

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 18, 2022
7:00 P.M.**

The Durham City Council met in Council Chambers at 101 City Hall Plaza and virtually via Zoom with the following members present: Mayor Elaine O’Neal, and Council Members, Javiera Caballero, DeDreana Freeman, Jillian Johnson, and Leonardo Williams. Excused Absence: Mayor Pro Tempore Middleton.

Also Present: City Manager Wanda Page, City Attorney Kim Rehberg, City Clerk Diana Schreiber, Assistant City Clerk Paola Roland and ASL Interpreter Monica Lee Baron,

Mayor Pro Tempore Middleton was excused from attending the meeting at the April 4, 2022 Council Meeting and did not require a motion to excuse.

[MAYOR’S STATE OF THE CITY ADDRESS]

Mayor O’Neal made her first State of the City Address.

“I want to welcome everyone here tonight. Welcome to my fellow council members, city staff, other elected officials, and most importantly, all the residents of Durham here in person and watching at home. Welcome to my first State of the City Address. The day I filed for office, I spoke about my paternal grandmother, Cora O’Neal, who was a quilter and taught the neighborhood girls on the West End how to quilt. She was known to collect bags full of scrap material. Each scrap was different—not one looked exactly like another. They consisted of assorted colors from various garments, bedspreads, towels, curtains, etc. She patiently and painstakingly taught us how to stitch them together to make warm and beautiful quilts. Her quilts cover me at night and inspire me by day to believe that we can each connect to make a quilt that covers Durham with safe neighborhoods, stable housing, well-paying jobs, and quality schools.

I have been Mayor now for just over three months, and although there are many challenges ahead. I can confidently say that the state of our city is good and getting better each day. In my short time in office, I am more optimistic that now is the time that we must take advantage of this once in a lifetime opportunity presented to us on the heels of the worst pandemic we've seen in more than 100 years, to use federal funding as a catalyst to take Durham to the next level. A level in which Durham becomes a stronger, more vibrant, and equitable community. We have a unique opportunity to transform this city through innovative solutions that build strong communities. City Operations - I have been humbled and immensely pleased and overwhelmed by the dedication and work of the city's employees that I have met in three months. First, I would like to acknowledge our City Manager Wanda Page. Please stand up. Wanda and her leadership team consisting of Deputy City Managers Keith Chadwell, Bo Ferguson, Bertha Johnson, and Chief of Staff Karmisha Wallace, do much of the heavy lifting of the city's operations. Each of them leads teams of hundreds of dedicated City

staff across 29 departments and offices devoted daily to the service of our residents. Take a look at the Durham City Government website: 29 including Audit Services, Budget and Management Services, Water Management, Neighborhood Improvement Services, City Planning, Fleet Management, Solid Waste Management. Over 2000 city employees.

City employees are both the life force and the backbone of any city. We must continue to prioritize that our employees are well compensated, treated fairly, and with the utmost respect. Thank you again to all city employees!

I would be remiss if I didn't recognize Amber Wade, my assistant, a true asset to me and our city. Please stand up. I would also like to acknowledge our City Attorney, Kim Rehberg, and City Clerk, Diana Schreiber, who provide valuable legal, administrative, and procedural guidance to our entire City Council. Please stand up. Also, to Beverly Thompson and the Communications Team, a huge thank you for your support. Please stand up.

I would also like to recognize the newest member of the Mayor's Office, my part time extern Ms. Danielle Nolen.

Those of you here in the audience and those watching at home, please join me in one more rousing applause to all our outstanding City employees!

I would also like to recognize any elected officials who are present tonight.

City Council Vacancy - I want to recognize the people who work closely with me on the Council, Mayor Pro Tem Mark Middleton, Councilwomen Javiera Caballero, DeDreana Freeman, Jillian Johnson, and Councilman Leonardo Williams. The six of us don't all think alike. Nor should we. Our democracy requires diverse opinions. I thank each of them for their dedication to our city. No one outside of the six of us knows the road we trod together. But I have watched each person's work and dedication on the Council, and Durham is well served. I applaud them for their work. And I thank them for their expertise, knowledge, and caring for our beloved city.

I assure you that no decision is reached without a deep dive into complex issues. We have approached complex issues with a determination to do the right thing, the just thing, and the best thing for that particular situation. I assure you that we make decisions to the extent humanly possible in the best interest of all Durham residents. I want to thank Former Councilman Charlie Reece for his dedicated service these past seven years to our city. Charlie's departure leaves a vacancy that the Council will be seeking to fill. We thank the 21 individuals who have expressed their interest in embarking upon public service by submitting their applications for consideration for this vacant seat. Holding public office is serious business, and I am grateful that we will have a strong pool of candidates from which to select. We intend to choose an applicant who will represent the interests of all Durham residents.

Tonight, I will talk about a few themes needed to move our city forward. Safe neighborhoods, shared economic prosperity, affordable housing, infrastructure, public health, COVID-19, and an inclusive and welcoming city.

Safe Neighborhoods - Before taking office, I told Durham that one of my highest priorities was working toward creating a safe city and safe neighborhoods for all. Our city is in a crisis, and gun violence is taking the lives of far too many of our residents and our young black males. Over these past few months, since I have taken office, gun violence has marched towards seemingly new levels of violence and chaos. Just this past week, we have seen 6 deaths. First, I want to express my deep sympathies to the families in Durham whose loved ones were stolen from them by gun violence. As the leader of our city and a mother, I am grieving with you. I also want to recognize the city-wide trauma that our residents are feeling. We are a city in pain. And we are struggling to make sense of the violence we continue to witness.

I want to say to all families who are hurting today and have experienced violence, including my own, that we see you, we hear you, and we commit to doing everything necessary to combat this unnatural state of affairs. I offer a moment of silence for them. Every child, every family, and every person in Durham deserves to feel and be safe. Some of our neighbors have been living in parts of our city where gun violence has become part of their everyday lives, with mothers keeping their young children inside even during daylight hours. Living in fear is not a Bull City value. Like the recent ones across our city, tragedies are reminders that gun violence knows no bounds. We know that gun violence is a distinctly American tragedy, an epidemic we see playing out in nearly every city and town. We know from decades of evidence that preventing this specific form of violence requires clear and coordinated solutions from community organizations, law enforcement, health care facilities, housing support, business owners, educators, government, faith communities, parents, and families. There is no one solution, but there is one path to prevention, which means working together. Each of us doing our part.

I want you to listen as I offer an explanation of what the roles the various parts of the government play - what each is charged to do. The City Council is a policy-making board. We have three hires – they City Manager, City Attorney, and the City Clerk. The City Manager manages day-to-day operations of the City. The City is in charge of brick and mortar. Making sure the water is safe. Streets are paved. Trash is picked up. The County Board of Commissioners is headed by our able and fearless leader, Chair Brenda Howerton. Chair Howerton and her historic board are in charge of human services. DSS, Mental Health and the Library. They fund the Sheriff's department, jail, and the schools.

I want to explain because there is a misunderstanding of roles. The Mayor nor the Council can put folk in jail or set bonds. The Police and Sheriff can investigate crimes and engage in community policing. However, I am intimately familiar with another branch of government that is responsible for carrying out the mandates of criminal law.

That does not happen in City Hall. That occurs in the Durham County Courthouse. That is the epicenter of the jurisdiction of criminal behavior and the consequences thereof. It is the responsibility of the City government to address issues concerning how people live life—making sure that all people have access to affordable housing, safe neighborhoods, clean streets, and clean water. We need to make sure that we provide recreational opportunities, make sure that our businesses are strong, and make our city a place where businesses want to come so that our residents can get great jobs and provide for their families. It is the city government's responsibility to allow our residents to have great options for making a great life, living in a great neighborhood, having a great job, so that picking up a gun as a tool of trade becomes a choice one does not have to make.

My interactions with the young men in this city has come under scrutiny. It pains me that people think that we should not talk or interact with these young people. I was invited to the table to meet with two groups of young men several months before I was elected. There have been elected officials and community service members in the trenches long before I ran for Mayor who were interacting with these young men. Chief District Court Judge Pat Evans, Sheriff Clarence Birkhead, Councilwoman DeDreana Freeman, Dennis Garrett of Love & Respect, Former Chief of Police Steve Chalmers, Montina Dunsford, Harold Chestnut, Fay and Melvin Simmons, the owners of Backyard BBQ, and others have been working the streets for years. I was invited to a meeting to see what I had been missing so that I could catch up. I had been the Dean at North Carolina Central Law School and then semi-retired, so my connections to the streets were not as close. Some of the young people I knew and others I did not. What they all possessed, though, was the desire to give back.

Various folk were at that meeting, from those recently released from prison to those who had changed their lives and were now business owners. All shared a common goal of helping to heal our community. Some needed housing and jobs. Others needed a door to open for expanding their businesses, and others needed the opportunity to a rent or buy a decent place to live without having the felon status stop the process. From those initial meetings, several things have happened. My job was to listen to what they said and help to provide those opportunities for housing, employment, etc., so that they would in turn help to implement a cease fire between organizations and begin to help young folk transition out of street life. There have been several things that have grown out of those meetings. I have invited these grown folk here tonight. They can tell you what we have been doing and what they have been doing to help combat this crime wave.

Chairwoman Brenda Howerton and I have reconvened the Durham Crime Cabinet. We held our first meeting in nearly two years on March 11th. Members include representatives from The City of Durham, Durham Police Department, Durham County, Durham County Sheriff, Durham County Criminal Justice Resource Center, non-profit community leaders, Juvenile Crime Prevention Council, Durham Public Schools, and most importantly, impacted community members. The Durham Crime Cabinet is

developing a comprehensive strategy to respond to the crime and violence in our communities. Engaging those closest to the pain will help to turn our city around, reduce gun violence, and keep our streets safe.

Chief District Court Judge Pat Evans, Chair Brenda Howerton, and Stelfanie Williams from Duke University visited the Harrelson Center, a centralized non-profit campus housing over 22 human support services for families in New Hanover County about two weeks ago. We met with District Attorney Ben David and Judge Corpening who lead local efforts around juvenile justice and their resilience task force. We have also convened a 20 plus member task force to help us develop an aligned system of our community service organizations, workforce development, and justice-involved individuals. That task force will be presenting its work to us within the next few weeks. Increasing the number of highly trained and qualified officers is not the only strategy we are using to combat rising crime. Still, the city has made a concerted effort to reduce vacancies by recruiting and retaining officers. In January, City Council voted to increase the pay of police recruits and higher-ranked officers, aligning them with nearby municipalities. Other incentives, such as a \$10,000 signing bonus and take-home cars, are also being offered to attract more applicants. The department has also joined the 30 x 30 national movement to recruit more women to its sworn ranks. As our city manager noted the other day, we can incentivize, and we have. We can raise the pay, and we have. It takes time to train a new police officer and we are committed to hiring the best-qualified candidates. We do need applicants to apply.

Officers must earn enough to live in the city they serve, and their salaries must be competitive with neighboring cities around the state. These are often underappreciated and dangerous jobs. We all benefit from their efforts; they must be rewarded for their dedicated service.

While working to give our Police Department the support they need to respond to our most dangerous situations, I'm excited that we are continuing to engage around alternative response models for other kinds of calls. Our Community Safety Department is working valiantly to bring people together across agencies and neighborhoods to imagine what investments we can make to increase our shared sense of safety and security in Durham. This department is responsible for piloting new approaches to traditional police response, particularly calls involving mental or behavioral health needs, minor traffic incidents, quality of life issues, and calls for general assistance. I'll be following the outcomes of these pilots very closely as we continue to make policy decisions related to community safety and wellness.

Durham Tech is one of the greatest community colleges in this nation and we are proud of the work they do to support our city and its residents. In December, just after taking office, I announced a partnership with Durham Tech to establish a 911 Training Academy to fill the vacant jobs at our 911 call center. The first class will start on May 23rd and will have up to 18 students. Durham Tech is a leader in education and job training. We are excited about what this training will mean to the Durham Emergency Communications Center and other area agencies and to students in search of new

career opportunities. This training will also be a valuable training opportunity for newly hired telecommunicator staff, as well as a great tool for recruitment for more staff. Shared Economic Prosperity/OEWD - I have been struck by the fact that there are two Main Streets in Durham. Yes, on one end of Main Street, you see the high-rises, the shops, and the amenities that illustrate the leaps toward prosperity that many in Durham have experienced over the last few years. On the other end of Main Street, you see a community that has not kept up with the prosperity on the other end. Main Street runs through the heart of Durham. The time has come to stitch the quilt and make Durham equitable for all. Everyone needs to share in Durham's prosperity.

Part of this rebalancing includes investing in areas of our city that have been negatively impacted by urban renewal and decades of neglect. The Black community and thus Durham has never recovered from the loss of the 150 business in Hayti. To that end, the city is supporting a partnership between Hayti Heritage Foundation and the Urban Land Institute on a mission to explore the redevelopment of the Fayetteville Street corridor with a community-centered mindset, ensuring the community is involved in both planning and economic participation.

As Durham continues to grow, we must ensure that our city's prosperity makes it to every corner of Durham. This can only happen if our city remains fiscally responsible and provides a welcoming environment for large and small businesses that produce quality jobs and pay living wages. We must focus on expanding public-private partnerships that benefit our residents and the city.

Since the pandemic's start, the city has partnered with Durham County and Duke University to administer the Opportunity Loan Fund to lend monies to small businesses which the pandemic had negatively impacted. The Fund comprises three primary sources of capital: \$1M provided by the City of Durham and \$800K from Durham County, and \$1M provided by Duke University to provide grants to impacted small businesses. To date, \$860,000K of funds have been disbursed to 39 businesses (29 of those minority-owned). There are \$140,000 of City funds and \$800,000 of County funds remaining in this Opportunity Fund to provide low-cost financing via loans of \$5,000 to \$35,000 to eligible businesses.

Effective tonight, City Council will be voting to modify the criteria to allow more businesses to access these loan funds. If you are a Durham business owner and your business has been affected by the pandemic, I encourage you to contact the Carolina Small Business Development Fund.

I also want to say a brief word about the over \$50M the City will receive in American Rescue Plan funds. In addition to offsetting revenue losses resulting from the pandemic, these funds can be used to address other community needs. Durham is taking an ongoing approach to American Rescue Plan (ARP) implementation that will continue to adapt based on community, stakeholder, and Council feedback. Ongoing engagement,

review, allocation, and evaluation will occur for the entire life cycle of this federal funding.

City Council will soon be meeting to discuss the first round of eligible proposals submitted by Durham community members. Proposals encompass community resiliency, economic equity, health and wellness, and safe and stable housing. It's time to do something bold and impactful with these funds, so I am looking forward to this upcoming discussion among my Council colleagues. We are hoping to partner with our county commissioners to make some transformative changes.

Of all the work of shared economic prosperity, the city's youth engagement work gives me the most hope. As of last week, over 1,500 Youth (14-24) have submitted their interest applications for Durham YouthWorks Program. Durham Youthworks allows our young people to develop critical skills and explore career opportunities through paid summer internships. This represents the largest number of interest applications received by the program in recent history. More than 77% of those who have submitted interest applications are between the ages of 14-and 17 years old. These increased numbers demonstrate that the community's need is great, and the Youth of Durham are eager to step up to meet the challenge. We need businesses that will help these young people to find summer employment and an opportunity to learn skills that can translate to a career path.

My first jobs were with the city of Durham as a teenager. I worked for the Fun Caravan, as a tennis court attendant and as an assistant in the Law Library at the Law School that I later attended and led as Dean. I was that kid. Durham City government gave me several summers job.

Affordable Housing - We must continue efforts to provide affordable housing. The City's Community Development Department is deepening its work with the Durham Housing Authority and many other partners to address the urgent need for safe, inclusive, and affordable housing by building new residential units, upgrading rental properties, and providing essential services.

Over the last year, the City of Durham committed almost \$6.5 million in funding received from the federal government to support the Durham Emergency Rental Assistance Program. 550 households who were behind on their rents and facing evictions due to the COVID-19 pandemic received financial help to stay in their homes through this partnership between the City of Durham, Durham County's Department of Social Services, and Legal Aid NC.

The work we have already done has been significant, but we must begin to take a hard look at innovative approaches and not just continue to do business as usual. We need to be bold and innovative in addressing our housing crisis. Tonight, I am asking my fellow council colleagues to be bold and consider purchasing properties that can become affordable housing for teachers, police officers, firefighters, city employees, and

others across the city. If private companies can buy properties, why can't the City of Durham do the same and provide affordable housing to its residents?

Infrastructure - We must maintain and strengthen our public infrastructure— sidewalks, water, sewer, streets, transportation, trails, and parks.

We need new and innovative transportation ideas. We need energy-efficient busses that serve all our communities from downtown to the developing neighborhoods where many residents live without cars. We need to take a hard look at a commuter rail system, but there must be accountability and transparency in how we are using the funds for these projects. I am committed to developing an equitable public transportation system that not only serve a few but provides much-needed access to schools, grocery stores, doctors, employers, and more.

Over the last year, one of the most exciting developments has been the passage of the federal Bipartisan Infrastructure Law that will allow the city to compete for critical investments in transportation, climate, energy and environment, and broadband and cyberinfrastructure.

And in response, our administration has assembled a cross-departmental team, led by our City Manager's Office, to set our priorities, and identify, apply and track progress toward capitalizing on this once-in-a-generation funding.

Our Transportation Department has experienced much success with the almost \$20 million applied for thus far. In November 2021, Durham was awarded \$9 million in RAISE grants for a 1.76-mile-long, multi-use trail in an abandoned Norfolk and Southern rail bed that will connect pedestrians and cyclists along an important route from North Durham to Downtown.

We recently received the news that we were awarded \$10.8 million to renovate and upgrade our Durham Transportation Center to improve safety and add passenger amenities. This month, we will apply for another \$20 million for transit and pedestrian safety improvements to the Holloway Street corridor, one of our most traveled in the city.

Staff in our General Services Department are currently evaluating federal funding coming in Fall 2022 and numerous programs to help fund the expansion of electric vehicle infrastructure.

I am grateful again to our city departments for their work to position Durham to receive these federal dollars.

Public Health/COVID - Over the past two years, we have lived through a worldwide pandemic, and it's had a tremendous impact on all our lives. The good news is transmission rates have steadily been decreasing, and we may finally see the light at the end of the tunnel. However, we can't take our progress for granted. We must continually remain vigilant, follow the guidance of our local health experts, and make informed decisions. I want to thank the director of our public health department Rod

Jenkins and staff at the Durham County Department of Public Health and the leadership at Duke University Health System for their steadfast leadership and for helping the city make these science-based decisions regarding public health safety. I want to take a moment to acknowledge the 300 Durham residents who lost their lives during the COVID-19 pandemic. They were an integral part of our community, and their presence cannot be replaced. My thoughts and prayers of comfort will continue to be with their loved ones and friends. Please join me in a moment of silence. [PAUSE FOR A MOMENT OF SILENCE]. Thank you.

Inclusive/Welcoming City - Durham is different from all other cities in the state, if not the country, because of our diversity. We must continue to make sure that everyone's rights are respected. The growing Latinx population, Asian population, immigrant and refugee community, and LGBTQ community are vital to the growth of this city, and we must make Durham a safe and supportive place for everyone.

There are many issues of deep concern to be addressed, and we must commit to tackling them all. They are not insurmountable, no matter how they may look. As Durham pieces together the scraps of who we are and what we bring to the quilting frame, we will begin to see the quilt take shape. I am determined to continue to do my part to make our city better, and I ask each Durham resident to do their part. No one person can do it alone. Make it your mission to find a place at the quilting frame to help. There are so many ways to find your place in that frame. The City of Durham has nearly 30 boards, committees, and commissions that you can participate in. Each board directly advises the City Council on a multitude of topics that affect our great city. From affordable housing, bicycle and pedestrian infrastructure, and open spaces to community safety, over 240 of our neighbors have already answered this call and are serving every month. I would encourage each of you to visit our City Clerk's Office webpage to view the current vacancies. Stipends are available to ensure equitable compensation for board members' time and expertise.

Tonight I make the call for everyone to commit to five hours weekly of community service to our city.

Here are some suggestions to get you started:

1. Join your neighborhood PAC (Partners Against Crime) organization. If you are a resident of Durham County, you are a member of a PAC. There are 5 PACs across the City. Locate your PAC and attending your monthly meeting. You'll meet neighbors and hear from Durhamites across the city who are dedicated to making Durham safe for all. The Partners PAC program promotes collaboration among police officers, Durham residents, and city and county government officials to find sustainable solutions to community crime problems and quality of life. It is a community-based volunteer organization that promotes and executes safety strategies to prevent crime at the neighborhood level. Each of the Durham Police Department's five police districts has a PAC organization that holds monthly PAC meetings. PAC groups have had meaningful contributions to our neighborhoods over the years. They have purchased bicycles for 2

of the Police Department's bicycle squads, translation equipment so Spanish-speaking residents can attend meetings, digital speed trailers to help with neighborhood speed enforcement, and motion detector lights for elderly residents. A PAC group even purchased playground equipment to replace what was destroyed by vandalism. PAC groups have also worked to eliminate dilapidated housing in their neighborhoods. They are the perfect way to get to know those in your neighborhood and tackle the quality-of-life issues that are important to each of us.

2. Attend a Community Safety and Wellness Task Force meeting. You'll meet local leaders and learn more about how people in our city dedicate their time to serving all of our residents. The next meetings are May 11th and June 8th from 6:00-7:30 pm.

3. Find any local organization, especially where our youth are involved. Zoom has provided a great way to read to a class, offer a tour of a local museum through a video and volunteer to assist a school an hour or two each week. Food pantries, school supply drives, neighborhood cleanup and beautification, coding brigades, libraries, literacy and youth organizations, gun violence prevention groups...the list goes on. Bring a friend or two and grow the network that we need.

Finally, you have already heard my call to volunteerism. Dr. Martin Luther King, Jr said, "Life's most persistent and urgent question is, what are you doing for others?" Tonight, I deliver that call again. To step out of the circles and communities that you are familiar with. Find yourself in service to others in our city. Durham is rich with non-profits and community organizations that can help you find your fit. Deliver meals and encouragement to our elderly neighbors. Pick up trash and litter on our streets.

And speaking of trash and litter. I believe a safe city begins with a clean city. I want to spotlight Keep Durham Beautiful, a non-profit working in partnership with the City of Durham's General Services Department and Durham County to help residents act on litter prevention, recycling & waste production, and beautification and community greening. Keep Durham Beautiful hosts several activities each year. Families, friends, church groups, and corporations can even volunteer for community litter cleanups, creek and river cleanups, tree planting and community greening, and other environmental activities. This year, let's all deepen our engagement with them.

Remember, our only way up is together.

The last thing that I will mention before ending is that the one thing that we should all be capable of doing is being kind and respectful.

I am going to have a kindness proclamation for the month of June. Each month thereafter, I hope to promote a virtue. We are going to call it Bull City Kind.

It's time for us to care more about each other. To see each other. To want the best for each other.

We are the BULL CITY. We can become the quilt covering the city we all love by working together. Let us all continue to work together to ensure that Durham is a city for everyone. United. I am pleased to say tonight that the state of the BULL CITY IS STRONG and getting stronger.

Thank you, and God bless you! "

[CEREMONIAL ITEMS]

Council Member Caballero read into the record the Fair Housing Month Proclamation and presented it to Sharon Sunkel, Vice Chair of the Durham's Regional Realtors Association, Diversity, Equity, and Inclusion Committee.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Caballero congratulated Mayor O'Neal on her first state of the City address; thanked the Council for her excused absences due to contracting COVID-19 while traveling abroad; reminded residents that COVID-19 cases were increasing; encouraged residents to continue to wear masks where they could; and noted that she and Council Member Williams would be providing on the rescheduling of the previously canceled ARPA Meeting.

Council Member Williams stated that he would be speaking to regional development and new modes of transportation in the near future. He also encouraged that residents in the community exercise grace as Council Member's worked their way through their emails pertaining to various items.

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

There were no priority items.

[CONSENT AGENDA]

SUBJECT: AMENDED DURHAM CITY-COUNTY IMMIGRANT/REFUGEE AFFAIRS INTERLOCAL AGREEMENT (ITEM 3/ PR #15335)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to resolve that the City Manager be authorized to execute an Amended Durham City-County Immigrant/Refugee Interlocal Agreement (ILA) with Durham County regarding the City-County Immigrant/Refugee Affairs staffing and operations, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

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

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt the proposed 2022 Short Session Legislative Agenda, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

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

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to negotiate and enter into a contract with McCormack Baron Salazar Development or its designated affiliate approved by the City, in an amount not to exceed \$1,750,000 for site preparation, environmental testing and remediation for the Lofts at Southside Phase III and Phase IV sites; and

To authorize the City Manager to make necessary and sundry changes to the contract so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

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

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to issue to Southside Revitalization Phase III LP or its designated affiliate approved by the City, a conditional binding commitment of permanent financing in an amount up to \$1,100,000 in Affordable Housing Bond Funds and/or HOME Investment Partnership funds from the U.S. Department of Housing and Urban Development for the development of 56 affordable rental units at the Lofts at Southside Apartments Phase III;

To authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this conditional binding commitment of permanent financing; and

To authorize the City Manager to make necessary and sundry changes to the conditional binding commitment of permanent financing so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

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

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to issue to Southside Revitalization Phase IV LP or its designated affiliate approved by the City, a conditional binding commitment of

permanent financing in an amount up to \$4,850,000 in Affordable Housing Bond funds and/or HOME Investment Partnership funds from the U.S. Department of Housing and Urban Development for the development of 44 affordable rental units at the Lofts at Southside Apartments Phase IV;

To authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this conditional binding commitment of permanent financing; and

To authorize the City Manager to make necessary and sundry changes to the conditional binding commitment of permanent financing so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

SUBJECT: AWARD OF CONSTRUCTION CONTRACT TO HAREN CONSTRUCTION COMPANY, INC. FOR THE GITHENS LIFT STATION AND FORCE MAIN PROJECT (ITEM 10/ PR #15269)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute a contract with Haren Construction Company, Inc. for the Githens Lift Station and Force Main Project in the amount of \$7,892,000;

To establish a contingency fund for the contract in the amount of \$789,200; and

To authorize the City Manager to negotiate and execute change orders for the contract provided the total contract cost does not exceed \$8,681,200, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

SUBJECT: PRELIMINARY FINDINGS RESOLUTION AND BOND ORDER FOR GENERAL OBLIGATION REFUNDING BONDS (ITEM 12/ PR #15327)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt a Resolution of the City Council of the City Durham, North Carolina Making Certain Statements of Fact Concerning Proposed Bond Issue;

To introduce into the record a Bond Order Authorizing the Issuance of Not to Exceed \$30,500,000 General Obligation Refunding Bonds of the City of Durham, North Carolina;

To adopt a Bond Order Authorizing the Issuance of Not to Exceed \$30,500,000 General Obligation Refunding Bonds of the City of Durham, North Carolina;

To authorize the City Manager or her designee to execute other associated legal documents as necessary to complete this transaction, and

To make changes to any of the legal documents prior to execution, so long as the changes are consistent with the intent of the agenda item memo and the existing versions of the documents, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

RESOLUTION #10254

SUBJECT: INTER-GOVERNMENTAL AGREEMENT WITH DURHAM COUNTY FOR FIRE INSPECTIONS AND FIRE INVESTIGATIONS (ITEM 13/ PR #15323)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute an inter-governmental agreement that establishes jurisdictional authority of the City Fire Marshal and County Fire Marshal over schools and public buildings within City and County boundaries, and which establishes an agreement for mutual aid between the two Fire Marshal offices, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

SUBJECT: COOPERATIVE GROUP PURCHASE CONTRACT - ONE (1) SPLIT-BODY REAR LOADING REFUSE TRUCK (ITEM 14/ PR #15313)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute a contract with Carolina Environmental Systems, Inc. of Kernersville, NC for the purchase of one (1) split-body rear-loading refuse truck in the amount of \$437,771.00, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

SUBJECT: CONSTRUCTION CONTRACT WITH NPS SOLUTIONS LLC FOR THE DURHAM BIKE LANE STRIPING PROJECT (NCDOT TIP # C-5605 E) (ITEM 15/ PR #15280)

To authorize the City Manager to execute a contract for construction with NPS Solutions LLC for the Durham Bike Lane Striping Project (NCDOT TIP # C-5605 E) in the amount of \$499,995.58;

To establish a contingency fund for the contract in the amount of \$75,000; and

To authorize the City Manager to negotiate and execute amendments to the contract provided the total contract cost does not exceed \$574,995.58, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

SUBJECT: CONSTRUCTION, ENGINEERING AND INSPECTIONS CONTRACT WITH RUMMEL, KLEPPER & KAHL, L.L.P. FOR THE DURHAM BIKE LANE STRIPING PROJECT (NCDOT TIP # C-5605 E) (ITEM 16/ PR #15281)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute a contract for Construction, Engineering and Inspections with Rummel, Klepper & Kahl, L.L.P. for the Durham Bike Lane Striping Project (NCDOT TIP # C-5605 E) in the amount of \$108,039.41;

To establish a contingency fund for the contract in the amount of \$20,000; and

To authorize the City Manager to negotiate and execute amendments to the contract provided the total cost of the contract does not exceed \$128,039.41, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

SUBJECT: CONSTRUCTION, ENGINEERING AND INSPECTIONS CONTRACT WITH SEPI ENGINEERING & CONSTRUCTION, INC. FOR THE DURHAM NEIGHBORHOOD BIKE BOULEVARDS PROJECT (NCDOT TIP # C-5605 I) (ITEM 17/ PR #15340)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute a contract for Construction, Engineering and Inspections with SEPI Engineering & Construction, Inc. for the Durham Neighborhood Bike Boulevards Project (NCDOT TIP # C-5605 I) in the amount of \$134,644.65;

To establish a contingency fund for the contract in the amount of \$20,196.70; and

To authorize the City Manager to execute amendments to the contract provided the total cost of the contract does not exceed \$154,841.35, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

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

MOTION by Council Member Freeman, seconded by Council Member Johnson, to receive a presentation on the Durham Small Business Recovery Fund; and To authorize the City Manager to execute an amendment to the Durham Small Business Recovery Fund Service Agreement, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CEDAR TRACE APARTMENTS - ZONING MAP CHANGE (ITEM 18/ PR #15330)

Michael Stock, Senior Planner stated for the record that the Planning Department hearing item had been advertised and noticed in accordance with state and local law and that affidavits of all notices were on file in the Planning Department and provided the following staff report:

Dustin Mills, of Taft-Mills Group, LLC, proposed to change the zoning designation of five parcels of land totaling 16.88 acres, and located south of Carr Road and east of Highway 70/South Miami Boulevard. The zoning was Residential Suburban-8 (RS-8). The applicant proposed to change the designation to Residential Suburban-Multifamily with a Development Plan (RS-M(D)).

The properties were designated Low-Medium Density Residential on the Future Land Use Map (FLUM) (Attachment C). The proposed Residential Suburban-Multifamily with a Development Plan (RS-M(D)) zoning was inconsistent with the designated Future Land Use. If the proposed zoning was approved, staff recommend a change to the FLUM to designate the property as Medium-Density Residential.

Mayor O’Neal opened the Public Hearing and called for any speakers to the item.

Toby Coleman, a representative for the applicant spoke to certain aspects of the project: 200 units, the Affordable Housing components, AMI average from 60 %-80%, and made himself available for any questions.

Seeing no additional speakers, Mayor O’Neal declared the Public Hearing closed.

Council Member Caballero asked if the project had been previously discussed at a past Work Session.

City Manager Page advised that it was.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the of the Residential Suburban-8 (RS-8); Falls/Jordan Watershed Overlay

District-B (F/J-B) districts and establishing the same as Residential Suburban-Multifamily with a Development Plan (RS-M(D)); Falls/Jordan Watershed Overlay District-B (F/J-B) district, was approved at 8:42 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt a Consistency and Reasonableness Statement as required by NCGS 160D-605, was approved at 8:45 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100015, Cedar Trace Apartments

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2100015, Cedar Trace Apartments, is based upon review of consistency with the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the Consistency with Adopted Plans and Reasonable and in the Public Interest sections of the staff report and Attachment F, Community Goals and Objectives; regarding the subject Z2100015, Cedar Trace Apartments, along with additional agenda information provided to the City Council and information provided at the public hearing; and

Although the proposed zoning map change designation is inconsistent with the Future Land Use designation as provided on the Future Land Use Map (FLUM) of the Comprehensive Plan in Attachment C, the zoning change will amend the FLUM to a designation consistent with the proposed zoning change.

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and

reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report, and Attachment F, Community Goals and Objectives; along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

ORDINANCE #15925

SUBJECT: FY 2022-2023 ANNUAL ACTION PLAN (ITEM 19/ PR #15317)

Reginald Johnson, Director of The Department of Community Development, introduced the item and provided background to Council on the Draft FY2022-2023 Annual Action Plan for the use of Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds.

Mayor O'Neal opened the Public Hearing and called for speakers to the item.

Bonita Green, a resident of Durham, spoke to using the funds to assist residents in red lined communities to make much needed improvements to their homes.

MOTION by Council Member Freeman, seconded by Council Member Caballero, to approve the Draft FY 2022-2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, was approved at 8:52 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME, ESG, and HOPWA program agreements and related documents, was approved at 8:53 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant project ordinance in the amount of \$2,100,000.00, was approved at 8:53 p.m. by the following vote: Ayes: Mayor O'Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnership Program grant project ordinance in the amount of

\$1,100,000.00; was approved at 8:54 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant project ordinance in the amount of \$174,000.00, was approved at 8:55 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt the City of Durham/U.S. Department of Housing and Urban Development Housing Opportunities for Persons with AIDS grant project ordinance in the amount of \$858,000.00, was approved at 8:56 p.m. by the following vote: Ayes: Mayor O’Neal, and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor Pro Tempore Middleton.

ORDINANCE #'s 15926, 15927, 15928, & 15929

[OTHER MATTERS]

Council Member’s Freeman and Williams congratulated the Mayor on her State of the City Address.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 8:56 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk