



# Durham County

200 E. Main Street  
Durham, NC 27701  
(919) 560-0025

## Meeting Minutes Board of County Commissioners

*Michael D. Page, Chair*  
*Brenda A. Howerton, Vice Chair*  
*Fred Foster, Jr., Commissioner*  
*Wendy Jacobs, Commissioner*  
*Ellen W. Reckhow, Commissioner*

**Commissioners' Chambers**

**Monday, August 10, 2015**

**Closed Session held at 5:30 pm**

### **Opening of Regular Session:**

Chairman Page opened the meeting and stated the Board was requested to adjourn to Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a)(6).

Vice Chair Howerton moved, seconded by Commissioner Jacobs to adjourn to Closed Session.

The motion carried unanimously.

### **Reconvene to Open Session:**

Chairman Page announced that the Board met in Closed Session to evaluate the performance of the Durham County Sheriff. The following motion was made as a result of Closed Session:

Commissioner Reckhow moved, seconded by Commissioner Jacobs to give the above named official a 3% increase retro-active July 1, 2015.

The motion carried unanimously.

### **7:00 pm Regular Session**

### **Opening of Regular Session - Pledge of Allegiance**

### **Agenda Adjustments:**

Chairman Page announced that there were no agenda adjustments.

**Announcements:**

Chairman Page read the following announcements.

- 1) Please contact the Clerk’s Office at 919-560-0025 or [clerk@dconc.gov](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.
- 2) We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight’s meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website [www.dconc.gov](http://www.dconc.gov) for more information.
- 3) These announcements may also be found on the County’s website or you may call the Clerk’s Office at 919-560-0025
- 4) Commissioner Jacobs announced that September 21, 2015 was International Day of Peace and informed all citizens that more information was available at [www.wnc4peace.com](http://www.wnc4peace.com).

**Consent Agenda:**

Chairman Page asked the Commissioners if they desired to pull any items from the Consent Agenda. No items were pulled.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to approve the following items on the Consent Agenda:

15-574 Approval of Security Services Contract Amendment with Old Dominion Security Co., Inc.

15-582 Refund of Overpayment of Tax/Revenue Stamps pursuant to N.C. General Statute 105-228.37

15-594 Electronic Poll Book Software for Election Day Polling Locations

15-597 Lease Extension with Subway Real Estate Corp. for 200 East Main

\*15-598 Budget Ordinance Amendment No. 16BCC00006 - Appropriate General Fund fund balance in the Amount of \$211,585 and Increase the General Services FY 2015-2016 Capital budget by the Same Amount in Order to Complete the Installation of the Backup Generator at the Durham County Storage Facility Approved and Initiated in FY 2014-2015

15-613 Grant Additional Vacation Days for the County Manager

15-618 Voting Delegate - NC County Commissioners’ Conference

The motion carried unanimously.

Consent Agenda Item #15-598

**Durham County, North Carolina  
2015-2016 Budget Ordinance  
Amendment Number 16BCC000006**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 budget

ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$19,346,893	\$211,585	\$19,558,478

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$97,734,144	\$211,585	\$97,945,729

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10<sup>th</sup> day of August, 2015.

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**Public Hearings:**

**15-579 Public Hearing - 2014 Evaluation and Assessment Report of the Durham Comprehensive Plan**

Karla Rosenberg, City-County Planner presented the item. She stated that this was the 2015 annual Evaluation and Assessment Report (EAR). Ms. Rosenberg added there were updates made to the EAR and asked the Board for their approval.

Commissioner Jacobs referenced page three (3) and mentioned the projected 2040 demand. She stated there would be a difference of less than 100 acres and asked if there were comments regarding that difference. Aaron Cain, City-County Planning responded that commercial acreage was for commercial only use. He added some commercial land would be accommodated within the design district.

Commissioner Foster inquired about the vote from the Planning Commission. Ms. Rosenberg responded the vote was 11-0. Commissioner Foster questioned whether the commercial side for the County was in line with City. Ms. Rosenberg stated the City Council voted on certain amendments with those being in line with the County. She added most of the amendments were for the City with the exception of Rougemont.

Commissioner Reckhow referenced pages 7 – 9 and outlined important demographics and predictions that were appropriate. She also referenced the following statement:

*“role of elected officials and the Durham Community as a whole, with support from the Planning Department, to decide how to plan for, and respond to, many of the challenges associated with changing populations, infrastructure deficits, and new innovations.”*

Commissioner Reckhow asked when the Planning Department was presenting a full update of the full comprehensive plan. Steve Medlin, Director of City-County Planning stated they were programming to bring forward a work program to re-write the comprehensive plan in FY16-17.

Commissioner Jacobs echoed Commissioner Reckhow and also mentioned the outline mentioned on page five (5). She mentioned the changes that had taken place since the last work plan and looked

forward to reviewing the new plan when made available.

Chairman Page opened the public hearing. No citizens were signed up to speak.

Chairman Page closed the public hearing. The item was brought back before the Board.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve the 2014 Evaluation and Assessment Report of the Durham Comprehensive Plan.

The motion carried unanimously.

**15-595 Public Hearing - Unified Development Ordinance Text Amendment, Affordable Housing Parking and Density Bonus (TC1500003)**

Aaron Cain, Planning Supervisor stated the text amendment had two parts: (1) Affordable Housing Parking; (2) Affordable Housing Density Bonus. Mr. Cain stated the parking section removed the off street parking section; however, parking would still be provided if the developer wanted to add it. He added it was no longer a requirement. Mr. Cain stated the density bonus was in the UDO since 2007 but never used. He shared the changes within the Density Bonus and stated the staff recommended Board approval of the item.

Vice Chair Howerton questioned the difference between previous discussions and now with regard to the height, parking and other changes. Mr. Cain responded that you could build one additional market rate unit for every affordable unit built above the maximum zoning allowance. Vice Chair Howerton asked what would make it attractive to the developers. Mr. Cain stated they were trying to provide enough of an incentive for the developer where additional revenue would at least make up for the loss they could take on the affordable units.

Commissioner Jacobs stated staff did a good job regarding the parking study and how much money it would cost for developers to provide a parking spot. She added it was essential when looking at the compact tiers and the transit areas.

Commissioner Foster provided the following directive to staff:

**Directive: Staff to add in Article Four (4) something about the socio-economic diversity and affordability in Durham's urban areas.**

Mr. Cain responded the topic was discussed; however, Planning could not make amendments to Article Four (4) at this meeting because it was not advertised. Mr. Cain stated City Council asked that it be brought back to staff for future consideration.

Chairman Page opened the public hearing.

Becky Winders, member of the Coalition for Affordable Housing and Transit thanked the Commissioners for supporting the resolution and supporting affordable housing. She also thanked the City Council and their staff for their hard work.

DeDreana Freeman, Planning Board Member stated she voted against the text amendment because it was piece milling bonuses and density. She stated that it could be more impactful if there were more comprehensive plans and zoning in place.

Chairman Page closed the public hearing.

Vice Chair Howerton asked if the items listed on the document received by Mr. Cain were already in place. Mr. Cain responded no. He continued that the documents were received after the advertisement was published. Mr. Cain stated the City Council recommended the Planning Department review the documents for a future text amendment.

Commissioner Reckhow issued the following directive and motion:

**Directive: Staff to consider the language in a future update of the ordinance.**

Commissioner Reckhow moved, seconded by Vice Chair Howerton that the language be reviewed and incorporated in a future update.

The motion carried unanimously.

Commissioner Reckhow stated she would hope the Board would look at the lot on East Main Street to incorporate mixed income housing. She stated both the City and County have real opportunities with the land they owned to have both public/private partnerships.

Commissioner Jacobs echoed Commissioner Reckhow. She asked Wendell Davis, County Manager had he moved forward with hiring a consultant to move forward with an affordable housing plan; if so, how would the County be a part of or participate in the City's Affordable Housing and Transit study that they had just hired a consultant to do. County Manager Davis responded he would come back to the Board with specific recommendations.

**First Motion**

Commissioner Reckhow moved, seconded by Vice Chair Howerton to adopt the appropriate State of Consistency pursuant to NCGS §153-341

The motion carried unanimously.

**Second Motion**

Commissioner Reckhow moved, seconded by Commissioner Foster to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article Six (6), District Intensity Standards; Article Ten (10), Parking and Loading; and Article 16, Definitions.

The motion carried unanimously.

**15-596 Public Hearing - Unified Development Ordinance Text Amendment, Riparian Buffer Setback and Lot of Record (TC1500004)**

Michael Stock, Senior Planner stated that the mentioned amendment included technical corrections which included the following:

1. The first change involves encroachment into the ten-foot setback from riparian buffers
2. The second change involves the definition of "lot of record."

Commissioner Jacobs asked if the comments by the Planning Commission had been addressed. Mr. Stock responded those comments were addressed.

Chairman Page opened the public hearing.

Eric Davis, United Therapeutics stated he supported the text change which would allow United Therapeutics to connect their campus.

Chairman Page closed the public hearing.

**First Motion**

Commissioner Jacobs moved, seconded by Commissioner Reckhow to adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341.

The motion carried unanimously.

**Second Motion**

Commissioner Jacobs moved, seconded by Vice Chair Howerton to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 8, Environmental Protection; and Article 16, Definitions.

The motion carried unanimously.

**15-615 Public Hearing - M1500001 Wetrock Farm**

Chairman Page mentioned the Board was requested to conduct a quasi-judicial public hearing on the “Wetrock Farm” conservation subdivision.

Michelle Parker-Evans, Clerk to the Board provided the following oath to the individuals listed below:

*“Do you solemnly swear and/or affirm that the testimony that you will give this Board is the truth, nothing but the truth so help you God?”*

William Brian Jr, Attorney; Rick Bagel, Wetrock Resources; George Stanziale, Wetrock LLC; John Jenkins II; Robert Shunk, Wetrock LLC; Don Wells, Soil & Environmental Consultants; Steve Medlin, City-County Planning Director and Patrick Young, City-County Planner. Each affirmed.

Chairman Page opened the hearing with comments from County Staff.

Patrick Young, City-County Assistant Planning Director, discussed the case on the Wetrock Farm (M1500001) and mentioned it was for a major use permit to start a community well and waste water facility to serve up to 142 units.

Commissioner Foster asked Mr. Young if there were supplements or incentives the County would have to bear should this be approved. Mr. Young responded not to his knowledge. He added Environmental Health staff declined to testify on the case and there was no direct legal responsibility for maintenance or repair of the system.

Commissioner Reckhow stated there was indication from the applicant that the facilities would be operated by licensed individuals from the State of North Carolina with inspections being done daily.

She questioned if the applicant had been asked to move that statement up as a highlighted condition. Mr. Young responded not directly. He added it was an ordinance requirement and did not need approval because it was a part of the plan.

Commissioner Jacobs mentioned the staff report noted there were odor issues; she asked had they been addressed. Lowell Siler, County Attorney responded the applicants responsibilities were to show evidence that all conditions had been met. Commissioner Jacobs asked were there systems similar to this in the County already. Mr. Young responded he did not have the information; however some were approved. He added that Environmental Health staff would be able to respond.

William Brian, Attorney provided a summary to the Board and introduced the individuals who would share information about the subdivision.

Rick Bagel, Manager of Wetrock Resources, LLC stated the concept of Wetrock Farm and discussed that the project would include an organic farm along with weekly delivery of produce to the residents.

George Stanziale, Onsite Farm Manager discussed the uniqueness of the project for Durham County. He stated the project met the requirements for the conservation subdivision ordinance and also took into consideration the natural features of the land. Mr. Stanziale shared a presentation titled "*Wetrock Farm*" which highlighted the following:

- Masterplan
- Site Plan
- Water and Wastewater Services
- Soil Analysis

Commissioner Jacobs asked how many lots were for conventional development. Mr. Stanziale responded the property could be subdivided into lots.

John Jenkins, Senior Partner with Stewart introduced documents presented to the Board. He mentioned that Wetrock was outside of the Durham County well area. Mr. Jenkins discussed the water system and explained the research conducted for potential well sites.

Commissioner Reckhow asked if the operator would come to the site daily and what controls would the operator see for the waste water system to monitor as expected. Mr. Jenkins responded the State of North Carolina issued performance standards for the system which would make it easy for the operator. Commissioner Reckhow asked if the farming operation would have access to the surface water. Mr. Jenkins stated the well system would not be used for irrigation. He added it would have its own well for the irrigation system.

Commissioner Foster inquired about future funding request from the County to subsidize the project. Mr. Jenkins responded there was no funding requested from the County or the State. Commissioner Foster questioned the waste water and capacity for the units being build asking if there would be a need to expand after the project was completed. Mr. Jenkins responded the system was being designed to match the number of bedrooms for the 142 residents. He added there would not be a need to come back and reassess the property once completed. Commissioner Foster confirmed that people would be notified once they purchase the homes on the type of systems they would be utilizing. Mr. Jenkins concurred, adding they would be told they were onsite waste water systems.

Commissioner Reckhow asked would the residents be assessed a Home Owners Association (HOA) fee.

Mr. Jenkins stated they would pay a monthly fee for maintenance.

Commissioner Jacobs asked would the wells and waste water treatment be located in the open space areas. Mr. Jenkins stated it would be just outside the stream buffer.

Robert Shunk, Architect, Wetrock Farm, LLC addressed how the system applied with the findings in the special use application. He stated all utilities would be underground with the exclusion of the pressure tank. Mr. Shunk mentioned there would a single person that monitored the site and it would very little disturbance to the residents in the community. He continued that the system would be monitored by a systems operator and the goal of the system was to reduce the environmental impacts.

Commissioner Foster asked if the person monitoring the system be an Engineer or Technician. Mr. Jenkins responded the person would not be a licensed Engineer but they would be licensed by the State as an Operator/Technical Professional. Commissioner Foster asked if the Technician would be onsite. Mr. Jenkins responded per the County Ordinance, they would visit the site daily.

Don Wells, Soil & Environmental Consultant provided soil information as requested for the project. He stated they were asked to review the soil and the soils identified were considered at excellent capacity for waste water.

Attorney Brian stated the proposal met all the requirements of the UDO and the special use permit. He stated the Wetrock had met the standards and would like to request approval of the permit so they could proceed with the development.

Chairman Page opened the public hearing.

Holly Fraccaro, CEO of the Home Builders Association stated she and the Association supported the Wetrock Farms Development and asked the Board to approve the request. She stated that Wetrock made a commitment to build a community that met the Green Homebuilders Standard.

Chairman Page closed the public hearing and stated the matter was back before the Board.

Vice Chair Howerton moved, seconded by Commissioner Jacobs to approve the special use permit.

The motion carried unanimously.

### **15-616 Major Site Plan - D1400365 Wetrock Conservation Subdivision**

Patrick Young, City-County Assistant Planning Director stated this item was associated with the Use Permit previously approved. He added the UDO required that a Site Plan be approved by the County Commissioners.

Commissioner Foster inquired about the correct number of units in the conservation subdivision zoned Rural Residential (RR) and Lake Michie/Little River Critical Area (M/LR-A). Robert Shunk, Wetrock LLC responded the total was 143 units with 142 going to the community system and one (1) being used as a private system.

Commissioner Reckhow stated she was impressed by the site plan and commended the developer for keeping the forest land along 501-North.



Commissioner Jacobs stated she agreed with all statements made regarding the true expression of the ordinance. She added this was a great model for other projects in the northern part of the County.

Commissioner Reckhow moved, seconded by Vice Chair Howerton that the site plan be approved.

The motion carried unanimously.

**Adjournment:**

Vice Chair Howerton, seconded by Commissioner Jacobs to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Monica Toomer".

Monica W. Toomer  
Deputy Clerk to the Board