

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, June 4, 2015 @ 1:00 p.m.**  
**2<sup>nd</sup> Floor Committee Room -101 City Hall Plaza**

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

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

Mayor Pro Tempore Cole-McFadden called the meeting to order welcoming all in attendance.

Due to the number of items on the June 4<sup>th</sup> Work Session agenda, the Council agreed to end their discussion at 6:00 p.m.; and to continue the Work Session meeting to Monday, June 8, 2015 at 11:00 a.m.

Mayor Pro Tempore Cole-McFadden asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield referenced the following items:

- Agenda Item #51 – Presentation on the Police Headquarters Complex Preliminary Site Layout Concepts to be presented at 2:30 p.m.
- Agenda Item #53 – Completion of Street and Stormwater Infrastructure in Stone Hill Estates and Ravenstone Subdivisions – to be presented by the City Manager
- Agenda Item #63 – Durham-Chapel Hill Boulevard (Business 15-501) Road Reconfiguration Project – Added as supplemental item
- Agenda Item #64 – 2015-16 Employee Benefits Recommendations – Added as supplemental item

**MOTION** by Council Member Catotti seconded by Council Member Schewel to accept the City Manager’s priority items.

The motion was approved unanimously.

**SUBJECT: ZOING MAP CHANGE – 108 CELESTE PARKING LOT (Z1400032)**

At the June 1<sup>st</sup> City Council Meeting, the Zoning Map Change for 108 Celeste Parking Lot was denied by Council. City Manager Bonfield stated it was unclear if a consistency statement needed to be adopted because the item failed; however, it was determined after the June 1<sup>st</sup> meeting that the Council needed to take action on the consistency statement.

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**MOTION** by Council Member Catotti seconded by Council Member Moffitt to suspend the rules of the Council and to vote on the consistency statement for Zoning Map Change 108 Celeste Parking Lot was approved at 1:14 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 Catotti seconded by Council Member Moffitt to adopt a consistency statement as required by GS 160A-383 was approved at 1:14 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.

UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z1400032, 108 Celeste Parking Lot

**Whereas** the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

**Whereas** the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

**NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:**

That final action regarding zoning map change Z1400032, 108 Celeste Parking Lot, was based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is neither reasonable nor in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

There were no priority items from the City Attorney and City Clerk.

Due to the lack of attendance, the City Clerk was directed to re-publicize the Citizens Advisory Commission seat currently being held by Alice Cheek.

Mayor Pro Tempore Cole-McFadden asked if there were any announcements from the Council.

Council Member Brown announced that he would not seek re-election during the November 2015 election.

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The audience and Council Members acknowledged Mr. Brown for his service on the City Council.

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

**SUBJECT: RACHEL STINE**

To receive comments from Rachel Stine regarding Book Harvest, a non-profit organization based in Durham.

Rachel Stine addressed the council stating that Book Harvard was a nonprofit organization based in Durham which provided books to kids in need. She stated they were currently running book giveaway programs in four Durham Public Schools and invited members of the City Council to visit their program.

The Council thanked Ms. Stine for her comments and the invitation.

**SUBJECT: JADE BROOKS**

To receive comments from Jade Brooks regarding policing practice and community accountability in Durham.

Jade Brooks, representing Southerners On New Ground, recognized the positive work of the City Council and the Police Department; however, stated the Civilian Police Review Board in its current formation was not sufficient; referenced they had only heard four cases since being established; and taking action only once; stated based on their community surveying, people in Durham did not trust if they had an issue with the police that they would be heard; be respected; or that action would be taken. Ms. Brooks referenced the Durham Community Safety Act to assist with changes pertaining to the process for accountability.

Council Member Davis referenced the planning process underway for upcoming Critical Conversation Forums to be held over the summer allowing citizens, such as Ms. Brooks, to come and provide more extensive input.

**SUBJECT: SERENA SEBRING**

To receive comments from Serena Sebring regarding policing practice and community accountability in Durham.

Serena Sebring addressed the Council commenting on the Durham Community Safety Act. She referenced the experience of transgender and gender non-conforming people in relations to the Durham Police Department; and requested that standard operation procedures be put into place

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for police when dealing with transgender and gender non-conforming persons. She stated it was vital for all of the community to experience an equal kind of respect; equal kind of safety when encountering law enforcement who were charged with protecting and providing safety for everyone.

**SUBJECT: RENEE LEVERTY**

To receive comments from Renee Leverty regarding the Public Art Committee of the Cultural Advisory Board.

Renee Leverty, Co-Chair of the Cultural Advisory Board, stated the board was in agreement with the recommendation of the Public Arts Committee requesting that 1% of the police headquarters CIP be designated for public art beginning at project design, in order to ensure the most efficient and impactful integration of public art into the headquarters project. She stated public art and aesthetic design elements can support the Police Department's mission to promote safety and enhance the quality of life in partnership with the community; integrated public art and design can reinforce messages of community; safety; cooperation; dignity; warmth; and protection while honoring cultural heritage and police history. Ms. Leverty asked the Council to support the request of 1% of the police headquarters CIP be designated for public art.

**SUBJECT: CHARLENE REISS**

To receive comments from Charlene Reiss regarding the Public Art Committee of the Cultural Advisory Board.

Charlene Reiss, a member of the Public Arts Committee, stated she supported the request to designate 1% of the new police headquarters budget for public art; she commented on the reasons why the funds should be designated now; noted Durham was in a time of growth, with private developers quickly changing the city's skyline; and the police headquarters would be part of that skyline for decades to come. Ms. Reiss stated by designating resources to ensure that public art was integrated into the design of the major municipal investment, the City Council had the opportunity to set an example and to reaffirm Durham's commitment to being a culturally vibrant and forward-thinking City.

**SUBJECT: CHRIS OGDEN**

To receive comments from Chris Ogden regarding the Public Art Committee of the Cultural Advisory Board.

Chris Ogden, Chair of the Public Art Committee, stated he strongly supported the request for 1% of the police headquarters funding for integrated public art. He stated the police campus was a prime opportunity to make a big, and lasting difference with buildings that could still be in use in the year 2100. He stated timing was critical for designated funding now to enable the designers

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to cost effectively and seamlessly integrate multiple instances of high impact public art into the design, at a reduced rate by leveraging necessary structures and existing construction materials with best practice for public art.

**SUBJECT: POVERTY REDUCTION INITIATIVE – EDUCATION TASK FORCE  
UPDATE**

To receive an update from the Education Task Force on the Poverty Reduction Initiative.

Minnie Forte-Brown, Co-Chair of Education Task Force, stated the task force had been meeting over the past year. Guided by the PRI's survey of residents and their needs, the Task Force members identified the following areas of focus: 1) Ages newborn to five-years old (early childhood); 2) Middle School challenges; 3) College Ready and Persistence Strategy; and 4) Family Collaboration and Sustainability.

For each of the four selected focus areas, Ms. Forte-Brown referenced the Task Force action steps completed and their upcoming steps. Ms. Forte-Brown elaborated on their focus strategy for College Ready and Persistence stating that 10 students from Southern High School, in the census track, were provided intensive assistance with their preparation for college applications, selection, transition, and completion. The nine students present at the Work Session stood and introduced themselves; and announced the college they would be attending in the fall. Also, Mr. Jerome Leathers, principal of Southern High; their counselors Ms. Hill and Mr. Geter were introduced. Ms. Forte-Brown also introduced several citizens in attendance who were associated with various organizations in Durham and had provided resources.

In summary, Ms. Forte-Brown stated that have an excellent opportunity to work with other educational partners to achieve the overall objective of Anti-Poverty Task Force Initiatives; despite the challenges, the PRI's survey of residents indicated they wanted the best for their children and would be willing to put forth the necessary effort if their voices were heard.

On behalf of the City Council, Mayor Bell congratulated the students; the Education Task Force; the partnerships; school officials; parents and others for their involvement and the positive results thus far.

**SUBJECT: PARKING MANAGEMENT SERVICES CONTRACT WITH REPUBLIC  
PARKING SYSTEMS**

The City of Durham is required to operate, manage and provide maintenance for its off-street parking program as well as provide parking enforcement, citation processing and adjudication services for its on-street parking program. The Department of Transportation, specifically, is currently tasked with the day-today oversight of off-street and on-street parking in the Downtown and Ninth Street areas.

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The administration recommended that the City Manager be authorized to execute a three year contract with Republic Parking Systems for parking management for the period of August 1, 2015 – July 31, 2018 for a total not to exceed \$5,501,203.18.

At the request of Mayor Pro Tempore Cole-McFadden, Harmon Crutchfield, of the Transportation Department, addressed the future employment status of the current employees.

**SUBJECT: PROPOSED SALE OF VARIOUS PROPERTY INTERESTS TO BH-AG**

The staff report indicated that BH-AG Durham Foster was under contract to purchase the following 3 parcels: 1) parcel #104938; 2) parcel #104939; and 3) parcel #104942, collectively known as 539 Foster Street. The parcels were adjacent to city-owned parcel #104848, which was located at 501 Foster Street and part of Durham Central Park.

BH-AG plans to combine its parcels and construct a building containing approximately 100 residential condominium units and will pay the City \$41,788.76 as compensation for a variety of easements that would be located on the property and would facilitate the project's construction.

Attorney Patrick Byker stated he was working with the development team on the project next to Durham Central Park; noted site plan submitted July 2014 and was recently approved; referenced an agreement that had been agreed upon; and stated it would be difficult to delay a decision on the project until August due to the amount of work that had already been accomplished.

Council Member Moffitt stated he did not have an opportunity to review the supporting documents for this item and requested it be referred to the June 4<sup>th</sup> continued work session meeting.

Council Member Catotti disclosed she was a member of the Durham Central Park Board; had questions regarding the easement costs; and questioned fee simple vs. 50%; which was addressed by Assistant General Services Director Jina Propst.

Council Member Schewel also requested at the continued work session on June 8th, discussion take place on what was negotiated with Durham Central Park; what was negotiated with the City; and for the developer to consider providing a payment for affordable housing.

For clarification, Mayor Bell asked Council Member Schewel if he was proposing the developer give the City \$41,000.00 for affordable housing.

Council Member Schewel replied yes.

Mayor Bell stated his recommendation would be to have affordable housing within the project.

Attorney Patrick Byker, representing the developer, stated they appreciated the input and looked forward to discussing the project in detail; looking at what the encroachment agreement was addressing; and providing renderings of the project.

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**SUBJECT: PRESENTATION ON THE POLICE HEADQUARTERS COMPLEX  
PRELIMINARY SITE LAYOUT CONCEPTS**

The staff report noted that on March 23, 2015, General Services issued a notice to proceed with O'Brien Atkins, PA to provide Architectural Design Services for the Police Headquarters Project. On April 16, 2015, General Services hosted a Community Visioning Session where the City provided a project overview and received input from the community to identify what was important to the community and what residents wanted to see in connection with the site. On April 22, 2015, an additional Visioning Session was held specifically for Police and 911 staff to provide their input. On May 13, 2015, the City hosted a follow-up Public Input Session for residents and stakeholders to view preliminary site layout concepts for the project. Following both public meetings, a comment period was provided for the community to submit comments in writing to the City.

The General Services Department recommended that City Council receive a presentation introducing four preliminary site layout concepts for the Police Headquarters Complex. The presentation also included a summary of input received by the community in April and May 2015.

Assistant General Services Director Jina Propst stated they would be providing a status report and update of the police headquarters project; and recognized the O'Brien Atkins representatives for presentation.

A Powerpoint presentation was shared by Kevin Montgomery of O'Brien Atkins providing an overview of the process that started in 2010; commenting on the proposed headquarters complex consisting of 155,932 square feet; input sessions held throughout the community including comments received; design options with pros and cons; and outlined the next steps as indicated below.

**Schematic Design Next Steps – with Schemes C or D**

- City Council Direction June 4
- Completion and Review of Traffic Impact Analysis
- Completion of Basis of Design Documents
- Completion of Schematic Design Submittal July 24
- City Council Approval August 6

**Schematic Design Next Steps – with Schemes A or B**

- City Council Direction June 4
- Existing Building Evaluation
- City Council Direction July 23
- Completion and Review of Traffic Impact Analysis
- Completion of Basis of Design Documents
- Completion of Schematic Design Submittal September 18
- City Council Approval September 24

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After the presentation, discussion and/or concerns was held on why the program required 95 surface parking spaces; the non-compatibility to wrap the deck with retail or other elements; height of building high rise construction vs. low rise; service area for the operations of the police; utilizing the truck building as the service area; design elements for pedestrians; requested that numbers be provided showing what it would cost for the building height to be higher in scale; embracing the idea of including public art but no funds in the budget currently; keeping the Carpenter Building and using as an entrance; architect currently working on cost estimate for preserving Carpenter Building; support for reserving Ramseur for future development; Council's consideration of funding public arts and how much; dislike of the Human Services building; and the 605 West apartment facades.

Kevin Montgomery, of O'Brien Atkins, stated they would have a cost estimate within a week on what would be needed to preserve the Carpenter Building.

Mayor Pro Tempore Cole-McFadden recognized the following speakers for comments:

Dan Jewell, representing Durham Area Designers; referenced the outpouring of community commentary on urban design and neighborhood sensitivity sentiments from Durham's citizens on the project over the past few months. He suggested to the Council that the ultimate respect that the Council could show the citizenry for the concerns would be to ask the project architects to take another run at a design that attempts to incorporate more of the urban planning and conservation comments that have been heard; and to come back by way of a meaningful public forum to describe how they have in fact incorporated those ideas. Mr. Jewell stated the only opportunity to get this right is now, and they contend that it is worth spending the additional time necessary to come up with a facility that Durhamites and the Police Department would be proud of for the next century.

Matt Gladdek, representing Downtown Durham, Inc., stated DDI recognized the transformative possibilities a newly designed civic building could have on adjacent properties if designed and executed with the urban design principles as described in the Downtown Master Plan and the Downtown Retail Market Analysis. He stated the DDI Board agreed that the public process in the development of the concepts was well intended but inadequate; and the DDI board was frustrated that many comments and design feedback identified during the process were not incorporated into the design concepts. The DDI Board requested the City to consider additional concepts which incorporates the urban design best practices which the community had been advocating for since the adoption of the 2000 Master Plan; they were confident that with partnership and a little more time, a civic building could be created that would continue Downtown's positive momentum to better connect East Durham.

Scott Harmon stated the Council had received strong consensus between Durham Area Designers and Downtown Durham, Inc. on what is wrong with the concepts presented; and they had an opportunity to pursue those. He stated he was disappointed that the City did not utilize the Urban Design Studio in the Planning Department; stated they have proven themselves to be incredibly objective; helpful and professional at knitting stakeholder opinion into a project - into

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a meaningful way. He spoke on the building being vertical rather than horizontal; which he stated that is what you do in urban environments.

David Arneson expressed some of the same concerns raised earlier by speakers and the Council; stated the building footprint was too large on the site; appreciated reserving the parcel of Ramseur Street and suggested it be for private development; raised concern about the surface parking lot; and suggested it be incorporated into the parking garage structure.

After the public comments, discussion and/or comments was held on revisiting the item with the input of the Urban Design Studio or input from the Durham Area Designers or others; and the number of firms that presented proposals on the project.

Assistant General Services Director Jina Propst stated she appreciated the comments but wanted to make certain Council was aware of the cost factor; and the design was reacting to the program and the budget.

Mayor Bell stated he would like the City Attorney to provide an answer on what the City could legally do in terms of turning buildings over to the private sector for retail; also he referenced the funds for preserving the Carpenter Building not currently in the budget. He stated the community needed to know how far the City could go in terms of constructing buildings and utilizing for retail space.

Mayor Bell stated the Council appreciated the input; referenced the funds the City had to accomplish what is being proposed and trying to do that efficiently; and taking into consideration the comments raised today; which he stated a lot of them were valid.

**SUBJECT: PROPOSED CONDEMNATION OF PROPERTY AT 3039 UNIVERSITY DRIVE (PARCEL ID 123182) FOR THE UNIVERSITY DRIVE SIDEWALK PROJECT**

The staff report indicated that in accordance with the Durham Walks Pedestrian Plan as approved by the City Council, the City was planning to build new sidewalks on the south side of University Drive from Old Chapel Hill Road to Cornwallis Road. The Public Works Department had finalized design for the University Drive Sidewalk. The project included sidewalk, bicycle lanes, and crosswalks at affected intersections as well as improvements to storm drains, and installations of curb and gutter. The purpose of the project is to provide a safer route for pedestrians/bicyclists travelling along University Drive, and to create easier pedestrian access to Hope Valley Elementary School by extending sidewalk to the school.

The Department of General Services and the Department of Public Works recommended that City Council find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 123182: a fee simple in 1,846 square feet (0.042 acres) and 2,512 square feet (.058 acres) of temporary construction easement as shown on the map for the University Drive Sidewalk Project (SW-39), prepared by the City of Durham Department of Public Works, with a deposit into court of \$14,600.00 as the

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City's estimate of just compensation, and to authorize the City Attorney to initiate condemnation proceedings for that purpose.

For discussion on the item, please see item below entitled Proposed Condemnation of Property at 3303 University Drive.

**SUBJECT: PROPOSED CONDEMNATION OF PROPERTY AT 3303 UNIVERSITY DRIVE (PARCEL ID 123184) FOR THE UNIVERSITY DRIVE SIDEWALK PROJECT**

The staff report indicated that in accordance with the Durham Walks Pedestrian Plan as approved by the City Council, the City was planning to build new sidewalks on the south side of University Drive from Old Chapel Hill Road to Cornwallis Road. The Public Works Department had finalized design for the University Drive Sidewalk. The project included sidewalk, bicycle lanes, and crosswalks at affected intersections as well as improvements to storm drains, and installations of curb and gutter. The purpose of the project is to provide a safer route for pedestrians/bicyclists travelling along University Drive, and to create easier pedestrian access to Hope Valley Elementary School by extending sidewalk to the school.

The Department of General Services and the Department of Public Works recommended that City Council find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 123184: a fee simple in 400 square feet (0.009 acres) and 1,342 square feet (.031 acres) of temporary construction easement as shown on the map for the University Drive Sidewalk Project (SW-39), prepared by the City of Durham Department of Public Works, with a deposit into court of \$3,700.00 as the City's estimate of just compensation, and to authorize the City Attorney to initiate condemnation proceedings for that purpose.

Since the proposed condemnation of properties at 3039 and 3033 University Drive were related, the Council held discussion on both items simultaneously.

Assistant General Services Director Jina Propst stated the property in question was owned by Dr. Greg Burkett and his wife, Michelle Anne Ripple. She stated the General Services Department had been unsuccessful to negotiate the property needed for the construction of the sidewalk and stated the General Services Department recommended moving forward with condemnation; and stated an appraisal had been approved by NCDOT.

City Attorney Baker stated he did not know what Dr. Burkett was going to say and he did not want to prevent him from speaking; however, he needed to bring to the Council's attention that they were speaking about initiating a legal proceeding to acquire the property; and he hoped the conversation would not be a trial of a jury at the work session.

Dr. Greg Burkett addressed the Council stating the sidewalk project would affect his business dramatically; the property to install the sidewalk should be taken from another location; an empty lot across from his property on Dixon Road. He stated his property had a right-of-way for the City a few years ago but the City came and took the right-of-way to open up a driveway into a

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school; which left him with his property line and the right-of-way line being the same and the lot across from his property still has the right-of-way the City could use; he referenced if the property is taken he would no longer have the circular drive; clients and the delivery trucks would not be able to come in or out; spoke on the parking he would lose and the loss of trees. He referenced expenses Council could eliminate if sidewalk is placed in another location, across the street.

Council Member Catotti asked the administration to provide an overlay of the project plat on the aerial view; requested information on how many feet back from the curb the sidewalk was; and the width of the condemnation.

The requested information would be provided prior to the June 15<sup>th</sup> City Council Meeting.

**SUBJECT: CONTRACT WITH MADE IN DURHAM TO SUPPORT BUSINESS ENGAGEMENT FOR YOUTH AND TO ASSIST WITH THE DEVELOPMENT OF AN EDUCATION TO WORK PIPELINE SYSTEM FOR YOUTH**

The administration recommended that the City Council authorize the City Manager execute a contract with Made In Durham for youth employment and training services in an amount not to exceed \$200,000.

OEWD Director Kevin Dick stated for FY15 the contract would start retroactively but only to June 1, 2015; and stated there would only be deliverables they expect in the month of June for the current fiscal year and then next fiscal year it would be an additional \$100,000; and he referenced the 30 internships per year; including 20 for disconnected youth.

Council Member Catotti raised questions and concerns regarding what appeared to be inconsistencies in the numbers referenced in the staff report; and stated the numbers in the recommendations did not add up when calculating number of participants to be served and unit costs.

OEWD Director Kevin Dick commented on what the City would be obtaining for the additional funding.

City Manager Bonfield stated the proposal for Made In Durham was the initial two-year project commitment that the City Council; County Commissioners and Durham Public School made to give this a two-year trial investing \$200,000 each, referenced contributions raised by private sector; and stated at the end of the two-year period, being able to be in a position to say this is a long term system that is going to work or it is not.

Council Member Moffitt commented on the lack of measureable outcomes; he referenced his interest in investing in the concept with the private sectors; questioned how much had been firmly committed from private sector contributions.

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Mayor Bell suggested to the City Manager that a meeting be held with all the organizations the City provides funds to for youth development programs.

**SUBJECT: CONTRACT AMENDMENT WITH COMMUNITY PARTNERSHIPS, INC.  
TO PROVIDE WORKFORCE INNOVATION OPPORTUNITY ACT  
YOUTH FRAMEWORK SERVICES FROM JULY 1, 2015 – JUNE 30, 2016**

The administration recommended extending the current contract with Community Partnerships Inc. from July 1, 2015 to June 30, 2016; and to increase the amount of the contract by \$325,000.00 to provide Workforce Innovation Opportunity Act Youth program framework services for up to 159 WIOA eligible youth in the Youth Employed and Succeeding program. Approval of the contract amendment would allow uninterrupted services to be provided to WIOA youth beyond the existing contractual completion date (set to expire on June 30, 2015). The total contract would not exceed \$325,000.00 with the amendment.

OEWD Director Kevin Dick referenced the performance measures achieved through the program over the last 3 to 4 years.

Council Member Moffitt expressed concern that the youth of Durham were not being served well; and he was not sure what could be done about it; referenced the amount of funds going into the programs and the outcome needing to be higher. He requested a table be provided showing what had been accomplished for 3 years for the WIA youth programs.

**SUBJECT: FY2016 CONTRACT FOR CITY SERVICES AND PROGRAMS FOR THE  
DOWNTOWN DURHAM MUNICIPAL SERVICE DISTRICT WITH  
DOWNTOWN DURHAM, INC.**

The Office of Economic and Workforce Development recommended the City Council to authorize the City Manager to execute a contract with Downtown Durham, Inc. to provide services within the Downtown Durham Municipal Service in an amount not to exceed \$643,503.00 for FY2016, subject to City Council budget authorization.

Council Member Moffitt asked if all services were provided to the areas of the BID area equally.

City Manager Bonfield stated when the BID was designed there were various tiers of service levels.

Geoff Durham, of Downtown Durham, Inc., stated there were parts of downtown which required different levels of services.

There were concerns raised by Council Members which focused on a lack of specific quantifiable goals in the major responsibilities section of the program scope or services for the proposed FY16 DDI Economic Development Programs and Services agreement.

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The administration will be providing answers to the concerns prior to the June 15<sup>th</sup> meeting.

**SUBJECT: FOURTH AMENDMENT TO WORKFORCE INNOVATION AND OPPORTUNITY ACT CONTRACT BETWEEN THE CITY OF DURHAM AND EDUCATIONAL DATA SYSTEMS INCORPORATED**

The administration recommended to authorize the City Manager to execute a fourth contract amendment to the original contract between the City of Durham and Educational Data Systems, Incorporated for services to be provided from July 1, 2015 through June 30, 2016, increasing the amount of the original contract by up to \$621,000.00 for a total contract amount not to exceed up to \$1,939,251.00.

At the request of Council Member Moffitt, Allen Wimmer, of OEWD, explained the Common measures of EDSI's achievement of performance related to the measures within the outlined table in the staff's memo.

**SUBJECT: CONTRACT FOR THE PROVISION OF POLICE PSYCHOLOGICAL SERVICES – THE FMRT GROUP**

The staff report indicated that the Police Department requires comprehensive psychological services to assist the department in critical incident response and debriefings, counseling therapy and crisis intervention for employees involved in traumatic events, individuals counseling, fitness-for-duty evaluations, selecting the most suitable officers for specialized assignments, stress management or other training as needed, and evaluating and maintain the mental health of its employees.

The administration recommended that City Council authorize the City Manager to execute a three-year contract in the total amount of \$79,760 with Law Enforcement Services Group, PLLC. d/b/a The FMRT Group for psychological services.

Council Member Davis questioned the workforce statistics of the company stating they had no African-American males and one African-American female; and asked if that would pose a problem in trying to make certain the City was dealing with the services in the stressful area for the police officers. He stated specifically he was speaking of the psychological services rendered and the issues that deal with race which he felt would be one of the topics that would be discussed.

LaTosha Miles, of the Police Department, stated it did not pose a problem; sort of matches what the demographics were at the Police Department; stated it was the same vendor they had been using for the last six years; and the demographics had not changed and had not posed a problem previously.

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Council Member Schewel stated with the FMRT Group having no black males and one black female, he did not see how that matched the demographics of the police department; and asked if the company was using other people to provide the services.

Ms. Miles replied it was her understanding they were not; however, she would look into that to be certain.

Police Captain Mark Sykes stated the FMRT is the vendor they used for the prior three years; and unfortunately they were the only vendor to respond to the RFP.

Council Member Schewel stated he understood the situation the police department was in with only one vendor responding; however, he also understood the question being raised by Council Member Davis.

Mayor Pro Tempore Cole-McFadden expressed her concern with the lack of diversity of the company and being non-reflective of the Police Department; she stated this company has been used before and pointed out if they had new hires and their stats remained the same she would be really concerned. She requested additional information and stated it was unacceptable due to the kind of services they would be delivering.

Council Member Moffitt asked if there was no one else in the State that performed this type of work; and questioned why only one firm submitted a proposal; and asked how the proposal was publicized.

LaTosha Miles stated it was publicized on the city's website and there was one firm that inquired but they did not submit a proposal.

Police Captain Mark Sykes stated they also publicized the RFP in other various publications and he was not aware of any reason why the police department's proposal would be looked upon unfavorably. He stated the FMRT firm specialized in law enforcement and they have six offices throughout the State of North Carolina.

Council Member Moffitt stated he was in agreement with his colleagues and it was not reflective of the demographics at the Police Department.

Council Member Brown stated this service was a crucial component to the Police Department and a better job in terms of better representation was needed.

Mayor Pro Tempore Cole-McFadden asked when would the present contract expire.

LaTosha Miles replied June 18<sup>th</sup>.

**SUBJECT: CONTRACT FOR THE PROVISION OF PRE-EMPLOYMENT  
PSYCHOLOGICAL TESTING – THE FMRT GROUP**

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The staff report indicated that the Police Department regularly recruits new police officers and non-sworn employees, and requires the services of the contractor to administer pre-employment psychological examinations to assist in assessing the suitability of applicants after conditional offers of employment.

The administration recommended that the City Council authorize the City Manager to execute a three-year contract in the total amount of \$85,000 with Law Enforcement Services d/b/a The FMRT Group for police pre-employment psychological examinations.

Council Member Moffitt stated the contract for pre-employment psychological testing had the same concerns as the previous item; and Council Member Catotti suggested having a one year contract.

City Manager Bonfield stated if the Council was not comfortable with a three-year contract and wanted to approve a one-year contract, they understood the concerns and the issues; and stated there was a need for the service to continue in some fashion. The City Manager stated if the Council was saying they would prefer a one year contract with more information, the police department has heard that and we can make the change.

In terms of moving the item to the General Business Agenda, Council Member Moffitt recommended a one-year contract and stated when the item comes back before the Council next year, additional information on other firms be provided which closely align to what is being requested.

Note: It was recommended by Council that the administration review and provide information for consideration of a one-year contract for provision of police psychological services and provision pre-employment psychological testing.

**SUBJECT: LICENSE AGREEMENT WITH GOOGLE FIBER NORTH CAROLINA, LLC**

The staff report indicated that Google Fiber North Carolina, LLC proposes to install and maintain a fiber optic network within City limits. A license agreement was required when private utilities, such as conduits and fiber optic cable, are installed in the public right-of-way within the City limits. Pursuant to Section 62-57 of the City of Durham Code of Ordinances, Google Fiber seeks approval of the license agreement from City Council.

The license agreement would only permit Google Fiber, upon obtaining required approvals and permits, to place its facilities in those portions of the public right-of-way approved by the City.

Assistant Public Works Director Tasha Johnson commented on the adequacy of the \$1 million bond for 651 miles of streets. Also, Ms. Johnson stated the license agreement was similar to the one that AT&T currently had in place.

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**SUBJECT: COMPLETION OF STREET AND STORMWATER INFRASTRUCTURE  
IN STONE HILL ESTATES AND RAVENSTONE SUBDIVISIONS**

The developers of Stone Hill Estates and Ravenstone Subdivisions failed to complete the streets and stormwater infrastructure. The purpose of the item was to present alternatives for the completion of the street and stormwater facilities for these developments. The estimated construction costs associated with completing the infrastructure in Ravenstone and Stone Hill Estates are as follows:

At the Work Session on May 21<sup>st</sup>, City Council considered a recommendation from the administration regarding the completion of street and stormwater infrastructure in Stone Hill Estates and Ravenstone Subdivisions. The recommendation for cost sharing related to the completion of the improvements included a 90% resident and 10% city split at 0% interest to be repaid over an eight year period and that assessments be calculated on a per lot basis.

At the conclusion of the discussion related to the matter, a consensus of the City Council was that the proposed 90/10 split was not acceptable and the City Manager was directed to speak with individual Council Members regarding thoughts on increasing the percentage of City contribution and report back at the June 4, 2015 Work Session.

City Manager Bonfield noted that suggestions by the City Council for increasing the City contribution ranged from a low of 37% resident share (approximate cost at time litigation began) to a high of 75% resident share; however, the general consensus of the Council indicated a preference of a 50/50 split with the resident per lot share paid back at 0% interest over a ten year period.

The administration noted that the estimated cost of street and infrastructure improvements was about \$2.8 million; to be offset with the surety bond proceeds \$500,000; leaving a total cost of \$2.3 million.

Mayor Bell referenced his rationale for supporting \$1.45 million being paid by the City. He stated in 2011 if the City would have completed the streets, the residents would have paid \$950,000 and he felt that amount should still be the resident's responsibility; subtracting \$950,000 from the \$2.3 million leaving \$1.45 million; which was the City's responsibility the Mayor reiterated.

At the request of Council Member Schewel, City Attorney Baker commented on the original 2011 surety bond offer of \$200,000; and the declaratory judgment action that was filed against the City.

Based on the Mayor's recommendation, Robert Joyner of the Public Works Department stated what the charge would be per year for each lot in Ravenstone and Stone Hill Estates.

Council Member Catotti recommended a 50/50 cost sharing split with the City contributing \$1,134,000 and the residents paying \$1,134,000; plus the bond surety proceeds.

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For clarification, Mayor Bell stated with Council Member Catotti's recommendation, the residents would be paying \$184,000 more than he suggested.

Council Member Catotti replied that is correct.

Mayor Bell recognized the following citizens and staff members for comments:

Michael Kerkau, representing Ravenstone Homeowners' Association, commented on the residents living with unfinished streets for years; paying more than \$6 million in taxes while receiving no services; stated that the risk of unfinished infrastructure in the City of Durham is one that is properly mitigated by the construction insurance bond process to guard against a failed developer which they have experienced; stated the surety in place was sufficient at the time it was taken out being large enough to support the work needed to complete infrastructure; stated the city wrote the language insufficiently; noted while living with unfinished streets and paying millions in taxes should be considered as a contribution to the risk mitigation; commented on their contact with the Public Works Department and City Attorney's Office throughout the entire time since the failure of the developer; stated now the residents are being told they are at fault. Mr. Kerkau asked the Council to carefully consider "what the residents could have done to change the current situation"; and stated the residents have not been able to do anything to improve their current situation. He asked the Council to consider sharing the financial burden with all the residents of Durham to put the issue to rest.

Fred Lamar, of the City Attorney's Office, spoke to the original surety bond amount that was required anticipating that the streets would be completed within a year; the current way the City prepared drafted bonds by covering all potential repairs or work that may be necessary before the City is ready to accept the streets; which would include any portion of the infrastructure that was built in disrepair or required maintenance.

Don O'Toole, of the City Attorney's Office, also spoke to the language in the bonds when they were written; and he strongly disagreed that the bonds were incorrect when they were issued.

Ryan Lanci, residing in the Ravenstone Subdivision, referenced the Mayor's recommendation which would cost the residents less money. In addition, he stated the homeowners trusted and did what the City ask them to do which was just wait; and asked the Council not to place the financial burden on the residents over the next 10 years.

Denise Mathison, a resident of the Ravenstone Subdivision, asked the Council to consider the years the residents had paid taxes.

**MOTION** by Council Member Catotti seconded by Council Member Schewel to suspend the rules of the City Council and take action on the cost sharing for Ravenstone and Stone Hill Estates Subdivisions was approved at 5:38 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 Schewel seconded by Council Member Catotti to approve a 50/50 cost sharing split for the completion of streets and stormwater infrastructure in the Ravenstone and Stone Hill Estates Subdivisions was approved at 5:39 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Mayor Bell. Absent: None.

City Manager Bonfield stated the administration would move forward with scheduling a public hearing in August or September, and by then they would have all the details and calculations for Council's review.

**SUBJECT: DURHAM-CHAPEL HILL BOULEVARD (BUSINESS 15-501) ROAD RECONFIGURATION PROJECT**

To request the North Carolina Department of Transportation reconfigure the pavement markings on Durham-Chapel Hill Boulevard and University Drive from a five-lane vehicle cross section to a three-lane vehicle cross section consisting of one center turn lane, one travel lane in each direction, one bicycle lane in each direction and bus pull-outs and on-street parking accommodations.

The staff report noted the proposal would address recommendations from the Durham Comprehensive Bicycle Transportation Plan and on-going speeding and accident concerns. A proposed plan was presented to area residents and business owners at a public meeting in April. Public comments were both supportive and critical of the project. Since capacity analysis shows the facility would operate at acceptable service levels with the pavement markings reconfiguration, NCDOT indicated support for the configuration requested by the City.

Council Member Catotti stated she was certain her colleagues were all aware of the amount of conversation on the listserv regarding the proposed Durham-Chapel Hill Boulevard road reconfiguration; stated she and Council Member Brown met with some of the business owners; noted that Mr. Bob Chapman provided an excellent overview of some slides and examples of illustrations of new urbanism; in terms of addressing the concerns raised by the business owners, she noted they wanted their concerns addressed regarding volume and asked when would the City reassess traffic volume and/or impact on their businesses in the future; she stated one of the opposing business people stated if the City could guarantee the business would not be impacted, she would not have no problems with the improvements because they all agreed that the area was unsafe. Council Member Catotti stated maybe the City could consider some commitment to the boulevard in general like sidewalks. She stated moving forward she felt if the City would commit to doing some of the things such as reassessing the traffic volume; reviewing crosswalks; and perhaps considering sidewalks and trees; it would go a long way in addressing some of the concerns.

Mayor Bell stated he was opened to Council Member Catotti's suggestions; and wanted to address another concern he had which was by reducing the traffic down to two lanes on Chapel Hill Boulevard Business, once you get onto University Drive near Forest Hill Park, it would create an even larger queuing of traffic; and referenced it is currently a problem now.

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Council Member Catotti stated the Mayor's concern was also raised by one of the business owners stating the area by the Forest Hill Park was a road diet. She asked the Council if they wanted Mr. Chapman to come before the Council and show the slides.

Council Member Moffitt stated he felt the project was able to stand on its own, noted the concerns were about economic benefits and he was not ready to start promising or handing out infrastructure to be a part of the recommendation. He stated the one thing he loved about the proposal was there was no cost.

Mayor Bell stated no cost in terms of what NCDOT would be providing the restriping; but the question is he asked; is there a cost to the business owners and that was the concern he said.

For clarification, Council Member Catotti stated she was not suggesting that the Council make promises for any improvements, but just to assess them in the future.

It was agreed by the Council that the item regarding the Durham-Chapel Hill Boulevard Road Reconfiguration (Business 15-501) be placed on the June 15<sup>th</sup> City Council agenda for further discussion.

**Closed Session - 5:51 p.m.**

**MOTION** by Council Member Moffitt seconded by Council Member Catotti 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) was approved at 5:51 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.

**Open Session – 6:30 p.m.**

**MOTION** by Council Member Catotti seconded by Council Member Schewel to return to open session was approved at 6:30 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.

No action was taken by the Council in open session.

Earlier in the meeting, the City Council agreed to continue the Work Session meeting to Monday, June 8<sup>th</sup> at 11:00 a.m. The following items will be discussed.

- Proposed Sale of Various Property Interests to BH-AG Durham Foster, LLC

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- Project Management Services for the Installation of Fiber Optic Cable City-Wide
- FY2015-16 Budget Follow-up
- Addressing Minority Business Availability and Underutilization
- 2015-16 Employee Health Benefits Recommendations

D. Ann Gray, MMC, NCCMC  
City Clerk