

**DURHAM, NORTH CAROLINA
MONDAY, MAY 2, 2022
7:00 P.M.
IN-PERSON & VIRTUAL
DRAFT**

The Durham City Council met in the Council Chambers at 101 City Hall Plaza at the above time and date with the following members present: Mayor Elaine O’Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members, Javiera Caballero, DeDreana Freeman, Jillian Johnson and Leonardo Williams. Absent: None.

Also Present: City Manager Wanda Page, City Attorney Kim Rehberg, City Clerk Diana Schreiber, and Deputy City Clerk Ashley Wyatt.

[CALL TO ORDER]

Mayor O’Neal called the meeting to order and asked for a moment of silent meditation.

[CEREMONIAL ITEMS]

Mayor O’Neal read into the record the Drinking Water Week Proclamation

Council Member Johnson read into the record the Internal Audit Week Proclamation and presented it to Dr. Germaine Brewington.

Mayor Pro Tempore Middleton read into the record the Children’s Mental Health Awareness Month Proclamation and presented it to Teka Dempson.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Williams reflected on the Royal Ice Cream sit in and how one of the activists was to be honored with an honorary doctorate by the NCCU board of Trustees. He also noted that he and Mayor Pro Tempore Middleton had been selected to sit on the North Carolina League of Municipalities Board.

Mayor O’ Neal congratulated Council Member Williams and Mayor Pro Tempore Middleton.

Council Member Caballero announced that it was bike month and encouraged residents to look at the website for future events; noted early voting had started and indicated how residents could register to vote in the upcoming primary election.

Council Member Freeman acknowledged Small Business Appreciation Week as well as Public Servants Recognition Week recognition week and gave thanks to those public servants.

Council Member Williams highlighted the 150 year anniversary of the First Presbyterian Church.

Mayor O' Neal advised that she recently attended the African American Mayor's Conference in Washington D.C and brought back a lot of information regarding transportation and housing issues.

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

There were no priority announcements from the City Manager, City Attorney or City Clerk.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR # 15357)

MOTION by Council Member Freeman, seconded by Council Member Williams, to approve the City Council Minutes for the following meetings: March 3, 2022 Budget Retreat; March 4, 2022 Budget Retreat; March 7, 2022 Regular Meeting; March 10, 2022 Work Session; March 21, 2022 Regular Meeting; and March 24, 2022 Work Session, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: HUMAN RELATIONS COMMISSION – APPOINTMENTS (ITEM 2/ PR#15349)

MOTION by Council Member Freeman, seconded by Council Member Williams, to appoint Ebony L. Sneed representing an African American Person with the term to expire on June 30, 2024 and Hayley Thompson representing Other Person with the term to expire on June 30, 2025 to the Human Relations Commission (Due to the resignations of Farrah M. Campbell and Joy M. Spencer), was approved at 7:38 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

**SUBJECT: BUILDING PERMITS AND INSPECTIONS PERFORMANCE AUDIT
MARCH 2022 (ITEM 3/ PR#15336)**

MOTION by Council Member Freeman, seconded by Council Member Williams, to receive the Building Permits and Inspections Performance Audit March 2022 approved at the March 28, 2022 Audit Services Oversight Committee meeting, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

**SUBJECT: TO SELECT APPLICANTS FOR THE AT-LARGE COUNCIL VACANCY
AND FORWARD TO THE INTERVIEW STAGE (ITEM 4/ PR#15370)**

MOTION by Council Member Freeman, seconded by Council Member Williams, to approve the selection of an applicant for the At-Large Council Vacancy and forward to the interview stage, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: FUEL SURCHARGE FOR TAXICAB OPERATORS (ITEM 7/ PR# 15359)

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt Ordinance to Change Exclusive-Ride Service Maximums for Taxicab Operators, which authorizes a taxicab fuel surcharge of no more than \$1.00 per trip, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

ORDINANCE #15930

**SUBJECT: MASTER SERVICE AGREEMENT TO CITI, INC. FOR 2022-2025 ON-
CALL SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA)
SERVICES (ITEM 8/ PR# 15334)**

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a Master Services Agreement for 2022 -2025 On-Call Supervisory Control and Data Acquisition (SCADA) Services with CITI, Inc.; and

To authorize the City Manager to negotiate and execute Supplemental Service Agreements for services up to \$200,000 for each project without additional City Council approval, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman,

Johnson, and Williams. Noes: None. Absent: None

SUBJECT: MARCH 2022 BID REPORT (ITEM 9/ PR# 15356)

MOTION by Council Member Freeman, seconded by Council Member Williams, to receive a report on the bids that were acted upon by the City Manager in March 2022, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

- 1. **Bid:** Computer Equipment

Purpose of Bid: Provides the Technology Services Department with sixty-one (61) Lenovo ThinkCentre Core i7 10700 2.9 GHz – vPro – 16GB – SSD Laptops.

Comments: Priced in accordance with National IPA Technology Solutions (2018011-01).

Opened: 3/14/2022

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc. Vernon Hills, IL	61	\$ 1,277.00	\$ 77,897.00

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0
Total	142	3	0	6	0
UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

2. **Bid:** Pressure Washer Equipment

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) Landa Ecos 7000 Mobile wash and reclaim system.

Comments: Priced by soliciting the lowest competitive quote in accordance with City of Durham Purchasing Policy / guidelines.

Opened: 3/8/2022

Bidders:

Vendor	Qty	Price	Total Cost
MVP Services of NC	1	\$ 39,198.00	\$ 39,198.00
Cougar Chemical	1	\$ 42,814.00	\$ 42,814.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	5	3	2
Technical	0	0	0
Clerical	0	0	0
Labor	5	5	0
Total	10	8	2

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	3	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	4	0	1	0	0
Total	7	0	1	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	2	0	0	0	0

3. **Bid:** MODEC – Specialized Tools

Purpose of Bid: Provides the Water Department with needed Mechanics tools for MODEC equipment.

Comments: Priced in accordance with Authorized Distributor and Sole Source provider of this manufacturer.

Opened: 3/1/2022

Bidders:

Vendor	Qty	Price	Total Cost
FnA Industrial Tool and Service Stallings, NC	1	\$ 16,628.00	\$ 16,628.00

Award Based on: Low Bid Other (See Comments)
Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	4	3	1
Technical	5	5	0
Clerical	0	0	0
Labor	5	5	0
Total	16	15	1

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	0	0	0	0
Labor	3	0	0	0	0
Total	7	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	2	0	0	0	0

4. **Bid:** Valves and Replacement Sewer Equipment Parts

Purpose of Bid: Provides the Water Department with various sewer air valves and replacement parts. Specifically, four (4) 4-inch Model SZG Series B – Combination Air Valve Biased to Control Air Out.

Comments: Priced in accordance with International Valve Manufacturing as the Sole Source of Vent-Tech Automatic Air and Vacuum Valves (Air Release Valves) provider of this manufacturer.

Opened: 3/1/2022

Bidders:

Vendor	Qty	Price	Total Cost
FnA Industrial Tool and Service Stallings, NC	1	\$ 29,443.00	\$ 29,443.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	4	3	1
Technical	5	5	0
Clerical	0	0	0
Labor	5	5	0

Total	16	15	1
-------	----	----	---

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	1	0	1	0
Professional	3	0	0	0	0
Technical	0	5	0	0	0
Clerical	0	0	0	0	0
Labor	2	1	2	0	0
Total	5	7	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

5. **Bid:** Signage Materials

Purpose of Bid: Provides the City of Durham Traffic Sign Shop with various signage materials.

Comments: Priced in accordance with the NC State Contract #550A; Traffic Control Devices

Opened: 03/31/2022

Bidders:

Vendor	Qty	Price	Total Cost
Ennis-Flint, Inc Greensboro, NC	1	\$ 20,649.32	\$ 20,649.32

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	50	40	10
Professional	105	61	44
Technical	24	12	12
Clerical	53	9	44
Labor	223	160	63
Total	455	282	173

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	30	6	3	1	0
Professional	39	10	7	5	0
Technical	3	5	4	0	0
Clerical	5	1	3	0	0
Labor	51	46	40	22	1
Total	128	68	57	28	1

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	9	0	0	1	0
Professional	15	9	16	4	0
Technical	5	2	4	1	0
Clerical	30	4	7	3	0
Labor	18	29	10	5	1

Total	77	44	37	14	1
-------	----	----	----	----	---

6. **Bid:** Police Safety Equipment

Purpose of Bid: Provides the Department of Police with one hundred and fifty-five (155) GDCM00BVZ5 PBA Tank Track Laser, Uniform Pocket.

Comments: Priced in accordance with NC State Contract #680A.

Opened: 3/18/2022

Bidders:

Vendor	Qty	Price	Total Cost
DANA Safety Supply Greensboro, NC	155	\$ 200.00	\$ 31,000.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	13	6	7
Professional	12	11	1
Technical	0	0	0
Clerical	12	1	11
Labor	8	3	5
Total	45	21	24

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	4	1	0	1	0
Professional	10	0	1	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0

Labor	1	1	1	0	0
Total	16	2	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	11	0	0	0	0
Labor	0	3	1	1	0
Total	19	3	1	1	0

7. **Bid:** Police Equipment

Purpose of Bid: Provides the Department of Police with thirty-three (33) DS36-100579 FN 15Sights. 11.5" SRP G2 w/BUIS.

Comments: Priced by soliciting the lowest competitive quote in accordance with City of Durham Purchasing Policy / guidelines.

Opened: 3/9/2022

Bidders:

Vendor	Qty	Price	Total Cost
DANA Safety Supply Greensboro, NC	33	\$ 905.41	\$ 29,878.53
Lawmen's Raleigh, NC	33	\$ 936.00	\$ 30,888.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	13	6	7

Professional	12	11	1
Technical	0	0	0
Clerical	12	1	11
Labor	8	3	5
Total	45	21	24

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	4	1	0	1	0
Professional	10	0	1	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	1	1	1	0	0
Total	16	2	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	11	0	0	0	0
Labor	0	3	1	1	0
Total	19	3	1	1	0

8. **Bid:** Police Safety Equipment

Purpose of Bid: Provides the Department of Police with Various Safety Vest Pouches for equipment utility vest.

Comments: Priced by soliciting the lowest competitive quote in accordance with City of Durham Purchasing Policy / guidelines.

Opened: 3/22/2022

Bidders:

Vendor	Qty	Price	Total Cost
DANA Safety Supply Greensboro, NC	1	\$ 41,452.00	\$ 41,452.00
Lawmen's Raleigh, NC	1	\$ 74,825.00	\$ 74,825.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	13	6	7
Professional	12	11	1
Technical	0	0	0
Clerical	12	1	11
Labor	8	3	5
Total	45	21	24

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	4	1	0	1	0
Professional	10	0	1	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	1	1	1	0	0
Total	16	2	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
---------------------------------	--	--	--	--	--

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	11	0	0	0	0
Labor	0	3	1	1	0
Total	19	3	1	1	0

SUBJECT: REFUNDING OF GENERAL OBLIGATION BONDS, SERIES 2012A, 2012C, AND 2012D AND ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022 (ITEM 10/ PR# 15346)

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt a Resolution Providing for the Issuance of Not to Exceed \$30,500,000 General Obligation Refunding Bonds, Series 2022; and 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 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: CONTRACT SW-86C, REQUEST FOR QUALIFICATIONS FOR INSPECTIONS FOR PW STREET MAINTENANCE REPAIRS (ITEM 11/ PR# 15345)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a professional services contract for Contract SW-86C, Inspections for PW Street Maintenance Repairs with Horvath Associates, P.A. in an amount not to exceed \$900,000, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: THE UPPER NEUSE RIVER BASIN ASSOCIATION (UNRBA) FY2023 BUDGET (ITEM 12/ PR# 15363)

MOTION by Council Member Freeman, seconded by Council Member Williams, to receive a presentation regarding UNRBA activities; and to adopt the resolution supporting the UNRBA FY2023 budget of \$1,192,892.00, with the City of Durham contributing \$265,834.44, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

RESOLUTION #10256

SUBJECT: UTILITY EXTENSION AGREEMENT WITH POCKET PARTNERS, LLC TO SERVE ROSEWALK CLUB BOULEVARD (ITEM 13/ PR# 15338)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to enter into a utility extension agreement with Pocket Partners, LLC to serve Rosewalk Club Boulevard with City water and sewer, was approved at 7:38 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CLOSING OF NEWKIRK STREET AND PORTIONS OF MAY STREET AND SANDERS AVENUE (ITEM 15/ PR# 15361)

Cole Renigar, Planner stated for the record that the Planning Department public hearing item had been properly noticed and advertised per state and local law and affidavits to that effect were on file with the Planning Department and provided the following staff report:

Case SC210001 referenced a request that closed Newkirk Street and Portions of May Street and Sanders avenue. Rental Properties Inc, Tony Alfred Williams, and REA Landcom Inc. requested permanent closure of 589 linear feet of Sanders Avenue, 199 linear feet of Newkirk Street, and 214 linear feet of May Street, located east and south-by-southeast of Copper Leaf Parkway, connecting US-70 to May Street After the proposed street closure, the applicants proposed recombination of existing parcels, all owned by the applicants.

Mayor Pro Tempore Middleton asked if the right of ways in the item were maintained by the city.

Mr. Renigar stated they were not.

Mayor O'Neal opened the public hearing and called for any speakers to the item.

Nil Ghosh, a representative for the applicant outlined the specifics of the item and asked council for their approval.

Seeing no additional speakers, Mayor O'Neal declared the public hearing closed.

MOTION by Council Member Freeman, seconded by Council Member Williams, to close 589 linear feet of Sanders Avenue, 199 linear feet of Newkirk Street, and 214 linear feet of May Street, was approved at 7:44 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Johnson, and Williams. Noes: Council Member Freeman. Absent: None

CITY OF DURHAM

ORDER PERMANENTLY CLOSING 589 LINEAR FEET OF SANDERS AVENUE, 199 LINEAR FEET OF NEWKIRK STREET, AND 214 LINEAR FEET OF MAY STREET (SC2100001)

WHEREAS, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

WHEREAS, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein for May 2, 2022; and

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by first-class mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for two successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham City Council at its regular meeting on May 2, 2022 meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the City Council of the City of Durham having carefully considered the question of permanently closing the streets or alleys or portion thereof as it more fully described in Attachment A, finds:

1. That closing of the streets or alleys described in Attachment A is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the streets described in Attachment A are permanently closed under the authority of GS 160A-299(a).
2. That utility easements that may be referenced in Attachment A or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in Attachment A shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in Attachment A.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

ORDINANCE #15933

**SUBJECT: CLOSING OF UNNAMED ALLEY OFF E. LAWSON STREET
(ITEM 16/ PR# 15362)**

Cole Renigar, Planner stated for the record that the Planning Department public hearing item had been properly noticed and advertised per state and local law and affidavits to that effect were on file with the Planning Department and provided the following staff report:

Case SC210003 referenced a request to close an alley running from E. Lawson Street to Dupree Street near the intersection of E. Lawson Street and Fayetteville Street. Diedra McEntrye, representing North Carolina Central University (NCCU), requests permanent closure of a 156-linear-foot portion of an unnamed, unimproved, 15'-wide alley right-of-way connecting E. Lawson Street to Dupree Street. As part of the street closure, the applicants sought to combine Lots 1-3, all owned by the State of North Carolina as part of NCCU. They also proposed dedicating half of the width of a portion of the alley to be closed to Barbara J Judd, whose property was affected by the closure.

Mayor O'Neal opened the public hearing and called for any speakers to the item.

Seeing no speakers, Mayor O'Neal declared the public hearing closed.

MOTION by Council Member Johnson, seconded by Council Member Williams, to close 156 linear feet of a 15-foot wide unnamed alley that runs from E. Lawson Street to Dupree Street, was approved at 7:47 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

CITY OF DURHAM
ORDER PERMANENTLY CLOSING 156 LINEAR FEET OF A 15'-WIDE UNNAMED
ALLEY OFF E. LAWSON STREET
(SC2100003)

WHEREAS, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

WHEREAS, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein for May 2, 2022; and

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by first-class mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for two successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham City Council at its regular meeting on May 2, 2022 meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the City Council of the City of Durham having carefully considered the question of permanently closing the streets or alleys or portion thereof as it more fully described in Attachment A, finds:

1. That closing of the streets or alleys described in Attachment A is not contrary to the public interest, and

2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the streets described in Attachment A are permanently closed under the authority of GS 160A-299(a).
2. That utility easements that may be referenced in Attachment A or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in Attachment A shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in Attachment A.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

ORDINANCE #15934

SUBJECT: LIMITED OBLIGATION BOND, SERIES 2022 (ITEM 18/ PR# 15348)

Tim Flora, Director of Finance, provided the following staff report:

The purpose of the public hearing was for a Limited Obligation Bond, Series 2022 sale, which was an interim installment financing arrangement for Capital Improvement Program (CIP) projects adopted by Council in prior budget cycles. The public hearing was required by State statute and all notifications had been made and were on file for review in the Finance Department.

Mr. Flora noted the following components of the item:

1. The financing was not to exceed \$132 million;
2. The financing came with a two-year interest only term and would function as a line of credit, whereby we the city would only pay interest on funds used;
3. The item was being done as a bank placement, and an RFP process was used to get the most competitive terms;
4. The department was working with financial advisors, First Tryon, and bond counsel, Parker Poe, to maximize efficiency and effectiveness of process;
5. All debt activities of a similar size required State approval and application submission to the Local Government Commission tomorrow;
6. To complete the process, the department would I be back before Council on

June 6th seeking an approving resolution;
7. Finance anticipated closing on this debt on June 16.

Mayor O'Neal opened the public hearing and called for any speakers to the item.

Seeing no speakers, Mayor O'Neal declared the public hearing closed.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Johnson, to adopt a resolution authorizing the negotiation of an amendment to an installment financing contract not to exceed \$132,000,000, and providing for certain other related matters thereto was approved at 9:40 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the filing of an application with the Local Government Commission for its approval of the amendment was approved at 9:41 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

MOTION by Council Member Freeman, seconded by Council Member Johnson, to declare the intent of the City to reimburse itself for capital expenditures from proceeds of the amendment, was approved at 9:42 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

MOTION by Council Member Freeman, seconded by Council Member Caballero, to conduct a public hearing to receive comments on the negotiation of an amendment to an installment financing contract not to exceed \$132,000,000 was approved at 9:43p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager or her designee to execute other associated legal documents as necessary to complete this transaction so long as the documents are consistent with the intent of the agenda item memo was approved at 9:43 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None

RESOLUTION #'s 10255 &10257

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 9:44 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk