

DURHAM CITY COUNCIL WORK SESSION

Thursday, January 10, 2019 @ 1:00 p.m.

2nd Floor Committee Room – 101 City Hall Plaza

The Durham City Council held a Work Session on the above date and time in the City Council Committee Room located at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman and Charlie Reece. Excused Absence: Council Member Mark-Anthony Middleton.

Also present: City Manager Thomas Bonfield, City Attorney Patrick Baker and City Clerk Diana Schreiber.

Mayor Schewel called the meeting to order and welcomed all in attendance.

MOTION by Council Member Caballero, seconded by Council Member Reece, to provide an excused absence to their colleague, Council Member Middleton, from the Work Session; motion passed unanimously.

[ANNOUNCEMENTS BY COUNCIL]

There were no announcements by Council.

Mayor Schewel welcomed a special guest, Antoine Freeman, who was in attendance at the meeting.

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

City Manager Bonfield noted a number of priority items: a representative from NCDOT would be providing an update on the Alston Avenue closing and would be making remarks; discussion on the assistant to Mayor position; Agenda Item #1, 2019 Long Session Legislative Agenda, attachments were added; #7, Formation of Durham Workers' Rights Commission: Proposed Scope and Composition, attachments were added; #11, Deborah Friedman, speaker would not be appearing; #14, North Carolina Martin Luther King, Jr. Commission Grant, was a supplemental item.

City Manager Bonfield addressed adding a position to provide support to the Mayor; had anticipated the item would be brought forth to create the position in accordance to city policies; however, there was a vacant position in the City Manager's Office that was authorized, funded and could be utilized for the position; and requested Council's concurrence on the process.

MOTION by Council Member Reece, seconded by Council Member Alston, to approve the City Manager's Priority Items; motion passed unanimously.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to provide the authority to the City Manager to fill the vacant, existing position in the City Manager's Office, with someone who would be the Assistant to the Mayor; motion passed unanimously.

City Attorney Baker stated he had a priority item consisting of a Closed Session to discuss a personnel matter at the end of the meeting pursuant to NCGS 143-318.11 (a)(6). 2

MOTION by Council Member Caballero, seconded by Council Member Reece, to approve the City Attorney's priority item; motion passed unanimously.

City Clerk Schreiber spoke to a priority item relevant to transferring \$1500 from the Mayor's Travel and Training account to the Part Time Personnel account to supplement the wages of a Council intern.

MOTION by Council Member Freeman, seconded by Council Member Caballero, to suspend the rules to vote on the item; motion passed unanimously.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to approve the transfer of the funds in accordance to the recommendation by the City Clerk; motion passed unanimously.

[ADMINISTRATIVE CONSENT ITEMS]

Mayor Schewel read the Departmental Items individually as was on the printed agenda and pulled the following items for comments and/or further discussion: Item #1, 2019 Long Session Legislative Agenda; #2, Municipal Agreement for Bicycle Lane Striping (TIP #C-5605E); #5, Contract ST-271, 2018 Petition Streets Project; and #6, Contract ST-288B for Asset Management Plan for City-Maintained Bridge Structures with the Kercher Group, Inc. Mayor Schewel added the NCDOT presentation would follow the Citizen's Matters.

SUBJECT: CITIZEN'S MATTER: AMY ROSENTHAL (ITEM 10; PR 12928)

Ms. Rosenthal, resident of Chapel Hill, spoke to the rise of anti-Semitism in Durham; quoted a Rabbi who spoke of anti-Semitism before the House of Lords in September; stated that anti-Semitism was found on the right and left; and urged all to learn from the past.

SUBJECT: CITIZEN'S MATTER: KATHRYN WOLF (ITEM 12; PR 12930)

Ms. Wolf spoke to misconceptions about Israel; provided messages and photos from Israeli friends; her friends did have issues with the lack of scholarships for Arab-Israelis to attend Israeli universities; remarked her friends did not have problems with Israeli police brutality; encouraged persons to walk in others' shoes; and stated she was part of the NC Coalition for Israel.

SUBJECT: CITIZEN'S MATTER: KATHYE EVANS (ITEM 13, PR 12931)

Ms. Evans, resident of Durham, mentioned that she was on Social Security and that she was expected to pay her water bill on the third of the month; expressed her concerns about the attitudes of staff and the customers; noted

City Manager Bonfield asked Heidi Hackett, Utility Finance Manager, to report on the matter.

Utility Finance Manager Hackett explained that she had spoken with Ms. Evans about the resident's bill; spoke to the meter reading process and the timelines impacted by weather, holidays, etc.; stated Ms. Evans' meter was read every second Thursday of the month, for consistency and acknowledged her bill could vary by five days; and spoke to payment arrangements offered to Ms. Evans, without penalty. 3

Mayor Schewel reiterated Ms. Hackett's suggestion to establish a payment arrangement without penalty. Ms. Evans confirmed she and Ms. Hackett would continue their discussions about a payment plan.

Council Member Freeman asked for an update after six months.

Taking the prerogative of the Chair, Mayor Schewel announced that the City Manager's item consisting of a NCDOT (North Carolina Department of Transportation) report on the Alston Avenue closing, would be discussed next.

Richard Hancock, NCDOT Deputy Division Engineer, Division 5 and James Nordan, NCDOT Resident Engineer, addressed the recent closing of Alston Avenue on January 4, 2019; explained the reason for six month long closings between E Main to Taylor and then Taylor to Liberty; explained the delays caused by the railroad, utility relocation and design/construction; referred to the public meetings; and asked for Council's questions.

Mr. Nordan explained that the closings would allow the project to move ahead faster and to finish in a timelier fashion; spoke to discussions with the community and stakeholders about the closing of Alston Avenue; explained the timeline of the closure.

Council appreciated the report and looked forward to the road opening.

SUBJECT: 2019 LONG SESSION LEGISLATIVE AGENDA (ITEM 1/ PR 12887)

Karmisha Wallace, Senior Assistant to the City Manager, proposed legislative agenda for the 2019 Long Session of the NC General Assembly and was available to respond to questions.

Council Member Alston asked if the caveats to the advocacy goals as discussed at the Committee Meeting were reflected in the materials prior to meeting with the Delegation at the annual Breakfast and asked for clarification.

Ms. Wallace responded that at the last Legislative Committee meeting, there was a discussion surrounding the NCLM Municipal Advocacy goals; there was a request to add caveat around their goals; one caveat related to state incentives and that the language of the program be

expanded only with the establishment of a regular evaluation mechanism so that the effectiveness of the city's incentive programs could be accurately determined. It was the consensus of council to add the caveat.

Council Member Alston stated the second caveat related to the body camera goal be accepted without the confidentiality agreement clause pertaining to recordings. It was the consensus of Council to add the caveat.

Council Member Alston addressed an item to add to the goals that included raising the minimum wage.

Mayor Pro Tempore Johnson proposed to change the minimum wage to \$15.00.

Council Member Alston moved to amend the Legislative Agenda to include raising the State minimum wage to \$15.00/hour. Council Member Reece seconded the motion. 4

Council Member Freeman encouraged effectiveness rather than making statements.

Council Member Caballero inquired about the prioritization process of the Delegation.

Ms. Wallace responded by explaining the Delegations' decision making process that would include those items they were willing to sponsor; and highlighted remarks made at the first Legislative Committee meeting that the group decided to not include an item into the Legislative Agenda and that it could be a discussion point when meeting with the Delegation – it pertained to processing of the work from the SBI (State Bureau of Investigations).

Mayor Schewel called for a vote to add the item to the Legislative Agenda. It was the consensus of Council to add the item.

Mayor Pro Tempore Johnson referenced Item 7, by indicating the title of the Circuit Breaker item did not include information related to the AMI (Average Median Income) level; and clarified that the version had specific language around income levels being changed to reflect 30% and 60% of local AMI instead of set levels for the entire state.

Ms. Wallace responded that the title had not changed; referenced the Dec 6th version, remove the age/disability restriction on circuit breaker property tax exemption and then in the description there would be more information in the description.

Mayor Pro Tempore Johnson encouraged the title be changed to reflect the revision in AMI since there was not language in the description; and would send Ms. Wallace the corrected language.

Mayor Schewel stated that the changes were authorized by the Council.

Mayor Schewel addressed Council Member Alston to prioritize the items dependent on being advocacy nature versus those items of a serious nature and when Council meets with the Delegation, requested Council Member Alston to make the presentation.

SUBJECT: MUNICIPAL AGREEMENT FOR BICYCLE LANE STRIPING (TIP #C-5605E)

(ITEM 2/ PR 12919)

Ellen Beckmann, Transportation, addressed protected bike lane planning across the city and explained the process; acknowledged that adequate buffers were required for installation; there was a focus on city streets first prior to NCDOT streets; spoke to ballard purchases and expected sites for installation which were dependent on suitable locations and funding.

Bill Judge, Acting Transportation Director, explained the cost varied greatly dependent on the robust nature of the devices purchased; E Main Street corridor the cost was estimated at \$30,000 along with a cost of \$50,000 per mile. 5

SUBJECT: CONTRACT ST-271, 2018 PETITION STREETS PROJECT (ITEM 5/ PR 12921)

Council Member Reece inquired about the background of the following two contracts on the agenda such as decision process and how long the contracts had been waiting for Council's action.

Tasha Johnson, Assistant Director of Public Works, stated the residents had completed petitions, brought them forward to be verified by Public Works, Public Works takes to Council and Council orders the work be constructed; and noted the projects had been waiting since 2008 for design completion along with stimulus projects with federal funds.

Council Member Reece asked how assessments worked; asked how \$2.3 million related to the assessments and how many ordered street pavement requests existed.

Assistant Director Johnson explained the assessment process was based on a specific rate based on front footage; based on current estimate, the city expected to get 20% return on the city's investment; and explained there were six other petitions in the acquisition phase.

Council Member Reece acknowledged that the projects were similar to those utility extension projects that had been approved by Council years ago.

Assistant Director Johnson addressed the public meetings conducted to ensure the current property owners were on board with the projects.

Mayor Schewel summarized that 7/10 per mile of paving cost \$2.3 million; and that there were 20 miles of unpaved streets in Durham and that staff was strategizing how to address them.

SUBJECT: CONTRACT ST-288B FOR ASSET MANAGEMENT PLAN FOR CITY –

MAINTAINED BRIDGE STRUCTURES WITH THE KERCHER GROUP, INC.

(ITEM 6/ PR 12911)

Mayor Schewel inquired with Assistant Director of Public Works, Tasha Johnson, about an asset management plan for stormwater, paving and bridges and how it differed from the current plan.

Assistant Director Johnson stated there was not a formal asset management plan currently; explained the purpose of the asset management plan that included risk analysis, estimated life of assets and deferred to Public Works Director Marvin Williams for response.

Director Williams explained that an asset management plan was a snapshot of major city assets with risks of failure related to multiple financial options and how to maintain assets into the future.

Mayor Schewel appreciated the forward looking planning being conducted by staff. 6

SUBJECT: FORMATION OF DURHAM WORKERS' RIGHTS COMMISSION: PROPOSED SCOPE AND COMPOSITION (ITEM 7/ PR 12917)

Council Member Alston appreciated the item being introduced at the previous Work Session on December 20, 2018 by her colleagues while she was not in attendance; stated she was picking up where that conversation was left off; highlighted changes to scoping document; addressed the name of the commission and asked for Council's suggestions; and acknowledged the group was advisory in nature.

Mayor Schewel stated there was a speaker to the item.

Takiyah Thompson of North Driver Street, spoke to Durham as a city with a majority or large population of African-Americans; supported a workers' rights commission since North Carolina is a 'right to work' state that subjected persons to racism, intimidation and suppressed wages; and urged strong unions for a strong democracy.

Council Member Alston noted that a definition of workers' rights was added into the scoping document; and asked about the name.

Mayor Pro Tempore Johnson did not feel strongly about changing the name and stated the name was proposed by local advocates and that she supported the name.

Mayor Schewel noted that the city council could be advocates; made it clear that Council's ability to enforce the rights of workers was minimal.

Council Member Alston explained the additions to the scoping item since the last Work Session:

City Attorney Baker stated that he would work on the bylaws once the scoping document was finalized.

Mayor Schewel thanked the community advocates and stated that the item would be approved on the upcoming Consent Agenda at the January 22 regular Council meeting.

SETTLING THE AGENDA – JANUARY 22, 2019 CITY COUNCIL MEETING

City Manager Bonfield announced that the Consent Agenda consisted of Items 1 through 7, and 14; and General Business Agenda- Public Hearings consisted of Items 8 and 9.

MOTION by Council Member Caballero, seconded by Council Member Reece, to accept the City Manager's Agenda; motion passed unanimously.

CLOSED SESSION – 2:00 p.m.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to enter Closed Session; motion passed unanimously. 7

RETURN TO OPEN SESSION – 2:25 P.M.

MOTION by Council Member Freeman, seconded by Council Member Caballero, to return to Open Session; motion passed unanimously.

MOTION by Council Member Alston, seconded by Council Member Reece, to suspend the rules in order to vote; motion passed unanimously.

MOTION by Council Member Freeman, seconded by Council Member Reece, to approve the motion to name Kim Rehberg as Acting City Attorney starting March 9, 2019; motion passed unanimously.

Being no additional business to come before Council, Council adjourned at 2:26 p.m.

Diana Schreiber, CMC, NCCMC

City Clerk