

DURHAM CITY COUNCIL WORK SESSION
Thursday, September 10, 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: City Manager Thomas J. Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

The meeting was called to order by Mayor Bell welcoming all in attendance.

The Mayor asked if there were any announcement from the Council Members.

Council Member Davis commented on the Critical Conversation event held at Holton Resource Center; and the announcement of their next meeting topic regarding Education. He stated in order not to duplicate the same topic, a meeting was scheduled for Tuesday, September 15th at the main branch of the Durham County Library sponsored by the People’s Alliance; and encouraged citizens to attend.

Mayor Pro Tempore Cole-McFadden recognized Cheryl Smith for her outstanding work in Franklin Village.

Mayor Bell announced that earlier the Council concluded its performance evaluations of the City Manager, City Attorney and City Clerk; and recommended that the City Manager, City Attorney and City Clerk receive a 3.5% increase in salary effective July 1, 2015.

SUBJECT: SALARY INCREASE FOR CITY MANAGER, CITY ATTORNEY AND CITY CLERK

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve a 3.5% salary increase for the City Manager, City Attorney and City Clerk effective July 1, 2015 was approved at 1:04 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.

SUBJECT: EXTENSION OF EMPLOYMENT CONTRACT FOR CITY MANAGER THOMAS J. BONFIELD

Mayor Bell stated that the City Council was recommending that the City Manager’s employment contract be extended for an additional five years with the same conditions; and stated the appropriate document would be prepared by the City Attorney. He stated the manager’s current contract expires August 20, 2016.

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to extend the City Manager's employment contract for an additional five years was approved at 1:05 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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

City Manager Bonfield thanked the Council for their two previous actions taken. Also, the City Manager commented on the following items:

- Agenda Item #5 – Durham-Orange Light Rail Transit Project (presentation would be provided at 2 pm)
- Agenda Item #28 – Elois Johnson, Citizen's Matter had been added to the agenda
- Agenda Item #29 – Disposition and Development Alternatives for Excess Land Adjacent to Durham Station had been added to the agenda

A motion was made and properly seconded, to accept the City Manager's priority items.

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

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

SUBJECT: WANDA BOONE

Wanda Boone addressed the Council asking them to return to their previous process of reviewing the list of alcohol outlets to identify potential locations for problems; stated this would allow the Council to review outlets to see if they were in compliance; spoke to energy drinks being a problem due to the enormous amount of caffeine and youth being sent to the emergency room because of energy drinks; and requested an ordinance adoption which would prohibit selling energy drinks to any person under the age of 18. Ms. Boone stated she would also be bringing the issue of energy drinks before the County as well. Also, she requested an update on the loud and unruly noise ordinance which she referenced a couple of years ago.

City Attorney Baker stated he was not aware of any particular request for an amendment to the loud and unruly noise ordinance; stated he would be happy to review it, but stated he was not aware of any changes to the law.

City Manager Bonfield commented on the current process for review of alcohol permits/renewals; which was currently done administratively, and stated the Council only revisited alcohol permits in the event the police department or another department raised a concern of non-compliance. He noted Ms. Boone was asking that all the alcohol requests be reviewed by the Council.

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Finance Director David Boyd noted the change in the review process was made in 2012; stated for renewal applications, all of them were reviewed by the PACs; TRY; the Police Department; and if any of the entities have feedback, then it is decided if the full Council should review. He stated they could not revoke a license, they could only not issue one; which is a quasi-judicial process.

Council Member Schewel referenced frustration by TRY and others on how the quasi-judicial process was functioning with at least one of the businesses in which there was some concern about their practices; referenced conversations with the City Attorney making sure everybody in the City understands, the Police Department and others; including organizations outside; who are also responsible for this, on how the process should work.

Ms. Boone stated several years ago there was a problem with a conglomeration of alcohol outlets; stated bringing the list before the Council resulted in compliance; and she stated it was the visibility of the list being seen; other eyes reviewing the list was important.

SUBJECT: ELOIS JOHNSON

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

The Mayor called on Ms. Johnson for comments; however, she was not in attendance.

SUBJECT: POVERTY REDUCTION INITIATIVE – PUBLIC SAFETY TASK FORCE

To receive a presentation on the Poverty Reduction Initiative from the Public Safety Task Force.

Ellen Reckhow, County Commissioner and Co-Chair of the Public Safety Task Force, presented the following report:

The Public Safety Task Force has been meeting for over a year. We were guided by the PRI's survey of residents last fall and the community listening sessions. The Task Force decided to focus on four areas: (1) Relationship Building; (2) Adequate Staffing; (3) Neighborhood Safety; and (4) Youth Engagement.

Discussion

1. **Relationship Building.** During the past year, relationships between the police and communities around the country have been tense. The lack of trust within the PRI target area was reflected in the survey results. The Task Force believes a focus on improving relations is critical to our success. We suggest the following action steps.
 - Poverty Simulation for officers – Completed first phase
 - Establish an Officer in the Neighborhood Program to encourage officers to live in the area by providing financial assistance to buy and rent housing. There are excellent models in other communities like Atlanta and Columbia, SC. In Columbia, officers can

purchase a home with no down payment at a low interest rate. Officers receive an end of year bonus for each year that they stay in the house. **Note: To assess feasibility, we are waiting for a survey to determine interest.** We will also reach out to the Sheriff as to their involvement.

- Build on the new Public Safety curriculum at Holton Career and Resource Center by establishing a career track with Durham Tech to grow a public safety career pipeline for Durham students. This would reduce the number of officers we need to recruit from out of town.
- Add a curriculum component at Camp High Hopes, a camp that serves many PRI youth, to introduce public safety careers and to incorporate skills for constructively interacting with officers.
- Create a Community Liaison Officer position to work with residents on problem solving and community policing. This person could share the PAC office at Holton.

2. Adequate Staffing. According to the neighborhood surveys and listening sessions, residents would like to see officers walking a beat and not just responding to 911 calls. This will probably require a higher level of staffing for District 1.

- Update and follow up on assessment of police staffing completed last year. Utilize national best practices and comparisons with similar NC cities. Ensure that consideration is given to enhancing community policing and providing more “face time”.
- Adjust the number of District 1 officers according to analysis of results.
- Ensure that the allocation of patrol officers to the target area allows adequate time on the ground (out of cars) for community engagement functions. Ensure community engagement criteria are in the officer job description, training, and review process.

3. Neighborhood Safety. The neighborhood surveys indicated that 56% of residents were interested in getting involved with a Neighborhood Watch. They also wanted police officers to be more visible and felt more outdoor lighting was needed.

- Two meetings have been held to organize Neighborhood Watch groups. Unfortunately, they have been lightly attended and no new Watch groups have formed. We may need to seek a sponsor and provide meals to get better attendance along with joint planning events with other groups.
- A Crime Prevention Through Environmental Design (CPTED) analysis has been performed by Officer Knight for the 3 parks and all the bus stops in the target area. The recommendations have been forwarded to Neighborhood Improvement Services to help coordinate the implementation of the recommendations which include shrub and tree pruning, improved lighting and various other recommendations.
- CPTED review will also be provided to homes and businesses in the area. We may work with Habitat for Humanity homeowners to get the process started.
- Training sessions on crime prevention and ways to better work with police will be provided in the target area during the upcoming year.

4. Youth Engagement. In order to help keep young people safe and reduce juvenile crime, residents mentioned having more things for children and teens to do during the listening sessions. The Task Force would like to see Holton Career and Resource Center become an even stronger hub of activity for young people.

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- The Task Force worked with the County to inventory and assess existing youth services in the area in the past few months. This information will inform our work.
- A neighborhood youth committee will be formed this fall to plan for additional events and services using this assessment.
- In addition to working with existing agencies and churches, additional funding or redirection of resources may be pursued as needed. In particular, the task force will work to expand recreation and enrichment programming at Holton.

Cheryl Smith, a resident of Franklin Village, provided comments on the work being done in her community; which had been beneficial in reducing crime.

Mayor Bell thanked Commissioner Reckhow and the task force members for their work and the report.

SUBJECT: DURHAM COUNTY TAX ADMINISTRATION – ANNUAL TAX SETTLEMENT

Kim Simpson, of the Durham County Tax Department, provided a Powerpoint presentation on the 2014 tax settlement commenting on the following: 1) the 2014 City levy; 2) total City levy; 3) rankings with other cities; 4) 2014 County levy; 5) total County levy; and 6) rankings with other counties.

Due to the statewide bill that was passed, she stated they were seeing more money collected for motor vehicles (99.98%) than in the past. Ms. Simpson stated the overall property tax collection percentage for the City was 99.61%; stated they billed \$148,820,519.75; and collected \$148,235.839.15. She stated the total property tax collection percentage for the County was 99.60%; they billed \$251,828.065.65; and collected \$250,828,658.25. In addition, Ms. Simpson stated they were working on the re-evaluation process; and she was not in a position to speak about any increases or decreases for the City or the County at this time.

Council Member Catotti stated it had come to her attention the Southern Durham Developers - 751 Developers had not paid taxes on their property; and asked if they were in bankruptcy.

Ms. Simpson stated they were not in bankruptcy; noted they were on a payment plan. Also, she commented on House Bill 168, as a result of the home builders inventory; and how it may impact the counties and cities going forward.

The Council thanked Ms. Simpson and her staff for the report.

SUBJECT: DISPOSITION AND DEVELOPMENT ALTERNATIVES FOR EXCESS LAND ADJACENT TO DURHAM STATION

To receive a presentation on the Disposition and Development Alternatives for Excess Land Adjacent to Durham Station.

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OEWD Director Kevin Dick made a Powerpoint presentation as follows:

Executive Summary

- Five disposition alternatives for land at Durham Station
- Staff recommends a mixed-use, Transit-Oriented Development

Background

- Durham Station was constructed in 2008
- Approximately 2.15 acres of developable land remains unused
- City administration has contemplated a compatible TOD
- Land was originally purchased in part using a grant from NCDOT
- NCDOT indicates that a public-private TOD is an acceptable land use (NCDOT expectation that proceeds will fund station improvements; Needed physical station improvement total \$1.8M to \$2.0M)

Alternatives

- Alternative A (Recommended); public-private urban project agreement; competitive RFP process; negotiated elements
- Alternatives B & C; land conveyance; with or without RFP process; with or without deed restrictions
- Alternatives D & E; sale to highest bidder; upset bid process; with or without deed restrictions

For each of the alternatives, Mr. Dick outlined the potential benefits; potential challenges and disposition process. He also provided Transit-Oriented Development best practices from around the country; Mile High Vista in Denver; Fruitvale Station in Oakland; and Southside Revitalization in Durham.

Mr. Dick stated there had been a lot of public discussion regarding diversity in Downtown; and commented on the various ways diversity could be obtained, whether people are riding transit; living downtown; shopping downtown; and by achieving some affordability levels.

Mr. Dick continued his presentation commenting on the following topics:

Long Term Strategy

- Alignment with Joint Economic Development Strategic Plan; Alignment with Downtown Durham Master Plan Update; Continued Viability of Downtown as a Central Business District

Transparency, Integrity and Viability of RFP Process

- Broader Timeline
- Messaging to Development Community
- Scheduling Viability for a Multi-Departmental and Multi-Disciplinary Process
- Scoring Process

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Mayor Bell asked if there were comments or questions from Council.

Council Member Brown questioned the relationship between NCDOT and the conveyance of the property; he asked what control does NCDOT have over the disposition of the site?

OEWD Director Kevin Dick replied because the City bought the land with a NCDOT grant, there were grant conditions the City needed to be mindful of.

City Manager Bonfield stated NCDOT did not really have an interest in how it was used, it was more about how the transaction occurs; how the property was valued; and what happens to any proceeds.

Council Member Brown asked if the Council decided to give the land to an affordable housing developer, what would be the anticipated response from NCDOT?

City Attorney Baker stated they would include them in the discussions and keep them up-to-date; and noted he would not want to make a prediction on what NCDOT might say or do.

Council Member Brown stated if the property was given away there would be no proceeds to feedback into the Durham Station.

Mayor Bell recognized the following speakers for comments:

Rev. Herbert Reynolds Davis, Co-Chair of Durham CAN, stated he represented hundreds of Durham residents who were unable to afford to live downtown near the future transit hub. He stated the missing piece to creating mixed-income neighborhoods in downtown Durham was affordable housing. He referenced their discussions and work with the City Council and County Commissioners on the passage the Resolution stating “that a minimum of 15% of housing within a one-half mile transit station should be affordable to households earning less than 60% AMI.” He stated it was no secret that downtown was unaffordable for public and private sector workers; and asked for working families to be able to benefit from downtown Durham and the amenities.

Bishop Clarence Laney, member of Durham CAN, stated downtown was quickly becoming an affordable housing desert, financially out of reach for many Durham families; stated the City Council’s leadership and vision was crucial to ensure that would not happen. He stated they were aware of plans of the Durham Housing Authority to apply for a Low Income Housing Tax Credit; noted that cities like Greensboro, Raleigh, Winston-Salem and Asheville frequently and (routinely in Wake and Guilford) approve and support multiple LIHTC applications each year to assure they are always well positioned; referenced correspondence from the City Manager dated April 20th, which stated that it was NCDOT’s opinion that development of the land via public-private urban development project agreement was an acceptable use; and stated it was their understanding that it was NCDOT’s intention to support the proposed City use in this particular case the proceeds from the sale of the land be used to fund physical improvements to the Durham Station.

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Wilbur Gulley, former Mayor of Durham and speaking on behalf of the Coalition on Affordable Housing & Transit, stated over the last 18 months they have talked with developers; affordable housing experts on how to create more affordable housing; he stated particularly around the station; and if a decision was not made soon to pursue that, the opportunity would be lost. He stated one thing was clear from their discussions, it was very hard to build affordable housing due to the economics that drive it; referenced the non-affordable housing units currently located around the Durham Station site; and referenced the reasons for the Durham Station property being suitable for singular use for affordable housing.

Kim Cameron, Director of Real Estate for Self-Help, stated it would take about \$40,000 a year for a household to rent an affordable housing unit in downtown; referenced the 1,200 apartments within three blocks of the Durham Station with rents at \$1,700 per month; referenced the number of people working downtown and 3,500 of them could not afford to reside in downtown; noted 18% of the employees worked in hotels; retail; and 15% worked in public sector and could not afford to live in downtown. She stated the best opportunity to provide workforce housing in downtown was public land owned by the City and/or County; and stated in order to get some of affordable units in the pipeline, the City Council could grab the opportunity to put steps in motion to allow for a low income housing tax credit application; and noted her support for mixed-use mixed-income development.

Dan Levine, of Self-Help, stated they believed there should be a RFP process for the community; and for the Council to understand all the different opportunities and interest in the site; referenced the possibility of making some minor tweaks to the process presented by the City; dividing the RFP into two stages; with Part 1 to be focused on getting proposals from developers interested in public-private partnership; and by December there would be plenty of time to provide the survey that was needed to update the RFP already in existence from 2007; get that out there in front of developers having preliminary proposals come back with the information that the Council needed to make an educated decision as to whether in January 2016 they would like to proceed forward with a detailed low income housing tax credit development or whether there was enough interesting proposals that the Council would like to take more time; and proceed with a second part of a proposal that could extend as long as needed.

Frank Meacham, representing Durham Committee on the Affairs of Black People, stated they were in favor of mixed-used and if commercial was a part of the discussion, it would help offset cost.

E. Lavonia Allison spoke in support of mixed-use and mixed-income; diversity.

Mayor Bell asked if there were comments or questions from the Council.

Mayor Pro Tempore Cole-McFadden stated the presentation by staff did not include the diversity economic participation; she asked who would receive the money for building the project? She stated moving forward that should not be left out of the equation; and stated track records needed to be known for everybody if a RFP was done.

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Mayor Bell stated he had strong feelings about affordable housing and hoped he made it clear at the last CAN meeting; stated that no one should question the Council's commitment to affordable housing in the City of Durham; referenced several affordable housing projects that had taken place with the City's participation; and noted the City has consistently provided funding in one way or another to support affordable housing. The Mayor stated for him affordable housing was in terms of income, and he was not interested in the City placing funds providing housing for persons above the median income; he stated he was interested in housing for families below the median income. Mayor Bell referenced the initial proposal and he was hearing that someone wanted to use the tract of land in question and build 80 to 100 units for families below 60 percent of the median income; and stated he was not interested in that concept - not interested in the City placing money into a proposal to warehouse poor citizens in buildings; like it was in Chicago with Cabrini-Green. The Mayor stated if the proposal now is about mixed-income that was a difference concept and referenced that is what is located at Southside/Rolling Hills. In addition, the Mayor stated a good case was being made for his proposal for rental assistance for downtown; and referenced the firm Enterprise Community Partnership, who had been hired to study and strategize about having affordable housing downtown.

Council Member Schewel asked Self-Help, who would live in a development like this 60 percent of the median income or less?

Dan Levine, of Self Help, replied the wide range of incomes that low income housing tax service serve; the \$30,000 to \$40,000 range; working families that need housing; restaurant employees; hotel employees; some public employees; non-profit employees; and bus drivers. He stated to him there was a mixed-income within a development, and it was different than the Durham Housing Authority, which serves very low-income residents.

Council Member Schewel asked if the low income housing tax credit supported the construction of any housing for persons above the 60 percent range.

Mr. Levine responded the LIHTC credit itself would not; however, it was possible; more complicated to incorporate mix of incomes above 60 percent.

Council Member Schewel stated he was in agreement with the Mayor's comments that the Council was committed to affordable housing; stated affordable housing was needed downtown for persons at 60 percent of median income and below; felt they were not just speaking of poor people; stated if we do not use the public land downtown for affordable housing for 60 percent or below, it would be an epic failure; stated the market would build Class A office space; the market would build retail; but the market would not build subsidized housing. He stated there should be a pipeline for the 9 percent tax credits each year; and was totally supportive of the Durham Housing Authority's application for the Club Boulevard redevelopment for the 9 percent credit; favored moving the RFP process more quickly in order to obtain an opportunity to get the low income housing tax credit deal for the 60 percent and below AMI housing; and was in support of an open process.

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Council Member Davis stated rather than one or the other, he asked if it was possible to empower Self-Help and the Durham Housing Authority applications; was it possible to put forth a project that would allow for low-income housing at the transit site, as well as doing the same kind of subsidies for the high-rise apartments the Mayor spoke about.

Mayor Bell reiterated that it was not an issue of having low-income housing downtown, and his issue was having only low-income housing downtown in a particular segment. The Mayor stated if you are speaking of mixed-income where you have low-income residents and above median income residents, he was in support of that. The Mayor stated the City used low income tax credits along with private developer city dollars to build the Lofts at Southside; and 40 families above median income reside there; and 100 families below median income reside there; 140 units mixed income; which he was supportive of.

Council Member Moffitt stated the transit-oriented development was important, but looking at it on a parcel by parcel basis, it was short sighted because some parcels are small and some are large; referenced the market would provide office and above market rental properties; mentioned GoTriangle owning property across from Chapel Hill Street for transit-oriented development; the Durham Innovation District having two new office buildings; all within close proximity providing Class A office space; and stated thoughts needed to be on open space, parking and affordable housing, all of which the market was not good at providing. He asked can the City see a process that would not preclude applying for the tax credit in 2016; can we get a process?

OEWD Director Kevin Dick stated the initial read of the Self-Help proposal could be viable; but the back end of it does not allow for holidays; stated it was a multi-departmental process; and the staff would also have to take into consideration other projects; such as the police headquarters, and other economic development incentive considerations. He stated another element was that they would have to make a decision around the midpoint of the process that they are conveying the land to a developer so they could prepare the application; and stated it precluded any real transparent review of different development proposals.

City Manager Bonfield spoke to there being a process, but noted it would not be as thorough as the City would normally identify for a public-private partnership project.

Council Member Catotti asked if they could obtain a list of the recommended improvements to the station and the costs; stated of the alternatives, D and E should be taken off the table. Also stated she did not think Class A office space was needed in the area in question; she was supportive using public land to leverage affordable housing downtown and throughout the community; and supported public-private partnerships. She stated she understood concerns about the development, but it was new money; realized there would be more public investment affordable housing downtown; however, she did not want to rush the process in three to six months; stated there was no question they did not want to lose \$9 million in tax credits; but if things are rushed and done the way they should not be done, regardless of who the players are; rushing things was not the way to do business; and mistakes are made and you do not get what you want she said. Ms. Catotti stated she was not opposed to a two-stage process; such as moving forward with the appraisal or land subdivision; etc.

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Mayor Pro Tempore Cole-McFadden was supportive of Council Member Catotti's comments; stated transparency was needed; and having an equal opportunity process.

Council Member Schewel stated he appreciated his colleagues comments and he understood the concerns about the process; referenced the priority was affordable housing 60% or below the area median income on the property in question and having a RFP for anyone that could do that; which he felt would simplify things. Mr. Schewel stated if they are not getting the 9% tax credits for persons 60% below the area median and not using public land to leverage affordable housing; he asked how would it be obtained. He stated he understood they can do some great things with the penny; referenced the area being a perfect spot; narrowing the scope of the RFP, it becomes much easier to do it in this timeframe he said.

Mayor Bell stated he was not interested in the City using its scarce resources for building strictly low-income housing. He stated the land was not going anywhere; having a systematic process was more thorough; and more transparent.

Council Member Brown agreed that there should not be packing low-income residents in one building; stated there should not be a rush to judgment on major issues based on late information received from Self-Help; and referenced the housing consultant, Enterprise, that had been hired.

After the discussion, the City Council asked the City Manager to return with recommendations for the disposition of the property at its September 24th work session.

The Mayor asked the staff to do due diligence, referenced new information just received from CAN; asked staff to come back with a recommendation; allow the Council to debate that; and stated the sense was the majority of the Council does not want the process to be rushed.

SUBJECT: DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT

To authorize the Mayor to send a letter to GoTriangle endorsing the recommended alternative in the Draft Environmental Impact Statement.

Director of Transportation Mark Ahrendsen stated the draft of the environmental impact statement for the Durham-Orange Light Rail Transit Project was released on August 28th for a 45 day comment period; referenced the draft letter for Council's consideration endorsing the recommended preferred alternatives in five key decisions; and he commented on the executive summary which had been provided.

Natalie Murdock, of GoTriangle, presented a Powerpoint presentation which reviewed the draft environmental impact statement for the Durham-Orange Light Rail Station Project; including the recommendation on the five key decisions; and the analysis for the recommendation.

- The alignment over Little Creek: C2A
- The alignment over New Hope: NHC2
- The station location near Duke/VA Hospital: Trent/Flowers Station

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- The location of the Rail Operations and Maintenance Facility; Farrington; and
- To build or not build the project: Build

It was noted that GoTriangle developed the recommendations based on a variety of factors. The draft environmental impact statement included technical reports and analyses of the following factors:

- Natural resources
- Air quality
- Hazardous materials
- Water resources
- Neighborhood and community resources
- Historic resources
- Archaeological resources
- Noise and vibration
- Visual and aesthetics
- Travel demand
- Capital costs
- Operating costs
- Pedestrian and bicycle
- Bus transit
- Traffic analysis

In addition, to the five key decisions, there were many other impacts that the project would have on the City of Durham. The staff had read, discussed, and analyzed a compendium of technical reports on the Durham-Orange Light Rail project and provided detailed feedback to GoTriangle.

The following citizens spoke in opposition to locating the Rail Operations and Maintenance Facility at Farrington: Barbara Dickson; Lorna Lynn Culton; Richard Ford; Lisa Brach; Debbie McCarthy; and Cathy Abernathy: They opposed the location stating it would create an accentuated safety hazard; already congested traffic on Farrington; environmental pollution would result; creating the necessary industrial zone in the midst of residential zoning would violate the traditional framework of both zoning and planning; the light rail itself was dangerous and misguided; incompatible land use; impervious surface and storm water runoff; current proposed Little Creek routing being flawed; residents on Trenton Road receive their drinking water from wells; EPCON opposes adverse impact on their existing neighborhood's aesthetics and quality of life; failure to notify residents; Creekside Elementary School, with 900 plus children, was 100 yards away; lower property values; and referenced serious inaccuracies in the draft environmental impact statement.

In addition, Richard Ford stated they have heard an earful about Chapel Hill's plans for their Durham neighborhood; and heard an earful about UNC's plans for their Durham neighborhood. He asked who speaks for them; who represents them; and stated that was why they were present today. He stated they needed the Council to speak for them. Also, the Council was asked to not rush to judgment; slow down the process and to hire a consultant as Wake County did.

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The residents of the Farrington Road area asked the Council to request GoTriangle to reconsider the sites that were more industrial; which would have less pollution to the Little River wetlands.

The City Council was also asked by the residents to respond to the draft environmental impact study stating they do not support the current configuration at Little Creek and to tell GoTriangle to rework the configuration to avoid the disaster they were proposing.

James Chavis, a resident of Ashe Street, stated the light rail project was suppose to be located in East Durham; and now it is being located in another area. Mr. Chavis stated the residents in East Durham were very disappointed with the decision not to locate light rail in their area which would have helped to revitalize East Durham.

Gwyn Silver spoke in opposition to moving forward with the recommendation of light rail as presented.

Jared Martinson, representing Durham Area Designers; stated they were supportive of the draft environmental impact statement's five key decisions identified. He noted their concerns centered around four issues that were not part of the key decisions because they arose well after entry of the light rail project; and requested they be included in the letter of endorsement. He stated they believe the critical investment would be noticeably better while not jeopardizing project performance or cost-effectiveness by incorporating the following four station locations and design changes into the final EIS and Record of Decision:

- Include a City Center station that was recommended by all three design teams at the October 2014 community charrette in the block between Blackwell and Mangum Streets
- Restore the downtown transit center station site (now termed "Durham" in the DEIS) to the triangular parcel already owned by GoTriangle
- Restore the Alston Avenue station to the site on the east side of Alston Avenue already owned by GoTriangle
- Locate the Buchanan Station as close to Buchanan Boulevard as possible

Council Member Davis recommended the following language revision to the draft letter provided to Council: "GoTriangle should be sensitive to the impacts on all communities, especially low-income communities."

At the request of Council Member Catotti, Patrick McDonough of GoTriangle clarified the process after the submission of the study; commented on the preferred ROMF at Farrington and referenced why the Cornwallis site was not secondary.

**SUBJECT: FIRST AMENDMENT TO THE PARKING LEASE AGREEMENT
BETWEEN THE CITY OF DURHAM AND AMERICAN CAMPUS, LLC
FOR THE NORTH PARKING GARAGE**

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The City of Durham proposes to amend the parking lease agreement with American Campus, LLC, specifically to temporarily convert and lease 75 of the existing visitor spaces at an initial monthly rate of \$65.00 per space for a period not to exceed 36 months; and the Transportation Department recommended approval of the agreement.

At the request of Council Member Moffitt, Thomas Leathers of the Transportation Department commented on the staff's rationale for leasing a substantial portion of public parking for 36 months.

SUBJECT: PROFESSIONAL ENGINEERING SERVICES FOR THE HOMELAND AVENUE STREAM RELOCATION PROJECT - THE JOHN R. MCADAMS COMPANY INC.

The Department of Water Management issued a Request for Qualifications to qualified SLBE firms for professional engineering services for stream/outfall relocation along the sewer outfall near Homeland Avenue. The degradation of stream banks and meandering of portions of the stream have severely impacted the department's ability to access the easement, thereby impeding inspection and maintenance activities.

The Department of Water Management recommended that the City Manager be authorized to execute a contract with the John R. McAdams Company for professional engineering services in an amount not to exceed \$95,960.00 for the Homeland Avenue stream relocation project.

Mayor Pro Tempore Cole-McFadden raised concern regarding the workforce statistics for The John R. McAdams firm; and asked how long had the firm been working with the City.

Water Management Director Don Greeley commented on the tenure of the firm's relationship with his department; particularly more recently with the small water engineering contracts. He stated they would be happy to have discussions with John R. McAdams regarding internships for students; and their workforce statistics.

Council Member Moffitt also raised concerns with the firm's workforce demographics.

SUBJECT: CONTRACT FOR INSURANCE BROKER – ARTHUR J. GALLAGHER

The Finance Department recommended that the City Council authorize the City Manager to enter into a contract with Arthur J. Gallagher & Company as the City's insurance broker for a period of three years with two optional one-year extensions.

Finance Director David Boyd explained that the contract was for the City's property casualty worker's compensation insurance.

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SUBJECT: LAND LEASE BETWEEN THE CITY OF DURHAM AND FRONTIER COMMUNICATIONS OF THE CAROLINAS, LLC

The Department of General Services recommended that City Council accept a land lease with Frontier Communications of the Carolinas for a portion of the property located at 6605 Farrington Road and advertise for upset bids pursuant to the upset bid procedures; authorize the City Manager to accept the bid from the highest responsible bidder at the conclusion of the upset bid process; authorize the City Manager to execute a land lease with Frontier Communications for a twenty year term for the purpose and operation of telephone communications exchange facilities, together with the access easement, on a portion of 6605 Farrington Road; and authorize the City Manager to execute a memorandum of lease.

Council Member Moffitt stated he was concerned about all of the high speed internet infrastructure coming forward; and he wanted the visual impacts to be minimized.

David Fleischer, of the General Services Department, stated for the land lease with Frontier, the building was pre-existing and hidden from the road; and there was no expansion associated with the lease.

Council Member Catotti stated due to the upcoming infrastructure coming onboard, she was interested in quality control and inquired who would be responsible; who would be the contact person about the process.

City Manager Bonfield stated the Public Works Department and the engineering contractor were both responsible. He stated if citizens had concerns they should be reported so the city inspectors can go out and take a look at it.

SUBJECT: FY2014-15 FOURTH QUARTER FINANCIAL REPORT

To receive the FY2014-15 fourth quarter financial report.

The administration presented the 4th quarter financial report for FY2014-15. The report was based on 12 months of financial information.

The City Council thanked the administration for the outstanding report.

Budget Director Bertha Johnson commented on the fund balance of \$39 million; and the surplus of about \$19 million.

City Manager Bonfield stated he had asked the staff to review peer cities on fund balance policies.

Regarding the fund balance, Finance Director David Boyd stated it was not the final audited number; noted they had just received final sales tax numbers; and the fund balance would be updated.

September 10, 2015

SUBJECT: JOINT CITY/COUNTY SURVEY

Mayor Bell raised concern with having a joint City and County survey; and stated he did not really understand why a joint survey was being done. He stated if the Council was trying to deal with City issues it was too confusing where you have persons living in the County having to comment on questions relative to the City. The Mayor stated he understood the item was discussed at a previous work session and he was not in attendance.

Several members of Council noted the concern of a joint survey was raised when the item was discussed at a previous work session; however, the administration made a very strong case that it would strengthen the survey.

At the request of the Mayor, Budget Director Bertha Johnson explained their rationale for having a joint survey.

Settling the Agenda – September 21, 2015 City Council Meeting

City Manager Bonfield referenced the following items for the September 21st City Council Meeting agenda: Consent Items 1 thru 4; 6 thru 16; Public Hearing Items 20 thru 26. He noted that Items 5 and 29 were referred back; and Items 17 thru 19; 27 and 28 were disposed of at the work session.

MOTION by Council Member Catotti seconded by Council Member Moffitt to settle the agenda for the September 21, 2015 City Council Meeting as stated by the City Manager.

The motion was approved unanimously at 5:48 p.m.

There being no further business to come before the Council, the meeting was adjourned at 5:48 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk