

DURHAM CITY COUNCIL WORK SESSION
Thursday, April 22, 2021 @ 1:00 p.m.
Virtual Zoom Meeting

The Durham City Council held a regular Work Session on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, Pierce Freelon, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also present: City Manager Wanda Page, Deputy City Attorney Don O'Toole and City Clerk Diana Schreiber.

[CALL TO ORDER]

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

[ANNOUNCEMENTS BY COUNCIL]

Mayor Schewel announced his attendance at Council Member Middleton's birthday celebration, Council congratulated their colleague. He addressed vaccine equity disparities for African-Americans and Latino members of the community and urged vaccinations to thwart off COVID variants; and urged staff to bring forward a funding proposal plan for additional community health workers the May 6, 2021 Work Session. The plan was for Durham County to fund half of the funding request.

Council Member Reece was supportive of the city working to enhance vaccinations; announced the no-appointment nor insurance necessary, vaccination clinic site at the Wheels Fun Park on Tuesday and Thursday, April 27 and 29, 1 to 6 p.m. He spoke to the status of the Governor's mandate to lift remaining COVID restrictions and mask mandates and noted that it was required to get vaccination rates up in Durham to assist the lifting of the state restrictions. In honor of Earth Day, Council Member Reece announced the un-veiling of the all-electric buses that were recently purchased by GoDurham, he was joined at the event by Mayor Schewel and NC House Representative Zack Hawkins; spoke to environmental sustainability and transit equity; and announced that six more such buses would go on-line by year-end.

Council Member Caballero thanked local Hispanic non-profits, Latin 19, La Semilla, and the Latino Corporate Credit Union for their hosting the vaccination site on April 17th at a Raleigh location, with bilingual support.

Council Member Freeman was appreciative of the electric buses and amenities coming 'east' with special mention of signage and bus shelters and their expansion into Braggtown, Fayetteville Street and Merritt Moore areas. She addressed the Latin 19 and African-American weekly COVID conversations and thanked the local, organizations consisting of persons of color who had been active since March 2020 and appreciated the support voiced by Mayor Schewel about community health ambassadors. She thanked Superior Court Judge Josephine Kerr Davis for performing the oath administration of the officers, including herself, at the NCLM Women in Municipal Government Annual Conference; and addressed the vaccination equity efforts in East Durham.

Council Member Freelon updated Council by addressing his outreach to local organizations that serve young black men and boys in order to develop a strategy for African-American youth as an emergency response to the chronic and escalating issue of violence; spoke to his efforts at city parks and basketball courts every weekend since youth Joshua Varner was killed. He updated Council on his efforts since the last Council Meeting and detailed his community engagement work with City Manager Page, Durham Office on Youth, and twenty male, African-American coaches from organizations across Durham. He spoke to the victims of gun violence and explained how it related to white supremacy and systemic issues designed to oppress black youth; and emphasized the need to incorporate black youth into the conversation. He spoke to addressing the public safety issue, that incorporated the youth piece as central to the public safety strategy and encouraged investing in young black men and boys. His top priority was stopping violence in Durham.

Council Member Middleton appreciated his colleagues' advocacy for black youth initiatives and vaccination equity work; expressed concern about the vaccination disparities within the communities of color; and spoke to the verdict in the Derek Chauvin trial and closure for the George Floyd family.

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

City Manager Page requested the following priority items:

- Item 8. Proposed Water and Sewer Rates for FY21-22. Presentation Item.
- Item 11. Residential Backflow Prevention Assembly Testing & Repair- Award of Service Contract to ACME Services of Durham, Inc. Attachment 1, updated.
- Item 17. Amendment to Contract with Powerhouse Recycling Inc. for Recycling Services for Electronic Equipment. Attachment 3, added.
- Item 20. Consolidated Annexation – Olive Branch Reserve. Attachments 10 & 12, updated.
- Item 23. Supplemental Item. Closed Session Request by the City Attorney's Office to discuss an Economic Development Matter relating to the location or

expansion of industries or other businesses in the area served by the City pursuant to NCGS 143-318.11(4). Item added to agenda.

MOTION by Council Member Reece, seconded by Council Member Caballero, to approve the City Manager's priority items was approved at 1:36 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

Deputy City Attorney O'Toole requested a closed session as per the Supplemental Item's language.

City Clerk Schreiber had no priority items.

[ITEMS PULLED FROM THE AGENDA]

Mayor Schewel read the items on the printed agenda; the following items were pulled for remarks and/or additional discussion:

Item 3. Green & Equitable Infrastructure Project. Item pulled for additional discussion.

Item 6. Conveyance of 702, 704, and 917 Grant Street to Durham Community Land Trustees for the Purpose of Affordable Housing Development. Item pulled for additional discussion.

Item 11. Residential Backflow Prevention Assembly Testing & Repair- Award of Service Contract to ACME Services of Durham, Inc. Item pulled for additional discussion.

Item 15. Contact ST-318C Inspections for Construction Projects. Remarks only-trail repairs were needed and appreciated.

Item 16. Utility Extension Agreement with Charter Development Company LLC to Serve National Heritage Academies (NHA) Oak Grove Charter School. This item was requested to be moved from the Consent Agenda to the General Business Agenda at the upcoming Council Meeting on May 3.

Mayor Schewel summarized the pulled items as Items 3, 6, 11 and Presentation Items 8, 18 and 19.

[ITEMS PULLED FROM THE AGENDA]

**SUBJECT: GREEN & EQUITABLE INFRASTRUCTURE PROJECT
(ITEM 3/ PR 14605)**

Mayor Schewel requested the City Manager for direction on Item 3.

City Manager Page indicated staff continued to review the budget, many items were proposed by staff and that cuts were being reviewed. The information

proposed today were preliminary; if Council decided to increase capital investment via a tax increase with a maximum of two cents, staff could include the increase within the Budget Guidelines.

Mayor Schewel re-stated Council's intentions: set a maximum of two cent tax increase of which 1.38 cents was to be allocated to the Affordable Housing Bond leaving .62 cents available within the cap of two cents. He requested Council's feedback on moving forward with a bond issuance in 2021.

City Manager Page addressed staff's need from Council.

- Was the bond referendum to move forward in 2021- yes or no.
- If Council wanted additional investment in CIP, then direct staff to pursue the tax increase.

Mayor Schewel requested Council's feedback.

Council Member Freeman acknowledged that Council need to address climate change.

Mayor Schewel reflected on how Council decided to approve a tax expenditure for affordable housing and then the bond referendum was placed on the ballot the subsequent year. This process could be followed for green and equitable infrastructure needs.

Council Member Caballero did not feel the timeline was appropriate to place a bond on the upcoming election for green and equitable infrastructure. She emphasized the need for consensus building within the community, supported the $\frac{1}{4}$ or $\frac{1}{2}$ cent tax increase was a good template and could move forward. She also mentioned that additional discussion was needed on quality of life infrastructure improvements.

Mayor Pro Tempore Johnson concurred that a $\frac{1}{2}$ cent tax increase could be placed in the Budget Guidelines and would fall within the prescribed 2 cent increase.

Council Member Middleton favored an escalatory approach, first with a tax increase and then a bond referendum. He noted that outreach needed to be conducted, with special mention to black legacy communities and that currently, there was not time for bond outreach; and was supportive of the $\frac{1}{2}$ tax increase for capital projects. He requested that the equity lens conversation be tethered to the CIP projects.

Council Member Reece concurred with Council Member Middleton that if taxes were raised to buttress the CIP, it should be in service to making investments in communities that had been disinvested for generations.

Council Member Freelon echoed his colleagues' sentiments; was supportive of the ½ cent increase for the CIP and then follow either next year or the year after with the bond referendum. He inquired about the status of the Fall 2021 Election.

Assistant to the City Manager Karmisha Wallace responded to the election question; noted the NC General Assembly had not yet taken action regarding the election; stated 42 cities would be impacted by the legislation but that Durham would not be impacted due to not voting by districts. She also mentioned that she would continue to monitor the situation at the General Assembly.

Mayor Schewel stated the emergent consensus was to not move ahead with the bond issuance in 2021; and to support the ½ cent tax increase for green and equitable infrastructure in the upcoming budget with focus on equitable projects within the CIP that furthered equity within the community.

It was the consensus of Council to support the Mayor's statement.

City Manager Page indicated that staff would review the CIP projects that had been approved by Council in the past; and reiterated Council's request to review projects with an equity lens and make modifications in a reasonable, responsible manner.

Mayor Schewel addressed Council liaisons to DOST, DPAC, and others; it was important to have discussions with the boards to build up to a bond and determine a structure to determine what other types of outreach would be conducted. For affordable housing, a community sourced advisory committee had been organized for advocacy purposes (15 member group, informal) and members had been appointed by the Mayor.

Council Member Freeman spoke to an equity and inclusion staff position to ensure that the projects that come forward have equity and inclusion in the forefront. She also remarked that a CIP re-boot was not possible with one staff person.

Council Member Caballero asked if, as liaison to many boards and commissions similarly to Council Member Freeman, she should begin initial conversations by requesting agenda items be added to discussions as soon as May 2021.

Mayor Schewel was supportive of initiating outreach.

Council Member Freeman noted the environmental justice position on the EAB had been productive and suggested adding a similar position on DOST.

Mayor Schewel responded it was a great idea.

SUBJECT: CONVEYANCE OF 702, 704, AND 917 GRANT STREET TO DURHAM COMMUNITY LAND TRUSTEES FOR THE PURPOSE OF AFFORDABLE HOUSING DEVELOPMENT (ITEM 6/ PR 14595)

Mayor Schewel stated that there were speakers in virtual attendance who desired to make public comment.

Selina Mack, public speaker, appreciated the item and was supportive of affordable housing in the neighborhood.

Ajax Wooley, public speaker and advocate for Durham CAN (www.durhamcan.org), was supportive of the item and spoke to community outreach that was conducted along Grant Street for affordable housing.

Regina Mays, public speaker, spoke to the Hayti Community and her support for the DCLT and the affordable housing development.

Mayor Schewel stated the item would appear on the next regular meeting's consent agenda.

SUBJECT: RESIDENTIAL BACKFLOW PREVENTION ASSEMBLY TESTING & REPAIR- AWARD OF SERVICE CONTRACT TO ACME SERVICES OF DURHAM, INC. (ITEM 11/ PR 14582)

Director of Water Management Don Greeley presented the staff report and PowerPoint.

Mayor Schewel asked about the incentive for the city to conduct the program.

Director Greeley provided the background to the item and explained how backflow preventers had been used and how the mechanism complied with quality standards. The city tested the backflow preventers and billed customers.

The process saved residents time and benefitted the city to ensure there was compliance and was opt-in.

Mayor Schewel inquired about the program's objective.

Director Greeley responded that the number of individuals in the program was slowly reduced and that there was a high degree of compliance with the testing that was required to avoid termination of service.

Council Member Reece asked about homes without a backflow preventer who experienced a catastrophe, was the city liable.

Director Greeley stated that this had not been experienced.

Council Member Freeman inquired about the mechanics of the system.

Director Greeley explained how the backflow preventer functioned.

[PRESENTATIONS]

**SUBJECT: PROPOSED WATER AND SEWER RATES FOR FY21-22
(ITEM 8/ PR 14601)**

Director of Water Management Don Greeley made the PowerPoint presentation titled *Water and Sewer Fund and CIP*.

The presentation included the following:

Utility Overview – served 301,000 people and managed over 99,000 accounts.

General Outline: rate objectives, strategies, key issues

CIP

Customer Consumption

Next year's rates

Rate Setting Objectives

Affordable with tiered rates

Sustainable

Water efficient/conservation

Historical & Projected Average Single Family Residence monthly cost/tier chart

Affordability – payment arrangements, hardship fund of \$350,000

Multi-year Rate Strategy/Key Issues

CIP

Proposed Capital Funding Appropriations

CIP Projected 5 year Appropriations

Water Usage/Consumption

Average Daily Consumption chart

Percent of SFR Consumption by Tiers

FY22 Water and Sewer Rates

Major FY22 Budget Components piechart

Projection of Water and Sewer Revenue Requirements- operating financial plan

Proposed FY22 Water and Sewer Rates- modest increase in all tiers

Rate increase covers: operating budget, pay for performance, pay-go CIP

Funding, debt, fleet replacement fund and General Fund transfer.

Proposed FY22 SFR Monthly Rates itemized by tier

Comparison of monthly average SFT Inside Bill FY21 to 22

Tier 1: \$23.39 to \$24.56

Price Comparison slide:

Tier 1: 20 oz. water bottle; coffee and donut purchases

3.9% increase in water and 3.5% increase in sewer

NC Water and Wastewater Rates Dashboard: UNC School of Government, review utilities at various municipalities with comparable number of accounts. Comparison- Monthly cost for 4000 gallons of water/sewer with peer cities.

Mayor Pro Tempore Johnson appreciated the water/sewer rate presentation; asked about ADU (accessory dwelling unit) and how rates were determined when there were two structures on one meter.

Director Greeley noted that sewer was of more concern and separate water and sewer meters were typically set up for the ADU.

Council Member Caballero inquired about messaging about water increases and how was the hardship fund being marketed and accessed.

Director Greeley noted that staff had done a tremendous job in reaching out to customers who were having payment issues and/or account cut-offs.

Mayor Schewel asked about the water usage of Durham residents.

Director Greeley addressed the water conservation staff and community partners who were water conservative. Additionally, new construction utilized water efficient fixtures and the drought of 2010 impacted residents' usage habits.

Mayor Schewel encouraged residents to participate in the Mayor's Water Challenge.

Council Member Reece thanked the Director and staff to address the impact of COVID; and complimented his leadership and payment outreach.

SUBJECT: POLICYLINK FINES AND FEES JUSTIC PROGRAM PARKING PILOTS AND REFORMS (ITEM 18/ PR 14588)

Erin Parish, Budget and Management Services, gave the staff report that included a PowerPoint presentation titled *City of Durham Fines and Fees Justice: Parking Assistance Policies and Pilots*.

The presentation included the following information:

Cities and Counties for Fines and Fees Justice- membership included a \$50,000 grant to support community engagement and data analysis

Timeline:

Assessments, Analysis, Implementation

Departmental Assessments

- Number of fines and fees departments issued and residents paid in a year
- Revenue budgeted and collected from fines and fees

- Legal mandate for collecting fees

Community Assessments

- Reached out to community contacts and organizations
- Emailed questionnaire and put on social media
- Tabled outside of grocery store
- Individual conversations

Which fees most difficult to afford:

- Parking tickets
- Water Bills
- Traffic tickets

Data Analysis

Researchers at UNC School of Government analyzed parking citation data

Results from data analysis

Late Fees and Unpaid Citations

45% black or latino

60% citations went to residents in block groups with per capital income under \$35,000

New Parking Policies and Pilots:

- Parking citation low-income ability to pay policies
- Downtown Durham low income employee daytime parking assistance pilot
- Free week of DT parking in city-owned garages pilot

Income eligibility for low-income assistance

Parking citation ability to pay policies

Late fee waivers- first time citations for Durham residents

Payment plans- individuals have one year to pay payments'

DT Employee Parking Assistance Pilot

Low income residents who work in DT receive 3 months of free daytime parking.

Rediscover DT Durham – free parking first week of May 2021.

Next Steps: Parking Pricing Study

Thanks to the team.

Council discussion ensued.

Council Member Freeman complimented the research team consisting of multiple departments.

Assistant City Attorney Fred Lamar looked forward to working with the Parking staff to address legal issues that could be involved in the policymaking process.

Council Member Middleton appreciated his colleagues' efforts and staff research

Council Member Freelon addressed one of his first regular meetings in September 2020 and spoke to the water analysis; and asked where else were the equity issues in city operations. He asked what were the plans to institutionally address equity across the city.

Council Member Freeman spoke to conversations with Durham County counterparts in the Equity and Inclusion.

City Manager Page spoke to piloted work that was performed to see whether or not a process could be expanded; and spoke to community partnerships along with their resources that ensured positive outcomes for residents.

Mayor Schewel addressed the most difficult fees to repay the city: Parking tickets, water bills and traffic tickets; and appreciated the Innovation Team's efforts.

Council Member Freeman spoke to opportunities with the upcoming Universal Basic Income programming.

SUBJECT: PROPOSAL TO CREATE A POET LAUREATE POSITION AT THE CITY OF DURHAM (ITEM 19/ PR 14571)

Mayor Pro Tempore Johnson deferred to members of the public for presentation of the item:

Crystal Simone Smith- Poet and visiting Fellow at Duke University
Dasan Ahanu – spoken word poet
Chris Vitiello – The Poetry Fox

The poets presented a PowerPoint consisting of the following:

Why Poetry Matters- overview

City and Town Poet Laureates – description & current area Poet Laureates

Oversight & Implementation- selection process and purpose

Council would ratify the selected poet laureate

Nominations and Applications

Self-nomination or nominations accepted via online form

Qualifications

City resident – at least 18 years of age

Term of 2 years

Publication history

Demonstrated commitment to promoting awareness of poetry

Duties of Poet Laureate as teacher/advocate/artist

Readings at ceremonial events

Champion of poetry

Celebrate city's cultural heritage, attend events

Give 5-10 public readings and workshops

Honorarium and Terms

Length of Terms: 2 years

Typical Honorarium: \$2,000-\$3,000

Sample Timeline

May 2021 – January 2022

Poet Ahanu read a poem titled, *A Dedication Poem by Reuben Jackson for Trayvon Martin*.

Mayor Schewel read a poem written by his wife, Lao, titled *Attending the Hearing for Darryl Hunt, Wrongly Convicted and Incarcerated for 19 Years*.

Council Member Freelon supported the program; requested a higher salary for the proposed poet laureate; and recommended \$10,000 for the two-year term.

Poet Simone-Smith responded that the \$3-4,000 honorarium was the standard across cities and noted the poet laureate would receive additional financial honorariums for events.

Council Member Freeman supported paying the poet laureate more than the \$3-4,000 standard; and urged incorporation of the Cultural Advisory Board into the process.

Mayor Schewel addressed an unsuccessful poet laureate appointed by Governor McCrory; and took Council's remarks regarding compensation into consideration.

Mayor Pro Tempore Johnson requested Council Member Freelon to be the conduit to Council from the Cultural Advisory Board, and who should be the appointing authority, the Council or the CAB.

Council Member Freelon would request the item be placed on an upcoming CAB agenda.

Council Member Reece was excited by the prospect of the poet laureate; and appreciated the suggested higher standard compensation. He spoke to the Poetry Fox appearing at a previous Council Meeting and urged more poetry be voiced at Council Meetings.

Council Member Middleton spoke to his attendance at a Poetry Slam; and was supportive of a poet laureate of Durham. He asked about the implications of the honorarium versus salary from the Human Resources/Payroll perspective.

City Manager Page explained the status of consultants versus full time employees and noted that the payment was an administrative process for staff. Compensation was to be determined by Council.

Council Member Middleton inquired if the stipend was tethered to the number of public events.

Council Member Caballero thanked the presenters; spoke in regard to her poet sister; was excited about the prospect of having a poet laureate for the City of Durham and was supportive of offering a higher stipend.

Mayor Schewel reflected on his wife's excursion to Chile to see the home of Pablo Neruda at the start of the COVID pandemic.

Mayor Schewel suggested to ask Council Member Freelon to take the concept to the Cultural Advisory Board and to bring their remarks back to the full Council in approximately a month.

City Clerk Schreiber announced Council's nomination to the Mayor's Hispanic/Latino Committee that was Raymundo Garcia.

SETTLING THE AGENDA FOR THE MAY 3, 2021 CITY COUNCIL MEETING

City Manager Page settled the agenda for the May 3, 2021 City Council Meeting by announcing the following items on the Consent Agenda Items 1 through 15 and Item 17; General Business Agenda Item 16; and General Business Agenda - Public Hearings, Items 20 through 22.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to settle the City Manager's agenda for the May 3, 2021 City Council Meeting was approved at 4:01 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

Deputy City Attorney O'Toole requested that the motion to go into Closed Session be re-read.

MOTION by Council Member Middleton, seconded by Mayor Pro Tempore Johnson to go into Closed Session pursuant to NCGS 143-318.11(a)4, to discuss an Economic Development Matter relating to the location or expansion of industries or other businesses in the area served by the City.

MOTION by Council Member Freeman, seconded by Council Member Middleton, to enter into Closed Session in accordance to the City Attorney's motion at 4:02 p.m., the motion passed by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ENTER INTO CLOSED SESSION – 4:07 PM

RETURN TO OPEN SESSION – 4:25 PM

No action taken in Open Session.

Being no additional items to come before Council, Mayor Schewel adjourned the meeting at 4:25 p.m.

Diana Schreiber, NCCMC, CMC
City Clerk