



## City Council Work Session Agenda Thursday, October 8, 2020 - 1 p.m. Virtual Meeting

*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**

### **Roll Call**

### **Announcements by Council**

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

### **Administrative Consent Items**

### **City Clerk's Office**

#### **1. Approval of City Council Minutes**

To approve the City Council Minutes for the following meetings: August 20, 2020 (Special Meeting); August 20, 2020 (Work Session); August 24, 2020 (Special Meeting); August 27, 2020 (Special Meeting) and August 31, 2020 (Special Meeting).

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 14194)

#### **2. Durham Affordable Housing Implementation Committee - Appointment**

To appoint a resident to fill (1) vacancy on the Durham Affordable Housing Implementation Committee for a resident from the Durham Housing Authority properties, with the term to expire on October 5, 2023.

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14207)

#### **3. Durham Bicycle & Pedestrian Advisory Commission - Appointment**

To appoint a resident to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission representing Urban Trails & Greenways with the term to expire on August 31, 2023.

(Due to the term expiring of Daniel A. Clever)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14208)

**4. Durham Convention & Visitors Bureau Board of Directors dba Discover Durham - Appointments**

To reappoint Ron Hunter to represent Lodging - Limited Services and to appoint Thomas C. Lubbe to represent Lodging - Full Services on the Durham Convention & Visitors Bureau Board of Directors dba Discover Durham, with the terms to expire on October 31, 2023.

(Due to the terms expiring of Ron Hunter and Craig Spritzer)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14206)

**5. Durham Planning Commission - Appointment**

To appoint a resident to fill one (1) vacancy on the Durham Planning Commission with the term to expire on June 30, 2022.

(Due to the resignation of Cristian A. Santiago)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14204)

**6. Durham Workers' Rights Commission - Appointment**

To appoint a resident to fill one (1) vacancy on the Durham Workers' Rights Commission to represent a Diverse Background such as a trade union and/or an unorganized constituency, with the term to expire on April 30, 2023.

(Due to the resignation of Austin Amandolia)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14205)

**Departmental Items**

**Budget and Management Services Department**

**7. Request to Amend the Fiscal Year 2020-21 Capital Improvements Project Ordinance for General Fund, Solid Waste, Stormwater and Transit Funds**

To adopt an amended General Capital Improvements Project (CIP) ordinance, Fiscal Year 2020-21, as amended, the same being Ordinance #15627 for the purpose of adding and modifying projects;

To adopt an amended Solid Waste CIP ordinance, Fiscal Year 2020-21, as amended, the same being Ordinance #15630 for the purpose of addressing administrative clean-up to projects;

To adopt an amended Stormwater CIP ordinance, Fiscal Year 2020-21, as amended, the same being Ordinance #15629 for the purpose of administrative appropriations of funding;

To adopt an amended Transit CIP ordinance, Fiscal Year 2020-21, as amended, the same being Ordinance #15632 for the purpose of addressing administrative appropriations of Transit funding; and

To adopt FY 2020-21 Coronavirus Relief Fund (CARES ACT) Grant Project Ordinance and authorize the City Manager to execute the grant agreement.

(Resource Person: Christina Tookes - 919-560-4111 ext. 20283) (PR# 14218)

### **Department of Water Management**

#### **8. North Durham Water Reclamation Facility and Acadia Street Water Main Replacement and Fletcher's Chapel Road Sewer Improvements – Award of Construction Contract to Carolina Civilworks Inc.**

To authorize the City Manager to execute a contract with Carolina Civilworks Inc. in the amount of \$1,149,133.33 for the North Durham Water Reclamation Facility and Acadia Street Water Main Replacement and Fletcher's Chapel Road Sewer Improvements contract;

To establish a contingency fund for the contract in the amount of \$114,866.67; and

To authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$1,264,000.

(Resource Person: Jerry F. Morrone - 919-560-4381 ext. 35243) (PR# 14198)

### **Finance Department**

#### **9. Interlocal Agreement for the Collection of Taxes with the County of Orange**

To authorize the City Manager to execute the Interlocal Agreement for the Collection of Taxes with the County of Orange.

(Resource Person: Keith R. Herrmann - 919-560-4455 ext. 18230) (PR# 14217)

#### **10. Resolution for Installment Financing Contract Amendment**

To adopt a Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Providing for Certain other related matters.

(Resource Person: Emily Desiderio - 919-560-4511 ext. 18238) (PR# 14202)

### **General Services Department**

**11. Acquisition of 1602 Midland Terrace (PID #159782)**

To exercise the option to purchase agreement for 8.09 acres at 1602 Midland Terrace, signed by Allister and Ruth Waldrop in the amount of \$485,400 on June 9, 2020; and

To authorize the City Manager to execute any additional agreements or contract modifications that are necessary to successfully complete the acquisition.

(Resource Person: Matthew Filter - 919-560-4197 ext. 21274) (PR# 14216)

**12. Construction Contract with Engineered Construction Company for Rock Quarry Park Upgrades**

To authorize the City Manager to execute a construction contract with Engineered Construction Company for the Rock Quarry Park Upgrades project in the amount of \$955,902;

To establish a contingency fund for the contract in the amount of \$95,590; and

To authorize the City Manager to negotiate and execute amendments to the construction contract provided the total project cost does not exceed \$1,051,492.

(Resource Person: Nia Rodgers - 919-560-4197 ext. 21225) (PR# 14219)

**Neighborhood Improvement Services Department**

**13. Fair Housing Assistance Program Grant Project Ordinance**

To authorize the City Manager to accept funding from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$115,162.32 for the continuation of the City's fair housing program by executing the grant award document; and

To adopt the City of Durham Grant Project Ordinance.

(Resource Person: Cheryl McDonald - 919-560-1647 ext. 34248) (PR# 14171)

**Public Works Department**

**14. Odyssey Drive Culvert Replacement (SD-2020-01)**

To authorize the City Manager to execute Contract SD-2020-01, Odyssey Drive Culvert Replacement, FSC II, LLC dba Fred Smith Company in the amount of \$687,697;

To establish a contingency fund in the amount of \$103,154.55; and

To authorize the City Manager to negotiate change orders for Contract SD-2020-01 provided that the total contract cost does not exceed \$790,851.55.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 14209)

**15. Odyssey Drive Culvert Replacement (SD-2018-01) - Amendment No. 2**

To authorize the City Manager to amend the existing contract SD-2018-01, Odyssey Drive Culvert Replacement, with Summit Design and Engineering, PLLC in the amount of \$95,670 for a revised, total contract amount of \$203,086.70;

To amend the existing contingency fund of \$7,305.12 by an increase in the amount of \$14,350.50 for a revised, total contingency amount of \$21,655.62; and

To authorize the City Manager to negotiate change orders for contract SD-2018-01 provided that the total cost of the contract together with all amendment change orders does not exceed \$224,742.32.

(Resource Person: Dana Hornkohl - 919-560-4326 ext. 30246) (PR# 14210)

## **Public Hearings**

### **City-County Planning Department**

#### **16. Consolidated Annexation - 1101 Olive Branch Road**

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

Motion #1: To adopt an ordinance annexing 1101 Olive Branch Road into the City of Durham effective December 31, 2020; and to authorize the City Manager to enter into a utility extension agreement with J Paliouras LLC;

Motion #2: To adopt a Resolution amending the Future Land Use to Low Density Residential;

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 the Residential Rural (RR), Falls/Jordan Lake Watershed Protection Overlay District-B (F/J-B), County Jurisdiction and establishing the same as Planned Development Residential 2.999 (PDR 2.999, Falls/Jordan Lake Watershed Protection Overlay District-B (F/J-B), City Jurisdiction.

(Resource Person: Grace Smith - 919-560-4137 ext. 28215) (PR# 14220)

#### **17. Consolidated Annexation - Farrington Road Multi-Family (BDG1900017)**

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

Motion #1: To adopt an ordinance annexing 'Farrington Multi-Family' into the City of Durham effective December 31, 2020;

Motion #2: To adopt a Consistency Statement as required by North Carolina General Statute (NCGS) 160A-383; and

Motion #3: To adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Suburban - 20 District (RS-20), Falls/Jordan Watershed Protection Overlay District B (F/J-B), County Jurisdiction, and establishing the same as Residential Compact with a development plan (RC(D)), Falls/Jordan Watershed Protection Overlay District B (F/J-B), City Jurisdiction; and to adopt an ordinance approving a statutory Development Agreement with an associated utility extension agreement with CKE V, LLC; and to authorize the City Manager to execute both the Development Agreement and the utility extension agreement.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 14215)

**18. Consolidated Annexation - Knotty Pine Drive Annexation**

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

Motion #1: To adopt an ordinance annexing 'Knotty Pine Drive' into the City of Durham effective December 31, 2020, and to authorize the City Manager to enter into a utility extension agreement with Jane Austin Mahan and Neal Mahan;

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

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 14214)

**19. Paschall's Bakery Building and Studebaker Building - Landmark Repeal**

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

Motion #1: To approve the repeal of landmark designation for Paschall's Bakery and Studebaker Building, both structures and land.

(Resource Person: Grace Smith - 919-560-4137 ext. 28215) (PR# 14213)

**Public Works Department**

**20. Curb, Gutter and Paving, Water and Sewer Mains, and Water and Sewer Laterals on a Portion of Ardmore Drive [15 minutes]**

To receive a presentation on the petition process for infrastructure improvements;

To accept a Certificate of Sufficiency for a petition for improvements on a portion of Ardmore Drive;

To adopt a Preliminary Resolution on Proposed Local Improvement;

To conduct a public hearing to receive comments and consider ordering curb, gutter and paving, water and sewer mains, and water and sewer laterals on a portion of Ardmore Drive; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically curb, gutter and paving, water and sewer mains, and water and sewer laterals on Ardmore Drive from the east property line of 917 Ardmore Drive (Parcel ID 146356) west to the west property line of 608 Ardmore Drive (Parcel ID 146349).

(Resource Person: Robert N. Joyner, Jr. - 919-560-4326 ext. 30229) (PR# 14173)

**21. Curb, Gutter and Paving, Water and Sewer Laterals on a Portion of Linden Terrace**

To accept a Certificate of Sufficiency for a petition for improvements on a portion of Linden Terrace;

To adopt a Preliminary Resolution on Proposed Local Improvement;

To conduct a public hearing to receive comments and to consider ordering curb, gutter and paving, and water and sewer laterals on Linden Terrace; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically curb, gutter and paving, and water and sewer laterals on Linden Terrace from American Drive southwest to the end of the street.

(Resource Person: Robert N. Joyner, Jr. - 919-560-4326 ext. 30229) (PR# 14172)

### **Citizens' Matters – To be heard at 1 p.m.**

#### **22. Dr. Johnson O. Akinleye**

To receive comments from Dr. Johnson O. Akinleye regarding North Carolina Central University campus safety.

(Resource Person: Dr. Johnson O. Akinleye) (PR# 14225)

#### **23. Kevin Holloway**

To receive comments from Kevin Holloway regarding risk to North Carolina Central University student safety.

(Resource Person: Kevin Holloway) (PR# 14226)

#### **24. Kenneccia Woolard**

To receive comments from Kenneccia Woolard regarding North Carolina Central University campus safety.

(Resource Person: Kenneccia Woolard) (PR# 14230)

#### **25. Keshawn Coleman**

To receive comments from Keshawn Coleman regarding North Carolina Central University campus safety.

(Resource Person: Keshawn Coleman) (PR# 14229)

#### **26. Beverly Evans**

To receive comments from Beverly Evans regarding more patrol cars and cameras around the outskirts of North Carolina Central University.

(Resource Person: Beverly Evans) (PR# 14232)

#### **27. Rev. Dr. Jay Augustine**

To receive comments from Rev. Dr. Jay Augustine regarding crime reduction near North Carolina Central University.

(Resource Person: Rev. Dr. Jay Augustine) (PR# 14228)

## **Settling the Agenda**

## **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 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) (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) (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) (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.