

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, February 24, 2022 @ 1:00 p.m.**  
**VIRTUAL MEETING**  
**DRAFT MINUTES**

The Durham City Council held a regular Work Session on the above date and time virtually via Zoom with the following members present: Mayor Elaine O'Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members DeDreana Freeman, Charlie Reece and Leonardo Williams. Excused Absence: Council Member Javiera Caballero.

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

**[CALL TO ORDER]**

Mayor O'Neal called the meeting to order and welcomed everyone to the Work Session.

**[ANNOUNCEMENTS BY COUNCIL]**

Mayor O'Neal asked her colleagues if they had any announcements.

Mayor Pro Tempore Middleton announced that today's Work Session was the last one for their colleague, Council Member Charlie Reece; and paid homage to his colleague's public service. He also reflected on his own service with Council Member Reece on the Sister Cities Program and expressed support for local and international Ukrainian residents, friends and family members.

Council Member Johnson corrected information circulating by an inaccurate report by WRAL noting that McDougald Terrace would allegedly be torn down by year end and that residents would have to leave. This was an incorrect report. Council Member Johnson reassured the public there were no plans to tear down McDougald Terrace; and noted the DHA had until the end of the year to submit a plan to US-HUD (Housing and Urban Development) as to how to manage issues there, moving forward. She anticipated the property would be re-developed and emphasized that Council was committed to preserving homes and affordable housing at the site.

Mayor O'Neal concurred with her colleague and reiterated that tearing down McDougald Terrace was not part of the agreement.

Council Member Reece expressed support for the preservation of public housing communities and affordable housing in Durham. He also spoke to his relocation to Europe related to his family's company purchase in Latvia, and spoke to his family's commitment to keep their Ukrainian employees safe and reiterated that

today was his last Work Session and thanked his colleagues and city staff for their dedicated public service.

Council Member Williams appreciated the correction to the WRAL report regarding McDougald Terrace by his colleague, Council Member Johnson; spoke to his experiences with students from Ukraine at Southern Durham High School and recognized the emotional nature of their sovereign nation being taken over; reminded listeners that local businesses were hurting, that masks were being recommended by the Health Department and urged all to patronize local businesses while masking.

Mayor O'Neal called for a moment of silence for the people of Ukraine. She reiterated the call for residents to shop locally, especially in Downtown Durham.

Mayor O'Neal honored her colleague, Council Member Charlie Reece, for a job well done.

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

City Manager Page requested the following priority items:

Agenda Item 14) Police Satisfaction Survey Results. Attachment #2 was updated. This is a presentation item.

Agenda Item 18) Appointment of Finance Officer. This is a Supplemental Item and was added to the agenda.

**MOTION** by Council Member Freeman, seconded by Council Member Williams, to accept the City Manager's Priority Items was approved at 1:22 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, Reece and Williams. Noes: None. Absent: Council Member Caballero.

City Attorney Rehberg requested that the City Council hold a closed session pursuant to N.C. General Statute 143-318.11(a)(3) for attorney-client consultation concerning the handling or settlement in the following cases:

- COD v. Vickers Land Company, LLC et al., 19 CVS 2239 (Durham Co. Superior Court)
- Darryl Howard v. City of Durham et al., 1:17-cv-477 (M.D.N.C.)

**MOTION** by Council Member Freeman, seconded by Council Member Williams, to accept the City Attorney's Priority Item was approved at 1:24 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, Reece and Williams. Noes: None. Absent: Council Member Caballero.

**MOTION** by Council Member Freeman, seconded by Council Member Williams, to go into Closed Session at the end of the meeting was approved at 1:24 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, Reece and Williams. Noes: None. Absent: Council Member Caballero.

City Clerk Schreiber had no priority items.

### **[CONSENT AGENDA]**

Mayor O'Neal 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 from the agenda for further discussion: Items 6 and 10.

### **[CITIZEN'S MATTERS]**

#### **SUBJECT: MARY BARR (ITEM 17/ PR 15261)**

To receive comments from Mary Barr regarding activity in her neighborhood.

Ms. Barr addressed criminal activity in her neighborhood at Shirley Ceasar Court (left on Merritt Street loop that went around former Fayetteville Street community) and requested assistance from the Council to counteract dumping, encampments, drug use and vandalism.

Council Member Reece thanked the resident for reaching out for assistance. He supported blocking off the end of Merritt Street up to Grant Street until that area was redeveloped. He also spoke to the area of Merritt and Umstead, urged staff to be vigilant and it was important to reach out to Durham One Call and the Impact Team.

City Manager Page responded that a staff report was shared with Council; however, there were additional areas that could be investigated and reported back to Council.

Council Member Freeman remarked that the process was complaint-driven related to dumping and that landfill prices inadvertently drove up dumping frequencies.

Mayor O'Neal supported making anti-littering a part of a city-wide campaign for interested parties to do community service.

**[ITEMS PULLED FROM THE AGENDA]**

**SUBJECT: INTERLOCAL AGREEMENT WITH GOTRIANGLE FOR REIMBURSEMENT OF COMMUTER RAIL RELATED WATERLINE ADJUSTMENTS (ITEM 6/ PR 15246)**

Council Member Freeman inquired about additional information on the commuter rail design team and was concerned about timing of water line adjustment without having a discussion about commuter rail first.

Sean Egan, Director of Transportation, referenced the Gregson Street Bridge and the high number of crashes involved with the lower than expected height of the rail bridge. The bridge had already been raised eight inches; however, crashes continue. GoTriangle Commuter Rail Design team had identified the bridge as an issue. To improve clearance of the bridge, the profile of the roadway would need to be lowered. During the time of the waterline adjustment, it was determined that the waterline be relocated, preempting future construction by the commuter rail or a routine rail safety improvement.

Council Member Freeman urged consideration for pedestrian safety projects near rail lines.

Council Member Williams requested additional information on the project and asked for the city's options and asked who was to benefit.

Director Egan noted there was signage warning of the low overhead; however, there was not always compliance. At points of routine crash sites, Transportation staff submitted applications for future funding improvements. He noted that during the Commuter Rail Design Work, the location was identified as a need. In response, GoTriangle would pay for half of the cost of relocating the water lines. The reimbursement would still be made to the city even if the commuter rail project were not to advance.

Mayor Pro Tempore Middleton supported improving infrastructure across categories when the 'ground was open' and asked about the city's interest in splitting the cost of the water line relocation.

Director Egan responded that this was an example of inter-department and cross-agency collaboration and the project involved future safety measures at a high crash location. The utility relocation would be done but the lowering of the roadway would be done at a later date.

Council Member Reece thanked Director Egan for moving the item forward and for his public service for asserting the city's interests on the MPO (Metropolitan Planning Organization) Board; this was a crash point known by NCDOT and the City; the NCDOT funded changes at the location helped reduce crash numbers

but did not eliminate them. Improving safety at the location would be of great benefit to the residents of Durham.

Council Member Freeman followed-up if Kimley-Horn was involved with the design team of the commuter rail; if so, how much of this was laid out i.e. how much was being saved by GoTriangle and the timing bothered her. She also asked if the granite curbing would be replaced in the area and stated she wanted the granite preserved.

Director Egan stated the primary consultant for commuter rail study was STV and was not aware if Kimley-Horn was a sub-consultant on the project. After the waterline was relocated, design decisions would be made later related to pedestrian and vehicular traffic.

Council Member Freeman supported the item being placed on the General Business Agenda.

Council Member Williams asked if there was an itemized breakdown on the work being done in the area and was concerned about the outcome of the project and who benefitted.

Director Egan addressed the American Tobacco Waterline Project; noted it had been underway for over two years with extensive replacements already completed and the team provided updates every two weeks on their weblink:

<https://www.durhamnc.gov/2780/American-Tobacco-District-Waterline-Repl>

City Manager Page highlighted the interlocal agreement with GoTriangle and the agreement was reflected in the agenda item's title; confirmed the item would be on the General Business Agenda at the upcoming Council Meeting; confirmed the safety matters were of concern and that typically safety concerns were not included in interlocal agreements.

**SUBJECT: EMERGENCY WATERSHED PROTECTION (EWP) STREAM BANK STABILIZATION (EWP-2021-01) AMENDMENT NO. 1 (ITEM 10/ PR 15257)**

Council Member Reece highlighted the underlying project and acknowledged the Project Manager Antwon Williams; provided the background of the item that involved stormwater erosion along Ellerbe Creek; and spoke to staff's stabilization efforts along the creek to the adjacent residential area. Council Member Reece stated that the project was an example of city staff efforts. He stated he pulled the item since the project was one that few persons see; the project exceeded MWBE Goals and thanked Marvin Williams for running one of the finest departments in the City.

## [PRESENTATIONS]

### **SUBJECT: 2021 FOURTH QUARTER CRIME REPORT (ITEM 13/ PR 15245)**

Chief Patrice Andrews presented a PowerPoint presentation titled, *DPD 2021 4<sup>th</sup> Quarter Report*.

The presentation contained the following:

Title Page

Index Crime Rate per 100,000 Population by Year

Part I Violent Crime (Jan-Dec)

Shootings – Persons Shot from 2020 to 2021

Fatal & Non-Fatal

Citywide Shooting Incidents by Year and Offense Type

Gun Seizures 2010-2021

Stolen Firearms by Offense Type

Part I, Property Crime (Jan – Dec)

Part 1, Clearance Rates (Durham v. FBI)

Priority 1 Calls for Service (CFS)

Target Response Time- 5.8 min.

Average Response Time – 6.23 min.

Target Under 5 minute response – 57%

Less than 5 minute response- 51.03%

Staffing at End of 4<sup>th</sup> Quarter 2021

Sworn 85% staffed

Un-sworn 89% staffed

U-Visa Requests by Quarter

Community Outreach

Council Member Williams asked about the fewer number of shootings related to the increase in the number of fatalities.

Chief Andrews confirmed there were more intentional targeting and shootings and asked about unlocked vehicles.

Chief Andrews would investigate the qualitative rationale that was reflected in the quantitative data.

Mayor O'Neal inquired about the national increase in violent crime and what was the Chief's sense of what was happening in Durham compared to peer cities, what were the trends.

Chief Andrews acknowledged peer cities were experiencing increases but that the shootings were being experienced more frequently in Durham than other peer cities; and she would follow up with the data.

Mayor Pro Tempore Middleton thanked HR Department staff regarding increasing the language stipend / compensation who had bilingual abilities amongst city staff, this in turn would help better serve the community, deal with retention and staffing. He also asked about the impact of the compensation study on retention.

Chief Andrews noted the number of officers departing had slowed; that there was more interest in laterals from other agencies, outside of Durham; and estimated six months to document the changes.

Mayor Pro Tempore Middleton inquired about implicit bias training, de-escalation and procedural justice amongst the officers; and would there be any expansion of training in these areas.

Chief Andrews spoke to making changes related to policy and procedures and the evolution of training, with special mention of private sector models.

Council Member Williams inquired about how PAC meetings were being advertised.

City Manager Page clarified how the city supported PACs and noted the PACs were led by community members.

Deputy City Manager Keith Chadwell explained the operations of PACs who functioned independently from the city, aside from their connections with staff in Neighborhood Improvement Services.

Chief Andrews thanked Council Member Reece for his leadership and his support of the Police Department through his public service.

City Manager Page explained there was a Partners Against Crime (PAC) webpage that served as a central information resource for the public.

Council Member Reece departed the meeting at 3:20 p.m.

**SUBJECT: POLICE SATISFACTION SURVEY RESULTS (ITEM 14/PR 15260)**

Jason Murtado, representing ETC, made a PowerPoint Presentation titled, *2021 Police Satisfaction Survey, City of Durham, North Carolina, dated February 2022*; and indicated the results were of a city-wide Police Satisfaction survey conducted from mid-October to end of November 2021.

The presentation contained the following:

## Agenda

Purpose and Methodology – objectively assess resident satisfaction with the delivery of police services; to help determine priorities for Durham Police Department; to measure trends from previous surveys.

Major Findings/Summary: Highest priorities: Efforts to prevent crime; visibility of Police in neighborhoods; and how quickly police are able to respond to emergencies.

Top Community Priorities: DPD treating residents differently based on race; races/ethnicities equally; minimizing violent crime.

Mayor Pro Tempore Middleton addressed his views of Police that were impacted by his interactions with police officers as he grew up; admitted there was a tension between the view of police, policing and the Durham Police Department and spoke to how that composite impacted his decision making as an elected official. The survey assisted him in making decisions based on data.

Council thanked Mr. Murtado for the presentation.

There was no report from the City Clerk related to boards, committees, commissions and taskforces.

## **[SETTLING THE AGENDA FOR THE MARCH 7, 2022 CITY COUNCIL MEETING]**

City Manager Page requested the following items be included in settling the agenda for the Monday, March 7, 2022 City Council Meeting by announcing the items for the Consent Agenda as Items 1 through 5, Items 7 through 12 and Item 18; and General Business Agenda Item 6; and General Business Agenda– Public Hearings Items 15 and 16.

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to approve the settling of the City Manager’s agenda of the Monday, March 7, 2022 regular Council Meeting at 2:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Absent: Council Member Reece.

## **ENTER CLOSED SESSION – 3:45 PM**

**MOTION** by Council Member Freeman, seconded by Council Member Caballero to enter Closed Session at 1:21 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Absent: Council Member Reece.

**RETURN TO OPEN SESSION – 4:23 PM**

**MOTION** by Mayor Pro Tempore Middleton, seconded by Council Member Caballero, to return to Open Session at 4:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Absent: Council Member Reece.

No vote was taken in open session.

Being no additional business to transact, Mayor O’Neal adjourned the Work Session at 4:24 p.m.

Diana Schreiber, MPA, NCCMC, CMC  
City Clerk