

DURHAM CITY COUNCIL WORK SESSION
Thursday, August 6, 2015 @ 1:00 p.m.
2nd 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 present: Deputy City Manager Bo Ferguson, City Attorney Patrick Baker and City Clerk D. Ann Gray.

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

The Mayor Pro Tempore asked if there were announcements from the Council Members.

Council Member Schewel commented on the City’s Memorials Policy; he felt one person should not be able to complain and have a memorial removed; and stated that the bar for the removal of memorials was too low.

Council Member Moffitt stated the one mistake that was made in the policy; it has pitted citizen against citizen; and that was something that Council needed to think about.

MOTION by Council Member Schewel seconded by Council Member Brown to ask the staff to consider alternatives to the current Memorials Policy was approved at 1:06 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.

Mayor Pro Tempore Cole-McFadden acknowledged the recent National Night Out activities throughout the City; particularly the youth involvement.

The Mayor Pro Tempore asked for priority items from the Deputy City Manager, City Attorney and City Clerk.

Deputy City Manager Bo Ferguson referenced the following items:

- Agenda Item #6 – Approval of Contract for Consulting and Technical Assistance Engagement Between the City of Durham and Enterprise Community Partners, Inc. (presentation will be provided)
- Agenda Item #18 – Poverty Reduction Initiative – Jobs Taskforce (a Powerpoint presentation had been attached to the agenda item)

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

Mayor Bell announced each item on the printed agenda and the following items were pulled for comments and/or further discussion:

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SUBJECT: GWYN SILVER

To receive comments from Gwyn Silver regarding Durham Parks and Recreation/Holton Center.

Gwyn Silver, a resident, raised concern regarding missing supplies being taken from PAC 1 at the Holton Resource Center; she provided Council with handouts which included PAC minutes dated June 21, 2014; equipment inventory along with an inventory control form. Also, she expressed concern with the underutilization of the Holton Center; and asked Council if they were willing to make changes to make certain the Holton facility was opened to the youth.

SUBJECT: JEANEEN NUNN-THOMAS

To receive comments from Jeaneen Nunn-Thomas regarding removing the parking management contractors.

Jeaneen Nunn-Thomas stated she was currently employed with Lanier Parking and had been working for the downtown parking system for 25 years; and was once an employee of the City of Durham. She referenced the new management contractor Republic coming on board September 1st; noted the four different companies that have managed the city's parking; expressed concern with the frequent change in management companies; which affected their benefits; years of employment; paying more for insurance; and raised concern with the retirement benefits because they are not City employees. Ms. Nunn-Thomas stated they were ambassadors for the City; referenced how they provide directions to citizens and guidance; and stated they were vital to the city employment. She asked the Council to consider the services they provide; and allow them to be City of Durham employees as they once were before parking was outsourced.

Thomas Leathers, of the City Transportation Department, stated there are currently five employees that were previously City of Durham employees before the parking operations were outsourced in 2003. He stated all of the parking employees have the opportunity to apply for employment with Republic as they have been afforded each time the contract had transitioned between providers; referenced the recent employees hired last year would be making the livable wage or above; some of the seasoned employees would be above the livable wage; noted health care would be offered; dental; and the option to subscribe to vision if they choose; and referenced Republic Parking Systems holding a meeting on August 18th to inform the employees of benefits. Mr. Leathers noted the difference between Lanier and Republic regarding the health coverage waiting period; and stated if they are existing employees there would be no waiting period; no health care questions asked; being automatically transferred to their health care provider; and this would be the same with dental coverage. Regarding the retirement system, Mr. Leathers stated none of the contractual obligations entered into by the City since 2003 provided the same level and threshold of retirement benefits that a city employee may earn. He stated a lot of it had to do with the market competitiveness. Mr. Leathers stated they valued their parking employees and have made systematic changes within the last year to include them in conversation to hear their needs and desires and concerns regarding the management of the contract.

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Council Member Brown raised concern that Ms. Nunn-Thomas had been employed 25 years; and once as an employee of the City of Durham; and with various parking contractors being hired it appeared her years of service had not been recognized.

Mr. Leathers stated they have taken efforts that the seniority was in place with Republic Parking; and referenced the performance management system that Republic would provide in terms of merit increases.

Council Member Moffitt asked if there were other impacts on the employment of the people working with the parking system due to the change in contractors.

Mr. Leathers stated they analyzed some of the health care costs; and understood some of the parking employees were paying upward in the hundreds of dollars for health care per month under the current provider Lanier. He stated under the new contractor Republic they would be contributing 60% toward health care with the employee contributing 40%; and the dental plan would be \$31.00 per month if they chose dental. Mr. Leathers stated if the current employees passed the background and drug screen, they would have employment.

Mayor Pro Tempore Cole-McFadden stated she was concern that the parking employees were not receiving the benefits as regular city employees.

It was noted that some of the parking employees were city employees initially; in 2003 parking was outsourced; and each time the City changed contractors the employees became employees of the new contractor.

Ms. Nunn-Thomas stated each time the City changes contractors it negatively impacts their years of service of employment; she stated the years of service start over each time with each new management firm.

Mayor Pro Tempore Cole-McFadden suggested that the City take a look and compare how much it would cost the City to operate the parking system vs. outsourcing. She stated one thing she would not want to see, a contractor hiring people who do not reside in Durham.

Mr. Leathers stated they would provide the follow-up information requested and the analysis.

Council Member Davis requested information on the previous contractors; if they offered a 401K or some type of retirement plans for employees once they were hired.

Mr. Leathers stated that predated him; but they would have to go back and review the historical data.

SUBJECT: POVERTY REDUCTION INITIATIVE – JOBS TASKFORCE UPDATE

To receive an update from the Jobs Taskforce on Poverty Reduction Initiative.

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In response to the Mayor's Poverty Reduction Initiative that focused on Census Tract 10.01, the Jobs Taskforce Committee has been meeting for more than a year. Guided by input from taskforce members and meeting participants, feedback from the PRI Community Listening Sessions, and the PRI survey results, issues involving six major barriers to employment in the 10.01 Census Tract were identified as follows: 1) Transportation; 2) Childcare; 3) Criminal Background; 4) Communication; 5) Young Adult Engagement; and 6) Holton Career and Resource Center and Incentives.

For each of the six priorities identified, the presentation outlined the action steps; key results and next steps underway by the taskforce.

Going forward, the taskforce will implement the working group next steps; continue information sharing with community; coordinate efforts with other task forces; develop tracking metrics to measure impact; and report back to Council in 3-6 months.

Mayor Bell thanked the Job Taskforce for their positive work.

**SUBJECT: GRANT AGREEMENT FOR SIDEWALK AND BIKE LANE
CONSTRUCTION ON CARPENTER-FLETCHER ROAD (TIP #U-4726HO)**

The staff report noted that the need for sidewalks and bike lanes on Carpenter-Fletcher Road between Woodcroft Parkway and Alston Avenue was identified in the 2006 Durham Walks! Pedestrian Plan and Comprehensive Bicycle Transportation Plan. The Carpenter-Fletcher Road project was ranked number 88 in priority out of more than 200 pedestrian corridors and improvements were called for in the bicycle plan. While there is some existing sidewalk along Carpenter-Fletcher Road, the project would add additional segments of sidewalk to close the gaps, increase connectivity to bus stops and neighborhoods, and bring the sidewalk up to current accessibility standards.

The Public Works Department estimated that right-of-way acquisition for the project would begin by October 1, 2017; and the project would be let for construction by June 30, 2019.

The staff recommended the adoption of an Ordinance amending the General Capital Improvement Project Ordinance, Fiscal Year 2015-16; and the adoption of a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation.

Given the commitment of funding, Council Member Catotti asked why would the City start right away with acquisition two years out; she asked what would be happening in the interim.

Director of Transportation Mark Ahrendsen replied the design work.

Council Member Catotti stated this was just an example of the long duration of sidewalk projects.

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Council Member Schewel requested information on the price per mile for the following sidewalk projects: Carpenter-Fletcher Road; Cornwallis Road; Hillandale and Morreene Roads.

Director of Transportation Mark Ahrendsen stated they would provide the costs.

Council Member Moffitt clarified that the projects were not only sidewalks, they included bike lanes also.

SUBJECT: REVISIONS TO CITY CODE AND FEE SCHEDULE FOR TOWING REGULATIONS

The staff report indicated that the City through the Council enacted provisions authorizing maximum fees for towing vehicles in 2002; Resolution #8949 and former Code Section 50-391 enacted in 2002. The Council amended Section 50-391 and adopted a new maximum fee schedule for nonconsensual tows from private lots in 2012; Code Section 50-391 and Ordinance #14379.

The North Carolina Supreme Court issued an opinion on June 12, 2014 that the Town of Chapel Hill exceeded its authority by adopting a maximum fee schedule for nonconsensual tows from private lots. Like the Town of Chapel Hill, Durham's fee schedule regulates nonconsensual tow fees when a vehicle is removed from a private lot.

The administration recommended that the Council adopt an Ordinance for the purpose of bringing Durham's Code provisions and fee schedule into conformity with the above referenced Supreme Court decision.

Mayor Pro Tempore Cole-McFadden stated she wanted to make certain the towing community was aware of any changes being recommended.

Deputy City Manager Bo Ferguson stated they would make certain notices are sent to the towing companies.

Council Member Moffitt stated he would like the signage requirement to be viewed around towing.

City Attorney Baker stated he would check with Attorney McGirt and the Police Department on what their practices were.

SUBJECT: APPROVAL OF CONTRACT FOR CONSULTING AND TECHNICAL ASSISTANCE ENGAGEMENT BETWEEN THE CITY OF DURHAM AND ENTERPRISE COMMUNITY PARTNERS, INC.

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The staff report indicated that on March 9, 2015, the City of Durham issued a Request for Qualifications for interested firms to assist the City with its ongoing effort to develop affordable housing strategies inclusive of the transit corridor areas; end homelessness; to update strategies with Department of Community Development ongoing federal entitlement program responsibilities; and implement staff development initiatives.

The Department of Community Development recommended that City Council approve Enterprise Community Partners, Inc. as the firm selected for consulting and technical assistance engagement; and authorize the City Manager to execute a contract between the City of Durham and Enterprise Community Partners, Inc. in the amount of \$77,000.00 from the General Fund for the first of two phases of consultative work.

Karen Lado, Vice President of Enterprise Community Partners, along with Phil Bush, provided a Powerpoint presentation as follows:

City of Durham Department of Community Development
Consulting Engagement

Enterprise Overview

Our mission is to create opportunity for low-and moderate-income people through affordable housing in diverse, thriving communities.

Enterprise offers:

- Technical assistance and training for public sector and nonprofits
- Program development
- Best practice research and knowledge sharing
- Policy research and advocacy
- Affordable housing and community facility financing: acquisition, predevelopment, LIHTC, NMTC, permanent financing

Experience with Affordable Housing and TOD

National leader, committed to advancing equitable transit-oriented development to create opportunities for people of all incomes – particularly low-income residents and communities – to benefit from transit investment by:

- Prioritizing affordable housing near transit
- Providing transit-accessible services (e.g. schools, childcare, grocery stores) and connecting to employment opportunities
- Serving transit-dependent populations with bus feeder networks and bicycle and pedestrian connections

Scope of this Engagement

- Task 1: Durham Community Development Goal-setting and Outreach Strategy
- Task 2: City Policy & Regulatory Review
- Task 3: Outline of Implementation Phase

Deliverables

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Overview presentation and narrative options memo summarizing assessment results and providing alternatives for second phase work focused on:

- Department of Community Development organizational structure, programs, resource alignment and capacity building needs; and outreach strategy
- TOD policy and regulatory framework

Draft of defined measurable five-year goals for DCD
Scope of work and budget for second phase

In addition, Ms. Lado also referenced their process and timeline - September 2015 thru February 2016.

After the presentation, Mayor Bell asked the Enterprise consultants to expand its scope of work to include a study for having a rental assistance program in downtown. The Mayor stated “we are going to end up with a downtown with nothing but median-and market-income families residing there;” and stated that was unacceptable to him as Mayor of the City. Mayor Bell suggested money from the City’s one cent property tax, which is allotted to affordable housing be used to pay the rent gap to assist people and families earning 60 to 80 percent of the area median income to afford an apartment in downtown Durham.

Council Members Schewel and Catotti were concerned that the Mayor’s recommendation was not the best use of the affordable housing funds; and spoke in support of exploring affordable housing across the City. In addition, Council Member Catotti suggested that the consultant, Enterprise, be allowed to do the work as currently stipulated in the contract before the Council.

Mayor Pro Tempore Cole-McFadden spoke in support of the Mayor’s recommendation for Enterprise Partners to add to their scope of work a rental assistance program for downtown Durham.

Council Member Moffitt referenced the possible push back the City might receive for subsidizing this type of rental program for apartments.

Council Member Brown stated the availability of apartments in downtown was there; and was opened to the Mayor’s recommendation.

Council Member Schewel referenced Self-Help wanting to build 80 to 100 affordable units on property downtown; next to the Durham Multimodal Station; noted the rail station would be nearby; and stated the units would be subsidized and paid for by federal money.

Mayor Bell stated he was not interested in having a conclave of affordable housing; mixed income he stated was different; and if the proposal for the land near the Durham Station was strictly low-income, he stated he would not support that.

At the August 17th Council Meeting, the Community Development Department will provide the Council with a revised contract adding to the scope of work a downtown rental assistance program for consideration as requested by the Mayor.

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Council Member Catotti requested that the administration provide an update on the Whitted School Project in the near future; she suggested via email would be acceptable.

Settling the Agenda – August 17, 2015 City Council Meeting

Deputy City Manager Bo Ferguson announced the following items for the August 17, 2015 City Council Meeting agenda: Consent Items 1 thru 5; 7 thru 17; General Business Agenda Item 6 and 19; and Public Hearing Items 20 and 21. He stated that the Council disposed of Item 18.

MOTION by Council Member Catotti seconded by Council Member Moffitt to settle the agenda for the August 17, 2015 City Council Meeting as stated by Deputy City Manager Ferguson was approved at 4:10 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.

There being no further business to come before the Council, the meeting was adjourned at 4:10 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk