

**DURHAM CITY COUNCIL WORK SESSION
THURSDAY, FEBRUARY 9, 2023 @ 1:02 PM
IN-PERSON & VIRTUAL MEETING
DRAFT MINUTES**

The Durham City Council held an in-person and virtual Work Session on the above date and time in the City Hall Council Chamber, 101 City Hall Plaza in Durham, North Carolina with the following members present: Mayor Elaine O'Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey-Hyman, Jillian Johnson and Leonardo Williams. Excused Absence: None.

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

[CALL TO ORDER]

Mayor O'Neal called the meeting to order and welcomed everyone in attendance in the Chamber and virtually; and requested a moment of silence to reflect on the incident occurring at Hillside High School; stated her heart at this time.

[ANNOUNCEMENTS BY COUNCIL]

Mayor O'Neal announced the change in the date of the Budget Retreat from February 17 to March 2, 2023. The second Budget Retreat remained unchanged on March 3, 2023.

Mayor O'Neal spoke to how residents have responded to her about decorum; encouraged Council Members to consider how they were appearing to the public on the internet and in-person; and asked her colleagues to be mindful of how they handled differences of opinion.

Council Member Holsey-Hyman attended the 18th Annual Durham Joint City-County MLK, Jr. Program; celebrated Black History Month and featured RM Harris, Durham's first Black City Council Member in May 1953;

Council Member Johnson requested Council approved the submitted Resolution in support of the LBGTQ+ Community in Durham in response to harmful legislation progressing in the General Assembly which had already passed the Senate and was currently in the House; due to the speed of the state bill legislative process, she requested her colleagues suspend the rules in order to vote on the Resolution at the meeting.

Council Member Williams reaffirmed his commitment in supporting the effort of saving lives; and sent notice to Superintendent Mubenga that Mayor Pro Tempore Middleton and himself would be going directly into the schools to speak

with young men of color about their life choices. He asked Council to hear a presentation from Built2Last at an upcoming Work Session.

Mayor O'Neal addressed an upcoming visit to Hillside High School and made herself available to speak to youth.

Council Member Freeman spoke to support organizations in Durham for children and families.

Mayor Pro Tempore Middleton associated himself with his colleagues' remarks related to youth; and asked Council to hear a resolution related to Telecommunicators, the First First Responders.

It was the consensus of Council to hear the presentation and place the resolution on the upcoming Work Session agenda.

Council Member Williams reminded all that the Joint City-County and Planning Commission meeting was scheduled for March 1.

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

City Manager Page had one priority item:

#54) 2023 Long Session Legislative & Advocacy Agendas. Supplemental Item added to the agenda.

MOTION by Mayor O'Neal, seconded by Council Member Caballero, to accept the City Manager's Priority Item at 1:22 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.

City Attorney Rehberg requested a priority item for closed session:

Motion by the City Attorney to request the City Council recess to closed session pursuant to NC General Statutes 143-318.11(a)(3) for attorney-client consultation concerning the handling or settlement in the case listed below:

Amanda Mingo, as Guardian Ad Litem, et al. v. City of Durham, et al. 1:20-cv-226 (MDNC).

MOTION by Council Member Freeman, seconded by Council Member Holsey-Hyman, to accept the City Attorney's priority item and to go into Closed Session at the end of the meeting was approved at 1:20 p.m. by the following votes: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.

City Clerk Schreiber reminded Council to complete their annual Disclosure Forms.

Mayor O'Neal read through the printed agenda; the following items were pulled from the agenda: Items 25, 54, 55.

Mayor Pro Tempore Middleton noted that the attachment for Item 28, Mayor's Hispanic/Latino Committee 2022 Annual Report needed to be corrected as the Annual Report was not visible in the packet.

**SUBJECT: FORMER WHEELS SKATING CENTER UP-FIT DESIGN
CONTRACT WITH DTW ARCHITECTS AND PLANNERS, LTD.
(ITEM 25/ PR 16016)**

Mayor Pro Tempore presided over the item and announced there were speakers to the item.

Jacqueline Wagstaff, resident of Durham, spoke to the passing of a student; and spoke to the Wheels facility that once re-opened, could be accessible to low-wealth families and youth.

Shanetta Burris, resident of Durham, expressed concerns about community involvement in the planning process of the Wheels facility; explained that engagement was not occurring; and urged Council to explore strategies to utilize Wheels for all.

Kelsey Monk, resident of Durham, participate in Resident Steering Committee, spoke to the timeline for the planning process, noting it was one month behind; and encouraged the facility to be re-open expeditiously.

Mayor Pro Tempore Middleton presided over the Citizen's Matters.

**SUBJECT: JAMES CHAVIS (PUBLIC COMMENT SPEAKER/NO ITEM
NUMBER)**

Mr. Chavis highlighted February as Black History Month; addressed the importance of Wheels Fun Park for local youth; felt Parks and Recreation staff were discriminating against Black residents due to the lack of notification of meetings and thus lack of input from the Black community; and encouraged better community outreach.

**SUBJECT: PASTOR A WOOD, SR. (PUBLIC COMMENT SPEAKER/ NO
ITEM NUMBER)**

Pastor Wood spoke to his personal experience with the youth who had passed while a student at Hillside High School. He stated the youth had aspirations to own his own business; alerted the Police of a lock down that occurred due to gunfire at the recreation center; and urged action instead of talking.

SUBJECT: TIFFANY SWOOPE (PUBLIC COMMENT SPEAKER/ NO ITEM NUMBER)

Ms. Swoope spoke to the passing of the youth at Hillside High School and her experiences with the young man at Holton Recreation Center; mentioned historical marginalization of those person at the Cornwallis community; spoke as an advocate and urged Council to consider allocating funds to youth mentoring and services.

SUBJECT: STACEY DONOGHUE (PUBLIC COMMENT SPEAKER/ NO ITEM NUMBER)

Ms. Donoghue addressed youth mentoring efforts with StrongHER TogetHER program called VillageHERS, program designed to remove boundaries for girls in extra-curricular activities; and spoke to the backgrounds of the girls in her program and urged Council to support youth mentoring programs.

SUBJECT: ATRAYUS GOODE (PUBLIC COMMENT SPEAKER/ NO ITEM NUMBER)

Mr. Goode, youth mentoring advocate with Youth Mentoring Collaborative, spoke to his experience as a youth with a mentor; and emphasized the importance of visioning and seeing black and brown persons in leadership/influence roles was essential for youth in building lives worth living.

SUBJECT: KATRINA BROWN (PUBLIC COMMENT SPEAKER/ NO ITEM NUMBER)

Ms. Brown, resident of Durham, spoke to raising her sons and her volunteerism at the Recreation Center in Cornwallis; requested funding to help young black men; and expressed concerns about raising her youth.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: 2023 LONG SESSION LEGISLATIVE AND ADVOCACY AGENDAS (ITEM 54/ PR 16048)

Council Member Holsey-Hyman requested that the proposed Youth Mentoring Service Act be switched from the Legislative Delegation's advocacy agenda to the action agenda.

Mayor Pro Tempore Middleton, Chair of Legislative Committee, thanked his colleague for her passion; explained the Legislative Agenda prioritization process at the local level and its significance with the local Delegation; and supported mentoring.

Council Member Freeman urged moving the item from the advocacy list to the action list and making the Act a state act.

Council Member Williams supported moving the mentoring item to the action agenda; and remained focused on what could be achieved at local level.

Mayor Pro Tempore Middleton stated that the list was not binding, that meant that the list was not an order but an expression of will and would be expressed as such to the Durham Delegation.

It was the consensus of Council to move the support for the Youth Mentoring Services Act to the Action Agenda.

Chief Wallace summarized that the youth mentoring services act would be moved to an action agenda (5 requests instead of 4).

Council Member Caballero inquired about how the Durham Delegation would prioritize the action items.

Chief of Staff Wallace stated the Durham Delegation would be prioritizing the list for Council based on their belief of the trajectory of the items in the State Legislature.

The Legislative Delegation Breakfast was scheduled for February 20, 2023 at 9 am. in the Committee Room, City Hall. The public was welcome.

SUBJECT: RESOLUTION IN SOLIDARITY WITH DURHAM'S LGBTQ+ COMMUNITY (ITEM 55/ PR 16052)

Mayor Pro Tempore Middleton pulled item and asked if there had ever been a resolution, not tied to a financial deadline, instead based on an item moving through the State Legislature. He addressed a revision he would like to see in the body of the resolution; and asked where the data was sourced and encouraged noting the source on the resolution.

Council Member Johnson responded that the information was based on the FBI hate crime statistics; spoke to the victimization rate differs between Blacks and LGBTQ+ persons, will send the data to her colleagues.

Mayor O'Neal deferred to Council Member Holsey-Hyman.

Council Member Holsey-Hyman spoke to populations at-risk; and the way the resolution was worded dealt with populations at-risk.

Council Member Caballero stated there was no consensus; understood the urgency behind the Resolution and that wordsmithing could occur with friendly amendments to the language; spoke to the targeting of LGBTQ+ in the NC General Assembly and across the nation which in turn was moving the country toward a fascist state; and encouraged Durhamites' awareness and to stand in solidarity.

Council Member Freeman understood the sense of urgency; and concurred with her colleague that sourcing the language was necessary to avoid challenge to the resolution.

Mayor Pro Tempore Middleton noted that wordsmithing was customary; and that the resolution's language was questionable as currently written.

Council Member Williams stated that all of Council supported LGBTQ+ community and the discussion was what Democracy looks like; and encouraged a revision that the LGBTQ+ community experienced one of the highest rates.

Council Member Johnson responded that she was not fine with the revision.

Attorney Rehberg reminded Council that if they wanted to take action at the Work Session, it was required that a motion to suspend the rules to take action was made and passed, then Council could deal with the motion on the floor. She continued that once the rules were suspended, a council member would make a motion to adopt the resolution, at that point, a friendly amendment could be made to the language during the consideration of the motion, then that could proceed.

Council Member Freeman explained her understanding of the rules to make resolution revisions.

Mayor O'Neal summarized the steps of the resolution's approval process.

It was the consensus by the majority of the Council to let the process run through as it normally does to include wordsmithing by Council and have ready to pass at next Council Meeting on the General Business Agenda.

Mayor O'Neal conducted a hand vote at 2:32 pm: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman and Williams. Noes: Council Members Caballero and Johnson.

[PRESENTATIONS]

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) UPDATE (ITEM 45/ PR 16043)

Council Member Caballero presided over Item 45.

Deputy City Manager Bertha Johnson, introduced her team and initiated the PowerPoint presentation;

The presentation consisted of the following:

Content of ARPA Funds- obligated by 12/31/24 and spent by 12/31/26.

Eligible uses of funds

Initial Funding Plan

Engagement Process with community input – Budget Healing Events

Rank eligible uses and how they should be prioritized

Criteria most important in evaluating proposals

ARPA Scoring Matrix

Review Process

Proposals groups into categories- Health/Wellness, Safe Stable Housing,

Economic equity and community resiliency

Review Committee Demographics - race/ethnicity of participants

City Council Decisions- May 2021 at 70% of original 'ask'

List of approved

Discussion related to remaining funding of \$22.56 million

Potential Joint City-County Affordable Housing efforts

Second group of projects deferred for Joint City-County consideration

Third list of projects submitted after deadline/Additional Projects for Consideration

Cycle 2: Proposed Timeline

ARPA Resources – refer to ARPA Website arp@durhamnc.gov

www.durhamnc.gov/4529

Council Member Caballero stated there was a speaker to the item.

JB Buxton, President, Durham Technical Community College, expressed support for the city-county in making ARPA funds available to Durham Tech Community College to address a project that featured solutions to housing insecurity in a percentage of the student body; explained the proposal consisted of 6.5 acres on South Briggs for 124 units of affordable housing split between below 30% and 60% AMI; and spoke to the community engagement sessions.

Council Member Caballero asked her colleagues for their remarks.

Council Member Williams asked if there was a timeline for organizations to make a commitment to receive the funds; and appreciated staff's support provided by staff to those organizations. He appreciated the housing project by DTCC; and asked if the city was beholden to the process after identifying organizations to fund and was Council locked in to fund the list of deferred organizations or could Council revisit the list.

Deputy City Manager Johnson was working with the deferred organizations trying to find alternatives and noted that Council could revisit the organizations while leveraging resources with the County.

Mayor O'Neal thanked staff for their work by executing 34 contracts, spoke to the background on the funded ARPA projects and supported the funding of affordable housing projects and DTCC's plans for affordable housing units.

Council Member Johnson agreed with Mayor O'Neal's remarks; supported moving affordable housing projects forward, including the DTCC housing proposal.

Mayor Pro Tempore Middleton associated himself with the Mayor's comments; urged going big with the next tranche of ARPA funds that included using \$10 million for affordable housing projects; and supported funding for Marshall-type Plans for Durham, resulting in transformative and generational changes.

Council Member Holsey-Hyman concurred with her colleagues regarding support for affordable housing funding plans.

Council Member Williams referenced support for small business by establishing a revolving loan fund and replenishing COVID life line funds since there remained to be local businesses trying to stay afloat.

City Manager Page thanked staff new to organization were thanked and appreciated City Attorney's Office for their staff's work in ensuring policies were implemented correctly. There were future conversations expected in connecting policy directions with the ARPA funding, if Council could go ahead and allocate \$10 million toward affordable housing projects which were not formerly eligible until the final rules of ARPA came out last year. Staff did not know they could use the funding for this purpose. However, since the projects were shovel ready it helped staff know that to be more successful for the federal government's timeline if staff could match some of their policies with what was happening on the ground. Staff took the conversation today as an allocation of \$10 million toward affordable housing, with \$10-12 million remaining for Council's investments during the upcoming budget discussions.

Deputy City Manager Johnson urged Council to consider using ARPA fund allocations for projects being considered during the budget process. She encouraged Council to provide their commitment to the ARPA projects and mentioned the final request for funding would come back to Council for approval.

City Manager Page explained that city staff were working collaboratively with Durham County to ensure as much ARPA funding as possible to deliver for the housing projects.

Council Member Freeman asked if the revolving loan fund was still available with Carolina Small Business.

City Manager Page confirmed the loan fund still existed with approximately \$1 million in resources and explained that some of the terms had been revised. She stated that a lot of work needed to be done in order to engage businesses and to determine their needs.

Council Member Freeman noted that SSBCI funds were available along with matching funds and would be important to extend the funding resources for small businesses.

It was the consensus of Council to fund the (4) four projects with initial figure of \$10 million, amount may increase depending on inflation.

Council Member Caballero asked clarifying question: was there 100% of funding all 4 projects and what would happen if the city did not receive any county funding.

City Manager Page explained that staff would take the \$10 million and go to Durham County to source the rest. If figures changed, staff would bring back the item in March; however, the County was committed and if that changed, staff would come back to Council in the future.

Council expressed appreciation for President Buxton.

Mayor O'Neal announced a break from 3:32 pm to 3:46 pm.

SUBJECT: AFFORDABLE HOUSING DEEP DIVE PRESENTATION ON DURHAM EVICTION DIVERSION PROGRAM (ITEM 46/ PR 16025)

Council Member Holsey-Hyman presided over Item 46.

Sara Devoto, Project Director of Legal Aid of Durham's Eviction Diversion Program, introduced the item and shared information about the program. She presented the PowerPoint titled, *Affordable Housing Deep-Dive City of Durham*

February 9, 2023.; Legal Aid of North Carolina, Inc. Durham Eviction Diversion Program.

The presentation consisted of the following:

Overview

History

Initial Funding (2018-2019)

Current Status (2023) and (Courthouse)

Summary Ejectment Process

Current Observations in Eviction Cases

Current Outcomes

Barriers to Preserving Tenancies

Community Partnerships- DSS DHA, Housing for New Hope, Community

Empowerment Fund, Alliance

Partnerships with Law Schools- Duke & NCCU

Data

Consequences of Eviction

Future: Trends in Evictions, Affordable Housing Initiatives & Mediation Programs

Ms. Devoto explained that the current processes were impacted by NC Statutes as to how much time the cases took, requiring five days' notice of evictions; noted that evictions could happen to anyone in a rental situation, missing one month rent could cause eviction resulting in folks being out on the street.

Council Member Williams summarized that rents were rising, homeownership was getting tougher, a person needed to have two to three times the amount of the monthly rent as security deposits and that clearance checks were required.

Ms. Devoto responded that many Durham residents that were having concerns paying the increasing rents in Durham were relocating to other counties (Vance, Granville, Person, Franklin, Warren) where rentals could not be found. The rental crisis in Durham was expanding to neighboring counties.

Council Member Williams emphasized the need to create a community that was more supportive in a sustainable lens; and expressed the desire to speak with Legal Aid representatives at a later time to see what that may look like.

Ms. Devoto spoke to Greensboro's efforts to convert a parking lot into a safe area for individuals living in their cars, an area monitored by law enforcement, restrooms. Other cities have offered lockers, allowing storage of belongings. These were just bandaids.

Council Member Caballero reflected on her time last year spent in Eviction Court to observe the process and develop a better understanding; and thanked Attorney Devoto and her team, along with team mates from NCCU for their work.

She explained that many undocumented individuals could not be served (could not access) by Legal Aid and other supports out there; and individuals getting evicted even from sub-par housing were members of the Latino community; explained that NCCU's Team members often represented these individuals and served as life-lines to them and expressed gratitude to NCCU for their work. She encouraged looking at land-use, building more units, rent assistance, eviction diversion, and a day shelter with shower facilities and PO boxes; stated that she was a tenant and a landlord by renting her house out. As a landlord, she stated that she did not ask for a credit report, asked for only one-month deposit- these were small things that a landlord could do, beyond government, along with charging less than market rate for tenants; spoke to the greed and exploitation within the rental market; and summarized that it was less expensive to keep residents in their homes than to build new housing.

Council Member Freeman advocated for the Tenants Bill of Rights for tenants and their use of those rights in the courtroom; asked if Legal Aid was collecting copies of lease agreements and were they housed in a location where students could access them for research; asked if Legal Aid was collecting demo data and that she had not seen the information in the report and encouraged data on who was being served and the demographics of the landlords or if they were corporate landlords or single local ones. She appreciated the education on the eviction process and knowing the limitations of Legal Aid, especially related to representing undocumented persons; she emphasized that Legal Aid offered training to non-profits that face undocumented persons and it was helpful to have the information at ones' fingertips. She spoke to erasing the rental eviction judgments, figuring out something for the DSS arrears system, and the lockers/showers for the parking lot. She noted that her church St. Philips and Urban Ministries were trying to figure out a process and wanted it to be part of the conversation and that a program as such would serve to fill the gaps.

Ms. Devoto responded that the leases belonged to individual clients; the demographical data was included in monthly reports sent to the City; and summarized the demographics for cases opened in 2022- of the 850 cases, 63 identified as White, 626 identified as Black/African-American, 6 Native-American, 61 as 'other' race. She responded that she believed *DataWorks* in Durham collected data on landlord demographics.

Ms. Devoto addressed the assistance of the 850 residents that were assisted and how Legal Aid's impact resonated in the community from word of mouth. The majority of Legal Aid's clients were coming through the Courthouse Clinic as opposed to the general Legal Aid help line and others were former clients who were having repeated issues with eviction. With Legal Aid's constant presence, the number of people being served would continue to increase. Resource were available in the form of live videos have appeared on Legal Aid's Facebook page, self-help video (how to represent self), and a published eviction guide.

Mayor O'Neal thanked Ms. Devoto appreciated the presentation and asked if there were particular landlords that were drawn into the courtroom moreso than others.

The response of Ms. Devoto was in the affirmative by explaining that some landlords used the summary ejectment process as a debt collection tool. Some landlords were more likely to consider that when they file, a tenant was now facing eviction- that would be the impetus that the person would need in order to come up with the money to pay the rent to avoid the eviction. What happened in those cases because of the timing of the court, the landlord would demand the rent that was missed but also the upcoming month's rent, as rationale to dismiss the case. In this case, the tenant had sold all of their belongings and now the February rent was due, and the tenant would be facing the same situation and inadvertently falling and/or being trapped into a cycle of debt collection. The landlord had a right to do this and some used this process more regularly than others. Some landlords were more willing to work with tenants to come up with rental assistance; once this occurred to a tenant, with a number of filings on a tenant's record, the tenant would struggle to find housing anywhere else.

Ms. Devoto acknowledged that the more common apartment complexes held by LLCs, there were a lot of breach of lease cases seen by those companies. When a tenant claimed that they could not pay last month's rent, the landlord was not required to accept the rent or was not required to accept partial payments. The smaller landlords use that process to collect the rent, the larger corporate landlords operated according to their leases instead of by the relationships between tenant/landlord on the ground.

Mayor Pro Tempore Middleton expressed gratitude for the work; affirmed what Ms. Devoto stated about other cities asking about how Durham was doing this. It was a different kind of swag to spend tax dollars on eviction diversion and having an immigrant defense fund, and as long as he was a council member, he would always fund eviction diversion. He also spoke to eviction filings; one of the items being asked of the Durham Delegation was for them to spend political capital they had in Raleigh to drafting legislative relief to allow filings, after the disposition of cases, to be expunged.

Ms. Devoto had heard there was movement in the regard to filings and that this process benefitted the tenant; and that ten years down the road, the landlord had no reason to keep that on the record. Mayor Pro Tempore Middleton asked that the NC League of Municipalities support this effort, as well, in their legislative exploits.

Council Member Johnson appreciated the presentation and recognized the growth of the program over the past couple years; and hoped the program could be continued and expanded by the city moving forward. The program has highlighted a lot of the inequalities and challenges that people face in the system

by making them worse for a while. It was still intense out there for people seeking affordable housing and there were no signs of the economic situation that we are faced with getting any better for low-income people. So, we need to continue to invest and support eviction diversion programs.

SUBJECT: GODURHAM FY22 ANNUAL REPORT (ITEM 47/ PR 16038)

Council Member Williams presided over Item 47.

Sean Egan, Director of Transportation, gave the staff report titled, *GoDurham Annual Report*:

Introduction

COVID-19 response

Zero Emissions – Battery Electric Buses

\$10.8M for Durham Station

Food Access for Seniors – shuttle

GoDurham Comic Wins APTA Award- comic book stories

Top 10 Bus Transit Systems – 4th largest city in NC; 2nd highest ridership in State.

Key Performance Indicators- Safety, Operator Assaults, preventable vehicle crashes, on-time performance,

2023 Up and Coming Projects:

 Durham Station Restoration

 Restoration to 202 Service Levels

 Better Bus Project Designs

 Fleet Modernization

 New Operations and Maintenance Contract

Director Egan responded to Council's questions.

Council Member Williams spoke to driver complaints regarding uncomfortable situations with passengers and asked how management was dealing with the complaints.

Director Egan supported escalating issues up the chain within the Transportation Department when complaints were not handled at the supervisory level.

**SUBJECT: PRESENTATION ON SINGLE USE PLASTIC BAG FEES
(ITEM 53/ PR 16015)**

Council Member Johnson presided over Item 53 and announced there were speakers to the item.

Madelyn Vital of Don't Waste Durham advocated for a ten cent bag fee in Durham; highlighted the background of presentations made to the Environmental

Affairs Board, the Joint City-County Committee; and spoke to the City-County Attorneys consideration of the legal memo; and introduced the Duke Environmental Law and Policy Team.

Kristen Taylor and Lily Hunter, representing Duke Environmental Law Team/Clinic, began the presentation featuring equity; detailed the proposed ordinance that would impose a ten cent fee on every non-reusable bag by grocery stores and retail establishments in Durham; spoke to three key components of the ordinance and business outreach; explained the negative impacts and how proposal supports city's strategic plan and reinforced sustainability goals, enumerated key recommendations of the proposed ordinance and its key components. The ordinance ensured equity, with exceptions included for those on social assistance/low wealth individuals, outreach and education.

Participating cities participating in plastic reduction strategies: Asheville, Boone, Wilmington, Raleigh, Charlotte.

Vy Nguyen, student at NCCU, supporter of the plastic bag fee to decrease the volume of plastic bags used in Durham; and gave ideas of how to make reusable bags available to all.

Mayor Pro Tempore Middleton explained that plastic grocery bags served as garbage bags; asked about how would low wealth individuals be identified to qualify for assistance.

The presenters explained that the process for folks would be for them to self-identify; and it was up to Council to decide how to implement the program on voluntary basis- as to who would be paying the bag fee. Boomerang bags were bags that could be distributed free of charge to low wealth individuals.

Mayor O'Neal thanked the Duke Team for the presentation; questioned the equity issue, how would the payment of .10 be equitable and how would this be balanced among the low wealth persons; and the plastic bags were in fact not single use in that the bags can serve as garbage bags and even lunch bags.

Dr. Lauer explained her research as to how the plastic burden was distributed through socioeconomic levels and incentivized behavioral change; and noted that individuals would self-identify that they qualified for an exemption to the plastic bag fee. Proof would not be required.

Council Member Caballero supported moving forward as a Council on the plastic bag ordinance; noted that Chile had banned plastic bags and straws; and urged moving forward with a plan that was Durham specific.

Mayor Pro Tempore Middleton spoke to benefits of the proposed ordinance and

encouraged careful consideration in framing the issues related to equity and culture.

Council Member Holsey-Hyman addressed the fact that public disclosure by individuals who were qualifying for the exemption would identify them as being of a certain income level and that could lead to discomfort.

Council Member Williams wanted the ordinance to move forward but encouraged more outreach prior to ordinance adoption. There were practical elements of the ordinance that required outreach with local businesses in how the city would make this happen; and encouraged the federal government to get involved. He supported a robust education campaign prior to adopting the ordinance.

Ms. Taylor responded to the education campaign aspect of the ordinance prior to implementation; and addressed voluntary campaigns versus the immediate cost of a fee program.

Council Member Caballero supported an education campaign with the ordinance adoption so that there was a clear plan moving forward; and was willing to create a bi-lingual video advocating the use of non-plastic bags.

Council Member Johnson spoke to moving the ordinance forward by gaining additional analysis from staff related to implementation and legal questions; and encouraged a Council sub-committee to address the issues of equity and implementation.

It was the consensus of Council to create a sub-committee consisting of Council Members Caballero, Holsey-Hyman and Williams.

City Clerk Schreiber announced the nominations to the Council-appointed boards, committees, commissions and taskforces:

Durham Homeless Services Advisory Committee, category of Corporate/Private Sector: Humphrey Truitt;

Durham Performing Arts Center Oversight Committee, category of Arts and Culture: Philip H Kearney; and for the category of Facility Management, Amit K Singh;

Durham Performing Arts Center Oversight Committee – Mayoral Appointment: Finesse G Couch;

Mayor’s Hispanic/Latino Committee appointment: Jose E Guerrero; and the Citizens Advisory Committee appointment: Sherard Johnson.

[SETTLING THE AGENDA FOR THE FEBRUARY 23, 2023 CITY COUNCIL MEETING]

City Manager Page announced the agenda for the February 23, 2023 regular City Council Meeting as Consent Agenda Items 1 through 44 and Item 54; General Business Agenda Item 55; and General Business Agenda – Public Hearings Items 48 through 52.

MOTION by Council Member Freeman, seconded by Council Member Caballero, to settle the City Manager’s Agenda at 5:44 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.

Mayor O’Neal announced that Council would take a break prior to relocating to Closed Session in the Council Suite Conference Room at 5:44 p.m.

[ENTERED INTO CLOSED SESSION AT 5:53 PM]

MOTION by Council Member Williams, seconded by Council Member Freeman, to adjourn into Closed Session pursuant to NC General Statutes 143-318.11(a)(3) for attorney-client consultation concerning the handling or settlement in the case of Amanda Mingo, as Guardian Ad Litem, et al. v. City of Durham, et al. 1:20-cv-226 (MDNC) was approved at 5:44 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.

[RETURNED TO OPEN SESSION AT 6:02 PM]

No action was taken in open session.

Being no additional business to transact, Mayor O’Neal adjourned the Work Session at 6:02 PM.

Diana Schreiber, MPA, NCCMC, CMC
City Clerk