



**City Council Meeting Agenda**  
**Monday, September 16, 2019 - 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**

- Sister City: Sibiu, Romania**
- Durham Senior Hunger Awareness Week**
- National Hunger Awareness Month**
- History Moment - Sam Reed and the Five Freedoms of the US Constitution**
- Diaper Need Awareness Week**
- National Preparedness Month**
- Neighborhood Spotlight: Marcella Thompson, resident of PAC 1**

**Announcements by Council**

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

**Consent Agenda**

**1. Approval of City Council Minutes**

To approve the City Council Minutes for August 5, 2019 and August 8, 2019.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 13420)

**2. Human Relations Commission - Appointment**

To appoint Jennifer W. Belle to the Human Relations Commission representing a Caucasian/Non-Hispanic Female with the term to expire on June 30, 2020.

(Due to the resignation of Risa Foster)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 13427)

**4. Recreation Advisory Commission - Reappointment**

To reappoint Lesley J. Stracks-Mullem to the Recreation Advisory Commission with the term to expire on August 31, 2022.

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 13429)

**5. Recreation Advisory Commission - Appointment**

To appoint Jessica C. Slice to the Recreation Advisory Commission with the term to expire on August 1, 2021.

(Due to the resignation of Charles Hill)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 13439)

**6. Durham City-County Environmental Affairs Board - Appointment**

To appoint Juliee N. Malavade to the Durham City-County Environmental Affairs Board representing Biological Sciences with the term to expire on June 30, 2020.

(Due to the resignation of Rachael McIntosh-Kastrinsky)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 13440)

**7. Discussion on the Community Safety Taskforce**

To conduct a discussion on the Community Safety Taskforce.

(Resource Person: Mayor Pro-Tempore Jillian Johnson - 919-560-4333) (PR# 13452)

**8. Affordable Housing Bond Advisory Committee Report**

To receive a report from the Affordable Housing Bond Advisory Committee.

(Resource Person: Mayor Stephen M. Schewel and Reginald Johnson - 919-560-4333 and 919-560-4570) (PR# 13454)

**9. FY 2017-2018 Emergency Solutions Grant with Urban Ministries of Durham – Subrecipient Contract Amendment for Rapid Re-Housing Services**

To authorize the City Manager to execute a contract amendment with Urban Ministries of Durham that would release them from the contracted obligation to provide matching funds for ESG funds expended on client services and would allow the City of Durham, as the Grantee, to fulfill any and all matching requirements associated with the Emergency Solutions Grant.

(Resource Person: Karen Lado - 919-560-4570 ext. 22250) (PR# 13426)

**11. Electric Bus Procurement**

To authorize the City Manager to execute a purchase contract with Gillig LLC for the purchase and delivery of two 40ft electric buses in the amount of \$1,042,913 per bus for a total purchase amount of \$2,085,826.

(Resource Person: Pierre Osei-Owusu - 919-560-1535 ext. 36214) (PR# 13404)

**12. U-4724 Cornwallis Road Sidewalk and Bike Lane Municipal Agreement**

To adopt the Federal Highway Administration and NC Department of Transportation Cornwallis Road Sidewalk and Bike Lane Grant Project Ordinance Superseding Grant Project Resolution #9938; and

To authorize the City Manager to execute the grant agreement with NCDOT.

(Resource Person: Ellen Beckmann - 919-560-4366 ext. 36412) (PR# 13431)

**13. First Amendment to Contract for Uniformed, Unarmed Security Guard Services in the Parking Garages**

To authorize the City Manager to execute an amended contract with Universal Protection Service, LLC to provide security guard services for city parking facilities for a total contract amount not to exceed \$2,753,717.40.

(Resource Person: Thomas Leathers - 919-560-4366 ext. 36207) (PR# 13443)

**14. Cell Tower Lease and License Agreement with T-Mobile (1701 Cole Mill Road)**

To authorize the City Manager to execute a Cell Tower Lease and License Agreement with T-Mobile for a 10-year term to attach antennas to the City-owned cell tower located at 1701 Cole Mill Road, Durham, NC, Parcel ID 174121; and

To authorize the City Manager to execute a Memorandum of Lease and License Agreement.

(Resource Person: Selena Jones - 919-560-4197 ext. 21241) (PR# 13432)

**15. Cultural and Public Art Resolution to Incorporate Membership Changes and Department Affiliation**

To adopt the Cultural and Public Art Resolution.

(Resource Person: Rebecca Brown - 919-560-4197 ext. 21245) (PR# 13442)

**16. Private Drainage Assistance Projects (SD-2018-06) – Amendment No. 2**

To authorize the City Manager to amend the existing contract SD-2018-06, Private Drainage Assistance Projects, with Horvath Associates, P.A. in the amount of \$13,040 for a revised, total contract amount of \$132,145.69;

To establish a revised contingency fund in the amount of \$1,956; and

To authorize the City Manager to negotiate additional change orders for contract SD-2018-06 provided that the total cost of the contract including all amendment change orders does not exceed \$134,101.69.

(Resource Person: Dana Hornkohl - 919-560-4324 ext. 30246) (PR# 13417)

**17. Private Drainage Assistance Projects (SD-2018-08) – Amendment No. 1**

To authorize the City Manager to amend the existing contract SD-2018-08, Private Drainage Assistance Projects, with Summit Design and Engineering, PLLC in the amount of \$108,361.19 for a revised, total contract amount of \$286,322.19;

To amend the existing contingency fund by an increase in the amount of \$16,254.18 for a revised, total contingency amount of \$42,948.33; and

To authorize the City Manager to negotiate change orders for contract SD-2018-08 provided that the total cost of the contract together with all amendment change orders does not exceed \$329,270.52.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 13390)

**18. Stormwater Infrastructure Repairs (SD-2019-01)**

To authorize the City Manager to execute Contract SD-2019-01, Stormwater Infrastructure Repairs, with FSC, II, LLC dba Fred Smith Company in the amount of \$599,337;

To establish a contingency fund in the amount of \$89,900.55; and

To authorize the City Manager to negotiate change orders for Contract SD-2019-01 provided that the total project cost does not exceed \$689,237.55.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 13436)

**19. Municipal Separate Storm Sewer System (MS4) Inspections (SD-2019-06 and SD-2019-07)**

To authorize the City Manager to execute Contract SD-2019-06, Municipal Separate Storm Sewer System (MS4) Inspections, with Hydrostructures, P.A. in the amount of \$98,000; and

To authorize the City Manager to execute Contract SD-2019-07, Municipal Separate Storm Sewer System (MS4) Inspections, with Vision NC, LLC in the amount of \$132,000.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 13438)

**20. Stormwater Infrastructure Repairs (SD-2019-02) – Amendment No. 2**

To authorize the City Manager to amend the existing contract SD-2019-02, Stormwater Infrastructure Repairs, with White Oak Construction Corp. of N.C. in the amount of \$237,885 for a revised, total contract amount of \$961,482;

To amend the existing contingency fund by an amount of \$35,682.75 for a revised, total contingency amount of \$144,222.30; and

To authorize the City Manager to negotiate additional change orders for contract SD-2019-02 provided that the cost of all amendment change orders does not exceed \$35,682.75 and the total contract amount does not exceed \$1,105,704.30.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 13418)

**21. Amendment #6 to the Scrap Tire Disposal/Recycling Services Contract Between the City of Durham and Central Carolina Holding, LLC**

To authorize the City Manager to execute a two year contract extension with Central Carolina Holding, LLC through September 30, 2021, for scrap tire disposal and recycling services, with the option to renew for one additional two-year contract term, at an estimated annual cost of \$237,500.00 per year.

(Resource Person: Jim Reingruber - 919-560-4186 ext. 32224) (PR# 13419)

**General Business Agenda - Public Hearings**

**23. Consolidated Item - New Haven Townhouses**

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 Low-Medium Density Residential 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 Unified Development Ordinance by taking property out of the Residential Suburban-20 (RS-20) Zoning District and establishing the same as Planned Development Residential 6.239 (PDR 6.239) Zoning District.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 13391)

**24. Zoning Map Change - Magnolia Creek Phase IV**

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

Motion #1: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #2: To adopt an ordinance amending the Unified Development Ordinance by taking property out of the Planned Development Residential 4.990 (PDR 4.990) and Falls/Jordan Lake Watershed Protection Overlay District-B (F/J-B) and establishing the same as the Planned Development Residential 7.899 (PDR 7.899) and Falls/Jordan Lake Watershed Protection Overlay District-B (F/J-B);

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 13398)

**25. Consolidated Annexation - All Saints United Methodist Church**

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

Motion #1: To adopt an ordinance annexing All Saints United Methodist Church into the City of Durham effective September 30, 2019; and to authorize the City Manager to enter into a utility extension agreement with All Saints United Methodist Church;

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 the Property out of Residential Rural Zoning District (RR), County Jurisdiction and establishing the same as Residential Rural Zoning District, (RR), City Jurisdiction.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 13421)

**26. Consolidated Annexation - 5510 Barbee Chapel Road**

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

Motion #1: To adopt an ordinance annexing 5510 Barbee Chapel Road into the City of Durham effective September 30, 2019;

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 Residential Rural Zoning District, Falls/Jordan Lake Watershed Protection Overlay District B (RR, F/J-B), County Jurisdiction and establishing the same as Residential Rural Zoning District, Falls/Jordan Lake Watershed Protection Overlay District B (RR, F/J-B), City Jurisdiction.

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 13422)

**27. Consolidated Annexation - Huntington Valley**

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

Motion #1: To adopt an ordinance annexing Huntington Valley into the City of Durham effective September 30, 2019;

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 the Residential Rural Zoning District, Eno River Watershed Protection Overlay District B, (RR, E-B, County Jurisdiction) and establishing the same as Residential Rural Zoning District, Eno River Watershed Protection Overlay District B (RR, E-B, City Jurisdiction).

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 13423)

**28. Consolidated Annexation - Hopewell Academy**

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

Motion #1: To adopt an ordinance annexing Hopewell Academy into the City of Durham effective September 30, 2019, and to authorize the City Manager to enter into a utility extension agreement with RTP, International Education 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 Industrial Light Zoning District (IL), County Jurisdiction and establishing the same as Industrial Light (IL), City Jurisdiction.

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 13424)

**Other Matters**

**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 supplement comments.

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 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, as soon as possible but no later than 48 hours before the event or deadline date.