

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 17, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers, First Floor located at 101 City Hall Plaza with the following members 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: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Council Member Brown.

[CEREMONIAL ITEMS]

There were no ceremonial items.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council; there were no announcements.

[PRIORITY ITEMS]

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

City Manager Bonfield referenced Item #24, Resolution in Opposition of Redistribution of Local Sales Tax; and stated that the item was added at the end of the agenda as a Supplemental Item.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to accept the priority item of the City Manager, was approved at 7:02 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 City Attorney and City Clerk responded that they had no priority items.

The Mayor explained that the Consent Agenda was approved by a single motion and items pulled from that agenda by any citizen or Council Member would be discussed at the end of the agenda.

No items were pulled from the consent agenda.

[CONSENT AGENDA]

SUBJECT: GRANTS MANAGEMENT PERFORMANCE AUDIT JUNE 2015

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to receive and accept the Grants Management Performance Audit dated June 2015 as presented and approved at the June 22, 2015 Audit Services Oversight Committee meeting was approved at 7:05 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.

SUBJECT: RENEWAL OF THE DURHAM CITY-COUNTY INTER-LOCAL COOPERATION AGREEMENT FOR INSPECTIONS - (FIVE YEAR RENEWAL)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the Inter-local Cooperation Agreement between the City of Durham and the County of Durham for the provision of inspection services for another five-year term was approved at 7:05 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.

SUBJECT: 2014 DURHAM ENVIRONMENTAL AFFAIRS BOARD ANNUAL REPORT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to accept the 2014 Annual Report of the Environmental Affairs Board, as required by the Inter-local Agreement was approved at 7:05 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.

SUBJECT: 2014 DURHAM OPEN SPACE AND TRAILS COMMISSION ANNUAL REPORT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to accept the 2014 Durham Open Space and Trails Commission Annual Report was approved at 7:05 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.

SUBJECT: 2014 APPEARANCE COMMISSION ANNUAL REPORT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to accept the 2014 Durham City-County Appearance Commission Annual Report was approved at 7:05 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.

SUBJECT: RESOLUTION PROVIDING APPROVAL OF A FINANCING BY THE HOUSING AUTHORITY OF THE CITY OF DURHAM FOR MORRENE

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**ROAD APARTMENTS FOR PURPOSES OF SECTION 147(F) OF THE
INTERNAL REVENUE CODE**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt a Resolution providing approval, for purposes of Section 147(F) of the Internal Revenue Code only, of a multifamily housing facility known as Morreene Road Apartments in the City of Durham, North Carolina and the financing thereof by the Housing Authority of the City of Durham of Multifamily Housing Bonds in an aggregate amount not to exceed \$10,000,000.00 was approved at 7:05 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 #9936

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

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2015-16, as amended, the same being Ordinance # 14778, for the purpose of receiving the federal funds; and

To adopt a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation (NCDOT) was approved at 7:05 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.

ORDINANCE #14826

RESOLUTION #9937

**SUBJECT: GRANT AGREEMENT FOR SIDEWALK AND BIKE LANE
CONSTRUCTION ON CORNWALLIS ROAD
(TIP # U-4724)**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2015-16, as amended, the same being Ordinance # 14778, for the purpose of receiving the federal funds; and

To adopt a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation (NCDOT) was approved at 7:05 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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**ORDINANCE #14826
RESOLUTION #9938**

SUBJECT: GRANT AGREEMENT FOR CONSTRUCTION OF BICYCLE AND PEDESTRIAN FACILITIES ON HILLANDALE ROAD (TIP # U-4726HK)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2015-16, as amended, the same being Ordinance # 14778, for the purpose of receiving the federal funds; and

To adopt a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation (NCDOT) was approved at 7:05 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.

**ORDINANCE #14826
RESOLUTION #9939**

SUBJECT: GRANT AGREEMENT FOR SIDEWALK AND BIKE LANE CONSTRUCTION ON MORREENE ROAD (TIP # C-4928)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2015-16, as amended, the same being Ordinance # 14778, for the purpose of receiving the federal funds; and

To adopt a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation (NCDOT) was approved at 7:05 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.

**ORDINANCE #14826
RESOLUTION #9940**

SUBJECT: TRANSIT AMENITIES INSTALLATION AND REPAIR CONTRACT WITH DONE RIGHT THE FIRST TIME CONTRACTORS OF DURHAM

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a contract with Done Right the First Time Contractors of Durham, to install, repair and maintain passenger amenities along Go Durham bus routes throughout the City for three years at a cost not to exceed \$94,225.00 was approved at 7:05 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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SUBJECT: PROPOSED CONDEMNATION OF PROPERTY LOCATED AT 3810 PAGE ROAD (PARCEL ID 158077) FOR THE SOUTHEAST PRESSURE ZONE PROJECT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to find that it is necessary, in the public interest, and for the public use and benefit, to condemn a water main easement of approximately 730 square feet in the property identified as Durham County PIN number 0758-03-30-3711, also known as parcel ID 158077, as shown on Sheet 10 of 11 of the map entitled "Water Easement Survey for City of Durham" prepared by C.H. Engineering, dated September 5, 2014, and recorded in Durham County Register of Deeds Plat Book 194, Page 6; and

To authorize the City Attorney to initiate condemnation proceedings for that purpose, with a deposit into court of \$1,595.00 as the City's estimate of just compensation was approved at 7:05 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.

SUBJECT: SUPERSEDING OF 2014-2016 JOB DRIVEN NATIONAL EMERGENCY GRANT PROJECT ORDINANCE 14672 AND APPROVAL OF THE FIFTH AMENDMENT TO WORKFORCE INVESTMENT ACT CONTRACT BETWEEN THE CITY OF DURHAM AND EDUCATIONAL DATA SYSTEMS INCORPORATED (EDSI)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to accept the City of Durham Job Driven National Emergency Grant 2014-2016 Grant Project Ordinance superseding Grant Project Ordinance 14672 funds by executing the grant documents;

To adopt the City of Durham Job Driven National Emergency Grant 2014-2016 Grant Project Ordinance superseding Grant Project Ordinance 14672 in the amount of \$427,049.00; and

To authorize the City Manager to execute a fifth contract amendment to the original Workforce Investment Act contract between the City of Durham and Educational Data Systems Incorporated (EDSI) for services to be provided from July 1, 2015, through June 30, 2016, increasing the amount of the original contract by up to \$72,000.00 for a total contract amount not to exceed up to \$2,011,251.00 was approved at 7:05 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.

ORDINANCE #14827

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

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Repealing the Fee Schedule regulating Nonconsensual tow fees from private property; and

To adopt an Ordinance Amending City Code Provisions regarding Nonconsensual towing regulations was approved at 7:05 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.

ORDINANCE #14828

ORDINANCE #14829

SUBJECT: STATIONARY CONTAINER RENTAL CONTRACT BETWEEN THE CITY OF DURHAM AND WASTE INDUSTRIES, LLC

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a one-year agreement with Waste Industries for rental of stationary waste and recycling containers at an annual cost not to exceed \$16,415.00 was approved at 7:05 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.

SUBJECT: SCRAP TIRE DISPOSAL/RECYCLING SERVICE CONTRACT BETWEEN THE CITY OF DURHAM AND CENTRAL CAROLINA HOLDING, LLC

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute a two-year agreement with Central Carolina Holdings for scrap tire management services at an annual cost not to exceed \$239,000.00 was approved at 7:05 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 City Council disposed of the following agenda items at the August 6, 2015 Work Session:

- 18. Poverty Reduction Initiative - Jobs Taskforce**
(A presentation was received at the 08-06-15 Work Session)
- 22. Gwyn Silver**
(Comments were received at the 08-06-15 Work Session)
- 23. Jeaneen Nunn-Thomas**
(Comments were received at the 08-06-15 Work Session)

[GENERAL BUSINESS AGENDA]

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

Community Development Director Reginald Johnson introduced the item; stated the contract would provide technical assistance; to the scope of work an analysis was added and recommendations on how to formulate a rental program for Downtown Durham; stated they have worked with the consultant Enterprise on the timeframe as well; and stated they were comfortable with the scope of work and the additional cost to the contract in the amount of \$24,000; bringing the total cost for Phase 1 to \$101,000.00.

Mayor Bell appreciated staff's proposal in the formulation of the rental assistance program; inquired about the Task 3 "Downtown Rental Assistance Program" pertaining to the data analysis of the downtown Durham market; asking the rationale for the demographics analysis.

Karen Lado, representing Enterprise Community Partners, Inc., clarified the rationale regarding the demographic analysis stating it was to understand and target more clearly the population they would be trying to encourage to move downtown.

Mayor Bell inquired about the "Potential target populations" and asked for clarification.

Ms. Lado stated they were proposing to take a look at what the overall housing needs are in the market; taking into consideration what had been articulated by Council as a priority for downtown; and to pick between two and four groups; model the program; look at how the program works for these different demographic groups.

Mayor Bell inquired about the timeframe for Task 3, the rental assistance program; and inquired about the final product and the frequency of status reports.

Ms. Lado estimated completion of Task 3 by mid-January 2016; and stated that timeframe was based on how long they thought it would take to perform the work and considering other commitments they had with other engagements; and stated they would deliver a written document by the completion date that would outline the overall program design; including a Powerpoint presentation.

Mr. Johnson interjected that Council would receive bi-weekly status reports.

Mayor Bell expressed concerns about the project's perceived complexity and stated the timeframe was unrealistic to him; and felt Task 3 could be accomplished within 90 days; referenced the target area had already been defined "Downtown Durham"; stated the target had also been defined "families that are 60 to 80 percent below the median income"; stated he did not see the value of looking at the demographics downtown; suggested that a timeframe be placed on potential persons who want to reside downtown; at least residing in Durham for five years; and again stated a study was not needed to meet the criteria he was speaking of "60 to 80 percent; residents of Durham residing a certain amount of time; and being able to verify their income." The Mayor stated it should not take from September to January or February to develop the type of program he was speaking about. The Mayor reminded the Council that the proposal would not preclude any other

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incentives that a developer might want to make to have affordable housing; and referenced what was currently being done in Rolling Hills and on South Street.

Ms. Lado stated that she understood the Mayor's concern about getting it done; and noted Enterprise wanted to ensure it could present a solid policy recommendation that the Council could act on; and referenced a concern expressed at a recent work session regarding the 60-80% target.

Council Member Schewel referenced the discussion pertaining to the timeframe of the contract 90 days vs. 150 days; which he stated was only a two-month difference.

Mayor Bell stated he would like the current Council to make the decision on the item; stated in January 2016 there could be new people serving on the Council; he would prefer not to have the same discussion again trying to educate a new Council on the project; and again reiterated that Task 3 could be accomplished in 90 days.

Council Member Schewel stated he understood the Mayor's point, but he did not think it overrides the point that they had a scope of work that included Task 3; and there are other tasks that are really important he said, which was to help build an affordable housing strategy, and stated it was not just the one simple task. He stated he was not against it and was happy to see it being studied; referenced the monitoring issue that could be complex due to people relocating frequently who rent; spoke to the 60 to 80 percent below median income referenced in the adopted resolution; and concluded by stating if the department/consultant felt it would take five months vs. three, he would respect that.

Council Member Moffitt understood the frustration with the development of housing costs; saw potential benefits and pitfalls with the rental assistance program; responded that he did not want to rush the process; and encouraged patience with staff and the consultant in devising the program.

Mayor Bell addressed the proposed timeline consisting of work that he felt did not need to be done; encouraged developing the criteria of the program; emphasized his interests were how to pay, monitor and managed the program; which he felt did not take six months to accomplish; and encouraged frequent status reports from the consultant.

Council Member Brown suggested determining how much of the penny for housing should be dedicated to the rental program; emphasized looking at more than just rent; spoke to incentives/concessions by rental agencies to renters; emphasized the need to consider best practices; requested Council consider the issue of school options; what school district would the children be in if you have families residing downtown in apartments; inquired who would implement the program; suggested an incremental plan rather than rushing; and emphasized that it was Council's decision to determine the amount of money to set-aside for the rental program.

Ms. Lado spoke to resource allocation as being critical; stated they had to lay out the alternatives and it would be the decision of the policy makers to decide on the best alternative; and provided examples of varying details that would need to be worked through.

Council Member Catotti voiced her support for affordable housing and stated the process should not be rushed; stated she was much more interested in the original scope of work not so much the

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add on; spoke to her concerns of how many people to serve and at what income levels; spoke to devising housing options in a cost-effective manner; stated she was more interested in the option of building more affordable homes, raised concern that she did not have enough information to provide rental assistance to move people downtown to expensive apartments; stated if the City could be building more affordable apartments that would something she would be interested in; referenced the wait list for the Section 8 vouchers; and wanted to see what the consultants could generate having a broader discussion about the priorities; and the costs.

Mayor Pro-Tempore Cole-McFadden stated that Council needed to have a will to diversify Downtown in residential and commercial sectors; and stated she was committed to doing something different to counteract segregation in Downtown.

Mayor Bell requested the total number of hours developed to perform Task 3.

Ms. Lado stated she did not have the information on hand; but would provide the information the next day.

Council Member Davis appreciated the passion and the need to make certain there was diversity in Downtown and other areas of the City; raised concern regarding the work being done between now and the end of the year prior to election; was confident regarding the smooth transition of government; and was hopeful that Durham would elect people who were able to make sound decisions.

Mayor Bell again voiced his opinion on a reasonable amount of time to perform Task 3; and stated six months was not necessary to develop the program; stated that Council needed to decide if they wanted to pursue the program; and if so, did Council want to do the program under the consultant's proposed conditions.

Mayor Bell stated there were speakers to the item.

Thelma White, representing the Emorywood's Association, spoke in support of the Mayor's proposal for a rental assistance program for downtown.

Frank Meachem, resident of Sheridan Drive, referenced his past experience with affordable housing; and supported incentivizing housing and the Mayor's proposal.

Jarvis Martin, resident of Mosssdale Avenue, spoke to his background in affordable housing; that the population in Downtown needed to be diversified; stated that there was a perception in the community that Council was concerned regarding development in Downtown but was not concerned with the livelihood of the total community; and expressed support for the Mayor's proposal.

Lavonia Allison, resident of McLarin Avenue, expressed support for the Mayor's program to address affordable housing; and spoke in favor of public servants residing in Downtown.

James Chavis, resident of Ashe Street, encouraged Council members to respect one another at the dais using good listening skills.

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Council Member Schewel expressed support for the Mayor's program and stated he planned to support the recommendation that had been added to the scope of work; stated the questions he had dealt with the timeline; and referenced why he thought it would take longer than 90 days. He also commented on the Southside revitalization noting that city/federal funds were spent but the neighborhood lacked diversity; noting the neighborhood was largely white which was a disappointment; and stated he would support the recommendation with the study being 150 days vs. 90 days.

Council Member Moffitt proposed four questions; how much did the program cost, how long would it cost that amount, what was the overall impact of program; and what would be the tradeoffs.

Mayor Pro-Tempore Cole-McFadden inquired about how much time would the project have taken without the additional add-on; Task 3 rental assistance program for Downtown.

Ms. Lado stated the entire scope of the task was from September 1st to mid-February 2016.

Mayor Bell stated since he raised the question, he would like to entertain a motion to accept the consultant's recommendation, and to have Task 3 the Downtown Rental Assistance Program completed by the end of December 2015.

A motion was made by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve the motion as stated by the Mayor.

Council Member Moffitt requested clarification asking if the motion was to accept the contract if the completion of Task 3 could be finalized by December 31st.

Mayor Bell replied yes; and asked the consultant if that was durable.

Ms. Lado stated that, on behalf of Enterprise, she was comfortable with agreeing to complete Task 3 by December 31st.

Mayor Bell restated the motion to accept the contract with a modification to Task 3 to be completed by no later than December 31st; and that the other provisions of the contract would stand as is.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to approve Enterprise Community Partners, Inc. as the firm selected for consulting and technical assistance engagement; and

To authorize the City Manager to execute a contract between the City of Durham and Enterprise Community Partners, Inc. in the amount of \$101,000.00 from the General Fund; with the modification that Task 3 "Downtown Durham Rental Assistance Program" to be completed no later than December 31, 2015 was approved at 8:23 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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SUBJECT: 2015 SECOND QUARTER CRIME REPORT

To receive a presentation on the 2015 Second Quarter Crime Report.

Police Chief Lopez presented the 2015 Second Quarter Crime Report which covered the first six months of the year. The presentation included the department's six performance measures – violent crime, property crime, Part 1 index crime, clearance rates, response times to Priority 1 calls and staffing levels.

Part 1 Violent Crime

- Homicides, rapes aggravated assaults and robberies
- Violent crime up by 13.5 percent in first six months

Chief Lopez stated the rise in violent crime was driven by an increase in the number of aggravated assaults, robberies and homicides; referenced the Crime Stoppers and Project Safe Neighborhoods GunStoppers initiative; the location of canvasses held; commented on investigators making several arrests during the second quarter pertaining to robberies; and reported sexual assaults were at a three-year low.

Part 1 Property Crime

- Burglary, larceny and motor vehicle theft
- Property crime up by 3 percent in first six months

The Chief stated the rise in property crime was caused by increases in reported larcenies, noted the investigators continued to work with other area police departments to focus on shoplifting, which accounted for a significant percentage of the larcenies; and stated they have continued their Residential Awareness Program, which focused on residential burglaries, and burglaries were down during the first half of the year.

Chief Lopez continued the presentation indicating that the Part 1 index crime was up five percent the first half of 2015 compared to the same period in 2014; and reported rapes, burglaries and motor vehicle thefts were down during same period. The clearance rates for homicide, robbery, larceny and motor vehicle theft were above the FBI national average clearance rates for cities of Durham's size. The average response time to Priority 1 calls during the first six months was 6.2 minutes; and 51% of Priority 1 calls were answered under 5 minutes.

He stated they were reviewing their staffing levels by undergoing a staffing study by the IACP; which would help with their deployment of personnel; and they were looking at adding additional cars to respond to calls during peak time. The Chief commented on the staffing levels, sworn and non-sworn; and shared some photos of the successful 2015 National Night celebration noting more than 100 neighborhoods and businesses participated.

Council Member Schewel expressed appreciation for the report; inquired about the timetable for the roll-out of body cameras; and the status of the residency incentive program; congratulated the department for its completing the fair and impartial policing training; and recruiting improvements of minority applicants; spoke to the misdemeanor diversion program extended to age 21; inquired about the aggravated assault statistics and efforts to reduce; and commented on the clearance rates

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being down from where they had been. Mr. Schewel referenced Police Officers Armstrong and Kramer for their lifesaving achievements which he appreciated.

City Manager Bonfield interjected that the residency incentive program was being studied by Human Resources and that surveys were expected to go out in the fall to police officers.

Chief Lopez addressed the timetable to outfit officers with body cameras; stated that other police departments were approaching Durham regarding its fair and impartial police training; provided the racial breakdown of the new police recruit graduates; updated Council on their efforts to reduce aggravated assaults; and emphasized that community cooperation and trust would be important regarding clearance rates.

Council Member Brown inquired about the starting salary of police officers and the percentage of the Durham police force residing within the city limits of Durham.

Chief Lopez responded that starting salaries ranged from \$33,000-36,000; concurred that officers would require rental assistance to reside in Downtown; and stated he did not have the number of officers residing within the city limits, but would provide that information.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: 2014 EVALUATION ASSESSMENT REPORT (A1500001)

Karla Rosenberg, of the City/County Planning Department, certified that notification for the public hearing item was properly noticed as required by state and local law; spoke to the plan amendment case A1500001, the 2014 annual Evaluation and Assessment Report (EAR) of the *Durham Comprehensive Plan*; stated the document allowed the City and County to evaluate progress over the past year in implementing the Plan and meeting its objectives; included in the EAR were proposed policy changes and rectification of any differences between the City and County versions of the Future Land Use Map; the plan amendment requiring rectification was A1300009 Village of Rougemont; the Recreation / Open Space and Agricultural Layers of the Future Land Use Map was updated and included a section on Planning Trends and Issues. Staff recommended approval of the application; and indicated that the Planning Commission recommended approval on May 12, 2014 with a vote of 11 to 0. The Board of County Commissioners approved on August 10, 2015 with a vote of 5 to 0.

Mayor Bell opened the public hearing. Being no speakers, Mayor Bell declared the hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to approve changes to policies of the Durham Comprehensive Plan was approved at 8:41 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 #9941

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SUBJECT: PUBLIC HEARING TO CONSIDER ORDERING COMPLETION OF STREETS IN PORTIONS OF RAVENSTONE AND STONE HILL ESTATES SUBDIVISIONS

Robert Joyner, of the Public Works Department, stated the purpose of the item was to consider the ordering of the Completion of Streets in portions of Ravenstone and Stone Hill Estates subdivisions under the Enabling Act Authority; stated the proposed projects were inside the City limits. Staff recommended that Council adopt a preliminary resolution, conduct a public hearing; and adopt a final resolution to order each of the projects; and added that the advertisement for the public hearing to consider these proposed improvements was published in the August 7th edition of the Durham *Herald-Sun*, as well as individually mailed notifications via U.S. Mail.

Council Member Moffitt inquired about the adoption of the preliminary resolution.

Mr. Joyner responded that the preliminary resolution had not yet been adopted; and that it would be adopted with the final resolution tonight.

Council Member Brown requested the average monthly payment for the homeowners in Stone Hill Estates and Ravenstone.

Mr. Joyner stated the ordering of the improvement was for the street; and the number he would be speaking of would be the combined total for the street and stormwater. For Stone Hill Estates, the current engineering estimate would be \$2,531.00; and for Ravenstone it would be \$2,701.00. He stated the time period would be ten years without interest. Mr. Joyner stated the monthly fee would be \$21.09 for Stone Hill Estates; and \$22.51 for Ravenstone.

Council Member Moffitt requested clarification on the total cost per homeowner; asking if it was half of the total cost; 50% of the cost that each average homeowner would be assessed.

Mr. Joyner replied that is correct.

Mayor Bell opened the public hearing stating there were speakers to the item.

James Williams, a resident of Stone Hill Estates, stated that he had been dealing with the unfinished streets in Stone Hill Estates for 9 years; referenced that originally the City of Durham dropped the ball; stated that within the last 30 days the streets had been remarked with manhole covers filled in; it was his understanding the work would not begin on the streets until June 2016; noted the cost would escalate; and asked who would pay the bill; expressed concerns that his taxes were increasing and his property value was decreasing due to the situation with the unfinished streets; stated the residents do not receive any city services; spoke to the unfairness of the 50/50 split; and asked where do the residents go from here.

City Manager Bonfield stated he had asked the City Attorney to help them understand at what point would the streets and stormwater assets become the responsibility of the City; and how those assets are transitioned to the City ownership; and stated it was unclear to him who owed them at the present. He stated they are trying to be proactive by doing some things which they do not have

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to do legally; and over the next months the City would respond to concerns of the residents as the City tries to work through the details of how to transition the ownership of the public assets for the streets and stormwater.

Regarding the final bids, Mr. Joyner explained that the City did not receive the appropriate number of bidders as required by state law; there needed to be three bidders and there was one; and the project would have to be re-advertised; holding an additional comment period. He stated the Public Works Department was recommending that the item be rebid with the work being completed in the summer to allow for an appropriate timeframe to construct the improvements.

Public Works Director Marvin Williams spoke to the rebidding process; the possibility of having flexibility with the state law if the second attempt to gain additional bidders was unsuccessful; and spoke to potential costs that may be above what was initially estimated for the project if only one bidder resulted after a second round of bids; which then they would ask the Council how to proceed with the work.

Council Member Davis spoke to the price quoted to the residents; expressed a desire that the costs be upheld that the residents were originally quoted; and asked if the City was committed to the half that was before the Council or not.

City Manager Bonfield noted that would have to be a decision that the Council would need to make at the time they know the final numbers.

Mayor Pro-Tempore Cole-McFadden addressed Mr. Williams and inquired if funds would be sourced out of the stormwater fund.

Public Works Director Marvin Williams responded that funding would be discussed in a separate public hearing and that direction would be provided at a later date.

James Williams, resident of Ravenstone, expressed concern about his property taxes being increased; and the value of his home was decreasing.

Mayor Bell responded that the City's tax rate had not increased; however, he could not speak to the County's tax rate.

Gwyn Silver, resident of Stone Hill Estates, supported the completion of the streets; spoke to Council making up the difference between the costs that were currently approved and the costs associated with the deterioration of street and construction over the winter months; asked the Council to reconsider the 50/50 split and pay an additional amount; and stated she did not support affordable housing subsidies for Downtown.

Ryan Lanci, resident of Ravenstone, objected to Council moving forward with assessing the homeowners in his neighborhood to construct the streets; and expressed opposition to an earlier discussion by Council devising a rent subsidy program for individuals to reside downtown. He stated a \$600 per month subsidy in their neighborhood would cover the costs of the streets in four months; and he did not think it was fair for the city to subsidize rents downtown; then assess his neighborhood for streets. He stated the residents in his neighborhood were already paying and not

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receiving city services; and noted they were subsidizing a great deal of the work the city was presently doing.

David Moton, resident of Ravenstone, voiced opposition to the proposed street assessment; and stated in the future when he considered his next home purchase, he would remember the decisions made by the Council today and going forward regarding the lack of support for their families.

Abdul Jalil, resident of Ravenstone, expressed opposition to the street assessment being proposed.

Being no additional speakers, Mayor Bell declared the public hearing closed.

Council Member Moffitt stated the matter had been before the Council for a long time; it was a real concern for the homeowners; and stated the streets needed to be completed in a timely manner. He stated he understood the lack of bidders had impacted the timeline, but was hopeful this item would be moved ahead as quickly as possible.

Mayor Bell stated he fully understood the concerns raised by the residents; noted the City had done some things it should not have done; stated the City had to go through a process; and the City was trying to do the best it could to right as much of a wrong that occurred. He spoke in favor of retaining the current costs; unless the bids came in lower; which would be beneficial to the residents.

MOTION by Council Member Schewel, seconded by Council Member Moffitt, to adopt Preliminary Resolutions on Proposed Local Improvements was approved at 9:04 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 Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt Final Resolutions Ordering the Making of Local Improvements, specifically Street Completion in Ravenstone Subdivision and Street Completion in Stonehill Estates Subdivision within the limits defined in each said resolution was approved at 9:05 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.

[SUPPLEMENTAL ITEM]

SUBJECT: RESOLUTION IN OPPOSITION OF REDISTRIBUTION OF LOCAL SALES TAX

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt a Resolution in Opposition of Redistribution of Local Sales Tax was approved at 9:06 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.

RESOLUTION #9935

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Council Member Brown requested to be excused from the special council meeting and the work session scheduled on Thursday, August 20th.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to excuse Council Member Brown from special meeting and work session scheduled on August 20th was approved at 9:06 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 Bell requested to be excused from the work session scheduled on Thursday, August 20th.

MOTION by Council Member Schewel, seconded by Mayor Pro-Tempore Cole Mc-Fadden, to excuse Mayor Bell from the August 20th work session was approved at 9:07 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 Council, the meeting was adjourned at 9:07 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk