

DURHAM CITY COUNCIL WORK SESSION
Thursday, July 24, 2014 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

Present: Mayor William V. “Bill” Bell and Council Members Eugene Brown, Diane Catotti, Eddie Davis and Steve Schewel. Excused Absence: Mayor Pro Tempore Cora Cole-McFadden and Council Member Don Moffitt.

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

Council Member Catotti called the meeting to order asking if there were announcements from the council members.

Council Member Brown introduced his nephew from Denver, Colorado who was in attendance.

Council Member Catotti asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield said that Item #39 - Comments from William Jennetta will not be heard today. He stated the citizen called and said they would not be present to speak.

Also, City Manager Bonfield informed the council that the renovation work for the Durham Armory has been completed.

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

City Clerk Gray informed the council that the new Deputy City Clerk Diane Schrieber has been hired and will begin work with the City of Durham on Monday, August 11, 2014. Ms. Schrieber is currently employed as the Deputy City Clerk with the City of Greensboro.

There were no priority items from City Attorney Baker.

After Council Member Catotti announced each item on the printed agenda, the following items were pulled for discussion and/or comments.

Subject: Durham Open Space and Trails Commission – Appointments

To appoint citizens to fill three vacancies on the Durham Open Space and Trails Commission representing At-Large with the terms expiring on June 30, 2017.

Council Member Schewel requested that this item be referred back to the City Clerk for re-publicizing. He said he would like to see if the city could attract more minority applicants.

July 24, 2014

Subject: Durham Housing Authority Board of Commissioners – Appointment

To appoint a citizen to fill one vacancy on the Durham Housing Authority Board of Commissioners with the term expiring on September 28, 2019.

Council Member Schewel requested that this item be referred back to the City Clerk for re-publicizing to expand the pool of applicants. It was noted that only one applicant applied.

Subject: Jamayah Parrish

To receive comments from Jamayah Parrish regarding the removal of fluoride from Durham’s tap water.

Jamayah Parrish addressed the council requesting that the fluoride be removed from Durham’s water.

Council Member Catotti asked the staff to share with Ms. Parrish all the background information and research that has been done on this topic in the past.

Subject: Piggyback Purchase – Four Automated Refuse Collection Trucks

The staff report indicated that the contract under consideration will provide the Solid Waste Management Department with four (4) Automated Refuse Collection Trucks. These vehicles were approved in the FY2014/15 budget. This purchase is part of the fleet replacement program. For the purposes of this contract, the Administration is recommending purchasing four (4) Automated Refuse Collection Trucks from an existing City of Durham contract that was awarded in December 2013 to Transource, Inc. of Raleigh, NC. North Carolina General Statute 143-129(g) allows an exception to the bidding process for piggyback purchases.

The administration has analyzed market conditions, has compared the pricing to other recent similar bids, and recommends using the “piggyback” provision.

The total cost of the contract is \$1,048,368.00. Funding for this contract is available from the CIP Fleet Replacement Fund (43623136.732300.S4301).

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Transource, Inc. and determined they are in compliance with the Ordinance to Promote Equal Opportunities in City Contracting. There were no SDBEs to provide this product.

The administration is recommending that the bid for the purchase of four (4) Automated Refuse Collection Trucks in the amount of \$1,048,368 from Transource, Inc. of Raleigh, NC be approved and the City Manager be authorized to execute all relevant contracts; and, that the City Manager be

July 24, 2014

authorized to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Council Member Schewel stated this contractor has 40 employees, located in Raleigh and zero African Americans employees. He asked if there was something else that can be done to start making contractors aware of the council's concerns with the lack of minority employees. He suggested sending the contractors a letter stating a contract has been awarded to your firm and the City of Durham encourages you to improve your minority hiring.

Mayor Bell said he appreciated Council Member Schewel raising the issue. The Mayor suggested to the City Manager when Request for Proposals are sent out, a letter should be included emphasizing what the city's policies and practices are on minority hiring.

Susan Sandhoff, of the Finance Department, said they would follow-up and coordinate with the EOE Department to see if they might have some suggestions to address council's concerns.

The Purchasing Supervisory for the City of Durham briefed the council on the details of the piggyback provision.

Subject: Bids – Fire Department Self-Contained Breathing Apparatus (SCBA)

The contract under consideration will provide the Fire Department with Self-Contained Breathing Apparatus (SCBA). This equipment was approved in the FY 2014/15 budget. The total cost of the contract is \$1,555,556.94. Funding for this contract is available from the Fire Department Capital Improvement Plan (3501B900-660007-CK107). All bids received were competitive and within budget.

The Fire Department's current self-contained breathing apparatus (SCBA) manufacturer is no longer going to support the current inventory of SCBA with parts or warranty work. The department is concerned that should one of the SCBAs in the department's inventory be taken out of service for any reason, there will be no way to replace or repair it. Another concern is that a product recall without needed repair parts will negate the Fire Department's ability to enter burning structures. Additionally, the current SCBA manufacturer is not producing a product compliant with the current National Fire Protection Association (NFPA) standards. For firefighter safety reasons, the Fire Department must replace all of its SCBAs at one time, in order to have manufacturer supported NFPA 1981 and 1982-2013 standard compliant SCBAs. Replacement of the existing SCBA platform will ensure that firefighters can perform offensive firefighting operations, which means the Fire Department will continue to have the means to enter burning structures to extinguish fires and rescue victims.

The administration is recommending that the bid for the purchase of SCBA equipment in the amount of \$1,555,556.94 from Municipal Emergency Services be approved and the City

July 24, 2014

Manager be authorized to execute all relevant contracts; and that the City Manager be authorized to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract.

Council Member Schewel said he had the same concerns with this item - the lack of minority hiring.

At the request of Council Member Catotti, Susan Sandhoff, of the Purchasing Division, commented on why the other vendor bid was determined to be non-responsive.

Subject: Planning Department FY 15 Work Program

The Inter-local Cooperation Agreement between the City and County for merged planning functions charges the Planning Director with preparing and submitting to the Planning Commission, City and County Managers a work program and annual budget that must be forwarded to both governing bodies for approval. The proposed work program is structured on the department receiving sufficient resources for 36 full time employees and operational overhead. Staff resources have been fully allocated for the tasks reflected in the proposed work program with no capacity to take on additional tasks without either revising the work program to modify tasks by either deleting existing tasks or changing expected outcomes/timelines.

The staff recommends that the City Council approve the Proposed FY15 Planning Department Work Program. The Planning Commission recommended approval by a vote of 10-1, at its May 13, 2014 meeting.

Council Member Catotti complimented the staff on this item. She said there is a huge amount of information being presented.

City/County Planning Director Steve Medlin addressed the council on the Planning Commission comments regarding resources in the Golden Belt Design District, which were addressed in the program report.

Council Member Schewel requested information on a privately initiated design district.

City/County Planning Director Steve Medlin replied they do have a pending application that was received for the Patterson Place Transit area, and the applicant is reassessing if they want to move forward with that application.

Subject: Controlled Parking Residential Area 1300 – 1400 Rosewood Street

The Department of Transportation received requests from residents to establish a Controlled Parking Residential Area in the 1300 and 1400 blocks of Rosewood Street. Once established, no

July 24, 2014

person would be able to park a vehicle in this area for a period longer than two hours without a properly displayed parking permit decal. Parking permits would be issued free of charge only to residents of the designated streets. Staff has investigated the requests and found that the requirements as set forth in City Code Chapter 66, Article IV, Division 3, Controlled Parking Residential Area, have been met.

The Department of Transportation recommends that the City Council:

- Adopt an ordinance to establish a Controlled Parking Residential Area on both sides of the 1300 block of Rosewood Street, between E. Lawson Street and Dayton Street; and
- Adopt an ordinance to establish a Controlled Parking Residential Area on both sides of the 1400 block of Rosewood Street from Dayton Street southward to but not including, the 1500 block.

Linda Brannon, a resident of Rosewood Street, addressed the council requesting assistance for students from the city to help the students with parking maybe utilizing go passes. She said that NCCU's monthly charge is \$75 which is obviously too expensive for students. Ms. Brannon said she really did not like the controlled parking signs because it makes neighborhoods look a little tacky to her.

Troy Poole, a resident of Rosewood Street, explained why he initiated the controlled parking petition for his area. He stated NCCU has adequate parking and decals have to be purchased by the students which they elect not to do. Mr. Poole said he visited neighborhood streets around the campus and most of the streets already have controlled parking signs. He requested council's support of controlled parking signs.

Council Member Catotti expressed support for controlled parking signs on Rosewood Street.

Council Member Brown asked if NCCU had complied with the city's parking requirements (adequate parking) since they have added new buildings.

Wesley Parham, of the Transportation Department, replied yes they have met the minimum parking requirements. He said he was not aware of there being a parking shortage on NCCU's campus, and he referenced the \$75 per month cost which is quite expensive for students. He said if parking is free just one block over, then of course this becomes an easy way to avoid those costs.

It was noted if this item is approved by council, when the signs are erected, officials will start by giving violators warning tickets to get the message out before tickets are issued which is a \$50 fine.

Subject: Vermilion Affordable Housing Project Presentation by Workforce Homestead, Inc.

In response to the City of Durham's application for funding of CDEBG, HOME, ESG and General

July 24, 2014

Funds for FY 2014-2015, Workforce Homestead, Inc. submitted an application for a subsidized loan using the dedicated funding source in the amount of \$193,506.00 to provide gap financing for a 60 unit affordable townhome style community. These units will be constructed on Cook Road at Martin Luther King Parkway, comprised of two and three bedroom units and will be available to individuals and families whose income does not exceed 30% 50% and 60% of the area median income.

The project is located outside an area of low income or minority concentration and is therefore in compliance with the City's subsidized housing location policy. Six units will serve special needs persons with disabilities.

The Department of Community Development recommends that City Council receive a presentation from Workforce Homestead, Inc. regarding the requested gap funding for the Vermilion affordable housing project and its inclusion in the department's funding plan.

The developer, Jim Yamin, provided a power point presentation on the Vermilion Housing Project commenting on the following: 1) Vermilion location map; 2) summary of permanent sources; 3) the committed elements approved December 18, 2006 as part of the Zoning Map Change Case Z06-17; and 4) this project serving the special needs population.

Mr. Yamin asked the council to award this project.

Mayor Bell said to the developer he felt it was a good project; however, he did not understand the numbers. The Mayor asked the developers several questions about the developer fee coming from the project budget.

Council Member Schewel said he would really like to support the project, but he was having difficulty understanding the math, the developer fee. He said the City of Durham needs this kind of development.

Council Member Catotti noted that Mr. Yamin's tax-credit request to the N. C. Housing Finance Agency had been beaten out and delayed the Whitted Junior High School redevelopment, and said she believes the council will eventually be asked to raise its planned \$500,000 contribution to the Whitted redevelopment because of the delay.

Council Member Brown voiced concern that the developer did not meet with the site-development companies before buying the property.

The Council asked the Department of Community Development to coordinate with the developer in providing supplemental information to Council regarding the economics of the proposed project and the requested gap financing.

Council Member Brown asked the City Manager to provide in the near future an update on the Whitted School Project.

July 24, 2014

Subject: Presentation on the Downtown Open Space Plan

The Planning Department has completed a draft of the Downtown Open Space Plan which includes goals and objectives, research and comparative metrics, existing conditions, policy and Unified Development Ordinance change recommendations, locations of open spaces, illustrative open space concepts, and implementation strategies.

The staff recommends that the City Council receive the presentation on the Downtown Open Space Plan.

Tom Dawson, of the City/County Planning Department, provided a power point presentation on the Downtown Open Space Plan commenting on the following:

- Downtown Open Space Goals
- Plan Objectives
- Public Participation Process
- Downtown Open Space Type: Public, Open Space at Public Buildings, Semi-Public, Private,
- Map of Existing Open Space
- Map of Open Space Walking Areas
- Open Space Character
- Open Space Function
- Open Space Concepts
- Renovating Existing Spaces
- New Public Open Space
- Improved Connectivity

Implementation

- Coordinate with other departments
- Prioritize recommendations
- Earmark existing residential impact fees to be spent Downtown
- UDO requirements for private open space on sites larger than 4 acres
- Open space improvements in CIP
- Grants

City/County Planning Director Steve Medlin said the staff would welcome any comments from the council regarding the plan, which would help them refine the document before bringing it back for approval. Once council approves the plan, it serves as a guide to help the department as they move forward to actually implement further actions anticipated by the bullet points noted by Mr. Dawson. Also, he noted it is not a binding document.

Council Member Catotti said she supported the impact fees (some proportion coming from the other two zones); preferred alternative 2 for the Mangum lot; expressed reservations about the green

July 24, 2014

roofing at the Convention Center Plaza; spoke in support of the north-south greenway trail; and said she was not objected to the proposal for Blackwell and other crossings but had concerns due to pending uncertainties.

Council Member Schewel said the staff report was well written and noted that the Old North Durham Park was outside of the boundaries; however, it should be considered. He referenced the following: nice view of downtown if one is walking/running on the American Tobacco Trail gateway and said nothing should be done to that entryway that would obstruct that view, the lack of playing field downtowns; he was glad to see reference to the poor lighting/sidewalks connecting neighborhoods in downtown; and commented on possibility of the Beltline having a huge impact on open/green space. Overall, Council Member Schewel said the report was a good road map.

Tom Dawson, of the City/County Planning Department, commented on water features in the downtown area.

At this time, City Clerk Gray announced the ballot votes for the following boards: Equal Business Opportunity Program Advisory Committee; Durham Cultural Advisory; Homeless Services Advisory Committee; Durham Planning Commission; Human Relations Commission; Recreation Advisory Commission; Housing Appeals Boards; Workforce Development Board; Durham Bicycle and Pedestrian Advisory Commission and Durham Board of Adjustment.

Settling the Agenda – August 4, 2014 City Council Meeting

City Manager Bonfield referenced the following items for the August 4, 2014 City Council Meeting agenda: Consent Items 1; 2; 3(a); 4; 6; 10 thru 33; General Business Agenda Items 3(b); 8 and 9; Public Hearings Items 36 thru 38.

Motion by Council Member Brown seconded by Council Member Catotti to settle the agenda for the August 4, 2014 City Council Meeting as stated by City Manager Bonfield.

The motion was approved by a vote of 5/0 at 3:17 p.m.

At this time, City Manager Bonfield provided an update on the device which was set off on the Bull City Connector Bus. He said it was not really an explosive device and there was no damage to the bus. He said two of the individuals involved have turned themselves in.

July 24, 2014

Council Member Brown announced that he and the City Manager visited 605 West Chapel Hill Street Apartment complex and encouraged the council members to take a tour of the complex.

There being no further business to come before the council, the meeting was adjourned at 3:20 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk