



City of Durham
CITY COUNCIL MINUTES
February 27, 2024

- A. OPEN REGULAR COUNCIL MEETING.** Mayor Keith Jehnke opened the meeting at 7:30 PM at Durham City Hall.
- B. ROLL CALL OF COUNCIL MEMBERS.** *Councilors present:* Mayor Keith Jehnke, Council President Joshua Drake, Chuck Van Meter, and Leslie Gifford
Councilors absent: None (One position vacant)
Staff present: City Administrator Jordan Parente and Administrative Assistant Becky Morinishi
Visitors: Planning Commission Chair Susan Deeming; Resident Bob Kroessin of SW Ellman Lane; Resident Martha Rainey of SW Kingfisher Way; Resident Teresa Braun of SW Kingfisher Way; Resident J.R. Tarabocchia of SW 80th Place; On Zoom: Resident David Streicher of SW Peters Road; Resident Nikki Hough of SW 80th Place
- C. COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes from the January 23, 2024 City Council meeting. Councilor Drake seconded the motion. The vote was unanimous (4-0).

MO 22724-01

- D.** Mayor Jehnke read the **CALENDAR OF MEETINGS.**
- **Tuesday, March 5, 2024**, Regular Meeting of the Planning Commission at 7:30 PM
 - **Tuesday, March 26, 2024**, Regular Meeting of the City Council at 7:30 PM
- E. PUBLIC FORUM.** None
- F. APPOINTMENT OF REPRESENTATIVE TO TIGARD WATER ADVISORY BOARD.** Councilor Gifford moved to appoint Councilor Joshua Drake as Durham's Representative to Tigard Water Advisory Board. Councilor Van Meter seconded. The vote passed unanimously (4-0).

MO 22724-02

- G. PLANNING COMMISSION UPDATE.** City Administrator Parente updated the Council on the February 6th, 2024 Planning Commission meeting and noted that a draft of the minutes from that meeting are included in the Council packet. Mr. Parente said that the meeting was well-attended by the public. He also informed the Council that the Heron Grove neighborhood held a meeting on January 29th, 2024 to discuss tree issues. Approximately 50 residents attended the meeting. Four representatives from that group spoke at the February 6th, 2024 Planning Commission meeting. Mayor Jehnke asked if the Commission had made a recommendation to put together a committee to look at the tree code. Mr. Parente responded that they did make that recommendation. He noted that the City Attorney's legal opinion is included in the Council packet. Mr. Parente said that the Attorney strongly suggested taking Durham's tree code/ordinance out of the land use code. Mayor Jehnke said he would like the City Planner's opinion on the plus and minuses of taking the tree code out of the land use code. He added that he would like to see a decision on this issue come out of the working group and be presented to Council.

Mr. Parente informed the Council that Ride Connect contacted the City in November about the potential to add a stop to their King City to Bridgeport Shuttle on Upper Boones Ferry

Road in Durham, and that funding for a marked crosswalk could be included. A survey about adding the service was published on behalf of Ride Connect in the Durham Winter News Notes. Mr. Parente added that Ride Connect would be presenting at the upcoming Planning Commission meeting on March 5th, 2024.

- H. TREE ORDINANCE & CODE WORKING GROUP.** Planning Commission Chair Susan Deeming presented her thoughts on the tree ordinance issue to the Council. She noted that she saw an article in a AAA Magazine that defined Sustainable Tourism as “trying to find that balance between the economy, the community, and the environment, where the costs and benefits for both the resident and the visitor are in equilibrium.” Chair Deeming suggested that the City look at trees in Durham in a similar fashion. She commended the Heron Grove neighborhood for their well-organized meeting and presentation to the Planning Commission on February 6th, 2024. She added that, in her attempt to understand more about tree management, especially around “hazardous trees,” she researched the tree codes of other nearby cities. She found that they were generally very similar to Durham’s but that some cities have special programs that recognize trees as being a “Heritage Tree” or “Significant Tree” based on the tree’s unique characteristics. She also shared Tigard’s Tree Risk Assessment Form that is a common approach to rating a tree’s potential to be hazardous. Chair Deeming noted that there are many resources available that can help the City find the balance that it needs to be successful in managing its tree canopy.

Teresa Braun, resident of SW Kingfisher Way, shared with the Council that a tree fell on her house on January 9th, 2024, prior to the January 13th, 2024 storm. She noted that when purchasing the house in 1995, they had the option to take down all of the trees in the yard. She and her husband decided to save the trees because they loved having them on the property. There was a large Douglas Fir on the front of the property that they wanted to save, but had to have taken down because it had root rot. Additionally, one of the trees fell on their house shortly after they moved in. They planted three more Douglas Fir trees on the property, but did not know to be concerned about the root rot that can live in the soil. Ms. Braun noted that several of her neighbors had arborists do tree assessments and received clean bills of health. Their trees were also assessed and received a clean bill of health. However, a tree fell on their house on January 9th, 2024 and, so far, the damages have been estimated at \$84,000. Ms. Braun stressed that they are sad to have to take the trees down, but feel it is necessary for the safety of their neighbors. She is also concerned about the potential that root rot has spread to many properties in Heron Grove and hopes that something can be done to make the City’s tree code more accommodating.

J.R. Tarabocchia, resident of SW 81st Place in Heron Grove, addressed the Council regarding revising the City’s tree ordinance and removal request process. He shared that a Douglas Fir tree from his property fell onto his neighbor’s house during the Severe Weather Event of January 13th, 2024, causing severe damage and nearly hitting his young daughter and her friend. He emphasized that the City’s current tree policy needs to be revised by prioritizing public safety over preserving existing canopy. He also encouraged the City to consider the financial effects on residents who have potentially dangerous trees on their properties. Mr. Tarabocchia expressed dissatisfaction with the response of City officials and the Planning Commission to the issue of potentially dangerous trees in Heron Grove, citing his inability to get emergency approval to take down trees he believes to be dangerous. He asked the City to please take immediate action.

Mayor Jehnke recommended putting together a 7-person working group made up of 3 Planning Commission members and 4 residents. He said that residents who have potentially

dangerous trees on their properties need to get tree removal applications in quickly. Councilor Van Meter suggested that the Mayor could direct the Planning Commission to take a more balanced approach, focusing more on public safety and homeowner's wishes. Mayor Jehnke said that he feels the Planning Commission is already doing that. Councilors Gifford and Drake agreed that they think the Planning Commission already takes those into consideration and does not need additional direction. Councilor Van Meter emphasized the need for urgency. Planning Commission Chair Deeming said that in the time she has been on the Planning Commission, there has never been a situation that required them to consider public safety, but that they certainly would if it comes up.

Mr. Tarabocchia asked if the tree removal process could be eliminated and all trees could be processed as an emergency. Mayor Jehnke responded that the attorney said that the City needs to be consistent with the process and the code. Mr. Tarabocchia asked why it would be inconsistent. Mayor Jehnke replied that the removal applications would not have been approved as emergency removals. Mr. Tarabocchia asked if root rot is an emergency. Mayor Jehnke said that if there is an arborist's report that says there is root rot, it would be an emergency. Mr. Tarabocchia said that the City is asking them to spend more money to get the diagnosis of root rot than they would have to pay if they cut the tree without permission and had to pay the fine. Commissioner Drake said that the City has to have a standard that they can use to determine if it is an emergency. Mayor Jehnke said that there is a process and that the City needs to stick with the process. Teresa Braun asked who evaluates wind throw. Mayor Jehnke replied that an arborist can evaluate wind throw.

Councilor Van Meter moved to direct the Planning Commission to create a Tree Ordinance and Code Working Group made up of 3 members of the Planning Commission and 4 residents from various neighborhoods in the City. Commissioner Drake seconded the motion. The vote passed unanimously (4-0).

MO 22724-03

I. ADMINISTRATOR'S REPORT

- City Administrator Parente told the Council that there is nothing new to report on In-N-Out.
- Mr. Parente informed the Council that a plaque with gavel holder is being made and will be put up inside City Hall in honor of Mayor Gery Schirado. Additionally, Mr. Parente has been looking into the specifics on renaming the park and will put forth a list of potential names to the Council at a future meeting.
- Mr. Parente shared that the Rivendell undergrounding project is wrapping up and the damaged sidewalk on Upper Boones Ferry Road will be repaired soon.
- Councilor Van Meter asked about Durham Heights subdivision progress. Mr. Parente answered that they are in the process of revising the CC&R's for approval and the developer is still working with the County to get the property platted. Councilor Van Meter asked about the Emerald Heights subdivision. Mr. Parente answered that Emerald Heights has not informed the City what they are going to build on their lots. Councilor Drake asked if Cambridge Street is still going to go through to Taylor Road. Mr. Parente explained that there will be a bike lane and fire access until Emerald Homes completes their section of the road.

J. FINANCIAL REPORTS.

- Councilor Gifford moved to approve payroll checks 673-675, vendor checks 17435-17451, and electronic fund transfers totaling \$21,073.32. Council President Drake seconded the motion. The vote passed unanimously (4-0).

MO 22724-04

K. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS. None.

L. EXECUTIVE SESSION TO DISCUSS APPOINTMENT OF CITY COUNCIL VACANCY. At 8:54 PM, Mayor Jehnke closed the regular meeting of the City Council and opened an Executive Session to discuss the appointment of a new City Councilor.

The regular meeting of the City Council reconvened at 9:03 PM.

M. APPOINTMENT OF GARY PAUL TO CITY COUNCIL . Councilor Drake moved to appoint Commissioner Gary Paul to fill the vacant position on the City Council until December 31st, 2025. Councilor Gifford seconded the motion. The vote passed unanimously (4,0).

MO 22724-05

N. APPOINTMENT OF DAVID STREICHER TO THE PLANNING COMMISSION. Councilor Drake moved to appoint David Streicher to the Planning Commission to fill the seat left vacant by Commissioner Gary Paul's appointment to the City Council. Councilor Van Meter seconded the motion. The vote passed unanimously (4,0).

MO 22724-06

O. ADJOURN. Mayor Jehnke adjourned the meeting at 9:06 PM.

Approved:

KEITH JEHNKE, MAYOR

Attest:

JORDAN PARENTE, CITY ADMINISTRATOR/RECORDER