

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, January 7, 2016 @ 1:00 p.m.**  
**2<sup>nd</sup> Floor Committee Room – 101 City Hall Plaza**

Present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eddie Davis, Jillian Johnson, Don Moffitt, Charlie Reece and Steve Schewel. Absent: None.

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

Mayor Bell called the meeting to order welcoming all in attendance.

The Mayor asked if there were any announcements from the City Council.

Mayor Pro Tempore Cole-McFadden thanked Mayor Bell; Interim Police Chief Larry Smith and Sheriff Mike Andrews for holding the press conference on today expressing concern regarding the increase in violent crime in Durham.

**SUBJECT: EXCUSE COUNCIL MEMBERS JOHNSON AND REECE**

Council Member Reece requested that he and Council Member Johnson be given an excused absence from the January 21, 2016 work session. They were scheduled to attend the session for newly elected council members hosted by the Institute of Government.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to excuse Council Members Johnson and Reece from the January 21<sup>st</sup> Work Session was approved at 1:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

**SUBJECT: EXCUSE MAYOR BELL**

Mayor Bell requested that he be excused from the January 21, 2016 Work Session. He stated that he would be attending the U. S. Conference of Mayors Meeting.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Reece to excuse Mayor Bell from the January 21<sup>st</sup> Work Session was approved at 1:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

Mayor Bell asked if there were priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield referenced the following items:

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- Agenda Item #10 – Public Hearing on the Proposed Economic Development Incentive Agreement between the City and Project Restorative – asked to refer item back to the Administration (Office of Economic Development)
- Agenda Item #11 – Thelma White (would not be appearing today to speak)
- Agenda Item #12 – Fred White (would not be appearing today to speak)

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

City Manager Bonfield stated citizens were present regarding Emory Woods Orchards, a Failed and Struggling Development.

City Attorney Baker stated he had provided by email on yesterday to Council additional information on the Carver Street Extension and if needed, he would discuss the information with Council in a closed session.

It was suggested that Council be allowed to review the additional information provided by the City Attorney prior to holding a closed session.

There were no priority items from the City Clerk.

Council Member Davis requested that John Tarantino, a citizen, be allowed to provide a brief presentation in light of the recent terrorist act in San Bernardino.

**SUBJECT: ELAINE HYMAN**

To receive comments from Elaine Hyman regarding the Failed and Struggling Development in Emory Woods Orchards.

Elaine Hyman, a resident in the Emory Woods Orchards Community, stated she was present because of concerns raised about their failed community; referenced the community's work to locate a developer to complete the infrastructure in the community; stated they had had no less than 17 developers review the community without success; acknowledged the residents of Emory Woods Orchards who were present; and she stated they were looking forward to bringing a successful resolution for their community. Ms. Hyman expressed appreciation to the Public Works Department for working with them; and acknowledged the efforts of two council members.

Mayor Bell stated he hoped the matter could be resolved; and referenced he once was a resident of the initial Emory Woods community.

It was noted that the staff had prepared a summary of the Emory Woods Orchards matter as part of Agenda Item 11 & 12 regarding citizens' matters, Fred and Thelma White.

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**SUBJECT: JOHN TARANTINO**

To receive comments from John Tarantino on the recent terrorist attack in San Bernardino, California.

John Tarantino, provided a song selection, referencing the recent terrorist attack in San Bernardino.

The Mayor Pro Tempore Cole-McFadden announced each item on the printed agenda; and the following items were pulled for comments; discussion and/or presentation:

**SUBJECT: TRANS PERRY**

To receive a follow up comments from Trans Perry on the costs associated with replacing and remounting a speed hump at 610 Carroll Street.

Note: Mr. Trans Perry was not in attendance at the meeting to speak.

**SUBJECT: AWARD OF DEDICATED HOUSING FUNDS TO HABITAT FOR HUMANITY OF DURHAM, INC.**

The staff report noted that in response to the City of Durham's application for funding of CDBG, HOME, ESG and General Funds for FY2015-2016, Habitat for Humanity of Durham, Inc. submitted an application for grant funds using Dedicated Housing Funds under the Neighborhood Revitalization category, in the amount of \$182,910.00 to acquire single family building lots, or to purchase homes suitable for renovation in Northeast Central Durham.

The Department of Community Development recommended that City Council authorize the expenditure \$182,910.00 in budgeted Dedicated Housing Funds for the purpose of creating affordable housing units, and authorize the City Manager to execute the grant agreement and related legal documents with Habitat.

In the staff memo, it was noted that Habitat must construct all a new homes to meet System Vision specifications; and at the request of Council Member Moffitt, Community Development Director Reginald Johnson explained what was meant by System Vision.

Blake Strayhorn, representing Durham Habitat for Humanity, noted they sold homes to persons making between 30 to 60 percent of the average medium income; referenced the City's partnership with Habitat that dealt with the availability of second mortgage money which they also lend at zero percent interest; commented on the two deeds of trusts with riders attached to preserve the sale; and noted they needed to look at ways to protect the long term affordability.

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**SUBJECT: AWARD OF DEDICATED HOUSING FUNDS TO HABITAT FOR HUMANITY OF DURHAM, INC.**

The staff report noted in response to the City of Durham's application for funding of CDBG, HOME, ESG and General Funds for the FY2015-2016, Habitat for Humanity of Durham, Inc. submitted an application for grant funds using Dedicated Housing Funds under the small projects category, in the amount of \$500,000 to acquire single family building lots in Southwest Central Durham and for construction cost write-downs for properties in Northeast Central Durham.

The Department of Community Development recommended that City Council authorize the expenditure \$500,000 in budgeted Dedicated Housing Funds for the purpose of creating affordable housing units; and authorize the City Manager to execute the grant agreements and related legal documents with Habitat.

At the request of Council Member Moffitt, Blake Strayhorn, of Habitat for Humanity, briefed the Council on the term *construction costs write-downs*.

Council Member Schewel asked if write-downs had been done in the past.

Community Development Director Reginald Johnson replied yes; and City Manager Bonfield stated they probably did not highlight it as a subset of the costs. Also, Mr. Johnson stated the initial proposal included the write-down; and stated they had current write-downs previously approved in process; which was not a new practice.

**SUBJECT: CONTRACT AMENDMENT NO. 2 FOR CONTRACT ST-258, ANGIER-DRIVER STREETScape – FRED SMITH COMPANY**

The staff report noted that City Council awarded contract St-258 to the Fred Smith Company which involved street demolition and construction, replacement of electrical, water, sewer and storm water utilities; as well as installation of streetscape, landscaping, traffic signals and decorative street lighting for the Angier-Driver Business District.

The staff recommended that the City Manager be authorized to execute contract amendment No. 2 for contract ST-258, Angier-Driver Streetscape, with the Fred Smith Company for an additional \$149,408.24 for drainage improvements to correct flooding at the intersection of Driver Street, Peabody Street, as well as the North Carolina Railroad Company and Norfolk Southern Company rights-of-way; to amend the existing contingency fund by an amount of \$35,979.72; and authorize the City Manager to negotiate additional change orders for contract ST-258 provided the cost of all amendment change orders do not exceed \$35,979.72 and the total project do not exceed \$4,165,452.68.

Council Member Schewel inquired if the railroad had any obligation to share in the costs; due to re-grading by the railroad.

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Dana Hornkohl, of the Public Works Department, commented on the purpose of the amendment and noted that the actual problem was in the City's right-of-way which partially lies within the North Carolina Railroad's right-of-way as well; referenced the re-grading of the ballast within the railroad's right-of-way routinely clogging the system in their right-of-way; therefore, the City's system depended on the railroad's system. Mr. Hornkohl stated the proposed contract amendment would take out the dependency.

For clarification, Council Member Schewel asked if the amendment was approved, whatever happened to the railroad's system would no longer clog up the City's system.

Dana Hornkohl replied that is correct.

**SUBJECT: CONTRACT AMENDMENT NO. 2 FOR CONTRACT SD-2013-01,  
STORMWATER INFRASTRUTURE REPAIRS AND IMPROVEMENTS –  
WHITE OAK CONSTRUCTION CORPORATION**

The staff report noted that the City Council awarded contract SD-2013-01 to White Oak Construction Corporation on November 4, 2013 and a contract amendment on October 20, 2014 for the repairs and rehabilitation of stormwater drainage systems at various site locations throughout the City of Durham. Additional sites have been identified where repairs are needed to address potential safety hazards and compromised drainage system; and the contractor was willing to continue working while holding their existing pricing.

The Public Works Department recommended extending the existing contract by \$253,000.000; which represents a 25% increase over the \$1,015,606.62 of previously authorized expenditures.

Referencing the staff memo; page 2, Council Member Reece requested clarification on the following sentence "these seven projects are not typically the responsibility of the Public Works Department and displaced high priority work within the right-of-way."

Dana Hornkohl, of the Public Works Department, commented on the ordinance setup for the group pertaining to capital improvement/stormwater projects; and referenced work on city property and private property.

**SUBJECT: CONTRACT FOR TELECOMMUNICATION SYSTEM MANAGED  
SERVICES AND SUPPORT WITH NWN CORPORATION**

The staff report noted that the City of Durham implemented an in-house Voice over Internet Protocol telephone system in 2014, to replace the previous hosted IP telephone system to reduce costs and increase functionality. The newly implemented VOIP telephone system requires 24/7 monitoring and support; and the City's Technology Solutions Department was not staffed to provide the level of service.

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The administration recommended that the City Council authorize the City Manager to execute a service contract with NWN Corporation in the amount of \$505,100 to provide on-call engineering support, management, and monitoring services for a five-year period including a one-time enablement fee.

Council Member Reece asked who had been providing the 24/7 technical support for the system since 2014.

Assistant Technology Solutions Director Dewayne Kendall stated the original implementation vendor, Internet Working Engineering provided the support; stated they did a good job implementing; however, referenced concerns with technical support; therefore, Technology Solutions decided to choose a vendor with more capacity; a better engineering staff to help the City support the system.

Mr. Kendall stated the proposed contract was to provide the support which they knew they would need.

**SUBJECT: HISTORIC PROPERTIES LOCAL REVIEW CRITERIA UPDATE AND CONSOLIDATION**

To receive a presentation on the Historic Properties Local Review Criteria Update and Consolidation.

Due to a number of upcoming items on the city council agenda in February, Lisa Miller, of the Planning Department, addressed the Council providing background information on the Historic Preservation Program.

Ms. Miller provided a Powerpoint presentation commenting on the following:

Local Historic Districts

- A neighborhood or group of properties of special significance in terms of its pre-historical, historical, architectural or cultural importance
- Designated as a historic overlay zoning district by elected officials
- There are currently seven local historic districts designated: Downtown Durham; Cleveland and Holloway Streets; Fayetteville Street; Morehead Hill; Trinity Heights; and Watts Hillandale

Local Historic Landmarks

- Most significant local historic resources
- Significant for association with important people or events, architecture, or pre-history
- Generally individual properties
- There are 80 designated local historic landmark properties designated within the City and County; with only two in the County

Certificates of Appropriateness

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- “...after the designation of an historic district or historic landmark, no exterior feature or designated portion of any building...shall be erected, altered, restored, moved or demolished within or on such historic district or historic landmark until after an application for a certificate of appropriateness has been submitted to and approved by the Historic Preservation Commission

#### Historic Preservation Commission

- Nine members
- Appointed to serve the community by our elected official
- Review Certificates of Appropriateness’ against criteria adopted by elected officials
- Provide recommendations on historic resources to City and County

#### Current Local Review Criteria

- Local Districts: adopted in the preservation plan for the district at the time each district overlay was created
- Local Landmarks: Secretary of the Interior’s Standards for Rehabilitation
- Consolidates criteria into one document
- Creates local criteria for landmark properties
- Establishes clearer criteria for district rights-of-way
- Includes criteria for cemeteries and archaeological sites
- Revises district criteria to differentiate between contributing and non-contributing properties
- Updates each preservation plan to remove existing criteria, reference new document, and revise significance of properties as needed

#### Contributing vs. Non-Contributing

- Contributing properties – those properties that make up the intact historic character of a district
- Non-Contributing properties – those properties that are not part of the historic character of the district, generally due to age or incompatible modifications

#### Public Engagement

- December 2012 – two introductory public meetings
- May 2013 – six focus group meetings to address specific concerns
- July 2014 – two public meetings on draft criteria
- July 2015 – two public meetings on the complete local review criteria document

#### Adoption Process

- October 2015 Historic Preservation Commission – recommendation of approval unanimously
- November 2015 Planning Commission – recommendation of approval – Vote 9/2
- City Council
- Board of County Commissioners

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After the presentation by Ms. Miller; discussion was held on involvement/comments by Preservation Durham and Downtown Durham Inc. on the process; the Old County Courthouse Project; notification to property owners of proposed changes; the two no votes on the Planning Commission and their concerns; the Fayetteville Street District Area location; repair of houses in the Fayetteville Street area; the upcoming report from Neighborhood Improvement Services Department on the Fayetteville Street area; and the current process in place to request boundary modifications.

It was noted that the staff had not had a sit down meeting with Preservation Durham and Downtown Durham, Inc. to discuss the criteria in its current form.

The City Council thanked the Planning Department and the City Attorney's Office for the work they had done on the item.

**Settling the Agenda – January 19, 2016 City Council Agenda**

City Manager Bonfield announced the following items for the January 19<sup>th</sup> City Council Meeting Agenda: Consent Items 1 through 8. There were no GBA/Public Hearing items scheduled.

**MOTION** by Council Member Schewel seconded by Council Member Davis to settle the agenda for the January 19, 2016 City Council Meeting as stated by the City Manager was approved at 2:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 2:02 p.m.

D. Ann Gray, MMC, NCCMC  
City Clerk