

**DURHAM CITY COUNCIL WORK SESSION
Thursday, March 10, 2022 @ 1:00 p.m.
IN-PERSON & REMOTE MEETING
DRAFT MINUTES**

The Durham City Council held a regular Work Session on the above date and time in the City Hall Council Chamber 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 and Leonardo Williams. Excused Absence: None.

Also present: City Manager Wanda Page, Deputy City Attorney Don O’Toole 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 requested Council discuss the timeline for filling the At-Large Council Vacancy near the end of the meeting under *Other Matters*; and announced the Guaranteed Income Pilot would be sending out the programs first round of checks in the upcoming week under the auspices of Step-Up Durham, he also requested Assistant to the Mayor Amber Wade and Syretta Hill, Executive Director of StepUp Durham, make a presentation to Council regarding the Guaranteed Income Pilot. He continued by expressing congratulations to the new Co-Chair of Local Progress Council Member Jillian Johnson. Local Progress is a movement of local elected officials advancing a racial and economic justice agenda at www.localprogress.org

Council Member Caballero updated all on the ARPA Funding proposal process; and requested a special meeting of Council to devise the City’s path forward.

Mayor O’Neal congratulated Council Member Johnson for her new leadership opportunity with Local Progress.

Council Member Williams addressed the event sponsored by Operation Raise The Roof, a non-profit that constructed homes for Wounded Warriors/Veterans [Operation Raise The Roof – Be A Part of Something Bigger \(operationrtr.com\)](http://operationrtr.com)

Mayor O’Neal invited the veterans to the NCCU Homecoming; updated all on the status of in-person meetings of boards, committees, commissions and

taskforces. Mayor O’Neal explained that she had spoken to Health Director Rodney Jenkins; stated the mask mandate was going away by March 21 in city facilities; and as the NC State of Emergency continued, it was up to the individual volunteer boards, committees, commissions and taskforces to reach consensus in how they desired to meet going forward. Masks were a discretionary choice. It was not feasible for all boards, committees, commissions and taskforces to conduct in person and remote meetings.

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

City Manager Page announced two priority items:

Item 5) Durham City-County Interlocal Agreement for Continuation of the Gang Reduction Strategy. Item was updated to include correct attachments.
Item 9) Durham County Transit Plan. This was a presentation item. Attachment #3 was updated with corrected terminology.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to accept the City Manager’s Priority Items was passed at 1:14 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

The City Attorney’s Office did not have any priority items.

The City Clerk’s Office requested a priority item that Council discuss the board, committee, commission and taskforce virtual meeting attendance policy related to absenteeism now that COVID-19 was subsiding.

It was the consensus of Council to add this item to *Other Matters*.

[CONSENT AGENDA]

Mayor O’Neal read the agenda items off the printed agenda. The following items were pulled for additional discussion: Items 1 and 4. Presentation Items were announced as Items 8 & 9.

Mayor Pro Tempore Middleton highlighted Item 3, ACRA Fitts-Powell Affordable Rental Preservation Grant Agreement as an example of the Affordable Housing Bond being connected to something concrete and operationalized.

Council Member Caballero highlighted Item 7, Contract SW-87, Bragtown Sidewalk Improvements 2022; and noted that the contract was a result of successful outreach by community advocates.

SUBJECT: CITIZEN'S MATTERS: ANDREW MCDONALD (ITEM 13/ PR 15285)

To receive comments from Andrew McDonald about identifying underutilized or abandoned properties for services.

Mr. McDonald introduced himself and spoke to his faith journey, substance abuse recovery and residential programming. He asked if there were any dilapidated structures where he could locate his programming outreach.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION- APPOINTMENTS (ITEM 1/ PR 15264)

Council Member Johnson spoke to Council's efforts to diversify the above related commission related to race and gender. She requested to re-advertise the third vacancy to seek out more diverse applicants related to gender.

SUBJECT: AMENDMENT #1 TO CONTRACT #17648 WITH MOSS+ROSS LLC FOR COMMUNICATIONS CONSULTING SERVICES (ITEM 4/ PR 15270)

Council Member Williams inquired about engagement, partnering with local university communication departments to promote affordable housing bond projects.

Assistant Director Karen Lado admitted that staff had not looked at collegiate Communications Departments but that this was a great idea related to amplification and engagement.

Director of Community Development Reginald Johnson concurred and added that NCCU Department of Communications and CD staff had worked together in the past to devise marketing advertisements for the South Side Development promotions.

Director of Communications Beverly Johnson acknowledged that her staff had worked with local universities previously.

Mayor Pro Tempore Middleton stressed the importance of communications regarding the affordable housing bond, its engagement; asked about the contract's scope of work that referenced meetings with Council and moss+ross; asked how many of elected officials had been met with, asked for talking points, if there were testimonials by those persons impacted and about how future outreach and marketing would be conducted- digital, print, TV, radio, etc.

Community Development Director Johnson responded that moss+ross developed a communications plan; noted that some Council members, community groups and residents had been contacted; indicated COVID-19 impacted outreach and expanded communications would be conducted.

[PRESENTATIONS]

SUBJECT: GREATER TRIANGLE COMMUTER RAIL (ITEM 8/ PR 15273)

Sean Egan, Director of Transportation, introduced the staff report and presenters Charles Lattuca, President, Erin Convery/Planner and Moriah Ellington/Engineer representing the consultant.

The presentation consisted of the following:

The presentation was titled, 'Great Triangle Commuter Rail Study Update/ GoForward a community investment in transit' and contained the following information:

Overview

Map of commuter rail corridor

Study Partners & Sponsors

What is the current study?

Rail Analysis, Opportunity analysis & Engagement Efforts

Pulling it All Together- info from Norfolk Southern, track extension, ridership

Capital costs; ridership stats; and potential funding from federal sources

Downtown Durham Design Concepts (Moriah Ellington, Engineer)

Existing conditions – link to YouTube video tour through DT Durham

Technical Goals for Downtown Durham Design Task

High and Low-Level Boarding Platforms along corridor shared with freight traffic

Downtown Durham Concept Development:

Concept 2 – low level concept (2 tracks)

Concept D - high level concept (4 tracks)

Downtown Durham Station – Chapel Hill overview birdseye & street level views

Gregson Street Bridge

Blackwell Street – level

Corcoran/Mangum Overview Birdseye

Next Steps: Evaluating Options (Erin Convery, Transportation Planner with GoTriangle)

Property and roadway Impacts were detailed

Next Steps: Engagement during Study

Who do we need to hear from?

Specific organizations were displayed

Mayor O'Neal opened up discussion to Council.

Council Member Williams acknowledged he was a member of the MPO Board and asked about the difference in materials being presented to the City from the County.

Mr. Lattuca noted that there were new members on the Durham County Commissioners and that a more detailed presentation would be given to the County at a later date.

Mayor Pro Tem Middleton inquired about property acquisition with the commuter rail and spoke to the process that was utilized in the light rail corridor; asked about potential expansion and would there be a need for eminent domain.

Mr. Lattuca noted the majority of impacts were on streets, sidewalks and bridges. He compared the potential impacts between the two and four track options.

Ms. Convery explained that the designs were preliminary and that continual refinements would be required as the details became more in depth.

Mayor Pro Tem Middleton encouraged there be limited impact on bus service that served primarily persons of color.

Mr. Lattuca remarked that with an increase in the number of trains, the crossing arms would be down thereby impacting local bus service. He emphasized that the rail project would be complimentary rather than adversarial.

Mayor Pro Tem Middleton asked about the color coding under the engagement chart. Mr. Lattuca responded that the survey results were color coded as favorable, neutral and negative comments. He would provide Council with results of the study.

Council Member Freeman inquired about the term 'affordable housing' and what was indicated in the study.

Mr. Lattuca noted that housing within one mile of the rail was being assessed along with the proximity of the commuter rail stations. This information would be shared with Council. Eventually TJCOG would be brought before Council to explain the survey results.

Council Member Freeman addressed the current displacement of families of color, gun violence, struggling businesses/organizations and artists; noted that these elements should be included in the engagement process; and emphasized the need for transparency in the commuter rail conversation. She encouraged there be conversation around how light rail failed and what happened to the missing monies; and wanted to include Durham's communities in the conversations.

Mr. Lattuca addressed the compilation of new analysis related to the light rail expenditures and would work to improve the information shared with the public.

Council Member Caballero inquired about affordable housing within the station area and asked for the expected demographics of ridership.

Mr. Lattuca explained the information was not yet complete but was under study.

Council Member Johnson requested clarity on when Council would be making decisions and/or when Council would have authority over the project or would have weigh in, thereby impacting the progress of the project.

Director Egan recognized that Council would be involved with the request for letters of support and project commitment and estimated this to occur in August 2022 thus requiring formal action by City Council.

Council Member Williams noted that City of Durham provided over 80% of funding of the transit system but was not represented on the Board of GoTriangle.

Council Member Caballero spoke to the needed partnership and voice within GoTriangle as it pertained to the Governance Study – thereby cementing the City’s position.

Council Member Williams asked how much was spent on the study for commuter rail, to date.

Mr. Lattuca summarized that \$9 Million had been approved for the study and noted a project cost was not yet ready.

Council Member Williams itemized expenses related to the light rail project study and wanted to hold the organizations accountable of where and how the tax payer dollars had been and would be spent.

Mayor O’Neal provided a historical context of African-Americans and their descendants and how their relationship with access to public transportation and housing had been formed. She encouraged that the voices of people of color be heard throughout the commuter rail outreach process; and requested transportation specifics related to who got the money, what did they spend it on and when did the African American community get the return. Mayor O’Neal spoke to her plans to ride Bus Route #9 and other bus routes. She supported a robust interconnected system between buses and commuter rail.

SUBJECT: DURHAM COUNTY TRANSIT PLAN UPDATE (ITEM 9/ PR 15276)

Sean Egan, Director of Transportation, introduced Ellen Beckmann, Transportation Manager in Durham County.

Ms. Beckmann made the staff report that included a presentation, titled *Durham County Transit Plan Financial Metrics and Development of the Recommended Plan*.

The presentation included the following:

Development of the Recommended Transit Plan – currently in Step 2 that included key assumptions of the Financial Model; bus operating costs; administrative costs and cost-share for Commuter Rail Project.

Current Status of Durham Transit Plan Financial Policies and Modeling Underway – Transit Plan Governance Study

Key Assumptions of Financial Model- combination of sales tax, debt service, reserves.

Bus Operating & Administrative Costs

Commuter Rail Cost-Share

Development of Recommended Plan

FY2023 Work Program and Transit Plan Amendment

Schedule

Mayor O'Neal asked Council for their comments.

Council Member Williams inquired about the control of funding of transportation related expenses and asked for clarification about the City's role in transportation planning, operations and cost-sharing.

Ms. Beckmann addressed the County Transit Plan and spoke to revenues included in the County budget and in existing projects; she also estimated how revising the cost sharing from 20 to 33% would impact future projects.

Council Member Johnson appreciated the Transit updates and her colleagues' Caballero and Williams participation on the local transportation boards and the head's up on Council's engagement opportunities; appreciated the city having more of a voice in transit decision making, providing input and information sharing; and emphasized that the majority of the residents in Durham County were in the City and transit was very important to city residents and that it was important for Council to represent city interests.

Council Member Caballero reiterated that Council needed to devise solutions to provide excellent bus service and regional commuter rail.

Council Member Williams announced a need for a future town hall to discuss transportation issues.

Council Member Freeman appreciated her colleagues' efforts and the acknowledgement of the generational impact of transportation issues on persons of color; and noted that she had devised a Transportation 101 Presentation while working with the Inter-Neighborhood Council that she was willing to share with Council.

Mayor O'Neal addressed the city's efforts in getting federal funding and grant opportunities; and noted Mayor Pro Tempore Middleton was leading the effort in getting federal dollars for transportation projects. She also emphasized that outreach to Durham residents was essential and asked residents to reach out to Council Members Caballero and Williams for guidance.

City Clerk Schreiber announced Council's nominations were as follows:

Durham City-County Appearance Commission – Re-appointment. The re-appointment nomination was Thomas J. Flynn; the appointment nomination was for Leah F Selvy. The second empty seat for appointment was to be re-advertised to encourage more gender diversity.

Mayor Pro Tempore Middleton initiated the conversation of recruitment for the At-Large Council vacancy. He clarified that by NC State Statutes, it was not necessary for Council to fill the vacancy within 60 days. The sixty-day timeframe was sourced from the City's Charter and NC State Statutes were preeminent.

The following timetable was presented for the At-Large Vacancy process:

Recruitment: Public notice of the vacancy application period from March 11 through March 25, 2022 at 5 p.m.
Review of Applications: Monday, March 28 through Thursday, April 7, 2022
Selection of Finalists: Thursday, April 7, 2022 Work Session at 1 pm in Chamber
Interview Finalists: Monday, May 2, 2022 at Special Meeting at 4 pm in Chamber
Receive Public Comment & Vote: Tuesday, May 3, 2022 at Special Meeting at 6 pm

There was consensus to review ARPA Funding Proposals on Wednesday, April 6 at 6 p.m. at a Special Meeting with the possibility of extending the Work Session on Thursday, April 7 for ARPA discussions.

City Clerk Schreiber requested Council provide feedback regarding the board, committee, commission and taskforce virtual attendance policy.

Deputy City Attorney O'Toole reminded Council that there remained a state emergency order in place that allowed for virtual meetings. Once the Governor

removed the state of emergency order, there would be no ability for virtual meetings. He recommended that the City should determine by viewing health metrics, whether it wants boards, committees, commissions and taskforces to continue to operate remotely or return to in-person meetings.

City Manager Page addressed there was no opportunity for volunteer groups to meet in a combination of virtual and in-person meeting styles (aka hybrid).

Council Member Freeman referenced the boards that were required to meet in person to conduct their work; for example, landlord cases that needed to be in-person related to the Housing Appeals Board. The attendance policy needed to reflect that those advisory boards needed in-person attendance to accomplish their work.

Council Member Johnson encouraged maintaining the current virtual attendance policy until the state of emergency was lifted; and then require volunteers to go back to in-person board, committee, commission, taskforce meetings dependent on COVID-19 metrics. She acknowledged that Housing Appeals Board and the Board of Adjustment needed to conduct in-person meetings in order to accomplish their work.

Council Member Williams spoke to the immune-compromised members who were on boards and in the event that the State of Emergency was lifted, asked staff liaisons to reach out to the Clerk's Office so that accommodations could be made. He also spoke to resources available such as vaccinations and boosters.

Mayor O'Neal summarized that the BCCTs should continue the current attendance policy until the Governor's State of Emergency was lifted.

[SETTLING THE AGENDA FOR THE MARCH 21, 2022 CITY COUNCIL MEETING]

City Manager Page requested the following items be included in settling the agenda for the Monday, March 21, 2022 City Council Meeting by announcing the items for the Consent Agenda as Items 1 through 7 and General Business Agenda– Public Hearings Items 10 through 12.

MOTION by Council Member Williams, seconded by Council Member Johnson, to approve the settling of the City Manager's agenda of the Monday, March 21, 2022 regular Council Meeting at 4:07 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

Work Session Minutes

March 10, 2022

Being no additional business to transact, Mayor O'Neal adjourned the Work Session at 4:07 p.m.

Diana Schreiber, MPA, NCCMC, CMC
City Clerk