

**DURHAM, NORTH CAROLINA  
MONDAY, SEPTEMBER 19, 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 ProTempore Mark-Anthony Middleton, and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey- Hyman, Jillian Johnson and Leonardo Williams. Absent: None.

Also Present: Deputy City Manager Keith Chadwell, Deputy City Attorney Don O’Toole, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

**[CALL TO ORDER]**

Mayor O’Neal called the meeting to order, welcomed all in attendance, and asked for a moment of silent meditation.

**[CEREMONIAL ITEMS]**

Council Member Holsey-Hyman read into the record the Melissa Wade Proclamation and presented it to Melissa Wade.

Council Member Freeman read into the record the Centennial of the Founding of the Algonquin Tennis Club Proclamation and presented it to Dr. E. Victor Maafo and the friends of the Algonquin Tennis Club.

Council Member Johnson read into the record the Diaper Need Awareness Proclamation and presented it to Michelle Old, the Founder of the Diaper Bank of North Carolina.

Council Member Williams read into the record the World Alzheimer's and Dementia Awareness Day.

Mayor O’Neal read into the record the Grace Month Proclamation and presented it to Keith Chadwell on behalf of Bo Ferguson.

Mayor Pro Tempore Middleton announced the new annual salaries for the following staff: City Manager \$265,200; City Attorney \$219,102; and City Clerk \$107,302. He called for a motion for their approval.

**MOTION** by Council Member Williams, seconded by Council Member Johnson, to approve the new annual salaries of the City Manager, City Attorney, and City Clerk 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, Johnson and Williams. Noes: None. Absent: None.

**[ANNOUNCEMENTS]**

Council Member Freeman thanked everyone for the outpouring of support for the loss of her family members and noted that it was Mexican Independence Day.

Council Member Caballero noted Hispanic Heritage Month, recognized Mexican independence day, expressed sympathy for Puerto Rico who experienced another hurricane and noted that the upcoming Saturday was Pride Day.

Mayor Pro Tempore Middleton congratulated the arts community for hosting center fest in the city and expressed condolences to Council Member Freeman.

Council Member Holsey-Hyman highlighted the need for breast cancer awareness and encouraged the education of breast cancer awareness.

Council Member Johnson echoed the comments made by Mayor Pro Tempore Middleton regarding Center Fest.

Council Member Williams spoke to the violence in the city and encouraged the creation of safer environments and uplifted the Durham Success Summit that he attended recently.

Mayor O'Neal thanked her Council colleagues for their support.

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

Deputy City Manager Keith Chadwell stated that Items 33, 34 had additional information added.

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

**[CONSENT AGENDA]**

**SUBJECT: MAYOR'S HISPANIC/LATINO COMMITTEE – APPOINTMENTS (ITEM 1/ PR #15675)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to appoint Nancy Leiva-Ramos and Maralis B. Mercado-Emerson to the Mayor's Hispanic/Latino Committee with the terms expiring on October 1, 2024 (Due to the term expirations of Maralis Mercado Emerson and Linda Stone), was approved at 7:48 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.

**SUBJECT: DURHAM WORKERS' RIGHTS COMMISSION – APPOINTMENT (ITEM 2/ PR #15676)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to appoint Danae Willis 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 Melanie Stratton), was approved at 7:48 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.

**SUBJECT: DURHAM HOUSING AUTHORITY BOARD OF COMMISSIONERS – APPOINTMENT (ITEM 3/ PR #15677)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to appoint Mayme F. Bledsoe-Webb to the Durham Housing Authority Board of Commissioners with the term to expire on September 28, 2027 (Due to the term expiration of Mayme Bledsoe), was approved at 7:48 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.

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 5/ PR #15681)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to approve the City Council minutes for the following meetings: July 26, 2022 Work Session, August 1, 2022 Regular Meeting, August 4, 2022 Work Session and August 8, 2022 Special Meeting, was approved at 7:48 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.

**SUBJECT: FISCAL YEAR-END 2022 INVENTORY PERFORMANCE AUDIT- AUGUST 2022 (ITEM 6/ PR #15682)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to receive the Fiscal Year-End 2022 Inventory Performance Audit August 2022 approved at the August 22, 2022, Audit Services Oversight Committee meeting, was approved at 7:48 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.

**SUBJECT: BOARDS, COMMITTEES, COMMISSIONS AND TASKFORCE FISCAL YEAR 2021-2022 ANNUAL ATTENDANCE REPORTS (ITEM 7/ PR #15674)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to receive the attendance reports for Boards, Committees, Commissions and Taskforces for the period July 1, 2021 - June 30, 2022; and to authorize the City Clerk to begin the

removal process for the members of City of Durham Boards, Committees, Commissions and Taskforces who have failed to meet attendance requirements was approved at 7:48 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.

**SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR MASTER AGING PLAN IMPLEMENTATION (ITEM 9/ PR #15701)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to resolve that the City Manager be authorized to execute an Interlocal Agreement (ILA) with Durham County regarding City-County Master Aging Plan Implementation, was approved at 7:48 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.

**SUBJECT: SOUTH MINERAL SPRINGS AND PLEASANT ANNEXATION ORDINANCE CORRECTION (ITEM 10/ PR #15687)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to adopt the corrected annexation ordinance for case BDG1900011 - South Mineral Springs and Pleasant, was approved at 7:48 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 #16004**

**SUBJECT: AN ORDINANCE TO AMEND THE DURHAM CITY CODE PROVISION REGULATING STREET OR ALLEY CLOSING AND ABANDONING - PETITION, FILING REQUIREMENTS WITHIN THE CITY (ITEM 11/ PR #15686)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to adopt an ordinance amending Durham City Code Chapter 62, Article I, Sec. 62-17 Closing and Abandoning - Petitions, Filing Requirements by replacing existing Sec. 62-17 in its entirety, was approved at 7:48 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 #16005**

**SUBJECT: CAROLINA CIVIL WORKS ANNEXATION ORDINANCE CORRECTION  
(ITEM 12/ PR #15685)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to adopt the corrected annexation ordinance for case BDG2100023 - Carolina Civil Works, was approved at 7:48 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 #16006**

**SUBJECT: CONTRACT FOR THE PROVISION OF NON-CONGREGATE  
EMERGENCY SHELTER SUPPORTIVE SERVICES WITH PROJECT  
ACCESS OF DURHAM COUNTY (ITEM 13/ PR #15700)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a one-year contract in the amount of \$75,000 with Project Access to provide non-congregate emergency shelter supportive services to medically vulnerable households experiencing homelessness, was approved at 7:48 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.

**SUBJECT: RENEW INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR  
GANG REDUCTION STRATEGY (ITEM 15/ PR #15658)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to resolve that the City Manager be authorized to renew an Interlocal Agreement with Durham County for an amount not to exceed \$174,805 to support the Durham County Gang Reduction Strategy and Project BUILD, was approved at 7:48 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.

**SUBJECT: RENEW CONTRACT WITH LEGAL AID OF NORTH CAROLINA TO  
ADMINISTER DURHAM EXPUNCTION AND RESTORATION (DEAR)  
PROGRAM (ITEM 16/ PR #15659)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to renew a contract with Legal Aid of North Carolina in an amount not to exceed \$150,000 to administer the Durham Expunction and Restoration Program, was approved at 7:48 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.

**SUBJECT: AWARD OF CONSTRUCTION TO J. F. WILKERSON CONTRACTING COMPANY, INC. FOR THE CELESTE CIRCLE FORCE MAIN PROJECT (ITEM 17/ PR #15663)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a contract with J. F. Wilkerson Contracting Company, Inc. for the Celeste Circle Force Main Project in the amount of \$3,846,872;

To establish a contingency fund for the contract in the amount of \$384,687.20; and

To authorize the City Manager to negotiate and execute change orders for the contract provided that the total project cost does not exceed \$4,231,559.20, was approved at 7:48 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.

**SUBJECT: PURCHASE CONTRACT – FERGUSON ENTERPRISES LLC OF VIRGINIA ADVANCED METERING INFRASTRUCTURE PILOT PROJECT (ITEM 18/ PR #15668)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to negotiate and execute a purchase contract with Ferguson Enterprises LLC of Virginia for the Advanced Metering Infrastructure Pilot Project as authorized by N.C. Gen. Stat. - 143-129 (e)(6)(ii and iii) in the amount of \$753,850;

To establish a contingency fund for the contract in the amount of \$74,150;

To authorize the City Manager to negotiate and execute change orders for the contract provided the cost of all change orders together with the original contract amount does not exceed \$828,000; and

To authorize the City Manager to negotiate and execute the FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement, was approved at 7:48 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.

**SUBJECT: AWARD OF SERVICE CONTRACT FOR LEAD AND COPPER RULE PROGRAM MANAGEMENT – CDM SMITH, INC. (ITEM 19/ PR #15669)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to a contract with CDM Smith, Inc. in an amount not to exceed \$1,124,230; to establish a contingency fund for the service contract with CDM Smith, Inc. in the amount not to exceed \$105,770; and to authorize the City Manager to negotiate change orders for the service contract CDM Smith, Inc., provided that the total

contract cost does not exceed \$1,230,000, was approved at 7:48 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.

**SUBJECT: PURCHASE CONTRACT – MOBILE COMMUNICATIONS AMERICA, INC. FOR A BOOSTER CELL NETWORK FOR THE DEPARTMENT OF WATER MANAGEMENT FACILITY COMPLEX (ITEM 20/ PR #15670)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to negotiate and execute a purchase contract with Mobile Communications America, Inc. for new cell network equipment for the Department of Water Management Facility Complex utilizing an existing Cumberland County contract as authorized by G.S. - 143-129(e)(1) in the amount not to exceed \$209,774.26;

To establish a contingency fund for the purchase orders in the amount of \$21,000; and

To authorize the City Manager to negotiate and execute change orders for the purchase contract provided the cost of all change orders together with the original purchase contract amount does not exceed \$230,774.26, was approved at 7:48 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.

**SUBJECT: CHANGE ORDER #3 - GILBANE BUILDING COMPANY CONSTRUCTION MANAGER AT RISK CONTRACT #14459 FOR THE DEPARTMENT OF WATER MANAGEMENT FACILITY COMPLEX (ITEM 21/ PR #15628)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a change order to the Construction Manager at Risk Contract with Gilbane Building Company for amount of \$4,028,998, for a total Guaranteed Maximum Contract amount of \$115,807,497;

To maintain a project contingency amount of \$890,000; and

To authorize the City Manager to execute change orders to the contract so long as the contract amount does not exceed \$116,697,497, was approved at 7:48 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.

**SUBJECT: AMENDMENT NO. 4 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH KIMLEY-HORN AND ASSOCIATES INC. FOR THE AMERICAN TOBACCO DISTRICT WATERLINE REPLACEMENT PROJECT (ITEM 22/ PR #15662)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a contract amendment to the American Tobacco District Waterline Replacement Project with Kimley-Horn and Associates Inc. in an amount not to exceed \$952,832, increasing the total contract amount to \$6,082,638;

To authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$6,449,006, which includes the existing contingency amount of \$366,368 was approved at 7:48 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.

**SUBJECT: MICROWAVE UPGRADE PROJECT WITH MOTOROLA SOLUTIONS, INC. (ITEM 23/ PR #15698)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to negotiate and execute a purchase contract with Motorola Solutions, Inc. for new communications equipment to upgrade the Durham Emergency Communications Center's microwave transport system using existing North Carolina State Convenience Contract 725-G, as authorized by General Statute Section 143-129(e)(9), in an amount not to exceed \$1,897,845.76, was approved at 7:48 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.

**SUBJECT: APPOINTMENT OF A DEPUTY FINANCE OFFICER (ITEM 24/ PR #15664)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to adopt a resolution appointing a new Deputy Finance Officer, was approved at 7:48 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.

**RESOLUTION #10268**

**SUBJECT: CONTRACT FOR CERTAIN BILL PRINTING AND MAIL SERVICES (ITEM 25/ PR #15665)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a four-year contract with Professional Mail Services, Inc. for certain print and mail services not to exceed \$2,448,450, was approved at 7:48 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.



**SUBJECT: FELLOWSHIP PLACEMENT AGREEMENT BETWEEN THE CITY OF DURHAM AND FUSE CORPS FOR SUSTAINABLE LAND USE IN CEMETERIES PROJECT (ITEM 26/ PR #15690)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a Fellowship Placement Agreement with the nonprofit FUSE Corps in the amount of \$80,000 for an Executive Fellowship Project for sustainable land use in cemeteries project, was approved at 7:48 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.

**SUBJECT: CONTRACT ST-319, BRAGTOWN STREET IMPROVEMENTS (ITEM 28/ PR #15671)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a contract for ST-319, Bragtown Street Improvements with FSC II, LLC dba Fred Smith Company in the amount of \$2,476,930.95; to establish a contingency fund in the amount of \$123,846.55; and to authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$2,600,777.50, was approved at 7:48 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.

**SUBJECT: RESOLUTION TO SUPPORT THE LOCAL ASSISTANCE FOR STORMWATER INFRASTRUCTURE INVESTMENTS (LASII) PROGRAM GRANT (ITEM 29/ PR #15699)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to adopt the resolution stating the need for the South Ellerbe Restoration Project, the intent to construct the project, and the intent to request State grant assistance for the construction of the project, was approved at 7:48 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.

**RESOLUTION #10269**

**SUBJECT: CONTRACT WITH EDGE ONE SOLUTIONS, INC. FOR THE NICE INFORM ELITE INTELLIGENCE CENTER (ITEM 30/ PR #15672)**

**MOTION** by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute a one-year contract with Edge One Solutions, Inc. for the purchase of a new call recording system and associated hardware for an amount not to exceed \$810,997.50, was approved at 7:48 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.

**[PULLED ITEMS FROM THE AGENDA]**

**SUBJECT: BULL CITY UNITED UPDATE AND CONTRACT RENEWAL (ITEM 14/ PR #15657)**

The item was pulled by a resident.

Mayor O’Neal allowed for three minutes to hear comments.

Jontae Dunston, a resident of Durham, spoke in favor of the item. He stated that bad press should not eliminate a good initiative.

**MOTION** by Council Member Freeman, seconded by Council Member Caballero, to receive a presentation and annual update from Durham County's Bull City United program and to resolve that the City Manager be authorized to renew an Interlocal Agreement with Durham County for an amount not to exceed \$935,488 to support the expanded service area of Bull City United, 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.

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: CONTRACT FOR SHOTSPOTTER RESPOND SERVICES AGREEMENT (ITEM 27/ PR #15666)**

Jontae Dunston, a resident of Durham, spoke in favor of the item. He stated that the ShotSpotter technology would be a beneficial tool in assisting the Police Department.

Council Member Johnson asked where the technology would be deployed.

Chief Andrews stated that she did not know by design and that anonymity was a part of the feature.

**MOTION** by Council Member Holsey-Hyman, seconded by Council Member Williams, to authorize the City Manager to execute a one-year contract in the total amount of \$197,500 with ShotSpotter, Inc. for the Respond - Gunshot Detection, Location, and Forensic Analysis Service, was approved at 7:59 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Holsey-Hyman, and Williams. Noes: Council Members Caballero and Johnson. Absent: None.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: CONSOLIDATED ANNEXATION - 1409 DOC NICHOLS ROAD (ITEM 33/ PR #15683)**

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavits of the notice was on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation and initial zoning map change had been received from Jarrod Edens of Edens Land Corp., for one parcel of land totaling 8.282 acres and located at 1409 Doc Nichols Road. The annexation petition was for a contiguous expansion of the existing non-satellite corporate limits.

The current zoning was Residential Rural. For the initial City zoning of the site, if annexation was approved, the applicant proposed to change the designation to Planned Development Residential 7.245 to allow for the construction of up to 60 townhouse units. The applicant had committed to the construction and deeded donation of three of the townhouse units to Habitat for Humanity of Durham, Inc.

The properties were currently designated Low Density Residential on the Future Land Use Map. The proposed Planned Development Residential 7.245 zoning was inconsistent with the designated use shown on the FLUM. If the proposed zoning was approved, staff recommended a change to the Future Land Use Map to designate the property as Low-Medium Density Residential. The Planning Commission recommended approval by a vote of 7-1 at their June 23, 2022 meeting.

Mayor Pro Tempore Middleton opened the public hearing and called for any speakers to the item.

Jarrod Edens, a representative for the applicant, spoke to the item, he noted the following: the applicant was proposing 60 townhomes that were located close to other similar developments, a 100 year stormwater detention plan, wide buffers, and an additional 3 completed units for Affordable Housing needs.

Pamela Andrews, a resident of Durham spoke in opposition of the item. She stated that there were grave environmental concerns such as heightened bacteria in the area as the basis for her position.

Sandy Wilson, a resident of Durham, spoke in opposition of the item. She cited the ongoing dynamite blasts and the potential damage that they may cause to her mobile home in order to develop the land as the basis for her position.

Ronnie Turner, a resident of Durham, echoed the concerns about the dynamite blasts as a means to development as the basis of his opposition.

Donna Stainback, a resident of Durham, spoke in opposition of the item. She expressed concerns for the stream buffers and mass grading as the basis for her concern.

Gary Mclean a resident of Durham, spoke in opposition of the item due to the mass grading and the dynamite blasts, since they have had an adverse effect on the water.

Pam Williams, a resident of Durham, spoke in opposition of the item. She stated that the item was submitted to the minimum standards required and requested additional street landscape and the addressing of traffic concerns.

Rebecca Freeman, a resident of Durham, spoke in opposition of the item due to only one type of housing being proposed.

Thomas Freeman, a resident of Durham, spoke in opposition of the item. He stated that the topography of the item was not conducive for the proposed development.

Jarroed Edens responded to some of the comments and noted the following: there were 10 active developments potentially using dynamite in Durham and he did not expect that the proposal would need to use dynamite.

Beverly Mills, a resident of Durham, spoke in opposition of the item. She stated that her well water and the foundation of her home had been affected by the dynamite blasts taking place.

Council Member Holsey-Hyman asked if dynamite was the only way to create the proposed development.

Mr. Edens stated that blasting was a last resort.

Council Member Holsey-Hyman asked if there were any safeguards for residents in regard to blasting.

Sara Young, Planning Director, stated that compliance with blasting rules were monitored and regulated by the Fire Marshall.

Council Member Freeman asked if the Fire Marshall had their ordinances online.

Ms. Young stated that she was unsure if the Fire Marshall had this information online.

Council Member Freeman asked if the site would have retaining walls.

Mr. Edens stated that there would likely be retaining walls.

Mayor Pro Tempore Middleton asked for clarification as to what damage had been caused by dynamite to residents' home.

Mr. Ronald Turner stated that his neighbors and in laws' homes had been damaged by dynamite but there had been no formal reporting done.

Mayor Pro Tempore Middleton asked what the price points would be.

Mr. Edens stated that they would be in the upper \$300k's.

Council Member Williams appreciated the efforts made by the developer.

Council Member Caballero asked Mr. Freeman if he believed that the area was only suitable for single family home on 1 acre lots.

Mr. Freeman stated that he felt that single family homes were the best option for the area.

Seeing no additional speakers, Mayor Pro Tempore Middleton declared the public hearing closed

Council Member Johnson expressed support for the item due to the levels at which Durham was growing.

Council Member Freeman expressed concern for the item due to the environmental issues that the residents brought up.

Andrew Lester confirmed the four proffers of 2 erosion control measures, updating the maximum impervious surface to 60%, and increased buffers,

**MOTION** by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance annexing '1409 Doc Nichols Road' into the City of Durham effective September 30, 2022; and to authorize the City Manager to enter into a utility extension agreement with Edens Land Corp, was approved at 9:56 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: Mayor O'Neal and Council Member Freeman. Absent: None.

**ORDINANCE #16007**

**MOTION** by Council Member Williams, seconded by Council Member Johnson, 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), County Jurisdiction and establishing the same as Planned Development Residential

7.245 (PDR 7.245), Falls/Jordan Lake Watershed Protection District - B (F/J-B), City Jurisdiction, was approved at 9:57 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson and Williams. Noes: Mayor O’Neal and Council Member Freeman. Absent: None.

**ORDINANCE #16008**

**MOTION** by Council Member Williams, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 9:57 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 Z2000016, 1409 Doc Nichols 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 Z2000016, 1409 Doc Nichols 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 N, ‘Community Goals and Objectives’; regarding the subject ‘Z2000016, 1409 Doc Nichols 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 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 & Objectives in Attachments O, and Attachment S, 'Criteria for Future Land Use Analysis'; regarding the subject 'Z2000016, 1409 Doc Nichols 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 - 7926 MASSEY CHAPEL ROAD  
(ITEM 34/ PR #15684)**

Andrew Lester, Senior Planner stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavits of the notice was on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation and zoning map change had been received from Jarrod Edens, of Edens Land Corp., for one parcel of land totaling 5.828 acres and located at 7926 Massey Chapel Road. The annexation petition was for a contiguous expansion of the existing non-satellite corporate limits.

The current zoning was Residential Rural. The applicant proposed to change the designation to Planned Development Residential 4.928, to allow for the construction of up to 28 townhouse units. The development plan did commit to sizing BMPs to detain the 100-year storm event, donation of a completed townhouse unit to habitat for humanity, donations to the Dedicated Housing Fund and Durham Public Schools.

The property was currently designated Low Density Residential on the Future Land Use Map. The proposed Planned Development Residential 4.928 zoning was not consistent with the designated use shown on the FLUM. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the property as Low-Medium Density Residential. The Planning Commission failed to recommend approval by a vote of 7-7 at their May 10, 2022 meeting.

Mayor Pro Tempore Middleton opened the public hearing and called for any speakers to the item.

Jarrod Edens, representative for the applicant, spoke in favor of the item and asked council for their support.

Pat Parkino a resident of Durham, spoke in opposition of the item. She stated that the proposed development was not in line with the current area.

Jeremy Tar, a resident of Durham, spoke in opposition of the item. He stated that it was incompatible with the existing area and asked council not to support the item.

Council Member Hosley-Hyman asked the exact amount of townhomes and the price.

Mr. Edens stated 28 townhomes and the upper \$300k's.

Council Member Holsey-Hyman asked if a traffic study had been completed.

Mr. Edens stated that a traffic study was not required.

Council Member Williams asked for the thought process behind the proposed density.

Mr. Edens stated that the density was a bi product of neighborhood meetings.

Seeing no additional comments, MPT declared the public hearing closed.

**MOTION** by Council Member Williams, seconded by Council Member Caballero, to adopt an ordinance annexing ' 7926 Massey Chapel Road' into the City of Durham effective September 30, 2022; and to authorize the City Manager to enter into a utility extension agreement with Edens Land Corp, was approved at 10:24 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson, and Williams. Noes: Mayor O'Neal and Council Member Freeman. Absent: None.

**ORDINANCE #16009**

**MOTION** by Council Member Williams, seconded by Council Member Caballero, 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 4.928 (PDR 4.928), 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, Holsey-Hyman, Johnson, and Williams. Noes: Mayor O'Neal and Council Member Freeman. Absent: None.

**ORDINANCE #16010**

**MOTION** by Council Member Williams, seconded by Council Member Caballero, 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, Johnson, and Williams. Noes: Council Members Freeman and Holsey-Hyman. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z2000050, Massey Chapel Townhomes



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 Z2000050, Massey Chapel Townhomes 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 N, 'Community Goals and Objectives'; regarding the subject 'Z2000050, Massey Chapel Townhomes' 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 & Objectives in Attachments F, and Attachment S, 'Criteria for Future Land Use Analysis'; regarding the subject 'Z2000050, Massey Chapel Townhomes' 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: ARBORSTONE WAY, BROADSTONE COURT, FLATSTONE COURT, GREENMOUNT DRIVE, AND UPLAND MEADOWS LANE STREET CLOSINGS (ITEM 35/ PR #15689)**

Cole Renigar, Senior Planner stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavits of the notice was on file in the Planning Department and introduced the item.

Mayor Pro Tempore Middleton opened the public hearing and called for any speakers to the item.

Seeing no speakers, Mayor Pro Tempore Middleton declared the public hearing closed.

**MOTION** by Council Member Williams, seconded by Council Member Caballero, to close, in their entirety, Arborstone Way, Broadstone Court, Flatstone Court, Greenmount Drive, and Upland Meadows Lane, was approved at 10:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council

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

**CITY OF DURHAM  
ORDER PERMANENTLY CLOSING GREENMOUNT DRIVE, FLATSTONE COURT,  
BROADSTONE COURT, UPLAND MEADOWS LANE, AND ARBORSTONE WAY  
(SC2200004)**

**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 **September 19, 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 first class 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 two successive calendar weeks.

**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 #16011**

**SUBJECT: ZONING MAP CHANGE - DEARBORN DRIVE MULTIFAMILY (ITEM 36/ PR #15688)**

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavits of the notice was on file in the Planning Department and provided the following staff report:

Landon Cox, of LDG Development, proposed to change the zoning designation of three parcels of land totaling 9.41 acres, and located at Dearborn Drive and Old Oxford Road in the Bragtown community. The current zoning was Residential Urban-5. The applicant proposed to change the designation to Planned Development Residential 19.978 to facilitate the construction of up to 182 affordable multifamily units and up to 5,000 square feet of community service/civic space. The applicant was also working with the Bragtown Community outside of this process to allow the BCA to use the community center.

The affordable units were to be on average 60% or less AMI for a thirty-year period. The properties were currently designated Medium Density Residential on the Future Land Use Map (FLUM). The proposed Planned Development Residential 19.978 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, which is 8-20 dwelling units an acre. There was no associated annexation petition with the case. The assembled parcels were already within the Durham corporate boundary. The Planning Commission recommended approval by a vote of 11-0 at their June 14, 2022 meeting. In addition to the affordable units, the proposal committed to a concrete pad/bus shelter subject to Go Durham and Go Triangle, additional asphalt along the east side of Old Oxford Road for a bike lane.

Mayor Pro Tempore Middleton opened the public hearing and called for any speakers to the item.

Nil Ghosh, a representative for the applicant, spoke to the specifics of the item and requested the support of the council.

Larry Coleman, a resident of Durham, spoke in support of the item due to the affordable housing component.

Vanessa Mason Evan spoke in support of the item and thanked the developer for engaging with the community.

Donna Fredrick, a resident of Durham, echoed the comments about the community engagement aspect of the project and called on council to support the efforts.

Council Member Holsey-Hyman thanked the applicant for their engagement with the community and asked if any apartments were earmarked for veterans.

Mr. Coleman stated that the overall concept was a shared veteran space. A commitment from the VA with homeless counselors.

Council Member Freeman appreciated the work on the item and supported lowering AMI.

Seeing no additional speakers, Mayor Pro Tempore declared the public hearing closed.

Council Member Caballero expressed her support for the item.

Council Member Johnson expressed her support for the item.

Council Member Holsey-Hyman expressed her support for the item.

Mayor O'Neal expressed her support for the item.

Mayor Pro Tempore Middleton expressed his support for the item.

**MOTION** by Council Member Holsey-Hyman, seconded by Council Member Williams, to adopt an ordinance amending the Durham Unified Development Ordinance by taking property out of Residential Urban - 5 (RU-5), Falls/Jordan Lake Watershed Protection District - B (F/J-B) and establishing the same as Planned Development Residential 19.401 (PDR 19.401), Falls/Jordan Lake Watershed Protection District - B (F/J-B), was approved at 10:53 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 #16012**

**MOTION** by Council Member Williams, seconded by Council Member Caballero, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 10:54 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 Z2100021, Dearborn Drive Multifamily

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 Z2100021 Dearborn Drive Multifamily, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the ‘Consistency with Adopted Plans’ and ‘Reasonable and in the Public Interest’ sections of the staff report and Attachment F, ‘Community Goals and Objectives’; regarding the subject ‘Z2100021, Dearborn Drive Multifamily’ 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 F, and Attachment J, ‘Criteria for Future Land Use Analysis’; regarding the subject ‘Z2100021 Dearborn Drive Multifamily’ 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 - WABASH PARCELS (ITEM 37/ PR #15691)**

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavits of the notice was on file in the Planning Department and provided the following staff report:

William Chambers of Hellenic Conference Centers, LLC proposed to change the zoning designation of three parcels of land totaling 9.96 acres, and located at 1500 and 1521 Wabash Street, and 1214 Truman Street. The current zoning was Residential Urban-5. The applicant proposed to change the designation to Planned Development Residential 5.170 to allow for the construction of up to 44 townhouse units. The parcels were already within the Durham City limits.

The properties were currently designated Medium Density Residential and Recreation and Open Space on the Future Land Use Map. The proposed zoning was inconsistent with the designation. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the properties as Low Medium Density Residential and Recreation and Open Space.

The Planning Commission recommended approval by a vote of 8-5 at their March 8 2022 meeting. At the Planning Commission hearing on March 8, 2022, the applicant proffered an increase of the donation to Durham's affordable housing fund to \$25,000.

Mayor Pro Tempore Middleton opened the public hearing and called for any speakers to the item.

Floyd Mckissick III and Landon Lovelace, representatives of the applicant, spoke in support of the item. They highlighted proposed open space, trails, easements, and a 25k affordable housing donation regarding the project.

William Chambers, the applicant, made himself available for any additional questions.

Senator Floyd Mckissick Jr, a resident of Durham, spoke in support of the item. He cited the preservation of the environmental areas and the need for additional housing in the city as the basis for his support.

Seeing no additional speakers, Mayor Pro Tempore Middleton declared the public hearing closed.

Council Member Freeman spoke to the density of the proposed project and how it was accompanied by a plan to address the roads and surrounding open space.

**MOTION** by Council Member Holsey-Hyman, seconded by Council Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the of the Residential Urban-5 (RU-5) district, and establishing the same as Planned Development Residential 5.170 (PDR 5.170) district; was approved at 11:06 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 #16013**

**MOTION** by Council Member Williams, seconded by Council Member Johnson , to adopt a Consistency and Reasonableness Statement as required by NCGS 160D-605, was approved at 11:07 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 Z2100006, Wabash Parcels

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 Z2100006, Wabash Parcels, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the Consistency with Adopted Plans and Reasonable and in the Public Interest sections of the staff report and Attachment F, Community Goals and Objectives; regarding the subject Z2100006, Wabash Parcels, 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.

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, and Attachment F, Community Goals and Objectives; 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 11:08 p.m.

Ashley Wyatt, CMC  
Deputy City Clerk

Diana Schreiber, CMC  
City Clerk