

**DURHAM CITY COUNCIL WORK SESSION
THURSDAY, MAY 19, 2022 @ 1:00 P.M.
IN-PERSON & VIRTUAL
MEETING**

The Durham City Council held a regular Work Session on the above date and time in the City Hall Council Chamber, 101 City Hall Plaza, and virtually via Zoom with the following members present: Mayor Elaine O'Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Jillian Johnson and Leonardo Williams. Absent: 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 to the Work Session.

[ANNOUNCEMENTS BY COUNCIL]

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

Council Member Hyman expressed appreciation to be part of the Council team and working for the people of Durham.

Council Member Freeman announced the birthday of Malcolm X, Malik el-Shabazz, and stressed the importance of re-entry programs to formerly justice involved individuals. She stated that she had attended an event with the Office of Economic and Workforce Development and that there were positions open in the Office.

Council Member Williams announced Small Business Month; and noted that many within the business community were regaining losses experienced during the pandemic and acknowledged their perseverance.

Mayor O'Neal invited the community to the Bimbe Festival at Rock Quarry Park (in back of Duke Regional); and announced the parade at Hillside High School on Saturday morning at 10 a.m. along Fayetteville Street.

Council Member Caballero advocated for a resolution in favor of abortion rights and reproductive rights and wanted to approve the language at the upcoming June 9th Work Session so that it could be approved at the June 20th City Council Meeting.

It was the consensus of Council to support the resolution.

Council Member Freeman thanked the Parks and Recreation staff for their kickoff event at Holton Education Center and the city's support in celebrating 51 years of African-American culture and arts in Durham.

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

City Manager Page announced her priority items:

- 13) Fiscal Year 22-23 Third Quarter Financial Report; 20 minu presentation
- 33) First Quarter Crime Report; 20 min presentation.

MOTION by Council Member Williams, seconded by Council Member Freeman, to approve the City Manager's Priority Items at 1:08 p.m. by the following vote:
Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

City Attorney Rehberg and City Clerk Schreiber stated that there were no priority items.

Mayor O'Neal read through the printed agenda and requested Council pull items that required additional discussion.

The following items were pulled for discussion: Items 19, 21, 38. Presentation items were 13 and 33.

[CITIZEN'S MATTERS]

SUBJECT: GWYN SILVER- NO AGENDA ITEM

Ms. Gwyn Silver provided background of her family's experiences in speaking out in support of human rights; and spoke to not being able to speak to Item 20 – Fiscal Year 2022-23 Proposed budget and Fiscal Year 2023-28 Capital Improvement Plan (CIP) at the May 16, 2022 Council Meeting. She also stated that she would request to speak at the June 6 Public Hearing.

SUBJECT: JAMES CHAVIS – NO AGENDA ITEM

Mr. Chavis advocated for allowing all residents to speak to Council to the agenda items and requested that Council grant him time to address his concerns.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: ORDINANCE TO CHANGE PARKING FEES (ITEM 19/ PR 15449)

Mayor O'Neal introduced the item and stated there were speakers to the item:

Seth Gross, owner of two restaurants in Downtown, expressed opposition about the increase in the parking fees imposed by the City in Downtown; and stated the increase would hurt small businesses, their employees and customers.

Laura Butler, representing Rock Paper Scissors Salon, spoke on behalf of her employees who needed to pay for parking while working, mostly on a part-time basis. She expressed concerns regarding potential impacts on employees, increases in salon overhead expenses and cautioned that her business may be priced out of Downtown.

Laurie Bell, representing Rock Paper Scissors Hair Salon, spoke from the perspective of an employee at the salon and the burden of parking fees and commuting expenses on her earnings and represented a hardship.

Council Member Williams addressed industry level jobs asking what were employees' incomes, where the jobs were located and who had to commute to Downtown; and urged innovation in parking fees for small business workers.

Mayor Pro Tempore Middleton explained the Parking Fund was operating at a deficit and needed to be stabilized; and urged subsidies for small business workers and creative solutions to parking fee increases.

Council Member Freeman mentioned that focus groups had been utilized to determine the extent of the parking fee increases related to pricing and income levels; and asked if Transportation staff were available for comment.

Director of Transportation Sean Egan spoke to outreach by staff in the Downtown small business stakeholders; responded to the parking space increases; and spoke to the development of a subsidy voucher program (30% discount) for eligible employees earning up to 200% of the federal poverty level.

Referencing Council's Procedures related to citizen participation, individuals were permitted to speak to any item on the agenda at regular Council meetings having signed-up prior to the start of the meeting at 7 p.m. Residents could also write the Council at citycouncilonly@durhamnc.gov; and use the Zoom registration link at the top of the regular meeting and work session agendas to register to speak, whether in-person or virtually.

It was the consensus of Council to address speakers to presentation items at regular Council Meetings and the topic would be discussed at an upcoming Council Procedures meeting.

SUBJECT: AWARD OF CONSTRUCTION CONTRACT TO OWENS ROOFING, INC FOR ROOF REPAIR AND REPLACEMENTS AT VARIOUS DEPARTMENTS OF WATER MANAGEMENT BUILDINGS (ITEM 21/ PR 15459)

Director of Water Management Don Greeley deferred to Mr. Bert Owens from Owens Roofing, Inc. for remarks.

Due to technical difficulties, Mr. Owens was unable to communicate with Council.

After the discussion of Item 38, it was confirmed that Mr. Owens' was having connection issues. Director Greeley recommended having the item placed on the General Business Agenda at the upcoming Council Meeting for discussion.

It was the consensus of Council to place the item on the General Business Agenda at the upcoming regular Council Meeting.

SUBJECT: RETAIN CRIMINAL PENALTY FOR VIOLATION OF DURHAM CITY CODE SECTION 26-23 (NOISE) (ITEM 38/ PR 15473)

Mayor O'Neal inquired about how state law interfaces with local ordinances related to noise violations.

City Attorney Rehberg stated the NC General Assembly passed some legislative changes to NCGS 160-A(75) provision violation of municipal ordinances may have misdemeanors and other penalties connected with it, as a catch all provision. The city has a comparable catch all law (1-9). The NCGS in an omnibus bill stated for violations of city ordinances, each individual ordinance needed to have specific criminal penalties needed to be explicitly stated.

It was anticipated to bring all ordinance revisions to Council following the summer break.

Mayor O'Neal spoke to long-term, lifetime consequences regarding penalties and asked if there could be monetary fines instead of criminal records.

Senior Assistant City Attorney Toni Russ, who advised the Police Department, explained the current noise ordinance defaulted to misdemeanor violations; and the vast majority of the city ordinances were default ordinances. The NC General Statutes intended that specific ordinance violations be included in the ordinances themselves.

Mayor Pro Tempore Middleton addressed the Planning Department's Omnibus changes and compared them to the NCGS statutory language updates.

Attorney Russ noted the change was a restating of current ordinances.

Council Member Caballero inquired about the possible updating/overhaul of the city's noise ordinance.

City Attorney Rehberg responded that City Attorney Patrick Baker had updated the noise ordinance in 2018 in response to the Central Park noise situation; but it was not a total re-write.

[PRESENTATIONS]

**SUBJECT: FY2022-23 THIRD QUARTER FINANCIAL REPORT
(ITEM 13/ PR 15414)**

John Allore, Director of Budget and Management Services, made the staff report and responded to Council's questions. The fourth quarter financial report will be presented in September 2022. The third quarter was the most predictive as a reflection of the economy.

The presentation consisted of the following:

General Fund & Expenditures by Department- only Fire is over-budget due to personnel cost increases

Revenues- Property, Sales, Utility Franchise and Occupancy Taxes; Charges for services

Projected Fund Balance- projected FB as of 6.30.22 = \$60.4 Million = 25.1%
16.7% is required level reflected in \$40.2M

Amount over required level: \$20.2M

Enterprise Funds – major operational funds

Water & Sewer Fund- Revenues – strong, positive variance, under budget

Transit Operations – under budget on revenues and expenses

Solid Waste Fund – operating revenues and expenditures projected lower than budgeted.

Stormwater Fund- fund in good shape; operating revenues projected over budget and expenditures slightly under budget

Parking Fund – Fund experiencing stress; operating revenues budgeted during COVID much less.

Other Major Funds- Ballpark Fund, DPAC Fund, Inspections Fund; all positive variances.

Council appreciated the well managed nature of the city's finances.

SUBJECT: 2022 FIRST QUARTER CRIME REPORT (ITEM 33/ PR 15436)

Police Chief Patrice Andrews made the staff report and responded to Council's questions.

The presentation consisted of the following:

First Quarter Crime Report - January 2022- March 2022

Part 1 Violent Crime (compared 1Q22 to 1Q21 percent change)

- Homicide- up 57%
- Rape – up 16%
- Robbery – up 45%
- Aggravated Assault – down 8%
- Overall Violent Crime – up 8%

Shooting Incidents YTD thru 3/31 (1Q21 v 1Q22)

- Shooting Incidents – 167 up to 180
- Persons Shot- 53 up to 59
- Fatal – 7 up to 8
- Non-fatal – 46 up to 51

Part 1 Property Crime

- Burglary – down 30%
- Larceny – down 5%
- Vehicle Theft – up 15%
- Overall Property Crime - down 8%

Part 1 Clearance Rates

- Violent Crime up 33.7%
- Property Crime up 13.3%
- Both clearance rates were above the FBI 2020 rates
- Provided more information on homicide investigations/clearances
- Persons of interest, not considered arrests
- Many cases require witness corroboration to bring resolution

Priority 1 Calls for Service- response times Jan-March 2022

- Target Response Time 5.8 minutes
- Average Response Time 6.07 minutes
- Target Under 5 min response 57%
- Less than 5 min response 52.3%

U-Visa Request by Quarter – 34 approved

No backlog exists

Staffing at end of 1Q 2022

- Sworn- 82% staffing
 - Authorized – 537
 - Actual – 439
- Non-Sworn – 86% staffing
 - Authorized – 125
 - Actual – 107

Tracking reason for attrition

Cadets changing professions

Tracking reason for staying

- Serving Durham community
- New pay plan
- Increased signing bonuses
- Robust health benefits at COD
- Thirty by Thirty Recruiting initiative

Citizen Initiated CFS (Calls for Service) Calls Diverted

Calls – 29,617

Calls diverted – 2,751

Reports Diverted

Reports – 5,178

Reports diverted – 912

1Q DPD Community Outreach

Sleep in Heavenly Peace – bed building

Bike Rodeos

Girls Camps

Grow Inspire Reach Serve programming

DPD – on Facebook, Instagram, Twitter

Council Member Hyman asked if there were recruitment videos used to encourage applicants in law enforcement (likes/barriers).

Chief Andrews spoke to a video developed by WRAL documentary telling a story of Durham Police Officers. She supported the video suggestion; and mentioned that there was a current mentoring program established within the officer ranks.

Mayor Pro Tempore Middleton inquired about the noticeable impacts of the pay increase and were there updates; and asked about officer use of force and citizen initiated complaint statistics.

Chief Andrews confirmed there were impacts from the pay increase; two officers were hired back to Durham from another agency and had waited to see if the pay had been increase. She also noted that there was more interest in lateral programming being offered to officers with more experience; and elaborated on step improvements that honored officers for years of service who were making lateral moves to Durham.

Chief Andrews responded that numbers comparing Durham's use of force numbers to other municipal departments were available and would obtain them for Council; and noted that Professional Standards recently gave a presentation to the Chief on the Department's use of force numbers- the numbers had remained stable. She indicated quarterly statistics were available and could be pulled for Council and confirmed that ride-alongs had resumed.

Council Member Williams complimented the officers' response to a recent traffic incident; asked about where qualitative information could be accessed; and what was the psychology driving violent behavior, relative to root causes. He spoke to housing instability, after school fees unable to be paid by families and instead, youth were being left alone at home.

Council Member Caballero thanked officers involved in her ride-alongs and appreciated the Chief's recruitment information with special mention of lateral entry; and encouraged the hiring of bi-lingual officers.

Mayor O'Neal inquired about diversion tactics of quality of life issues and asked for additional information; and asked what the community do to make the Chief's job easier to do.

Chief Andrews addressed dilapidated housing, street light outages and mental health resources and reaching out to CIT Officers/units. She added that referrals for restorative justice were occurring. She encouraged partnerships between community members and officers; and urged accountability between community members and their family members. When a community member witnessed a crime, she encouraged them to reach out to law enforcement and provide information.

Council appreciated the report.

Following the Police Chief's presentation, City Clerk Schreiber announced the Council nominations to their boards, committees, commissions and taskforces (BCCTs):

Audit Services Oversight Committee - Appointment

Nicholas W Long for the category Business Community (Finance) seat;

Durham Board of Adjustment – Appointments

Jessica Major for the category of Regular Member seat and

Michael Retchless for the Alternate Seat;

Citizen's Advisory Committee – Appointments

Ahmed Ali, Robert M Brown, Reshockie R Furnace and

Amy Jones has been nominated for reappointment;

Durham City-County Environmental Affairs Board – Appointments

At Large Resident nominee - Quynh-Chi Vo and

Equity/Environmental Justice nominee Michael Burrows;

Durham Cultural Advisory Board – Appointments

Caroline Dwyer, Mitchell E Sava, Aya Shabu and

Angelique Stallings has been nominated for reappointment;

Durham Open Space & Trails Commission – Appointments

Ward 1- W Vinson Pierce III,

Ward 2 – Terence Priester, and

Reappointment/Mayor's DOST Appointee – Vacancy has been requested to be returned to the administration;

Durham Planning Commission – Appointments

Kimberly Cameron, Shaunda L Luther, Anthony M Sease and

Garry Cutright;

Mayors Council for Women- Re-appointments

Wahiba Kartaoui for reappointment to the /Cultural Recreation Fine Arts Sector,
Sheena Mathews to the Fair Housing / Economic Development Sector and
Akeeya Umstead as the At-Large Resident;

Participatory Budgeting Steering Committee – Re-appointment

Axel Herrera Ramos for the At-Large resident vacancy;

Durham Performing Arts Center Oversight Committee- Appointment

Craig Spitzer.

[SETTLING THE AGENDA – JUNE 6, 2022 REGULAR CITY COUNCIL MEETING]

City Manager Page announced the settling of the agenda for the June 6, 2022 Regular City Council Meeting consisting of Consent Agenda Items 1 through 6, 8 through 20, 22 through 23 and Item 38; and General Business Agenda Item 21 and General Business Agenda – Public Hearings Items 34 through 37.

MOTION by Council Member Williams, seconded by Council Member Caballero, to approve the City Manager’s Agenda was approved at 3:20 PM by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Absent: None.

[OTHER MATTERS]

Mayor Pro Tempore Middleton spoke to the Procedures Committee matter related to how public hearing items were listed on the regular meeting agendas; and stated he would work with Council Member Johnson and consult with Attorney Rehberg.

Being no additional business to transact, Mayor O’Neal adjourned the Work Session at 3:20 p.m.

Diana Schreiber, NCCMC
City Clerk