



## City Council Meeting Agenda Monday, April 16, 2018 - 7 p.m. 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

- NCCU Men's Basketball Team Recognition
- Neighborhood Spotlight Recipient – Recognition of Lisa Richmond
- Sunday Supper Durham Day Proclamation
- Presentation by Spring Valley Elementary School Students

### Announcements by Council

- Statement by the Durham City Council on International Police Exchanges

## **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: January 11, 2018 (Special), January 16, 2018 (Special), January 16, 2018, January 23, 2018 February 2, 2018 (Special) and February 5, 2018.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 12426)

#### **2. Durham City-County Appearance Commission - Appointments**

To reappoint Richard Crawford and to appoint Leslie A. Mason to the Durham City-County Appearance Commission with the terms to expire on April 1, 2021.

(Due to the terms expiring of Teddy Maynor and Richard Crawford)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12453)

#### **3. City-County Committee on Confederate Monuments and Memorials – Appointments**

To appoint Stephanie Diane Ford, Cynthia R. Greenlee, Barbara A. Lau, Deondra Rose and Elizabeth B. Sappenfield to serve on the newly established City-County Committee on Confederate Monuments and Memorials with terms to expire year ending 2018.

(Resource Person: LaVerne V. Brooks - 919-569-4166 ext. 12264) (PR# 12456)

#### **4. Contract Administration and Change Order Performance Audit dated March 2018**

To receive and accept the Contract Administration and Change Order Performance Audit dated March 2018 as presented and approved at the March 26, 2018 Audit Services Oversight Committee meeting.

(Resource Person: Germaine Brewington - 919-560-4213 ext. 14244) (PR# 12454)

**6. 2017 Planning Commission Annual Report**

To receive the 2017 Planning Commission Annual Report.

(Resource Person: Grace Smith - 919-560-4137 ext. 28215) (PR# 12439)

**7. 2017 Durham Environmental Affairs Board Annual Report**

To receive the 2017 Durham Environmental Affairs Board Annual Report.

(Resource Person: Laura Woods - 919-560-4137 ext. 28248) (PR# 12440)

**8. 2017 Durham City-County Appearance Commission Annual Report**

To receive the 2017 Durham City-County Appearance Commission Annual Report.

(Resource Person: Matthew Filter - 919-560-4137 ext. 28271) (PR# 12441)

**9. 2017 Historic Preservation Commission Annual Report**

To receive the 2017 Historic Preservation Commission Annual Report.

(Resource Person: Karla Rosenberg - 919-560-4137 ext. 28259) (PR# 12442)

**10. 2017 Durham Open Space and Trails Commission Annual Report**

To receive the 2017 Durham Open Space and Trails Commission Annual Report.

(Resource Person: Scott Whiteman - 919-560-4137 ext. 28253) (PR# 12443)

**11. 2017 Durham Board of Adjustment Annual Report**

To receive the 2017 Durham Board of Adjustment Annual Report.

(Resource Person: Bo Dobrzanski - 919-560-4137 ext. 28230) (PR# 12444)

**12. Supplemental Agreement with North Carolina Department of Transportation and the City of Durham for the R. Kelly Bryant Bridge Trail Project**

To adopt the City of Durham Federal Highway Administration Funding from the NC Department of Transportation for the Purpose of Constructing the R. Kelly Bryant Bridge Trail Grant Project Ordinance superseding Grant Project Ordinance, Resolution #100047, and authorize the execution of the grant agreement; and

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2017-18, as amended, the same being Ordinance #15131, for the purposes of receiving funds in the amount of \$3,989,621.00 for designing and constructing the R. Kelly Bryant Bridge Trail project (CH032).

(Resource Person: Bryan Poole - 919-560-4366 ext. 36423) (PR# 12416)

**13. Grant Agreement with North Carolina Department of Transportation and the City of Durham for the Third Fork Creek Trail Extension Project**

To adopt the City of Durham Federal Highway Administration Funding from the NC Department of Transportation for the Purpose of Constructing the Third Fork Creek Trail Grant Project Ordinance and authorize the execution of the grant agreement; and

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2017-18, as amended, the same being Ordinance #15131, for the purposes of receiving additional funds in the amount of \$2,854,000 to the Third Fork Creek Project (CH033).

(Resource Person: Bryan Poole - 919-560-4366 ext. 36423) (PR# 12417)

**14. Proposed 5-Year Lease with Hanson Aggregates Southeast, LLC for Teer Quarry at 5090 Denfield Road**

To authorize the City Manager to execute a 5-year lease agreement with Hanson Aggregates Southeast LLC for 9.45 acres at Teer Quarry located at 5090 Denfield Road (parcel #209176) for \$10,000.00 per year.

(Resource Person: Selena Jones - 919-560-4197 ext. 21241) (PR# 12436)

**15. Acceptance of the Donation of Public Art Sculptures from Trinity Park Foundation**

To authorize the City Manager to execute a contract with Trinity Park Foundation, Inc. accepting the donation and ownership of a sculpture entitled "The Rising Flame" by artist Michael Waller; and

To authorize the City Manager to execute a contract with Trinity Park Foundation, Inc. accepting the donation and ownership of a sculpture entitled "Industrial Romantic" by artist Al Frega.

(Resource Person: Brian Smith - 919-560-4965 ext. 15205) (PR# 12449)

**16. Utility Extension Agreement with the Miracle League of the Triangle, Inc. to serve The Miracle League at American Tobacco**

To authorize the City Manager to enter into a utility extension agreement with The Miracle League of the Triangle, Inc. to provide water and sewer service to the Miracle League at American Tobacco project and to reimburse the construction of the sanitary sewer outfall.

(Resource Person: Robert N. Joyner - 919-560-4326 ext. 30229) (PR# 12433)

**19. Adoption of the Downtown Durham Master Plan Updates**

To adopt the Downtown Durham Master Plan.

(Resource Person: Summer Alston - 919-560-4965 ext. 15238) (PR# 12428)

**21. – 28. These items can be found on the General Business Agenda – Public Hearings.**

**General Business Agenda - Public Hearings**

**21. Unified Development Ordinance Text Amendment, Design District Streetscape Alternative**

To conduct a public hearing to receive comments on the Unified Development Ordinance Text Amendment, Design District Streetscape Alternative (TC1700007), and to 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 16, Design Districts.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 12430)

**22. Zoning Map Change for Lumley Road Assemblage**

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 to amend the Unified Development Ordinance to take property out of the Residential Rural (RR) zoning district and establish Office and Institutional (OI) zoning at the subject site.

(Resource Person: Jacob Wiggins - 919-560-4137 ext. 28257) (PR# 12437)

**23. Consolidated Land Use Item for 410 Crutchfield Street**

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 establish Office as the site's designation;

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

Motion #3: To adopt an Ordinance to amending the Unified Development Ordinance to take property of the Residential Urban-5 (RU-5) zoning district and establish the same as Office and Institutional (OI) for the subject site.

(Resource Person: Jacob Wiggins - 919-560-4137 ext. 28257) (PR# 12431)

#### **24. Consolidated Item for 3718 North Roxboro Street**

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 Commercial for the subject site;

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

Motion #3: To adopt an Ordinance amending the Unified Development Ordinance by taking the property out of the Office and Institutional, Falls/Jordan-B District Watershed Protection Overlay (OI, F/J-B) zoning district and establishing the same as Commercial Neighborhood with a Development Plan, Fall/Jordan-B District Watershed Protection Overlay (CN(D), F/J-B) for the subject site.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 12432)

#### **25. Consolidated Annexation Item for 3404 Page Road**

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

Motion #1: To adopt an Ordinance annexing "3404 Page Road" into the City of Durham effective June 30, 2018 and to authorize the City Manager to enter into a utility extension agreement with Capital Properties of Raleigh, LLC;

Motion #2: To adopt a Resolution amending the Future Land Use Map to Low-Medium Density Residential for the subject site;

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

Motion #4: To adopt an Ordinance amending the Unified Development Ordinance by taking the property out of Rural Residential (RR), County Jurisdiction and establishing the same as Planned Development Residential 5.788 (PDR 5.788), City Jurisdiction for the subject site.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 12438)

## **26. Public Hearing and Approval of the Draft FY 2018-2019 Annual Action Plan**

To conduct a public hearing to receive comments on the Draft FY 2018-2019 Annual Action Plan for the use of Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) funds;

To approve the Draft FY 2018-2019 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME, ESG, and HOPWA program agreements and related documents;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant Project Ordinance in the amount of \$1,900,000.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnership Program Grant Project Ordinance in the amount of \$1,000,000.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant Project Ordinance in the amount of \$165,000.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Housing Opportunities for Persons With AIDS Grant Project Ordinance in the amount of \$328,000.00.

(Resource Person: Wilmur Conyers - 919-560-5670 ext. 22277) (PR# 12435)



**27. Public Hearing to Consider Adopting a Resolution Rescinding a Previously Ordered Sewer Main and Outfall to Serve Red Coach Road and Grand Oaks Road**

To conduct a public hearing to receive comments on adopting a resolution rescinding the previously ordered petitioned sewer main and outfall improvements; and

To adopt a Resolution rescinding the previously ordered sewer main and outfall improvements on Red Coach Road from Bivins Road to the north property line of PIN 0815-04-51-9487 and Grand Oaks Road from Red Coach Road east to the end of the cul-de-sac.

(Resource Person: Robert N. Joyner, Jr. - 919-560-4326 ext. 30229) (PR# 12446)

**28. Public Hearing to Consider Adopting a Resolution Rescinding a Previously Ordered Sewer Main to Serve a Portion of East Greer Street**

To conduct a public hearing to receive comments on adopting a resolution rescinding the previously ordered petitioned sewer main improvement; and

To adopt a Resolution rescinding the previously ordered sewer main improvement on East Geer Street from the north property line of PIN 0853-03-10-2908 to Bullock Road.

(Resource Person: Robert N. Joyner, Jr. - 919-560-4326 ext. 30229) (PR# 12447)

**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.