

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 3, 2023
7:00 P.M.
DRAFT**

The Durham City Council met in the Council Chambers at 101 City Hall Plaza and via zoom at the above time and date with the following members present: Mayor Elaine O'Neal and Mayor Pro Tempore Mark-Anthony Middleton and Council Members DeDreana Freeman, Monique Holsey-Hyman, Jillian Johnson and Leonardo Williams. Absent: Council Member Javiera Caballero

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 welcomed those in attendance.

[CEREMONIAL ITEMS]

Mayor O'Neal read into the record the monthly virtue of courage.

Council Member Williams read into the record the Durham Youth Mentoring Month proclamation and presented it to

Mayor Pro Tempore Middleton read into the national mentoring month proclamation and presented it to DeWarren Langley.

Council Member Caballero received an excused absence to the January 3, 2023 meeting previously.

[ANNOUNCEMENTS BY COUNCIL]

Mayor O'Neal expressed condolences for a recent shooting in the city and thanked all of the mentoring groups doing work in Durham.

Council Member Freeman requested that the Hayti Reborn group make a presentation at an upcoming Work Session.

Council Member Holsey-Hyman advocated for more mentoring and community involvement with youth.

Council Member Williams echoed the call for more youth mentoring and recognized his family members visiting from Zimbabwe.

[PRIORITY ITEMS]

City Manager Page noted that Items 9 and 10 had additional information added.

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

[CONSENT AGENDA]

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION – APPOINTMENTS (ITEM 1/ PR #15924)

MOTION by Council Member Freeman, seconded by Council Member Williams, to appoint Maureen Quinlan representing Ward 1 and Peter Whitehead representing Ward 2 to the Durham Open Space & Trails Commission with the terms to expire on June 30, 2025 (Due to the resignations of Terence Priester and W. Vinson Pierce), was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

SUBJECT: MAYOR'S HISPANIC/LATINO COMMITTEE – APPOINTMENT (ITEM 2/ PR #15925)

MOTION by Council Member Freeman, seconded by Council Member Williams, to appoint Alejandra Montoya to the Mayor’s Hispanic/Latino Committee with the term expiring on October 1, 2024 (Due to the term expiration of Amanda Castizo), was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

SUBJECT: NOVEMBER 2022 BID REPORT (ITEM 3/ PR #15922)

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 November 2022, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

1. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with six (6) 2023 Dodge Charger pursuit full size police rated sedan vehicle; 3.6L V6 24V VVT engine; AWD; 8-speed auto 8HP50 transmission, specifications to include City of Durham added dealer options, added GFX upfit options and delivery, exterior color: white.

Comments: Price in accordance with NC Sheriffs Association Contract No. #22-08-0913, Item #138 specifications.

Opened: 10/28/2022

Bidders:

Vendor	Qty	Price	Total Cost
Horace G Ilderton LLC High Point, NC	6	\$ 48,062.00	\$ 288,372.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	18	12	6
Professional	56	44	12
Technical	0	0	0
Clerical	4	0	4
Labor	5	4	1
Total	83	60	23

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	9	3	0	0	0
Professional	39	4	1	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	2	1	1	0	0
Total	50	8	2	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	5	0	1	0	0

Professional	8	1	2	1	0
Technical	0	0	0	0	0
Clerical	3	1	0	0	0
Labor	1	0	0	0	0
Total	17	2	3	1	0

2. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with five (5) 2023 Dodge Charger pursuit full size police rated sedan vehicle; 3.6L V6 24V VVT engine; AWD; 8-speed auto 8HP50 transmission, specifications to include City of Durham added dealer options, added GFX upfit options and delivery, exterior color: white.

Comments: Price in accordance with NC Sheriffs Association Contract No.#22-08-0913, Item #138 specifications.

Opened: 11/08/2022

Bidders:

Vendor	Qty	Price	Total Cost
Horace G Ilderton LLC High Point, NC	5	\$ 48,062.00	\$ 240,310.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics			
TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	18	12	6
Professional	56	44	12
Technical	0	0	0
Clerical	4	0	4
Labor	5	4	1
Total	83	60	23

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native

Project Mgr.	9	3	0	0	0
Professional	39	4	1	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	2	1	1	0	0
Total	50	8	2	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	5	0	1	0	0
Professional	8	1	2	1	0
Technical	0	0	0	0	0
Clerical	3	1	0	0	0
Labor	1	0	0	0	0
Total	17	2	3	1	0

3. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2024 Mack GR64FR tandem automated drive chassis spec for dump truck application, dump truck 35-50,000-70,000 GVWR chassis Mack trucks, to include standard contract specs and City of Durham specs.

Comments: Price in accordance with NC State Contract No. #070E-35,000 & 50,000-70,000 GVWR Cab & Chassis Trucks.

Opened: 11/07/2022

Bidders:

Vendor	Qty	Price	Total Cost
Transource, Inc. Kernersville, NC	1	\$ 212,975.28	\$ 212,975.28

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	6	1
Professional	0	0	0
Technical	0	0	0
Clerical	8	5	3
Labor	40	39	1
Total	55	50	5

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	31	3	5	0	0
Total	42	3	5	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	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	0
Labor	1	0	0	0	0
Total	4	1	0	0	0

4. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Isuzu NRR regular cab chassis with new way 8YD diamond back, refuse truck application; 3U4 176"WB; 153.5"CA;

19,500LB GVWR; 4HK1-TC diesel engine (5.19L); aisin A465ID 6-speed automatic transmission; power windows/locks; A/C; back up alarm; to include City of Durham specifications to include AGM batteries; fire extinguisher/triangle kit; engine block heater; led light package; dual heated/remote mirrors; high visibility seatbelts; 55 gallon fuel tank-LH side mount; PTO switch with idle up; 2024 model year increase; Isuzu extended warranty 60MTH/200K; exterior color: white.

Comments: Pricing in accordance with NC Sheriffs Association Contract No. #22-06-0426R.

Opened: 10/25/2022

Bidders:

Vendor	Qty	Price	Total Cost
Transource, Inc. Kernersville, NC	1	\$ 161,533.39	\$ 161,533.39

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	6	1
Professional	0	0	0
Technical	0	0	0
Clerical	8	5	3
Labor	40	39	1
Total	55	50	5

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	31	3	5	0	0
Total	42	3	5	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	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	0
Labor	1	0	0	0	0
Total	4	1	0	0	0

5. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2024 Mack MD-742 single axle chassis spec for dump truck application to include standard contract specs and City of Durham specs.

Comments: Price in accordance with NC State Contract No. #070E-35,000 & 50,000-70,000 GVWR Cab & Chassis Trucks.

Opened: 11/07/2022

Bidders:

Vendor	Qty	Price	Total Cost
Transource, Inc. Kernersville, NC	1	\$ 155,718.78	\$ 155,718.78

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	6	1
Professional	0	0	0
Technical	0	0	0
Clerical	8	5	3
Labor	40	39	1
Total	55	50	5

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	31	3	5	0	0
Total	42	3	5	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	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	0
Labor	1	0	0	0	0

Total	4	1	0	0	0
-------	---	---	---	---	---

6. **Bid:** Equipment

Purpose of Bid: Provides the Fleet Management Department with one (1) new caterpillar 420 backhoe with City of Durham specifications and options per quote #Q251115-7.

Comments: Price in accordance with NC State Contract No. #760H-Construction Equipment.

Opened: 10/28/2022

Bidders:

Vendor	Qty	Price	Total Cost
Gregory Poole Equipment Company Raleigh, NC	1	\$ 153,920.94	\$ 153,920.94

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:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2024 Mack MD-742 single axle chassis spec for knuckle boom truck application to include standard contract specs and City of Durham specs.

Comments: Price in accordance with NC State Contract No. #070E-35,000 & 50,000-70,000 GVWR Cab & Chassis Trucks.

Opened: 11/08/2022

Bidders:

Vendor	Qty	Price	Total Cost
Transource, Inc. Kernersville, NC	1	\$ 111,030.06	\$ 111,030.06

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	6	1
Professional	0	0	0
Technical	0	0	0

Clerical	8	5	3
Labor	40	39	1
Total	55	50	5

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	31	3	5	0	0
Total	42	3	5	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	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	0
Labor	1	0	0	0	0
Total	4	1	0	0	0

8. **Bid:** Security

Purpose of Bid: Provides armed security guard services at City Hall Complex.

Comments: Price in accordance with GSA Contract No. #GS-07F-132CA.

Opened: 11/17/2022

Bidders:

Vendor	Qty	Price	Total Cost
P&G Security Guard, Inc. Salisbury, NC	1	\$ 77,814.88	\$ 77,814.88

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	5	4	1
Professional	227	196	31
Technical	0	0	0
Clerical	0	0	0
Labor	0	0	0
Total	232	200	32

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	3	0	0	0	1
Professional	59	119	15	3	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	62	119	15	3	1

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	0	25	4	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	1	25	4	0	0

9. **Bid:** Maintenance

Purpose of Bid: Provides the General Services Department with elevator equipment room mini splits.

Comments: Price in accordance with City of Durham Purchasing guidelines for competitive bid process.

Opened: 10/25/2022

Bidders:

Vendor	Qty	Price	Total Cost
TEDS ELECTRICAL & HVAC LLC ROXBORO, NC	1	\$ 16,962.00	\$ 16,962.00
COMFORT MECHANICAL CONTRACTORS	1	\$ 17,790.00	\$ 17,790.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	8	5	3
Technical	0	0	0
Clerical	1	0	1
Labor	10	10	0
Total	21	17	4

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	5	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	8	0	2	0	0
Total	15	0	2	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	3	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	4	0	0	0	0

10. **Bid:** Equipment

Purpose of Bid: Provides the Water Management Department with 1-inch model water series C air valve, model 01WTR25TCS-4.

Comments: Price is in accordance with City of Durham Sole Source guidelines NC #143-129 (e) (6).

Opened: 10/27/2022

Bidders:

Vendor	Qty	Price	Total Cost
Intl Valve Marketing LLC Sugar Grove, IL	1	\$ 14,785.00	\$ 14,785.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	4	3	1
Technical	0	0	0
Clerical	0	0	0
Labor	6	6	0
Total	11	10	1

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

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

11. **Bid:** Equipment

Purpose of Bid: Provides the Transportation Department with item # 4000872 shield 15B speed display; base unit w/mounting bracket, can be upgraded to traffic loud, item 4000676 solar battery kit (SH12, SH15, SA18, IA18): 18AH batt & enclosure, w/solar control, item 4000659 and, solar panel, 50W; includes bracket for pole and harness.

Comments: Price in accordance with GSA Contract No. #GS-07F-6092R.

Opened: 10/25/2022

Bidders:

Vendor	Qty	Price	Total Cost
All Traffic Solutions State College, PA	1	\$ 12,638.00	\$ 12,638.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	22	8	14
Technical	0	0	0
Clerical	0	0	0
Labor	0	0	0
Total	22	8	14

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	6	2	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	6	2	0	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	8	2	0	3	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	8	2	0	3	0

12. **Bid:** Waste Carts

Purpose of Bid: Provides the Solid Waste Department with seven hundred twenty-eight (728) 95gal MOM TR cart in forest green – garbage carts.

Comments: Price in accordance with NC Sheriffs Association Heavy Equipment Contract No. # 22-06-0426R.

Opened: 10/05/2022

Bidders:

Vendor	Qty	Price	Total Cost
Duramax Holdings LLC Charlotte, NC	728	\$ 62.25	\$ 45,318.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	52	42	10
Technical	0	0	0
Clerical	29	9	20
Labor	191	169	22
Total	273	221	52

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	28	5	8	1	0
Technical	0	0	0	0	0
Clerical	8	0	1	0	0
Labor	39	93	34	2	1
Total	76	98	43	3	1

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	7	2	1	0	0
Technical	0	0	0	0	0
Clerical	13	2	5	0	0
Labor	2	12	6	0	2
Total	22	16	12	0	2

13. **Bid:** Waste Carts

Purpose of Bid: Provides the Solid Waste Department with seven hundred twenty-eight (728) 95 gal MOM YW cart brown - yard waste carts.

Comments: Price in accordance with NC Sheriffs Association Heavy Equipment Contract No. # 22-06-0426R.

Opened: 10/05/2022

Bidders:

Vendor	Qty	Price	Total Cost
Duramax Holdings LLC Charlotte, NC	728	\$ 62.25	\$ 45,318.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	52	42	10
Technical	0	0	0
Clerical	29	9	20
Labor	191	169	22
Total	273	221	52

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	28	5	8	1	0
Technical	0	0	0	0	0
Clerical	8	0	1	0	0
Labor	39	93	34	2	1
Total	76	98	43	3	1

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	7	2	1	0	0
Technical	0	0	0	0	0
Clerical	13	2	5	0	0
Labor	2	12	6	0	2
Total	22	16	12	0	2

SUBJECT: PERMIT FEE REIMBURSEMENT PROGRAM - HOUSING CONSTRUCTION FOR DISABLED VETERANS (ITEM 4/ PR #15936)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to establish a Construction Permit Fee Reimbursement Program for builders that build and donate houses to veterans of the United States Armed Forces who become 100% disabled in the performance of their military duties, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) PROJECT - MULTIFAMILY ACQUISITION SUPPORT & SUPPLY (MASS) (ITEM 5/ PR15923)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute an ARPA subrecipient grant agreement with Durham Community Land Trustees, Inc. in an amount not to exceed \$700,000 to implement the Multifamily Acquisition Support & Supply program, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

SUBJECT: LEASE AND LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC AT 1318 EAST PETTIGREW STREET (ITEM 6/ PR #15872)

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt a resolution authorizing the City Manager to execute a 10-year lease with New

Cingular Wireless PCS, LLC for a portion of the City-owned property located at 1318 East Pettigrew Street (parcel #119805), having first determined that this portion of the property is not needed for any defined future public purpose during the term of the lease; and

to authorize the City Manager to execute subsequent documents permitted by or required by either the Lease and License Agreement or related documents, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

RESOLUTION #10276

SUBJECT: CONTRACT WITH THE JOHN R. MCADAMS COMPANY, INC. (DBA MCADAMS) TO DEVELOP A DURHAM PARKS AND RECREATION PARK SYSTEM PLAN (ITEM 7/ PR #15933)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with The John R. McAdams Company, Inc. (dba McAdams) to provide planning and engagement consulting services to develop a new Parks and Recreation Comprehensive Park System Plan, in the amount of \$429,545, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - WELCOME VENTURE PARK (ITEM 9/ PR #15934)

Brooke Roper, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation and initial zoning map change has been received from Welcome Wilson, Jr., of The Welcome Group, for three parcels of land totaling 157.37 acres and located at Hamlin and Old Oxford Roads. This annexation petition (Case BDG2200004) is not contiguous to the primary corporate limits (See Annexation Overview Map, Attachment D). The applicant is proposing to annex and rezone the properties to facilitate the construction of up to 1,300,000 square feet of industrial space.

The current zoning was Industrial light (IL). The applicant proposed to change the designation to Industrial Light with a Development Plan (IL(D)). The request, Case

Z2200004, received a recommendation of approval from the Planning Commission on October 11, 2022, by a vote of 11-0.

The properties were currently designated Industrial on the Future Land Use Map (FLUM) (Attachment C). The proposed (IL(D)) zoning is consistent with the designated Future Land Use.

Council Member Williams opened the public hearing and called for speakers to the item.

Mayor Pro Tempore Middleton disclosed that the organization that he led was in the notification area of the property.

Patrick Byker, a representative for the applicant, requested a continuance to the February 6, 2023 council meeting.

Mayor Pro Tempore Middleton asked what kind of substantive impact a 30-day delay would have on the project.

Mr. Byker responded that getting the approval from different entities to build bus shelters as a part of the project had taken longer than expected.

Ms. Roper advised that the February 20th meeting was a more viable option to continue the case to.

It was the consensus of Council to keep the public hearing open to the February 20, 2023 council meeting.

The public hearing was continued to the February 20, 2023 Council Meeting.

SUBJECT: ZONING MAP CHANGE - AURA HILLANDALE WEST (ITEM 10/ PR #15930)

Brooke Roper, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

A request for a zoning map change had been received from Ryan Stewart, of Trinsic Residential Group, for one parcel of land totaling 6.548 acres and located at 3438 Hillsborough Road. The current zoning was Industrial Light (IL). The applicant proposed to change the designation to Planned Development Residential 59.102 (PDR 59.102). The applicant was proposing to rezone the properties to facilitate the construction of up to 387 multifamily units.

The properties were currently designated Industrial and Recreation and Open Space on the Future Land Use Map (FLUM) . The proposed Planned Development Residential 59.102 (PDR 59.102) zoning was inconsistent with the designated Future Land Use. If

the proposed zoning was approved staff recommended a change to the FLUM to designate the property as High Density Residential (12-60 DU/Acre) and Recreation and Open Space. The Planning Commission recommended approval by a vote of 11-0 at their October 11, 2022, meeting.

Council Member Johnson opened the public hearing and called for any speakers to the item.

Patrick Byker, a representative of the applicant, spoke to certain design elements of the project such as sidewalk improvements and tree cutting.

Julie Craig, a resident of Durham, spoke in support of the item and was in favor of bringing an additional asset to the community.

Dot Doyle, a resident of Durham, spoke in favor of the item and called on council for support.

Karen Cantor, a resident of Durham, advocated for the trees on the property to be preserved and not cut down.

Guy Cantor, a resident of Durham, echoed the need to preserve the trees.

Mayor O'Neal asked if the applicant had considered preserving the trees.

Mr. Byker stated that preserving the trees on the site was not feasible.

Seeing no additional speakers, Council Member Johnson declared the public hearing closed.

Council Member Freeman inquired about the sidewalk component of the project.

Bill Judge, Assistant Director of Transportation, stated that there was a sidewalk project being funded by the city in the area that should not be in conflict with the sidewalk the applicant was proposing.

Council Member Holsey-Hyman asked about the ADA accessibility component of the item.

Mr. Byker responded that the project would be in compliance with all accessibility requirements.

MOTION by Council Member Williams, seconded by Mayor O'Neal, to authorize the City Manager to enter into a utility extension agreement with Trinsic Acquisition Company, LLC, was approved at 8:16 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Industrial Light (IL) and establishing the same as Planned Development Residential 59.102 (PDR 59.102), was approved at 8:17 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

ORDINANCE #16067

MOTION by Council Member Williams, seconded by Mayor O’Neal, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:17 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100044, Aura Hillandale West

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 Z2100044 Aura Hillandale West, 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; regarding the subject ‘Z2100044 Aura Hillandale West’ along with additional agenda information provided to the City Council and information provided at the public hearing; and

Although the proposed zoning map change designation is inconsistent with the Future Land Use designation as provided on the Future Land Use Map (FLUM) of the Comprehensive Plan in Attachment C, the zoning change will amend the FLUM to a designation consistent with the proposed zoning change and other land use designations in the vicinity of the subject area; 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; regarding the subject ‘Z2100044, Aura Hillandale West’ 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: ZONING MAP CHANGE - CHAPEL HILL ROAD C-STORE (ITEM 11/ PR #15931)

Brooke Roper, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

A request for a zoning map change had been received from Chris Rurkowski, of TMTLA Associates, for two parcels of land totaling 0.2 acres and located at 2945 Chapel Hill Road and 3036 University Drive. The current zoning was Residential Suburban – 8 (RS-8) and Residential Suburban – 10 (RS-10). The applicant proposed to change the designation to Commercial Neighborhood with a Text-Only Development Plan (CN(D)). The applicant was proposing to rezone the properties to facilitate the reconstruction of the existing convenience store (C-store). The properties were currently designated Low Density Residential (4 DU/Acre or Less) on the Future Land Use Map (FLUM). The proposed Commercial Neighborhood with a Text-Only Development Plan (CN(D)) zoning was inconsistent with the designated Future Land Use. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the property as Commercial.

Mayor Pro Tempore Middleton opened the public hearing and called for any speakers to the item.

Chris Kowski the representative for the applicant spoke in favor of the rezoning and asked council for their support.

Seeing no speakers, Mayor Pro Tempore Middleton declared the hearing closed.

MOTION by Council Member Williams, seconded by Mayor O’Neal, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Suburban - 8 (RS-8) and Residential Suburban - 10 (RS-10) districts and establishing the same as Commercial Neighborhood with a Text-Only Development Plan (CN(D)), was approved at 8:21 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

ORDINANCE #16068

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:22 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Excused Absence: Council Member Caballero.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200025, Chapel Hill Road C-Store

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 Z2200025, Chapel Hill Road C-Store, 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; regarding the subject ‘Z2200025, Chapel Hill Road C-Store’ along with additional agenda information provided to the City Council and information provided at the public hearing; and

Although the proposed zoning map change designation is inconsistent with the Future Land Use designation as provided on the Future Land Use Map (FLUM) of the Comprehensive Plan in Attachment C, the zoning change will amend the FLUM to a designation consistent with the proposed zoning change and other land use designations in the vicinity of the subject area; 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; regarding the subject ‘Z2200025, Chapel Hill Road C-Store’ 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.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 8:23 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk