

**DURHAM, NORTH CAROLINA  
MONDAY, JANUARY 22, 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, and called for a moment of silent meditation.

Council Member Reece led the Pledge of Allegiance.

**[CEREMONIAL ITEMS]**

Council Member Freeman read into the record and presented the Neighbor Spotlight Award to Virginia Williams (PAC3).

Mayor Schewel read into the record a proclamation Honoring the life of the late William A. Marsh Jr, and presented it to his son Drew Marsh.

Mayor Schewel, Eunice Sanders, and Barbara Parker made a presentation regarding Crayons 2 Calculators. Crayons 2 Calculators received a \$20,000 dollar donation from Blue Cross Blue Shield of North Carolina as well as an \$18,000.00 dollar donation from the Southwest Durham Rotary Club.

**[ANNOUNCEMENTS BY COUNCIL]**

Mayor Pro Tempore Johnson acknowledged the presence of many local activists and organizers who attended the meeting to confirm the passage of the Formation of the Worker's Rights Commission.

Mayor Schewel thanked Council Member Alston for her leadership on the Worker's Rights Commission and thanked those in attendance.

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

City Manager Bonfield, Senior Assistant City Attorney Rehberg, and City Clerk Schreiber had no priority items.

**[CONSENT AGENDA]**

**SUBJECT: 2019 LONG SESSION LEGISLATIVE AGENDA (ITEM 1/ PR #12887)**

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**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to adopt the Legislative Agenda for the 2019 Long Session of the N.C. General Assembly, was approved at 7:27 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: MUNICIPAL AGREEMENT FOR BICYCLE LANE STRIPING (TIP # C-5605E)  
(ITEM 2/ PR #12919)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to accept the North Carolina Department of Transportation (NCDOT) grant for the Bicycle Lane Striping Project (C-5605E) by executing the grant documents;

To adopt a grant project ordinance to accept project-related federal grant funding in the amount of \$663,336.00 from the NCDOT; and

To adopt an ordinance amending the General Capital Improvement Project Ordinance, Fiscal Year 2018-19, as amended, the same being Ordinance #15327, for the purpose of receiving additional federal funds in the amount of \$663,336.00 to the Bicycle Lane Striping project (LC412), as well as an additional \$65,034.00 of local funding to the \$100,800.00 currently appropriated, was approved at 7:27 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 #15426, #15427**

**SUBJECT: AMERICAN TOBACCO DISTRICT WATERLINE REPLACEMENT PROJECT –  
AMENDMENT NO. 3 FOR PROFESSIONAL ENGINEERING SERVICES (ITEM 3/  
PR #12862)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a contract amendment with Kimley-Horn and Associates, Inc., in an amount not to exceed \$1,138,379.00 for the American Tobacco District Waterline Replacement Contract; and

To authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$5,496,174.00, was approved at 7:27 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: AMEND GRANT PROJECT ORDINANCE #15325, THE EXECUTIVE OFFICE OF  
THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, 2018  
HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT (ITEM 4/ PR  
12923)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to accept the Executive Office of the President, Office of National Drug Control Policy, 2018 High Intensity Drug Trafficking Areas (HIDTA), Grant amendment by executing the grant documents; and

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To adopt the Executive Office of the President, Office of National Drug Control Policy, 2018 High Intensity Drug Trafficking Areas (HIDTA) Grant Project Ordinance, superseding Grant Project Ordinance #15325, to recognize the grant award increase from \$306,989.00 to \$369,228.00, was approved at 7:27 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 #15428**

**SUBJECT: CONTRACT ST-271, 2018 PETITION STREETS PROJECT (ITEM 5/ PR #12921)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a contract for ST-271, 2018 Petition Streets Project with Carolina Sunrock, LLC in the amount of \$1,980,603.94;

To establish a contingency fund in the amount of \$297,090.59; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$2,277,694.53, was approved at 7:27 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: CONTRACT ST-288B FOR ASSET MANAGEMENT PLAN FOR CITY-MAINTAINED BRIDGE STRUCTURES WITH THE KERCHER GROUP, INC. (ITEM 6/ PR # 12922)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a contract for ST-288B Asset Management Plan for City-Maintained Bridge Structures with The Kercher Group, Inc. in the amount not to exceed of \$495,841.00, was approved at 7:27 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: FORMATION OF DURHAM WORKERS' RIGHTS COMMISSION: PROPOSED SCOPE AND COMPOSITION (ITEM 7/ PR #12917)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to approve the formation of the Durham Workers' Rights Commission, was approved at 7:27 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 CAROLINA MARTIN LUTHER KING, JR. COMMISSION GRANT (ITEM 14/ PR #12935)**

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to accept the Fiscal Year 2019 North Carolina Martin Luther King, Jr. Commission Grant Project Ordinance in the amount of \$1,000.00, was approved at 7:27 p.m. by the following vote: Ayes: Mayor Schewel,

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

**ORDINANCE #15430**

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

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT, TEXT-ONLY DEVELOPMENT PLANS (ITEM 8/ PR #12924)**

Michael Stock, Senior Planner with the Planning Department, gave the following staff report and stated that all required notification for the Planning Department public hearing items had been performed and were on file for review.

Text amendment TC1800008 established a limited, text-only development plan option for zoning map change requests to allow proffers that limited the uses allowed within the requested zoning district. The alternative was limited in scope as staff developed a more comprehensive set of revisions for alternatives to the current development plan requirements.

The Joint City-County Planning Committee (JCCPC) reviewed a draft at its October 3, 2018, meeting. No substantial changes were requested. The Planning Commission recommended approval, 12-0, of the text amendment on November 13, 2018. The Board of Commissioners approved the amendment at its January 14th meeting.

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

Seeing none, Mayor Schewel Closed the Public Hearing.

Council Member Reece thanked the Planning Department for their hard work on the item.

**MOTION** by Council Member Middleton, seconded by Council Member Reece, to adopt the appropriate consistency statement as required per NCGS 160A-383, was approved at 7:30 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  
TEXT AMENDMENT CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL REGARDING  
TC1800008, TEXT-ONLY DEVELOPMENT PLANS

WHEREAS, the Durham City Council, upon acting on a text amendment to the Unified Development Ordinance and pursuant to NCGS § 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 on a text amendment to the Unified Development Ordinance and pursuant to NCGS § 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:

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That final action regarding text amendment TC1800008, Text-Only Development Plans, 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 “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated January 22, 2019, regarding the subject “Unified Development Ordinance Text Amendment, Text-Only Development Plan (TC1800008),” 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. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated January 22, 2019, regarding the subject “Unified Development Ordinance Text Amendment, Text-Only Development Plan (TC1800008),” along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

**MOTION** by Council Member Reece, seconded by Mayor Pro Tempore to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; and Article 5, Use Regulations, was approved at 7:30 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 #15429**

**SUBJECT: 2017 EVALUATION AND ASSESSMENT REPORT (EAR) OF THE DURHAM COMPREHENSIVE PLAN (A1800001) (ITEM 9/ PR #12925)**

Laura Woods, Demographer with the Planning Department, presented the following points regarding the item and stated that all required notification for the Planning Department public hearing items had been performed and were on file for review.

Rectification of previously adopted plan amendments was normally a part of the EAR. However, in 2017 the County did not adopt any changes to the Future Land Use Map (FLUM). Therefore, there were no plan amendment cases for Council to rectify. The two items for consideration were the proposed policy changes to the Durham Comprehensive Plan and the technical updates to the Future Land Use Map. A small number of text changes were recommended.

Planning Commission recommended approval on an 11-2 vote at the Commission’s November 13, 2018 meeting. The item was scheduled for consideration by the Durham Board of County Commissioners on January 28th. Staff recommended approval of one FLUM change. The change involved two parcels acquired by the State of North Carolina and one by the City of Durham. The recommendation was that the parcels be designated Recreation/Open Space. They were identified in their deeds as “conservation easements” and would provide an extension of Eno River State Park and direct connection between the state park and the city’s Valley Springs Park.

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

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Council Member Freeman asked for clarification regarding the report that was provided to council and if it was saying that there would not be an engagement policy.

Ms. Woods stated that the adoption of any land use change had the potential to affect the affordability of housing and that was all the Planning Department would be assessing.

Mayor Schewel asked if there would be any recommendation against an Neighborhood Protection Overlay on the basis of its negative impact on housing affordability.

Council Member Reece thanked staff and stated that the EAR was one of the best reports that the Council received throughout the year and spoke to the proposed policy 3.1.1. He also advised that he would be supporting the item.

Pat Young, City- County Planning Director stated that the Planning Department was committed to come back before the Council at a future work session to address some of the items the Council Members discussed.

Mayor Schewel stated that he appreciated the EAR and that it was an excellent method to see the growth in the city.

Council Member Freeman stated that she appreciated the EAR and was looking forward to it expanding and including racial equity components.

Mayor Schewel closed the public hearing.

**MOTION** by Council Member Reece, seconded by Council Member Alston, to receive a report on the 2017 Evaluation and Assessment Report of the Durham Comprehensive Plan (A1800001) and

To adopt a resolution to amend the Future Land Use Map and policies of the Durham Comprehensive Plan, was approved at 7:42 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 #10120**

Being no further business to come before Council, the meeting adjourned at 7:43 p.m.

Ashley Wyatt  
Deputy City Clerk

Diana Schreiber  
City Clerk

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