

DURHAM CITY COUNCIL WORK SESSION
Thursday, December 18, 2014 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

Present: Mayor William “Bill” V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

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

Mayor Bell called the meeting to order and asked if there were any announcements from Council.

Mayor Pro Tem Cole-McFadden recognized Dr. Brian L. Johnson, the seventh president of Tuskegee University and African American; T.J. Britton, an African American youth, who was honored by the Lamp Lighters Program for his community service; and expressed the desire to celebrate local, young black males accomplishments.

Council Member Davis spoke to the Triangle J Council of Governments’ meeting, stated that Kirby Bowers announced his resignation effective next summer; and expressed concern about the leadership deficit for the region.

There were several individuals in attendance regarding protests in Durham and Mayor Bell stated he would make comments later regarding the protests.

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

City Manager Bonfield referenced the following items and requested that council suspend the rules and take action at the work session:

- Agenda Item #12 – Resolution Making Certain Statements of Fact Concerning Proposed Bond Issue and Resolution Providing for the Issuance of Not to Exceed \$60,500.000 General Obligation Refunding Bonds
- Agenda Item #13 Resolution Approving Amendment to the Installment Purchase Contract with New Durham Corporation and Related Matters
- Agenda Item #16 – Lease of East Durham Recreation Center and Contract for Service to East Durham Children’s Initiative

MOTION by Council Member Catotti, seconded by Mayor Pro Tempore Cole-McFadden, to approve the City Manager’s priority items was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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City Attorney Baker referenced a memorandum on joining the Supreme Court's *amicus brief* associated in support of the Fair Housing Act; requested Council's support of the item. The City Attorney also introduced Laura Yount, daughter of Police Department Lieutenant Jerry Yount, a Crossroads Christian High School senior, who was job shadowing in the Attorney's Office.

MOTION by Council Member Catotti, seconded by Mayor Pro Tempore Cole-McFadden, to approve the City Attorney's priority items was approved at 1:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There were no priority items from the City Clerk.

Mayor Bell read each item on the administrative consent agenda; and the following items were pulled for comments; council action and/or discussion:

[CITIZENS' MATTERS]

SUBJECT: DAVE RUSH

To receive comments from Dave Rush regarding paving of Briggs Avenue between Angier Avenue and Kate Street.

Dave Rush spoke to his business operations being affected by poor condition of the unpaved roadway of Briggs Avenue between Angier Avenue and Kate Street; provided a DVD to Council showing the condition of the street; and requested the city pave the street.

Director of Public Works Marvin Williams stated a petition had not been submitted to pave the roadway; and noted that other property owners had not been willing to sign the petition.

SUBJECT: LEN STANLEY

To receive comments from Len Stanley regarding the Wayfinder's Program

Len Stanley, a former participant in DCVB Wayfinder's Program, a program that supplied volunteers for local events in the City of Durham; stated she had been dismissed by the volunteer coordinator without cause; and questioned the lack of policies for volunteers for the program; and stated she had been informed that City Manager Bonfield was over the program; and later was told that he was not over the program because the Durham Convention & Visitor's Bureau was a completely different entity.

The City Manager stated he had responded to Ms. Stanley and he was unaware of what the duties were for the program.

Mayor Pro Tempore Cole-McFadden recommended that Ms. Stanley make a presentation before the DCVB Board of Directors. She informed Ms. Stanley that the board meets on the 4th Tuesday at 3 p.m. at the DCVB office.

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SUBJECT: ROBIN JACOBS

To receive comments from Robin Jacobs regarding the 2015 Eno River Association calendars.

Robin Jacobs and Barbara Driscoll shared greetings and provided the 2015 Eno River Association calendars to the Council. In addition, they thanked the Council for all of their support for the Eno Festival which was held each year.

The Council thanked Ms. Jacobs and Ms. Driscoll for the calendars and their work at the Eno.

SUBJECT: TERRY MORRIS

To receive comments from Terry Morris regarding Vets to Vets United, Inc., a non-profit veteran service/animal rescue organization.

Dr. Terry Morris, of Veterinarians to Vets United Incorporated, an organization that trained and partnered rescue animals with disabled veterans; explained the assignment process and services provided; and advocated for volunteers and financial support to continue the program at Friendly Civitan Club, 2510 Glendale Avenue. She also provided a Powerpoint presentation commenting on their mission; the need in North Carolina; description of service program; and other services/activities offered.

A disabled U.S. military veteran spoke about the importance of the Vet to Vet program and its life-saving benefits.

Council thanked Ms. Morris for her comments and expressed appreciation for the organization.

SUBJECT: KATHERINE GILL

To receive comments from Katherine Gill regarding safer sidewalks on Milton Road.

Katherine Gill and Odessa Wingate made a presentation requesting safer sidewalks for Milton Road. They stated that Milton Road is an activity center that lacks safe sidewalks, signs and crosswalks; students are at risk and stated something must be done; referenced a survey about traffic and summarized the results; and asked the City along with Durham Public Schools, NCDOT, Durham County and the community to come together to connect sidewalks and to install better signage along Milton Road.

City Manager Bonfield stated that the majority of Milton Road was not located within the city limits; referenced the *Durham Walks Plan*; and spoke to prioritization.

Ms. Wingate requested a continuous sidewalk between Eno Valley Elementary School to Northern High School.

The City Manager stated that the request would be investigated.

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At this time, several audience members sang in protest; directed comments toward Council and stated that African American lives matter.

Mayor Bell stated that he had comments regarding the recent protests that he would make after the agenda was completed.

[ADMINISTRATIVE CONSENT ITEMS PULLED]

SUBJECT: RESOLUTION CONCERNING UNACCOMPANIED MIGRANT CHILDREN

To adopt a Resolution Concerning Unaccompanied Migrant Children in Durham.

Mayor Bell recognized the following citizens for comments.

Katushka Olave, of Immaculate Conception Catholic Church, representing the Latino Coalition of North Carolina, addressed the content of the resolution; spoke to detentions along the US/Mexico border; spoke to collaboration of support with the City, County and Durham Public Schools; and requested Council's support of the resolution.

Sarah Preston, representing the ACLU, spoke in favor of the resolution that supported legal rights of unaccompanied children, fleeing violence, who arrived in the United States; noted that children were forced to defend themselves in immigration court; and thanked Council for welcoming the children coming into the community.

George Eppsteiner, representing the Southern Coalition for Social Justice, a non-profit organization to empower communities of color in the South; expressed gratitude for Council Member Schewel's efforts to address undocumented children registration in public schools; stated that the U.S. Supreme Court (1982) settled the issue that immigration status of children should not prohibit attendance at public schools; and stated it was a fundamental right of unaccompanied minors to attend public schools in Durham.

Council Member Schewel addressed that over 300 students currently categorized as unaccompanied migrant minors are in Durham Public Schools; stated that in order to be released into a community, there had to be a family member assigned as caregiver.

Mayor Pro Tempore Cole-McFadden inquired about the children's caregivers.

Council Member Moffitt appreciated the time and energy involved in the resolution; stated he had grown up on the Mexican/American border; and was happy to support the resolution. Council Member Schewel stated that the resolution would be presented to Council for approval at the January 5th Council meeting.

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SUBJECT: AGREEMENT FOR SIDEWALK CONSTRUCTION ON AVONDALE DRIVE (TIP #U-4726HM) – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

The staff report indicated that the City of Durham had received federal funds through the Durham-Chapel Hill-Carrboro MPO to construct sidewalks on Avondale Drive between Roxboro Road and Geer Street. It is estimated that a total of \$477,336 is needed. The federal funding amount is \$323,907, which requires a 20 percent local match of \$80,977 from the City. An additional \$72,452 in City funding is needed for construction administration, inspections, testing, and right-of-way acquisition. The Public Works Department has designed the project and will manage construction. To utilize these funds, the City Council must approve a CIP Ordinance Amendment and a resolution accepting the funds and authorizing the City Manager to execute a grant agreement with the North Carolina Department of Transportation (NCDOT).

It was recommended that the City Council adopt an ordinance amending the General Capital Improvement Project Ordinance, Fiscal Year 2014-15, as amended, the same being Ordinance # 14623, for the purpose of receiving the federal funds. It is further recommended that the City Council adopt a resolution authorizing the City Manager to execute a grant agreement with NCDOT. City Council's approval of the resolution and CIP Ordinance Amendment does not authorize construction. Contract awards for construction will occur through subsequent action by the City Council.

Council Member Moffitt inquired about the contract with NCDOT, inquiring that if the work was done for less, what happened to the additional funds, asked if there were any incentives to get project built as inexpensively as possible.

Dale McKeel, of Transportation Department, stated that if bids came in lower than the amount shown in the agenda item, then the surplus funds could be reallocated to other sidewalk projects; and stated there was a cost reimbursement with an 80% state/federal and 20% local match.

SUBJECT: CONTRACT FOR PROPERTY MANAGEMENT SERVICES WITH GWC PROPERTIES, LLC AT 616 E. MAIN STREET, 101 S. ELIZABETH STREET, 113 S. ELIZABETH STREET, 601 E. RAMSEUR STREET AND 605 E. RAMSEUR STREET

The staff report indicated that City Council approved acquisition of property from GWC Properties (GWC) for the future Police Headquarters facility on October 20, 2014. A condition of sale of the property is that GWC will continue to manage the property until December 31, 2015 as this will decrease disruption to existing businesses, ensure continuity and provide an opportunity for tenants to relocate their operations. The property to be acquired from GWC includes thirteen commercial tenants.

This proposed agenda action effects a contract for property management services with GWC. As a fee for management of the property, GWC will receive 50% of the net operating income received from the leases. The City will receive the remaining 50% of net revenue. All tenant

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leases will expire on or before December 31, 2015.

The General Services Department recommended that City Council authorize the City Manager to execute a contract for property management services with GWC Properties for the property located at 616 E. Main Street, 101 S. Elizabeth Street, 113 S. Elizabeth Street, 601 E. Ramseur Street, and 605 E. Ramseur Street.

Council Member Catotti inquired about precedent of 50% net rental income being the management fee when actual dollars were not that high.

Joel Reitzer, General Services Director, stated amount was negotiated in the option agreement; indicated that the tenant activities being coordinated by former landlord were more efficient for them to do; and stated that considerations were several, being that the City wanted tenants to take lead due to low city resources and the lack of relationships.

City Manager Bonfield reiterated the question of what was fair about costs and management fee arrangement.

Mr. Reitzer responded that it was difficult to compare to normal property management agreements; mentioned that usually, property management fees were 10-12% of gross rent; stated this was an unusual amount because it was negotiated in the context of the purchase. He spoke on the current tenants and stated they have up to a year to find an alternative location and stated his department was not resourced to perform the management.

Council Member Schewel stated it appeared this is a special circumstance having to do with the purchase of a large parcel of property and the City did not see this as a precedent for future situations that are unlike this.

Mr. Reitzer stated he agreed because it was not an ordinary fee that you would pay for property management.

SUBJECT: U-0071 EAST END CONNECTOR CSX RAIL ROAD PERMIT

The staff report noted that the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to construct the East End Connector project from NC 98 (Holloway Street) to NC 147 (Buck Dean Parkway) under Project U-0071. See Attachment B for a map of the project limits. The project requires the relocation of existing City of Durham water utilities that are within the project boundaries and for which the City is financially responsible to relocate. The relocation work will be performed by the contractor for NCDOT. The City will reimburse NCDOT for the cost of the utility relocation work which is defined in a previously executed Utility Agreement. Part of the utility work occurs within the CSX Transportation, Inc. Right of Way and permits (Attachment A) are required. Railroad permits must be approved by the City Council under current signature authority arrangements.

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The administration recommended that the City Council authorize the City Manager to execute an Encroachment Agreement and a Railroad Permit with CSX Transportation, Inc. for the relocation of City water utilities associated with the East End Connector project (U-0071).

Council Member Moffitt inquired about costs associated with the request.

Tasha Johnson, of the Public Works Department, stated that the estimated costs were around \$800 or \$900 which was slightly difference from the CSX or the Norfolk Southern costs. She stated this was solely for the permit.

SUBJECT: 2015 LEGISLATIVE LONG SESSION AGENDA

The staff report indicated that the following proposed Legislative Agenda was being presented to the City Council for consideration and approval.

Proposed Legislative Agenda

- 1) Amend the City Charter to give notice and hold public hearings on applications for initial zoning of property subject to a voluntary annexation petition prior to the passage of an annexation ordinance.
- 2) Amend the City charter to allow City Council to annex adjacent streets and street rights-of-way directly adjacent to a property subject to a voluntary annexation petition in voluntary annexation ordinance.

The following advocacy requests were also submitted by various stakeholders for consideration:

- 1) Increase the penalty for stealing firearms (*submitted by Durham County Sheriff and Durham County Manager*)
- 2) Amend General Statute to change brake light requirements (*submitted by Durham County Sheriff*)
- 3) Amend the General Statute to shorten the amount of time to hold and advertise unclaimed livestock (*submitted by Durham County Sheriff and Durham County Manager*)
- 4) Require State Medicaid program to use Federal rules for determination of medical necessity for ambulance transport (*submitted by Durham County Manager on behalf of EMS Director*)
- 5) Restoration or Historic Preservation Rehabilitation Tax Credits (*submitted by Durham County Manager on behalf of Durham County Commissioners*)
- 6) Fully fund the Justice Reinvestment Act (*submitted by Durham County Manager on behalf of Durham County Commissioners*)

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- 7) Seek authority to install speed cameras near parks, schools and hospitals to improve traffic safety (*submitted by Philip Azar on behalf of the Durham InterNeighborhood Council*)
- 8) Ask the Durham delegation to inquire with NCDOT about increasing the number of bike and pedestrian questions on state driving license tests and related study materials (*submitted by Philip Azar on behalf of the Durham InterNeighborhood Council*)

Council Member Schewel inquired about the Sheriff's request in regard to increasing penalty for stolen firearms; referenced the written comments received by Council from Lao Rubert, which he concurred with; stated state county commissioners had decided not to include the item on their legislative agenda; referenced firearms regulations, usage and enhancements; and pointed out equivalents in structured sentencing; and spoke in opposition to advancing this item to the Durham delegation and the reasons.

Council Member Moffitt stated he understood the concerns in communities where gun violence was prevalent which was a critical issue; stated the question becomes if the proposal would address that at all and could result in unintended consequences; and stated he did not support gun violence nor the theft of firearms.

Mayor Pro Tempore Cole-McFadden addressed concerns about gun violence in the neighborhoods; stated there have been shootings and wanted to do whatever necessary to stop the violence with whatever means necessary; stated that people were suffering and acknowledged her neighbors were reporting gun shots; and called for affirmative action to stop the violence.

Council Member Schewel stated he understood the Mayor Pro Tempore's concern and frustration; commented on Mayor Bell efforts regarding firearms; and mentioned the state legislators' resistance regarding firearms.

Council Member Moffitt spoke to a tour he experienced in Southside; referenced gunfire stories he had been made aware of; and reiterated that black lives mattered.

Mayor Bell commented on the Sheriff's Office coming to the City making the request for support; supported a parallel effort to conduct a study while the item was considered at the Legislature; and insisted that persons needed to understand the consequences of violence committed with guns. The Mayor said he was inclined to support the Sheriff's request.

Karmisha Wallace, Senior Assistant to the City Manager, acknowledged the item had been forwarded, by another body, to the statewide Sheriff's Association and it was her understanding that the Association was considering lobbying for it.

City Manager Bonfield clarified the recommendation process stating after Council's confirmation of the Advocacy Agenda, only then could staff make statements of endorsement; and stated if Council did not want an item on the Advocacy Agenda, then Council could remove it.

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Council Member Schewel requested that the Sheriff's request regarding stolen firearms be removed from the Advocacy Agenda.

Council Member Moffitt suggested that the item be placed on the general business agenda for January 5th and invite speakers to come and make their cases.

**SUBJECT: RESOLUTION MAKING CERTAIN STATEMENT OF FACT
CONCERNING PROPOSED BOND ISSUE AND RESOLUTION
PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$60,500,000.00
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015**

The staff report indicated that based on favorable interest rates, the City is in a position to advance refund certain maturities of General Obligation Bonds and realize positive economic savings. The Finance Department is currently pursuing refunding portions of the City's outstanding GO Bonds Series 2005D, 2006B, 2008A and 2008B (collectively, the "Refunded Bonds") in the amount of \$55,545,000.00, which represents all of the callable maturities from each series. Based on market rates as of November 24, 2015, the refunding will generate approximately \$2,950,000.00 in net present value savings, or 5.3% of the refunded bonds.

The Finance Department recommended that the City Council adopt a Resolution of the City Council of the City of Durham, North Carolina making certain statements of fact concerning the proposed refunding bond issue; to adopt a Resolution Providing for the Issuance of Not to Exceed \$60,500,000.00 General Obligation Refunding Bonds, Series 2015; and to authorize the City Manager or his designee to execute other associated legal documents as necessary to complete the 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 memo and existing versions of the documents.

Given the standard of the GFOA and the refunding threshold of 5%, Council Member Schewel inquired if it would be helpful for staff to have a different guidance for the threshold; or if the guidance of 5% was sufficient.

Finance Director David Boyd explained why the current policy guidance was sufficient.

Council Member Schewel acknowledged the savings and thanked the administration for seizing the opportunity.

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 2:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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MOTION by Council Member Catotti seconded by Council Member Schewel to adopt a Resolution of the City Council of the City of Durham, North Carolina making certain statements of fact concerning the proposed refunding bond issue;

To adopt a Resolution providing for the issuance of not to exceed \$60,500,000.00 General Obligation Refunding Bonds, Series 2015; and

To authorize the City Manager or his designee to execute other associated legal documents as necessary to complete this transaction was approved at 2:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9909 & #9910

SUBJECT: RESOLUTION APPROVING AN AMENDMENT TO THE INSTALLMENT PURCHASE CONTRACT WITH NEW DURHAM CORPORATION AND RELATED MATTERS

Based on favorable interest rates, the staff indicated that the City was in a position to advance refund certain maturities of Certificates of Participation and realize positive economic savings. The Finance Department is currently pursuing refunding portions of the City's outstand COPs Series 2007A in the amount of \$26,480,000.00, which represented all of the callable maturities from the certificates of participation that financed the Durham Performing Arts Center. Based on market rates as of December 1, 2014, the refunding will generate approximately \$2,300,000.00 in net present value savings of 8.80% of the refunded bonds.

The staff recommended that the City Council adopt a Resolution approving an amendment to the installment purchase contract with New Durham Corporation and authorize the City Manager or his designee to execute other associated legal documents necessary.

MOTION by Council Member Catotti seconded by Council Member Schewel to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 2:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt a Resolution of the City Council of the City of Durham, North Carolina approving an Amendment to the Installment Purchase Contract with New Durham Corporation and Related Matters; and

To authorize the City Manager or his designee to execute other associated legal documents as necessary to complete this transaction was approved at 2:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9911

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SUBJECT: LEASE OF EAST DURHAM RECREATION CENTER AND CONTRACT FOR SERVICE TO EAST DURHAM CHILDREN'S INITIATIVE

The staff report indicated that in the fall of 2012, Durham Parks and Recreation ended the provision of programs at East Durham Recreation Center, TA Grady Recreation Center and W.I. Patterson Recreation Center. DPR now only provides Summer Day Camp programming at the East Durham and W.I. Patterson facilities. The City entered into a three-year lease with the Durham Housing Authority for their use of the T.A. Grady facility in April 2014.

The initial tenant of the East Durham Recreation Center notified DPR of its intention to not renew the lease in May 2014. Staff issued a Request for Proposal for a new tenant in September 2014. The East Durham Children's Initiative proposal was selected by the committee. There was a second response received, however it was deemed incomplete.

The agreement with East Durham Children's Initiative will provide a half day, high quality preschool for 3-4 year old children. This program will meet Monday – Friday, from September through May. The program goal is to provide a means to ensure that children are prepared to enter Kindergarten ready to learn and having been exposed to a classroom setting. This program will also provide a family engagement component. The program will serve up to 48 children. Children participating in the program will be formally evaluated three times per year on individual development and readiness to begin Kindergarten.

The administration recommended that City Council authorize the City Manager to execute the Lease for East Durham Recreation Center and contract for Service with East Durham Children's Initiative.

MOTION by Council Member Catotti seconded by Council Member Davis to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 2:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The Mayor recognized David Reese for comments.

David Reese, of East Durham Children's Initiative, reported on the East Durham Recreation Center and referenced the lack of high quality childcare in the area; stated kindergarten readiness numbers are low at Y.E. Smith and East Way Elementary Schools; and commented on the types of programs East Durham Children's Initiative would be offering.

Mayor Pro Tempore Cole-McFadden inquired if Mr. Reese was on the Leadership Council and if they were supportive of the program; and Mr. Reese responded in the affirmative.

MOTION by Council Member Catotti, seconded by Council Member Brown, to authorize the City Manager to execute the Lease of East Durham Recreation Center and Contract for Service with East Durham Children's Initiative in the amount of \$0.00 was approved at 2:24 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: PRESENTATION ON THE PAVEMENT CONDITION STUDY FINDINGS

The staff report indicated that in April 2013, Public Works contracted with Transmap Corporation to provide consulting services for a Pavement Condition Index Study of the City of Durham's city maintained asphalt streets as well as a condition assessment of the sidewalks along those streets. Transmap completed the field work associated with the study in October 2013 and completed the analysis of the data in January 2014.

Director of Public Works Marvin Williams provided a Powerpoint presentation on the findings of the (PCI) Pavement Condition Study. The presentation included a review of the City's pavement conditions and recommended funding options to maintain a proposed overall PCI rating of 55 or 65 out of 100 for local streets and 70 or 75 out of 100 for arterial streets.

Mr. Williams stated they were seeking guidance from the Council on the PCI they would want to achieve.

- What average PCI rating does the City want to achieve? Is an average PCI rating of 70 acceptable? 65?
- Which City streets should receive a higher level of service – Arterials or local residential streets?
- Does the Council have an idea as to what amount of funding may be dedicated to City street resurfacing on an annual basis?

Mayor Pro Tempore inquired about large trucks entering neighborhood streets which impact the conditions of streets.

Mayor Bell stated that previous bond funds were used for street resurfacing; stated that Council needed to set a path for funding for maintaining streets; and decide at what level of service they desired, and how it should be paid for.

Council Member Brown concurred with the Mayor's comments and suggested that a certain percentage be set aside for sidewalks.

Mayor Bell suggested that a similar analysis as done with the streets be completed for sidewalks.

Council Member Moffitt stated there were many aspirations, but not funding for the projects; and asked if this was a preliminary budget discussion presentation.

City Manager Bonfield stated the presentation was a follow-up to a presentation made that focused on arterials with substantial traffic compared to those that do not; and noted the presentation viewed residential streets per their condition levels 65% versus 55%.

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Mayor Pro Tempore Cole-McFadden expressed concern about the condition of streets where school buses travelled and children needed to cross.

Council Member Catotti appreciated splitting arterials versus local streets; stated that 55% was not adequate on local streets; requested that a budget presentation be made with cost allocations for streets and sidewalks depending on varying amounts and hoped a bond issue would be part of a discussion in the spring.

Council Member Schewel stated this presentation could be a case study for a presentation of policy choice for the School of Public Policy; admired the content and presentation style; requested that streets be identified with 55% versus 65% ratings; and concurred it was correct to prioritize good roads in accordance with the public survey results.

Council Member Brown inquired about other cities that had used this same analysis with similar criteria and requested a list of streets with varying conditional ratings.

Council Member Moffitt concurred with the Mayor about making streets a priority for residents; and emphasized that sidewalks were important for public safety and walkability; and referenced the passage of a bond issue meant higher taxes.

Council Member Catotti requested the background on the three miles of very poor streets, and asked the staff to provide information explaining how the streets fell into disrepair; and requested a map be provided.

Public Works Director Marvin Williams stated he would provide requested information.

City Clerk Gray announced the ballot results for the following boards: Fire Fighters Relief Fund Board of Trustees; Raleigh Durham Airport Authority and Passenger Vehicle for Hire Commission.

[SETTLING THE AGENDA – JANUARY 5, 2015 COUNCIL MEETING]

For the January 5, 2015 City Council Meeting agenda, City Manager Bonfield referenced the following items: Consent agenda: Items 1-7, 9-11, 14, 15, 17-20; GBA Item 8 and Public Hearing Items 22 and 23. He noted the Council disposed of the following items at the work session – Items 12; 13; 16; 21; and 24 thru 28.

MOTION by Council Member Catotti seconded by Council Member Moffitt to settle the agenda for the January 5, 2015 City Council Meeting as stated by City Manager Bonfield.

The motion was approved unanimously.

[COMMENTS ON RECENT PROTESTS]

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Mayor Bell made a statement regarding the recent protests that had occurred in the City of Durham; stated that Council had no control over outcomes nationally but only in Durham; stated he supported the Police Department although there had been some incidents that hadn't been handled appropriately, but there had been changes made; reminded protestors of the rules of conduct; requested City Attorney Baker to go through the rules of conduct to determine what applied and what did not apply for protests.

City Attorney Baker briefed the Council on the Rules of Conduct adopted by the Council in January 2014 regarding protests.

Mayor Bell stated the demonstrators, giving them the benefit of the doubt, did not know the rules of conduct but his concern now is that they know what the rules are; voiced the fact that Council stood for what was right; that persons had the right to participate in peaceful protests; but that those involved with civil disobedience, they could be arrested; peaceful protests were acceptable; protestors needed to follow lawful orders of the Police; noted when the Police told demonstrators to disperse, and the demonstrators did not, those persons could suffer the consequences; stated it was wrong for persons to impede traffic on public streets, to destroy or deface private or public property and to throw damaging articles at Police or any other person; persons needed to heed lawful commands of police officers when told to disperse; and said it was wrong for Police to use unnecessary force in dispersing persons or arresting persons.

Mayor Bell stated he wanted to make sure the Police were aware of the rules of conduct also. He stated they did not want a small minority of persons coming in, protesting and defaming the community to the detriment of the 240,000 Durham residents. The Mayor said if persons want to protest, do so in accordance to the rules of conduct, otherwise, persons would have to suffer the consequences.

Mayor Pro Tempore Cole-McFadden inquired if Sheriff Deputies and State Troopers were aiding local police along N.C. 147; and expressed fears about protestors lying on the highway along the interstate for safety reasons.

Council Member Brown spoke to an ambulance wanting to pass on N.C.147 which had to be re-routed due to the protestors; commented on the radio program from a UNC Chapel Hill law professor who commented on ordinances in Durham and if there were plans to counter the professor's comments consisting of an incorrect assumption that nighttime protests had been banned.

City Attorney Baker stated he was not aware of the comments and that he had reached out to the professor; and stated that the assumption was incorrect and involved misinformation.

Council Member Moffitt believed that the protestors lived and worked in the community; stated he met persons recently and noted that common interests were shared regarding protests; and said when people use the expression that black lives matter, he stated for Durham every life mattered.

Mayor Bell addressed the City Manager about communicating the rules of conduct to the public.

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City Manager Bonfield stated he would look for opportunities to do so.

There being no further business to come before the Council, the meeting was adjourned at 3:15 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk