



**City of Durham**  
**CITY COUNCIL WORK SUMMARY**  
**May 20, 2025**

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A. **OPEN CITY COUNCIL WORK SESSION SPECIAL MEETING.** Mayor Joshua Drake opened the meeting at 6:00 PM at Durham City Hall.

B. **ROLL CALL OF COUNCIL MEMBERS.**

Councilors present: Mayor Joshua Drake, Council President Leslie Gifford, Councilors Gary Paul, David Streicher, and Sean Lee

Councilors absent: None

Staff present: City Administrator Jordan Parente, Emily Guimont, City Attorney with Beery, Elsner & Hammond, LLP, and Trevor March, City Arborist with SavATree

Visitors: Residents: Susan Deeming, JR Tarabocchia; (Via Zoom) Residents: Nikki Hough, Sue Fuller and Mark Schrimp

C. **CALENDAR OF MEETINGS.**

- Monday May 26, 2025, City Hall Closed in Observance of Memorial Day
- Tuesday May 27, 2025, City of Durham Budget Meeting, Juanita Pohl Center at 6:30 PM
- Tuesday May 27, 2025, Regular Meeting of Durham City Council, Juanita Pohl Center at 7:30 PM
- Tuesday June 3, 2025, Regular Meeting of the Planning Commission at 7:00 PM

D. **TREE ORDINANCE FOR DEVELOPED PROPERTIES - MUNICIPAL CODE.**

Durham City Council held a work session to address several items, with a primary focus on the continued review of the City's Tree Ordinance, following up on previous discussions held on April 22, 2025. The discussion centered on how to structure a regulatory framework that fairly and effectively governs tree removal on developed properties—particularly in cases involving potentially hazardous trees.

A primary point of concern was how the ordinance defines a hazardous tree. Council members explored whether a standardized checklist used by City staff could be relied upon, or whether professional assessments by certified arborists should be required. The International Society of Arboriculture (ISA) risk assessment methodology is the industry standard for evaluating tree risk. It relies on a combination of visual cues—such as leaning trunks, decay, fungal growth, or root instability—to determine the likelihood of failure and potential harm.

The City Attorney's office provided insight into the legal framework and noted the difficulty in aligning subjective tree risk assessments with enforceable legal standards. The language currently under review attempts to strike a balance between flexibility for administrative decisions and the need for objective thresholds. Council members considered the use of terms such as "imminent failure," "significant likelihood," and "material risk," noting that different interpretations could affect both enforcement and homeowner compliance. Council expressed concern that requiring an arborist's evaluation in all cases could impose financial burdens on residents, while staff emphasized that administrative decisions must be defensible and grounded in professional expertise.

The conversation also examined who should be the final decision-maker in the review process. The current draft ordinance places significant responsibility on the City Administrator, who may be asked to interpret technical arborist reports or apply checklists without specific arboricultural training. Council members questioned whether this was appropriate or sustainable, suggesting that certified arborists should have greater authority in evaluating and approving hazardous tree removals. Others argued for a dual structure in which City staff conduct an initial review, with arborists stepping in for complex or disputed cases.

Much of the discussion revolved around the language used in the ordinance itself. Terms like “imminent failure” and “significant likelihood of failure” were debated, with attention given to how they align with arborist standards and legal enforceability. The City Attorney noted the difficulty in drafting language that was both precise enough to enforce and broad enough to accommodate a range of scenarios. Some councilors emphasized the need to be explicit in granting authority, while others were wary of creating language that could be too vague or too rigid.

The Council also discussed the City’s data gap in tracking tree removals and monitoring overall canopy health. The last formal canopy assessment is outdated, and members expressed the need for updated data to evaluate the long-term impact of the ordinance. The increasing volume of tree removal applications, combined with the absence of reliable data, underscored the urgency of developing a system for tracking decisions, removal outcomes, and changes in urban canopy coverage over time.

As the conversation concluded, there was broad agreement on several points: the ordinance needs clearer and more enforceable language, decision-making should incorporate arborist expertise, and the administrative burden should be balanced with public accessibility and environmental goals. Council directed staff to refine the draft ordinance and return with a revised version that incorporates legal guidance, best practices from other jurisdictions, and clearer criteria for evaluating hazardous trees.

#### **E. SOLID WASTE ORDINANCE.**

Council reviewed several proposed changes to the solid waste ordinance, focusing on legal language, contract requirements, and franchise terms with waste haulers.

First, the City Attorney advised that a separate contract with haulers may not be necessary because the ordinance itself effectively serves as the franchise agreement. However, Council could opt to require haulers to sign a form acknowledging the ordinance terms.

Second, minor wording corrections were discussed, including clarification that the ordinance refers specifically to “motor oil” and correcting a reference citation within the draft.

Third, the Council considered whether to include new language allowing the City to modify the term of a franchise agreement in the event of the sale of the franchise. While current ordinance language already grants the Council broad authority to set conditions, new wording would make that power more explicit. However, there was concern that such a clause might reduce the value of a hauler’s franchise, potentially leading to resistance.

Council debated whether to include the new language or proceed with existing terms. The strategy agreed upon was to share the proposed language with the hauler in advance and allow them to respond during the ordinance’s second reading. Council members acknowledged that the updated ordinance is generally favorable to haulers but felt the added flexibility would help the City respond more effectively during transitions between service providers.

#### **F. PROPOSED FEE SCHEDULE.**

City Council discussed the need to adopt a formal fee schedule to improve consistency and revenue collection. Currently, most city fees—except those tied to building permits—are not standardized or regularly updated, resulting in lost revenue opportunities. A comparison with neighboring jurisdictions showed that Durham significantly undercharges in several areas, especially for development-related activities.

The Council reviewed a proposal to move away from embedding specific fee amounts in city ordinances and instead adopt a master fee schedule that could be updated more easily by Council resolution. Doing so would

require amending existing ordinances to reference the fee schedule rather than listing amounts directly—a process that will require a substantial legal and administrative review.

Councilors debated whether to prioritize certain high-value fees, such as those related to land use and development, or take a phased approach by starting with municipal code fees. City Administrator Parente cautioned against a piecemeal rollout, as it could lead to oversight and inconsistency issues.

For instances where fees may be embedded in ordinances, Mr. Parente clarified that any ordinance revisions must come first. The Council agreed to revisit the topic in a future meeting, once the full scope of necessary updates is better understood.

**G. MISCELLANEOUS INFORMATIONAL ITEMS.** None.

**H. ADJOURN.** Mayor Drake adjourned the meeting at 9:04 PM.

**Approved:**

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**Joshua Drake, MAYOR**

**Attest:**

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**JORDAN PARENTE, CITY ADMINISTRATOR/RECORDER**