

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 18, 2016
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers, First Floor at 101 City Hall Plaza with the following members present: Mayor Pro Tempore Cora Cole-McFadden and Council Members Eddie Davis, Jillian Johnson, Don Moffitt, Charlie Reece and Steve Schewel. Excused Absence: Mayor William V. "Bill" Bell.

Also present: Deputy City Manager Wanda Page, Senior Assistant City Attorney Sherri Zann Rosenthal, Deputy City Clerk Dianalynn Schreiber and Senior Executive Assistant Sheila Bullock.

Mayor Pro Tempore Cole-McFadden called the meeting to order with a moment of silent meditation, followed by the Pledge of Allegiance led by Council Member Davis.

MOTION by Council Member Moffitt, seconded by Council Member Schewel to excuse Mayor Bell from the April 18, 2016 City Council Meeting was approved at 7:02 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

[CEREMONIAL ITEM]

Mayor Pro Tempore Cole-McFadden read into the record and presented the Earth Day Proclamation to Parks and Recreation Director Rhonda Parker. The proclamation highlighted the importance of a sound and natural environment, a healthy society and economy.

Ms. Parker accepted the proclamation and shared additional details concerning the 2016 Durham Earth Day Festival celebration scheduled on April 23, 2016. Ms. Parker also reminded everyone about the recycling, e-waste and shredding event being held at the Durham County Stadium sponsored by City of Durham Solid Waste Department.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Pro Tempore Cole-McFadden stated she had several announcements, however, in the interest of time; she would wait and make them on Thursday, April 21, 2016 at the Work Session.

No other announcements were made.

[PRIORITY ITEMS BY CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

There were no priority items by the Deputy City Manager Page or Senior Assistant City Attorney Rosenthal.

Deputy City Clerk Schreiber administered the oath of office to Richard Correa, who was recently appointed to the Durham Human Relations Commission.

Mayor Pro Tempore Cole-McFadden congratulated Mr. Correa and thanked him for his willingness to serve.

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Mayor Pro Tempore Cole-McFadden explained the Consent Agenda consisted of items that received no negative votes at the Work Session; and asked if there were any item(s) that needed to be pulled for discussion later in the meeting. No items were pulled from the Consent Agenda.

MOTION by Council Member Moffitt seconded by Council Member Reece, to approve the Consent Agenda was approved at 7:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

[CONSENT AGENDA]

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Council Member Moffitt seconded by Council Member Reece, to accept the streets and infrastructure for maintenance by the City of Durham was approved at 7:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden, and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

The Park at Southpoint (excluding Johnson Victory Circle)

- 1) Southpoint Auto Park Boulevard – from the east curb line of NC 751 Highway east to the centerline of the traffic circle (3,430) and
- 2) Audubon Lake Drive – from the end of existing pavement west to the centerline of the traffic circle (310’).

The Park at Southpoint – Additional Infrastructure

- 1) Sanitary Sewer Outfall “A” – from the existing 8” sewer outfall east of NC 751 Highway south to the sewer manhole in Southpoint Auto Park Boulevard (1191’); and
- 2) Sanitary Sewer Outfall “B” – from an existing sewer outfall west, then north to the north side of Southpoint Auto Park Boulevard (582’); and
- 3) Sanitary Sewer Outfall “C” – from a sewer manhole located in Golden Heather Drive west to the end of construction (164’).

Brightwood Trails – Phase 2B, 4A and 4B

- 1) Poplar Street - from the beginning of Phase 4A construction @ STA 18+08 southwesterly to the end of Phase 2B @ STA 33+25 (1517’); and
- 2) Putters Court – from the centerline of Poplar Street east to the end of Phase 4A construction @ STA 3+26 (226’); and
- 3) Gilman Street – from the centerline of Poplar Street north to the end of Phase 2B construction at STA 6+10 (510’).

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- 4) Ember Drive – from the centerline of Gilman Street east, then north to the end of Phase 2B construction at STA 19+50.68 (701’).

SUBJECT: AMENDMENT NO. 1 TO AGREEMENT TO PROVIDE PROFESSIONAL SERVICES FOR DAM INSPECTIONS, MAINTENANCE AND REHABILITATION- CONTRACT WITH SCHNABEL ENGINEERING SOUTH

MOTION by Council Member Moffitt seconded by Council Member Reece, to authorize the City Manager to execute contract Amendment No.1 with Schnabel Engineering South, PC for the Dam Inspections, Maintenance and Rehabilitation Project in the amount of \$610,000.00; and

To authorize the City Manager to negotiate amendments to the contract, provided that the total contract value does not exceed \$1,694,542.00 that includes the original contract amount of \$986,542.00 and remaining contingency of \$98,000.00 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden, and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: BID-TERM CONTRACT WITH C&S CHEMICALS INC. FOR LIQUID ALUMINUM SULFATE

MOTION by Council Member Moffitt seconded by Council Member Reece, to authorize the City Manager to enter a contract with C&S Chemicals Inc. in the amount of \$1,016,880.00 providing the City with a term contract for liquid aluminum sulfate (4,560 Tons) was approved at 7:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden, and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: AQUATIC FACILITIES MASTER PLAN PROFESSIONAL SERVICES CONTRACT WITH SZOSTAK DESIGN INC.

MOTION by Council Member Moffitt seconded by Council Member Reece, to authorize the City Manager to execute a professional services contract with Szostak Design Inc. for an amount not to exceed \$112,000.00;

To establish a design contingency in the amount of \$5,000.00; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Agreement for the Aquatic Facilities Master Plan with Szostak Design Inc. provided the total cost does not exceed \$117,000.00 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden, and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: CONTRACT WITH RIVER WORKS, INC. FOR VMSR-16 – VEGETATION MANAGEMENT FOR STREAM RESTORATIONS

MOTION by Council Member Moffitt seconded by Council Member Reece, to authorize the City Manager to execute the contract with River Works Incorporated for VMSR–16 – Vegetation Management in Stream Restorations in the amount of \$111,136.00;

To establish a contingency fund in the amount of \$16,670.00; and

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To authorize the City Manager to negotiate change orders provided that the cost of all change orders and the contract does not exceed the total project cost of \$127,806.00 was approved at 7:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden, and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

The City Council disposed of the following agenda items at the March 24, 2016 Work Session:

5. Discussion on Gentrification

(A discussion was conducted at the 03-24-16 Work Session)

13. Employment and Training 2015-2017 Grant Project Ordinance Superseding Grant Project Ordinance #14891

(This item was approved at the 03-24-16 Work Session with a vote of 5/0)

25. Patrice Nelson

(Comments were received at the 03-24-16 Work Session)

26. Liz Kazal

(Comments were received at the 03-24-16 Work Session)

27. John Tarantino

(Comments were received at the 03-24-16 Work Session)

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING ON THE DRAFT FY 2016-2017 ANNUAL ACTION PLAN

Mayor Pro Tempore Cole-McFadden opened the public hearing and noted there were no speakers to the item.

Reginald Johnson, Community Development Director, explained the item was the second of two public hearings on the Annual Action plan being held in accordance with the U. S. Department of Housing and Urban Development. Mr. Johnson introduced Wilmur Conyers, Federal Programs Coordinator for comments.

Wilmur Conyers stated the purpose of the public hearing was to receive citizens' comments and to have Council approve the Annual Action Plan for submission to the Department of Housing and Urban Development.

Being no speakers to the item, Mayor Pro Tempore Cole-McFadden closed the public hearing; and referred to council for comments.

Council Member Schewel commended Ms. Conyers and thanked her for the great job she had always provided on the Annual Action Plan.

Council Member Schewel inquired about whether there was still a 5-year housing plan chart being created that included these sources as well as the dedicated funding source.

Community Development Director Johnson replied yes; and added it would be discussed during the upcoming budget hearing in May.

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Referencing the Southside Phase II and targeted media discussion on page 9 of the Action Plan, Council Member Schewel asked if a more diverse population was being created, was progress being made and were there any interested potential homebuyers.

Mr. Johnson replied yes; added seminars have been held and were attended by a diverse population; and expected to have a diverse pool at the appropriate time.

Ms. Conyers commented on the un-programmed CHDO funds; stated with respect to the 15% set aside, noted that was the one figure that was fluid currently; stated because the application did not have the appropriate funding those funds would be offered again in the not so distance future; as it related to home regulations, she stated they would have 24 months to reserve and/or commit the funds. She also stated they were expecting applications from the CHDO as well as others.

Ms. Conyers noted Genesis Home and Durham Interfaith Hospitality Network merged earlier this year; and stated whatever funding they were allocated would go to Family Matters.

Referencing page 29 of the plan, Council Member Schewel asked for clarity on the housing rehabilitation for a single home where it noted a "threat to safety"; about \$47,000.

Ms. Conyers stated these are funds allocated to the County as a consortium member. She explained currently staff did not have the final consortium percentage for 2016 so they were using the 2015 percentage; which equated to approximately \$47,851.00. She commented the "threat to safety" could be one of the elements applicable for rehab and the funds were designated for housing rehab.

In response to Council Member Schewel's question as to whether the County was listed as the recipient, Ms. Conyers pointed out that on page 29 it indicated location description Durham County.

Council Member Schewel inquired about the availability of the unsheltered count for 2016, the Point-in-Time Count.

Mr. Johnson responded staff was still finalizing the number and it should be announced to the Homeless Services Advisory Committee within the next 30 days.

Referencing page 40 of the Annual Action Plan concerning the attempt that people would not be discharged into homelessness from institutions listed, Council Member Schewel was interested in knowing whether Durham was being effective in preventing persons being discharged into homelessness in Durham.

Mr. Johnson stated there was a group working on the issue and they have made some progress; and stated he could not say currently if no had been discharged into homelessness.

Council Member Schewel stated at a future work session he would like to have more dialogue on the topic, if persons are being discharged into homelessness.

MOTION by Council Member Moffitt, seconded by Council Member Reece to conduct a public hearing to receive comments on the Draft FY 2016-2017 Annual Action Plan for the use of CDBG, HOME, ESG, and HOPWA funds; and

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To approve the Draft FY 2016-2017 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME, ESG, and HOPWA program agreements and related documents;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant project ordinance in the amount of \$1,929,750.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnerships Program grant project ordinance in the amount of \$997,523.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant project ordinance in the amount of \$162,711.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Housing Opportunities for Persons with Aids (HOPWA) grant project ordinance in the amount of \$294,274.00. was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Excused Absence: Mayor Bell.

ORDINANCE #'s 14919, 14920, 14921, 14922

Earlier today, Mayor Pro Tempore Cole-McFadden stated on behalf of the Mayor and City Council, she visited the Duke Energy Operations Center, proclaiming "Linemen Day" showing appreciation to all of the individuals who work on the utility poles keeping electricity operating for the community.

There being no further business to come before Council, the meeting was adjourned at 7:19 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk