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 Stephen 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, City Attorney Kimberly Rehberg and City Clerk Diana Schreiber.

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

Mayor Schewel asked Council for announcements.

Mayor Pro Tempore Johnson introduced her intern, Kit Devine, Senior Undergraduate student of Duke University’s Political Science Department. Ms. Devine was welcomed by Council and the audience.

Due to the weather, some Council members indicated that they may have to depart early due to the early dismissal of Durham Public School students.

Council Member Reece proposed a joint meeting of Durham Housing Authority’s Board of Directors with City Council with the objective to facilitate a discussion between both parties with a special emphasis on direct dialogue development, policy direction alignment and governance structure; and he requested Council to support asking the City Manager to arrange the meeting and agenda.

It was the consensus of Council to move ahead with the Joint City-DHA meeting.

Council Member Freeman arrived at 1:03 p.m.

Council Member Freeman acknowledged missing the Black History Month Proclamation and acknowledged support for the Case for Reparations in the NC General Assembly.

City Manager Bonfield referenced an email forwarded to Council from DHA Executive Director Anthony Scott.

City Manager Bonfield stated he had priority items:

- Item 13- referred back to the Administration
- City Manager’s Priority Item: DHA Update to be presented by Executive Director Anthony Scott
- Item 21 – Attachment added
- Item 22 – Supplemental Item was a carry-over from the Feb. 17th Council Meeting
MOTION by Council Member Middleton, seconded by Council Member Caballero, to accept the City Manager’s priority items. Motion passed unanimously.

City Attorney Rehberg stated that she had a priority item consisting of an update on the utilization of Workforce Statistics by City Attorney Fred Lamar.

City Clerk Schreiber requested that Item 2 be referred back to the Administration.

MOTION by Council Member Caballero, seconded by Mayor Pro Tempore Johnson, to accept the City Attorney’s and City Clerk’s Priority Items. Motion passed unanimously.

Mayor Schewel read each Administrative Consent item printed on the Work Session agenda and pulled the following items for remarks and/or further discussion:

- Item 5: Contract for Legal Aid of North Carolina for Legal Aid to Assume Responsibility for the Durham Expunction and Restoration (DEAR) Program. The item was pulled for additional discussion.

- Item 12: Contract with The StayWell Company LLC for the Live Well City of Durham Employee Wellness Program. Mayor Schewel requested additional information via email about the use of AETNA funds ($100,000) for Women and Minority Owned Business.

- Item 13: A New City Code of Ordinance Section and New Fee Ordinance. Item referred back to the Administration.

Taking the prerogative of the Chair, Mayor Schewel rearranged the Work Session Agenda in the following order of business:

- Citizen’s Matters – To be Heard at 1 p.m.
- Item 5 – Contract with Legal Aid of North Carolina for Legal Aid to Assume Responsibility for the Durham Expunction and Restoration (DEAR) Program
- DHA Financial Request
- Police Gang Unit Item
- Parks and Recreation Foundation Five-Year Report
- Community Safety Taskforce Bylaws
- City Attorney’s Office Report – Workforce Development Statistics

SUBJECT:  CHRISS TIFFANY (ITEM 21/ PR 13804)

To receive comments from Chris Tiffany regarding use of force policies and practices and spoke in defense of the freedom of expression.
SUBJECT: PUBLIC COMMENT SPEAKER: RAFIQ ZAIDI
To receive comments from Mr. Zaidi regarding the presence of asbestos in MacDougald Terrace apartments.

SUBJECT: CONTRACT WITH LEGAL AID OF NORTH CAROLINA FOR LEGAL AID TO ASSUME RESPONSIBILITY FOR THE DURHAM EXPUNCTION AND RESTORATION (DEAR) PROGRAM (ITEM 5/ PR 13803)

Monica Chaparro, Budget and Management Services, introduced the item and deferred to Ryan Smith, Innovation and Performance Manager, to present the item.

Mr. Smith spoke to the accomplishments of the DEAR Program, thanked those involved with the program’s support and updated all on the program that has been underway for approximately one year.

Council expressed appreciation for the partnerships between the City, Legal Aid and a plethora of legal advocates and providers in Durham; announced that DEAR has been recognized as a state and national model for license restoration and traffic ticket waivers; and recommended moving the operational home of DEAR to Legal Aid. He stated the current funding model allowed for 12-months of support beginning next month (March 2020).

Mayor Schewel noted that there had been relief provided on the side of driver’s licensing but not the expungement side and urged future successes on that front.

Council expressed appreciation for the program, its mission and staffing.

The DEAR Office’s location: Durham County Courthouse, 510 South Dillard Street, Suite 6400, 6th Floor, Durham, NC 27701.

SUBJECT: DURHAM HOUSING AUTHORITY FINANCIAL REQUEST OF $1.4 MILLION (NO ITEM #, NO PR #)

Mayor Schewel introduced the item and explained its genesis in regard to the expedited appearance on the Work Session agenda.

Anthony Scott, Executive Director of the DHA, described the different components of the work in MacDougald Terrace (electrical, mechanical, plumbing, environmental, extermination, asbestos remediation), announced the number of units being made available; and made a financial request from the City amounting to $1.4 million in electrical repairs to include installation of electric stoves into the units at MacDougald Terrace.

City Manager Bonfield inquired about HUD funding for other renovations and the possibility of future urgent funding requests coming before the City.
Mr. Scott noted that his staff were submitting an emergency funding application for HUD funds shortly and would update Council at a later date.

Mayor Schewel requested that Council suspend the rules to vote on approving the financial ask from DHA.

Council discussed the circumstances and content of the request, possibly postponing a vote on the request until the Budget Retreat scheduled for 2/28/20, clarification about the purpose of the financial request and its timeline.

Council Member Freeman asked about how environmental hazards were being addressed, NIS initial response and the workforce statistics of DB King (contractor).

Mayor Pro Tempore Johnson asked about the other gas appliances being switched over to electric. Mr. Scott responded that only the stoves would be converted to electric.

Council debated the timing of the request and subsequent request for a vote to approve.

After discussion, it was the consensus of Council to vote on the request.

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to suspend the rules. Motion passed unanimously.

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to move the approval of the request from DHA in the amount of $1.4 million allocation for electrical work.

Prior to a vote, Council Member Reece asked Mayor Pro Tempore Johnson if she would accept a friendly amendment ‘subject to a determination within the next eight days by the Administration as to where the source of the money would be’. Mayor Pro Tempore Johnson refused the friendly amendment.

Motion was approved unanimously by voice vote with one abstention from Council Member Freeman. The abstention was counted as an affirmative vote.

Mayor Schewel requested additional information from Mr. Scott in regard to clearances received for re-entry of families into units, the safety situation at MacDougald Terrace’s break-ins, the need for additional supplies by residents in the hotels, and the update on hotel deadlines.

Mr. Scott updated Council on 14 families returning to their homes and about additional security that included foot-patrols; spoke to contractor/resident safety, concerns related to egress and shifting of belongings inside units. He stated there were daily calls between DHA and Resident Council Leader, Ashley Canady, to address concerns.

In regard to supplies, Mr. Scott announced that clothing was not needed and requested cleaning supplies along with non-perishable foods. He stated that collection sites would be announced on the DHA website.
Related to hotel deadlines and procurement, the Millennium Hotel was contracted through the end of February and as residents relocated from the hotels back to MacDougald Terrace, rooms would be opening up at extended stay hotels (with kitchens) for Terrace residents.

Council Member Reece inquired if Mr. Scott would help put together a Joint Board Meeting of the City and DHA. Mr. Scott responded affirmatively.

Council expressed concern about workers’ misbehavior occurring inside the units. If it was documented that misbehavior occurred, it would not be tolerated nor such workers retained.

**SUBJECT: POLICE GANG UNIT UPDATE (ITEM 17/ PR 13806)**

Police Chief CJ Davis gave introductory remarks and responded to Council’s questions.

City Manager Bonfield noted that the Council Members who were absent at the last Work Session had been contacted and briefed on the item.

Mayor Schewel inquired about how individuals became validated gang members.

Mayor Pro Tempore Johnson inquired about two of 12 identifying criteria of persons associated with gang members actually being identified as gang members and the number of gang related incidents per year; and asked when the criteria were being used, was the information circumstantial and did it impact the validation of persons.

Jason Schiess, Analytical Service Manager, responded that not only were the two of 12 gang member validation criteria needed but that there had to be criminal predicate or connection with criminal activity. He stated that the officer submitting the identification criteria was not the sole decision-maker but was adjoined by members of the gang unit; and explained the meaning of nexus to criminal activity.

Major Pickrell, Investigation Services/Gang Unit, explained the process of being removed from the validation list and spoke to the state repository called NC Gang-Net System, a database that included gang members, associates and validated members.

Council suggested that the timeframe be reviewed relative from five years to three year break in activity. It was noted that the five-year timeframe was considered a national best practice.

City Manager Bonfield interjected that a conversation was warranted between the Chief and the County Sheriff at the Gang Reduction Strategy Steering Committee meeting.

Council discussed the logistics of funding the proposed officers and appreciated the additional discussion due to a portion of Council not in attendance at the previous Work Session.

Council Member Reece appreciated the out of the box methods the Chief was devising to handle gang violence.
Mayor Schewel explained the three options of Council: use overtime funding for additional patrolling needs, fund six new officer positions or neither of the above. He asked his colleagues what would they like to vote on at the upcoming Council meeting.

Additional discussion addressed the consequences of continuing to fill vacant patrol slots with full time officers and overtime funds, difficulty in filling the overtime assignments and implications of a mid-budget authorization.

Mayor Schewel called for a thumbs up/down vote on the additional officers.

It was the consensus of Council for the City Manager to bring forth to Council on Monday night (March 2, 2020) a recommendation for adding the new six Police officers. The item would be placed on the General Business Agenda at the March 2, 2020 Council Meeting.

**SUBJECT: DURHAM PARKS FOUNDATION FIVE-YEAR REPORT (ITEM 16/ PR 13801)**

Susan Taylor, President of the Durham Parks and Recreation Foundation, updated Council on the progress of the Parks Foundation. She spoke to three goals - awareness of the Durham Parks Foundation, educate Council about activities, and urge Council’s advocacy (likes to Facebook page).

Ms. Taylor spoke to the growth of the Foundation; explained the process that was utilized to become a non-profit; stated eleven-person Board with six year terms and noted there were upcoming vacancies next year;

After the presentation, Mayor Pro Tempore Johnson volunteered to assist the Foundation with fund-raising outreach.

Council Member Alston inquired about the playgrounds for children under the age of five; and inquired about the specialized swing for children with disabilities.

Annette Smith, P&R staff person, responded that the swing had been stolen and that the Foundation was working on fund-raising for its replacement and noted such swings were prone to vandalism.

**SUBJECT: COMMUNITY SAFETY TASKFORCE BYLAWS (ITEM 22/ PR 13824)**

Mayor Schewel introduced the item by stating the Council had requested the item be returned to the Council for additional discussion at the 2/20/20 Work Session in order to consider changes to the bylaws related to membership racial make-up, county support and expertise v. experience.

Mayor Schewel clarified the current make-up of the taskforce:
15 members including two chairs comprised of:
5 Durham City members
5 Durham County members
3 Durham Public School members

Mayor Schewel voiced support for more at-large members and suggested to drop one community organizing positions (city) and one justice involved (county); and for DPS, it was advantageous to have two youth but favored adding an at-large member, amounting to 16 total members.

Council Member Freeman preferred public policy or legal positions be dropped in favor of justice involved members; and focused on maintaining a 15-member board.

Council Member Alston provided a summary of the changes:
- One community organizing position
- Two at-large (City)
- Drop Legal (County)
- Two at-large (County)

Mayor Pro Tempore Johnson had a concern about a 16-member board due to the potential of having an even number split decision. The Mayor was flexible about the total number of members on the taskforce.

Council Member Middleton had a question about definition of ‘community organizer’ and how an expert would be deciphered and formally designated.

Mayor Schewel stated applicants typically self-identified and Council made appointment decisions based on the self-identifications.

City Attorney Rehberg quoted language from the Bylaws of Workforce Development, ‘At least one representative from each of the following’ followed by categories, without indicating a level of expertise or experience. It was the consensus of the group to use this language.

Council Member Middleton expressed concerns about including a group in a document who would be designated participants when that group had not yet approved its inclusion into the document.

Council Member Alston explained that she had had conversations with a select number of Durham County Commissioners who had been supportive of the taskforce.

Council Member Freeman addressed the conundrum of persons who were considered both victims and suspects and that there be a notation in the bylaws about a racially diverse membership. She requested language, ‘With a specifically diverse membership geared towards predominantly or historically marginalized people of color’ or something to that effect. Specifically, in Article IV, Membership. Each of the governing bodies shall
appoint a member as liaison to the taskforce. Prospective members shall reside in Durham County with specific focus on historically marginalized people of color.

Mayor Schewel suggested that with the feedback, Mayor Pro Tempore Johnson could send everyone a revision.

Council Member Middleton explained it was clear to him that the focus of the taskforce had a specific population in mind and that the taskforce, emanating from those discussions from last year, should reflect the population and should contain specific language on demographics in the bylaws.

Mayor Schewel reminded Council that a diverse application pool would emerge and that overall Council was proficient in appointing diverse membership. He had a high level of confidence in Council to appoint a diverse Taskforce membership.

Council Member Caballero addressed a concern about prescriptive memberships of the Human Relations Commission and that the Commission had struggled to appoint persons reflecting those requirements, with respect to race and gender.

Council Member Alston clarified her statement regarding membership changes: Mayor wanted more at-large seats; drop Legal position (County) and change this to at-large position (County), go down from two community organizing positions to one and transfer one of those to an at-large position (City).

It was the consensus of the Council to go with the membership changes as clarified by Council Member Alston.

Mayor Schewel spoke to a remaining issue of County buy-in and spoke to how to proceed.

Council Member Reece suggested that Council Member Middleton’s concerns were well taken regarding multi-jurisdictional committees.

Council Member Reece urged the following, “to move forward with the revised draft we’ve worked out together today as #1 a statement of where we want to go and #2 as a call to action to the other partners to say we’ve laid out the groundwork, this is what we want to do; if you want to sign on to this, let’s do it, if you have other ideas as how we can change it, let’s talk about that. Joint City-County is a fantastic place to have that conversation and would encouraged that if we do pass a version of this at the next Council Meeting, then it should go to Joint City-County so that folks can talk about it there. And, find out if there are concerns the County has. If it’s a question of priorities and they prefer to do other things, lots of other options; it puts our stake in the ground to say this is what we think we need to do to move forward on this issue. And, let’s find out if our partners will sign-up. And if they don’t want to sign-up to this, what would they do”.

Council Member Reece, pending the Council’s approval of the bylaws, suggested that post-vote, the Mayor issue a letter saying, “The City has done this, attach the bylaws, here’s what we’re hoping you’ll agree to do, what do you got?”
Mayor Schewel replied that it was his expectation that Durham County Commissioners would review the bylaws after the City, encouraged a discussion with the Joint City-County members in conjunction with members of the Durham Public Schools’ School Board, with a clear statement that would read: We’re doing this will full expectation/knowledge that you haven’t read nor approved the bylaws yet, and that we may expect some changes from you.

Council discussed joint jurisdictional groups and how bylaws have been established and modification processes used for pre-existing committees’ bylaws.

Council Member Middleton proposed sending the County the bylaws without voting on them first, gather the County’s feedback and then vote last. He stated that he felt no rush in approving the bylaws and asked a hypothetical question of what happened to the taskforce if the County refused to participate.

Council Member Alston supported voting on the bylaws and then passing them to the County for review/approval.

Mayor Pro Tempore Johnson noted the bylaws had been sent to the full body of Commissioners, as well as, a sub-set of the Commissioners; the sub-set would share the information of the proposed changes with the additional members.

When Council Member Middleton became aware that the Durham County Commissioners had been incorporated into the bylaw development process, he was supportive of Council’s approval at the upcoming Council meeting.

Mayor Schewel stated that the bylaws would be readdressed at the upcoming Council Meeting and requested the item be placed on the General Business Agenda.

SUBJECT: COMMENTS FROM THE CITY ATTORNEY’S OFFICE REGARDING EMPLOYMENT WORKFORCE STATISTICS FROM VENDORS (CITY ATTORNEY’S OFFICE PRIORITY ITEM)

Fred Lamar, Assistant City Attorney, provided a briefing of conversations with the Administration concerning the use by City of Employment Workforce Statistics, noted there had been questions about the statistical document and added the document was not expressly addressed in the EBOP Ordinance. He indicated that Council has asked for the figures since 2000 to try to support and facilitate contractors to have or adopt diverse employment hiring practices and to look at the statistical make-up on an employer. He stated that the statistics were not determinative of hiring practices as the figures provided on the document created a snap-shot of the statistics within a company.

It was the City Attorney’s Office’s recommendation to the Administration that representatives from different departments be identified who were heavily involved with the procurement process. He urged the representatives meet with the Administration to discuss what could be included in RFP/RFQs documents to specifically ask bidders
about their employment practices and in part of the discussion, clarify how that information may be used, whether in/directly, and presented to Council.

Attorney Lamar stated that when there were findings made, the Administration would return with proposals with how to address the legitimate concern of the Council and City.

Mayor Schewel appreciated the proactivity of the City Manager’s and City Attorney’s Offices in taking on the issue. Council appreciated the information.

SETTLING THE AGENDA – MARCH 2, 2020 CITY COUNCIL MEETING

City Manager Bonfield referenced the following items for the March 2, 2020 City Council Meeting agenda: Consent Items 1, 3 through 12, 14 and 15; General Business Agenda Items 17 and 22; and General Business Agenda – Public Hearings Items 18-20.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to settle the agenda as stated by the City Manager for the March 2, 2020 City Council Meeting.

DHA Executive Director Scott was in communication with City Manager Bonfield to inform Council that 8 MacDougalld Terrace units were ready for re-occupation instead of his previous announcement of 14 units.

There being no further business by the Council, Mayor Schewel adjourned the Work Session at 4:04 p.m.

Diana Schreiber, CMC
City Clerk