

DURHAM CITY COUNCIL WORK SESSION
Thursday, November 8, 2018 @ 1:50 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

The Durham City Council held a Work Session on the above date and time in the City Council Committee Room located at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston and Charlie Reece. Excused Absence: Council Member Javiera Caballero, DeDreana Freeman and Mark-Anthony Middleton.

Also present: Deputy City Manager Wanda Page, City Attorney Patrick Baker and City Clerk Diana Schreiber.

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

[ANNOUNCEMENTS BY COUNCIL]

There were no announcements by Council.

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

Deputy City Manager Page announced that Items #9, Proposed Condemnation of Property located at 4214 Fayetteville Road, (Parcel #146815) for the Fayetteville Road Improvement Project; #10, Proposed Condemnation of Property located at 1011 Riddle Road, (Parcel 133904) for the Fayetteville Road Improvement Project and #11, Proposed Condemnation of Property located at 4111 Fayetteville Road, (Parcel 133841) for the Fayetteville Road Improvement Project were being referred back to the administration; and Item #20, Citizen Matter, Adrienne Witherspoon, was added as a Supplemental Item.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to accept the Deputy City Manager's priority item; motion passed unanimously.

Mayor Schewel stated that Council Members Caballero, Freeman and Middleton were in attendance at the National League of Cities Convention and that they were given excused absences at the prior Council Meeting.

City Attorney Baker stated that he had a priority item that consisted of calling for a Closed Session for attorney-client consultation in the matter of Moshe Eyal and Itay Livnah v. City of Durham, et al. pursuant to NCGS 143-318.11.A3.

MOTION by Council Member Reece, seconded by Council Member Alston, to accept the City Attorney's priority item; motion carried unanimously.

In addition, Attorney Baker introduced a new staff member in the City Attorney's Office, Attorney Crista Cuccaro.

Ms. Cuccaro spoke to her background and stated she was looking forward to working with the Council.

The City Clerk had no priority items.

[ADMINISTRATIVE CONSENT ITEMS]

Mayor Schewel read the items on the Consent Agenda individually as was on the printed agenda and pulled the following items for comments and/or further discussion: Item #4, Dedicated Housing Fund – FY18 Revised Spending Plan; Item #6, Professional Services Contract with the Timmons Group, Inc. for the Design of the Hoover Road Athletic Park Project; and Item #7, Design Contract with Surface 678 PA Design for the CM Herndon Park Improvements Project.

Mayor Schewel addressed Item #12; requested that Council consider raising the limit on the dollar amount for the administration to make decisions without the vote of Council; currently, Council was required to approve any contract or expenditure above the threshold of \$50,000.

Taking the prerogative of the Chair, Mayor Schewel requested that Item #15, Durham Performing Arts Center (DPAC) Oversight Committee 2017-18 Annual Report be addressed after the Citizen's Matter/Item #20.

SUBJECT: CITIZEN'S MATTER – ADRIENNE WITHERSPOON (PR 12810)

To receive comments from Adrienne Witherspoon regarding closing an undeveloped/impassible section of the 2600 block of Cascadilla Street between East Maynard and Ruskin Avenue.

Ms. Witherspoon made a PowerPoint presentation and displayed maps and photographs of the section of concern and provided an overview of issues that included police activity.

Deputy City Manager Bo Ferguson clarified that the parcel was not a private street but an unopened right of way that was owned by the heirs to the developers, not the city; recommended that the process be sought to close the unopened right-of-way but to do so required consensus of the adjacent property owners.

Bill Judge, Transportation, reiterated the area was an unopened right-of-way and provided an update on the threshold of consent.

Mayor Schewel inquired about next steps.

Deputy City Manager Ferguson encouraged Planning staff to reach out to Ms. Witherspoon for additional information.

[PRESENTATION]

SUBJECT: DURHAM PERFORMING ARTS CENTER (DPAC) OVERSIGHT COMMITTEE 2017-18 ANNUAL REPORT (PR 12791)

To receive the 2017-18 Durham Performing Arts Center (DPAC) Oversight Committee Annual Report.

Reginald Johnson, Director of the Department of Community Development, spoke as the staff liaison to the Durham Performing Arts Center Oversight Committee.

Susan Callahan, Chair of the Oversight Committee, gave the PowerPoint presentation; stated Nederlander PFM was in full compliance with the terms of the operating agreement; spoke to the intricacies of the public-private partnership and details involved with operations that were not included in the contract; stated the committee played an oversight and advisory role to DPAC operations; spoke to DPAC's community programming – *Golden Ticket*, program for residents of DHA and *DPAC For All*, discount tickets to Durham residents and current accolades/recognitions; and announced the DPAC celebrated the arrival of its 4 millionth guest.

Bob Klaus, General Manager of DPAC, shared a video of the 2017-18 Year Review; thanked his committee and staff's support; and spoke to the public-private partnership of DPAC.

Council thanked the oversight committee and staff for their leadership and looked forward to the future season and its content.

Council Member Reece spoke to the production of *The Color Purple* along with the two non-musicals on stage; and thanked the oversight committee for their work.

Director Johnson addressed the PF Nederlander private-public partnership about how the city and facility share responsibilities; noted that PF Nederlander operated the facility inside the building and the final results from 2017-18 determined the city earned \$1.9 million as of June 30, 2018, the second best financial results ever.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: DEDICATED HOUSING FUND – FY18 REVISED SPENDING PLAN (ITEM 4/PR 12806)

To adopt a revised spending plan for FY18-19 Dedicated Housing Fund, transferring \$50,000 in Dedicated Housing Funds from the Multi-family Production/Preservation TBD budget line item to a new budget line item entitled Site Studies.

Council Member Alston inquired about the ballpark costs of Phase I and asked how the assessment was determined.

Reginald Johnson, Director of the Department of Community Development, explained that \$50,000 was an estimate and that HUD required environmental assessments first, before the project commenced and stated that it depended on the location of projects to determine the types of assessments required.

Council Member Alston inquired about remediation and the reduction of construction timelines.

SUBJECT: PROFESSIONAL SERVICES CONTRACT WITH THE TIMMONS GROUP INC. FOR THE DESIGN OF THE HOOVER ROAD ATHLETIC PARK PROJECT (ITEM 6/PR 12792)

To authorize the City Manager to execute a design contract with Timmons Group Inc. for the Hoover Road Athletic Park project in the amount of \$726,380.

Henri Prospero, General Services, responded to Mayor Schewel's question regarding the use, size and location of the practice fields.

Mr. Prospero indicated that the fields were full sized and intended to provide service to tournament play; noted that multi-use capabilities were permitted, being turnable; confirmed that DPR planned for a trail connection between Twin Lakes and Hoover fields, and noted that natural turf was planned for Hoover and artificial turf at Twin Lakes.

Council Member Reece requested additional information on natural and artificial turf amenities at the fields.

Tom Dawson, Assistant Director of Durham Parks and Recreation, stated staff was maxing out of the fields at the Hoover site's grass fields; spoke to certain constituents who prefer grass and artificial turf; explained the growth cycle of grass and play hours at the fields and noted that both artificial and natural turf fields had maintenance requirements; explained that rain caused natural grass fields' delays while artificial turf fields did not shut down play, and added that players had certain preferences and safety requirements.

**SUBJECT: DESIGN CONTRACT WITH SURFACE 678 PA DESIGN FOR THE CM
HERNDON PARK IMPROVEMENTS PROJECT (ITEM 7/ PR 12793)**

To authorize the City Manager to execute a design contract with Surface 678 PA for the Herndon Park Improvements project in the amount of \$131,850.

Rod Florence, General Services, stood to address Council.

Mayor Schewel referred to the map in the agenda packet to clarify the playing fields on the site; and asked if this represented a net reduction in field space.

Tom Dawson, Assistant Director of DPR, elaborated on the rationale of DPR recommending removing a field from play; the plan was to provide artificial turf on the southern fields due to the conditions of the field; the existing artificial field capacity of the northern field was heavily used and provided for overlapping use of soccer and softball fields; the issue was that parking was very limited at the site; and explained that the smaller field was not up to standard and could only be used for 200 hours while the larger fields could be rented out more frequently and were able to be sub-divided for additional field play.

Mayor Schewel appreciated the work of DPR and noted lighting at Lyon Park; there was very good minority women contracting but few African-Americans on staff of the vendor.

Walter Havner, Majority Owner of Surface 678, spoke to recruitment of African-American employees and distributed his company's employee statistical breakdown. He stated his company was predominantly a landscape architectural firm consisting of 25 employees; and currently, his firm employed an African-American male and a Hispanic female.

Mayor Schewel encouraged Mr. Havner to participate in the city's summer Youth Works internship program.

Mr. Havner responded that he was interested in participating in the youth program.

Settling the Agenda – November 19, 2018 City Council Meeting

Deputy City Manager Page announced that the Consent Agenda consisted of Items #1 through 8, and #12 through 14; General Business Agenda Item #16, and General Business Agenda-Public Hearings Items #17 through 19.

MOTION by Council Member Alston, seconded by Council Member Reece, to settle the agenda as stated by the City Manager for the November 19, 2018 City Council Meeting; motion passed unanimously.

Closed Session – 3:00 p.m.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to enter Closed Session; motion passed unanimously.

Return to Open Session – 3:10 P.M.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to return to open session; motion passed unanimously.

There being no further business to come before Council, the meeting was adjourned at 3:10 p.m.

Diana Schreiber, CMC, NCCMC
City Clerk