

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 17, 2019  
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time in the Council Chambers 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, City Attorney Kimberly Rehberg, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

Mayor Schewel called the meeting to order, welcomed everyone in attendance. He mentioned that former City Council Member Jack Price had passed away recently and that his family held a memorial for him. Mayor Schewel asked for a moment of silence.

Council Member Reece led the Pledge of Allegiance to the Flag.

**[CEREMONIAL ITEMS]**

Council Member Freeman read into the record the Neighbor Spotlight Award and presented it to Aidil Ortiz of Old East Durham.

Eddie Davis, City of Durham Public Historian began the History Moment of Early Pride Activities. Sherri Zann Rosenthal, Garry Lipscomb, Mandy Carter, and former Mayor Wib Gulley recounted their experiences associated with the 1986 Pride March in Durham.

**[ANNOUNCEMENTS BY COUNCIL]**

Council Member Freeman informed Council about a comic book pertaining to persons with disabilities and how they use their weaknesses as strength. She distributed copies to each of her colleagues.

Mayor Schewel announced that the Council voted unanimously to appoint Kimberly Rehberg as the City Attorney in a previous closed session and would subsequently vote on the appointment.

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to appoint Kimberly Rehberg as the City Attorney for an annual salary of \$195,000.00 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

City Clerk Schreiber administered the Oath of Office to City Attorney Rehberg.

**[PRIORITY ITEMS OF THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]**

City Manager Bonfield stated that Item 9, Resolution Against White Supremacy, Anti-Semitism, And Islamophobia had an updated title change; and that Item 11, Approval of Dedicated Housing Funds to Volunteers of America of the Carolinas (VoAC) to Provide Services for Homelessness Coordinated Entry with Diversion had an additional attachment included.

**MOTION** by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to accept the City Manager’s priority items, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

City Attorney Rehberg and City Clerk Schreiber had no priority items.

**[CONSENT AGENDA]**

Mayor Schewel read the Consent Agenda into the record; explained the Consent Agenda was passed with one motion and asked if there were any items that needed to be pulled from the Consent Agenda. If so, the items would be removed from the Consent Agenda and discussed later at the meeting. The following items were pulled for further discussion or remarks: Items #9, 13, 20 and 23.

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to approve the Consent Agenda as amended at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #13306)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to approve the City Council Minutes for May 6, 2019 and May 9, 2019 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: DURHAM CONVENTION CENTER AUTHORITY – APPOINTMENT (ITEM 2/ PR #13257)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to appoint Roberta A. Madalena to the Durham Convention Center Authority with the term to expire on July 31, 2022 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: RECREATION ADVISORY COMMISSION – APPOINTMENTS  
(ITEM 3/ PR #13259)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to appoint Eric M. Tullis and to reappoint Frank White to the Recreation Advisory Commission with the terms to expire on August 8, 2022 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION – APPOINTMENTS  
(ITEM 4/ PR #13267)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to appoint the following members to the Human Relations Commission representing the following categories: Joy Spencer (Black/African American Female); Lana Dennis (Other Racial Group Female); and to reappoint Mikel Barton (White/European Male; Thomas W. Cadwallader (White/European Male); Pierce Freelon (Black/African American Male); and Alexandra C. Valladares (Hispanic/Latino Female) with terms to expire on June 30, 2022 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: WORKFORCE DEVELOPMENT BOARD – APPOINTMENTS  
(ITEM 5/ PR #13273)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to appoint the following members to the Workforce Development Board representing the following categories: Jeffrey L. Frederick representing Private Sector (term expires on June 30, 2023); Kenneth Angeli representing State Employment Service Designated Seat (term expires on June 30, 2022); Julia A. Pack (term expires on June 30, 2023); and

To reappoint Ari S. Medoff and Ernest C. Mills, Sr. representing Private Sector (terms expire on June 30, 2022) and Quillie Coath, Jr. representing Out-Of-School Youth Organization (term expires on June 30, 2022) was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD –  
APPOINTMENTS (ITEM 6/ PR #13275)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to appoint Jasmine Stammes (representing Equity and Environmental Justice) and Quynch-Chi Vo (representing At-Large) to the Durham City-County Environmental Affairs Board with the terms to expire on June 30, 2022 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: MAYOR'S NOMINEE FOR REAPPOINTMENT - RECREATION ADVISORY COMMISSION (ITEM 7/ PR #13277)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to reappoint Rebecca Reyes as a Mayor's Appointee to the Recreation Advisory Commission with the term to expire on August 8, 2022 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: MAYOR'S NOMINEE FOR REAPPOINTMENT - DURHAM CONVENTION CENTER AUTHORITY (ITEM 8/ PR #13278)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to reappoint Lewis Myers as a Mayor's Appointee to the Durham Convention Center Authority with the term to expire on July 31, 2022 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: WORKFORCE HOMESTEAD, INC. - PROJECT LOAN COMMITMENT MODIFICATION AND AMENDMENT VERMILION TOWNHOMES - 1311 COOK ROAD (ITEM 10/ PR #13289)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a letter of financial commitment to Workforce Homestead, Inc. to make an additional investment of up to \$725,131.00 in Vermilion Townhomes out of Dedicated Housing Funds was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: APPROVAL OF DEDICATED HOUSING FUNDS TO VOLUNTEERS OF AMERICA OF THE CAROLINAS (VOAC) TO PROVIDE SERVICES FOR HOMELESSNESS COORDINATED ENTRY WITH DIVERSION (ITEM 11/ PR #13268)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Volunteers of America of the Carolinas (VOAC) to provide services for Homelessness Coordinated Entry with Diversion in the amount of \$706,000.00 in Dedicated Housing Funds; and

To allow the City Manager to make modifications to the contract scope without returning to City Council so long as the modifications serve the primary functions of the project was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: FOURTH AMENDMENT TO DURHAM COMMUNITY LAND TRUSTEES' FORGIVABLE CONSTRUCTION/PERMANENT LOAN AGREEMENT (ITEM 12/ PR #13294)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute the Fourth Amendment to the Forgivable Construction/Permanent Loan Agreement between Durham Community Land Trustees, Inc. (DCLT) and the City of Durham to transition the funding for the Homeowner Repair Project to City funds instead of HOME Funds and to ensure that the resale provisions of the Contract reflect the community land trust model was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: EMERGENCY ACTION PLAN FOR CRITICAL INFRASTRUCTURE - AMENDMENT NO. 2 TO PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH K.F. CARTER ENGINEERING COMPANY, PLLC (ITEM 14/ PR #13264)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a contract amendment with K.F. Carter Engineering Company, PLLC for engineering services for the Emergency Action Plan in the total amount not to exceed \$430,356.00;

To increase the contingency fund for the contract by \$41,644.00; and

To authorize the City Manager to negotiate amendments to the contract provided that the total contract cost does not exceed \$1,161,000.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: TEMPORARY OFFICES AT THE PUBLIC WORKS OPERATIONS CENTER FOR WATER & SEWER MAINTENANCE DIVISION - SERVICE CONTRACT AMENDMENT (ITEM 15/ PR #13282)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a contract amendment with Williams Scotsman, Inc. for temporary office trailers in an amount not to exceed \$158,400.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: RESOLUTION AUTHORIZING DURHAM TO ENTER INTO THE NORTH CAROLINA WATER AND WASTEWATER AGENCY RESPONSE NETWORK MUTUAL AID AGREEMENT (ITEM 16/ PR #13293)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to adopt a resolution authorizing Durham to enter into the North Carolina Water and Wastewater Agency Response Network Mutual Aid Agreement was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10144**

**SUBJECT: ORDINANCE AMENDING THE CITY OF DURHAM CODE OF ORDINANCES, CHAPTER 70, ARTICLE I, SECTIONS 70-17 RELATED TO FRONTAGE CHARGES (ITEM 17/ PR #13234)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to adopt ordinance amending the City of Durham Code of Ordinances, Chapter 70, Article I, Sections 70-17 with an effective date of July 1, 2018, was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCES #15483 & 15484**

**SUBJECT: CONTRACT FOR CONSTRUCTION MANAGER AT RISK (CMAR): PRECONSTRUCTION SERVICES AND LIMITED CONSTRUCTION OF A SALT BRINE BUILDING WITH BALFOUR BEATTY CONSTRUCTION, LLC FOR THE PUBLIC WORKS OPERATIONS CENTER RENOVATION PROJECT (ITEM 18/ PR #13292)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to adopt the resolution finding that the use of construction manager at risk services is in the best interest of the Public Works Operations Center Renovation Project pursuant to G.S. 143-128.1(e);

To adopt a resolution approving the prequalification process for the Public Works Operations Center Project pursuant to G.S. 143-128.1(c);

To authorize the City Manager to negotiate and execute a CMAR contract with Balfour Beatty Construction, LLC. for pre-construction services for the salt brine building at the Public Works Operations Center in an amount not to exceed \$10,000.00; and

To authorize the City Manager to negotiate and execute an Exhibit A- Guaranteed Maximum Price (GMP) Amendment to the CMAR contract with Balfour Beatty Construction, LLC. for construction services to construct a Salt Brine Building at the Public Works Operations Center in an amount not to exceed \$500,000.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and

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

**RESOLUTIONS #10145 & 10146**

**SUBJECT: PUBLIC ART CONTRACT FOR BLACK WALL STREET GARDENS WITH ARTISTS STEPHEN HAYES AND DAVID WILSON (ITEM 19/ PR #13302)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a contract for Public Art in an amount not to exceed \$50,000.00 for the Black Wall Street Gardens was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH ECKERD YOUTH ALTERNATIVES, INC. D/B/A ECKERD CONNECTS TO PROVIDE WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT/DISLOCATED WORKER SERVICES (ITEM 21/ PR #13270)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Eckerd Youth Alternatives, Inc. to provide Adult/Dislocated Worker services for Program Year (PY) 2019 (July 1, 2019 through June 30, 2020) for a total contract amount not to exceed \$660,000.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH NORTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF WORKFORCE SOLUTIONS (DWS) TO PROVIDE NCWORKS ONE STOP CAREER CENTER OPERATOR SERVICES FROM JULY 1, 2019 – JUNE 30, 2020 (ITEM 22/ PR #13290)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a no cost contract with the North Carolina Department of Commerce, Division of Workforce Solutions to provide NCWorks One Stop Career Center Operator services for Program Year (PY) 2019 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR THE PROVISION OF POLICE PSYCHOLOGICAL SERVICES TO THE CITY OF DURHAM POLICE DEPARTMENT (ITEM 24/ PR #13272)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to execute a three-year contract in the total amount of



\$109,725.00 with Law Enforcement Service Group, PLLC, d/b/a The FMRT Group for Post-Hire Psychological Services for Police Employees was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: UTILITY EXTENSION AGREEMENT WITH CORNING INCORPORATED AND THE COUNTY OF DURHAM TO SERVE CORNING PHASE 2 (ITEM 25/ PR #13300)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to authorize the City Manager to enter into a utility extension agreement with Corning Incorporated and the County of Durham to extend water and sanitary sewer to Corning Phase 2 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: MAYOR'S COUNCIL FOR WOMEN ANNUAL REPORT (ITEM 35/ PR #13310)**

**MOTION** by Council Member Freeman, seconded by Council Member Middleton, to receive the Mayor's Council for Women Annual Report was approved at 7:40 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: FISCAL YEAR 2019-20 BUDGET AND 2020-25 CAPITAL IMPROVEMENT PLAN (CIP) (ITEM 34/ PR #13291)**

Bertha Johnson, Director of Budget and Management services introduced the item.

Mayor Schewel stated there was a speaker to the item.

Jackie Wagstaff, Durham resident, stated that she did not approve of the current budget and would express this during the upcoming election.

Pastor Rachel Green of Durham, spoke to the increase of crime in the City and suggested that the City Council have a joint meeting with the County Commissioners and community leaders to make decisions regarding how to address the increase in crime.

Victoria Petersen, Durham resident, spoke to the lack of additional police officers included in the budget. She stated that additional police were needed in the African-American community to address the crime that often included gun violence.



Gloria Washington, Durham resident, advised Council that she was the mother of a murdered child and supported the Police Chief's budget request for additional police officers to address violent crime.

Reverend Jerome Washington of 3 Shoreline Cove, stated that he was deeply concerned about the total rejection of the Police Department's budget. He asked Council to reconsider the request and vote to approve at least nine police officers. He cautioned that over-policing was not to be confused with police abuse or police presence.

Being no additional speakers to the item, Mayor Schewel asked for Council comment.

**MOTION** by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to approve the budget.

Prior to approval, Council Member Freeman asked for verification that the two latent print examiners were in the budget.

Ms. Johnson advised that the two latent print examiners were in the budget, the additional 18 sworn officers were not.

Council Member Reece made remarks, thanked the community for their civic participation, stated that the community's values were reflected in the budget and thanked his colleagues for their work on the budget process.

Mayor Pro Tempore Johnson thanked the budget staff and Budget Director for their work on developing the budget and working on it throughout the year. She also highlighted several aspects of the budget for residents.

Council Member Freeman advised that she was concerned with the way Council was headed with the budget. She stated that Council Members that were not up for re-election in 2019 had a heavier burden to pay attention to the budget and offered a friendly amendment to reconsider additional police officers to be included in the budget.

Mayor Schewel asked Council Member Reece if he wanted to accept the friendly amendment since he had the substantive motion on the floor.

Council Member Reece advised that he did not want to accept the friendly amendment.

Council Member Freeman stated that she was sad and very mindful that if the Council did not do anything more children could be killed and she did not want that. She stated that there was such a thing as over-correction and it could not be undone.

Council Member Alston appreciated the comments of her colleagues and spoke to the positive additions to the Police Department's budget such as, two latent print examiners and pre-psychological testing for officers. She also stated that addressing the livable wage for part-time city workers was an immediate need.

Council Member Middleton commended the City Manager, Budget and Management Director, and Budget staff for their work on the budget and expressed concern for not including the Police Department’s request for additional officers. He stated that over-policing had nothing to do with the actual number of officers and that he would not be voting in support of the budget because of this.

Council Member Caballero stated that budgets were moral documents and although the Police Chief made a compelling argument for additional police officers, she felt a duty to provide a living wage to city employees regardless of whether they were full or part-time. She stated that the budget was the best budget that could be passed within the context of all the needs and responsibilities the community faced.

Mayor Schewel thanked the City Manager for providing a budget that was reflective of what he heard from Council and the community regarding specific issues and thanked Budget Director Bertha Johnson and her staff for their work. The Mayor highlighted several aspects of the budget for residents and stated that of the entire half-million dollar budget, Council was only in disagreement of \$1 million.

**MOTION** by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt the Fiscal Year 2019-20 Budget and 2020-25 Capital Improvement Plan (CIP) Ordinances, Other Related Ordinances and Resolution were approved at 8:39 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: Council Member Middleton. Absent: None.

**Fiscal Year 2019-20 City of Durham Budget Matters:**

A. To adopt the City of Durham Budget Ordinance for Fiscal Year 2019-20.

**ORDINANCE 15485**

B. To adopt the resolution establishing Financial Plans for Internal Service Funds for Fiscal Year 2019-20.

**RESOLUTION #10147**

C. Capital Project Ordinances

1. To adopt the City of Durham General Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15486**

2. To adopt the City of Durham Water and Wastewater Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15487**

3. To adopt the City of Durham Stormwater Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15488**

4. To adopt the City of Durham Solid Waste Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15489**

5. To adopt the City of Durham Parking Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15490**

6. To adopt the City of Durham Transit Fund Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15491**

7. To adopt the City of Durham Performing Arts Center Capital Improvements Project Ordinance Fiscal Year 2019-20.

**ORDINANCE 15492**

**D. Fees**

1. To adopt an Ordinance to Revise Chapter 6 of the City-County Planning Department Fee Schedule for planning fees and development services products.

**ORDINANCE 15493**

2. To adopt an Ordinance to Revise Section 1 of the Fire Department Fee Schedule for permits, inspections, and reviews.

**ORDINANCE 15494**

3. To adopt an Ordinance to Revise Chapter 14 of the Solid Waste Department Fee Schedule for Solid Waste Charges.

**ORDINANCE 15495**

4. To adopt an Ordinance to Revise Part 15-118 of the Water Department Fee Schedule for administrative fees for plan review, testing and inspection of backflow preventers.

**ORDINANCE 15496**

5. To adopt an Ordinance to Revise Parking Fees.

**ORDINANCE 15497**

**E. Grant Project Ordinances**

1. To adopt the City of Durham Employment Training 2019-2021 Grant Project Ordinance for Federal Grant.

**ORDINANCE 15498**

2. To adopt the City of Durham Employment Training 2018-2020 Grant Project Ordinance Superseding Project Ordinance #15431 for Federal Grant.

**ORDINANCE 15499**

3. To adopt the City of Durham Community Waste Reduction and Recycling Grant Project Ordinance.

**ORDINANCE 15500**

4. To adopt the FY2019-20 City of Durham and Triangle J Council of Governments Transportation Demand Management (TDM) Program Grant Authorization to Execute Grant Agreement.

**ORDINANCE 15501**

5. To adopt the FY2019-20 City of Durham and State Apprentice Program Grant Authorization to Execute Grant Agreement, General Fund Match.

**ORDINANCE 15502**

6. To adopt the FY2019-20 City of Durham and State Apprentice Program Grant Authorization to Execute Grant Agreement, Transit Fund Match.

**ORDINANCE 15503**

7. To adopt the FY2018-19 City of Durham and Federal Transit Administration Section 5307 (STBG-DA) Grant and Authorization to Execute Grant Agreement.

**ORDINANCE 15504**

8. To adopt the Durham and Orange County Transit Plans "Staff Working Group Administrator Grant FY2020" Grant Project Ordinance.

**ORDINANCE 15505**

9. To adopt the FY 2019-20 Transit Planning and Capital Grant Project Ordinance and Authorization to Execute Grant Agreement.

**ORDINANCE 15506**

10. To adopt The U.S. Department of Justice, U.S. Marshall's Office 2019/2020 Federal Asset Forfeiture Funds Grant Project Ordinance.

**ORDINANCE 15507**

11. To adopt The State of North Carolina, Department of Justice, Department of Revenue, FY2019/2020 Controlled Substance Abuse Funds Grant Project Ordinance.

**ORDINANCE 15508**

12. To adopt 2019 Federal Task Team Initiatives Grant Project Ordinance.

**ORDINANCE 15509**

13. To adopt The United States Marshall Service, 2020 Fugitive Apprehension Task Force Agreement Project Ordinance.

**ORDINANCE 15510**

14. To adopt The Executive Office of the President, Office of National Drug Control Policy, 2019 High Intensity Drug Trafficking Areas (HIDTA) Grant Projection Ordinance.

**ORDINANCE 15511**

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: \$95,000,000 GENERAL OBLIGATION BOND REFERENDUM  
(ITEM 27/ PR #13256)**

David Boyd, Director of Finance, stated that the public hearing had been published in accordance with the applicable law and provided the following staff report:

Upon conclusion of the public hearing, it would allow Council to consider the adoption of the bond order and if approved, a resolution setting a special bond referendum. These were the final actions needed by Council in order to place the question on the ballot on November 5, 2019.

Council Member Reece asked for clarification on the timing of payments on the bond.

Mr. Boyd stated that more work needed to be done and that when the debt was issued and subsequent interest rates would impact payments.

City Manager Bonfield advised that the decision regarding payments could have been determined at a future council meeting.

Mayor Schewel advised that there would be an advisory committee to tackle how the city would decide to proceed with paying the bond. He advised that there was a “set it and forget it” option or “variable” option.

Mayor Schewel opened the public hearing and asked if there were any speakers to the item.

Breana Van Velzan of 1605A Sedgefield Street, stated that she was in favor of the Affordable Housing Bond being put on the upcoming election ballot.

Marie Hill-Faison of 1303 South Alston Avenue, spoke on behalf of Affordable Housing and spoke in support of the bond.

Victoria Peterson, Durham resident, suggested that the term “Affordable Housing” be defined more elaborately before the bond was to reach the ballot.

Wib Gulley of 4305 Montvale Drive, stated that he was appreciative that the Council was taking steps to put the bond on an upcoming ballot and supported the Council’s action to address affordable housing.

Seeing no additional speakers, Mayor Schewel declared the public hearing closed.

Council Member Alston stated that housing affordability was one of the most pressing needs that she heard from residents.

Council Member Reece thanked the Community Development Department and the Finance Department for working together to bring the item before Council and advised that he would be supporting the item.

Mayor Pro Tempore Johnson stated that voting on the bond referendum would be one of the most significant actions she would take as a member of Council and that affordable housing was an issue that was putting pressure on the entire city.

Council Member Caballero advised that she would be voting in support of the bond and asked voters to support the bond as well.

Mayor Schewel stated that passing the bond would be a defining moment in the City’s recent history and that it was affordable for the City based on the tax base.

**MOTION** by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to adopt the Bond Order authorizing the issuance of \$95,000,000 General Obligation Housing Bonds at the conclusion of the public hearing was approved as at 9:07 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Middleton and Reece. Noes: Council Member Freeman. Absent: None.

**RESOLUTION #10148**

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt a Resolution setting a Special Bond Referendum, was approved as at 9:08 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Middleton, and Reece. Noes: Council Member Freeman. Absent: None.

**RESOLUTION #10149**

**[ITEMS PULLED FROM THE AGENDA]**

**SUBJECT: RESOLUTION AGAINST WHITE SUPREMACY, ANTI-SEMITISM, AND ISLAMOPHOBIA (ITEM 9/ PR #13303)**

Robert D'Angelo of 500 Advancement Avenue, stated that he supported the crux of the Resolution, but that there was once sentence that he did not agree with that he believed undermine the Resolution in its entirety.

Amy Rosenthal of 402 Old Larkspur Way in Chapel Hill, spoke to the Council's April 16, 2018 resolution regarding police training in Israel and asked that the Council retract it.

Josh Ravitch of 402 Old Larkspur Way in Chapel Hill, spoke to the Council's April 16, 2018 resolution regarding police training in Israel and asked that the Council retract it.

Deborah Friedman of 1109 E. Hardscrabble Drive in Hillsborough, spoke to the Council's April 16, 2018 resolution regarding police training in Israel and asked that the Council retract it.

Rann Bar-on of 208 North Driver Street, spoke in support of the resolution and stated that it was a welcomed notion in the City he loved.

Council Member Middleton clarified that the Council did not vote in opposition of all police training in Israel in the April 16, 2018 statement but rather militarized police tactics; and read the Resolution into the record:

**RESOLUTION AGAINST WHITE SUPREMACY, ANTI-SEMITISM AND ISLAMOPHOBIA**



WHEREAS, the United States of America has sought to represent itself to the world as a bastion of human dignity, equality, democracy, freedom, and justice being the only nation in history that has codified in its creedal statements the proposition that “all men are created equal”, and has committed the blood of her children to the defeat of slavery, fascism, and Nazism which is a form of white supremacy; and

WHEREAS, in spite of the nation’s aspirational statements enshrined in the Declaration of Independence, and in the preamble of the United States Constitution, racism and white supremacy have historically undermined our national life and moral fabric, thus necessitating a perpetual existential struggle to reconcile who we say we are with who we actually are as a nation; and

WHEREAS, white supremacy is a bankrupt and immoral ideology that stands fully apart from the great faith traditions of the world and is antithetical to the American ideal and to the values and beliefs of the City of Durham. This ideology has been cited by perpetrators of some of the most heinous acts of violence directed at Jews, Muslims, and black people around the world and must be recognized and characterized as a scourge on humanity and a threat to our national and municipal security. White supremacy has fueled a climate in which the anti-Semitic targeting of Jews and the Islamophobic persecution and racial profiling of Muslims is made more likely; and

WHEREAS, anti-Semitism, like racism, is a phenomenon that is expressed in various forms ranging from overt acts of violence and speech, to subtle acts of discrimination and indignities aimed at Jewish members of the human family attempting to alienate, stereotype, marginalize, engender fear, and to harm them. Anti-Semitism is a repugnant and repulsive form of hatred that has no place anywhere on our planet and certainly has no place in the City of Durham; and

WHEREAS, Islamophobia has been stoked by the highest levels of our nation’s government and has created a dangerous climate for Muslim members of the global community. Islamophobia plays upon the fears and prejudices of individuals through the tropes of rampant foreign terrorism, and the “otherization” of Islamic culture while ignoring the greater frequency and likelihood of terrorism fueled by white supremacy. Islamophobia is a brand of bigotry that is incompatible with the values of Durham.

NOW, THEREFORE, BE IT RESOLVED that the City of Durham utterly and completely renounces and condemns white supremacy, anti-Semitism, and Islamophobia in all their forms; and

BE IT FURTHER RESOLVED that the City of Durham urges all Durham residents to maintain vigilance against white supremacy, anti-Semitism, and Islamophobia, and to engage in dialogue and actions that will combat all of these evils and preserve Durham as a city that is open and safe for all peoples.

**MOTION** by Council Member Reece, seconded by Council Member Freeman, to adopt the Resolution Against White Supremacy, Anti-Semitism, and Islamophobia was approved at

9:34 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10150**

**SUBJECT: GRANT PROJECT ORDINANCE (GPO) FOR 2018 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) LEAD-BASED PAINT HAZARD REDUCTION AND HEALTHY HOMES PROGRAM GRANT (ITEM 13/ PR #13295)**

Victoria Peterson, Durham resident, asked if there was a job training program for removing lead paint.

City Manager Bonfield advised Ms. Peterson to send him an email and he would respond to her question.

**MOTION** by Council Member Caballero, seconded by Mayor Pro Tempore Johnson, to adopt the U.S. Department of Housing and Urban Development (HUD) 2018 Lead-Based Paint Hazard Reduction and Healthy Homes Program Grant Project Ordinance for HUD Grant #NCLHB0687-18 in the amount of \$3,258,478.30, which includes an allocation of \$2,094,324.34 for Lead-Based Paint Hazard Reduction Program activities, \$303,000.00 for Healthy Homes Program activities, \$564,928.66 for administrative, supplies, and equipment costs, and a \$296,225.30 non-federal match requirement, was approved at 9:38 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCE #15512**

**SUBJECT: SECOND CONTRACT AMENDMENT WITH ECKERD YOUTH ALTERNATIVES, INC. D/B/A ECKERD KIDS TO PROVIDE WORKFORCE INNOVATION AND OPPORTUNITY ACT YOUTH SERVICES (ITEM 20/ PR #13266)**

Victoria Peterson, Durham resident, asked how many participants there would be and where the city was recruiting to find participants for the program and if they were going to public housing developments.

James Dickens of the Office of Economic and Workforce Development advised that the recruitment for the program was open to all of Durham County for 150 participants.

**MOTION** by Council Member Caballero, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a second contract amendment with Eckerd Youth Alternatives, Inc. to provide uninterrupted youth services for Program Year (PY) 2019 (July 1, 2019 through June 30, 2020) for a contract amendment amount of \$430,000.00 resulting in a revised total contract amount of \$1,565,000.00 was approved at 9:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR THE PROVISION OF PRE-EMPLOYMENT PSYCHOLOGICAL TESTING (ITEM 23/ PR #13271)**

Chris Tiffany, resident of Durham, expressed concern for the psychological testing of taking place after a condition of employment has been extended to would be police offers.

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a three-year contract in the total amount of \$142,400 with Law Enforcement Service Group, PLLC d/b/a the FMRT Group for police pre-employment psychological examinations was approved at 9:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

Being no additional business to come before Council, Mayor Schewel adjourned the meeting at 9:46 p.m.

Ashley Wyatt, CMC  
Deputy City Clerk

Diana Schreiber, CMC  
City Clerk