

DURHAM CITY COUNCIL WORK SESSION
Thursday, November 5, 2015 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

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

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick W. Baker, City Clerk D. Ann Gray.

Mayor Bell called the meeting to order welcoming all in attendance; and asked if there were any announcements from Council.

Council Member Catotti congratulated the successful candidates who were newly elected and re-elected to the City Council on Tuesday, November 3rd.

Council Member Davis thanked the Fire Department for the efforts they were putting forth and referenced the article that appeared around that.

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

City Manager Bonfield referenced the following items:

- Agenda Item #15 – Brady Surles (a presentation will be provided)
- Agenda Item #17 – Scott Brandt (citizen will not be present today)

Upon a motion and properly seconded, the manager’s items were accepted by the Council.

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

SUBJECT: BRADY SURLES

To receive comments from Brady Surles regarding the Kostroma, Russia Delegation who will be here visiting Durham to learn how Durham programs for pluralism, integration and diversity.

Brady Surles introduced the Sisters Cities’ delegation, sponsored by Open World grant secured by Kostroma City Committee with the purpose to learn about diversity in Durham, for whom lessons could be taken back to Kostroma, Russia; and introduced their translator, Maria Cochran.

The Director of the Organization of Russian Germans, spoke regarding a number of projects that concerned the senior, ethnic German population residing in Kostroma, Russia; explained this minority group had been subjected to Stalin’s repression; further explained that her organization provided information for those interested in German culture; indicated that an objective of her

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visit was to learn about ways to work with cultural and ethnic minorities, conflict resolution and integration; commended the exchange program as well-organized; appreciated the friendliness of people; and expressed gratitude for the opportunity to participate.

An individual representing the program of *Fairy Tale Kostroma* as the official Snow Maiden, spoke about fairy tale tourism and the related festivals/events, social projects and charity work; and learned ways of addressing differences and hoped to apply the lessons learned, at home.

The Director of Tourism and City Promotion; spoke of attracting tourism to Kostroma; explained that she worked with minorities and diaspora; explained that she had learned a lot from Durham's experiences; and presented a letter of greeting and cooperation from Yury Zhurin, the Mayor of Kostroma.

Mayor Bell welcomed the Delegation; appreciated the members of Sister Cities in Durham for their contributions; stated that Durham had no ethnic majority and was a welcoming and open city; and appreciated the visitors' attendance.

After the presentation by Sister Cities, Mayor Bell announced each item on the printed agenda; the following items were pulled for comments and/or further discussion:

SUBJECT: TRANS PERRY

To receive comments from Trans Perry regarding the costs associated with replacing and remounting a speed hump to a new location.

Mr. Trans Perry stated he had been communicating with City Manager Bonfield; Deputy City Manager Bo Ferguson; and Public Works Director Williams, regarding the matter. He referenced receipt of a letter dated July 6, 2015 from Mr. Williams denying the driveway permit for 610 Carroll Street; a property that he developed. He stated Mr. Williams indicated that the Department of Public Works would not be able to issue a sign off for a Certificate of Compliance for 610 Carroll Street until the existing traffic calming device speed hump issue has been resolved. He stated the letter came after having received an approved building permit for 610 Carroll Street on May 12, 2015, with the driveway shown on the plot plan. Mr. Perry stated as a result, he was unable to obtain a Certificate of Occupancy; and the predicament forced him to spend \$9,000.00 to have the speed hump relocated.

Mr. Perry stated that Deputy City Manager Ferguson's email dated July 10, 2015 provided a link to the City of Durham's Speed Hump Policy which governs the installation and removal of speed humps; and upon careful review of the policy, its intent is clearly to clarify the City's policy on the installation of speed humps to promote public safety. He noted while the policy does not state "Speed humps should be installed so as to avoid several street features; these included drainage features, utilities, driveways,"etc., it also clearly specifies the criteria for removal. He referenced paragraphs 4 and 8 of the policy; and stated based on the policy, it was not within the authority of the Department of Public Works to withhold a Certificate of Occupancy and to order him to pay for the relocation of the speed hump at 610 Carroll Street; and stated the City

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Manager could not have determined the hump to be a traffic or safety concern; and lastly there was not a majority of the homeowners who petitioned the City for removal of the speed hump. He referenced a speed hump remaining in the driveway located at 112 Hillside Avenue; and noted the driveway was originally east of its current location; and had been relocated, cut out and approved in a location comparable to the hump at 610 Carroll Street-within an existing driveway.

Mr. Perry requested full reimbursement for the cost of relocating the speed hump; and asked that the City be consistent across the board in enforcing policy with all residential and commercial developers.

City Manager Bonfield acknowledged his previous conversations with Mr. Perry and stated he had made an offer to reimburse Mr. Perry for a portion of the cost consistent with what they have provided reimbursement for others persons; however, Mr. Perry was not satisfied with the offer. He also stated in their opinion there were some distinct differences between 112 Hillside Avenue and 610 Carroll Street.

Robert Joyner, of the Public Works Department, referenced photographs for 610 Carroll Street and 122 Hillside Lane for comparison on the conflicts between the driveways and speed humps. Also, Mr. Joyner stated indicated for the property at 122 Hillside in the event the purchaser of the home determined that the speed hump was not acceptable and wanted it removed, the developer signed a letter indicating that the cost of the removal/relocation of the speed hump would be at their cost.

Mayor Bell inquired if staff had been consistent in administering the speed hump policy in regards to 610 Carroll Street and 122 Hillside Lane.

Mr. Joyner responded that there had been three occurrences in the last couple years; in two cases where the speed hump was located directly center, the hump needed to be removed/relocated; in the third case of 122 Hillside Lane, the speed hump was not required to be relocated and a letter was allowed to be done due to the limited amount of conflict. He referenced the James Street case where there was a successful petition to remove the speed hump at the city's cost; and stated the paid for relocation was by the builder of the two lots.

City Manager Bonfield stated as with the James Street case, that is what he offered Mr. Perry; the city would pay for the removal at the same price, but would not pay for relocation of the speed hump.

Mayor Bell inquired about the difference in cost; the amount offered to Mr. Perry.

Mr. Joyner responded that \$1,200.00 was offered, the cost to remove the speed hump.

Mr. Perry responded that the cost to remove and relocate the speed hump cost \$6000 excluding his time discussing the matter; explained the process that was necessary to arrange a contractor to handle the matter; and stated there was no city policy that would permit the withholding of the certificate of occupancy based on the speed hump issue.

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Mr. Joyner respectfully disagreed with Mr. Perry's statement regarding withholding the certificate of occupancy; elaborated on Section 62-97 of Durham City Code that stated "interference with street lighting poles, traffic-signal standards, catch basins, etc., no driveway approach or curb return should interfere with municipal facilities such as street lighting poles, traffic-signal standards, signals, catch basin, hydrants, crosswalks, bus loading platforms, utility poles, fire alarm supports, underground pipes, or ducts, or other necessary structures." He further stated that "the director of transportation and utilities was authorized to alter and effect the removal of such reconstruction of any driveway approach which now conflicts with street structures or which will conflict with street structures in the future; and the cost of relocating such driveway approaches shall be at the expense of the abutting property owner."

At the request of Mayor Bell, Mr. Joyner provided background information on the construction of homes and the speed humps being in existence.

Mr. Joyner explained that when permit was issued, there was a plot plan associated with the project and the driveway was located in a different place; staff looked at the GIS aerial view and could not discern that a speed hump was there; mentioned that due to sheer quantity, it was the responsibility of the applicant submitting the plot plan to evaluate any said conflict; and when the inspector went out into field to inspect the cut out of the driveway, the inspector saw the obvious conflict and informed the developer that the conflict was unacceptable.

Mr. Joyner stated Mr. Perry came into Public Works and started the conversation of relocating the speed hump; made a request for reimbursement and voiced his belief that the relocation should not be at his cost.

Mayor Bell stated he was concerned about the actual costs to remove speed humps and who pays and how much; was concerned that staff could not see the speed hump due to the GIS aerial view; and stated that the city had a certain amount of responsibility due to that being a part of the review process; compared \$6,000 to \$1,200; felt the City should be able to provide a better compromise than offering Mr. Perry \$1,200; and he was more supportive of splitting \$6,000; and was not supportive of the \$9,000 reimbursement requested by Mr. Perry.

At the request of Council Member Schewel, Mr. Joyner noted the City issued 30 to 60 driveway permits per week throughout Durham County; and they did not have the staff to inspect all of them.

Council Member Schewel expressed concern about the developer putting a driveway at a location where there was a speed hump; stated the Hillside speed hump issue was not the same as the Carroll Street site; supported the Mayor's proposal; however, he did not want to establish a precedent with persons coming to Council for not doing the right thing and then coming to Council saying the City did not inspect something that they could not inspect.

Mr. Perry interjected that he followed the UDO; and stated he had documentation noting that a speed hump could not be within a driveway.

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Council Member Davis supported the Mayor's compromise; and requested clarification on the \$1,200 offer referenced by the City Manager.

City Manager Bonfield clarified that the \$1,200 was the amount to remove the speed hump that was in conflict; not building a new speed hump.

Council Member Catotti requested information from the developer on what it cost him to remove the speed hump; the difference between that amount and what the City was willing to compensate; not to include the cost for replacing the speed hump.

Mayor Bell asked Mr. Perry if he had the cost for removing the speed hump.

Mr. Perry stated he did not have the amount with him; however, he would provide that information.

City Manager Bonfield requested clarification regarding Council's direction to staff.

Mayor Bell stated that he wanted clarification on the removal cost from Mr. Perry and then would decide how to proceed.

Mr. Perry stated he would email the information to the City Manager.

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY

To receive a presentation from the Raleigh-Durham Airport Authority Board.

Robert Teer, Jr., representing the Raleigh-Durham Airport Authority Board, made a PowerPoint presentation that included passenger service and flight statistics; announced the non-stop daily service via Delta Airlines to Paris beginning May 12, 2016; current non-stop daily service via Alaska Airlines to Seattle; and detailed the current non-stop service via Allegiant Airlines to various Florida airports.

Farad Ali spoke to targeted non-stop markets; estimated the economic impact at RDU and nationally; elaborated on the development of the *2040 Master Plan* – five major areas consisting of inventory, aviation forecast, demand/capacity and facility requirements, alternatives development and implementation/documentation; and stages of completion of a future rebuilt runway; and addressed small business program goals including DBE, ACDBE (Airport concessions) and MWSB (Minority Women Small Business).

Mayor Bell congratulated the representatives on their support of MWSB programs; extended compliments regarding the airport's operations; and asked if the airport was making money.

Mr. Teer responded stated the budget was set at \$100 million/year; explained the sources of income were enough to cover expenses and enough to cover an additional year of operating expenses.

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Mr. Ali mentioned the \$4-4.50 federal passive facility charge (PSE) for the *2040 Master Plan* could help fund planned airport upgrades; suggested increasing the surcharge from \$4.50 to \$8.50 to offset long-term infrastructure upgrades; and recommended petitioning federal officials to increase the surcharge.

Michael Landguth, Executive Director, addressed the federal program with capped passive facility charges that covered Terminal 2's debt service until 2032; noted the AIP Program grant program was being reduced for critical infrastructure; spoke to the balancing additional maintenance of infrastructure in a world of diminishing federal governmental revenues; and discussed the challenge to renovate the runway and construct a new rental car facility.

Mayor Bell inquired about actions by other airport administrators across the country.

Michael Landguth responded that airport managers and trade groups were working collectively with elected officials in DC; expressed concerns about additional responsibilities with no additional funding; spoke to the airport's \$8 billion of annual economic impact and funds provided by the state approximately one-half million dollars per year; and stated it was essential that commercial service airports to be proactive in planning for long-term maintenance and development.

Mayor Bell responded that it was reasonable to contact the representatives at the General Assembly; and inquired about educating state legislators on a collective basis.

Mr. Landguth stated that it was essential that airport managers plan for the future; and emphasized a strategy needed to educate state legislators; and mentioned uber legislation that involved working with Senator McKissick.

Council Member Davis inquired that besides lobbying state/federal officials, what, in addition, would the airport authority be asking of the City of Durham.

Mr. Landguth responded that the formulation of its financial plan would define priorities; indicated that bonds could be floated as a payment option combined with state investments, emphasized contacting state legislators and exploring new business opportunities/products.

**SUBJECT: U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HUD) FAIR HOUSING CONTRACT FOR FY2015-16**

The staff recommended that the City Council authorize the City Manager to accept the City of Durham, North Carolina and the U.S. Department of Housing and Urban Development 2015-16 Grant Funds by executing the grant documents and adopting the City of Durham Grant Project Ordinance in the amount of \$91,875.00.

Council Member Schewel inquired if the city or the federal government set the categories for which the City was not discriminating against.

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Delilah Donaldson, Manager of Human Relations Division, responded that the federal government defined the protected classes; however, she noted the City could amend the classes to provide additional protections on the local level.

Council Member Schewel suggested including sexual orientation and gender identity as a protective class.

Ms. Donaldson stated that sexual orientation and gender identity could be brought forward by the Human Relations Commission.

At the request of City Manager Bonfield, Deputy City Manager Page stated that the administration had reviewed and/or amended several city policies; whereby protective classes of some kind would be incorporated.

SUBJECT: HUMAN RELATIONS COMMISSION RECOMMENDATIONS FOR WATER MANAGEMENT DEPARTMENT (REPORT)

The staff report indicated that former employees of the Water Management Department and Water Management Department staff came to Council and alleged that there were racial inequities in the treatment, discipline and promotion of employees within the department. At the suggestion of the Mayor Pro Tempore, the group presented their concerns to the Human Relations Commission and they conducted a review of the City's Water Management Department.

The Human Relations Division of the Neighborhood Improvement Services Department recommended that the City Council receive and accept the recommendations relative to the Water Management Department prepared and presented by the Human Relations Commission.

Mayor Bell requested additional information regarding the recommendations of the Human Relations Commission pertaining to: "The City Council should examine the office of the City Manager's current ability to overturn the hearing officer's panel's recommendation arising from a grievance hearing and research best practices by other jurisdictions." He inquired about the reason for this particular recommendation.

Girija Mahajan, Sub-Chair of the Human Relations Commission, explained that individuals the Commission heard from, expressed concerns that if there was evidence presented in their favor through the second tier of review, that information would not carry through with Mr. Bonfield's decision; in other words, Mr. Bonfield's decision was final no matter if the decision was overturned at the second tier of review.

Mayor Bell requested the City Manager Bonfield share his record with the Council on such grievance hearings; and asked Ms. Mahajan if they were aware of other best practices for other jurisdictions or grievance panels that the City Council could review.

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Ms. Mahajan stated they could not specifically identify any; but noted there were different models.

Mayor Bell requested that Ms. Mahajan research providing best practices and grievance panel models for Council's review.

Mayor Bell continued his comments stating that the report noted that the "City Council should examine the implementation of its drug testing policy, particularly the portion of the policy based on reasonable suspicion due to racial disparities"; and inquired about the basis for the recommendation.

Ms. Mahajan stated there were concerns that the policy was being selectively applied; and felt changing the standard would make it less selective in its application.

Mayor Bell inquired about specific policies to be used as a guide for Council.

Ms. Mahajan stated they would look for more specific examples.

City Manager Bonfield anticipated the matter would be referred back to the administration and that staff would provide a response back to Council; referenced information the staff provided to the commission; and stated since staff had now seen the recommendations from the Human Relations Commission, they would like to provide a response or clarification which would be appropriate. The City Manager stated they would provide a response during January 2016.

It was noted that the next Human Relations Commission meeting was scheduled on December 8, 2015.

Council Member Davis inquired about information in the report that five black employees were terminated for infractions and white employees received written reprimands; and asked if that had been addressed.

City Manager Bonfield stated he was sure that it had; however, they had not responded to the report; did not know the facts about what had been presented, but would include follow-up information to the Council in January 2016.

Mayor Bell stated there were speakers to the item.

Ms. Nathanette Mayo, representing the Durham City Workers Union, provided the following comments:

The Durham City Workers Union appreciates the Human Relations Commission and City Council for taking concerns raised last year about discrimination and unequal treatment in the Water Management Department seriously. We have a few comments and suggestions concerning the recommendations the Human Relations Commission made for the department in its report.

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Items 1, 2, & 4 deal with recruiting, hiring, promotions and training in the department. We believe the city and department must take affirmative action to ensure African American and other underrepresented groups are hired into supervisory and management positions in the department. Positions should be set aside to ensure that they are filled by qualified underrepresented persons inside and outside the department. There must be clearly established goals and timetables and monitoring for this to occur. Active recruitment should be done within the city and also in our high schools, community colleges, HBCUs and other universities. The department managers have proven that without these additional stipulations, diversity will not happen.

Item 3: Racial Equity Training – While it may be helpful for a few department managers, some simply need to be gotten rid of – either through eligible retirement or terminated. These same managers showed no sensitivity, concern or remorse in creating and allowing the current environment to exist. They were concise and calculated in how they manipulated and destroyed frontline employees’ lives when they were unjustly disciplined or terminated. We do not believe their hearts and true nature can be changed. Those employees who were unjustly terminated deserve to be brought back to work and made whole and those who were unjustly suspended, demoted should be made whole also.

Item 5: We are not sure there is a way for an employee forum to be done in this department and not end up being retaliatory. That will need a lot of work.

Item 6 & 7: We agree and have said, since the grievance policy was changed, that it should be broader. Grievances should be heard by an outside neutral judge, panel of judges or arbitrator whose decision is final.

Item 8: We are opposed to mandatory & random drug testing; and it can be used discriminatorily. They do know of instances where employees who have been white and involved in a wreck/accident and were not even drug tested; while other persons who had very minor accidents were immediately sent to be drug tested.

Item 9: Records which include race, gender and age should once again be kept for the city’s disciplinary log; hiring and promotion data summaries.

Dwight Walker, former city employee, stated he had been victimized by the Water Management Department; referenced them bringing their concerns before the City Council; the Human Relations Commission and City Manager Bonfield; stated they have documentation showing Water Management had been plotting against him to get him fired; stated he was suspended for a violation which was not true; and stated he asked management to show him where he violated a policy and noted no one ever did; referenced management staff in the Water Management Department using their positions to manipulate and do things to him bringing harm discriminatory; stated he informed Mr. Bonfield about the matter which he stated he would look into, but in the meantime he was fired; stated the management staff falsified information which they now know was not true; stated they would be seeking outside legal counsel; and noted how he was treated hurt him financially; with the loss of his home. Mr. Walker stated the only thing he wanted done, was to tell the truth about what had happened and no one would listen; and

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referenced a decision which was found favorable on his part; but was overturned by the city manager.

DeCarlos Stanley, former employee of Water Management, stated that studies had proven the department had unfair work practices which needed resolution; and stated while he was employed he tried to do a good job for the City but felt all of his efforts were taken away due to racial bias and retaliation.

Mayor Bell reiterated in finding a resolution to the situation and looked forward to the City Manager's report.

SUBJECT: UPDATE ON FY2016 DURHAM STATION REQUEST FOR PROPOSAL DEVELOPMENT PROCESS

To receive a presentation that includes an update on the request for proposal development process and a recommended timeline.

Kevin Dick, Director OEWD, referenced the 9/10/15 staff presentation to Council, as a takeaway from the meeting, he noted that the administration would be allowed to design a RFP to solicit proposal options with various development types on the Jackson Street property aka Durham Station property; referenced the staff memo noting options planned to be offered in the RFP; and as part of today's discussion he wanted to obtain feedback about whether the administration was on track in terms of the recommended outline; spoke to the draft timeline containing thorough drafting of RFP, adequate response time by respondents, adequate negotiation time to allow for proper disposition of parcels, conditions currently at Durham Station parcel, and/or considerations for station improvements; timeline was a draft and had been adjusted slightly; as of today, the preliminary plat had been completed and an appraisal was scheduled to be completed in early December; he noted the release date could change related to land restrictions; January 15, 2016 was the targeted release date to allow for adequate negotiation time and would allow proposers to seek other methods of financing eligibility.

He stated the staff planned to allow for the three different development options of which all would contain a neighborhood/commercial component and structural parking component; noted one option could complement those two uses with affordable housing, mixed income housing or market rate housing; referenced the planned review process would consist of categorizing the various options and having a scoring system that would allow proposals within each category to be scored at top of respective category, and the scored information would be brought before Council for decision making based on the option most palatable.

Mayor Bell stated he had heard from the majority of Council that mixed income housing was preferred on the property; and if this was the desire of the Council, he asked what was the rationale for including market rate housing.

City Manager Bonfield replied that staff was only providing information.

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Mr. Dick responded that staff interpreted the direction on September 10th was to allow for flexibility and creativity.

Mayor Bell stated he understood what the staff was saying; however, his question regarding the market rate housing option was being directed to the Council.

Council Member Schewel asked the Mayor if he was recommending deleting Option 3.

Mayor Bell replied yes; and stated they needed to determine terminology; needed to be consistent when speaking about incomes. The Mayor stated when persons bring forth proposals he would be looking for how it works; how it was financed.

City Manager Bonfield stated that staff was not presently in a position to know the answer on the financing structure; he stated they were trying to allow the market to come forth and show them; since they do not know how it will be structured. He stated in February they would be receiving the final report from the housing consultant and stated they would have much more information.

Mayor Bell stated that he heard consistently from the Council that mixed income was desired on the property, referenced the goal was to have skewed as much as possible toward below median income rather than market rate; or limiting market rate to 20%; and specifically, feedback was to offer housing to families at 60% of median income or below. He stated unless Council was changing its mind, he preferred to adhere to that to see what types of proposals could result.

Mayor Bell stated that when it is favored that you have mixed income; and that family incomes should be 20% market rate or above, and 80%; 60% or below, that was very specific. He referenced the example that CAN brought forward pertaining to a neighborhood that existed in Raleigh consisting of 20-80% with commercial intertwined; he stated unless a developer came in and said it could not be done then that would be a different issue. The Mayor stated he thought the Council should tell the developers what they were looking for; and then they could see what they come up with.

Council Member Davis favored getting more information, even if it was not utilized.

Mayor Bell questioned the rationale for having a developer review something if that is not what the Council wanted; and stated if it did not work, then you go back out.

Council Member Schewel spoke in support of the mayor's comments.

Council Member Catotti inquired about the definition of mixed income and asked if Southside was mixed income; which included market rate and affordable units.

Mayor Bell stated yes it was mixed income; and referenced the difference between Southside and the proposal being discussed.

Council Member Catotti asked about the definition of workforce housing.

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Mr. Dick responded that workforce housing could go up to as high as 80% of area median income.

Council Member Catotti spoke to the composition of the acreage available; stated whether Option 3 was included or not, it appeared the downside was staff time and review; referenced having the RFP to obtain as much affordable housing as possible which would allow for an open process obtaining the best proposals.

Mayor Bell stated the focus was on the Jackson Street property; stated the housing consultant would be considering the entire City of Durham; and noted the question was how to best move forward on Jackson Street. He stated when CAN came before Council, their presentation included 60% or below; 80-100 units; four stories; and stated what they were talking about was different from what they gave the Council; and said they gave the Council a mixed-income development which he could totally support.

Council Member Catotti stated that Council was more deliberate and informed; referenced the public had been involved in the process; referenced waiting to hear from the consultant; inquired about an earlier request of public land downtown or public parking spaces; stated Jackson Street was an appropriate place for affordable housing; and stated when you adhere to an open process you do not preclude things and get better projects. Also, she inquired about the intent for structured parking, was any for public parking or to support the residential needs.

Mr. Dick noted the intent of structured parking was to serve the entire development regardless of use; and stated the necessity was to make certain that enough spaces were available off-street and contained on the site.

Mayor Bell spoke to the parking issue at the Lofts at Southside; he stated the developer planned parking for residents, but noted there were not enough for guests. The Mayor stated he did not see why there was a rush on the Jackson Street property, the land belonged to the City he said.

City Manager Bonfield stated the question of how prescriptive they were with the mix; he was concerned that would be a challenge. He asked was it about the total number of affordable units that can be constructed on the 2.1 acres at a financeable way; or was it about the mix of market rate and affordable units that can be built on the property.

Mayor Bell stated he felt it was about the mix; and stated the developer would be able to inform the City of what they can accomplish; the City would be informing the developer this is what we want "20% market rate; 80%-60% below the median income."

City Manager Bonfield stated therefore if we state we want 20% market and 80% affordable; and the developer returned and said okay, then that would mean they could have 80 affordable and 20 market rate. The City Manager continued by stating if it was said you could have 70% affordable and 30% market rate, now you can have 100 affordable units and 40 market units. He stated the percentage of market rate units would create a margin that would allow you to have another stacking layer; more total units of affordable; which would change the percentage.

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Mayor Bell stated from his view point he felt that any credible developer would figure out how to maximize the site; to obtain the ratio Council has discussed.

Council Member Schewel was of the opinion that the Option 3 market rate was not the option to pursue; in terms of specifying affordability, he favored phrasing the RFP with the optimal target of 20% market rate and 80% at 60% median income or below; however, he noted if it was possible to maximize the number of units to ensure a mixed-income development with the affordable units, this could offer potential developers' flexibility.

Mayor Bell supported doing what Council had said by working with the 20/80; and if the developer could not adhere to that, he stated at least the Council had done its duty, then move on to a different strategy.

Mr. Dick offered that if options or eliminated or included; there was staff's due diligence to continue to perform on the site; and stated there were conditions that may require financial resources to be conducive to any development.

Mayor Bell reiterated he wanted 20/80 on the site; and stated if the developer was not able to provide that, he would like to hear that and shown why it will or will not work; and stated he would not want the developer to not adhere to the 20/80 because there are other options.

City Manager Bonfield stated if that is the direction the Council desires; they would craft the RFP around the 20/80.

Mr. Dick requested clarification asking if they are to remove the market rate option; and also asked if they are to breakdown the 80.

Mayor Bell responded that staff should remove the market rate option; stated 80% was for families with 60% below the median income; and the 20% was market rate.

SUBJECT: COMMENTS FROM COUNCIL MEMBER EUGENE BROWN

Council Member Brown provided a Powerpoint presentation regarding fathers not being involved in their children lives; and referenced the importance of their involvement.

City Clerk Gray announced that Summer Bicknell had received 7 votes for reappointment to the Durham Convention & Visitors Bureau.

Settling the Agenda – November 16, 2015 City Council Meeting

City Manager Bonfield announced the following items for the November 16th City Council Meeting Agenda: Consent Items: 1 thru 8; GBA Item 14; and Public Hearings Items 9 thru 11.

MOTION by Council Member Catotti seconded by Council Member Brown to settle the agenda for the November 16, 2015 City Council Meeting as stated by the City Manager was approved at

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3:16 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Davis and Schewel. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden and Council Member Moffitt.

Closed Session – 3:16 p.m.

MOTION by Council Member Schewel seconded by Council Member Davis to hold a closed session to discuss matters relating to the location or expansion of industries or other businesses in the City of Durham, pursuant to G. S. 143-318.11(a)(4) was approved at 3:16 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Davis and Schewel. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden and Council Member Moffitt.

Open Session – 3:40 p.m.

MOTION by Council Member Catotti seconded by Council Member Schewel to return to open session was approved at 3:40 p.m. by the following vote: Ayes: Mayor Bell and Council Members Brown, Catotti, Davis and Schewel. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden and Council Member Moffitt.

No action by the Council was taken in open session.

There being no further business to come before the Council, the meeting was adjourned at 3:40 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk