

**City of Durham**  
**CITY COUNCIL MINUTES**  
**May 24, 2022**

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- A. OPEN REGULAR COUNCIL MEETING.** Mayor Schirado opened the meeting at 7:30 PM.
- B. ROLL CALL OF COUNCIL MEMBERS.** *Councilors present:* Mayor Gery Schirado and Councilors Leslie Gifford and Chuck Van Meter. Councilor Keith Jehnke arrived at 8:00.  
*Councilor absent:* Council President Chris Hadfield  
*Staff present:* City Administrator Linda Tate  
*Visitors present:* Ed Hodges and Jeremy Thomas of Curran-McLeod  
*Visitors via zoom:* Marcy McInelly of Urbsworks and Brandy Steffen of JLA
- C. COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes from the April 26th City Council meeting. Councilor Van Meter seconded the motion. The vote was unanimous (3-0). **MO 052422-01**
- D. Mayor Schirado read the CALENDAR OF MEETINGS.**
- Tuesday, June 7, 2022, Regular Meeting of the Planning Commission at 7:30 p.m.
  - Tuesday, June 28, 2022, Regular Meeting of the City Council at 7:30 p.m. (zoom?)
  - Monday, June 20, 2022, City Hall will be closed in observance of Juneteenth Holiday
- E. PUBLIC FORUM.** No members of the public were present.
- F. PLANNING COMMISSION UPDATE.** No comments from Council on draft minutes for the May 3 meeting.
- G. RECOMMENDATION OF BID FOR 2022 SCA ADA IMPROVEMENTS.** Ed Hodges and Jeremy Thomas of Curran-McLeod introduced themselves. Thomas presented the three bids that were submitted on May 19 and indicated that the low bid from D & D Concrete & Utilities was deemed to be responsive and responsible. Van Meter questioned the reason for the large spread between the three bids, and Hodges responded that there were multiple reasons for wide variations in bids. Thomas mentioned that the low bid was higher than the grant that the City received from ODOT for this project. Council discussed the options of scaling back the project to fit within the amount of the grant or supplementing the project with funds from the street fund. Councilor Van Meter moved to accept the bid from D & D Concrete and Utilities and proceed with the complete project by using funds from the City Street Fund. Councilor Gifford seconded the motion and it passed unanimously (3-0). **MO 052422-02**
- H. PUBLIC HEARING ON MIDDLE HOUSING CHANGES TO COMPREHENSIVE PLAN AND DEVELOPMENT CODE.** Tate provided an overview of the materials provided to the Council in their packet and pointed out the proposed ordinance that is scheduled to have its first reading today and the second reading in June if the Council approves the amendments proposed. Mayor Schirado noted that there was no public present for the Public Hearing so briefly summarized the format of the hearing. The Councilors and Mayors confirmed that they have no ex-parte or conflicts of interest.

Mayor Schirado closed the regular meeting at 7:50 PM

Mayor Schirado opened the public hearing on the proposed amendments to Durham's Comprehensive Plan and Development Code. The Council has initiated this petition to update the City's Plan and Code to comply with House Bill 2001. The proposed amendments are referred to in the Public Notice that was published on the City website and in the Spring Edition of the city's *Newsnotes* newsletter.

Tate summarized the changes that the amendments would make in the City's Comprehensive Plan as follows:

1. Amend GROWTH & DEVELOPMENT FINDINGS, Section 2. Metropolitan Housing Rule

Tate summarized the changes that the amendments would make in the City's Development Code as follows:

1. Amend SECTION 2 – ZONING DISTRICTS, Subsections 2.8 and 2.18;
2. Amend SECTION 3 – SITE & DESIGN STANDARDS, Subsection 3.1 and two tables in 3.7;
3. Amend SECTION 7 – SUPPLEMENTAL LAND USE REGULATIONS, Subsection 7.1 on accessory dwelling units;

4. Amend SECTION 7 SUPPLEMENTAL LAND USE REGULATIONS to add Subsections 7.11 and 7.12;
5. Amend SECTION 8 LAND DIVISION to add Subsection 8.9;
6. Amend SECTION 10 – ADJUSTMENT, VARIANCE, ETC to add exemption;
7. Amend SECTION 12 – DEFINITIONS to add definitions;

Schirado expressed appreciation of the formatting of the documents provided which highlighted the changes to the code for all Councilors to review the information.

Since the City is the applicant for the Plan and Code amendments, the City asked Marcy McInnelly of Urbsworks to present the pertinent issues.

McInnelly thanked the Council for their attention to the amendments. She explained that the documents were an adoption-ready packet that includes underlined text for new information and strike through for text that will be removed. Most of the new information is for cottage clusters, townhomes, and expedited land division. In November 2021, DLCDC provided a grant to the City to have Urbsworks conduct this amendment process. Cities around the state over a certain population are required to go through this process. Durham is under the minimum population number; however, since Durham is in the Portland-metro region it is required to comply with the state rules for middle housing despite its size. Joint work sessions were held in November 2021 through spring 2022 with members of the Planning Commission and City Council. Through these joint work sessions, Urbsworks was able to hear the concerns and desires for future growth. These concerns are incorporated into the amendments. The proposed amendments comply with the middle housing rules, however, where there was an ability to choose precisely how to permit middle housing; i.e., to choose amongst options, the direction from the joint work sessions was to select the more conservative options in order to minimize change. For example, cottage clusters (small dwellings clustered together on single lots) are required by the state, and Durham will permit them in the future. However, when it came to the number of cottages allowed on a single lot, Durham elected to allow the highest minimum number along with the lowest maximum number reflecting the choice to allow them in more limited capacity.

Schirado asked if that meant that Durham was meeting the minimum requirements for the state and not proposing anything radically above the requirements. McInnelly replied that was a good way to look at it.

McInnelly informed the Council that the amendments were presented to the Planning Commission at a Public Hearing on May 3. The Commission recommended some small changes as well as a few text changes that were more conservative.

Councilor Van Meter asked what the Council needed to be looking for/reviewing.

Schirado replied that the Council needs to review what was included in the packet tonight and if there aren't any major concerns for this information then they will vote to have a first reading of the ordinance to adopt the amendments. There will be a second reading of the ordinance in June to complete the adoption.

Van Meter stated that the Council was relying upon the professional judgment of Urbsworks to pass the amendments. Tate clarified that Urbsworks put together the amendments but that they had been reviewed and approved by the Planning Commission and recommended for approval by the Council who is the final decision-making body that can pass the ordinance.

Schirado stated that if the Council does not agree with the amendments that they go back to the Planning Commission for revisions.

McInnelly replied that the proposed document has been vetted by the Council and Planning Commission at several joint work sessions, then vetted again by Planning Commission, as well as being vetted by three parties outside the City. This is a very thoughtfully and comprehensively put together package. If the Council is not able to adopt this by June 30, then what goes into effect is the state standard model code which doesn't have the customized elements that the proposed amendments contain. Instead, it is an "off the shelf" code package that will not reflect the City's desires for the built environment.

Schirado stated it was time for public testimony and it would be heard in the following order: written testimony received by staff in advance of this meeting would be heard first, proponents second, and opponents third.

Tate directed the Council to look at page 3 of their packet which is the minutes for the Planning Commission meeting of May 3. The City received three written public comments which were presented to and discussed by the Planning Commission at their Public Hearing. Tate stated that the minutes reflect the three written testimonies received and pointed out the discussion the Commission held of each document. The Commission considered but did not adjust the code based on public comments.

There were no public in attendance or on the virtual meeting, so public testimony was closed and the public hearing was closed at 8:14 PM.

Schirado opened the regular meeting for deliberation by the Councilors. Consensus of the Council was that the proposed amendments were deemed to be satisfactory. Councilor Gifford moved to adopt the amendments by city ordinance number 266-22. This will be the first reading and there will be a second reading in June. Councilor Van Meter seconded the motion. There was no discussion. The motion passed unanimously (4-0).

**MO 052422-03**

**I. ADMINISTRATOR'S REPORT.**

➤ Tate said that Tualatin had nothing new to report on In-N-Out.

**J. FINANCIAL REPORTS.** Councilor Gifford moved to approve payroll check 631, vendor checks 17075 to 17090, and electronic fund transfers totaling \$5,006.19. Councilor Jehnke seconded the motion. The vote was unanimous (4-0).

**MO 052422-04**

**K. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.**

➤ Councilor Jehnke stated that the Members of the WAB have asked the Tigard City Council to hold the annual meeting that is in the IGA, and Tigard staff asked what items Durham wants to discuss at this meeting. The Council discussed various water issues and decided their top concerns were flushing/testing at endpoints of water lines and current billing methods which include different meter sizes and variable billing cycles of 25-35 days which can affect tiered water costs.

➤ Councilor Jehnke mentioned that he would be out of state for the next two months and but could potentially attend the Council meetings those months via zoom. Councilor Van Meter stated that he would not be able to attend the meetings in June and September. Mayor Schirado suggested that the current situation with staff at City Hall would cause him to lean towards moving back to zoom meetings. Councilor Gifford agreed. There was unanimous agreement to return to zoom meetings and to recommend that the Planning Commission return to zoom meetings also.

**L. EXECUTIVE SESSION TO CONSIDER SALARY OF CITY ADMINISTRATOR.**

Mayor Schirado closed the regular meeting of the City Council and opened an executive session for the purpose of discussing the annual compensation of the City Administrator at 9:00 PM.

The Regular meeting of the City Council reconvened at 9:14 PM.

**M. SALARY OF CITY ADMINISTRATOR.** Councilor Gifford moved to set the City Administrator's annual compensation for FY22-23 at \$87,000 and to pay a \$5,000 bonus in June 2022. Council Jehnke seconded the motion and it passed unanimously (4-0).

**MO 052422-05**

**N. ADJOURN.** Mayor Schirado adjourned the meeting at 9:15 PM.

**Approved:**

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**GERY SCHIRADO, MAYOR**

**Attest:**

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**LINDA TATE, CITY ADMINISTRATOR/RECORDER**