

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 15, 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 O'Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey- Hyman and Leonardo Williams. Absent: Council Member Jillian Johnson.

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

[CALL TO ORDER]

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

MOTION by Council Member Freeman, seconded by Council Member Caballero, to excuse Council Member Johnson from the August 15, 2022 Council Meeting, was approved at 7:02 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

[CEREMONIAL ITEMS]

Mayor O'Neal and Deputy City Manager Keith Chadwell recognized the graduates of the NIS/NCCU Community Partner Development Course.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Holsey-Hyman recognized National Back to School Month, National Black Owned Business Month, and highlighted the Resolution on the agenda with regards to school safety.

Council Member Williams echoed the recognition for Black Owned Business Month and congratulated Kids Voting Durham for hosting a career fair.

Council Member Freeman echoed the recognition for Black Owned Business Month.

Mayor Pro Tempore Middleton called for ideas on how best to raise money for government endeavors and requested an excused absence for the upcoming work session.

Mayor O'Neal reminded all that August was Patience and Kindness Month, announced the City Council Retreat on September 9, 2022 to discuss housing and that she would

having office hours every other Monday.

MOTION by Council Member Holsey-Hyman, seconded by Council Member Caballero, to excuse Mayor Pro Tempore Middleton from the August 18, 2022 Work Session, was approved at 7:15 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

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

City Manager Page advised that Item 23 had a presentation document to display to Council prior to the item being heard.

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

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #15603)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to approve the City Council minutes for the following meetings: June 9, 2022 Budget Work Session, June 9, 2022 Work Session, June 13, 2022 Special Meeting - Hayti, June 21, 2022 Regular Meeting, and June 27, 2022 Special Meeting – ShotSpotter, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – APPOINTMENTS (ITEM 2/ PR #15604)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint Deniz Aydemir representing Transportation/Planning Policy and to appoint Landon C. Baucom, Brian T. Hawkins, and Ryan Philips representing At-Large Residents to the Durham Bicycle & Pedestrian Advisory Commission with the terms to expire on August 31, 2025 (Due to the term expirations of Deniz Aydemir, Emily Egge, Idreese Foxworth, and Adam T. Pyburn), was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: DURHAM HISTORIC PRESERVATION COMMISSION – APPOINTMENTS (ITEM 3/ PR #15591)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to appoint April M. Johnson to the Durham Historic Preservation Commission representing At-Large Member/Historian; and to reappoint Rakeem U. Chambers representing Regular Member/Real Estate Agent to the Durham Historic Preservation Commission with the terms to expire on September 1, 2025 (Due to the term expirations of Rakeem U. Chambers and April M. Johnson) was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: MAINTENANCE SUPPORT FOR PERFORMANCE MANAGEMENT SYSTEM (ITEM 4/ PR #15537)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute the proposed five-year contract with Ascendant Strategy Management Group, LLC for the ClearPoint Strategy performance measurement system for an amount not to exceed \$275,000, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT GRANT FOR RALEIGH-DURHAM INTERNATIONAL AIRPORT (ITEM 5/ PR #15620)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to approve the Raleigh-Durham Airport Authority’s acceptance of a grant offer in the amount of \$1,387,279 from the Federal Aviation Administration Airport Improvement Program {Grant Offer 3-37-0056-061-2022}; and to authorize the City Manager to execute the associated Grant Agreement, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: SUSPENSION OF KOSTROMA, RUSSIA SISTER CITY (ITEM 6/ PR #15614)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to approve Sister Cities of Durham Board of Director's recommendation to suspend Kostroma, Russia as a Sister City, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

RESOLUTION #10264

**SUBJECT: ASHTON PLACE APARTMENTS ADDITIONAL FUNDING REQUEST
(ITEM 7/ PR #15601)**

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to increase the commitment of funding in the amount of \$2,600,000 to DHIC, Inc. and Self Help Ventures Fund or its designated affiliate approved by the City, for a total binding commitment of construction to permanent financing in an amount up to \$4,600,000;

to authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this conditional binding commitment of construction to permanent financing; and

to authorize the City Manager to make necessary and sundry changes to the conditional binding commitment of construction to permanent financing so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

**SUBJECT: CONTRACT FOR THE PROVISION OF NON-CONGREGATE
EMERGENCY SHELTER SUPPORTIVE SERVICES WITH URBAN
MINISTRIES OF DURHAM (ITEM 8/ PR #15617)**

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a one-year contract in the amount of \$554,800 with Urban Ministries of Durham to provide non-congregate emergency shelter supportive services to households experiencing homelessness, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

**SUBJECT: CONTRACT WITH FAMILIES MOVING FORWARD FOR THE
PROVISION OF RAPID REHOUSING SERVICES (ITEM 9/ PR #15615)**

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute an eighteen (18) month contract in the amount of \$83,333, funded with Dedicated Housing Funds, with Families Moving Forward, Inc. to provide rapid rehousing assistance to households exiting homelessness, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

**SUBJECT: CONTRACT WITH HOUSING FOR NEW HOPE, INC. FOR THE
PROVISION OF RAPID REHOUSING SERVICES (ITEM 10/ PR #15618)**

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute an eighteen (18) month contract in the amount of \$233,334, funded with Dedicated Housing Funds, with Housing for New Hope, Inc. to provide rapid rehousing assistance to households exiting homelessness, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: FIRST AMENDMENT TO LOAN AGREEMENT WITH JJ HENDERSON SENIORS, LLC FOR THE DURHAM HOUSING AUTHORITY JJ HENDERSON SENIORS APARTMENTS PHASE 1A DEVELOPMENT (ITEM 11/ PR #15596)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute an amendment with JJ Henderson Seniors, LLC to remove the HOME Investment Partnerships Program funds and to fund the contract with \$2,045,506 in 2019 Affordable Housing Bond funds and \$954,494 in program income from prior affordable housing bonds; and

to authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this amendment and to make necessary and sundry changes to the amendment so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: HARDEE STREET APARTMENTS ADDITIONAL FUNDING REQUEST (ITEM 12/ PR #15602)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to increase the commitment of funding in the amount of \$1,900,000 to DHIC, Inc. and Self Help Ventures Fund or its designated affiliate approved by the City, for a total binding commitment of construction to permanent financing in an amount up to \$6,850,000;

to authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this conditional binding commitment of construction to permanent financing; and

to authorize the City Manager to make necessary and sundry changes to the conditional binding commitment of construction to permanent financing so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero,

Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: AMENDMENT NO. 2 TO THE PARKWOOD AREA LIFT STATION CONSOLIDATION PROFESSIONAL ENGINEERING SERVICES CONTRACT (ITEM 13/ PR #15584)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute Contract Amendment No. 2 with Brown & Caldwell, Inc. in an amount not to exceed \$829,968 for a total contract amount of \$2,687,568; and

to authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$2,798,568, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: AWARD OF CONSTRUCTION TO J. F. WILKERSON CONTRACTING COMPANY, INC. FOR THE LAKEWOOD AVENUE SEWER REPLACEMENT PROJECT (ITEM 14/ PR #15542)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with J. F. Wilkerson Contracting Company, Inc. for the Lakewood Avenue Sewer Replacement Project in the amount of \$6,767,268.10;

to establish a contingency fund for the contract in the amount of \$687,674.06; and

to authorize the City Manager to negotiate and execute change orders for the contract provided that the total project cost does not exceed \$7,454,942.16, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: AMENDMENT TO THE UNITED STATES MARSHALS SERVICE (USMS), 2022 FUGITIVE APPREHENSION TASK FORCE MEMORANDUM OF UNDERSTANDING GRANT PROJECT ORDINANCE # 15834 (ITEM 15/ PR #15605)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to amend the Memorandum of Understanding with the United States Marshals Service for the 2022 Fugitive Apprehension Task Force; and

to adopt the United States Marshals Service, 2022 Fugitive Apprehension Task Force Grant Project Ordinance, superseding Grant Project Ordinance #15834 to recognize the

grant award increase from \$18,638 to \$44,638, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson

ORDINANCE #15990

SUBJECT: AMENDMENT TO UNITED STATES MARSHALL SERVICE (USMS), 2023 FUGITIVE APPREHENSION TASK FORCE MEMORANDUM OF UNDERSTANDING GRANT PROJECT ORDINANCE # 15977 (ITEM 16/ PR #15627)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to amend the Memorandum of Understanding with the United States Marshals Service for the 2023 Fugitive Apprehension Task Force; and

to adopt the United States Marshals Service, 2023 Fugitive Apprehension Task Force Grant Project Ordinance, superseding Grant Project Ordinance #15977 to recognize the grant award increase from \$18,638 to \$44,638, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

ORDINANCE #15991

SUBJECT: CONTRACT WITH ESO SOLUTIONS, INC. FOR A RECORDS MANAGEMENT SYSTEM (ITEM 17/ PR #15600)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a one-year contract with ESO Solutions, Inc. for the purchase of a Records Management System (RMS) software-as-a-service solution for an amount not to exceed \$77,295, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

SUBJECT: RESOLUTION SUPPORTING SAFE AND PROTECTIVE MEASURES TO FOSTER HEALTHY LEARNING ENVIRONMENTS IN DURHAM SCHOOLS (ITEM 27/ PR #15629)

MOTION by Council Member Holsey-Hyman, seconded by Council Member Williams, to adopt a Resolution supporting safe and protective measures to foster healthy learning environments in Durham Schools, was approved at 7:23 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero,

Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: AMENDMENT TO ZONING DISTRICT RU-M(D) DEVELOPMENT PLAN-
HARRIET'S PLACE II (ITEM 21/ PR #15608)**

Andrew Lester, 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 the notice were on file in the Planning Department and provided the following staff report:

Case Z2200014 was a request to amend the development plan approved under Z2000021, Harriet's Place, to expand the building envelop and increase the impervious surface. The zoning approved for Z2000021 was to remain in the effective zoning for the site. The request did not create a new zoning map change as it was a modification to a previously approved development plan. The Harriet's Place II application involved two parcels totaling 0.71 acres located at 312 East Umstead and 1206 Dawkins Streets. The Durham City Council approved the zoning map change and development plan for the site on January 12, 2021 (Case Z2000012). The approved zoning was Residential Multifamily-Urban with a Development Plan (RU-M(D)). The development was to convert the former Harriet Tubman YWCA into low-income affordable housing.

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

Council Member Freeman asked if the item was not approved what could have been done with the property.

Mr. Lester advised that the project could defer to the previous plan from 2021.

Council Member Freeman asked how tall the elevator tower was and where was it located on the property.

Mr. Lester responded that it was no taller than the existing building.

Council Member Williams asked if there were any amenities on the property.

Mr. Lester deferred to the applicant for a response.

Howard Partner, the applicant, responded to the inquiry by Council Member Freeman. He stated that they were trying to obtain recognition by the National Register of Historic Places and they would not approve the recognition with the elevator tower if it was visible from the street, so it was moved to the back of the building.

Council Member Freeman asked if there were any regulations regarding the visibility of the elevator tower.

Sarah Young, Director of the City-County Planning Department, advised that there were no regulations regarding the visibility.

Peter Skillern, Executive Director of Reinvestment Partners, spoke to the nature of the project as a whole and expected to begin construction on the rehabilitation of the property in early 2023.

Council Member Freeman asked for a breakdown as to how this property was going to be different from another property the company owned in Fayetteville Street, that had experienced a lot of loitering.

Mr. Skillern advised that the current tenants on Fayetteville Street were remote although they paid rent for the building and if they did not come back then Reinvestment Partners was going to move their employees into that site as to deter loitering.

Council Member Williams encouraged collaboration between the developer community in the Fayetteville corridor and asked what amenities would be offered at the historic site.

Mr. Skillern stated that there would be common areas and a community kitchen.

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

Council Member Freeman expressed support for the item and expressed concerns for the condition of the other Reinvestment Partners property.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt an Ordinance amending the Unified Development Ordinance by Amending the Development Plan for the Residential Urban-Multifamily with a development plan (RU-M(D)) Zoning District approved per Case Z2000021, was approved at 7:42 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

ORDINANCE #15992

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 7:43 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, and Williams. Noes: None. Absent: Council Member Johnson.

UNIFIED DEVELOPMENT ORDINANCE
CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200014 – Harriet’s Place II – Development Plan Amendment

WHEREAS the Durham City Council, upon acting upon a zoning map amendment 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 amendment 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 Z2200014, Harriet’s Place II Development Plan Amendment, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as discussed in the staff memo and attachments, dated August 15, 2022, regarding the subject “Harriet’s Place II- Development Plan Amendment (Z2200014)”, along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the amendment maintains consistency with the Future Land Use Map designation of the Durham Comprehensive Plan.

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 zoning item promotes this objective by offering fair and reasonable development regulations as discussed in the staff memo and attachments, dated August 15, 2022, regarding the subject “Harriet’s Place II- Development Plan Amendment (Z2200014)”, 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 - COURTYARDS AT FARRINGTON ROAD (ITEM 22/ PR #15607)

Andrew Lester, Senior Planner, stated for the record that the City-County Planning Department hearing item had been advertised and noticed in accordance with state and local law, and affidavits of the notice were on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation, tier boundary change,

and zoning map change had been received from EPCON Communities for four parcel(s) of land totaling 21.14 acres and located at the 5200 block of Farrington Road. The annexation petition was for a contiguous expansion of the existing corporate limits. The intent of the annexation was to allow for the construction of up to 67 single-family residential units. The properties were currently designated Office, Compact Neighborhood Design District, and Low Density Residential on the Future Land Use Map. The proposed Planned Development Residential 3.785 (PDR 3.785) zoning was Inconsistent with the designated Future Land Uses of Office and Compact Neighborhood Design District. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the properties as Low Density Residential. An amendment to the development tier was also required for a portion of the site to change the tier designation from Compact Neighborhood to Suburban. The Suburban Tier applied to the remainder of the site. The UDO did not allow the PDR zoning district to be utilized within the Compact Neighborhood Tier, thus the reason for the request to Suburban Tier. The Planning Commission recommended approval by a vote of 9-5 at their March 25,2022 meeting.

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

Nil Ghosh, representative for the applicant, provided highlights of the project such as: buffers, the natural features of the property, the Civil War Trail signage, tree save, and resident approval and asked council for their support.

Mayor Pro Tempore Middleton noted that the development was very unique and not very dense. He also asked the anticipated price point for the homes.

Mr. Ghosh stated that the anticipated price point was in the high \$300k's to low \$400k's.

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

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt an Ordinance annexing 'Courtyards at Farrington Road' into the City of Durham effective September 30, 2022; and to authorize the City Manager to enter into a utility extension agreement with EPCON Communities, was approved at 7:56 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, and Williams. Noes: Council Member Freeman. Absent: Council Member Johnson.

ORDINANCE #15993

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to amend the Future Land Use and Tier Boundary Maps of the Durham Comprehensive Plan by changing the Tier Boundary from Compact Neighborhood to Suburban, was approved at 7:57 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore

Middleton and Council Members Holsey-Hyman, and Williams. Noes: Council Members Caballero and Freeman. Absent: Council Member Johnson.

RESOLUTION #10266

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 Residential Suburban-20 (RS-20), Falls/Jordan Lake Watershed Protection District-B (F/J-B), Major Transportation Corridor I-40 (MTC I-40) and establishing the same as Planned Development Residential 3.785 (PDR 3.785), Falls/Jordan Lake Watershed Protection District-B (F/J-B), Major Transportation Corridor I-40 (MTC I-40), was approved at 7:58 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Holsey-Hyman, and Williams. Noes: Council Members Caballero and Freeman. Absent: Council Member Johnson.

ORDINANCE #15994

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 7:59 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Holsey-Hyman, and Williams. Noes: Council Members Caballero and Freeman. Absent: Council Member Johnson.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2000038, Courtyards Farrington 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 Z2000038, Courtyards at Farrington 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 R, ‘Community Goals and Objectives’; regarding the subject ‘Z2000038, Courtyards at Farrington 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 E, 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 & Objectives in Attachments A, and Attachment P, ‘Criteria for Future Land Use Analysis’; regarding the subject ‘Z2000038, Courtyards at Farrington 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 - GRIFFIN RESIDENTIAL TRACT
(ITEM 23/ PR #15616)**

Andrew Lester, Senior Planner, stated for the record that the City-County Planning Department hearing item had been advertised and noticed in accordance with state and local law, and affidavits of the notice 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 has been received from Steve George, of CSC Group, LLC for two parcel(s) of land totaling 117.699 acres and located at 4903 Leesville Road and 2755 US Highway 70. The annexation petition was for a contiguous expansion of the existing corporate City limits. The current zoning was Residential Rural (RR), and Industrial (I) with Falls/Jordan Lake Watershed Protection District – B (F/J-B) overlay. The applicant proposed to change the designation to Planned Development Residential 3.753 (PDR 3.753) to allow for the construction of up to 380 single-family and townhouse units. The Planning Commission failed to recommend approval by a vote of 0-14 at the May 10, 2022 public hearing. After the Planning Commission’s recommendation hearing on May 10, 2022, the applicant proffered a donation of \$20,100 to Durham Public Schools.

The properties were currently designated Low Density Residential and Recreation/Open Space on the Future Land Use Map. The proposed Planned Development Residential 3.753 (PDR 3.753) zoning was consistent with the Low-Density Residential designation

shown on the FLUM. If the proposed zoning was approved, there would be no change to the Future Land Use Map designation.

While the current use of the property was undeveloped, future development under the existing zoning of Residential Rural (RR) and Industrial (I) allows for agricultural activities, single-family residential development on lots of one acre or greater, and conservation subdivisions and industrial uses. Commercial development is prohibited in the Residential Rural (RR) and Industrial (I) zoning districts.

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

Council Member Caballero asked for clarification on the proffers by the applicant.

Sara Young, Director of Planning, advised that staff could make the proffers available after the speakers made their statements.

Mayor Pro Tempore Middleton asked for clarification regarding the recommendation made by staff as it pertained to the item.

Director Young stated that the recommendation had a typo and that is what caused for confusion.

Mayor Pro Tempore Middleton asked if the city ever needed to send emergency services where donut holes had been created by development.

Director Young stated that it was possible that city emergency services could respond to calls at a donut hole site.

Mayor Pro Tempore Middleton asked why the emergency services were expected to increase significantly with regard to the item as described in the corresponding memo.

Director Young stated that the language in the memo was due to operational changes in how the emergency services departments reviewed the potential needs.

Council Member Williams asked if there was any vision for the area of the city where the project was being proposed.

Director Young stated that there would be more information regarding plans for the city in the upcoming Comprehensive Plan.

Fanxing Li, resident of Durham, spoke in support of the item. He cited affordability, the Durham housing shortage, and limited increases in traffic as the basis for his support.

Anthony Catalano, a representative for the applicant, spoke in support of the item. He stated that the applicant was committed to improving the infrastructure in the area of the proposed development and that the item would assist with the housing crisis in Durham.

Nil Ghosh, a representative for the applicant, spoke in support of the item. He stated that the project had a high amount of tree coverage, discussed the housing types, and increased the proffer to the Durham School Public Schools fund of 33k and 80k to the Durham Affordable Housing fund.

Rebecca Freeman, a resident of Durham, spoke in opposition to the item. She cited that the amount of the proposed density for the area as the basis for her position.

Donna Stainbeck, a resident of Durham, spoke in opposition of the item. She expressed concerns for the environment, run off, and contaminated water as the basis for her position.

Pam Williams, a resident of Durham, spoke in opposition of the item and expressed concerns with the traffic study findings for the basis of her position.

Pamela Andrews, a resident of Durham, spoke in opposition to the item and expressed concerns for the contaminated water and the endangered wildlife in the area as the basis for her position.

Nil Ghosh, a representative for the applicant, asked the traffic engineer for the project to address the comments on traffic.

Joshua Rankey, Traffic Engineer, stated that the traffic impact analysis was accurate and that City Staff had reviewed the item as well as NC DOT.

Council Member Williams asked if the concerns that were shared from residents were concerns that had been brought up previously.

Director Young responded that the concerns were not new and had come up before.

Council member Williams asked if there was a mitigation plan forthcoming to address the concerns.

Director Young responded that the Comprehensive Plan was going to have policies that were expected to address some of the concerns.

Council Member Williams asked how the applicant planned to provide solutions toward some of the problems.

Mr. Ghosh stated that the applicant was looking forward to invest in infrastructure in the area.

Council Member Caballero asked about the proximity of the tree save.

Mr. Ghosh stated that the majority of the tree save was going to be in the riparian corridor.

Mayor Pro Tempore Middleton asked if there was causal linkage between the storm water run-off and resident sickness and who was responsible for enforcing any violations to the environment.

Director Young stated that violations of storm water and erosion control were handled by Durham County.

Mayor Pro tempore Middleton asked if there was any consideration given to including affordable housing units in the development.

Mr. Ghosh and Steve George, the applicant, stated that conversations were had with Habitat for Humanity regarding the building of any affordable units, but nothing had been solidified.

Mayor Pro Tempore Middleton asked if there was any data the made a causal link between the water in the area and the health of the residents.

Director Young advised that there was no such data on record.

Council Member Freeman asked what solutions staff had for the Council in terms of mitigating the environmental concerns from the community.

Director Young stated that the Comprehensive Plan would have draft policies that would propose changing regulations that pertained to mass grading that contributed to the run off.

Council Member Freeman expressed concerns for the water in the area of the proposed development.

Council Member Williams asked if the Council had to wait for the Comprehensive Plan in order take action.

Director Young advised that more material was coming a head of the next Joint City County Planning Committee Meeting that may address some of the concerns.

Mayor Pro Tempore Middleton commented that decisions made on agenda items should be rooted in science and facts.

Council Member Caballero acknowledged that the development decisions were hard to make.

Mayor Pro Tempore Middleton stated that the project was better than when it was first presented and expressed his support for the item.

Council Member Williams asked what timeline for ground breaking was.

Mr. Ghosh stated that upon approval of the item, they expected to break ground within a year to 14 months.

Council Member Williams asked how long before staff had policies to address the concerns raised by council and residents.

Director Young advised that she wanted to present something to council by the end of the year.

Council Member Freeman expressed several environmental concerns regarding development throughout the city and stated that she would not be supporting the item.

Council Member Holsey-Hyman stated that she preferred an increase in the amount of the 3 proposed affordable housing units out of a maximum of 380 units and would not be supporting the item.

Council Member Williams asked if the Comprehensive Plan policies would be prorated to development that had already been approved.

Director Young advised that it was dependent on the language and how the ordinance was written.

Mayor O'Neal expressed concerns for the water and other environmental concerns and stated that she would not be supporting the item.

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

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Holsey-Hyman, to adopt an Ordinance annexing 'Griffin Residential Tract' into the City of Durham effective September 30, 2022; and

to authorize the City Manager to enter into a utility extension agreement with The CSC Group, L.L.C **FAILED** at 9:47 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero and Williams. Noes: Mayor O'Neal and Council Members Freeman and Holsey-Hyman. Absent: Council Member Johnson.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 9:50 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk