

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 1, 2022
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 Elaine 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 City Clerk Paola Roland.

[CALL TO ORDER]

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

[CEREMONIAL ITEMS]

Council Member Holsey-Hyman read in to the record the National Night Out Proclamation and presented it to Deputy Chief Melissa Bishop, of the Durham Police Department.

Mayor O’Neal read into the record the Patience and Kindness Month Proclamation and presented it to Deputy City Manager Keith Chadwell.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Freeman thanked her colleagues for her previous excused absence; spoke to her attendance at a National League of Cities Conference; and addressed the historic nature of building located at 505 W. Chapel Hill Street.

Council Member Caballero looked forward to the National Night Out festivities.

Mayor Pro Tempore Middleton congratulated the Police Department for unveiling the ShotSpotter map and highlighted his council colleagues for how they are also addressing root cause issues as they pertained to lived experiences.

Council Member William gave a standing ovation for Cameron Peates, a young African American boy, who was designated an ‘Elected Official’ for a day.

Council Member Johnson recognized that August 1st was the first day of Black August which honored black history and reminded the Council of her excused absence for the upcoming work session on August 4, 2022.

Council Member Holsey-Hyman expressed excitement about her attendance at National Night Out.

Mayor O'Neal introduced her intern Danielle Nolan; requested an excused absence at the August 4, 2022 Work Session; gave a brief update on COVID-19 and Monkey Pox and how it is affecting the community; congratulated the Bull City Little League for making it to the Regional Tournaments; and laid out a blueprint for more in-depth work regarding housing.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to excuse Mayor O'Neal and Council Member Johnson from the August 4, 2022 Work Session, was approved at 7:25 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.

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

City Manager Page thanked Deputy HR Director J.J Scott who acted as the Interim Director of Human Resources while the City searched for a new Director and introduced the new Human Resources Director, Robin Wynn.

Robin Wynn thanked the City for the opportunity to lead the Human Resources Department.

City Manager Page noted that Agenda Items 18 and 19 had revisions made to the attachments and Agenda Item 32 had additional information included.

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

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR# 15559)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to approve the City Council minutes for the following meetings: May 18, 2022 Special Meeting - ARPA, May 19, 2022 Work Session, May 25, 2022 Special Meeting - Budget, May 26, 2022 Special Meeting - Budget, and June 6, 2022 Regular Meeting, was approved at 7:37 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.

SUBJECT: AUDIT SERVICES OVERSIGHT COMMITTEE – APPOINTMENT (ITEM 2/ PR #15555)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Emily C. Yeatts to the Audit Services Oversight Committee representing

Business Community (Finance) with the term to expire on June 30, 2026 (Due to the term expiration of Shanell S. Frazer), was approved at 7:37 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.

SUBJECT: CAROLINA THEATRE OF DURHAM BOARD OF TRUSTEES – APPOINTMENT (ITEM 3/ PR #15560)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Tynetta Walker to the Carolina Theatre of Durham Board of Trustees with skills in the areas of business, finance, arts and culture or community relations. The term will expire on June 30, 2025 (Due to the term expiration of Marc S. Lee), was approved at 7:37 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.

SUBJECT: CITIZENS ADVISORY COMMITTEE – APPOINTMENT (ITEM 4/ PR #15553)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Ann Rebeck to the Citizens Advisory Committee with the term to expire on June 30, 2024 (Due to the resignation of Dr. Monique Holsey-Hyman), was approved at 7:37 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.

SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD – APPOINTMENT (ITEM 5/ PR #15547)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Torrey Swain to the Durham City-County Environmental Affairs Board representing an At-Large Resident with the term to expire on June 30, 2025 (Due to the term expiration of Chastan Swain), was approved at 7:37 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.

SUBJECT: DURHAM CONVENTION CENTER AUTHORITY - MAYORAL APPOINTMENT (ITEM 6/ PR #15554)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Ari S. Medoff as Mayor’s Appointee to the Durham Convention Center Authority with the term to begin on August 1, 2022 and to expire on July 31, 2025 (Due to the term expiration of Lewis H. Myers), was approved at 7:37 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.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION – APPOINTMENTS (ITEM 7/ PR #15551)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint W. Vinson Pierce III representing Ward 1 and Terence Priester representing Ward 2 to the Durham Open Space & Trails Commission with the terms to expire on June 30, 2025 (Due to the term expirations of Laura Stroud and Luis Suau), was approved at 7:37 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.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION - MAYORAL APPOINTMENT (ITEM 8/ PR #15549)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to reappoint Bryan Luukinen as Mayor's Appointee to the Durham Open Space & Trails Commission with the term to expire on June 30, 2025 (Due to the term expiration of Bryan Luukinen), was approved at 7:37 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.

SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE – APPOINTMENT (ITEM 9/ PR #15552)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Alice L. Sharpe to the Durham Performing Arts Center Oversight Committee representing Business (Finance) with the term to expire on March 1, 2025 (Due to the term expiration of Susan Callaghan), was approved at 7:37 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.

SUBJECT: DURHAM WORKERS' RIGHTS COMMISSION – APPOINTMENT (ITEM 10/ PR #15546)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Krista T. Kenney to the Durham Workers' Rights Commission representing the category of Diverse Backgrounds. The term will expire on April 30, 2023 (Due to the resignation of Bianca Olivares), was approved at 7:37 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.

SUBJECT: PARTICIPATORY BUDGETING STEERING COMMITTEE – APPOINTMENTS (ITEM 11/ PR #15550)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint John W. Jordan, Kenneth Webb, and Cynthia Wood representing At-Large

and to appoint Prince C. Rivers representing Youth to the Participatory Budgeting Steering Committee. The terms will expire on June 30, 2025 (Due to the term expirations of Victoria Bright, Jenn Frye, A. Demarcus Williams, and Riley Reeves), was approved at 7:37 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.

SUBJECT: RACIAL EQUITY COMMISSION – APPOINTMENT (ITEM 12/ PR #15545)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Jordan Vereen to the Racial Equity Commission representing Durham Public Schools - Youth Category with the term to expire on August 1, 2025, was approved at 7:37 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.

SUBJECT: RECREATION ADVISORY COMMISSION – APPOINTMENTS (ITEM 13/ PR #15548)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Lesley J. Stracks-Mullem and Teah Rawlings to the Recreation Advisory Commission with the terms expiring on August 8, 2025; and to reappoint Jill S. Thomas to the Recreation Advisory Commission with the term to expire on August 8, 2025 (Due to the term expirations of Lesley Stracks-Mullem, Frank White, and Jill S. Thomas), was approved at 7:37 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.

SUBJECT: BID REPORT – MAY AND JUNE 2022 (ITEM 14/ PR #15571)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to receive a report on the bids that were acted upon by the City Manager in May and June 2022, was approved at 7:37 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.

- 1. **Bid:** OTTO Environmental Systems, Inc.

Purpose of Bid: Provides the Solid Waste Department with (728) 95 gal Brown – Yard Waste.

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

Opened: 5/9/22

Bidders:

Vendor	Qty	Price	Total Cost
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OTTO Environmental Systems, Inc. Charlotte, NC	728	\$ 62.00	\$ 45,136.00
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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	46	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

2. **Bid:** OTTO Environmental Systems, Inc.

Purpose of Bid: Provides the Solid Waste Department with (728) 95 gal REC Carts – (Cobalt Blue)
(728) 95 gal TR Carts – (Forest Green)

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

Opened: 5/9/22

Bidders:

Vendor	Qty	Price	Total Cost
OTTO Environmental Systems, Inc. Charlotte, NC	1456	\$ 62.00	\$ 90,272.00

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	46	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

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

Purpose of Bid: Provides the Department of Fleet Maintenance with various lifts, model #01ctt mechanical installation for labor and travel to remove current components of MOD#30 lift and replace with new MOD#35.

Comments: Priced in accordance with NASPO Contract #05316.

Opened: 5/6/2022

Bidders:

Vendor	Qty	Price	Total Cost
Vehicle Service Group LLC Madison, IN	1	\$ 124,049.19	\$ 124,049.19

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	6	0	6
Labor	171	140	31
Total	310	244	66

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

4. **Bid:** Heavy Equipment Rental

Purpose of Bid: Provides the Water Management with rental fee from 4/5/2022 to 5/2/2022
 Make: MOK model: mst2200vdr GPEC id: eq084063 Serial No: AR224191 Meter: 1127

Comments: Priced in accordance with Rental Contract # RTR124144

Opened: 5/6//22

Bidders:

Vendor	Qty	Price	Total Cost
Gregory Poole Equipment Co. Raleigh, NC	1	\$ 11,110.00	\$ 11,110.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

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

UBE/SLBE REQUIREMENTS - MALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	22	0	0	0	0
Technical	8	0	0	0	0
Clerical	57	0	2	0	0
Labor	262	2	8	1	0
Total	349	2	10	1	0

UBE/SLBE REQUIREMENTS - FEMALES

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

5.Bid: Fire Fighting Equipment

Purpose of Bid: Provides the Fire Department with (14) Globe Dark Gold Agility GXL Coats at \$1,285.00 , (14) Globe Dark Gold Agility Pants at \$1,085.00, and (104) 3 Inch Velcro Letter Patches for a total cost of \$33,424.00.

Comments: Priced quote is in accordance with the City of Durham purchasing guidelines for competitive purchase.

Opened: 4/25/2022

Bidders:

Vendor	Qty	Price	Total Cost
Newton's Fire and Safety Graham, NC	1	\$ 33,424.40	\$ 33,424.40
MES Fire Charlotte, NC	1	\$ 34,560.00	\$ 34,560.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	3	2	1
Professional	16	15	1
Technical	0	0	0
Clerical	2	0	2
Labor	3	3	0
Total	24	20	4

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	15	0	0	0	0

Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	3	0	0	0	0
Total	20	0	0	0	0

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

6. Bid: Truck Equipment

Purpose of Bid: Provides the Parks and Recreation Department with (4) Tippers with labor and materials total cost of \$20,201.76.

Comments: Priced quote in accordance with previous ordering standardization for City of Durham truck equipment.

Opened: 5/5/2022

Bidders:

Vendor	Qty	Price	Total Cost
Ammick Equipment Mebane, NC	1	\$ \$20,201.76	\$ \$20,201.76

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE

Employment Category	Employees	Males	Females
Project Mgr.	3	2	1
Professional	21	18	3
Technical	0	0	0
Clerical	1	0	1
Labor	0	0	0
Total	25	20	5

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	18	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	20	0	0	0	0

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

Total	4	1	0	0	0
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7. Bid: Water Plant Maintenance

Purpose of Bid: Provide the Water Department with services to remove and replace hypochlorite and sample port.

Comments: Emergency due to leaks that had developed. Failure of this repair would have had major hazardous health and safety implications. This purchase is in accordance with GS 143-129(e)(2) (for Special Emergencies involving public health).

Opened: 5/6/2022

Bidders:

Vendor	Qty	Price	Total Cost
Carolina Civil Works Inc. Raleigh, NC	1	\$ 32,813.00	\$ 32,813.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	7	0
Professional	0	0	0
Technical	0	0	0
Clerical	2	0	2
Labor	76	76	0
Total	85	83	2

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	26	2	48	0	0
Total	33	2	48	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	2	0	0	0	0
Labor	0	0	0	0	0
Total	2	0	0	0	0

8. Bid: Water and Sewer Maintenance

Purpose of Bid: Provide the Water Department with services for (50) Sentryx Pressure Monitoring (Smart Hydrant)

Comments: Comments: Priced in accordance with Authorized Distributor and Sole Source provider

Opened: 6/16/2022

Bidders:

Vendor	Qty	Price	Total Cost
MULLER CO. LLC Chicago, IL	50	\$ 390.00	\$ 19,500.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	34	34	0
Professional	46	40	6
Technical	0	0	0
Clerical	3	0	3
Labor	63	63	0
Total	146	137	9

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	34	0	0	0	0
Professional	40	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	1	24	37	0	1
Total	75	24	37	0	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	6	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	0	0	0	0	0
Total	9	0	0	0	0

9. **Bid:** Transportation Traffic Vehicles

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) 2022 Escape PHEV 4Dr FWD SE (UOE)

Comments: Price in accordance with City of Durham Purchasing Guidelines.

Opened: 5/20/22

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	1	\$ 31,070.00	\$ 31,070.00
University Ford Durham, NC	1	\$ 35,935.00	\$ 35,935.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	8	7	1
Professional	9	7	2
Technical	20	20	0
Clerical	6	0	6
Labor	9	9	0
Total	52	43	9

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	6	1	0	0	0
Technical	18	1	1	0	0
Clerical	0	0	0	0	0
Labor	4	2	3	0	0
Total	35	4	4	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	6	0	0	0	0
Labor	0	0	0	0	0
Total	9	0	0	0	0

10.Bid: Technology Solutions

Purpose of Bid: Provides the Department of Technology Solutions with OnBase Agenda and Contract Services

Comments: Priced in accordance with GSA #GS35F-249DA Contract Pricing.

Opened: 4/11/22

Bidders:

Vendor	Qty	Price	Total Cost
NEXT PHASE SOLUTIONS LLC Oviedo, FL	1	\$ 72,848.60	\$ 72,848.60

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	11	8	3
Technical	0	0	0
Clerical	1	0	1

Labor	0	0	0
Total	12	8	4

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	1	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	7	1	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	1	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	3	0	0	1	0

11. Bid: Vehicles

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) 2023 Isuzu NRR Service Truck

Comments: NC Sheriff Association Contract #22-06-0426 2023,

Opened: 6/20/22

Bidders:

Vendor	Qty	Price	Total Cost
Transource Inc. Kernersville, NC	1	\$ 84,196.05	\$ 84,196.05

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

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

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

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

SUBJECT: 911 STAFFING PERFORMANCE AUDIT JUNE 2022 (ITEM 15/ PR #15544)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to receive the 911 Staffing Performance Audit June 2022 approved at the June 13, 2022 Audit Services Oversight Committee meeting, was approved at 7:37 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.

SUBJECT: SELECTION OF THE EXTERNAL AUDITOR (ITEM 16/ PR #15561)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a contract and accompanying engagement letter with Cherry, Bekaert, LLP to audit the City’s annual financial statements for FY2022 for a fee of \$75,500. This contract is the second year of a three-year contract in a total amount of \$242,500, was approved at 7:37 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.

SUBJECT: ORDINANCE TO AMEND VARIOUS SECTIONS OF THE DURHAM CITY CODE TO ENSURE COMPLIANCE WITH N.C.G.S. §160A-175 (ITEM 17/ PR #15570)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to adopt an Ordinance to amend the Durham City Code to remove criminal penalties from certain sections, and to reinforce that criminal penalties may be applied to certain other sections, as required by N.C.G.S. §160A-175, was approved at 7:37 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 #115982

SUBJECT: 2023 CITY COUNCIL MEETING SCHEDULE (ITEM 18/ PR #15562)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to approve the 2023 City Council Meeting Schedule; and to adopt an Ordinance cancelling the City Council Work Sessions on June 22, 2023 and July 6, 2023, and cancelling the City Council Meeting on July 17, 2023, was approved at 7:37 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 #15983

SUBJECT: OPIOID SETTLEMENT FUNDS (OSF) – LINCOLN COMMUNITY HEALTH CENTER INCORPORATED GRANT AGREEMENT (ITEM 19/ PR #15556)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to adopt the National Settlement Agreement with the Pharmaceutical Supply Chain Participants Grant Project Ordinance, and to authorize the City Manager to enter into a sub-recipient grant agreement with Lincoln Community Health Center, Incorporated to serve as the non-profit administrator of the opioid abatement strategies between August 1, 2022 - June 30, 2027 for total contract amount not to exceed \$992,082, was approved at 7:37 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 #15984

SUBJECT: APPROVAL OF A MULTIFAMILY HOUSING FACILITY TO BE KNOWN AS 300 EAST MAIN IN THE CITY OF DURHAM, NORTH CAROLINA WITH THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS (ITEM 21/ PR #15563)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to adopt a resolution providing approval of a multifamily housing facility known as 300 East Main in the City of Durham, North Carolina; and to approve the financing thereof with multifamily housing revenue bonds in an aggregate amount not to exceed \$22,500,000, was approved at 7:37 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.

RESOLUTION #10263

SUBJECT: CONTRACT WITH VOLUNTEERS OF AMERICA OF THE CAROLINAS, INC. (VOAC) TO PROVIDE SERVICES FOR HOMELESSNESS COORDINATED ENTRY WITH DIVERSION (ITEM 22/ PR #15523)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a two-year contract with Volunteers of America of the Carolinas, Inc. (VOAC) for Coordinated Entry with Diversion in the amount of \$955,000, funded with Dedicated Housing Funds, was approved at 7:37 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.

SUBJECT: TRI-PARTY AGREEMENT WITH THE NORTH CAROLINA HOUSING FINANCE AGENCY AND THE NORTH CAROLINA HOMEBUILDERS ASSOCIATION FOR THE CONSTRUCTION TRAINING PARTNERSHIP (ITEM 23/ PR #15567)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a Tri-Party Agreement with the North Carolina Housing Finance Agency (NCHFA) and the North Carolina Homebuilders Association (NCHBA) and to provide \$71,400 in City Dedicated Housing Funds to NCHBA for the Construction Training Program;

to authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Construction Training Program to include documents related NCHFA's financial contribution to the City's affordable housing work; and

to adopt the City of Durham/NCHFA grant project ordinance in the amount of \$65,000, was approved at 7:37 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 #15985

SUBJECT: CONSTRUCTION CONTRACT TO CROFTON DIVING CORPORATION FOR LITTLE RIVER AND LAKE MICHIE RESERVOIR SAFETY IMPROVEMENTS AND MISCELLANEOUS REHABILITATION ITEMS (ITEM 24/ PR #15536)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with Crofton Diving Corporation for construction of Little River and Lake Michie Reservoir Safety Improvements in the amount of \$942,911;

to establish a contingency fund for the contract in the amount of \$94,000; and

to authorize the City Manager to negotiate change orders for the contract provided the cost of all change orders together with the original contract amount does not exceed \$1,036,911, was approved at 7:37 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.

SUBJECT: CHANGE ORDER NO. 2 TO THE CONTRACT WITH INCLINE CONSTRUCTION INCORPORATED FOR THE DURHAM CONVENTION CENTER REPAIR PROJECT (ITEM 26/ PR #15580)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a change order to the construction contract with Incline Construction Incorporated for the Durham Convention Center Repair Project in the amount of \$190,594, increasing the contract amount to \$670,548.85;

to establish a contingency fund for the contract in the amount of \$20,000; and

to authorize the City Manager to negotiate and execute amendments to the construction contract provided the total project cost does not exceed \$690,548.85, was approved at 7:37 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.

SUBJECT: CONSTRUCTION SERVICES CONTRACT WITH WHITE OAK CONSTRUCTION CORP. OF N.C. FOR THE CHAPEL HILL ROAD TRANSIT CORRIDOR IMPROVEMENT PROJECT (ITEM 27/ PR #15565)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with White Oak Construction Corp. of N.C. for the Chapel Hill Road Transit Corridor Improvement project in the amount of \$461,969;

to establish a contingency fund for the contract in the amount of \$55,500; and

to authorize the City Manager to negotiate and execute change orders to the contract, provided the total contract cost does not exceed \$517,469, was approved at 7:37 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.

SUBJECT: CONTRACT AMENDMENT NO. 2 FOR GEOTECHNICAL ENGINEERING AND MATERIALS TESTING SERVICES WITH A1 CONSULTING, INC. FOR FIRE AND EMS STATION 18 (ITEM 28/ PR #15577)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute Amendment No. 2 to the geotechnical engineering and materials testing services contract with A1 Consulting, Inc., increasing the contract to \$67,380;

to establish a contingency fund for the contract in the amount of \$15,000; and

to authorize the City Manager to negotiate and execute amendments to the contract provided the total project cost does not exceed \$82,380, was approved at 7:37 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.

SUBJECT: MODIFICATION OF GMP AMENDMENT TO THE DESIGN-BUILD AGREEMENT WITH MONTEITH CONSTRUCTION CORP. FOR FIRE AND EMS STATION 18. (ITEM 29/ PR #15581)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a modification of the GMP Amendment with Monteith Construction Corp. for Fire and EMS Station 18 to establish a contractor's contingency in the amount of \$100,000 and to pay for escalation cost increases in the amount of \$155,329, increasing the GMP Amendment amount of \$6,717,922;

to establish a revised City contingency fund for the contract in the amount of \$150,000; and

to authorize the City Manager to negotiate and execute amendments to the GMP Amendment with Monteith Construction Corp. provided the GMP Amendment cost does not exceed \$6,867,922, and the total D-B Agreement cost does not exceed \$7,438,991, was approved at 7:37 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.

SUBJECT: UPDATE ON DISPOSITION AND REDEVELOPMENT OF THE PROPERTY LOCATED AT 505 W. CHAPEL HILL STREET (ITEM 30/ PR #15564)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to receive a presentation on the disposition and redevelopment of 505 W. Chapel Hill Street; and to reject all proposals received in response to the Request for Proposals issued February 2, 2022, for the purchase and redevelopment of 505 W. Chapel Hill Street, was approved at 7:37 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.

SUBJECT: CITY OF DURHAM YOUTHWORKS PROGRAM – DURHAM TECHNICAL COMMUNITY COLLEGE CONTRACT FISCAL YEAR 2022-23 (ITEM 37/ PR #15588)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with Durham Technical Community College to provide work-readiness curriculum instruction and to process program stipend payments in an amount not to exceed \$436,800, was approved at 7:37 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.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONSOLIDATED ANNEXATION - CAROLINA CIVIL WORKS (ITEM 31/ PR #15575)

Brooke Roper, 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 affidavits of all notices were 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 Chad Green of Green Investment Group LLC for one parcel of land totaling 7.86 acres and located at 3511 US highway 70 East. The annexation petition was for a non-contiguous expansion of the area of land within the City of Durham limits. The annexation was not contiguous to an existing City satellite or the corporate City boundary. The applicant was petitioning into the City limits to connect to City water and sewer services. The annexation petition did not have a concurrent zoning map change application, which was also known as a direct translational zoning. A direct translational zoning is when the existing County zoning was translated to the identical City zoning district upon the annexation of the property into the City.

A translational zoning did not include a development plan, and any future development may proceed according to what the underlying zoning would allow. The current use of the property was an industrial manufacturing facility, future development under the underlying zoning of Industrial light allowed for additional uses under the industrial light designation. The properties were currently designated Industrial on the Future Land Use Map. Staff recommended that City Council approve the annexation petition, utility extension agreement, and the initial translational zoning. Although the proposal was non-contiguous, the area surrounding the proposal was anticipated to become part of corporate City limits in the future as growth continues to the County line. The City limits just southwest and east of the parcel were within half to three quarters of a mile away. In addition, the proposal provided an opportunity for an industrial use along a major corridor bringing needed industry and jobs to the area.

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

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

Mayor Pro Tempore Middleton expressed his support for the item.

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance annexing 'Carolina Civil Works' into the City of Durham effective September 30, 2022; and

to authorize the City Manager to enter into a utility extension agreement with Green Investment Group, LLC, was approved at 7:44 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 #15986

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), County Jurisdiction and establishing the same as Industrial Light (IL), City Jurisdiction, was approved at 7:44 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 #15987

SUBJECT: PARTIAL CLOSING OF HENDERSON STREET (ITEM 32/ PR #15566)

Cole Renigar, 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 affidavits of all notices were on file in the Planning Department and made himself available for any questions on the item.

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

Mayor Pro Tempore Middleton asked if the street had any potential value.

Mr. Renigar stated that the location was only open space.

Scott Harmon, a representative for the applicant, made himself available for any questions.

Mayor Pro Tempore Middleton asked what was the intention of the street closure.

Mr. Harmon stated that they needed the closure to move forward with their renovations.

Council Member Holsey-Hyman asked if there was a single-family home on the street.

Mr. Harmon advised that there were single family homes one street over but were not on Henderson Street.

Council Member Freeman inquired about community engagement efforts.

Mr. Harmon stated that the development team sent out notices to residents within 600 feet of the proposed development and hosted a neighborhood meeting although they were not required to.

Council Member Freeman applauded their outreach efforts.

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

MOTION by Council Member Williams, seconded by Council Member Caballero, to close a 157.05' portion of Henderson Street, was approved at 7:52 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.

**CITY OF DURHAM
ORDER PERMANENTLY CLOSING A 157.05 LINEAR FOOT PORTION OF
HENDERSON ST.
(SC2100002)**

WHEREAS, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

WHEREAS, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in **Attachment A**, attached hereto and incorporated herein for **August 1, 2022**; and

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for four successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham City Council at its regular meeting on **August 1, 2022** meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the City Council of the City of Durham having carefully considered the question of permanently closing the streets or alleys or portion thereof as it more fully described in **Attachment A**, finds:

1. That closing of the streets or alleys described in **Attachment A** is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the streets described in **Attachment A** are permanently closed under the authority of GS 160A-299(a).
2. That utility easements that may be referenced in **Attachment A** or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in **Attachment A** shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in **Attachment A**.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

ORDINANCE # 15995

**SUBJECT: ZONING MAP CHANGE - DURHAM COUNTY UTILITY
ADMINISTRATION BUILDING (ITEM 33/ PR #15579)**

Brooke Roper, 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 affidavits of all notices were on file in the Planning Department and provided the following staff report:

Brenda Hayes-Bright, of the Durham County Project Management Division, proposed to change the zoning designation of one parcel of land totaling 40.37 acres, and located at 6001 NC HWY 55 in south Durham. The current zoning was Commercial General with a development plan, Office Institutional with a development plan, and Residential Suburban-Multifamily with a development plan. The applicant proposed to change the designation to Industrial Light. No development plan was proposed for the request and the UDO did not require one for the zoning district.

The properties were currently designated industrial and commercial suburban on the Future Land Use Map. The proposed industrial light zoning was inconsistent with the designated Future Land Use of commercial. If the proposed zoning was approved, staff

recommended a change to the commercial portion of the FLUM to designate the property as Industrial. The existing zoning of the site was approved in 2004 through case P03-38. The existing zoning allowed for a combination of office, commercial, and townhouse uses. The Planning Commission recommended approval by a vote of 14-0 at their May 10, 2022 meeting.

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

Paul Young, a representative for the applicant, spoke to the specifics of the item and called for the support by council for its approval.

Mayor Pro Tempore Middleton expressed his support for the item and asked about the level of engagement by residents in the area.

Mr. Young advised that two people attended two community meetings that the development team had hosted.

Mayor Pro Tempore Middleton noted that the item was not a case of imminent domain and expressed the need for the City and County to be mindful of residents in the area.

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

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Caballero, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Commercial General with a Development Plan (CG(D)), Office and Institutional with a Development Plan (OI(D)), and Residential Suburban Multifamily with a Development Plan (RS-M(D)), Falls/Jordan Lake Watershed Protection Overlay-B (F/J-B)] and establishing the same as Industrial Light (IL), Falls/Jordan Lake Watershed Protection Overlay-B (F/J-B), was approved at 8:00 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 #15988

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Caballero, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:01 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 Z2100042, Durham County Utility Administration Building

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 Z2100042, Durham County Utility Administration Building, 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 & Objectives'; regarding the subject 'Z2100042, Durham County Utility Administration Building' 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 D, 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, the applicant's responses to the Community Goals and Objectives in Attachments A and F; regarding the subject 'Z2100042, Durham County Utility Administration Building' 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 - 5202 GARRETT ROAD (ITEM 34/ PR #15578)

Brooke Roper, 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 affidavits of all notices were on file in the Planning Department and provided the following staff report:

Jeremy Anderson of Coulter Jewell and Thames, P.A. proposed to change the zoning designation of one parcel of land located at 5202 Garrett Road totaling 1.098 acres. The current zoning was Residential Suburban-20. The applicant proposed to change the designation to Residential Suburban-Multifamily with a text-only development plan limiting to site a maximum of eight townhouse units.

The property was currently designated Low-Medium Density Residential on the Future Land Use Map. The proposed zoning was consistent with the designation. The Planning Commission recommended approval by a vote of 10-0 at their April 12, 2022 meeting.

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

Jeremy Anderson, the applicant, spoke to the specifics of the item, such as the project being located in a floodplain and the proposed price point of the townhouses.

Council Member Freeman asked if the town houses were going to face the main road.

Mr. Anderson stated that the concept design was to have the front of the townhomes facing the main road.

Mayor Pro Tempore Middleton asked if the amount of proposed homes was a firm number.

Mr. Anderson stated that the amount would be 6-8 homes.

Mayor Pro Tempore Middleton asked what the price point was going to be for the units.

Mr. Anderson advised that they did not have a price point yet.

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

Council Member Freeman asked if there were any conversation on expanding housing choice parameters.

Grace Smith, Assistant Director of Planning, responded that there were no proposed changes to expanding housing choices.

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 Residential Suburban-20 (RS-20) and establishing the same as Residential Suburban-Multifamily with a Text Only Development Plan (RS-M(D)), was approved at 8:10 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 #15989

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:11 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 Z2100017, 5202 Garrett 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 Z2100017, 5202 Garrett Road is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment G, 'Community Goals and Objectives'; regarding the subject 'Z2100017, 5202 Garrett 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 D; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report, the applicant's responses to the Community Goals and Objectives in Attachments A, and Attachment G, 'Comprehensive Plan Consistency Analysis'; regarding the subject 'Z2100017, 5202 Garrett 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: ZONING MAP CHANGE - EAST CORNWALLIS COMMERCIAL (ITEM 35/ PR #15576)

Brooke Roper, 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 affidavits of all notices were on file in the Planning Department and provided the following staff report:

Rajinder Virk of Virk Holdings LLC, proposed to change the zoning designation of one parcel of land totaling 0.982 acres located at 1606 and 1608 East Cornwallis Road. The current zoning was Residential Suburban-20. The applicant proposed to change the designation to Commercial General with a text-only development plan. The request to rezone from Residential Suburban-20 to Commercial General with a text-only development plan that would prohibit the following uses: multifamily, family care home, upper story residential, group living, educational facilities, medical facilities, places of worship, electronic gaming, firing range, nightclub/bar, outdoor recreation, and payday lenders. The property was currently designated Commercial on the Future Land Use Map. The proposed zoning was consistent with the designation. The Planning Commission failed to recommend approval by a vote of 0-10 at their April 12, 2022 meeting.

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

Mayor Pro Tempore Middleton asked for clarity on the staff recommendation.

Ms. Roper advised that if the applicant requested a continuance, then the item should have been referred back to staff and if not, a vote was to be taken at the meeting.

Nil Ghosh, Attorney representing the applicant, spoke to the proposed location of the item, community partners that weighed in on the development, a bus route near the item, and asked Council for their support.

William Love, resident of Durham, spoke in opposition of the item and cited that the proposed development did not fit within the area as the basis for his position.

Council Member Freeman asked about community outreach efforts.

Mr. Ghosh stated that he had been in contact with Mr. Love and his wife previously.

Council Member Freeman asked what the general sentiment of the project was by the residents.

Mr. Ghosh stated that the Loves' were the only residents that he was aware of that opposed the project.

Council Member Williams asked if the proposed development was the only type of development considered.

Mr. Ghosh responded that the applicant did not want dense development in the location and eliminated certain uses that would not fit with some of the current uses.

Council Member Williams asked what the intended use was proposed to be.

Mr. Ghosh responded that an electronic auto repair shop was most likely what the applicant wanted.

Mayor Pro Tempore Middleton asked if the repair shop would only be for electric vehicles.

Mr. Ghosh stated that it was to be for traditional combustible engines and electric.

Mayor Pro Tempore Middleton asked about the representation by staff that if more community engagement was needed then the item was to be referred back to the Planning Department.

Mr. Ghosh responded that his understanding was different and that he expected a vote be taken on the item at the meeting.

Mayor Pro Tempore Middleton probed further on the amount of community engagement that had taken place.

Mr. Ghosh clarified that he asked about the possibility of a continuance the week prior due to a scheduling oversight and not due to more community engagement.

Grace Smith, Assistant Director of Planning, clarified that Mr. Ghosh had inquired about a continuance of the item which prompted staff to consider if that was a possibility. She concluded that it was not and that a referral back to the Department was the only option due to their current caseload.

Mayor Pro Tempore Middleton suggested referring the item back to the Department.

Council Member Johnson stated that the site could have something more than an auto repair shop and expressed that she would not be in support of the item.

Mayor O'Neal echoed the comments made by Council Member Johnson.

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

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Suburban-20 (RS-20) and establishing the same as Commercial General with a Text-Only Development Plan (CG(D)) prohibiting the following uses: multifamily, family care home, upper story residential, group living, educational facilities, medical facilities, places of worship, electronic gaming, firing range, nightclub/bar, outdoor recreation, and payday lenders; **FAILED** at 8:41 p.m. by the following vote: Ayes: None. Noes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Absent: None.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:42 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 Z2100014, East Cornwallis Commercial

That final action regarding zoning map change Z2100014, East Cornwallis Commercial, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable;

Although the proposed zoning map change designation is consistent with the Future Land Use Designation on the property; and

The proposed zoning map change is neither reasonable nor in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: U.S. DEPARTMENT OF TRANSPORTATION – FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT OFFER (ITEM 20/ PR #15543)

Mayor O’Neal called for speakers to the pulled item.

Calvin Yadaz, resident of Durham, spoke to his company’s new technology and how it brought enhanced situational awareness to first responders.

MOTION by Council Member Williams, seconded by Council Member Johnson, to accept the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant Offer 3-37-0056-059-2022 in the amount of \$1,319,026; and to authorize the City Manager to execute the associated Grant Agreement, was approved at 8:48 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.

Mayor Pro Tempore Middleton asked if there was any recourse for speakers who pull items and do not address that specific item.

City Attorney Rehberg advised that it would be to the prerogative of the person presiding over the meeting as to if they wanted to allow the speaker to continue; however, she added that she would conduct further research for more clarity.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 8:52 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk

