



**City Council Work Session Agenda**  
**Thursday, March 8, 2018 - 1 p.m.**  
**101 City Hall Plaza, 2nd Floor Committee Room**

*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 meeting dates: December 18, 2017; January 2, 2018; January 4, 2018 (Work Session); January 4, 2018 (Special); January 10, 2018; January 11, 2018 and January 16, 2018.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 12397)

## **Departmental Items**

### **Department of Community Development**

#### **2. FY 2016-2018 Emergency Solutions Grant and City General Funds Housing for New Hope, Inc. Subrecipient Contract Rapid Re-Housing Project**

To authorize the expenditure of \$59,223.00 in Emergency Solutions Grant funds and \$200,000.00 in City General funds; and

To authorize the City Manager to execute a contract with Housing for New Hope, Inc. in the amount of \$259,223.00 to rapidly rehouse households experiencing homelessness in Durham.

(Resource Person: Matthew Walker - 919-560-4570 ext. 22250) (PR# 12324)

## **Finance Department**

### **3. FY2017-18 Second Quarter Financial Report**

To receive the FY2017-18 Second Quarter Financial Report.

(Resource Person: Keith Herrmann - 919-560-4455 ext. 18230) (PR# 12381)

**4. Resolution Authorizing the Negotiation of an Installment Finance Contract and Providing for Certain Other Related Matters**

To adopt a Resolution making certain findings of fact and calling a public hearing, related to the proposed issuance of not to exceed \$150,000,000 Tax-Exempt Limited Obligation Bonds of the City of Durham, North Carolina and authorizing a Deed of Partial Release upon conclusion of the financing in order to remove certain properties that are no longer needed in the collateral package.

(Resource Person: Emily Desiderio - 919-560-4511 ext. 18238) (PR# 12383)

**General Services Department**

**5. Donation from Durham Arts Council of Twelve Art Wrap Banners for Corcoran Garage**

To receive a presentation on the Corcoran Garage Art Wrap and Lighting Project; and

To authorize the City Manager to execute a contract with the Durham Arts Council, Inc. accepting the donation and installation of twelve art wrap banners and accompanying hardware.

(Resource Person: Stacey Poston - 919-560-4197 ext. 21254) (PR# 12388)

**6. Contract with Public Ground Studio, LLC for Public Art at Downtown Mixed-Use Parking at Downtown Mixed-Use Parking Garage**

To authorize the City Manager to execute a contract with Public Ground Studio LLC to design, fabricate, and install public art at the new Downtown Mixed-Use Parking Garage in an amount not to exceed \$100,000.00.

(Resource Person: Stacey Poston - 919-560-4197 ext. 21254) (PR# 12389)

**7. Proposed Conveyance of Various Property Interests to the North Carolina Department of Transportation for the Dial Creek Bridge Replacement Project**

To authorize, pursuant to NCGS 160A-274, conveying to the North Carolina Department of Transportation a) 1.122 acres on 2710 Bahama Road for a temporary construction easement and fee simple right-of-way; and b) .065 acres on 2802 Bahama Road for a temporary construction easement, with total payment for the property interests of \$14,650.00;

To authorize the City Manager to convey the City-owned property interests by special warranty deed for the sale of property and by easement deed for temporary easements; and

To authorize depositing the proceeds into the Department of Water Management's Miscellaneous Revenues Fund.

(Resource Person: Elizabeth Hyland - 919-560-4197 ext. 21295) (PR# 12390)

**8. Proposed Sale of Various Property Interests to BH-AG Durham Foster, LLC**

To receive a presentation on the proposed sale of various property interests  
**(15 minutes)**;

To authorize the City Manager to execute a development agreement with BH-AG Durham Foster, LLC for a retail and residential apartment building adjacent to Durham Central Park (parcel #104848), with said development agreement containing provisions for BH-AG Durham Foster, LLC to acquire the following property interests located on portions of the park for a total purchase price of \$150,000.00: a) a non-exclusive 15 foot-wide fire separation easement; b) a non-exclusive footings encroachment easement that is no more than 6 feet wide; c) two non-exclusive temporary construction easements of varying dimensions; d) an easement to permit the construction and maintenance of stairs connecting the proposed building and the park; and e) a 20 foot-wide cross-access easement;

To authorize the allocation of funds as enumerated in the Financial Impact section;

To authorize the City Attorney to draft and approve the language for an easement agreement consistent with the development agreement;

To advertise for upset bids pursuant to the procedure set forth in N.C.G.S. 160A-269;

To authorize the City Manager, pursuant to 86.3 of the City Charter, to accept the bid from the highest qualifying bidder at the conclusion of the upset bid procedure; and

To authorize the City Manager to sell and to convey the property interests by non-warranty deed, pursuant to the terms of the development agreement.

(Resource Person: Elizabeth Hyland - 919-560-4197 ext. 21295) (PR# 12396)

#### **Office of Economic and Workforce Development**

##### **9. Agreement with the Center for Documentary Studies to fund the Full Frame Documentary Film Festival**

To authorize the City Manager to execute a contract with the Center for Documentary Studies to fund FY2017-2018 Full Frame Documentary Film Festival in an amount not to exceed \$65,000.00.

(Resource Person: Edward Nixon - 919-560-4965 ext. 15225) (PR# 12379)

##### **10. Agreement with the American Dance Festival, Inc. to fund the Cultural Arts Programs**

To authorize the City Manager to execute a contract with the American Dance Festival, Inc. in an amount not to exceed \$50,000.00 to fund cultural arts programs.

(Resource Person: Edward Nixon - 919-560-4965 ext. 15225) (PR# 12380)

#### **Public Works Department**

##### **11. Reimbursement Agreement with Lennar Carolinas, LLC (Copley Farm Sewer Outfall)**

To authorize the City Manager to enter into a reimbursement agreement with Lennar Carolinas, LLC for construction of the Copley Farm Sewer Outfall and abandonment of Frazier Forest Pump Station.

(Resource Person: Robert N. Joyner - 919-560-4326 ext. 30229) (PR# 12386)

#### **Presentations**

#### **Equal Opportunity and Equity Assurance Department**

##### **12. City of Durham Small Business Capacity-Inclusion Efforts**

To receive a presentation on the City of Durham Small Business Capacity-inclusion Efforts **(15 minutes)**.

(Resource Person: Deborah Giles - 919-560-4180 ext. 17243) (PR# 12394)

#### **General Services Department**

##### **13. Presentation on the Downtown Durham Smart Vision Plan Update**

To receive an update report on the progress of the Downtown Durham SmART Vision Plan **(15 minutes)**.

(Resource Person: Stacey Poston - 919-560-4197 ext. 21254) (PR# 12393)

#### **Police Department**

##### **14. 2017 Fourth Quarter/Annual Crime Report Presentation**

*(To be provided at the March 19, 2018 City Council Meeting)*

To receive a presentation on the 2017 Fourth Quarter/Annual Crime Report.

(Resource Person: Wil Glenn - 919-560-4322 ext. 29197) (PR# 12349)

#### **Public Hearings**

#### **Budget and Management Services Department**

##### **15. Public Hearing on FY2018-19 Budget and FY2019-24 Capital Improvement Plan (CIP)**

To conduct a public hearing to receive comments on the FY2018-19 Budget and FY2019-24 Capital Improvement Plan (CIP).

(Resource Person: Bertha T. Johnson - 919-560-4111 ext. 20285) (PR# 12355)

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

##### **16. Revisions to Design Commitments for Arringdon 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 property out of the Mixed Use with a Development Plan, Major Transportation Corridor Overlay I-540 (MU(D), MTC I-540) zoning district and establishing the same as Mixed Use with a Development Plan, Major Transportation Corridor Overlay I-540 (MU(D), MTC I-540) for the subject site.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 12384)

##### **17. Consolidated Item for Page Park II**

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 subject site; and

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 Commercial General with a Development Plan (CG(D)) and Residential Suburban Multifamily with a Development Plan (RS-M(D)) Zoning Districts and establishing the same as Residential Suburban Multifamily with a Development Plan (RS-M(D)) for the subject site.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 12385)

### **18. Zoning Map Change for Park at Southpoint II**

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 Commercial as the site's designation; and

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 Office and institutional with a Development Plan, Residential Suburban-Multifamily with a Development Plan, Commercial General with a Development Plan (OI(D), RS-M(D), CG(D)) Zoning Districts and establishing the same as Commercial General with a Development Plan (CG(D)) for the subject site.

(Resource Person: Jacob Wiggins - 919-560-4137 ext. 28257) (PR# 12391)

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

#### **19. John Tarantino**

To receive comments from John Tarantino regarding vandalism.

(Resource Person: John Tarantino) (PR# 12401)

### **Settling the Agenda**

### **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. Speaker's 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.