

DURHAM CITY COUNCIL WORK SESSION
Thursday, May 22, 2014 @ 1:00 p.m.
Committee Room – 2nd Floor – 101 City Hall Plaza

Present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, Senior Assistant City Attorney Emanuel McGirt and City Clerk D. Ann Gray.

The meeting was called to order by Mayor Pro Tempore Cole-McFadden. She asked if there were any announcements from council members. There were no announcements.

The Mayor Pro Tempore asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield requested that the council suspend the rules at the work session and take action on Agenda Item #4 entitled “2014 Short Session Legislative Agenda.” He reminded the council that the legislative breakfast with the Durham Delegation is scheduled for Friday, May 23, 2014 at 8:30 a.m.

The City Manager’s item was accepted by the council.

There were no priority items from the City Attorney and City Clerk.

[Excuse Council Member Catotti]

Motion by Council Member Schewel seconded by Council Member Brown to excuse Council Member Catotti from the June 2nd City Council Meeting, the June 4th Joint City/County Planning Committee Meeting and the June 5th City Council Work Session.

The motion was approved by a vote of 6/0 at 1:04 p.m. (Absent At Time of Vote: Mayor Bell)

Mayor Pro Tempore Cole-McFadden announced that the June 4th Joint City/County Planning Committee meeting is being canceled.

After Mayor Pro Tempore Cole-McFadden announced each item on the printed agenda, the following items were pulled for comments/discussion and/or action by the council:

SUBJECT: 2014 Short Session Legislative Agenda

In an effort to ensure that key issues impacting the City of Durham remain at the forefront of the N. C. General Assembly, the City administration, in collaboration with the Durham City Council, develops a legislative agenda. The City Council’s Legislative Committee met on May 16, 2014 to review the proposed legislative agenda for the 2014 Short Session of the N. C. General

May 22, 2014

Assembly. The Legislative Committee unanimously approved the proposed agenda and requested that two advocacy items be added to the agenda. The revised legislative agenda is now being presented to the full City Council for consideration.

Earlier in the meeting, City Manager Bonfield requested that this item be approved.

MOTION by Council Member Catotti seconded by Council Member Schewel to suspend the rules of the City Council and take action on the 2014 Short Session Legislative Agenda.

The motion was approved unanimously at 1:06 p.m.

MOTION by Council Member Catotti seconded by Council Member Schewel to adopt the “2014 Short Session Legislative Agenda” as outlined below was approved at 1:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

2014 Short Session Legislative Agenda

Local Bill Request

An Act to Allow the City of Durham to Allow payment for On-Street Parking by Various Means Including Currency, Credit Card or Electronic Means and to Use Proceeds Collected From On-Street Parking for Parking Programs and Providing Parking Facilities

Purpose of the Bill:

- Allows for other methods of payment, besides coins or tokens, for on-street parking
- Allows the City to use on-street parking proceeds for operating the parking program and for providing parking facilities

Advocacy Requests

- Oppose cap on Privilege License Fee
- Oppose cap on Property Tax Revenues
- Oppose restrictions on Local Tree Ordinance
- Oppose legislation that repeals protest petitions
- Oppose legislation that restricts Proactive Rental Inspection Program

In addition, the Durham Delegation will be asked to consider a Resolution by the Durham City Council Regarding Legislation to Remove Local Authority Over Tree Preservation.

May 22, 2014

SUBJECT: Godfrey M. Laws

To receive comments from Godfrey M. Laws requesting support of the Boost Social Security Now Proclamation.

Mr. Godfrey Laws addressed the council requesting their support of a Proclamation entitled “Boost Social Security Now.”

SUBJECT: John Tarantino

To receive comments from John Tarantino regarding a tribute to Police Chief Jose Lopez.

Mr. John Tarantino provided a song selection regarding a tribute to Police Chief Jose Lopez.

SUBJECT: Second Amendment to Ninth Street Infrastructure Project Development Agreement between the City of Durham and CPGPI Regency Development, LLC

This item is to recommend an amendment to a public-private redevelopment agreement between the City of Durham and CPGPI Regency Development LLC (Regency) for a redevelopment project, involving both private investment and public infrastructure improvements. The agreement will require an amendment to extend the amount of time to complete construction of the Ninth street infrastructure project.

Staff recommends that City Council authorize the City Manager to:

1. Execute a second amendment to the Agreement for the Redevelopment and Renovation of the Durham Ninth Street Commercial District extending the completion of the work to January 31, 2015;
2. Accept a final Guaranteed Maximum Price (GMP) for the streetscape construction work based upon final design and cost estimates in the amount of \$657,907.40;
3. Establish a project contingency fund for the streetscape project in the amount of \$204,695.07; and,
4. Negotiate and execute change orders to the agreement so long as the total cost of the streetscape improvements including construction, engineering, lighting and other streetscape related work does not exceed the total project budget of \$1,039,687.32.

Council Member Schewel asked if the bike racks were still included in the project on the west side of Ninth.

Director of OEWD Kevin Dick replied yes.

May 22, 2014

SUBJECT: 2014-15 Benefits Recommendations

The staff report noted that this benefits recommendation will be for the last year in a three-year agreement with vendors selected during the 2012 Request for Proposals (RFP) for all City benefits programs. The City of Durham will issue RFPs this summer for all City benefits programs with an effective date of September 1, 2015.

The major goal of the City of Durham benefits program is to provide the highest valued benefits plans at the most reasonable cost to employees and the City. While the City of Durham has a very competitive health benefit plan with low deductibles, co-pays, out-of-pocket maximums, and \$0 for generic prescriptions, rising health care costs and increased usage by employees, retirees and their covered dependents continues to challenge the City's ability to accomplish this goal.

There have been several design enhancements and changes implemented over the last year that encouraged employees to be better stewards of their healthcare such as charging employees for the CORE single coverage and required case management of employees for High Cost Claimants (HCCs). While changes produced a positive outcome, we must continue to make enhancements and changes to ensure the City reaches its' goal.

Staff recommends that Council authorizes the City Manager to continue the administrative agreement with Blue Cross and Blue Shield of North Carolina (BCBSNC) for the 2014-15 plan year. Based on the self-funded projection no increase to the Insurance Fund is needed for the September 1, 2015 effective date. BCBSNC continues to offer programs in case management, disease management and wellness initiatives that will help control high claims and reduce future medical risk.

Also staff is recommending approval for benefit vendors, recommendations for the 2014-2015 Employee Benefits Program for the plan year September 1, 2014 through August 31, 2015 and authorize the City Manager to execute contracts with the recommended benefit vendors: P&A Group Administration; UNUM Life; The Laymon Group; Colonial Life and Liberty Mutual.

Discussion was held on the \$20.00 increase and its effective date (September 2014) for those employees who did not complete the health assessment and did not participate in an additional wellness activity. It was noted that 1,800 employees completed the health assessment this year vs. 800 last year, and the staff said a very large portion of the employees will qualify for the wellness credit avoiding the \$20.00 increase.

Council Member Catotti suggested negotiating with Blue Cross and Blue Shield in making the health assessment survey available sooner.

Mayor Pro Tempore Cole-McFadden requested that staff provide some clarification on whether Blue Cross and Blue Shield is outsourcing some its claims division and if Durham citizens would be impacted by this.

May 22, 2014

Deputy City Manager Page said she would obtain the information requested by the Mayor Pro Tempore.

SUBJECT: Historic Preservation Commission 2013 Annual Report

The City and County of Durham, as part of their Certified Local Government status, are required annually to submit a report on the activities of the Historic Preservation Commission the State Historic Preservation Office. Since the inter-local cooperation agreement for the Historic Preservation Commission also requires an annual report, typically the Certified Local Government Annual Report has doubled as the report submitted to the City and County.

The Planning staff recommends that the City Council receive the annual report as provided by the Chair of the Durham Historic Preservation Commission.

Lisa Miller, of the City/County Planning Department, commented on the Historic Preservation Commission members attending a day-long training in April 2013 of the National Alliance for Preservation Commission Assistance and Mentoring Program and the purpose of this event. In addition, Ms. Miller commented on the proposed completion for the revised and consolidated design guidelines.

City/County Planning Director Steve Medlin said it is the intent of the staff to bring to the council a presentation on the criteria after the summer break.

SUBJECT: Durham Open Space And Trails Commission 2013 Annual Report

In accordance with the adopted inter-local agreement, the Durham Open Space and Trails Commission has prepared an annual report with a comprehensive review of the Commission's activities throughout the year.

The staff recommends that the Council receive the annual report as provided by the Chair of the Durham Open Space and Trails Commission.

City/County Planning Director Steve Medlin noted that the \$3,000 request from the commission for printing of additional trail maps and for the pursuit of more educational activities is a part of the budget that the council will take into consideration during their upcoming deliberations. He said he did include this request within his proposed departmental budget.

May 22, 2014

SUBJECT: Durham Environmental Affairs Board 2013 Annual Report

In accordance with past practice, the Durham Environmental Affairs Board has prepared a report with a comprehensive review of the board's activities over the last year.

The Planning staff recommends that City Council receive the report as provided by the Chair of the Environmental Affairs Board.

Council Member Schewel said he would like at some point for council to receive a presentation on the plans in place to replace street trees. He referenced a notation in the report stating the loss of 13,000 trees in the next 20 years.

City/County Planning Director Steve Medlin said he would pass that request on to the Environmental Affairs Board and the appropriate internal staff and program something as well for consideration.

SUBJECT: Execution of Amendment 3 With Lanier Parking Systems Of Durham, LLC For Parking Management Services

The staff report indicated that the City is required to operate, manage and provide maintenance for its off-street parking program as well as provide parking enforcement, citation processing and adjudication services for its on-street parking program. The Department of Transportation, specifically, is currently tasked with the day-to-day oversight of off-street and on-street parking in Downtown and Ninth Street areas.

In July 2008, the City entered into a three-year contract with Lanier Parking Systems (LPS) of North Carolina, Inc. to operate, manage and provide maintenance for its off-street parking program, consisting of the Chapel Hill, Corcoran, and Church Street parking garages, and all City-owned surface lots. Additionally, LPS is contracted to provide parking enforcement, citation processing and adjudication for the City's on-street parking program. Simultaneously, in July 2008, the City also executed a three (3) year contract agreement with Craig Davis Properties (CDP Durham Parking Management Agreement) to operate, manage, and provide maintenance of the Durham Centre parking garage. In May 2009, the City and CDP Durham mutually agreed to terminate the CDP Durham Parking Management Agreement. Subsequently, the City amended the Parking Management Contract with LPS to incorporate the operations, management, and maintenance of the Durham Centre parking garage. As of December 16, 2010, the contract was reassigned under a new name, Lanier Parking Systems of Durham, LLC (LPS). In July 2011, the City executed a three-year contract extension renewal with LPS. The contract extension term with LPS expires on July 20, 2014.

As a result of the Parking Study for the Downtown and Ninth Street areas, it has become apparent that many changes are required and forthcoming due to development activity in the Downtown and Ninth Street areas. The City has already received and approved changes in the Ninth Street area regarding parking management. Thus, this contract extension includes the parking management services, on-street and off-street, for the Ninth Street area. Furthermore,

May 22, 2014

this contract includes expanded on-Street services in the Downtown Area, specifically; American Tobacco, Bright leaf, and Central Park and additional security in the parking garages. Consequently, due to additional changes forthcoming with the Downtown and Ninth Street areas parking strategies, it is appropriate that an additional extension with LPS be provided until June 30, 2015 to provide sufficient time for staff to develop the future requirements of the request for proposals for Parking Management Services for a three to six year contract period.

The staff is recommending that the City Manager be authorized to execute a contract amendment with Lanier Parking Systems (LPS) of Durham, LLC for parking management services for the period of July 1, 2014 – June 30, 2015 for a contract amount of \$1,639,260.99, plus additional fees for special events parking estimated to be \$41,937.01 for a total not to exceed amount of \$1,681,198.00.

Harmon Crutchfield, of the City's Transportation Department, commented on the contract amount and how it relates to the parking system excluding the debt service. Also, he briefed the council on the proposed collection goal for outstanding citation for this year.

SUBJECT: Durham Traffic Separation Study (TSS)

The staff report noted that the draft "Traffic Separation Study for the City of Durham, North Carolina" (TSS) was released for formal public review and comment in September 2013. The City Council held the study report and recommendations public hearing on October 21, 2013. This was followed by a public comment period which concluded on November 19, 2013. The comments are recorded, with responses, and included in Appendix I of the attached final study report. As indicated in the comment responses, the report and recommendations were revised.

The purpose of the study was to provide a comprehensive evaluation of traffic patterns and road usage at 18 public at-grade rail crossings within the North Carolina Railroad (NCR) corridor, extending from Neal Road to E. Cornwallis Road. The study assessed existing conditions and determined needed improvements to enhance rail crossing safety. The project study included data collection, crossing analysis, safety and mobility issues, community impact, alternatives analysis, and public involvement. Additional input was provided throughout the study process by a group of stakeholders. The study project funding partners were the N. C. Department of Transportation Rail Division, the City of Durham, Triangle Transit and Norfolk Southern Railway Company.

The study report identifies and recommends a series of near-term (2-5 years), mid-term (5-7 years), and long-term (more than 7 years) crossing improvements. The long-term improvements are more complex and will require significant funding commitments for further detailed study and implementation. The TSS provides a sound foundation to seek funding from federal, state, regional and local funding sources. It also provides planning guidance for the development and implementation of related future transportation improvement projects and land development.

The administration recommends that the City Council adopt a resolution concerning the recommendations in the "Traffic Separation Study for the City of Durham, North Carolina."

May 22, 2014

Council Member Schewel referenced the TTA study for light rail and questioned whether the resolution needed additional language about the TTA corridor study. Also, he noted the concerns expressed at the TAC meeting that the TTA study not be locked into the idea of these grade separations included in the current MMP. He spoke in support of receiving the recommendations instead of adopting the proposed resolution that implies that they have accepted the designs.

Marcia McNally, a member of Durham Area Design, noted that their organization has taken upon itself to continue to do engineering and design study of the crossings that they are the most concerned about, which are obviously the ones downtown. She said they have also started to review the full extent of the alignment in Durham and their organization would also like to speak on this item when the council takes action.

SUBJECT: 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan

The staff report indicated that Policy 1.1.4a of the *Durham Comprehensive Plan* requires the Planning Department submit an annual Evaluation and Assessment Report (EAR) to the governing bodies. The EAR serves as an opportunity to highlight progress in implementing the Plan, to propose changes to the policies and Future Land Use Map (FLUM) of the Plan, and to present local and national land use trends and issues.

Staff recommends approval of policy text changes and of changes to the FLUM of the *Durham Comprehensive Plan* contained in the EAR. The Planning Commission recommended approval of the EAR by a vote of 12-0 vote at its April 8, 2014 meeting.

Council Member Catotti requested the staff provide information regarding changes to certain Durham Comprehensive Plan policies as proposed within the 2013 Evaluation and Assessment Report. Specifically, she requested a response to issues raised by Planning Commissioner Miller in his written comments regarding proposed policy changes in the 2013 EAR, particularly those addressing the removal of policies 1) Code Enforcement Abatement Team; 2) Neighborhood Environmental Tracking and; 3) the addition of Nonresidential Building Types.

The staff will provide a response prior to the June 2, 2014 council meeting.

SUBJECT: Façade Enhancements to Phoenix Crossing and Phoenix Square Shopping Centers

The staff report indicated that Phoenix Crossing Shopping Center is a 14 year old in-town neighborhood shopping center, located at the corner of Fayetteville Street and Lakewood Avenue, with about 34,000 sq. ft. of retail space located on 4 acres of land. It is one block south of NC HWY 147 and less than five minutes from downtown Durham to the north and North Carolina Central University (NCCU) to the south. It is anchored by a 10,000 sq. ft. Walgreen's Drug (formerly Kerr Drug) store and a 3,500 sq. ft. KFC restaurant. The shopping center is 93% leased.

May 22, 2014

Across Fayetteville Street, 1.18 acres of land, is the companion shopping center, Phoenix Square. It is 27 years old with 10,300 sq. ft. of rentable space. The shopping center is 100% leased.

Closely adjacent to the west of Phoenix Crossing is the City's \$48,000,000.00 Rolling Hills/Southside Project area. It consists of approximately 125 acres located on the southern edge of downtown Durham. The City website provides some background for the Southside Project Area, "after years of economic disinvestment, the area was found to contain the highest concentrations of vacant properties of any Durham neighborhood and one of the lowest rates of homeownership. Despite the historic disinvestment that has occurred, Southside has certain strategic advantages over other challenged Durham neighborhoods. First, is its proximity to downtown, Forest Hills and other stable neighborhoods, NCCU and the Durham Freeway. Secondly, the area is relatively small, compact and manageable."

The website goes on to state that "the objective of the City's revitalization strategy for Rolling Hills/Southside Area is to attract long-term, private investment. Within the project area, there are significant redevelopment opportunities over the coming decades. That strategy consists of substantial and focused investments to create new high quality rental and homeownership units to form a critical mass that such private investment can build upon. The City's hope is that investment on the south side of the Durham freeway will yield similar returns as the decision to build the Durham Bulls Athletic Park on the north side of the freeway."

The Phoenix Crossing Shopping Center and the Phoenix Square Shopping Center are zoned Downtown Design-Support 2 (DD-S2). For the Phoenix Crossing shopping center, the developer will remove existing exterior siding and awnings on 3 buildings, tie-in new taller structural metal frame to existing frame on 3 buildings, re-skin 3 buildings with Exterior Insulation and Finish Systems (EIFS) and brick and add electrical wiring, panels and interfaces for historic lamps, building and sign lighting. For the Phoenix Square shopping center the developer will repair holes and worn areas of the parking lot, repair and upgrade sidewalk and curb & gutter for 212 sq. ft., mill and repave, sealcoat and re-stripe the entire parking lot.

These investments will hopefully help them achieve their strategic objectives of increasing businesses for their tenants, providing more jobs for Durham residents and tapping into the growing Heritage Tourism market.

Benefits to the City of Durham

The project could potentially:

- create a more appealing aesthetic element for the gateway into the Fayetteville Street Corridor and improves the ability to attract more regional clientele;
- strengthen business climate and possibilities for small businesses that want to be in Central Durham, but cannot afford downtown;
- improve the business viability of the two shopping centers (25 businesses are currently located in Phoenix Crossing and 14 businesses are currently located in Phoenix Square);

May 22, 2014

primarily personal and business services with some retail, including restaurants. Also enhances their ability to promote community events.

- create temporary construction jobs; and
- support the overall redevelopment of the area as a complement to the Southside Revitalization Project.
- improve a key gateway corridor connecting Southwest Durham and Downtown and including North Carolina Central University could help further the Strong and Diverse Economy goal in the City of Durham Strategic Plan.

It should be noted that M&M, Inc. has approached the City and requested a Neighborhood Revitalization grant. If the City were to enter into a grant agreement under the authority granted by the North Carolina Community Development Statutes, the following elements could comprise deal points:

- No payments would be disbursed until the completion of each phase of the project;
- A proposed holdback after each phase as an incentive to ensure subsequent phases are completed;
- Participation with the Durham-Based Business Plan and Durham Workforce Plan;
- Certification of work must be approved by the City- County Inspections Department;
- Adherence to planning and design guidelines as it relates to the planned building renovations and landscaping improvements.

The OEWD Director Kevin Dick also made a power point presentation on this item.

Also, it was noted that M & M Developers were Larry and Denise Hester.

The staff recommends that the council receive a presentation on the proposed Façade enhancements to Phoenix Crossing and Phoenix Square Centers by M & M, Inc. of North Carolina.

Regarding staff's potential deal point on the proposed holdback, Council Member Moffitt asked staff what percentage was being discussed.

OEWD Director Kevin Dick replied 10%.

Council Member Moffitt said he might want to see this percentage a little higher holdback than ten. Also, he referenced the fifth deal point being included in the contract, and spoke in support of some type of claw back provision being included.

Council Member Davis said he was pleased to see that the city is looking at the possibility to build that gateway into the Fayetteville Street area. He said the commercial aspect of this project could be a wonderful compliment to the housing that is being invested in Southside. He said he was pleased to know that the students at NCCU ride the buses to various areas in Durham to spend their money; however, he would like to see money spent within that general community

May 22, 2014

where the students are close by and sometime can walk to. Council Member Davis said he would like the council to continue to look at all the aspects of this project and wanted to know more about the deal points by speaking with staff.

Mayor Pro Tempore Cole-McFadden stated she supported this proposal by M & M Developers wholeheartedly with no reservations. She said the city has given beaucoup of money to people who do not reside in Durham.

Council Member Catotti said she would agree with investment in the Fayetteville Street corridor, but perhaps all along the corridor or further south. She noted as the City Manager has said they have not invested this single dollar value (\$500,000) in a single location. She referenced the retail located there now, appreciated the proposal which would make the project look better, asked what would be the expectations of new jobs if there is no additional revenue, and asked staff if they were considering a TIF rather than CIP investment. She also said she would also like to see a claw back provisions, contractual tree retention and would rather see this distributed.

OEWD Director Kevin Dick commented on the CIP investment rather than the Tiff.

Council Member Brown spoke in opposition to the proposal due to the earlier Rolling Hills project. Also he said there is disinvestment at Phoenix Square and Phoenix Crossing. He said the owners have not invested in their own property and have not enhanced it.

Mayor Bell said he had some reservations which were born in the history of what we've been doing in this area, and born in the history of what we had to go through to get Rolling Hills as it is now. The Mayor said he remembered very distinctly, who fought very hard to prevent that from happening, in spite of the fact trying to say this would only enhance their property.

At this time, Mayor Bell recognized Victoria Peterson who spoke in support of the proposal and the city providing a \$500,000 grant to the developers M & M to enhance Phoenix Crossing and Phoenix Square Centers.

SUBJECT: FY 2013-14 Third Quarter Financial Report

To receive a presentation on the FY 2013-14 Third Quarter Financial Report.

Finance Director David Boyd presented a power point presentation on the third quarter financial report for FY 2013-14. The presentation was based on nine months of financial information. The report is also published on the city's website.

Mr. Boyd commented on the following topics: 1) property taxes – all funds; 2) general fund – revenues and expenditures; 3) water and sewer fund revenues and expenses; 4) transit operations fund, revenues & expenses; 5) solid waste fund revenues and expenses; 6) stormwater fund, revenues & expenses; and 6) other enterprise funds.

May 22, 2014

SUBJECT: Fayetteville/Riddle/Buxton Intersection Improvement Project

The staff report noted that at the April 24, 2014 Work Session on a matter concerning right-of-way acquisition, City Council raised questions about the cost and justification for the proposed Fayetteville-Riddle-Buxton intersection improvement project. The intersection project is the first phase of improvements associated with the City's Capital Improvement Program (CIP) project to widen Fayetteville Road from Riddle Road south to Woodcroft Parkway.

The administration recommends that the City Council receive an update and presentation on the Fayetteville/Riddle/Buxton intersection improvement project.

Director of Transportation Mark Ahrendsen provided a power point presentation and a brief history of this CIP project, including a summary of prior studies and recommendations that led to the selection and funding of the project in the CIP.

Jerry McClain addressed the council stating this project needs to be completed now due to safety concerns at that intersection.

Council Member Schewel said he and Council Member Davis visited the area a few days ago and looked at the intersection and thanked the administration for the report.

Mayor Bell spoke in support of the widening. He said when you see the traffic in the area you see how much Durham is growing and he looked forward to this project being completed.

Council Member Catotti requested additional information concerning cost estimates for the South Roxboro Extension and NC 751 widening projects

The staff will provide this information prior to the June 2, 2016 council meeting.

SUBJECT: Human Relations Commission Recommendations to Council on Allegations of Racial Bias and Racial Profiling by the Durham Police Department

To receive and accept a report from the Human Relations Commission regarding the allegations of racial bias and racial profiling of the Durham Police Department.

The staff report indicated that Mayor Bell requested the Human Relations Commission conduct a review of the Durham Police Department relative to allegations of racism pertaining to its practices of stop and search, racial profiling and other alleged negative systematic practices relative to race.

May 22, 2014

Human Relations Commission Chair Ricky Hart gave a presentation outlining recommendations as follows:

Communications and Community Outreach

The Durham Police Department needs to completely revamp their approach to Public Relations. Durham police participate in many positive community activities, much of it on a volunteer basis. We feel increasing the visibility of this community-building and engagement will give citizens a greater understanding and appreciation of the positive work of the Durham Police Department.

- We recommend the Durham Police Department regularly publicize their involvement in the community and neighborhoods via media outlets such as the local newspaper, Durham Police Department website, social media, etc.

The Durham Police Department currently engages with the community during Partners against Crime (PAC) meetings and the Citizens Police Academy. These are two examples that can help improve public relations, yet are not well attended by Durham citizens. PAC meetings provide the community opportunities to discuss their concerns with the Durham Police Department. The Citizens Police Academy offers citizens the opportunity to learn about the services provided by the department and gain a better understanding of police practices.

- We recommend City Council find ways to increase awareness and improve attendance at PAC meetings.
- We recommend the Durham Police Department put more emphasis on promoting the Citizens Police Academy.
- We recommend the Durham Police Department recruit from the community of Durham to create a pipeline to employment with the Durham Police Department.

Durham Police Department Policies

The mental health of our officers is important to the city, the citizens, and the Commission.

- We recommend psychiatric evaluations for all officers and employees of the Durham Police Department are required once every three years.

Current policy allows officers the ability to disable the camera in their vehicle. This camera serves as a record of interactions between the Durham Police Department and citizens.

- We recommend that the vehicle camera remain operating at all times. Officers should not be allowed to disable the camera.
- We recommend digital copies of these recordings be maintained no less than 180 days.

Police Stops and Consent Searches

During our public hearings, citizens often reported issues and voiced complaints about their interactions with the Durham Police Department. Although circumstances vary between police stops, we feel these recommendations can help improve the interactions between citizens and officers. Improving communication should help deter future issues.

- We recommend the Durham Police Department communicate to citizens why they are being stopped or detained. The reason should be documented by the Durham Police Department in a form that is reviewable by the citizen.
- We recommend that a written form be required for all consent searches. This form must be signed by the citizen/detainee and should be available in English and Spanish.
- We recommend the Durham Police Department require all officers to document with an incident report any encounter that requires a search of the person or property. This report should include a reason for the stop and search.
- We recommend supervisors and possibly professional standards review these reports for any irregularities.
- We recommend the Durham Police Department ensure that the traffic stop data is reviewed quarterly to track any irregularities. Should the data show unusual trends, it should be reported to the Chief of Police and reviewed by qualified independent analysts. Any reports should be made available to City Council for review within a reasonable time.

Durham Police Department Training

While the Durham Police Department currently conducts extensive training, we believe there is room for improvement.

Understanding racial and cultural differences is important to creating an inclusive community and city. It is also important to recognize and properly address citizens experiencing mental health and other crises whenever possible.

- We recommend that the Durham Police Department collaborate with a national independent training organization, approved by the City Manager and City Council, to create and implement a Racial Equity training program for Durham police officers.
- We recommend that racial equity, mental health, and crisis intervention training be made part of new recruit training.
- We recommend the Durham Police Department enhance their mental health and crisis intervention training for those officers who interact regularly with the community.

The Human Relations Commission feels it is important to evaluate changes, such as the implementation of new training programs, made within the department and determine whether these changes are effective.

May 22, 2014

- We recommend the Durham Police Department job performance evaluation include a review of stop/search data for irregularities in conduct and policy.
- We recommend a yearly training needs analysis in order to make any adjustments necessary to meet the needs of the community.

Diversions Programs

The Human Relations Commission supports diversion programs for at-risk youth such as Judge Marcia Morey's, Misdemeanor Diversion Project which diverts youth from the court system for marijuana and other minor offenses. We support these programs to offer youth and others avenues to avoid a criminal record for low-level marijuana offenses. At this time, we do not favor any action such as legalizing marijuana or putting it at the low end of police priorities.

- We recommend the City of Durham reach out to municipalities, such as the City of Seattle, WA, to make inquiries about their initiatives regarding making marijuana arrest a low priority.
- We recommend the City of Durham review the data and recommend whether to implement a similar initiative to the City Council.

Citizens Police Review Board (CPRB)

The Human Relations Commission invested additional time to understand the process and purpose of the Citizens Police Review Board. Although the intention of the Board is admirable, the effectiveness of the Board requires improvement.

- We recommend that City Council move to an alternate model where the complaints themselves, rather than the Internal Affairs review process, undergo investigation by the Citizens Police Review Board. (Reference: Nacole.org Models of Civilian Oversight in the United States: Similarities, Differences, Expectations and Resources)
- We recommend City Council annually brings in a representative from The National Association for Civilian Oversight of Law Enforcement (NACOLE) to provide best practices training for the Citizens Police Review Board.
- We recommend City Council have oversight of the Citizens Police Review Board, including appointment of Citizens Police Review Board members. City Council should designate a staff attorney to advise the Citizens Police Review Board.
- We recommend some members of the Citizens Police Review Board be appointed and selected through the PAC organizations that closely follow police procedures. By changing the make-up of the Citizens Police Review Board to require PAC district representation, we can ensure all geographical areas within the City of Durham are represented.

May 22, 2014

When Internal Affairs (IA) does not sustain citizens' complaints, citizens have the opportunity to appeal to the Citizens Police Review Board. The amount of time allocated for the appeal and the availability of the report requires improvement.

- We recommend the time allowed to appeal to the Citizens Police Review Board be extended to 30 working days after documented receipt of the Internal Affairs response.
- We recommend the complainant have 60 days to gather information, documents, evidence, etc. to submit to the Citizens Police Review Board.
- We recommend the Citizens Police Review Board appeal complaint form be made available in electronic form and a link to this form should be placed on the City of Durham Human Relations Commission web page.
- We recommend the Citizens Police Review Board report any findings of unethical behaviors towards citizens and if merited, disciplinary action be taken. The findings should be reported to the appropriate entity.

Complaints and Internal Affairs

The Commission believes the implementation of technological improvements can make the police complaint process less complicated and restrictive.

- We recommend Complaint Forms be available to complete online, and allow for electronic submission with tracking and receipt of complaint form.
- We recommend the Durham Police Department institute a policy that provides citizens whose complaints have been sustained with a more timely and substantive response than the current practice.

Durham citizens shared concerns of retaliation for making complaints against police officers. We feel it is necessary to take their concerns seriously.

- We recommend a policy that ensures complaints of retaliation are properly investigated.
- We recommend the Citizens Police Review Board investigate whether there has been retaliation by Durham Police Department officers against citizens who have filed complaints.

General Recommendations

As a result of the open forums with the Durham Police Department and community advocacy groups we encourage the City Council to take the following steps to improve overall community and police relations.

- We recommend the Durham Police Department strengthen accountability, both internal and external, regarding racial profiling and bias with the use of measurable benchmarks.

May 22, 2014

- We recommend the City of Durham partner with the Human Relations Commission and outside organizations (Fostering Alternative Drug Enforcement, National Association for the Advancement of Colored People, Southern Coalition for Social Justice, etc.) to promote a comprehensive program to educate the citizens of their rights in regards to police stops, searches, and their avenues of redress.
- We recommend the Durham Police Department, as all other governmental departments in the City of Durham, complete a strategic plan, which includes community-policing initiatives.

Summary

- Based on our research, supported by testimony from Durham citizens, we found the existence of racial bias and profiling present in the Durham Police Department practices.

Council Member Moffitt said he would like to underscore the seriousness of which the Human Relations Commission has approached the issue of bias in policies and procedures of the police department. He also expressed his appreciation for the work of the Durham Police Department noting it was filled with women and men coming to work willing to serve and protect all the people of Durham. In addition, he expressed his appreciation to the Chair and Vice Chair of the Human Relations Commission as well as the other members.

At this time, Mayor Bell recognized the following citizens for comments:

Pastor Janet Johnson commented on a situation whereby she said she witnessed police officers illegally searching a young man and said this happens very often in Durham.

Attorney Daryl Atkinson commended the Human Relations Commission for their work and recommendations. Also, he referenced the five FADE coalition policy recommendations: 1) implement mandatory written consent to search policy for all vehicle searches where consent search is involved; 2) make marijuana enforcement the department's official lowest law enforcement priority; 3) implement a policy requiring mandatory periodic review of officers' stop data; 4) reform and strengthen the Durham Civilian Police Review Board; and 5) mandate formal racial equity training for all departmental staff. Also, he noted various organizations in support of these recommendations.

Roland Staton, representing the Durham NAACP, commended the Human Relations Commission for the outstanding job performed on this issue. He said the Durham NAACP is standing shoulder to shoulder with the comments made by Mr. Atkinson. He said groups like Durham Can, People's Alliance, Committee on the Affairs of Black People and others show that the broad spectrum of the population in the community is deeply impacted by these issues. He said we are at a point and time to make some changes, to make the police department better, to make them more able to protect and serve.

May 22, 2014

Gwyn Silver thanked the Human Relations Commission for their work. She asked the council at this point where do they go from here. She said hopefully it was not one of those reports that the city has collected to sit on a shelf and collect dust. Ms. Silver said this is so important to the community as well as the police department.

Victoria Peterson said there were some good police officers in the community; however, there were some officers with issues and they need to leave. Also, she wanted to know when is the city council going to ask the police chief to resign.

Chris Tiffany spoke on racial bias and profiling by the Durham Police Department and spoke in support of the recommendations by the Human Relations Commission.

Jackie Wagstaff thanked the council for allowing comments on this matter and the Human Relations Commission for their work. She also said there were good police officers in the department; however, in every organization there are some not so good people that do not do what it necessary and this brings a bad light on the police department. Also, she spoke in support of Victoria Peterson's comments regarding the police chief. She said she would hope the recommendations presented today are taken serious for the betterment of Durham and said it needs to be considered "does Durham need a new police chief."

Charmey Joy Morgan said there are good officers in the police department and she felt that Police Chief Lopez was a good person; however, she did not like what's happening in the police department. She said she supported their recommendations and they should be implemented, and supported the Bulls Eye Operation being moved around in the city.

Serena Sebring, representing Southerners on New Ground, spoke in support of the recommendations by the Human Relations Commission.

Council Member Schewel said he was not interested in placing past blame, but the question is what is going to be done going forward, making sure there is not racial profiling, no discrimination, no disproportionate minority contact and that we as a city council and police department are going to be proactive in the elimination of those things. Also, he recognized the police presence at the work session and said if they are to succeed, they are going to need the officers' buy-in and leadership from the top to the bottom, and the solution to this has got to be from the heart.

Mayor Pro Tempore Cole-McFadden thanked the Human Relations Commission for the report and thanked the police department for all of the work they perform. She said among the best of us sometime the worse will surface.

May 22, 2014

Council Member Davis said he was very interested in getting all of the facts; ideas/opinions on the table before deliberations in the council chambers. He said he was also hoping to get a copy of the minority report prepared by 3 members of the Human Relations Commission who chose not to attend today's meeting to share their opinion.

Council Member Catotti said she agreed with Council Member Schewel's remarks and thanked the Human Relations Commission for their time and effort, the staff for their support of the commission and for community members coming forward sharing their concerns. She said she recognized and appreciated the challenging work of the police officers each and every day. Council Member Catotti said she looked forward to the response from the police department as well as the administration relating to the feasibility and practicable timeline for review and implementation of the recommendations. She also asked other groups or individuals that have identified best practices/policies or studies from other communities to please share them.

Council Member Brown thanked the Human Relations Commission. He said he would hope no one leaves this meeting thinking that the Durham Police Department is filled with a bunch of racist cops because he did not believe that was the pattern. He said he would like to receive from the Human Relations Commission empirical evidence and data concerning the number of racial profiles, also he referenced the Northeast Children Initiative Study which will be published within two weeks noting that public safety is less of a concern in North East Central Durham than it once was due to the Bulls Eye Operation. In addition, he said he would like to see the minority report from the 3 members of the Human Relations Commission on their insight to this. He said the mayor has said in the past that this council does a good job of communicating and the police department can and definitely should do a better job of communicating. Council Member Brown said the irony to him is that during many of the PAC meetings, citizens approach the council and say "they do not see the officers enough in their neighborhoods." He said no one wants to see racial profiling or bias in the Durham Police Department and he looked forward to the City Manager's recommendation.

Mayor Bell thanked the Human Relations Commission for the report and thanked the citizens for sharing their comments. He informed the citizens that we've heard you, we've have the report and said the report is not going to sit on a table gathering dust. Mayor Bell said he wanted the City Manager to weigh in on what officials should do. He said there may be some cost implications which should also be taken into consideration.

City Manager Bonfield will present a recommended course of action at the June 16, 2014 City Council Meeting.

May 22, 2014

Settling the Agenda – June 2, 2014 City Council Meeting

City Manager Bonfield announced the following items for June 2, 2014 council meeting agenda: Consent Agenda – Items 1 thru 3; 5 thru 19; 21 thru 24; GBA Item 20; and Public Hearings Items 29 thru 32.

MOTION by Council Member Catotti seconded by Council Member Schewel to settle the agenda for the June 2, 2014 City Council meeting as stated by City Manager Bonfield.

The motion was approved by a vote of 7/0 at 4:17 p.m.

Mayor Bell reminded the council members of the special city council meeting – Legislative Breakfast with Durham Delegation on Friday, May 23, 2014 at 8:30 a.m.

There being no further business to come before the council, the meeting was adjourned at 4:17 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk