

**DURHAM CITY COUNCIL WORK SESSION  
TUESDAY, JULY 26, 2022 @ 2 PM  
IN-PERSON & VIRTUAL MEETING**

The Durham City Council held a 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, Monique Holsey-Hyman, Jillian Johnson and Leonardo Williams. Absent: Council Member DeDreana Freeman.

Also present: Deputy City Manager Bo Ferguson, City Attorney Kimberly Rehberg and City Clerk Diana Schreiber.

**[CALL TO ORDER]**

Mayor O’Neal called the meeting to order and welcomed everyone to the Work Session.

**MOTION** by Council Member Williams, seconded by Council Member Caballero, to grant an excused absence for Council Member Freeman, was approved at 2:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Freeman.

**[ANNOUNCEMENTS BY COUNCIL]**

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

Council welcomed their colleagues back and appreciated staff’s work in the previous cycle.

Council Member Caballero spoke to the resident who had been hit on Guess Road who subsequently passed and extended thoughts and prayers to the Simpson Family; requested the Prescriptions for Repair Proposal from the Community Safety and Wellness Taskforce be re-addressed at the August 18, 2022 Work Session.

Mayor Pro Tempore Middleton welcomed all and appreciated the budget work in the previous cycle.

Council Member Williams requested that the crime epidemic amongst young black boys and men be addressed in the current cycle.

Council Member Johnson looked forward to get back to work and requested that the topic of Bull City Tenant’s United Recommendations be brought forward to the full Council and requested the item be scheduled on an upcoming Work Session.

Council Member Holsey-Hyman requested a resolution ensuring safety of schools for all students and expressed excitement to being back. She also introduced her Intern Mia Martin from NCCU.

Mayor O’Neal announced that the virtue for August was patience and recognized her job shadowing student from St. Augustine College; and announced her outreach to NYC with Bloomberg and other municipal mayors from across the country.

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

Deputy City Manager Ferguson announced priority items:

Item 25. Mist Lake Facility Expansion – Amendment 1 to Commercial Movers Contract 18899 with All American Relocation Incorporated. Requested Council suspend the rules and vote on the item.

Announced the agenda had been re-numbered.

Item 30, Update on Disposition and Re-Development of the property located at 505 West Chapel Hill Street. Staff presentation.

Item 33, Zoning Map Change- Durham County Utility Administration Building. Motion revised.

Item 34, Zoning Map Change – 5202 Garrett Road. Motion revised.

Item 37, City of Durham YouthWorks Program – Durham Technical Community College Contract for Fiscal Year 2022-23. Supplemental Item.

Deputy City Manager Ferguson recognized Solid Waste Management employees Harold Byrd, Jr., Kenneth Parker and KeShaun Sloan who on their normal collection route discovered two unattended children in a field. The employees took actions to assist the children in finding their caregivers. These actions represented that the employees went above and beyond in their duties and deserved commendation. The audience gave them a round of applause to *Honor our Everyday Heroes*.

**MOTION** by Council Member Williams, seconded by Council Member Caballero, to accept the City Manager’s priority items was approved at 2:19 by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Freeman.

City Attorney Rehberg requested priority items:

Senior Assistant Attorney Aarin Miles was introduced to the Council.

Senior Assistant Attorney Sofia Hernandez walked the Council through the topic of the amicus brief related to a pre-enforcement lawsuit; and stated the case involved a Colorado based website designer who sought to deny services to same sex couples.

It was the consensus of the Council to sign on to the amicus brief.

**MOTION** by Council Member Johnson, seconded by Council Member Williams, to accept the City Attorney's priority items at 2:20 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Freeman.

Mayor O'Neal read the items on the printed agenda and the following items were pulled for additional discussion: Items 18, 19 and 26. Presentation item was: Item 30; Item 25 was action item; and Item 36 was a Citizen's Matter.

**SUBJECT: MIST LAKE FACILITY EXPANSION – AMENDMENT 1 TO COMMERCIAL MOVERS CONTRACT 18899 WITH ALL AMERICAN RELOCATION INCORPORATED. (ITEM 25/ PR 15558)**

**MOTION** by Council Member Caballero, seconded by Council Member Williams, to suspend the rules in order to vote, was approved at 2:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Freeman.

**MOTION** by Council Member Williams, seconded by Council Member Johnson, to authorize the City Manager to execute an amendment to the service contract with All American Relocation Inc. for the commercial moving of additional Department of Water Management Divisions in the amount of \$9,950 with a total contract amount of \$59,820 was approved at 2:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Freeman.

Mayor O'Neal announced it was time for Citizen's Matters and requested Mayor Pro Tempore Middleton to preside over the meeting.

**SUBJECT: CITIZEN'S MATTER: CLIFF HEINDEL**

To receive comments from Cliff Heindel regarding concerns on the enforcement of the Unified Development Ordinance (UDO). Mr. Heindel explained he had

received a notice from the Board of Adjustment regarding a meeting and then summarized that the Board of Adjustment approved a vote contrary to the UDO.

**SUBJECT: PUBLIC COMMENT SPEAKER: GREGORY WEBB, SR.  
(NO ITEM NUMBER)**

Mr. Webb made remarks related to violence in Durham and asked what was being done about it.

**SUBJECT: PUBLIC COMMENT SPEAKER: JAMES CHAVIS  
(NO ITEM NUMBER)**

Mr. Chavis asked about the funding to DHA under the leadership of Anthony Scott; and asked how the city was being held responsible for a debt by the Durham Housing Authority in the amount of \$573,000. He added that the DHA had been in debt from 2005.

Mr. Chavis spoke out against paying the DHA Director for their debt.

**[ITEMS PULLED FROM THE AGENDA]**

**SUBJECT: 2023 CITY COUNCIL MEETING SCHEDULE (ITEM 18/ PR 15562)**

Council Member Caballero requested that the Thursday, December 22, 2022 Work Session be moved to Tuesday, December 20, 2022 as well as for the calendar year 2023.

It was the consensus of Council to approve the calendar revision.

**SUBJECT: OPIOID SETTLEMENT FUNDS (OSF) – LINCOLN COMMUNITY  
HEALTH CENTER INCORPORATED GRANT AGREEMENT  
(ITEM 19/ PR 15556)**

The speaker to the item was attending the meeting as a resource person. There were no questions on the item.

**SUBJECT: CHANGE ORDER NO. 2 TO THE CONTRACT WITH INCLINE  
CONSTRUCTION INCORPORATED FOR THE DURHAM  
CONVENTION CENTER REPAIR PROJECT (ITEM 26/ PR 15590)**

Mayor Pro Tempore Middleton inquired about the change order and the violations discovered subsequent to the initial repair; and had the lines not been damaged, would staff had discovered the additional violations and would this money have been spent anyways.

Tom Tingler, General Services, responded to Council's questions, the code violations resulted from repairs associated with Convention Center broken

sprinkler line and some failed fire proofing (ceiling removal); the items would have eventually been discovered but the catalyst was the result of the water damage. He concurred the monies would have been spent eventually.

**[PRESENTATIONS]**

**SUBJECT: 911 STAFFING PERFORMANCE AUDIT JUNE 2022 (ITEM 15/ PR 15544)**

Deputy City Manager Ferguson stated that the item was not planned for a staff presentation but staff was available to respond to Council's questions, if needed.

There were no questions on the item.

**SUBJECT: UPDATE ON DISPOSITION AND REDEVELOPMENT OF THE PROPERTY LOCATED AT 404 WEST CHAPEL HILL STREET (ITEM 30/ PR 15564)**

Stacey Poston, General Services, presented the item that was an update on the disposition of the surplus property; stated the purpose of the presentation was to focus on affordable housing and other auxiliary benefits. She spoke to the RFPs received and to discuss next steps;

The PowerPoint presentation consisted of the following:

The City of Durham is pursuing a competitive disposition process to select a development entity to redevelop the former DPD HQ site – timeline since 2020.

Staff was completing a competitive two-phase solicitation process informed by Council direction on priorities for site development. Phases 1 & 2.

Out of all the pre-qualified firms, two complete teams were formed: Akridge & DHIC and Ancora & Winn.

The RFP asked development teams to respond to five defined City objectives for the site:

1. Provide 80 units of onsite affordable housing for residents at 60% AMI in perpetuity
2. Generate significant revenue to the city from the sale of land and future local tax revenues from onsite development;
3. Deliver a mixed use project, including a significant component of commercial space with a preference for a minimum of 350m00 gross square footage
4. Preserve the existing Milton Small Building as part of the development program

5. Deliver signature design and an activated street-level experience to support Downtown's identity and vibrancy.

Elizabeth Packard, representing HRNA Advisors who had been doing financial modeling throughout the project, walked Council through the two proposals; and displayed the renderings, evaluation criteria with their point values. Both teams proposed a mix of uses, including ground-floor retail and community space to activate the site and proposed different visions for on-site programming. Given the disparate financial offers, staff recommended that Council reject both offers and re-start the process. Ms. Packard discussed next steps.

Mayor Pro Tempore Middleton announced there were speakers (in person and virtual) to the item:

George Smart, Executive Director of NC Modernist, the Milton Small Building was one of the finest example of mid-century modern in Durham; and encouraged Council to preserve the building.

Chris Laws, Executive Director of Preservation Durham, urged Council to preserve the building and make the building's preservation a priority.

Rick Larson, member of Duke Memorial United Methodist Church, noted the property was an ideal location for affordable housing; and encouraged mixing market rate with affordable housing units.

Marsha McNally, member of Coalition for Affordable Housing and Transit, supported affordable housing at the site and encouraged the project to move forward with a landmark design.

Mayor Pro Tempore Middleton requested Council's comments.

Council Member Johnson emphasized the importance of the site; expressed concerns about construction costs, market conditions and COVID-19 impacts; and continued to support affordable housing at the site. She spoke to going back to the drawing board with less emphasis on commercial/preservation and more on affordable housing.

Council Member Johnson addressed preservation, affordable housing, signature design; encouraged a holistic approach to develop this key location for affordable housing; asked what did the city need now; and advocated for jobs for the residents of the affordable housing; and did not support preservation of the site.

Mayor O'Neal was familiar with the Police HQ building; stated she did not favor preserving the building; addressed the entryway parcel into Downtown; and encouraged going back to restart the process.

Council Member Caballero expressed support for preserving the architectural style of the mid-century modern building; and agreed with her colleagues regarding the affordability piece and supported staff's direction.

Mayor Pro Tempore Middleton spoke to the falling through of the Fallon Project and that it may have been fortuitous in allowing the current Council the opportunity to re-shape the five guiding principles and including contributions from the new Mayor and two new Council Members; emphasized that there was no rush to re-develop the parcel; and favored a one unified grand vision for the parcel. He did not support preservation of the parcel, nor sub-dividing the lot; did not support the two proposals; and supported going back to the drawing board.

Council Member Holsey-Hyman supported going back to the drawing board to conduct a deeper dive of the project.

City Clerk Schreiber announced nominations to Council-appointed boards, committees, commissions and taskforces:

Audit Services Oversight Committee- Appointment for category of Business Community (Finance): Emily C Yeatts;  
Carolina Theatre of Durham Board of Trustees – Appointment for category of business, finance, arts and culture: Tynetta Walker;  
Citizens' Advisory Committee – Appointment: Ann Rebeck;  
Durham City-County Environmental Affairs Board – Appointment for category of At-Large Resident: Torrey Swain;  
Durham Convention Center Authority- Mayoral Appointment: Ari S Medoff;  
Durham Open Space and Trails Commission – Appointment for category of Ward 1: W Vinson Pierce III; and Ward 2: Terence Priester;  
Durham Open Space and Trails Commission – Mayoral Appointment: Bryan Luukinen;  
Durham Performing Arts Center Oversight Committee- Appointment for category representing Business (Finance): Alice L Sharpe;  
Durham Workers' Rights Commission – Appointment for category of Diverse Backgrounds: Krista T Kenney;  
Participatory Budgeting Steering Committee – Appointments for At-Large: John W Jordan, Kenneth Webb, Cynthia A Wood, the 4<sup>th</sup> vacancy would be re-advertised; and for the Youth category: Prince C Rivers;  
Racial Equity Commission – Appointment for category: Durham Public Schools- Youth Category: Jordan Vereen;  
Recreation Advisory Commission – Appointments: Teah Rawlings & Lesley J Stracks-Mullem; and  
Recreation Advisory Commission's Re-Appointment: Jill S Thomas.

**[SETTLING THE AGENDA FOR THE AUGUST 1, 2022 COUNCIL MEETING]**

Deputy City Manager Ferguson requested the following items be included in settling the agenda for the Monday, August 1, 2022 City Council Meeting by announcing the items for the Consent Agenda as Items 1 through 24, 26 through 30 and Item 37; and General Business - Public Hearings Items 31 through 35.

**MOTION** by Council Member Williams, seconded by Council Member Caballero, to approve the settling of the City Manager's agenda of the Monday, August 1, 2022 regular Council Meeting at 3:34 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: Council Member Reece.

Being no additional business to transact, Mayor Pro Tempore Middleton adjourned the Work Session at 3:35 p.m.

Diana Schreiber, MPA, NCCMC, CMC  
City Clerk