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

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

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

[ANNOUNCEMENTS BY COUNCIL]

Council Member Reece extended birthday wishes to Durham resident Chris Tiffany who turned 70 years young.

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

City Manager Bonfield and City Attorney Kim Rehberg did not have priority items.

City Clerk Schreiber stated that she had done some research about board reactivation. Mayor Schewel expressed the desire to attend to the item at the end of the Work Session with the volunteer board nominations.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to accept the City Clerk’s Priority Item. Motion passed unanimously.

[ADMINISTRATIVE CONSENT ITEMS]

Mayor Schewel read the items on the Consent Agenda individually as was on the printed agenda and pulled the following items: Items 1, 10, 17, 18, 19 and 20. Remarks were made regarding Items 1 and 5.

Deputy City Manager Bo Ferguson noted that an email had been sent out requesting Items 14, 15 and 16 be referred back to the Administration as per General Services.
SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR 13897)

Mayor Schewel asked for correction to the Budget Guideline discussion with special mention of the City Manager’s remarks related to the BID rate on page 2 of the minutes and a correction on page 4 of Occupation to Occupancy.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION – APPOINTMENT (ITEM 5/ PR 13909)

It was the consensus of the majority of Council to re-advertise the appointment.

SUBJECT: CONTRACT WITH HOUSING FOR NEW HOPE TO SERVE AS THE UNSHELTERED COORDINATING AGENCY (ITEM 10/ PR 13899)

Mayor Schewel stated the contract was a key element of the city’s homeless strategy in combination with Durham County for street outreach and encampment response; stated the standard were very clear and rigorous and supported the trending requirements; and asked if there were training guidelines in the manual for homeless assistance during the COVID-19 period and how outreach was being handled during this time. He also asked about the group of homeless at Fayetteville Street and the American Tobacco Trail, noticed persons were not wearing masks nor social distancing and asked what the status of outreach was to the homeless community at this time.

Karen Lado, Assistant Director of Community Development, and Hanaleah Hobermann responded to Mayor Schewel’s questions. Assistant Director Lado explained that the majority of day to day operations were being handled by the EOC and follow-up may be required.

Hanaleah Hobermann, responded to how outreach workers were being trained in the COVID-19 era and explained the plan for unsheltered homeless over the next few months. She stated the persons working with the homeless had formed a working group with Duke Clinic, Lincoln Community Healthcare and Durham Homeless Care Transitions to ensure street outreach workers health was being secured as well as attending to the medical care of persons experiencing homelessness. She also stated that HUD and State resources were providing COVID-19 guidance; elaborated on placing folks with into shelter who were medically vulnerable and provided details on rapid re-housing efforts and its limitations.

Mayor Pro Tempore Johnson asked about Housing for New Hope’s operations- how many staff, its annual budget, was the city and county investment a significant increase in capacity and what was the plan for hiring to accommodate the new program.

Ms. Hobermann stated that the questions related to size of staff- 20 employees and budget of $2.5 million with five dedicated staff and new leadership. She stated the program was an expansion of the organization’s capacity.
SUBJECT: PROPOSED LEASE FOR POLICE DISTRICT #1 SUBSTATION AT 915 HOLLAWAY STREET (ITEM 17/ PR 13904)

Council Member Freeman pointed out that homelessness was correlated with race and income; in the memo, there was a note that the Office of Equity and Inclusion had no requirements nor review. She asked for the rationale that the dollars that were spent around development asset and equity focused, had nothing in place to review it, to know who owns property that the city was putting rent funding into; for $2.9 million for ten years pouring into someone’s asset, this would be a good opportunity to include the Office of Equity and Inclusion at all times. She asked when evaluating of where using rentals or putting rentals, was there a process that included the Office of Equity and Inclusion or was there a process that looked at race.

David Fleisher, Real Estate Division of General Services, responded that the Equity and Inclusion Office did not have any requirements for the location of rentals to be judged or include the question of race or equity and inclusion. He stated the site was chosen based on location and to ability to facilitate the needs of parking of Police personnel and official vehicles; mentioned the location was in the Albright Neighborhood in NECD (North East Central Durham) and was appropriate for locating into the center of District 1; and stated there was no additional thought in regard to equity and inclusion and no review by the Equity and Inclusion Department.

Council Member Freeman inquired if the property owner was a person of color. To which Mr. Fleischer responded, ‘no’.

SUBJECT: PROPOSED SALE OF PROPERTY LOCATED AT 1415 WEST CLUB BOULEVARD TO GARMAN HOMES, LLC (ITEM 18/ PR 13896)

Council Member Freeman asked when there was a proposed sale, was there anything that included affordable housing in the sale.

David Fleischer, Real Estate Division of General Services, responded there was no proffer of affordable housing; the size of the area was 30 x 36 feet, a residual from the development of Club Boulevard; the parcel was offered for purchase by the adjacent property owner and the city had no need for it in its inventory; when the good fair market offer came, the city recommended that the parcel be sold to the adjacent property owner.

City Manager Bonfield stated the parcel was not buildable.

Council Member Freeman addressed her remarks to her colleagues about something being put into place when staff was reviewing these items, there was no lever or leverage to say to property owners that were potentially looking at the city, they were building housing, and could something be put into place that stipulated review for the possibility of affordable housing.
Mayor Pro Tempore Johnson was concerned about selling city-owned residential property to a private developer but given the size of the parcel and considering the city could not build anything on it, the transaction was reasonable. However, Council should consider for this and future residential sales of city property, that the proceeds should go into the Affordable Housing Fund to target funding to the city’s affordable housing goals. She asked staff to come back to Council with a policy that would make this happen automatically upon the sale of city-owned, residential property.

Mayor Schewel summarized that for this action, the item would remain on the agenda for the next regular Council Meeting and that Council would look to city management to come back with their thoughts on this policy idea.

City Manager Bonfield agreed to do so and noted that if the recommendation needed amending, that it could be accomplished in the meantime.

SUBJECT: SECOND AMENDMENT TO THE PROCESSING AND MARKETING RECYCLABLE MATERIALS CONTRACT (ITEM 19/ PR 13903)

Jim Reingruber, Solid Waste Assistant Director, addressed the Mayor’s questions regarding revenue swings of recyclable materials. He stated that the city could be paying out up to $1 million with the new contract.

Donald Long, Solid Waste Director, responded to the per ton cost to ship waste versus the per ton costs paid for recycling; quoted from the current contract to ship to the landfill, $40.94/ton for garbage and approximately $65.00/ton for recycling. With the upcoming contract effective July 1, 2020, it was expected to pay up to $100/ton for recycling.

Mayor Schewel summarized that rather than receiving income from recycling, that the city was paying to recycle at approximately twice as much per ton to recycle and to ship waste to the landfill; urged more sorting by residents; and asked Director Long about his thoughts on continuing single stream.

Director Long was in favor of single stream but concentrated efforts would be done on most valued items – cardboard, some plastics; glass did not pay. Should the recycling economy shift, he felt it important to keep the process ‘as is’. He also stated that there was regional work being done with Triangle J to get regional consensus on the high value items and to curtail some costs being paid to process.

City Manager Bonfield stated the costs of the financial model would be shared at the upcoming budget workshop.

Council Member Caballero inquired if there would be the rolling out of composting and noted that 30% of garbage could be diverted in this manner. Director Long confirmed this fact.
City Manager Bonfield noted the upcoming budget workshop was an overall financial perspective of the City pertaining to the impacts of COVID-19.

Mayor Schewel spoke optimistically about Durham residents and their can-do spirit.

**SUBJECT: DURHAM COUNTY TRANSIT PLAN (ITEM 20/ PR 13920)**

Sean Egan, Director of Transportation, introduced the item that consisted of consultant support to begin the public engagement activities as well as technical support and analysis of the transit plan that will city to enable to get input and to provide updates to the plan.

Aaron Cain, DCHC MPO Planning Manager, provided details of the contract being presented in the amount of $675,000.00: development of transit plan, COA (Comprehensive Operations Analysis) and developing service standards for GoDurham.

Director Egan responded to the Mayor’s question about how the City was being treated by the GoTriangle through the development of the transit plan. He responded that staff was receiving cooperation by the County partners, the MPO, GoTriangle of which was evident in the contract and stated the partners were receptive to incorporating these elements into the contract.

Mayor Schewel inquired how the transit system was working during the COVID-19 crisis and noted there were concerns about social distancing and the ability to pick up riders in an efficient way.

Director Egan stated that masks/face coverings had been implemented for all front-line staff in operations along with maximum capacity standards for GoDurham bus service-involving a maximum of 16 passengers per bus allowance. The maximum allowance feature prevented additional passengers from being picked up once met. Options were being evaluated to consider the allowance of a follow-on vehicle behind the bus to pickup riders who were not being served. Also, reevaluation of service routes reduction and likewise increases were being considered dependent on the demand for bus service.

Council Member Freeman asked about the decision made to once the bus reached 16 passengers, riders were being left at bus stops; asked if notice had been provided to riders; and suggested that staff could contact the NIS folks to forward this information to the EngageDurham communication channels.

Director Egan stated that the practice was a result of the need to prevent crowding and to ensure and maintain social distancing and to not exposing customers to additional risk. He said that social media was being utilized to publicize this fact and to be prepared.
SUBJECT: OTHER MATTERS: MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS (CITY CLERK PRIORITY ITEM)

Mayor Schewel summarized the virtual and informal meetings of boards, committees and commissions. He stated the EAB, Mayor's Hispanic/Latinx Committee, DPAC and other boards had the desire to meet and some had already met informally. Other boards with federal mandates such as HSAC had met. Issues were public comment, public access and participation at the board meetings. And, would groups use the same platform or platforms unique to the specific boards and did all board members have access to the meetings. It was also noted that staff did not have the capacity to get the boards up and running.

Council Member Freeman asked about the number of boards, committees and commissions and did they possess the technological capabilities to meet; and desired more data on the topic. There are 26 boards with some having federal mandates.

Mayor Schewel noted that there were many members who wanted to meet digitally; confirmed that it was known the number of boards/committees/commissions at the city and that some had met frequently while others, infrequently. It was not known the number of volunteers who had access or not to technology, but could be found out. Council Member Middleton addressed the groups that were determined to meet where the ones who were vested or pending in the upcoming budget process. He stated that he was comfortable with the language of ‘authorizing and encouraging’ rather than mandating the resumption of volunteer board meetings on whatever platform they could meet. He also stated that he did not want to trigger attendance requirements during this period.

Council Member Caballero addressed boards desiring to meet, such as the EAB Board that has issues that are more pressing so that maybe there could be guidelines set, to encourage Chairpersons to take internal polls of the members to determine how many members have access; and if it was determined that a certain number of members did not have access, they should not move forward. The meetings would be optional and that attendance requirements would be held against any members.

Mayor Pro Tempore Johnson focused on the facts that public meeting laws were followed and public access requirements were met while conducting these meetings. She stated that there needed to be a system devised where public access could be maintained. Zoom was a free platform whereby the details of the meeting’s access had to be published and that there was a maximum allowance of forty minutes on the free version of Zoom. To conduct a Zoom meeting safely, someone would need to have enough technical expertise to administer the meeting and to act as gate-keeper in order to prevent zoom bombing. There would be some amount of training to provide to boards or at least a representative of the boards, such as a technology chairperson. She noted the City Clerk’s Office published the details of Zoom Meetings for boards on the city calendar and was willing to ask the Clerk to continue this part of the recording process.
It was necessary to ensure that the boards needed to know that they had to follow public meeting laws and the public access requirements. She concurred that polling the members to ensure each member had access to digital devices was important. She also stated that she was concerned about board members (including Council members) who had young children at home and may have difficulties in attending virtual meetings from home. She did not want to burden folks who were juggling additional familial responsibilities during the COVID period. She’s cautiously in support with some trainings and caveats.

Mayor Schewel indicated that everyone had contributed some very important ideas and then offered some thoughts with special mention of ‘authorizing and encouraging’, ‘not requiring’, the internal poll about technological access and getting technology to members who lacked it; abiding by public meeting requirements; not having attendance requirements and having a technology expert to assist in getting the meetings to happen.

Mayor Schewel recommended that Mayor Pro Tempore Johnson and Council Member Caballero work together to develop guidelines for the boards in the next few days, by early next week (April 27-29); this information would be made available to the boards, committees and commissions. Once written up, Mayor Schewel asked that this information be shared with the administration, the City Attorney’s Office and the City Clerk’s Office to field additional concerns. These guidelines would then be shared with the volunteer members. He asked which type of platform should be recommended to the boards or use a platform the board’s internal technology person is most comfortable with.

City Manager Bonfield noted that TS had issued a city-wide directive for virtual meetings: Microsoft Teams and Zoom.

Council Member Reece added his voice to those who exhibited skepticism about certain boards being eager and ready to meet and more to the point, certain members of certain committees being ready to move forward with meeting without any kind of sense of how widespread the availability is for all members of all committees to engage in these processes. In the COVID world, some people are able to engage and others, not. He reflected that if he was on a board, raising children and working full-time, that some persons would be able to participate and presumably will with the issuance of guidelines, while others could not. This fact seemed problematic. He acknowledged that there were boards, committees and commissions that wanted to operate and wished to ask why that was really important right now. For groups like the Planning Commission and the Board of Adjustment, they have to meet and the technology would have to get figured out. But for other groups that were purely advisory, he hoped that there could be cautiousness, that although there were folks eager to meet, not everyone was in the same situation. He was concerned about leaving some folks out of the work of the important boards because of the situation folks have found themselves in. He appreciated Mayor Pro Tem and Council Member Caballero for stepping in to the process and hope to find an answer for everyone.
Mayor Schewel noted a couple of reasons for folks who wanted to meet. For example, the Mayor’s Hispanic/Latino Committee felt an important mission at this moment and want to communicate with Council of how the City had been communicating with the Latinx residents. He had also heard that this was a way for groups to connect and to do something meaningful at this time.

Council Member Freeman appreciated the comments of Council Members Caballero and Middleton about making the process more equitable and appreciated CM Reece’s points about how inequitable the process continues to be. The weights continued to fall on folks who had to split their time and it started to feel kind of intentional in a way seen repeatedly and was pushing back on the idea. She continued stating that there was a disease around busy-ness. She also noted that folks were losing family members and that it was not necessary to continue business as normal, we were not there yet and it was frustrating. She cited an example of buses passing folks by as they’re trying to get to work. She encouraged slowing down and re-grouping and re-prioritizing.

Council Member Middleton emphasized how he was proud of his colleagues and their remarks to be considered in the discussion. He noted that folks were trying to find as much normalcy as possible in an effort to control the situation. Normalcy was different across the spectrum depending on folks stations in life. And limited his advice to ‘authorization and encouragement’ but not mandating volunteer board meetings. He also added that for folks without access, he did not want them penalized and in turn, did not want to offer those with access, more credence.

Council Member Caballero acknowledged the variety of opinions on the topic; stated what made sense to her was to draft guidelines that encompassed all the views, get feedback from the entire Council, and if there was consensus around that they would be move forward. If not, then they would maintain what was being done right now, of folks not having boards and commission meetings.

Mayor Pro Tempore Johnson indicated that some boards were meeting and that Council needed to establish standards. Council Member Caballero stated that the standards could be included in the guidelines. If members ask about the Planning Commission’s meeting commencing, then there would have to be a rationale in the guidelines, so there was consistency throughout.

Mayor Pro Tempore Johnson mentioned that Participatory Budgeting Steering Committee had already set up remote options that have been used to meet; Durham Housing Authority had a remote call in option; and that a system could be devised for all and perhaps the remote option would enhance attendance. She offered additional inquiries to include in the guidelines: how to make certain the highest number of persons can participate, how can stipends make access easier and more equitable.

Mayor Schewel stated he was looking forward to the results of the Committee to advise Council on the topic.
Council Member Freeman asked how equity would be tracked in the guidelines in access to technology, etc. and asked for the notes from the virtual meetings that had taken place.

Considering the departure of the former Council Member Vernetta Alston in relation to her Mayoral appointed board memberships, Mayor Schewel requested that during the interim of replacing the council member, if there were pressing needs, he may assign current council members on an interim basis to attend meetings formerly assigned to Council Member Alston.

Council Member Reece, liaison to the MPO, recognized the loss of his former colleague on the MPO and Legislative Committee. He stated the MPO was planning on meeting sometime in the first half of May. The Mayor responded that he would speak with Council Member Reece.

Council has nominated the following individuals to various boards:

**Citizens Advisory Committee:** Dr. Monique Holsey-Human

**Durham Bicycle & Pedestrian Advisory Commission:**
- Jazmyn Joyner (representing Transportation Planning Policy)
- Shyla Napier (representing University Students/University Facilities)

**Durham City-County Appearance Commission:**
- Bronwyn Charlton and Brandt W. Smith

Council has nominated the following individuals to the Durham Performing Arts Center Oversight Committee:
- Nicole Oxendine (representing Arts & Culture)
- Chuck Catotti (representing Facility Management)

Council has nominated the following members for reappointment to the Durham Workers’ Rights Commission:
- Antonio D. Luster (representing Durham’s Largest Workplace)
- Charles R. Gooch (representing Low Wage Industry)
- Stephanie N. Smith (representing Low Wage Industry)
- Austin Amandolia (representing Diverse Backgrounds)
- Dominic Castro-Wehr (representing Diverse Backgrounds)
Bianca Olivares (representing Diverse Backgrounds)
Brian Powell (representing Diverse Backgrounds)

Participatory Budgeting Steering Committee:
Cesar Anguiano Ortiz (representing Ward 2)
Sean P. Almonte (representing Ward 3)

Recreation Advisory Commission:
Cedric Burke

SETTLING THE AGENDA – CITY COUNCIL MEETING ON MAY 4, 2020

City Manager Bonfield announced the items for the May 4, 2020 City Council Agenda: Consent Agenda Items #1 through 4, 6 through 13 and 17 through 20.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to settle the City Manager’s agenda for the May 4, 2020 City Council Meeting as stated by City Manager Bonfield was approved at 2:29 p.m. Motion passed unanimously.

Being no further business to come before Council, the meeting was adjourned at 2:30 p.m.

Diana Schreiber
City Clerk