



ENVIRONMENTAL AFFAIRS BOARD

MINUTES

January 8th, 2020

City of Durham General Services Department
2011 Fay St, Durham, NC 27704

Voting Members: Matthew Kopac (chair), Laura Marie Davis (secretary), Donald Addu, Jessie Birkhead, Matthew Herman, Rashmi Joglekar, Wafa Khalil, Roberto Valle Kinloch, Chi Vo, Jennifer Hill, Juilee Malavade, Tyjuanna LaBennett, Casey Collins

Excused Absences: Jessalee Landfried

Ex Officio Members/Staff: Paul Cameron, Jina Propst, Vicki Westbrook, Tobin Freid, Jane Korest, Carl Kolosna, Danny Cultra, Celeste Burns, Stacey Poston, Heidi Carter

I. Call to Order at 6:03 pm

II. Approval of Minutes, 8-0

III. Announcements

- a. Next meeting February 5th, from 6-8pm at City Hall, Second Floor Meeting Room
- b. T. Freid shared that the County will be adopting a policy to no longer use County funds on bottled water
- c. V. Westbrook shared that the City is working on policies to encourage consumption of tapwater (the best tasting water in NC) instead of bottled water by implementing a policy similar to the one adopted by the County. This would be a dual goal of promoting Durham's great drinking water AND reducing single use plastic bottles in the wastestream.
- d. Attendees other than staff: 14 local residents (6 first timers)

IV. Public Comment

- a. David Anderson, VP of New Hope Audubon Society, shared concerns about the environmental impact of the Kendrick Estates development and specifically
 1. reducing the light pollution and runoff
 2. native planting
 3. reduce the number of homes in order to increase the buffer to 50-100 feet as a conservation easement

V. New Business and Continuing Business

a. **Kendrick Estates Annexation Request** – Carl Kolosna and Danny Cultra, Durham City-County Planning Department:

- The current issue of annexation is a binary action; either it will be approved or it won't. Annexation would allow future development on the property to connect to City water & sewer.
- Further details regarding the site plan are under review by the Planning Department to determine compliance with the Unified Development Ordinance (UDO).
- Under the City's Stormwater regulations, should the property be annexed, the requirements for limiting nitrogen and phosphorus runoff would be stricter than the County's current regulations.
- The City's UDO currently requires a minimum 30-foot natural vegetated buffer for the specific type of development planned. (There is currently a 30-foot buffer included in the site plan.)
- Other concerns have been raised around stream health; Currently all streams that are monitored by the State must meet certain protections and conservation standards. Ephemeral streams are not monitored by the State and do not require buffers.
- Wetlands that are less than 1 acre in size also do not require buffers. None of the wetlands that are identified on the site are 1 acre in size, however D. Cultra has asked the developer to identify whether any of the wetlands that are partially on and partially off the property are >1 acre in size in total.
- The parcel in question is not designated on the NC Natural Heritage program biodiversity map, which is one of the primary planning tools used by the Open Space program. (Images of maps included below)
- Adjustments that have been recommended by residents would be addressed in the site plan, but there is no process for community engagement in the site plan review. This is a purely administrative process to confirm that everything complies with the UDO.
- How willing is the developer to take recommendations based on conservation concerns beyond the requirements in the UDO?
- It's not a matter of willingness, but the fact that there is no legal tool by which recommendations can be enforced. The legal framework in Durham is "development by right."
- C. Collins asked whether the developer could voluntarily agree to stricter conservation standards? Yes, but the City can't enforce it.
- M. Kopac pointed out that many of the concerns discussed can be addressed in the Comprehensive Plan, which has just begun the process of review and updating.

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- Residents in attendance shared further comments including concern about the lack of opportunities for community engagement when it comes to the design of the development and lack of information on the potential environmental impacts.
- C. Collins asked if there is a requirement in the UDO for tree canopy restoration – D. Addu responded that there is now, thanks to advocacy by TreesDurham and support from the EAB, but the review for this development is under the previous requirements.
- M. Kopac suggested that the EAB can share recommendations for requests of the developer based on environmental concerns.
- L.M. Davis gave support for the proposal and shared that the EAB has dealt with similar situations before where residents bring up an issue or concern that can't be handled with immediate action but could be addressed with changes to the UDO.
- C. Collins moved that the EAB communicate to City Council our recommendation that the developers commit to additional measures to reduce light pollution, reduce runoff, increase native planting, and increase the buffer. T. LaBennett second.

Discussion:

- J. Hill encourage the EAB to make an official commitment to engage in the Comprehensive Plan process and asked how we can best work with staff to be engaged. C. Kolosna said staff are glad to have the dedicated engagement of Boards & Commissions.
- D. Addu brought up that the main environmental concerns to address locally in the face of climate change are flooding and tree canopy cover.
- Motion carried.

b. **300 East Main Street** – Jay Gibson, General Manager of Environmental Stewardship and Community Prosperity, Durham County:

- Due to a miscommunication the County was not able to attend – M. Kopac asked whether any Board members can be available to meet with Jay Gibson outside of the meeting. D. Addu, C. Collins, and J. Hill volunteered.
- H. Carter shared that the Commissioners are resistant to putting in as many parking spaces as have been requested, and a recommendation from the EAB to say that we are opposed to this amount of parking in Downtown Durham would be helpful.
- C. Collins shared that there are design requests that could be made of consultants to achieve more sustainable outcomes.
- J. Hill suggested re-framing goals from a more creative perspective, like reducing single-occupancy vehicles.

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- J. Birckhead expressed appreciation for all of the engaged residents who attended this meeting and asked whether members of the Board had specifically reached out to invite members of the community or whether these are engaged residents who have just happened to attend?
- M. Kopac responded that the particular items we had on the agenda were issues that concerned residents have been following.
- R. Joglekar asked whether the EAB has looked into regulations around disposal of construction waste for development projects. M. Kopac recommended that R. Valle would have the most information on this topic.

c. **Resolution in Support of McDougald Terrace Residents – M. Kopac:**

- R. Emmons had been meeting with residents about sewage leaks in McDougald Terrace, and T. LaBennett has also been engaged with residents about environmental justice concerns for some time.
- R. Emmons and T. LaBennett have drafted a letter, with input from McDougald Terrace residents, to send to City Council stating the EAB's responsibility to lift up the voices of those who are the most impacted by environmental injustices, listen to what they say they need, and work with the City to meet those needs.
- R. Joglekar asked about the legal regulations (health & safety standards) for the housing at McDougald Terrace.
- M. Kopac responded that the regulations are unclear and this is an area where the EAB could undertake research.
- C. Collins added that public housing is specifically not legally required to have carbon monoxide detectors.
- W. Khalil pointed out that, at a local level, it is a management & financial issue and asked whether there are mechanisms to generate funding to support long-term changes.
- H. Carter said that the director of EMS is coordinating the City's response.
- J. Hill suggested that the letter includes a commitment to continuing to follow the scenario and take further action where we can.
- A resident in attendance (Norman Blake) shared his experiences having grown up at McDougald Terrace and asked whether there's a decision being made about who to hold accountable to prevent the situation from happening again.
- R. Valle brought up proactivity and the need to identify other public housing properties where there are other pressing environmental health issues.
- Questions about ongoing accountability and oversight should be an intentional discussion with other City & County Boards.

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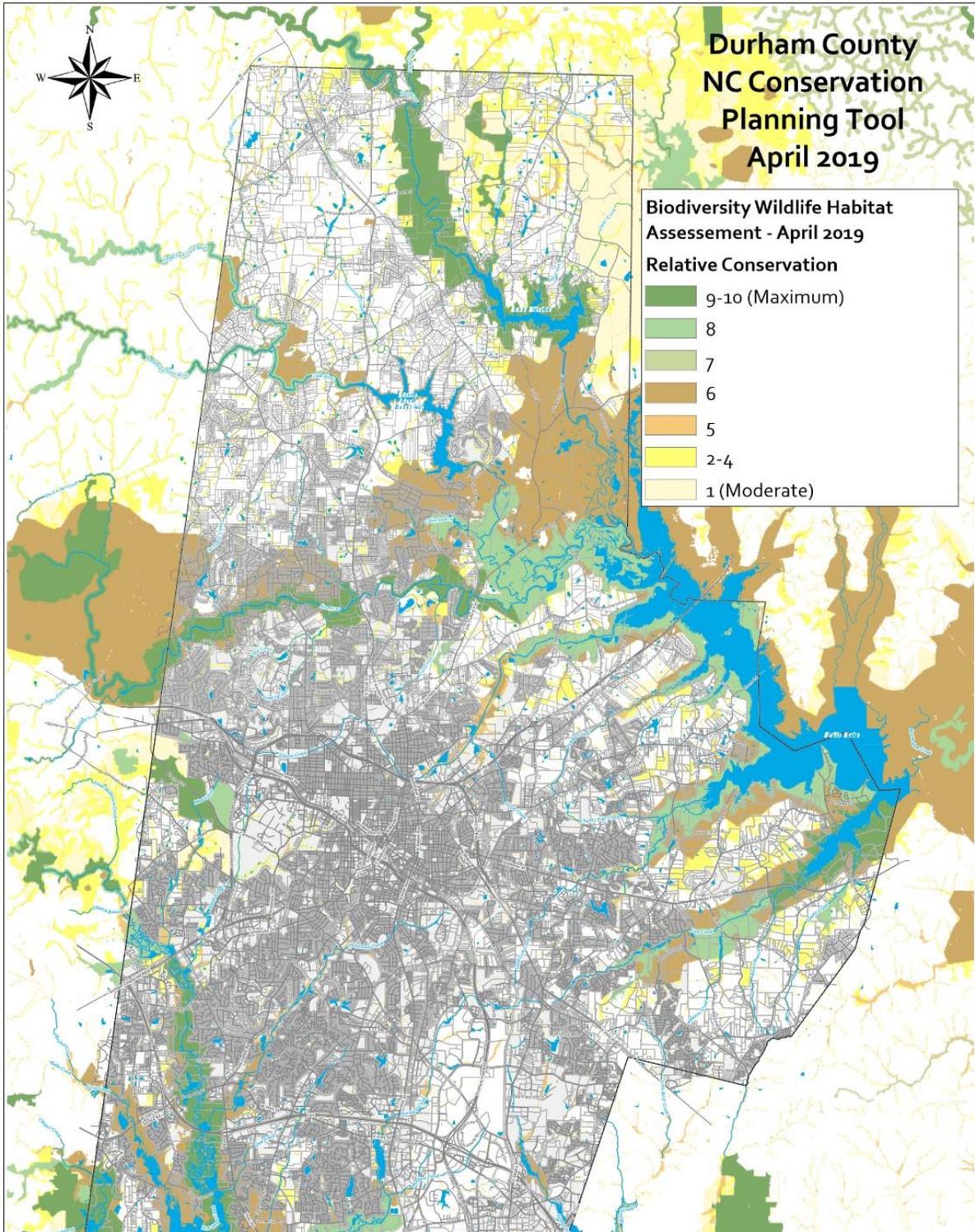
- C. Vo asked when we plan to send the letter and suggested that we reach out to other Boards & Commissioners to show our collective support for the community.
- N. Blake stated his support for the drafted letter and suggested that it could even be stronger and specifically include language emphasizing the need for accountability.
- R. Joglekar shared experience from her research into lead paint inspections, noting that there is an extreme lack of staff & resources, and recommended contacting the Duke Environmental Law & Policy Center.
- J. Birkhead motioned to approve sending the letter on behalf of EAB, with the Education & Outreach Committee to finalize the wording and determine who/where to send the letter. D. Addu seconded. Motion carried.
- T. LaBennett added that N. Blake is a retired Durham Police Officer.

Adjourn 7:52pm

VI. Work Session

- a. Jessalee is unavailable to present the draft Annual Report but it is due to the City by the end of the month so the draft will be sent around via email. (No formal action from the Board is needed.)
- b. Report back from lunch with Mayor Schewel – C. Collins
 1. Detailed notes from the Mayor’s assistant are linked in the agenda. The conversation included a bit of a tangent on whether the proper framing is “fighting” climate change versus dealing with it.
 2. Our comments focused on issues where the local government has the control to prioritize changes in environmental regulations, although we also brought up the importance of challenging State policies that restrict the action that local municipalities can take.
 3. The franchise agreement is a continued item of discussion within the City.

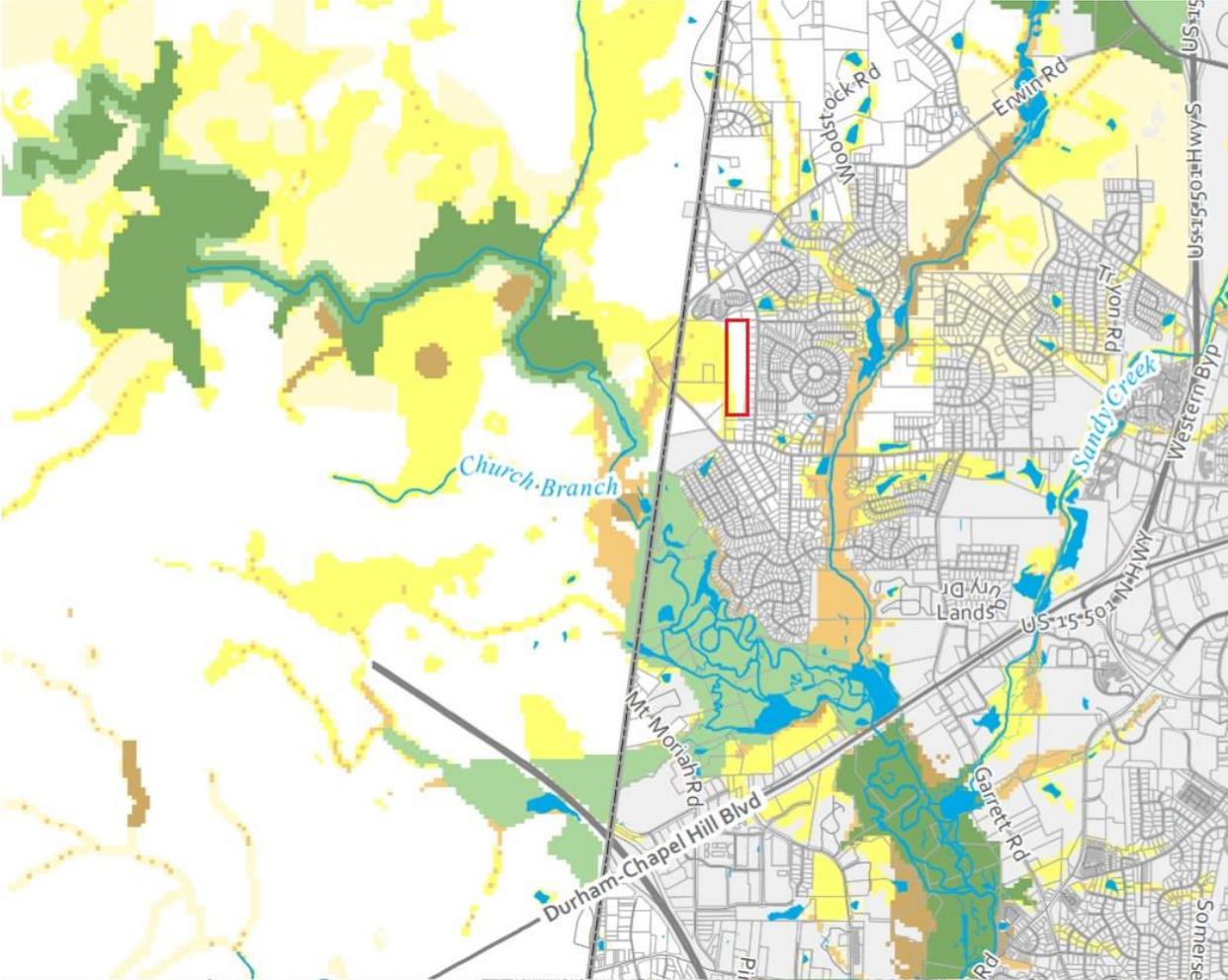
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Staff Contact: Paul Cameron, Sustainability and Energy Analyst
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New Hope Creek Corridor



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