

**DURHAM CITY COUNCIL WORK SESSION
Thursday, April 7, 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, 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 DeDreana Freeman and Jillian Johnson. Excused Absence: Council Members Javiera Caballero and Leonardo Williams.

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.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to provide an excused absence to Council Member Caballero was approved at 1:01 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman and Johnson. Noes: None. Excused Absences: Council Members Caballero and Williams.

Council Member Williams received an excused absence at the April 4, 2022 regular Council Meeting for the April 7, 2022 Work Session. No additional vote was required.

[ANNOUNCEMENTS BY COUNCIL]

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

Mayor Pro Tempore Middleton highlighted the success of a Durham fourth grader, Frank Dumah of Bethesda Elementary School, who had been invited to participate in the 2022 Scripps National Spelling Bee in Washington, DC in June. The broadcast will be live on ION on Thursday, June 2, 2022.

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

City Manager Page announced her priority items:

- 11) Resolution supporting the submittal of a merger/regionalization feasibility study grant application for the Western Intake Partnership Projects. Requested

that Council suspend their rules to adopt the resolution and vote on the item today due to time constraints.

5) Cedar Trace Apartments – Taft-Mills Group LLC Development Loan Commitment. Item is being referred back to Community Development Department.

6) JFK Towers – JFK Towers NC TC, LP Development Loan Commitment. Item is being referred back to Community Development Department.

20) First Amendment to the Durham Small Business Recovery Fund. Supplemental Item that will include a presentation.

MOTION by Council Member Freeman, seconded by Council Member Williams, to accept the City Manager’s Priority Items was passed at 1:07 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

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

City Clerk Schreiber requested a point of personal privilege to introduce the new Assistant Clerk Ashlee Adams; requested Agenda Item #1) MHLC Appointment to be referred back to the Clerk’s Office; and requested that Agenda Item #2) Select Applicants for the At-Large Council Vacancy be pulled for discussion at the end of the meeting under Other Matters.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to accept the City Clerk’s Priority Items was passed at 1:09 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman and Johnson. Noes: None. Excused Absences: Council Members Caballero and Williams.

Taking the prerogative of the Chair, Mayor O’Neal announced that Item 11 would be addressed next on the agenda.

SUBJECT: RESOLUTION SUPPORTING THE SUBMITTAL OF A MERGER/REGIONALIZATION FEASIBILITY STUDY GRANT APPLICATION FOR THE WESTERN INTAKE PARTNERSHIP PROJECTS (ITEM 11/ PR 15316)

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to suspend the rules in order to vote was passed at 1:10 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman and Johnson. Noes: None. Excused Absences: Council Members Caballero and Williams.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt the Resolution Supporting the Submittal of a Merger/Regionalization Feasibility Study Grant Application for the Western Intake

Partnership Projects passed at 1:11 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman and Johnson. Noes: None. Excused Absences: Council Members Caballero and Williams.

RESOLUTION #10253

[CONSENT AGENDA]

Mayor O’Neal read the agenda items off the printed agenda. The following items were pulled for additional discussion: Items 4, 7, 8 and 9. Presentation Items were announced as Items 17, 18 and 20.

Mayor O’Neal called on public comment speaker Jacqueline Wagstaff who had registered as an attendee. The Clerk announced that Ms. Wagstaff was not in the virtual meeting attendee queue.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: 2022 SHORT SESSION LEGISLATIVE AGENDA (ITEM 4/ PR 15342)

Chief of Staff Karmisha Wallace introduced the item and deferred to Ryan Smith, Director of the Community Safety Department, for presentation.

Mayor Pro Tempore Middleton inquired about the significance of the agenda item.

Director Smith responded to the inquiry; explained that the item represented deploying civilians, a process that had received authority from the NC General Assembly, to investigate property damage instead of law enforcement officers; and noted that currently Fayetteville and Wilmington, NC had this type of support for law service-related enforcement calls focused on traffic control and property damage.

Mayor Pro Tempore Middleton inquired about the rationale of appealing to the city’s Legislative Delegation for action.

Director Smith explained that state law required sworn officers reply to these types of matters; Fayetteville & Wilmington had already received the authority through the state legislative process. Durham was seeking to process the item through the Short Session starting in May and deferred to Ms. Wallace for additional details.

Chief of Staff Wallace summarized the process by stating the item was dependent on the Council's approval at the upcoming April 18, 2022 Council Meeting; noted the members of the Legislative Delegation were expected to support the city's item prior to the item being transmitted to the North Carolina General Assembly and that their support was to be garnered at the upcoming City-Delegation meeting scheduled for April 25, 2022; and explained the bill process that would begin in the Short Session starting May 2022.

Mayor Pro Tempore Middleton inquired about the number of full-time employees needed in the Community Safety Department's roll out and would there be impact on the current budget cycle.

Director Smith responded that there would be no impact on the current budget cycle. He noted that if the bill passed in the General Assembly, he and his team would work with Durham Police Department to conduct a pilot, similar to what was being conducted in other NC cities.

Council Member Johnson appreciated the work by staff for moving forward the item that involved diverting calls from the Police Department to the Community Safety Department and emphasized that it was a priority to have civilians handling these types of calls, like other cities in NC; and represented a game changer in Durham.

SUBJECT: LOFTS AT SOUTHSIDE PHASE III AND PHASE IV SITE PREPARATION AND ENVIRONMENTAL ASSESSMENT CONTRACT WITH MCCORMACK BARON SALAZAR DEVELOPMENT (ITEM 7/ PR 15333)

Mayor O'Neal stated there were speakers to the Agenda Items 7, 8 and 9.

Leah Bergman, in-person speaker, addressed the processes utilized in the bidding of JFK Towers and Cedar Trace; expressed concerns regarding a lack of transparency in the award granting process for affordable housing. She stated her team's proposal was not accepted to house the most vulnerable in Durham and asked for the approval of her project Geer Street Residential and delay approval of the two other projects on the agenda today.

Tiffany Elder, business partner of Ms. Bergman's, addressed the Geer Street Residential proposal process; spoke to her development partners and housing of referrals; and requested more support from the city to continue doing what her team does, housing the vulnerable, in Durham.

SUBJECT: LOFTS AT SOUTHSIDE PHASE III DEVELOPMENT LOAN COMMITMENT (ITEM 8/ PR 15324) and

SUBJECT: LOFTS AT SOUTHSIDE PHASE IV DEVELOPMENT LOAN COMMITMENT (ITEM 9/ PR 15325)

Mayor O'Neal requested public speaker, Ms. Bergman, to speak to Items 8 and 9.

Ms. Bergman listened to Tiffany Elder and appreciated her partner's remarks under Item 7.

Council Member Johnson asked the City Manager about how the city would respond to the protest petition and how would staff respond.

City Manager Page explained the RFP process and contractual procedural process review. The timeline for the project award would not be extended. Recommendations come forward from staff and would be public and allowed for public comment when Council publically considered the item(s).

Council Member Freeman asked if there was any way to enhance transparency in the form of the public engagement process and cited an example from DHA and Fayetteville Street; and asked who was doing the review of the RFPs and did the process incorporate public and internal reviewers.

City Manager Page responded that there were multiple individuals brought in to review and evaluate the proposals; and explained the RFP process as it related to community engagement. Bidders were encouraged to bring their best proposals forward. She noted that not all RFP processes were the same and could not guess who was on the selection teams. The process was currently active.

Mayor O'Neal requested details about RFP selection and scoring processes when the agenda item(s) come back before Council.

City Manager Page ensured that when the item(s) come back before Council, staff would be prepared to answer process type questions.

[PRESENTATION]

SUBJECT: FIRST AMENDMENT TO DURHAM SMALL BUSINESS RECOVERY FUND SERVICE AGREEMENT (ITEM 20/ PR 15347)

Andre Pettigrew, Director of the Office of Economic and Workforce Development, made the staff report consisting of an update of the Fund; and Kevin Dick, CEO and President of the Carolina Small Business Development Fund, a partner in this venture. A PowerPoint presentation titled *Durham Small Business Recovery Fund* included the following:

Durham Small Business Recovery Fund
City Council Authorization in June 2020 Work Session

Fund consists of \$2.8 million total from Durham City & County, Duke University
Carolina Small Business Development Fund manages the Fund
Participant & Loan Eligibility
Loan Terms & Structure
Fees for Carolina Small Business Development Fund
Return of Public Funds
Carolina Small Business Development Fund Loan Collections
Prohibitions of the Fund
Lending Activity: Applications, Dollars requested and approved; Average firm age
Loan Fund Impact
Next Steps: rebrand program, expand eligible use of funds, expand eligibility
criteria and update underwriting procedures, expand marketing

Mayor O'Neal asked if Council had remarks.

Mayor Pro Tempore Middleton appreciated the background of the Fund and hearing about its impact on local businesses; and asked about the expanded eligibility criteria and expanded marketing.

Mr. Kevin Dick responded that criteria would be updated related to increased flexibility of allowable uses with specific mention of refinancing high cost debt. This change could increase the volume of loan applicants and funding to historically non-traditional borrowers.

Council Member Freeman appreciated the amendment and what would happen to the remaining funds and asked if the funds would be loaned out. She also asked about maximizing the opportunity to find matching funds in the Fund.

President Dick addressed a donation from Clorox and was waiting on the updated criteria being approved; stated there had not been demand for attracting private capital and remarked that the approved applicants had not reached the amount of city funding; he indicated that County funding had not yet been spent.

[SETTLING THE AGENDA FOR THE APRIL 18, 2022 CITY COUNCIL MEETING]

City Manager Page requested the following items be included in settling the agenda for Monday, April 18, 2022 City Council Meeting by announcing the items for the Consent Agenda as Items 3, 4, and Items 7 through 10 and Items 12 through 17; and General Business Agenda- Public Hearings Items 18 and 19.

MOTION by Council Member Johnson, seconded by Council Member Freeman, to approve the settling of the City Manager's agenda for Monday, April 18, 2022 regular Council Meeting at 2:31 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman and Johnson. Noes: None. Excused Absence: Council Members Caballero and Williams.

[OTHER MATTERS]

SUBJECT: AT-LARGE VACANCY PROCESS

Mayor Pro Tempore Middleton referenced the discussion at the April 4, 2022 Council Meeting related to not submitting the recommendations for the At-Large Vacancy finalists in deference to Council Member Caballero's was unexpectedly out of town, being unable to participate and added that Council Member Williams was also unavailable. He recommended postponing the vote until April 21, 2022 Work Session and mentioned that he requested an excused absence for the April 21 Work Session and would submit his electronic ballot prior to his departure. The remaining meeting days of May 2 (interviews) & 3 (public comment/voting) were unchanged.

It was the consensus of Council to revise the schedule as described.

Being no additional business to transact, Mayor O'Neal adjourned the Work Session at 2:34 p.m.

Diana Schreiber, MPA, NCCMC, CMC
City Clerk