

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 17, 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 Pro Tempore Middleton Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey- Hyman, Jillian Johnson and Leonardo Williams. Excused Absence: Mayor Elaine O’Neal.

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

[CALL TO ORDER]

Mayor Pro Tempore Middleton called the meeting to order and welcomed those in attendance.

[CEREMONIAL ITEMS]

Council Member Caballero read into the record the year of the trails proclamation and presented it to Gina Morais of Durham Parks and Recreation Department.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Johnson requested excused absences for March 6th and March 9th.

Council Member Williams expressed excitement for budget season and was hopeful to putting forward new initiatives.

Council Member Caballero wished everyone a happy new year and highlighted dedicated members of the community for volunteering with various causes.

Council Member Freeman advocated for an upcoming book drive and for cleaning up the cemetery on Geer street.

Mayor Pro Tempore Middleton thanked all residents for participating in the MLK celebrations that took place over the weekend. He also expressed gratitude that there was no loss of life during a recent officer involved shooting.

[PRIORITY ITEMS]

City Manager Page noted that Item 8 had additional information added.

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

MOTION by Council Member Williams, seconded by Council Member Freeman, to approve an excused absence for Mayor O’Neal on January 17,2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O’Neal.

MOTION by Council Member Williams, seconded by Council Member Caballero, to approved excused absences for Council Member Johnson on March 6, 2023 and March 9, 2023, was approved at 7:15 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O’Neal.

MOTION by Council Member Williams, seconded by Council Member Johnson, to approved excused absences for Mayor Pro Tempore Middleton on January 19, 2023, was approved at 7:15 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O’Neal.

[CONSENT AGENDA]

SUBJECT: RESOLUTION IN SUPPORT OF THE INTERNATIONAL CAMPAIGN TO ABOLISH NUCLEAR WEAPONS (ICAN) CITIES APPEAL FOR THE UNITED NATIONS (UN) TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS (TPNW) (ITEM 1/ PR #15929)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt a resolution in support of the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal for the United Nations (UN) Treaty on the Prohibition of Nuclear Weapons (TPNW), was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O’Neal.

RESOLUTION #10277

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) PROJECT - FAMILY CHILDCARE HOMES EDUCATION INITIATIVE (ITEM 2/ PR #15950)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute an ARPA subrecipient grant agreement with Durham’s Partnership for Children in an amount not to exceed \$62,999.30, was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O’Neal.

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) PROJECT - REENTRY HOUSING SUPPORT (ITEM 3/ PR #15939)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute an ARPA subrecipient grant agreement with Durham County Criminal Justice Resource Center in an amount not to exceed \$644,000, was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O'Neal.

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) PROJECT - TRANSITIONAL & INDEPENDENT HOUSING (ITEM 4/ PR #15943)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute an ARPA subrecipient grant agreement with L.I.F.E. Skills Foundation in an amount not to exceed \$181,405.12, was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O'Neal.

SUBJECT: CONTRACT AMENDMENT WITH KONTEK SYSTEMS, INC. TO PROVIDE AUDIO/VISUAL ENTERPRISE SUPPORT FOR BROADCASTING AND PUBLIC INTERACTION OF CITY COUNCIL MEETINGS (ITEM 5/ PR #15947)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute a contract amendment with Kontek Systems, Inc. in the amount of \$35,460 for a revised, total contract amount not to exceed \$76,884, was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O'Neal.

SUBJECT: CONTRACT AGREEMENT FOR SERVICES WITH MADE IN DURHAM (ITEM 6/ PR #19956)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to authorize the City Manager to execute a contract with Made in Durham to develop work-based learning opportunities for Durham youth and to support business engagement in developing career pathways in an amount not to exceed \$150,000, was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O'Neal.

SUBJECT: FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF DURHAM, ORANGE COUNTY, AND DURHAM COUNTY REGARDING COST SHARING FOR TRANSIT PLAN GOVERNANCE STUDY (ITEM 7/ PR #15949)

MOTION by Council Member Freeman, seconded by Council Member Johnson, to resolve that the City Manager be authorized to execute an amendment to the interlocal agreement with Durham County and Orange County regarding cost sharing for the Transit Plan Governance Study so the City will be reimbursed for up to a total cost of \$145,667.68, was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Excused Absence: Mayor O’Neal.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - 1311 NC HIGHWAY 54 WEST (ITEM 10/ PR #15952)

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 Patrick Byker for one parcel of land totaling 1.5 acres and located at 1311 NC Highway 54. The current zoning was Commercial Neighborhood with a Development Plan (CN(D)). The applicant proposed to change the designation to Commercial General with a Text-Only Development Plan prohibiting passenger terminals, utility centers, indoor recreation, conference center, electronic gaming, firing range – indoor, nightclub or bar, hotel, motel and extended stay, bed and breakfast, commercial parking, payday lenders, self-service storage, vehicle sales and manufactured home sales. The applicant was proposing to rezone the properties to facilitate future redevelopment of the property. The Planning Commission recommended approval by a vote of 11 to 0 at the November 15, 2022 meeting. The properties were currently designated Commercial on the Future Land Use Map. The proposed Commercial General with a Text-Only Development Plan zoning is consistent with the designated Future Land Use.

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

Patrick Byker, the representative for the applicant, provided a PowerPoint presentation to Council and provided historical data.

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

MOTION by Council Member Johnson, seconded by Council Member Caballero, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Commercial Neighborhood with a Development Plan (CN(D)), Falls/Jordan District - B (F/J-B) and establishing the same as Commercial General with a Text-Only Development Plan (CG(D)) prohibiting passenger terminals, utility centers, indoor recreation, conference center, electronic gaming, firing range - indoor, nightclub or bar, hotel, motel, and extended stay, bed and breakfast, commercial parking, payday lenders, self-service storage, vehicle sales and manufactured home sales, Falls/Jordan District - B(F/J-B), was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Excused Absence: Mayor O’Neal.

ORDINANCE #16069

MOTION by Council Member Johnson, seconded by Council Member Caballero, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Excused Absence: Mayor O’Neal.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200023, 1311 NC Highway 54 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 Z2200023, 1311 NC Highway 54 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 ‘Z2200023, 1311 NC Highway 54 West’ 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 C; 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 'Z2200023, 1311 NC Highway 54 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.

Council Member Holsey-Hyman arrived at the meeting at 7:32 p.m.

SUBJECT: CONSOLIDATED ANNEXATION - COPPER RUN SOUTH (ITEM 11/ PR #15953)

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:

Nil Ghosh, a representative for the applicant, spoke to the specifics of the annexation and stated that the primary goal was to obtain city utilities.

Louis Para, a resident of Durham, stated that he had concerns regarding how the proposal would impact the current well system near the property.

Pam Williams, a resident of Durham, spoke in opposition of the item and stated that she wanted additional proffers to be included if it were to be approved.

Mr. Ghosh responded to the concerns by Mr. Para and stated that he would assist him with the process of obtaining answers if needed.

David Sears, a resident of Durham, expressed concerns for traffic safety due to potential increased traffic near the site.

Samantha Crop, a resident of Raleigh, spoke on behalf of environmental community and expressed concerns that could potentially negatively impact a nearby creek.

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

Council Member Freeman asked what it would look like to delay voting on the item.

Mayor Pro Tempore Middleton advised that it was up to Council to decide if they wanted to delay.

MOTION by Council Member Johnson, seconded by Council Member Freeman, to adopt an ordinance annexing 'Copper Run South' into the City of Durham effective March 31, 2023; and

to authorize the City Manager to enter into a utility extension agreement with D.R. Horton, Inc, was approved at 7:54 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: Council Member Freeman. Excused Absence: Mayor O'Neal.

ORDINANCE #16070

MOTION by Council Member Johnson, seconded by Council Member Caballero, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Office and Institutional (OI), Residential Suburban - Multifamily (RS-M), Residential Suburban - 20 (RS-20), Commercial General (CG), County Jurisdiction and establishing the same as Office and Institutional (OI), Residential Suburban - Multifamily (RS-M), Residential Suburban - 20 (RS-20), Commercial General (CG), City Jurisdiction, was approved at 7:55 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: Council Member Freeman. Excused Absence: Mayor O'Neal.

ORDINANCE #16071

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 7:55 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None Absent: Mayor O'Neal.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200018A, Copper Run South

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 Z2200018A, Copper Run South, 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 'Z2200018A, Copper Run South' 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. The properties are currently designated Low-Medium Density Residential, Office, and Commercial on the Future Land Use Map (FLUM) (Attachment C). The proposed Office and Institutional (OI) and Commercial General (CG) zoning are consistent with the designated use on shown on the FLUM. Residential Suburban – Multifamily (RS-M), Residential Suburban – 20 (RS-20), Commercial General (CG) zoning are consistent with the designated use shown on the FLUM. Parcels 164840, 165042, 165041 zoned Residential Suburban – Multifamily (RS-M) are inconsistent with the Office designation shown on FLUM. Parcels 164846, 164847, 164848, 164849, 164850, 164851, 164852 and 164853 zoned Residential Suburban – 20 (RS-20) are inconsistent with the Commercial designation on the FLUM. If the proposed zoning is approved, staff requests that the aforementioned parcels change their FLUM designation to Low-Medium Density Residential. For the remaining parcels, there will be no change to the Future Land Use Map designation of Low-Medium Density Residential, Office and Commercial; 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 'Z2200018A, Copper Run South' 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 - CRESCENT TOWNES (ITEM 12/ PR #15954)

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 had been received from Amanda Hoyle, of Tri-Pointe Homes, for eight parcels of land totaling 8.53 acres and located at 5824, 5822, 5820, 5818, 5812, 5804, and 5716 Crescent Drive. The annexation petition was for a contiguous expansion of the primary corporate limits. The applicant was proposing to annex the properties to connect to City services and facilitate the construction of 103 townhouse units. After noticing an error, staff asked the applicant to update the number of units to be consistent across application materials. To maintain consistency, the applicant would need to update the maximum number of units from 103 to 102 on the development plan.

The current zoning was Residential Suburban – 20. For the initial City zoning of the site if the annexation was approved, the applicant proposed to change the designation to Residential Compact with a Development Plan to allow for the construction of up to 103 townhouse units. The request received a recommendation of denial from the Planning Commission on October 11, 2022, by a vote of 5 to 5. The case was continued from the December 5, 2022, City Council meeting, at the applicant's request.

The properties were currently designated Design District on the Future Land Use Map. The proposed Residential Compact District zoning was consistent with the designated Future Land Use. If the proposed zoning was approved, there will be no change to the Future Land Use Map designation of Design District.

Mayor Pro Tempore Middleton noted that the case had been held open from the December 5, 2022 Council Meeting.

Nil Ghosh, a representative for the applicant, spoke to specifics of the item such as there being either 102 or 103 units developed depending on site plan.

Council Member Caballero asked if there were proffers to DPS and the Affordable Housing Fund.

Mr. Ghosh stated that the proffers were for \$25,000 and \$50,000.

Council Member Holsey-Hyman asked for clarity on which amount of money was for which entity.

Mr. Ghosh stated that the \$25,000 was for DPS and the \$50,000 was for Affordable Housing.

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

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance annexing 'Crescent Townes' into the City of Durham effective March 31, 2023; and to authorize the City Manager to enter into a utility extension agreement with Tri Pointe Homes Holdings, Inc, was approved at 8:05 p.m. by the following vote:

Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson, and Williams. Noes: Council Member Freeman. Excused Absence: Mayor O’Neal.

ORDINANCE #16072

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Suburban - 20 (RS-20), Major Transportation Corridor (MTC), Falls/Jordan District B (F/J-B), County Jurisdiction and establishing the same as Residential Compact with a Development Plan (RC(D)), Major Transportation Corridor (MTC), Falls/Jordan District B (F/J-B), City Jurisdiction, was approved at 8:06 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson, and Williams. Noes: Council Member Freeman. Excused Absence: Mayor O’Neal.

ORDINANCE #16073

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:07 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None Excused Absence: Mayor O’Neal.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200007, Crescent Townes

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 Z2200007, Crescent Townes 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

'Z2200007, Crescent Townes' 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 C; 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 'Z2200007, Crescent Townes' 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 - KEMP ROAD RESIDENTIAL (ITEM 13/ PR #15955)

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 had been received from Laura Holloman of McAdams Co. for four parcels of land totaling 279.68 acres and located at 4901 Kemp Road, 4902 Kemp Road, 5501 Kemp Road and 1862 Southview Road. The annexation petition was non-contiguous to the primary corporate limits.

The current zoning was Residential Rural (RR). If annexation was approved, the applicant proposed to establish the City zoning as Planned Development Residential 3.155 (PDR 3.155) and Rural Residential Rural with a text-only development plan (RR(D)). The PDR portion would allow up to 665 single-family detached and townhouse units and the Residential Rural with a text-only development (RR(D)) would limit the portion of the proposed development to Public and Civic Uses. The RR(D) portion was being dedicated to the City for a future park or other civic/public use. The Planning Commission recommended denial by a vote of 11-0 on July 12, 2022. The case was heard by City Council and referred back to staff at the October 17, 2022, City Council meeting. Since that meeting, the applicant made two changes to their proposal: the maximum number of residential units was amended from 666 to 655; and second, a new proffer had been made that committed 3% of the units were to be "income restricted dwelling units" at 80% AMI for 30 years. In addition, the applicant was to be updating text commitment number 5 to provide an option to construct a 10-foot multiuse path in lieu of paving the 5-foot bike lane and removing reference to bike lanes on both

sides of the Kemp Road. The change was to reflect the current standard note as NCDOT had been requiring a 10-foot shared path in lieu of allowing on-road bicycle facilities in the continuously growing area.

The properties were currently designated Very Low Density Residential and Recreation and Open Space on the Future Land Use Map. The proposed Planned Development Residential 3.155 zoning was inconsistent with the designated use shown on the FLUM. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the property as Low Density Residential and Recreation and Open Space.

Nil Ghosh a representative for the applicant provided background information of the proposal regarding the length of time the project took, which totaled 28 months, \$4 million dollars' worth of road improvements, double tree coverage, donating 5 acres of land for public use, and the 3% of units that were allocated toward Affordable Housing.

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

Pam Andrews, a resident of Durham, spoke in opposition of the item, and cited that blasting permits were not being honored, there was bacteria in soils, and called for a pause on projects until the new UDO was completed.

Rebecca Freeman, a resident of Durham, spoke in opposition of the item, and expressed concerns for the ability for fire protection in the area as the basis of her position.

Heidi Grable, a resident of Durham, spoke to limited emergency services such as Ems being able to cover such a high volume amount of homes in the immediate area of the proposed development.

Tammy Soweia, a resident of Durham, addressed concerns regarding water and how it would be affected by the increased houses.

Thomas Freeman, a resident of Durham, spoke to the topography of this portion of Durham, the land disturbances, and the adverse impact to neighbors, as the basis of his position.

Donna Stainback, a resident of Durham, spoke in opposition of the item, echoed the concerns regarding topography, erosion, and land disturbance as the basis for her position of denial.

Pam Williams, a resident of Durham, spoke in opposition of the item and called for Council to deny the proposal.

Wanda Allen, a resident of Durham, spoke in opposition of the item and talked about the costs of environmental destruction.

Deborah Andrews, a resident of Durham, spoke to keeping the rural Durham as it was and called for the items denial.

Jacob Freeman, a resident of Raleigh, also expressed concerns regarding the development project and its impact on the nearby creek.

Tina Motley, a resident of Durham, spoke in opposition of the item and questioned why there was no development plan included.

Samantha Crop, a resident of Raleigh, and nonprofit organizer spoke to concerns regarding clean water act violations.

Katie Ross, a resident of Durham, expressed concerns for limited Ems infrastructure in the proposed area.

Stephen Knill, a resident of Durham, expressed concerns for the fire department's capacities in the proposed area.

Fan-xing Li, a resident of Durham, spoke in support of the item and advocated for more housing in response to the housing crisis.

Jerry Right, a resident of Durham, spoke in opposition of the item and stressed that the emergency services in Durham were already stretched too thin.

Mr. Ghosh responded to some of the comments made by the residents. He stated that the fire safety capacity had been signed off by the city already and trusted their opinion.

Bliss Flogare, a resident of Durham, spoke in opposition of the item and cited concerns for the impact on wildlife as the basis for her position.

Council Member Holsey-Hyman called for a thorough environmental study and a needs assessment in order to make more informed decisions.

Council Member Johnson stated that she was not interested in moving forward with the project at this time.

Council Member Freeman asked a clarifying question about the notification process to residents regarding development projects.

Ms. Roper stated that residents within 600 feet of any developments are notified.

Mr. Ghosh advocated for the project and committed to not developing on the property until adequate fire resources were available and confirmed.

Council Member Freeman expressed that she would not be supporting the item.

Council Member Caballero stated that she would not be supporting the item.

Council Member Williams asked if the Fire Department would be able to respond to the area in adequate time frames.

Bob Zoldos, City of Durham Fire Chief, stated that there were fire stations within 5 minutes that could respond to the area.

Council Member Williams stated that while he did believe it was a good project, he would be voting in favor of the recommendation by the planning department.

Mayor Pro Tempore Middleton spoke to growth in Durham, how development in the city could move forward, and expressed his support for the item.

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

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance annexing 'Kemp Road Residential' into the City of Durham effective March 31, 2023; and to authorize the City Manager to enter into a utility extension agreement with Bethesda Association L.L.C, **FAILED** at 10:17 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Williams. Noes: Council Members Caballero, Freeman, Holsey-Hyman and Johnson. Excused Absence: Mayor O'Neal.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 10:28 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk