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: Deputy City Manager Bo Ferguson, City Attorney Kim Rehberg, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

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

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

[CEREMONIAL ITEMS]

Mayor Schewel read into the record the proclamation recognizing Sister Cities of Durham Week and presented it to Bob Ashley, President of the organization.

Mayor Schewel recognized the family and young boy, Lorenzo, who was being honored by Jamie’s Dream. Natasha Murray, representative of Jamie’s Dream, explained the treehouse project that was constructed by members of the Durham Fire Department. Fire Captain Stephen Witt, Firefighter Mario Herrera and Todd Hoffman were also recognized for their efforts with a plaque from Jamie’s Dream coordinator. A listing of many volunteers from Engines 1, 8, 9, 13, 17, Ladders 3 and 17 and Squads 1 and 4 were recognized.

Mayor Schewel led the Induction of the Durham Youth Commission. The 14 youth each introduced themselves, schools, grades and descriptors. The youth were photographed with Council in front of the dais.

Council Member Alston read the Mammography Awareness Day Proclamation into the record and presented it to Susan Sharpless, Alpha Zeta Omega Chapter, President of Alpha Kappa Alpha Sorority.

Council Member Caballero read the National Arts and Humanities Month Proclamation and presented it to Sherry DeVries, Executive Director of Durham Arts Council and Jenny Levine, Humanities and Adult Programming Coordinator of Durham County Library.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Schewel inquired if any Council Members had announcements.
Council Member Middleton expressed condolences to two passengers of the Partridge Family who perished on approach to the Raleigh-Durham Airport; and spoke to the dedicated First Responders who assisted in the wreckage.

Mayor Pro Tempore Johnson reminded the audience and public of Early Voting had begun in Durham County and City for the 2019 Municipal Election through November 1, 2019; and for additional information refer to the Durham County Board of Election website.

Council Member Freeman stated that bus service would be fare-free on Election Day.

Mayor Schewel announced the winners (runners who passed the Mayor) of the 8th Annual Run with the Mayor held on October 12, 2019; made special mention of the five-mile winner, Robert Johns of Transportation coming in at 33:39; and expressed appreciation for the organizers, employees of Human Resources.

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

City Manager Bonfield, City Attorney Rehberg, and City Clerk Schreiber did not have any 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. At the meeting, no items were removed for discussion and/or approval.

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR 13487)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to approve the City Council Minutes for August 19, 2019 and August 22, 2019 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: MAYOR’S NOMINEE FOR APPOINTMENT - HUMAN RELATIONS COMMISSION (ITEM 2/ PR 13513)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to appoint Amanda J. Smith as Mayor’s Appointee to the Human Relations Commission with the term to expire on June 30, 2022 approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.
SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION – APPOINTMENTS (ITEM 4/ PR 13521)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to appoint Bronwyn Charlton and Brandt W. Smith to the Durham City-County Appearance Commission with the terms to expire on April 1, 2020 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: REQUEST TO CARRYOVER FUNDS FROM FISCAL YEAR 2018-2019 TO FISCAL YEAR 2019-2020 BUDGET AND OTHER BUDGET ORDINANCES (ITEM 5/ PR 13524)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to adopt a budget ordinance amending the City of Durham Budget Ordinance as amended, Fiscal Year 2019-2020, the same being Ordinance #15485 to appropriate fund balance for the carryover request, recognize encumbrances brought forward from Fiscal Year 2018-2019 and make other needed ordinance amendments;

To adopt the U.S. Department of Housing and Urban Development (HUD) Community Block Grant Program (CBGP) FY 2019-2020 Grant Project Ordinance Superseding Grant Project Ordinance #15456 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) Housing Opportunities for Persons with AIDS Program (HOPWA) FY 2019-2020 Grant Project Ordinance Superseding Grant Project Ordinance #15459 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Agreement (HOME) FY 2017-2018 Grant Project Ordinance Superseding Grant Project Ordinance #15241 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Agreement (HOME) FY 2019-2020 Grant Project Ordinance Superseding Grant Project Ordinance #15457 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG) FY 2018-2019 Grant Project Ordinance Superseding Grant Project Ordinance #15391 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Agreement (HOME) FY 2018-2019 Grant Project Ordinance Superseding Grant Project Ordinance #15392 and authorize the City Manager to execute the grant agreement;
Grant Project Ordinance #15393 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) Emergency Solutions Grants Program (ESG) FY 2019-2020 Grant Project Ordinance Superseding Grant Project Ordinance #15458 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG) FY 2017-2018 Grant Project Ordinance Superseding Grant Project Ordinance #15240 and authorize the City Manager to execute the grant agreement;

To adopt Durham Youthwork Internship Program Durham Public Schools Career and Technical Grant Project Ordinance Superseding Grant Project Ordinance #15337 and authorize the City Manager to execute the grant agreement;

To adopt City of Durham Employment Training 2018-2020 Grant Project Ordinance Superseding Project Ordinance #15499 For Federal Grant and authorize the City Manager to execute the grant agreement;

To adopt City of Durham Community Waste Reduction and Recycling Grant Project Ordinance Superseding Grant Project Ordinance #15500 and authorize the City Manager to execute the grant agreement;

To adopt a Resolution superseding Resolution # 10147 to amend the Internal Service Funds Fiscal Year 2019-2020 Financial Plan for the purpose of recognizing encumbrance carryforwards;

To adopt FY2018-19 City of Durham and Federal Transit Administration Section 5307 (FLEX) and 5339 Multi-source Funds Grant and Authorization to Execute Grant Agreement; and

To adopt FY2019-20 General Capital Improvement Project Ordinance, as amended, the same being ordinance #15486 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCES #15560, 15561, 15562, 15563, 15564, 15565, 15566, 15567, 15568, 15569, 15570, 15571, 15572, 15573 AND RESOLUTION #10156
SUBJECT: VERMILION HOMESTEAD LLC LOAN AMENDMENT FOR VERMILION TOWNHOMES – 1311 COOK ROAD (ITEM 6/ PR 13518)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the expenditure of $725,131 in Dedicated Housing Funds for additional site preparation and infrastructure costs associated with the Vermilion development;

To authorize the City Manager to amend the existing construction/permanent loan agreement with Vermilion Homestead, LLC in the amount of $193,506 for a total loan amount of $918,637; and

To authorize the City Manager to execute such other non-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 Vermilion Homestead, LLC. was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: SOUTHEAST REGIONAL LIFT STATION CONTRACT 2 PROJECT - AWARD OF CONSTRUCTION CONTRACT TO J.F. WILKERSON CONTRACTING COMPANY, INC. (ITEM 7/ PR 13433)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute a contract with J.F. Wilkerson Contracting Company, Inc. for the Southeast Regional Lift Station Contract 2 in the amount of $17,225,633;

To establish a contingency fund for the contract in the amount of $1,674,367; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders together with the total contract cost does not exceed $18,900,000 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: 2019 DAM INSPECTION AND MAINTENANCE PROJECT - AWARD OF PROFESSIONAL ENGINEERING SERVICES CONTRACT TO SCHNABEL ENGINEERING, SOUTH, P.C. (ITEM 8/ PR 13489)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute a contract with Schnabel Engineering South, P.C., for professional engineering services for Dam Inspections and Maintenance Services at a contract cost of $729,150;

To establish a contingency fund in the amount of $73,000; and
To authorize the City Manager to negotiate change orders provided the cost of all change orders does not exceed $73,000 and the total project cost does not exceed $802,150 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: AMENDMENT NO. 3 TO THE DEMOLITION OF DECOMMISSIONED WASTEWATER TREATMENT FACILITIES CONTRACT (ITEM 9/ PR 13490)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute a contract amendment with L. E. Wooten & Company dba the Wooten Company in the amount $61,200 for the Demolition of Decommissioned Wastewater Treatment Facilities Contract for a total not to exceed contract amount of $222,325;

To establish additional contingency funds in the contract in an amount not to exceed $6,000 for a total, revised contingency of $82,675; and

To authorize the City Manager to negotiate change orders for the contract provided the total contract does not exceed $305,000 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: 2019 DURHAM WATER MANAGEMENT ROOF REPLACEMENTS PROJECT - AWARD OF CONSTRUCTION CONTRACT TO BAKER ROOFING COMPANY (ITEM 10/ PR 13511)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute a contract with Baker Roofing Company for 2019 Durham Water Management Roof Replacements in the amount of $696,500;

To establish a contingency fund for the contract in the amount of $69,500; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders together with the total contract cost does not exceed $766,000. was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: RESOLUTION AUTHORIZING THE CITY AUCTION (ITEM 11/ PR 13526)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to adopt a resolution authorizing the City Auction to be held October 26, 2019 at 10:00 a.m. was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore
Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION 10157

SUBJECT: INTERLOCAL AGREEMENT WITH CHATHAM COUNTY AND THE CITY OF DURHAM FIRE DEPARTMENT FOR FIRE AND RESCUE SERVICES (ITEM 12/ PR 13500)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to ratify and to authorize the City Manager to execute an interlocal agreement with Chatham County to provide fire and rescue services to Chatham County for $350,000 annually (which may be increased as provided in Section 5 of the interlocal agreement, was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DUKE ENERGY STORM RESILIENCY GRANT AWARD (ITEM 13/ PR 13501)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to adopt the Duke Energy Storm Resiliency Grant Budget Ordinance in the amount of $25,000 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE 15574

SUBJECT: ADDITIONAL CONSTRUCTION SERVICES WITH CADET CONSTRUCTION COMPANY AT VALLEY SPRINGS PARK (ITEM 14/ PR 13527)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to negotiate and execute a change order to the construction contract with Cadet Construction Company for the Accessibility Improvements at Valley Springs Park project, for an amount of $185,000; To establish a contingency fund for the contract in the amount of $40,000; and To authorize the City Manager to negotiate and execute change orders to the construction contract provided the total project cost does not exceed $756,250 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.
SUBJECT: TEMPORARY STAFFING (ITEM 15/ 13485)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to approve the temporary staffing agencies/companies recommended by the Human Resources Department was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT SW-75 PUBLIC WORKS OPERATION CENTER CONCRETE REPAIRS 2019 (ITEM 16/ PR 13507)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute a contract for SW-75 PWOC Concrete Repairs 2019 with Browe Construction Company in the amount of $476,125.00;

To establish a contingency fund in the amount of $23,806.25; and

To authorize the City Manager to negotiate change orders to the contract provided that the total contract cost does not exceed $499,931.25 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT TO CONTRACT SW-44D WITH SEPI ENGINEERING & CONSTRUCTION INC. FOR PROFESSIONAL SERVICES FOR ADDITIONAL DESIGN SERVICES FOR SW-44D, CARPENTER FLETCHER ROAD BIKE AND PEDESTRIAN FACILITIES PROJECT (ITEM 17/ PR 13508)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute Contract Amendment No. 1 for SW-44D, Carpenter Fletcher Road Bike and Pedestrian Facilities Project with SEPI Engineering & Construction Inc. in the amount of $81,243.87; and

To authorize the City Manager to negotiate change orders to the contract so long as the total contract does not exceed $571,094.78 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT SW-75C REQUEST FOR QUALIFICATIONS (RFQ) FOR INSPECTION SERVICES FOR VARIOUS CITY PROJECTS (ITEM 18/ PR 13509)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute a professional services contract for Contract SW-75C, Inspection Services for various City projects with SEPI Engineering & Construction, Inc. in an amount not to exceed $105,450, was approved at 7:42 p.m. by the following
vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT TO CONTRACT SW-45D WITH ALTA PLANNING + DESIGN INC. FOR PROFESSIONAL SERVICES FOR ADDITIONAL DESIGN SERVICES FOR SW-45D, CORNWALLIS ROAD BIKE AND PEDESTRIAN FACILITIES PROJECT (ITEM 19/ PR 13510)

MOTION by Council Member Middleton, seconded by Council Member Caballero, to authorize the City Manager to execute Contract Amendment No. 1 for SW-45D, Cornwallis Road Bike and Pedestrian Facilities Project with ALTA Planning + Design Inc. in the amount of $162,339.59; and

To authorize the City Manager to negotiate change orders to the contract so long as the total contract does not exceed $695,720.81 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: CONSOLIDATED ANNEXATION - HIGH FOX (ITEM 22/ PR 13517)

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

A request for a utility extension, voluntary annexation and initial zoning map change had been received from Sean Gorman for 1.878 of land located at 1106 and 1107 High Fox Drive. The area was zoned Residential Rural and Falls Jordan Watershed Protection Overlay District B. Staff recommended an exact translation of this zoning district. Approval of the annexation petition and zoning would become effective on December 31, 2019. City and County operational departments such as Solid Waste, Fire, Police, and EMS had reviewed the request and had not identified any significant, negative service delivery costs or impacts.

The Public Works and Water Management departments performed the utility impact analysis for the two utility extension agreements tied to the rezoning and determined that the existing City of Durham water and sanitary sewer mains had capacity to serve the project.

The Budget and Management Services Department performed a fiscal impact analysis, which determined that the proposed annexation would become revenue positive immediately upon annexation. Staff determined that the requests were consistent with the
Comprehensive Plan and applicable policies and ordinances. Three motions were required for the application. The first was to adopt an ordinance annexing the property and entering into two utility extension agreements, the second was for the consistency statement, the third was to adopt the zoning ordinance.

Mayor Schewel opened the public hearing.

Sean Gorman or Southpark Drive spoke in favor and availed himself to Council’s questions.

Mayor Schewel declared the hearing closed and called for a vote.

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to adopt an ordinance annexing High Fox into the City of Durham effective December 31, 2019, and to authorize the City Manager to enter into a utility extension agreement with Zland Company, LLC., and to authorize the City Manager to enter into a utility extension agreement with R.D. Construction, Inc., was approved at 7:46 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 15575**

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 7:46 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**UNIFIED DEVELOPMENT ORDINANCE**
**ZONING MAP CHANGE CONSISTENCY STATEMENT**
**BY THE DURHAM CITY COUNCIL**
**REGARDING Z1900040A, High Fox**

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A19-383, 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 Z1900040A, High Fox is based upon review of consistency with the Durham Comprehensive Plan and any other officially adopted plan that is applicable;

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

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

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Rural Zoning District, Falls Jordan Watershed Protection Overlay District B (RR, F/J-B), County Jurisdiction and establishing the same as Residential Rural Zoning District, Falls Jordan Watershed Protection Overlay District B (RR, F/J-B), City Jurisdiction was approved at 7:46 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 15576**

**SUBJECT:** BRODIE DUKE WAREHOUSE PARTIAL REPEAL OF LANDMARK DESIGNATION (ITEM 23/ PR 13522)

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

A request for a partial repeal of landmark designation for the Brodie L. Duke Warehouse, was received from Zach Spencer of Greystar for one parcel of land located at 311 Liggett Street, totaling 1.46 acres. At the time of landmark designation in 1999, the parcel encompassed more than three acres. Since that time, the southern portion of the parcel not containing the primary structure was paved over for parking, and this year, the owner subdivided the parcel into two lots—one containing the landmark structure, the other containing the parking lot. The present proposal is to repeal the landmark designation for the parcel containing the parking lot.

The Historic Preservation Commission gave its recommendation 6–0 on August 6, 2019. The State Historic Preservation Office issued a letter of recommendation on June 18, 2019. Staff recommended approval of the request based on the land no longer holding historical or archaeological significance, and based on the fact that there was adequate land still surrounding the landmark structure to protect significant views of it from the street.
Council Member Freeman inquired about the land use designation of the parcel once the landmark designation was removed.

It was clarified that the Downtown Design District allowed for construction up to six stories in height.

Mayor Schewel asked for confirmation that the tax break for the applicant and its recovery would include the preceding three years amounting to $27,000 and stated he had questions about the applicant’s recovery amount.

Planning Director Young confirmed that North Carolina state law determined the term of recovery that was limited to three years.

Mayor Schewel opened the public hearing and called for speakers.

George Stanziale, Attorney representing the owner and applicant of Measurement Incorporated, made a statement in support of the repeal.

Brian Sherrick, representing Measurement Incorporated, availed himself to Council’s questions.

Maple Osterbrink, Durham resident, inquired about the future plans for the parcel.

Katie Rose Levin, Durham resident, asked about the developers plans for the series of large trees on the parcel and wondered if there was a tree preservation plan.

The applicant responded that the development had not yet been designed and would be required to provide street trees but that trees would be replaced along the perimeter in accordance to the applicable ordinance.

Council Member Freeman spoke to the tentative height of six stories and the overshadowing effect.

Mr. Stanziale stated the overshadowing effect had been considered in the plans.

Council Member Middleton asked about the buffer, green space and development configuration.

Mr. Stanziale elaborated on the distance from the building out to the new parcel line and view-shed on pre-existing structures and new designated line; and confirmed green space would be included on the site.

Director Young referenced the NC General Statutes detailing the time period of taxes and their reimbursement to local government as being three years.
Mayor Schewel encouraged the issue of tax break reimbursements be placed on the Legislative Agenda in the upcoming cycle.

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

**MOTION** by Council Member Alston, seconded by Council Member Caballero, to repeal the Local Historic Landmark designation for a portion of the land (parking lot) associated with the Brodie Duke Warehouse was approved at 8:03 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.

**SUBJECT:** **UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT, TREE COVERAGE AND LANDSCAPING REVISIONS (TC1800005) (ITEM 24/ PR 13528)**

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

The Text Amendment TC18-05 was a series of changes to the Unified Development Ordinance intended to increase the preservation of existing trees and to minimize the effects of mass grading.

Some of the key provisions in this UDO amendment included:
- Increasing the instances where natural project boundary buffers were required, and incentivizing the use of natural rather than planted buffers in other circumstances.
- Increase buffer width requirements in the Suburban Tier along rights-of-way and when mass grading was used in residential developments.
- Change tree coverage requirements in the Suburban Tier to require preservation of existing trees and only allow replacement planting when there are not enough existing trees on the site to meet the requirement.
- Increase tree coverage requirements for all uses in the Urban Tier.
- Require on additional tree planting on every residential lot.

In addition to the changes, the Planning Department, in conjunction with General Services and Public Works, had committed to working with TreesDurham to develop a pilot program for new streets in the suburban tier in which Street Trees will be required in the ROW. It was to be brought to the Council as a separate UDO amendment in the near future.

Staff recommended approval and the Planning Commission recommended approval by a vote of 10-1 at their February meeting.

Council Member Freeman asked about the hiring of the arborist review and how tree maintenance was being considered in East Durham.
Mayor Schewel requested General Service staff to report on the tree survey and the trees’ conditions in the right of way.

Kevin Lilley, General Services, confirmed there was a tree inventory and canopy study that identified trees in Downtown and in neighborhoods outside the area. Some trees were being removed due to roots impacting adjacent sidewalks. Special mention was made of the aged willow oaks and their removal/replacement options.

Council Member Middleton addressed equity concerns of the tree canopy in underserved and less financially advantaged areas; and spoke to his experiences in walking along on Guthrie and Miami in regard to buckling sidewalks, hence making the sidewalks impassable.

Mayor Schewel opened the public hearing and called for speakers.

Katie Rose Levin, Durham resident, appreciated Council’s support of the item; expressed concerns about trees outgrowing their placement and looked forward to the development of placing the right tree in the right location and encouraged Council’s passage of the item.

Maple Osterbrink, Durham resident, inquired about trees interfering with the operation of solar panels.

Council Member Caballero inquired about native plantings and the focus of the plan.

Mr. Whiteman stated that there was a landscape manual that applied to required plantings.

Mayor Schewel asked about lower capacity and canopy covering requirements in the buffer areas, the encouragement of natural buffers and protection of specimen trees.

There were no changes in regard to specimen trees.

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

Mr. Whiteman responded to the concern raised about solar panels and street tree requirements on a per lot basis.

Mayor Schewel mentioned that street trees and tree preservation in commercial areas would be addressed in a subsequent text amendment by next summer.

Council Member Freeman requested that allowances for mass grading be addressed on the upcoming Legislative Agenda.

Mayor Schewel declared the public hearing closed.
MOTION by Council Member Middleton, seconded by Council Member Alston, to adopt the appropriate consistency statement as required per NCGS 160A-383, was approved at 7:46 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL REGARDING
TC1800005, Tree Coverage and Landscaping Revisions

WHEREAS the Durham City Council, upon acting on a text amendment to the Unified Development Ordinance and pursuant to NCGS § 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting on a text amendment to the Unified Development Ordinance and pursuant to NCGS § 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

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

That final action regarding text amendment TC1800005, Tree Coverage and Landscaping Revisions, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated October 21, 2019, regarding the subject “Unified Development Ordinance Text Amendment, Tree Coverage and Landscaping Revisions (TC1800005),” along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated October 21, 2019, regarding the subject “Unified Development Ordinance Text Amendment, Tree Coverage and Landscaping Revisions (TC1800005),” along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 4, Zoning Districts; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; and Article 17, Definitions, was approved at 8:24 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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Taking the prerogative of the Chair, Mayor Schewel granted permission to staff persons of Parks and Recreation to share their concerns.

Kellie McLean, Recreation Specialist, addressed concerns about the need for a fair grievance policy, spoke to being wrongfully evaluated and disciplined, expressed concerns about attrition rates and requested an investigation.

Chandler Mosson, former Recreation Specialist at Holton Resource Center, addressed concerns about staffing levels at City of Durham camps and the demands placed upon staff.

Deputy Manager Bo Ferguson spoke to the launching of investigations and that such investigations were ongoing by the City Manager’s Office and Human Resources.

[ADJOURNMENT]

Being no additional business to come before Council, Mayor Schewel adjourned the meeting at 8:33 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk