



City Council Meeting
Monday, February 05, 2018 - 7:00 PM
Council Chambers, First Floor

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

STATE OF THE CITY ADDRESS

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 the City Council minutes for the following meeting dates: October 5, 2017; November 9, 2017; November 20, 2017; November 21, 2017 and December 4, 2017.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 12325)

2. DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENT

To appoint Allison Blood to the Durham City-County Environmental Affairs Board representing Energy with the term to expire on June 1, 2018.

(Due to the resignation of Nancy LaPlaca)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12323)

3. DURHAM PLANNING COMMISSION - APPOINTMENT

To appoint Carmen Nicole Williams to the Durham Planning Commission with the term to expire on June 30, 2020.

(Due to the resignation of DeDreana Freeman)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12331)

4. 2017 MUNICIPAL PRIMARY ELECTION

To authorize payment in the amount of \$4,619.53 to the Wake County Board of Elections for the October 10, 2017 and November 7, 2017 Primary Elections held for a portion of the City of Durham that falls within Wake County.

(Resource Person: Diana Schreiber and Wake County Board of Elections - 919-560-4166 ext. 12326)

5. CONTRACT WITH WSP, INC. FOR THE DEVELOPMENT OF THE US 15-501 CORRIDOR STUDY BETWEEN UNIVERSITY DRIVE IN DURHAM AND EPHEBUS CHURCH ROAD IN CHAPEL HILL

To authorize the City Manager to execute a contract with WSP, Inc. for the Corridor Study in an amount not to exceed \$399,991.00.

(Resource Person: Felix Nwoko - 919-560-4366 ext. 36424) (PR# 12320)

6. CONTRACT SW-27 FAYETTEVILLE STREET SIDEWALK (TIP# SR-5001C)

To adopt a resolution authorizing the City Manager to execute a contract for SW-27, Fayetteville Street Sidewalk and Roadway Repairs, with Lanier Construction Company, Inc. in the amount of \$292,702.00;

To establish a contingency fund in the amount of \$43,905.30; and

To authorize the City Manager to execute change orders to the contract such that the total Contract cost does not exceed \$336,607.30.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12315)

7. CONTRACT SW-27C, FAYETTEVILLE STREET SIDEWALK AND ROADWAY REPAIRS CONSTRUCTION ADMINISTRATION AND INSPECTIONS (TIP# SR-5001C)

To authorize the City Manager to execute a Construction Administration and Inspections contract for SW-27C, Fayetteville Street Sidewalk and Roadway Repairs (TIP# SR-5001C) with A. Morton Thomas and Associates, Inc. in the amount not to exceed \$88,263.61.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12321)

8. CONTRACT SW-34 AVONDALE SIDEWALK PROJECT (TIP# U-4726HM)

To adopt a resolution authorizing the City Manager to execute a contract for SW-34, Avondale Sidewalk Project with Browe Construction Company in the amount of \$419,830.00;

To establish a contingency fund in the amount of \$41,983.00; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$461,813.00.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12312)

9. CONTRACT SW-34C, AVONDALE SIDEWALK CONSTRUCTION ADMINISTRATION AND INSPECTIONS (TIP# U-4726HM)

To authorize the City Manager to execute a Construction Administration and Inspections contract for SW-34C, Avondale Sidewalk (TIP# U-4726HM) with AECOM Technical Services of North Carolina, Inc. in the amount not to exceed \$77,458.33.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12311)

10. CONTRACT SW-35 CAMPUS WALK AND LASALLE SIDEWALK PROJECT (TIP# C-5178)

To adopt a resolution authorizing the City Manager to execute a contract for SW-35, Campus Walk and LaSalle Sidewalk Project with Lanier Construction Company, Inc. of N.C. in the amount of \$226,051.15;

To establish a contingency fund in the amount of \$22,605.12; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$248,656.27.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12314)

11. CONTRACT SW-35C, CAMPUS WALK & LASALLE SIDEWALK CONSTRUCTION ADMINISTRATION AND INSPECTIONS (TIP# C-5178)

To authorize the City Manager to execute a Construction Administration and Inspections contract for SW-35C, Campus Walk and LaSalle Sidewalk (TIP# C-5178) with SEPI Engineering & Construction, Inc. in the amount not to exceed \$66,234.34.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12313)

12. SUPPLEMENTAL AGREEMENT FOR NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CAMPUS WALK AND LASALLE SIDEWALK PROJECT (TIP# C-5178)

To authorize the City Manager to execute a Supplemental Agreement with NCDOT to extend the completion time for Campus Walk and LaSalle Sidewalk Project (TIP Project: 46239.3.1 - C-5178, City Contract SW-35) to July 2021.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12319)

13. CITY CODE AND FEE ORDINANCE REVISIONS FOR SMALL WIRELESS FACILITIES

To receive a presentation on the Small Wireless Facilities and the recent state law regarding their placement within the public way;

To adopt an Ordinance to amend Sections 62-50 and 62-55 of the Durham City Code of Ordinances;

To adopt an Ordinance to add Section 62-58 to the Durham City Code of Ordinances;

To adopt an Ordinance to amend Section 13B-104 of the Fee Schedule; and

To adopt an Ordinance to add Section 13B-116 to the Fee Schedule.

(Resource Person: Daniel Vallero - 919-560-4326 ext. 30291) (PR# 12304)

15 - 16. THESE ITEMS CAN BE FOUND ON THE GENERAL BUSINESS AGENDA – PUBLIC HEARINGS.

GENERAL BUSINESS AGENDA - PUBLIC HEARINGS

15. ZONING MAP CHANGE – COPLEY FARM II

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 the property in zoning map change case Z1700016 out of the Residential Rural (RR) zoning district and placing the same in and establishing the same as Planned Development Residential-3.997 (PDR 3.997).

(Resource Person: Jacob Wiggins - 919-560-4137 ext. 28257) (PR# 12308)

16. CONSOLIDATED ANNEXATION ITEM – ANGIER AVENUE RESIDENTIAL

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

Motion #1: To adopt an ordinance annexing Angier Avenue Residential into the City of Durham effective March 31, 2018 and to authorize the City Manager to enter into a utility extension agreement with Angier 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 to establish Planned Development Residential 3.958 (PDR 3.958) zoning for the subject site.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 12317)

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, TTY 919-560-1200, or ADA@durhamnc.gov (mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.