

DURHAM CITY COUNCIL WORK SESSION
Thursday, June 10, 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, City Attorney Kim Rehberg and City Clerk Diana Schreiber.

[CALL TO ORDER]

Mayor Pro Tempore Johnson called the virtual meeting to order at 1:01 p.m.

Mayor Schewel welcomed everyone in attendance and asked if Council had any announcements.

Council Member Freeman updated Council on HB324 letter or resolution regarding Critical Race Theory; and spoke to her work with Devon Lewis in crafting the resolution. The resolution will be shared as soon possible.

Council Member Freelon appeared at the meeting at 1:06 p.m.

Mayor Pro Tempore Johnson introduced for her colleagues' consideration, the American Jobs Plan Resolution by the President Biden's Administration to invest \$2 trillion in the next eight years in American jobs and infrastructure. She asked for the item to be added to the agenda for the Monday, June 21, 2021 meeting. She also complimented the home healthcare workers with Fight for 15 who spoke out at a Town Hall at the State Capitol.

It was the consensus of Council to add the American Jobs Plan Resolution item to the June 21, 2021 agenda.

Mayor Schewel deferred to Council Member Freelon about communications between himself and the City Clerk regarding the Citizen's Advisory Committee. Pertaining to a recount, two additional applicants were eligible for nomination to the Committee: Shaneka M Bynum and Donald A Hughes. One vacancy would therefore be advertised.

MOTION by Council Member Freeman, seconded by Council Member Freelon, to suspend the rules in order to vote at 1:12 p.m. was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council

Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.
Absent: None.

MOTION by Council Member Freelon, seconded by Mayor Pro Tempore Johnson, to affirm the appointments of Shaneka M Bynum and Donald A Hughes to the Citizen’s Advisory Committee at 1:12 p.m. was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.
Absent: None.

Council Member Caballero announced that her Administrative Specialist, Rachel Ruterbories, was returning from leave. Due to the upcoming staggered scheduling of City Clerk staff, Council Member Caballero encouraged Council to reach out to their Admins to discuss coordinating in-person, one/one meetings.

Mayor Schewel requested that Council discuss the status of the Council-appointed boards returning to in-person meetings under Other Matters at the end of today’s meeting. Mayor Pro Tempore Johnson had requested the Clerk survey the board members for their feedback; the survey was out and collecting feedback.

SUBJECT: PRIORITY ITEMS OF THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK

City Manager Page announced her Priority Items:

- Item 10) Recovery & Renewal Taskforce (RRTF) Funding Request for Convention Center Complex. Attachment 5 added.
- Item 11) Recovery & Renewal Taskforce (RRTF) Funding Request for Rediscover Durham Proposal. Attachment 5 added.
- Item 12) Commerce Street Apartments Residential Development – Revised and Restated Development Loan Commitment Durham Housing Authority (DHA) Downtown Neighborhood Plan. Attachment 1 updated.
- Item 13) Conditional Binding Commitment to Development Ventures, Inc. for the Commerce Street Seniors Development. Attachment 1 updated.
- Item 17) Development Loan to Elizabeth Street Apartments, LLC. Attachment 3 updated.
- Item 25) Resolution Approving the Sale of Not to Exceed \$263,000,000 Water and Sewer Utility System Revenue Refunding Bonds, Series 2021. Attachment 2 updated.
- Item 40) Comprehensive Plan Community Goals and Objectives Adoption. Presentation item.
- Item 46) Economic Development Incentive Agreement with CARSGen Therapeutics, Ltd. Attachment 1 updated.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson to accept the City Manager's Priority Items was approved at 1:17 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.

Senior Assistant Attorney Fred Lamar stated the City Attorney's Office had no priority items. City Clerk Schreiber stated the City Clerk's Office had no priority items, as well.

SUBJECT: CONSENT AGENDA

Mayor Schewel read the items as printed on the agenda; the following items were pulled for additional information:

- Item 8) American Rescue Plan Act (RPA) of 2021 Grant Project Ordinance.
- Item 12) Commerce Street Apartments Residential Development – Revised and Restated Development Loan Commitment DHA Downtown Neighborhood Plan.
- Item 17) Development Loan to Elizabeth Street Apartments, LLC.
- Item 19) Loan Agreement with Morreene Road, LLC for Replacement of Sanitary Lines at Morreene Road Apartments.
- Item 30) Professional Engineering Design Services Contract Amendment with Kimley-Horn & Associates, Inc. for the Third Fork Creek Phase 2 Trail Project. (EB-5837).
- Item 31. Housing Code Text Amendment Due to NCGS Chapter 160D.
- Item 32) Unsafe Building Code Text Amendment Due to NCGS Chapter 160D.

Presentation items are Items 39 and 40.

SUBJECT: GWENDOLYN BOOKMAN (ITEM 47/ PR 14750)

To receive comments from Gwendolyn Bookman regarding historic Fayetteville Street Corridor neighborhood cleanup of drugs, loitering and indecent behavior.

Ms. Bookman spoke to her family's background along the Fayetteville Street Corridor; asked that the historic corridor becomes a priority to Council in their budget process; and urged Council to refer to the Fayetteville Neighborhood Master Plan recommendations.

SUBJECT: ERICA SHIRTS (ITEM 48/ PR 14751)

To receive comments from Erica Shirts regarding 911 Emergency Response staff shortages.

Ms. Shirts provided a story of professionalism and excellent care by the 911 Call Center and EMS Team related to her husband's cardiac arrest.

Mayor Schewel expressed Council's commitment to ensure staffing at the 911 Call Center.

Deputy City Manager explained the source of the shortage related to a cancelled Academy in 2020 due to the pandemic, a higher than typical level of departures and temporary staffing shortages due to quarantine. However, currently, vacancies were being filled and progress was being made.

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) OF 2021 GRANT PROJECT ORDINANCE (ITEM 8/ PR 14702)

Donald Hughes advocated that Council use some of the ARPA funds to expand the summer YouthWorks Program for youth of color.

SUBJECT: COMMERCE STREET APARTMENTS RESIDENTIAL DEVELOPMENT – REVISED AND RESTATED DEVELOPMENT LOAN COMMITMENT DHA DOWNTOWN NEIGHBORHOOD PLAN. (ITEM 12/ PR 14719)

Council Member Reece inquired about the withdrawal of the 9% low income housing tax credit program with Director Reginald Johnson of the Department of Community Development; and asked if there was another project that could utilize the 9% tax credits.

Director Johnson responded affirmatively and noted there was a backup development plan called Ashton Place, adjacent to the Willard Street Apartments/Phase 2 consisting of 51 units.

SUBJECT: DEVELOPMENT LOAN TO ELIZABETH STREET APARTMENTS, LLC. (ITEM 17/ PR 14718)

Council Member Freeman requested an update on the RAD Conversion and spoke to the increase in rental costs by noting that rental housing was not able to be found using vouchers; and emphasized that 3-4 bedroom rentals were very difficult to find.

Anthony Snell, DHA Director of Development, responded to questions about RAD; noted the larger units' preservation was a development strategy and sought to expand the number of affordable units. He responded to tracking of relocated individuals and development strategies.

Mr. Snell committed to providing more information as follow-up.

SUBJECT: LOAN AGREEMENT WITH MORRENE ROAD, LLC FOR REPLACEMENT OF SANITARY LINES AT MORRENE ROAD APARTMENTS. (ITEM 19/ PR 14717)

Council Member Caballero expressed concern about the sewer line piping and infrastructure connecting Morreene Apartments and adding washers to the apartments would increase usage; and urged DHA to do due diligence on the front end as units were constructed.

Anthony Snell responded that a physical needs assessment was performed at each property, with 20 year estimate; and referenced the Morreene Road Apartments, and other older apartments, required plumbing and sewer line replacements hence requiring city support.

**SUBJECT: PROFESSIONAL ENGINEERING DESIGN SERVICES
CONTRACT AMENDMENT WITH KIMLEY-HORN &
ASSOCIATES, INC. FOR THE THIRD FORK CREEK PHASE 2
TRAIL PROJECT. (EB-5837). (ITEM 30/ PR 14733)**

Mayor Schewel was pleased there were two trail projects moving ahead; and favored the link between the American Tobacco Trail and the Third Ford Creek Trail. He asked who owned the land around the trails

Jessica Kemp, General Services Department, explained land acquisition and trail alignments connecting Fayetteville to the American Tobacco Trail; the project was at 35% design; DHA owned a small piece of property on the east side of Weaver Street but remained undeveloped due to flood plains, encompassed a large area and easements would suffice on the majority of parcels. Any land purchases would return to Council for approval.

**SUBJECT: HOUSING CODE TEXT AMENDMENT DUE TO NCGS CHAPTER
160D. (ITEM 31/ PR 14710); UNSAFE BUILDING CODE TEXT
AMENDMENT DUE TO NCGS CHAPTER 160D. (ITEM 32/ PR
14711)**

Faith Gardner, Assistant Director with Neighborhood Improvement Services, responded to Council's questions.

Mayor Schewel asked about substantive changes related to unsafe buildings' policies and practices.

Assistant Director Gardener addressed the upcoming review and assessment of codes in the coming fiscal year to look at substantive changes and modifications. These two ordinance requests were to align the city with state statute.

[PRESENTATIONS]

SUBJECT: COMMUNITY SERVICES DIVISION (ITEM 39/ PR 14753)

Deputy Chief, slated to become the Interim Police Chief, Shari F Montgomery provided the staff report.

City Manager Page welcomed soon to be Interim Police Chief Montgomery.

The presentation consisted of the following:

Title: Community Services Outreach 2021

Second Virtual Citizens Police Academy (re-branded as new Community Police Academy)

Police Athletic League activities

McDougald Terrace Mentoring Program

ICNA Muslim Foundation & Outreach to enhance relationship with DPD

Explorer's Presentation to elected officials and local leaders

Wellons Village Pop-Up event

Crisis Intervention Team and Homeless Outreach efforts

Community Services Monthly Newsletter update

Community Clean-Up Events

'Sleep in Heavenly Peace' Bed Builds

Habitat for Humanity Hot Cocoa Social

Community Engagement Officers Support DHA Easter Egg Hunt Events

Zumba Event, 'Celebremos La Llegada de la Primavera Bailando Zumba' event

Council Member Middleton inquired about the number of PAL youth in the McDougald Terrace Mentoring/Venturing program, a program that eventually funneled into the Explorer Program. He asked how many officers had CIT Training and for details on the Community Engagement Unit.

Deputy Chief Montgomery estimated that over half of officers had CIT Certifications; and addressed expansion of the Community Engagement Unit expansion in the Cornwallis Road area and Oxford Manor as well as in McDougald Terrace.

Deputy Chief Montgomery was expected to assume the role of Interim Chief as of June 11, 2021.

**SUBJECT: COMPREHENSIVE PLAN COMMUNITY GOALS ANAD
OBJECTIVES ADOPTION (ITEM 40/ PR 14739)**

Carl Kolosna and Lisa Miller, Planning, presented the staff report and PowerPoint.

Title: Durham Comprehensive Plan Community Goals and Objectives

Overview: Project Engagement, Background, Revised goals/objectives, how to use them and the adoption process/schedule.

Equitable Engagement Blueprint Focus

Listening & Learning Timeline
Results from Resident Feedback
Writing the Draft Community Goals & Objectives
Top ten Topics – included in the draft goals
Who was engaged and what was shared
Revisions itemized – goals and objectives
Upcoming Work on Land Use and Policy Development

Mayor Schewel spoke to the upcoming Joint Meeting of City and Durham County elected officials.

Council complimented the Planning staff for their excellent report.

Council Member Freelon requested to speak about We Are the Ones at the end of the meeting; and praised staff about the work done on the Comprehensive Plan.

Council Member Reece appreciated the re-affirmation of equity as a central component and animating value of the Comprehensive Plan with its shifting resources; favored the accountability to the people, living the values and listening to residents; and emphasized the Plan belonged to Durham residents.

Mayor Pro Tempore Johnson spoke to incorporating community input into the planning process in Durham and was impressed by the amount of engagement and looked forward to the governance of the future.

Council Member Caballero appreciated the presentation with special mention of the Spanish documents in the packet; explained that the Plan represented a visionary blueprint of Durham; and looked forward to communicating with the public about moving plans forward.

Council Member Middleton complimented staff and expressed appreciation for the document.

[OTHER MATTERS]

SUBJECT: COUNCIL APPOINTED BOARDS MEETING STATUS

Mayor Schewel inquired about Council Members' feedback about in person meetings for boards, committees, commissions and taskforces.

Council Member Caballero requested that in-person meeting arrangements be worked out for Council first prior to re-instituting in-person meetings for the volunteer boards; and noted the virtual process had been good for the groups.

Mayor Schewel noted there was a technology lift for staff to conduct hybrid meetings.

Council Member Reece spoke to the MPO August meeting in its virtual format; however, he stated there was a desire to move back to in-person meetings.

City Manager Page stated that regular and work sessions' hybrid meetings would be held in the Chamber, not the Committee Room. Staff was working on plans to reintegrate the public meeting rooms in city facilities. Staff was scheduled to have the Council Chamber ready for the July 22 Work Session.

Mayor Schewel urged letting boards, committees and commissions know that it would be at least late August to early September before they would return to in-person meetings.

Council Member Reece addressed the staggered staffing of the City Clerk's Office staff.

Mayor Schewel urged coordination with the Administrative Specialists in the Council Office/City Clerks' Office.

SUBJECT: DEFUND SIGN PAINTED ON MAIN STREET

Mayor Schewel spoke to his discussions with Council Members Freelon and Middleton and staff. He suggested the following course of action: urged Council to make a decision to ask the administration to take up the defund sign within a month after June 25th; and ask the Public Art Committee to commission a public mural commemorating George Floyd.

It was the consensus of Council to follow the Mayor's course of action.

SUBJECT: RESOLUTION IN FAVOR OF CRITICAL RACE THEORY

Mayor Schewel addressed legislation at the state level that intended to prohibit the teaching of race in the public schools. Council Member Freeman was interested in passing a resolution supporting the DPS Board in opposing the legislation. He supported the item being placed on the Consent Agenda.

Council Member Freeman spoke to HB324 and was open to supporting DPS resolution; and read the resolution into the record.

Mayor Schewel supported his colleague in wordsmithing the resolution.

Council Member Middleton spoke to the option of attaching a Statement of Affirmation and Association to the DPS Board Resolution.

Council Member Freeman supported Council Member Middleton's recommendation.

It was the consensus of Council to compile a statement of affirmation and association in support of the Durham Public School Board's Resolution.

Mayor Pro Tempore Johnson began presiding over the meeting.

SUBJECT: COUNCIL SALARY

Mayor Pro Tempore Johnson addressed Council's plan to change the original direction to staff to increase Council's salaries in January of 2024 and move that up in January of 2022 with an impact on this fiscal year's budget. There was no consensus on the topic and asked to hear from the entire Council.

It was asked if the increases could be staggered, dependent upon a determination by the City Attorney's Office that to do so was legal.

The transparency issue was a concern so close to budget adoption along with balancing the equity concern of Council Members earning a livable wage.

Interim Budget and Management Director John Allore addressed considering the increase in salary as an 'appropriation not authorized', putting funding away in the budget as a contingency for ideas not completely flushed out and allowing a funding decision to be made later.

It was summarized that staff could set aside funds necessary to raise Council's salaries to a living wage beginning January 1, 2022 for all seven members and that Council would vote on the increase in approximately late November, however, in the meantime, Council would engage the community on the issue.

Options were:

1. Do nothing
2. Raise salaries immediately
3. Raise salaries for half of Council immediately (staggering)
4. Raise salaries for all of Council in 2024.

Interim Budget Director Allore reiterated that staff would put an amount in place to accommodate any decision Council may make.

SUBJECT: WE ARE THE ONES FUNDING UPDATE

Interim Director Allore noted there had been a city decision to wait on funding the project dependent upon how the County had decided to fund the project. The

FY22 budget contained \$60,000 for the We Are the Ones organization for their ambassador program.

Council Member Freelon referenced the Budget Healing event and spoke to calls for more resources going into violence prevention, youth programming and wrap-around services. He explained that the organization had raised \$250,000 itself and had asked for \$250,000 from the County and City sources. However, the County had not allocated the funding.

Council Member Freelon asked that \$250,000 be sourced to We Are the Ones from the City's budget.

Council inquired if it was possible to source funding from the American Rescue Funds.

Director of Budget and Management Services/Interim Deputy City Manager Bertha Johnson responded that there had been a combination of concerns about the We Are the Ones proposal in that it lacked metrics/outcomes aside from the fact that the County had not committed funding. She continued by stating the ARF could be a source of funding. There was a city webpage that registered funding proposals from community groups. Staff suggested that Council wait until all funding proposals were received (aside from the premium pay for staff) prior to making ARF spending decisions.

Budget Analyst Lindsey Bineau explained that concerns related to timeline. She stated that staff recommended funding of the ambassadors first – this was primarily due to the information gathering stage, of which future projects would be predicated on, and dependent on what the ambassadors found as community needs. Funding specific components was one of the most developed parts of the proposal.

Mayor Schewel had concerns about funding the program with ARFs; he looked forward to many excellent grant proposals. He voiced hesitancy about the We Are the Ones proposal. He favored the mini-grants but not the community center portion of the proposal.

City Manager Page noted that the original proposal was built around \$750,000 split three ways between the City, County and the organization itself and addressed that it would be necessary to re-scope the proposal based on a different resource level.

It was clarified that staff had recommended that \$62,400 be approved to fund the ambassadors.

Council Member Freelon acknowledged that staff had recommended funding \$62,400 for the ambassadors; and that he was requesting an allocation of ARFs

of \$190,000 to meet the city portion of \$250,000 (of the original total request of \$750,000) to pay for micro-grants, ambassadors and mutual aid centers.

Council discussed the option of an emergency appropriation, earmarking the resources for potentialities, and being close to residents who were most impacted, and overall it was crucial to address gun violence; spoke to the four prongs of the request (ambassadors, mutual aid center, mini-grants, emergency relief) and noted the timing was off.

Interim Budget Director Allore stated it was possible to appropriate but not authorize \$187,600.

City Manager Page addressed earmarking funds in this year's budget, the funding itself is unauthorized until it was authorized with a contract and with clarity on the scope of work. As of July 1, the funds were in the budget. She asked for clarity on how much Council wanted to authorize to the non-profit organization.

Mayor Pro Tempore Johnson supported the program but was not certain how providing 2/3 of the funds would impact the scope of work; and did not support earmarking the funds without further review.

Mayor Schewel supported getting the funds on the street to persons doing the work at the grassroots level this summer, then the mini-grants made sense; there was not enough information around the community center and pandemic times had changed; and proposed supporting \$100,000 allocation for mini-grants plus \$62,400 for ambassadors.

Council Member Middleton preferred the \$250,000 amount.

MOTION by Council Member Freelon, to support We are the Ones with an additional \$187,600 to fund mini-grants, seconded by Council Member Freeman at 4:55 p.m. by the following votes: Ayes: Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: Mayor Schewel. Absent: None.

City Manager Page requested amount, scope and source; and clarified that the funding would be city-sourced, such as with one-time Fund Balance.

City Clerk Schreiber announced Council's nominations for boards, committees, commissions and taskforces:

Matthew C Ruterbories to the Audit Services Oversight Committee – Appointment;

Katie Barnhill-Dilling to fill the seat representing Solid Waste on the Durham City–County Environmental Affairs Board and Wafa H Khalil representing Water Resources on the same Board;
Angela D Vicklewis to the Durham Homeless Services Advisory Committee – Appointment representing Formerly Homeless Person;
Mirlesna Azor, Lisa Pratt and Valerie J Thelen to the Durham Workers’ Rights Commission- Appointments representing Diverse Backgrounds; and the vacancy representing Low Wage Industry was requested to be re-advertised;
Miriam Valle to the Mayor’s Hispanic/Latino Committee – Appointment;
Kevin Griffin, Leslie Elaine Madison, Mark Atkinson were nominated to the Workforce Development Board- Appointments.

SETTLING THE AGENDA FOR THE JUNE 21, 2021 CITY COUNCIL MEETING

City Manager Page announced that Consent Agenda Items were 1 through 38; General Business Agenda – Public Hearing Items were 40 through 46.

MOTION by Council Member Reece, seconded by Council Member Caballero, to settle the City Manager’s agenda was passed at 4:58 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.

Mayor Schewel asked for confirmation that the budget was completely attended to with the City Manager.

City Manager Page responded that the budget process was complete.

Being no additional items to come before Council, Mayor Schewel adjourned the meeting at 4:59 p.m.

Diana Schreiber, NCCMC, CMC
City Clerk