

**THE BOARD OF COUNTY COMMISSIONERS  
DURHAM, NORTH CAROLINA**

Monday, November 10, 2014

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**AGENDA**

**"Public Charge"**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

**7:00 pm Regular Session**

1. **Opening of Regular Session - Pledge of Allegiance (5 min)**
2. **Agenda Adjustments (5 min)**
3. **Announcements (5 min)**
  - 1) The FY2014-2015 Matching Grant Program of the Durham Open Space and Trails Commission application process will be from September 1 until November 14, 2014. The grants are to assist nonprofit organizations in preserving open space lands and promoting new or improved recreational opportunities for citizens. All Durham community nonprofits interested in applying for FY2014-15 Matching Grant funds must submit an application by the November 14, 2014 deadline. The Matching Grant Program application and FY 2014-15 Program Guidelines are available on the County's website. For additional information, please contact the Matching Grants Administrator, Bo Gattis, in the Budget and Management Services department at 560-0012.
  - 2) "In Touch with Durham County," the Durham County Television show, airs daily on Durham Television Network (DTN) Channel 8 or 97-5 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
  - 3) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email [Clerk@dconc.gov](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.

- 4) "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.
- 5) As Chair of the Board of County Commissioners, I will hold office hours for citizens each Wednesday from 2:00 pm to 5:00 pm. Appointments can be made by calling me at (919) 949-4022.
- 6) Acknowledgement - This past Saturday, the Durham County Public Health Department held its Robert Wood Johnson Foundation Culture of Health celebration and Tom Joyner's Take a Loved One to the Doctor Event at the Durham County Health and Human Services building. The event was very successful and included fun for the whole family, with activities such as cooking and fitness demos, kids' games and activities, fresh produce giveaway by the Veggie Van and raffles and more. Public Health staff provided free health screenings for asthma, blood pressure, diabetes, HIV, hepatitis and sexually transmitted diseases. Radio One stations were on site broadcasting live and fun was had by all. The Public Health Department was awarded a \$25,000 prize in June from the Robert Wood Johnson Foundation in Recognition of Outstanding Efforts to Help People Lead Healthier Lives. Saturday's event was both a celebration of the Health Department's work that led to it being awarded the prize, as well as the department's continued work in promoting healthy living in our community. This Board wants to thank all of the employees who participated in making Saturday's event successful and all of the citizens who came out to celebrate and take part in the activities.

#### 4. Citizen Comments (30 min)

- 1) The Board of County Commissioners will provide a 30-minute comment period. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the Worksession to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

**Resource Person:** Michelle Parker-Evans, Clerk to the Board

**County Manager's Recommendation:** The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

#### 5. Proclamation – National Adoption Month (5 min)

- 1) Each year National Adoption Month is celebrated in November to raise awareness of the need for adoptive homes for children in foster care. DSS is requesting that the

Commissioners issue a proclamation recognizing the importance of adoption as a path to permanency for children in foster care in our community.

2) See attached proclamation.

**Resource Persons:** Janice Williams, Adoption Supervisor and Jovetta L. Whitfield, Assistant Director

**County Manager's Recommendation:** The County Manager recommends that the Board approve the Proclamation declaring November Adoption Awareness Month in Durham County.

**6. Consent Agenda (15 min)**

- a. Approve a contract amendment with Tyler Technologies, Inc. in the amount of \$266,413.33. Tyler Technologies, Inc. will provide field-based addressing and data confirmation, color street-level photographs of all improved residential real property, Computer Assisted Mass Appraisal (CAMA) sketch validation services and software to enable workflow for the 2016 Revaluation;
- b. Authorize the County Manager to execute a contract with Matthews Specialty Services in the amount of \$110,293.00 for the purchase of a bookmobile for the Durham County Library;
- c. Approve Budget Ordinance Amendment No. 15BCC000020 to recognize additional funds in the amount of \$3,000 from the Robert Wood Johnson Foundation to celebrate the Culture of Health Prize;
- d. Approve Capital Project Amendment No. 15CPA000005 moving \$2,450,000 from available unspent funds in the new County Courthouse capital project to the Main Library renovation capital project to support design, construction and contingency costs;
- e. Approve the 2015 Board of County Commissioners' meeting schedule;
- f. Authorize the County Manager to enter the "Right-of-Way Agreement" with Duke Energy Carolinas, LLC. for the electrical transformer relocation at the Holland St. Hotel project located at 315 E. Chapel Hill Street, Durham NC 27701;
- g. Approve Budget Ordinance Amendment No 15BCC000021 appropriating \$1,026,900 of Capital Financing Fund fund balance to transfer to the HVAC Replacement capital project and approval of Capital Project Amendment No. 15CPA000007 recognizing \$411,125 of new County Contribution funding for the HVAC Replacement capital project bringing the total capital project budget to \$1,026,900;
- h. Approve Capital Project Amendment No. 15CPA000006 closing the South Regional Library capital project and the Southwest Branch Library capital project;
- i. Approve the revised purchase price for the conservation easement with David Krabbe for a total of \$340,000 on 91.24 acres; and approve the Capital Project Amendment No. 15CPA000008 increasing the Open Space & Farmland Preservation capital project

\$309,500 with funding from a NC Agricultural Development; and a Farmland Preservation Trust Fund grant (\$139,500); and Farm and Ranchland Protection Program grant (\$170,000);

- j. Approve the Resolution Authorizing an Electronic Public Auction Sale and authorize the County Manager or designee to follow the surplus disposal procedures for proper disposal and removal of accumulated surplus vehicles.

**7. Public Hearing - The Community Transportation Program (CTP) Grant Application – Section 5311, FY 2015-2016 (10 min)**

- 1) The Board is requested to hold a public hearing on the proposed Federal Section 5311 grant application administered by the North Carolina Department of Transportation – Public Transportation Division (NCDOT-PTD). The purpose of the public hearing is twofold: 1) to allow members of the community the opportunity to comment on the application and the County’s transportation needs, and 2) to allow the County Board to approve the required attached resolution authorizing the submission of the grant application to the NCDOT-PTD. Durham County ACCESS implements the Community Transportation Program (CTP) for persons who are elderly, have a disability, or are transportation disadvantaged. The Durham County ACCESS program through the Cooperative Extension has applied for 5311 grant funds through the NCDOT-PTD annually since 1999. Former grant requests included funds to purchase vehicles and funds to subsidize the administrative costs associated with delivering the CTP. In September 2014, Durham County ACCESS was notified in a letter from NCDOT-PTD that the State would begin reducing its’ participation in the urban portion of Durham County’s administrative costs. This change in funding was based on the State’s decision to no longer offer the same level of state funding to CT systems that provide human service and general public transportation to individuals living in inside the UZA which is prohibited by the Section 5311 Program. To that end, NCDOT-PTD has begun the reduction in funding the urban portion and has advised Durham County to begin to seek other funding sources allowed for urbanized areas.
- 2) The CTP-5311 grant application requests \$88,735 the maximum level of funding the NCDOT-PTD has agreed to fund. If Durham County is awarded the grant, the NCDOT requires a local match of \$13,310.25 to be appropriated in the FY 15-16 budget and confirmation by Resolution that the revenue from this grant and the expenditures required of the county as local match will be budgeted in the FY 15-16 budget for Coordinated Transportation.

**Requested Budget**

<b>Total Rural</b>	<b>Federal 80%</b>	<b>– State -5%</b>	<b>Local – 15%</b>
<b>\$7,935.00</b>	<b>\$6,348.00</b>	<b>\$ 396.75</b>	<b>\$1,190.25</b>
<b>Total Urban</b>	<b>Federal – 0</b>	<b>State - 85%</b>	<b>Local – 15%</b>
<b>\$80,800.00</b>	<b>0</b>	<b>\$ 68,680.00</b>	<b>\$12,120.00</b>
<b>TOTAL Grant</b>	<b>Total Federal</b>	<b>Total State</b>	<b>Total Local</b>

\$88,735.00	\$6,348.00	\$6,9076.75	\$13,310.25
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- 3) **A total of \$13,310.25 is requested as local match from the County General Fund**
- 4) **The deadline for submittal of the completed grant application to NCDOT is November 21, 2014.**
- 5) Alignment with Strategic Plan: Goal 1 and Goal 2: Provides a portion of the administrative staff's salary. These essential positions are required to manage the demand response transportation program grants and riders. This demand response transportation service provides mobility and access to destinations that enhance the health, economic impact and quality of life for Durham County Residents.

**Resource Persons:** Linda Thomas, Transportation Program Manager and Delphine Sellars, Director, Durham Cooperative Extension

**County Manager's Recommendation:** The County Manager recommends that the Board hold a public hearing on the proposed project and approve the attached resolution to commit \$13,310.25 for inclusion in the County's FY 15-16 budget to meet the local match requirements.

**8. Public Hearing - Unified Development Ordinance Text Amendment, Industrial Light (IL) Project Boundary Buffer (TC1400002) (20 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Industrial Light (IL) Project Boundary Buffer (TC1400002); and
- 2) **First Motion:** To adopt the appropriate Statement of Consistency pursuant to North Carolina General Statutes §153A-341; and
- 3) **Second Motion:** To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 9, Landscaping and Buffering.
- 4) Text amendment TC1400002 is a privately-initiated request to reduce the required project boundary buffer required for properties zoned Industrial Light (IL) adjacent to developed properties without a buffer in the Industrial (I) zoning district. The amendment would reduce a potential 100% buffer opacity to 40% opacity, with a corresponding reduction to the buffer width, and limited to properties of four acres or less.
- 5) Attachments:
- 6) Attachment A: Application by Morningstar Law Group  
Attachment B: An Ordinance to Amend the *Unified Development Ordinance* Regarding Required Project Boundary Buffers for the Industrial Light (IL) Zoning District (TC1400002)  
Attachment C: Statement of Consistency pursuant to NCGS §153A-341.  
Attachment D: Planning Commission Comments

- 7) Planning Commission Recommendation and Vote: Recommended approval, 13-0, on May 13, 2014. The Planning Commission determined that the ordinance request is consistent with the adopted *Comprehensive Plan*, and that the request is reasonable and in the public interest based on comments received at the public hearing and the information in the staff report.
- 8) Alignment with Strategic Plan: The text amendment emphasizes Goal 1 by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 by maintaining a transparent government and welcoming public input.

**Resource Persons:** Michael Stock, AICP, Senior Planner, and Steven L. Medlin, AICP, City-County Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed *Unified Development Ordinance* text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

9. **Public Hearing - A Request to Conduct a Public Hearing on the Permanent Closing of a 431.99 Linear Foot Portion of Chanticleer Drive, 470.25 Linear Feet of Hatteras Drive, and 717.21 Linear Feet of Buxbury Lane (10 min)**

- 1) The Board is requested to conduct a public hearing on the permanent closing of a 431.99 linear foot portion of Chanticleer Drive, 470.25 linear feet of Hatteras Drive, and 717.21 linear feet of Buxbury Lane.
- 2) Attachment 1, Context Map  
Attachment 2, Aerial Map  
Attachment 3, NCDOT Abandonment Letter  
Attachment 4, Street Closing Plat Reduction  
Attachment 5, Site Plan Reduction  
Attachment 6, Street Closing Order
- 3) Alignment with Strategic Plan: Staff finds the request to align with Goal Five, "Accountable, Efficient and Visionary Government", of the strategic plan. These three streets are presently unused and no longer maintained by North Carolina Department of Transportation. Closing these streets will allow the applicant to develop the underlying land with public benefit.

**Resource Persons:** Patrick Young, AICP, Assistant Planning Director and Jacob Wiggins, Planner.

**County Manager's Recommendation:** The Manager recommends that the Board hold a public hearing and, if justified, adopt an order permanently closing a 431.99 linear foot portion of Chanticleer Drive, 470.25 linear feet of Hatteras Drive, and 717.21 linear feet of Buxbury Lane.

**10. Durham County Cooperative Extension Seeks Permission and Support to Submit an Application for the 2<sup>nd</sup> Round Promise Zone Designation Opportunity (20 min)**

- 1) The Board is requested to receive a presentation of the 2<sup>nd</sup> Round Promise Zone Designation by Durham Cooperative Extension in partnership with the Congressional Districts of Congressman Price and Butterfield, and staff of Southeast Community Resources (SECR). In October 2014, the Obama Administration launched the competition to designate the next round of Promise Zones. Promise Zones are part of the President's plan to create a new pathway to the middle class by partnering with local communities and businesses to create jobs, increase economic security, improve educational opportunities, and reduce violent crime.
- 2) Durham Extension and its partners have taken the initial steps to complete this application. In an effort to better increase our chances of being the first designated Urban Promise Zone in the southeast we sought and acquired approval for an innovative approach to the required contiguous service area by creating a Regional Promise Zone based on contiguous Congressional Districts. The Durham-Fayetteville Assault on Poverty Promise Zone includes Durham (Durham County) and Fayetteville (Cumberland County).
- 3) Applicants for the 2<sup>nd</sup> Round Promise Zone must be in partnership with local government, encompass one or more census tract (s) or across a contiguous geography, have an overall poverty or low income rates of residents within the Zone at or above 33%, a population of at least 10,000 but no more than 200,000 residents and have the support and commitment of local leadership, including the mayor, and be able to leverage private investment.
- 4) The initial investment for this for the Promise Zone Regional application is \$300,000, to be equally divided between the two counties. Durham Extension is asking for a commitment from Durham County in the amount of \$50,000 with the remainder of the funds coming from local investors. The same is being requested of Cumberland County. This investment of \$300,000 will bring in a minimum of \$5 million dollars to the region.
- 5) Alignment with Strategic Plan: The Promise Zone addresses all five of the goals outlined in Durham County's Strategic Plan: Goal 1: Community and Family Prosperity and Enrichment; Goal 2: Health and Well-being for All; Goal 3: Safe and Secure Community; Goal 4: Environmental Stewardship; and Goal 5: Accountable, Efficient and Visionary Government. In addition to addressing the Goals of Durham County, the Promise Zone also address the Mayor's Poverty Initiative.

**Resource Persons:** Delphine Sellars, County Extension Director; Tracy Lovett, District Liaison for Congressman Price; Reginald Speight, Economic Development Manager for Congressman Butterfield; and Lanea Foster, Chair of SECR.

**County Manager's Recommendation:** The County Manager recommends that the Board receives the presentation; approve the submission of an application by Cooperative Extension; give the manager authorization to enter into a MOA; and allocate the financial resources requested.

**11. ITEMS PULLED FROM CONSENT AGENDA (20 min)**

**12. Adjournment**