

**DURHAM CITY COUNCIL WORK SESSION
Thursday, October 21, 2021 @ 1:00 p.m.
VIRTUAL MEETING**

The Durham City Council held a regular Work Session on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, Pierce Freelon, DeDreana Freeman, Mark-Anthony Middleton and Council Member Reece. Absent: None.

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

[CALL TO ORDER]

Mayor Schewel called the meeting to order and welcomed all in attendance at the virtual meeting.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Caballero recognized the event at the Fire Department for highlighting energy efficient trucks and would work toward the City's sustainability goals; announced the Riverside Cross Country Track Team's achievement of being Durham's #1 Track Team, with one of her children achieving their personal best in the 5K; and spoke to the eviction crisis occurring in Durham and thanked Legal Aid, NCCU and Duke University for their support/outreach. She stated that the staff would be coming to Council with an update on eviction diversion efforts.

Mayor Schewel expressed concern about the eviction situation and noted staff were active in getting support within the community.

Council Member Middleton announced Shepard Middle School Panthers and was a guest lecturer at the school; and invited the students to City Hall and appreciated the welcome he received.

Council Member Freeman spoke to the Tenants Bill of Rights recommendation and urged feedback at the upcoming Work Session.

It was the consensus of Council to place the item on the upcoming Work Session agenda.

Council Member Reece, as Chair of the Legislative Committee, looked forward to placing recommendations from the community onto the city's Legislative Agenda. He explained that the importance of the Legislative Agenda was to alert lawmakers at the state and federal levels that these concerns warranted their attention in respect to tenants' rights. He was appreciative of his colleague's efforts and was willing to work with her to achieve their goals.

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

City Manager Page announced her priority items:

- Item 11, Requested Council suspend the rules in order to vote.
- Item 12, Requested Council suspend the rules in order to vote.
- Item 14, Withdrew the item and did not want to suspend the rules and vote.
- Attachments 2, 3, 4 were removed; original Attachment 5 was renumbered to Attachment 2.
- Item 10, Motion was revised to reflect original contract amount.
- Item 15, Presentation item.
- Item 19, Attachment 1, updated to remove the track changes.
- Item 25, Citizen's Matter: Citizen was not appearing at the meeting.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson to accept the City Manager's Priority Items at 1:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

Deputy Attorney O'Toole announced the City Attorney's Office had no priority items.

City Clerk Schreiber announced two priority items:

- Item 1, Minutes for Approval. The draft was replaced with September 7, 2021 Work Session Minutes; and
- Requested Council to discuss their return to in-person meetings and to provide guidelines for the boards, committees, commissions and taskforces.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to accept the City Clerk's Priority Items at 1:13 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

Taking the prerogative of the chair, Mayor Schewel stated the Clerk's Priority Item related to in-person meetings would be discussed near the end of the meeting.

[CONSENT AGENDA]

Mayor Schewel read the agenda items printed on the agenda and asked if Council wanted to pull the items for additional discussion.

The following items were pulled: Items 10 and 18.

Mayor Schewel announced that the City Manager's items requested to be voted on would be next on the agenda.

SUBJECT: PURCHASE CONTRACT – EPLUS TECHNOLOGY INC FOR THE NETWORK INFRASTRUCTURE AT THE DEPARTMENT OF WATER MANAGEMENT FACILITY COMPLEX (ITEM 11/ PR 14944)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to suspend the rules in order to vote was approved at 1:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Council Member Reece, seconded by Council Member Caballero, to authorize the City Manager to negotiate and execute a purchase contract with ePlus Technology, Inc. for new network infrastructure equipment for the new Department of Water Management Facility Complex utilizing existing NC 204X-IT Infrastructure Solutions contract as authorized by NCGS 143-129(e)(9) in the amount of \$299,369.50;

To establish a contingency fund for the contract in the amount of \$30,000; and

To authorize the City Manager to negotiate and execute change orders for the contract provided the cost of all change orders together with the original contract amount does not exceed \$329,369.50 was approved at 1:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: PURCHASE CONTRACT – KONTEK SYSTEMS FOR AUDIO/VISUAL EQUIPMENT FOR THE DEPARTMENT OF WATER MANAGEMENT FACILITY COMPLEX (ITEM 12/ PR 14945)

MOTION by Council Member Freeman, seconded by Council Member Reece, to suspend the rules in order to vote was approved at 1:17 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to negotiate and execute a purchase contract with Kontek Systems, Inc. for new audio/visual equipment for the Department of Water Management Facility Complex utilizing existing NC State Multimedia

Convenience Contract #63-CCC624141 as authorized by NCGS 143-129(e)(9) and (9a) in the amount not to exceed \$799,895;

To establish a contingency fund for the contract in the amount of \$80,105; and

To authorize the City Manager to negotiate and execute change orders for the purchase contract provided the cost of all change orders together with the original purchase contract amount does not exceed \$880,000 was approved at 1:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT WITH REINVESTMENT PARTNERS, INC FOR THE REHABILITATION OF 2816 ROSS ROAD (ITEM 10/ PR 14990)

Mayor Schewel expressed concerns about cost-overruns related to the construction.

Department of Community Development Director Reginald Johnson explained the increased costs of \$3,670,803 were related to extensive asbestos remediation and the cost of lumber associated with COVID and its supply chain complications. He also explained the rationale for continuing the project.

Council Member Freeman acknowledged the risk taken by Reinvestment Partners to preserve the housing.

Council Member Reece concurred with Mayor Schewel about cost overruns and was grateful with the Department of Community Development related to construction projects in Durham.

**SUBJECT: CITIZEN'S MATTER – TAMEKA WALKER
(NO AGENDA ITEM NUMBER)**

Ms. Walker addressed concerns about GoDurham bus operator safety and detailed recent criminal incidents.

**SUBJECT: CITIZEN'S MATTER – KURT MITCHELL
(NO AGENDA ITEM NUMBER)**

Mr. Mitchell urged Council to consider the safety and well-being of GoDurham employees; and asked for more resources related to family leave and pay.

Mayor Schewel and Council committed themselves to do all possible to keep the bus operators safe; and requested the City Manager to provide a response to pay and safety measures for the bus operators.

Council concurred that GoDurham bus operators were important and essential workers, making the bus system work for the community.

SUBJECT: DURHAM PARKS AND RECREATION OUTDOOR AQUATIC PROJECTS CONTRACT WITH RATIO STATES- NC PLLC (ITEM 18/ PR 14986)

Mayor Schewel stated there was a speaker to the item.

Aidil Ortiz, expressed to concerns about community engagement related to Hoover Road and the Wheels Fun Park; and expressed concerns that she felt shut out from the design of the complex and spoke in support of the community engagement blueprint.

Jason Phelan, representing General Services, responded to Council's questions.

Mr. Phelan explained the meaning of the CIP Reserve of \$483,000.

Mayor Schewel expressed concerns about out of town sub-contractors, consisting of minorities and women, winning bids for Durham projects.

Parks and Recreation Director Wade Walcutt addressed outreach with the contractor, noted that the contractor would attempt to set up local sub-contractors, and concurred that local sub-contractors were needed to respond to city contracts.

It was the consensus of Council that roller skating definitely be included in the Wheels Master Plan.

Council Member Freelon suggested that Director Walcutt meet with community members, including Aidil Ortiz, to listen to resident feedback and concerns about community engagement, seek to maintain transparency with the community and elaborate on P&R outreach efforts.

Director Walcutt would continue the conversation with Ms. Ortiz and other community members.

Council Member Freeman inquired about the timeline to open the skating rink.

Director Walcutt responded that the rink was currently being utilized as a COVID vaccination center.

Mayor Schewel reiterated that the equitable engagement of the community be incorporated into the planning process of the Wheels Master Plan; and understood staff's perspective.

Council Member Caballero supported the skate ring and spoke to the need for an aquatic center.

Council Member Freeman encouraged P&R staff to utilize the Equitable Engagement Blueprint.

Director Walcutt supported the Equitable Engagement Blueprint and noted that Wheels was a pilot project that was incorporating a racial equity initiative.

[PRESENTATIONS]

SUBJECT: SOURCE WATER RISK AND RESPONSE PLAN (ITEM 15/ PR 14977)

Don Greeley, Director of Water Management and Sydney Miller, Water Resource Planner, made a PowerPoint Presentation titled, *Water System Risk and Resiliency, City Council, October 21, 2021*.

The presentation consisted of the following:

Presentation Outline:

- Water Sources, Treatment, Distribution
- American's Water Infrastructure Act of 2018
- Risk & Resilience Assessment
- Emergency Response Plan
- Source Water Resiliency and Response Plan
- Preparing for the future

Council Member Middleton appreciated the investment in the water supply and protective measures being taken. He acknowledged the investment made by Durham and surrounding municipalities.

Council Member Caballero spoke to advocating for additional funding of water projects and acknowledged the sensitivity of customers toward increasing costs.

Council Member Freeman inquired about flood remediation.

Staff referred questions related to flooding to Public Works.

Mayor Schewel expressed appreciation for the Teer Quarry coming online; and appreciated the efforts of staff to ensure the safety of the water supply.

SUBJECT: DURHAM CULTURAL ADVISORY BOARD FY23 CULTURAL MASTER PLAN FUNDING (ITEM 21/ PR 14995)

Summer Alston, representing General Services, introduced the item. Angela Lee, Chair; E'Vonne Coleman, Member; and Katy Clune, Member made the PowerPoint presentation titled, *Durham Needs a New Cultural Master Plan*.

The presentation consisted of the following:

Durham Cultural Advisory Board 20-21 Goals
Comparison of Durham 2004 to 2021- since 2000, population had increased by 44%
DCAB Research Findings (2020 and 2021)
What is Cultural Master Planning?
What does Durham need a new cultural master plan now?
Request: City and County elected officials support the development of a new Cultural Master Plan

Council Member Freelon affirmed the need for an updated Cultural Master Plan; and spoke to the advantages of the creative class in Durham, economically and spiritually.

Council Member Freeman echoed sentiments from Council Member Freelon about Durham as the culture capital of the Triangle; had proposed the Black Artistry Celebration and spoke to artists remaining in Durham in the future.

Council Member Reece looked forward to the Mayor's artistic endeavors after his retirement from Council; supported funding for the Cultural Master Plan; and reiterated the importance of art to the soul and economy of Durham. He also suggested that the Cultural Advisory Board members seek to bring independent working artists into the process of creating the Cultural Master Plan, as well as, compensating them financially.

Mayor Pro Tempore Johnson supported the creation of the new Cultural Master Plan and funding of the plan; and looked forward to seeing the proposals for the ARPA funding related to the arts and culture sector.

Council Member Middleton thanked the speakers for their presentation; addressed the prophetic role of artists in the community by creating art out of the mundane; urged Marshall Plan-type investment in legacy black neighborhoods by their stabilization, restoration and preservation.

Council Member Caballero appreciated the presentation and supported the new Cultural Master Plan with an inclusive element and referred to creating a latino community center.

Mayor Schewel encouraged his colleague, Council Member Freelon, to speak to his experiences in creating institutions in Durham, specifically Northstar and Black Space.

Council Member Freelon reflected on his work and explained how to dovetail his work with the vision of a new Cultural Master Plan and institution building; evoked the names of his ancestors, with special mention of his father. He emphasized that diverse and creative voices be engaged into the process.

Mayor Schewel referenced his background of newspaper publishing for 30 years, and expressed concerns about the state of journalism; and noted that artists lacked the critical coverage that they used to have, just a decade ago. He wanted this aspect included in the Master Plan. He had founded a music festival, Hopscotch, and had experienced similar pressures as a producer of art and wanting to support artists. He asked what was the timing in terms of funding of \$300,000.

Ms. Coleman responded about launching the planning in 2022, dependent upon receiving funding from the City and County; and estimated July 2022 as being 'in the planning process'. She explained how organizing in the form of steering committees was necessary in the planning process and that clients for the plan were the local government entities.

Council Member Freeman referenced journalism emanating from local universities of which, could be utilized as a megaphone of the project.

Ms. Coleman encouraged multi-faceted involvement of various stakeholders who were involved in the project.

Mayor Schewel summarized that there was broad budgetary support for the Master Plan; acknowledged that Durham was behind in supporting local arts and was prepared to take steps to right this wrong; and appreciated the efforts of the presenters in bringing the new Master Plan forward.

Mayor Schewel stated there was a speaker to the item.

Patrick Mucklow, Durham resident and supporter of the Museum of Durham History, spoke to the city's accelerated growth required a new master plan to reflect this growth and urged Council's support of the Cultural Advisory Board's request of a new Cultural Master Plan.

Council appreciated the efforts of Summer Alston and colleagues for bringing the item before Council.

SUBJECT: CITY CLERK'S PRIORITY ITEM: RESUMPTION OF IN-PERSON MEETINGS (NO AGENDA ITEM NUMBER)

Mayor Schewel acknowledged that the COVID case numbers were falling; and noted for the new Mayor, supported in-person meetings be resumed by December 6, 2021, combined with the mask mandate.

Council Member Middleton appreciated the Mayor's foresight in arranging for the transition from one Mayor to the next; was glad the COVID numbers were trending downward; and suggested that the second November meeting be the target for the in-person meeting.

Council Member Reece spoke in favor of meeting in person; appreciated the Mayor's leadership during the pandemic, and suggested his colleagues and city staff to consider getting the recommended CDC booster shot.

Council Member Caballero supported the plan of Council returning to the Chamber in mid-November; asked if children under 12 had been approved for the vaccine, since some Council Members had young children; and encouraged the virtual meeting policy be devised that was tied to a positivity case metric.

Mayor Schewel would follow-up with Rodney Jenkins, Director of Public Health.

Mayor Pro Tempore Johnson stated she felt comfortable coming back for in-person meetings, the vaccines for children 5-12 were expected to be available by early November; and referenced the need for a standard of meeting by adopting a meeting policy reflective of public health standards.

It was the consensus of Council to return to in-person meetings by the second Council Meeting in November (November 15); and asked City Manager Page to confirm that staff would be ready to do this.

City Manager Page responded that the technology was in place and that staff could be ready to have an in-person meeting by mid-November.

Council Member Caballero suggested that Council go back to in-person meetings prior to bringing back the boards and commissions; with a suggested date of early 2022.

Mayor Schewel requested the Clerk to ask the boards and commissions to vote if they want to meet in person or continue meeting virtually; and to let them know that they could return to in-person meetings in January 2022.

Mayor Schewel requested the Clerk's Office and the Administration to work together to figure out meeting logistics for the boards, committees, commissions and taskforces.

City Clerk Schreiber announced Council's nominations to boards, committees, commissions and taskforces:

Board of Adjustment- Mayoral Appointment: David Paletta
Durham Open Space and Trails Commission, category At-Large: Tonia McRae
GoTriangle Board of Trustees, category Joint City-County Representative:
Stelfanie Williams;
Racial Equity Commission, category At-Large: Easmond Codjoe; and
Safety and Wellness Taskforce, category Justice-Involved Resident: re-advertise
the vacancy with clarification of the meaning of Justice-Involved.

[SETTLING THE AGENDA FOR THE NOVEMBER 1, 2021 CITY COUNCIL MEETING]

City Manager Page settled the agenda for the November 1, 2021 City Council Meeting by announcing the items for the Consent Agenda as Items 1 through 10, Items 13 through 20; and the General Business Items – Public Hearings were Items 22 through 24.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to approve the settling of the City Manager's agenda at 3:42 p.m. by the following votes: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

Being no additional business to transact, the Work Session was adjourned at 3:43 p.m.

Diana Schreiber, NCCMC, CMC
City Clerk