



- A. **OPEN REGULAR COUNCIL MEETING.** Mayor Keith Jehnke opened the meeting at 7:31 PM at Durham City Hall.
- B. **ROLL CALL OF COUNCIL MEMBERS.** *Councilors present:* Mayor Keith Jehnke (Zoom), Council President Joshua Drake, Councilors Chuck Van Meter, Leslie Gifford, and Gary Paul
Councilors absent: None
Staff present: City Administrator Jordan Parente and Administrative Assistant Kait Garlick
Visitors: Susan Deeming
- C. **COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes for the regular City Council meeting held on October 22, 2024, the Executive Session held on October 22, 2024, and the special meeting held on November 12, 2024. Councilor Paul seconded the motion. The vote passed (5-0).
MO 111924-01
- D. Mayor Jehnke read the **CALENDAR OF MEETINGS.**
- **Tuesday December 3, 2024,** Regular Meeting of the Planning Commission at 7:30 PM.
 - **Tuesday December 17, 2024,** Regular Meeting of the City Council at 7:30 PM.
 - **Wednesday December 25, 2024,** City Hall closed in observance of Christmas Day.
- E. **PUBLIC FORUM.** None.
- F. **PLANNING COMMISSION UPDATE**
City Administrator Parente gave an update on what Planning Commission, which included the following items:
- **Tree Removal Requests:** A request to remove two trees for a property on Rivendell was deferred to the December Planning Commission meeting. Another request was submitted by 17485 Rivendell to remove five trees and will also be considered at the December meeting.
 - **Heron Grove Sign Replacement:** A new application for a replacement sign for Heron Grove will be presented at the upcoming Planning Commission meeting.
 - **Comprehensive Plan Update:** Implementation of updates to the comprehensive plan are being slowed due to certain land use and housing policies, particularly middle housing provisions that require more substantial research and amendments to ensure compliance with legal and administrative standards.
- G. **PROPOSED 2025 MEETING AND HOLIDAY CALENDAR**
The Council reviewed and approved the meeting and holiday dates for the 2025 calendar year. An update made to the meeting schedule for 2025 is to move the start time to 7:00 PM from 7:30 PM. No motion was required.
- H. **FEMA PICM MEMORANDUM**
Mr. Parente informed Council that FEMA is now requiring all jurisdictions to adopt new floodplain ordinances to align with the Endangered Species Act by December 1, 2024, instead of the July 2025 date they gave earlier in the fall. The three options are: 1) Prohibit development in floodplains; 2) adopt FEMA's model ordinance; 3) requiring habitat studies for any development. With Durham being the largest landowner in the floodplain, Mr. Parente supports adopting FEMA's model ordinance as the most practical option and stated that other neighboring jurisdictions have already committed to this method. Councilor Paul added that is the same information he has been hearing that it is best to adopt the model

ordinance. The Council agreed that the accelerated deadline did not give much time to consider all options and impacts as thoroughly as would be normal but were satisfied with adopting the model ordinance to stay in compliance with the new rules.

Councilor Gifford moved to approve the motion. Councilor Paul seconded the motion. The vote passed (5-0).

MO 111924-02

I. FIRST READING OF ORDINANCE 269-24; AN ORDINANCE RELATING TO TREE PRESERVATION AND REPEALING ORDINANCE 228-05.

The Council received an updated draft of the ordinance for review. Tree committee member Susan Deeming and City Administrator Parente left several comments on the updated ordinance draft for the Council to review and provide feedback. The need for clear distinctions related to tree removal for development activities vs. existing properties has resulted in updates to both the Tree Ordinance and Development Code. Mr. Parente then led Council through a reading of the draft ordinance, discussing the added comments as they went.

The permitting processes was addressed, with a focus on streamlining categories and improving efficiency. Definitions for terms like "tree care provider" and "hazardous tree" were updated, allowing licensed contractors, in addition to certified arborists, to perform certain tasks under specified conditions.

Mitigation requirements were also revised to promote better outcomes and affordability. Replanting requirements will now favor smaller, younger trees with higher survival rates, and new guidelines specify that trees should be planted no closer than six feet from structures or driveways to prevent future damage.

Council also discussed the criteria for hazardous tree assessments, specifically what to do about a resident's ability to obtain homeowner's insurance. Council agreed that the line item for homeowner's insurance should be removed as a criteria and will instead be discussed on a case-by-case basis. A standardized "decision tree" tool was proposed by Ms. Deeming to guide the Planning Commission in evaluating tree removal applications involving potential hazards.

Pending legal review, the Council deferred adopting the ordinance at this meeting. A finalized draft will be given to Council by the December meeting.

J. FIRST READING OF ORDINANCE 270-24; AN ORDINANCE OF THE CITY OF DURHAM AMENDING CHAPTER 5 OF THE CITY OF DURHAM DEVELOPMENT CODE.

This ordinance was not reviewed at this meeting as Council requested legal review the ordinance prior to the first reading.

K. ADMINISTRATOR'S REPORT

- Mr. Parente gave an update on the Durham Estates project. Mayor Jehnke was contacted by the land developer working on the project, who had concerns about their application status and how to make sure they can continue with their project. The application appeared to proceed under the assumption that the nine lots were already recorded when they have not yet been recorded. This caused confusion and misalignment with the City's process. Council directed Mr. Parente to communicate clear guidance to the developer, outlining two potential compliance pathways: The developer must finalize and record the nine-lot subdivision before applying for additional subdivision approval. Alternatively, the developer may submit a corrected application for the 34-lot subdivision, treating it as if the nine-lot subdivision was never submitted. Mr. Parente also noted additional complications with infrastructure, as the developer had constructed substandard roadways for the nine-lot plan, which may not meet requirements for a larger

subdivision. Lastly, Mr. Parente informed Council of the recent noise complaints regarding construction work at improper hours. Council requested the City send another warning letter to the developer letting them know that further violations would result in legal action. Council emphasized the importance of ensuring compliance with all City codes and maintaining a clear record of communications with the developer to mitigate potential disputes. Mr. Parente will continue working with the developer and City attorney to resolve these issues while upholding Durham's code.

- Mr. Parente informed Council that the City is now working with a new accounting firm. The firm has reported that the financials are in great shape and they will have everything updated prior to the December meeting.

L. FINANCIAL REPORTS

No financial reports were reviewed at the meeting due to the City recently onboarding with a new accounting firm who is working on bringing everything current. The financials will be reviewed and approved by Council at the next meeting in December.

M. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS

None.

- N. ADJOURN.** Mayor Jehnke adjourned the meeting at 8:54 PM.

Approved:

KEITH JEHNKE, MAYOR

Attest:

JORDAN PARENTE, CITY ADMINISTRATOR/RECORDER