



City Council Meeting Agenda
Monday, March 16, 2020 - 7 p.m.
101 City Hall Plaza - First Floor Council Chambers

Please note: Agenda items are current at time of posting. Items may be changed, updated or added after initial posting.

To access Agenda-related documents, please click on the underlined Agenda Item title.

Call to Order

Moment of Silent Meditation

Pledge of Allegiance

Roll Call

Ceremonial Items

Announcements by Council

Priority Items by the City Manager, City Attorney and City Clerk

Consent Agenda

1. Approval of City Council Minutes

To approve City Council Minutes for February 3, 2020 and February 6, 2020.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 13823)

2. Boards, Committees and Commissions 2019 Attendance Reports

To receive attendance reports for Boards, Committees and Commissions for the period January 1, 2019 - December 31, 2019.

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 13816)

3. FY2020-21 Budget Development Guidelines

To receive a presentation on the FY2020-21 Budget Development Guidelines; and

To adopt the FY2020-21 Budget Development Guidelines.

(Resource Person: Bertha T. Johnson - 919-560-4111 ext. 20285) (PR# 13820)

5. Approval of Contract for Community Conversations

To approve the Community Conversations contract with facilitation provided by Murphy Dynamics, LLC in the amount of \$5,800.

(Resource Person: Mayor Pro Tempore Jillian Johnson - 919-560-4333) (PR# 13834)

6. Request to Initiate a Neighborhood Protection Overlay for Forest Hills

To adopt a resolution regarding a request to initiate a Neighborhood Protection Overlay for Forest Hills.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 13821)

7. Community Development Block Grant (CDBG) Contract with Urban Ministries of Durham, Inc.

To authorize the City Manager to execute a contract, in the amount of \$88,500, with Urban Ministries of Durham (UMD) to provide case management and supportive services to homeless single adults sheltered at UMDs Community Shelter.

(Resource Person: Lloyd Schmeidler - 919-560-4570 ext. 22267) (PR# 13795)

8. Second Contract Amendment with the Housing Authority of the City of Durham - Community Development Block Grant (CDBG) Subrecipient Contract for the Rehabilitation of the Laurel Oaks Townhomes

To authorize the City Manager to execute a second amendment to the Community Development Block Grant (CDBG) Subrecipient Contract with the Housing Authority of the City of Durham for the rehabilitation of the Laurel Oaks Townhomes, to utilize Dedicated Housing Funds in the amount of \$198,054 in place of an equivalent amount of CDBG funding.

(Resource Person: Karen Lado - 919-560-4570 ext. 22273) (PR# 13815)

9. Emergency Response Plan and Source Water Risk & Resilience Plan

To authorize the City Manager to execute an amendment to the Supplemental Service Agreement with AECOM for professional engineering services to complete the Emergency Response Plan and Source Water Risk & Resilience Plan in an amount not to exceed \$115,000.

(Resource Person: Sydney Miller - 919-560-4381 ext. 35201) (PR# 13776)

10. Resolution of Support for Reclassifying a Segment of the Eno River for Water Supply

To adopt a Resolution of Support for Reclassifying a Segment of the Eno River for Water Supply.

(Resource Person: Sydney Miller - 919-560-4381 ext. 35201) (PR# 13807)

11. 2020 Manhole Rehabilitation South – Award of Construction Contract to Bio-nomic Services, Inc.

To authorize the City Manager to execute a contract with Bio-nomic Services, Inc. for the 2020 Manhole Rehabilitation South project in the amount of \$1,647,750;

To establish a contingency fund for the contract in the amount of \$164,700; and

To authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$1,812,450.

(Resource Person: Jerry Morrone - 919-560-4381 ext. 35243) (PR# 13785)

12. 2020 Manhole Rehabilitation North – Award of Construction to AM Liner East, Inc.

To authorize the City Manager to execute a contract with AM Liner East, Inc. for the 2020 Manhole Rehabilitation North project in the amount of \$1,367,355;

To establish a contingency fund for the contract in the amount of \$136,700; and

To authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$1,504,055.

(Resource Person: Jerry Morrone - 919-560-4381 ext. 35243) (PR# 13786)

13. Durham Sports Commission Interlocal Agreements

To ratify by resolution the interlocal agreement (ILA) between the City of Durham, County of Durham, Discover Durham and the Greater Durham Chamber of Commerce for the creation and operation of the Durham Sports Commission;

To ratify by resolution the interlocal agreement (ILA) between the the City of Durham, Durham County and Discover Durham for the funding of the Durham Sports Commission; and

To authorize the City Manager to execute these two ILAs on behalf of the City, and, where necessary, to modify either of these two ILAs provided that any modifications made are consistent with the general intent of the existing version of the agreement.

(Resource Person: Keith Herrmann - 919-560-4455 ext. 18230) (PR# 13802)

14. Buckingham Road Culvert Replacement (SD-2020-03)

To authorize the City Manager to execute Contract SD-2020-03, Buckingham Road Culvert Replacement, with Visco Transportation Corporation in the amount of \$468,215.50;

To establish a contingency fund in the amount of \$70,232.33; and

To authorize the City Manager to negotiate change orders for Contract SD-2020-03 provided that the total contract cost does not exceed \$538,447.83.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 13825)

15. Alpine Road Culvert Replacement (SD-2020-04)

To authorize the City Manager to execute Contract SD-2020-04, Alpine Road Culvert Replacement, with Visco Transportation Corporation in the amount of \$428,071.05;

To establish a contingency fund in the amount of \$64,210.66; and

To authorize the City Manager to negotiate change orders for Contract SD-2020-04 provided that the total contract cost does not exceed \$492,281.71.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 13826)

16. Street and Infrastructure Acceptances

To accept certain streets and infrastructure in Briar Green Apartments, Brightleaf Tract 1 Phases 6 and 7, Brightleaf Tract 13B Phases 1A, 1B, 2, 3, 4, and 5, Farrington Road Mixed Use, Foxwood Manor, Patriot Business Park Infrastructure and Lots 2 and 3, Southside East Phase 2, The Villas at Culp Arbor Phases 2A, 2B and 2C, 54 Station Phases 1A, 1B, 1C and 1D, Farrington Road Baptist Church, Gateway Center Apartments, Innovation at Imperial Center, The Forest History Society, Turnage Heights Lift Station Abandonment and Mud Creek Outfall, US 70 Self-Storage Center Phase 1, and West Pettigrew Street Deck for maintenance by the City of Durham.

(Resource Person: Robert N. Joyner, Jr. - 919-560-4326 ext. 30229) (PR# 13809)

General Business Agenda - Public Hearings

17. FY2020-21 Budget and Capital Improvement Plan (CIP)

To conduct a public hearing to receive comments regarding the FY2020-21 Budget and FY2021-26 Capital Improvement Plan (CIP).

(Resource Person: Bertha T. Johnson - 919-560-4111 ext. 20285) (PR# 13791)

18. Annexation - Falls Village North - Conservation

To conduct a public hearing and consider the following motions:

Motion #1: To adopt an ordinance annexing 'Falls Village North - Conservation' into the City of Durham effective March 31, 2020, and to authorize the City Manager to enter into a utility extension agreement with Falls Village Development, LLC.;

Motion #2: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #3: To adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Rural (RR), Falls/Jordan Watershed Protection Overlay District B (F/J-B) in the Suburban Tier and Residential Rural (RR), Falls/Jordan Watershed Protection Overlay District A (F/J-A) in the Rural Tier, County Jurisdiction and establishing the same as Residential Rural (RR), Falls/Jordan Watershed Protection Overlay District B (F/J-B) in the Suburban Tier and Residential Rural (RR), Falls/Jordan Watershed Protection Overlay District A (F/J-A) in the Rural Tier, City Jurisdiction.

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 13812)

19. Consolidated Annexation - Fox Crossing

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt an ordinance annexing 'Fox Crossing' into the City of Durham effective March 31, 2020 and to authorize the City Manager to enter into a utility extension agreement with Foxwood Crossing Apartments, LLC;

Motion #2: To adopt a resolution amending the Future Land Use Map to Commercial for the site;

Motion #3: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #4: To adopt an ordinance amending the Unified Development Ordinance by taking property out of Commercial Center with a Development Plan(CC(D)), Residential Suburban-20 (RS-20), Residential Urban- 5 (RU-5) Zoning Districts, Falls/Jordan Watershed Protection Overlay District B (F/J-B), County Jurisdiction, and establishing the same as Commercial General with a Development Plan (CG(D)), Falls/Jordan Watershed Protection Overlay District B (F/J-B), City Jurisdiction.

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 13810)

20. Consolidated Annexation - South Mineral Springs and Pleasant

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt an ordinance annexing South Mineral Springs & Pleasant into the City of Durham effective March 31, 2020;

Motion #2: To authorize the City Manager to enter into a utility extension agreement with Engquist Development, LLC;

Motion #3: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #4: To adopt an Ordinance Amending the Durham Unified Development Ordinance By Taking Property out of Residential Rural Zoning District (RR), Residential Suburban-20 (RS-20), Falls/Jordan Watershed Protection Overlay District-B (F/J-B), County Jurisdiction and establishing the same as Planned Development Residential 4.001 (PDR 4.001), Falls/Jordan Watershed Protection Overlay District-B (F/J-B) City Jurisdiction.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 13814)

21. Consolidated Land Use Item - NCCU Student Center Building

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt a resolution amending the Future Land Use Map to Institutional for the site;

Motion #2: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #3: To adopt an Ordinance Amending the Durham Unified Development Ordinance By Taking Property out of the Residential Urban-5(Duplex) (RU-5(2)) Zoning District and Establishing the same as the University and College-2 (UC-2) Zoning District.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 13817)

22. Unified Development Ordinance Text Amendment, Neighborhood Protection Overlay Revisions (TC1800010)

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt the appropriate consistency statement as required per NCGS 160A-383; and

Motion #2: To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; and Article 4, Zoning Districts.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 13813)

McDougald Terrace Public Comments

Adjournment

Rules of Decorum for Citizen Participation

In support of and respect for an open, fair and informed decision-making process, the City Council and the Administration recognize that:

- civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and
- un-civil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.

In an effort to preserve the intent of open government and maintain a positive environment for citizen input and Council decision-making, the following Rules of Decorum have been established.

Compliance with these rules is expected and appreciated. The Rules of Decorum will be included in the agenda and will be referenced at the beginning of each Council meeting and Council Work Session by the presiding officer. A written list of the Rules of Decorum will also be printed and mounted upon the walls of the Council Chambers and the Committee Room.

1. All citizens may participate in the public process.
2. The Mayor serves as the presiding officer of the Council; the Mayor Pro Tem serves in the Mayor's absence.
3. Citizens must sign up to address Council using procedures outlined for Council meetings and Council Work Sessions (above).
4. Citizens may speak only to the matter for which they signed up and, in the case of public hearings, those matters which have been advertised and placed on the Council meeting agenda.

5. Citizens are encouraged to prepare remarks in advance for submission to the public record. Prepared remarks should be submitted to the Clerk prior to the start of the meeting or at the end of their comments. Additional material may be submitted to supplement remarks.
6. In an effort to accommodate all who wish to address Council at a Council meeting while preserving a reasonable and efficient meeting schedule, each speaker will have a specified amount of time to deliver comments. Comments will be timed by the City Clerk or designee; signals will be provided at the one-minute and 30-second measures. Speakers are expected to cease comments immediately upon end-time.

Council Work Sessions: Citizens who sign up in advance will be allowed to speak for up to 5 minutes.

City Council Meetings: Citizens who sign up in advance will be allowed to speak for up to 5 minutes.

7. Speakers will conduct themselves in a civil and respectful manner at all times.
8. Speakers will address the presiding officer.
9. Questions to Council members or City staff will be facilitated by the presiding officer.
10. Speakers will state their name and address.
11. Speakers will make an effort to speak clearly into the microphone provided.
12. Speakers will make an effort to speak succinctly.
13. Speakers will refrain from the use of individual City staff names. It is appropriate to refer to staff by title and/or department.
14. Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
15. Speakers will refrain from making comments of a personal nature regarding others.
16. Name-calling and/or obscenity is forbidden.
17. Shouting, yelling or screaming is forbidden.
18. Council Work Session or Public Hearing attendees (audience) will refrain from commenting, shouting, booing, clapping, stomping feet or other inappropriate and/or disruptive behavior. Brief clapping is permissible at the end of a speaker's comments.
19. Council Work Session or Public Hearing attendees (audience) should refrain from private conversation during meetings.
20. Council Work Session or Public Hearing attendees (audience) should come and go as necessary from meeting space in the least disruptive manner as possible.
21. No campaign placards, banners, or signs will be permitted in the City Council Chambers or Committee Room. Other signage is permitted except signs which violate the Rules of Decorum or that block the view of other attendees.
22. Exhibits, displays, and visual aids used in connection with presentations to the City Council are permitted. Video presentations requested by citizens as visual aids may not be broadcast over cable television due to technological challenges.

Notice under the Americans with Disabilities Act (ADA)

A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice 919-560-4197, fax 560-4196 or ADA@durhamnc.gov (mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.

Notice under the Language Access Plan (LAP)

For persons requiring language assistance to effectively participate in City Council Meetings and Work Sessions, contact the City Clerk's Office at 919-560-4166, send a fax to 919-560-4835 or email City.Clerk@durhamnc.gov (mailto:City.Clerk@durhamnc.gov) to request interpretation and/or translation services as soon as possible but no later than 48 hours before the event or deadline date.

Plan de Acceso al Idioma

Las personas que requieran asistencia lingüística para participar efectivamente en las reuniones del consejo municipal y las sesiones de trabajo, comuníquense con la Oficina del Secretario de la Ciudad al 919-560-4166 envíenos un fax al 919-560-4835 o email al City.Clerk@durhamnc.gov (mailto:City.Clerk@durhamnc.gov).

Para solicitar para los servicios de interpretación y / o traducción tan pronto como sea posible pero a más tardar 48 horas antes del evento o fecha límite.