

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 18, 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, Deputy 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 deferred to Cub Scouts Pack 486 who led the Pledge of Allegiance.

[CEREMONIAL ITEMS]

Mayor Schewel read into the record a proclamation recognizing Representative Henry McKinley “Mickey” Michaux, Jr. Eddie Davis, City of Durham Public Historian, provided a History Moment regarding his legacy.

Mayor Schewel read into the record and presented the Neighbor Spotlight Award and presented it to Tony Simpson.

Mayor Pro Tempore Johnson read into the record a Proclamation celebrating Black History Month and presented it to Andre’ D Vann, Coordinator of University Archives/ Instructor of Public History.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Alston made the following prepared statement:

“I want to briefly address the events at Immaculata Catholic School from a little over a week ago. The rescission of my invitation to speak at the school because of who I love and the cancellation of the African American History Month celebration were shocking, unfortunate, and the result of, what I believe to have been, a hasty and bigoted decision that does not reflect the values of many in this community. It was most unfortunate to me because I remember being one of only a few Black students – and indeed Black people at Immaculata Catholic School during my years as student:

- and the thought of current Black students preparing for a celebration of their history and heritage,
- the thought of their growing anticipation and joy about sharing who they are with their school community,
- and the thought of all of that being taken away from them -- broke my heart and I know it broke yours too.

For all of our students and especially the students at Immaculata Catholic School, you deserve better than that. And over the past week, it has been the students, their parents and many of you in this room who have made that point abundantly clear.

February 18, 2019

To that end, I want to thank you and everyone here for your words and notes of support. And I especially want to pass that support on to all of the wonderful students at Immaculata Catholic School. And I want to applaud them for their commitment to each other and for the lessons they are teaching all of us about resilience, overcoming bigotry, and the power that we have to create change when we stand up for one another.

In the remarks I had planned for February 8th, I had not planned to talk about family / but I do now: I have an amazing wife and daughter. We trust each other, we laugh together, we disagree, we watch a lot of Doc McStuffins, and help each other to experience happiness...

We also continue to work toward:

- our full recognition as individuals and as a family,
- for full and equal rights for all LGBTQ people,
- and for the space for those who need to fight for something else.

I love my family and I love your family too, no matter what they look like.

Finally, to the students at Immaculata Catholic School, I look forward to joining you soon to talk about the contributions of African Americans and particularly African American women to our history. African American history is vital to your education. It is vital for many reasons, not the least of which being that the celebration of those who are different, of those who may have been outnumbered, of those who have overcome discrimination and prejudice – help us – and you - to not let the same barriers stand in our way in the future.

[MAYOR'S STATE OF THE CITY ADDRESS]

Mayor Schewel announced he would present the 2019 State of the City address followed by a video featuring “Durhamina”.

I want to welcome all of you here tonight to this meeting of the Durham City Council and to this State of the City address. One year ago, as the new mayor of this great city, I said in these chambers that our community had come together to forge a common vision of our future together, and here is that vision: We, the people of Durham, envision a prosperous, innovative, green and welcoming city that thrives on diversity and difference, a city that puts racial and economic justice at the top of our civic agenda, that defends the vulnerable among us, that cherishes robust, respectful debate on difficult questions, that embraces non-violence, that embodies the belief that all residents must have an opportunity to share in our newfound prosperity, a city that serves as a progressive beacon for the South and the nation. I believe in that vision with all my heart, and I want to talk about it tonight, but first I want to tell you a story. It starts in 1889, in a little shtetl, a little town in what is now Lithuania, then part of the Russian empire. The little town was called Linkuva, and there lived Elias and Bluma Schewel and their three small children. Elias was a yeshivah bocher, a student of the rabbinical teachings. In the Russian empire, Jews were barred from owning land or farming, barred as well from the professions and from the universities. They were confined to living in a certain part of the Russian empire called the Pale of Settlement. They

February 18, 2019

were the victims of frequent pogroms, violent riots often just after Easter. Elias Schewel, my great-grandfather, fled this anti-Semitic religious persecution to come to this country, crossing the Atlantic alone and arriving in Baltimore where he was met by a representative of the Hebrew Immigrant Aid Society who told him that a man with his skills as a shochet, a kosher butcher, was needed to cut meat for the small Jewish community in Lynchburg, Virginia. So Elias moved to Lynchburg and six months later sent for Bluma and the children to join him. Bluma's baby boy was my grandfather Abraham, and I imagine her joining a group of travelers – some might call it a caravan – traveling overland to the port of Riga. With her children she boarded a ship and sailed for the New World to join her husband where they built a life together on the edge of the Blue Ridge Mountains. Elias and Bluma were members of a despised minority fleeing persecution. They were refugees, undocumented immigrants with few skills and no English at all, but they dreamed of a better life and they set out against all odds to find it here on these welcoming shores.

This could not happen today. In Durham, the flow of refugees has slowed to a trickle due to the policies of the Trump administration. An immigrant fleeing persecution, arriving unannounced in Baltimore harbor, would be turned away without a second thought. Last year at this time, I recognized the families and supporters of two men in sanctuary in Durham churches. This year one of those men is no longer with us here in Durham. Samuel Oliver-Bruno, a valued member of our community, was lured out of sanctuary to sign immigration papers, then snatched up violently by ICE and deported. What has happened to our country that we deport hard-working people who have been living among us as our friends and neighbors, that we forcefully divide families, that even people with documents are driven underground in fear? Last week I organized seven North Carolina mayors to sign a letter protesting the latest ICE raids to sweep our cities. But for our refugee and immigrant friends living in Durham, it isn't the protest I want to emphasize today. It is the love. In Durham, we do not build walls between nations or peoples. En Durham, no construimos muros entre naciones o pueblos. En Durham, te queremos si estás documentado o no documentado. Queremos que estés a salvo aquí. Queremos que vivas libre del miedo. Te damos la bienvenida a Durham con los brazos abiertos y corazones abiertos. Whatever message you are getting from Washington, D.C., in Durham I want you to feel the welcoming embrace of a big-hearted city. I want to congratulate our new sheriff, Clarence Birkhead, for ending ICE detainees in the jail. In addition, I'm so pleased that our police chief, CJ Davis, has greatly expanded the City's U-visa certifications over the past year. These certifications are granted to undocumented people who help our police solve crimes. It is vitally important for our community safety that undocumented immigrants who have observed violent crimes be able to trust the police enough to come out of the shadows to report those crimes. U-visas are designed to build that trust.

February 18, 2019

In 2018, our police department certified 144 people to be eligible to attain a U-visa and stay in this country in reward for their contribution to our common safety, far more than ever before. Chief Davis began the program with a 4-year look-back, but tonight, with her permission, I am announcing that any undocumented person who has contributed to solving a crime in Durham since 2011 will be eligible for consideration for U-visa certification. Thank you, Chief Davis, for this policy change that is both humane and a good way to fight violent crime in Durham.

Thank you to council member Javiera Caballero and to Public Affairs Director Beverly Thompson for your work on the City's language access plan so that we can make sure everyone can take advantage of all City government has to offer. All of you assembled here today revel, as I do, in Durham's diversity. So here is the question: As new people pour into Durham, how are we going to make the city we love a city for all? Last year in my State of the City address, I laid out a broad agenda for action. I am proud of the progress we are making on many fronts, but after I report to you now on that progress, I will be asking you tonight – our entire community – to come together to take a bold step to secure our common future. First, I want to report to you on crime and policing. When it comes to policing, we have to be able to do two things at once. We have to effectively fight violent crime at the same time that we win the trust of communities. These two goals are deeply intertwined. We can't do one without the other. We know that every gunshot wound rips a hole not only in a victim, but also in a family, in a neighborhood, in a community. I read the police watch reports every day, and every day brings with it a violent crime. We cannot let that stand.

Of all the depredations visited upon us by our state legislature, the most damaging is their prohibition on any common-sense gun control. This means we have to use every other resource at our command. Let me tell you how, under the leadership of Chief Davis, we are changing the culture and practice of policing in Durham to win the trust of our community.

It starts with training. All of our officers now receive annual training in racial equity, domestic violence, and de-escalation. Forty-five percent of our patrol officers have received advanced Crisis Intervention Training, and beginning in the fall of 2019, every new officer who enters the department will receive this advanced training. To support this crisis intervention work, the police department now has a staff clinical psychologist who has been instrumental in responding quickly to the many people with mental health crises that our officers encounter daily. In many other ways, we are undergoing a dramatic shift in the way Durham is engaging in police work. Traffic stops in recent years have dropped by two thirds. Searches of cars have been cut in half, as have charges for drug violations. Our new Misdemeanor Diversion Court has kept hundreds of first-time offenders free of a criminal record. These reforms are today making a positive difference in the lives of thousands of people, especially people of color. But here's an important question: Are

February 18, 2019

these reforms simply leading to more crime? Well, listen to the numbers and you can judge for yourself. Crime in Durham is on an 18-year downward trend. In particular, 2018 saw a striking decline in crime. Every time someone is shot with a gun, it is a tragedy, and in 2017, 244 people in Durham were shot. In 2018, this fell by 16 percent to 204 people. This is a remarkable decline that effects lives. In all, violent crimes in which a gun was used, including robberies and aggravated assaults, declined by 20 percent in 2018. Property crime continued to decline, to its lowest level in 23 years. Frankly, it's highly unlikely that we can repeat these amazing results in 2019. But the trend in Durham is clear. Trust is up, and crime is down. So tonight, I want to recognize some of the police officers who do this critical work. First, I want to introduce Officer Michael Saposnick. Sir, could you please stand? In December of 2018, Officer Saposnick arrived on the scene of a traffic accident at the corner of Alston Ave. and Holloway Street. When Officer Saposnick arrived on scene, it was evident the driver of one of the vehicles had sustained life-threatening injuries and was not conscious or breathing. Officer Saposnick immediately jumped into action, removing the victim from the vehicle and beginning chest compressions—right in the middle of a hectic scene with bystanders and vehicles all around. Officer Saposnick, for your decisive actions that saved this man's life, we salute you. Could Officer John Wagstaff please rise? Officer John Wagstaff has distinguished himself by continuously demonstrating his commitment to the police department's crisis intervention mission. Many times, Officer Wagstaff goes above and beyond the call of duty to get those in mental health crisis the health they needed. For setting the bar for our police department's crisis intervention work, Officer Wagstaff, we salute you. Finally, could Captain Marianne Bond, Sergeant Jessica Butler, Corporal Kimberly De La Cruz, Officer Charles Strickland and Officer DeWitt Graham please stand? These officers were among 18 Durham officers who spent a week in Wilmington following Hurricane Florence assisting the Wilmington community in the wake of that natural disaster. That's the Durham way. Thank you for serving the people of the coast and for representing the City of Durham so well. Whatever we do about gun violence and crime, we aren't going to solve it without getting at root causes. We will finally solve this problem for real only when everybody has good medical care, a warm, dry affordable home to sleep in every night, and a good school. A good school. The 33,000 students in Durham Public Schools today are our city's future, and we need schools where every child can thrive. My sons flourished in Durham Public Schools and my City Council colleagues Jillian Johnson, Charlie Reece and Javiera Caballero have children attending our public schools today. I believe that one of the most important things Durham residents can do for our shared future is send our children to school together in our public schools. Last year during my State of the City address, I urged young parents to send their kids to Durham Public Schools. This year, with the support of the newly formed Durham Public

February 18, 2019

School Foundation, I'm making an offer to help, and all of the school board members, county commissioners and city council members with kids in the public schools have volunteered to help as well. Here's our offer: If you can get together a group of 5 or more parents who are trying to decide where to send your children to school in Durham, I or another elected official with kids in the schools will visit your home for a conversation about Durham Public Schools and tell you about what Durham Public Schools can offer your family. To schedule a meeting with us, visit bullcityschools.org, and the Durham Public Schools Foundation will hook you up. Send your kids to Durham Public Schools, and fight for them! Fight for them! On many nights when I leave City Hall in the evenings, often at 6:30 or 7:00, I see groups of people meeting in our conference rooms, the dedicated members of our volunteer commissions, and lately, too, the committed participants in our big, sprawling initiative in grassroots democracy called Participatory Budgeting. Here is my prediction: When this year is over, we will be able to say that Durham has created the best initiative in direct democracy of any city in the nation. The council has set aside \$2.4 million to be spent on projects chosen directly by our residents. 550 ideas were submitted, the majority by people of color, and now City staff and 100 volunteer budget delegates are vetting these projects and fleshing out some 50 full project proposals with detailed descriptions and budgets to put before the voters. Some of the projects still in the running include bus shelters, crosswalks, tiny homes, and park improvements, and the budget delegates are prioritizing those projects which benefit our underserved communities. Beginning on May 1, and running that entire month, I urge all residents and students who are at least 13 years old to vote for the projects you want to see funded. Voting will take place on-line or at in-person voting sites being set up across the city. The Participatory Budgeting steering committee has set an ambitious target of nearly 10,000 voters, and I hope we can exceed that number. With voting sites established, with dedicated City staff involved in outreach, with budget delegates committed to turning out votes, I know we can do direct grassroots democracy better than anyplace else in America. I especially want to thank Mayor Pro Tem Jillian Johnson for her persistent advocacy of Participatory Budgeting and her leadership of the process, as well as our fabulous budget director, Bertha Johnson, for embracing Participatory Budgeting and driving us to do it well. This is way outside the usual scope of work for a budget director, isn't it, Bertha? While I predict that our work in direct democracy will lead the nation, I want to turn now to an area where we are already doing the best work of anybody, where people are looking to emulate the incredible work we are doing. Making the city we love a city for all, means making the city we love a city of second chances. I know about this because it has been the life's work of my wife, Lao Rubert, so we talk about it over the kitchen table every night. We all have a responsibility in this work. If you are an employer, we need you to ban the box and hire more people who have

February 18, 2019

criminal backgrounds. If you are a landlord, we need you to be willing to rent to people with criminal backgrounds. If our neighbors cannot find work and cannot find housing, how can we ever become the city we want to be? I am proud tonight to share three examples of the way our City government is taking seriously our own responsibility to make Durham a city of second chances. The first is the Durham Expunction and Restoration Program, referred to commonly as DEAR. The city invested \$250,000 this summer to create DEAR, which aims to remove barriers to employment and housing for individuals who are justice involved. Having a criminal record or a suspended driver license makes it much harder for residents to find work and housing and to share in Durham's prosperity. These issues affect tens of thousands of Durham residents. Specifically, over 50,000 of our neighbors have a suspended driver's license – most for minor traffic violations not involving DWIs. Over 100,000 of our neighbors have a charge or conviction on their criminal record eligible for expungement that still shows up on background checks every time they apply for a job or go to rent an apartment. And to understand why this is a racial justice issue, 80 percent of them are people of color. Prior to the creation of DEAR, our community was able to provide free legal assistance for driver license restoration or expungements only to several hundred residents each year. As a result, thousands who live in low-income households – mostly black and Latinx neighbors -- suffer worse consequences for longer periods of time than others who are charged with similar offenses. How much longer? There are over 11,000 people in Durham with a suspended license due to unpaid traffic tickets that are, on average, 16 years old. That is not and cannot be justice. We must do more to ensure that the legal relief provided under law is available to all of our residents, not just those who can afford a private attorney. The DEAR program is doing just that. As a result of DEAR, any person in Durham can visit our courthouse Monday through Friday and meet with a free attorney to expunge criminal charges or to restore their driving privileges. As a result of DEAR, and this is truly worthy of our celebration, over 50,000 old traffic charges dating back to the 1980s but still leading to driver's license suspensions have been dismissed. 50,000 charges dismissed for 35,000 people! I'm so proud of that. In addition to getting these charges dismissed, the program is working now to waive fines and fees for 15,000 old traffic tickets that are on average 16 years old. This is transformative change for thousands of our neighbors. In the coming months, the program will work to achieve the same kind of success with expungement as we are seeing with driver's license restoration. Let me say that our DEAR work is also entirely consistent with holding people accountable for their actions. Everyone who is benefiting from the DEAR program has paid a very steep price. They have lost their license for at least two years or they have served time in prison. To be a city of second chances, there must be an expiration date on what it means to hold someone accountable. Finally, as related to DEAR, let

February 18, 2019

me say this is a story about how we are better together. The early and amazing success of this program is only possible because of a dynamic collaboration. It is only possible [and please rise if you are here] because of our District Attorney's office including our former DA Roger Echols, current DA Satana Deberry, and ADA Dale Morrill; our judges including Judge Amanda Maris, Josephine Kerr Davis, Shamioka Rhinehart, and Pat Evans; our Public Defender's Office; our Clerk's Office including our Clerk of Courts Archie Smith, Ashley Croom, and Malisa Hopkins; Daniel Bowes from the NC Justice Center; Gina Reyman from Legal Aid of NC; our DEAR team of attorneys and staff – Arnetta Herring, Laura Holland, Joseph Laizure, Henry Riva-Palacio and Lauren Robbins – representing the City Attorney's Office, NC Justice Center, and Legal Aid; the Equal Access to Justice Commission and NC Pro Bono Resource Center; NCCU and Duke Law Schools; Joshua McIntyre and the Durham Bar Association, the George H. White Bar, the Criminal Justice Resource Center, Alex Williams and members of All of Us or None, Dan Rearick and students from Code the Dream, volunteers from Code for Durham, and our city's innovation team, Erin Parish, Chuck Manning, Darin Johnson, and Shannon Delaney and the driven, brilliant leader of the DEAR program who has brought all this together, Ryan Smith. If you want to know what "better together" looks like, look no further. Another way the city is demonstrating its commitment to make Durham a city of second chances is how we are welcoming people back home who have served time in our prisons. 700 people come back home to Durham every year from prison. And as part of new program we are piloting, I have started writing letters to each of our residents returning from prison to welcome them back home. "Reentry is hard," I share, "but you are not alone." The letters are just one part of a larger program called Welcome Home developed by our city's innovation team in partnership with Durham's Local Reentry Council. In November, the program began welcoming back residents returning home from three nearby prisons. The city provides returning residents with care packages that include food, clothing, bus passes and other basic necessities. We have also hired two peer support specialists who have lived experience of reentry and who work one-on-one with our returning residents to provide a trusted source of support and mentorship and to help connect them more quickly to resources at our Local Reentry Council. We are starting to receive commitments from faith communities and other organizations to provide an ongoing supply of welcome home care packages. So if you are a member of an organization interested in welcoming back our returning residents by providing welcome home care packages, we need you to be in touch with our i-team. Tonight it is my pleasure to recognize Reginald Mumford, the very first participant in the Welcome Home program. Mr. Mumford, please stand. Welcome home, sir! In another effort to give people a second chance, this April, the City will pilot a new transitional jobs program. These jobs are specifically intended for returning residents and are

February 18, 2019

designed to build job readiness while providing employment and wrap-around services. This program will try to provide a bridge to sustainable employment. Our city will work to serve as a model for other employers to follow. And after our first cohort completes the transitional jobs program in September, we will be looking to private employers to step up and give these job-ready candidates a chance. To make the city we love a city for all, we must become a city that embraces second chances. I ask all of you to consider what you can do to help us advance this important work. Advancing the Innovation Team's work has required resources, and I want to give a shout-out here to the Bloomberg Foundation, an incredible partner, which has funded our i-team, the mayor's transportation challenge, and a training cohort for new mayors to which I was invited this year. I'll tell you a secret: There were 40 new mayors in this cohort, and I was the oldest!

While I am on the subject of criminal justice reform, I want to talk a moment about the money bail system. We know that money bail creates a two-tiered system of justice in which those with money are able to purchase their freedom, while those without money stay in jail, often for months, awaiting their day in court. Durham's newly sworn District Attorney Satana Deberry has recommended an ambitious new pretrial release policy to Senior Resident Superior Court Judge Hudson to combat this inequitable system. The policy takes wealth out of the equation and focuses on what truly matters in deciding who goes home and who is jailed pending trial: danger to our community and risk of flight. I wholeheartedly support this measure, and I hope you will as well. What I have described with the City's police reforms, our Participatory Budgeting and our i-team work is a culture of innovation in City government. Tom Bonfield has just passed his tenth anniversary as our city manager, and everyone knows he has done a spectacular job managing our city's finances and services. What you might not know about Tom is that he encourages, nourishes and protects innovation, and that is why we have the culture that we do.

Tom, I know that our activist city council can at times be a challenge for you and your staff, and I really appreciate the way you offer the stability and reality checks we need. You have my full confidence, my admiration and my daily gratitude. It is the City's front-line workers, though, who make our city go. Tonight I want to recognize three of our employees for their response to the 12-inch snow we had this past winter. Many of our employees did yeoman's work during the snow, but tonight we are recognizing Daniel Austin, Nate Marbury and Michael Norwood. Will you please stand? Keeping City Hall functioning is vital to our residents, and twice during December, weather threatened our ability to do that. Nate Marbury and Michael Norwood are both Electricians in the General Services Department, and Daniel Austin is the newly promoted Facilities Division Manager. During the snow, Mr. Marbury worked throughout the freezing night with Duke Energy, assisting in the replacement of a damaged transformer, located in a vault beneath City Hall Plaza.

February 18, 2019

Several weeks later, when the transformer failed at the City Hall Annex, Mr. Marbury, Mr. Norwood and Mr. Austin worked with a borrowed generator to keep City Hall functioning until the transformer could be replaced and power restored. Thank you for your resourcefulness on those cold, cold days and nights. Thank you for your dedication to our City. I would also like to ask Acting Fire Captain Jerald Whittington, Driver Antoine Burton, and Firefighter Juan Verdin to stand. This past October, Engine Company 6 was the first unit to the fatal fire that occurred in the Oak Creek Village community. Captain Whittington, Mr. Burton and Mr. Verdin arrived to find a roaring blaze where many people were trapped in a two-story apartment. These firefighters put their lives on the line to protect others as they fought the fire. But that's not all. The firefighters understood the needs and vulnerabilities of the people of Oak Creek Village. A few days after the fire, they re-engaged and met with community leaders. They truly took their outreach to the next level with a community safety event, smoke alarm canvassing, and continued home safety visits. Their efforts provided for much-needed healing, and they continue in Oak Creek Village to this day. We applaud them. The city council itself only directly employs three people: the city manager, the city clerk and the city attorney. Diana Schreiber has been our city clerk for about a year now, and I want to thank you, Diana, for a job very well done. I appreciate your leadership and responsiveness so much, and you have my full faith and confidence. As many of you know, our city attorney, Patrick Baker, is leaving us in a few short weeks to become the city attorney in Charlotte. We'll have a lot more to say about Patrick in his final city council meeting in Durham, but let me say tonight what a great privilege it has been for me, Patrick, to work with you for the past seven years. You have rendered truly extraordinary service to our City government and to our community, both as city manager and as city attorney. We wish you well, we will miss you, and we thank you. Now I want to talk about the future of our city and opportunity to shape that future rather than simply submit to it.

The issue that I hear about every day in some way or another, the issue that is on everyone's mind, is the issue of gentrification and housing affordability. Sometimes I hear the statistics. But much more often I hear the stories. People tell me all the time that they can't afford their rent and need to leave their downtown neighborhood and move farther out. Young couples with middle class jobs can't afford to buy a home in Durham. Our homeless advocates and rapid rehousing partners tell me they can't find places for their clients any more. How can the city we love be a city for all if many low-income people, predominantly people of color, can no longer afford to live in the neighborhoods they have lived in for years, even decades? So as the Bull City turns 150 this year, we face two possible futures, and we get to choose between them. One future is to continue doing all the good work on affordable housing that we are doing now, to know that it is not even remotely enough, and to watch as our downtown neighborhoods slip away, becoming even less affordable

February 18, 2019

and richer and whiter. But there is another possible future that I want to show you tonight, and that's the future in which we choose to fight back. I'm going to tell you about the plan. I'm going to tell you how we can pay for it. It's going to take a lot of money and a lot of years. But I believe this future is worth fighting for, and I am here tonight to ask you to fight for it with me.

We are already doing a lot of affordable housing work. City funds are supporting the Durham Housing Authority as it renovates 336 units at Damar Court and Morreene Road to keep them permanently affordable. City funds are supporting DHIC and Self-Help in their joint venture to build 82 affordable units adjacent to Durham Station. We are supporting the renovation and permanent affordability of 54 units owned by the Durham Community Land Trustees in East Durham. We are funding CASA to keep the 44 units at the Maplewood-Underwood Apartments permanently affordable. We are funding Habitat. We are putting far more City dollars than ever before into home repairs which are critical to helping long-term low-income homeowners stay in their homes.

I applaud our County Commissioners for stepping up to fund affordable housing on two of their downtown parking lots. There's lots more I could tell you, but here's the main thing: It's not nearly enough. If we do the affordable housing work we are doing now, funded at the same level, we will not significantly alter the future of downtown as the province of upper middle-class white people while people of color are pushed to the margins, farther and father from good jobs and the public transit to get them to those jobs. Tonight I'm going to outline a transformational plan, and I'm thrilled to announce that the first step in that plan is underway. Last February, in my State of the City address, I recognized Phail Wynn, vice-president of Duke University, for taking the lead on the formation of the Durham Affordable Housing Loan Fund. This fund will allow our nonprofit affordable housing developers to move quickly to compete in the market when a property comes up for sale, and it will allow the nonprofit to hold the property for up to five years at a very low interest rate while it arranges a permanent subsidy. Dr. Wynn, my good friend and a great friend to Durham, passed away tragically before this work could be finished. But in his honor, others, led by our own Karen Lado and Tucker Bartlett of the Self-Help Credit Union, picked up the effort and would not let it die. Tonight I am so happy to announce, in honor of Dr. Phail Wynn, the launch this spring of the Durham Affordable Housing Loan Fund with initial funding of \$10 million.

On top of the \$2 million in City funds in this fund, the North Carolina Community Development Initiative is lending \$2 million. Duke University is lending \$3 million. And our final investor is SunTrust bank, which is lending \$3 million at a very low interest rate to the fund.

Can I ask the following people to please stand: Karen Lado and Tucker Bartlett; Tara Kenchen, executive director of the Initiative who has been so supportive of this effort; Stelfanie Williams, the new vice president for Durham Affairs at Duke who has kept and strengthened all of Dr. Wynn's

February 18, 2019

affordable housing commitments; and Chris Bell and Autrice Campbell-Long of SunTrust which is setting a crucial example for other banks as we seek to expand the fund. We are so grateful to all of you. I might add that Autrice Campbell-Long is married to our Solid Waste Director Donald Long. It's good to have at least one power couple in the house tonight. Over the last year, our Community Development Department has been putting together a comprehensive five-year affordable housing plan for our city. They have done a fabulous job, and I want to fund the plan. The whole plan. If we fund the whole plan, here is what we can do in five years. We can develop 30 acres of Durham Housing Authority property right in the core of downtown, at JJ Henderson, Oldham Towers, Liberty Street, the Housing Authority office property and Forest Hills Heights, replacing all 387 of the aging Housing Authority units for our residents who are most in need and we can keep them living downtown. We will make those properties mixed-income developments, ending the isolated poverty of Durham Authority residents. Currently these residents are bearing the double burden of poverty. Not only are they poor, but everyone in their neighborhood is poor, so they have no common resources to rely on. We will change this. We will fund the Housing Authority to build 863 new affordable units on their downtown properties, most of the units affordable to a family of four with an income of \$48,000 or less. Plus, the Housing Authority will add 405 market-rate units to create truly mixed-income communities on their properties. Instead of a future where we surrender downtown to the richest buyers, we will create a multi-racial downtown where people of limited means can live, work and play. We will also prevent homelessness, and we will house our homeless. Instead of a future of more and more homeless encampments, we will build out our new coordinated entry system so that there is a central front door to homeless services in Durham that is low barrier and accessible seven days a week. We will invest in diversion that helps people in moments of housing crisis tap into their own resources. We will create a landlord incentive program to encourage landlords to house homeless people and people with Section 8 vouchers. We will expand street outreach so that single adults sleeping outside can get the resources they need. We will expand our rapid rehousing funding, and we will increase our supply of permanent supportive housing to house chronically homeless people with disabilities. We will grow the Durham Affordable Housing Loan Fund to at least \$15 million. For those non-profits who make use of the Durham Affordable Housing Loan Fund to purchase property to keep it permanently affordable, our five-year housing plan includes funds to take out those loans once a plan for permanent affordability is in place.

We will make gap financing available to developers, including the Housing Authority, who make use of the 4% tax credit to build affordable units. We will double our support for small-scale multi-family projects, either preservation or new projects, by our local non-profits. We will increase

February 18, 2019

support for affordable single-family and duplex rental projects in target neighborhoods, including neighborhoods in our key bus corridors, our light rail corridor and along the Beltline and other downtown trails. We will expand the home repair program to keep more long-term, low-income homeowners in their homes. We will build partnerships to reach out to these homeowners to significantly increase the number of people availing themselves of the state property tax credits and to educate them about dangers of predatory acquisition and the alternatives they can pursue. We will create a citywide down-payment assistance program offering \$20,000 second mortgages to help low-income people purchase a home. We will continue our new funding of attorneys working with Legal Aid to represent renters in eviction cases so we can reduce our community's high eviction rates and keep people in their homes. We will work with local lenders to make loans available to families who want to develop their own Accessory Dwelling Units. Adding it all up, here is what we will do in the next five years: We will support the creation of more than 1,800 new affordable rental units, with the great majority of them downtown. We will support the preservation of more than 800 affordable rental units, most of them downtown. We will move at least 1,700 homeless households into permanent housing. We will create at least 190 home ownership opportunities, including construction of 100 new units and down payment assistance to 90 low-income households. We will stabilize more than 1,800 low-income renters in their homes through eviction diversion, emergency rental assistance, property tax assistance and repairs. We will act on a scale that few, if any, other cities in this country are doing, certainly no other cities of our size. But this isn't just about the scale. It is also about where the housing will be. We will create an inclusive downtown in Durham, a racially diverse downtown, the impossible dream for growing American cities. We will choose the future that is worthy of a city that wants to live up to its claim to be a progressive beacon for the South and the nation. What will it cost for us to become the city we want to become? In addition to our current local and federal funds, the cost of this work will be \$95 million over the next five years. So I will be asking my city council colleagues to place on our November election ballot a referendum on a \$95 million bond issue to fund affordable housing and change the future of our city forever. \$95 million is a big number, but there is an even bigger number that is important here. This City spending will leverage at least \$445 million more in spending by other public and private entities on this affordable housing work, and it will create thousands of jobs. And what will this cost you, the taxpayer? We can fund this bond for about two-and-a-quarter cents on the tax rate. Here is what that means in plain English: If you own a \$250,000 house in Durham, you will be paying \$56 more per year to help provide housing for others, and to help create the just community that we all want. It's a big lift, I know. But it's time one city in this nation did it, and I know that city can be Durham. Over the next month, I will be putting

February 18, 2019

together an advisory committee to help explain this plan to our community, to reach out to every constituency between now and November. We have to decide if we as a community really want to do something about gentrification and affordable housing, or if we're just going to complain about it. Are we going to talk about racial equity a lot, but ignore it when it comes to the biggest equity challenge our city faces? The stars are aligned. We have a great plan. We have non-profits who can do the work. We have in Anthony Scott a terrific director at the Housing Authority. The only question is this: Do we have the moral commitment and the political will? People ask me all the time about what they can do for Durham. This is what you can do. You can join the campaign for this bond referendum, for Durham's inclusive future. Look out for ways you can join, and sign up. Before leaving the subject of housing, I want to say that the subsidized affordable housing plan I have been discussing needs to be supplemented by thoughtful land use planning if we are to do everything we can to create affordability. In that regard, I feel called to make a few remarks about Expanding Housing Choices, our Planning Department's zoning proposal that is making its way through the neighborhood forums and soon to the Planning Commission and the governing bodies. I always reserve my final judgment on any public hearing matter like this until the hearing is over, and at this point I haven't even seen the proposed text changes. But I do have a perspective I want to share with you tonight. Over 2000 new housing units are needed each year just to keep up with Durham's population growth, and we have missed this number in six of the last 10 years. This lack of housing production is made worse by the fact that the average new Durham resident has \$10,000 more in annual income than the average current resident, so newcomers are better able to compete for scarce housing opportunities. That is the major cause of displacement of long-time Durham residents. City zoning rules are part of the problem. For example, approximately 47% of our land is zoned exclusively for single-family housing, which can be very costly and is increasingly inaccessible to our lower and middle-income residents. These restricted housing opportunities didn't just arise out of thin air. They are a legacy of redlining and urban renewal that have contributed significantly to the racial wealth gap in Durham and across the country. The Planning Department's Expanding Housing Choices initiative is one important way to address that legacy of racism. We need more affordable duplex, small house and accessory dwelling unit opportunities, particularly in the neighborhoods that have seen huge run-ups in housing prices such as East Durham, Walltown and Southside. If we fail to provide these opportunities in the near-downtown neighborhoods close to jobs, transit, and all the great things Durham has to offer, we will guarantee rising prices and more displacement in our historically stable, lower-and-middle income neighborhoods. These new housing opportunities can and must ensure that the character and quality of our neighborhoods is protected. We have all seen the demand for housing in our near-

February 18, 2019

downtown neighborhoods lead to teardowns and conversions of affordable housing to unaffordable housing. The Expanding Housing Choices initiative cannot stop this phenomenon. But if done well, it can help ensure that we don't make our housing crisis worse. We need production of housing at all price points to meet the needs of Durham residents. We also need a light rail system. We need it so that the thousands of people living in the mixed income neighborhoods we will be building in and near downtown Durham will have affordable transportation to the good jobs throughout our region. We need it to mitigate the highway gridlock that threatens our quality of life, and we need it because it's the single most important thing we can do locally to fight climate change.

Along with affordable housing, the light rail is the issue I've worked on the most since I was elected mayor, especially in the last several months. The light rail, 18 miles and 19 stations, will be the first critical backbone of our regional transit system, to be followed by a commuter rail line from Durham to Raleigh. The federal government is providing half of the \$2.5 billion cost of the light rail, and that money is teed up and waiting for us to meet our local deadlines. Durham and Orange County voters overwhelmingly approved a sales tax to fund the transit system, and the state of North Carolina is providing \$190 million. Some more local funding will be necessary, but that's not the biggest challenge. February 28, just 10 days from now, is the deadline for GoTriangle to sign cooperative agreements with both the North Carolina Railroad and Norfolk-Southern, and with Duke University. Although intense negotiations are ongoing, neither the railroads nor Duke has signed yet as this critical deadline approaches. If we don't have these agreements signed by February 28, a 15-year effort to fund and build the light rail will die a sudden death. I have urged President Price of Duke and the railroad executives to sign the cooperative agreements so we can move forward together, and I call upon them again tonight to do so. The future of our region depends on it. There is so much more I want to tell you about tonight. I want to brag about the grant our Neighborhood Improvement Services Department sought and won to protect families from lead paint in 180 older homes. About the Mayor's Challenge grant we won from Bloomberg to use behavioral economics to persuade commuters to come downtown in ways other than their car. About Parks and Rec's innovative MyDurham afterschool program for teens. I want to brag about our Solid Waste Department's organics recycling work which will eventually have us creating compost right here in Durham from our yard waste, food waste and bio-solids from our wastewater treatment plant. I want to tell you how excited I am about the shared prosperity plan our Office of Economic and Workforce Development is building, including plans for a debt and equity fund to provide badly needed working capital to our minority businesses. I want to tell you about the race equity work that our City staff will be doing in partnership with neighborhoods along the Beltline trail, a wonderful new asset for our city. I want to tell you about TreesDurham, the new non-profit

February 18, 2019

that is driving us to meet our goals for a replenished and equitably distributed tree canopy. I want to tell you about the community-led food justice work going on to ensure that no one in Durham goes hungry, about our new Racial Equity Commission, about the terrific report of our Committee on Confederate Monuments and Memorials, about the Mayor's Council on Women, and our even newer Workers Rights Commission. So much great work is going on in this city 150 years after its founding. On April 13, we will hold the first big bash of our Sesquicentennial year, a family-friendly event to which everyone in Durham is invited. I am very grateful to Discover Durham and the Museum of Durham History for taking the lead on Durham 150, and I'm excited that this celebration will occur in true Durham fashion. The plan is for a decentralized celebration between April and November when we hope that 150 different groups will plan 150 different events.

Some of them will be sheer fun, and some of them will take a hard look at the challenges of our first 150 years so we can learn from them as we move forward. If your school or church or civic group wants to sign up to host an event, check out Durham150.org where you can also find out how to apply for a mini-grant to support your group's event. One thing I'm waiting for with baited breath is the recommendation from our Sesquicentennial Honors Commission about the people in our history we want to honor during this special year. We had a statue come down in Durham not long ago. Who in our history do we want to honor instead? Here, then, is the state of our city in this, our 150th year: We are a welcoming city, a diverse city, and a prosperous city determined that our prosperity be shared, a city challenged to truly live up to our creed, to our belief that we can be a progressive beacon for the South and the nation. When I think about the world we want to build, I am drawn to a poem written during the women's suffrage movement, then turned into a song sung by the immigrant women who led the great Lawrence textile strike of 1912.

It goes like this:

As we go marching, marching, in the beauty of the day
A million darkened kitchens, a thousand mill lofts gray
Are touched with all the radiance that a sudden sun discloses
For it is bread we fight for, bread and roses, bread and roses.
As we come marching, marching, un-numbered women dead
Go crying through our singing their ancient call for bread,
Small art and love and beauty their trudging spirits knew
Yes, it is bread we fight for, but we fight for roses, too.
As we go marching, marching, we're standing proud and tall.
The rising of the women means the rising of us all.
No more the drudge and idler, ten that toil while one reposes,

February 18, 2019

But a sharing of life's glories, bread and roses, bread and roses.

Let's make the city we love a city for all.

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

City Manager Bonfield thanked the Mayor for recognizing several employees in his State of the City Speech and did not have any priority items.

Deputy City Attorney Rehberg, and City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #12956)

MOTION by Council Member Reece, seconded by Council Member Alston, to approve the City Council Minutes for January 7, 2019 and January 10, 2019, was approved as amended at 8:48 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: CITIZENS ADVISORY COMMITTEE – APPOINTMENTS (ITEM 2/ PR #12952)

MOTION by Council Member Reece, seconded by Council Member Alston, to appoint Brian W. Langloss and Beverly Thorpe to the Citizens Advisory Committee with the terms to expire on June 30, 2021, was approved as amended at 8:48 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: DURHAM HISTORIC PRESERVATION COMMISSION – APPOINTMENT (ITEM 3/ PR #12953)

MOTION by Council Member Reece, seconded by Council Member Alston, to appoint Andrew C. Goolsby to the Durham Historic Preservation Commission representing Architect with the term to expire on September 1, 2021, was approved as amended at 8:48 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: RECREATION ADVISORY COMMISSION – APPOINTMENTS (ITEM 4/ PR #12954)

MOTION by Council Member Reece, seconded by Council Member Alston, to appoint Kokou Nayo (term expires August 31, 2021) and Leslie J. Stracks-Mullem (term expires August 31, 2019) to the Recreation Advisory Commission was approved as amended at 8:48 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.

February 18, 2019

SUBJECT: UNIVERSAL RELEASE OF NCR-17 RESTRICTIVE COVENANTS AND REVERSIONS (ITEM 5/ PR #12951)

MOTION by Council Member Reece, seconded by Council Member Alston, to authorize the City Manager to execute the document entitled, "NCR-17 Release of Covenants and Termination of Reversionary Interests." was approved as amended at 8:48 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 EXISTING HOME INVESTMENT PARTNERSHIP AGREEMENT AND CONSTRUCTION/PERMANENT LOAN AGREEMENT WITH COMMUNITY ALTERNATIVES FOR SUPPORTIVE ABODES (CASA) (ITEM 6/ PR #12955)

MOTION by Council Member Reece, seconded by Council Member Alston, to authorize the City Manager to amend the existing HOME Investment Partnership Agreement and the Forgivable Construction/Permanent Loan Agreement with Community Alternatives for Supportive Abodes (CASA) to allow for a rent increase for six (6) of the twelve (12) multi-family units, was approved as amended at 8:48 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: LONG RANGE WATER RESOURCES PLAN (ITEM 8/ PR #12958)

MOTION by Council Member Reece, seconded by Council Member Alston, to authorize the City Manager to execute a Phase I contract with Hazen and Sawyer, P.C. for professional engineering services to develop the Long Range Water Resources Plan in an amount not to exceed \$1,169,000.00;

To authorize the City Manager to negotiate and execute a Phase II contract amendment with Hazen and Sawyer, P.C. for completion of the Water Resources Portfolio in an amount not to exceed \$409,900.00;

To establish a contingency fund for the Phase I and Phase II contracts in the amount of \$110,000.00; and

To authorize the City Manager to negotiate and execute amendments to the Phase I and Phase II contracts provided that the total contract cost does not exceed \$1,688,900.00, was approved as amended at 8:48 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: DESIGN SERVICES CONTRACT WITH CLARK PATTERSON LEE, P.C. (CPL) FOR THE PUBLIC WORKS OPERATIONS CENTER RENOVATIONS (ITEM 9/ PR # 12965)

MOTION by Council Member Reece, seconded by Council Member Alston, to authorize the City Manager to execute a professional services contract with Clark Patterson Lee, P.C. (CPL) for the Public Works Operations Center Renovations Project in the amount not to exceed \$816,000.00;

February 18, 2019

To establish a design contingency in the amount not to exceed \$76,600.00; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Contract for the Public Works Operations Center Renovations Project with CPL provided the total contract cost does not exceed \$892,600.00 was approved as amended at 8:48 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 WITH CEDAR GROVE INSTITUTE FOR SUSTAINABLE COMMUNITIES TO DEVELOP A STRATEGIC PLAN FOR SHARED ECONOMIC PROSPERITY (ITEM 10/ PR #12957)

MOTION by Council Member Reece, seconded by Council Member Alston, to authorize the City Manager to approve a contract with Cedar Grove Institute for Sustainable Communities to develop a strategic plan for shared economic prosperity for the residents of the City of Durham, in an amount not to exceed \$49,500.00, was approved as amended at 8:48 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: STREET AND INFRASTRUCTURE ACCEPTANCES (ITEM 11/ PR # 12943)

MOTION by Council Member Reece, seconded by Council Member Alston, to accept the streets and infrastructure in Montclair Subdivision - Phases 1A, 1B and Force Main for maintenance by the City of Durham was approved as amended at 8:48 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: RADFORD PLACE CLOSING (ITEM 12/ PR #12961)

Karla Rosenberg, Senior Planner with the Planning Department gave 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.

Jeff Williams, on behalf of Coulter Jewell Thames, requested to permanently close the entirety of a 423 linear foot cul de sac named Radford Place. The street was an unimproved, unmaintained, platted right-of-way. Self Help Ventures Fund owned the parcel that immediately surrounded the right-of-way. If closed, the right-of-way would be fully incorporated into the surrounding parcel, that showed on the associated street closing plat. The request met applicable ordinance requirements, and no issues were raised by review agencies. Staff recommended the permanent closure of this 423 linear foot cul de sac named Radford Place.

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

Seeing no speakers, Mayor Schewel closed the Public Hearing.

February 18, 2019

MOTION by Council Member Reece, seconded by Council Member Middleton, to adopt an order permanently closing the 422.84-linear foot entirety of Radford Place was approved at 8:52 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 # 15432

CITY OF DURHAM
ORDER PERMANENTLY CLOSING 422.84 LINEAR FEET (ENTIRETY) OF RADFORD PLACE
(SC1800011)

WHEREAS, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

WHEREAS, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein for February 18, 2019; and

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for two successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham City Council at its regular meeting on February 18, 2019 meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the City Council of the City of Durham having carefully considered the question of permanently closing the streets or alleys or portion thereof as it more fully described in Attachment A, finds:

1. That closing of the streets or alleys described in Attachment A is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the streets described in Attachment A are permanently closed under the authority of GS 160A-299(a).
2. That utility easements that may be referenced in Attachment A or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in Attachment A shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.

February 18, 2019

4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in Attachment A.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

SUBJECT: CONSOLIDATED ANNEXATION ITEM - COMSTOCK INDUSTRIAL (ITEM 13/ PR #12962)

Jamie Sunyak, Senior Planner with the Planning Department gave 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 utility extension agreement, voluntary annexation, and zoning map change had been received from Patrick Byker of Morningstar Law Group for two parcels located at 4509 Page Road and 5505 Comstock Road, totaling 7.879 acres. The annexation petition (case BDG1800007) sought to bring the parcels into the existing City limits, but would result in a 34-acre unincorporated enclave completely surrounded by the city limits. The subject site was zoned Rural Residential and the applicant was requesting a zoning designation of Industrial Light. There was no development plan associated with the case. The parcel was designated as Industrial on the Future Land Use Map, which was consistent if the zoning change was approved. Approval of the annexation petition and zoning would become effective on March 31, 2019. 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 November 13, 2018 meeting, recommended approval of the proposed Industrial Light zoning district by a vote of 10-2. Staff determined that the request was consistent with Comprehensive Plan and applicable policies and ordinances. Three motions were required for the application. The first was required by law to approve the utility extension agreement and voluntary annexation petition. The second was to adopt a consistency statement and the third was for the zoning ordinance.

Council Member Middleton asked if staff had a rough estimate as to when they would have a recommendation for the donut holes.

Pat Young, Director of the City-County Planning Department advised that the Planning Department had been meeting with other applicable departments and believed they would have a recommendation in the near future.

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

Patrick Byker of Morningstar Law Group advised that his client was only the property owner and not the developer which is why they did not submit a development plan or an end user. He advised Council that he was available to answer any questions they had.

Mayor Pro Tempore Johnson commented on the report from the Planning Commission regarding the range of possible uses that are allowed within the IL district and how due to the various uses, the space seemed less useful as a planning tool. She also stated that one of the Planning

February 18, 2019

Commissioners made some very thoughtful remarks on the subject and requested feedback on those comments from the Planning Department in the future

Jamie Sunyak advised that the staff report included a full list of permitted uses for the type of district that was being requested and that they generally supported the types of development that already existed in that area.

Pat Young, Director of the City-County Planning Department stated that he would be meeting with members of the Planning Commission in the upcoming week to discuss the report.

Council Member Freeman asked how the Planning Department assessed the water usage in an area that would go from Rural Residential to Industrial Light.

Jamie Sunyak advised that they the Planning Department would look at the highest intensity that would be allowed in the new zoning district. She said that gallons per day were calculated out based on the highest permissible usage.

Council Member Reece thanked Commissioner Baker and Miller for the comments attached to the project and stated that the comments should be taken to heart.

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

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to adopt an ordinance annexing Page Road Landco, LLC into the City of Durham effective March 31, 2019 and to authorize the City Manager to enter into a utility extension agreement with the Soho Development was approved at 9:04 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: Council Member Caballero. Absent: None.

ORDINANCE # 15433

MOTION by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 9:04 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Middleton and Reece. Noes: Council Members Caballero and Freeman. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800010, COMSTOCK INDUSTRIAL

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:

February 18, 2019

That final action regarding zoning map change Z1800010, Comstock Industrial 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 8b, 'Comprehensive Plan Consistency Analysis'; dated February 18, 2019, regarding the subject 'Comstock Industrial' (Z1800010) 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 8b, 'Comprehensive Plan Consistency Analysis'; dated February 18, 2019, regarding the subject 'Comstock Industrial' (Z1800010) 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 Middleton, 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, County jurisdiction, and establishing the same as Industrial Light (IL), City jurisdiction was approved at 9:04 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Middleton and Reece. Noes: Council Members Caballero and Freeman. Absent: None.

ORDINANCE # 15434

SUBJECT: ZONING MAP CHANGE - WEAVING WATER INITIAL II (ITEM 14/ PR #12963)

Jamie Sunyak, Senior Planner with the Planning Department gave 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 are on file in the Planning Department.

A request for voluntary annexation, and initial zoning map change were approved by City Council on December 3, 2018 for Legacy Case (Z1800007/BDG1800005). The application which was Weaving Water, located at 3912 and 3920 Rivermont Road, had an effective date of December 31, 2018. At that time, the Council approved Planned Development Residential 1.964 (PDR 1.964) zoning for 12.31 acres of the 22.258 acre parcel. Due to miscommunication between the applicant and Planning staff, it was not clear on the application submitted by the owner that they preferred an exact translation of RS-20 zoning to the remaining 9.948 acre of lands. Staff asked Council to designate the remaining lands to Residential Suburban-20 (RS-20) zoning since the legal description of the property to be rezoned did not previously reflect that. Staff determined that the requests were consistent with Comprehensive Plan and applicable policies and ordinances. Two motions were required for the application. The first was to adopt a consistency statement and the second was for the zoning ordinance.

Mayor Schewel opened the Public Hearing and asked if there were any speakers to the item. Seeing no speakers Mayor Schewel closed the Public Hearing.

February 18, 2019

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 9:12 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.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of Rural Suburban-20 (RS-20) Zoning District, Eno River District Watershed Protection Overlay (E-B), County jurisdiction, and establishing the same as Residential Suburban-20 (RS-20), Eno River District Watershed Protection Overlay (E-B), City jurisdiction, was approved at 9:12 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 # 15435

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1900001A

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 Z1900001A, Weaving Water Initial II, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR THE CONVEYANCE OF COUNTY- OWNED PROPERTY TO THE CITY FOR AFFORDABLE HOUSING DEVELOPMENT (ITEM 7/ PR #12964)

Kevin Primus a resident of 3703 Kilgo Drive stated that the affordable housing development should have been a no brainer and that he understood that it did not just happen overnight. He also shared some Black History facts regarding the integration of the cub scouts.

MOTION by Council Member Freeman, seconded by Council Member Reece, to authorize the City Manager to execute an Interlocal Agreement with Durham County to establish uniform procedures

February 18, 2019

for the conveyance of County-owned property to the City for affordable housing development, was approved as amended at 8:48 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.

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting adjourned at 9:13 p.m.

Ashley Wyatt
Deputy City Clerk

Diana Schreiber
City Clerk