

**DURHAM, NORTH CAROLINA
MONDAY, April 3, 2023
7:00 P.M.**

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 O’Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey- Hyman, Jillian Johnson and Leonardo Williams. Absent: None.

Also Present: City Manager Wanda Page, City Attorney Kim Rehberg, City Clerk Diana Schreiber and Assistant Clerk Paola Roland.

[CALL TO ORDER]

Mayor O’Neal called the meeting to order and welcomed those in attendance.

[MOMENT OF SILENT MEDITATION]

Mayor O’Neal conducted the moment of silent meditation.

[PLEDGE OF ALLEGIANCE TO THE FLAG]

Council Member Freeman led the Pledge of Allegiance to the flag.

[CEREMONIAL ITEMS]

Mayor O’Neal and City Manager Page shared remarks and condolences on the recent passing of City Budget Director, John Allore, before introducing ceremonial items.

Council Member Freeman read the Fair Housing Month Proclamation and presented the Proclamation to Cindy Burns, President of the Durham Regional Association of Realtors (DRAR) and Sharon Sunkel, Chair of the Diversity, Equity & Inclusion Committee for the DRAR. Cindy and Sharon expressed appreciation for the honor.

Council Member Johnson read the Mama Cookie Day Proclamation and presented the Proclamation to Bertha Harwell-Bradley. Ms. Harwell-Bradley and her supporters expressed appreciation for the honor.

Council Member Holsey-Hyman read the Alpha Kappa Alpha Sorority Incorporated – Alpha Zeta Omega Chapter Proclamation and presented the Proclamation to Dr. Kamala Uzzell, President of the Alpha Zeta Omega Chapter. Dr. Uzzell and members expressed appreciation for the honor.

Mayor O'Neal read the Peace Month Proclamation. She declared the Proclamation's message of peace over the Chamber, Council, employees, and over the entire City of Durham.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Holsey-Hyman shared her experience at the First Lady Tea at North Carolina Central University; announced it was Child Abuse Prevention Month; and shared a story of how she assisted a resident and their family with securing a housing voucher.

Mayor Pro Tempore Middleton echoed City Manager Page's sentiments regarding John Allore's passing; shared his experience in Wilmington, NC at the Harrelson Center, a non-profit campus focused on social services and its potential integration in Durham; spoke about his participation on a panel in Washington, DC for the National League of Cities; and shared a quote and encouraged Council to move forward with their work.

Mayor O'Neal shared an email discussion with Professor Robert Joyce and his colleagues from the UNC School of Government. She read his recommendations for potential action by Council regarding Council Member Holsey Hyman's ongoing investigation. She encouraged Council to remain focused; announced that she will no longer be speaking to this matter publicly while it is an ongoing investigation; and encouraged her colleagues to do the same.

Mayor O'Neal asked to present two proclamations (National Public Safety Telecommunicators Week and National Community Development Week) at the Work Session scheduled to be held on Thursday April 6, 2023. Council Members supported the proclamations unanimously.

Mayor O'Neal shared a letter sent to community residents (both proponents and opponents) regarding the Unified Development Ordinance (UDO) Text Amendment on Simplifying Codes for Affordable Housing Development (SCAD). She encouraged residents to participate in this conversation.

[PRIORITY ITEMS]

City Manager Page announced one priority item:

Item 4) Attachment 2, page 3 was modified.

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

[CONSENT AGENDA]

Mayor O'Neal read the consent agenda. It was approved by the following motion:

MOTION by Council Member Williams, seconded by Council Member Freeman, to approve the consent agenda at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION APPOINTMENTS (ITEM 1/ PR #16112)

MOTION by Council Member Williams, seconded by Council Member Freeman, to appoint Dan Harrop and Makayla C. Jarvis to the Durham City-County Appearance Commission with the terms to expire on April 1, 2026, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: FEBRUARY 2023 BID REPORT (ITEM 2/ PR #16101)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive a report on the bids that were acted upon by the City Manager in February 2023, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

1. **Bid:** Equipment

Purpose of Bid: Provides the Solid Waste Department with one thousand four hundred fifty-six (1,456) 95-gallon momentum/metal bar/bib/one handle cart for forest green garbage carts and cobalt blue recycling carts.

Comments: Price in accordance with NC Sheriffs Association Contract - NCSA Heavy Equipment Bid 22-06-0426R.

Opened: 1/24/2023

Bidders:

Vendor	Qty	Price	Total Cost
Duramax Holdings LLC Charlotte, NC	1,456	\$ 61.11	\$ 88,976.16

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

2. Bid: Equipment

Purpose of Bid: Provides the Fleet Management Department with two (2) new Polaris Ranger Crew 1000 premium white lighting model #R23T6E99AD; to include standard manufacturer specifications and city added options.

Comments: Price in accordance with NC State Contract No. #515B and Bid No. #201500646.

Opened: 1/26/2023

Bidders:

Vendor	Qty	Price	Total Cost
Quality Mower & Saw Equip Inc Durham, NC	2	\$ 21,592.62	\$ 43,185.24

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	0	0	0
Technical	0	0	0
Clerical	1	0	1
Labor	10	10	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	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0

Clerical	0	0	0	0	0
Labor	10	0	0	0	0
Total	10	0	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	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

3. **Bid:** Equipment

Purpose of Bid: Provides the Fleet Management Department with (57KAM) John Deere Gator XUV835M HVAC (model year 2023).

Comments: Price in accordance with Sourcewell Contract No. #031121-DAC (PG NB CG 70).

Opened: 2/15/2023

Bidders:

Vendor	Qty	Price	Total Cost
John Deere & Company Cary, NC	1	\$ 27,996.44	\$ 27,996.44

Award Based on: Low Bid Other (See Comments) Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females

Project Mgr.	97	61	36
Professional	172	99	73
Technical	0	0	0
Clerical	18	4	14
Labor	2	2	0
Total	289	166	123

UBE/SLBE REQUIREMENTS – MALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	53	2	1	5	0
Professional	71	7	9	12	0
Technical	0	0	0	0	0
Clerical	1	1	1	0	1
Labor	0	2	0	0	0
Total	125	12	11	17	1

UBE/SLBE REQUIREMENTS – FEMALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	26	4	1	5	0
Professional	44	13	4	11	1
Technical	0	0	0	0	0
Clerical	8	6	0	0	0
Labor	0	0	0	0	0
Total	78	23	5	16	1

4. **Bid:** Equipment

Purpose of Bid: Provides the Transportation Department with 5' x 10' Slimline series aluminum structure, 4' x 6' two-sided, non-lit advertising display box, 5' wall-mount bench, solar lighting package, structural calculations, and concrete pad design.

Comments: Quotes were requested from multiple vendors – this is the only vendor that responded.

Opened: 1/06/2023

Bidders:

Vendor	Qty	Price	Total Cost
Brasco International Inc. Madison Heights, MI	1	\$ 32,425.00	\$ 32,425.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	0	1
Professional	9	8	1
Technical	0	0	0
Clerical	4	2	2
Labor	45	41	4
Total	59	51	8

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	7	0	0	0	1
Technical	0	0	0	0	0
Clerical	1	1	0	0	0

Labor	24	14	3	0	0
Total	32	15	3	0	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	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	0	0	0	0
Labor	3	1	0	0	0
Total	7	1	0	0	0

5. Bid: Equipment

Purpose of Bid: Provides the Fleet Management Department with a new Bobcat MT100 mini track loader per manufacturer standard specifications to include city added options: bob-tach interface (MT100), wide track, pallet forks 42", bush hog, 4N1 bucket, grapple, material and logistics.

Comments: Multiple quotes obtained.

Opened: 1/20/2023

Bidders:

Vendor	Qty	Price	Total Cost
Triangle Equipment Co Inc Morrisville, NC	1	\$ 46,932.78	\$ 46,932.78
Bobcat of Asheboro	1	\$ 51,694.04	\$ 51,694.04

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE

Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	13	10	3
Technical	0	0	0
Clerical	7	5	2
Labor	4	4	0
Total	24	19	5

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	9	1	0	0	0
Technical	0	0	0	0	0
Clerical	3	1	1	0	0
Labor	2	1	1	0	0
Total	14	3	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	1	0	0
Labor	0	0	0	0	0
Total	4	0	1	0	0

6. **Bid:** Equipment

Purpose of Bid: Provides the Water Management Department with diamond mowers DLR-072-C for skid steer.

Comments: Price in accordance with Sourcewell Contract No. #052417-DMM.

Opened: 2/10/2023

Bidders:

Vendor	Qty	Price	Total Cost
James River Equipment VA LLC Garner, NC	1	\$ 30,718.04	\$ 30,718.04

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	345	272	73
Technical	0	0	0
Clerical	48	11	37
Labor	1,006	939	67
Total	1,399	1,222	177

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	260	4	5	2	1
Technical	0	0	0	0	0
Clerical	11	0	0	0	0

Labor	902	20	17	0	0
Total	1,173	24	22	2	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	63	6	2	2	0
Technical	0	0	0	0	0
Clerical	35	2	0	0	0
Labor	63	2	1	0	1
Total	161	10	3	2	1

7. **Bid:** Equipment

Purpose of Bid: Provides the Director’s Office with equipment and software for survey/utility locate groups.

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

Opened: 1/30/2023

Bidders:

Vendor	Qty	Price	Total Cost
CW Lawley Inc Nashville, TN	1	\$ 34,386.32	\$ 34,386.32

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females

Project Mgr.	0	0	0
Professional	34	32	2
Technical	0	0	0
Clerical	0	0	0
Labor	0	0	0
Total	34	32	0

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	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	32	0	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	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	2	0	0	0	0

8. **Bid:** Software Support

Purpose of Bid: Provides the Police Department with software support. Two single user, one-year duration, Foray Technologies software support, to include: unlimited access to the Foray Technologies’ support desk Monday through Friday, 7:00am – 4:00pm pacific time, free Adams™ software updates and new version upgrades, internet based remote diagnostics and troubleshooting of Adams software, customer must have internet access and provide access to the Adams system.

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

Opened: 2/09/2023

Bidders:

Vendor	Qty	Price	Total Cost
Foray Technologies San Diego, CA	1	\$ 18,047.76	\$ 18,047.76

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE					
Employment Category	Employees	Males	Females		
Project Mgr.	0	0	0		
Professional	10	5	5		
Technical	0	0	0		
Clerical	0	0	0		
Labor	0	0	0		
Total	10	5	5		
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	5	0	0	0	0

Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	5	0	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	5	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	5	0	0	0	0

**SUBJECT: INDUSTRIAL PRETREATMENT PROGRAM PERFORMANCE AUDIT
FEBRUARY 2023 (ITEM 3/ PR #16100)**

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive the Industrial Pretreatment Program Performance Audit approved at the February 27, 2023 Audit Services Oversight Committee meeting, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

**SUBJECT: FISCAL YEAR 2023-2024 BUDGET DEVELOPMENT GUIDELINES
(ITEM 4/ PR #16111)**

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt the Budget Development Guidelines to be used for the development of the FY 2023-24 Budget and Capital Improvement Plan (CIP), was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

**SUBJECT: AMERICAN RESCUE PLAN (ARPA) PROJECT – CULTURE & ARTS –
INVEST TO RESTART (ITEM 5/ PR #16104)**

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute an ARPA sub recipient grant agreement with The Durham Arts Council, Inc. in an amount not to exceed \$1,000,000 to support the Durham arts and cultural community, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: CITY OF DURHAM AND KEEP DURHAM BEAUTIFUL, INC. CULTURAL ROADMAP DEVELOPMENT GRANT BUDGET ORDINANCE (ITEM 6/ PR #16113)

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt the Keep Durham Beautiful, Inc. Cultural Roadmap Development Grant Budget Ordinance, and

To authorize the City Manager to execute the grant award letter from Keep Durham Beautiful, Inc. and other documents required or appropriate in order for the City to receive the grant and to undertake the project, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

ORDINANCE #16121

SUBJECT: HUMAN RELATIONS COMMISSION 2022 ANNUAL REPORT (ITEM 7/ PR #16089)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive the 2022 annual report for the Human Relations Commission, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: HOUSING APPEALS BOARD ANNUAL REPORT FOR FISCAL YEAR 2022 (ITEM 8/ PR #16097)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive the annual report for Fiscal Year 2022 of the Housing Appeals Board, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: RESOLUTION AND AGREEMENT FOR DONATION OF SURPLUS PERSONAL PROPERTY TO BUILT2LAST INNOVATIONS LAB, INC. (ITEM 9/ PR #16108)

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt a resolution, pursuant to N.C. Gen. Stat. -160A-280, declaring Built2Last Logo and Logo Guides as surplus property and authorizing a donation of such surplus property to the non-profit Built2Last Innovations Lab, Inc.; and

To authorize the City Manager to execute an agreement for donation of surplus property to Built2Last Innovation Labs, Inc., was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

RESOLUTION #10284

SUBJECT: 2023 NATIONAL POLICE ATHLETIC LEAGUE MENTORING GRANT PROJECT ORDINANCE (ITEM 10/ PR #16105)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to accept the 2023 National Police Athletic Leagues Mentoring sub-grant by executing the grant documents; and

To adopt the 2023 National Police Athletic Leagues Mentoring Grant Project Ordinance in the amount of \$12,600, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

ORDINANCE #16122

SUBJECT: CONTRACT AMENDMENT NO. 1, ST-286 PETITION STREETS 2021 (ITEM 11/ PR #16087)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute Contract Amendment No.1 for ST-286 Petition Streets 2021 with Carolina Sunrock LLC in the amount of \$300,000; and

To authorize the City Manager to execute change orders to the contract so long as the total contract cost, including all contingency funds, does not exceed \$3,697,562.19, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR WATER QUALITY IMPROVEMENT MEASURES (ITEM 12/ PR #16103)

MOTION by Council Member Williams, seconded by Council Member Freeman, To resolve that the City Manager be authorized to execute an Interlocal Agreement between the City of Durham and Durham County Soil and Water Conservation District for the installation of water quality improvement measures in the amount of \$90,000, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: SECOND AMENDMENT TO CONTRACT WITH POWERHOUSE RECYLCING INC. FOR RECYCLING SERVICES FOR ELECTRONIC EQUIPMENT (ITEM 13/ PR #16102)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute the Second Amendment to Contract Between City of Durham and PowerHouse Recycling Inc. for Recycling Services for Electronic Equipment in the amount up to \$150,000, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

SUBJECT: AMERICAN RESCUSE PLAN (ARPA) PROJECT – ENTREPRENEUR ACCELERATOR + YOUTH SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) (ITEM 19/ PR #16123)

MOTION by Council Member Williams, seconded by Council Member Freeman, To authorize the City Manager to execute an ARPA sub recipient grant agreement with AB Community in an amount not to exceed \$266,000, was approved at 8:02 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONSOLIDATED ANNEXATION – 901 AND 903 SHERRON ROAD (ITEM 15/ PR #16107)

Brooke Roper, City-County Department 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 Keith Strong, of Strong Rock Engineering, for two parcels of land totaling 17.78 acres and located at 901 and 903 Sherron Road. This annexation petition is for a contiguous expansion of the primary corporate limits. The applicant intends to develop 63 units consisting of 34 townhomes and 29 single-family residences.

The current zoning is Residential Rural (RR) and Residential Suburban – 20 (RS-20), Falls/Jordan District B (F/J-B). For the initial City zoning of this site if annexation is approved, the applicant proposes to change this designation to Residential Suburban – 10 (RS-10), Falls/Jordan District B (F/J-B). This proposal is a general rezoning with no text or graphic development plan. This request received a recommendation of denial from the Planning Commission on December 13, 2022, by a vote of 11 to 1.

The properties are currently designated Low-Medium Density Residential on the Future Land Use Map (FLUM). The proposed Residential Suburban – 10 (RS-10) zoning is consistent with the designated Future Land Use. If the proposed zoning is approved, there will be no change to the Future Land Use Map designation of Low-Medium Density Residential.

Mayor O’Neal opened the public hearing and called for any speakers to the item.

Patrick Byker introduced himself from Morningstar Law Group representing the applicant; asked for a continuance to the May 15, 2023 City Council meeting; and stated he wanted to modify the proposal before presenting to Council. Council Members unanimously approved his continuance request.

Mayor O’Neal closed the public hearing.

Due to the continuance request to May 15, 2023 City Council meeting, there was no vote taken on the following motions related to the UDO amendment and Consistency Statement:

No vote taken. To adopt an ordinance amending the Unified Development Ordinance by taking property out of the Industrial Light (IL), Falls/Jordan District B (F/J-B), County Jurisdiction and establishing the same as Industrial Light (IL), Falls/Jordan District B (F/J-B), City Jurisdiction.

No vote taken. To adopt a Consistency Statement as required by NCGS 160D-605.

SUBJECT: CONSOLIDATED ANNEXATION – 1300 OLD OXFORD ROAD (ITEM 16/ PR #16109)

Brooke Roper, City-County Department 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 Katie Hamilton, of Gander Development, for one parcel of land totaling 6.25 acres and located at 1300 Old Oxford Road. This annexation petition is for a contiguous expansion of the primary corporate limits to allow for the development of between two to three commercial, office, and storage buildings, currently allowed within the Unified Development Ordinance.

The properties are currently designated Industrial on the Future Land Use Map (FLUM). The proposed Industrial Light (IL) zoning is consistent with the designated use shown on the FLUM. If the proposed zoning is approved, there will be no change to the Future Land Use Map designation of Industrial.

As part of this annexation petition, the applicant is not seeking a change in the underlying zoning district. A direct translational zoning is one in which the existing County zoning is translated to the identical City zoning district upon the annexation of the property into the City limits. A translational zoning does not include a development plan, and any future development may proceed according to what the zoning would allow. While the current use of the property is an abandoned manufacturing facility and recreational courts, future development under the existing zoning of Industrial Light (IL) allows for agricultural activities; a variety of public and civic uses such as schools, places of worship, and medical facilities; commercial uses such as restaurants, retail, and indoor recreation; office space; and light industrial facilities.

Katie Hamilton, representative for the applicant, spoke in favor of the item, provided background, and had a presentation prepared.

Council Member Williams requested a copy of the presentation via email.

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

Proponents

Natalie Pickett, a resident of Durham and representative of the Oxford Hamlin Community Coalition, spoke as a proponent for the item. She spoke to their engagement with the developer and continued collaborative efforts.

Helena Cragg, a resident of Durham, spoke as a proponent and thanked the developer for their community engagement regarding blasting.

Katie Hamilton had no rebuttal and thanked the speakers.

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

Council Members Caballero and Freeman thanked the community members and developer for their collaborative efforts.

Council Members inquired how close the project was to the County line.

Ms. Hamilton responded that the property to the West is within City limits.

Council Member Williams stated the concerns revolving water wells and blasting in the area.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt an ordinance annexing '1300 Old Oxford' into the City of Durham effective June 30, 2023; and

to authorize the City Manager to enter into a utility extension agreement with Gander Development LLC, was approved at 8:24 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Absent: None

ORDINANCE #16123

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 Industrial Light (IL), Falls/Jordan District B (F/J-B), County Jurisdiction and establishing the same as Industrial Light (IL), Falls/Jordan District B (F/J-B), City Jurisdiction, was approved at 8:25 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Absent: None

ORDINANCE #16124

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt a Consistency 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, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200049A, 1300 Old Oxford Road

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2200049A, 1300 Old Oxford Road, is based upon review of consistency with the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2200049A, 1300 Old Oxford Road' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment 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 'Z2200049A, 1300 Old Oxford Road' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

SUBJECT: CONSOLIDATED ANNEXATION – 2142 E. GEER STREET (ITEM 17/ PR #16110)

Brooke Roper, City-County Department 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 Srinivas Rao Gurram for one parcel of land totaling 8.29 acres and located at 2142 East Geer Street. This annexation petition is for a contiguous expansion of the primary corporate limits. The intent of the annexation is for the development of a convenience store with a gas station.

The properties are currently designated Commercial and Low Density Residential on the Future Land Use Map (FLUM) (Attachment C). The proposed Commercial Neighborhood (CN) and Residential Rural (RR) zoning is consistent with the designated use shown on the FLUM. If the proposed zoning is approved, there will be no change to the Future Land Use Map designation of Commercial and Low Density Residential.

As part of this annexation petition, the applicant is not seeking a change in the underlying zoning district. A direct translational zoning is one in which the existing County zoning is translated to the identical City zoning district upon the annexation of the property into the City limits. A translational zoning does not include a development

plan, and any future development may proceed according to what the zoning would allow. While the current use of the property is a vacant commercial residence, future development under the existing zoning of Commercial Neighborhood and Residential Rural allows for retail sales and services, and public and civic uses.

Tim Sivers, representative for the applicant, spoke in favor of the item and provided a brief presentation.

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

Proponents

Mike Andrews, a Durham County resident, spoke in support of the applicant. He stated there was no current walkable convenience store in that area and how it would benefit the community.

Mr. Gurram introduced himself as a small business owner and an India native. He expressed wanting to expand his business and spoke to how he considers himself and his family part of the Durham community.

Pam Andrews, Durham resident, expressed her support for the applicant. She acknowledged the friendliness and familial aspects of Mr. Gurram's business and the need for their store within that area.

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

MOTION by Council Mayor Pro Tempore Middleton, seconded by Council Member Holsey-Hyman, to adopt an ordinance annexing '2142 E Geer Street' into the City of Durham effective June 30, 2023; and

to authorize the City Manager to enter into a utility extension agreement with Aki Investment Group LLC, was approved at 8:36 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

ORDINANCE #16125

MOTION by Council Member Holsey-Hyman, seconded by Mayor Pro Tempore Middleton, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Commercial Neighborhood (CN) and Residential Rural (RR), Falls/Jordan District B (F/J-B), County Jurisdiction and establishing the same as Commercial neighborhood (CN) and Residential Rural (RR), Falls/Jordan District B (F/J-B), City Jurisdiction, was approved at 8:37 p.m. by the following vote: Ayes: Mayor

O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

ORDINANCE #16126

MOTION by Council Member Johnson, seconded by Mayor Pro Tempore Middleton, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:37 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200015A, 2142 East Geer Street

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 THERFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2200015A, 2142 E Geer Street, 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 ‘Z2200015A, 2142 E Geer Street’ 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 ‘Z2200015A, 2142 E Geer Street’ 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 – 2201 WEST CORNWALLIS (ITEM 18/ PR #16114)

A request for a zoning map change has been received from Terry Naranjo, of Stewart Inc., for six parcels of land totaling 7.487 acres and located at 2201 West Cornwallis Road. The current zoning is Residential Suburban – 20 (RS-20) and Commercial General (CG). The applicant proposes to change this designation to Planned Development Residential 13.024 to allow for the construction of up to 90 apartment units.

The properties are currently designated Commercial and Recreation and Open Space on the Future Land Use Map (FLUM). The proposed Planned Development Residential 13.024 (PPR 13.024) zoning is inconsistent with the designated Future Land Use. If the proposed zoning is approved, staff recommends a change to the FLUM to designate the Commercial designation as Medium High Density Residential (8-20 DU/Acre) and retain the current Recreation and Open Space designation.

Mayor O’Neal opened the public hearing and called for speakers to the item and requested commenting be limited to two minutes per speaker.

Proponent

Ernie Brown, the applicant, introduced himself along with Tim Somerville and Jeremy Potter. They detailed the project, an apartment complex consisting of up to 90 units; provided a brief presentation inclusive of a traffic calming analysis performed; and proffered 5 units at 60% area median income (AMI) and a cash contribution of \$100,000 to the Affordable Housing Fund.

Opponents

Brent Strawn, a resident of Durham and a Duke University Professor, expressed his concerns for the project proposed and how it would impact the area negatively for pedestrians, bikers and environmentally. He stated how the Durham Planning Commission was not supportive of the project.

Alan Dippy, a resident of Durham, stated he was a long time bike commuter in the City. He spoke in opposition of the project and how Cornwallis Road is a dangerous road for cyclists as it has no shoulders or bike lanes.

Daneen Warner, a resident of Durham and a hospice clinician, spoke in opposition of the project; and shared her personal experience on Cornwallis Road with her grandchildren.

Paloma Liton, resident of Durham, spoke in opposition of the project; and stated the proximity to 15-501 and cycling/e-bike safety concerns.

Karesa Edwards, resident of Durham, spoke in opposition of the project and how impervious surface was a factor.

Lewis Carson, resident of Durham, expressed his concerns for the project; and stated traffic safety issues, pedestrian accessibility, and spatial issues.

Rich Foley, a resident of Durham and an avid biker and runner, spoke in opposition of the project; and expressed concerns for safety issues for runners, pedestrians, and cyclists.

Leslie Laufer, longtime resident of Durham, expressed her concerns for traffic issues with the project; and stated the developer had not committed to financing additional costs with road improvements or roundabouts in order to mitigate the project.

Arthur Zuco, resident of Durham, spoke in opposition of the project; stated how the development was not capable of 90 units; and how the development poses risk to neighboring communities.

Thomas Billington, resident of Durham, expressed his concerns regarding traffic safety, bicyclists, and flooding.

Larry Reed, resident of Durham, stated the amount of flooding within his neighboring community; and stated his concerns of further flooding damages by the proposed project.

Mike Kirlauski, resident of Durham and a Canterbury HOA board member, stated his concerns; and stated the lack of collaborative efforts from the developer.

Sara Curtis, resident of Durham, stated her opposition of the project and echoed the previous speakers' statements.

Janise Smith, resident of Durham, stated how the pictures presented did not accurately represent what the traffic was like in the area.

Joni Hohmeier expressed concerns with safety, inclusive of illegal u-turns, and her opposition for the project.

Rick Larson presented photos of flooding in Colony Park, close to the proposed development, over the past 15 years; and stated the lack of alternative transportation in the area.

Applicant Rebuttal

Mr. Brown and Mr. Potter reiterated how the proposed traffic plan for the project had been approved by the Department of Transportation (DOT); presented traffic accessibility; stated continued collaborative efforts with the DOT for safety concerns; stated how the project is in compliance with the UDO; reiterated how the development would not impact or alter the storm water flows; and cited areas of disturbance within the plan.

Mr. Brown stated his community engagement within the area and his biking background.

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

Mayor Pro Tempore Middleton discussed UDO compliance; the number of units proposed; and inquired the exact number of community meetings held and attendance.

Mr. Brown stated they held between 10-15 meetings to discuss community concerns; the height of the proposed building; and a proposed greenspace.

Mayor Pro Tempore Middleton inquired about the 5 proposed units at a lowered AMI.

Mr. Brown responded that it would be a thirty-year commitment at a minimum.

Council Member Caballero inquired about what could be ‘built by right’ within the proposed area.

Ms. Roper responded that it could hold up to 6 residential units and a fast food drive through location for the commercial portion of the site.

Assistant Transportation Director Bill Judge stated that a fast food location would have a significantly higher amount of trips than the proposed apartment units.

Council Member Caballero inquired as to the median price of six homes within this area; and shared her community engagements regarding the proposal.

Mr. Brown responded the closest neighborhood comparison home sold was \$833,000.

Council Member Johnson inquired about capacity counts utilized in the traffic analysis conducted by the DOT; levels of service; and the expected impact on them.

Mr. Potter described the intersections analyzed and the annual average daily traffic (AADT) as being 5,000 vehicles per day; described the levels of service varying on the intersections by the proposed development; and cited their minimal impacts.

Council Member Freeman inquired the degrees of traffic analysis through school bus monitoring; sewage overflow issues; and previous subdivision building in floodplain areas.

Mr. Brown explained the amount of school buses presented was taken from a Planning Commission meeting; and stated how the proposal did not anticipate an impact on school transportation in the area.

City-County Planning Director Sara Young explained how existing site plans cannot be retroactively required to make improvements; and stated how new developments will look at historic flooding in the area and will require additional storm water requirements.

Council Member Williams inquired about the current zoning designation; traffic patterns of a smaller proposed development; and the possibility of a retention pond.

Assistant Director Judge explained that there would not be any major impacts if the proposed development were to lower the amount of units.

Mr. Potter explained the retention structure proposed.

Mr. Somerville explained the traffic patterns proposed.

Mr. Brown explained the potential access point to the future Sandy Creek extension; and explained his timeline for execution.

MOTION by Mayor Pro Tempore Middleton, 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) and Commercial General (CG) and establishing the same as Planned Development Residential 13.024 (PDR 13.024), was approved at 10:38 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Johnson, and Williams. Noes: Mayor O’Neal, Council Members Freeman and Holsey-Hyman. Absent: None

ORDINANCE #16127

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 10:38 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, and Williams. Noes: Council Member Holsey-Hyman. Absent: None

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200008, 2201 West Cornwallis Road

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2200008, 2201 West Cornwallis Road, is based upon review of consistency with the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2200008, 2201 West Cornwallis Road' 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 'Z2200008, 2201 West Cornwallis Road' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

[OTHER MATTERS]

None

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 10:37 p.m.

Paola R. Roland
Assistant City Clerk

Diana Schreiber, CMC
City Clerk