

**DURHAM, NORTH CAROLINA  
MONDAY, OCTOBER 15, 2018  
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, City Attorney Patrick Baker, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

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

Council Member Reece deferred to Boy Scout Troop #451 to lead the Pledge of Allegiance.

### **[CEREMONIAL ITEMS]**

Council Member Alston read into the record the proclamation recognizing Community Planning Month and presented it to Pat Young, Director of the City/County Planning Department.

Mayor Schewel read into the record the proclamation recognizing Community Engagement Month and presented it to Dr. Elaine Hart-Brothers, President of the Board of Community Health Coalition, Inc.

Mayor Pro Tempore Johnson read into the record the National Disability Employment Awareness Month Proclamation, and presented it to Marcella Scurlock-Jones, Chairperson of the Mayor's Committee for Persons with Disabilities.

Council Member Freeman read into the record the Indigenous People's Day Proclamation and presented it to William "Tony" Hayes, Tribal Chairperson of the Occaneechi Band of the Saponi Nation.

Mayor Schewel presented the Neighborhood Spotlight Recipient Recognition Award to Victor Vazquez Luna of District 1.

Eddie Davis, Historian for the City of Durham, provided a History Moment that recognized the upcoming 100<sup>th</sup> Anniversary of the ending of World War I.

### **[ANNOUNCEMENTS BY COUNCIL]**

Council Member Reece reminded residents that there was an election happening soon, early voting was starting on October 17<sup>th</sup>, 2018, and that a schedule to accommodate early voters could be found online at the Durham County Board of Elections.

Council Member Middleton acknowledged Rhonda Parker, Director of Durham Parks and Recreation, and her staff members for allowing him to participate in the local park tour.

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Mayor Schewel thanked city employees for handling the aftermath of Hurricane Michael in which 54 trees had come down. He also recognized Rick Grant, General Manager of Duke Energy, and employees for restoring power to 43,500 homes and businesses.

Mayor Schewel expressed his condolences to the family of the late Dillard Teer. He credited Mr. Teer with assisting to open the Raleigh Durham Airport and served on their board for 31 years. In honor of Mr. Teer, Mayor Schewel requested a moment of silence.

Mayor Schewel stated that the evaluations for the Council's employees had concluded and the pay increases.

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to increase the salaries of the three Council Employees: City Manager- \$243,503.00; City Attorney- \$223,982.00; City Clerk- \$92,700.00 was approved at 7:40 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.

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

City Manager Bonfield reminded residents that the City of Durham Police Department in conjunction with Durham Emergency Communications Center would be hosting a community grand opening of the new police headquarters on October 20<sup>th</sup>, 2018 from 10 a.m. 3 p.m. located at 602 Main Street.

There were no priority items from the City Attorney.

City Clerk Schreiber administered the Oath of Office to David Dixon for his appointment on the Racial Equity Taskforce and Pierce Freelon for his appointment to the Human Relations Commission.

**[CONSENT AGENDA]**

Mayor Schewel asked if there were any items that needed to be pulled from the Consent Agenda.

The following items were pulled from the Consent Agenda: Item #4, Approval of Durham Community Land Trustees, Inc. to receive a grant to rehabilitate substandard rental units in Northeast Central Durham and execution of an agreement with Durham Community Land Trustees, Inc.; Item #5, Request to extend the street impact fee credits issued to Reveille, LLC for the Park at Southpoint Project; and Item #6, Ordinance to establish a permitting procedure to regulate the operation of Shared Active Transportation Companies within Durham.

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to approve the Consent Agenda as amended was approved at 7:47 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.

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**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #12753)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to approve City Council Minutes for September 17, 2018 and September 20, 2018, was approved at 7:47 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: HUMAN RELATIONS COMMISSION – APPOINTMENT (ITEM 2/ PR #12755)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to appoint Pierce Freelon to the Human Relations Commission with the term to expire on June 30, 2019 was approved at 7:47 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: RESOLUTION GRANTING CONSENT TO PIEDMONT ELECTRIC MEMBERSHIP CORPORATION TO SERVICE AS THE EXCLUSIVE PROVIDER OF ELECTRIC SERVICE TO AREA ASSIGNED TO PIEDMONT ELECTRIC MEMBERSHIP CORPORATION BY THE NORTH CAROLINA UTILITIES COMMISSION (ITEM 3/ PR #12757)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to adopt a Resolution granting consent to Piedmont Electric Membership Corporation to serve as the exclusive provider of electric service to area assigned to Piedmont Electric Membership Corporation by the North Carolina Utilities Commission was approved at 7:47 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 AMENDMENT TO THE CITY CROSS-CONNECTION CONTROL PROGRAM TO ESTABLISH DEFINITIONS PERTAINING TO ACCESSIBILITY AND IRRIGATION SYSTEMS (ITEM 7/ PR #12750)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to adopt an Ordinance Amending City of Durham Code of Ordinances, Chapter 70, Article VII, section 70-578 to add and clarify definitions related to the terms Accessibility and Irrigation Systems was approved at 7:47 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 #15382**

**SUBJECT: CONTRACT WITH 4 SEASONS DEMOLITION, INC. FOR THE DEMOLITION OF DECOMMISSIONED WASTE WATER TREATMENT FACILITIES (WWTFs) (ITEM 8/ PR #12620)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with 4 Seasons Demolition, Inc. for the Demolition of Decommissioned WWTFs project in the amount of \$1,780,000.00; to establish a contingency fund

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for the contract in the amount of \$178,000.00; and to authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$1,958,000.00 was approved at 7:47 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: RESOLUTION AUTHORIZING THE CITY AUCTION (ITEM 9/ PR #12743)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to adopt a Resolution Authorizing the City Auction to be held October 27, 2018 at 10:00 a.m. was approved at 7:47 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: COOPERATIVE GROUP PURCHASE PROGRAM FOR FIVE (5) AUTOMATED REFUSE COLLECTION VEHICLES (ITEM 10/ PR #12744)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Transource, Inc. for the purchase of five (5) automated refuse collection vehicles in the amount of \$1,584,488.20 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH TRANSOURCE, INC. FOR DUMP TRUCKS WITH SNOW PLOWS AND SPREADERS (ITEM 11/ PR #12751)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Transource Inc. for the purchase of three (3) dump trucks with snow plows and spreaders in the amount of \$527,607.00 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH LANIER TREE SERVICES, LLC. FOR THE REMOVAL OF CITY TREES (ITEM 12/ PR #12733)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Lanier Tree Services, LLC. for the removal of city trees in an amount not to exceed \$178,895.00; to establish a contingency fund in the amount not to exceed \$21,105.00; and

to authorize the City Manager to negotiate and execute change orders for the contract provided the cost of all change orders and the original contract does not exceed the total contract cost of \$200,000.00 was approved at 7:47 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.

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**SUBJECT: CONTRACT AMENDMENT NO. 3 FOR ST-257C, CONTRACT ADMINISTRATION & CONSTRUCTION INSPECTION SERVICES BY HORVATH ASSOCIATES, PA FOR THE CARVER STREET EXTENSION PROJECT (ITEM 13/ PR #12741)**

**MOTION** by Council Member Reece, seconded by Council Member Middleton, to adopt an Ordinance amending the General Capital Improvements Project Ordinance, Fiscal Year 2018-19, as amended, the same being Ordinance #15327, for the purpose of increasing funding in the amount of \$250,000.00 for the Carver Street Extension Project;

to authorize the City Manager to execute Contract Amendment No. 3 for ST-257C, Contract Administration and Construction Inspection Services for the Carver Street Extension with Horvath Associates, P.A. of North Carolina in the amount of \$250,000.00; and

to authorize the City Manager to execute change orders to the contract so long as the total contract cost does not exceed \$1,650,000.00 was approved at 7:47 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 #15383**

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

**SUBJECT: ZONING MAP CHANGE FOR 6919 HERNDON ROAD (ITEM 14/ PR #12745)**

Karla Rosenberg, Planner with the City-County Planning Department, gave the following staff report:

The property located within the City limits, on the east side of Herndon Road, 0.7 miles south of Interstate 40 and one half mile east of Streets of Southpoint Shopping Center. The site was situated within the Suburban Tier, among several recent housing developments (e.g., Lakehurst, The Ridges of Parkwood). A zoning map change was reviewed for consistency with the Future Land Use Map and policies of the Comprehensive Plan, as well as other adopted plans. The Comprehensive Plan provided the intent and guidance for the Residential Suburban land use designation. The requested RS-20 zoning district met the policy requirements in relation to the Comprehensive Plan and other adopted plans and policies. The zoning map change request had been reviewed by staff and determined to be consistent with UDO requirements. According to UDO subsection 4.2.2, RS-20 was appropriate in the Suburban Tier.

No development plan was submitted as part of case Z1800008, so there was no method to proffer text commitments for the site. The requested RS-20 zoning district met the applicable requirements of the UDO. The subject site was surrounded by Residential Rural (RR) zoning to the south and west, and Planned Development Residential (PDR) to the north and east. Any proposed development on the property adjacent to the RR parcels would be required to provide 0.2 opacity/(10 feet) project boundary buffers in order to meet minimum UDO requirements. No buffers are required where adjacent to the PDR zoning district.

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The applicant did not commit to a particular use, and all future development would have to comply with the applicable standards of Section 6.3. The development of a fire station within an RS-20 zoning district would however require a minor special use permit (mSUP), and would have to be found to (a) be in harmony with the area and not substantially injurious to the value of properties in the general vicinity; (b) be in conformance with all special requirements applicable to the use; (c) not adversely affect the health or safety of the public; and (d) adequately address review factors such as traffic and transit circulation; parking and loading; service entrances and areas; lighting; signs; utilities; open spaces; environmental protection; screening, buffering, and landscaping; effect on nearby properties; compatibility; and other factors. The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water, and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

The proposed RS-20 district was consistent with Comprehensive Plan policies regarding the infrastructure impacts of road, transit, storm water, and schools.

A Traffic Impact Analysis was not required for this project, and the proposal would reduce the number of daily vehicle trips by 52. The proposal was estimated to decrease students generated from the proposed use by 1 student, and would decrease the estimated water demand of the site by 465 gallons per day. The existing infrastructure had available capacity to meet the demands of the project. UDO subsection 1.2.1 stated that the purpose of the ordinance was to “promote the health, safety and general welfare of the residents of Durham City and County” and subsection 1.2.2 provides criteria in support of this purpose.

The requests had been evaluated based upon the criteria. The applicant proposed to change the zoning designation to Residential Suburban-20. Staff found the zoning designation reasonable as it coincided with the present future land use map, which called for residential uses to accommodate the City’s growing population and outward expansion. The applicant’s specific non-committed fire station use provides a needed service in a rapidly expanding residential area. Staff determined that the request was consistent with the Comprehensive Plan and other adopted ordinances and policies.

Mayor Schewel asked if Ms. Rosenberg would be able to make a statement about whether or not the proper notifications to the public had been issued.

Pat Young, Director of the City/County Planning Department, certified that the public hearing had been advertised in accordance with the appropriate laws and that an affidavit of publication was on file in the Planning Department.

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

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

**MOTION** by Council Member Freeman, seconded by Council Member Reece, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

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UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z1800008 – 6919 Herndon Road

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 Z1800008, 6919 Herndon Road 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 5, “Comprehensive Plan Consistency Analysis,” dated October 15, 2018, regarding the subject “6919 Herndon Road” (Z1800008), 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 5, “Comprehensive Plan Consistency Analysis,” dated October 15, 2018, regarding the subject “6919 Herndon Road” (Z1800008), 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 Council Member Reece, to adopt an Ordinance Amending the Unified Development Ordinance by taking property out of the Planned Development Residential 3.322 (PDR-3.322) zoning district and establishing the same as Residential Suburban-20 (RS-20) was approved at 7:53 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 #15384**

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: APPROVAL OF DURHAM COMMUNITY LAND TRUSTEES, INC. TO RECEIVE A GRANT TO REHABILITATE SUBSTANCE RENTAL UNITS IN NORTH EAST CENTRAL DURHAM AND EXECUTION OF AN AGREEMENT WITH DURHAM COMMUNITY LAND TRUSTEES, INC. (ITEM 4/ PR #12752)**

Victoria Peterson, Durham resident, acknowledged that while there could have been homes in North East Durham that were in need of rehabilitation, the City of Durham could have used the

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\$750,000.00 for a vocational training program to allow young black men to learn construction and carpentry. She also expressed concern that two African American women were murdered in her neighborhood within 30 days.

**MOTION** by Council Member Reece, seconded by Council Member Caballero, to approve the selection of Durham Community Land Trustees, Inc. to receive a grant to rehabilitate substandard rental housing units in North East Central Durham; and

to authorize the City Manager to execute an Agreement between Durham Community Land Trustees, Inc. and the City of Durham in the amount of \$750,000.00 in Dedicated Housing funds to rehabilitate substandard rental housing units in North East Central Durham was approved at 7:57 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.

Council Member Freeman thanked Ms. Peterson for her comments and acknowledged that Council was trying to address some of those issues.

**SUBJECT: REQUEST TO EXTEND THE STREET IMPACT FEE CREDITS ISSUED TO REVELLE, LLC. FOR THE PARK AT SOUTHPOINT PROJECT (ITEM 5/ PR #12748)**

George Stanziale of 115 Cofield Circle, Attorney representing the applicant, stated that he sent an email to Council regarding the specifics of the project; and noted that the project had stalled during the recession. He informed Council that his client had made a financial commitment of almost \$80,000,000.00 in construction or items under construction, \$7,000,365.00 in property taxes paid, annual property taxes \$500,000.00, \$6,000,250.00 in annual sales, employed 230 employees, and after construction the employee count would be 260. He asked for a continuance of the impact fees so that his client could complete the construction of the Volvo and Lexus Dealerships that were currently under construction.

Bill Judge, Assistant Director of Transportation, stated that the City of Durham's Ordinance was very specific, stating that the ability to grant an extension for use of the credits could only be granted due to a delay in Capital Improvements.

Mayor Schewel asked for more background information regarding the project.

Bill Judge, Assistant Director of Transportation advised that there was a three-year period between January 1, 2008 and December 31, 2010 that various legislation due to the recession, suspended progress on similar projects and that the City made revisions to the Ordinance to incorporate extensions for street impact fees, which had expired for the requestor in August of 2018.

Council Member Middleton asked Mr. Stanziale if he could speak directly to the assertion that there had been a major thoroughfare in the City's Capital Improvement Plan that inhibited the applicants' company from utilizing their credits and asked which thoroughfare that was.

Mr. Stanziale responded that he believed the significant improvements were to Highway 751, Highway 54, I-40, and Southpoint Auto Park Boulevard.



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Council Member Freeman asked for how long the applicant was requesting an extension and asked about the landscaping.

Mr. Stanziale requested a one-year extension; and confirmed that extensive landscaping had been performed on the property.

Mayor Pro Tempore Johnson asked about the implications of approving the request under the current impact fee ordinance.

Mr. Judge confirmed that the request did not comply with the current impact fee ordinance.

Mayor Schewel mentioned that everybody had to be treated the same and absent the completion of a major thoroughfare, that would be the only exception for an extension in credits; and stated he would be voting in support of the staff recommendation.

Council Member Freeman cautioned Council from making comments regarding treating everyone the same; recognized the notion that equal was not always fair; and confirmed she would be voting in support of the staff recommendation.

**MOTION** by Council Member Middleton, seconded by Council Member Alston, to approve the staff's recommendation to deny the applicant's request to extend the validity of the previously issued street impact fee credits, thus allowing the credits to expire was approved at 8:10 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 TO ESTABLISH A PERMITTING PROCEDURE TO REGULATE THE OPERATION OF SHARED ACTIVE TRANSPORTATION COMPANIES WITHIN DURHAM (ITEM 6/ PR #12749)**

Mr. Servando Esparza, of 810 West St. John's Avenue, Austin, Texas, thanked the Council and staff for trying to work with the scooter companies (in this case, Bird) to get the program up and running in the City of Durham.

Council Member Middleton asked staff to address specific questions that Council had brought up at the October 4<sup>th</sup> Work Session and if the age discrepancy had been reconciled; explained that the local ordinance allowed riders to be 16 years of age and the Scooter company, Bird, required riders to have reached a minimum age of 18 years.

Bryan Poole, Transportation Planner II, confirmed that the city's ordinance stated that riders were allowed to be 16 years of age; however, if the scooter company, Bird, had a higher age requirement then that would become the required age to participate in the program.

Council Member Middleton asked the company representatives if Bird was flexible on their age requirement.

Mr. Esparza advised that the company presently would be keeping the age at 18 years due to most of the other cities in which they operated utilized the age requirement of 18 years; however, he brought up Council's request that other forms of identification be allowed to be used, rather than only drivers licenses.

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Council Member Middleton asked if Mr. Esparza had a definitive answer on whether the company would be accepting other forms of identification.

Mr. Esparza advised that he did not have a definitive answer on that matter and did not have a timeframe as to when an answer would be provided.

Fred Lamar, Assistant City Attorney, stated that there was not a specific vetting procedure for identifying riders in the city's ordinance; however, there was a requirement for companies to provide a means for low and moderate income people to be able to use the scooters.

Council Member Middleton asked Ms. Byrd if she had advised Council at the October 4<sup>th</sup> Work Session that her company would only be willing to accept driver's licenses as a form of identification.

Ms. Byrd responded that she informed Council that she was not certain of the company's position on other forms of identification and would verify with her company.

Mayor Schewel pointed out that the Council could make changes to the local ordinance at their pleasure in regard to identification requirements.

Mr. Lamar advised that the City Attorney's Office would work to evaluate the feasibility and legal requirements for Council's changes.

Council Member Freeman asked for clarification as to whether Bird's corporate position on not accepting other forms of identification was more of a technology issue since the devices were designed to scan driver's licenses and if so, suggested that the ordinance be put in place for the future when the technology was able to catch up.

Mr. Esparza confirmed that the capability to scan other forms of identification was not in place as of yet and that he would follow up with his company.

Council Member Middleton noted that he wanted to be clear that Bird understood the values that were important to the City of Durham and expressed surprise that the Company did not come with more definitive answers to questions that the Council had raised at the Work Session regarding the utilization of different forms of identification.

Council Member Reece thanked his colleagues for representing Durham's values at the meeting and stated that he shared Council Member Middleton's surprise that the same issues had not been raised in other communities. He stated that he thought the way of making the scooters more accessible was to include different forms of identification and appreciated the Bird representatives attendance at the meeting to discuss how the conversation could move forward.

Mayor Schewel said that while he was prepared to move forward with the ordinance, he struggled to figure out how the Council would understand with a level of certainty what efforts they would be making along the lines of the acceptance of different forms of identification.

Mr. Esparza advised that he would be going back to the company to inform them that Council had spoken loud and clear about the values of the City of Durham as they pertained to that matter.

Council Member Freeman asked if the Customer Service representatives at Bird were multi-lingual.

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Mayor Schewel noted that as of the previous year, approximately 3,000 people in Durham had a faith-issued identification card and noted that he wanted everyone in Durham to be able to utilize the devices despite their identification or immigration status.

Council Member Caballero also noted that she was interested in forms of identification beyond the faith identification card, such as: passports, drivers licenses, and the matricula consular identification card.

**MOTION** by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt an Ordinance to Regulate the Operation of Shared Active Transportation Systems; and to adopt an Ordinance to Establish Shared Active Transportation System Permittee Fees was approved at 8:30 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCES #15380, 15381**

Being no further business to come before Council, the meeting adjourned at 8:30 p.m.

Ashley Wyatt  
Deputy City Clerk

Diana Schreiber  
City Clerk