

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 15, 2019
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time in the Council Chambers at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also Present: City Manager Tom Bonfield, Interim City Attorney Kimberly Rehberg, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

Mayor Schewel called the meeting to order, welcomed everyone in attendance, called for a moment of silent meditation and provided the following written remarks:

“This has been a very difficult week in Durham. Five days ago we had an explosion that rocked our community, ironically on the very day of Durham’s 150th birthday.

My colleagues, who came to the site of the blast in support of our staff on the afternoon of the crisis, may have comments of their own later this evening.

But before our traditional moment of silence, I have a few remarks.

It was a day of terrible tragedy and loss.

We mourn the life of Mr. Kong Lee, a beloved father and friend and member of our community. Take a look at the Facebook Page for his coffee shop, Kaffeinate, to see the outpouring of devotion to Mr. Lee. We grieve for the families of those who were injured, especially those who remain in very serious condition at Duke and UNC Hospitals.

At the same time, it was a day which gave me a great sense of gratitude for our incredibly brave, incredibly professional first responders. For the PNC employee who came to the site to try to cut off the gas. For the firefighters who cleared the coffee house and truly saved a dozen lives. For those same firefighters who were literally blown down and concussed by the explosion, and who somehow got up and got to their truck and turned their hoses on the fire.

At the Durham Bulls game on Thursday night, I threw out the first pitch. And afterwards a friend of mine came up to me and told me this story. He and his wife were sitting together in the coffee shop, which they loved, working on their computers and the business they run together. Their two-year old daughter was at home with a baby sitter. The firefighters came into the coffee shop and got them to leave. They were the last people out of the coffee shop morning, 90 seconds before the blast. As they told me, those firefighters saved their lives.

I feel enormous gratitude For the emergency medical responders. When I arrived on the scene with Chief Zoldos and Deputy City Manager Bo Ferguson, we saw people, blood streaming, lying near the corner of Morgan and Duke Streets, each of them already attended by a medic, administering the care they needed and getting them into ambulances and off to the hospital.

I feel tremendous gratitude for the folks at Duke Hospital and Duke Regional who activated their emergency protocols to take in the flood of 17 patients, several of them severely injured.

I feel pride when I remember watching how our leadership coordinated their work on scene. Chief Davis for the police, Mr. Van Fleet and Dr. Anjni Joyner for the emergency medical services, Mr. Jim Groves with Emergency Management, and in our new Fire Chief, literally in a trial by fire, Chief Bob Zoldos. This was powerful and effective work.

Our folks were prepared, and it showed. They were professional. And they were incredibly brave, especially those firefighters who stood up against that enormous fire with their hoses just a few feet away. And when they grew tired, another wave of firefighters took their place.

I want to especially express thanks tonight to two people who have largely gone unnoticed in our expressions of communal gratitude. Our city manager, Tom Bonfield, was at a conference across the country when the explosion occurred. In charge here at City Hall, holding down the fort, was Deputy City Manager Wanda Page. And on site at Duke St. was Deputy City Manager Bo Ferguson. These are two supremely capable and wise people. I could not have been more proud of their leadership throughout.

Bo knew just when to ask a question and just when to step back. He struck the perfect tone with our managers and with the press and with our community. Well done, Bo. You did a remarkable job. And Wanda, thanks for running the City while all this was going on.

Finally, I want to give thanks to all of our residents who have expressed themselves in an outpouring of generosity. I want to call out in particular Fergus Bradley, proprietor of the Maverick Smokehouse, who turned his restaurant into the rest and recuperation headquarters for the first responders and others on Duke Street. And to Dawn Bland, a local resident who took off work to organize food and drink donations to arrive at Maverick Smokehouse and organized the volunteers to run the grill to keep everybody fed.

And to those good folks who have organized three separate GoFundMe efforts, which you can find, and donate to, at BullCityStrong.

To the City staff who came in right behind the first responders, from public works and solid waste and others, who still have big jobs ahead.

We are, as our new hashtag says, Bull City Strong. We will rebuild these buildings, and we will support the families in their loss and grief and recovery.

And as we mourn and as we offer our support, we will celebrate, too, the first 150 years of city that can produce heroes like this.

Now I ask you to join me in a moment of silence in memory of Mr. Lee, in support of those who remain injured, and in gratitude for the frontline city and county staff who served us so well in this time of crisis.”

Council Member Reece led the Pledge of Allegiance to the Flag.

[CEREMONIAL ITEMS]

Council Member Alston read into the record the Neighbor Spotlight Award and presented it to Kevin Walls of PAC4.

Mayor Schewel introduced public Historian Eddie Davis who gave a History Moment on Wilbur Hobby.

Mayor Pro Tempore Johnson read into the record the Proclamation recognizing National Community Development Week and presented it to Reginald Johnson, Director of the Department of Community Development.

Council Member Freeman read into the record the Proclamation recognizing The Week of the Young Child and presented it to Laura Benson, Executive Director of Durham’s Partnership for Children.

Council Member Reece read into the Proclamation recognizing the Young Male Achievers Day of Service and Scholarship and presented it to LeVon Barnes, Founder of Young Male Achievers School for Creative Studies.

Council Member Middleton read into the record the Proclamation recognizing Sound the Alarm and presented it to Fire Chief Zoldos.

Mayor Schewel read remarks celebrating the Tilaran, Costa Rica as a new sister City of Durham.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Alston echoed the remarks made by Mayor Schewel regarding the Durham explosion and thanked the swift and heroic actions by City Staff. She thanked regional partners in Wake County for their support.

Council Member Freeman echoed the remarks made by Mayor Schewel and thanked all the hard workers as well as the American Red Cross.

Council Member Middleton thanked the Durham Fire Department, First Responders, and Sister Municipalities for providing aid after the Durham Explosion.

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

City Manager Bonfield thanked the Council Members for their remarks and also thanked the Fire Department and the First Responders. He advised Council that Item 10; General Classification and Compensation plan recommendations had additional attachments loaded previously.

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

[CONSENT AGENDA]

**SUBJECT: VACANT POSITIONS PERFORMANCE AUDIT MARCH 2019
(ITEM 1/ PR #13106)**

MOTION by Council Member Middleton, seconded by Council Member Freeman, to accept the Vacant Positions Performance Audit dated March 2019 as presented and approved at the March 25, 2019 Audit Services Oversight Committee meeting, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 2/ PR #13102)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to approve the City Council Minutes for March 4, 2019 and March 7, 2019, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: SELECTION OF THE EXTERNAL AUDITOR (ITEM 3/ PR #13111)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute a contract and accompanying engagement letter with Cherry Bekaert, LLP to audit the City's annual financial statements for fiscal year 2019; and

The cost of the audit for FY 2019 is \$71,000.00. the amount of the total contract for the three (3) year periods FY 2018, FY 2019 and FY 2020 is \$213,000.00; and

The firm selection was approved at the January 22, 2018 Audit Services Oversight Committee meeting, was approved at 8:16 p.m. by the following vote: Ayes: Mayor

Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: COMPREHENSIVE PLAN ENGAGEMENT SERVICES (ITEM 4/ PR #13100)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with ACP Greene & Associates dba Planning Next to provide consultant and engagement services for development of the Comprehensive Plan, in an amount not to exceed \$250,000.00, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: FAMILIES MOVING FORWARD 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT CONTRACT FOR COMPREHENSIVE CASE MANAGEMENT SERVICES (ITEM 6/ PR #13105)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute a Community Development Block Grant (CDBG) Sub-recipient Contract in the amount of \$87,000.00 with Families Moving Forward for support of their Comprehensive Case Management Services to homeless families with children, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: NORTH DURHAM PHASE III HYDRAULIC MODEL (ITEM 7/ PR #13012)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with CDM Smith, Inc. for professional engineering services in the amount not to exceed \$3,359,300.00 for the North Durham Phase III Hydraulic Model, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: SOUTHEAST REGIONAL LIFT STATION - AWARD OF CONSTRUCTION CONTRACT TO HAREN CONSTRUCTION COMPANY, INC. (ITEM 8/ PR #3093)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with Haren Construction Company, Inc. for the Southeast Regional Lift Station in the amount of \$16,882,000.00;

To establish a contingency fund for the contract in the amount of \$1,718,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders together with the total contract cost does not exceed \$18,600,000.00 was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: FOURTH AMENDMENT TO THE MANAGEMENT AGREEMENT BY AND AMONG CITY AND COUNTY OF DURHAM AND GLOBAL SPECTRUM, L.P. (ITEM 9/ PR #13104)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute the 4th amendment to the Management Agreement by and between the City and County of Durham and Global Spectrum, L.P. for the Durham Convention Center, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: AGREEMENT TO SUPPORT MOOGFEST 2019 OPERATED BY MOOG INSTITUTE, INC. USING CITY OF DURHAM GRANT FUNDS (ITEM 11/ PR #13085)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with Moog Institute, Inc. to support Moogfest 2019 in an amount not to exceed \$60,000.00, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO MANAGED NETWORK SECURITY AND SERVICES (CAROLINAS IT) CONTRACT (ITEM 12/ PR #13107)

MOTION by Council Member Middleton, seconded by Council Member Freeman, to authorize the City Manager to execute an amendment with Carolinas IT in the amount of \$601,524.00 to cover all the additional cost of the three year contract, was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**\SUBJECT: RESOLUTION IN SUPPORT OF THE MEDICARE FOR ALL ACT OF 2019
(ITEM 21/ PR#13114)**

MOTION by Council Member Middleton, seconded by Council Member Freeman, to adopt a Resolution in Support of the Medicare for All Act of 2019 was approved at 8:16 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10126

Mayor Schewel invited Dr. Heather Kim to speak on the Resolution in Support of the Medicare for All Act of 2019. Dr. Kim spoke in support of the Resolution on behalf of the North Carolina Coalition for Health.

[GENERAL BUSINESS AGENDA]

**SUBJECT: GENERAL CLASSIFICATION AND COMPENSATION PLAN
RECOMMENDATIONS (ITEM 10/ PR 13030)**

Regina Youngblood, Human Resources Director, gave the following staff report:

The City of Durham endeavored to provide fair, equitable and competitive compensation in its efforts to attract, retain, develop and reward the employee workforce. These efforts support the Innovative and High Performing Organization City goal. The agenda item recommended adoption of a new Classification and Compensation Plan for full time, non-sworn employees that was externally competitive and internally equitable. The recommendations were informed by the classification and compensation study conducted by the consulting firm, Arthur J. Gallagher & Company. The study scope included two main deliverables, a new Classification Plan and a new Compensation Plan.

Gallagher Consultants recommended the City of Durham's current 473 very position specific classifications be organized into 203 broader classifications, grouped by common duties or type of work as well as level of responsibility. The recommended new Classification Plan facilitated fairer and more effective management of jobs with equivalent responsibility.

Gallagher conducted a salary survey and found the City's current pay plan was competitive when compared to the market. The resulting Compensation Plan recommendations were designed to maintain the strong market stance the City had achieved. Two salary structures were recommended, a step plan for technical, support and paraprofessional positions, and an open range plan for professional and management jobs. If approved, the recommended Classification and Compensation Plans would be implemented retroactively from January 1, 2019.

Mayor Schewel stated there were speakers to the item.

Donald Quick, a member of the UE150 and the Public Works Department, stated that the Department needs additional help regarding understaffing. He stated that some employees feel overworked in Public Works and the Water Management Departments.

Nelson Walker of the General Services Department stated that while his Department did appreciate the pay increase, he expressed that the department needed upgraded equipment. He also stated that he was not in favor of limiting the type and amount of certificates that would allow an employee to obtain an increase.

Sarah Vukelich of 710 Underwood Avenue, stated that she applauded the Council for passing the Resolution regarding Medicare for All as well as the step plan for pay increases; however she suggested the City pay part time employees \$15/hour and that more blue collar laborers should have been included more in the occupational panels used in creating the comp and class study.

Dante Strobino of 2400 Yorkdale Court, stated that he appreciated the additional month of review of the comp and class study and that it was helpful. He also expressed concern that there would be no grievance procedure for employees after failing to rise to an 'Effective' benchmark in the EPEP evaluation within 3-6 months.

Council Member Middleton asked for a breakdown of what types of employees were used for the occupational panels.

Director Youngblood advised that every employee had feedback into the process through their previous Position Description Questionnaires and that the HR Department received 1,432 of them. She also advised that there was not a need for an overabundance of blue collar laborers in the occupational panel because the purpose was to review work at all levels and mirror the representation of the organization.

Mayor Pro Tempore Johnson inquired if the step plan and open salary range would be evaluated every 2 years.

Director Youngblood stated that evaluating the step plan every 2 years was conducive to affordability and sustainability to the organization, but evaluating the open salary range in the same time frame would not necessarily bring the employees to more of an advantage.

Mayor Pro Tempore Johnson asked if everyone would get moved up when the step plan got moved up.

Director Youngblood responded that Mayor Pro Tempore Johnson was correct.

Mayor Schewel asked for clarification regarding what certificates allow for employees to receive pay increases.

Director Youngblood advised that only certificates received in the water management department and forensics are eligible to receive the certification incentive.

Mayor Schewel asked for more information regarding the differences between the new evaluation process and the old evaluation process.

Director Youngblood stated that employees would have access to enter information about themselves into the EPEP system that they would like taken into account during the evaluation season. She also advised that supervisors would be required to have monthly one on one's with staff and that the Human Resources Department would be conducting road shows to show employees how to utilize EPEP.

Council Member Freeman asked if there were designated dates and times for the road shows.

Director Youngblood stated that they were coordinating with the departments to attend their staff meetings.

Mayor Pro Tempore Johnson asked if there would be a process to rectify any mistakes and necessary revisions that may come up.

Director Youngblood stated that the plan would be to work through Department directors to correct any legitimate issues.

Mayor Schewel asked if there were any new additional requirements.

Director Youngblood stated that only standard equivalencies apply.

Council Member Middleton asked if there was anything in the comp and class plan that could hinder the objective of creating a diverse workforce.

Director Youngblood advised that there was not.

Council Member Freeman thanked Ms. Youngblood for providing the City's workforce statistics and requested a future breakdown of demographics and who held certain levels of positions.

Mayor Schewel thanked all of the speakers for attending the meeting and appreciated hearing from staff. He also recognized that roughly \$3.1 Million Dollars would increase in the pay bands for the A and B jobs as well as urged that the new plan be monitored closely.

Council Member Reece thanked Mayor Pro Tempore Johnson for asking questions on his behalf at the previous Work Session Meeting and thanked staff for answering the questions. He also appreciated city employees who had expressed concern regarding the comp and class plan for other employees and not themselves.

MOTION by Council Member Middleton, seconded by Council Member Caballero, to adopt the proposed General Classification and Compensation Plan, was approved at 9:01 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONSOLIDATED ANNEXATION ITEM – 1309 JUNCTION ROAD (ITEM 14/ PR #13094)

Jamie Sunyak, Senior Planner with the City-County Planning Department made the following staff report and stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices were on file in the Planning Department.

A request for a utility extension agreement, voluntary annexation, future land use map amendment, and zoning map change had been received from Pam Porter, TMT for one parcel of land located at 1309 Junction Road, totaling 33.31 acres. The annexation was for a continuous expansion of the city limits. In addition, the applicant had applied for a zoning map change from Rural Residential to Planned Development Residential 2.702, and a Future Land Use Map amendment from Industrial to Low Density Residential. If approved, the annexation petition and associated applications would become effective on June 30, 2019. Key commitments included limiting the permitted housing type as single-family detached, limiting the impervious surface to 70%, adding a turn lane on Ferrell Road at the site access and providing additional asphalt for a bike lane. The Public Works and Water Management departments had determined that the existing water mains had the capacity for the proposed development. The Budget and Management Services Department determined that the proposed annexation would become revenue positive immediately following annexation.

The Durham Planning Commission, at their February 12, 2019 meeting, recommended approval of the proposed by a vote of 9-1.

Staff determined that the requests were consistent with the Comprehensive Plan and applicable policies and ordinances. Four motions were required for the application.

Mayor Schewel opened the public hearing and asked if there were any speakers to the item.

Pamela Porter of 5011 South Park Drive, advised that she was the applicant and was available to answer any questions council had.

Mayor Schewel asked how many units were being proposed and if there was a price point.

Ms. Porter advised that they were proposing 90 single family detached units for an average price of \$275,000.00 for 22,000 square feet.

Mayor Schewel asked if Ms. Porter considered donating to the City of Durham's Affordable Housing Fund.

Ms. Porter advised that they would be contributing \$100 per unit for a total of \$9,000 to the Affordable Housing Fund.

Mayor Schewel asked if Ms. Porter considered donating to the Durham Public School system.

Ms. Porter advised that they would be contributing \$9,000 to the Durham Public School system.

Mayor Schewel asked staff if the proffers were acceptable and if any specific language was required.

Ms. Sunyak advised that staff would work with the applicant to tailor the standard language for the proffer.

Seeing no additional speakers Mayor Schewel closed the Public Hearing.

MOTION by Council Member Alston, seconded by Council Member Reece, to adopt an ordinance annexing "The Junction Road Subdivision" into the City of Durham effective June 30, 2019 and to authorize the City Manager to enter into a utility extension agreement with The Pinpoint Properties, LLC, was approved at 9:08 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15452

MOTION by Council Member Alston, seconded by Council Member Caballero, to adopt a resolution amending the Future Land Use Map to Low Density Residential for the site, was approved at 9:09 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10127

MOTION by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 9:09 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800017, 1309 JUNCTION ROAD

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, 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 160A-383, 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 Z1800009, 1309 Junction Road is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 8c, 'Comprehensive Plan Consistency Analysis'; dated April 15, 2019, regarding the subject '1309 Junction Road (Z1800017) along with additional agenda information provided to the City Council and information provided at the public hearing; 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 consolidated item promotes this by offering a 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 8c, 'Comprehensive Plan Consistency Analysis'; dated April 15, 2019, regarding the subject '1309 Junction Road (Z1800017) 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.

MOTION by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of Rural Residential (RR) Zoning District, Falls/Jordan Watershed Protection Overlay District-B (F/J-B), Major Transportation Corridor I-85 (MTC I-85), County Jurisdiction, and establishing the same as Planned Development Residential 2.702 (PDR 2.702), Falls/Jordan Watershed Protection Overlay District-B (F/J-B), Major Transportation Corridor I-85 (MTC I-85), City Jurisdiction, was approved at 9:09 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15453

SUBJECT: ZONING MAP CHANGE – KINGS DAUGHTERS INN (ITEM 15/ PR #13095)

Emily Struthers, Senior Planner with the City-County Planning Department made the following staff report and stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices were on file in the Planning Department.

The applicant's agent, Mr. Jewell requested a continuance of the case to the June 3rd meeting.

Mayor Schewel opened the Public Hearing and continued the Public Hearing to a date certain; June 3, 2019.

To adopt a Consistency Statement as required by NCGS 160A-383. [No vote taken. Continued to June 3, 2019]

To adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Urban-5 (RU-5) and Residential Urban-Multifamily (RU-M) and establishing the same as Residential Urban-Multifamily (RU-M).

No vote taken on the item; the item was continued to June 3, 2019 meeting of Council.

SUBJECT: ZONING MAP CHANGE – ODYSSEY TOWNES (ITEM 16/ PR #13096)

Emily Struthers, Senior Planner with the City-County Planning Department made the following staff report and stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices were on file in the Planning Department.

A request for a zoning map change had been received from Jarrod Edens, on behalf of Gary Wallace, for three parcels located at 3500 NC 55 Highway, 3614 NC 55 Highway, and 5221 Penrith Drive. The site area totaled 26.85 acres. The site was zoned Commercial Center (CC) without a development plan. Mr. Edens proposed to change the designation to Commercial General with a development plan (CG(D)) and Residential Suburban-8 with a development plan (RS-8(D)). The development plan proposed a maximum of 10,000 square feet of commercial and a maximum of 190 multifamily units. No units were proposed within the RS-8(D) portion of the site. The properties were designated Commercial, Recreation/Open Space, and Low-Medium Density residential on the Future Land Use Map which was consistent with the proposed zoning change.

The Durham Planning Commission, at their February 12, 2019 meeting, recommended approval of the proposed CG(D) and RS-8(D) zoning district by a vote of 9-1. Staff determined that the request was consistent with the Comprehensive Plan and applicable policies and ordinances.

Mayor Schewel opened the Public Hearing and asked if there were any speakers to the item.

Jarroed Edens of 2314 South Miami Boulevard, stated that he believed that the area where the proposed project would be was a good location for density and by offering townhomes it would fill the gap in that area for housing options.

Mr. Edens made the following proffers: Installation of a traffic light at Odyssey and NC 55, \$20,500.00 to the Durham Public School system prior to the first final plat, and \$30,000.00 to the Affordable Housing Fund prior to the first final plat.

Council Member Reece stated that one of the Planning Commissioners opposed the project because they thought that a residential designation would be more appropriate. He asked if there was any designation that could accommodate both residential and commercial.

Pat Young, Director of City-County Planning, advised that the Comprehensive Plan designated multifamily dwellings as commercial and that the commercial designation was most appropriate for the proposed project.

Seeing no additional speakers Mayor Schewel closed the Public Hearing.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 9:17 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800019 – Odyssey Townes

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, 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 160A-383, 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 Z1800019, Odyssey Townes is based upon review of, and 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 in Attachment 6, “Comprehensive Plan Consistency Analysis,” dated April 15, 2019, regarding the subject “Odyssey Townes” (Z1800019), along with additional agenda information provided to the City Council and information provided at the public hearing; 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 zoning item promotes this objective 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 6, “Comprehensive Plan Consistency Analysis,” dated April 15, 2019, regarding the subject “Odyssey Townes” (Z1800019), 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.

MOTION by Council Member Caballero, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Commercial Center (CC) and Residential-Multifamily (RS-M) zoning, and establishing the same as Commercial General with a Development Plan (CG(D)) and Residential Suburban-8 with a Development Plan (RS-8(D)), was approved at 9:17 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15454

SUBJECT: ZONING MAP CHANGE – 707 MOREHEAD AVE (ITEM 17/ PR #13097)

Jamie Sunyak, Senior Planner with the City-County Planning Department made the following staff report and stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices were on file in the Planning Department.

The City Council approved a zoning map change and development plan for 707 Morehead Avenue on July 28, 1986 (Legacy Case P86-35). This was a 2.88-acre tract of land located in the Morehead Hill Local Historic District, bounded by Morehead Avenue, Vickers Avenue, Procter Street and Shepherd Street. The legacy case included a development plan that limited uses to group residences, a small group facility, a recreation facility and an administration building.

The applicant, Robert Shunk from Stewart, Inc., had submitted an application to add a text commitment to the legacy case that would allow all residential uses permitted in the Residential Urban-5(2) district. No changes were being proposed to the rest of the approved development plan. Per the Unified Development Ordinance, any revisions to text commitments were considered a significant change and required a new hearing and recommendation from the Planning Commission prior to the case being considered by City

Council. The Durham Planning Commission at their February 12, 2019 meeting, recommended approval of the request by a vote of 10-0.

The applicant had obtained a Certificate of Appropriateness, as required by the Historic Resources Local Review Criteria on December 4, 2018 from the Historic Preservation Commission for the relocation of the primary structure, modifications to the primary structure at 707 Morehead Avenue and construction of 17 new townhouse units. Staff determined that the requests were consistent with Comprehensive Plan and applicable policies and ordinances.

Mayor Schewel opened the Public Hearing and asked if there were any speakers to the item.

Ken Spaulding, a representative for the applicant, advised that they were requesting to remove the text commitment which was tied to the Brain Center that had been closed for 3 years. He also stated that the project had the unanimous support from both the historic preservation and planning commissions.

George Stanziale of 115 Lofield Circle, stated that the project was not adding traffic or students and that land in Durham was becoming scarce and was directly linked to needing more housing. He proffered \$20,000.00 to the Affordable Housing Fund prior to final plat approval.

Council Member Freeman thanked Mr. Stanziale for meeting with the resident while working on the project.

Council Member Reece appreciated that the developer had reached out to people in the neighborhoods to obtain their feedback.

Ms. Sunyak advised that staff would work with the applicant to tailor the standard language for the proffer as the developer may have not needed a final plat but rather a Certificate of Occupancy instead.

Seeing no additional speakers, Mayor Schewel closed the Public Hearing.

MOTION by Council Member Middleton, seconded by Council Member Reece, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 9:32 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800031, 707 MOREHEAD AVENUE

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, 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 160A-383, 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 Z1800031, 707 Morehead Avenue is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, in Attachment 6 of the staff memo, "Comprehensive Plan Consistency Analysis," dated April 15, 2019, regarding the subject "Revisions to Text Commitments for 707 Morehead Avenue" (Z1800031), along with additional agenda information provided to the City Council and information provided at the public hearing; 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 zoning item promotes this objective by offering fair and reasonable development regulations, supported by Attachment 6 of the staff memo, "Comprehensive Plan Consistency Analysis," dated April 15, 2019, regarding the subject "Revisions to Text Commitments for 707 Morehead Avenue" (Z1800031) 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.

MOTION by Council Member Freeman, seconded by Council Member Middleton, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Urban-5(2) with a Development Plan (RU-5(2)(D)), Morehead Hill Historic District Zoning District and establishing the same as Residential Urban-5(2) with a Development Plan (RU-5(2)(D)), Morehead Hill Historic District for the subject site, was approved as amended at 9:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15455

SUBJECT: PUBLIC HEARING ON AND APPROVAL OF THE DRAFT FY 2019-2020 ANNUAL ACTION PLAN (ITEM 18/ PR #13081)

Wilmur Conyers, Program Coordinator in the Community Development Department, gave the following staff report:

The Citizen Participation Plan contained in the 2015-2020 Consolidated Plan required that two (2) public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive citizen comments on housing and community development needs. That public hearing was held on November 19, 2018. The purpose of the second and subsequent public hearings was to receive citizen comment on the City’s Draft FY 2019-2020 Annual Action Plan, which specified the allocation of Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds.

In accordance with Community Planning and Development Notice 19-01, grantees are advised not to submit their consolidated/action plan until after the FY 2019-2020 allocations have been announced. The City may delay submission of its Annual Action Plan to HUD until 60 days after the date allocations are announced, or until August 16, 2019 (whichever comes first). The Community Development Department recommended that: (1) the City Council hold a public hearing on April 15, 2019 to receive citizen comments on the Draft FY 2019-2020 Annual Action Plan for the use of Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) funds; (2) approve the Draft FY 2019-2020 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (Attachment A); (3) authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME, ESG, and HOPWA program agreements and related documents; (4) adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant project ordinance in the amount of \$2,000,000.00 (Attachment B); adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnership Program grant project ordinance in the amount of \$1,100,000.00 (Attachment C); adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant project ordinance in the amount of \$160,000.00. (Attachment D); and adopt the City of Durham/U.S. Department of Housing and Urban Development Housing Opportunities for Persons with AIDS grant project ordinance in the amount of \$370,000.00 (Attachment E).

Summary of FY2019-2020 Grant Project Ordinances

Funding Source	Amount
Community Development Block Grant (CDBG)	\$2,000,000.00
HOME Investment Partnerships Grant (HOME)	\$1,100,000.00
Housing Opportunities for Persons with AIDS (HOPWA) Grant	\$370,000.00
Emergency Solutions Grant (ESG)	\$160,000.00
<i>Total</i>	<i>\$3,630,000.00</i>

Mayor Schewel opened the Public Hearing and asked if there were any speakers to the item.

Mayor Schewel asked what the total allocation for the CDBG would be.

Ms. Conyers stated that the allocation was \$1,988,113.00.

Seeing no speakers, Mayor Schewel closed the Public Hearing.

MOTION by Council Member Reece, seconded by Council Member Middleton, to conduct a public hearing on April 15, 2019 to receive citizen comments on the Draft FY 2019-2020 Annual Action Plan for the use of Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) funds;

To approve the Draft FY 2019-2020 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME, ESG, and HOPWA program agreements and related documents;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant project ordinance in the amount of \$2,000,000.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnership Program grant project ordinance in the amount of \$1,100,000.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant project ordinance in the amount of \$160,000.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Housing Opportunities for Persons With AIDS grant project ordinance in the amount of \$370,000.00 was approved at 9:38 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15456

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting adjourned at 9:38 p.m.

Ashley Wyatt
Deputy City Clerk, CMC

Diana Schreiber
City Clerk, CMC