

**DURHAM CITY COUNCIL WORK SESSION  
THURSDAY, MAY 5, 2022 @ 1:00 P.M.  
IN-PERSON & VIRTUAL 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 Javiera Caballero, DeDreana Freeman, Jillian Johnson and Leonardo Williams. Absent: None.

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.

**[ANNOUNCEMENTS BY COUNCIL]**

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

Council Member Caballero reminded all about the upcoming primary election scheduled for Tuesday, May 17, 2022 and encouraged all eligible persons to vote.

Council Member Williams announced that the City of Durham had received the NC League of Municipalities' Most Entrepreneurial Town Award.

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

City Manager Page announced her priority items:

- 6) JFK Towers- JFK Towers NC TC, LP Development Loan Commitment. Requested that the item be pulled and that Council suspend their rules in order to vote.
- 7) Cedar Trace Apartments – Taft-Mills Group, LLC Development Loan Commitment. Requested that the item be pulled and that Council suspend their rules in order to vote.
- 5) Interlocal Agreement Renewal for Durham City-County Strategic Youth Initiatives. Presentation item; 25 minutes requested.
- 12) Proposed Water and Sewer Rates for FY2022-23. Presentation item; 15 minutes requested.

20) Fiscal Year 2022-23 Proposed Budget and Fiscal Year 2023-28 Capital Improvement Plan (CIP). Presentation Item at May 16, 2022 Council meeting.  
22) FY2023 Stormwater Rates. Presentation Item and public hearing scheduled for May 16, 2022 Council meeting.

**MOTION** by Council Member Freeman, seconded by Council Member Johnson, to approve the City Manager's Priority Items 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.

City Attorney Kim Rehberg announced one priority item which was to conduct a closed session after the regular business of Council.

**MOTION** by Council Member Williams, seconded by Council Member Johnson, to accept the City Attorney's Priority Item at 1:08 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

Taking the prerogative of the Chair, Mayor O'Neal requested that Council suspend the rules to vote on Items 6 & 7.

**MOTION** by Council Member Williams, seconded by Council Member Johnson, to suspend the rules in order for Council to vote on Agenda Items 6 and 7 at 1:09 pm by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Johnson and Williams. Noes: Council Member Freeman.

**SUBJECT: JFK TOWERS – JFK TOWERS NC TC, LP DEVELOPMENT  
LOAN COMMITMENT (ITEM 6/ PR 15395)**

**MOTION** by Council Member Johnson, seconded by Council Member Williams, to authorize the City Manager to issue to JFK Towers NC TC, LP or its designated affiliate approved by the City, a conditional binding commitment of permanent financing in an amount up to \$1,500,000 in Affordable Housing Bond Funds for the rehabilitation of 177 affordable rental units at 4900 Old Farm Road (AKA 4900 North Roxboro Street) in Durham, NC, known as JFK Towers at 1:10 pm by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Johnson and Williams. Noes: Council Member Freeman.

**MOTION** by Council Member Johnson, seconded by Council Member Williams, 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 at 1:11 pm by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

**MOTION** by Council Member Johnson, seconded by Council Member Williams, 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 at 1:11 pm by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

**SUBJECT: CEDAR TRACE APARTMENTS – TAFT-MILLS GROUP, LLC  
DEVELOPMENT LOAN COMMITMENT (ITEM 7/ PR 15394)**

**MOTION** by Council Member Johnson, seconded by Council Member Williams, to authorize the City Manager to issue to Taft-Mills Group, LLC or its designated affiliate approved by the City, a conditional binding commitment of permanent financing in an amount up to \$6,900,000 in Affordable Housing Bond Funds and/or HOME Investment Partnership (HOME) funds from the U.S. Department of Housing and Urban Development for the development of 180 affordable rental units at 3400 Carr Road, Durham, NC 27703, known as Cedar Trace at 1:12 pm by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Johnson and Williams. Noes: Council Member Freeman.

**MOTION** by Council Member Johnson, seconded by Council Member Williams, 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 at 1:12 pm by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

**MOTION** by Council Member Johnson, seconded by Council Member Williams, to authorize the City Manager to make necessary and sundry changes to the conditional binding commitment of permanent financing and associated documents 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 at 1:13 pm by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

**SUBJECT: CITY CLERK’S PRIORITY ITEMS**

The City Clerk requested that Council pull Item 4) Nominate and Appoint a City of Durham Resident to Fill One (1) Vacancy on the At-Large Seat of Council and that Council suspend the rules in order to vote.

**MOTION** by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to accept the City Clerk’s Priority Item at 1:15 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

**MOTION** by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to suspend the rules in order to vote on Item #4 at 1:15 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None.

Prior to the vote on the At-Large Vacancy Item #4, Mayor O’Neal announced that she would read the administrative consent items to assess if there were any items requested to be pulled and addressed for more information.

The following items were pulled for additional discussion: Items 4, 5, 8, 9, 11, and 18; and Items 12 and 22 were presentation items.

**SUBJECT: NOMINATE AND APPOINT A CITY OF DURHAM RESIDENT TO FILL ONE (1) VACANCY ON THE AT-LARGE SEAT OF COUNCIL (ITEM 4/ PR 15405)**

Mayor Pro Tempore Middleton introduced the item, made opening remarks and summarized Council’s approach on filling the At-Large Seat.

After each Council Member explained their vote, it was the unanimous consensus of Council to appoint Dr. Monique Holsey-Hyman as the appointee to fill Council’s At-Large Seat at 1:44 p.m.

**SUBJECT: INTERLOCAL AGREEMENT RENEWAL FOR DURHAM CITY-COUNTY STRATEGIC YOUTH INITIATIVES (ITEM 5/ PR 15403)**

Lara Khalil, City-County Youth Initiatives Manager presented the staff report and presentation; and was joined by A’lice Frasier, Youth Engagement Manager.

The presentation was titled, *‘City-County Strategic Youth Initiatives Recommendations for Interlocal Agreement Renewal’*.

The presentation contained the following:

- City-County Strategic Youth Initiative Origins
- What did we build in four years?
- Foundation and Blueprint for the Work: 2018 – 2022
- Office on Youth: What We Believe
- Vision & Mission
- Equitable Youth Engagement: Structures, Opportunities and Culture
- Provider Networks for Better Alignment: 2018-2022
- Youth Initiatives Capacity and Infrastructure
- Goals for City-County Youth Initiatives ILA
- Other Key Proposed Amendments
- Budgetary discussion

Youth were acting as consultants to established city and county organizations via the Youth Ambassador Program; the roles contained decision-making authority instead of volunteerism; it was a goal to establish fifteen seats in the program.

Ms. Khalil addressed the Council appointed boards and noted that assessment was occurring to determine the feasibility of which boards had the capacity of youth seats. She mentioned the current work being conducted in the form of youth seats on the Bicycle and Pedestrian Committee and Racial Equity Commission.

Council spoke in support of the Office on Youth and its current programming.

Due to technical difficulties related to the virtual connection with a vendor, Item 8 was addressed after Item 11.

**SUBJECT: SECOND AMENDMENT TO CONTRACT #17430,  
SUPPLEMENTAL AGREEMENT #2 WITH KIMLEY-HORN AND  
ASSOCIATED (DURHAM COUNTY TRANSIT PLAN) (ITEM 9/ PR  
15393)**

Council Member Freeman inquired about three extenuating factors, requested information about partnering agencies and what the plan looked like regarding engagement, responses about bus service, and would there be public facing Mayor's Committees focused on these matters.

Aaron Cain, DHHC – MPO, addressed outreach to stakeholder groups, including those previously under-represented; and noted that in-person meetings were going to be conducted virtually.

**SUBJECT: AWARD OF A SERVICE CONTRACT TO TAYLOR METER  
TECHNOLOGIES FOR THE LARGE METER INSPECTION AND  
TESTING SERVICES PROJECT (ITEM 11/ PR 15372)**

Don Greeley, Director of Water Management, responded to Council's questions.

Mayor Pro Tempore Middleton inquired about the largest meters and to whom they were assigned; and asked how the meters were being read.

Director Greeley acknowledged that the largest meters were commercial in nature and explained the meter reading/checking process. The contract was to ensure the radio-read meters were being read accurately.

Council Member Freeman inquired about the tiers for commercial accounts.

Director Greeley responded that commercial customers were included in Tier 3; and it was an annual expectation that commercial customers and their usage were re-evaluated.

**SUBJECT: CONTRACT WITH DIXIE LAWN SERVICE INC. FOR RIGHT OF WAY MOWING AND LITTER REMOVAL SERVICES (ITEM 8/ PR 15392)**

Mayor Pro Tempore Middleton inquired about the workforce diversity statistics and demographics of Dixie Lawn Services employees. Of the 265 employees, he asked how many employees were African-American.

Alexander Johnson, staff person representing Public Works, was available to respond to Council's questions and addressed the diversity questionnaire and the blank portion.

James McHenry, President of Dixie Lawn Service, after experiencing connection issues with the Zoom software, was requested by Council to follow up in providing demographic employment information related to the city's contract with focus on the persons of color. He admitted the majority of this employees were seasonal with a focus on Hispanics.

Mayor Pro Tempore Middleton requested the item go on the General Business Agenda on the upcoming Council Meeting.

However, as City Manager Page was settling the agenda at the end of the meeting, she requested that the item be returned to the Administration for further analysis.

**SUBJECT: PROPOSED WATER AND SEWER RATES FOR FY2022-2023 (ITEM 12/ PR 15399)**

Don Greeley, Director of Water Management, provided the staff report and PowerPoint presentation, titled, *Water & Sewer Fund and CIP, Proposed FY2023 Rates*.

The presentation consisted of the following:

Outline

Utility Overview

Rate Setting Objectives

Affordability

Historical & Projected Average Single Family Residence Monthly Cost per Tier

Affordability – Payment Arrangements & Hardship Fund

Proposed Capital Funding Appropriations

CIP – Projected 5 Year Appropriations

Percent of SFR Consumption by Tiers  
Presentation, continued.

Projection of Water and Sewer Revenue Requirements  
Proposed FY23 Water and Sewer Rates  
Proposed FY23 SFR Monthly Rates  
Price Comparison to donuts n coffee  
Proposed Average Rate Increases for next 5 Years  
NC Water and Wastewater Rates Dashboard  
Monthly cost for 4000 gallons Water & Sewer Comparison  
Questions

Mayor Pro Tempore Middleton inquired about the level of the hardship fund and asked if the level needed increasing; and asked about water rate increases and how the rates were tied to capital improvements.

Director Greeley spoke in support of maintaining the \$150,000 within the hardship fund in the next fiscal cycle. He spoke to the need to replace aged water & sewer lines and noted the expenses associated with work that involved rebuilding the dam at Lake Michie.

Mayor O'Neal announced a break at 3:24 p.m.

Council resumed their deliberations at 3:38 p.m.

**SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES  
(ITEM 18/ PR 15383)**

Robert Joyner, Public Works Manager, provided the staff report and responded to Council's questions.

Council Member Freeman inquired about the selection of street locations and where they were being pulled in from; inquired about a location to view which streets/roads were coming online and how were stormwater run-off issues being addressed by developers.

Mr. Joyner noted that the projects had been evaluated, inspections completed, punch list items attended to and houses constructed. He added that the developers determined the timetable involving the completion of projects; and noted that flooding concerns were addressed during development review by the Stormwater Division of Public Works. Mr. Joyner acknowledged that a good measurement of timeline for streets/roads coming online was 'five years from approval'.

**SUBJECT: FY2023 STORMWATER RATES (ITEM 22/ PR 15402)**

Paul Wiebke, representing the Stormwater Division of Public Works, presented the staff report and responded to Council's questions.

The presentation was titled, *Stormwater Fund and Rates* and contained the following:

Stormwater Fund and Rates cover page  
Stormwater Enterprise Fund  
Key Issues  
FY22 to FY29 Proposed Rates  
FY22 – FY29 CIP Spend Projections  
Customer Bill Impact FY23  
Estimated Accounts and Revenue by Tiers FY23  
Stormwater Enterprise Fund – Monthly Residential Stormwater Rate History  
Falls Lake Stage 1 Requirements- pie chart  
South Ellerbe Stormwater Restoration; Algae Turf Scrubber

Mayor Pro Tempore Middleton inquired about the meaning of MGD and asked about the turf scrubber.

Mr. Wiebke clarified the meaning of MGD as Million Gallons per Day and described the flow-way of 500 feet and grading of 15-20 acres.

Council Member Freeman requested an update on the Duke Diet and Fitness Center.

The project was within Phase 2 involving soil removal and grading with wetland construction would go to bid in late Fall to early Winter.

Council Member Caballero was appreciative of the activity related to the South Ellerbe Stormwater Restoration Project.

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

James E Barnes was nominated to the Durham Bicycle and Pedestrian Advisory Commission in the category of Youth Representative Between the age of 15 and 24;

Cesar Castro to same Commission in the category of Walking/Biking/Pedestrian Community for Marginalized Groups;

Rakeem U Chambers nominated to the Durham Historic Preservation Commission in the category of Real Estate Agent/Developer/Builder; and

Italo Medelius was nominated to the Mayor's Hispanic Latino Committee.



**[SETTLING THE AGENDA – MAY 16, 2022 REGULAR CITY COUNCIL MEETING]**

City Manager Page requested Item 8) Contract with Dixie Lawn Service, Inc. for Right-of-Way Mowing and Litter Removal Services be returned to the Administration for an additional cycle; and announced the settling of the agenda for the May 16, 2022 Regular City Council Meeting consisting of Consent Agenda Items 1 through 3, Item 5, and Items 9 through 19 and General Business Agenda Item 20 and General Business Agenda – Public Hearing Items 21 and 22.

**MOTION** by Council Member Freeman, seconded by Council Member Williams, to approve the City Manager’s Agenda was approved at 4:03 PM 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 Attorney Kim Rehberg requested to hold a closed session pursuant to NCGS 143.318.11(a)3 for Attorney-Client Consultation concerning the handling or settlement to the case: Darryl Howard v City of Durham 1.17 CV 477 Middle District of NC.

**MOTION** by Mayor Pro Tempore Middleton, seconded by Council Member Williams to accept the City Attorney’s request for a closed session related to the stated case at 4:05 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.

**COUNCIL ENTERED CLOSED SESSION – 4:11 P.M.**

**COUNCIL RECESSED TO OPEN SESSION - 4:35 PM**

No action was taken in open session. Being no additional business to transact, Mayor O’Neal adjourned the Work Session at 4:35 p.m.

Diana Schreiber, NCCMC  
City Clerk