

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

Monday, November 11, 2013

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 (All Veterans in the audience are invited to come lead the Pledge of Allegiance) (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
 - 1) Your government channel that carries local government meetings, announcements and shows has been moved to 97-5 on Time Warner Cable for those with digital or newer televisions. If you have a digital set top box, you will still see DTV8 at its normal location. Time Warner Customers should call the company at 1 855 286-1736 to get a free digital adaptor box. This will allow those with older model TV's to receive the programming.
 - 2) "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV 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@dcnc.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.

4. Minutes (5 min)

- a) October 28, 2013 Regular Session
- b) October 7, 2013 Worksession

5. Proclamation - Veterans Day (5 min)

- 1) The Board is requested to proclaim that November 11, 2013 is Veterans Day in Durham.
- 2) The United States Congress passed a concurrent resolution on June 4, 1926 calling for the observance of November 11 with appropriate ceremonies. On May 13, 1938, an act, made the 11th of November in each year a legal holiday known as Armistice Day.
- 3) In 1954, the 83rd Congress amended the Act of 1938 to replace the word "Armistice" with the word "Veterans." Once this legislation was approved, November 11 became known as Veterans Day, a day to honor American veterans of all wars. President Eisenhower issued the first Veterans Day Proclamation on October 8, 1954.
- 4) Last month, the Durham County Veteran Services Department partnered with local organizations to host a Stand Down at the National Guard Armory, located at 801 Stadium Dr. It was a great opportunity for the Durham community to join in paying tribute to our veterans by providing free food, clothing, medical, legal/expunctions, substance abuse and mental health assistance, job counseling, VA benefits, flu shots, showers and more to veterans who attended.

Resource Person: Fred Foster, Jr., Chair, Durham Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board read the proclamation in honor of Veterans Day 2013 and present it to Lois Harvin-Ravin, Durham County Director of Veteran Services.

6. Recognition of EMS for First Place Winnings in Medic Competition (5 min)

- 1) The Board is requested to congratulate Durham County EMS and re-present awards received in the 1st Annual North Carolina Tactical Medical Association Tactical Medic Competition. The Durham County Tactical Emergency Medical Support Team, represented by Paramedic II Kevin O'Connor and Paramedic I Mike Szymanski, took first place in three timed competition events held on Saturday, September 28, 2013 in Greensboro, North Carolina.

Resource Persons: Lee Worsley, Deputy County Manager and Skip Kirkwood, Director of Durham County EMS

County Manager's Recommendation: The Manager recommends that the Board congratulate EMS and re-present the competition awards.

7. 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.

Resource Persons: Janice Williams, Adoption Supervisor; Victor Isler, Child Placement Program Manager; 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.

8. Consent Agenda (15 min)

- a. Appoint Stephanie L. Williams to the Juvenile Crime Prevention Council as representative from the Alliance Behavioral Healthcare;
- b. Authorize the Sheriff's Office to accept the award in the amount of \$78,916 from the Bureau of Justice Assistance and approve Budget Ordinance Amendment No. 14BCC000026 amending the Sheriff's budget as requested to support overtime staffing costs;
- c. Approve the 2014 Board of County Commissioners' meeting schedule;
- d. Approve Budget Ordinance Amendment No. 14BCC000027 in the amount of \$11,000 from Duke Medicine and the United Way of the Greater Triangle for Public Health's Community Health Assessment;
- e. Approve participating with the City on the acquisition of the Southview property; approve the use of \$200,000 in existing open space funding towards the acquisition; and authorize the Manager to bring back to the Board an Interlocal Agreement that sets forth the arrangement between the City and County prior to the County's purchase of its portion from the City;
- f. Authorize the execution of the contract to upgrade and modernize the (2) elevators at Durham County's Administration Building, with Progressive Contracting Co. in the amount of \$521,730.00;
- g. Authorize the County Manager to renew and amend the Interlocal Agreement with the City of Durham for the services provided by its Solid Waste Management Department for fiscal years 2013-2014 and 2014-2015. The compensation for this renewed term shall not exceed \$10,512.25 monthly based on the rates and charges in the Original Agreement for a total contract amount of \$220,757.25.

9. Public Hearing - Major Site Plan - Project Joshua (D1300230) (15 min)

- 1) The Board is requested to approve a Major Site Plan for a 26,988 square foot data center zoned Industrial Light (IL) zoning district, Falls of the Neuse/Jordan Lake Protected Area (F/J-B), and Falls of the Neuse/Jordan Lake Critical Area (F/J-A).
- 2) A Major Site Plan is required due to the amount of impervious surface proposed on this site, located partially in the F/J-A water supply watershed (UDO citation is Section 3.7.3.B.c).
- 3) Staff Determination: Planning staff recommends the approval of the major site plan, as engineered stormwater controls for the development will prevent significant impacts to the Falls Lake water supply watershed and all other UDO requirements are met by the proposed design.
- 4) ATTACHMENTS: Major Site Plan Report (5 pages), Context Map (1 page), Site Plan Reduction (14 pages)

Resource Persons: Steven L. Medlin, AICP, City-County Planning Director and Patrick O. Young, AICP, City-County Assistant Planning Director

County Manager's Recommendation: The County Manager recommends that the Board approve the major site plan.

10. Public Hearing - Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007) (15 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Off-Street Parking and Loading; Article 11, Sign Standards; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; Article 15, Enforcement; and Article 16, Definitions.
- 3) State legislation went into effect at the beginning of 2010 that explicitly defined quasi-judicial decisions to specifically include discretionary decisions authorized by local development ordinances for the purpose of site plan approval. Durham's Unified Development Ordinance (UDO) contains provisions intended to provide flexibility in response to unique site conditions and development circumstances. Some of these provisions require the exercise of discretion without employing quasi-judicial decision-making procedures, and thus are not compliant with the state statute. The purpose of this text amendment is to bring the UDO into compliance by revising discretionary

provisions, while continuing to provide flexibility in the UDO, either through performance standards, quasi-judicial approval, or both.

- 4) The City Council, on March 18, 2013, held a public hearing on text amendment TC1100007, and after receiving comments from the Inter Neighborhood Council (INC) and Bicycle and Pedestrian Advisory Committee (BPAC), approved it, effective June 1, 2013. On April 22, 2013, the Board of County Commissioners (BOCC) held a public hearing on the text amendment and also received the comments from INC and BPAC. As a result, the BOCC referred the item back to staff to review and report on the comments. As of June 1, 2013, two versions of the UDO are in effect, a City jurisdiction version and a County jurisdiction version.
- 5) Subsequent to the BOCC public hearing, Planning Department staff, in conjunction with the City and County Attorney's offices, reviewed and provided responses to the comments from both INC and BPAC. Staff met with INC representatives on September 26th and came to agreement on additional changes. On October 4, 2013, the Joint City-County Planning Committee received a report on the text amendment comments, and a similar report was provided to the BOCC at its November 4th work session.
- 6) Attachment A: An Ordinance to Amend the Unified Development Ordinance Regarding Discretionary Regulations (TC1100007)
Attachment B: Planning Commission Comments
Attachment C: Responses to INC and BPAC Comments for TC1100007

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

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, approve the amendment.

11. ITEMS PULLED FROM CONSENT AGENDA (20 min)