

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 7, 2022
7:00 P.M.
DRAFT MINUTES**

The Durham City Council met for a regular City Council Meeting virtually via Zoom and in-person in the Durham City Council Chamber 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, Deputy City Attorney Don O’ Toole, City Clerk Diana Schreiber, and Deputy City Clerk Ashley Wyatt.

[CEREMONIAL ITEMS]

Mayor O’Neal read in the record the Senator Jeanne Hopkins Lucas Day Proclamation and presented it to her sister Bernadette Hopkins.

Council Member Johnson read into the record the Charlie Reece Day Proclamation and presented it to Council Member Reece.

Council Member Reece thanked Council for the proclamation and stated that he was excited for the journey ahead. He provided encouragement to Council as they continued to handle the city’s business.

[ANNOUNCEMENTS BY COUNCIL]

Being that this meeting represented Council Member Reece’s final day on Council, Mayor O’Neal thanked Council Member Reece for his service and wished him well as he relocated to Europe.

Council Member Williams stated that he was happy for his colleague, but was disappointed that Council Member Reece was departing so soon after he himself began his first term on the Council.

Mayor Pro Tempore Middleton praised Council Member Reece for continuing to work with residents despite this being his last day as a Council Member.

Council Member Freeman stated that she learned a lot from Council Member Reece and was going to miss his presence on the Council.

Council Member Caballero referred to Council Member Reece as a friend and thanked him for his service.

Council Member Johnson recalled her first time meeting Council Member Reece and how their friendship evolved over the years.

Following the farewells from Council, Mayor O'Neal, taking the prerogative of the Chair, allowed Tara Romano to speak next to Agenda Item #3, Adopt the Resolution in Support of the Declaration of Fundamental Reproductive Freedoms.

Ms. Romano spoke in support of the Resolution and called on all people to ensure that reproductive healthcare decisions remained accessible throughout Durham County.

Council Member Caballero explained her absence from the last several Council meetings; described her visit to Chile for a conference; and spoke to several current events happening throughout the world.

Mayor Pro Tempore Middleton praised the emergency services and first responders in Durham and Durham County that responded to a bad accident he was in over the weekend.

Council Member Reece reminded residents that Creek Week was upcoming from March 12th -March 17th.

Council Member Freeman noted that she would be out of town during the week of March 12th to attend the National League of Cities Congressional Conference in Washington, DC.

Council Member Williams noted that the mask mandate had been lifted in Durham County, but stated that he supported residents still wearing masks when they chose to. He also spoke to some brainstorming ideas of small business owners with ideas about how to transition from the COVID-19 pandemic safely and responsibly.

Mayor O'Neal reassured residents that the Council was doing their best to listen to diverse voices and make decisions based on science.

Mayor O'Neal indicated it was time for a vote on Council Member Reece's resignation.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to accept the resignation of Council Member Reece effective immediately, was approved at 7:59 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

Council Member Reece departed the Chamber.

[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY & CITY CLERK]

City Manager Page stated that Agenda Items #7 and 13 had additional information included.

Deputy City Attorney O'Toole and City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #15243)

MOTION by Council Member Williams, seconded by Council Member Caballero, to approve the City Council minutes for the following meetings: January 3, 2022 Regular Meeting; January 6, 2022 Work Session; January 18, 2022 Regular Meeting; and January 20, 2022 Work Session, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

**SUBJECT: FY2021-22 SECOND QUARTER FINANCIAL REPORT
(ITEM 2/ PR #15256)**

MOTION by Council Member Williams, seconded by Council Member Caballero, to receive the FY2021-22 Second Quarter Financial Report, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

**SUBJECT: ADOPT THE RESOLUTION IN SUPPORT OF THE DECLARATION OF
FUNDAMENTAL REPRODUCTIVE FREEDOMS (ITEM 3/ PR #15263)**

MOTION by Council Member Williams, seconded by Council Member Caballero, to adopt the Resolution in Support of the Declaration of Fundamental Reproductive Freedoms, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

RESOLUTION #10248

**SUBJECT: BOARDS, COMMITTEES, COMMISSIONS, AND TASKFORCES
2021 CALENDAR YEAR ATTENDANCE REPORTS (ITEM 4/ PR
#15241)**

MOTION by Council Member Williams, seconded by Council Member Caballero, to accept the attendance reports for Boards, Committees, Commissions and Taskforces for the period January 1, 2021 - December 31, 2021, was approved at 8:03 p.m. by the

following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: EXPEDITED HEARING REQUEST FOR ZONING MAP CHANGE APPLICATION Z2100037 (EAST GEER STREET RESIDENTIAL) (ITEM 5/ PR #15248)

MOTION by Council Member Williams, seconded by Council Member Caballero, to adopt a resolution granting the expedited hearing request for Zoning Map Change Z21000037, East Geer Street Residential, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

RESOLUTION #10249

SUBJECT: PROFESSIONAL SERVICES CONTRACT AWARD TO SCHNABEL ENGINEERING SOUTH, PROFESSIONAL CORPORATION FOR LITTLE RIVER DAM EMBANKMENT SETTLEMENT AND SEEPAGE IMPROVEMENTS (ITEM 7/ PR #15232)

MOTION by Council Member Williams, seconded by Council Member Caballero, to authorize the City Manager to execute a contract with Schnabel Engineering South, Professional Corporation for professional services for the Little River Dam Embankment Settlement and Seepage Improvements project in the amount of \$1,139,721;

To establish a contingency fund for the contract in the amount of \$114,000; and

To authorize the City Manager to negotiate and execute amendments to the contract provided the cost of all amendments together with the original contract amount does not exceed \$1,253,721, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: JANUARY 2022 BID REPORT (ITEM 8/ PR #15247)

MOTION by Council Member Williams, seconded by Council Member Caballero, to receive a report on the bids that were acted upon by the City Manager in January 2022, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

1. **Bid:** Horace G Ilderton LLC

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) 2022 Dodge Durango Pursuit AWD .

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

Opened: 1/11/22

Bidders:

Vendor	Qty	Price	Total Cost
Horace G Ilderton LLC Highpoint, NC	1	\$ 68,734.00	\$ 68,734.00

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:** Computer Equipment

Purpose of Bid: Provides the Information Technology Department with PALO CRYPSIS EXPERT SVCS.

Comments: Priced in accordance with Statewide IT Contract Number 204X – IT Infrastructure Solutions and Related Services.

Opened: 1/21/22

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc. Vermon Hills, IL	1	\$ 49,376.25	\$ 49,376.25

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:** Transource Inc

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) 2022 Mack GR64FR Tandem Dump Truck.

Comments: Priced in accordance with North Carolina State Contract – 201900174.

Opened: 1/11/2022

Bidders:

Vendor	Qty	Price	Total Cost
Transource Inc Kernersville, NC	1	\$ 183,181.47	\$ 183,181.47

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
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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:** Sweeper

Purpose of Bid: Provides the Fleet Maintenance Department with one (1) Elgin Regen X Regenerative Air Sweeper.

Comments: Priced in accordance with the Sourcewell Cooperative Purchasing Program Contract 093021-ELG (Elgin).

Opened: 1/11/2022

Bidders:

Vendor	Qty	Price	Total Cost
Joe Johnson Equipment LLC. Monroe, NC	1	\$ 243,818.32	\$ 243,818.32

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	4	3	1
Professional	11	6	5
Technical	0	0	0
Clerical	0	0	0
Labor	6	6	0
Total	21	15	6

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	13	0	0	1	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	1	0	0	0
Total	13	1	0	1	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	5	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	6	0	0	0	0

5. **Bid:** Heavy Equipment Purchase

Purpose of Bid: Provides the Fleet Management with One (1) New Fork Lift Truck Model H100FT.

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

Opened: 1/11/22

Bidders:

Vendor	Qty	Price	Total Cost
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Gregory Poole Equipment Co. Raleigh, NC	1	\$ 91,881.50	\$ 91,881.50
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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:** OTTO Environmental Systems, Inc.

Purpose of Bid: Provides the Solid Waste Department with (1028) Refuse Carts – (300) 65 gal Edge/Metal Bar/Bib/One Handle Cart – (728) 95 gal Brown – Yard Waste.

Comments: Priced in accordance with Sherriff’s Association Contract – 22-06-0426.

Opened: 1/31/22

Bidders:

Vendor	Qty	Price	Total Cost
OTTO Environmental Systems, Inc. Charlotte, NC	1028	\$ 56.30	\$ 57,877.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	55	46	9
Technical	49	48	1
Clerical	19	1	18
Labor	150	127	23
Total	273	222	51

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	32	7	5	1	1
Technical	29	9	9	1	0
Clerical	1	0	0	0	0
Labor	22	70	32	1	2
Total	84	86	5	3	3

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	0	1	0	0
Technical	1	0	0	0	0
Clerical	11	3	4	0	0
Labor	2	11	8	0	2
Total	22	14	13	0	2

7. **Bid:** Vehicle Service Group LLC

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) Model #Flex Max 419 Portable 4 column Lift Remote Control.

Comments: Priced in accordance with Sourcewell Cooperative Purchasing Program Contract 061015-RR.

Opened: 1/5/2022

Bidders:

Vendor	Qty	Price	Total Cost
Vehicle Service Group LLC Madison, IN	1	\$ 47,371.47	\$ 47,371.47

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	58	48	10
Professional	75	56	19
Technical	0	0	0
Clerical	5	0	5
Labor	171	140	31
Total	309	244	65

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	47	0	0	1	0
Professional	51	2	2	1	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	138	1	1	0	0
Total	236	3	3	2	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	10	0	0	0	0
Professional	18	0	0	1	0
Technical	0	0	0	0	0
Clerical	5	1	0	0	0
Labor	29	0	0	1	1
Total	62	1	0	2	1

**SUBJECT: 2022 DUKE DOING GOOD GRANT PROJECT ORDINANCE (ITEM 9/
PR #15254)**

MOTION by Council Member Williams, seconded by Council Member Caballero, to authorize the City Manager to accept the "2022 Duke Doing Good Award" grant by executing the grant documents; and

To adopt the "2022 Duke Doing Good" Grant Ordinance in the amount of \$5,000, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

ORDINANCE #15913

**SUBJECT: EMERGENCY WATERSHED PROTECTION (EWP) STREAM
BANK STABILIZATION (EWP-2021-01) AMENDMENT NO. 1
(ITEM 10/ PR #15257)**

MOTION by Council Member Williams, seconded by Council Member Caballero, to authorize the City Manager to amend the existing Construction Contract EWP-2021-01, Emergency Watershed Protection Stream Bank Stabilization, with KBS Earthworks, Inc. in the amount of \$273,216.80 for a revised total contract amount of \$1,059,806.56; and

To authorize the City Manager to negotiate change orders for Contract EWP-2021-01, including the remaining contract contingency of \$117,063.07, provided that the total contract cost does not exceed \$1,176,869.63, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

**SUBJECT: JANITORIAL SERVICES FOR PUBLIC WORKS OPERATIONS
FACILITY (ITEM 11/ PR #15255)**

MOTION by Council Member Williams, seconded by Council Member Caballero, to execute a contract for Janitorial Services with Dynamic Cleaning and Maintenance Company, LLC, for a five-year period beginning January 1, 2022, at a not to exceed maximum reimbursement amount of \$785,703 over the five-year period, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES (ITEM 12/ PR #15205)

MOTION by Council Member Williams, seconded by Council Member Caballero, to accept certain streets and infrastructure in Brightleaf at the Park Tract 3; Davis Park Apartments Phases 1, 2, 3, 4, and 5 (excluding sewer); Herndon Trace Phases 1 and 2;

Rustica Oaks, Phases 4a, b, c, 5a, b, c, d, e, and 6a, b; Hope Valley Road Roundabout Improvements, The Lodge at Croasdaile Farm Offsite Improvements, North Duke Street Mixed Use, and Old Road Sewer Extension for maintenance by the City of Durham, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

Brightleaf at the Park, Tract 3

- 1) May Street – from the centerline of Copper Leaf Parkway southeast to the end of construction @ STA 5+87.37 (887’), and

Brightleaf at the Park, Tract 3 – Additional Infrastructure

- 1) Sanitary Sewer Outfall – from existing MH 0 south to MH 8 at STA 13+54 (1354’), and
- 2) Sanitary Sewer Outfall – from MH 6 at STA 0+00 west to MH 6A at STA 1+38 (138’).

Davis Park Apartments, Phases 1, 2, 3, 4, and 5 (excluding County Sewer)

- 1) Merrion Avenue – from the east curblineline of Davis Drive east to the centerline of Faulkner Street (1903’), and
- 2) Keating Street – from the east curblineline of Davis Drive east to the centerline of Faulkner Street (1925’), and
- 3) Thayer Street – from the centerline of Keating Street north to the centerline of Merrion Avenue (578’), and
- 4) Faulkner Street – from the centerline of Keating Street north to the centerline of Merrion Avenue (657’).

Herndon Trace, Phases 1 and 2

- 1) Adeline Court – from the west curblineline of Herndon Road west through the cul-de-sac (1357’), and
- 2) Bally Castle Drive – from the centerline of Adeline Court south 171’ to the end of previous construction @ STA14+63.61 (171’), and
- 3) Carrickfergus Court – from the centerline of Adeline Court south 174’ to the end of previous construction @ STA 17+11.19 (aka 11+89.83) (174’), and

Herndon Trace, Phases 1 and 2 – Additional Infrastructure

- 1) Sanitary Sewer Outfall – from MH 20 south along Herndon Road to Adeline Court (211’), and

- 2) Sanitary Sewer Outfall – from existing MH 10 east, then south to the Adeline Court cul-de-sac (1041’).

Longview, Phases 1, 2, and 3

- 1) Galway Glenn Lane – from the centerline of Whitfield Road north, then west to the centerline of Finley Street (1032’), and

NOTE: Whitfield Road (existing City-maintained gravel street) – was paved from the west curbline of Morreene Road west past Galway Glenn Lane (547’) as a part of this development; Whitfield Road from just past Galway Glenn Road west to the end of maintenance (215’) remains gravel.

Longview, Phases 1, 2, and 3 – Additional Infrastructure

- 1) Sanitary Sewer Outfall – from MH 4 in Galway Glenn Ln west along Silas Street (private) to MH 1 @ existing outfall (345’), and
- 2) Sanitary Sewer Outfall – from existing MH 10 in Galway Glenn Lane northeast to the existing outfall @ MH 11 (180’).

Rustica Oaks, Phases 4a,b,c, 5a,b,c,d,e, and 6a,b

- 1) Hickory Nut Drive – from the end of Phase 3C construction southeast to the centerline of Ed Cook Road (1,102’), and
- 2) Garden Walk Drive – from the centerline of Hickory Nut Drive south through the cul-de-sac (795’), and
- 3) Romarci Court – from the centerline of Garden Walk Drive northwest through the cul-de-sac (110’), and
- 4) Adaire Way – from the centerline of Garden Walk Drive east through the cul-de-sac, (223’), and
- 5) Magnolia Tree Lane – from the end of Phase 3C construction at STA 25+20 east, then south through the cul-de-sac (1,005’), and
- 6) Shady Rest Court – from the centerline of Magnolia Tree Lane northeast through the cul-de-sac (177’), and
- 7) Meadow Wood Drive – from the centerline of Magnolia Tree Lane south to the centerline of Hickory Nut Drive (550’), and
- 8) Barden Hills Drive – from the centerline of Hickory Nut Drive southwest to the centerline of Dogwood Blossoms Drive (363’), and
- 9) Dogwood Blossoms Drive – from the centerline of Maple Walk Street north through the cul-de-sac (574’), and

- 10) Maple Walk Street – from the western cul-de-sac east through the eastern cul-de-sac (near White Burley Court), (616’), and
- 11) White Burley Court – from the centerline of Maple Walk Street north through the cul-de-sac (212’), and

Rustica Oaks, Phases 4a,b,c, 5a,b,c,d,e, and 6a,b – Additional Infrastructure

- 1) Sanitary Sewer Outfall #1 – from the Garden Walk Drive cul-de-sac southwest to existing MH60 (183’), and
- 2) Sanitary Sewer Outfall #2 – from Hickory Nut Drive southeast to Dogwood Blossoms Drive cul-de-sac (217’), and
- 3) Sanitary Sewer Outfall #3 – from the centerline of Magnolia Tree Lane north to MH44 (115’), and
- 4) Sanitary Sewer Outfall #4 – from the Maple Walk Street cul-de-sac east to existing sewer in Ed Cook Road (109’).

Hope Valley Road Roundabout – Additional Infrastructure

- 1) 12” Water Main Extension – from the existing 12” water main in Hope Valley Road @ STA 80+29.5 north through the roundabout to the existing water main @ STA 86+36 (607’), and
- 2) 8” Water Main Extension – from the existing 8” water main in University Drive @ STA 40+50 east to the 12’ water main in Hope Valley Road (332’), and
- 3) 8” Water Main Extension – from the 12” water main in Hope Valley Road east to the existing 6” water main in University Drive (314’), and
- 4) 8” Sanitary Sewer Main Extension – from existing MH “A” @ STA 30+00 in University Drive, north to MH “F” @ STA 33+85.3 in Hope Valley Road (385’).

The Lodge at Croasdaile Farm Offsite Improvements – Additional Infrastructure

- 1) Water Main Extension – from existing water main in Hillandale Road at STA 11+84 southeast, then south along Hillandale Road to end of construction at STA 38+75 past Horton Road (2691’), and
- 2) Water Main Extension – from existing water main in Hillandale Road at STA 9+64 east along Horton Road to end of construction at STA 14+18 (454’).

North Duke Street Mixed Use – Additional Infrastructure

- 1) Sanitary Sewer Main Extension – from the existing manhole in N. Duke Street east to MH1 @ STA 0+74.01 (74’), and

- 2) Sanitary Sewer Main Extension – from the existing manhole in Frasier Street north to MH @ STA 0+44.34 (44’).

Old Road Sewer Extension – Additional Infrastructure

- 1) Sanitary Sewer Main Extension – from the existing MH101 @ STA 10+00 south to MH103 @ STA 13+14.15 (314’).

SUBJECT: APPOINTMENT OF FINANCE OFFICER (ITEM 18/ PR #15272)

MOTION by Council Member Williams, seconded by Council Member Caballero, to adopt the Resolution appointing a new Finance Officer, was approved at 8:03 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

RESOLUTION #10250

[GENERAL BUSINESS AGENDA]

SUBJECT: INTERLOCAL AGREEMENT WITH GOTRIANGLE FOR REIMBURSEMENT OF COMMUTER RAIL RELATED WATERLINE ADJUSTMENTS (ITEM 6/ PR #15246)

Sean Egan, Director of Transportation, made himself available to Council.

Council Member Freeman stated that she was not going to support the item and that she believed that GoTriangle had not been transparent in how they went about the agreement.

Jaqueline Wagstaff, a resident of Durham, echoed the same concerns as Council Member Freeman regarding the item, and asked how much money the City was to be refunded.

Mr. Egan stated that reimbursement amount was going to be \$39,000.00.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Johnson, to resolve that the City Manager be authorized to execute the Interlocal Agreement with GoTriangle to reimburse the City of Durham for costs incurred for the adjustment of the 36" transmission waterline under Gregson Street, was approved at 8:09 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Johnson, and Williams. Noes: Council Member Freeman. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: ELLIS ROAD PDR REZONING II - ZONING MAP CHANGE
(ITEM 15/ PR #15250)**

Michael Stock, 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 the affidavit of the notice were on file in the Planning Department and provided the following staff report:

Laura Hollomon of McAdams, agent for Eric Rifkin of Ellis Road Commercial LLP, proposed to change the zoning designation of five parcels of land totaling 29.13 acres, and located at 2109 Ellis Road. The current zoning was Commercial General with a development plan (CG(D)) as part of an existing development plan Z1500007 which allowed for a total commercial gross floor area of 500,000 square feet, and a maximum of 381 upper-story dwelling units at a density of 5.995 dwelling units per acre (DU/acre). The applicant sought to rezone the portion of the site west of Watchorn Street with a new development plan which would allow for a maximum of 519 multi-family apartment units within a Planned Development Residential 18.220 (PDR 18.220) zoning designation.

The properties were designated Commercial on the Future Land Use Map (FLUM) (Attachment C). The proposed Planned Development Residential 18.220 (PDR 18.220) 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 Medium-High Density Residential.

Mayor O'Neal opened the public hearing and called for any speakers on the item.

Jacob Hall, a resident of Durham, spoke in support of the item and believed that the item was to be an improvement to the neighborhood, and expressed concerns about traffic.

Patrick Byker, a representative for the applicant, spoke to the specifics of the item and requested support from Council for its approval.

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

Mayor Pro Tempore Middleton asked if the proposed item would contain units priced at market rate.

Council Member Johnson asked the applicant if they had considered proffers to the Affordable Housing Fund and to Durham Public Schools.

Mr. Byker stated that the applicant was proffering \$50,000.00 to both the Affordable Housing Fund and to Durham Public Schools.

Mr. Byker stated that they intended to price the residences at market rate.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the of the Commercial General with a Development Plan (CG(D)) district and establishing the same as Planned Development Residential 18.220 (PDR 18.220) district, was approved at 8:24 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

ORDINANCE #15914

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt a Consistency and Reasonableness Statement as required by NCGS 160D-605, was approved at 8:25 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2000008, Ellis Road Commercial Area Rezoning II

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 Z2000008, Ellis Road Commercial Area Rezoning II, 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 F, ‘Community Goals and Objectives’; regarding the subject ‘Ellis Road Commercial Area Rezoning II, Z2000008’ 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 4, 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.

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 Public Interest Statements and Attachment F, 'Community Goals and Objectives'; regarding the subject 'Z2000008, Ellis Road Commercial Area Rezoning II' 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: U TOWER - ZONING MAP CHANGE (ITEM 16/ PR #15251)

Michael Stock, 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 the affidavit of the notice were on file in the Planning Department and provided the following staff report:

Tyler Morris, of Vintage University Tower JV LLC, proposed to change the zoning designation of one parcel of land totaling 1.287 acres, and located at 3007 Petty Road. The current zoning was Office and Institutional with a Development Plan (OI(D)) which applied to two parcels, 3007 Petty Road and 3004 Tower Boulevard. The applicant proposed to change the zoning designation for the parcel at 3007 Petty Road to Office and Institutional (OI). No development plan was proposed for the request and the Unified Development Ordinance (UDO) did not require one for the zoning district. All applicable overlay districts were to remain.

The properties were designated Design District on the Future Land Use Map (FLUM). The proposed OI 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 Office.

Mayor O'Neal opened the public hearing and called for any speakers on the item.

Patrick Byker, a representative for the applicant, spoke in support of the item, noted there was no community opposition and asked Council for their support.

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

MOTION by Council Member Freeman, seconded by Council Member Caballero, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the Office and Institutional with a Development Plan (OI(D)) district and establishing the same as Office and Institutional (OI) district, was approved at 8:31 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

ORDINANCE #15915

MOTION by Council Member Freeman, seconded by Council Member Williams, adopt a Consistency and Reasonableness Statement as required by NCGS 160D-605, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2000045, U Tower

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 Z2000045, U Tower 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 F, Community Goals and Objectives; regarding the subject U-Tower Case Z2000045 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 and the zoning report, 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.

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; regarding the subject U-Tower Case Z2000045 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.

[OTHER MATTERS]

Mayor Pro Tempore Middleton provided an overview of the At-Large Vacancy process in order to fill the seat left by Council Member Reece and noted that applications were going to be available online and hard copy from March 11- March 25, 2022 with recruitment closing at 5 p.m. that day.

[ADJOURNMENT- 8:36 PM]

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk