DURHAM, NORTH CAROLINA
FRIDAY, JANUARY 16, 2015
8:00 A.M.

Pursuant to the proper notification, the Durham City Council held a special meeting with the Durham Legislative Delegation on the above date and time in the Committee Room located at 101 City Hall Plaza in Durham.

The following Councilmembers were in attendance: Mayor William V. "Bill" Bell and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: Mayor Pro Tempore Cora Cole-McFadden.

Durham Delegation members in attendance: Senators Floyd McKissick, Jr. and Mike Woodard, and State Representatives Graig Meyer, Larry Hall, Paul Leubke and Henry "Mickey" Michaux, Jr.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, Senior Assistant to the City Manager Karmisha Wallace and Deputy City Clerk Diana Schreiber.

The special meeting was called to order by Mayor Bell, who thanked everyone for attending; and deferred to Senior Assistant to the City Manager Karmisha Wallace to give the presentation on behalf of the City.

SUBJECT: 2015 LEGISLATIVE BREAKFAST WITH THE DURHAM DELEGATION

Ms. Wallace welcomed everyone to the Annual Legislative Breakfast and presented the 2015 Long Session Legislative Agenda that was distributed prior to the meeting; and stated that all items had been reviewed by the City Manager's Office and Attorney's Office, as well as approved by the City Council.

SUBJECT: LOCAL BILL REQUESTS

Ms. Wallace explained that the City was making two local bill requests; the first, to amend the Charter to give notice of and hold public hearings on applications for initial zoning of property subject to a voluntary annexation petition prior to the passage of an annexation ordinance; and the second, to amend the Charter to allow City Council to annex adjacent streets and street rights-of-way directly adjacent to a property subject to a voluntary annexation petition in voluntary annexation ordinance.

Senator McKissick inquired if the Planning staff would define the boundaries of voluntary annexation petitions pertaining to the specific sides of roadways and how the bill would impact satellite annexations and emergency services; and Representative Michaux inquired between discretionary versus obligatory annexation.

Scott Whiteman, of the Planning Department, responded that the proposed item was for satellite and contiguous annexations; noted that prior to the legislative changes in 2011-12, the City regularly annexed right-of-way adjacent to properties subject to voluntary annexations, regardless of whether the City limits were across the street or not; under the new regulations, the City had lost that authority; however, when City limits were across the street from the annexation, the City had authority to annex the right-of-way on private property; added that emergency services were still in the County's jurisdiction and the adjacent roadways, in NCDOT's jurisdiction; and noted that City would retain the option to annex the adjacent right-of-way.

Representative Hall inquired about the effectiveness of the delivery of emergency services in newly annexed areas.

Ms. Wallace stated that allowing the change to take place, would allow for a more efficient delivery of emergency services; that the current structure was confusing and that the confusion was expected to be alleviated.

Ms. Wallace continued her comments addressing the advocacy agenda that included requests from non-city departments such as the Sheriff's Department, County Manager and citizen requests from the Inter-Neighborhood Council; noted that the NCLM and Metro Mayor's Coalition's agendas were not included; and referenced the Durham delegation meeting with Durham County Commissioners next week.

Representative Michaux inquired about the financial impact of the loss of privilege licensing revenues.

Ms. Wallace responded that the impact was estimated at $2.9 million.

City Manager Bonfield responded to the privilege licensing questions; noted that the NCLM and Metro Mayors and City Managers from the five largest cities were discussing the challenges of the loss of privilege licensing revenues; expected the issue would be incorporated into larger tax reform discussions; noted that the municipalities had not intended to include the amount of potential lost revenues into the FY16 budgets; that the amount had been zeroed out of Durham's proposed budget; and added that the changes to redistribute sales tax would compound the $2.9 million gap and stated he did not have an estimate on the magnitude of the loss.

Representative Michaux stated that there was a push in the General Assembly to reallocate sales taxes; and inquired about the potential loss to the City.

Senator McKissick inquired about a League proposal to mitigate lost income from privilege licensing.

City Manager Bonfield spoke to first revisiting a different system for privilege licensing that would involve a uniform, state-wide methodology to recapture a portion of the lost funds and added that there was the philosophical question of whether it was an appropriate fee or tax; secondly, there was a discussion of the local option of sales tax component and property taxes to

fund essential services; and stated the City was squeezed into the possibility of raising property taxes since it was one of the few options remaining to fund services.

Representative Leubke expressed appreciation for the privilege tax discussion; spoke to formulating a bill that would provide for an equitable state-wide business tax as a replacement of privilege license taxes; referenced the fact that the League had endorsed a sales tax increase; and noted that without increasing other taxes, an option would be to increase property taxes, of which, he did not support.

Senator McKissick indicated there was no interest in reinstating anything except something that was relatively minimal that could replace 10-20 percent of the lost income stream; and there was a greater emphasis to redistribute sales tax funds to rural areas by the majority in the General Assembly.

Representative Leubke followed-up on Senator McKissick's comments and requested that the Metropolitan Mayors take the lead and help those in the General Assembly to reinstate a business tax rather, than approving a sales tax increase; that there was a chance to partner with Republicans and the Metro Mayors to perhaps cobble a majority together.

Representative Michaux had questions about the public advocacy requests.

Ms. Wallace responded that the brake light request was from the Sheriff's Office; that the topic would be discussed with the County Commissioners next Friday at their legislative breakfast; and noted that the Sheriff's Office had also proposed the livestock item.

Representative Michaux inquired about restoration of historic preservation.

Senator McKissick responded that on the House side, there was support for reinstatement; and that the greatest push-back was from leadership within the Senate.

Senator Woodard voiced the fact that Secretary Klutz, former Mayor of Salisbury, was the point person on the issue; and stated she had seen some movement but that any advocacy that could be provided was appreciated.

Senator McKissick noted that the Governor's Office articulated support of reinstatement.

Representative Michaux inquired about the Justice Reinvestment Act.

Ms. Wallace indicated that the County desired the Justice Reinvestment Act to be fully funded.

Senator McKissick stated that it was intended to stop the flow of people going into Department of Corrections; stated the population was down; that the goal was to take funding and reinvest into other programs; and stated the money not gone back in.

Representative Michaux inquired about speed cameras.

Ms. Wallace deferred to Phillip Azar of the Inter-Neighborhood Council to respond.

Phillip Azar advocated for speed cameras in the areas of schools, hospitals and parks; stated the cameras would allow traffic enforcement without the deployment of police officers; stated it was a safety issue; that the cameras would increase drivers' awareness of cyclists and pedestrians and would improve overall safety.

Councilmember Schewel spoke to roadway design; spoke as the liaison to the Durham Bicycle & Pedestrian Advisory Commission; stated that the effort of utilizing cameras would in turn promote the slowing of traffic to design speed; stated that according to the BPA listserv, there had been a number of cyclists killed by vehicles in the past few months; and that the Advisory commission was looking for ways to encourage drivers to coexist with cyclists.

Representative Michaux stated there had been a move away from speed cameras and inquired how to counter that movement.

Mr. Azar responded that the red light cameras were subject to two major hurdles of the incentive to play with the length of the orange light and that the red light camera was not always associated with a safety issue; and reiterated the public safety intent of speed cameras was relevant to areas near parks, hospitals and schools.

Representative Michaux referenced his travels along MLK Parkway, a roadway equipped with a bike lane; noted that when he made a right turn onto Cook Road, that he was concerned about inadvertently colliding with cyclists as he crossed the bike lane.

Councilmember Moffitt termed such an potential incident as a 'right hook' between vehicles and cyclists; noted that cyclists often used handlebar mounted cameras; and thanked cyclists for paying attention at such intersections.

Senator McKissick stated he had been involved with the design of MLK Parkway; had requested bike lanes be installed along with landscaped medians; and asked for clarification of whether Council was seeking the authority for local legislation to install speed cameras versus instituting a general law across the state.

Mayor Bell responded that Council had not yet had the opportunity to assess the item.

Mr. Azar responded that the Inter-Neighborhood Council resolution contained a request for a pilot project in several jurisdictions.

Senator McKissick requested that Mr. Azar and Council discuss the parameters of the item at a work session; reiterated that there was movement to repeal laws pertaining to red light cameras; and that it could possibly pass as a local bill with an experimental project.

Representative Hall inquired if there had been considerations regarding signage and measures to make the public more aware of the danger of such crossings.

Mr. Azar responded 'no'; spoke to the genesis of the item; stated that the Transportation Department was good at getting signage out on the streets; that the item was reflective of the Inter-Neighborhood's resolution.

Councilmember Moffitt requested the Mr. Azar locate model legislation which would be useful to the Delegation; and referenced analogous legislation involving stop-arm cameras on school buses.

Senator McKissick encouraged the citizen to work on the item; that the camera would assess a penalty on the tag rather than the actual driver; and inquired how the penalty would be assessed in the case of a borrowed vehicle, as well as, the impact on the insurance policy of the vehicle's owner.

Ms. Wallace introduced Ms. Christina Fountain, a resident of Durham County and spouse of a Durham police officer.

Ms. Fountain stated emailed information had been sent to each Delegation member; read a statement to the Delegation; stated that anti-police/anti-government sentiment was no longer limited to protests, rap music and big cities and that such sentiments had reached Durham; that due to targeting, she feared for her husband's safety at work and home; that police officers' home address information and tax photos were a matter of public record and reported on-line by the Durham County Tax Administration; she sought a method of removing the information from the tax website but there was not a procedure in place; researched the issue by contacting various elected officials, county and municipal staff persons and the SBI; discovered the Attorney General's Office in Raleigh removed address information for judges, elected government officials and qualifying rape and domestic violence victims; referenced Senate Bill 78 was introduced in February 2013, was substituted for Law Enforcement and DA privacy/tax websites, indicated the bill passed in the House and was sent to the Senate who sent it to the NC Court Commission for review in July 2014; stated the bill was being held in the committee; stated she wanted an Address Protection Program similar to that in the Attorney General's Office; had organized volunteers from Murphy to Manteo to aid in the process of removing the information from current websites and maintaining program; stated she was willing to volunteer in aiding the removal of such information; stated that a partnership could be forged with NC Department of Justice's Criminal Justice Education Training and Standards Commission for record keeping purposes; and requested the Delegation's support.

Councilmember Schewel complimented and thanked Ms. Fountain for her comments and encouraged her request.

Representative Michaux inquired if the bill that the House passed had been the one of interest; and Ms. Fountain responded affirmatively.

Senator Woodard updated the status of the item by stating the bill was in Rules; stated the bill started as a study bill on state contracts in Senator Hartzell's committee two years ago; was passed to the House; was stripped out in the House; came over from the House in the aftermath of the attack on the Assistant DA's father in Wake County; referred to Rules on July 10, 2014; he stated staff researched the legislation and had concerns about raising the bar higher for

protection than that available to judges; and stated that for judges, home addresses and photographs could be removed.

Representative Michaux stated there was a unanimous vote in the House; and inquired if the bill could be revived in the Senate and sent back to the House.

Senator Woodard stated the bill created a study commission to study the issue due to the complexities of the records; and indicated the bill had not yet gone to the Court Commission.

Mayor Bell stated that there was support for the request and that the legislators could figure it out.

The Delegation expressed appreciation for the presentation.

Representative Leubke inquired about the Martin Luther King Jr. service scheduled for 6 p.m. and inquired about its location.

It was confirmed that the program was to be held at Peace Missionary Baptist Church on Highway 55.

Senator Woodard referenced a NPR's *All Things Considered* program on January 15, 2015 at 4:45 p.m. that consisted of an interview with Republican Governor Abbott of Texas.

There being no further business to come before the Delegation or Council, the meeting adjourned at 9:00 a.m.

Diana Schreiber
Deputy City Clerk