

**DURHAM CITY COUNCIL WORK SESSION
Thursday, September 23, 2021 @ 1:00 p.m.
VIRTUAL 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.

Also present: City Manager Wanda Page, City Attorney Kim Rehberg and City Clerk Diana Schreiber.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Schewel called the meeting to order at 1:00 p.m.

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

Council Member Reece addressed the Homeowner Grant Program and requested the application period to be extended to Walltown Community.

Council Member Freeman addressed the Declaration of Healthy Homes in light of Tenants Bill of Rights, requesting more time for everyone to review her email. Council Member Reece questioned what response was received from the Administration, specifically from the City Manager and City Inspectors regarding the Healthy Home resolution and asked about the City requirements to develop a voluntary certification program. Council Member Freeman confirmed the city's support of the item. The program development would have a similarity to the previous Non-Discrimination Ordinance (NDO) project.

Council Member Middleton extended an official invitation to his colleagues and the public to a conference addressing the "One Thousand Black Men to Combat Violence" on September 24, 2021 at 12 PM located at the steps of the Historic Haiti Heritage Center.

Mayor Schewel appreciated his colleagues' questions and remarks.

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

City Manager Page addressed Priority Items:

Item 5) 12 replacement light transit vehicles for Go Durham access. Asked to suspend rules and vote on item today.

Item 13) Emergency Watershed Protection Professional Services stream banks stabilization EWP 2020-01, Amendment #1. Attachment #1 was updated.

Item 14) Fourteen (14) Go Durham Access Services Overview. There would be a fifteen-minute presentation; and Attachment #2 was updated.

Item 19) Mandatory weekly COVID-19 Testing Option. This is a Supplemental Item.

Item 20) Local Agreement for Joint Funding for the local Low-income Homeowner's Relief Program (LIHRP). This is a Supplemental Item. Attachments #1 and 2 were updated.

MOTION by Council Member Freeman, seconded by Council Member Freelon, to approve the City Manager's Priority Item at 1:18 p.m. Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

City Attorney Rehberg requested her priority item consisting of a closed session pursuant to the North Carolina General Statutes Chapter 143, State Departments, Institutions, and Commissions § 143-318.11 in regard to Closed sessions; for the purpose of utilizing attorney-client consultation regarding the case of Darryl Howard vs. The City of Durham, a middle district Federal Case.

MOTION by Council Member Freeman, seconded by Council Member Caballero, to approve the City Attorney's Priority Item at 1:19 p.m. Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

City Clerk Schreiber had no priority items.

[ADMINISTRATIVE CONSENT ITEMS]

Mayor Schewel read the printed agenda and pulled the following Items for additional discussion/remarks: Agenda Items Three (3), Four (4), Five (5), Nine (9), Ten (10), Eleven (11), Nineteen (19) and Twenty (20) were pulled from the agenda. Presentation Items Number Fourteen (14) and Fifteen (15) were announced.

[CITY MANAGER'S PRIORITY ITEM]

SUBJECT: PURCHASE OF TWELVE (12) REPLACEMENT LIGHT TRANSIT VEHICLES FOR GODURHAM ACCESS. (ITEM 5 /PR 14894).

Mayor Schewel responded to City Manager request to suspend the rules and vote on Agenda Item 5 for execution of requested purchase.

MOTION by Council Member Freelon, seconded by Council Member Reece, to suspend the rules in order to vote at 1:22 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

Mayor Schewel requested a motion to authorize the City Manager to execute the purchase contract with Interstate Transportation Sales & Services, Inc.

MOTION by Mayor Pro Tempore Jillian Johnson, seconded by Council Member Freelon, to authorize the City Manager to execute the purchase of twelve (12) replacement light transit vehicles for GoDurham ACCESS at 1:24 p.m. Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

[CITIZENS' MATTERS]

SUBJECT: CITIZEN'S MATTER: TAMEKA WALKER (ITEM 18 /PR 14948)

Ms. Walker, came before the Council to speak in regard to an incident GoDurham bus operator's safety. Given September 19, 2021 assault at the Durham station. Operators Ms. Jones, Mr.

McGee, Ms. Gibbs, Mr. Saunders and Mr. Fernandez were named victims. On said day two (2) individuals proceed to locate a passenger on route three (3). Supervisor tried to interfere, but the individuals verbally threaten the supervisor by stating “getting ready to light up the terminal!”

Ms. Walker stated there was no Police presence and Union Officials do their best to be present among the drivers to ensure security. Ms. Walker asked why the bus routes needed to run until midnight and 9PM on Sundays, when Triangular Transit stopped at 10 PM.

Mayor Schewel expressed support for meeting with constituents and requested Sean Egan, Director of Transportation to speak with Ms. Walker about her concern.

Director Egan responded about steps taken with GoDurham and union leaders to address the personal safety of all bus operators, efforts to increase the number of new hires, retention rate improvement through competitive compensation, a series of bonus and premium pay wage increases.

Council Member Middleton asked if there were any factors as to why incidents had increased during late operations.

Director Egan stated that there were no factors, but strain and stress were currently affecting the community due to COVID-19. He spoke to implementing operator de-escalating training and security measures.

SUBJECT: CITIZEN’S MATTER: PERCIVAL PATTERSON (ITEM 17/ PR 14947)

Mayor Schewel requested Mr. Patterson to the microphone.

Mr. Patterson compared the security measures in Durham to Richmond, Virginia, and respectfully requested the Council to help address the security and safety issues for all GoDurham bus operators.

Council Member Johnson addressed the mandatory mask enforcement by bus operators becoming a point of conflict with bus riders. A “Free” bus fare had possibly created more opportunities for more conflict and endangerment of bus operators and addressed the topic of private security operators stationed at particular stations, as well as, on buses.

SUBJECT: INTERLOCAL AGREEMENT FOR JOINT FUNDING FOR THE LOW-INCOME HOMEOWNERS RELIEF PROGRAM (LIHRP) (ITEM 20/ PR 14050)

Deputy City Manager Bertha Johnson addressed Council to respond to their questions/concerns.

Mayor Schewel thanked staff from the city and county for their work on the item.

SUBJECT: THE HOMEOWNER GRANT PROGRAM AND INCLUSION OF WALLTOWN COMMUNITY

Council Member Reece addressed Council regarding the expansion of the Homeowner Grant Program to include Walltown Community. He stated the City Attorney, at the introduction of the

Homeowner Grant Program, recommended limiting applications based on three (3) geographical regions; given the City's most recent investments provided logic and legal authority to expand the grant support to long-time homeowners due to the city-wide increase of property tax bills.

Council Member Reece affirmed opportunity for the City to expand the program by including Walltown Community due to data provided by the Walltown Community Association. The pursuant to expanding the eligibility of the Homeowner Grant Program was to increase the median income eligibility from 30-60 percent of area median income, and to at least double the maximum grant from \$700 to 1500 per year. The grant worked parallel with the initial program from the County to provide a modest level of property tax support for homeowners in a community with City investments for affordable housing.

Mayor Schewel expressed support to Council Member Reece.

Council Members expressed support and gratitude to Council Member Reece for his strong advocacy.

Mayor Schewel affirmed his support and stated that County Commissions had been notified that the Council as a unit was in support of the County-Wide Program being raised to 60 percent and raising the top limit of the potential award.

Council Member Freeman inquired about Braggtown being included in future expansion of the program.

Mayor Schewel took a poll of the Council about including Walltown in the program. It was the consensus of Council to include Walltown in the program.

Director Reginald Johnson noted that language to include Walltown would be codified within two weeks; and confirmed that applications for 2019 were being reviewed now and that the 2020 tax year had not yet been opened for applications.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: CITY COUNCIL SALARY ADJUSTMENTS (ITEM 3/ PR 14938)

Mayor stated there was a speaker to the Item

Jacqueline Wagstaff, resident of Durham, expressed her dislike of the City Council salary adjustment emphasizing the need for inclusion of tax payers' voices prior to the Council taking action on adjusting city council salary adjustments; and noted that

Mayor Schewel introduced Budget Director, John Allore and Assistant Director Christina Riordan to address questions or concerns.

Council Freelon reemphasized his equity concern about Council compensation.

Mayor Pro Tempore Johnson brought to the attention of the Council that all City Council Salary Adjustments must be granted while the current Council was seated.

City Attorney Rehberg confirmed Mayo Pro Tempore Johnson statement.

Council Member Middleton inquired if the current Council passes an ordinance during their serving time, could a new elected Council amend or rectify a standing ordinance.

City Attorney Rehberg elaborated on how an ordinance could be amended by a Council Member.

Council affirmed the equity concerns and time consumption serving as elected officials.

Mayor Schewel requested Budget Director, John Allore and Assistant Christina Riordan to hold a public hearing on city council salary adjustments and term lengths.

SUBJECT: INTERLOCAL AGREEMENT WITH THE DURHAM PUBLIC SCHOOL BOARD IF EDUCATION TO SUPPORT THE PROMOTING ACADEMIC LEARNING PROGRAM (PALL). (ITEM 4/ PR 14929)

Council Member Caballero requested clarification between regular Community Development Block Grant-Coronavirus (CBDG-CV) funding and “emergency CBDG” Coronavirus funding.

Director Department of Community Development Reginald Johnson elaborated on the clarification of Regular CBDG Funding verses COVID CBDG Funding differences was due to connect funding and public cap percentage.

SUBJECT: INTERLOCAL AGREEMENT FOR A FIRE AND EMERGENCY MEDICAL SERVICES (EMS) STATION; AMEND THE FY2021-222 CAPITAL IMPROVEMENT PROGRAM; AND AMEND THE DESIGN-BUILD CONTRACT FOR FIRE AND EMS STATION EIGHTEEN (18). (ITEM 9/ PR 14932)

Council Member Caballero inquired about the solar array for Fire House 18.

Todd Fingler with General Services confirmed there was solar array at Fire House 18.

SUBJECT: PROPOSAL TO CREATE A CITY OF DURHAM POET LAUREAE PILOT PROGRAM (ITEM 10/ PR 14941)

Rebecca Brown, representing the he Durham Cultural Advisory Board, recommended to fund an opportunity for a Poet Laureate position by hosting a Pilot year in order to assess the selection process and poet’s duties.

Mayor Schewel added to the report that the Durham Cultural Advisory Board recommended a \$5000 honorarium or stipend.

Ms. Brown elaborated on the process and nomination process.

Mayor Pro Tempore Johnson expressed her excitement and gratitude to the Durham Cultural Advisory Board.

Council Member Freelon suggested having the pilot program be named after Pauli Murray.

SUBJECT: DURHAM CITY-COUNTY IMMIGRANT/REFUGEE AFFAIRS INTERLOCAL AGREEMENT PRESENTATIONS (ITEM 11/ PR 14912)

Council Member Freeman requested for Haitians of Texas immigrant's/migrants inclusion in this Interlocal Agreement.

Representing Neighborhood Improvement Services Lynwood Best spoke to Council Member Freeman question stating that Haitians were included in the City-Wide program. He further elaborated that all immigrants and migrants entering the City of Durham and the County of Durham were included in this program's initiatives.

[PRESENTATION ITEMS]**SUBJECT: GODURHAM ACCESS SERVICES OVERVIEW (ITEM 14/PR 14893)**

Director of Transportation Sean Egan presented updates on progress.

The presentation contained the following:

Why ACCESS Services: To provide equal opportunity for people with disabilities by providing fixed routes and accommodations access.

How to Get ACCESS: Qualifications and how to obtain access to Durham public transportation. Selected History of GoDurham ACCESS: Brief of GoDurham Transit City Agreement progress from 1991 – current, GoDurham finalized new vendor agreement.

National Express: Current vendor since October of 2020, united the City and County contract under on contract with the City, simplifying one source to obtain all of GoDurham services for the community.

Access Customer- Demographics: Significance increase in ridership in the last 20 years, cresting over 200,000 trips a year. Nonetheless, a low peak due to Covid-19 was reported, expecting a ridership rebound.

Origin/Destination: 69,500 ADA Paratransit trips from January – August 2021, vast majority are round trips. Non-ADA and/or beyond ADA “county” trips are 8,500 trips from January – August 2021.

Who uses ACCESS: 67% of riders are physically or mentally disabled, 24% of riders require wheelchairs and 12% of riders utilize daily public transportation. 37% of riders use public transportation for medical reasons, 28% for work trips, 2% for education, 33% for other.

How is ACCESS Funded: \$5.4 million annual budget is from Transit Funds, Federal Grants, Durham County (Durham County Transit Plan and North Carolina DOT), Durham County Social Services (Medicaid).

ACCESS Feedback: NEXT Hiring more Drivers, obtained grant funding for pilot to use 3rd party vendors for dialysis appointments. Reservation line (919) 560-1551. Looking to expand transportation program by hiring a 3rd party. All ACCESS trips must be booked a day before, pilot to provide same day trips will begin September 2022.

Beyond ACCESS: The current pilot project funded by Federal funding for Senior citizen's constant rides to better meet the needs of riders.

Mayor stated there was a speaker to the Item

Marie Faison, current GoDurham Driver, expressed her disagreement to the 3rd party vendor and the lack of community respect. She requested more public display of communication between the Mayor, City Council and the vendor by holding vendors accountable for the services they have been hired to perform.

Mayor Schewel expressed support for meeting with constituent and employees of the City Durham Transit Department.

Council Member inquired on the new federal funding grant.

Director Egan elaborated on the non-urbanized program for transit services across the state of North Carolina.

Mayor Schewel expressed support and gratitude.

SUBJECT: 2021 SECOND QUARTER CRIME REPORT (ITEM 15/PR 14919)

City Manager Page expressed gratitude and acknowledgement of the interim Chief Shari Montgomery, leaders and employees for a job well done.

The 2Q Crime Report presentation contained the following:

The Police Departments (DPD) First Five Performances Measures

Part One Violent Crime: (All subject matters are compared to percentages of 2020) Homicide is up 44%, Rape is up 29%, Robbery is down 14%, Aggravated assault is down 4% and Violent Crime is down 4%.

Shooting Incidents: From January to June reports indicated 400 shooting incidents, 120 Persons Shot, 20 Fatal and 100 Non-Fatal.

Part One Property Crime: (All subject matters are compared to percentages of 2020) Burglary is down 30%, Larceny is down 9%, Vehicle Theft is down 26% and Property Crime is down 14%.

Clearance rates: (All crime categories are compared to percentages of 2020 and 2019 FBI 250,000 population category reports) Homicide 39.13%, Rape 22.39%, Robbery 29.06%, Aggravated Assault 37.39%, Violent Crime 34.59%, Burglary 15.20%, Larceny 13.69%, Motor Vehicle Theft 11.18% and Property Crime 13.75%.

Response times to Priority One Calls: 3,779 Priority 1 Calls for Services initially reporting 3% down from 2020. Target response time is 5.8 minutes, average response time is 6.1 Minutes, 57% target under 5-minute response and 51.9% is less than 5-minute response.

Staffing Levels: 2nd Quarter (June 30) reports 85% Sworn staff and Officers, 556 Authorized and 474 Actualized, 90% Non-sworn Officers- 126 Authorized and 113 Actualized.

2021 Second Quarter High Lights as follows.

U-Visa Request for Non-Immigrant Status: (Status compared to 2020 percentage) Department processed 29 new U-Visas request and 83% were approved.

Adult Misdemeanor Diversion Program: Total 374 participants enrolled to date with 100% completion rate, only 16 participants re-offered within one year of completion. Demographics- 58% African-American; 25% Caucasian; 14% Hispanic; 2% Pacific Islander; and 1% Other.

Referral Sources for this Calendar Year- 100% DPD. Referrals to WRAO-Around Services (241

Total referrals)- Education Services; Employment Assistance; Mental Health; Mentoring; Substance Use Evaluations/Treatment; and Housing. Resources available in English and Spanish.

Police Athletic League (PAL): New PAL venturing program continues to provide mentoring and educational activities for the community.

Community Outreach: DPD Employees snapchats of community events

Mayor stated there were speakers to the Item

Donald Hughes, Durham resident, paid his respects and gratitude to Chief Montgomery and the DPD; addressed the Council in subject gun violence and the effect on black lives being lost due to such violence and requested for funds to be allocated equally committed to the participatory budgeting program for jobs and paid training for young people.

Jacqueline Wagstaff, Durham resident, expressed support for Mr. Hughes and requested Part Two of DPD Crime Reports following the death of three young men at the North Carolina Central University (NCCU) Campus and Housing location.

Council Member Middleton expressed gratitude and congratulations to Chief Montgomery and Officer Harris. He inquired about Chief Montgomery's presentation and percentage numbers.

Chief Montgomery elaborated on Council Member Middleton's inquires by explaining the legalities of development and percentage data collected.

Mayor Pro Tempore Johnson requested clarification on criminal prosecution related to age limit.

Chief Montgomery elaborated on Mayor Pro Tempore Johnson inquiry.

Mayor Schewel expressed high appreciation to Durham's Police Departments employees. He expressed support of entry competitive wages for every department.

Council Freeman expressed concern regarding rape cases; and appreciation to Chief Montgomery, DPD and K-9 team for their work in the community.

Chief Montgomery elaborated on Council Member Freeman inquiry.

SUBJECT: MANDATORY WEEKLY COVID-19 TESTING OPTIONS (ITEM 19/ PR 14946)

Mayor Schewel addressed Human Resources Director Regina Youngblood in regard to the preferred options regarding the Item.

Mayor Schewel and City Council Members agreed on Option #3 due to it having the least disruption to the organization and encompassed the original plan.

It was confirmed that next year's insurance costs would be higher for unvaccinated employees that would encompass the non-wellness rate.

Mayor expressed his support for Option 3.

Council Member Caballero inquired the effect of Option 3.

Director Youngblood elaborated on Council Member Caballero's inquiry.

Mayor Pro Tempore Johnson expressed support for Option 3 and inquired about the surcharge.

Director Youngblood responded that the surcharge amounted to approximately \$70 per month.

Council Members expressed their support for Option 3 and appreciation for the City Human Resource Department staff.

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

Council nominated Aubrey D Zinaich to the Durham Convention and Visitors Bureau representing the category: food service; and agreed to re-advertise the Durham Homeless Services Advisory Committee Appointment vacancy representing the category: Faith Community.

[SETTLING THE AGENDA FOR THE OCTOBER 4, 2021 CITY COUNCIL MEETING]

City Manager Page announced the items for the October 4, 2021 City Council Meeting agenda: Consent Items were 1 through 4, 6 through 13 and 19 and 20; General Business Agenda – Public Hearing Item was Item 16.

MOTION by Council Member Caballero, seconded by Council Member Freeman, to approve the settling of the City Manager's agenda at 4:26 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

[CLOSED SESSION – COUNCIL ENTERED CLOSED SESSION AT 4:29 PM]

MOTION by Council Member Caballero, seconded by Council Member Middleton, to enter closed session at 4:29 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

[RETURN TO OPEN SESSION – COUNCIL RETURNED TO OPEN SESSION AT 5:11 P.M.]

MOTION by Council Member Freelon, seconded by Council Member Freeman to return to open session was approved at 5:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

No action was taken in open session.

Being no additional items to address at the Work Session, the meeting adjourned at 5:12 p.m.

Diana Schreiber, NCCMC, CMC
City Clerk