

**DURHAM, NORTH CAROLINA
MONDAY, SEPTEMBER 20, 2021
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, Pierce Freelon, DeDreana Freeman, Mark-Anthony Middleton and Council Member Charlie Reece. Absent: None.

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

Mayor Schewel called the meeting to order and welcomed everyone in attendance.

Mayor Schewel called for a moment of silent meditation and offered his condolences to two recent victims of gun violence in the city as well as a Durham Fire Fighter who lost his battle to COVID-19.

[CEREMONIAL ITEMS]

Mayor Schewel read into the record the Fox Family Foundation 30th Anniversary Week Proclamation.

Council Member Freelon read into the record the Diaper Need Awareness Week Proclamation.

Council Member Freeman read into the World Alzheimer's and Dementia Awareness Day Proclamation.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Freelon offered condolences to the families of the victims of gun violence at NCCU and the city fire fighter due to COVID-19; is working on a strategy for black boys with the Office on Youth; and expressed that black Durham needs investment from the American Rescue Plan Act fund.

Council Member Freeman offered condolences to the families of the victims of gun violence at NCCU and announced that early voting had started.

Council Member Middleton celebrated ceremonial items and offered condolences to the families of the victims of gun violence at NCCU.

Council Member Caballero recognized the gun violence in Durham and the country and acknowledged Hispanic Heritage Month.

Council Member Reece announced municipal elections were happening right now and encouraged people to get out and vote, and discussed the effects of Dementia and Alzheimer's.

Mayor Pro Tempore Johnson offered condolences to the families of gun violence and the firefighter we loss to COVID-19, and gave a special recognition to Council Member Freelon for the work he is doing with the Office on Youth and We Are the Ones Fund.

[PRIORITY ITEMS]

City Manager Page advised that items 7 and 27 had additional information added.

City Attorney Rehberg had no priority items.

City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #14859)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to approve the City Council minutes for the following meetings: July 22, 2021 Work Session; August 2, 2021 regular Council Meeting; August 5, 2021 Work Session; August 9, 2021 Special City Council Meeting; August 10, 2021 Special City Council Meeting; and August 12, 2021 Special City Council Meeting, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: DURHAM HOUSING AUTHORITY BOARD OF COMMISSIONERS – APPOINTMENT (ITEM 2/ PR #14861)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to appoint Robert B. Glenn Jr. to the Durham Housing Authority Board of Commissioners with the term to expire on September 28, 2026, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: HOUSING APPEALS BOARD – APPOINTMENT (ITEM 3/ PR #14862)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to appoint Teresa Ray Chicarelli to the Housing Appeals Board to represent the category of an At-Large Alternate Member with the term to expire on June 30, 2024, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and

Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.
Absent: None

**SUBJECT: MAYOR'S HISPANIC/LATINO COMMITTEE – APPOINTMENTS (ITEM 4/
PR #14870)**

MOTION by Council Member Freelon, seconded by Council Member Middleton, to reappoint Mario Giscome and Anabel Rosa to the Mayor's Hispanic/Latino Committee with the terms to expire on October 1, 2023, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

**SUBJECT: WORKFORCE DEVELOPMENT BOARD – APPOINTMENTS (ITEM 5/ PR
#14860)**

MOTION by Council Member Freelon, seconded by Council Member Middleton, to appoint Susan A. Amey and Mark E. Atkinson to the Workforce Development Board representing Private Sector with the terms to expire on June 30, 2025, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

**SUBJECT: POLICE BODY-WORN CAMERAS PERFORMANCE AUDIT DATED JUNE
2021 (ITEM 6/ PR #14884)**

MOTION by Council Member Freelon, seconded by Council Member Middleton, to receive the Police Body-Worn Cameras Performance Audit June 2021 as presented and approved at the August 23, 2021 Audit Services Oversight Committee meeting, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: AMERICAN RESCUE PLAN ACT (ARPA) (ITEM 7/ PR #14872)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to receive an update on the American Rescue Plan Act (ARPA) of 2021 and to authorize the City Manager to adopt the American Rescue Plan (ARPA) of 2021 Grant Project Ordinance Superseeding Grant Project Ordinance # 15817 to authorize the allocation of funding, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

ORDINANCE #15867-B

SUBJECT: AMENDING THE BYLAWS OF COUNCIL-APPOINTED BOARDS, COMMITTEES, COMMISSIONS AND TASKFORCES RELATED TO MEMBER COMPENSATION (ITEM 8/ PR #14885)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Attorney to amend the bylaws of the Citizens' Advisory Committee, Durham Cultural Advisory Board, Durham Sports Commission, Durham Workers Rights' Commission, Mayor's Council for Women, Mayor's Hispanic/Latino Committee, Recreation Advisory Commission, Safety and Wellness Taskforce and the Workforce Development Board to permit Council-appointed members to receive compensation, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

RESOLUTION IN SUPPORT OF THE DURHAM DIGITAL EQUITY PLAN (ITEM 9/ PR #14855)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to adopt a resolution in support of the Durham Digital Equity Plan, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

RESOLUTION #10228-B

SUBJECT: BOARDS, COMMITTEES, COMMISSIONS AND TASKFORCE 2021 ANNUAL ATTENDANCE REPORTS (ITEM 10/ PR #14871)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to accept the attendance reports for Boards, Committees, Commissions and Taskforces for the period July 1, 2020 - June 30, 2021, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: FOURTH AMENDMENT TO LEASE AGREEMENT WITH ATC EAST COMMERCIAL, LLC FOR THE DURHAM PERFORMING ARTS CENTER (DPAC) PRESIDENT'S CLUB (ITEM 11/ PR #14856)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute the Fourth Amendment to the lease agreement with ATC East Commercial, LLC, for the purpose of renting space for the Durham Performing Arts Center (DPAC) President's Club, was approved at 7:45 p.m. by the following vote:

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

SUBJECT: APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS CRESCENT DRIVE APARTMENTS AND FINANCING WITH MULTIFAMILY HOUSING REVENUE BONDS (ITEM 12/ PR #14863)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to adopt a resolution providing approval of a multifamily housing facility known as Crescent Drive Apartments in the City of Durham, North Carolina; and to approve the financing thereof with multifamily housing revenue bonds in an aggregate amount not to exceed \$10,000,000, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

RESOLUTION #10229

SUBJECT: APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS 300 EAST MAIN AND FINANCING WITH MULTIFAMILY HOUSING REVENUE BONDS (ITEM 13/ PR #14864)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to adopt a resolution providing approval of a multifamily housing facility known as 300 East Main in the City of Durham, North Carolina to approve the financing thereof with multifamily housing revenue bonds in an aggregate amount not to exceed \$15,000,000, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

RESOLUTION #10230

SUBJECT: APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS JFK TOWERS AND FINANCING WITH MULTIFAMILY HOUSING REVENUE BONDS (ITEM 14/ PR #14865)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to adopt a resolution providing approval of a multifamily housing facility known as JFK Towers in the City of Durham, North Carolina and to approve the financing thereof with multifamily housing revenue bonds in an aggregate amount not to exceed \$19,000,000, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson

and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.
Absent: None

RESOLUTION #10231

SUBJECT: AMENDMENT TO THE PURCHASE CONTRACT WITH GILLIG, LLC FOR THE PURCHASE OF EIGHT (8) DIESEL BUSES (ITEM 15/ PR #14857)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute an amendment to the Purchase Contract with Gillig, LLC for eight (8) 40-foot, low-floor, heavy duty diesel buses increasing the per bus price to \$534,872, for a total, not to exceed purchase price of \$4,278,976, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.
Absent: None

SUBJECT: AMENDMENT TO THE PURCHASE CONTRACT WITH GILLIG, LLC FOR THE PURCHASE OF SIX (6) ELECTRIC BUSES (ITEM 16/ PR #14858)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute an amendment to the Purchase Contract with Gillig, LLC for six (6) 40-foot, low-floor, heavy duty electric buses increasing the per bus price to \$987,936, for a total, not to exceed purchase price of \$5,927,616, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.
Absent: None

SUBJECT: AMENDMENT 1 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH CDM SMITH INC. FOR THE MISCELLANEOUS WATER AND SEWER REHABILITATION PROJECTS (PHASE 1) (ITEM 17/ PR #14869)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute a contract amendment to the Miscellaneous Water and Sewer Rehabilitation Projects (Phase 1) with CDM Smith Inc. in an amount not to exceed \$617,670, increasing the total contract amount to \$1,840,970; and

To authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$1,963,300, which includes the existing contingency amount of \$122,330, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: AMENDMENT 1 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH CJS CONVEYANCE, PLLC FOR THE W. MAIN STREET AND N. ELIZABETH STREET WATERLINE REPLACEMENTS PROJECTS (ITEM 18/ PR #14868)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute a contract amendment to the W. Main Street and N. Elizabeth Street Waterline Replacements project with CJS Conveyance, PLLC in an amount not to exceed \$996,273, increasing the total contract amount to \$2,656,425 and to authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$2,822,440, which includes \$166,015 in existing contingency, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: AMENDMENT 2 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH KIMLEY-HORN AND ASSOCIATES INC. FOR THE LAKEWOOD AVENUE SEWER AND NC-54 WATERLINE REPLACEMENTS PROJECTS (ITEM 19/ PR #14867)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute a contract amendment to the Lakewood Avenue Sewer and NC-54 Waterline Replacements Projects with Kimley-Horn and Associates Inc. in an amount not to exceed \$1,169,374, increasing the total contract amount to \$2,252,584, to amend the existing contingency fund for the contract in the amount not to exceed \$7,152, increasing the total amount to \$115,473 and to authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$2,368,057, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: JULY 2021 BID REPORT (ITEM 20/ PR #14876)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to receive a report on the bids that were acted upon by the City Manager in July 2021, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

Apparatus, Supplies, Materials, Equipment, Construction and Repair Work:

1. **Bid:** Twenty-four passenger Bus

Purpose of Bid: Provides the Parks and Recreation Department with one (1) 24 Passenger Bus (plus driver) Ford Econoline 450, Chassis – 3/36,000 miles; Body – 5/100,000 miles.

Comments: Priced by soliciting the lowest responsive, responsible competitive quote in accordance with City of Durham Purchasing Policy / guidelines.

Opened: 5/27/2021

Bidders:

Vendor	Qty	Price	Total Cost
Alliance Bus Group College Park Georgia	1	\$ 97,972.00	\$ 97,972.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	19	16	3
Professional	1	0	1
Technical	0	0	0
Clerical	25	6	19
Labor	79	79	0
Total	124	101	23

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	12	2	0	2	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	3	2	0	0
Labor	1	78	0	0	0

Total	14	83	2	2	0
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UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	1	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	9	5	5	0	0
Labor	0	0	0	0	0
Total	12	6	5	0	0

2. **Bid:** Pump Station 500HP Pump Controller Replacement

Purpose of Bid: Provides the Department of Water Management with VFD Soft Start Bypass Pump Controller / Installed.

Comments: Sole Source – EECO is the sole supplier/distributor for the State of North Carolina.

Opened: 7/6/2021.

Bidders:

Vendor	Qty	Price	Total Cost
EECO Raleigh, NC	1	\$ 127,200.00	\$ 127,200.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	18	12	6
Professional	22	13	9
Technical	0	0	0

Clerical	14	2	12
Labor	5	5	0
Total	59	32	27

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	11	0	1	0	0
Professional	12	0	0	1	0
Technical	0	0	0	0	0
Clerical	2	0	0	0	0
Labor	0	3	2	0	0
Total	25	3	3	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	5	0	1	0	0
Professional	5	1	2	1	0
Technical	0	0	0	0	0
Clerical	7	2	2	1	0
Labor	0	0	0	0	0
Total	17	3	5	2	0

3. Bid: Street Sweeper Equipment

Purpose of Bid: Provides the Fleet Management Department on behalf of Public Works with the repair and conversion of six (6) Freightliner M2 Chassis exhaust system from a horizontal configuration to a vertical configuration by TYMCO. The all-inclusive price including parts, labor and delivery is \$153,900.00.

Comments: TYMCO is the Sole OEM source that can perform the modification to the Freightliner M2-106 Chassis Exhaust system.

Opened: 7/20/2021

Bidders:

Vendor	Qty	Price	Total Cost
TYMCO Sweepers	6	\$ 25,650.00	\$ 153,900.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	32	31	1
Technical	0	0	0
Clerical	17	11	6
Labor	108	105	3
Total	157	147	10

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	29	1	0	0	1
Technical	0	0	0	0	0
Clerical	11	0	0	0	0
Labor	81	7	16	0	1
Total	121	8	16	0	2

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

Clerical	5	1	0	0	0
Labor	2	0	1	0	0
Total	8	1	1	0	0

4. **Bid:** SIEMENS Hydro Ranger 200 Transmitter and XPS-15 Transducer

Purpose of Bid: Provides the Department of Water Management with a Siemens made 200 Transmitter / XPS – 15 Transducer.

Comments: Siemens is the sole source for supply of the subject Transmitter.

Opened: 7/31/2021

Bidders:

Vendor	Qty	Price	Total Cost
Siemens – Cold Stream, IL	1	\$ 14,985.00	\$ 14,985.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	5	4	1
Professional	37	26	11
Technical	0	0	0
Clerical	11	1	10
Labor	21	19	2
Total	74	50	24

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	3	0	1	0	0
Professional	21	3	1	1	0

Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	7	6	5	0	1
Total	32	9	7	1	1

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	5	3	2	1	0
Technical	0	0	0	0	0
Clerical	6	3	0	1	0
Labor	1	0	1	0	0
Total	13	6	3	2	0

DESIGN-BUILD SERVICES CONTRACT WITH SAMET CORPORATION FOR LYON PARK (ITEM 21/ PR #14881)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to adopt the resolution finding that the use of a Design-Build project delivery method for Lyon Park is in the best interest of the City, to authorize the City Manager to execute a design-build contract with Samet Corporation for public engagement with design and preconstruction services for Lyon Park Recreation for an amount not to exceed \$70,616, to authorize the City Manager to negotiate and execute a design-build amendment with Samet Corporation for the construction of the Lyon Park Recreation amenities, so long as the total construction cost does not exceed \$385,384, to establish a contingency fund for the design-build contract in the amount of \$44,000; and

To authorize the City Manager to negotiate and execute change orders and amendments to the design-build contract documents, so long as the City's total expenditures do not exceed \$500,000, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

RESOLUTION #10232

SUBJECT: DONATION OF 12 VACANT PARCELS BY THE ASSOCIATION FOR THE PRESERVATION OF THE ENO RIVER VALLEY, INC. (ITEM 22/ PR #14854)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to accept a donation of 12 vacant parcels from The Association for the Preservation of the Eno River Valley, Inc. to be used for parks, recreation, and open space conservation and to authorize payment of \$6,500 in closing expenses, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: LEASE EXTENSION WITH DUKE UNIVERSITY AND DUKE UNIVERSITY HEALTH SYSTEM, INC. FOR THE EMERGENCY COMMUNICATIONS 911 BACKUP CENTER (ITEM 23/ PR #14883)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute the First Amendment to Lease, which will extend for 3 years the lease with Duke University and Duke University Health System, Inc. for the Emergency Communications 911 Backup Center and to authorize the City Manager to execute subsequent documents permitted by or required by either the lease or lease-related documents, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: PROPOSED SALE OF PROPERTY LOCATED AT 1310 STADIUM DRIVE (PID # 128431) TO LARRY C. SMITH AND TAMMY B. SMITH (ITEM 24/ PR #14874)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to declare City-owned property located at 1310 Stadium Drive (Parcel #128431) surplus, to accept the offer of \$2,829 from Larry C. Smith and Tammy B. Smith to purchase the property, to authorize selling the property to Larry C. Smith and Tammy B. Smith by private sale, as permitted by Section 86 of the City's charter, to authorize the City Manager to convey the property by non-warranty deed and to authorize depositing the proceeds into the General Fund for Sale of Land, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: 2021 NATIONAL POLICE ATHLETIC LEAGUE MENTORING INITIATIVE GRANT PROJECT ORDINANCE (ITEM 26/ PR #14888)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to accept the "2021 National PAL Mentoring Initiative" sub-

grant by executing the grant documents and to adopt the "2021 National PAL Mentoring Initiative" Grant Ordinance in the amount of \$12,600, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

ORDINANCE #15868-B

SUBJECT: STORMWATER INFRASTRUCTURE REPAIRS (SD-2021-04) (ITEM 27/ PR #14879)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute Contract SD-2021-04, Stormwater Infrastructure Repairs, with Bruce Allen Construction Company, LLC. in the amount of \$1,383,000, to establish a contingency fund in the amount of \$207,450 and to authorize the City Manager to negotiate change orders for Contract SD-2021-04 provided that the total contract cost does not exceed \$1,590,450, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

SUBJECT: AMENDMENT #7 TO SERVICE CONTRACT NO. 5-270-02 WITH CENTRAL CAROLINA HOLDINGS, L.L.C. (ITEM 28/ PR #14852)

MOTION by Council Member Freelon, seconded by Council Member Middleton, to authorize the City Manager to execute the proposed Amendment #7 to Service Contract No. 5-270-02 with Central Carolina Holdings, L.L.C. for a period of two years at an annual cost of approximately \$245,000, was approved at 7:45 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

[GENERAL BUSINESS AGENDA- PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - 1908 CEDAR STREET (ITEM 32/ PR #14882)

Alexander Cahill, Senior Planner, stated for the record that the 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 and provided the following report:

Erick Lewis, a private property owner and local resident, proposed to change the zoning designation of one parcel of land totaling 0.855 acres, and located at 1908 Cedar Street.

The current zoning was Residential Suburban-20 (RS-20). The applicant proposed to change this designation to Residential Urban-5 (RU-5).

The property was currently designated Medium Density Residential on the Future Land Use Map (FLUM) (Attachment 4). The proposed Residential Urban-5 (RU-5) zoning was consistent with the designated Future Land Use.

The applicant was seeking to subdivide the property into two lots. The existing Residential Suburban-20 (RS-20) zoning lot size and setback requirements would not allow the applicant to subdivide the lot in order to construct another residence. The zoning map change request to the Residential Urban-5 (RU-5) district would allow for the construction of another single-family residence after the property was subdivided.

Since the agenda items were noticed and published, staff received two additional emails, one from the neighbor adjacent to the property and one from a neighbor directly across the street, both in support of the proposal.

There were two motions required for this application. The first was to adopt the zoning ordinance, and the second was to approve the consistency statement.

Mayor Schewel opened the public hearing and asked for any speakers to the item.

Mayor Schewel suggested that staff not report on individual emails it had received on one side of a zoning issue since this privileged these individual emails; and urged residents to send emails directly to Council.

Council Member Reece asked why the item needed to be approved by the Council. Mr. Cahill stated that per state statute all zoning map changes needed to be heard through a public hearing by the City Council even when it was a small acre for a single lot.

Council Member Reece asked if there was a provision that would have allowed for subdivisions without coming to the City Council.

Mr. Cahill responded that there were provisions for subdivisions, however the size of the lots did not allow for it to be subdivided.

Eric Lewis, a resident of Durham, spoke in favor of the item and for the ability to create additional housing in a large single dwelling lot in the Downtown Durham area.

James Shackelford, a resident of Durham, discussed the crime around the zoning areas in Downtown Durham were projects being invested in and that his family had been victim to violent crime.

Mayor Schewel offered condolences to James Shackelford for the loss in his family due to violence.

Brenda Pollard, a resident of Durham, supported Eric Lewis' proposal and asked council to vote in favor of the item.

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

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Suburban - 20 (RS-20) district and establishing the same as Residential Urban - 5 (RU-5) district, was approved at 8:00 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

ORDINANCE #15869

MOTION by Council Member Reece, seconded by Council Member Freeman, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:00 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100001, 1908 Cedar Street

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 Z2100001, 1908 Cedar Street, 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 7, 'Comprehensive Plan Consistency Analysis'; regarding the subject '1908 Cedar Street,

Z2100001' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment 4.

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 Public Interest Statements in Attachment 10, 'Comprehensive Plan Consistency Analysis'; regarding the subject '1908 Cedar Street, Z2100001' 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 - 2301 SOUTH MIAMI BOULEVARD
(ITEM 33/ PR #14886)**

Alexander Cahill, Senior Planner, stated for the record that the 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 and provided the following report:

Mark Kuykendall, of Good Work Architects, PLLC, proposed to change the zoning designation of two parcels of land totaling 0.899 acres, and located at 2301 South Miami Boulevard. The current zoning was Commercial Neighborhood (CN). The applicant proposed to change this designation to Commercial General with a text-only development plan (CG(D)). The existing use, motor vehicle sales and service was non-conforming in the current Commercial Neighborhood (CN) district but would be permitted subject to limitations in the proposed Commercial General (CG) rezoning.

The property was currently designated Commercial on the Future Land Use Map (FLUM) (Attachment 4). The proposed Commercial General (CG) zoning was consistent with the designated Future Land Use.

The Planning Commission heard the zoning request, without a text-only development plan, on February 9, 2021, where the commission failed to recommend approval by a vote of 6 to 7. Subsequent to the Planning Commission hearing on February 9, 2021, the applicant resubmitted the proposal as a text-only development plan that rezoned to CG and limited the site to the existing use.

As the Council did not see many text-only development plans, staff wanted to quickly run through what a text-only development plan was. A text-only development plan, per the UDO, should be limited to applications that only proffered commitments that specified,

limited, and/or prohibited uses within the zoning district requested. This text-only development plan limited the use to the existing auto sales and service use, and allowed for the expansion of the existing footprint of the site. The rezoning would bring the existing use into conformance with UDO standards, while allowing the business to expand its operations. The language for the text-only development plan was found in both the zoning ordinance seen in attachment 11, and in attachment 7, the text-only development plan application.

There were two motions required for this application. The first was to adopt the zoning ordinance, and the second was to approve the consistency statement.

Mayor Schewel opened the public hearing and asked for any speakers to the item.

Council Member Middleton questioned if the expansion within the existing footprints could be done at a larger scale opposed to implementing a different plan.

Mr. Cahill responded that was correct.

Council Member Reece asked if the text-only plan that had been submitted addressed concerns regarding the commercial general zoning designation, which would have allowed for a various range of uses incompatible with the proximity of the lot to a residential neighborhood.

Mr. Cahill responded that limiting to just one use instead of the whole range could go under commercial general.

Mark Kuykendall, representative of the Development Team, spoke on behalf of his client requesting the zoning change in order to expand the existing use on the site and bring the current use under compliance with zoning and the UDO.

Rusty Long, representative of the Development Team, added they were not looking to expand the uses on this site and were trying to find a way to help their client expand the existing business on their current location in Durham.

Council Member Reece noted this type of case had the possibility for the text-only development plan so that a small project similar to this could go forward as opposed to the 5-figure expense of doing a larger development plan.

Mayor Schewel gave gratitude to the Planning Committee and staff for developing this text-only plan.

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

MOTION by Council Member Caballero, seconded Council Member Reece, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Commercial Neighborhood (CN) district and establishing the same as Commercial General

with a text-only development plan (CG(D)) district, was approved at 8:10 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

ORDINANCE #15870

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2000020, 2301 South Miami Boulevard

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 Z2000020, 2301 South Miami Boulevard, 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 8, 'Comprehensive Plan Consistency Analysis'; regarding the subject 'Z2000020, 2301 South Miami Boulevard' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment 4.

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, Attachment 8, 'Comprehensive Plan

Consistency Analysis’; regarding the subject ‘Z2000020, 2301 South Miami Boulevard’ 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 - WINE OUTLET (ITEM 34/ PR #14892)

Danny Cultra, Senior Planner, stated for the record that the 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 and provided the following report:

Request for zoning map change was received from Cliff Credle of Credle Engineering Company, applicant, represented Vijay Vattikuti of Svasti Holding LLC, the owner, for two parcels of land totaling 1.22 acres, and located at 4823 and 4827 Hopson Road.

The site was presently zoned Office and Institutional (OI) and Commercial Neighborhood with a Development Plan (CN(D)), and was located within the Compact Neighborhood Development Tier. The applicant proposed to change the zoning designation to only Commercial Neighborhood with a Development Plan for a retail sales and service use with a maximum floor area of 12,180 square feet.

The properties were currently designated Commercial in the Compact Neighborhood Tier on the Future Land Use Map (FLUM), and the proposed zoning was consistent with the designated Future Land Use.

The Planning Commission voted unanimously (12-0) at their July 13, 2021 meeting to recommend approval of this request.

There were two motions required to approve the zoning map change item:

Staff determined that this request was consistent with the Comprehensive Plan, including the Future Land Use Map, was in the public interest, and was consistent with other adopted ordinances and plans. Staff had made this determination based on the limited impacts this proposed zoning map change would have on the existing infrastructure, and the positive economic benefit created for the intersection, bringing jobs and investment into the area.

Mayor Schewel opened the public hearing and asked for any speakers to the item.

Cliff Credle, engineer and representative for the applicant, stated that they had been working on the project for some time and were looking forward to getting the building up and running again.

Council Member Reece asked Mr. Credle what the ingress and egress plan was for the project.

Mr. Credle responded that it was a one-lane road, which had ingress and egress onto Hopson Road. The Department of Transportation as well as the neighboring project had started the expansion of the road to the five lane standard template. He also noted that road improvements were underway.

Council Member Reece added that he visited the area. He suggested that the left turn was not a good idea and was glad that it was right in/right out instead.

Danny Cultra stated that the right in/right out was one of the commitments that DOT required when road improvements were made on the development plan.

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

MOTION by Council Member Freeman, seconded by Council Member Reece, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Office and Institutional (OI) and Commercial Neighborhood with a Development Plan (CN(D)) districts and establishing the same as the Commercial Neighborhood with a Development Plan (CN(D)) district, was approved at 8:19 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

ORDINANCE #15871

MOTION by Council Member Reece, seconded by Council Member Freeman, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:20 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1900039, Wine Outlet

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 Z1900029, Wine Outlet, 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 10, 'Comprehensive Plan Consistency Analysis'; regarding the subject 'Z1900029, Wine Outlet' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment 4.

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 10 'Comprehensive Plan Consistency Analysis'; regarding the subject 'Z1900039, Wine Outlet' 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.

Being no additional business to transact, the meeting was adjourned at 8:21 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk