

**DURHAM CITY COUNCIL WORK SESSION  
THURSDAY, SEPTEMBER 22, 2022 @ 1 PM  
IN-PERSON & VIRTUAL MEETING**

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: Chair Jillian Johnson, Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey-Hyman and Leonardo Williams. Absent: Mayor Elaine O'Neal.

Also present: City Manager Wanda Page, Deputy City Attorney Donald O'Toole and City Clerk Diana Schreiber.

**[CALL TO ORDER]**

Due to absence of Mayor O'Neal and the delayed arrival of Mayor Pro Tempore Middleton and Council Member Williams, Council Member Johnson presided over the meeting, called the meeting to order at 1:02 p.m. and welcomed everyone to the Work Session.

**[ANNOUNCEMENTS BY COUNCIL]**

Chair Johnson called for announcements.

Council Member Freeman announced a speaking engagement by Bryan Stevenson, founder of the Equal Justice Initiative, at Duke University regarding re-entry programs.

Council Member Holsey-Hyman announced the day as Black Women's Equal Pay Day.

**MOTION** by Council Member Freeman, seconded by Council Member Caballero to grant Mayor O'Neal an excused absence at 1:05 p.m. by the following vote: Ayes: Chair Johnson and Council Members Caballero, Freeman and Holsey-Hyman. Noes: None. Absent: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Member Williams.

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

City Manager Page requested the following:

Item 7) Interlocal Cooperation Agreement with Durham County for Durham Cultural Roadmap Development. Request to suspend the rules in order to vote on the item.

Item 15) Historic Preservation Fund Grant Project Ordinance. Supplemental Item. Request to suspend the rules in order to vote on the item.

Item 5) Interlocal Agreement with Durham County for Joint Funding of the Low Income Homeowners' Relief Program (LIHRP). Motion added to reflect cost of the agreement.

Item 6) Change Order 1 and Amendment 4 to the Construction Manager as Constructor Contract with Balfour Beatty Construction, LLC for the Public Works Operations Center Renovation Project. Attachment 6 added.

Item 14) Citizen's Matter. Tricia Smar. Response by Transportation Department was added to the packet.

Council Member Williams arrived at the meeting at 1:07 p.m.

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

Deputy City Attorney Don O'Toole requested a closed session pursuant to NCGS 143-318 (11) a3 for attorney-client consultation considering the handling or settlement of the following case:

Oak Charter Academy Incorporated et al versus City of Durham, Case Durham Superior Court #21 VCS 21 29.

**MOTION** by Council Member Holsey-Hyman, seconded by Council Member Williams to accept the City Attorney's Priority Item at 1:09 p.m. by the following vote: Ayes: Chair Johnson and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: Mayor O'Neal and Mayor Pro Tempore Middleton. Absent: None.

The City Clerk's Office had no priority items.

Chair Johnson read the printed agenda and requested Council pull Item 7 to suspend the rules and vote, as requested by City Manager Page.

**MOTION** by Council Member Freeman, seconded by Council Member Williams, to suspend the rules on Item 7 at 1:11 p.m. was approved by the following vote: Chair Johnson and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Mayor O'Neal and Mayor Pro Tempore Middleton.

**MOTION** by Council Member Williams, seconded by Council Member Freeman, to resolve that the City Manager be authorized to execute the interlocal agreement with Durham County governing development of a new Durham Cultural Roadmap by the Durham Cultural Advisory Board at 1:11 p.m. by the following vote: Chair Johnson and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Absent: Mayor O’Neal and Mayor Pro Tempore Middleton.

Chair Johnson continued reading the printed agenda. Item 9 was pulled for a presentation later in the meeting; and requested Council pull the Supplemental Item #15, in order to suspend the rules and vote, as requested by City Manager Page.

**MOTION** by Council Member Caballero, seconded by Council Member Holsey-Hyman, to suspend the rules on Item 15 at 1:13 p.m. was approved by the following vote: Chair Johnson and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Absent: Mayor O’Neal and Mayor Pro Tempore Middleton.

**MOTION** by Council Member Williams, seconded by Council Member Holsey-Hyman, to authorize the City Manager to accept the 2022 Historic Preservation Fund grant by executing the grant documents; and

To adopt the 2022 Historic Preservation Fund Grant Project Ordinance in the amount of \$34,865 to fund a survey of Fitzgerald Cemetery and a National Register Nomination for Fitzgerald, Henderson, Hebrew, and Maplewood Cemeteries at 1:13 p.m. by the following vote: Chair Johnson and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Absent: Mayor O’Neal and Mayor Pro Tempore Middleton.

**SUBJECT: CITIZEN’S MATTER: TRICIA SMAR (ITEM 14/ PR 15710)**

To receive comments from Tricia Smar regarding funding and reviewing of traffic calming efforts. Ms. Smar presented a PowerPoint presentation regarding traffic calming needs in South Durham, in a neighborhood adjacent to her home.

**SUBJECT: DONNA FREDERICK (PUBLIC COMMENT SPEAKER, NO ITEM NUMBER)**

Ms. Frederick spoke in support of the Transportation Department’s Zero Vision funding and requested it be implemented in Bragtown.

**SUBJECT: FRED BROADWELL (PUBLIC COMMENT SPEAKER, NO ITEM NUMBER)**

Mr. Broadwell spoke to the survey conducted by the Old West Durham Neighborhood Association that determined the number one issue was bicycle and pedestrian safety; and encouraged the city's support on the topic.

**SUBJECT: JACKIE WAGSTAFF (PUBLIC COMMENT SPEAKER, NO ITEM NUMBER)**

Ms. Wagstaff expressed concern about the rules of decorum and Council's behavior displayed toward residents.

**SUBJECT: MARY MOLINA (PUBLIC COMMENT SPEAKER, NO ITEM NUMBER)**

Ms. Molina spoke to the rules of decorum and addressed Council's treatment of residents during public hearings.

**[PRESENTATIONS]**

**SUBJECT: GREATER TRIANGLE COMMUTER RAIL FEASIBILITY STUDY RESULTS (ITEM 9/ PR 15714)**

Transportation Department Director Sean Egan deferred to GoTriangle President and CEO Charles Lattuca and Kathryn Egelston, Chief of Development for presentation titled, Greater Triangle Commuter Rail Feasibility Study Results.

Mayor Pro Tempore Middleton arrived at the meeting at 1:28 p.m.

The presentation contained the following:

Study Partners- listed

Maps: Current Population, vehicle ownership and congestion (2 million people with 1.3 million vehicles) current v. 2050 (3 million people with 2.3 million vehicles)

Map: Job Growth Cluster Maps 2020-2050. By 2050, expected more than 800,000 jobs will be added.

Chart: Relative 2040 Boardings by Corridor Geography- reflects the residential cluster maps

Updated Estimates- Costs from West Durham to Garner, NC, start service between 2033 and 2035 with 12,000-18,000 boarding/day by 2040. Inflationary pressures considered.

Implementation challenges are not equally distributed along the corridor.

Advanced appropriations and fully authorized funds in \$billions

Presentation, continued:

Next Steps: obtain stakeholder input, refine financial plan and grant strategy, and decide whether or how to go forward. Public comment expected in January 2023.

Durham County Transportation Manager Ellen Beckmann addressed costs at local/county, state and federal levels; and made special mention of Plum, Driver and Ellis Roads, intersections and improved safety designs.

Mayor Pro Tempore Middleton arrived at the meeting at 1:30 p.m., wished everyone a good afternoon and encouraged his colleague, Council Member Johnson, to continue presiding over the rest of the meeting.

Chair Johnson inquired if her colleagues had questions for the presenters.

Mayor Pro Tempore Middleton asked how long Council had to come up with a firm decision.

Mr. Lattuca encouraged Council to take all the time needed; encouraged Council to take advantage of federal funding dollars that were currently available; and spoke to the duration of projects depending on complexity. He also mentioned that the decision-making was regional and more complicated in nature due to stakeholder collaboration.

Mayor Pro Tempore Middleton continued his line of questioning by inquiring about visioning and government usage of eminent domain.

Mr. Lattuca minimized the need for eminent domain due to the established rail corridor already existing; and noted his team had looked at the physical impact on the corridor through Durham. He continued explaining that perhaps some of the stations would require eminent domain and at grade crossings; however, additional analysis was necessary.

Council Member Holsey-Hyman asked about the strategy for input from stakeholders.

Mr. Lattuca responded that the strategy was devised by City and County and that both would conduct outreach with open houses, online resources, webinars and survey(s).

Chair Johnson inquired about ridership projections and were influences by tele-work impacting the numbers.

Mr. Lattuca spoke to possibly offering the scheduling of all day service to accommodate persons with non-conventional work schedules.

Ms. Egelston interjected that the projections were done pre-pandemic and did not reflect new travel patterns but the information was currently being tracked with travel demand models and new data would be devised based on new federal guidelines.

Chair Johnson asked about the slide with the map indicating the margin's distance along the rail corridor. She also asked about the closing at Plum Street and would this impact traffic along Pettigrew Street.

Mr. Lattuca confirmed the distance was one mile on either side of the rail corridor.

Ms. Egelston clarified that if Plum Street closed, north of Pettigrew across the rail corridor, that would not affect the connectivity of Pettigrew to Plum and further south. It was confirmed that folks could not go north but could go east or west. Options for mitigating the loss of traffic connection northward could be evaluated in a study for as development of commuter rail station plans. She imagined a pedestrian rail bridge over the rail corridor so there would be direct access from the north to the rail station.

Council Member Freeman inquired about the rail grade separation crossing of the railroad was at Alston and TW Alexander. Ms. Beckmann confirmed that everything in between Alston and TW Alexander was at grade, with the additional exception of 885/new East End Connector.

Ms. Beckmann confirmed that the rail was currently at grade with exception to Plum, Driver and parts of Briggs, and Ellis near Angier/Pettigrew intersection.

Mr. Lattuca confirmed that GoTriangle bus ridership was at 100% pre-pandemic levels.

Council Member Freeman encouraged the moniker of the rail be converted from commuter rail to regional rail. Mr. Lattuca echoed this preference.

City Manager Page acknowledged that the item was a presentation. City staff expressed a desire to go after all federal funding to benefit the Durham community. To meet this end, the City of Durham could write/issue a letter of support for the grant being pursued by Durham County for planning/engagement.

City Manager Page asked Council for who was interested in moving forward with the letter of support to pursue funding. Council expressed their support for the writing of the letter.

Mayor Pro Tempore Middleton asked if writing the letter to pursue funding represented commitment to the project and that additional discussion was necessary.

Mr. Lattuca noted there was a dual purpose: safety and future transit.

Ms. Beckmann responded to Mayor Pro Tempore Middleton's question about commitment by the signing of the letter was 'no'. She explained that this was one area identified in the study and that there would be other areas that needed to be addressed, other problems to be solved and other monies to be found; and that this was one piece of many pieces of the project, not approval for the entire project.

Council Member Caballero noted the same issue came before the Metropolitan Planning Organization last week and that the MPO was also being asked to write a letter of support for the grant.

Council Member Williams echoed the remarks of his colleague, Council Member Caballero. He also spoke to equity in East Durham and urged Council's focus on rail to provide transit to everyone.

Council Member Freeman spoke in support of addressing concerns of riders along Route 9 and urged the review of the plan and was still hesitant in supporting the rail project.

Mr. Lattuca received regular updates on bus service in Bragtown and along Route 9; more frequent buses were expected along the route.

It was the consensus of Council to move forward with the letter of support.

There were no nominations on the printed agenda related to Council appointed boards, committees, commissions and taskforces.

Prior to going into closed session, Chair Johnson requested Council make a motion to settle the City Manager's Agenda for the October 3, 2022 Regular City Council Meeting.

**SETTLING THE AGENDA – OCTOBER 3, 2022 REGULAR CITY COUNCIL MEETING]**

City Manager Page announced the settling of the October 3, 2022 Regular City Council Meeting's Consent Agenda Items 1 through 6, Item 8; and General Business Agenda Item – Public Hearings, Items 10 through 13.

**MOTION** by Council Member Williams, seconded by Council Member Freeman, to approve the City Manager's Agenda for the October 3, 2022 regular Council Meeting as approved at 2:18 p.m. by the following vote: Ayes: Chair Johnson, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman Holsey-Hyman and Williams. Noes: None. Absent: Mayor O'Neal.

**[ENTER CLOSED SESSION AT 2:19 PM]**

**MOTION** by Council Member Holsey-Hyman, seconded by Council Member Caballero, to enter into Closed Session pursuant to NCGS 143-318 (11) a3 for attorney-client consultation considering the handling or settlement of the following case, Oak Charter Academy Incorporated et al versus City of Durham, Case in Durham Superior Court #21 VCS 21 29 at 2:19 p.m. by the following vote: Ayes: Chair Johnson, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Absent: Mayor O'Neal.

The City Clerk did not attend the Closed Session.

**[RETURN TO OPEN SESSION AT 3:15 PM]**

**MOTION** by Council Member Williams, seconded by Council Member Freeman, to return to Open Session at 3:14 p.m. by the following vote: Ayes: Chair Johnson, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Absent: Mayor O'Neal.

Being no additional business to transact, Chair Johnson adjourned the Work Session at 3:15 p.m.

Diana Schreiber, NCCMC, CMC  
City Clerk