

DURHAM CITY COUNCIL WORK SESSION

Thursday, March 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, Interim 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 Alston stated the Sesquicentennial Honors Commission would be bringing an item to the next Work Session with recommendations of honorees and ways to honor the individuals.

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

City Manager Bonfield announced his priority items by stating Item 13, General Classification and Compensation Plan Recommendations, had been referred back to the administration; Item 17, Lodge Street Regional Stormwater Improvements – Amendment #1, clarified the figure of \$28,850 was revised in the motion to \$24,850; Item 21, Oregon Street Closing, had an Attachment #6 that had been corrected and replaced; and Citizens' Matters Item 29 Matthew Diamond and Item 34, Heath Knight, would not be heard due to the two speakers not appearing.

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

Interim City Attorney Rehberg requested to hold a closed session pursuant to NCGS 143- 318.11.A3 for attorney/client consultation to discuss the handling or settlement of threatened litigation and the recently filed matter of Amanda Mingo Guardian ad litem of Jaden Hyman and Yasmeen Murray-Hyman v. City of Durham, 19 CVS 1982.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to accept the City Attorney's priority item; motion passed unanimously.

City Clerk Schreiber had no priority items.

Mayor Schewel read the items on the printed agenda. The following items were pulled or recognized for further discussion Items 5, 9, 12 and 21.

Council Member Reece noted that Cedric Johnson was a reapplying member of the Planning Board; his application was in the packet but his name was not on the ballot.

Mayor Schewel requested Item 3, Durham Bicycle and Pedestrian Advisory Commission – Appointment, be re-advertised in an effort to get a more diverse applicant pool.

Mayor Schewel requested Mr. Nelson Paul, who had signed up to speak to Item 27, Durham-Raleigh Annexation Agreement, approach the podium; and explained that typically, public hearing items were not addressed at the Work Session and recommended that the speaker return to make comments at the upcoming Council Meeting on March 18, 2019.

Mayor Schewel, taking the prerogative of the Chair, revised the agenda and made comments on Item 21, Oregon Street Closing.

SUBJECT: OREGON STREET CLOSING (ITEM 21/ PR #13025)

Mayor Schewel explained that the street closing was on Central Campus with Duke; negotiations were taking place with Duke and the closing was relevant to this; it would behoove Council to postpone the item until more information was available on the light rail and pertinent to transportation planning.

Mayor Pro Tempore Johnson concurred it would be difficult to discuss the item while negotiations were underway. Council Member Alston agreed.

City Manager Bonfield recommended that the item, since it had been advertised, be either referred back to the administration or requested Council open the public hearing in ten days and then continue the item.

City-County Planning Director Pat Young supported opening the item at the business meeting and continue the item to a date certain.

Council Member Middleton inquired about the location of the street closing.

Council Member Freeman requested a briefing by Planning staff regarding Duke University, North Carolina Central University and Durham Technical Community College's future transportation plans.

Director Young responded that the intent of the submittal was to turn the public street into a private street to facilitate future redevelopment by Duke along both sides of Oregon Street; staff requested that there be public access unimpeded until ready for development; and the long term vision was to make it a cul-de-sac by Duke; and noted the long-term redevelopment utilization was university owned and fit within the long term transportation context between Duke and the City.

CITIZEN'S MATTERS: JOSH RAVITCH (ITEM 30/PR 13048)

To receive comments from Josh Ravitch regarding anti-semitism in Durham.

Mr. Ravitch explained he was a progressive; and stated he felt he was under attack by progressives since he supported Israel and asked Council to rescind their resolution.

CITIZEN'S MATTERS: DEBORAH FRIEDMAN (ITEM 31/ PR 13049)

To receive comments from Deborah Friedman regarding anti-Semitism and rescinding the April 2018 statement banning police exchanges with Israel.

Ms. Friedman stated she felt that Israel was being targeted about military training; and opposed discrimination against the Jewish community and anti-Semites.

CITIZEN'S MATTERS: AMY ROSENTHAL (ITEM 32/ PR 13050)

To receive comments from Amy Rosenthal regarding Durham's anti-Semitic statement boycotting police exchanges with Israel

Ms. Rosenthal referenced the anti-Israel resolution that was passed last year; and requested the resolution be rescinded.

CITIZEN'S MATTERS: CHRIS TIFFANY (ITEM 33/ PR 13051)

To receive comments from Chris Tiffany regarding gun control regulation, documentation and detection, including regulation of silencers/suppressors.

Mr. Tiffany spoke to the constitutional right to bear arms; spoke to the use of force that was not being documented; and noted that gunfire could now be detected.

After the Citizen's Matters were completed, Mayor Schewel explained to speaker, Ms. Hester, that Public Hearing Item 20, GY2019-20 Budget and Capital Improvement Plan (CIP), would not be addressed at the Work Session and suggested the speaker return to make comments at the regularly scheduled Council Meeting on March 18, 2019.

SUBJECT: 2019 UNSCHEDULED PIPELINE REPAIRS CONTRACT - AWARD OF CONSTRUCTION CONTRACT TO CAROLINA CIVILWORKS, INC. (ITEM 5, PR #12992)

Mayor Schewel pulled the item and had questions regarding employment statistics and policies of Carolina Civilworks, Inc. by noting that the company had no African-American employees.

Jerry Morrone, Water Management, deferred to Chad Green of Carolina Civilworks.

Mr. Green explained their employment practices to diversify the company's workforce and that construction hiring and recruitment was limited.

Mayor Schewel suggested that Mr. Green's contact JF Wilkerson due to their having a high level of workforce diversity; and suggested that Carolina Civilworks get involved with the city's Youthworks internship program to support high school interns in the workplace and urged Mr. Green to contact the city's Department of Economic and Workforce Development.

Mr. Green stated that he would be interested in supporting the Youthworks Internship program.

Council Member Reece inquired about the term of the three contracts and how long would the companies be hired to do the work.

Mr. Morrone addressed unforeseen circumstances and/or emergencies that would require the usage of the contract; and stated the contracts would be gone when the money was gone.

SUBJECT: AMEND THE CITY'S CROSS-CONNECTION CONTROL ORDINANCE TO ESTABLISH AN ELECTRONIC FILING FEE AND ELECTRONIC FILING OF BACKFLOW PREVENTER TEST REPORTS AND TO ADOPT A SEPARATE ORDINANCE ESTABLISHING THE ELECTRONIC FILING FEE (ITEM 9/ PR #13028)

Council Member Reece pulled the item and asked about what is a backflow tester.

Mr. Morrone explained that all owners of backflows must have their hydraulics tested once a year to ensure proper pressures, this was determined by running tests by a backflow tester – written results were returned to the city for analysis.

SUBJECT: RENEWABLE ENERGY AND CARBON NEUTRALITY RESOLUTION (ITEM 12/ PR #13040)

Mayor Schewel pulled the item and stated there were speakers to the item.

Steven Hicks, General Services Director, gave the staff report about the EAB sustainability report and summarized that the Duke 100% goal was not realistic by 2050.

Director Hicks remarks follow:

“The City and City Council have taken a long-standing proactive position towards the conservation of energy and the protection of natural resources. This is demonstrated by the City’s signing of the US Conference of Mayors Climate Protection Agreement commitment to significantly reduce carbon emissions. Also, the City recently released its first ever sustainability report which has since been expanded and adopted by the City Council as the City’s Roadmap to Sustainability, which lays out goals across social, economic, and environmental impact areas. One of those goals is to develop an action plan toward carbon neutrality by 2040 in City operations.

As a result, the General Service Department recommends that City Council adopt a resolution supporting renewable energy and carbon neutrality that is focused on the City’s Sustainability Roadmap. The plan will focus on transitioning away from fossil fuels toward carbon neutrality focusing on four areas, which are primarily in the transportation and building operations sectors. The four are:

- 1) Increased energy efficiency
- 2) Increased use of renewable energy
- 3) Greening our fleet through purchases of fuel-efficient, hybrid and electric vehicles
- 4) Purchasing carbon offsets

The resolution proposed by the Environmental Advisory Board supports an admirable goal of a transition to 100% renewable energy by 2050, with an interim goal of 80% by 2030. However, given the state of proven, utility-scale energy technologies and the time it will take for those to evolve and flourish, Duke Energy advises us that the 100% goal is not likely realistically achievable.

The challenge is that most major US utilities are aiming for 80% reduction in carbon emissions by 2050. Duke Energy's goal is 40% carbon reduction by 2030 and in discussions with Duke Energy it will be difficult for Duke to provide 100% renewable energy by 2050 based on reliability needs and the current limitations of solar, wind, and other renewable energy sources.

The City fleet is heavily dependent on fossil fuels, and currently, there are limited options for electric vehicles for heavy equipment, such as fire trucks, public safety vehicles and any equipment that is required to operate 24/7 and during emergency operations. Though the City is making efforts to purchase fuel-efficient, hybrid, and electric vehicles where feasible, the City fleet will primarily rely on gasoline and diesel fuel for the foreseeable future.

Accomplishing the goals in either resolution will require an initial capital investment of approximately \$150 million. Thirty million of this capital investment will be needed in FY 21 for energy efficiency measures, and the City will need to purchase or lease 300 acres of land to install solar arrays at a cost of \$115 million. With these investments the City would save at least \$220 million over 30 years, but the challenge is the initial investment of \$150 million in the next three fiscal years.

The City will continue to be a leader in sustainability, as evidenced by the Sustainability Roadmap, Greenhouse Gas Reduction Plan, and our efforts in ramping up energy efficiency and renewable energy.

We will continue to aggressively look at ways to reduce our carbon footprint through innovative programs and adoption of emerging technologies. The effects of climate change are real and time is certainly of the essence to develop an action plan to determine how to make strategic investments and goals in the City's buildings and operations to increase the amount of energy from renewables and work towards carbon neutrality.

Thank you for your ongoing support to make the City a sustainable community and staff and Duke Energy and PSNC (now Dominion) is here to answer any questions."

Mayor Schewel stated there were speakers to the item.

Matt Kopac, Chair of the Durham Environmental Affairs Board, spoke to the General Services recommendation; encouraged ambition in hitting the sustainability goal that focused on adaptability and flexibility along with the use of new technologies; and encouraged bold leadership and holding leaders accountable in trying to reach 100% renewable energy by 2050.

Mayor Pro Tempore Johnson asked about the difference between carbon neutrality (investing in carbon offsets) and 100% renewable energy sources.

Casey Collins, EAB member, stated the resolution asked EAB to develop a plan and leadership by example by pushing on utilities, state leaders and federal level for changes in the macro structures to allow for the pursuit of the renewable goal.

Tom Campbell, representing Durham Grandparents and Parents for action on Climate Change, addressed scientific studies and concerns about climate changes associated with global warming and urged support of EAB renewable energy resolution.

Mayor Schewel welcomed back former member of the Durham City Council, Mr. Tom Campbell was recognized.

Carina Barnett-Lon, supported the EAB resolution, spoke to climate change and Duke Energy's reliance on dirty energy sources; and urged 100% renewable energy.

Brian O'Hara, representing Strata Solar, expressed support of the EAB resolution, noted his company was founded in NC; stated the clean energy economy was here to stay, feasibility of resolution was hinged on regulatory and policy discussions, and cost implications of solar and wind.

Daniel Parkhurst, policy manager at Clean Air Carolina, supported the transition to 100% renewable energy sources as per the EAB resolution; and urged combatting climate change.

Andy Magowan, encouraged Council to be more bold in resolution- to include Duke Energy commit to providing a plan by 2050 or sooner, and if Duke can't/won't do this, they should lose their monopoly on power generation in Durham.

Jack Zhou, requested the supporters of the EAB resolution to stand, expressed his support for bold climate leadership and the EAB's renewable energy proposal; and was concerned about General Services compromise plan that included carbon neutrality.

Lou Gadol, estimated six years until things go haywire and the timelines being discussed were not feasible; and addressed the issue of cost of carbon credits.

Mayor Schewel requested Council's questions, concerns and statements.

Council discussed the number of solar techs at Strata and education requirements, relationship with Durham Tech and connections with Youthworks Internship Program; addressed thorough and professional vetting of EAB's resolution based on different technologies that was based on a change in politics;

Mayor Schewel suggested that a few Council members work with EAB chair/members to craft a document to recognize reality that city staff had recognized while also including aspirational goals and to provide a roadmap in how to get there; and that this come back to Council in two weeks.

Council Member Freeman appreciated the proposal and urged efforts in affordable housing reflect priorities set by the Council to match its energy goals.

It was the consensus of Council that Council Member Alston be the chair along with Council Members Freeman and Caballero (as alternates) work with Matt Kopac of the EAB Board to devise the resolution that recognized staff's work, the push for political and regulatory change and the aspirational EAB goals; this resolution should be returned within two weeks.

Council thanked all the contributors to the resolution process and impressed upon the urgency of the topic.

SUBJECT: SHOT SPOTTER PRESENTATION (ITEM 18/ PR 13024)

City Manager Bonfield introduced the item; explained that a select number of Council members wanted the entire Council to receive a presentation/overview of the technology and then to have Q/A with representatives of Shotspotter.

Date: February 19, 2019

To: Thomas J. Bonfield, City Manager

Through: Bo Ferguson, Deputy City Manager

From: Cerelyn J. Davis, Chief of Police

Subject: The City of Durham Police Department recommends that the City Council receive a PowerPoint presentation on ShotSpotter technology.

Executive Summary

ShotSpotter Inc. is a company that has developed a system that can detect and locate, within a 25-50 meter radius, the origin of gunfire. Many cities throughout the United States, including several within North Carolina, have utilized the ShotSpotter system and seen success in reducing the number of "shots fired" calls for service within their community. Over the past three years, the Durham Police Department has averaged 2,356 shots fired calls per year. Many of Durham's shots fired complaints are directly related to aggravated assaults committed with a firearm. The City Council requested that representatives from ShotSpotter attend the March 7, 2019 work session to discuss the technology and answer questions.

Recommendation

That the City Council receive a presentation from ShotSpotter Inc. on its technology.

Background

Gun violence through the years has been, and continues to be, a challenge in Durham. The reduction of gun violence has been specifically identified by the Police Department as a Strategic Plan Initiative under the goal of "Creating Safer Communities Together." On January 28, 2019, the Durham Police Department invited representatives from ShotSpotter Inc. to present their gunfire detection system to determine if the product could be a useful tool in assisting in the reduction of gun violence as well as

complaints of gunshots. A number of Durham City Council members were in attendance during the presentation and determined that it would be beneficial that the entire Durham City Council hear the ShotSpotter presentation. The City of Durham has not committed to purchasing the gunfire detection system at this time.

Issues and Analysis

ShotSpotter works on a “geo-fencing” concept in which sensors are placed in strategic locations where complaints of shots fired or aggravated assaults with firearms are a particular challenge. The system is sold by the square mile. ShotSpotter technology has the ability to locate where shots have been fired within 25-50 meters of the incident and can notify first responders in less than 60 seconds. ShotSpotter also has the ability to distinguish gunshots from other similar sounds such as firecrackers and car backfires.

Alternatives

At this time, the Durham City Council could choose to decline hearing the presentation from ShotSpotter. The City of Durham has not committed to purchasing the system and is still in an evaluation phase.

Financial Impact

The price of the system would be determined by the number of square miles covered by the sensors, and this cost would be an annual subscription rate.

Equal Business Opportunity Summary

The Equal Business Opportunity Summary is not applicable.

The following persons represented ShotSpotter and discussed the technology with Council.

Phil Daily, Southeast Director of Shotspotter, gave the presentation and introduced his colleagues, Gary Bunyard, Senior VP Public Safety, technology solutions to public safety market; and Al Lewers, Customer Success Team, former Police Chief of Miami Gardens.

Mayor Pro Tempore Johnson began conducting the meeting and called for speakers to the item.

Robert Desmarais, PAC4, expressed concerns about gunshots in Durham into homes and vehicles; noted that there were questions about the effectiveness of the technology; and had concerns about the safety of students in schools.

Chris Tiffany, supporter of Shotspotter and indicated that silencers would reduce the effectiveness of the technology; and spoke to suppression technology.

Council Member Alston inquired about the cost of the system and what happened to the data and who had access.

Mr. Daily detailed the set up fees, onboarding and subscription per square miles of coverage.

Mr. Lewers clarified the data and the company's subscription service operations.

Council Member Middleton spoke to desensitization within the communities immersed in gunfire; emphasized that crime was down, however, certain neighborhoods continue to experience regular occurrences of gunfire; and spoke to possibly employing the tool to dispatch Police on an experimental basis and being data driven upon deployment; and addressed the specifics around 'dying voices/words' case and asked the presenters to explain why Charlotte dropped the technology.

Mr. Daily explained the company's privacy policy and sensor placement to limit ambient noise collection; elaborated on the rationale by municipalities for not renewing services; explained false positives and how the alerts were processed.

Council Member Reece expressed concern about the number of times police were sent to a neighborhood without finding anything.

Mr. Bunyard responded that it depended on the operationalizing of the sensors.

Council Member Alston expressed concern about neighborhoods targeted by the geo-fencing; and requested the quantitative incident volume.

Mayor Pro Tempore Johnson inquired about the number of ShotSpotter municipalities that utilize cameras along with the sensors and was interested in data that could be disaggregated to discern between cities with and without cameras; questioned the outcome percentages related to reduction in gunfire and measures impacting the reduction; favored investing resources in violence interruption and community policing; and requested data aggregated from cities across the country to determine impact of the technology.

Council Member Middleton supported putting ShotSpotter and geo-fencing all over the city, including white neighborhoods; spoke to evidence based approaches in policing and budgeting; and if the Police Department brought back a recommendation to support the technology, then he would be supportive.

The neighborhoods of deployment had not yet been determined.

SUBJECT: PATTERSON PLACE COMPACT SUBURBAN DESIGN (CSD) DISTRICT TEXT AMENDMENT AND ZONING MAP CHANGE (TC18000009) AND Z18000030) AND PATTERSON PLACE FUTURE STREET NETWORK (ITEM 19/ PR 13041)

City-County Planning Director Pat Young deferred to Senior Planner Lisa Miller for the presentation of the informational only overview of the Patterson Place suburban area; and stated that staff would be proposing application of a similar set of rules as in Downtown and the Ninth Street areas, form based code zoning regulations to the compact neighborhood tier that allowed a lot of flexibility in terms of uses and which in turn allowed for a level of development that would be transit supportive and would meet other planning goals.

Planner Miller introduced the item, explained its background, described the public input opportunities and how do staff proceed; indicated the item involved a text amendment, zoning map change, regulations to the compact neighborhood tier and future street network.

City Manager Bonfield inquired about if the city staff were thinking about this as the next generation development and stated that the plan reminded him of the Ninth Street Area Plan; and referenced development along Southwest Durham Drive and in shopping center infill projects and that it seemed that there were only vacant areas along 15-501.

Planner Miller spoke to acreages in those general areas and the development of vacant properties along with redevelopment frameworks and did not foresee a major change in the compact neighborhood tier in the next few years; and addressed the public's concerns.

Council appreciated staff's work on the forward looking perspective of future development.

Mayor Schewel asked what staff would do differently without the light rail line.

Planner Miller acknowledged that staff had intermittently asked themselves if they were on the right path, and the answer was 'yes'; and that the area was well served by the interstate system and regional transit. She admitted that it was necessary to absorb growth no matter with or without the light rail.

Council Member Reece had attended the community visioning sessions and encouraged all to consider TJCOG ideas around affordable housing bonuses with higher heights in building design. He also appreciated staff taking the Planning Commissions' concerns into consideration.

City Clerk Schreiber announced Council's nominations for reappointment to the Durham Planning Commission: Akram Al-Turk, Brian Buzby and Cedric Johnson; Keelan Brown and Susan Callaghan have been nominated for reappointment to the Durham Performing Arts Center Oversight Committee representing the categories of Business and Finance. The Durham Bicycle and Pedestrian Advisory Commission representing University Students/University Facilities was requested to be re-advertised to gather more diverse candidates.

Settling the Agenda – March 18, 2019 City Council Meeting

City Manager Bonfield announced the Consent Agenda Items 1, 2, 4 through 11, 14 through 17, General Business Agenda – Public Hearings 20 through 28 and items referred back or continued were Items 3, 12 and 13.

MOTION by Council Member Caballero, seconded by Council Member Reece, to settle the agenda as stated by the City Manager for the March 18, 2019 City Council Meeting; motion passed unanimously.

Council Entered Closed Session – 3:50 p.m.

MOTION by Council Member Caballero, seconded by Council Member Reece, to enter into Closed Session at 3:50 p.m.; motion passed unanimously.

Council Returned to Open Session – 4:03 p.m.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to return to Open Session at 4:03 p.m.; motion passed unanimously.

Being no further business to address, the Work Session was adjourned at 4:03 p.m.

Diana Schreiber

City Clerk