

DURHAM CITY COUNCIL WORK SESSION
Thursday, October 8, 2015 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

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

Also present: City Manager Thomas J. Bonfield, Senior Assistant City Attorney Sherri Rosenthal and City Clerk D. Ann Gray.

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

The Mayor Pro Tempore read a proclamation entitled “National Youth Justice Awareness Month”; which was presented to DeWarren Langley.

Council Member Moffitt shared a photo of the “Walk and Ride to School” event he participated in at E. K. Powe Elementary School.

Council Member Brown stated between now and his departure from the Council, he would be providing “parting shots” regarding issues that have come up during the past years; and had not been addressed or resolved. Mr. Brown raised concern with the low voter turnout during the recent primary election in Durham; referenced the municipal election was finalized in Raleigh and Chapel Hill due to the election system they have; stated he did not know how Durham ended up with the system they have; and stated for the taxpayers, the primary election cost approximately \$200,000; stated the City of Durham needed to have one election. He asked the City Manager to review his concern and benchmark what other cities were doing around the state.

It was noted that City Attorney Baker had done research on the election process several years ago.

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

City Manager Bonfield stated a closed session was needed at the end of the meeting to discuss matters relating to the location and expansion of industries in the City of Durham. Also, he introduced the newly hired General Services Director Steven Hicks who was most recently employed with the City of Petersburg, Virginia. Mr. Hicks stated he looked forward to working with the staff and the City of Durham.

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

At the request of Council Member Catotti, Director of Transportation Mark Ahrendsen provided an update on the restriping 15-501.

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SUBJECT: LINDA ROGERS

To receive comments from Linda Rogers regarding pay for school crossing guards.

The staff report noted that the Human Resources Department researched the rates paid to school crossing guards by various surrounding municipalities. Thus far, Raleigh, Cary and Greensboro had responded with their maximum rates being \$11.09, \$10.00 and \$10.55 respectively. The staff report noted that given the salary data, Durham's rate is competitive at \$11.00 per hour. The Human Resources Department is working with Captain Cates to review the school crossing guard's pay rate.

On behalf of Ms. Rogers, Joshua Lassister a school crossing guard, stated the last time the school crossing guards were given a raise was in 1995; noted their concerns for the children they served; and asked the Council to consider providing an increase in pay for them.

City Manager Bonfield stated they would be evaluating the request as a part of the budget process.

Mayor Pro Tempore Cole-McFadden asked if they were receiving the livable wage.

City Manager Bonfield replied no, the current pay for a school guard was \$11.00 per hour and the livable wage was \$12.53 per hour; and stated the reason they do not receive the livable wage because they are part-time employees.

The City Council requested that school crossing guards in attendance receive a copy of the staff report regarding the matter.

Council Member Catotti asked the City Manager if he could provide some history; she stated she had no idea that the City paid for school crossing guards.

SUBJECT: ELOIS JOHNSON

To receive comments from Elois Johnson regarding the Dog Poop Ordinance.

Ms. Elois Johnson presented a Powerpoint presentation requesting that the City of Durham adopt a dog poop ordinance; referencing why a pet waste cleanup ordinance was needed; noted what other cities were doing; and commented on the City of Raleigh's ordinance which addressed dogs at large; defecation on streets and private property.

Ms. Johnson requested that the City of Durham adopt an ordinance to address dog defecation on streets and private property; that such ordinance was with the EPA pet waste management assessment; and that the ordinance include fines for violation. Also, Ms. Johnson stated that dog defecation brings rats; and rats bring damage.

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City Manager Bonfield stated they have responded to Ms. Johnson indicating that animal control is a County function by the Sheriff's Office.

Mayor Pro Tempore Cole-McFadden asked if there was a city staff person that could speak with animal control and share with them the concerns.

City Manager Bonfield replied he would have a discussion with the County Manager.

Council Member Moffitt expressed his empathy to Ms. Johnson on what she had been experiencing; stated his concern with a dog defecation ordinance was the enforceability of it; not having the resources.

Council Member Brown asked Ms. Johnson if she had brought her concern before the County Commissioners; and she replied yes.

Council Member Catotti asked that the Water Services Department again place the announcement in the water bills reminding citizens to clean up after their pets; and to indicate water quality impacts.

SUBJECT: B. J. SMITH

To receive comment from B. J. Smith regarding the use of public facilities at Lyon Park.

Mr. B. J. Smith, representing the West End Neighborhood, spoke on how he and other males in the West End have changed the area for the betterment; and raised concern with the bathrooms at Lyon Park not being accessible.

Assistant Director of Parks and Recreation Jason Jones stated he contacted Mr. Smith to discuss the bathroom incidence; stated the Parks and Recreation staff appreciated Mr. Smith's positive involvement in the Lyon Park Community; noted due to incidents of vandalism at the Lyon Park bathrooms, typically DPR operations staff keep them closed; stated the Parks and Recreation staff met with General Services to further address submitting several bathroom projects, including Lyon Park as a Capital Improvement request for the 2016-17 budget; stated the proper way to correct the problem is to totally demolish the bathroom structure; and replace with a new building. Mr. Jones stated he communicated this to Mr. Smith in a call on October 5th; during the call they discussed a potential partnership between Durham Parks and Recreation and Friends of Lyon Park; which Mr. Smith joined last week; and the next meeting was scheduled for Saturday, October 10th whereby further dialogue would take place; and stated they had identified with Mr. Smith an idea to provide a key to Friends of Lyon Park so they would be able to open and close the bathroom facility; once they work out the details. Mr. Jones stated he felt they had a good plan moving forward.

Council Member Moffitt thanked Mr. Smith for all the work he was doing in the community which enhanced the quality of life for the area; and asked the staff how long would it be before Mr. Smith and the citizens could have access to the bathrooms.

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Assistant Director of Parks and Recreation Jason Jones stated the Friends of Lyon Park would be meeting on Saturday and they are working to have a staff person present to initiate those discussions; and felt the bathroom facility would be available within two months.

SUBJECT: GWYN SILVER

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

Ms. Gwyn Silver addressed the Council regarding Parks and Recreation emails sent earlier this year; stated undated pdf document stated that she made personal attacks such as threats to take over the center and accusations of lies; which she stated was not true; stated the YMCA proposal to provide recreational services was acknowledged at a recent candidate forum; she had been denigrated since she started speaking out about Holton's underutilization in February of this year; stated Holton does not serve enough residents; much less children in the PRI target area; stated this summer, DPR Holton staff moved all of PAC 1 items out of its storage area which was piled in the PAC 1 office; stated in August an email stated that DPR would not return or replace the PAC cable or remote; referenced the Rescue Mission setting up its equipment at the September meeting; and stated PAC 1 should not have to borrow or reorder equipment it had already purchased. Ms. Silver stated that PAC co-facilitators have never had access to the storage area nor access to their office unless DPR grants that access; stated the DPR accused her of speaking to staff in a raised voice and accusing staff of lying; which she stated she did neither; stated the accusation was just days after DPR staff harassed her and attempted to extort her signature by locking her out of the conference room she had reserved for a meeting. Ms. Silver requested that DPR replace the cable connection and remote; and refrain from character assassination.

Mayor Pro Tempore Cole-McFadden stated the City Manager had heard the concerns.

SUBJECT: BRADY SURLES

To receive comments from Brady Surles regarding the 40th Anniversary of Sister Cities, the Annual Meeting and Awards Ceremony scheduled on October 15, 2015.

Mr. Brady Surles stated that Sister Cities would be celebrating its 40th Anniversary; referenced a proclamation signed by the Mayor of Durham, England; provided background information on the relationship between Durham, England and Durham, North Carolina; noted the Sister Cities that had been added in past years; partnerships that had been formed; referenced host families in Durham; the youth committee that had been established; referenced expansion of student visits to some of the Sister Cities; and upcoming visits from Sister Cities representatives to Durham. He asked the Council Members to join them at the awards ceremony on October 15th.

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SUBJECT: AN ORDINANCE TO REVISE THE TEMPORARY STREET CLOSING PROCEDURES FOR SPECIAL EVENTS

The staff recommended that the City Council adopt the proposed Ordinance to Revise the Temporary Street Closing Procedures, to Revise Prohibitions on Obstructing and Impeding Pedestrian and Vehicular Travel on Sidewalks; and to Set a Fixed Penalty for Violation of Article II (Sales and Solicitations in the Street Right-of-Way) of Article 54 of the City Code.

Deputy City Manager Bo Ferguson stated at the previous work session, Council provided feedback which they intend to address by making revisions to the guidelines. He stated the action item before the Council was to approve the ordinance, but the process was something they could continue to clarify to make it clear.

Council Member Moffitt stated access should not be blocked to businesses during normal operating hours; and asked staff to find a way to allow them to remain open.

Deputy City Manager Ferguson replied it was not currently reflected in the guidelines; it was certainly something they could make a requirement; stated it had not been something the police department had enforced. He stated if that was the direction from Council they could implement it, but currently it was not written in the guidelines.

Council Member Catotti referenced having a compromise with the vendor booths; referenced an event on Main Street whereby the vendors were on the street and not on the sidewalk and were not blocking entrances; asked the staff to look at distances; which would allow people to operate their business.

Deputy City Manager Ferguson stated if there was booth blocking the entrance of a business, that would be something that should not be allowed. He stated most of the time when a street is closed, booths are in the street or in a plaza.

Council Member Moffitt voiced two concerns; access to the doorway and the visual aspect.

Deputy City Manager Ferguson stated for an event like Centerfest, there were a number of businesses whereby the front door was looking at the back of a booth; and stated it would be a significant change for events like Centerfest.

City Manager Bonfield stated if that was something the Council wanted to pursue, they certainly could.

Council Member Catotti stated she would be more concerned about doorway access than visual; sightlines during a festival were not as important, she said.

City Manager Bonfield stated he was looking for direction from the Council; a consensus from the Council on something agreeable in order for the staff to move forward; including the adoption of the ordinance. The City Manager stated they would go back and review some additional provisions relating to the guidelines for follow-up.

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Mayor Pro Tempore Cole-McFadden stated it would be helpful if DDI could obtain the cooperation of businesses downtown during events; especially during Centerfest.

Deputy City Manager Ferguson stated based on the conversation, he felt they had obtained enough information to hold a discussion with some special event permit holders to see if there was a middle ground both sides agreed too; and if not, they would return to Council to obtain policy direction.

SUBJECT: PROPOSED ADVANCE ACQUISITION FOR THE FUTURE EXPANSION OF LAKE MICHIE - PROPERTY OF JAMES FRANKLIN ROBERTS, ET AL

The General Services and the Water Management Departments recommended that City Council approve the fee simple acquisition of three parcels with a total of +/-318.39 acres for \$2,400,000.00. The first is located at 2902 Bahama Road consisting of +/- 134.14 acres (Parcel #191888), the second at 2620 Roberts Road consisting of +/- 141.55 acres (Parcel #191886) and the third at 2802 Bahama Road consisting of +/- 42.70 acres (Parcel #191879) from James Franklin Roberts and wife, Lila Kay Teague Roberts, Betsy Roberts Miller and husband Christopher Eric Miller, Jeanette Kaye Roberts (unmarried), Virginia Pettigrew and husband, Thomas Pettigrew, Kelly Pettigrew (unmarried), and Kara Pettigrew (unmarried).

Water Management Director Don Greeley spoke to the boundaries around the lake the City would be looking to acquire; stated they have roughly about 85% of the land around Lake Michie; which represented the largest parcels remaining to purchase; noted this was a very significant step in completing the effort; and referenced the price of expanding Lake Michie.

The staff will be providing Council with a copy of the map showing the updated acquisitions.

SUBJECT: LEASE OF NON-RESIDENTIAL PROPERTY AND CONTRACT FOR SERVICE WITH ACHIEVEMENT ACADEMY OF DURHAM

The staff recommended the City Manager be authorized to execute the lease for non-residential property and contract for service with Achievement Academy of Durham for the W. I. Patterson Recreation Center.

Gayle Erdheim, Executive Director of the Achievement Academy, addressed the Council stating the location would be their only office and facility; their current building no longer existing within one year; referenced the planned outreach for the Crest Street community; and the proposed mentoring program.

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER AND DELEGATES TO EXECUTE ENCROACHMENT AGREEMENTS WITH

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**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND
RAILROAD COMPANIES**

The staff noted the City of Durham was required to enter into encroachment agreements to maintain, repair and/or construct City infrastructure, such as City waterlines and sanitary sewers, within right-of-way owned by NCDOT or railroad companies. The Department of Public Works recommended that the City Council adopt a Resolution authorizing the City Manager to delegate his authority to execute encroachment agreements with NCDOT and railroad companies.

Deputy City Manager Bo Ferguson stated the item would not change any of the authority that Council had already delegated; stated it would be only allowing the authority to be delegated further passed the City Manager down to department heads in certain areas; which would help speed up the administrative process.

SUBJECT: REPORT ON CHILD SEX TRAFFICKING IN DURHAM

Council Member Davis introduced the item; commented on the proclamation signed by Mayor Bell several years ago regarding Human Trafficking; referenced a committee of the Durham-Orange Women Attorneys who were reviewing sex trafficking; noted the report the attorneys had provided in the agenda packet; and requested support of the Resolution Supporting Creation of A County-Wide Durham Task Force on Child Sex Trafficking.

Senior Assistant City Attorney Sherri Rosenthal, representing the Durham-Orange Women Attorneys, noted for the past year, they had been conducting interviews with representatives of various Durham agencies to understand the community's current response to child sex trafficking; noted that North Carolina and its cities near interstate highways, including Durham, harbor significant levels of child sex trafficking. The community agencies which interact with these children are, for the most part, not systematically training staff to recognize warning signs, and then to intervene and refer children to appropriate agencies for support. Each year, as many as 100,000-300,000 American children are at risk of being trafficked for commercial sex in the United States, according to the U. S. Department of Homeland Security. She stated it comes as a shock to most people that this is happening in Durham; which is invisible to many citizens.

It was recommended that the City Council endorse the creation of county-wide Task Force on child sex trafficking and a Durham Response Protocol on child sex trafficking.

Charlene Reiss, representing the Durham Crisis Response Center, spoke in support of the adoption of the Resolution and the creation of the Task Force; in addition she added some recommendations.

Council Member Catotti inquired who would be the staff support for the task force.

Sherri Rosenthal stated they would be presenting the report to each of the public agencies; and asking people to sign on. She stated what she was seeing right now was building a united community to do something about the matter; and then drawing folks in to the task force.

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Council Member Catotti also stated at some point she would like to know what conversations the City and County Managers had on the item.

Mayor Pro Tempore Cole-McFadden stated the Superintendent of Schools also needed to be a part of the conversation.

Council Member Moffitt stated it was an important issue; supported the passage of the resolution; and noted the County usually takes a leadership role on social services items; and suggested allowing them to provide the first leadership.

Mayor Pro Tempore Cole-McFadden stated should understand Mr. Moffitt's concerns; but stated all the children belonged to everyone and the need to own them.

SUBJECT: RESOLUTION IN SUPPORT OF SYRIAN REFUGEES IN DURHAM

Council Member Schewel introduced the Resolution In Support of Syrian Refugees In Durham; and requested adoption at the October 19th City Council Meeting.

SUBJECT: PROPOSED ACQUISITION OF THE FORMER DUKE DIET AND FITNESS CENTER PROPERTY LOCATED AT 808 WEST TRINITY AVENUE

The staff report indicated the former Duke Diet and Fitness Center, located at 808 W. Trinity Avenue was a 9.18 acre site containing 36,410 square foot building. The property is currently owned by Duke University; and the City's Stormwater Services staff identified a need for acquisition of the property for redevelopment as a stormwater retrofit wetland project. The wetland project was presented at numerous community meetings over the past several years. Staff has been conducting investigative work to look into issues with the site's soil content that were first identified in the City's Phase I Environmental Site Assessment of the property.

The General Services and Public Works Departments recommended that City Council approve the fee simple acquisition of 9.18 acres located at 808 W. Trinity Avenue from Duke University for \$1,000,000.00.

Sandy Wilbur, of the Public Works Department, provided a Powerpoint presentation. She referenced the Falls stage 1 strategy; proposed wetland and potential amenities; public outreach noting 12 meetings held; and the next steps in the proposed process. Ms. Wilbur stated they were requesting approval of a purchase option for land acquisition; and if approved they would select a consultant to provide the design; and construction with a contract coming before the Council; and stated they would also be providing opportunities for additional public input.

Council Member Brown voiced concern with many of the water quality standards being unattainable.

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Referencing page 2 of the presentation; Council Member Schewel requested a future presentation on other strategies being suggested; and stated the project was a good one.

Council Member Catotti spoke in support of the project noting it was a wonderful opportunity; and was glad it was moving forward.

SUBJECT: PRESENTATION ON LONG TERM CAPITAL NEEDS

The staff noted that the FY2015-16 budget process involved thorough discussions on long term capital needs for the City. At the conclusion of the budget process, the administration was asked to review all capital project priorities from departments to determine the full-scope of project needs over a ten year horizon.

Assistant Budget Director John Allore provided a Powerpoint presentation on the long term capital project funding needs commenting on the following topics:

- FY16 General Fund Funding Plan
- Summary of FY16 Budget Process Activity
- Projects with other funding sources
- Projects not funded in the FY16 budget process
- Additional Long Term Capital Projects
- Additional Projects not funded

Discussion and/or comments was held on the possible funding availability by GoTriangle for infrastructure improvements around the light rail station; projects not funded; support for aquatic center versus 2 recreation centers; the widening of Hope Valley Road between South Roxboro and Woodcroft Parkway; small projects not funded which could be priorities; proposed fire station on Herndon Road; making the athletic tournament site a priority; public art around the station; new sidewalk construction and repairs over the next ten years; \$25 million of parking funded items; the beltline trail; the greenway trails and the Alter report; the Bryant Bridge trail; park restroom replacements; failed and struggling developments; projected fund balance being \$17.7 million over the minimum level; evaluating the items on the pink list to see if there are higher priorities that need attention ; renovation of the Weaver Street and W. D. Hill recreation centers; and additional upgrades to the Durham Armory.

In developing a fundable plan, Finance Director David Boyd stated it would be helpful if they could get from the Council items they would like to see proceed sooner; and the types of things they would like to see added to the list.

Council Member Moffitt suggested staff review the items currently on the list and referenced items he thought should be categorized under quality of life issues; financial management; long term maintenance; and service delivery.

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City Manager Bonfield thanked the Council for their feedback and stated the staff and the CIP Committee would continue to work on the matter; and noted they would go back and review to see if there were any urgency issues between now and the next budget. He stated at one of the upcoming budget retreats in 2016, they would provide updates and additional information for Council to review.

Council Member Brown stated he agreed with the comments noted by Council Member Moffitt; and his main priority was to maintain what the City currently had.

The Council thanked the staff for the report.

City Clerk Gray announced that Quillie Coath, Jr. received six votes for appointment to the Work Force Development Board; for the Durham Housing Authority Board of Commissioners; Gloria Nottingham received 6 votes and George Quick received 5 votes.

Settling the Agenda – October 19, 2015

City Manager Bonfield announced the following items for the October 19, 2015 City Council agenda: Consent Agenda Items 1-13; 15-25; GBA Public Hearings Items 16-19.

MOTION by Council Member Catotti seconded by Council Member Schewel to settle the agenda for the October 19, 2015 City Council Meeting as stated by the City Manager was approved at 4:04 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell.

Closed Session – 4:05 p.m.

MOTION by Council Member Davis seconded by Council Member Moffitt 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 NCGS 143-318.11(a)(4).

The motion was approved by a vote of 6/0 at 4:05 p.m.

Open Session- 4:36 p.m.

MOTION by Council Member Davis seconded by Council Member Schewel to return to open session.

The motion was approved by a vote of 6/0 at 4:36 p.m.

No action was taken by the Council in open session.

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There being no further business to come before the Council, the meeting was adjourned at 4:36 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk