

**DURHAM, NORTH CAROLINA  
MONDAY, MAY 20, 2019  
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time in the Council Chambers at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also Present: City Manager Tom Bonfield, Interim City Attorney Kimberly Rehberg, Deputy City Clerk Ashley Wyatt and Assistant City Clerk LaVerne Brooks.

Mayor Schewel called the meeting to order, welcomed everyone in attendance, and asked for a moment of silent meditation.

Council Member Reece led the Pledge of Allegiance to the Flag.

**[CEREMONIAL ITEMS]**

Mayor Schewel read into the record the Neighbor Spotlight Award and presented it to the recipient, Hazeline Umstead of PAC 3.

Ms. Umstead made remarks and appreciated the award.

Mayor Schewel introduced Eddie Davis, City of Durham Public Historian to provide a history moment on former Mayor of Durham, Wensell Grabarek. Former Mayor Grabarek was turning 100 years of age on May 21, 2019 and was present in the Chamber to receive honors.

Former Mayor Grabarek addressed the audience, elected officials and expressed appreciation to the residents of Durham and the city's medical, educational and cultural institutions and enduring spirit.

Council Member Reece read into the record the proclamation recognizing National Public Works Week and presented it to Marvin Williams, Public Works Director.

Council Member Alston read into the record the proclamation recognizing Gun Violence Awareness Day and presented it to Gilda Suiter and Meaghan Mullholland Hutson of the Volunteers with Moms Demand Action for Gun Sense in America.

Council Member Middleton read into the record the proclamation recognizing Asian American Pacific Islander Heritage Month.

**[ANNOUNCEMENTS BY COUNCIL]**

Council Member Reece recognized the Asian American Pacific-Islander Heritage Month Proclamation and celebrated Marvin Williams, Director of the Public Works Department for their hard work and receiving a proclamation. He informed listeners that Participatory Budgeting voting was open and that residents of Durham 13 years or older were eligible to vote online at [www.pbdurham.org](http://www.pbdurham.org) or in person at locations across the city.

Council Member Middleton stated that the record setting Bimbe' Festival had taken place the previous Saturday and that the festival was celebrating its 50<sup>th</sup> year Anniversary, as well as, several hometown heroes. He advised that several people had reached out to him to express their concerns regarding the language of one of the performers. He stated that his position was not about puritanical values or censorship, but reconciling the family friendly event that the City advertised compared to part of what took place. He also thanked the Durham Parks and Recreation Department for the putting the Festival together and encouraged residents to look on their website for an apology statement that the Department issued.

Mayor Schewel congratulated Council Member Freeman for becoming the President for North Carolina Women in Municipal Government (WiMG) at the North Carolina League of Municipalities.

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

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

**[CONSENT AGENDA]**

Mayor Schewel read the Consent Agenda into the record; explained the Consent Agenda was passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda. If so, the items would be removed from the Consent Agenda and discussed later at the meeting. Items 14 and 15 were removed from the Consent Agenda for further discussion.

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to approve the Consent Agenda as amended was approved at 7:51 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: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #13118)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to approve the City Council minutes for March 18, 2019, March 21, 2019, April 1, 2019 and April 4, 2019 was approved at 7:51 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 WORKERS' RIGHTS COMMISSION – APPOINTMENTS  
(ITEM 2/ PR #13076)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to appoint the following residents to the newly established Durham Workers' Rights Commission: Nancy Kalow (term expires April 30, 2021) and Antonio D. Luster (term expires April 30, 2020) representing Durham's Largest Workplace; Bertha Bradley (term expires April 30, 2021), Charles R. Gooch (term expires April 30, 2020), Priscilla D. Smith (term expires April 30, 2021) and Stephanie N. Smith (term expires April 30, 2020) representing Low Wage Industry; and Christopher P. Agoranos (term expires April 30, 2021), Kenneth A. Amandolia (term expires April 30, 2020), Bennet D. Carpenter (term expires April 30, 2021), Dominic Castro-Wehr (term expires April 30, 2020), Rob Davis (term expires April 30, 2021), Bianca Olivares (term expires April 30, 2020) and Brian Powell (term expires April 30, 2020) representing Diverse Backgrounds was approved at 7:51 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: MAYOR'S COUNCIL FOR WOMEN – APPOINTMENTS  
(ITEM 3/ PR #13163)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to reappoint the following members to the Mayor's Council for Women: Amie Koch representing Fair Housing/Economic Development Sector and Rebekah A. Miel representing Cultural, Recreation, Fine-Arts with terms to expire June 30, 2022; and to appoint Grace Kaissal representing At-Large with the term to expire on June 30, 2022 was approved at 7:51 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 PLANNING COMMISSION – APPOINTMENT  
(ITEM 4/ PR #13164)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to appoint Cristian A. Santiago to the Durham Planning Commission with the term to expire on June 30, 2022 was approved at 7:51 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 BICYCLE & PEDESTRIAN ADVISORY COMMISSION –  
APPOINTMENT (ITEM 5/ PR #13165)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to appoint Dwayne Atkins to the Durham Bicycle & Pedestrian Advisory Commission representing University Students/University Facilities with the term to expire on August 31, 2020 was

approved at 7:51 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: PARTICIPATORY BUDGETING STEERING COMMITTEE - APPOINTMENT (ITEM 6/ PR #13166)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to appoint Jenn Frye to the Participatory Budgeting Steering Committee representing Ward 1 was approved at 7:51 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: ADOPT THE REVISED NORTH CAROLINA RETENTION AND DISPOSITION SCHEDULE DATED MARCH 1, 2019 (ITEM 7/ PR #13171)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to adopt the revised North Carolina Retention and Disposition Schedule dated March 1, 2019 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10133**

**SUBJECT: DURHAM WORKERS' RIGHTS COMMISSION – BYLAWS (ITEM 8/ PR #13196)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to approve the bylaws for the Durham Workers' Rights Commission was approved at 7:51 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: CONSTRUCTION/PERMANENT FINANCING LOAN DOCUMENTS WITH WILLARD STREET, LLC FOR THE CONSTRUCTION OF THE WILLARD STREET APARTMENTS (ITEM 9/ PR #13142)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the expenditure of up to \$3,600,000.00 in Dedicated Housing Funds (DHF) for vertical construction activities for the Willard Street Apartments; to authorize the City Manager to execute a Construction/Permanent Loan Agreement with the Willard Street, LLC in an amount up to \$3,600,000.00;

To authorize the City Manager to execute a deed for the conveyance of Lot 3 to Willard Street LLC; to authorize the City Manager to negotiate and execute all necessary

easements and other ancillary property interests required for completion of the affordable housing project; and to authorize the City Manager to modify the loan agreements; and

To execute such other non-loan related documents as necessary and as required by other lenders and the investor so long as they do not change the structure of the deal, increase the dollar amount or lessen the obligations of Willard Street, LLC to the City was approved at 7:51 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 COMMUNITY LAND TRUSTEES (DCLT), INC. SOUTHWEST CENTRAL DURHAM RENTAL REHABILITATION PROJECT (ITEM 10/ PR #13080)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to approve the expenditure of \$488,000.00 in HOME Investment Partnership Program (HOME) funds to the Durham Community Land Trustees (DCLT), Inc. to renovate and stabilize 10 apartment homes in the Southwest Central Durham target area; and

To authorize the City Manager to execute a Loan Agreement in the amount of \$488,000.00 and other necessary legal documents was approved at 7:51 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: LOAN AGREEMENT FOR THE DURHAM AFFORDABLE HOUSING LOAN FUND (ITEM 11/ PR #13180)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize a loan in the amount of \$2,000,000.00 at 0% interest to Self-Help Ventures Fund for the Durham Affordable Housing Loan Fund, of which \$1,500,000.00 will be in Tier 1 and \$500,000.00 will be in Tier 2 of the Fund;

To authorize the City Manager to execute a Loan Agreement for the Durham Affordable Housing Loan Fund;

To authorize the City Manager to modify the Durham Affordable Housing Loan Fund Loan Agreement and to execute such other non-loan related documents as necessary and as required by other Fund investors so long as they do not change the structure of the Fund or increase the dollar amount of the City's investment in the Fund; and

To receive a presentation about the Durham Affordable Housing Loan Fund was approved at 7:51 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: DEPARTMENT OF WATER MANAGEMENT COMPLIANCE SERVICES - AWARD SPECIAL INSPECTIONS AND CONSTRUCTION MATERIAL TESTING CONTRACT TO STEWART ENGINEERING, INC. (ITEM 12/ PR #13168)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute a professional engineering contract with Stewart Engineering, Inc. for the Special Inspections and Construction Materials Testing for the Department of Water Management Compliance Services Building project in the amount not to exceed \$108,000.00; to establish a project contingency fund in the amount of \$12,000.00; and

To authorize the City Manager to execute change orders to the Stewart Engineering, Inc. so long as the contract amount does not exceed \$120,000.00 was approved at 7:51 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: DEPARTMENT OF WATER MANAGEMENT MIST LAKE FACILITY COMPLEX – AWARD SPECIAL INSPECTIONS, CONSTRUCTION MATERIAL TESTING AND GEOTECHNICAL RECOMMENDATIONS AND CONSIDERATIONS CONTRACT TO FALCON ENGINEERING, INC. (ITEM 13/ PR #13169)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute a professional engineering contract with Falcon Engineering, Inc. for the Special Inspections, Construction Materials Testing and Geotechnical Recommendations and Considerations for the Department of Water Management Mist Lake Facility Complex project in the amount not to exceed \$954,525.00;

To establish a project contingency fund in the amount of \$95,475.00; and

To authorize the City Manager to execute change orders to the contract so long as the contract amount does not exceed \$1,050,000.00 was approved at 7:51 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: ANNUAL INSURANCE PLAN FY20 (ITEM 16/ PR #13184)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to expend an amount for all insurance premiums not to exceed \$1,250,000.00 to maintain the annual insurance plan; and

To make additional insurance purchases as needed beginning July 1, 2019 was approved at 7:51 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: PURCHASE CONTRACT WITH SOUND ASSOCIATES, INC. FOR THE DURHAM PERFORMING ARTS CENTER AUDIO SYSTEM UPGRADE (ITEM 17/ PR #13182)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute a purchase contract with Sound Associates, Inc. to purchase audio equipment without competitive bidding, as authorized by G.S. 143-129(e)(6) on the grounds that standardization or compatibility is the overriding consideration, in the amount of \$1,380,000.00;

To establish a contingency fund for the contract in the amount of \$120,000.00; to authorize the City Manager to negotiate and execute amendments to the purchase contract provided the total project cost does not exceed \$1,500,000.00; and

To adopt an ordinance amending the FY 2018-19 City of Durham Budget Ordinance as amended, the same being ordinance #15326 was approved at 7:51 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 #15464**

**SUBJECT: RESOLUTION TO SUPPORT THE UPPER NEUSE RIVER BASIN ASSOCIATION (UNRBA) FY2020 BUDGET (ITEM 18/ PR #13162)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to receive a presentation on the Upper Neuse River Basin Association and Durham progress towards Stage 1 goals; and

To adopt the resolution supporting the UNRBA FY2020 budget of \$1,145,000.00 with the City of Durham contributing \$247,052.88 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10134**

**SUBJECT: UTILITY EXTENSION AGREEMENT WITH HABITAT FOR HUMANITY OF DURHAM, INC. TO SERVE HABITAT SOUTH HOOVER ROAD LOTS (ITEM 19/ PR #13170)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to enter into a utility extension agreement with Habitat for Humanity of Durham, Inc. to extend water and sanitary sewer to Habitat South Hoover Road Lots was approved at 7:51 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: UTILITY EXTENSION AGREEMENT WITH FBT INC. TO SERVE FMC GRADING (ITEM 20/ PR # 13176)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to enter into a utility extension agreement with FBT Inc. to extend water and sanitary sewer to serve FMC Grading was approved at 7:51 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: UTILITY EXTENSION AGREEMENT WITH TOBIN CONSTRUCTION COMPANY, LLC TO SERVE 2701 UNIVERSITY DRIVE (ITEM 21/ PR # 13177)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to enter into a utility extension agreement with Tobin Construction Company, LLC to extend City sanitary sewer and water to 2701 University Drive was approved at 7:51 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: UTILITY EXTENSION AGREEMENT WITH TERRACES AT MOREHEAD HILLS, LLC TO SERVE MOREHEAD HILLS TOWNHOMES (ITEM 22/ PR #13185)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to enter into a utility extension agreement with Terraces at Morehead Hills, LLC to provide water and sewer service to the Morehead Hills Townhomes project and to reimburse a portion of the waterline replacement construction costs was approved at 7:51 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 AMENDMENT NO. 2 OF ST-289C WITH MA ENGINEERING CONSULTANTS, INC. FOR UTILITY LOCATION SERVICES (ITEM 23/ PR #13179)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute a contract amendment No. 2 with MA Engineering Consultants, Inc. for Contract ST-289C, Utility Locate Service in the amount up to \$486,000.00 for a total, revised contract amount not to exceed \$1,206,000.00 was approved at 7:51 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: ORDINANCE AMENDING DURHAM CITY CODE OF ORDINANCES  
CHAPTER 70, ARTICLE III, DIVISION 2 AND DIVISION 3 (NON-  
CONTIGUOUS ANNEXATIONS) (ITEM 24/ PR #13183)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to adopt an ordinance amending Chapter 70, Article III, Division 2, Sections 70-95, 70-96, 70-109, and Division 3, Section 70-129 of the Durham City Code of Ordinances was approved at 7:51 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 #15465**

**SUBJECT: CONTRACT AMENDMENT FOR CONTRACT SD-2019-02, STORMWATER  
INFRASTRUCTURE REPAIRS (ITEM 25/ PR #13109)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute an amendment to the existing contract SD-2019-02, Stormwater Infrastructure Repairs, with White Oak Construction Corp. of N.C. in the amount of \$174,357.00 for a revised, total contract amount of \$723,597.00; to increase the existing contingency fund by an amount of \$26,153.55 for a revised, total contingency amount of \$108,539.55; and

To authorize the City Manager to negotiate and execute change orders for contract SD-2019-02 provided that the total contract cost, including all change orders does not exceed \$832,136.55 was approved at 7:51 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: SD-2019-09, STORMWATER INFRASTRUCTURE REPAIRS (ITEM 26/ PR  
#13167)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute Contract SD-2019-09, Stormwater Infrastructure Repairs, with Bruce Allen Construction Company, LLC in the amount of \$1,342,555.80;

To establish a contingency fund in the amount of \$201,384.00; and

To authorize the City Manager to negotiate change orders for Contract SD-2019-09 provided that the total project cost does not exceed \$1,543,939.80 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-290, STREET REPAIRS AND REPAVING PROJECT  
(ITEM 27/ PR 13178)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to authorize the City Manager to execute a contract for ST-290, Street Repairs and Repaving 2019 with FSC II, LLC dba Fred Smith Company in the amount of \$4,559,340.00;

To establish a contingency fund in the amount of \$455,934.00; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$5,015,274.00 was approved at 7:51 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: ORDINANCES TO AMEND CHAPTER 14 OF THE CITY’S FEE  
SCHEDULE AND SECTION 58-186 OF THE DURHAM CITY CODE OF  
ORDINANCES (ITEM 28/ PR #13174)**

**MOTION** by Council Member Freeman, seconded by Council Member Alston, to adopt an ordinance amending Chapter 14 of the City of Durham Fee Schedule; and

To adopt an ordinance to amend Section 58-186 of the Durham City Code of Ordinances was approved at 7:51 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.

**ORDINANCES #15466 & 15467**

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: PROPOSED FY2019-20 BUDGET AND FY2020-25 CAPITAL  
IMPROVEMENT PLAN (CIP) (ITEM 31/ PR #13138)**

City Manager Bonfield gave the following presentation:

“Good Evening. Mayor Schewel, Mayor Pro-Tem Johnson, Members of the City Council, City staff, and residents of Durham present here tonight or viewing on Durham Television Network. I am honored to be before you this evening to present the proposed 2019-2020 fiscal year budget for the City of Durham, the 11th budget I have had the privilege to present to the community. You’re accustomed to our attempts to make the annual budget presentation hopefully relevant to our lives and to current happenings in the city. Last year, we talked about how our budget reflected significant occurrences in Durham over the previous year, and how the word “refresh” was at the forefront for us since our city has new energy as we have gone through a robust period of growth and revitalization.

And, while there are no 'beverages' to accompany the budget presentation this year, I am confident it will be equally satisfying!

Last year, we noted that our internationally recognized Durham Performing Arts Center would mark its 10th year of operation in late 2018, and that in 2019 we would commemorate Durham's 150th anniversary. While we recently celebrated the City's official 150th birthday, the celebration will continue the rest of the year, honoring the city's foundation of inclusivity, diversity, and innovation that continues to successfully propel our city into the future.

In thinking about this year's budget, we couldn't help but reflect on our beginnings as a city. For those of you who don't know, Durham was named after Dr. Bartlett Durham, who in 1849 provided land for a railroad station. A village took form around that train station and post office, reaching a population of around 100 people by the time of Dr. Durham's death in 1859. As Durham Station's population rapidly increased, the station became a town and was incorporated by act of the North Carolina General Assembly on April 10, 1869. It is just a bit ironic that our founder was a doctor in what would later become known as the "City of Medicine." I like to think that Dr. Durham would be proud of his namesake city and how far it has come in the last 150 years.

As we pause to recognize our sesquicentennial, as City employees, we've also paused to look back at our origins and records...and I must say we've found some pretty cool stuff. For instance, did you know that in 1869, Durham's population was only 258. The annual budget was \$357.44, and the largest taxpayer paid \$40.62. As of 2018, our population is estimated at 270,819, the fourth largest city in North Carolina. Our 2018 annual budget was \$510.9 million dollars and our largest taxpayer paid more than \$1.2 million dollars.

We also have hand-written minutes and records going back to 1869, as you can see from this photo. A few other neat facts we've uncovered during our reflections on our history... In the summer of 1869, an election was held for the choice of town commissioners. This first governing board consisted of six members: J. W. Cheek was Magistrate of Police, later on called Mayor, and R. F. Morris, A. M. Rigsbee, W. K. Styron, W. I. Clarke, and William Mangum were Commissioners, or Aldermen. J. T. Farthing was chosen as town Clerk and Treasurer, and Andrew Turner was Constable. From there, city government was born. Another fun fact: Since 1921, the role of City Manager has changed hands 23 times. I'm deeply honored to serve as Durham's 23rd City Manager.

But, with this reflection on the past 150 years comes the need to look at how we arrived to where we are now and give serious thought that maybe – had we made better decisions 50, 75, 100 years ago, how much better served our community on the whole might be today. It certainly would be less complicated to develop and present a budget guided only by our core municipal responsibilities, the so-called hard services – roads, water, parks, etc., without assuming ownership of other obligations that contribute toward the City's mission – to make Durham a great place to live, work, and play for everyone. The reality is that we, as a community, can no longer afford to overlook issues that have been staring us in the face for so long...issues that have laid the foundation for where Durham is now...a

progressive city of the south, no doubt, but a city with much work that remains to be done. That is why, this year's budget proposal enhances our efforts to address equity issues, racial and those driven by income, or lack thereof. While some of these efforts are woven into existing initiatives, you'll see that there are others that stand alone and make a bold statement about the City's intentions.

The City's Strategic Plan and the five goals that are the framework for the activities, programs, and services associated with them changed last year to build on how Durham is transforming to meet the needs of the growing, diverse, and inclusive community that we strive to be. The Strategic Plan continues to be the foundation of our planning, driving our operational needs, and guiding this annual budget process.

Mayor Schewel and City Council Members have played a vital role in providing guidance as we discussed Strategic Plan goals and the entire budget development process. Thank you for your leadership and direction to our staff during what is one of the most important local government processes each year.

2019 has brought changes to our tax base thanks to continued growth and development along with the Durham County property revaluation that occurred earlier this year. While growth continues to increase the demand for services, it also brings an expanded tax base with property values increasing – sometimes dramatically.

The total proposed budget for FY 2019-20 is \$476.2 million dollars, compared to \$510.4 million dollars for FY 2018-19, a decrease of \$34.8 million dollars. Most of this decrease results from a reduction in transfers for capital projects in the Water and Sewer Fund budget.

The proposed General Fund budget, which covers the City's core services, is \$216.2 million dollars – a 7.24 percent increase from last year. The property tax rate is proposed at 53.34 cents per \$100 dollars of assessed value, which is 4.52 cents below the current combined tax rate of 57.86 cents. This year's reduction resulted partly due to an average valuation increase of 19.2 percent recognizing that the many values in downtown and surrounding neighborhoods grew by even larger percentages. What this means for the average homeowner is a tax bill of about \$1,223 dollars per year, or about \$102 dollars per month on a median house valued at \$229,246 dollars. Despite the apparent never-ending growth in Durham, sales tax revenue growth has been slower than expected.

Personnel expenditures are increased by \$9.4 million dollars and operating expenditures are increased by \$3.2 million dollars.

Fund balance to begin the fiscal year is projected at 19.92 percent, or \$47.7 million dollars, which is approximately \$15.5 million dollars above fund balance reserve policies. The budget proposed one-time funding, to include street resurfacing, election costs, transitional jobs program, and community engagement funding, totals almost \$5.7 million dollars. During a time of tremendous growth and change in this community, it's important that we ensure all of our residents have equal access to opportunities to prosper and

thrive. The proposed budget contains expanded and new initiatives designed to enable human and workforce development coupled with business growth that encourages an inclusive economy.

The Equal Opportunity/Equity Assurance Department has been reimagined and will now be called the Equity & Inclusion Department. While work to expand opportunities for disadvantaged and local businesses will continue, equal attention will be focused on racial and economic equity. This will include adding the City's first full-time Chief Equity Officer, who will lead the implementation of adopted recommendations from the City Council appointed Racial Equity Task Force, racial equity trainings, and support for equity action planning teams who will operationalize the plan in all City departments.

A cornerstone of the City's vision for a shared economic strategy is the establishment of the Bull City Foundation modeled after successful economic foundations in a number of cities throughout the country. A successful and sustainable foundation of this nature will require buy-in and collaboration from all of our government and economic development partners. The proposed budget includes \$300,000 dollars for implementation consulting services along with two initial staff members from within existing Office of Economic and Workforce Development resources. It is hoped that the initial work will be completed by mid-year, and that in early 2020, a full plan to have the foundation up and running will be completed.

Funding is included to support the addition of 50 students in the Summer Youth Work Internship Program, which will be leveraged to attract private-sector participants to hire an additional 50 students – bringing the total number of youth to 300 and closer to the five-year goal of hiring 1,000 youth. One-time funding is also included to complete the Justice-Involved Transitional Employment prototype. Thus far, the pilot has connected justice-involved residents with 10 jobs in City departments and includes job training, case management, and other support services. Also of note is that permanent funding is included for the Training to Work program, which was grant funded and set to expire this year. This program has proven successful at early intervention with residents still in prison and preparing for release back to Durham in 45-to-60 days. One-time funding for support to develop a financial empowerment strategy and blueprint is also recommended.

A continued shift in how we think about public safety is also part of the reflection on the past 150 years, and where we want to go in the next 150 years. We continue to recognize that we have to work alongside residents and community organizations in creating a safer community together.

Partnering to promote a community environment that is safe and free of harm and hazards is consistently a large priority for our residents and for all the public safety agencies that work to serve them.

The addition of 18 patrol officers is proposed for an approximate two-year pilot in District Four intended to improve efficiencies in the police beat structure, staffing, and work schedule. This restructured district staffing model is designed to improve response times,

beat integrity, and community interaction while reducing overtime costs and providing officers with an improved work/life balance.

The Police Department is also redirecting current resources to establish an additional community engagement unit in public housing communities.

Proactive community engagement in the McDougald Terrace Housing Community has contributed to reduced crime and improved resident interaction and support.

The Police Department will add two latent print examiners to its Forensics Unit to address an increase in caseload, increase overall performance in case processing to ensure timely prosecution of criminal cases, and to prevent further backlog of cases. A previously grant-funded licensed crisis intervention clinician to help residents in mental health crisis when they come into contact with police officers will be permanently funded within the police department.

Last month's tragic gas explosion brought well-deserved attention to our first responders – particularly the Durham Fire Department. While their highlighted response that day was certainly heroic and life-saving, it is a daily occurrence in some form or fashion. It is critical that these first responders remain equipped to assure their safety as they serve the community. Helmet accountability shields provide accurate accountability of all personnel at an emergency incident and throughout a tour of duty. Particulate barrier hoods act as a filter to reduce firefighters' exposure to persistent fire ground carcinogens and other contaminants. Funding is also included to provide sufficient personal protective equipment to help ensure turnout gear and uniforms are as free of contaminants, carcinogens, bodily fluids, and other chemicals as possible.

The proposed budget includes two additional administrative staff positions to support current and planned increased staffing.

It also includes an additional staff position to support expanding fire and life safety community education programs that began last year.

A key tenant of this goal is to foster cohesive, engaged, and diverse communities where our residents have equitable access to community resources, and the opportunity for a high quality of life.

What better example of community – what makes Durham special – than the 50th Annual Bimbé Cultural Arts Festival, which just took place this past Saturday at Rock Quarry Park. In early 1969, a group of African-American students from Duke University, North Carolina College at Durham, now North Carolina Central University, and a host of community members met to plan a cultural arts festival for the residents of Durham in honor of the West African festival of harvest and celebration. Each year this event has been a day filled with the tradition of sharing, celebration, and appreciation of gifts of talent.

The City focus on equity and inclusion also extends to community engagement, equitable community engagement related to capital project development and in our everyday work. The City's Neighborhood Improvement Services Department Community Engagement Division will prioritize equitable engagement coordination between City departments and the community.

Funding is provided to pilot the implementation of the equitable community engagement blueprint and to hire temporary, part-time staff to equitably engage residents on various City projects that will impact the community. Funding is also provided for a dedicated full-time position to focus on Latino community engagement.

Also, this year, City government is introducing its first Language Access Plan primarily for Durham's Spanish-speaking population. The goal is provide meaningful access to the City's services, programs, and events for all residents. While the Plan may take time to implement fully, establishing the plan is an important first step.

Safe, affordable, and quality housing is a keystone to having an opportunity at a high quality of life. This budget continues to support the development of new, affordable homeownership and rental units; preserving existing affordable rentals; enhancing collaboration with the largest affordable housing provider in the city – Durham Housing Authority – and ensuring housing stabilization in appreciating neighborhoods continues to be the multi-pronged approach to providing affordable housing. The budget proposed continues the dedicated affordable housing tax rate at 2 cents, while appropriating significant funds from the fund balance to support the plan. Two new full-time positions are funded to support the City's homelessness program, with the recent investment in combatting homelessness and expanded HUD requirements there has been a dramatic increase in the volume of work for the homeless continuum team. To address this increase in need, an expanded homelessness team within the Community Development Department will be responsible for providing logistical support for Durham's Homelessness Continuum of Care, for which Community Development is the lead agency.

In order to support affordable housing goals adopted by the City Council three years ago, staff will also plan for the \$95 million dollar affordable housing bond referendum that is planned to go before voters in November. Dependent upon approval of the \$95 million dollar affordable housing bond referendum later this fall, we are prepared to add two full-time positions to assist with the financial management, monitoring, and reporting associated with the bond as well as work to support the goal of expanding rental options for Durham's lowest income residents.

The Community Development and Neighborhood Improvement Services Departments will use a portion of the funding within the affordable housing fund to expand the existing housing repair program to address non-code-compliant homes that are occupied by low-income homeowners.

Funding is included to complete the Welcome Home Project pilot, which offers peer support and a package of essential items — including toiletries, food, and a letter from the

Mayor — to residents returning to Durham from state prison. The pilot ends this August. The I-Team recently secured a \$20,000 grant from Race Forward to extend the pilot an additional three months, after which time the program will need to identify additional funds or possibly end. The Durham Expunction and Restoration Program continues to draw national and statewide attention. Funding is in place to support completing the initial one-year pilot phase of DEAR, which runs through the end of October. Program evaluation and options for community partners to adopt the program are underway. Without additional funding the program will begin to close in November 2019.

Durham's growth continues to abound in every corner of the community. While this growth brings much attention and opportunity to our community, it is essential that growth be managed and planned and even more important, environmentally sustainable. This year, the City-County Planning Department will initiate a robust community engagement process to assist in updating Durham's Comprehensive Plan.

The General Services Department will use the recently adopted Sustainability Roadmap and Renewable Energy Resolution to develop the baseline data and implementation plan for these aggressive sustainability initiatives.

Positions dedicated to implementing these initiatives have been re-directed in the General Services Department and will be supported by funds previously used to support a joint City-County Sustainability Office.

While the proposed 10-year Capital Improvement Plan will be presented during the upcoming Budget Work Sessions, the more significant 2020 new capital projects are noted here.

Maintaining city streets continues to be a concern for residents responding to the 2018 Resident Satisfaction survey. Approximately \$10 million is budgeted to address the ongoing maintenance of streets, an increase of \$1 million dollars over last year's budget, and includes \$4 million dollars in one-time funding from fund balance. \$117.8 million dollars is budgeted for water and sewer improvements including water and sewer rehabilitation, distribution, water residuals, and construction. A modest increase of about 2.8 percent for the average customer in the water and sewer rates is also included to continue to support ongoing capital, operating, and sustainability efforts.

While the status of the Durham-Orange Light Rail Transit system dominated the local transit news over the past six months, work continued to support and prop up our local GoDurham Transit System, which is the primary method of mobility for thousands and thousands of Durham residents. State funding supporting local transit was reduced by \$550,000 dollars. No fare adjustments are contemplated in the proposed budget, but the transit portion of the total tax rate will need to increase to 3.75 cents. Early indicators are that the North Carolina General Assembly will restore some or all of the funding reduction in their proposed budget. If the State budget is adopted prior to June 17 and includes this restored funding, Council could consider a reduction in the tax rate needed to support



GoDurham. While not a City-funding responsibility, the upcoming update to the Durham Transit Plan will be a critically important next step to plan for mobility for decades to come.

Finally, as I say every year and I never get tired of saying it, I am continually in awe of the service that our more than 2,600 employees strive to provide to our residents. The results from the 2018 Durham Resident Satisfaction Survey show that 85 percent of residents feel that Durham is a good-to-excellent place to live, which is up 4 percent from last year, making it the highest all-time rating achieved since this survey began 13 years ago. I'd like to believe our dedicated employees are carrying on a tradition of public service that began with J.T. Farthing, the first City employee back in 1869. Farthing began quite the history for our organization and thousands of people have served this city as public servants since. We stand on his shoulders, and I like to think that he's proud of the City government that started with him all those years ago.

A major theme that emerged from this year's survey indicated that, compared to other large cities with populations of 250,000 or higher, Durham is setting the standard for the overall quality of City-provided services and customer service from City employees, both rating 63 percent, which is 28 percentage points and 19 percentage points above the national benchmark average. Our city would not be where we are today without an organization that supports a culture of innovation, collaboration, and transparency to deliver quality services through an exceptional workforce.

To attract and retain great employees, we continue to improve our employee compensation and benefits. The proposed budget funds the recently approved General Employee Compensation Plan, with employees receiving an average 4 percent salary increase. Sworn employees in our police and fire departments will continue to receive an average 5 percent salary increase. Finally, we're adding a total of 47 full-time positions to help meet the needs of our growing community, with new positions in Fire, Parks and Recreation, Budget and Management Services, City Manager's Office, Equity and Inclusion; Human Resources, Technology Solutions, Police, Community Development, Inspections, and Water Management.

So far, over 4,280 residents have cast their vote for their top projects in our Participatory Budgeting initiative. If you haven't voted already, we're asking residents to select the top projects to receive \$2.4 million dollars in funding this coming fiscal year. You still have time to vote, so I encourage you to visit [P-B-Durham-dot-org](http://P-B-Durham-dot-org) and cast your vote online or visit a pop-up voting site between now and May 31 to let us know what projects you want to see in your neighborhoods. Funding is included in this proposed budget to implement the chosen projects. Also, funding for five full-time positions will continue the work of the Innovation Team. This funding will allow those employees to continue to offer the City a different set of tools and techniques to innovate more effectively, and work with residents and community stakeholders to solve pressing problems.

I've highlighted many of the key budget recommendations and invite you to take a closer look over the next few weeks. There are many other projects and initiatives that are

necessary and contribute to keeping neighborhoods healthy and thriving – from meeting our infrastructure needs to keeping our environment clean.

Staff looks forward to delving deeper into the details of the proposed budget at next week's budget work sessions. Developing the budget is always a collaborative process, relying on the groundwork of long-term financial and strategic plans developed over the past few years, and at the same time trying to predict what the future holds. As always, special recognition to Director Bertha Johnson and her Budget and Management Services team along with department directors for their leadership to ensure that our Strategic Plan guides and aligns with budget priorities as well as growing community needs. I also want to recognize Public Affairs Director Beverly Thompson and her staff, who always do a great job assisting with this presentation. It is now time for the elected leadership and residents to review and scrutinize the proposed budget. Residents are invited to share their thoughts at a Public Hearing on Monday, June 3. We remain committed to transparency in the budget as well as in total operations. Copies of the proposed budget are now available on the City's website, in the City Clerk's Office, and in the Budget & Management Services Department.

I also want to encourage our residents to continue to engage with us on any of the social media platforms listed here. We work hard to communicate what we're doing on these platforms and want to engage with you.

In closing, FY2018-2019 was definitely a year of reflection and reminiscing while at the same time, looking at new and innovative ways to meet the needs of a growing Durham. As we continue to commemorate Durham's 150th anniversary, we also celebrate its foundation of inclusivity, diversity, and innovation that continues to successfully propel the city into the future. As we prepare for the next 150 years, may the City of Durham continue to be the great and welcoming city that we enjoy calling home. Thank you!"

Mayor Schewel thanked the City Manager for a great presentation.

Council Member Reece made a special note regarding the presentation taking in to account the initiatives and ideas of residents, as well as, the economic inclusion with real money expected to follow.

Council Member Alston thanked all of the budget staff and thanked City Manager Bonfield for his clear and steady leadership.

Mayor Pro Tempore Johnson thanked the City Manager and the budget staff for producing a budget that reflected the city's values. She noted that the approval of the budget was one of the most important tasks given to Council.

Council Member Freeman echoed the thanks of the previous council members and also stated that there had been a lot of tension surrounding the addition of the race equity ideas in the budget.

Council Member Caballero thanked the City Manager and the budget staff for their work on the budget and advised that they were all going in the right direction.

Council Member Middleton congratulated the City Manager and the efforts of the budget staff to have been able to capture the things Council and residents wanted to see within the budget. He also encouraged residents to voice their opinions and to attend Council meetings.

Mayor Schewel opened the floor to public comment.

Nicole Netzel of 835 Berwyn Avenue, stated that she was representing the Race Equity Action Team and that they advocated not funding any additional police officers in the budget.

Mab Segrest of 1419 Ruffin Street, stated that additional police officers did not lower crime. She suggested that public safety had more to do with police officers.

Danielle Purifoy of 2032 Englewood, stated that she was representing Durham Beyond Policing, a grassroots organization that had concerns about additional police officers being funded in the budget. She suggested that a taskforce be created as an alternative to policing.

John Morris of 3 Quintin Place, stated that he was there in support of the Durham City Workers (UE 150), and that he appreciated the pay increase that full time city workers received. He also suggested that the minimum wage be changed to \$15/hour for part-time city workers.

Tremaine Bazemore of 16 Ledgerock Way, stated that he attended the meeting to request an increase in wages from \$9/hour to \$15/hour to promote a better quality of life for part-time city workers.

Michael Crawford of 6525 Burt Road in Fuquay-Varina, requested an increase in the hourly salary for part-time workers in the City of Durham to \$15/hour. He admitted that he worked 3 part-time jobs in total to make ends meet.

Lionetti Batista of 1717 West Lakewood Avenue, requested an increase in the hourly salary for part-time workers in the City of Durham to \$15/hour. She advised that she had previously worked at the coffee shop that was totaled in the Durham explosion and that financially things had been difficult for her.

Donald Quick of 3415 Freeman Road, advocated on behalf of the part-time employees. He also recommended that the salary for part-time employees should be raised to \$15/hour.

Sarah Vucelich of 710 Underwood Avenue, stated that she believed that the city of Durham had the money to raise the salary to \$15/hour for part-time employees and that

the residents/employees expected more from the Council. She also advised that she would be delivering a petition to the City Clerk with signatures in support of the wage increase.

Manju Rajendran of 2112 Summit Street, stated that she did not want one penny of the public funds in the budget to be spent on policing. She suggested using those funds on more life affirming activities such as climate change, ending homelessness, affordable housing, and establishing living wages.

Being no additional speakers to the City Manager's Report, Mayor Schewel closed the item. No vote taken.

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

**SUBJECT: RESOLUTION APPROVING THE ISSUANCE BY THE CAPITAL TRUST AGENCY OF ITS REVENUE BONDS (PROVISION CARES PROTON THERAPY CENTER, DURHAM PROJECT) SERIES 2019 (ITEM 32/ PR #13139)**

Emily Desiderio, Treasury Manager with the Finance Department, made the following staff report and stated for the record that all Finance 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 Finance Department.

The hearing was for purpose of the federal Tax Equity and Fiscal Responsibility Act ("TEFRA"), as required by section 147(f) of the Internal Revenue Code, regarding the possible issuance by the Capital Trust Agency of one or more series of its Revenue Bonds Series 2019 in an aggregate principal amount of not to exceed \$115,000,000.

The proceeds of the Bonds would be loaned to PCPT Durham, LLC, a North Carolina limited liability company, for the purpose of financing an approximately 34,500 square-foot two-story proton therapy center to be known as the Provision CARES Proton Therapy Center which will be located on the campus of Duke University's Lenox Baker Children's Hospital, 3000 Erwin Road, Durham, North Carolina.

The City had no obligation to repay any of the bonds, nor would the issuance of the bonds have had any financial impact on the City. The City Council was being asked to approve the item only because of federal tax law and the fact that the project being financed is located within the Durham city limits. As such, the staff had not reviewed the details of the project, nor evaluated its financial feasibility.

Representatives from the applicants financing team were available to answer any questions that the Council had.

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

Being no speakers, Mayor Schewel declared the public hearing closed.

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to conduct a public hearing for the purposes of receiving public comments on the proposed issuance by the Capital Trust Agency of its Revenue Bonds Series 2019 in an amount not to exceed \$115,000,000.00;

To adopt a resolution approving the issuance by the Capital Trust Agency of its Revenue Bonds Series 2019 in an amount not to exceed \$115,000,000.00; and

To grant permission for the use of the proceeds of the Revenue Bonds to finance the Provision CARES Proton Therapy Center, Durham Project, within the City's corporate limits was approved at 9:03 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**RESOLUTION #10135**

**SUBJECT: CITY CODE TEXT AMENDMENTS, REVISIONS REGARDING THE STORMWATER PERFORMANCE STANDARDS FOR DEVELOPMENT (ITEM 33/ PR #12528)**

Shea Bolick, Civil Engineer with the Public Works Department, certified that the Public Notice requirements had been met as well as exceeded, notice of Public Hearing was published in The Herald-Sun on April 28<sup>th</sup>, 2019 and May 5<sup>th</sup>, 2019, and notice was placed on two different City web pages; and provided the following staff report:

The agenda item and the Public Hearing to amend the Stormwater Performance Standards for Development was brought forth due to the need to update the City Code to ensure compliance with state law and the federally required NPDES Permit and Durham's Stormwater Management Plan. The Stormwater Performance Standards for Development had been effective since July 6th, 2012. The ordinance in 2012 was revised to specifically include requirements for the Jordan Lake and Falls Lake Nutrient strategies. The Falls Lake Rules remain valid. Since the rules were passed there had been no fewer than 11 session laws modifying them, delaying the Jordan Lake Rules, making voluntary implementation of the Stormwater Management for New Development illegal under state law, and ultimately required Jordan Lake to be restudied.

At the time that the session law which prevented entities from voluntarily implementing Jordan Lake Nutrient Requirements for New Development became effective, the federal permit which were mandated to follow, included language in it regulating the Jordan Nutrient Strategy for New Development. Since the NPDES permit and requirements were federally based, they conflicted with state law and the City was required to comply with the permit, thus we continued to implement the Jordan Nutrient Strategy for New Development. The permit had been revised and reissued effective October 10th, 2018.

The permit removed all references to the Jordan Nutrient Strategy for New Development and included specific language about maintaining an ordinance to the extent allowable under state law. Subsequently, it triggered revision to the City's Stormwater Management Plan which was approved by the North Carolina Department of Environmental Quality on April 24, 2019. Since the City no longer had authority to continue to implement Stormwater Management for New Development under the Jordan Nutrient Strategy, City staff drafted amendments to the City Code to comply with our new federal permit and state law. The revisions did not mean that Jordan Lake did not have any stormwater regulations as the void for nutrient requirements would be filled with NPDES Phase II requirements.

Specifically, the regulations would require the removal of Total Suspended Solids, which were both organic and inorganic solids in the stormwater runoff that acted as surrogates for nutrients. Most development in the Jordan Basin would receive stormwater treatment under the TSS based stormwater requirements. In addition to the proposed amendments to address Jordan Lake, there were also significant revisions to comply with other state legislation that prevented regulatory authorities from requiring stormwater treatment of pre-existing development or to any project where there was no increase in impervious surface area. City staff also took the opportunity to draft ordinance revisions to propose amendments to improve efficiency, provide more clarity, and to ensure the text fully aligns with City policy. City staff recommended the ordinance be adopted.

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

Mayor Schewel asked for clarification regarding the NPDES Permit in years prior and if it conflicted with other requirements.

Mr. Bolick advised that the City sought guidance on the Permit because of that issue in previous years and was advised not to revise or amend the permit and to let it run its course. Mr. Bolick confirmed that the permit and policies were no longer in conflict.

Council Member Reece agreed that the permit and policies should have been in compliance with one another, he also thanked staff for their work on the item.

Council Member Freeman asked what the difference was in the recommendation being proposed and the alternatives listed in the memo.

Mr. Bolick responded that the alternative was the recommendation that would be included in the amendments to the ordinance.

Tim Sivers of 16 Consultant Place, was representing Horvath Associates and encouraged the approval of the item.

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

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to conduct a public hearing to receive comments regarding amendments to the Stormwater Performance Standards for Development in the Durham City Code, Chapter 70, Article X, Sections 70-736 through 744; and

To adopt an ordinance amending the Stormwater Performance Standards for Development in the Durham City Code of Ordinances, Chapter 70, Article X, Sections 70-736 through 744 was approved at 9:13 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 #15468**

**[ITEMS PULLED FROM THE AGENDA]**

**SUBJECT: ORDINANCE TO ADOPT WATER AND SEWER RATES FOR FY2019-2020 (ITEM 14/ PR #13190)**

Council Member Freeman asked for clarification regarding how the Water Management Department intended to work with residents who could not afford that rate changes and how they would make them aware.

Vicki Westbrook, Assistant Director of Water Management, stated that customers could request that a water efficiency conservation analyst could come to their home for a water use assessment to determine why they may have a higher water bill and that they could request leak adjustments. She stated that there were community resources that would allow residents to get some relief with their bills.

Council Member Reece thanked Ms. Westbrook for putting helpful information on their departmental website.

**MOTION** by Council Member Caballero, seconded by Council Member Alston, to receive a presentation on the proposed Water and Sewer Rates for FY2019-2020; and

To adopt an ordinance changing rates for water and sewer service which are found in Chapter 15, Part 15-104 of the City's Fee Schedule, effective July 1, 2019 and applied to all bills rendered after August 1, 2019, was approved at 9:17 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 #15469**

**SUBJECT: \$95,000,000.00 GENERAL OBLIGATION BOND REFERENDUM  
(ITEM 15/ PR 13161)**

Council Member Freeman stated that while she believed the item would have been a good step forward, she did not agree with the timing of it and felt uncomfortable with it moving forward. She requested that the item be held for the next year cycle and advised that she would not be voting in support of the item.

**MOTION** by Council Member Alston, seconded by Mayor Pro Tempore Johnson, to adopt a resolution directing the publication of notice of intention to apply to the Local Government Commission (LGC) for approval of the bonds;

To adopt a resolution authorizing the Finance Director to apply to the LGC for approval of the City's proposed General Obligation bond financing; and

To adopt a resolution making certain statements of fact concerning the proposed bond issue, was approved at 9:20 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Middleton and Reece. Noes: Council Member Freeman. Absent: None.

**RESOLUTIONS #10136, 10137 & 10138**

Being no additional business to come before Council, Mayor Schewel adjourned the meeting at 9:21 p.m.

LaVerne Brooks  
Assistant City Clerk

Ashley Wyatt  
Deputy City Clerk, CMC