

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 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, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: Javiera Caballero.

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 to the Flag.

MOTION by Council Member Reece, seconded by Council Member Freeman, to excuse Council Member Caballero from the meeting, was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

[CEREMONIAL ITEMS]

Mayor Schewel read into the record the Neighbor Spotlight Award and presented it to Durham resident Rena Pinnix.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Reece advised that he, Council Member Caballero, Commission Howerton, and other volunteers participated with Meals on Wheels earlier that morning and wanted to bring forth awareness to their cause.

Council Member Middleton congratulated North Carolina Central University Men's Basketball team and the Duke University Men's Basketball team for recently winning championships. He also stated that he attended The Islamic Association of Raleigh's commemoration service for the victims in the Christchurch, New Zealand shooting and told the audience that Durham remained open, inclusive, loving and safe.

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

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

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #13014)

MOTION by Council Member Reece, seconded by Council Member Freeman, to approve the City Council Minutes for February 4, 2019 and February 7, 2019, was approved at 7:11 p.m. by the

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

SUBJECT: DURHAM PLANNING COMMISSION – REAPPOINTMENTS (ITEM 2/ PR #13016)

MOTION by Council Member Reece, seconded by Council Member Freeman, to reappoint Akram Al-Turk, Brian Buzby and Cedric D. Johnson to the Durham Planning Commission with the terms expiring on June 30, 2019, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE – REAPPOINTMENTS (ITEM 4/ PR #13019)

MOTION by Council Member Reece, seconded by Council Member Freeman, to reappoint Keelan Brown (representing Business) and Susan W. Callaghan (representing Finance) to the Durham Performing Arts Center Oversight Committee with the terms to expire on March 1, 2022, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: 2019 UNSCHEDULED PIPELINE REPAIRS CONTRACT - AWARD OF CONSTRUCTION CONTRACT TO CAROLINA CIVILWORKS, INC. (ITEM 5/ PR #12992)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with Carolina Civilworks Inc., in an amount not to exceed \$670,492.50 for the 2019 Unscheduled Pipeline Repairs Contract;

To establish a contingency fund for the contract with Carolina Civilworks Inc., in the amount not to exceed \$69,507.50; and

To authorize the City Manager to negotiate change orders for the contract with Carolina Civilworks Inc., provided that the total contract cost does not exceed \$740,000.00, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: 2019 UNSCHEDULED PIPELINE REPAIRS CONTRACTS - AWARD OF CONSTRUCTION CONTRACT TO J.F. WILKERSON CONTRACTING COMPANY, INC. (ITEM 6/ PR #13020)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with J.F. Wilkerson Contracting Company, Inc., in an amount not to exceed \$696,695.00 for the 2019 Unscheduled Pipeline Repairs Contract;

To establish a contingency fund for the contract with J.F. Wilkerson Contracting Company, Inc., in the amount not to exceed \$73,305.00; and

To authorize the City Manager to negotiate change orders for the contract with J.F. Wilkerson Contracting Company, Inc., provided that the total contract cost does not exceed \$770,000.00, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: 2019 SEWER REPAIR PROJECT – CONTRACT AWARD TO CAROLINA CIVILWORKS, INC. (ITEM 7/ PR #13015)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with Carolina Civilworks, Inc. for the 2019 Sewer Repair Project in the amount of \$4,005,186.00;

To establish a contingency fund for the contract in the amount of \$400,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$4,405,186.00, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: BID – TERM CONTRACT FOR FERRIC SULFATE SOLUTION 13% (9,200 TONS) (ITEM 8/ PR #13023)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute a two-year purchase contract with Pencco, Inc. for 9,200 tons of Ferric Sulfate Solution (13%) in the amount of \$1,787,100.00; and

To authorize the City Manager or his designee to execute and issue periodic purchase orders pursuant to the purchase contract, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: AMEND THE CITY'S CROSS-CONNECTION CONTROL ORDINANCE TO ESTABLISH AN ELECTRONIC FILING FEE AND ELECTRONIC FILING OF BACKFLOW PREVENTER TEST REPORTS, AND TO ADOPT A SEPARATE ORDINANCE ESTABLISHING THE ELECTRONIC FILING FEE (ITEM 9/ PR #13028)

MOTION by Council Member Reece, seconded by Council Member Freeman, to adopt an ordinance amending City of Durham Code of Ordinances, Chapter 70, Article VII, Sections 70-586 and 70-593; and

To adopt an ordinance amending the City's Fee Schedule to establish the electronic filing fee for backflow preventer test reports, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15439 & 15449

SUBJECT: PROPOSED LEASE FOR MEGABUS SOUTHEAST, LLC AT DURHAM STATION (515 W. PETTIGREW STREET) (ITEM 10/ PR #13021)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute the Lease Agreement with Megabus Southeast, LLC for a five-year lease, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: PROPOSED LEASE FOR GREYHOUND LINES, INC. AT DURHAM STATION (515 W. PETTIGREW STREET) (ITEM 11/ PR #13022)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute the Lease Agreement with Greyhound Lines, Inc. for a five-year lease for space at Durham Station, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: UTILITY EXTENSION AGREEMENT WITH HARD WORK WITH A PURPOSE, LLC TO SERVE 300 CHANDLER ROAD (ITEM 14/ PR 13029)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to enter into a utility extension agreement with Hard Work with a Purpose, LLC to serve 300 Chandler Road with City water and sewer, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: ORDINANCE AMENDING SPECIFIED SECTIONS OF DURHAM CITY CODE OF ORDINANCES CHAPTER 70, ARTICLE III, DIVISION 2 AND DIVISION 3 (ITEM 15/ PR#13033)

MOTION by Council Member Reece, seconded by Council Member Freeman, to adopt an ordinance amending specified sections of Durham City Code of Ordinances Chapter 70, Article III, Division 2 and Division 3 to allow for a more streamlined and effective utility development process, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15440

SUBJECT: CONTRACT ST-295 REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL LAND SURVEYING WITH SUMMIT DESIGN AND ENGINEERING SERVICES, PLLC (ITEM 16/ PR 13039)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute a contract for ST-295 RFQ for Professional Land Surveying with Summit Design and Engineering Services, PLLC in the amount not to exceed \$100,000.00, was approved

at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: LODGE STREET REGIONAL STORMWATER IMPROVEMENTS - AMENDMENT NO. ONE (ITEM 17/ PR #13044)

MOTION by Council Member Reece, seconded by Council Member Freeman, to authorize the City Manager to execute an amendment to the existing Professional Services Agreement for the Lodge Street Regional Stormwater Improvements, with Horvath Associates, P.A. in the amount of \$24,850.00;

To establish a revised contingency fund in the amount of \$11,032.50; and

To authorize the City Manager to negotiate additional change orders for Professional Services Agreement provided that the total contract cost does not exceed \$84,582.50, was approved at 7:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

GENERAL BUSINESS AGENDA - PUBLIC HEARINGS

SUBJECT: FY2019-20 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) (ITEM 20/ PR #13001)

Budget and Management Services Director Bertha Johnson made a presentation with the following information:

- As required by state law, the City adopts an overall property tax rate however; the rate is allocated to several funds: For fiscal year 2018-19: Property tax rate is 57.86 (cents per \$100) A penny on the tax rate = \$2.917 million
 GF Operations = 33.29 includes ½ Penny for Park and Trail Maintenance
 Debt = 12.72
 Solid Waste = 6.29
 Transit = 3.56
 Dedicated housing = 2.00
 Business Improvement District (BID) = 7.00
- 2018
 Median Value: \$183,769
 Tax Rate: 57.86
 Tax Bill = \$1,063
- 2019 Reval
 Median Home Value: \$229,246
 Revenue Neutral Rate: 51.45
 New Tax Bill= \$1,179

Mayor Schewel opened the Public Hearing.

Beth Bruch, resident of 1010 Iredell Street, requested that the Council use the funds in the proposed budget to fund job programs and education instead of funding 72 more police officers. Jazmine Williams a resident of 914 Gilbert Street stated that she opposed any allocation of money to the Police Force and that the new police headquarters removed resources from the community. She also stated that Durham had a problem with the over policing of black and brown people.

Aman Aberra, resident of 2 Little Springs Lane, expressed that he did not believe that to increase public safety and reduce crime levels that the city should spend money on police, but rather invest funds back into the community.

Dave Connelly, resident of 3 Bland Spring Place, recommended that the city allot 2 million dollars each year to the trails in within the city.

Andrea Hudson, resident of 322 Junction Road, opposed the addition of funding for more police officers. She stated that police officers are not who keep the community safe, but rather the residents keep the community safe.

Mab Seagrast, resident of 1419 Ruffus Street, spoke against the allocation of more police officers. She stated that there were already too many police and that the new proposal in the budget was going in the wrong direction.

Denise Hester of 3526 Abercrombie Drive stated that streetscaping on Fayetteville Street, as one of the longest transportation corridors in the city, should be a priority since it had been requested by residents for many years as opposed to funding new police officers.

Danielle Purifoy of 2032 Englewood Avenue stated that she spoke at Council Meetings in the past regarding increased money for police usage. She expressed concern that the police did nothing to combat poverty and other issues within the community. She also stated that police get credit for crime decreasing even when there are other community programs involved.

Mariah Monsanto of 2341 Cherry Creek Drive stated that the police were not responsible for keeping people safe in Durham. She suggested putting money in the hands of the community.

George Vaughan of 1022 Westwood Drive requested that the Council provide funds to hire a consultant to move the Neighborhood Protection Overlay application process forward for the historic Forest Hills area.

Ellen Pless of 706 E. Forest Hill Blvd advised that the Historic Forest Hills neighborhood had a large amount of resident support and urged the council to approve the funding that would move the Neighborhood Protection Overlay process through within the given 18-month timeframe.

Quisha Mallette of 3143 Adell Way stated that public safety came from investing in space rather than removing people from it and putting them in cages. She stated that she did not support the addition of 72 new police officers.

Jose Romero of 1713 Avondale Drive stated that there had been decreased crime in Durham in a record number of years while there had also been a decreased amount of police in Durham, so the additional 72 police officers were not needed.

Ran Baron of 208 North Driver Street stated that he wanted to see a Durham beyond policing and requested that the council not approve any of the 72 police officers being proposed. He suggested that the funds be invested in affordable housing.

Adil Ortiz of 1808 Vale Street asked that the council not fund the police officers in the budget. She stated that she believed her safety came from her community and not from police. She also stated that police should not attend community events, but should only focus on the critical needs.

Shanise Hamilton of 1940 Buffalo Way stated that Durham was not lacking in police officers, but rather lacking in affordable housing, mass incarceration, and poverty.

Nia Wilson of 224 West Trinity Avenue stated that historically the institution of policing had not kept the black community safe and she asked the council to consider what safety meant to the community that they served.

Aaron Jamal, resident of Durham, stated that problems in the community could not be solved by police. He stated that they were structural issues that predate the work of police.

Ashley Canady of 9-D Ridgeway Avenue expressed concern for the condition of her housing community; McDougald terrace. She stated that the living conditions were subpar and that she would have liked to see money invested there as opposed to 72 police officers.

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

SUBJECT: OREGON STREET CLOSING (ITEM 21/ PR #13025)

Emily Struthers, 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.

Robert Shunk with Stewart, on behalf of Duke University, requested to permanently close a 1,794.18 linear foot portion of Oregon Street located between Campus Drive and Erwin Road. The right-of-way is currently dedicated and improved.

If the request were approved, the closed right-of-way acreage would be added to the adjacent parcels, owned by Duke University. The Planning Director stated at the work session that staff had been working with the applicant to maintain public access and to clarify advised that note 7 was specifically limited to unimpeded vehicular access for city and county fire and emergency services vehicles. The request met applicable ordinance requirements and staff recommended the permanent closure of the 1,794.18-linear feet of Oregon Street.

Robert Shunk of 2627 University Drive advised that he was available to answer any questions the council had.

The Council continued the Public Hearing item to the May 6, 2019 Council Meeting. No vote was taken.

SUBJECT: ZONING MAP CHANGE – 1228 CARROLL STREET (ITEM 22/ PR #13027)

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

A request for a zoning map change had been received from Jess Brandes with CASA for a parcel located at 1228 Carroll Street, totaling 5.471 acres. The site was presently Residential Urban-5 (RU-5) and Residential Urban-5 with Duplexes Allowed (RU-5(2)). Ms. Brandes proposed to change the designation to Residential Urban-Multifamily with a development plan (RU-M(D)) for a maximum of 65 multifamily residential units. Key commitments included limiting the building height, providing a greenway easement, and pedestrian improvements. The parcel was designated as Medium Density Residential on the Future Land Use Map which was consistent with the proposed zoning change. The Durham Planning Commission, at their January 8, 2019 meeting, recommended approval of the proposed RU-M(D) zoning district by a vote of 13-0. Staff determined that the request was consistent with the *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 asked for clarification regarding the proffer in relation to the project.

Ms. Struthers advised that the proffer included shifting an access point on Lakewood Drive.

Mayor Schewel opened the public hearing.

Jess Brandes, representative of the applicant, advised that she was available to answer any questions that the council had.

Council Member Alston asked about the level of engagement the applicant had pertaining to lead abatement and its status.

Ms. Brandes advised that once the applicant retained ownership of the properties that they would do a wet demolition which would minimize dust that would carry lead and asbestos into the atmosphere.

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

MOTION by Council Member Reece, seconded by Council Member Middleton, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 8:10 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800018 – 1228 Carroll Street

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 Z1800018, 1228 Carroll Street is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the "Consistency with Adopted Plans" and "Reasonable and in the Public Interest" sections of the staff report and in Attachment 6, "Comprehensive Plan Consistency Analysis," dated March 18, 2019, regarding the subject "1228 Carroll Street" (Z1800018), along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency, and the health, safety, and general welfare of the community. This zoning item promotes this objective by offering fair and reasonable development regulations supported by the "Consistency with Adopted Plans" and "Reasonable and in the Public Interest" sections of the staff report and Attachment 6, "Comprehensive Plan Consistency Analysis," dated March 18, 2019, regarding the subject "1228 Carroll Street" (Z1800018), along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

MOTION by Council Member Alston, seconded by Council Member Reece, to adopt an ordinance amending the Unified Development Ordinance by taking the property out of the Residential Urban-5 (RU-5) and Residential Urban-5 with Duplexes Allowed (RU-5(2)) Zoning Districts and establishing the same as the Residential Urban-Multifamily with a Development Plan (RU-M(D)) Zoning District, was approved at 8:10 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15441

SUBJECT: ZONING MAP CHANGE – REVISIONS TO TEXT COMMITMENTS FOR PANTHER CREEK PLANNED DEVELOPMENT RESIDENTIAL (PDR) REZONING (ITEM 23/ PR #13032)

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

The City Council approved a zoning map change and development plan for Panther Creek on August 7, 2002 (Legacy Case P01-74). This was a 161.162 acre tract of land located in northeast Durham, on the east side of Burton Road. The legacy case called for a maximum of 272 dwelling units. The first few phases of the development have been completed. The applicant, Donald Sever of Summit Design and Engineering, was requesting revisions to text commitments. The requested text commitment revisions included removing a 50-foot transitional use area and removing connections and improvements to Bragg Road and Mannix Road. A text commitment had been added limiting the maximum number of units to 90 units east of Ardsley Drive until a second access was provided in the area east of Ardsley Drive. No changes were being proposed to the rest of the

approved development plan. It had come to staff's attention that Burton Road, the site's main connection, was located in a floodplain. In the event of flooding, access could be limited to Ardsley Drive. Per the Unified Development Ordinance, any revisions to text commitments were considered a significant change and required a new hearing and recommendation from the Planning Commission prior to the case being considered by City Council. The Durham Planning Commission at their January 3, 2019 meeting, recommended denial of the request by a vote of 13-0. 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 required to adopt a consistency statement and the second was for the zoning ordinance

Don Sever, the applicant of the rezoning project, described proposed developments through a powerpoint presentation.

John Parrish of 2704 Burton Road stated that he lived adjacent to where the proposed rezoning project would take place and that he opposed the project due to the idea of decreasing the buffer area that was currently there. He also advised that there was a lot of flooding in the area and that the new properties would obstruct the only access point to get in and out.

Sherman Barnette of 2621 Ardsley Drive said that the traffic in the area was already congested and suggested that an additional road be constructed before any development takes place.

Mayor Pro Tempore Johnson asked the applicant to elaborate on the justifications for his request that he outlined in the slideshow presentation.

Mayor Pro Tempore Johnson asked if the development plans were in compliance with the city's current stream buffer requirements.

Mr. Sever replied that the plans were in compliance as best as he knew at the moment.

Mayor Pro Tempore Johnson asked what commitments the applicant was willing to make at that time.

Mr. Sever stated that he would be committed to making connections at 3 of the 4 access points: Burton Road, Ardsley Road, Brag Road, and Mannix Road.

Mayor Schewel asked what the underlying issues were that led the Planning Commission to deny the project 13-0.

Ms. Struthers responded that the decision stemmed from the access points and reduced buffer.

Mayor Schewel asked if the applicant changed the issues that the Planning Commission had with the project.

Ms. Struthers advised that the plan had not changed.

Mayor Schewel asked the two opponents if they only opposed the development because of the issues surrounding the access points.

Both Mr. Parrish and Mr. Barnette agreed that was there issue with the proposed development.

Mayor Schewel asked Interim Director of Transportation, Bill Judge, his opinion of on the issue of

access points.

Mr. Judge said that the transportation department discussed with the applicant that changes had been made since the inception of the project in 2002 and that required the need for additional access points.

Council Member Freeman asked who would be responsible if the development moved forward and there was flooding in the area with limited access points.

Pat Young Director of the City-County Planning Department stated that Burton Road was an NC DOT Road and that the meeting was the first he heard of flooding on Ardsley Road.

Council Member Freeman asked how successful the City was in getting NC-DOT to remediate issues.

Mr. Judge advised that he was unsure the priorities that NC-DOT sets for their road programs.

Council Member Freeman asked if there was any conversation about how much impervious surface would be decreased.

Mr. Sever stated that the project would be less than 24% impervious.

Mayor Schewel stated that he believed the issues were Planning Commission issues that they needed to advise the council on. He asked the applicant if he would go back to the Planning Commission with the presentation he showed at the meeting.

Mr. Sever declined to go back to the Planning Commission.

Mayor Schewel asked the rights of the applicant if the Council did not approve the proposed development changes.

Ms. Struthers indicated that the applicant could move forward with the project as initially shown.

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

MOTION by Council Member Reece, seconded by Council Member Middleton, to adopt a Consistency Statement as required by NCGS 160A-383, failed at 8:48 p.m. by the following vote: Ayes: Council Member Middleton. Noes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, and Reece. Absent: Council Member Caballero.

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

REGARDING Z1800020 – Revisions to Text Commitments for Panther Creek PDR Rezoning

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 Z1800020, Revisions to Text Commitments for Panther Creek PDR Rezoning is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, in Attachment 6 of the staff memo, "Comprehensive Plan Consistency Analysis," dated March 18, 2019, regarding the subject "Revisions to Text Commitments for Panther Creek PDR Rezoning" (Z1800020), along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency, and the health, safety, and general welfare of the community. This zoning item promotes this objective by offering fair and reasonable development regulations supported by Attachment 6 of the staff memo, "Comprehensive Plan Consistency Analysis," dated March 18, 2019, regarding the subject "Revisions to Text Commitments for Panther Creek PDR Rezoning" (Z1800020), 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 Reece, seconded by Council Member Freeman, to adopt an ordinance amending the Unified Development Ordinance by taking the property out of the Planned Development Residential 1.69 (PDR 1.69), Falls/Jordan Watershed Protection Overlay District B (F/J-B) Zoning Districts and establishing the same as the Planned Development Residential 1.69 (PDR 1.69), Falls/Jordan Watershed Protection Overlay District B (F/J-B) Zoning Districts, failed at 8:48 p.m. by the following vote: Ayes: Council Member Middleton. Noes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, and Reece. Absent: Council Member Caballero.

SUBJECT: CONSOLIDATED ANNEXATION ITEM – ELLIS ROAD PHASE III (ITEM 24/ PR #13034)

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

A request for a utility extension agreement and voluntary annexation had been received from Attorney Patrick Byker, Morningstar Law Group for a 108-acre parcel of land located generally at 3714 Angier Avenue. The annexation was for a continuous expansion of the city limits, however there would be a 17-acre donut hole created to the west. Approval of the annexation petition and zoning would become effective on March 31, 2019. In addition, the applicant had applied for a Future Land Use Map amendment for 137 acres of land from Industrial to Low Density Residential (4 du/acre or less), and a Zoning Map Change from Rural Residential and Industrial Light to Planned Development Residential 3.575 for 100 acres with an associated Development Plan for up to 350 residential units. Key commitments included limiting the number of residential units, limiting the impervious surface to 70%, transportation improvements as identified by NCDOT and DDOT in accordance with the TIA. The Durham Planning Commission, at their January 8, 2019 meeting,

recommended approval of the proposed by a vote of 12-1. Staff recommended approval of the extension of utilities with annexation because this project is deemed revenue-positive by the Budget Management Services Department and there have been no operational impacts identified with providing services. The Public Works and Water Management departments have determined that the existing water mains have the capacity for the proposed development. Staff determined that the requests were consistent with the *Comprehensive Plan* and applicable policies and ordinances. Four motions were required for the application. The first was to adopt an ordinance annexing the property and entering into a utility extension agreement, the second was to adopt a resolution amending the future land use map, the third was to adopt a consistency statement and the fourth was for the zoning ordinance.

Mayor Pro Tempore Johnson asked what was in the donut holes.

Ms. Sunyak advised that the hole was currently vacant.

Mayor Schewel opened the public hearing.

Patrick Byker a representative for the applicant described aspects of the project and advised the council that he was available to answer any questions the council had.

Teresa Jones of 1010 East Oak Drive stated that she grew up near the area being developed and appreciated what was being done.

Council Member Freeman noted that Morningstar Long Group took the time to listen to residents' concerns.

Council Member Reece thanked the applicant for going through the process in a way that was respectful of the residents and also thanked staff for their hard work. He also stated that the RTP area is changing in a way to give more residential options for a growing city.

Mayor Schewel appreciated the comments made by Council Member Reece and asked if the applicant considered making a proffer to Durham Public Schools and Affordable Housing Project.

Mr. Byker stated that the applicant would be making a proffer of \$43,000 to Durham Public Schools only.

Seeing no addition speakers, Mayor Schewel closed the public hearing.

MOTION by Council Member Freeman, seconded by Council Member Reece, to adopt an ordinance annexing "Ellis Road III aka Ellis Road Phase III" into the City of Durham effective March 31, 2019 and to authorize the City Manager to enter into a utility extension agreement with Ellis Road WEH LP, was approved at 9:05 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15442

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to adopt a resolution amending the Future Land Use Map to Low Density Residential for the subject site, was approved at 9:05 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson

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

RESOLUTION #10122

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 9:05 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15443

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1700052, ELLIS ROAD PHASE III

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 Z1700052, Ellis Road Phase III is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 8c, 'Comprehensive Plan Consistency Analysis'; dated March 18, 2019, regarding the subject 'Ellis Road Phase III (Z1700052) 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' section of Attachment 8c, Staff Report; dated March 18, 2019, regarding the subject 'Ellis Road Phase III (Z1700052) 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.

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency, and promote the health, safety, and general welfare of the community. This request does not achieve these objectives and thus the denial was reasonable and in the public interest.

Consistency, or lack thereof, with the Comprehensive Plan is as described within the 'Consistency with Adopted Plans' section of Attachment 8c, Staff Report; dated March 18, 2019, regarding the subject 'Ellis Road Phase III (Z1700052) along with additional agenda information provided to the City Council and information provided at the public hearing.

MOTION by Council Member Freeman, seconded by Council Member Alston, to adopt an ordinance amending the Unified Development Ordinance by Taking Property out of Industrial Light, Rural Residential Zoning District (IL, RR), County Jurisdiction and Establishing the Same as Planned Development Residential 3.575 (PDR 3.575), City Jurisdiction, was approved at 9:05 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

SUBJECT: CONSOLIDATED ITEM – 3920 SOUTH ALSTON AVENUE (ITEM 25/ PR #13035)

Jamie Sunyak, Senior Planner with the Planning Department gave the following staff report and stated 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.

Requests for a zoning map change and future land use map amendment had been received from Daniel Jewell, Coulter Jewell Thames, PA, for a 1.863-acre parcel of land located at 3920 South Alston Avenue. The applicant proposed to change the zoning from Office and Institutional to Industrial Light with a Development Plan. The development plan associated with the request limited the maximum building size for the site at 12,000 square feet, and sets a maximum building height of 50 feet. Additional text commitments included providing asphalt for a future bicycle lane, and extending the water line from Corwallis Road along Alston Avenue or providing an alternate fireflow. The request was being made without any commitments pertaining to use, which means that any use permitted within the IL district would be allowed. The property was currently Office on the Future Land Use Map. The applicant had requested a Future Land Use Map amendment to Industrial (A1800002) to coincide with the rezoning request. The Durham Planning Commission, at their January 8, 2019 meeting, recommended approval of the proposed by a vote of 13-0. Staff determined that these requests are consistent with the *Comprehensive Plan* and applicable policies and ordinances. Three motions were required for the application. The first was to adopt a resolution amending the future land use map, the second was to adopt a consistency statement and the third was for the zoning ordinance.

Mayor Schewel opened the public hearing.

Mr. Jewell of 111 West Main Street stated that the applicant wanted to repurpose the property and would widen Alston Avenue to accommodate a bike lane. He also stated that he was available to answer any questions the council had.

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

MOTION by Council Member Freeman, seconded by Council Member Middleton, to adopt a resolution amending the Future Land Use Map to Industrial for the subject site, was approved at 9:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

RESOLUTION #10123

MOTION by Council Member Freeman, seconded by Council Member Reece, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 9:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800005 – 3920 South Alston Avenue

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment Z1800005, 3920 South Alston Avenue is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated March 18, 2019, regarding the subject '3920 South Alston Avenue' (Z1800005) 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 6, 'Comprehensive Plan Consistency Analysis'; dated March 18, 2019, regarding the subject '3920 South Alston Avenue' (Z1800005) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Office and Institutional (OI) Zoning District and establishing the same as Industrial Light with a Development Plan (IL(D)) Zoning District, was approved at 9:11 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15445

**SUBJECT: CONSOLIDATED ANNEXATION – 301 ATKINS HEIGHTS BOULEVARD
(ITEM 26/ PR #13036)**

Jamie Sunyak, Senior Planner with the Planning Department gave the following staff report and stated 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.

Request for a utility extension agreement, voluntary annexation and initial zoning map change have been received from Charlie Yokely, McAdams for two parcels of land totaling 67 acres located at 7605 Fayetteville Road and 301 Atkins Heights Boulevard. The site was presently zoned Rural Residential (RR) and the staff recommended an exact translation of the zoning district. The parcel was designated as Low Density Residential on the Future Land Use Map, which was consistent with the zoning request. While the annexation was for a continuous expansion of the city limits, it would create a donut hole to the north and south. Approval of the annexation petition and zoning would become effective on March 31, 2019. The proposed annexation included the creation of a new road connecting the properties to Fayetteville Road, which was consistent with an associated site plan that was currently under review (case #D1800289). Staff recommended approval of the annexation because the project was deemed revenue-positive by the Budget Management Services Department and there had been no operational impacts identified with providing services. The Public Works and Water Management departments had determined that the existing water mains had the capacity for the proposed development. Staff determined that the requests were consistent with the *Comprehensive Plan* and applicable policies and ordinances. Three motions were required for the application. The first was to adopt an ordinance annexing the property and entering into a utility extension agreement, the second was to adopt a consistency statement and the third was for the zoning ordinance.

City Manager Bonfield asked if there was an area near the property that would be unincorporated.

Ms. Sunyak stated that there would be an area near the property that would be unincorporated.

Mayor Schewel opened the public hearing.

Sarah Chagaris of 2518 Levi Lane stated that she was the legal representative of the property and supported the project moving forward.

Attorney Nil Gosh represented the applicant and stated that the project had an access point out to Fayetteville Road and that came out of community meetings with residents in 2017. He also advised that the project had the support of the New Hope Church which was located near the property and that the access point would be beneficial for emergency vehicles.

Dixie Hayman of 5201 Shagbark Drive supported the development due to its location and would provide a higher tax base that could benefit everyone in Durham.

Jessica Ilegart represented "The Families of Oakhaven" read a prepared statement opposing the development due to safety concerns of adding a way for more vehicles to come through the neighborhood.

Mr. Gosh affirmed that a connection to Fayetteville Road was necessary.

City Manager Bonfield asked Mr. Judge how the Transportation department would evaluate if a connection was needed.

Mr. Judge advised that the Transportation department would utilize the Unified Development Ordinance and that a connection would be required for the proposed development.

Council Member Reece thanked staff for their work on the project and appreciated that the property owner applied the comments made about the development in 2017. He also thanked Ms. Iglehart for her efforts in reaching out to the council to express her concerns.

Mayor Schewel echoed the comments made by Council Member Reece.

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

MOTION by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance annexing "301 Atkins Heights Boulevard" also known as The Courtyards at Southpoint Development into the City of Durham effective March 31, 2019 and to authorize the City Manager to enter into a utility extension agreement with EC New Vision Carolinas, LLC, was approved at 9:47 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

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 9:48 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1800022A

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 Z1800022A, '301 Atkins Heights Boulevard' is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable;

That the proposed zoning map change designation is consistent with the Future Land Use Designation on the property; 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.

MOTION by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending the Unified Development Ordinance by removing property from the Residential Rural (RR), County Jurisdiction and establishing the same as Residential Rural (RR), City Jurisdiction, was approved at 9:48 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15446

SUBJECT: DURHAM-RALEIGH ANNEXATION AGREEMENT (ITEM 27/ PR# 13042)

Grace Smith, Senior Planner with the Planning Department gave the following staff report and stated that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices were on file in the Planning Department.

The City of Durham and the City of Raleigh entered into an annexation agreement in March of 1999, as permitted by state statute. The agreement included the area of southeastern Durham County and northwestern Wake County where the municipal boundaries of Durham and Raleigh converge. The agreement expired on March 2, 2019, after twenty years, which was the maximum period for an agreement to be in effect per state law.

Staff began working with the City of Raleigh early last fall to identify any items in the agreement or map that should be addressed. As a result, there had been slight modifications made to the agreement and the boundary description to correct the location of rights-of-way that were not finalized by North Carolina Department of Transportation at the time the last agreement was adopted in 1999. The City of Raleigh had reviewed the draft agreement and agreed with the terms of the agreement, as well as, the proposed annexation boundary map. The City of Raleigh was scheduled to consider action on the agreement at its April 2, 2019 meeting.

One motion was required to approve this item: To adopt an ordinance authorizing the Mayor to execute the Durham- Raleigh Water and Sanitary Sewer Service Area and Annexation Boundary Agreement.

Mayor Schewel opened the public hearing.

Nelson Paul of 307 Mist Grove Circle, Morrisville, stated that the property he was representing, 7326 Leesville Road, was located on the Durham side of the annexation, but believed that the water and sewer came from Raleigh. He stated that in its current state any developer would have to spend thousands of dollars to duplicate services already done for the City of Raleigh.

Ms. Smith read from a memo issued by the City of Raleigh asking that the City of Durham take no action regarding the property and that there was no active sanitary sewer to the property from the City of Raleigh.

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

MOTION by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to adopt an Ordinance authorizing the Mayor to execute the Revised Annexation Agreement between the Cities of Durham and Raleigh, was approved at 9:58 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15447

SUBJECT: CHAPTER 62, ARTICLE II, DIVISION 3 - UPDATES TO ALLOW FOR THE ACCEPTANCE OF DEVELOPER BUILT TRAILS FOR CITY OWNERSHIP AND MAINTENANCE (ITEM 28/ PR #13031)

Robert Joyner of the Public Works Department gave the following staff report:

The Parks and Recreation Department had worked with a developer to potentially install a section of trail in a project across the frontage of the developer's project at the developer's cost. The City Attorney's Office, recognized that the City did not have a formal acceptance procedure for trails. It was anticipated that future trails may have been developed in this manner and that it would be appropriate for the City to develop a formal acceptance procedure by Ordinance.

Mayor Schewel opened the public hearing.

Mayor Pro Tempore Johnson asked if the intent of the Ordinance was to encourage developers to create trails and if the trails would be publically owned

Mr. Joyner advised that the intent was to encourage developers to create more trails and that the trails would be publically owned.

Mayor Schewel closed the public hearing.

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to adopt an ordinance amending Chapter 62, Article II, Division 3 of the Durham City Code to establish an acceptance procedure for developer constructed trails, was approved at 10:01 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Freeman, Middleton and Reece. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15448

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting adjourned at 10:01 p.m.

Ashley Wyatt
Deputy City Clerk, CMC

Diana Schreiber
City Clerk, CMC