

## **DURHAM CITY COUNCIL WORK SESSION**

**Thursday, February 7, 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, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also present: City Manager Tom Bonfield, Deputy City Attorney Kimberly Rehberg and City Clerk Diana Schreiber.

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

Mayor Schewel asked for announcements by Council.

Council Member Caballero spoke to the increase in ICE (Immigration and Customs Enforcement) activity in Durham and surrounding communities; acknowledged that individuals had been detained at businesses and *en route* to schools; indicated that local law enforcement was not cooperating with ICE; and noted that organizations were raising funds for the local immigrant community.

Council Member Freeman expressed support for gathering more information for local immigrant families, similar to an agency in Charlotte, NC.

Council Member Middleton requested an item regarding Shot Spotter for the March 7, 2019 Work Session; asked staff to have representatives from Shot Spotter at the meeting to answer questions and directed staff to prepare a snapshot of what an experimental deployment of the technology would look like and to provide cost projections.

City Manager Bonfield responded that staff would contact the vendor to see about their availability and requested clarification about the desired questions relevant to deployment.

Council Member Middleton requested the cost per square mile, efficacy of the technology and discussion of 4th Amendment issues.

Council expressed consensus for the item to be added to the Work Session agenda on March 7, 2019.

Mayor Schewel requested Council Member Middleton to think through how to structure the presentation.

Mayor Schewel asked if there were individuals in the audience who were interested in speaking about the local ICE activity and taking the prerogative of the Chair, requested they speak after Citizens' Matters.

Mayor Schewel requested priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield indicated that the individuals speaking to Citizens' Matters: Item 15, Scott Barndt and Item 19, Kathryn Wolf, were not in attendance at the meeting; and reminded Council  
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about the Annual Legislative Delegation Breakfast scheduled for Monday, February 11 at 8:00 a.m.

There were no priority items from the City Attorney.

The City Clerk announced two items involving the transfer of Travel and Training funds from Mayor Schewel to Council Member Middleton (\$2591.75) and from Council Member Reece to Council Member Freeman (\$3000).

**MOTION** Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to suspend the rules to vote on the City Clerk's priority item; motion passed unanimously.

**MOTION** by Council Member Caballero, seconded by Council Member Alston, to approve the two transfers of the funds; motion passed unanimously.

Mayor Schewel announced each item on the printed agenda and the following items were pulled for comments, further discussion and/or action by Council: Items 2, 5, 6, 8, 9, 10. Mayor Schewel announced it was time for Citizens' Matters.

**SUBJECT: CITIZEN'S MATTER: ROBERT LEE GARDNER, JR. (ITEM 16/ PR 12968)**

To receive comments from Robert Lee Gardner, Jr. regarding towing and storage rotation rules and rates, in addition to disposing of abandoned vehicles.

Mr. Gardner explained the last rate increase for towing occurred in 2012; compared local rates with peer cities in area; requested to change fees to flat fees for three scenarios: stranded motorists, accident/tow no additional work and towing with extensive cleanup; and explained that the city regulated towing and disposal rates and noted the population in Durham had increased.

Council Member Reece inquired about who Mr. Gardner was representing.

Mr. Gardner responded that he was representing towing companies on the tow rotation list and he had met with several but not all of the members on the towing list.

Council Member Reece inquired about how costs had changed since 2012.

Mr. Gardner indicated that costs had increased for the purchase of tow trucks.

City Manager Bonfield requested the item be sent to the administration so the item could be referred to the Police Department, Fleet and the City Attorney's Office for evaluation.

**SUBJECT: CITIZEN'S MATTER: JOHN TARANTINO (ITEM 17/ PR 12969)**

To receive comments from John Tarantino commemorating Black History.

Mr. Tarantino sang a rendition of the musical group Toto's 1982 song titled, '*Africa*' in honor of Black History Month. 3

**SUBJECT: CITIZEN'S MATTER: AMY ROSENTHAL (ITEM 18/ PR 12970)**

To receive comments from Amy Rosenthal regarding anti-semitism in Durham.

Dr. Rosenthal spoke to her work and community outreach as a physician; expressed concerns about the progressive movement's anti-semitism and intolerance; requested Council rescind its April 2018 Statement made about Police Training with Israel; and stated she was representing the NC Coalition for Israel.

**SUBJECT: CITIZEN'S MATTER: ROSELYN KACHUCK (ITEM 20/ PR 12972)**

Ms. Kachuck spoke out against bigotry toward the Jewish community; spoke to historical movements in the Middle East after the establishment of the country of Israel; addressed reactionary bigotry; and stated Jewish lives mattered as much as any of God's children.

Taking the prerogative of the chair, Mayor Schewel requested public comment regarding ICE activities in Durham.

Eliazar Posada addressed recent ICE detentions in Sanford, Charlotte, Raleigh and surrounding areas; requested that accurate and verified information be made available to the community to counteract rumor; and noted that community groups were compiling lists of attorneys willing to provide *pro* and/or *low bono* support to individuals needing representation as well as financial aid to families.

Mayor Schewel encouraged Mr. Posada to share relevant resources with Council.

Ivan Almonte addressed incidents when families were torn apart by ICE detentions and the need for bond funds and other types of financial support; spoke to the fear being experienced within the immigrant communities and expressed concerns that persons were being arrested without criminal records.

Council Member Reece asked Mr. Almonte to share with Council the ways that residents could help financially to support the immigrant community.

Council Member Freeman spoke to the need for coordinated conversations and engagement between the city and county to support the immigrant community.

**SUBJECT: CITIZENS' ADVISORY COMMITTEE – APPOINTMENTS (ITEM 2/ PR 12952)**

Council Member Alston inquired about the application for Zachary D.C. Sunderland being available in the backup materials but not on the ballot. Staff clarified that Zachary D.C. Sunderland was on the ballot as 'Zachary D.C.' 4

**SUBJECT: UNIVERSAL RELEASE OF NCR-17 RESTRICTIVE COVENANTS AND REVERSIONS (ITEM 5/ PR 12951)**

To authorize the City Manager to execute the document entitled, "NCR-17 Release of Covenants and Termination of Reversionary Interests".

Sherri Zann-Rosenthal, Deputy City Attorney, responded to a query from Council Member Reece regarding the staff attorney's memo where the need for release was specified.

Council Member Reece asked for confirmation that the release was necessary because the required improvements to the properties were conveyed from the Redevelopment Commission to private developers in the 1960s; and emphasized the improvements had been made but the certificates of improvement had not been filed with the deeds, in many cases.

Attorney Zann-Rosenthal responded that in general, that was the case; and stated these were 45 to 50 year old redevelopment plans.

Council Member Reece explained that the property was conveyed from the Redevelopment Commission with the requirement that the improvements be made; and that to prove the improvements had been made, certificates of improvements had to be filed with the deeds.

Attorney Zann-Rosenthal responded otherwise; noted that the Redevelopment Commission had been defunct for decades and that the reason the city did not have certificates of improvement or completion in the files, was unknown; stated the improvements had been filed with the Redevelopment Commission and the records the city appeared to have obtained when the RDC was disbanded resulted in the city becoming the successor in interest, there did not seem to be a good transfer of records that city staff could now access. She continued clarifying that this was an issue that developers had when buying properties, it was not possible to find the certificates of improvement, and the lack of certificates of improvement cast shadow on title.

Council Member Reece asked how the RDC had come into possession of the properties.

Attorney Zann-Rosenthal explained there was a federal and state process consisting of a series of hearings, after such, the redevelopment plan was published and had to be approved by the RDC. The RDC had been established by the City Council.

Council Member Reece inquired if many of the properties were obtained by eminent domain.

Attorney Zann-Rosenthal responded that may well have been the case.

Council Member Reece gave voice to history by stating his questions were relevant to the property immediately surrounding the former St. Joseph AME Church, currently the Hayti Heritage Center. As a result of the NC-R17, the RDC conveyed the properties to private developers who have bulldozed homes and businesses in the heart of the African-American community and noted that later the parcel became home to the Fayetteville Street Public Housing community that was then bulldozed in the 2000s, currently, the parcel was known as Fayette Place. He continued that Highway 147 was constructed through the parcel; and spoke to the contract provisions in the deeds with the restrictive covenants and reversionary interest, by stating the city took the residents' property through eminent domain for a public purpose and it was not clear that the city did what it was supposed to have done. 5

**SUBJECT: AMENDMENT TO EXISTING HOME INVESTMENT PARTNERSHIP AGREEMENT AND CONSTRUCTION /PERMANENTE LOAN AGREEMENT WITH COMMUNITY ALTERNATIVES FOR SUPPORTIVE ABODES (CASA) (ITEM 6/ PR 12955)**

To authorize the City Manager to amend the existing HOME Investment Partnership Agreement and the Forgivable Construction/Permanent Loan Agreement with Community Alternatives for Supportive Abodes (CASA) to allow for a rent increase for six (6) to twelve (12) multi-family units.

Mayor Schewel inquired about the residents with Section 8 vouchers not seeing a rent increase but that CASA would be able to collect more funds from the federal government.

Reginald Johnson, Director of the Department of Community Development, deferred to Jess Brandes, Senior Director of Real Estate Development with CASA, for response.

Ms. Brandes responded that the Mayor's statement was correct and added that tenants were expected to pay 30% of their income towards rent and if the tenant had a voucher, then CASA was able to request from the Housing Authority fair market rent; without this change, the amount that could be requested from the Housing Authority was capped at 50% AMI but that there will be no change in who was being served and that the tenants would not see any differences.

Council discussed the level of service and the percentages of AMI (Area Median Income).

Director Johnson stated it was the department's recommendation to approve the item.

Ms. Brandes explained that the average income of the tenants was approximately at 14% AMI.

**SUBJECT: LONG RANGE WATER RESOURCES PLAN (ITEM 8/ PR 12958)**

To authorize the City Manager to execute a Phase I contract with Hazen and Sawyer PC for professional engineering services to develop the Long Range Water Resources Plan in an amount not to exceed \$1,169,000;

To authorize the City Manager to negotiate and execute a Phase II contract amendment with Hazen and Sawyer PC for completion of the Water Resources Portfolio in an amount not to exceed \$409,000;

To establish a contingency fund for the Phase I and Phase II contracts in the amount of \$110,000 and

To authorize the City Manager to negotiate and execute amendments to the Phase I and Phase II contracts provided that the total contract cost does not exceed \$1,688,900.

Mayor Schewel inquired about the fifty-year forecast and according to the memo, had questions about a reduction in water use from 2012-2018.

Vicki Westbrook, Assistant Director of Water Resources, deferred to Sydney Miller, Water Resources Planning Manager, for response. 6

Mr. Miller stated the since 2012, the usage has been relatively flat and was trending downward on a per capita basis and said that Durham was one of the lowest per capita users of water in the state.

Mayor Schewel inquired about the climate variability analysis and the difference between gray and reclaimed water.

Mr. Miller addressed the supply and demand side of water resources based on the watersheds and climatic inflows in the hydrologic models and water usage; explained that reclaimed water was highly treated effluent from wastewater plants and gray water was captured from runoff of roof drains and laundry, etc.

Ms. Westbrook confirmed reclaimed water was used in dust control, irrigation and chillers; and noted that individuals hauled the water themselves.

**SUBJECT: DESIGN SERVICES CONTRACT WITH CLARK PATTERSON LEE, PC. (CPL)  
FOR THE PUBLIC WORKS OPERATIONS CENTER RENOVATIONS (ITEM 9/ PR 12965)**

To authorize the City Manager to execute a professional services contract with Clark Patterson Lee, PC (CPL) for the Public Works Operations Center Renovations Project in the amount not to exceed \$816,000;

To establish a design contingency in the amount not to exceed \$76,600; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Contract for the Public Works Operations Center Renovations Project with CPL provided the total contract cost does not exceed \$892,600.

Mayor Schewel made remarks about the MUBE and WBE good participation rates and inquired about the company's workforce statistics for African-Americans and Hispanics in conjunction with hiring practices and recruitment.

Todd Taylor, General Services, deferred to Reggie Scales, Principle for Clark Patterson Lee in the Carolinas, based in Raleigh.

Mr. Scales explained his company was full service architectural and engineering company that was working on outreach programs to encourage high school and college students interested in engineering and design and spoke to nurturing relationships with minority firms.

Mayor Schewel encouraged CPL to hire Durham firms and to participate in the city's YouthWorks program. Mr. Scales expressed interest in the youth program.

Council Member Caballero encouraged Mr. Scales to urge his human resources department to establish a recruitment strategy for the hiring of persons of color; and informed Mr. Scales that engineering programs existed in Riverside and Southern High Schools in Durham.

Council Member Freeman spoke to HBCU (Historically Black Colleges and Universities) and encouraged the utilization of two or more youth as interns for peer to peer contact on job sites. 7

Council Member Middleton emphasized that NC A&T University of Greensboro was a lead institution of engineering graduates and asked about CPL's recruitment processes.

Mr. Scales spoke to CPL's corporate outreach in Durham and Greensboro.

**SUBJECT: CONTRACT WITH CEDAR GROVE INSTITUTE FOR SUSTAINABLE COMMUNITIES TO DEVELOP A STRATEGIC PLAN FOR SHARE ECONOMIC PROSPERITY (ITEM 10/ PR 12957)**

To authorize the City Manager to approve a contract with Cedar Grove Institute for Sustainable Communities to develop a strategic plan for shared economic prosperity for the residents of the City of Durham, in an amount not to exceed \$49,500.

Andrew Pettigrew, Director of the Office Economic and Workforce Development, responded to Council's questions; explained the item had been reviewed by EOE (the Department of Equal Opportunity Equity Assurance) and stated that Cedar Grove was a non-profit with two African-American principals on contract; responded to a question regarding the Equitable Investment Fund that was envisioned as a social impact fund to provide long term lending capital and closure of the equity gap; and stated staff would present information on the Fund at the March 8, 2019 Budget Retreat.

Mayor Schewel inquired about who comprised the community's partners.

Mr. Pettigrew responded that city and county staff, local academic institutions and community stakeholders such as Housing Authority comprised the partnership; and that the strategic plan would identify barriers and resources to activate a more inclusive economy.

Mayor Schewel inquired about the interface with the Bloomberg collaboration; and noted that as part of the Bloomberg Mayor's Cohort, he had assigned staff to attend the training in NYC.

Mr. Pettigrew was a participant in the Bloomberg training in the minority owned business development workshop focusing on strategy development in cross-collaboration; explained how to work across city silos with other interested community members and emphasized focusing on data to determine community needs and how to best address needs to achieve inclusive economic development with Cedar Grove' guidance.

Mayor Schewel inquired about how the plan was involving East Durham residents and groups.

Mr. Pettigrew spoke to the reframing of the *Transition in Ten* program to consist of the shared economic prosperity model to focus on job training and outreach; and provided an example of activating and locating training and outreach centers at DHA locations.

Mayor Schewel emphasized contact with local groups already functioning in East Durham.

Mark McDaniel made remarks and spoke to leveraging city resources to improve the impact in East Durham.

Council discussed the following:

- Wrap around services and soft skills

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- NECD (North East Central Durham) livability study, coordination of resources and elimination of duplicity

- Timetable for the plan's implementation

- Activation of partnerships to include private sector stakeholders

- Sense of urgency about seeing results

- Expected delivery of the strategy paper in June 2019

After discussion of the final agenda item, Council Member Middleton referenced City Manager Bonfield's email on the Allied Uniform Service contract and acknowledged staff's feedback.

Mayor Schewel thanked Council Member Middleton for his concern about the contract and encouraged staff to be diligent in monitoring the service.

Council Member Freeman promoted the city's YouthWork Internship Program and called for sponsors, private businesses and non-profits to host 300 high school interns in the Summer of 2019.

The City Clerk announced Council's nominations to the City's boards, committees and commissions:

Brian Longloss and Beverly Thorpe to fill the two vacancies on the Citizen's Advisory Committee;

Andrew Goolsby to fill the category of Architect on the Durham Historic Preservation Commission; and

Kokou Nayo and Leslie J. Stracks-Mullen to fill the two vacancies on the Recreation Advisory Commission.

### **Settling the Agenda for the February 18, 2019 City Council Meeting**

City Manager Bonfield announced the items for the February 18, 2019 City Council Meeting agenda: Consent Items 1-11 and General Business Agenda - Public Hearing Items 12-14.

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to settle the City Manager's agenda; motion passed unanimously.

Being no further business to be addressed by Council, the Work Session adjourned at 2:38 p.m.

Diana Schreiber, NCCMC, CMC

City Clerk