

**DURHAM CITY COUNCIL WORK SESSION
Thursday, January 20, 2022 @ 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 Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Charlie Reece and Leonardo Williams. Excused Absence: Mayor Elaine O'Neal.

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

[CALL TO ORDER]

Mayor Pro Tempore Mark-Anthony Middleton called the meeting to order, welcomed everyone to the Work Session and requested a moment of silence related the passing of Durham born and raised world-renowned fashion designer Andre Leon Talley.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Pro Tempore Middleton asked his colleagues if they had any announcements and indicated that Mayor O'Neal had requested an excused absence at a previous meeting so that she could attend the US Conference of Mayor's Conference.

Council Member Reece commended the Mayor on her travels; spoke to another impending winter weather and its impacts on Durham Public Schools and local roadways;

Council Member Johnson requested a Resolution in support of student loan forgiveness at the next Work Session on February 10, 2022. It was the consensus of Council to approve the item at the upcoming Work Session. She also referenced the proposed sub-committee related to Tenants rights and housing and requested that at the end of today's meeting, that a meeting date/time be arranged; and spoke to the development partners who were supported by the Housing Bond including Fayette Place and other downtown sites and stated the unit mix was not exactly what Council favored. There were a lot of units at 30%, and 60% AMI units and that there was a shortage within the 60 to 80% AMI range of units and urged Council to support additional subsidies to DHA for 80% units in the future, noting additional financial partners were needed.

Council Member Williams spoke to a ribbon cutting at Fifth Third Bank in Ward 3 and urged support for the Bank; and stated he attended the grand re-opening of Weaver Street Recreation Center and spoke to the facility's amenities.

Council Member Freeman re-iterated support for 60-80% AMI units as a critical range for Durham residents; and spoke to the Dedicated Housing Support item consisting of \$450,000 to make opportunities available to homeowners while emphasizing that ongoing tenant assistance was needed. She explained that she had sat in on a DHA meeting that highlighted DHA and voucher residents' needs and urged support for more public/private partnerships to alleviate the housing shortage.

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

City Manager Page requested the following priority items:

Item 8) 2020 Connect & Protect: Law Enforcement Behavioral Health Responses Program Grant Project Ordinance. Attachment #1 was updated.

Item 9) Ellerbe Creek Waterbird Colony Dedicated Nature Preserve. Item was a presentation.

Item 10) Update on Community Safety Department Alternative Crisis Response Pilots. Item was a presentation.

MOTION by Council Member Johnson, seconded by Council Member Caballero, to accept the City Manager's Priority Items was approved at 1:23 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece and Williams. Noes: None. Excused Absence: Mayor O'Neal.

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

[CONSENT AGENDA]

Mayor Pro Tempore Middleton read the agenda items printed on the agenda and asked if Council wanted to pull any items for additional discussion.

The following items were pulled for additional discussion: Items 2, 3, 4, and 6. Items 9 and 10 were presentation items.

[CITIZEN'S MATTERS]

**SUBJECT: ANTHONY SCOTT, CEO OF DURHAM HOUSING AUTHORITY
(NO ITEM NUMBER)**

Mr. Andrew Scott requested Council continue to encourage all DHA residents to apply for rental relief subsidized by the City; explained the Durham County rental

assistance program; provided participation statistics and encouraged residents to apply for rental assistance by February 12, 2022, after that point in time, it was not certain if any subsidies would be available. He also encouraged DHA residents with rental issues to reach out to DHARent@DHA-NC.org, call 844-777-3277, apply at durhamrentrelief.org or call 919-521-5777.

Taking the prerogative of the Chair, Mayor Pro Tempore Middleton announced that the next item to be heard was Agenda Item #9 presentation.

SUBJECT: ELLERBE CREEK WATERBIRD COLONY DEDICATED NATURE PRESERVE (ITEM 9/ PR 15184)

Misty Buchanan, Deputy Director for Natural Heritage Program, and Chris Dreps, Land Protection Director of Ellerbe Creek Watershed, gave a presentation from NC Natural Heritage Program and Ellerbe Creek Watershed Association about the adoption of the proposed Dedicated Nature Preserve (DNP) that would provide permanent conservation of 284.4 acres of city-owned property along Ellerbe Creek already designated as a State Natural Heritage Area.

A video was presented regarding the Durham Heron Rookery, a nesting site for wild birds such as the Great Blue Heron, Yellow-Crowned Night Heron and Great Egrets. Following the video, a presentation titled, '*North Carolina Natural Heritage Program Presentation to Durham City Council, Ellerbe Creek Waterbird Colony*' was shared.

The presentation included maps, objectives, details on the bird colonies, conservation values of the parcel, local government dedicated nature preserves, and timeline of the 2022 implementation.

Council appreciated the opportunity to preserve waterways and sensitive ecosystems in Durham; emphasized the importance of conservation for our children, focusing on environmental stewardship. The location would be a 10-minute bike ride from Downtown Durham. Council appreciated staff and DOST's (Durham Open Space and Trails Commission) commitment to preservation.

Council Member Caballero inquired about the role of maintenance in the proposed preserve.

Scott Whiteman, City-County Planning Department, responded that he would forward the inquiry to General Service, Water Management and Solid Waste Departments for discussion.

Council Member Williams asked about future ownership – whether by city or state.

Ms. Buchanan responded that the city would continue to own the preserve but development rights would be transferred to the state. Management and maintenance would fall onto the city or possibly third parties. It would be Council's decision related to the intensity of use management.

Mr. Dreps described the various levels of management, from basic signage to extensive public use programming; and suggested an *ad hoc* partnership committee be established to serve as intermediary between the entities of Water Management, Natural Heritage, Ellerbe Watershed Association, neighborhood leaders, etc.

Mr. Whiteman interjected that there would be research into the designation of the property to ensure it was the best for the parcel.

It was the consensus of Council to move forward.

City Manager Page summarized that the timeframe for the vetting phase of the designation was 4-months and would be driven by the City Manager's Office.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY TO SUPPORT THE COUNTY'S COMMUNITY INTERVENTION AND SUPPORT SERVICES DEPARTMENT (ITEM 2/ PR 15193)

Mayor Pro Tempore Middleton inquired how the \$50,000 would be utilized.

Deputy City Manager for Operations Bertha Johnson responded to questions; explained how the interlocal agreement and its funding would support the work of the newly created Durham County Community Intervention and Support Services Department that housed Bull City United, My Brother's Keeper, Project Build and other initiatives agreed upon by City and County Managers. Two specific programs that would be supported by funds were *Campaign for Change Community Change Tour* (\$20,000) and *Hayti Reborn Justice Movement Program* (\$10,000).

Mayor Pro Tempore Middleton asked if it was possible to add the names of the two programs in the Interlocal Agreement.

Deputy Manager Johnson noted that the city funds would be used for programming purposes; and according to state statute, all interlocal agreements were required to come before Council for approval.

Council Member Reece asked about the rationale for funding a County Department.

Deputy City Manager Johnson explained that the proposers made presentations to both city and county, to get more impact for the money; and the oversight function would be provided by the Durham County Community Intervention and Support Services Department.

Deputy Manager Johnson described the two programs that were being funded.

Council requested details on the programs prior to Council approving the agenda item.

City Manager Page clarified the role of the City and County Managers in funding non-profits. She explained the approval process of interlocal agreements and the city and county managers have the authority and it was in their purview to execute service type agreements up to a certain dollar amount (\$50,000 per year) without coming to Council. This was the reason for Council being informed about the delay in hearing about the service agreements.

Council Member Reece preferred that the memo explain the two programs that were being funded by the City and County and would also be supported by the identified Durham County Department.

Council Member Freeman referenced Bull City United and that there was not a department for the group to be supported by until the new department had been created.

Council Member Johnson inquired if the interlocal related to Bull City United.

Bull City United was not covered by the interlocal agreement being discussed.

City Manager Page addressed the interlocal agreements executed with Durham County. There was an interlocal agreement for each BCU and Project Build that included expectations. For this agenda item, these were much smaller allocations to non-profits. Staff intended to make some flexibility in directing small proposals that the City/County Managers would decide on funding- the projects would benefit the community, the Durham County Community Intervention and Support Services Department would vet the proposals, and then the service would be performed with the Department overseeing the service. She added that the City could consider consolidating the many interlocal agreement in force between the City and the County.

Council Member Reece requested a report from the newly formed Durham County Community Intervention and Support Services Department about which programs were being funded by the Department on a joint basis.

Following the presentation, Mayor Pro Tempore Middleton announced that the pulled items would be addressed.

[ITEMS PULLED FROM THE AGENDA]

**SUBJECT: 2022 UNITED WAY OF THE GREATER TRIANGLE GRANT
BUDGET ORDINANCE (ITEM 3/ PR 15180)**

Lara Khalil, Manager of the Office on Youth, responded to questions.

Council Member Caballero inquired about which organizations were part of the coalition who were leading the effort and was there a representative from the Walton Family Foundation present at the meeting.

Ms. Khalil responded that there were 8 members of the design team, named them and stated that there were no members of the Walton Family Foundation in attendance and that the funding from Walton had no strings attached.

Council Member Caballero addressed the Walton Family Foundation's history of funding charter schools and asked about the components that the Office on Youth would be handling.

Ms. Khalil noted that Spirit House was the lead organization in the process. There would be community engagement to understand community perspectives impacting black and latinx students. She detailed the focus areas, as documented in the memo and noted they aligned with the Youth Listening Project.

Council Member Caballero inquired of the coalition leadership, asking who were educators, former educators or had students in Durham Public Schools. Being that monies were allocated through United Way, who was the consulting firm that Walton Family Foundation was working with along with the United Way. She also inquired about which other projects were being funded by the Walton Family Foundation.

Council Member Caballero spoke to direct funding practices of the Walton Family Foundation; they used to provide direct funding to consultant groups that would come in and create destabilization within communities; now, Walton was partnering up with black and brown organizations that were intent on destabilizing local public schools.

Ms. Khalil was confident that Spirit House would engage the community and avoiding destabilization. She stated that she had full confidence in them.

Council Member Williams inquired if the funds were coming with any sort of restrictions.

Ms. Khalil responded that there were no restrictions on the funding.

Council Member Freeman appreciated Ms. Khalil's sharing the equitable blueprint to the Walton Family Foundation; urged being mindful of organizations who were pumping funding into the community; and supported the United Way and local partners in making the best decisions for the local community youth.

Council Member Johnson spoke to her knowledge of the Walton Family Foundation and its focus on school privatization, asked about the rationale of an organization with this focus giving local organizations money and urged the item be placed on General Business Agenda to allow for additional discussion.

Ms. Khalil insisted the funders were not influencing the community blueprint with no potential for agenda setting.

Attorney Rehberg confirmed that since the item was pulled, there was no consensus on the item, then the item would automatically roll onto the General Business Agenda portion of the upcoming meeting.

Mayor Pro Tempore Middleton stated the item would be added to the General Business Agenda for the February 7, 2022 Council Meeting.

SUBJECT: CONTRACT WITH COMMUNITY HOME TRUST INC. TO SERVE AS DOWN PAYMENT ASSISTANCE PROGRAM ADMINISTRATOR (ITEM 4/ PR 15139)

Council Member Johnson inquired about how the funds would be distributed.

Reginald Johnson, Community Development Department Director, clarified that the \$450,000 was for administration and was not funding that went toward loans and the loan money was sourced from HOME Funds and the Dedicated Housing Fund.

Director Johnson confirmed that the Community Home Trust would use the \$450,000 to distribute the loan funds.

SUBJECT: MANDATORY WEEKLY COVID-19 TESTING CONTRACT AMENDMENT (ITEM 6/ PR 15192)

Mayor Pro Tempore Middleton stated there was a speaker to the item.

Jackie Wagstaff, Durham resident, made remarks about meeting sign-ups; and asked if city employees would be paying for their testing or would taxpayers; and how were unvaccinated employees being encouraged to be vaccinated.

Mayor Pro Tempore Middleton recognized City Manager Page on the screen for an update.

City Manager Page welcomed Drew Bullard, Interim Assistant Director in HR; stated 85.3% of employees had been vaccinated and that since mid-November there were an average 374 of 2600 employees in the city's weekly testing program. She further explained that the city was self-funded and when health insurance cards were used, the city was paying for the testing, albeit indirectly. As per the agenda item, the authority was running out as of Feb 1, 2022. The extension was an amendment to the original contract, extending testing to the end of June 2022 with downsized clinic hours.

Mayor Pro Tempore Middleton addressed public speaking protocols and rules of decorum during virtual meetings.

The break was announced from 3:24 p.m. to 3:29 p.m.

[PRESENTATION]

**SUBJECT: UPDATE ON COMMUNITY SAFETY DEPARTMENT
ALTERNATIVE CRISIS RESPONSE PILOT (ITEM 10/ PR 15189)**

Ryan Smith, Director of the Department of Community Safety, and Anise Vance, Assistant Director of the Department of Community Safety, presented a PowerPoint titled, *Crisis Response Pilot Plan Updates, January 2022*.

The objective of the presentation was to update Council develop pilots that could better connect residents experiencing crisis with the right care by sending responses that best match residents' needs.

The presentation included the following:

CSD activities during first six months

Pilot plans for 4 areas:

- Crisis Call Diversion

- Community Response Team (in-person, unarmed response)

- Co-Response (joint in-person with DPD)

- Care Navigators (follow-up)

Anticipated timeline

Outcomes & evaluation plans

Staffing and service levels with current resources

Pilot crisis response models from low risk to high:

- Crisis Call Diversion- embed clinicians in call center

- Community Responder Team

- Co-Response

Process

- Identify
- Dispatch
- Arrive
- Deliver
- Transport
- Follow-Up

Peer City Comparisons

Webpage: DurhamNC.gov/4663/department-updates

Council commended and appreciated the staff's efforts in preparing the presentation.

Mayor Pro Tempore Middleton stated there were speakers to the item.

Paul Wynkoop, Durham resident, inquired if the 15 vacancies in the Police Department would be shifted to the Department of Community Safety; and favored unarmed response.

Imade Borha, Durham resident and founder of Depressed While Black, a service that provided personal care items to psychiatric patients, appreciated the Council for pursuing alternatives to policing and favored unarmed skilled, crisis interventionists and urged shifting the frozen 15 vacant positions in the Police Department to the Community Safety Department.

Council Member Reece allowed Director Smith to respond to current head counts and the capacity to do more.

Director Smith explained his staff were working on plans for additional resources and estimated the pilots to be operational by the end of this fiscal cycle or beginning of the subsequent one.

Council Member Johnson referred to Slide 43 related to staffing and asked about placement of additional staffing of clinicians and team members.

Director Smith spoke to evening and weekend hours and the possibility of assigning team members to specific neighborhoods; and noted that the budget process would address needs for additional resources.

Council Member Johnson continued asking her line of inquiry about proposed eligible calls for Community Response Teams; and encouraged sex workers be focused into a diversion program.

Director Smith spoke to initial eligible calls (1st six months involving nonviolent mental health crisis, suicide threat, trespass, welfare check, intoxication, assist, follow-up, panhandling, indecency and verbal disturbance) and calls for future

consideration (disturbance, drug use, prostitution, noise complaints). He elaborated on CRT calls must not meeting the exclusion criteria consisting of person in possession of a weapon, person under influence of alcohol or drugs to extent requiring medical intervention (overdose), person at imminent risk of hurting others and high priority calls that potentially pose immediate threat to life.

Staff was investigating adding traffic duties to non-sworn staff; however, this topic would be required to be placed as an exemption on the city's Legislative Agenda, through the NC General Assembly.

Council Member Freeman requested the PowerPoint be made available to the public.

Director Smith stated that the presentation would be placed on the Community Safety Department's website and would share the .pdf with Council.

Council Member Freeman inquired about how RTI and community partners would continue to be engaged; and requested demographic information on comparative cities be included in the documents.

Mayor Pro Tempore Middleton confirmed there was a speaker to the item from the Safety and Wellness Taskforce.

Xavier Cason, Co-Chair of the Safety and Wellness Taskforce, made a statement in favor of the groundbreaking work and supported adding capacity to the Community Safety Department.

Council Member Williams inquired about the term 'vacancies' and asked for clarification of the operational timeline.

City Manager Page thanked Director Smith and Assistant Director Vance for the work they had been doing; spoke to the intensity of staff who were developing the work in an intentional way; pertaining to frozen positions, the discussion occurred in June 2021, prior to budget adoption; the positions did not have persons in the positions and were housed in the Police Department; as was standard during the operational timeline, money was spent by departments and unspent funds were reallocated to Fund Balance, being re-tooled for next year's needs.

Council Member Johnson addressed the fifteen vacant positions, moving work from the Police Department to the Community Safety Department. The question was whether to move up to 15 positions over to the Community Safety Department and urged consideration of Council to do more.

Council Member Reece proposed a direction to move forward by recommending asking Director Smith to go back to devise productive use of 15 additional

positions now, versus the next fiscal year budget; included with this information would be an assessment of the Community Safety Department's internal capacity to hire and to consult with Human Resources to see what process/timeline would be. He also supported Mayor O'Neal being involved with the discussion.

Council Member Caballero appreciated the work achieved by associated stakeholders and staff; considered taking the frozen Police Department's vacancies for this purpose.

Council Member Williams asked if this was a city initiative in the Police Department or was it a joint prospect with Durham County's Sheriff's Department; and asked, for a future discussion about how to expand resources on the initiative by sharing resources between the City and County.

Mayor Pro Tempore Middleton commented that the City would never launch a department without it being fully staffed; confided that it was not known what *fully staffed* meant and that the 15 positions was a random figure; summarized that the transfer of the 15 positions was contingent on staff making the request and noted that Director Smith would make his budget request during the budget cycle.

Council Member Caballero reiterated her support for Council Member Reece's proposal; and spoke to favoring a tiered plan (low-medium-high) related to program funding and support.

Council Member Johnson supported Council Member Reece's proposal and spoke to the risk of under-resourcing the Community Safety Department; felt that Durham was behind in this transformative community work and since the resources were currently available, and would not increase the city's budget she did not want the opportunity to slip by. Having a more detailed proposal from Community Safety Department staff about where the additional resources could go, may persuade her colleagues to put additional energy behind the effort, thus ensuring success.

Council Member Johnson added that she was willing to hear back from staff with a detailed plan about where more resources could be placed.

Mayor Pro Tempore Middleton did not hear an ask from Director Smith in augmenting the pilots; and noted the discussion to add resources was contingent on hearing from staff.

Council Member Reece spoke to the background of the headcount discussion; reiterated his proposal related to asking staff to inform Council how staff would make realistic, productive use of the 15 positions; and to include Mayor O'Neal in the discussion.

Council Member Freeman emphasized that staff was in the midst of its budget cycle and would identify their needs.

City Manager Page confirmed that all departments were working on their FY22-23 budget requests; of which, complete departmental packages were due Feb. 21, 2022.

Council Member Williams looked forward to staff to identify the needs of the Department and to allow Council to make the decision based on staff's options.

Council Member Reece requested his proposal be put to the side.

SUBJECT: OTHER MATTERS

Council Member Johnson referenced a previous discussion regarding a Council Sub-Committee to review the Housing Proposal from NIS.

The following Council Members were on the Sub-Committee: Council Members Caballero, Freeman, Johnson and Williams.

It was the consensus of Council to schedule the Sub-Committee Meeting on Tuesday, February 1, 2022 at 3 p.m. – 4 p.m. via Zoom.

[SETTLING THE AGENDA FOR THE FEBRUARY 7, 2022 CITY COUNCIL MEETING]

City Manager Page requested the following items be included in settling the agenda for the Monday, February 7, 2022 City Council Meeting by announcing the items for the Consent Agenda as Items 1 and 2 and Items 4 through 8; General Business Agenda Item 3; and General Business Agenda – Public Hearings Items 11 through 13.

MOTION by Council Member Caballero, seconded by Council Member Reece, to approve the settling of the City Manager's agenda of the Monday, February 7, 2022 regular Council Meeting at 5:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece and Williams. Noes: None. Excused Absence: Mayor O'Neal.

Being no additional business to transact, Mayor Pro Tempore Middleton adjourned the Work Session at 5:48 p.m.

Diana Schreiber, MPA, NCCMC, CMC
City Clerk