats with City Council are included on the schedule. The location for the retreats has been changed to the Museum of Life and Science.

Council Member Moffitt said he was beginning to think about questions he could ask during the coffee-with-council sessions to obtain feedback which could help stimulate the conversation for a more meaningful contribution.

**Subject: Bid Report – October 1013**

To receive a report and to record into the minutes bids which were acted upon the City Manager during the month of October 2013.

Mayor Pro Tempore Cole-McFadden referenced the bid award for a Panasonic Projector System to All Pro Sound located in Pensacola, Florida vs. a local company Custom Light & Sound. She asked what made the Custom Light & Sound's bid non-responsive.

Finance Director David Boyd said he would have to defer to the TS Department to obtain that information.

It was noted that Custom Light & Sound was deemed non-responsive due to not bidding on all parts and repair cost upgrades.

Mayor Pro Tempore Cole-McFadden asked for more information on what exactly Custom Light and Sound did not provide that made their submittal deemed "unresponsive."

Regarding the purchase of Data Bus Shelters, Mayor Pro Tempore Cole-McFadden asked what contractor is going to install these shelters and if one is not already selected, will there be an opportunity for local participation.

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The administration will provide the requested information before the December 2<sup>nd</sup> meeting.

**Subject: Construction Contract with Burney and Burney Construction Company, Inc. for City Hall and Annex Exterior Envelope Renovations**

To authorize the City Manager to execute a construction contract for City Hall and Annex Exterior Renovations with Burney and Burney Construction Company, Inc. in the amount of \$4,620,000.00 that includes the base bid and recommended alternates;

To establish a project contingency in the amount of \$693,000.00; and

To authorize the City Manager to negotiate and execute change orders on the City Hall and Annex Exterior Envelope Renovations construction contract, provided the total project cost does not exceed the amount budgeted for construction phase plus the project contingency.

The staff report indicated that from 2009-13, the Capital Improvements Program provided funding for design and renovation of the City Hall Envelope and associated work. The design work completed addresses functional and safety issues, replacement of the City Hall Chillers, and partial renovation of the City Hall Annex Plaza.

Six bids were opened on October 24, 2013 and Burney and Burney Construction Company, Inc. was the apparent low bidder.

General Services Director Joel Reitzer commented on the owner contingency which is already a part of the funding.

Council Member Schewel said it was good to see the level of minority contractors.

**Subject: Radio Equipment Building Additional Support Equipment and FY 2013-2014 CIP Budget Amendment Request for CIP Ordinance #14464 – Morlando Construction**

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2013-2014m as amended, the same being Ordinance #14464 for the purpose of adding funding to the Communications Radio Building project - \$202,618.00 (from \$1,005,418.00 to \$1,208,036.00); and

To authorize the City Manager to negotiate and execute a change order to the construction contract for the Radio Equipment Building to Morlando Construction, LLC in the amount of \$202,618.00 provided the total project cost does not exceed the amount budgeted for construction phase services plus the project contingency.

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The staff report indicated that on February 6, 2013, a contract for the construction of the new Radio Equipment Building was executed with Morlando Construction, LLC in the amount of \$744,000.00. A project contingency in the amount of \$74,400.00 was established.

Council Member Moffitt asked why was the need for an uninterrupted power supply not foreseen for this.

General Services Director Joel Reitzer said it was not foreseen because the building design and construction authorization preceded the equipment. He said once the equipment was selected and on order it was obvious they needed the uninterruptable power source.

**Subject: Housing and Urban Development Fair Housing Cooperative Agreement**

To accept the City of Durham and the U. S. Department of Housing and Urban Development Funds by executing the grant documents; and

To adopt the City of Durham and HUD Fair Housing Cooperative Agreement Grant Project Ordinance in the amount of \$76,160.00.

The staff report indicated that the Human Relations Division of the Neighborhood Improvement Services (NIS) Department enforces local, state and federal laws, ordinances, policies, procedures, and regulations dealing with discrimination in fair housing. Specifically, Division staff processes formal and informal fair housing discrimination complaints, conducts fair housing outreach, provides training and sponsors fair housing events.

The purpose of this proposed Council action is to adopt a project ordinance for funds received from the U.S. Department of Housing and Urban Development (HUD) for FY 2013-14. The HUD fair housing grant will be utilized by the Neighborhood Improvement Services Department for administrative costs, community outreach, fair housing education and training, staff development, computer and other equipment acquisition and travel.

The staff will provide information to the council before the December 2<sup>nd</sup> meeting on the number of formal cases investigated for housing discrimination and the breakdown by protected classes.

**Subject: Proposed FY 14 Planning Department Work Program and Budget Adjustment**

To approve the FY14 Planning Department Work Program to allocate funding in the amount of \$53,578.00.

The staff report indicated that the interlocal cooperation agreement between the City and County for merged planning functions charges the Planning Director with preparing and submitting to the City and County Managers, Planning Commission and the Joint City/County

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Planning Committee for recommendation a work plan that must be forwarded to both governing bodies for final approval. The proposed work program is reflective of 35 full time employees.

Additional funding is required in order to fully fund the department to the adopted city budget amount of \$3,052,856 based on Durham County adopting a smaller budget allocation than originally programmed by \$84,758. The \$53,578 is reflective of the difference needed to fund the department for the remainder of the fiscal year.

Melvin Whitley, a resident of Harvard Avenue, spoke in support of the additional funding for the City/County Planning Department. He said this is one area that should not be cut and he understood the city did not play a part in this. Mr. Whitley said if your neighborhood is undeveloped, the lack of additional funds is a serious problem.

**Motion** by Council Member Catotti seconded by Council Member Moffitt to suspend the rules of the City Council and take action on the this item was approved at 1:52 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 Council Member Catotti seconded by Council Member Moffitt to approve the FY14 Planning Department Work Program to allocate additional funding in the amount of \$53,578.00 was approved at 1:52 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: License Agreement with 21C Durham, LLC**

To authorize the City Manager to enter into a license agreement with 21C Durham LLC for installing and maintaining canopies projecting into Corcoran Street.

The staff report indicated that 21C Durham LLC proposes to install and maintain canopies projecting into Corcoran Street right-of-way. A license agreement is required when private features, such as canopies, are installed within the City's maintained right-of-way.

Council Member Moffitt asked if the canopies would protrude beyond the curb.

Rob Joyner, of Public Works Department, stated it was his understanding that the canopies did not protrude beyond the curb. He said he would obtain an exact measurement

City/County Planning Director Steve Medlin stated the proposed awnings definitely do not extend all the way to the curb line.

**Subject: Submission of Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2013**

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To receive a presentation on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2013.

The staff report indicated that the City of Durham is required by North Carolina General Statutes 159-34 to have an annual financial audit. The purpose of the audit is to obtain an opinion from a Certified Public Accountant on the City's general-purpose financial statements. This audit is also referred to as a Generally Accepted Accounting Principle audit. The Governmental Accounting Standards Board and the Financial Accounting Standards Board promulgate GAAP. In addition to the auditor's opinion, if any issues are identified, the auditors also prepare a management letter that discusses internal control and operating efficiencies and are part of the audit findings. This year the auditors have identified no issues to be reported in a management letter.

The Comprehensive Annual Financial Report is produced in conjunction with the audit. The CAFR for the fiscal year ended June 30, 2013, was formally presented to the Audit Services Oversight Committee at its regularly scheduled meeting on October 28, 2013.

Collin Hill, of Cherry Bekaert LLP, presented a power point presentation commenting on the results of the audit; audit areas of focus; required communications; and accounting measurements and metrics.

Mayor Bell and the council thanked the Cherry Bekaert and staff for the report. He said the bottom line is that it is a clean audit.

**Subject: FY13-14 First Quarter Financial Report**

To receive a presentation on the FY13-14 First Quarter Financial Report.

Budget Director Bertha Johnson presented power point presentation on the first quarter financial report for FY2013-14. This report is based on three months of financial information.

She referenced the following in her presentation: General and Debt Services Funds Budget-to-Actual Summary and Year End Projections by Department; Property Taxes; Sales Taxes; Other Revenues; Major Revenues; Enterprise Fund Budget-to-Actual; Special Revenue & Grant Funds; Investments; Risk; Impact Fees; Tax Levy Analysis; Downtown Revitalization Fund; and Planned Debt Issuance.

At this time City Clerk Gray announced the following: Megan Risley received 6 votes for appointment to the Workforce Development Board; and Alex Kleysteuber received 6 votes for appointment to the Durham Open Space & Trails Commission.

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**Settling the Agenda – December 2, 2013 City Council Meeting**

City Manager Bonfield announced the following items for the December 2, 2013 City Council Meeting agenda: Consent Items 1 & 2; 4 thru 15; 17 thru 19; GBA Public Hearings Items 22 and 23.

**Motion** by Council Member Catotti seconded by Council Member Schewel to settle the agenda for the December 2, 2013 City Council Meeting as stated by the City Manager.

The motion was approved by a vote of 6/0 at 2:30 p.m.

**Closed Session – 2:30 p.m.**

**Motion** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to go into closed session to discuss matters relating to the location or expansion of industries or other businesses in the City of Durham, pursuant to G.S. 143-318.11(a)(4); and for attorney-client privilege, pursuant to G.S. 143-318.11(a)(3).

The motion was approved by a vote of 6/0 at 2:31 p.m.

**Open Session – 3:54 p.m.**

**Motion** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to return to open session.

The motion was approved by a vote of 6/0 at 3:54 p.m.

No action was taken by the council in open session.

There being no further business to come before the council, the meeting was adjourned at 3:54 p.m.

D. Ann Gray, MMC, NCCMC  
City Clerk