

**DURHAM, NORTH CAROLINA
MONDAY, JANUARY 3, 2022
7:00 P.M.**

The Durham City Council met in a regular session 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, Charlie Reece 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.

Mayor O'Neal called the meeting to order, welcomed everyone in attendance, and called for a moment of silent meditation.

[CEREMONIAL ITEMS]

Council Member Williams read into the record the Proclamation recognizing National Mentoring Month.

Mayor Pro Tempore Middleton read into the record the Proclamation Honoring Dr. Martin Luther King, Jr and presented it to DeWarren Langley, Executive Director of the Charles Hamilton Houston Foundation.

[ANNOUCEMENTS BY COUNCIL]

Council Member Caballero welcomed the decision to have virtual City Council meetings and encouraged residents to continue to wear their masks and get booster shots to fight against the COVID-19 virus.

Mayor Pro Tempore Middleton echoed the comments made by his Council colleague regarding the COVID-19 measures; expressed concern for the ongoing gun violence; discouraged celebratory gun fire on New Year's Eve due to the potential harm it could cause; and expressed his condolences to those who were killed by celebratory gun fire.

Council Member Williams recognized the power limitations that the City Council had; encouraged residents to partner with Council Members to create solutions to city issues; and also echoed the comments of Mayor Pro tempore Middleton regarding celebratory gun fire.

Council Member Freeman highlighted front line workers for their hard work throughout the holiday season and encouraged residents and Council Members to ask more questions when thinking through solutions and wished former Mayor Bill Bell a Happy Birthday.

Council Member Johnson wished everyone a Happy New Year.

Council Member Reece expressed gratitude to be able to help solve problems within the city.

Mayor O'Neal recognized the hard work of staff; spoke to the City Manager being able to stay on top of issues at all times; and asked residents to think about how they were going to commit to helping their community.

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

City Manager Page noted that Agenda Item #6 had additional information included.

City Attorney Rehberg and City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #15104)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to approve the City Council minutes for the following meetings: November 1, 2021 City Council Meeting; November 4, 2021 Work Session; November 15, 2021 City Council Meeting and November 18, 2021 Work Session, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: RESOLUTION DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT (ITEM 2/ PR #15093)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to adopt a resolution designating the National Incident Management System (NIMS) as the standard for incident management, 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, Reece, and Williams. Noes: None. Absent: None.

RESOLUTION #10245

SUBJECT: AMENDMENT TO CONTRACT #18353, THREE YEAR GRANT CONTRACT WITH LEGAL AID OF NORTH CAROLINA (LANC) TO PROVIDE LEGAL REPRESENTATION TO RESIDENTS FACING EVICTION (ITEM 3/ PR #15107)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to amend Contract #18353 with Legal Aid of North Carolina to provide legal representation to residents facing eviction to increase the budget by \$1,060,000, funded with City general funds, increasing the total contract value from \$1,545,450 to \$2,605,450, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: MULTIFAMILY HOUSING FACILITY TO BE KNOWN AS HARDEE STREET APARTMENTS IN THE CITY OF DURHAM (ITEM 4/ PR #15095)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to adopt a resolution of approval of a multifamily housing facility known as Hardee Street Apartments in the City of Durham, North Carolina and to approve the financing thereof with multifamily housing revenue bonds in an aggregate amount not to exceed \$17,000,000, 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, Reece, and Williams. Noes: None. Absent: None.

RESOLUTION #10246

SUBJECT: OPTION CONTRACT WITH SOUTHSIDE REVITALIZATION PHASE III LP FOR THE THIRD PHASE OF DEVELOPMENT AT THE LOFTS AT SOUTHSIDE (ITEM 5/ PR 15102)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute an Option Contract with Southside Revitalization Phase III LP for the purchase of up to approximately six acres on the former Rolling Hills site for the sum of One and No/100 Dollars (\$1.00) subject to conditions outlined in the Option Contract, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH LEGAL AID OF NORTH CAROLINA TO ADMINISTER DURHAM EXPUNCTION AND RESTORATION (DEAR) PROGRAM (ITEM 6/ PR #15082)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to enter into a contract with Legal Aid of North Carolina in an amount not to exceed \$150,000 to administer the Durham Expunction and Restoration (DEAR) program for Fiscal Year 2022, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: CAPITAL IMPROVEMENT PLAN (CIP) ORDINANCE AMENDMENT ASSOCIATED WITH THE JORDAN LAKE WESTERN INTAKE PARTNERSHIP (ITEM 7/ PR #15056)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to adopt an ordinance amending the Water & Wastewater Capital Improvement Plan Ordinance, Fiscal Year 2021-22, as amended, the same being Ordinance #15821, for the purpose of reallocating Department of Water Management Capital Improvement Plan funding for the Department of Water Management Jordan Lake projects, 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, Reece, and Williams. Noes: None. Absent: None.

ORDINANCE #15900

SUBJECT: PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH BROWN AND CALDWELL, INC. FOR THE WESTERN INTAKE PARTNERSHIP ENVIRONMENTAL PERMITTING PROJECT (ITEM 8/ PR #15113)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute a contract for professional engineering services with Brown and Caldwell, Inc. for the Western Intake Partnership Environmental Permitting Project for \$771,100, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH CDM SMITH, INC. FOR THE WESTERN INTAKE PARTNERSHIP REGIONAL WATER TREATMENT FACILITY PRELIMINARY ENGINEERING PROJECT (ITEM 9/ PR #15114)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute a contract for professional engineering services with CDM Smith, Inc. for the Western Intake Partnership Regional Water Treatment Facility Preliminary Engineering Project for \$4,004,498 to establish a contingency fund of \$400,450 for the Western Intake Partnership Regional Water Treatment Facility Preliminary Engineering project; and

To authorize the City Manager to negotiate and execute amendments to the contract provided that the total contract cost does not exceed \$4,404,948 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: BID REPORT - NOVEMBER 2021 (ITEM 10/ PR #15090)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to receive a report on the bids that were acted upon by the City Manager in November 2021, 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, Reece, and Williams. Noes: None. Absent: None.

1. **Bid:** Four Seasons Ford

Purpose of Bid: Provides the Department of Fleet Maintenance with six (6) 2022 Ford Escape SE AWD Hybrid vehicles.

Comments: Priced in accordance with North Carolina State Contract – 22-08-0913 Specification #218.

Opened: 11/01/2021

Bidders:

Vendor	Qty	Price	Total Cost
Four Seasons Ford Hendersonville, NC	6	\$ 26,600.89	\$ 159,605.34

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	10	9	1
Professional	37	35	2
Technical	0	0	0
Clerical	3	0	3
Labor	4	3	1
Total	54	47	7

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	8	1	0	0	0
Professional	31	1	3	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	3	0	0	0	0
Total	42	2	3	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	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	1	0	0	0	0
Total	7	0	0	0	0

2. **Bid:** Computer Hardware

Purpose of Bid: Provides the Police Department with sixty-two (62) Panasonic TOUGHBOOK 14" Core i5-8365U 8GB RAM laptops and docking stations.

Comments: Priced in accordance with NC Rugged Computers and Accessories 204B DIT #400186 and Sourcewell 081419-cdw.

Opened: 11/2/2021

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc. Vermon Hills, IL	62	\$ 2,425.00	\$ 150,350.00

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

3. Bid: Computer Hardware

Purpose of Bid: Provides the Police Department with ten (10) Lind Auto DC Power Adapter for Panasonic TOUGHBOOKS.

Comments: Priced in accordance with SYNEX GSA Schedule (SLED) (47QTCA19D00MM) 081419-cdw.

Opened: 11/2/2021

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc. Vermon Hills, IL	10	\$ 123.00	\$ 1,230.00

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

4. Bid: Heavy Equipment Purchase

Purpose of Bid: Provides the Fleet Management with One (1) New Caterpillar 315 Hydraulic Excavator.

Comments: Priced in accordance with North Carolina State Contract 760H Discount – 22% off list price.

Opened: 11/1/2021

Bidders:

Vendor	Qty	Price	Total Cost
Gregory Poole Equipment Co. Raleigh, NC	1	\$ 241,139.50	\$ 241,139.50

Award Based on: Low Bid Other (See Comments)

Workforce Statistics			
TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	0	2
Professional	22	22	0
Technical	9	8	1
Clerical	82	59	23
Labor	307	273	34
Total	422	362	60

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	22	0	0	0	0
Technical	8	0	0	0	0
Clerical	57	0	2	0	0
Labor	262	2	8	1	0
Total	349	2	10	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	0	0	0	0	0
Technical	1	0	0	0	0
Clerical	22	1	0	0	0
Labor	34	0	0	0	0
Total	59	1	0	0	0

5. Bid: Heavy Equipment Purchase

Purpose of Bid: Provides the Fleet Management with One (1) Caterpillar CB2.7 Utility Vibrator Compactor.

Comments: Priced in accordance with North Carolina State Contract 760H Discount – 22% off list price.

Opened: 11/2/2021

Bidders:

Vendor	Qty	Price	Total Cost
Gregory Poole Equipment Co. Raleigh, NC	1	\$ 53,015.50	\$ 53,015.50

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	0	2
Professional	22	22	0
Technical	9	8	1
Clerical	82	59	23
Labor	307	273	34
Total	422	362	60

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	22	0	0	0	0
Technical	8	0	0	0	0
Clerical	57	0	2	0	0
Labor	262	2	8	1	0
Total	349	2	10	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	0	0	0	0	0
Technical	1	0	0	0	0
Clerical	22	1	0	0	0
Labor	34	0	0	0	0
Total	59	1	0	0	0

6. Bid: Heavy Equipment Purchase

Purpose of Bid: Provides the Fleet Management with One (1) Caterpillar CB7 Utility Vibrator Compactor.

Comments: Priced in accordance with North Carolina State Contract 760H Discount – 22% off list price.

Opened: 11/2/2021

Bidders:

Vendor	Qty	Price	Total Cost
Gregory Poole Equipment Co. Raleigh, NC	1	\$ 126,475.50	\$ 126,475.50

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	0	2
Professional	22	22	0
Technical	9	8	1
Clerical	82	59	23
Labor	307	273	34
Total	422	362	60

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	22	0	0	0	0
Technical	8	0	0	0	0
Clerical	57	0	2	0	0
Labor	262	2	8	1	0
Total	349	2	10	1	0

UBE/SLBE REQUIREMENTS - FEMALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	0	0	0	0	0
Technical	1	0	0	0	0
Clerical	22	1	0	0	0
Labor	34	0	0	0	0
Total	59	1	0	0	0

7. Bid: Office Furniture

Purpose of Bid: Provides the Water Management Department with office furniture.

Comments: In accordance with the NC State Contract 420A - PMC Commercial Interiors is the existing provider of the office furniture for the City of Durham.

Opened: 11/10/2021

Bidders:

Vendor	Qty	Price	Total Cost
PMC Commercial Interiors Raleigh, NC	1	\$ 40,269.30	\$ 40,269.30

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	15	6	9
Professional	89	25	64
Technical	27	27	0
Clerical	22	2	20
Labor	8	8	0
Total	161	68	93

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	5	1	0	0	0
Professional	24	0	0	1	0
Technical	20	5	2	0	0
Clerical	2	0	0	0	0
Labor	7	1	0	0	0
Total	58	7	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	8	1	0	0	0
Professional	61	0	2	1	0
Technical	0	0	0	0	0
Clerical	17	2	0	1	0
Labor	0	0	0	0	0
Total	86	3	2	2	0

8. **Bid:** Fire Fighting Equipment

Purpose of Bid: Provides the Fire Department with Various size key hoses and couplings for the following new engines 1,3,4,5,6 and 9.

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

Opened: 11/15/2021

Bidders:

Vendor	Qty	Price	Total Cost
Atlantic Emergency Solutions – Chester VA	1	\$ 117,843.88	\$ 117,843.88
Fire Connections Rocky Mount	1	\$ 134,544.46	\$ 134,544.46

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	28	26	2
Professional	47	43	4
Technical	138	135	3
Clerical	32	20	12
Labor	4	4	0
Total	249	228	21

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	25	1	0	0	0
Professional	42	0	0	1	0
Technical	126	5	3	0	1
Clerical	19	0	1	0	0
Labor	2	2	0	0	0
Total	214	8	4	1	1

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	4	0	0	0	0
Technical	3	0	0	0	0
Clerical	12	0	0	0	0
Labor	0	0	0	0	0

Total	21	0	0	0	0
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SUBJECT: COOPERATIVE GROUP PURCHASE CONTRACT - FIVE (5) KNUCKLE-BOOM REFUSE TRUCKS (ITEM 11/ PR# 15094)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute a contract with White Herring Tractor & Truck, LLC for the purchase of five (5) knuckle-boom refuse trucks in the amount of \$870,653.50, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: CHANGE ORDER NO. 4 FOR THE CONSTRUCTION CONTRACT WITH GEOSURFACES SOUTHEAST, INC. FOR CM HERNDON ROAD PARK – SOCCER FIELD CONVERSION PROJECT (ITEM 12/ PR #15105)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute a construction change order with GeoSurfaces Southeast, Inc. for the CM Herndon Road Park - Soccer Field Conversion Project in an amount not to exceed \$58,024.40, including remaining contingency funds, for a total, revised contract sum of \$1,370,424.42, 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, Reece, and Williams. Noes: None. Absent: None.

SUBJECT: 2022 BLUE BENEVOLENCE GRANT PROJECT ORDINANCE (ITEM 13/ PR #15098)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to adopt the 2022 Blue Benevolence Grant Project Ordinance, in the amount of \$75,000, 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, Reece, and Williams. Noes: None. Absent: None.

ORDINANCE #15896

SUBJECT: THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, 2021 LOCAL SOLICITATION EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROJECT ORDINANCE (ITEM 14/ PR #15101)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to execute an inter-local agreement with Durham County as required in the submitted joint application for the aggregate of funds allocated to Durham County;

To receive \$98,124 of the awarded JAG funds for purposes identified in the joint application; and

To adopt the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Programs, 2021 Justice Assistance Grant (JAG) Program Grant Project Ordinance in the amount of \$98,124, 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, Reece, and Williams. Noes: None. Absent: None.

ORDINANCE #15897

SUBJECT: VOICE OVER INTERNET PROTOCOL (VOIP) CISCO MAINTENANCE AND LICENSE AGREEMENT WITH PRESIDIO NETWORK SOLUTIONS (ITEM 15/ PR #15089)

MOTION by Council Member Freeman, seconded by Council Member Caballero, to authorize the City Manager to execute a maintenance contract with Presidio Network Solutions, an authorized reseller of Cisco Smartnet Flex model in the amount of \$475,140 to provide Smartnet Flex licenses and maintenance for a five-year period 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, Reece, and Williams. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONSOLIDATED ANNEXATION - 2211 PAGE ROAD (ITEM 17/ PR #15099)

Danny Cultra, Senior Planner stated for the record that the Planning Department hearing item had been previously advertised and noticed in accordance with state and local law; affidavits of all notices were on file in the Planning Department; reminded Council that the item had been continued from at the December 6, 2021 meeting; and that a staff report had been provided at that meeting. Mr. Cultra highlighted that the Planning Commission denied a recommendation for the items approval by a vote of 7-5 and that the applicant included a proffer to the dedicated housing fund for \$16,750.

Mayor O’Neal resumed the public hearing and asked for any speakers to the item.

Mayor Pro Tempore Middleton asked what the applicant was able to build ‘by right’ at the site.

Mr. Cultra advised that they were able to build 1.4 units per acre.

Warren Mitchell, the applicant, asked Council for their support of the item and advocated for the proposed townhomes on the site that would help the housing crisis in Durham.

Zack Shipman, the engineer for the project, provided historical knowledge of the process which led them to present before Council and asked for their support on the item.

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

Mayor Pro Tempore Middleton asked what the proposed cost of the townhomes were going to be.

Mr. Mitchell stated that the proposed development was to be comparable to the other townhome developments nearby.

Mayor Pro Tempore Middleton asked if there had been any consideration of a donation to Durham Public Schools.

Mr. Mitchell stated that he would make the proffer to donate to the Durham Public School system for the amount of proposed students being added as a result of the project.

Mr. Cultra confirmed that there were to be a total of 3 students added as a result of the project.

Council Member Freeman clarified that the funds would go to the Durham Public Schools Foundation.

Mr. Mitchell increased his proffer to \$21,100.

Council Member Caballero asked for clarification regarding a blank form in the Council packet.

Council Member Williams asked the applicant what inspired the changes to his proposal from the original version.

Mr. Mitchell stated that the demand for homeownership in the area was what changed his proposal from industrial to residential.

Council Member Williams asked how long the entire process took for Mr. Mitchell.

Mr. Mitchell stated that it took roughly 18 months.

Council Member Williams asked what developers looked for in order to include proffers in their original proposals.

Mr. Mitchell stated that he did not have much experience building in Durham, but advised that he believed that proffers were a part of the process.

Mayor O'Neal asked for clarification on the cost of the units.

Mr. Mitchell stated that it was too far out to forecast the exact cost at the moment.

Council Member Williams encouraged Council to be better partners with developers.

Mayor Pro Tempore Middleton asked for an exact figure for the school system proffer.

Mr. Mitchell stated that he would proffer \$1,000 per student.

Council Member Reece thanked his colleagues for addressing the item from various perspectives; encouraged the idea of incentivizing developers; and expressed his support for the item.

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt an Ordinance annexing '2211 Page Road' into the City of Durham effective March 31, 2022; and

To authorize the City Manager to enter into a utility extension agreement with Warren D. Mitchell and David Durham, was approved at 8:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: None.

ORDINANCE #15899

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the Residential Rural (RR) district (County Jurisdiction) and establishing the same as Office and Institutional with a Development Plan (OI(D)) (City Jurisdiction) was approved at 8:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: None.

ORDINANCE #15898

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt a Consistency Statement as required by NCGS 160D-605 was approved at 8:35 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100003, 2211 Page Road

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 Z2100003, 2211 Page Road 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 12, 'Community Goals and Objectives'; regarding the subject 'Z2100003, 2211 Page Road' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment 5; and

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, the applicant's responses to the Community Goals and Objectives in Attachment 12 regarding the subject 'Z2100003, 2211 Page Road' 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.

SUBJECT: CONSOLIDATED ANNEXATION - NC55 AND HOPSON (ITEM 19/ PR #15100)

Sara Young, Planning Department Director recognized that Mr. Cultra would be retiring and that the Council Meeting would be his last.

Danny Cultra, 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 provide an outline of the request for a voluntary annexation of the more than 200-acre property and the current zoning designation.

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

Council Member Reece asked what changes had been made by the applicant from the initial submission to the point in which it came before Council to review.

Mr. Cultra responded that no changes were made and that it was a straight rezoning.

Mayor Pro Tempore Middleton asked if there was an instrument similar to a development plan that was not as expensive.

Mr. Cultra stated that the options available were: straight rezoning and a text only development plan.

Council Member Freeman asked if the proposed zoning would allow for commercial uses such as an internet café or vape shop.

Mr. Cultra stated that he would have to review the uses and report back.

Council Member Freeman expressed concerns for not knowing what the site was to be used for.

Director Sara Young responded that the previous uses mentioned by Council Member Freeman would be permitted.

Council Member Freeman asked if a mixed usage proposal could be approved administratively or would it need to be presented before Council.

Director Young stated that it was dependent upon the types of mixed uses that would determine which process had to be taken.

Nil Ghosh, Patrick Byker and Kelsey Westwood, representatives for the applicant, gave a presentation to Council that highlighted: the location of the 235-acre property in proximity to Highway 55; the permanent buffer by the army corps of engineers; and that the project scored 13 out of 14 on Durham's Industrial Land Use Study.

Cindy Burns, a resident of Durham, spoke in support of the item due to the wide range of jobs that would be associated with its development.

Wendell Bullard, a resident of Durham, advocated for development in the area and echoed the need for more job opportunities in Durham.

Ryan Reagan, a resident of Durham, spoke in support of the item and expressed a need for economic development to touch more parts of the community.

Sean Hayes, a resident of Durham, spoke in support of the annexation and expressed that the proposed usage of the property would be beneficial for its highest and best use.

James Shackelford, a resident of Durham, spoke in support of the item, and stated that the economic development could have a direct impact on the amount of violent crime.

Jaqueline Wagstaff, a resident of Durham, expressed concern over the prospect that internet cafes were permissible uses of the property and stated that those types of establishments were historically associated with crime.

Lee Weaver, spoke on behalf of his mother, who lived nearby in Chatham County although her property was in Durham. He raised a concern about the proposed road that would have to cut through the residential farms behind the project.

Mr. Ghosh responded to some of the concerns being expressed. He stated that the text only development plan could be updated to prohibit nightclubs and internet cafes.

Director Young clarified that an updated text only development plan could not be approved at the meeting and requested that if Council wanted to see those commitments, that the item be referred back to the department.

Council Member Johnson stated that she was comfortable referring the item back to staff.

Mr. Byker asked that the public hearing not be closed, but instead continued to a date certain.

Mayor O'Neal asked for clarification from City Attorney Rehberg as to whether the public hearing was to be closed and referred back to staff or continued to a date certain.

City Attorney Rehberg advised that the past practice has continued to prior public hearings to a date certain.

Director Young stated that as long as the applicant was only changing the prohibited uses then the department was in support of continuing the public hearing.

Mayor Pro Tempore Middleton opined that the threshold of uncertainty for the item did not raise to a high level of concern. He expressed that he did not see a need for the item to be sent back for additional review to add the prohibited uses after the applicant team verbally made the same commitments at the meeting.

Mr. Ghosh was not in favor of the delay of the item and respectfully requested a vote at the meeting.

Council Member Williams asked how many proposed jobs would come to Durham as result of the project.

Mr. Byker stated that it would range from 1,000-2,000 jobs.

Council Member Williams asked what the proposed wages would be.

Mr. Byker stated that it would livable wages with benefits.

Council Member Williams asked how the project was going to expand the tax base.

Mr. Byker stated that the tax base was expected to expand by \$67 million as a result of the project.

Council Member Williams stressed the need to create job opportunities in the community to aid in the crime issues and did not believe an additional review should take much time.

Council Member Caballero stated that while she was very excited about the proposed item, she did not appreciate how the developers had been cooperating with the staff.

Council Member Reece reminded his Council colleagues that no commitment by the developers was official unless it was in writing and supported the staff's request to review.

Council Member Freeman echoed the position of Council Member Reece. She stated that the applicant had not made any changes between the Planning Commission meeting to the Council meeting and also advocated for the staff to be able to work together with the other counties that also have neighboring parcels of land.

Council Member Johnson reiterated the options that Council had before them in regard to the item.

Mayor O' Neal stated that she felt more comfortable having staff review the proposed changes to the text amendment.

Director Young stated that the Planning Department was going to review the item and present it back to Council within two agenda cycles.

Mayor O'Neal continued the Public Hearing to February 7, 2022 regular meeting of Council.

[ADJOURNMENT- 10:15 PM]

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk