

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 6, 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, Jillian Johnson and Leonardo Williams. Absent: None.

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

[CALL TO ORDER]

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

[CEREMONIAL ITEMS]

Mayor O'Neal read into the record the Welcoming Week Proclamation and presented it to Jennifer Belle of Neighborhood Improvement Services.

Mayor Pro Tempore Middleton read into the record the National Recovery Month Proclamation and presented it to Michelle McKinney of the Recovery Community of Durham.

[ANNOUNCEMENTS BY COUNCIL]

Mayor O'Neal announced that September would be the 'Month of Grace'.

Council Member Freeman announced that it was National Preparedness Month.

Mayor Pro Tempore Middleton called for solidarity with the elected officials Jackson, Mississippi, congratulated NCCU for their recent victory, and highlighted the new historic marker in the Walltown community.

Council Member Williams congratulated NCCU and Duke for their recent victories, welcomed all new students back to the classroom, and called for the Council to stand in solidarity with Enfield, NC who had recently removed a confederate monument.

Council Member Johnson reminded residents that Saturday September 24, 2022 was the Pride Day Celebration in Durham.

Council Member Holsey-Hyman noted that it was National Suicide Prevention Month and congratulated NCCU for their recent victory.

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

City Manager Page stated that Items 19 and 20 had additional information added and requested that Items 21 and 22 be referred back to the Administration.

City Attorney Rehberg had no priority items.

Deputy City Clerk Wyatt requested that Item 4 be referred back to the City Clerk's Office.

Mayor Pro Tempore Middleton asked why the item needed to be referred back.

Deputy City Clerk Wyatt advised that she would look into it and provide a response to Council.

[CONSENT AGENDA]

SUBJECT: AFFORDABLE HOUSING IMPLEMENTATION COMMITTEE - APPOINTMENT (ITEM 1/ PR #15633)

MOTION by Council Member Williams, seconded by Council Member Freeman, to appoint Prince R. Rivers to the Durham Affordable Housing Implementation Committee representing an At-Large Resident with the term to expire on September 21, 2023 (Due to the resignation of Stella J. Adams), was approved at 7:35 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 - APPOINTMENTS (ITEM 2/ PR #15636)

MOTION by Council Member Williams, seconded by Council Member Freeman, to appoint Cooper T. Norris representing an At-Large Resident with the term to expire on June 30, 2025 and to appoint Miran Bhima representing Youth with the term to expire on September 6, 2023 to the Durham City-County Environmental Affairs Board (Due to the resignation of Michael Burrows), was approved at 7:35 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 CULTURAL ADVISORY BOARD – APPOINTMENT (ITEM 3/ PR #15635)

MOTION by Council Member Williams, seconded by Council Member Freeman, to appoint Jose G. Medrano to the Durham Cultural Advisory Board with the term to expire on June 30, 2025 (Due to the term expiration of Angelique Stallings) was

approved at 7:35 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 – APPOINTMENT (ITEM 5/ PR #15637)

MOTION by Council Member Williams, seconded by Council Member Freeman, to appoint Marcella Scurlock-Jones to the Recreation Advisory Commission representing a Person with a Disability with the term expiring on August 8, 2025 (Due to the term expiration of Marcella Scurlock-Jones), was approved at 7:35 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: JULY 2022 BID REPORT (ITEM 6/ PR #15641)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive a report on the bids that were acted upon by the City Manager in July 2022, was approved at 7:35 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:** Fire Fighting Equipment

Purpose of Bid: Provides the Fire Department with (32) Cairns 1044 defender helmets at \$330.00, (50) Globe Dark Gold Agility XL coats at \$1,455.00, (50) Globe Dark Gold Agility pants at \$1,235.00, (586) 3 Inch Velcro Letter Patches at \$2.50, and (32) Globe Supreme Leather Fire boots at \$485.00 for a total cost of \$162,045.00.

Comments: Priced quote in accordance with NC GS143-129 (e)(6), when standardization and compatibility is the overriding consideration, previous ordering standardization for City of Durham Fire Department Equipment.

Opened: 7/21/2022

Bidders:

Vendor	Qty	Price	Total Cost
Newton’s Fire and Safety Graham, NC	1	\$ 162,045.00	\$ 162,045.00

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

2. **Bid:** Computer Equipment

Purpose of Bid: Provides the Information Technology Department with Barracuda E-Mail protection domain fraud protection subscription licenses.

Comments: Priced in accordance with National IPA Technical Solutions (2018011-01) -IT Infrastructure Solutions and Related Services.

Opened: 7/13/22

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc. Vernon Hills, IL	1	\$ 118,824.00	\$ 118,824.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0
Total	142	3	0	6	0

UBE/SLBE REQUIREMENTS – FEMALES					
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Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

3. Bid: Water and Sewer Maintenance

Purpose of Bid: Provide the Water Department with a blanket purchase order for Q1 of FY2023 for the purchase of water meters. The remainder of FY2023 will be submitted under a separate cover.

Comments: This purchase is priced in accordance with sole distributor. Priced quote in accordance with NC GS143-129 (e)(6). This purchase is priced in accordance with sole distributor.

Opened: 7/20/2022

Bidders:

Vendor	Qty	Price	Total Cost
CORE & MAIN LP St. Louis, MO	1	\$ 85,000.00	\$ 85,000.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	0	1
Professional	3	2	1
Technical	0	0	0
Clerical	0	0	0
Labor	6	5	1
Total	10	7	3

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	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	3	2	0	0	0
Total	5	2	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	0	0	0	0	0
Labor	1	0	0	0	0
Total	3	0	0	0	0

4. **Bid:** Computer Software Service

Purpose of Bid: Provides the Information Technology Department with a Service Agreement for Onbase Agenda and Contract Software.

Comments: Priced in accordance with Technology Solutions Contract Hyland GSA GS-35F-249DA

Opened: 7/5/22

Bidders:

Vendor	Qty	Price	Total Cost
NEXT PHASE SOLUTIONS LLC Oviedo, FL	1	\$ 62,134.09	\$ 62,134.09

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

5. **Bid:** Computer Software Service

Purpose of Bid: Provides the Information Technology Department with unlimited software support for advisory membership.

Comments: Priced in accordance with Technology Solutions Contract GSA#: GS-35F-298GA

Opened: 7/19/22

Bidders:

Vendor	Qty	Price	Total Cost
Info-Tech Research Group Las Vegas, NV	1	\$ 64,896.70	\$ 64,896.70

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0

Total	142	3	0	6	0
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UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

6. Bid: Building Access Control

Purpose of Bid: Provide the Durham Fire & EMS Station 18 with installation of additional card access and cameras.

Comments: Priced in accordance with Omnia #15-JLP-023 Contract Pricing.

Opened: 7/11/22

Bidders:

Vendor	Qty	Price	Total Cost
BRADY TRANE SERVICE INC Greensboro, NC	1	\$ 46,346.00	\$ 46,346.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	10	6	4
Technical	0	0	0
Clerical	1	0	1

Labor	0	0	0
Total	11	6	5

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	5	1	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	5	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	3	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	4	0	0	0	0

7. **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: BULL CITY TENANTS' UNITED RECOMMENDATIONS (ITEM 7/ PR #15647)

MOTION by Council Member Williams, seconded by Council Member Freeman, to discuss the Bull City Tenants' United Tenants Bill of Rights and their recommendations, was approved at 7:35 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: PRESCRIPTIONS FOR REPAIR PILOT PROGRAM (ITEM 8/ PR #15645)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to enter into an agreement with Duke University in an amount not to exceed \$72,000 to fund the Prescriptions for Repair Pilot Program, was approved at 7:35 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: GRANT AGREEMENT FOR OPERATING SUPPORT AND PROGRAM OVERSIGHT WITH DURHAM COMMUNITY LAND TRUSTEES, INC. (DCLT) (ITEM 10/ PR #15610)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute a Grant Agreement for Operating Support and Program Oversight with Durham Community Land Trustees, Inc. (DCLT) in the amount of \$80,000 in Dedicated Housing Funds (DHF) to be used for emergency operating assistance as a result of COVID-19, was approved at 7:35 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: GRANT AGREEMENT FOR OPERATING SUPPORT AND PROGRAM OVERSIGHT WITH HABITAT FOR HUMANITY OF DURHAM, INC. (ITEM 11/ PR #15609)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute a Grant Agreement for Operating Support and Program Oversight with Habitat for Humanity of Durham, Inc. in the amount of \$110,000 in Dedicated Housing Funds (DHF) to be used for emergency operating assistance as a result of COVID-19, was approved at 7:35 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: RENEWAL OF CONTRACT WITH NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS (NCAOC) TO SUPPORT DOMESTIC VIOLENCE CASES

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to renew a contract with North Carolina Administrative Office of the Courts in an amount not to exceed \$158,413 to fund an Assistant District Attorney and Legal Assistant in the Durham District Attorney's Office for the purpose of addressing domestic violence cases, was approved at 7:35 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: RENEWAL OF CONTRACT WITH NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS (NCAOC) TO SUPPORT PROSECUTION FOR GANG REDUCTION (ITEM 13/ PR #15649)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to renew a contract with North Carolina Administrative Office of the Courts in an amount not to exceed \$87,598 to fund an Assistant District Attorney in the Durham District Attorney's Office for the purpose of addressing gang violence related cases, was approved at 7:35 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: ADJUSTMENT TO TAXICAB FARES (ITEM 14/ PR #15632)

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt Ordinance to Change Taxicab Rate Fare Schedule, was approved at 7:35 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 #15996

SUBJECT: AMENDMENT TO CONTRACT #16283, CONTRACT AMENDMENT NO. 2 WITH VHB NC PC (ITEM 15/ PR

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute the Supplemental Agreement No. 2 to Master Agreement for Transportation Engineering On-Call Services between the City and VHB NC PC in the amount of \$98,520, for a total contract amount of \$298,520, was approved at 7:35 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: AMENDMENT TO CONTRACT #17565, SUPPLEMENTAL AGREEMENT #3 WITH WSP USA INC. (ITEM 16/ PR #15631)

MOTION by Council Member Williams, seconded by Council Member Freeman, to

execute a third amendment to Supplemental Agreement #3 to City of Durham, North Carolina Master Agreement for Transportation Engineering On-Call Services Between the City of Durham and WSP USA Inc. in the amount of \$294,015, for a total, revised contract amount of \$1,794,015, was approved at 7:35 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: AMENDMENT NO. 1 TO 2021 LIFT STATION IMPROVEMENTS, GROUP A LIFT STATIONS PROJECT - PROFESSIONAL ENGINEERING SERVICES CONTRACT (ITEM 17/ PR #15583)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute a professional services contract amendment with Highfill Infrastructure Engineering, P.C. for 2021 Lift Station Improvements - Group A in an amount not to exceed \$1,323,400 for a total contract amount of \$1,951,200; to increase the contingency fund for the contract in the amount not to exceed \$69,300 for a total contingency amount of \$132,000; and to authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$2,083,200, was approved at 7:35 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: 2022 SECOND QUARTER CRIME REPORT (ITEM 18/ PR #15638)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive a presentation on the 2022 Second Quarter Crime Report; and to receive the 2022 Second Quarter Crime Report, was approved at 7:35 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: GRANT PROJECT ORDINANCE FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) EMPLOYMENT TRAINING FUNDS FOR PROGRAM YEAR 2022 (ITEM 24/ PR #15643)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to adopt the City of Durham Employment Training 2022-2024 Grant Project Ordinance in the amount of \$530,142, was approved at 7:35 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 #15997

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: RESOLUTION TO DESIGNATE A PORTION OF FAYETTEVILLE STREET AS “DR. DOCK J. JORDAN AND CARRIE THOMAS JORDAN HIGHWAY” (ITEM 9/ PR #15646)

Mayor Pro Tempore Middleton and Council Member Williams asked that Item 9 be moved up on the agenda to allow for the speakers to comment on the item.

Delois Hollinger, the great niece of Dr. Dock J. Jordan, spoke to his legacy in the African American community.

Delaitre Hollinger, the great great nephew of Dr. Dock J. Jordan, spoke to his impact on the community and how his work influenced other racial equity practices.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt a resolution supporting the honorary designation of Fayetteville Street (State Road 1118), from Lawson Street to Timothy Avenue, as "Dr. Dock J. Jordan and Carrie Thomas Jordan Highway", 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, Johnson, and Williams. Noes: None. Absent: None.

RESOLUTION #10267

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONSOLIDATED ANNEXATION - 5909 LEESVILLE ROAD (ITEM 19/ PR #15650)

Brooke Roper, Senior Planner with the Planning Department 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:

A request for a utility extension agreement, voluntary annexation and initial zoning map change had been received from Tim Sivers, of Horvath Associates, for two parcels of land totaling 87.993 acres and located at 5909 and 6301 Leesville Road. The annexation petition was for a contiguous expansion of the existing non-satellite corporate limits. The proposal would allow for the development of 330 townhouse units and facilitate the connection to City water and sewer. The current zoning was Residential Rural and the applicant proposed to change the designation to Planned Development Residential 3.755. The property was currently designated Low Density Residential on the Future Land Use Map. The proposed Planned Development Residential 3.755 zoning was consistent with the designated Future Land Use. The Planning Commission failed to recommend approval by a vote of 9-1 at their April

12, 2022 meeting.

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

Tim Sivers, a representative for the applicant, presented a powerpoint to highlight the project and the development was going to provide enhancements to the community.

Vanessa Coleman, a resident of Durham, was a proponent to the project. She believed that the development would help with the shortage of housing in Durham.

Kathleen Alexander, a resident of Durham, was a proponent of the project. She stated that past development had not caused any problems with the sewer/water/wells in the area and expected the same from the proposal.

Sean Coleman, a resident of Durham, was a proponent of the project. He stated that the developer had surpassed the building standards provided by the city and that the project would help with the increased housing needed due to jobs coming into the area.

Ronnie Reagan, a resident of Durham, was a proponent to the project, and stated that he owned land nearby for years and saw the project as a great opportunity for the area. He also stated that the project would be a positive for the housing crisis.

Andrew Wilkerson, a business owner of Durham, was a proponent of the project. He suggested that the development would offer housing for his employees, and opportunities for new people to the city.

Pamela Andrews, resident of Durham, spoke in opposition of the project. She stated that she was not against new developments but that the particular proposal was not consistent with the area.

Donna Stainback, resident of East Durham, spoke in opposition of the project. She cited environmental concerns for Falls Lake as the basis for her position.

Pamela Williams, resident of Durham, spoke in opposition of the project. She stated that the developer should have offered more housing variety than what was proposed.

Faith Calvekeer, resident of Durham, spoke in opposition of the project. She spoke to the rural landscape being compromised as the basis for her position.

Edward Steiner, resident of Durham, spoke in opposition of the project. He expressed concerns for traffic safety and water run off as the basis of his position.

Tammy Sawyer, resident of Durham, spoke in opposition of the project. She advocated for smart developments and not Urban Sprawl.

Stephen Knill, resident of Durham, spoke in opposition of the project. He stated that

there would be increased traffic that would cause issues in the area.

Sherye Sedlak, resident of Durham, spoke in opposition of the project. She stated that her property was adjacent to the proposed development and expressed concern about the lack of affordable housing.

Rebecca Freeman, resident of Durham, spoke in opposition of the project. Her concerns stemmed from creek runoff, erosion, stream mitigation and the vegetation that could have been compromised from the building.

With time remaining, Mayor O'Neal allowed speakers Mr. Sivers and Ms. Williams to respond to some of the comments made.

Mr. Sivers stated that the development plan proposed mixed use housing for up to a total of 103 homes spread out on 88-acres. He also advised that road improvements were also a part of the proposal to ensure emergency vehicles had the ability to get through.

Pam Williams spoke on behalf of the opponents and reiterated the traffic and environmental concerns that the development proposed.

Council Member Freeman asked for clarification on the comments made by opponent Rebecca Freeman.

Council Member Freeman stated that her comments were based on not knowing if the applicant made an assurance that their plans to address the environmental concerns would work.

Mayor Pro Tempore Middleton expressed concern with the lack of written comments provided by the Planning Commission. He also asked opponent Pamela Andrews how long the water filter had been used prior to showing it to Council.

Ms. Andrews stated that the filter was that of her neighbor and that she did not know how long it had been used prior to picking them up.

Mayor Pro Tempore Middleton asked if the vials of water that she brought into a previous meeting were from someone's home.

Ms. Andrews stated that they were not from someone's home, but from the nearby creek.

Mayor Pro Tempore Middleton asked the opponents what the remedy was to mass grading.

Mr. Steiner spoke on behalf of the opponents and stated that the use of dynamite and clear cutting should not be used and that developers could purchase lots in

accordance with the development plan.

Mayor Pro Tempore Middleton asked Mr. Sivers to respond to the opponents.

Mr. Sivers advised that Horvath and Associates had responded to some of the resident concerns along the way to the final public hearing and that they were willing to agree to mass grade no more than 50% of the site in an effort to alleviate some of the concerns.

Council Member Caballero asked if there was any regulation on how much mass grading could take place at one time.

Director of Planning Sara Young stated that was correct.

Council Member Johnson thanked everyone for their comments and acknowledged their concerns; however, she noted that the city needed housing desperately..

Council Member Holsey-Hyman thanked everyone for their comments and acknowledged their concerns. She also recognized that the developer tried to mitigate some of the environmental concerns that were brought to light.

Council Member Williams stated that housing was a human right, thanked residents for their comments, noted the housing crisis in the city, and acknowledged the hard work done by the developer.

Council Member Freeman asked how much of the proposed open space was to be available to the public.

Mr. Sivers advised that the open space was private through the HOA.

Council Member Freeman asked what chemicals would be used for the flocculence.

Ryan Eves, Division Manager for Stormwater and Erosion Control for Durham County, stated that there were a number of chemicals that could be used and that it was dependent on the type of soil.

Council Member Freeman asked if the mass grading had specific language.

Mr. Sivers stated that they did not have specific phases yet.

Council Member Freeman expressed concerns for annexing growth from the county to the city.

Mayor O'Neal recounted how the city of Durham has changed since she was a child, expressed concerns for the growth and environmental issues, and stated that she would not be supporting the item.

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

Mr. Roper reiterated the proffers made by the applicant, which were the following: \$45,000 to Durham Public Schools, mass grading would not exceed 50% of the gross mass area at one time, and to work with the transportation to department to create a designated right of way and create a 30 foot street yard along Leesville Road.

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance annexing '5909 Leesville Road' into the City of Durham effective September 30, 2022; and to authorize the City Manager to enter into a utility extension agreement with Horvath Associates, was approved at 10:24 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Johnson, and Williams. Noes: Mayor O’Neal and Council Members Freeman and Holsey-Hyman. Absent: None.

ORDINANCE #15998

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Rural (RR), Falls/Jordan Lake Watershed Protection District-B (F/J-B), and establishing the same as Planned Development Residential 3.755 (PDR 3.755), Falls/Jordan Lake Watershed Protection District-B (F/J-B), was approved at 10:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Johnson, and Williams. Noes: Mayor O’Neal and Council Members Freeman and Holsey-Hyman. Absent: None.

ORDINANCE #15999

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 10:26 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 Z21000027, 5909 Leesville 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 Z21000027, 5909 Leesville 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 'Z21000027, 5909 Leesville 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 & Objectives in Attachments G, regarding the subject 'Z21000027, 5909 Leesville 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 - EAST GEER STREET RESIDENTIAL (ITEM 20/ PR #15642)

Brooke Roper, Senior Planner with the Planning Department 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:

A request for a utility extension agreement, voluntary annexation and initial zoning map change had been received from Leah Bergman of East Geer Street Ventures, LLC, for one parcel of land and associated right-of-way totaling 0.236 acres and located at the 2100 block of East Geer Street. The annexation petition was for a contiguous expansion of the existing corporate limits. The intent of the annexation was to ensure the entire development of a proposed 90-unit multi-family affordable housing development falls within the City of Durham. The current zoning was Planned Development Residential 3.360 (PDR 3.360), Commercial Neighborhood (CN), and Residential Rural (RR). The applicant proposed to change the designation of two parcels of land totaling 7.179 acres to Residential Suburban – Multifamily with a Development Plan (RS-M(D)). The properties were currently designated Low-Density Residential and Commercial on the Future Land Use Map (FLUM) (Attachment D). The

proposed RS-M(D) zoning was inconsistent with the designated Future Land Use. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the property as Medium-High Density Residential. The Planning Commission recommended approval by a vote of 10-0 at their July 12, 2022 meeting.

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

Leah Bergman and Dan Jewel gave a joint presentation as representatives for the applicant, spoke in favor of the item, and highlighted the applicants work with nonprofit entities, design commitments, their intent to apply for a tax credit, at least 25% of the units would be affordable at 60% AMI, and the acceptance of housing vouchers.

Mayor Pro Tempore Middleton asked what percentage of tax credit would be available.

Ms. Bergman stated that the applicant was seeking a 9% tax credit and if so 100% of the units would be affordable.

Council Member Johnson expressed concerns about the intent to apply for the 9% tax credit as she expected that DHA would be seeking that for their redevelopment. She encouraged conversations between the applicant, DHA, and the Community Development Department.

Council Member Hosley-Hyman asked if the units would be accommodating to persons with disabilities.

Ms. Bergman stated that all first-floor units would be in compliance with ADA requirements.

Council Member Freeman expressed her support for the item.

Mayor Pro Tempore Middleton asked why the staff report did not make mention of the 9% tax credit.

Mr. Roper stated that the text commitment was for the 25% units being at 60% AMI at a minimum in the event the applicant was not approved for the 9% tax credit.

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

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt an Ordinance annexing 'East Geer Street Residential' into the City of Durham effective September 30, 2022; and

To authorize the City Manager to enter into a utility extension agreement with Southern Repair LLC, was approved at 10:47 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 #16000

MOTION by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Planned Development Residential 3.360 (PDR 3.360), Commercial Neighborhood (CN), and Residential Rural (RR), Major Transportation Corridor I-85, Falls/Jordan Lake Watershed Protection District-B (F/J-B) and establishing the same as Residential Suburban - Multifamily with a Development Plan (RS-M(D)), Major Transportation Corridor I-85, Falls/Jordan Lake Watershed Protection District-B (F/J-B), was approved at 10:48 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.

ORDINANCE #16001

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 10:49 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 Z2100037, East Geer Street Residential**

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 Z2100037, East Geer Street

Residential 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 'Z2100037, East Geer Street Residential' along with additional agenda information provided to the City Council and information provided at the public hearing; and

Although the proposed zoning map change designation is inconsistent with the Future Land Use designation as provided on the Future Land Use Map (FLUM) of the Comprehensive Plan in Attachment C, the zoning change will amend the FLUM to a designation consistent with the proposed zoning change and other land use designations in the vicinity of the subject area; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report, the applicant's responses to the Community Goals & Objectives in Attachments G, and Attachment K, 'Criteria for Future Land Use Analysis'; regarding the subject 'Z2100037, East Geer Street Residential' 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.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 10:50 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk